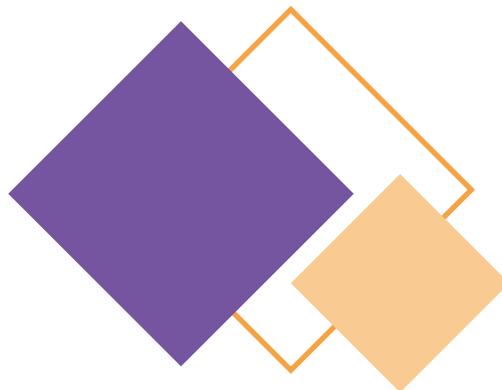


Missing and Murdered  
Indigenous Women and Relatives Task Force

**NEW MEXICO STATE RESPONSE PLAN**



Indian Affairs Department  
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Missing & Murdered Indigenous Women & Relatives  
NM Indian Affairs Department (state.nm.us)

## LETTER FROM Secretary Trujillo

***Greetings Governor Lujan Grisham, Legislators, and Cabinet Secretaries,***

It is my honor to present the State of New Mexico Missing and Murdered Indigenous Women and Relatives (MMIWR) State Response Plan. Through my capacity as the Cabinet Secretary of the New Mexico Indian Affairs Department (IAD), I serve as Chairperson of the Missing and Murdered Indigenous Women and Relatives Task Force (MMIWR Task Force). IAD serves all twenty-three Nations, Tribes and Pueblos in New Mexico and our work on Missing Murdered Indigenous Women and Relatives has been a key initiative of our Department since 2019. The MMIWR Task Force is composed of an array of experts, concerned community members, and families of victims to ensure we develop an inclusive plan for the state that will protect our people and bring justice to families. As a Task Force, we value our community partners and hold space at our meetings to give them a platform to share personal and professional testimony. Having the breadth of knowledge and experience from Task Force members and community partners has been invaluable. These experiences are sacred, respected, and held by every Task Force member because they help define the problem, and more importantly, offer practical solutions.

The statistics surrounding MMIWR cases in New Mexico are shocking - two of our cities (Albuquerque and Gallup) are reported to have the highest number of missing and murdered women and girls in the United States out of 71 urban cities studied over a five-year period. We believe the numbers, while alarmingly high, are also an undercount due to lack of tribal affiliation data collected in state and national reporting forms. Addressing MMIWR is an ongoing initiative across governments. At the state

level this includes agencies focused on public safety, behavioral health, infrastructure, and education. We continue to work collaboratively by inviting tribal leadership to be part of the solutions when we look at prevention tactics and strategies to bring missing relatives home. It is clear there is still a tremendous amount of work to be done to address violence against our people who are strong, resilient and unwavering in their commitment to end the MMIWR crisis. While the first year of work for the MMIWR Task Force focused on understanding the scope of the issue, our second year of work is focused on providing tangible ways to understand, prevent, and provide informed responses to instances of violence against Indigenous women and relatives. Every person in our state has the human right to be safe and have access to resources when they feel their safety is compromised.

This MMIWR State Response Plan is guided by the wisdom and voices of family members of women and relatives that have gone missing or been murdered, people who have been trafficked, victim's advocates, spiritual leaders and healers, community educators, mental and behavioral health providers, law enforcement, legal advocates, policy makers, policy analysts and staff from tribal, state, and local government. In 2021, we forged partnerships with the Department of Public Safety, the Attorney General's Office, and county level district attorney offices to find solutions to this crisis all with the support of Governor Lujan Grisham. Throughout our tenure as a task force, we have built and continue to develop a strong community response in solidarity with survivors and families seeking help and justice for their loved ones. Together task force members have centered systems and policy change recommendations in the lived experiences, wisdom, community and cultural knowledge, professional

expertise, and institutional knowledge of over 40 task force members who advocated for 6 objectives and 50 strategies to guide an accountable, just, and healing response to the prevention and treatment of MMIWR and their families. The State Response Plan is a starting point - we understand that there is much work to do and many other ways our state can provide support and accountability to victims' families and survivors.

Thank you to the community, the MMIWR Task Force members, tribal policy makers, co-sponsors of legislation, the Indian Affairs Department staff and consultants, and the Governor's Office who led the creation of this plan. This process reflects genuine commitment from individuals and groups who lift up the voices of those who have experienced violence and loss. I am so humbled and grateful for the many people dedicated to education, prevention, and developing creative solutions to a very complex issue. My hope is that after reviewing this Plan, you will also lean into the challenge of finding solutions that agencies, families, advocates, and others face in seeking justice for missing and murdered Indigenous relatives. Collectively, we can address the complex issues that contribute to the high rates of violence against Indigenous Peoples and all New Mexicans.



**Lynn A. Trujillo**  
**Cabinet Secretary**  
**New Mexico Indian Affairs Department**



## ACKNOWLEDGMENTS

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**Kimberly Wahpepah** (Navajo Nation), survivor advocate

**Geraldine Toya** (Pueblo of Jemez), mother of Shawna Toya

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## EXECUTIVE SUMMARY

**New Mexico**, the land of enchantment, is enriched by the diverse cultures of the twenty-three tribes, nations, and pueblos that have inhabited this land since time immemorial. The vast, beautiful landscapes hold our Indigenous Peoples' histories, the stories of flourishing communities, successful trade relationships, and the continuation of ceremony and prayer. The land also holds painful accounts of genocide, loss, and injustice. In many ways, we are still combating these injustices today with poverty, militarism, racism, patriarchy, resource extraction, and lack of infrastructure to provide basic necessities like water, electricity, and cellular and broadband access. These challenges also impact our ability to protect Indigenous women, girls, men, boys, and trans, two-spirit, and LGBTQ relatives.

The charge of the Missing and Murdered Indigenous Women and Relatives Task Force was outlined by House Bill 278 (2019). The 2019 legislation set the foundation for the first phase of this work calling on the initial twelve-member task force to define the problem and its scope and outline solutions. In 2020, the task force released the initial NM MMIWR Task Force Report<sup>1</sup> to the Governor and Legislature on Task Force Findings and Recommendations (Report). In the 2020 Report, the primary goal was to understand the scope of this crisis in New Mexico and to form partnerships and relationships to support this work moving forward. Following the publication of the Report, the Indian Affairs Department, worked diligently to identify next steps for this critical work. With support from Governor Michelle Lujan Grisham, Executive Order 2021-013 identified the objectives for continuing this work and offered a path forward. Following the signing of the Executive Order, in 2021, the task force expanded membership to begin the work of identifying how to start implementing some of the recommendations included in the 2020 Report.

Today, the task force is composed of forty appointed members, expert partners, volunteers, and community leaders. There are over sixty members and volunteers, and the task force continues to grow and expand as the work is highlighted across the state. The task force values inclusivity and invites any and all interested to participate. The development of the New Mexico State Response Plan (Plan) is the primary objective of the task force, but it will continue to engage with communities to provide space to educate, learn, and grow. Since 2021, the MMIWR Task Force has met eleven times in full task force meetings and educational events that were hosted on Zoom and broadcasted on Facebook live. In addition, the task force's three subcommittees convened monthly seven times between August 2021 through March 2022 to craft the Plan presented here. We have intently listened to presenters and one another at our meetings and worked hard to forge relationships cross-jurisdictionally to address the MMIWR crisis.

The New Mexico MMIWR Task Force acknowledges how the state's and nation's history has shaped and contributed to the injustices that we see today. The experiences of individuals and communities offer accounts of daily barriers and obstacles that Indigenous people face. As we worked to explore the scope of the crisis, jurisdictional and geographic challenges became apparent obstacles. Lack of access to culturally relevant resources that would provide healing to victims and survivors of MMIWR is another large obstacle faced when trying to address this endemic. Along with hearing from the community to inform the State Response Plan we heard about challenges from law enforcement agencies from tribal, local, county, state, and federal levels. Tribal nations throughout the state share geographical and political borders that create barriers to public safety when relatives go missing on tribal and non-tribal land. Part of addressing the crisis begins with education of all Americans about Native peoples' history and unique political relationship with the United States government. All our task force members, including public safety officials from state, federal, and local governments learned from the testimony offered by individuals that have been impacted by MMIWR. These personal accounts have shaped our State Response Plan and have brought us closer to addressing the barriers and challenges reported during our Task Force Meetings.

The State Response Plan's core authors are the MMIWR Task Force. These community leaders and advocates were carefully selected based on their understanding of the issues, passion for the cause, and experience. The Task Force was also divided into three subcommittees that held more focused discussions around various topic areas. These focus areas include the Community Impact subcommittee, Systems subcommittee, and Data subcommittee. Each subcommittee addressed topics and recommendations specific to that group's expertise. The Systems subcommittee reviewed recommendations requiring intergovernmental coordination and communication, such as cross-commissioning agreements, and the Community Impact subcommittee addressed needs of communities to access healing services, education, and identified prevention strategies. Finally, the data subcommittee looked at reporting and tracking of missing persons and data-sharing between state, tribal, and federal entities. In addition, the data subcommittee explored and vetted potential solutions like the University of Omaha Nebraska's proposal to replicate a study done in Nebraska here in New Mexico to determine the total number of missing and murdered people in the state. The State Response Plan recommendations are organized under the following subcommittee objectives which earned 85% consensus or greater from the Task Force as a whole:

### OBJECTIVE 1

**Supports Services for Survivors and Families, Community Impact Subcommittee**

### OBJECTIVE 2

**Develop Community Outreach, Education, and Prevention Strategies, Community Impact**

### OBJECTIVE 3

**Develop Community Resources for Strong Responses to MMIWR, Community Impact**

<sup>1</sup> New Mexico Missing and Murdered Indigenous Women and Relatives Task Force, Native American Budget and Policy Institute, Report to the Governor and Legislature on the Task Force Findings and Recommendations (December 2020). [hereinafter MMIWR Task Force Report]



#### OBJECTIVE 4

#### **Leverage Resources for Tribal Judicial Systems, Systems Subcommittee**

#### OBJECTIVE 5

#### **Increase Law Enforcement Capacity to Prevent, Investigate, Prosecute, and Report MMIWR Cases, Systems Subcommittee**

#### OBJECTIVE 6

#### **Develop Standards and Capacity for Data to be Reported and Documented Accurately and Used to Support Prevention and Response, Data Subcommittee**

Throughout the summer, fall, and winter of 2021, the task force met monthly collectively as a Task Force and in subcommittees. The subcommittees reviewed the Report, listened to survivors, families of victims, and local, state, and national experts to learn about and discuss policy and systems change strategies to coordinate a state response that would bring greater justice and healing to families and communities and protect future generations. Together participants built an analysis of proposed strategies including timelines, priorities, barriers, benefits, and key actors in implementation. During these deliberations, task force members developed consensus on their values, objectives, and strategies.

### OVERVIEW OF TASK FORCE SUCCESSES

#### **MEMORANDUM OF UNDERSTANDING BETWEEN IAD, THE MISSING AND MURDERED INDIGENOUS WOMEN AND RELATIVES TASK FORCE AND THE SECOND JUDICIAL DISTRICT ATTORNEY'S OFFICE**

The Missing and Murdered Indigenous Women and Relatives Task Force has worked with the Second Judicial District Attorney Raúl Torrez and staff since July 2021 on the development of a memorandum of understanding that will support the creation of a subunit in the Crime Strategies Unit to focus on MMIWR incidents and assist the task force and state and tribal law enforcement with actionable intelligence.

The Second Judicial District Attorney's Office Crime Strategies Unit has successfully used data to analyze forensic genealogy, analyze crime data, and reduce violent crime by focusing on key groups that primarily perpetrate these crimes. The Crime Strategies Unit allows the DA's office to analyze data from multiple sources and utilize their resources to identify criminal networks and lead perpetrators.

This approach to analyzing and addressing crime will enhance the task force's initiatives to improve the state's response to MMIWR incidents. After identifying MMIWR cases, the DA's office will begin reviewing cold cases reported out of Bernalillo County with support and guidance from the task force.

IAD and the Second Judicial District Attorney's Office will implement the MOU by connecting with Tribes surrounding the Albuquerque area to present information on the Crime Strategies Unit and begin scheduling

regular meetings with the law enforcement from surrounding tribal communities to share tips and intelligence. In conjunction with these meetings, IAD and the task force will work to identify training resources for the staff of the Second Judicial District Attorney's Office focused on cultural competency, accurate reporting of American Indian/Alaska Native data, and trauma informed approaches to supporting MMIWR impacted families.

#### **PARTNERSHIP WITH THE UNIVERSITY OF NEBRASKA OMAHA RESEARCHERS TO CONTINUE MMIWR DATA COLLECTION IN NEW MEXICO.**

A partnership is underway between the New Mexico Indian Affairs Department (NMIAD)/New Mexico Missing and Murdered Indigenous Women & Relatives (MMIWR) Task Force and researchers at the University of Nebraska Omaha. The goals of this partnership are to submit a grant application to the National Institute of Justice for funding to perform the following tasks:

1. **Complete a study on the scope/context of missing and murdered Indigenous women and relatives (MMIWR) in New Mexico, using the methods employed in a previous study in Nebraska;**
2. **Develop a framework for long-term data collection and data reporting for cases of MMIWR in New Mexico, and**
3. **Evaluate training efforts regarding MMIWR within law enforcement agencies in New Mexico.**

This partnership will establish a foundation for future data collection in New Mexico, while highlighting gaps in the data collection process which the task force can begin addressing immediately.

#### **MMIWR TASK FORCE'S LEGISLATION: MISSING IN NEW MEXICO EVENT**

The MMIWR Data Subcommittee proposed the idea of a Missing in New Mexico Event. Task Force member, Meskee Yatsayte, raised this idea during one of the initial data subcommittee meetings citing this event's success in Arizona. A presentation was provided to the task force by the organizer of Arizona's event, Detective Stuart Somershoe with the Phoenix Police Department. During this presentation the task force learned about the challenges and barriers with hosting this event. The two primary challenges were 1) bringing all necessary partners to one location and 2) having adequate funding to support families with travel expenses.

The Task Force, in planning New Mexico's event, addressed these barriers by putting forth legislation identifying in statute all required partners and stakeholders so they are on notice about this event and their role. During the 2022 New Mexico Legislative Session, the task force proposed this legislation Senate Bill 13 (2022) "Missing in New Mexico Event," which passed both legislative bodies unanimously and was subsequently signed into law by Governor Michelle Lujan Grisham on February 24, 2022. By incorporating this event in legislation, IAD is also hopeful that the lead agency, the Department of Public Safety (DPS), will see enhanced support and investment in the future for the Missing Persons Clearinghouse, a critical state resource for missing persons and their



relatives. While this division of DPS currently has only two staff, we hope to see this staffing increase significantly in the future.

The Missing in New Mexico Event centers around missing persons and supporting families by bringing public safety resources to one location so missing person reports can be filed, families can speak to an investigator or update an existing report with information that wasn't available when the initial report was taken. Most importantly, families can provide biometric data such as DNA, fingerprints, and images which support the identification of unidentified and unclaimed persons. In addition, this event will bring communities together to receive training about missing persons investigations and the various resources available to families and communities.

#### **NEW MEXICO OFFICE OF ATTORNEY GENERAL LEGISLATION ESTABLISHING MISSING PERSONS SPECIALISTS AND DEVELOPING A GRANT PROGRAM FOR A MISSING PERSONS DATABASE**

The Office of Attorney General (OAG) in response to the MMIWR Task Force's 2020 Final Report, proposed legislation to support the resolution of missing persons cases by creating a position in the OAG that will assist with reporting, overseeing coordination among different law enforcement agencies, and establishing a database that is administered by a tribal education entity with associated grant funding. The MMIWR task force was presented this proposed legislation by the OAG in late 2021 and supported the bill throughout the 2022 New Mexico Legislative Session. Senate Bill 12 (2022) (SB 12) "Attorney General Office for Missing Indigenous Persons." SB 12 incorporates a new section to Chapter 8, Article 5 to expand the authority of the Attorney General to investigate and prosecute missing persons cases when there is a reasonable belief that the incident involves an Indigenous crime victim pursuant to the Missing Persons Information and Reporting Act. The legislation also creates Missing Indigenous Persons Specialists to perform various tasks in collaboration with local, state, federal, and tribal law enforcement. Among those tasks are assisting law enforcement with search efforts, overseeing entries into the National Crime Information Center (NCIC) and other national databases, addressing cases that stall due to jurisdictional questions, provide education and outreach to all law enforcement, compile missing person reports, and perform other data analytics, assist with missing person alerts, and facilitate law enforcement training in collaboration with the law enforcement academy. The specialist(s) will also be required to complete cultural competency and trauma informed investigation training. SB 12 passed both legislative bodies unanimously and was signed into law by Governor Michelle Lujan Grisham on February 24, 2022.

#### **COMMUNITY EDUCATION**

The MMIWR Task Force values inclusivity and strives to involve the community in our work by keeping Task Force monthly meetings open to the public and inviting community members to participate in subcommittees if they want to be more involved. This inclusive approach invites communities to learn alongside task force members, and to be part of the solution because this crisis directly impacts them.

In addition to hosting eight task force meetings, three community education events were also held in 2021:

#### **May 5, 2021: "Our Women, Our Relatives New Mexico's Call To Action: May 5th Missing and Murdered Women's Day"**

On May 5, 2021, more than 200 participants from across the state of New Mexico joined the New Mexico MMIWR Task Force's call to action to address the Missing and Murdered Indigenous Women and Relatives crisis in the state. The meeting took place on the Missing and Murdered Women's Day, a publicly recognized day of remembrance for the many women, girls, and relatives who never returned home. This meeting celebrated the signing of Executive Order 2021-013 by Governor Michelle Lujan Grisham that established the 2021 New Mexico Missing and Murdered Indigenous Women and Relatives Task Force. This meeting also centered on New Mexico's MMIWR crisis, by illustrating the elevated rates of missing women and Indigenous peoples in the state. The program's highlights included two panel discussions with law enforcement and tribal leaders and offered suggestions for best practices from experts in the field for addressing MMIWR. In addition, this meeting included special guest artists and spoken word from the Three Sisters Collective, followed by a virtual run for justice.

#### **June 25, 2021: New Mexico's MMIW Call to Action II: "Foundation for Change: Ending Violence Against Our Women and Relatives"**

On June 25, 2021, more than 75 participants from across the state joined the New Mexico MMIWR Task Force's second call to address the Missing and Murdered Indigenous Women and Relatives crisis in the state. The second public meeting, "Foundation for Change: Ending Violence Against Our Women and Relatives," honored the 2019-2020 task force members with a moment of gratitude and welcomed the 2021 incoming task force members. The meeting was filled with heart-felt testimony, community voices, and support from the U.S. Department of the Interior. Guest speakers collectively set the stage for the future MMIWR task force work to develop a State Response Plan for addressing and ending violence against Indigenous relatives in New Mexico.

#### **November 29, 2021: "Bridging the Gaps: New Mexico MMIWR Task Force Education Panel"**

On November 29, 2021, the MMIWR Task Force hosted a community educational event that elevated the voices of families with missing loved ones and hosted a panel discussion composed of task force members. Three task force members, Regina Chacon, Pameyla Herndon, and Chastity Sandoval, along with MMIWR consultant Jessica Gidagaakoons Smith all served as panelists for this important discussion. Important topics were explored during this panel discussion including what should people do when someone goes missing; what does "MMIWR" stand for, and why is this different from the more commonly known "MMIW" phrasing. Other important topics included what does two-spirit mean and how is this community impacted by the missing Indigenous persons crisis. The virtual event was well attended by community members and had nearly 800 views and reached at least 1,600 Facebook users.



## INTRODUCTION

### THE TRAGEDY OF MISSING, MURDERED, INDIGENOUS WOMEN AND RELATIVES IS A NATIONAL PROBLEM

According to the National Crime Information Center, 5,295 indigenous women and 4,276 indigenous men were reported missing in 2020. Across the United States indigenous women and relatives are confronted with physical and sexual violence at greater rates than women from all other racial and ethnic groups. According to a 2016 Centers for Disease Control Report, murder is the 3rd leading cause of death among indigenous women. Similarly, a 2016 report by the National Institute of Justice (NIJ) explained that over 84% of indigenous women have experienced violence at some point in their lifetime and over 56% of those women have experienced sexual violence. The NIJ report noted that more than 81% of indigenous men had experienced violence in their lifetime as well. 97% of indigenous females are victimized by non-Native perpetrators.

This national crisis has gained more attention in the last decade but has been centuries in the making. On December 27, 2021, *Indian Country Today* reported on US Representative Stanton’s discussion with tribal leaders in which the Representative noted, “The truth is the epidemic of missing and murdered indigenous women and girls is one of the most under-reported, under-discussed, and under-funded tragedies in America today.” In that same *Indian Country Today* article, Navajo Nation Council Delegate Amber Crotty was clear, “It’s beyond awareness. We need action. We need our federal partners, our state partners, our tribal partners, to do everything in their power.”<sup>2</sup>

### INDIGENOUS WOMEN AND RELATIVES IN NEW MEXICO ARE LESS SAFE THAN EVERY OTHER STATE IN THE NATION

While the threat to indigenous women, girls, and relatives is profound across the country, the threat to indigenous women and relatives in New Mexico is severe. According to the December 2020 *New Mexico Missing, Murdered and Indigenous Women and Relatives* report, “Despite having the fifth-largest Indigenous population in the nation, the state of New Mexico has the highest number of MMIWG cases in the country.”<sup>3</sup> The health, safety, and well-being of indigenous women and relatives is a public health and public safety crisis in New Mexico.

Risk factors need to be addressed head on to protect Indigenous women and relatives from violence. In addition, proactive health promotion factors must be uplifted. In her October 26, 2021 article, *Where violence, inequity and public health collide: Missing and Murdered Indigenous Women*, Apodaca wrote, “according to the Centers for Disease Control strengthening protective factors can play a major role in diminishing and preventing violence. Examples include strong and stable connections to family, school, community, native languages and traditional practices or customs.”<sup>4</sup>

<sup>2</sup> Office of U.S. Representative Greg Stanton (D-AZ-09), *Indian Country Today* (Dec 27, 2021), <https://indiancountrytoday.com/the-press-pool/stantons-missing-and-murdered-indigenous-women-discussion-with-tribal-leaders-sparks-deeper-desire-for-federal-action>.

<sup>3</sup> MMIWR Task Force Report, page 4.

<sup>4</sup> Jocelyn Apodaca Schlossberg, *Where violence, inequity and public health collide: Missing and Murdered Indigenous Women*, (Oct 26, 2021), <https://connect.ucla->

### STATE AND NATIONAL POLICY CLIMATE

Since 2000, 13 bills have been advanced in the New Mexico State Legislature that specifically address the issue of missing murdered and indigenous women. From budget bills to studies, and efforts to strengthen a coordinated state response, the Senate and House have made an effort to directly respond to this issue in New Mexico. While bi-partisan support has been present, progress has been mixed. Of the 13 pieces of legislation introduced since 2000, only 9 have been signed or chaptered. Most recently, the state saw huge advances in addressing this crisis with two significant pieces of legislation, Senate Bill 12 “Attorney General Office for Missing Indigenous Persons” and Senate Bill 13 “Missing in New Mexico Event,” which both passed the legislature with unanimous support.

2019 was a pivotal year, fueled by a 2017 national report from the Urban Indian Health Institute (UIHI) and the work of advocates that raised awareness about the gravity of the issue with New Mexico topping the list with 78 missing murdered and indigenous women. In 2019, Senator John Pinto introduced SM38 to support then Congresswoman Deb Haaland’s call for a national investigation of missing, murdered indigenous women and girls. It had strong bi-partisan support and passed unanimously in the Senate. It also passed the House. In the same year, Senator Linda Lopez introduced Senate Bill 453 directing the New Mexico Department of Public Safety to collect and report data on missing and murdered Native Americans. While SB 453 received a due pass in its first committee hearing, it was an Action Postponed Indefinitely and the bill died despite the broad understanding among advocates and law enforcement that data systems are in need of improvement to support prevention, investigation, and timely and accurate resolution of cases. In a major step forward, Representatives Andrea Romero, Derrick Lente, Melanie Stansbury, and Wanda Johnson sponsored HB 278 which declared an emergency and established the Missing Murdered and Indigenous Women and Relatives Task Force. There was unanimous bi-partisan support in the House, and it also passed the Senate to be signed by Governor Michelle Lujan Grisham.

In the US Congress, Senator Heidi Heitkamp (D), North Dakota, introduced legislation to address missing murdered and indigenous women in 2018. While the bill died in the House Judiciary Committee, Senator Murkowski reintroduced it and it passed in September 2020. Savanna’s Act was named for Savanna LaFontaine-Greywind, “a 22-year-old Indigenous woman who was abducted and killed in North Dakota in 2017. She was eight months pregnant, and her baby was cut from her womb.”<sup>5</sup> In addition, the Not Invisible Act was passed which establishes a commission comprised of Tribal leaders, federal partners, service providers and survivors to make recommendations to the Department of Interior to improve coordination and share best practices to prevent indigenous people from going missing. While this legislation brought national attention to the need for collaboration and coordinated action, the issue is far from solved and action and resources from the federal government to support state and tribal efforts are desperately needed.

[health.org/2021/10/26/missing-murdered-indigenous-women/](https://health.org/2021/10/26/missing-murdered-indigenous-women/).

<sup>5</sup> Bailey Bendery, *Remembering Savanna Greywind, one year after gruesome murder shocks the nation*, Huffpost (Sept 22, 2020), <https://www.valleynewslive.com/content/news/Remembering-Savanna-Greywind-one-year-after-gruesome-murder-shocks-the-nation--491218321.html>.



The US Department of Interior, under the leadership of Secretary Deb Haaland, is advancing an “All Government Approach” to ending violence against indigenous women and relatives. “Within the first 100 days of the Biden-Harris administration, Secretary Haaland created a new Missing and Murdered Unit within the Bureau of Indian Affairs Office of Justice Services (BIA-OJS) to pursue justice for missing or murdered American Indians and Alaska Natives. The unit is providing leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives.”<sup>6</sup>

## SYSTEMIC INJUSTICE AND RISK FACTORS

Why are Native American women and relatives impacted by violence at such disproportionately high rates? Community advocates, researchers, and public policy champions alike note the legacy of colonialism, racism, and sexism play a significant contributing role. Jessica Gidagaakoons Smith, an MMIWR advocate and educator noted, “There is not one consistent face of trafficking victims. Trafficked persons can be any gender, and any age. While anyone can become a victim of trafficking, certain populations are especially vulnerable. These may include undocumented migrants; runaway and homeless youth; and oppressed, marginalized, and/or impoverished groups and individuals. Native people are at exceptionally high risk for trafficking. Traffickers specifically target individuals in these populations because they are vulnerable to recruitment tactics and methods of control.”

The Not Invisible Act made it clear that timely and accurate reporting that acknowledges where people are from is key to understanding and combating a systematic under response. When women’s identities are made invisible by forms, processes, systems, and laws that do not acknowledge their indigenous status, it’s more than an oversight. It is a roadblock to successfully responding to endangered women’s needs and preventing their exploitation and murder. This erasure is compounded for lesbian, bi-sexual, gay, transgender, and two-spirit relatives. When people’s gender identify is ignored or mischaracterized, investigations are compromised.

In Senator Murkowski’s advocacy for the Savanna Act, she noted in a *HuffPost* article “Native women, because of their looks, can be viewed as more exotic, more Asian, and apparently there is a higher market for women that are of Asian descent. When I heard that, it just ... It just sickens me.”<sup>7</sup> The commodification of indigenous women has a historic precedent that continues into today. Indigenous communities or border communities where there are extractive industries or gaming are correlated with higher risks of violence against native women and relatives. In 2019, the Canadian government launched an inquiry into missing murdered and indigenous women and relatives and identified a link between extractive industries and violence against women. “The report showed a strong link between extraction zones on the missing and murdered women crisis in Canada. It specifically cited rotational shift work, sexual harassment in the workplace, substance abuse, economic insecurity, and a largely transient workforce as contributing to increased violence against Native women in communities near fossil fuel infrastructure.”<sup>8</sup> In September 2021, Jeannie Hovland, the Vice Chair of the National

<sup>6</sup> Dept. of Interior, Missing and Murdered Indigenous Peoples Using An All-of-Government Approach to Address this Crisis, <https://www.doi.gov/priorities/missing-and-murdered-indigenous-peoples>.

<sup>7</sup> Jennifer Bendery, “Lisa Murkowski Revives Bill Targeting Missing And Murdered Native Women” *HuffPost*, Feb. 1, 2019, [https://www.huffpost.com/entry/lisa-murkowski-violence-native-women-savannas-act\\_n\\_5c4f1d2be4b0287e5b8cffa](https://www.huffpost.com/entry/lisa-murkowski-violence-native-women-savannas-act_n_5c4f1d2be4b0287e5b8cffa).

<sup>8</sup> Abaki Beck, “Why Aren’t Fossil Fuel Companies Held Accountable for Missing and Murdered Indigenous Women?” *Yes! Solutions Journalism*, Oct. 5, 2019, <https://www.yesjournalism.com/2019/10/05/native-fossil-fuel-missing-murdered-indigenous-women-mmwr/>.

Indian Gaming Commission (NIGC), noted that 24.9M people are currently trafficked and that while trafficking occurs across all populations, native people are particularly vulnerable. Trafficking is the 3rd largest criminal enterprise in the nation. In response to this known increased risk, the NIGC is monitoring public health and safety and developing resources to help gaming establishments prevent and respond to these issues.

## A STATE RESPONSE PLAN IS A STRONG FOUNDATION FOR EFFECTIVE ACTION

With the establishment of the New Mexico Missing and Murdered Indigenous Women and Relatives Task Force in 2019, the New Mexico Indian Affairs Department has recruited, vetted, and supported the Task Force to conduct a study and complete a report about the scope of the issue.<sup>9</sup> Upon completing this task, the Task Force expanded to include more committed stakeholders who focused on working collaboratively to develop a State Response Plan to fight this epidemic. This Native-led, community-centered, inclusive approach brings together survivors, families, advocates, healers, law enforcement, academics, policy makers, data analysts, lawyers, faith leaders, and others to find solutions that are grounded in best practices and a deep understanding of Tribal and Pueblo communities.

## PROCESS

The Task Force worked together through subcommittees and the full Task Force to research, learn, discuss, and deliberate about policy and systems change strategies that can counter the epidemic of violence against Indigenous women and relatives. Once ideas had been identified, they were systematically analyzed. The members looked at the level of priority; timeline until survivors or the families of victims start seeing benefits from the change; barriers to implementation; benefits of implementation; and the key people who should be involved in implementation. The entire Task Force was given the opportunity to review all recommendations, provide feedback or clarification, and vote to support the recommendation or not. All of the recommendations that were moved forward earned a minimum of 85% support in order to be included in the state response plan.

The Indian Affairs Department has been responsible for staffing the Task Force and each of the subcommittees. Staff have supported the leadership and participation of subcommittee chairs/co-chairs and members. The substance and direction of the state response plan has been centered in the professional expertise and lived experiences of the Task Force members. Indian Affairs staff have also supported research and communication among Task Force members as well as other state and local agencies, national researchers, and other state and national experts.

The complete Objective and Strategy Summary Table can be found in **Appendix C**.

<sup>9</sup> [yesmagazine.org/environment/2019/10/05/native-fossil-fuel-missing-murdered-indigenous-women-mmwr/](https://www.yesjournalism.com/2019/10/05/native-fossil-fuel-missing-murdered-indigenous-women-mmwr/).

<sup>9</sup> MMIWR Task Force Report, [https://www.iad.state.nm.us/wp-content/uploads/2020/12/NM\\_MMIWR\\_Report\\_FINAL\\_WEB\\_v120920.pdf](https://www.iad.state.nm.us/wp-content/uploads/2020/12/NM_MMIWR_Report_FINAL_WEB_v120920.pdf)

## OUTCOMES

The State Response Plan includes 6 objectives and over 45 systems and policy change strategies to make a positive difference in the prevention, investigation, and prosecution of crimes against indigenous women and relatives. Objectives include community supports, systems change, and improving data collection and data-driven decision making and are explained in detail in the following chapters.

The Task Force developed legislative proposals including:

- **Task Force members, the Indian Affairs Department, and the Second Judicial District have established and formalized a Memorandum of Understanding to strengthen coordination, collaboration, data, and resource sharing on MMIWR cases.**
- **The Task Force is partnering with the University of Nebraska at Omaha to conduct research in New Mexico which closes data gaps and identifies and disseminates best practices for combating violence against indigenous women and relatives.**

The Task Force and Indian Affairs Department have been committed to collective learning. During full Task Force meetings, subcommittee meetings, and community education events local, state, and national experts have had opportunities to learn together and share lessons learned to strengthen approaches to preventing and resolving cases. Family members of murdered or missing women and survivors of trafficking have shared their stories and reached out for help with problem solving.<sup>10</sup> This has always been approached in a culturally responsive and trauma informed way that supports families and survivors. Collective learning has also been connected to collective action so that stakeholders have the opportunity to be learning while actively coordinating actions and working toward solutions.

## SHARED VALUES

Additional guiding principles are stated in relevant sections of the plan in bold; **Appendix B** contains the full summary of guiding principles.

<sup>10</sup> Indian Affairs Department Official Facebook Page <https://www.facebook.com/NMIndianAffairsDepartment>

## ABOUT THE PLAN

Together over 70 participants built a state response plan. It lays out an analysis of 44 proposed strategies including timelines, priorities, barriers, benefits, and key actors needed for successful implementation. Together they identified 6 objectives, 2022 legislative priorities, and 44 policy and systems change strategies. There was a strong consensus in creating and affirming each of the strategies in the report. Through meetings and an anonymous survey, participants were able to evaluate each recommendation before they were included in the report. The strategies were centered in three areas:

- 1) **Community Impact** - Education, service, and policy change related to health promotion, violence prevention, intervention around risk factors that make people vulnerable, and treatment and healing for people who have themselves or are loved ones of others who have experienced violence.
- 2) **Systems Change** - Strategies to build capacity and accountability within the systems responsible for combating violence against indigenous women and relatives.
- 3) **Data** - Support to gather data in a timely and accurate way through improved technology, training, and information exchange. Strengthening the consistent and best practice use of data to inform prevention, investigation, and prosecution of MMIWR cases.

COMMUNITY IMPACT				
The five community impact recommendations that had the highest levels of support from the task force were:				
1	2	3	4	5
Expand support services to include housing support, mental health, substance abuse, and trafficking aftercare (e.g., The Life Link in Santa Fe).	Provide more victim-centered resources and availability of victim advocates and/or a family liaison.	Create a strong, intergenerational, community prevention response, including youth prevention and education programs that are based in culture and healthy relationships.	Provide healing options with different modalities for survivors and reentry programs to ensure reintegration and a healing journey.	Develop community aid and response to check on vulnerable people (youth, people with disabilities, and elders) during pandemic isolation.

### SYSTEMS CHANGE

The five systems recommendations that had the highest levels of support from the task force were:

1	2	3	4	5
Establish a permanent MMIWR Office with a standing cold case review team.	Support all New Mexico tribes' participation in the 2013 Violence Against Women Act (VAWA) Act.	Establish liaison positions to improve coordination and collaboration between Tribal, state, city, county, and federal agencies.	Create and pass legislation mandating training focused on MMIWR and improving reporting by all public safety personnel across the state.	Establish a mandatory protection order sharing between tribes and New Mexico Law Enforcement officers via NCIC.

### DATA

The five data coordination recommendations that had the highest levels of support from the task force were:

1	2	3	4	5
Establish a data institute to track and study cases of Missing and Murdered Indigenous Women, Girls, Trans, and Two Spirit and LGBTQ community members as well as boys and men that also documents tribal-specific data.	Work with tribal governments to pass laws and policies that require reporting of all missing persons cases to the National Crime Information Center and State Missing Persons Clearinghouse.	Enact federal legislation requiring the National Crime Information Center (NCIC) to track tribal affiliation and ethnicity data in the missing persons reporting forms.	Include tribal affiliation when documenting missing persons, trafficking, and cases of homicide to improve data gathering and policy development.	Initiate in-depth data collection by examining case files to help document gaps in the investigation and prosecution processes.

## SUPPORT SERVICES FOR SURVIVORS AND FAMILIES

### OBJECTIVE 1

#### Strengthen Supports to Communities, Families, and Survivors of MMIWR - Support Services for Survivors and Families, Community Impact Subcommittee

##### 1a. Establish secure and confidential shelters within Tribal communities and border towns for individuals, families, and youth in crisis.

The MMIWR Task Force recommends Objective 1a “Establish secure and confidential shelters within Tribal communities and border towns for individuals, families, and youth in crisis.” Shelter resources are important because without secure and confidential temporary housing options, Indigenous women and relatives have limited or no options to leave situations that are increasingly violent. When resources are far away from home, women and families are far away from their informal support networks which are essential to their healing and the healing of their families. In addition, when staff at non-local shelters have limited understanding or training about the unique needs and challenges of Indigenous women and families, the efficacy of the services they provide are reduced. Secure and confidential shelters in Tribal communities and border towns increase the likelihood that those experiencing violence will seek and receive appropriate support.

Implementing this strategy can begin now, but women and families will likely not see the benefit until the mid-term (2-3 years). While an important prevention and intervention strategy, shelters are seen as a secondary priority. Most violence against Indigenous women and relatives in MMIWR cases comes from non-indigenous perpetrators outside of Tribal nations.

The main barriers to establishing more local shelters include the lack of personnel, limited resources, and political will. Attracting and recruiting shelter staff who understand the complexities of violence against women and family systems and have the cultural knowledge to support healing in a trauma-informed and culturally and linguistically responsive way are significant barriers to strengthening local resources. People with these skill sets are needed in many systems and shelters must compete with other health, human service, and related fields for qualified staff. Increasing funding to shelters is one way to compensate staff in a more competitive way which honors their gifts and contributions to the health and well-being of Indigenous women and families.

A related barrier is resources which in addition to personnel may include access to safe and secure buildings and facilities that are comfortable, welcoming, and supportive of healing. In general, violence against women and shelters for survivors of violence are systemically underfunded. The majority of funding comes from federal grants and philanthropy. Federal grants are labor-intensive and require specialized training to navigate federal grant portals. These grants may only last 2-3 years and require a plan for continued support by the Tribal government or other sources. Private philanthropy is often seeking significant impact which makes justification of shelters in remote rural or Tribal communities go into direct competition for resources with

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
1a. Establish secure and confidential shelters within tribal communities and border towns for individuals, families, and youth in crisis.	MT	S	P, PD, R	B, CR, E, LR, PH, TI	Y-County, Y-Tribal, Y- Grassroots, Y- Victim's Rights, Y-Indigenous Specific, Y-LBTQ/Two Spirit
1b. Expand support services to include housing support, mental health, substance abuse and trafficking aftercare (e.g., The Life Link in Santa Fe).	ST	P	R, P, PD, D	All	All Gov, all Comm
1c. Provide more victim-centered resources and availability of victim advocates and/or a family liaison	ST	P	P, R, J, PD	A, B, CC, TI, PH, CR	Y – County, Tribal; Y-All Comm
1d. Increase state and local funding to provide resources and programs that can support survivors and families.	ST	P	D, A, lack of accountability for federal trust responsibilities.	All	Y – All Gov; Y – All Comm
1e. Inclusive service programs such as Health care, Behavioral health, IHS, first responders, service programs HHS (First Nations) need to include community members from youth, 2SLGBTQ+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Plus), and rural locations.	ST	P	K, R, D (tribal), PD, lack of community education	All	All Gov, all Comm
1f. Strengthen services provided for long-and short term housing to improve crisis response and increase access to mental health and substance abuse treatment.	ST,LT	P	K, PD, P, R	CC, CR, PH, P, TI	Y – Tribal and County with federal support. Y- Healthcare/MH, LGBTQIA

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years

**Priority:** P=Primary | S= Secondary

**Barriers:**

A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
 IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
 R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier

**Benefits:**

A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
 E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
 PStans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response

**Government Action:**

A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology

urban service providers. The political will to address the needs of women and families experiencing violence must be continually cultivated as the biases of policy makers and grant makers have not historically favored the prioritization of women and children in general, particularly of Indigenous women and children.

To stand up local and Indigenous-run shelters, action must be taken on the Tribal and county levels. Additionally, community action must occur on the grassroots-level and include work related to victim's rights, Indigenous-specific issues, and LGBTQ and Two-Spirit issues. This multi-stakeholder approach honors the complexity of the issue and the need for principled collaboration which centers the knowledge and experiences of Indigenous populations in developing culturally appropriate options. When women see the option to stay in a dangerous home situation as favorable to well-meaning but poorly executed services, the need for coordinated collective action is evident.

The Task Force believes that there are many benefits to pursuing local shelters, including building systems capacity within Tribes and neighboring communities and advancing equity. When local knowledge is well-resourced, systems capacity within Tribes is improved. Indigenous-centered approaches help achieve equity because instead of one-size-fits-all services, women and children can count on services that respect and honor their experiences. This strategy will also develop culturally and linguistically responsive programming, advance a trauma-informed response, and improve public health. When families have healing options that do not come with geographical, financial, cultural, and linguistic barriers, their well-being becomes a true public health priority.

A report titled "Supporting Rural, Remote, and Underserved Survivors: The Need for Mobile Victim Advocacy Units A Research-to Practice Fellowship Project," found that rural, remote areas in the United States often do not have victim-related services readily accessible or available. Researchers and practitioners identify the rural population, and more specifically Native Americans living on and off tribal lands, as an underserved population in terms of resources for those who have been involved in a crime. Yet victim services to these communities are still lacking or at some time/distance away. Research details the severity of victimization experiences in rural parts of the U.S. and the need for accessible services to aid and support victims. According to the 2015 Federal Crime Statistics, violent crime in rural locations is higher than the national average, with rape being reported at significantly higher rates in rural areas (52.5 out of every 100,000 inhabitants compared to 38.6 out of 100,000 inhabitants). Additionally, in counties that include Tribal lands, murder rates for Native American women are ten times that of the national average and over half of Native American females report being sexually assaulted.<sup>11</sup> This is why it is crucial to have more emergency crisis shelters available for people fleeing violent situations. This recommendation is extremely important, and our communities are in dire need of support.

<sup>11</sup> Brooke de Heer, Lynn Jones, Jennifer Runger, Sarah Young Patton, Center for Victim Research, Northern Arizona University, "Supporting Rural, Remote, and Underserved Survivors: The Need for Mobile Victim Advocacy Units"  
[https://ncvc.dspacedirect.org/bitstream/handle/20.500.11990/1559/R2P%20Fellowships%202019\\_NAU-VWS\\_Final%20Report\\_CVR%20.pdf](https://ncvc.dspacedirect.org/bitstream/handle/20.500.11990/1559/R2P%20Fellowships%202019_NAU-VWS_Final%20Report_CVR%20.pdf)

## **1b. Expand support services to include housing support, mental health, substance abuse, and trafficking aftercare (e.g. The LifeLink in Santa Fe)**

Women who have experienced violence and exploitation need concrete support such as access to safe and affordable housing, health care that includes mental and behavioral health, and trafficking aftercare. According to the National Alliance to End Homelessness, “Safe and stable housing is a critical resource for survivors of human trafficking as they exit their trafficking situation and continue their journey towards healing.”<sup>12</sup> Responding to mental and behavioral health needs is also very important. “Human trafficking survivors have been found to suffer from PTSD and other anxiety and mood disorders including panic attacks, obsessive compulsive disorder, generalized anxiety disorder, and major depressive disorder.”<sup>13</sup> Trafficking aftercare needs to include a range of services and supports. A trauma response that is common among survivors of trafficking is mistrust of people and systems, even those who are able to provide care. In the 2017 American Medical Association Journal of Ethics, providers are encouraged to respect the survivor’s autonomy, support people in exiting harmful situations, factor the client’s needs, wishes, priorities, risks, and vulnerabilities into a plan of care, and take a trauma-informed approach.<sup>14</sup>

The Task Force recommends Objective 1b “Expand support services to include housing support, mental health, substance abuse, and trafficking aftercare” be a short-term strategy (1-2 years) and primary priority. Housing services already exist in New Mexico. However, COVID-19 has made access to temporary and long-term housing more challenging in New Mexico. Similarly, a pre-pandemic behavioral and mental health provider shortage coupled with increased demand during the pandemic create challenges to accessing care. Triaging access to housing and behavioral and mental health services based on the level of vulnerability would help service providers identify and prioritize women who are at the highest risk of violence and exploitation.

The main barriers to expanding access to support include lack of personnel, lack of resources, particularly monetary ones, and limited access to relevant and reliable data. Another barrier includes the need for professional development of the anticipated staff facilitating these services.

The Task Force believes there are many benefits to the expansion of support services. Prevention will be strengthened, and public health will be improved. By expanding support services to become truly a wraparound in nature, the strategy will build systems capacity, leave room to develop culturally and linguistically responsive programming, and build trauma-informed response. Ultimately, this strategy advances equity, increases public trust, strengthens public awareness, improves cross-systems coordination, improves public safety, and advances restorative justice.

<sup>12</sup> Karen Romero, “The Intersection of Human Trafficking and Homelessness” National Alliance to End Homelessness, <https://endhomelessness.org/blog/the-intersection-of-human-trafficking-and-homelessness/>.

<sup>13</sup> Task Force on Trafficking of Women and Girls. (2014). Report of the Task Force on Trafficking of Women and Girls. Washington, DC: American Psychological Association. Retrieved from <http://www.apa.org/pi/women/programs/trafficking/report.aspx>.

<sup>14</sup> Wendy L. Macias-Konstantopoulos, MD, MPH, “Caring for the Trafficked Patient: Ethical Challenges and Recommendations for Health Care Professionals” AMA Journal of Ethics, <https://journalofethics.ama-assn.org/article/caring-trafficked-patient-ethical-challenges-and-recommendations-health-care-professionals/2017-01>.

To realize Objective 1b, government action must take place on all levels, including municipal, county, state, federal, and Tribal levels. For instance, all levels of governments must increase funding to invest in support services for survivors and families. This funding must be recurring to make the most impact. On the community action side, efforts must be made related to grassroots, victim’s rights, Indigenous-specific issues, and Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Plus (2SLGBTQ+) issues.

## **1c. Provide more victim-centered resources and availability of victim advocates and/or a family liaison.**

A report by Brooke de Heer et al, found that approximately 54% of respondents said that resources for crime victims were available in their community and 60% said they knew how to go about contacting those resources. Conversely, 37% said they did not know if their community had resources for crime victims and 40% said they did not know or were unsure of how to contact those resources.<sup>15</sup> Having more victim advocates and family liaisons could help victims that do not know where to find resources.

Funding and supporting victims’ advocates and family liaisons is important to providing more victim-centered resources. Victims’ advocates and family liaisons can support the victims, their families, and other professionals working on the case to identify and act on the needs and wishes of those who have been most impacted. In an April 2021 report, the National District Attorney’s Association provided thirteen best practices for those who work with victims of crime. Many of the practices target system reform and they victim-centered approaches. The report describes “victim-centered” in the following way: “As victim advocates and prosecutors, we must stop and ask the question, ‘How do I handle this from a victim’s perspective?’ It is not our job to impose our views on victims, but to always keep the victim’s interests and safety at the forefront of our decision making. It is paramount that the needs and safety of the victim remain central throughout the process.”<sup>16</sup>

The MMIWR Task Force considers Objective 1c as a primary priority. If this does not happen and the planning, implementation, and evaluation are not centered in the needs of victims, people will continue to experience re-traumatization. When people are re-traumatized, it is hard for them to endure interactions with system partners, even those who are trying to be helpful. Not only is this unacceptable from a human rights and social justice perspective, but it is also counterproductive to successfully bringing perpetrators to justice. Re-traumatization can interfere with a victim’s capacity to work with law enforcement and criminal justice system personnel to achieve justice. Preventing additional harm makes this a primary and urgent priority.

The main barriers to realizing Objective 1c include the lack of personnel and resources, jurisdictional inconsistencies, and the need for professional development. The state legislature could direct all New Mexico law enforcement agencies and state courts to undergo training and meet competencies related to victim-centered approaches. Free, evidence-based training materials are available through the U.S. Department of Justice Office for Victims of Crime’s Training and Technical Assistance Center. Their resources include information on approaches to particularly vulnerable populations, including LGBTQ+ people.

<sup>15</sup> Supra note 11.

<sup>16</sup> Tracy Prior, “Victim Services and Victims’ Rights: Elevating Victims’ Voices at a Critical Time Best Practices Guide,” page 20, National District Attorneys Association, Women Prosecutors Section, <https://ndaa.org/wp-content/uploads/WPS-Victim-Advocacy-Best-Practices-Guide-April-2021-FINAL.pdf>

The Task Force believes there are many benefits to pursuing this strategy, including strengthening public awareness, building systems capacity, and increasing cross-systems coordination. This strategy to provide more victim-centered resources and availability of victim advocates and/or a family liaison would provide an opportunity to advance a trauma-informed response, develop culturally responsive programming, and improve public health.

To realize Objective 1c, government action needs to occur on the state, Tribal and county levels. Community action must take place concerning grassroots efforts, victim's rights, healthcare/mental health/human services, Indigenous-specific issues, and 2SLGBTQ+ issues. Together community partners can help fill in any gaps in the training materials related to the needs of Indigenous women and relatives.

#### **1d. Increase state and local funding to provide resources and programs that can support survivors and families.**

The MMIWR Task Force recommends Objective 1d: "Increase state and local funding to provide resources and programs that can support survivors and families." Objective 1d is a long-term goal (over 3 years) and a secondary priority. The Task Force believes there are many benefits to increasing state and local funding to provide resources and programs that can support survivors and families. Primarily, funding increases will strengthen prevention and improve public health. The increase of funding will also build systems capacity, leave room to develop culturally and linguistically responsive programming, and build trauma-informed response services. Ultimately, Objective 1d advances equity, increases public trust, strengthens public awareness, improves cross-system coordination, improves public safety, and advances restorative justice.

The increase of state and local funding may take various forms, such as funding for specific services, slush funding for families, and staff funding. For example, the Government of Canada found that "investing in specialized victim services that support families of missing and murdered Indigenous women and girls is an important part of the healing journey."<sup>17</sup> Canada's Department of Justice funds initiatives like Family Information Liaison Units and community-based, culturally-grounded grief and trauma support for families. In Montana, advocates created the Snowbird Fund in 2021, which is crowd-sourced funding offered as immediate cash assistance to search for families' loved ones, no questions asked.<sup>18</sup> This fund is the first of its kind, offering up to \$1,000 to individuals to offset the considerable expenses families and friends incur while searching for their loved ones. This may cover anything from gas money, meals, hotel stays, cell phone payments, tools like drones, community programming to public campaigns.

A very important piece of this recommendation is to amplify the experiences of families who do not have funding to search for their loved ones. It would be very beneficial to families to have a fund such as the snowbird fund in Montana. A recurring fund could be set aside for grants to families and communities that are

<sup>17</sup> Government of Canada, "Supporting Families of Missing and Murdered Indigenous Women and Girls" (Aug. 23, 2021) <https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/mmiw-fada/>

<sup>18</sup> Ivan McDonald, Anna Whiting Sorrell, Marilyn Zimmerman, and Whitney Williams, "Viewpoint: MMIW awareness continues to grow, but still needs your support" (Mar. 7, 2022) Missoula Current, <https://missoulacurrent.com/opinion/2022/03/viewpoint-mmiw-support/>

actively searching for a loved one, and also funding and grants for funeral expenses when a loved one is found. One thing that has been difficult to see is families searching on their own with little to no funding, and then having the overwhelming burden of funeral costs. A specific funding stream for grants for caretakers and surviving family members who may now be caring for their loved ones' children would also be beneficial to communities.

Although there are numerous benefits to Objective 1d, there remain many barriers to fulfilling this initiative. The main barriers include limited access to reliable and relevant data, lack of monetary resources for personnel, equipment, and travel, and systemic barriers, such as discrimination. Without buy-in from actors in all government levels, these most important initiatives will remain un/underfunded.

To realize Objective 1d, action needs to be taken on the state, federal, local, and Tribal levels. Funding needs to be recurring and comprehensive.

#### **1e. Support inclusive service programs (healthcare, behavioral health, Indian Health Services, first responders, and Health and Human Services) to include community members from youth, 2SLGBTQ+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Plus), and representatives from rural locations.**

The MMIWR Task Force recommends Objective 1e: "Inclusive service programs such as healthcare, behavioral health, Indian Health Services (IHS), first responders, service programs HHS (First Nations) need to include community members from youth, 2SLGBTQ+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Plus), and representatives from rural locations."

There are several different resources and organizations that offer inclusive services that other programs can model.

- PFLAG is a national organization that promotes the health and well-being of lesbian, gay, bisexual, and transgender persons, as well as their families and friends. PFLAG provides opportunity for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity. The Albuquerque chapter of PFLAG meets the third Tuesday of every month from 7:00-9:30 pm at the First Congregational Church, 2801 Lomas Blvd NE, on the corner of Lomas and Girard.
- The Agora Crisis Center provides trained peer counselors available over the phone to provide compassionate, non-judgmental listening for anything you want to discuss. Agora also provides a helpful referral service of agencies and individuals around New Mexico.
- The Transgender Resource Center of New Mexico provides support, education, information, and assistance to the transgender population in the state of New Mexico and their families and loved ones.

- Equality New Mexico (EQNM) is a statewide education and advocacy organization that works for full recognition of lesbian, gay, bisexual, and transgender civil rights. EQNM works throughout the state to end discrimination, shape public opinion and policy, as well as strengthen our alliances with local, regional, and national partners. The organization is based in Albuquerque and has many volunteer opportunities for LGBTQ individuals and allies.
- U-21 Youth Program is a safe space for youth and is open to lesbian, gay, bisexual, transgender, intersex, queer, and questioning youth under 21 and their allies under 21. It is largely a social time with some planned events and sessions, such as arts & crafts, poetry, information on the community, films, dances, workshops, field trips, etc. There are trained adults there to facilitate the group and assist as needed.

All these wonderful resources can be accessed by the community and the state to support with creating inclusive services throughout state organizations and departments.

Objective 1e is a long-term strategy (over 3 years) and a secondary priority. The Task Force believes there are many benefits to pursuing Objective 1e. By including youth, 2SLGBTQ+, and community members from rural parts of the state in inclusive service programs, prevention will be strengthened, and public health will be improved. By including these community members within service programs, the strategy will build systems capacity, leave room to develop culturally and linguistically responsive programming, and build a trauma-informed response. Ultimately, this strategy advances equity, increases public trust, strengthens public awareness, improves cross-systems coordination and public safety, and advances restorative justice.

The main barriers to realizing Objective 1e include limited access to reliable and relevant data, lack of monetary resources for personnel, equipment, and travel, and systemic barriers, such as discrimination. There are providers that seek additional funding, and organizations that provide services which are not getting communicated to those who need support. Traditional cultural awareness efforts focused on the Northwest region of our state are also needed. This can be a goal for providers to access grants so they can create programs in rural areas. Training providers is critical for the Human Services Division and the Children Youth and Families Department's youth peer support programs.

To assist communities in rural parts of the state we need to establish funding streams that work in collaboration with grassroots organizations to support community members. Large donations can often create challenges because there is a need for non-profits to serve as fiscal agents in order to receive donations. Funding to support rural communities and families impacted by the MMIWR crisis is needed and must be better coordinated between the federal, state, and Tribal governments to reduce barriers.

**1f. Strengthen services provided for long and short-term housing to improve crisis response and increase access to mental health and substance abuse treatment.**

The MMIWR Task Force recommends Objective 1f: “Strengthen services provided for long and short-term housing to improve crisis response and increase access to mental health and substance abuse treatment.” Objective 1f is a long-term strategy (over 3 years) and a secondary priority. The Task Force believes there are many benefits to pursuing Obj. 1f. This strategy calls for the strengthening of services provided for long and short-term housing to improve crisis response and increase access to mental health and substance abuse treatment. This strategy will ensure that prevention will be strengthened, public health will be improved, and cross-system coordination will be increased. Additionally, this strategy will leave room to develop culturally responsive programming and improve trauma-informed responses.

The key challenge supporting this recommendation is the lack of long-term treatment and aftercare programs across the state. Long-term housing is desperately needed across our state for people affected by this crisis. As a state we need to ensure long-term support beyond just a few months. Families and survivors can confirm that healing is not something that can be done in a short period of time. People that suffer from addiction or alcoholism may have a difficult time finding resources that can help them long-term. The community impact subcommittee has expressed a need for long-term housing because the lack of safe housing makes people more vulnerable to trafficking and remaining in abusive relationships. Also, there is a need for culturally-based and culturally sensitive treatment options. Many people will not seek treatment or stay in a facility if there is not access to traditional medicines or healing options. It is extremely important that as a state we have treatment and safe houses that are culturally grounded. This is a recommendation that must be considered when planning services for survivors and families to best support their healing journey.

The main barriers to realizing Objective 1f include limited knowledge of best practices, cross sector professional development, and lack of personnel and resources. More attention must be focused on housing. The City of Albuquerque has initiated housing justice meetings with representatives of the Navajo Nation to share resources and best practices with the goal of increasing housing for tribal members. This collaboration is just one model of how cities and tribal governments can work together by sharing resources and expertise to benefit all our state's citizens. Homelessness impacts an entire community but most importantly it threatens the dignity and safety of our unsheltered neighbors and relatives. As a state we must take intentional and collaborative action to resolve complex issues like access to safe and secure shelter.

# DEVELOP COMMUNITY OUTREACH, EDUCATION, AND PREVENTION STRATEGIES

## OBJECTIVE 2 Strengthen Supports to Communities, Families, and Survivors of MMIWR- Develop Education and Outreach, and Other Preventative Measures, Community Impact Subcommittee

### 2a. Develop career pathways for Native American youth for careers within tribal communities, including pathways in social and behavioral health services, trade, social justice, criminal justice, education, agriculture, medical, and rehabilitation programs to expand the workforce in tribal and neighboring communities.

Building a culturally and linguistically responsive workforce within Tribal and border communities is key to the prevention of violence against Indigenous women and relatives. When trusted people with knowledge of cultural practices and community values are promoting healthy relationships and public safety, their messages are more effective. Research across multiple fields including public health, community planning, health, and education confirm the importance of cultural brokers. A workforce that is more reflective of the communities impacted is also vital in responding to violence in ways that survivors and the families of victims find genuinely supportive and healing. Implicit-bias and lack of understanding of language, culture, values, and world view are barriers to effective intervention and healing when violence has occurred. This is a deterrent to people pursuing justice and healing. In addition, lack of access to a range of career pathways and economic well-being increases the risk of exploitation, human trafficking, and other forms of victimization associated with MMIWR cases.

As one example, career pathways for Native American youth in social and behavioral health fields would transform New Mexico’s Tribal and overall behavioral health workforce. According to the U.S. Department of Health and Human Services, all rural counties in New Mexico are identified as Behavioral Health

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years  
**Priority:** P=Primary | S= Secondary  
**Barriers:**  
 A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
 IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
 R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier  
**Benefits:**  
 A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
 E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
 PStans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response  
**Government Action:**  
 A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
2a. Develop career pathways for Native youth for careers within tribal communities, including pathways in social and behavioral health services, trade, social justice, criminal justice, education, agriculture, medical, and rehabilitation programs to expand the workforce in tribal and neighboring communities.	LT	S	D, R (monetary), S	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y-Tribal, State, Federal
2b. Expand youth programs and community education to raise awareness and prevention of sexual violence and domestic violence.	ST	P	PW, K, S, P, J, R, LC	A, B, CR, LR, E, P, PS, PH, PT, TI, RJ	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2c. To create and expand culturally-relevant curriculum on healthy relationships and violence prevention. Develop education, outreach, and training for and from impacted community members to identify and respond to signs of human trafficking and domestic violence.	LT	P	PW, K, S, P, J	A, B, CR, LR, E, P, PS, PH, PT, TI, RJ	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2d. Raise awareness of MMIWR through the creation of a resource guide and repository with informational materials and media campaigns that can be posted in public places and businesses.	ST	S	P, R, D, S	A, CR, E, P, PS, TI, CC	Y-State, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2e. Secure updated equipment for investigations and crime scene documentation.	MT	P	IT, P, K, J, R	B, PS, PT	Y-Tribal, Federal, State, County, Municipal
2f. Secure and implement training for standardized state- and tribal-wide investigations and crime scene documentation.	LT	P	IT, P, K, J, R, S	B, CR, PS, PT, TI	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2g.1) Revise training standards for NM Law Enforcement in collaboration with the MMIWR task force and the NMAG Human Trafficking task force.  2g.2) Establish a cross-sector statewide training bureau around MMIWR and related issues to strengthen victims' services.	LT	P	PW, S, A, P, PD, J, R, D, K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y-Tribal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit



Professional Shortage Areas (BHPSAs). Higher level-positions, such as psychiatrists and psychologists, are in particular demand throughout the state. It is estimated that New Mexico requires an additional 108 psychiatrists and that only 29% of licensed providers are located in rural counties. These statistics are felt more intensely by Tribal communities. Even though Native Americans make up nearly 11% of the state's population, only 2% of psychiatrists and independently licensed behavioral health professionals are American Indian/Alaska Native. It is imperative to develop career pathways in social and behavioral health fields to address the lack of healthcare access and provide culturally and linguistically responsive care.

The MMIWR Task Force recommends Objective 2a: “Develop career pathways for Native American youth for careers within Tribal communities, including pathways in social and behavioral health services, trade, social justice, criminal justice, education, agriculture, medical, and rehabilitation programs to expand the workforce in Tribal and neighboring communities” as a long-term strategy. It will take over three years for the benefits of this strategy to be realized. While economic well-being and access to helpers, healers, and professionals with whom there are not immediate cultural or linguistic barriers are serious and foundational challenges for Indigenous people impacted by violence. This strategy is a secondary priority as the underlying issues it addresses are systemic and will take significant time and additional strategies to fully address. In addition, addressing these challenges now and in the future requires federal, state, tribal, and local action.

The main barriers to developing career pathways as a strategy to transform systems and roles that interact with Indigenous women and relatives who have experienced violence are resources, personnel, systemic barriers, and access to reliable and relevant data. Some of the resources that need to be considered are the cost of improving pre-k to 12th grade education so that people are adequately prepared to have successful higher education and career technical education experiences. Paid internships, mentoring, and apprenticeships starting in middle school and extending post high school can create a more relational and people-centered approach to learning and engaging in a career pathway. The resources need to cover both the learner and the mentor is another barrier. Sometimes the people who can be most supportive as professional mentors are the least resourced to set time aside to mentor others as their time, and sometimes resources are significantly limited. Dedicated career development resources for Indigenous people are essential. In addition, covering the cost of tuition, transportation, books, childcare, and other living expenses are necessary to support people in their efforts to complete their training and educational goals. Indigenous-specific data about career development opportunities and outcomes can help communities target resources to strategies that work. There is significant trial and error when reducing barriers to career pathways that interact with MMIWR cases.

Systemic barriers such as discrimination disrupt career pathways and need to be intentionally dismantled through the deployment of targeted resources. Again, Yazzie-Martinez established the systematic and discriminatory underinvestment in educational offerings and outcomes for Indigenous youth in New Mexico. In this lawsuit, the long-term and current practices which create barriers to training and education of children were laid bare. When people lack access to providers with professional skills and a deep understanding of the populations served, the community suffers, and those individuals experience disproportionately negative outcomes.

The Task Force believes there are many benefits to pursuing the development of career pathways for Native American youth, particularly in social and behavioral health, trade, social justice, criminal justice, education, agriculture, medicine, and rehabilitation programs. These career pathways would expand the workforce in Tribal and neighboring communities in professional sectors which directly interact with people experiencing violence as well as those at the greatest risk of violence. Furthermore, support in other professional sectors that do not directly serve people impacted directly by MMIWR cases are still important. Greater access to career pathways and economic well-being increases protective factors and resilience which are long-term strategies to reduce and one day eliminate violence against Indigenous women and relatives. The development of career pathways would also advance equity, develop culturally and linguistically responsive programs and services, and advance trauma-informed response care in these communities. Other identified benefits include strengthening public awareness, developing cross-system coordination, improving public health and safety, strengthening prevention, increasing public trust, and eventually advancing restorative justice.

## **2b. Expand youth programs and community education to raise awareness and Prevention of sexual and domestic violence.**

Expanding youth programs and community education to raise awareness, promote healthy relationships within the context of cultural values, and prevent sexual violence and domestic abuse are important ways to combat risk factors that make Indigenous women and relatives vulnerable to violence and exploitation. Proactive approaches to promoting well-being and preventing violence are consistent with public health research about reducing violence against women. Expanding youth programming requires a commitment and buy-in from community leaders, educators, health promoters, advocates, parents/guardians, and the youth themselves. In order to be credible and influence healthy behaviors, both the content and those disseminating educational materials need to be seen as legitimate.

Expanding youth programs and community education are preventative strategies. Sexual and domestic violence greatly impacts tribal communities. A report by Victim-Witness Services and Northern Arizona University found that 31% of clients served by Victim-Witness Services were Native American, which is dramatically higher than the 4.6% Native American population in the state according to 2017-2018 data.<sup>19</sup> In particular, while the violent crime rate for U.S. youth has steadily declined over the past several years, the rate of violent juvenile crime in Tribal communities continues to grow. Risk factors for delinquency for the nearly two million American Indians who live on or near Tribal lands are compounded by a lack of social services. Inadequate resources for juvenile justice systems are a challenge for Tribal communities, resulting in insufficient training of law enforcement and other justice personnel. Additionally, the lack of resources results in a shortage of programs to comprehensively combat juvenile delinquency through appropriate prevention, intervention, and sanction activities.<sup>20</sup> Delinquency and violence are linked, and youth are more vulnerable to being in violent situations because of delinquency that is tied to generational trauma. Inclusion of Native American youth in the expansion of sexual and domestic violence programs and community education is essential for this strategy to be effective.

<sup>19</sup> *Supra* at note 11.

<sup>20</sup> Juvenile Justice, Youth.gov, <https://youth.gov/youth-topics/american-indian-alaska-native-youth/juvenile-justice>



The MMIWR Task Force considers the expansion of youth programs and community education to be a short-term (1-2 years) strategy. Knowledge of cultural values and effective teaching methods are community assets. Access to both evidence-based and culturally relevant information about healthy relationships, sexual violence, and intimate partner violence are additional community assets. Expanding youth education and prevention programs are a primary priority because they allow communities to move upstream and interrupt the destructive and violent patterns associated with MMIWR cases. To expand youth programming and community education, collective action needs to be taken on all levels (state, federal, tribal, county, and municipal). Community action needs to be made related to grassroots victim's rights, healthcare, Indigenous issues, and LGBTQ and Two-Spirit communities. Each of these actors has a powerful role to play in identifying, developing, and deploying programs and education campaigns that are accurate, reliable, and deeply rooted in the strengths of local cultural values.

The main barriers to expanding youth programs and community education include lack of political will, limited knowledge of best practices, system barriers such as discrimination, lack of personnel, jurisdictional inconsistencies, lack of resources, and language barriers for tribal communities. Some communities treat public education about violence in intimate relationships and sexual violence as taboo. Political will is an especially problematic barrier when programs, curriculum, and community education campaigns are imported from models that are not Indigenous or community specific. Sometimes resistance to values and practices that are not a match for a community are mistaken as lack of political will when in fact it's the exercise of self-determination to not import external values. When time is taken to develop and implement culturally and linguistically responsive approaches, barriers around political will are reduced.

The Task Force believes there are many benefits to prioritizing youth programming and community education. For instance, the expansion of youth programs and community education related to sexual and intimate partner violence will strengthen public awareness, increase public trust, improve public safety, and advance equity and restorative justice. Ideas, principles, and values that are spoken about openly during community education initiatives normalize and create braver and safer spaces for people. When stigma is reduced and systems partners are strong advocates in reducing stigma, public trust is increased. People are safer when they have a shared and spoken framework for talking about healthy and unhealthy relationships and sexuality. With access to vocabulary and explicit and implicit permission to speak about hard topics, people are empowered to engage and share their experiences. By reclaiming the framing of these issues in ways that respect the diverse Indigenous world views across New Mexico, there is greater access and greater opportunity for safer, healthier, more equitable outcomes. By working collectively and engaging the knowledge and expertise of more stakeholders, implementing this strategy will also build systems capacity, develop culturally and linguistically responsive programming, and advance a trauma-informed response. These programs and educational resources can strengthen prevention and improve public health.

## **2c. Create and expand culturally-relevant curriculum on healthy relationships and violence prevention. Develop education, outreach, and training for and by impacted community members to identify and respond to signs of human trafficking and domestic violence.**

There are many different healthy relationship curriculum models, but not many that are Native-specific or that address human trafficking in schools. Developing a culturally relevant curriculum on healthy relationships and violence prevention is both a health promotion and violence prevention strategy. In an article titled "Assessing the Impact of a Healthy Relationships Curriculum on Native American Adolescents," the authors studied "Discovery Dating," a healthy relationships curriculum as one way of preventing teenage pregnancy, domestic violence, and sexual assault. Authors describe the implementation of the Discovery Dating program in a western U.S. Tribal middle school during the 2011-2012 school year. The resilience, self-efficacy, and personal agency outcomes of seventh grade students who received the Discovery Dating curriculum were investigated through pre and post-test analysis. When compared with the outcomes of an eighth grade comparison group that did not receive the Discovery Dating curriculum, findings suggested that the curriculum had an impact on Native American middle school students' sense of personal agency.<sup>21</sup> It is important to take these examples of healthy relationship curriculum models and tailor them specifically to Native youth.

Expanding youth programming and community education without centering the approach on the values, beliefs, strengths, and assets of all Indigenous communities in New Mexico would be deeply problematic and potentially culturally destructive. Each Tribe and Pueblo has traditional teachings about healthy relationships. These traditional teaching should be celebrated rather than having external values superimposed that undermine the resiliency of Tribes and Pueblos. Facilitating interdisciplinary teams and committing resources to developing accurate and culturally relevant information and learning approaches is key to decolonizing relationships and violence. While information and approaches from outside of the community can be considered, vetting them across Indigenous-specific service providers in education, health (both healers and healthcare), victim's rights, and the LGBTQ and Two Spirit communities is a critical strategy to support cultural resilience.

Curricula development on healthy relationships and violence prevention are a key priority for the MMIWR Task Force. VAWNET has links to curricula that were designed in Australia. These curricula provide learning activities that aim to provide students with opportunities to develop the knowledge, understandings, skills, and values related to topics about growing and developing healthy relationships. Topics include staying safe, growing bodies, respectful relationships, emotional wellbeing, health literacy, and diversity. Learning activities are organized by topic or by year level (Kindergarten – Year 10). These can be viewed online with embedded quick links to teaching resources and student activity sheets within the activity and can also be downloaded as either Microsoft Word or PDF versions in real-time.<sup>22</sup> This can be used as a template or a resource to get ideas on what has worked in different schools. This curriculum is not Indigenous specific and would need to be culturally tailored.

<sup>21</sup>Schanen JG, Skenandore A, Scow B, Hagen J. Assessing the Impact of a Healthy Relationships Curriculum on Native American Adolescents. Soc Work. (2017), <https://pubmed.ncbi.nlm.nih.gov/28460025/>.

<sup>22</sup>VAWnet, National Resource on Domestic Violence <https://vawnet.org/material/growing-and-developing-healthy-relationships-curriculum>.



The MMIWR Task Force sees the development of culturally relevant curriculum as a long-term strategy (over 3 years). Identifying resources and supporting people to share the time and attention necessary to bring all appropriate stakeholders together, build a consensus, create, and test a curriculum will take time and patience. Avoiding a quick fix will also prevent creating negative unintended consequences. This strategy is a primary priority that is foundational to stopping violence against Indigenous women and relatives. Investments in prevention are often linked to mid and long-term cost savings and reduced human suffering. Implementation requires action to be taken on all levels (state, federal, Tribal, county, and municipal). There needs to also be community action, particularly efforts in grassroots, victim's rights, healthcare, Indigenous issues, and LGBTQ and Two-Spirit issues.

The main barriers to developing and disseminating culturally relevant curriculum include the lack of political will, limited knowledge of best practices, systemic barriers, and lack of personnel. Political will is a barrier that can be thoughtfully and respectfully addressed by making the time and providing resources for key stakeholders to develop a culturally appropriate approach that respects self-determination and local values, beliefs, and traditions about healthy relationships. There are significant cultural, spiritual, and educational assets within each Tribal community pertaining to healthy relationships. Working together to develop curriculum that can be used across sectors within the tribe to expand education and reinforce healthy cultural norms about relationships and responses to violence can lift up best practices. Historically, state and federal funding for violence prevention efforts have been tied to "evidence-based" models that were not created with or for Indigenous communities, much less Indigenous New Mexico populations. This is one more example of how Tribes have experienced discrimination in accessing resources to support culturally relevant curriculum and education. Resources are needed to support personnel to co-create effective curriculum that is developmentally and culturally appropriate.

The Task Force believes there are many benefits to dedicating resources to the development of culturally relevant curriculum. Similar to the previous objective, the creation and expansion of culturally relevant curricula on healthy relationships and violence prevention will strengthen prevention, develop culturally and linguistically responsive programming, advance a trauma-informed response, and build systems capacity. Positive change can occur when people have the tools and resources to give voice to challenges that are happening on a community level but are often stigmatized as 'personal problems.' Naming and framing violence and pathways for healing that honor people's values and healthy practices facilitates healing. When people get support and access to information in ways that don't first need to be filtered through a cultural barrier, their ability to prevent or address trauma is increased. A co-created, shared curriculum builds systems capacity for Indigenous women and relatives to seek and receive support no matter what door they may go to in their journey toward safety and wellness. Curriculum that is based on the culture and language of the educator and the participant helps to build a strong working alliance for violence prevention and intervention. When culturally relevant curriculum is implemented in youth programs and within community education, people will pay more attention to it and by learning together communities will strengthen public awareness, increase public trust, improve public safety, and advance equity and restorative justice. The MMIWR task force recommends that Objective 2c is a long-term strategy and a primary priority.

We recognize that there are several barriers: personnel, lack of resources for personnel, equipment, travel, limited knowledge of best practices, political will, systemic barriers (discriminatory), as well as language barriers. Limited knowledge of best practices can be easily fixed by involving communities that are impacted by violence. Survivors of violence who are consultants, advocates, and grassroots organizations would greatly benefit these educational standards that need to be met.

Developing education, outreach, and training for and by impacted community members to identify and respond to signs of human trafficking and domestic violence has many benefits: it strengthens public awareness, builds systems capacity, cross-system coordination, culturally responsive, advances equity, linguistically responsive, improves public health, strengthens prevention, improves public safety, public trust is increased, restorative justice, and advances a trauma informed response. If the extent of victimization is not fully understood, then it is difficult to know how to respond. "Many victims are amazingly resilient and can cope easily in the aftermath of a crime. In some cases, it takes longer for the bruises to heal than the emotional scars. Much depends on how the crime is perceived by the victim, family and friends, and the community."<sup>23</sup>

What can community members do? Communities that are impacted by these crimes must be heard and empowered if we want to see the change that is desperately needed. Developing education, outreach, and training materials for impacted community members on identifying and responding to signs of human trafficking and domestic violence must be community led and organized, and survivor led and informed. Community members can advocate as well as inform the education, outreach, and training for those impacted. Community members can help formulate ideas on curriculum for healthy dating and look for ways to implement the curriculum within their organizations and schools.

#### **2d. Raise awareness of MMIWR through the creation of a resource guide and repository with informational materials and media campaigns that can be posted in public places and businesses.**

Violence festers and spreads when people are isolated and uninformed about resources to support them as they seek safety. People may feel stuck, hopeless, and trapped in violent relationships or alone in coping with violence and exploitation. Reducing social isolation is linked to people seeking and securing healthier outcomes and freedom from violence. Investing in a centralized electronic resource guide and repository allows for greater collaboration and resource sharing within and among Tribes who are addressing the epidemic of MMIWR. Not only would such a tool be useful for professionals who are responding to MMIWR cases and related issues, the tool could be directly accessible to people who have not yet sought help from a program or community service and are exploring options. An online tool would allow resources to be added and updated regularly. While people could print resources, providers would have direct access to up-to-date information and could also contribute information from within their networks as new information or resources emerge. There is a crucial need for more support from tribal governments to support LGBTQ2S youth. Pueblo Action Alliance has a campaign called the Youth to the Front Campaign which centers on inclusion of youth in discussions, inclusion, and openness to

23 Pennsylvania Coalition Against Rape, "Bridging the Systems to Empower Victims: Mental Health and Victim Services (Instructor Manual)" U.S. Dept. of Justice, Office of Justice Programs, Office for Victims of Crime (2000). <https://www.ojp.gov/ncjrs/virtual-library/abstracts/bridging-systems-empower-victims-mental-health-and-victim-services>.



LGBTQ2S populations that are often left out of critical discussions. Tribal governments can support this campaign and model similar campaigns in their communities to ensure that you and LGBTQ2S populations are included in important discussions and have a seat at the table.

A very important aspect of informational materials and media campaigns is bringing awareness to our missing and murdered Indigenous men. All too often men are left out of the conversation, and it is important to the taskforce that ALL people are equally represented and included in awareness materials. This also includes our people who are transgender, Two Spirit and non-binary. Awareness materials must be inclusive to all ages and all genders.

Grassroots and community groups can assist with distributing existing resources in public places and businesses. They can also contribute to the development of future materials for community education and awareness. Community advocates can be encouraged to use the resource guide and repository as a tool for organizing and educating in their respective tribal communities and surrounding border towns. This can also serve as a model for tribal nations to form and develop their own resources and informational repositories on missing and murdered relatives for the purpose of prevention, resources for families and access to statistical data. To the extent that it's relevant and useful, those resources can also be shared as examples so that the individual efforts of each tribe can contribute to the efforts of others.

The MMIWR Task Force recommends that the development of an electronic resource guide and repository be a short-term strategy as this is a strategy that when implemented can start providing immediate benefits to users. However, the Task Force sees this as a secondary priority. While online resources can be beneficial, supporting in-person services is a primary strategy. Action needs to be taken by the state including securing a location for the repository such as the DPS or IAD, ideally as part of a state-funded permanent MMIWR State Office. Community contributions will include but not be limited to grassroots initiatives, victim's rights advocates and organizations, healthcare providers, indigenous specific advocacy and service organizations, LGBTQ/Two-Spirit organizations, and youth organizations.

The main barriers the Task Force identified related to developing the online resource guide and repository are personnel, lack of resources for personnel, equipment, travel, limited access to reliable and relevant data, as well as systemic barriers (discriminatory). Printed resource guides are often out of date as soon as they are printed. Having the people power to reach out to and update directories can be labor intensive and ineffective. Service providers are often so busy providing services that they don't have time to fill out one more questionnaire to go into one more directory. In the absence of cross-system coordination, data in print directories may be inaccurate or irrelevant. In addition, carrying printed materials may put vulnerable people at risk of disclosing to someone who is harming them that they are seeking help. The time needed to learn about and include Indigenous-serving and Indigenous-led organizations in county, regional, or state resource directories and the knowledge of how to navigate Tribal resources contribute to systemic barriers to accessing services as Indigenous-specific resources are often excluded or not actively included.

To minimize barriers, all organizations or departments contributing to resources can ensure materials are crafted in an accessible way for inter-generational audiences. This access can be more inclusive by providing language translations, disability access, and engaging with community and grassroots groups to ensure the resource guide and repository is comprehensive and accessible. Using a model like Share New Mexico<sup>24</sup> gives users the ability to be co-creators of the directory while requiring limited administrative support to coordinate. To overcome some of the limitations of Share New Mexico, it's important to have co-creators that have a deep working knowledge of Indigenous resources and systems.

Creating a resource guide and repository with information would have many benefits including: strengthening public awareness, being culturally responsive, advances equity, strengthens prevention, improves public safety, advances a trauma informed response, and cross-system coordination. Having a one-stop shop for people who are at risk of or are actively experiencing violence is important. From health and healing services to victim's advocates and law enforcement resources, helping people map a path to safety and well-being is possible.

**2e. Secure updated equipment for investigations and crime scene documentation.**

Securing and updating equipment for investigations and crime scene documentation are important in supporting law enforcement to achieve better outcomes. Concerns from survivors, the families of victims, and some law enforcement agencies about law enforcement agencies having the resources they need to successfully address cases have been brought to light. When law enforcement agencies are under-resourced, their ability to identify and convict perpetrators is undermined.

The MMIWR Task Force recommends that updating equipment for investigation and documentation be mid-term as a primary priority. With appropriate resources and training, implementation could begin soon. However, given appropriation cycles and the time needed to implement as well as the timing of court proceedings, it will take 2-3 years for the community to start experiencing the direct benefit of these improvements in ways that are supported by data. When more suspects are identified, more and stronger evidence is available in MMIWR cases, and more convictions occur, there will be clear evidence of progress.

There are several barriers to securing additional equipment including technology, personnel, limited knowledge of best practices, jurisdictional inconsistencies, lack of resources for personnel, equipment, and travel. Funding is a common barrier that must be addressed to secure updated equipment for investigations. Currently the MMIWR Task Force is working in partnership with the Homeland Security Fusion Center which has state-of-the-art equipment including a drone system and statewide license plate readers which can help families search for their loved ones. This is a partnership that will greatly benefit the task force and especially any families who need assistance in looking for their loved one. While a valuable partnership and use of taxpayer dollars, local law enforcement agencies also need updated equipment so that their initial investigation is thorough and done to the best ability and capabilities of departments and the best practices in the field.

<sup>24</sup> <https://sharenm.org>





Securing updated equipment for investigations and crime scene documentation has many benefits that include building systems capacity, improving public safety, and increasing public trust. By heightening and standardizing capacity for investigations and documentation, varying jurisdictions of law enforcement can partner better. In using equally effective tools and practices, communication and collaboration are enhanced. When investigations and prosecution are more successful, perpetrators are prevented from hurting others. Greater consistency across law enforcement agencies would make navigating systems less confusing for families, survivors, and the public. Public trust would be increased if law enforcement had updated equipment, they could better respond to cases and complete better investigations.

The MMIWR Task Force recognizes that action needs to be taken on all levels including Tribal, federal, state, county, and municipal. Funding for updated equipment can come from different sources on all levels. Agencies need to work on acquiring new equipment into their yearly budgets as a way to be the most helpful when looking for a missing person or investigating a death.

**2f. Secure and implement training for standardized state- and tribal-wide investigations and crime scene documentation.**

The MMIWR Task Force recommends that Objective 2f be long term as a primary priority.

We recognize that there are many barriers: technology, personnel, limited knowledge of best practices, jurisdictional inconsistencies, lack of resources for personnel, equipment, travel, and systemic barriers (discriminatory). Documentation needs to come with training, oversight, and accountability for the way investigations are carried out that minimizes personal bias and definitions of what constitutes, for example, “foul play,” “missing”, and the enabling of perpetrators being protected or having little follow through on prosecution. Standardization would ensure a tiered approach that clearly illustrates how cross-systems, jurisdictional collaborations would happen. Investigators need to be highly trained to work collaboratively with social workers and tribal liaisons during an investigation, to recognize trafficking situations, and center prevention and trauma informed responses to investigations.

Securing and implementing training for standardized state and tribal-wide missing and murdered investigations and crime scene documentation has many benefits including building systems capacity that is culturally responsive, improving public safety and trust, and advancing a trauma-informed response. A permanent MMIWR state office or other agency lead, would be a critical part in the implementation of statewide standardized documentation of cases.

Action needs to be taken on all levels including Tribal, federal, state, county, municipal, as well as community action including grassroots, victim’s rights, healthcare, Indigenous-specific, LGBTQ/Two-Spirit organizations. At the tribal level tribes could hire more tribal liaisons to work with the county and state investigators as well as work with the community to better coordinate communication on investigations and documentation. Victim’s rights, healthcare, LGBTQ/Two Spirit organizations can help ensure that documentation is being done correctly and thoroughly. The federal government can assist with funding and ensure that federal agents working these cases are also working collectively with tribal liaisons and communities to bridge gaps in documentation and investigations.

What can community members do? There are many grassroots organizations and individuals that are ready and willing to provide training to law enforcement on best practices, overcoming systemic barriers and trauma informed response. It is important that this standardization of training and documentation of cases begins with the immediate development of training and curriculum for law enforcement in collaboration with existing community efforts and resources.

**2g.1 Revise training standards for NM Law Enforcement in collaboration with the MMIWR Task Force and the NMAG Human Trafficking task force.**

The MMIWR Task Force recommends that revising training standards for NM Law Enforcement in collaboration with the MMIWR Task Force and the NMAG Human Trafficking Task Force be long term as a primary priority. We recognize that while this may take longer to implement it is still a primary priority.

We recognize that there are many barriers: political will, systemic barriers (discriminatory), lack o statutory authority, personnel, cross-sector professional development, jurisdictional inconsistencies, lack of resources for personnel, equipment, travel, limited access to reliable and relevant data, and limited knowledge of best practices. Despite increases in public attention and improved responses from governmental and nongovernmental organizations, it has proven difficult to reliably measure the magnitude of human trafficking. Accurate data on human trafficking is scarce. In a 2017 report in the Journal of Human Trafficking, the lack of accurate data is because current estimates of human trafficking depend on accessing reliable statistical data about victims of human trafficking from two main sources: (a) victims who are identified by governmental and nongovernmental bodies and captured in official records and (b) victims who are identified through surveys of populations of people at risk for human-trafficking victimization who may or may not be identified in any official records.<sup>25</sup>

Revising training standards for NM Law Enforcement in collaboration with the MMIWR Task Force and the NMAG Human Trafficking Task Force has many benefits. It strengthens public awareness, builds systems capacity, increases cross-system coordination, is culturally and linguistically responsive, advances equity, improves public health, strengthens prevention, improves public safety, improves public trust, provides restorative justice, and advances a trauma-informed response. Revising training standards must begin with accurate reporting.

According to Farrell and Reichert: “Until recently, police in the United States lacked a uniform method for capturing information about criminal offenses involving human trafficking. It wasn’t until 2000 that human trafficking was defined as a federal crime and criminalized in all 50 states. In 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act mandated the Federal Bureau of Investigation (FBI) to begin collecting offense and arrest data about human trafficking as part of the FBI’s Uniform Crime Reporting (UCR), the primary mechanism for measuring crime in the United States. The FBI added human-trafficking offenses for involuntary servitude and commercial-sex acts to the UCR, and law-enforcement agencies were instructed

25 Amy Farrell & Jessica Reichert “Using U.S. Law-Enforcement Data: Promise and Limits in Measuring Human Trafficking” Journal of Human Trafficking, (2017) <https://www.tandfonline.com/doi/abs/10.1080/23322705.2017.1280324>





to begin reporting offenses and arrests beginning January 1, 2013.”<sup>26</sup> States do not have comprehensive data collection systems and that’s a problem. How can we revise training standards without accurate data collection? The barrier of access to relevant data is the biggest piece that must first be addressed.

Action needs to be taken by tribal, state, county, municipal, as well as community action including grassroots, victim’s rights, healthcare, Indigenous specific, LGBTQ2S+ organizations. State, county and municipal governments can act by working collectively with the tribal liaisons and points of contact within a tribal community to overcome systemic barriers. Many barriers can be overcome if levels of government work collectively with each other on these issues.

Task Force response: These two state initiatives can provide training to law enforcement on best practices including cultural sensitivity, overcoming systemic barriers, and trauma-informed response. It is important that this standardization of training begins with the immediate development of training and curriculum for law enforcement in collaboration with the NM MMIWR Task Force and the NMAG Human Trafficking Task Force. This will ensure that the training standards are carried out with cross-system collaboration. Impacted community members with direct involvement in authoring these reports and recommendations can also contribute ensuing stakeholders are accountable for carrying out these trainings.

**2g.2 Establish a cross-sector statewide training bureau around MMIWR and related issues to strengthen victims’ services.**

Health care and mental and behavioral health providers, traditional healers, law enforcement agencies, human rights groups, advocates, educators, and others bring overlapping and sometimes distinct perspectives about how to build healthier and safer communities; how to prevent violence against Indigenous women and relatives; and how to respond to the needs of victims, survivors, and their families and communities when harm has occurred. A collaborative cross-sector approach to establishing and maintaining a training bureau can increase knowledge and best practices through collaboration and sharing to reduce violence against Indigenous women and relatives and improve cultural relevance and trauma responsiveness systems-wide. The training bureau would need to vet people or organizations that are included in the bureau in ways that honor diverse expertise but provide assurances to those utilizing the bureau that the scope of training provided is connected with necessary competencies.

While resource sharing, public education and public awareness are already occurring, developing standards, recruiting, vetting speakers, and developing a usable interface with searchable criteria will take time. With sufficient funding for outreach and development of an interactive tool, communities would start seeing a benefit in 3 or more years. Because of the time, attention, and resources needed to build a cross-sector trainers bureau, the MMIWR task force identified this strategy as long term. Given how this strategy and many related strategies rely on education, this has been identified as a primary priority.

<sup>26</sup> *Id.*

Several barriers were identified that relate to this priority, they include political will, systemic barriers, lack of statutory authority, cross sector professional development, jurisdictional inconsistencies, lack of personnel and related resources, equipment, travel, limited access to reliable and relevant data, and limited knowledge of best practices. Within fields that interact with MMIWR cases best practices are still emerging as well as efforts to improve collaboration and strengthen resources across sectors. The demand to respond to direct service needs and immediate systems issues become barriers to collaboration. Principled collaboration takes time; and resource strapped individuals and organizations have a hard time sustaining engagement. There is a huge need for victims’ services in every county, state, and tribe.

Establishing a cross-sector statewide training bureau around MMIWR and related issues to strengthen victims’ services has many benefits including strengthening public awareness, building systems capacity, increasing cross-systems coordination, increasing access to culturally responsive content and speakers/trainers, advancing equity as more people, knowledge, and experiences are incorporated, and adding more linguistically responsive content and speakers/trainers. Greater access to credible and useful information and sharing of best practices improves public health as providers are better prepared and supported in addressing MMIWR cases. Greater awareness also strengthens prevention and health promotion. When law enforcement can access and help spread access to information people are more aware and this improves public safety. When public servants across fields have access to leading edge information that they incorporate into their delivery of services and support public trust is increased and there is greater healing and restorative justice. Including survivors and the families of victims as well as victims’ advocates, mental health providers, and traditional healers in the development and vetting of resources will advance a trauma informed response.

At a baseline, all trainers should be aware of, and promote, awareness about the warning signs of violence against Indigenous women and relatives. In a report by the Pennsylvania Coalition Against Rape <sup>27</sup> it was found that victim services counselors must learn the warning signals to make referrals, such as those offered by the American Psychiatric Association, which include:

- Prolonged depression or apathy
- Suicidal ideations
- Substance abuse
- Inability to cope with daily activities after an appropriate period of time

Victim programs must develop referral lists of mental health providers who understand trauma and victimization issues, are willing to accept clients who do not have insurance coverage or funds, and are available without prolonged waiting periods. Through coordinated appropriate releases with mental health practitioners, victim services staff can continue to address the victimization needs such as court accompaniment, and specific victimization counseling.

An establishment of a training bureau would ensure that victims and survivors are receiving the services they need, and the support needed to heal. Families of MMIWR would also benefit from victims’ services, and it is crucial that we make sure that all victims, survivors, and MMWR-impacted families receive the services and care needed.

<sup>27</sup> *Supra* note 23.





Action needs to be taken on all levels including federal, tribal, state, county, municipal, as well as community action including grassroots, victim’s rights, healthcare, Indigenous specific, LGBTQ2S organizations. At the federal level, funding can be appropriated for the establishment of a training bureau. The tribal level can utilize the tribal liaisons to help families receive the care and services needed. State, county and municipal levels can all work collectively to ensure that no family is left alone and that they have all the services they need. County and municipal levels can work collectively with tribal liaisons and community organizations to ensure that the training bureau has all services needed for families or survivors.

What can community members do? There are many grassroots organizations and individuals that are ready and willing to provide training to law enforcement on best practices, overcoming systemic barriers and trauma informed response. It is important that this standardization of training begins with the immediate development of training and curriculum for law enforcement in collaboration with existing community efforts and resources. Establishing a cross-sector statewide training bureau would benefit all community members in different ways. Community members could help advocate for the establishment of a training bureau, as well as help inform the training bureau on best practices for searches, investigations, and documentation. Community members could help implement training for victims’ services to expand the knowledge across all agencies. The MMDR Community Action toolkit was created when Missing and Murdered Diné Relatives<sup>28</sup> and Navajo Nation Missing Persons Updates determined it was time to create a guide that would support Navajo families. The toolkit also supports public safety and emergency management services by consolidating and centralizing important information needed for investigation, search, and rescue efforts. Its purpose is to help Navajo families during the heart wrenching process of locating a missing relative that requires families to file a missing person report, work with public safety officials, and mobilize community searches. Delegate Amber Crotty, MMDR, and NNMPU all worked collectively to create this toolkit. It is available for all community and agencies to utilize when there is a missing relative.

<sup>28</sup> Missing & Murdered Diné Relatives “Healing Together” <https://www.navajommdr.com/>

## DEVELOP COMMUNITY RESOURCES FOR STRONG RESPONSES

### OBJECTIVE 3

#### Strengthen Supports to Communities, Families, and Survivors of MMIWR Develop Community Resources for Strong Responses, Community Impact Subcommittee

##### **3a. Identify trusted community members who can be trained to serve as facilitators for grief and loss support groups and connect to existing grief and loss supports.**

In the community impact subcommittee meetings, an emerging topic of discussion was identifying trusted members of the community who can be trained as facilitators for grief and loss support groups. We know and understand that losing a loved one to murder or to have a loved one missing and not knowing where they are is an indescribable pain. This pain is so strong that we must have people in our communities who have a soft approach and who families can really trust and feel comfortable with. This is why we have made this recommendation: to identify trusted community members who can be trained as facilitators, a primary and short term recommendation.

The ripple effects of violence in communities are profound. Some communities have grief and loss support groups available. Other communities do not currently have this option. Building capacity among trusted community members to facilitate grief and loss support groups creates pathways for healing for more people who have been impacted by the violent loss of a loved one. Beliefs, traditions, and cultural norms around grief and loss and healing vary by community, family, and individual. However, the healing power of leaning into relationships and seeking support through healthy connections is important to reduce social isolation and increase healthy coping strategies.

New Mexico has a long tradition of trusted individuals serving as facilitators of healing and well-being. In the 1990s, the promotora/health promoter model was launched in community health clinics to help expand and recognize the role that lay health providers play in strengthening individual and community well-being. These strategies have been evaluated in qualitative and quantitative studies and linked to improved health outcomes.<sup>29</sup> Prior to mainstream recognition of community healers in the 1990s, traditional and Indigenous communities in New Mexico have served an important function in supporting mental, behavioral, spiritual, and physical health. Increasing the number of trusted, knowledgeable, and supported facilitators of grief and loss groups can close the gaps in access to support that traumatized individuals and families’ encounter.

<sup>29</sup> Kerstin M Reinschmidt, Jennifer B Hunter, M Lourdes Fernández, Charles R Lacy-Martínez, Jill Guernsey de Zapien, Joel Meister “Understanding the success of promotoras in increasing chronic diseases screening” (2006) <https://pubmed.ncbi.nlm.nih.gov/16702713/>



Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
3a. Identify trusted community members who can be trained to serve as facilitators for grief and loss support groups and connect to existing grief and loss supports. (Training orgs and resource data base., i.e DOJ VAWA)	ST	P	K, IT, PD, P, PW, R, S, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ	All
3b. Educate youth pre-k-12 about MMIWR, emphasizing prevention. (Related to 2b)	MT	P	A,PW, K, S, P, J, R	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	School boards, State, Tribal, Federal, Healthcare/Mental Health. Human Services
3c. Develop Multi-Disciplinary Teams (MDTs) within tribal communities to spread awareness about MMIWR, focused on prevention.	LT	P	A, K, IT, P, PD, PW, R, S, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Tribal, Federal, State, Indigenous specific community partners- grassroots, health, mental health, human serviceLGBT/Two Spirit, victim's rights
3d. Create a strong intergenerational community (prevention) response, including youth prevention and education programs that are based in culture and healthy relationships.	MT	P	K, IT, P, PD, PW, LC, S, R	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Tribal, County, Municipality Federal-\$, Community-based- All Community Groups
3e. Provide healing options with different modalities for survivors and reentry programs to ensure reintegration and a healing journey.	MT/LT	P	R, PW, PD, K, S, AH, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	All Actors
3f. Develop community aid and response to check on vulnerable people (youth, people with disabilities and elders) during pandemic isolation.	ST	P	A, D, P, PW, R, J, AH, S	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Call to community groups
3g. Identify funding for each school (state and BIE) to support existing resources and to require the establishment of LGBTQ Two Spirit student groups. (Build from PFLAG and Gay Straight Alliance, etc. Model)	MT	P	A, P, PW, R, S, PD, K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ	State, Federal, Tribal-\$ Community- grassroots, LGBT/Two Spirit

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years

**Priority:** P=Primary | S= Secondary

**Barriers:**

A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
 IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
 R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier

**Benefits:**

A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
 E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
 PStans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response

**Government Action:**

A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology

Some of the assets in Indigenous communities include a commitment to well-being and a willingness to support the well-being of others. There are people who understand and act within cultural norms that make them trusted facilitators of support, information about resources, and healing. Ramping up the identification and training of facilitators is seen as a primary priority to provide access to support to those impacted by MMIWR. The MMIWR Task force recommends that this strategy be short term as once implemented benefits can be seen within 1-2 years. This is also seen as a primary priority as it is foundational to a just and healing response to MMIWR cases.

The Task Force recognizes that there are barriers to implementation which include limited knowledge of best practices, technology, cross sector professional development, personnel, political will, lack of resources for personnel, equipment, travel, systemic barriers, and language barriers. Many of these barriers can be overcome with more funding which would allow for a dedicated team to co-create a training approach and implementation model, vet the training with communities to build buy-in and trust and facilitate recruitment and retention of trusted facilitators.

For support groups there needs to be community members who can facilitate grief and loss support groups and it is important that these people are paid. Asking people to facilitate groups on a voluntary basis undermines sustainability and increases the likelihood that facilitators will experience vicarious trauma. Often the most trusted people in communities are those who already serve other important paid and unpaid roles. When people are being asked to make time to prepare for, facilitate, and follow-up on support groups as well as maintain participation in ongoing training and reflection with other facilitators, that is a significant time commitment. Not compensating people puts them in a bind to make time at the expense of other professional, family, and community commitments. This sets people up to cut corners to “make it work” and impacts the quality of preparation, facilitation, and follow-up. If people feel pressured to cut corners, it’s more likely that they themselves feel overwhelmed by the sensitive and heavy nature of the support groups. This can impact their ability to see and respond to the needs of support group participants. It can also undermine their own well-being. Our communities cannot afford to have this work be under-resourced.

Lack of technology is a huge barrier to providing COVID-safe practices, so expanding funding for technology for communities is crucial for this recommendation. Lack of reliable broadband access, lack of personal devices, insufficient data, and knowledge of how to use technology, are barriers to providing support groups over Zoom or similar platforms. They are not insurmountable barriers, but they are significant. However, figuring out technology supported options is important as poor road conditions, unreliable vehicles, lack of gas money, significant travel time, public health orders which prevent gathering in groups to protect against infection, child and elder care obligations, and work schedules make attending in person challenging.

Identifying trusted community members who can be trained to serve as facilitators for grief and loss support groups and connect to existing grief and loss supports has many benefits which include strengthening public awareness, building systems capacity, cross-system coordination, delivery of culturally responsive supports, greater equity as Indigenous people will have greater access to people who have the language and cultural skills and knowledge to provide supports in ways that are genuinely supportive vs. well-intentioned but ineffective.



When people have access to effective supports that promote healthy ways of coping and moving on the healing journey, prevention and public health are also strengthened. Public safety, public trust and restorative justice are also strengthened through this strategy. There are many knowledge holders and healers in our communities, they hold much power that can be of great importance to impacted people. We recognize that we are in a global pandemic, which is why it is important to find funding for technology as well as funding to compensate people for their work in facilitating support groups.

Action needs to be taken on all levels including tribal, federal, state, county, municipal, as well as community action including grassroots, victim's rights, healthcare, Indigenous specific, LBTQ/Two Spirit organizations. At the tribal level, tribes can identify healers or traditional medicine people who hold traditional knowledge that would be beneficial to these support groups, not only identify them but also ensure that they are paid for their knowledge. Funding can come from the federal, state, county, and municipal levels. These are extremely important support groups that desperately need funding, so the community impact subcommittee has identified all levels as potential funders.

What can community members do? There are existing grassroots organizations that hold support groups for grief and loss, but they are also struggling through this pandemic. Organizations are underfunded, people are overworked with the amount of grief and loss in our communities. Community members can help by fundraising, applying for grants, outreach, and amplifying the need for more funding. This is a recommendation that can easily be met with the right amount of funding from all levels. It is important to note that some grassroots organizations do not accept state or federal funding, so we need to be informed on which organizations rely on philanthropy and which organizations accept funding from the state and federal levels.

**3b. Educate youth pre-k-12 about MMIWR, emphasizing prevention. (Related to 2b)**

Educating children from pre-k through grade 12 about violence prevention and healthy relationships is important to preventing violence against Indigenous women and relatives. Changing social norms so that chauvinism and white supremacy do not support a culture that permits violence against Indigenous women and relatives starts with education. Biases are often instilled at a young age. Teaching across the age span is an important way to disrupt destructive ways of thinking and acting. A class or workshop that is one and done has little evidence of changing social norms. By integrating age-appropriate learning activities across the pre-k-12 curricula, students are invited to consider a framework about human rights, violence prevention, and healthy relationships that promotes well-being.

The MMIWR Task Force recommends prevention focused pre-k through 12th grade education about MMIWR is a primary priority. Developing a curriculum and training educators on how to use the curricula effectively across age groups will take time. Student and communities will not start seeing the direct benefits until 2-3 years after implementation begins.

The Task Force recognizes that there are many barriers to implementation including lack of statutory authority, uncertainty about political will, limited knowledge of best practices, systemic barriers (discrimination), personnel, jurisdictional inconsistencies, lack of resources for personnel, equipment, travel. The Common Core drives decisions about curriculum, and statutory authority is necessary to add new requirements. Political will and systemic barriers that have to do with the biases of decision-makers and educators also need to be overcome. The communities and school districts across New Mexico are very diverse culturally, racially, ethnically, and politically. Differences across jurisdictions may impact the willingness to implement training. Furthermore, a great deal of pre-school education in New Mexico is delivered through private businesses that each create and act on their own policies and procedures about curriculum. Some of the barriers can be overcome by allocating funding and engaging educated survivors, or survivor experts, at all levels as well as educators with a solid understanding of developmentally appropriate and trauma responsive practices to develop educational materials, curricula, and train-the-trainer models. There needs to be a statewide curriculum for teachers to follow in age-appropriate education on MMIWR and sexual violence. There also needs to be training about how to support children who may be experiencing abuse or witnessing abuse in their families and how to support all students and faculty when there are disclosures.

Educating youth pre-k-12 about MMIWR and emphasizing prevention has many benefits. Implementing this strategy would strengthen public awareness, build systems capacity, increase cross-system coordination, expand culturally and linguistically responsive approaches, advance equity, improve public health, strengthen prevention, improve public safety, increase public trust, enact restorative justice approaches to violence, and advance a trauma-informed response. When training of teachers is included, the purpose generally focuses on helping them talk to children about abuse, and how to deal with disclosures and reporting, rather than on identifying early grooming behaviors and sexual misconduct among school personnel—behaviors that, if left unaddressed, could escalate to legally reportable sexual offenses. Training within schools is crucial and should begin working on a curriculum immediately.

Action needs to be taken by school boards, state, tribal, federal, and community action within healthcare/mental health and human services. At the federal level, agents can help by being active in the curriculum making, federal agencies can help fund state, and tribal efforts. Education of MMIWR can be done by different people within different agencies and organizations. If all agencies came together to collectively form a standard curriculum many of the barriers would be overcome just by working together. Mental health and human services can be there if students need extra support because we recognize that this is a very difficult topic. Agencies can work together with tribes and counties to ensure that all needs of students are being met. School boards will work with each individual school to ensure that the curriculum is being implemented.

What can community members do? Community can contribute to the curriculum and advocate for schools to adopt the curriculum. Education is imperative to prevention. Community leaders, survivors, and grassroots organizations can compile recommendations for curriculum and spread information to different school boards for approval and implementation.





**3c. Develop Multi-Disciplinary Teams (MDTs) within tribal communities to spread awareness about MMIWR, focused on prevention.**

Multi-Disciplinary Teams bring together people with diverse and complementary skill sets to promote the prevention of MMIWR. Lisa Lockhart has said it best in an article titled “Everyone Wins with Multidisciplinary Teams.” The author states, “The keys to success for a team of this nature are open-minded learning, communication, and mutual respect for what each discipline brings to the table. Unfortunately, some organizations merely give lip service to this process, using forms and formats that document processes and meet the requirements but aren’t truly interactive in nature. Although not always feasible, face-to-face interaction is preferred; however, our tech-savvy world now allows for crucial interactions to be achieved electronically, as well. Everybody wins in a multidisciplinary team environment.”

Developing inclusive and fully functioning MDTs is foundational to effective health promotion and prevention efforts when it comes to addressing violence against women. The effectiveness of MDTs that operate as Lockhart describes is worth the collaborative effort. However, building these teams, building trust, and documenting improved outcomes will take time. This strategy is seen as long-term. Consistent, positive, statewide outcomes will take 3 or more years.

We recognize that there are many barriers: lacks statutory authority, political will, limited knowledge of best practices, technology, personnel, cross-sector professional development, lack of resources for personnel, equipment, travel, systemic barriers(discriminatory), and a language barrier. MDTS would be composed of different organizations and community members who can bring their collective experiences of problem-solving and addressing barriers. The MMIWR task force recognizes that technology is also a barrier that needs more funding towards expanding technology and internet access in many parts of the state. Although these seem to be many barriers, many of them can be overcome with a solid community effort and understanding of each other’s work, while working together to collectively bring solutions to the problems we are facing. The MMIWR Task Force understands that these barriers may seem like a lot, however if we work together across agencies and with the community, they can be overcome.

Developing Multi-Disciplinary Teams (MDTs) within tribal communities to spread awareness about MMIWR, focused on prevention, has many benefits. Some of the benefits include strengthening public awareness, building systems capacity, strengthening cross-system coordination, increasing culturally and linguistically responsive approaches, advancing equity, improving public health, strengthening prevention, improving public safety, earning public trust, adopting restorative justice practices, and advances a trauma informed response. Like the Task Force, MDTs would include law enforcement, social services, victim services, education, healthcare, mental and behavioral health, and community advocates. With all these professionals working towards public safety and awareness in a coordinated and focused way, the work they could accomplish for our communities would be incredible. Through accessing a range of health, social care and other community services, MDTs focus on public safety, awareness, and prevention creates a safer community and a more trusting relationship between community and systems. The different professions all have different areas of expertise, so that they can combine

their skill sets to tackle complex and challenging situations. The MDT meets regularly to discuss their work so that everyone has a safety plan that best meets their individual needs.

The Task Force identified all systems actors as important contributors to this strategy. Action needs to be taken by all levels, tribal, federal, state, Indigenous specific community partners- grassroots, health, mental health, human service, LGBTQ2S, victim’s rights organizations. Federal funding for technology is needed, state funding and tribal funding for technology is also needed. Particular partners, such as victims’ rights or human services can contribute to this strategy by working together to figure out what best route to go to create these MDTs. Human services can work with victim rights to find out which services are needed and where the funding for these services will come from. This was also a strategy that the community impact subcommittee highly advocated for the creation of MDTs on every level. This is a recommendation that will not work without collective understanding and common ground of the families, or victims’ needs.

What can community members do? Community members can advocate for the formation of these teams, express the need for support from teams if you are impacted and need help, community members can also be a part of these teams. The MMIWR task force recognizes the need for grassroots organizations and advocates to be on the MDT teams as many already have trusting relationships with their communities.

**3d. Create a strong intergenerational community (prevention) response, including youth prevention and education programs that are based in culture and healthy relationships.**

The MMIWR Task Force recommends that creating a strong intergenerational community (prevention) response, including youth prevention and education programs that are based in culture and healthy relationships be mid-term as a primary priority. It is important and has emerged in the community impact meetings that there be preventative programming at all levels in community and in education.

We recognize that there are many barriers: limited knowledge of best practices, technology, personnel, cross sector professional development, political will, language barrier, systemic barriers (discriminatory), and a lack of resources for personnel, equipment, travel. Many of these barriers are based upon funding, in order to spread education and create programs we need to utilize funding sources and apply for different sources of funding. Many people will have limited knowledge of best practices, however there are many people who do know best practices and partnering with survivor led organizations, or organizations that are based in culture will be able to help overcome that barrier. The MMIWR task force recognizes that technology is also a barrier that needs more funding towards expanding technology and internet access in many parts of the state.

Creating a strong intergenerational community (prevention) response, including youth prevention and education programs that are based in culture and healthy relationships has many benefits: strengthens public awareness, builds systems capacity, enhances cross-system coordination, is culturally and linguistically responsive, advances equity, improves public health, strengthens prevention, improves public safety, public trust is increased, restorative justice, and advances a trauma-informed response. Youth prevention and education programs are





a crucial need that needs to be met in communities across the state. This includes but is not limited to youth groups, youth after-school programming, prevention and intervention programming, mental health awareness efforts, and community health programs.

What can community members do? Community members can reach out to organizations for collaboration. Education is imperative to prevention in our communities. These issues go unresolved without awareness and education. Community leaders, survivors, and grassroots organizations can look into different programming models and spread information widely in different areas of community and online. This is a recommendation that is mainly centered in the community and for the community.

**3e. Provide healing options with different modalities for survivors and reentry programs to ensure reintegration and a healthy healing journey.**

*“But all our phrasing—race relations, racial chasm, racial justice, racial profiling, white privilege, even white supremacy—serves to obscure that racism is a visceral experience, that it dislodges brains, blocks airways, rips muscle, extracts organs, cracks bones, breaks teeth. You must never look away from this. You must always remember that the sociology, the history, the economics, the graphs, the charts, the regressions all land, with great violence, upon the body.” - Ta-Nehisi Coates*

Identifying, resourcing, and delivering healing options based on different modalities is necessary for the well-being of survivors of violence and exploitation. Complex trauma takes time to treat and healing for survivors is a lifelong journey. When boundaries around power and control have been violently crossed, the need for people-centered options is even more necessary. Trauma leaves a mark physically, emotionally, mentally, and spiritually. Two people can experience nearly identical violence and or exploitation and have different needs on their healing journey. According to the US Substance Abuse and Mental Health Services Administration, “Trauma, including one-time, multiple, or long-lasting repetitive events, affects everyone differently. Some individuals may clearly display criteria associated with posttraumatic stress disorder (PTSD), but many more individuals will exhibit resilient responses or brief subclinical symptoms or consequences that fall outside of diagnostic criteria. The impact of trauma can be subtle, insidious, or outright destructive. How an event affects an individual depends on many factors, including characteristics of the individual, the type and characteristics of the event(s), developmental processes, the meaning of the trauma, and sociocultural factors. A one-size-fits-all approach to healing.”<sup>30</sup> This understanding of trauma and the diverse needs for healing when harm has occurred underscore the importance of this strategy.

When individual traumatic events intersect historical trauma, intergenerational trauma, race-based trauma, and ongoing trauma associated with systemic oppression, the need for culturally relevant healing modalities and access to traditional healers is clear.<sup>31</sup> Having access to practices that are supportive and respectful, and responsive to cultural norms from people who are from or have a deep relationship with the people served is essential for healing.<sup>32</sup>

<sup>30</sup> Tip 57 Chapter 3, 2014, Treatment Improvement Protocols (TIPs) are developed by the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services <https://store.samhsa.gov/product/TIP-57-Trauma-Informed-Care-in-Behavioral-Health-Services/SMA14-4816>

<sup>31</sup> Administration for Children and Families (n.d.), Trauma. Administration for Children and Families. <https://www.acf.hhs.gov/trauma-toolkit/trauma-concept>

<sup>32</sup> American Medical Association, Operationalizing Racial Justice, 2020.

Providing access to a range of high quality healing modalities that are people-centered, trauma responsive, and culturally relevant is a primary priority. The ability of survivors and the family of victims to experience well-being after violence has occurred is closely linked to their ability to receive meaningful support in their healing journey. Recognizing traditional healing modalities and creating pathways into healing professions with and for Indigenous people are widespread and systemic issues. In 2018, only 3% of nurses identified as Native American.<sup>33</sup> Similarly, a 2018 report also indicates that only .4% of physicians in the US are Native American.<sup>34</sup> According to a 2017 HRSA Workforce Study,<sup>35</sup> Native American counselors and social workers are less than 1% of the workforce. Underrepresentation in the healing professions is a systemic barrier that will take time to address, and this impacts this strategy.

The barriers to implementation identified by the Task Force include lack of resources for personnel, equipment, travel, political will, the need for cross sector professional development, limited knowledge of best practices, systemic barriers (discriminatory), and language barriers. These barriers are mainly based on lack of knowledge and limited knowledge of best practices, as well as funding for programming. They can be overcome with the right funding and the right people that are best fit to inform best practices for survivors.

Providing healing options with different modalities for survivors and reentry programs to ensure reintegration and a healthy healing journey has many benefits, including strengthens public awareness. This builds systems capacity, cross-system coordination, culturally and linguistically responsive practices, advances equity, improves public health, strengthens prevention, improves public safety, increases public trust, advances restorative justice practices, and strengthens trauma informed responses. There are very few safety nets for survivors which is why reentry into community after coming out of trafficking or a violent situation is challenging. Survivors need safe places and safe people. In a research study done by the task force coordinator, it was found that only 6% of survivors feel safe in the justice system and many do not identify as survivors because they do not feel safe. Many survivors have said they feel more comfortable with services that are native led and survivor led. It is crucial that survivors’ needs be met, physically, emotionally, and spiritually/culturally. We must come together as a collective community to ensure that every survivor feels safe coming back home.

Action needs to be taken on all levels including tribal, federal, state, county, municipal, as well as community action including grassroots, victim’s rights, healthcare Indigenous specific, LGBTQ/two-spirit organizations. Federal level stakeholders can assist in this recommendation by allocating funding for services, funding must also come from state, county, municipal, and tribal levels. The community organizations, and victim’s rights, healthcare, LGBTQ2s organizations can all work together to ensure that there are safety nets put in place for survivors. This is a recommendation that the community impact subcommittee highly advocated for everyone on every level to work on. It is crucial that we provide support for survivors on their healing journey. It is an effort that must be done collectively.

<sup>33</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, National Center for Health Workforce Analysis. 2019. Brief Summary Results from the 2018 National Sample Survey of Registered Nurses, Rockville, Maryland. <https://bhwh.hrsa.gov/sites/default/files/bureau-health-workforce/data-research/nssrn-summary-report.pdf>

<sup>34</sup> Lynne Kirk, MD, “Study of Declining Native American Medical Student Enrollment” Council on Medical Education Report <https://www.ama-assn.org/system/files/2021-05/a18-cme-05.pdf>

<sup>35</sup> Behavioral Health Workforce Projections, 2017-2030. <https://bhwh.hrsa.gov/sites/default/files/bureau-health-workforce/data-research/bh-workforce-projections-fact-sheet.pdf>





What can community members do? There are many grassroots organizations and individuals that are ready and willing to provide training on best practices, overcoming systemic barriers and trauma informed response. It is important that this standardization of training begins with the immediate development of training specifically for agencies in collaboration with existing community efforts and resources. Survivor led training, there are many grassroots organizations that employ survivors, and many survivors who work on their own for these safety issues. There is no one with better expertise on these issues than someone with lived experience, which is why survivor voices must be uplifted in this work. Communities can also ensure that safety nets are being put in place for survivors by advocating for them. Victims’ services ensure that they have access to traditional healers and traditional medicines in their agencies. Small things that can really make a huge difference for survivors.

**3f. Develop community aid and response to check on vulnerable people (youth, people with disabilities and elders) during pandemic isolation.**

Developing community aid and response strategies to better support vulnerable people during the pandemic is a strategy in urgent need of investment of people’s time and resources. Social isolation is a significant risk factor for violence and exploitation. Age and ability can also increase vulnerability to violence and exploitation. In 2020, 7,050 children in New Mexico were reported as victims of child neglect and or abuse.<sup>36</sup> In the report, “Child Maltreatment, US Department of Health and Human Services,” authors and researchers wrote that they believe economic and health stressors during the health count contributed to higher risk, and social isolation has contributed to underreporting. This means that the numbers are likely higher.

According to the CDC, elder abuse in the United States is a serious problem with one in 10 adults over 60 experiencing abuse, neglect, or exploitation. Researchers predict that this is an undercount as the number of non-fatal injuries due to abuse are only based on those who receive care in an emergency room.<sup>37</sup>

People who have disabilities experience greater risks of violence across the lifespan. A 2006 report by Rosen, indicated that girls and women with disabilities are 50% more likely to experience violence and exploitation.<sup>38</sup>

More recent studies continue to identify the higher levels of risk experienced by girls and women with disabilities.<sup>39</sup> By increasing the capacity of formal and informal community service providers to check on vulnerable people during the pandemic, social isolation can be reduced and freedom from violence or intervention if violence has happened can be established sooner.

36 U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2022). Child Maltreatment 2020. Available from <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>.

37 Preventing Elder Abuse Violence Prevention Injury Center, “How Big is the Problem?” Center for Disease Control and Prevention (January 2021) <https://www.cdc.gov/violenceprevention/elderabuse/fastfact.html#:~:text=Abuse%2C%20including%20neglect%20and%20exploitation,rates%20of%20abuse%20than%20others>.

38 Daniel Rosen, “Violence and exploitation against women and girls with disability” Ann N Y Acad Sci (2006) <https://pubmed.ncbi.nlm.nih.gov/17189505/>

39 Matthew J Breiding, Brian S Armour, “The association between disability and intimate partner violence in the United States” Ann Epidemiol. (2015) <https://pubmed.ncbi.nlm.nih.gov/25976023/>

Building and deploying community aid to vulnerable populations is an area of urgency and has been identified by the task force as a primary priority that can be done within 12 months. In the community impact subcommittee meetings, members identified possible solutions to this problem. The main recommendation was using existing youth groups to ask them to start an elder and vulnerable people “buddy check” system, where our youth groups go out regularly and check in on elders. Members mentioned how this could be both beneficial to elders and to the youth throughout the pandemic.

We recognize that there are several barriers: a lack of statutory authority, limited access to reliable and relevant data, personnel, political will, lack of resources for personnel, equipment, travel, jurisdictional inconsistencies, and systemic barriers (discriminatory). The biggest barrier that needs to be overcome for this recommendation is resources for personnel, equipment, and travel. There are many people who can provide these services but need assistance with funding for travel. Funding our youth groups to check in on elders is a key component to this recommendation. Members mentioned having youth make elder care packages and delivering them. Small gestures that could really go a long way.

Developing community aid and response to check on vulnerable people (youth, people with disabilities and elders) during pandemic isolation has many benefits including strengthening public awareness, building systems capacity, cross-system coordination, culturally and linguistically responsive, advances equity, improves public health, strengthens prevention, improves public safety, public trust is increased, provides restorative justice, and advances a trauma-informed response. This can be a community effort and can make a huge difference in many lives if implemented and followed through with. Especially in the Covid 19 pandemic, it is more important now than ever before to be looking out for your neighbor and to be taking care of our elders.

What can community members do? The MMIWR Task Force calls on community groups for this action, and we realize the need for institutional support. Tribes, adult protective services, general services, schools can all take action on this recommendation. The MMIWR task force recognizes that there are currently some youth councils and groups that could help carry out this recommendation. This recommendation can make a huge impact on the lives of our elders, youth, and our most vulnerable populations.

**3g. Identify funding for each school (state and BIE) to support existing resources and to require the establishment of LGBTQ Two Spirit student groups. (Build from PFLAG and Gay Straight Alliance, etc. Model)**

According to the National Child Traumatic Stress Network, “lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) youth experience trauma at higher rates than their straight peers. Common traumas experienced by these youth include bullying, harassment, traumatic loss, intimate partner violence, physical and sexual abuse, and traumatic forms of societal stigma, bias, and rejection.”<sup>40</sup> Identifying and distributing funding for state and Bureau of Indian Education schools to support the establishment of student groups that support Lesbian Gay Bisexual Transgender Questioning (LBGTQ) and Two Spirit students is important to addressing

40 LGBTQ Youth, The National Child Traumatic Stress Network, Jan. 2022, <https://www.nctsn.org/what-is-child-trauma/populations-at-risk/lgbtq-youth>.





violence against Indigenous women and relatives. LBGTQ and Two Spirit people are at a heightened risk of violence and exploitation when compared to other youth.<sup>41</sup> Addressing this risk proactively by intentionally creating safe and supportive relationships and resources is essential to reducing risks for these youth. According to the United States Centers for Disease Control and Prevention, “For youth to thrive in schools and communities, they need to feel socially, emotionally, and physically safe and supported. A positive school climate has been associated with decreased depression, suicidal feelings, substance use, and unexcused school absences among LGBT students.”<sup>42</sup> Existing models like Gay Straight Alliances and Parents, Families and Friends of Lesbians and Gays (PFLAG) are important building blocks to reduce the heightened risk of violence and exploitation the LBGTQ and Two Spirit communities’ experience.

Funding for these programs is crucial for our LBGTQ and Two Spirit youth. Research also consistently shows that LBGTQ youth who have been bullied because of their sexual orientation or gender expression report lower levels of school connectedness. This is why school connectedness is a key indicator of school climate related to whether youth feel that adults and peers in their school care about students as individuals and about their academic success. It is important that our youth feel valued and cared for. Importantly, positive school climates are associated with higher academic achievement, better mental health, and less engagement in risky behaviors. Positive school climates have also been found to mitigate negative adjustment for LBGTQ youth.

The MMIWR Task Force identified this youth-focused prevention strategy as a primary priority. Understanding and proactively addressing vulnerabilities and supporting protective and promotive factors makes LBGTQ Two Spirit youth less vulnerable is foundational. The time needed to build greater resources and capacity across state and Bureau of Indian Education schools in New Mexico makes this a mid-term timeline. Students will begin seeing results as soon as these organizations are established or better resourced. However, it may be 2-3 years before these supports are available statewide in state and BIE schools.

Identifying and distributing funding to support student LBGTQ and Two Spirit groups can encounter several barriers including lack of statutory authority, personnel, political will, lack of resources for personnel, equipment, and travel, systemic barriers, cross sector professional development, and limited knowledge of best practices. While student groups already exist in some schools, they are not universally available across New Mexico. Statutory authority and political will are required to achieve this strategy. Systemic barriers are the barriers that will be hardest to overcome as they acknowledge bias that exist across our communities which need to be addressed to overcome lack of access that is driven by prejudices and discrimination. Homophobia in our communities is a barrier intertwined with systemic barriers. One helpful strategy in framing is to keep the focus on access to student groups that strengthen school climate as a public health issue rather than ceding ground to those who would frame the issues in ways that are divisive. Again, the CDC has identified strategies to improve school climate as a pathway to reduce depression, suicidality, substance abuse, and truancy. Supporting the establishment and sustainability of student groups is an evidence-based strategy. Lack of resources for personnel, equipment, and travel can be overcome by allocating funding to schools for the establishment of LBGTQ Two Spirit student groups.

41Meredith Dank, Pamela Lachman, Janine M Zweig, Jennifer Yahner, “Dating violence experiences of lesbian, gay, bisexual, and transgender youth” J. Youth Adolesc., May 2014, <https://pubmed.ncbi.nlm.nih.gov/23861097/>

42 Lesbian, Gay, Bisexual, and Transgender Health, LGBT Youth, CDC, retrieved January 2021, <https://www.cdc.gov/lgbthealth/index.htm>

Identifying funding for each school (state and BIE) to support existing resources and to require the establishment of LBGTQ Two Spirit student groups has many benefits: strengthens public awareness, builds systems capacity, cross-system coordination, culturally responsive, advances equity, linguistically responsive, improves public health, strengthens prevention, improves public safety, public trust is increased, and restorative justice. According to an article written by Jack Day et al. youth reported higher classmate support in the presence of Gay Straight Alliances (GSAs) and higher teacher support in the presence of LBGTQ-focused policies; the presence of both GSAs and LBGTQ-focused policies was associated with less bullying and higher perceived classmate and teacher support.<sup>43</sup> The findings indicate that GSAs and LBGTQ-focused policies are distinctly and mutually important for fostering safer and more supportive school climates for youth.

Action needs to be taken on all levels including tribal, federal, state, county, municipal, as well as community action including grassroots, victim’s rights, healthcare, Indigenous specific, LBGTQ/Two Spirit organizations. Federal level stakeholders can assist in this recommendation by allocating funding for schools to be able to create support groups, funding must also come from state, county, municipal, and tribal levels. The community organizations, and victim’s rights, healthcare, LBGTQ2s organizations can all work together to create the modules for schools to adopt and implement in their schools. This is also a recommendation that the community impact subcommittee highly advocated for everyone on every level to work on. Our LBGTQ2S students need and deserve support in schools. This is a recommendation that must be addressed collectively within all levels.

What can community members do? Community members can advocate for schools to apply for funding, hold fundraisers, and reach out to LBGTQ organizations for collaboration. Education is imperative to prevention in our communities, and with the heightened rate of violence in LBGTQ and two-spirit youth, it is critical to have support groups in our schools. Community leaders, survivors, and grassroots organizations can look into different programming models and spread information to different school boards for approval and implementation. Community members can also show their support for our LBGTQ and two-spirit youth by reaching out to school boards and demanding there be more support for our youth. This a recommendation that needs community support and advocacy because of discriminatory systemic barriers.

43 Jack K. Day, Jessica N. Fish, Arnold H. Grossman, and Stephen T. Russell, “Gay-Straight Alliances, Inclusive Policy, and School Climate: LBGTQ Youths’ Experiences of Social Support and Bullying” J. Res Adolesc. (2019) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8063225/>.



## BUILD CAPACITY WITHIN SYSTEMS TO MEET THE NEEDS OF MMIWR

### OBJECTIVE 4

#### Leverage Resources for Tribal Judicial Systems, Systems Subcommittee

##### 4a. Seek and secure funding for capacity building to respond to MMIWR cases.

Reporting, investigating, and prosecuting cases involving missing, murdered, and indigenous women and relatives in ways that advance justice and healing for victims, survivors, and their families requires sufficient resources to support staffing, materials, equipment, and training. Limited resources at the family, local, state, tribal and federal levels lead to constraints related to addressing these highly sensitive and complex cases. Understaffing, high caseloads, antiquated data collection and data sharing systems, lack of access to state-of-the-art law enforcement tools and protocols become barriers to a successful and timely resolution of cases. As the sad but true saying goes, “Justice delayed is justice denied.” Adequate resources for law enforcement and directly for families can expedite the journey toward justice and healing. While public safety is a function of government, public and private funding partnerships are needed to address this severe issue.

In 2019, Senators Lisa Murkowski (R-Alaska) and Alexandria Ocasio-Cortez (D-New York) advanced a bi-partisan funding package in the US Senate. In providing a briefing about Savannah’s Act and the Not Invisible Act, Senator Murkowski highlighted the following funding requests:

- \$6.5 million for the Bureau of Indian Affairs (BIA) to take a comprehensive look at the issue of MMIW across the BIA and Indian Health Service (IHS), which includes funding for cold case work, background checks, equipment needs, training, and for the IHS regarding forensic training.
- Language is included in both bills (Interior-Environment and Commerce, Justice, Science) directing coordination and data collection among Tribal, local, state, and federal law enforcement as well as for data sharing, training, and technical assistance to address and prevent violence crime.
- \$502.5 million for Violence Against Women Prevention and Prosecution programs as well as funding for research relating to the incidence of missing and murdered Indigenous girls and violence against Indian women in remote communities underserved by law enforcement resources.
- Encourages the IHS to look at programs which can help educate community health aides on trauma-informed care and collecting medical evidence.

- Includes \$38 million for Tribal Assistance in State and Local Law Enforcement and \$30 million for Tribal Resources under the Community Oriented Policing Services (COPS) program, an initiative to increase the number of police officers and ensure they are properly trained.
- Includes a five percent set-aside from Victims of Crime Act Fund for Tribes to address services for victims of domestic and sexual violence.

At the state level, requests were made for appropriations in the 2022 session to support a Missing in New Mexico Day and a State Office of Missing Murdered and Indigenous Women in the Attorney General’s Office. The appropriations requests were stripped from the legislation. Instead, the NM Department of Public Safety tapped into their existing budget to modestly fund Missing in New Mexico Day. The Attorney General’s Office will use consumer protection settlement dollars to launch the MMIWR Office. While the contribution of both government entities shows a commitment to collaboration and resource sharing, there is not a permanently directed revenue stream to address this very serious issue in the budget passed by the 2022 legislature despite unanimous votes in favor of both initiatives.

Even with progress at the federal and state levels, it is not clear to law enforcement agencies, courts, and community advocates where to apply for funding to support better outcomes. For the few agencies, organizations, and Tribal governments that have secured additional funding through grants, intermittent grant funding presents challenges. 2-3 year grant timelines to address this centuries in the making epidemic of violence puts grantees in untenable positions. The ability to plan long-term and gain traction and momentum is interrupted by the funding priorities of government and philanthropy and runs the risk of not remaining a priority. It is difficult for those planning, implementing, and evaluating to ensure the continuation or critical systems change efforts. Identifying a combination of funding streams and braided funding is one way to strengthen sustainability.

Stakeholders need technical support to apply for and win competitive grants. Applicants to grants need support developing narratives that meet word limit requirements. Those requirements by funders don’t lend themselves to explaining complex issues and how they will be addressed. Developing budgets that allow for issue mapping, strategic planning, implementation, and evaluation and which fall within grant award ceilings are constrained to financial realities that are often out of touch with needs. Capacity to produce clear financial statements, letters of recommendation, and more are challenging to organizations and entities that are already stretched above and beyond capacity. Furthermore, the technical challenges of using cumbersome application systems can be significant in federal, state, and philanthropic grants. The burden of these systems and the onus to learn and successfully apply privileges applicants who may not have the greatest need but have the capacity to hire great grant writers.

Building capacity to seek and secure funding is seen as a mid-term strategy that is a primary responsibility. While knowledge and capacity exist to build a map for resource development related to MMIWR, this process takes resources and time. For example, phase 1 of the Roanhorse Consulting COVID 19 Resource Map, can be



a guidepost for a resource development map but a map still needs to be built and people need to be taught to use it across stakeholder groups. The New Mexico Crime Victims Reparations Commission also offers technical assistance on grant applications and can assist by creating relationships with successful applicants.

Some of the barriers to implementing this strategy include personnel, knowledge of best practices, resources, and jurisdictional issues which can make disseminating resources in a collaborative way difficult if not impossible. For example, the anti-donation clause in New Mexico makes directly funding non-government entities who can be part of the solutions around MMIWR issues impossible. Furthermore, systemic biases impact funding to Indigenous specific needs. According to a November 2021 report by Giving Compass, while Indigenous people make up 3% of the population in the US, less than 1% of philanthropy in the US is awarded to address Indigenous needs and even less of that investment is directed to Indigenous led organizations and entities.<sup>44</sup> In NM, where at least 11% of our population is Indigenous, a 2018 First Nations Development Institute study of community foundations in New Mexico noted that over a 3-year period only 27 grants were given to Indigenous causes.<sup>45</sup> The average award was just over \$15k. While the amount of investment in Indigenous led efforts and indigenous specific efforts have increased during COVID in New Mexico, the baseline from 2018 is more reflective of historical patterns and barriers around systemic discrimination and disinvestment from Indigenous communities.

There are multiple benefits of prioritizing this strategy. Seeking and securing funding will build capacity and cross-systems coordination. Transforming systems takes time, energy, people power, and access to tools, materials, and training. It cannot happen on the back of already burdened systems and achieve a strong and sustainable gain. New resources must be infused to bolster collaboration that is action-oriented. Culturally and linguistically responsive approaches that are centered in equity and that are trauma informed are possible when the most impacted communities have resources to frame and implement solutions based on self-determination. Investments that result in these benefits will also improve public safety.

Key stakeholders implementing this strategy include Tribal and Federal policy makers and grant-making agencies as well as victim’s rights organizations and Indigenous led and serving organizations. Together these stakeholders can reduce the barriers to identifying funding opportunities, developing and submitting proposals, and securing funding to successfully implement positive systems changes to increase justice for victims, survivors, their families, and the people who aim to serve them well.

44 Carla F. Fredericks, “Philanthropy Should Support and Protect Indigenous Communities in Tackling Climate Change” GivingCompass, Nov. 16, 2021, <https://givingcompass.org/article/philanthropy-should-support-and-protect-indigenous-communities-in-tackling-climate-change>

45 First Nations Development Institute. (2018). Community Foundation Giving to Native American Causes. Longmont, CO: First Nations Development Institute. [https://www.firstnations.org/wp-content/uploads/publication-attachments/Community\\_Foundation\\_Giving\\_to\\_Native\\_Causes\\_%28WEB%29.pdf](https://www.firstnations.org/wp-content/uploads/publication-attachments/Community_Foundation_Giving_to_Native_Causes_%28WEB%29.pdf)

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
4a. Seek and secure funding for capacity building to respond to MMIWR cases	MT	P	P, K, R, J,S	B, CC, CR, E, LR, PS, TI	Y- Tribal, Y-Federal Y- Victim’s Rights, Y-Indigenous Specific
4b. Seek and secure funding for tribal court safety, equipment, and technology.	MT	P	P, K, R, J, IT, S	B, PS, CC, PT	Y-State, Tribal
4c. Support legal reform in tribal communities to prohibit human trafficking.	LT	S	P, R, PW, D	B, CC, PS, P, PT	Y- Tribal, Federal, Victim’s Rights, Healthcare/Mental Health/Human Services
4d. Advocate and secure funding for additional Special Assistant United States Attorney (SAUSA) positions and resources to tribal courts.	LT	P	R	P, CC,B,PT	Y- Tribal, Federal, Victim’s Rights
4e. Establish liaison positions, task forces, and opportunities to discuss and improve coordination and collaboration between tribal, state, city, county and federal agencies.	MT	S	PW, P, R	B,CC,PT,	all Government

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years

**Priority:** P=Primary | S= Secondary

**Barriers:**

A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier

**Benefits:**

A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
PSTrans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response

**Government Action:**

A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology





#### 4b. Seek and secure funding for tribal court safety, equipment, and technology.

Seeking and securing funding specifically for tribal court safety equipment and technology needs is also a key need. For victims, survivors, and families to feel comfortable seeking justice and going to tribal courts to testify, address the court, and seek court orders, they must feel safe. Unfortunately, due to limited resources, many tribal courts do not have the equipment, technology, and training to mitigate safety threats. The 2019 US Department of Justice, United States Attorney, District of New Mexico Operations Plan flags this need. They note the following in the Operations Plan “information sharing and consultation with Assistant United States Attorneys (AUSAs), victim witness personnel, and supervisory personnel regarding public safety initiatives, grant availability, training opportunities, and collaborative efforts to improve the delivery of justice to those located within Indian country.”

Using technology, materials, equipment, and training to increase safety in Tribal Courts is seen as a mid-term timeline and primary responsibility. This means that if a concerted effort is made now, victims across tribal courts will consistently experience improvements to their felt sense of safety within 2 years.

Barriers exist that have presented challenges in addressing these issues. For example, having personnel to project manage physical and relational environments in tribal courts has been a challenge. Furthermore, knowledge of best practices which balance best practices around safety and best practices around a culturally appropriate tribal court environment need to be established in each sovereign Nation/Pueblo. Resources to improve the built environment are needed. Training and technical assistance to improve the relational environment for victims must also be considered and this too takes financial resources. Jurisdictional issues may arise as well. Having broadband capacity and up to date IT resources can also present challenges to safety if information is hard to access because of under functioning IT systems. The same systemic barriers identified in 4a about underinvestment in Indian Country apply to this strategy as well.

Despite the challenges, following through on these priorities will build systems capacity, strengthen public safety, and increase cross-systems coordination. In addition, built environments that send a strong, clear, and credible message that the safety of victims and those who represent them matter, public trust is also enhanced.

Tribal and state partners must work together to assure that safety is a priority in Tribal Court settings. Partnering with victim and family-serving nonprofits and tribal programs can help in the design, planning, and implementation process to ensure that the points of view of victims, survivors, and families are taken into account. The Crime Victim Reparation Commission can be a powerful partner to both lift victims’ needs and infuse them into redesign efforts. They are also well positioned to help Tribal Courts identify potential sources of funding.

#### 4c. Support legal reform in tribal communities to prohibit human trafficking.

While more legislation at the federal and state levels has evolved to protect the safety and well-being of Indigenous women and relatives from human trafficking, tribal governments and courts need support and technical assistance to update their laws and codes to make human trafficking a violation of the law and to attach consequences to this behavior.

According to the US Department of Health and Human Services, Administration for Children and Families, Office on Trafficking in Persons, “Human trafficking is a violent crime and public health issue involving the exploitation of a person for the purpose of forced labor or commercial sex. Among the diverse populations affected by human trafficking, Indigenous peoples worldwide are at particular risk for both sex trafficking and labor trafficking. The HHS Administration for Native Americans (ANA) notes that American Indian, Alaska Native, Native Hawaiian, and Pacific Islander women and girls are at higher risk for experiencing sex trafficking.” Furthermore, according to a 2019 article in The Guardian entitled “Nobody Saw Me: Why are so many Native American women and girls trafficked?” “Indigenous women and girls are the least recognized and least protected population in a state that struggles to address the problem. An almost total lack of protocols, mandated training and coordination among law enforcement systems and medical institutions has ensnared victims in ongoing cycles of exploitation.”<sup>46</sup> Advocates suspect that the economic crisis and social isolation that has accompanied COVID may also be increasing women’s risk of falling victim to trafficking. According to worldpopulationreview.com, an estimated 199,000 people fell victim to trafficking across the United States in 2021, of which 69 people were in New Mexico.<sup>47</sup> While the problem is severe, laws have not kept up with the health and safety needs of Indigenous women and relatives.

Specific laws that prevent and respond to human trafficking vary from one Tribe or Pueblo to the next. In every instance, Tribal sovereignty can and will be respected. Where there is interest in support and improvement, existing laws can be strengthened. In addition, the State of NM Indian Affairs Department and Attorney General’s Office can partner together with Tribes/Pueblos to develop a model code that tribal governments can customize to meet the needs of their people.

While laws to support the human rights of Indigenous women and relatives are a priority, these potential changes fall squarely into the purview of sovereign nations. Until engagement from each Tribe and Pueblo is in place, this will be a secondary priority for the state. Building a model code and interest in collaboration will take time. Therefore, Task Force members have identified this as a long-term strategy.

Personnel to address these issues at the state and tribal levels is a barrier. Another barrier is having the resources to pay for state staff time and travel. Resources would also be needed to provide grant support to Tribes/Pueblos so they can staff, collaborate, and support their governing bodies. Each government is juggling multiple complex needs and the political will to address human trafficking may need to be built. Limited access to reliable data about who is being trafficked and the severity of the issue by Tribe/Pueblo is an issue.

<sup>46</sup> “‘Nobody saw me’: why are so many Native American women and girls trafficked?” The Guardian, Dec. 2019. <https://www.theguardian.com/us-news/2019/dec/18/native-american-women-trafficked-searchlight-new-mexico>

<sup>47</sup> Human Trafficking Statistics by State, World Population Review, <https://worldpopulationreview.com/state-rankings/human-trafficking-statistics-by-state>



Building a model code to address human trafficking that can be customized to each Nation with technical assistance and support would build systems capacity and cross systems coordination. This capacity would lead to the creation of a legal safety net which upholds Indigenous women’s and relatives’ rights to freedom from exploitation across jurisdictions. By focusing on reforming laws to strengthen public safety, public trust will be increased. Furthermore, when harmful conduct is explicitly made illegal it sends a strong message to perpetrators that Indigenous women are valued by their communities and harming them comes with serious consequences. Strong laws serve as a preventative measure to dissuade wrong-doers.

Building technical assistance and implementation capacity will require collaboration among multiple stakeholders including the Tribes themselves, the Tribal-State Judicial Consortium, victim’s rights advocates, mental and behavioral health and human services providers, tribal healthcare/mental health/human services providers, and the NM Attorney General’s Office.

Mark Probasco from the AG’s Office is active with the Task Force and could assist with drafting a template on implementing human trafficking codes. The Navajo Nation anti-human trafficking legislation is also a model to consider in the drafting of a model code.

#### **4d. Advocate and secure funding for additional Special Assistant United States Attorney (SAUSA) positions and resources to tribal courts.**

Special Assistant United States Attorneys (SAUSAs) are appointed by the Attorney General to assist in prosecuting Federal offenses committed in Indian Country. SAUSAs can also be tribal prosecutors and other qualified attorneys.<sup>48</sup> Tribal SAUSAs spend half of their time prosecuting cases in federal court and the other half of their time prosecuting cases in Tribal Court. According to Tracy Toulou, Director of the Office of Tribal Justice, U.S. Department of Justice “Obtaining a SAUSA designation enables tribal prosecutors to bring cases to federal court and serve as co-counsel with federal prosecutors on felony investigations and prosecutions of offenses originating in tribal communities. There are now 25 SAUSAs representing 23 tribes.”<sup>49</sup>

The Pueblo of Laguna is currently the only tribe in New Mexico participating in the Tribal SAUSA program which is sponsored by the Justice Department’s Office on Violence Against Women. More tribes in New Mexico should submit applications for Tribal SAUSAs. However, practical challenges prevent access to this valuable resource by tribal governments. These challenges include limited office space to hire additional prosecutors and retaining attorneys in this program because the compensation does not change throughout the three-year grant program.

The benefit of having a Tribal SAUSA is that more cases get referred to the Federal Government for prosecution. Cases occurring in tribal communities such as domestic violence incidents perpetrated by repeat offenders may not be referred to the Federal Government for prosecution without the Tribal SAUSA position and relationships with that particular tribe.

<sup>48</sup> 28 U.S.C.A. § 543

<sup>49</sup> Senate Committee on Indian Affairs oversight hearing: “Tribal Law and Order Act - 5 Years Later: How have the justice systems in Indian Country improved? (December 2, 2015).

Because this position is critical to bridge the gap between tribal and federal court prosecutions, the Systems Subcommittee believes this is a primary priority. However, because the challenges will take time, investment of resources, and infrastructure to address, we believe this is a long-term strategy that will take time to implement.

The value of having Tribal Special Assistant United States Attorneys is well-established. However, barriers to staffing persist. The most significant barrier is having sufficient resources to hire and house these positions. The cost is out of reach for many New Mexico Tribes. Dedicating more resources to this program that not only assists with covering the salary of the Tribal Attorney, but also addresses technology, infrastructure, and other necessary resources is critical.

Addressing resource barriers to fund and staff Special Assistant United States Attorneys positions has many benefits. When perpetrators are vigorously prosecuted and justice is achieved, that prevents them from harming others. According to the OVW FY 2022 Congressional Justification memo, “reported benefits have included successful prosecution of cold cases, stronger relationships between tribes and USAOs, and victims coming forward with confidence that their cases will be taken seriously.” People in these positions are also empowered to work with tribal and federal partners which provides for greater cross-system coordination. This builds systems capacity to reach successful outcomes more consistently. When people who harm Indigenous women and relatives are held accountable, public trust is rebuilt and sustained. Advocating and securing funding for SAUSAs is considered a long term goal and a primary priority, given the numerous benefits to tribal justice systems that may result from these positions.

As a next step, the MMIWR Task Force hopes to collaborate with the U.S. Attorney’s Office in Albuquerque, New Mexico to educate tribal leaders about the value and benefit of having a Tribal SAUSA. Sharing OVW solicitations and assisting tribal grant managers with the application process is another need that the MMIWR Task Force hopes to address with additional resources and state programs assisting in this effort. Potential partners include the current Tribal SAUSA based at the Pueblo of Laguna, the U.S. Attorney’s Office, and the National Indian Country Training Coordinator with the Department of Justice.

#### **4e. Establish liaison positions, task forces, and opportunities to discuss and improve coordination and collaboration between tribal, state, city, county, and federal agencies.**

Communication, Coordination, and collaboration are the primary tools in overcoming jurisdictional challenges especially when more than one government is involved. Successful investigation and prosecution of MMIWR cases also require close working relationships between state, federal, and tribal governments. Solving MMIWR cases will require a multi-jurisdictional approach; this can be accomplished with creating tribal liaison positions, establishing task forces, and holding formal meetings/convenings of public safety partners to exchange information and tips. Each of these strategies are important to explore and implement to improve relationships between the state and surrounding tribes.



Tribal liaisons throughout government entities serve critical roles; they are often tasked with improving communication between the state/federal government and tribes. In New Mexico, these positions are even more necessary given the number of Nations, Tribes, and Pueblos, each with their own needs and challenges. As required by the State Tribal Collaboration Act (STCA), every state agency is required to designate one tribal liaison to facilitate state-tribal communication and ensure compliance with STCA. Public safety agencies like the Department of Public Safety and the Department of Homeland Security have a tribal liaison to assist tribes and communities. The U.S. Attorney's Office also has a Tribal Liaison and similar Coordinator appointed to make in-person contact with tribal officials, whether a tribal governor, president, chief of police, prosecutor or counsel, for each tribe at least twice a year.<sup>50</sup> Challenges noted by subcommittee members is that liaison positions are not consistently staffed, also the liaison duties are not primary duties, rather their time is split with other duties.

Task forces also provide space to increase collaboration and communication across jurisdictions. These groups typically focus on specific topics and work to develop solutions and recommendations. New Mexico establishes task forces and councils to address challenges and propose policy and legislative solutions. The federal government also established different task forces, like the Operation Lady Justice - A Presidential Task Force on Missing and Murdered American Indians and Alaska Natives. This group was directed to conduct consultations; develop model protocols to apply to new and unsolved cases of missing or murdered persons in American Indian and Alaska Native (AI/AN) communities, including best practices for law enforcement response, data sharing, and better use of databases, among other tasks.<sup>51</sup> While there is much value to having task forces develop resources and engage with community, many task forces lose momentum, funding, and support which further frustrates families and communities. For example, a New Mexico Safe Trails Task Force organized in Gallup, NM was intended to establish a partnership between the FBI and other federal, state, local, and tribal law enforcement to combat the growth of crime in Indian Country. However, there is very little knowledge today about the status of this task force and its success in accomplishing the stated goals. Clearly articulated expectations at the outset and requiring written reports are accountability measures that inform tribal leaders and communities enhances trust and buy-in.

Finally, aside from formal task forces – annual consultations and regular meetings between state, federal, city and county governments and tribes allow successes and challenges surrounding daily working relationships to be discussed. The U.S. Attorney's Office holds an annual consultation in the spring of each year and invites tribal leaders, inter-tribal organizations, federal and state law enforcement, and other groups to participate and comment.<sup>52</sup> The Indian Affairs Department also hosts an annual State-Tribal Leaders Summit bringing the Governor and her Cabinet to a meeting with tribal leaders to discuss items of mutual concern, like public safety. And finally, more informal convenings are also taking place locally, like the monthly Tribal Police Chiefs meeting with the City of Albuquerque. This meeting is a model for other cities across the state to improve working relationships with tribes. The subcommittee would recommend more convenings to address public safety because sometimes annual consultations do not provide adequate time to sufficiently address areas of

<sup>50</sup> United States Department of Justice, U.S. Attorneys-District of New Mexico, 2019 Operations Plan <https://www.justice.gov/usao-nm/page/file/1180631/download>

<sup>51</sup> Operation Lady Justice <https://operationladyjustice.usdoj.gov/>

<sup>52</sup> *Supra* at note 50.

concern with all 23 tribal nations in the state. Regional meetings coordinated with federal, state, county, city, and tribal governments may be a more practical avenue to address jurisdictional issues and develop strategies to streamline working relationships.

The systems subcommittee identifies this as a midterm strategy because coordinating meetings and establishing liaison positions takes time and resources. Larger challenges like political will, could take longer to overcome in some parts of the state. Freedom from threat and the safety and well-being of Indigenous women and relatives must be made a higher priority across jurisdictions. This requires dedicated personnel who have the time and budget to dedicate to strengthening collaboration and improving outcomes for survivors and the families of victims. Currently, dedicated personnel and resources are a barrier. Other barriers include establishing liaison positions and formalizing meetings to improve coordination and collaboration between Tribal, state, city, county, and federal agencies. Complicated jurisdictional issues on top of serious threats to the safety and well-being of Indigenous women and relatives, increases the need for coordination and strong communication networks, as well as informed liaisons to streamline responses.

Dedicated, funded liaisons and established meetings across jurisdictions would not only improve outcomes on specific cases which is valuable in and of itself. People in these roles would also build systems capacity to respond in a timely, efficient, and effective way to women and relatives who are in harm's way. Cross-systems coordination would increase because there would be dedicated people who are committed to this improvement and are championing it across systems. When systems are more responsive and effective, public trust is improved.

The systems subcommittee urges law enforcement entities across the state to engage with tribal governments in surrounding jurisdictions. Requesting a meeting with the tribal leadership and their public safety personnel is a first step to building relationships and improving communication.



## IDENTIFIED LAW ENFORCEMENT RECOMMENDATIONS

### OBJECTIVE 5

#### Increase Law Enforcement Capacity to Prevent, Investigate, Prosecute, and Report MMIWR Cases, Systems Subcommittee

##### 5a. Create Memorandums of Understanding between tribal law enforcement agencies and state/county/city agencies to facilitate information sharing, resource sharing, investigations, enforcement, or other creative partnerships to strengthen the response to MMIWR cases.

Memorandums of Understanding (MOUs) are a tool to support and streamline interjurisdictional communication, reporting, investigations, and other law enforcement practices to increase justice for families when serious crimes are committed involving more than one jurisdiction. According to the DOJ Journal of Federal Law and Practice, while some agreements focus on MOUs to deputize or commission tribal officers to enforce state laws, more robust agreements address such things as dispatching services, including access to interoperable radio communications; booking and housing services for state-charged offenders; access to local, regional, and state law enforcement information systems; and even utilization of local agencies' crime and forensics labs.<sup>53</sup> Public safety needs in New Mexico are significant, which supports the development of MOUs to build on good working relationships by formalizing best practices. Of course, getting to this point requires cooperation and communication between agencies to identify the primary challenges and barriers that the MOU must address. The systems subcommittee has discussed this recommendation and believes that the facilitation and oversight of such agreements can and should be led by the New Mexico Office of Attorney General given the resources and expertise they have within their agency.

Recently, Senate Bill 12 was passed which authorizes the Office of Attorney General to hire a Missing Persons Specialist who shall work in collaboration with local, state, federal and tribal law enforcement agencies on missing Indigenous persons cases pursuant to the Missing Persons Information and Reporting Act. This position, with additional support, could eventually facilitate the establishment of MOUs through their oversight of investigations involving multiple agencies.

Subcommittee members pointed out that while MOUs are great, credentials must accompany the MOU. Meaning that officers must have legal authority within a jurisdiction for the MOU to be effective. Responsibilities listed in an MOU do little without legal authority to investigate or patrol in that area.

Creating MOUs between tribal law enforcement agencies and other law enforcement agencies is a strategy that has some early adopters. However, there are barriers to implementation which include having resources to dedicate staff time to their development. In areas where trust among and between law enforcement agencies has been compromised, the political will to prioritize working through the development and establishment of

53 69 DOJ J. FED. L. & PRAC., no. 1, 2021. <https://www.justice.gov/usao/page/file/1362691/download>.

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
5a. Create Memorandums of Understanding between tribal law enforcement agencies and state/county/city agencies to facilitate information sharing, resource sharing, investigations, enforcement, or other creative partnerships to strengthen the response to MMIWR cases.	MT	S	R, PW, K, PD	A, B, CC, PS, PT,	Y- Tribal, State, Federal, Municipal, County
5b. The Department of Public Safety must identify solutions to improve and increase commissioning agreements in collaboration with tribal leadership.	MT	P	PW, R, J, PD	A, B, CC, PS, PT	Y- Tribal, State, County
5c. Establish a permanent MMIWR office with a standing cold case review team.	MT	P	R, P, J, A, K	B, A, CC, PS, PT, P	All Govt; All community
5d. Create and pass legislation mandating training focused on MMIWR and improving reporting by all public safety personnel across the state.	MT	P	P, K, R	B, CC, PS	Y- state, federal, municipal, county, victim's rights
5e. Support all New Mexico tribes' participation in the 2013 VAWA act.	LT	P	IT, P, PD, PW, R	B, P, PH, PS, PT, RJ	Y- federal, state, tribal, victim's rights
5f. Streamline the process to commission state police officers with the Special Law Enforcement Commission (SLEC).	LT	S	P, PD, R, J	B, CC, PS	Y-State, Federal, Tribal
5g. Establish a mandatory protection order sharing between tribes and New Mexico Law Enforcement officers via NCIC. (Pro)	MT	P	P,R,K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y- state, federal, tribal, victim's rights, Indigenous specific, LBTQ/2S

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years

**Priority:** P=Primary | S= Secondary

**Barriers:**

A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier

**Benefits:**

A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
PSTrans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response

**Government Action:**

A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology



protocols to facilitate information sharing and resource sharing is a barrier. Knowledge of best practices about developing MOUs can also be a barrier, especially in under-resourced law enforcement agencies where urgent cases may compete with urgent systems issues for time and attention. Access to professional development and technical assistance to interested law enforcement agencies is a barrier that can be addressed.

There are many benefits to proceeding with this strategy and working through barriers. The time, energy, and commitment to establishing memorandums of understanding across agencies brings heightened awareness and urgency to the plight of MMIWR. MOUs also facilitate the sharing of information and resources, and this builds systems capacity and cross-system coordination. When law enforcement entities work together more effectively, they are better able to intervene when Indigenous women and relatives are endangered. Law enforcement will also be better prepared to respond when violent crimes occur. Responsive, accountable, and rational law enforcement systems increase public safety and public trust.

Establishment of MOUs are seen as a mid-term strategy as it will take 2-3 years to implement and for benefits to be observed. This strategy is also seen as secondary strategy because for these agreements to be effective, relationship building must first take place which is a primary strategy. One way to improve awareness and understanding of the many agreements in effect across the state is to establish one database or clearinghouse that houses all the public safety agreements between the state and tribal governments. This would make it easier to navigate questions of jurisdiction, and it would also provide valuable data identifying where these agreements are absent.

**5b. The Department of Public Safety must identify solutions to improve and increase commissioning agreements in collaboration with tribal leadership.**

Commissions are one tool that assist law enforcement when jurisdictional issues arise that impact the public safety response. Like memorandums of understanding, commissions are a collaboration tool that bridge jurisdictional gaps and facilitate coordination between tribes, the state, and federal law enforcement entities. Commissioning agreements allow for the seamless enforcement of tribal and state laws despite the confusion caused by different jurisdictions having authority from one mile to the next. When a person goes missing it is critical that time is not wasted trying to determine which agency should respond, investigate, or prosecute a matter. The solution to this challenge is granting authority to officers that patrol similar areas to enforce the others' laws so that jurisdictional lines are no longer a barrier.

Currently, the New Mexico State Police has issued 108 commissions to tribal law enforcement officers across the state. In addition, many tribal law enforcement agencies have officers who are deputized by the county sheriff under the Mutual Aid Act and by the sheriff's traditional authority to appoint tribal police officers. For both agreements, obstacles exist that limit accessibility. First, in some locations the local sheriff has refused to enter into an agreement with the neighboring tribe, requiring tribal leadership to seek a 29-1-11 agreement with the state chief of police. This process requires tribal police to have liability insurance and to complete 400 hours of basic police training approved by the New Mexico law enforcement academy, among other requirements. Shielding tribal law enforcement from civil liability and covering the costs associated with this insurance is

burdensome for many Tribes. Further, in most cases the revenue collected from citations that are issued under the commission goes to the state and does not offset the cost of maintaining the commissions. Also, in some areas citations issued by tribal law enforcement are dismissed because the commission is not acknowledged by judges making it impossible to hold offenders accountable.

During the Systems Subcommittee, members have suggested that New Mexico should model states like Arizona, which allow police officers who meet the qualifications and training standards to possess and exercise all law enforcement powers of peace officers in this state.<sup>54</sup> This streamlined process is a model that many have argued our state should adopt. Because tribal law enforcement goes through the same training and hold the same certificates as county sheriffs, they believe they should have the same authority. While this may address some challenges, the questions surrounding liability coverage remains. Liability coverage is one area where the state can increase support to tribes, perhaps a fund could be established to assist smaller tribes to access financial support to cover the cost of liability insurance.

Tribal nations and the NM Department of Public Safety must continue hosting meetings to review commissioning and cross-commissioning models to identify and prepare recommendations for improvement. This action item has several barriers. Political will to advance cross-commissioning so that law enforcement agencies can work together seamlessly is met with some skepticism on the part of some stakeholders. Resource issues also make this challenging as the time to implement this strategy cannot be an unfunded mandate and even when models are approved the resources to implement must also be addressed to fully remove resource barriers. Jurisdictional issues may require further research in order for cross-commissioning to work effectively. There is a need for more professional development and technical assistance to support model development and implementation.

Despite the significant barriers, there are many benefits to hosting regular meetings to increase state certifications and commissions, as well as awareness about MMIWR by all state law enforcement. Commissioning agreements build systems capacity and cross-system coordination. The ability to work together closes jurisdictional gaps and increases public safety. When survivors and families of victims see law enforcement working effectively in a united, coordinated, and highly competent way, it increases their trust as well as the general public's trust.

Addressing the commissioning challenges in our state is seen as a midterm strategy. Again, because local relationships and political will must be present before parties will even approach negotiations, this strategy might take 2-3 years to implement. However, despite the timeframe for implementation, this is seen as a priority of the systems subcommittee given how damaging the lack of coordination can be to MMIWR cases. The Department of Public Safety and the Office of Attorney General should coordinate public safety summits to discuss and identify solutions to increase agreements between the state and tribal nations by making commissions and memoranda of understanding more accessible. The state should also facilitate regional meetings with the counties and judicial personnel to resolve outstanding issues like the enforcement of citations by fully commissioned tribal law enforcement. Further, repeated patterns of dismissing matters and not

<sup>54</sup> Ariz. Rev. Stat. Ann. § 13-3874





recognizing or acknowledging a tribal officer's commissioned status by judges across the state should be referred to the tribal-state judicial consortium. This consortium of state and tribal judges has the authority to clarify legal matters and to offer training to judges and their personnel on this topic. This important public safety matter should be met with deep concern by all stakeholders who are committed to justice.

**5c. Establish a permanent MMIWR office with a standing cold case review team.**

Current members of the MMIWR Task Force fully support the establishment of a permanent MMIWR Office or Task Force that will eventually be responsible for establishing a cold case review team. The current task force is established by an executive order with set objectives to draft a state response plan and propose legislative solutions to address the MMIWR crisis. One solution that has been discussed is a permanent task force, advisory group, or office to continue overseeing the implementation of the state response plan and other initiatives that may arise. Continuity of the MMIWR work in the state is critical, not only does the current task force work to identify permanent solutions to this crisis, but it also educates our communities and supports families.

Despite the passage of MMIWR legislation during the 2022 Legislative Session, there is still much work to do. One priority is establishing a cold case review team to examine and document MMIWR unresolved cases across the state. The cold case review team can work in collaboration with the Bureau of Indian Affairs' Missing and Murdered Unit which reviews unresolved cases that occurred or originated in Indian Country. The Systems Subcommittee has recommended that a starting place for this work is cataloging unsolved cases across the state to determine how many active cases exist. They also stated that the unit would need to be housed under a law enforcement agency, like the Department of Public Safety or the Office of Attorney General. A liaison position may also be required to assist families and do education and outreach to the public.

Establishing a permanent MMIWR Task Force or office that is empowered to review cold cases and continue to oversee MMIWR work for the state will have several barriers to overcome. Currently, this office does not exist, and significant resources would be needed to staff the office and administer the cold case review team. This office will need to navigate jurisdictional issues and would require staff that are strong relationship builders with a deep understanding of sovereignty and jurisdictional issues as well as an understanding of MMIWR. Currently, statutory authority does not exist within the Department of Public Safety, the Attorney General's Office, or the Indian Affairs Department to support a permanent office or cold case review team. There is also still much work to do to increase knowledge and understanding about why this role needs to exist within the New Mexico state government.

A state office, permanent task force, and cold case review team would build statewide systems capacity to work with law enforcement and government partners and survivor, victim, family, and community stakeholders. An office would help build and sustain awareness about the state of emergency related to MMIWR in New Mexico. The permanent task force would build on the varied expertise and perspectives of stakeholders and systems partners to continue to strengthen cross-systems coordination. A permanent infrastructure would allow for a proactive and preventative response in addition to greater support around urgent issues. Public safety

and public trust increase when violent crimes are prevented and addressed in ways that lead to predictable, powerful, and just outcomes.

The establishment of this office is seen as a midterm strategy that will take 2-3 years to implement before communities start to see the impacts. This is a primary goal of the Systems subcommittee because it ensures the continuity of this critical work in our state and increases resources and personnel to administer this work. Further, it establishes a cold case review team to review unsolved murder and missing Indigenous Persons cases with additional resources and manpower to hopefully bring justice to families and communities.

The Office of Attorney General through Senate Bill 12 'Attorney General Office for Missing Indigenous Persons' will be hiring Missing Indigenous Persons Specialists and staff to implement the legislation. The Specialists' will work to improve relationships with federal and tribal partners to increase coordination on MMIWR cases. Given the current initiatives and availability of resources, the Office of Attorney General may be the state entity to house this Office and advisory group. Other states like Minnesota have placed their MMIWR Office under the Department of Public Safety which is another option for New Mexico because they oversee the State's Missing Persons Clearinghouse.

**5d. Create and pass legislation mandating training focused on MMIWR and improving reporting by all public safety personnel across the state.**

All too often, the MMIWR Task Force hears from families that have been told that they need to wait 48 hours before a missing person report can be filed. This is often followed by some question or doubt that the person is actually missing. Families may get told that their loved one is probably out with friends and will return home soon. This kind of doubt by law enforcement is truly damaging to the trust between law enforcement and citizens. A family's knowledge and understanding about their relative's character and patterns of behavior should be heard and fully considered. No matter what, a report must always be taken without delay. Equally important, a report must be removed from databases when someone is found. The importance of reporting and removing missing persons from databases ensures that the data we rely on is current and credible. Training for all public safety personnel is critical to accurately report missing persons, especially Indigenous relatives who are often misclassified as "white" or "other." Equally important is informing all public safety personnel about the various tools and resources available to them as they investigate, as well as resources available to families.

The New Mexico Law Enforcement Academy currently offers Missing Persons/AMBER Alert/Silver Alert/Brittany Alert training for new recruits and law enforcement seeking certification by waiver. Seven hours of training are required for new recruits. Anyone wanting to receive a certificate by waiver must complete 1 hour of training on Missing Persons/AMBER Alerts. The current training should be reviewed to include a brief segment on MMIWR and the high rates of missing Indigenous persons in urban areas and Indian Country. Training should highlight ways that law enforcement can be part of the solution by listening to families, accurately reporting to NCIC and other federal databases without delay and coordinating with tribal law enforcement when a person goes missing from Indian Country. This training must also cover important concepts like cultural humility and trauma informed responses.



A prosecuting office in Seattle, Washington has begun training all personnel who may interact with a MMIWR-impacted family. In collaboration with the Urban Indian Health Institute, training was provided to the King County Prosecutor's Office which resulted in a complete rehaul of data collection and sharing of demographic data by the Prosecutor's office. All attorneys and staff were provided with training about how jurisdictional gaps affect Native women, historical trauma, tribal sovereignty, and government-to-government relations and communication. The training materials created by the Urban Indian Health Institute (UIHI)<sup>55</sup> are a good starting place to provide context to law enforcement on the MMIWR crisis generally and reporting challenges that impact public health data for American Indian/Alaska Natives.

Recently, New Mexico passed Senate Bill 12 'Attorney General Office for Missing Indigenous Persons' which requires the Attorney General to hire a Missing Indigenous Persons Specialist. This position will be responsible for overseeing entries into the National Crime Information Center and other national databases. This position will also work with the New Mexico Law Enforcement Academy to facilitate training for law enforcement related to missing Indigenous Persons cases. Finally, this legislation will establish an alert to assist with locating a missing Indigenous person. The passage of this legislation is a significant step forward for our state to focus on training efforts for reporting and correctly entering data for all missing persons. Our state must look at best practices for data collection, like the training resources published by UIHI and invite the Albuquerque Area Southwest Epidemiology Center to review and provide recommendations to any training curriculum that is developed.

The Systems subcommittee supports the passage of legislation requiring mandatory training and reporting on MMIWR cases by all law enforcement agencies. Despite the critical need for this training, several barriers exist regarding the implementation. These barriers include resources, personnel, and knowledge of best practices. Most law enforcement agencies have finite budgets and growing caseloads. With over 900 known missing persons cases in New Mexico at the time of the drafting of this report, having sufficient resources to resolve all cases is a significant barrier. Having insufficient numbers of personnel spreads existing staff thin. This impacts their ability to dedicate all of the staff time required to work with families, other law enforcement agencies and resolve cases. Limited knowledge and resources outlining best practices for trauma-informed responses and culturally responsive approaches to working with Indigenous survivors and families and reporting is also a significant barrier.

By supporting and encouraging training on MMIWR, especially on reporting protocols, law enforcement personnel are supported with the information required to build systems capacity and handle cases more effectively in a trauma-informed manner. Cross-system coordination and consistent reporting demonstrates respect for the urgency of the situation that survivors and victims face in the context of their communities, families, and cultures. Successful implementation of training will provide a clearer roadmap for staff about how to best approach and report complicated cases. With improved reporting, it is possible to strengthen data sharing which can lead to breakthroughs in investigations, and offer answers and justice for survivors, victims, and families. Better reporting practices and data analysis will improve the investigation and prosecution of cases and may strengthen public safety response by identifying and addressing trends and patterns in these cases.

<sup>55</sup> Urban Indian Health Institute Training materials, <https://www.uihi.org/resources/best-practices-for-american-indian-and-alaska-native-data-collection/>

The mandatory training recommendation is seen as a midterm goal but is also a primary priority for the task force. While this effort may take a few years to implement, the benefits of incorporating MMIWR curriculum that speaks to the importance of prompt and accurate data reporting will greatly improve the data in our state on MMIWR and will allow policymakers to address this crisis with accurate data.

#### **5e. Support all New Mexico tribes' participation in the 2013 Violence Against Women Act (VAWA) act.**

The Violence Against Women Act reauthorization of 2013 ("VAWA 2013") restored tribal jurisdiction to investigate, prosecute, convict and sentence Indians and non-Indians who committed crimes of dating violence, domestic violence, and violation of tribal civil protection orders in Indian Country. Despite this victory, the special tribal criminal jurisdiction over non-Indians excluded crimes between two strangers including sexual assault, and crimes by a non-Indian who lacked sufficient ties to the tribe such as living or working on its reservation, or being a spouse, intimate partner, or dating partner of a tribal member. The sufficient ties restriction severely limited the scope of tribal jurisdiction and prevented Tribes from seeking justice against non-Indians who committed acts of violence with impunity against Indigenous relatives in Indian Country.

The Violence Against Women Act reauthorization of 2022 ("VAWA 2022") expands special tribal criminal jurisdiction over crimes related to child violence, sexual violence, sex trafficking, stalking, obstruction of justice, and assault of tribal justice personnel. VAWA maintains current jurisdiction over crimes of dating violence, domestic violence, and violations of tribal civil Protection Orders. It increases protections over all crimes by removing language, like the 'sufficient ties' restriction, that limited law enforcement response.

Tribes wanting to implement the Special Domestic Violence Criminal Jurisdiction (SDVCJ) under VAWA must first meet statutory requirements. Currently in New Mexico, only two tribes are receiving funding to exercise SDVCJ. The Pueblo of Santa Clara, and Tesuque Pueblo, a new applicant working to implement SDVCJ. Members of the MMIWR task force have asked why more tribes are not participating in this enhanced sentencing program. From our discussions in the Systems Subcommittee, we've identified many challenges preventing tribes from meeting VAWA's statutory requirements. Challenges include a lack of resources and capacity to update and publish laws and rules, hiring law trained judges, availability of court technology, among others.

VAWA 2022 increases funding for the VAWA reauthorization program from \$5 million per fiscal year to \$25 million per fiscal year and will now reimburse Tribes for non-Indian health care costs. The reestablishment of the Bureau of Prisons Tribal Prisoner Program is another incentive for tribes because it allows offenders sentenced in tribal court to be housed at federal prisons and community-based facilities. Increased resources provided under the latest VAWA reauthorization will reduce competitiveness and ensure adequate funding for grantees, enhancing the likelihood that more tribes will participate.

New Mexico's Nations, Tribes, and Pueblos are sovereign, and they can choose to participate in the 2022 Violence Against Women Act, or not. In general, political will is a barrier in adopting Federal policies. When federal policy fails to address or sufficiently consider the needs of sovereign nations, adoption of federal policy doesn't occur or



is delayed. Sometimes even policies that are relevant and have merit, take time to work through tribal governing processes in order to be adopted. Resources such as personnel and technical assistance could strengthen support to Nations, Tribes, and Pueblos interested in adopting the 2022 VAWA.

The protections afforded to Indigenous women by the VAWA would give Tribes/Pueblos more tools to support women, relatives, and families who have experienced violence or are believed to be endangered. Participation in the 2022 VAWA would build systems capacity to have a shared set of legal tools to prevent violence against women or respond when violence occurs. VAWA empowers several violence prevention strategies that can promote public health and public safety. This coordinated effort increases public trust that the safety of indigenous women and relatives matters to policy makers. VAWA also provides building blocks for restorative justice approaches that include but surpass prosecution of perpetrators and focus on the healing needs of survivors, the families of victims, and communities that have been impacted by violence against women.

Supporting New Mexico’s tribal leaders to understand what VAWA is today, the available resources, and the statutory requirements that must be met, are all tasks that the state and its partners can accomplish. This effort is considered a long-term goal that will take over three years to accomplish. Implementation of VAWA is a primary goal but as noted above the state and tribes face challenges like funding that will take time to overcome. Even an influx of funding requires tribes to hire personnel, draft codes, establish MOUs and complete many other tasks that require time and resources. Having presentations from the Pueblo of Santa Clara and Tesuque Pueblo discussing how VAWA is being implemented in their communities will provide insight and guidance to all policymakers about the unique challenges that New Mexico tribes face. Further, resources are available to tribes to assist with code development, creation of rules, and navigating various legal challenges. These resources are available through the Tribal Law and Policy Institute, and other federal-funded model development projects. Finally, we must also highlight the local talent we have in our state with the UNM School of Law and its clinical law programs that can review and support tribes with legal research and drafting needs.

**5f. Streamline the process and increase the number of NM law enforcement receiving a Special Law Enforcement Commission (SLEC).**

The 2020 MMIWR Final Report highlighted the challenges that law enforcement face in our state, with 23 Nations, Tribes, and Pueblos and varying land status – closing jurisdictional gaps has become a pressing need. This need was only heightened by the MMIWR crisis and the focus on addressing resource challenges and lack of manpower, especially in rural parts of our state. One solution that was discussed was streamlining and expanding the number of law enforcement officers that carried a special law enforcement commission because this would grant officers with the same authority as a Bureau of Indian Affairs (BIA) officer.

According to the Department of Justice’s website, “SLECs are force multiplier because they permit tribal, local, county and tribal officers to assist in federal investigations of major crimes occurring in Indian Country.”<sup>56</sup> SLEC’s are not automatically granted to law enforcement officers, rather BIA encourages cross-commissioning because SLECs go hand in hand with this commission, allowing an office to enforce federal law. To get this important certification, law enforcement must apply, complete training requirements, and wait for the certificate to arrive. The lengthy time frame of this entire process presents challenges for law enforcement because the certification itself only lasts 5 years and with no method for reinstatement, the entire process must be repeated every 5 years.

While administrative challenges exist with obtaining SLECs, the benefits far outweigh them for tribal, state, and local law enforcement operating in or around Indian Country. The Department of Public Safety (DPS) previously reported that “the overall benefit of the SLEC commission to this agency and sovereign nations alike is that it provides a conduit for state and tribal law enforcement to communicate with one another and to work together to provide services. This commission also provides civil liability protections in the form of federal tort protection, to each respective government, and to the employees performing the law enforcement function. This program is a win-win program; agencies and officers receive advanced training to perform law enforcement functions and sovereign communities receive timely and efficient law enforcement services.” The DPS, the Albuquerque Police Department, and other agencies continue pursuing SLEC’s for their officers.

There are several barriers to streamlining the process to commission state police officers with the Special Law Enforcement Commission (SLEC). Having sufficient personnel to dedicate time to making improvements in this process is one barrier. Providing professional development and technical assistance to those who are qualified and interested in serving in this capacity is also a barrier. Limited resources underscore the other barriers and create additional barriers to empowering local, county, and tribal officers to assist in federal investigations of major crimes occurring in Indian country. In a state like New Mexico with 23 sovereign nations and intersecting jurisdictions, the need to streamline the SLEC process is even more relevant and urgent while being more complicated because buy-in from all jurisdictions is vital.

A streamlined process for Special Law Enforcement Commissioning would build systems capacity for various law enforcement agencies to work together within and across jurisdictions. This strategy is a long term strategy that will make more than three years to implement. The system subcommittee also considered this as a secondary priority because the primary goal is to improve state-tribal relationships before the SLEC can be truly impactful. When law enforcement officers are able to work together there is greater cross collaboration. Sufficient people power and coordination is invaluable in responding to cases while reducing bureaucratic hurdles and maintaining the focus on public safety and outcomes of people who have been harmed or are believed to be endangered.

56 United States Attorney’s Office, District of New Mexico, “Indian Country Law Enforcement Coordination - BIA Special Law Enforcement Commission (SLEC) Training.” Department of Justice (2016) <https://www.justice.gov/archives/usao-nm/blog/indian-country-law-enforcement-coordination-bia-special-law-enforcement-commission-slec>





### **5g. Establish a mandatory protection order sharing between tribes and New Mexico law enforcement officers via NCIC.**

Mandatory protection order sharing between tribes and New Mexico law enforcement officers is a policy and systems change strategy that has been implemented in other states for nearly three decades. When the Violence Against Women Act (VAWA) was passed in 1994, the full faith and credit provision was included. In recognition of the increased risk women and children face when they leave a situation of violence and exploitation, it was intended to guarantee cross-jurisdictional cooperation. It required that “all state and tribal courts enforce valid protection orders.”<sup>57</sup> It also applied to the District of Columbia and US territories. However, the painful truth is that efforts to implement this strategy in New Mexico and other states and territories across the US are still in development. These protection orders are vital to women and children. They often include directives about the perpetrator’s economic obligations to victims and their children, custody provisions, and firearms prohibitions. They also lift the burden from law enforcement to understand all the laws of the issuing jurisdiction. Rather, they empower law enforcement to uphold orders that have already been developed in the criminal justice system.<sup>58</sup>

For the 30 states/territories that are further along in implementation, the national initiative recognizes that people who have been victimized by intimate partner violence, trafficking, or other forms of gender-based violence must often flee the jurisdiction in which they were being harmed. By having legal protections follow women across jurisdictions, women aren’t required to spend as much time and energy asserting their human rights to safety and can use that energy to focus on recovery and wellness. Furthermore, full faith and credit provisions were further strengthened with VAWA reauthorization in 2000 and 2006. The case law in support of these provisions is strong. According to Protecting All Women: Tribal Protection Orders and Required Enforcement Under VAWA, “the full faith and credit requirement regarding tribal protection orders grant tribal courts civil and criminal jurisdiction over non-Indians under particular circumstances.”<sup>59</sup> Without legal protections for survivors, Indigenous Women and Relatives are at greater risk of being victimized by escalating violence.

The MMIWR Task Force sees this as a top priority to uphold the safety of Indigenous Women and children and a part of the solution that has been a long time coming. States who have implemented the Passport Program created a 1-page template cover page that includes standardized information that is consistent across participating jurisdictions. Best practices encourage decision-makers to include the following information: personal and subject matter jurisdiction; relationship of the abused and assailant; findings involving assaults, threats, or use of weapons; and identifying information about the assailant. Custody, visitation, and parenting rights provisions should also be included. Given the increased risk to Indigenous women and relatives of violence, one way to strengthen the Passport would be to include race, ethnicity, and tribal status.

<sup>57</sup> Brian Hallenbeck, *The Day*, April 2022.

<sup>58</sup> (Protecting Victims of Domestic Violence A Law Enforcement Officer’s Guide to Enforcing Protection Orders Nationwide, March 2011 Protecting Victims of Domestic Violence: A Law Enforcement Officer’s Guide to Enforcing Protection Orders Nationwide (bwjp.org))

<sup>59</sup> Brenna P. Riley, “Protecting All Women: Tribal Protection Orders and Required Enforcement Under VAWA” *Roger Williams University Law Review* (2019) Volume 24, Issue 1.

Sharing mandatory protection orders across jurisdictions is a strategy to prevent MMIWR cases. However, understaffing, limited resources, and limited knowledge of best practices act as barriers to implementation. Without sufficient personnel, the time taken to successfully complete and enforce protection orders is jeopardized. Without knowledge of best practices and consistent training across law enforcement agencies, Indigenous women and relatives do not receive all of the protections they are entitled to within the law. When protection orders are not honored across jurisdictions, women fleeing violence are at greater risk of victimization.

Making mandatory protection orders applicable across jurisdictions affords women the protection of all law enforcement agencies in New Mexico. This would increase awareness across jurisdictions of Indigenous women and relatives who are at a high risk of violence. This would also build systems capacity for cross-agency communication and reduce the bureaucratic barrier of needing to establish another order if a move occurs. This strategy would also increase cross system collaboration and in some instances increase the likelihood that a law enforcement officer with the same home language can communicate with someone who is vulnerable, trying to get out of a threatening situation, and needs someone who can communicate with them effectively. Prevention, public health, and public safety are increased when systems operate in ways that put the needs of the community at the center of how systems work. When systems work more effectively healing can be accelerated, trauma informed responses are more consistent, and public trust is restored.

Tribal judges and other judges across New Mexico need to continue to convene and build a consensus Passport document that meets national standards as they exist. New Mexico can also set an example to others nationally about including information about tribal status. By seeing victims and survivors in the context of their heritage and community, they will not be made invisible and more vulnerable. Rather, the needs and rights of Indigenous women and children can be upheld.



## DEVELOP STANDARDS AND CAPACITY FOR DATA TO BE REPORTED AND DOCUMENTED ACCURATELY

### OBJECTIVE 6

#### Develop Standards and Capacity for Data to be Reported and Documented Accurately and Used to Support Prevention and Response, Data Subcommittee

As the data subcommittee examines the reporting issues and tracking of missing persons and data-sharing between state, tribal, and federal partners, this section is organized into three subsections aligned with timeline and priorities. As follows:

1. The section begins with short-term strategies that may be implemented within one to two years. The data subcommittee examined the reporting issues across law enforcement agencies and recommended that the state consistently report missing persons to the National Missing and Unidentified Persons System (NamUs). Also, to include tribal affiliation in missing person reporting forms and state databases.
2. The next section, mid-term strategies, containing recommendations may be implemented within two to three years. The recommendation is to further examine in-depth data collection between tribal, state, and local law enforcement agencies.
3. The last section is the long-term strategies recommendations that may take more than three years. The Data subcommittee recommended that the tribal government require the national clearinghouse and state's missing person's clearinghouse. Since in-depth research is needed to create statewide training for specific community members, this will need further discussion and partnership with families of the missing person, tribal government, state, and federal agencies.

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
6a. Support increased data-gathering capacity across law enforcement agencies (LEAs) to increase accountability and ability to understand frequency, type and location of crimes.	ST	P	D, K, IT, P, PD, J, R, PW	B, CC, PS, PT, RJ	Government Action Y- State, and Y- Tribal, Y-Federal Y - Municipal agreement Community Action - Y
6b. Increase capacity for the State to consistently report missing persons cases to NamUs as required by House Bill 16 (2019) within 30 days.	ST	P	IT, P,PD,J, R	A, CC, CR, PH,PS, TI, PT,	Government Action Y -State, Y-Federal, Y-Tribal Community Action - N
6c. Include tribal affiliation when documenting missing persons, trafficking, and cases of homicide to improve data gathering and policy development.	ST	S	K, IT, P,PD, J, R	A, B, CC, CR,E, PH, PS, PT, RJ	Government Action Y-M, C, F, T Community Action Y-GR, Y-VR, Y-H/MH/HS, Y-IS, Y-LGBTQ
6d. Enact federal legislation requiring NCIC to track tribal affiliation and ethnicity data in the missing persons reporting forms.	MT	P	PW, D, K, R, J	TI, RJ,PT,E, A,PH,P	Government Action Y-M, S, C, F, T. Community Action Y-GR, Y-VR, Y-H/M/H/H, Y-LGBTQ2+
6e. Initiate in-depth data collection by examining case files to help document gaps in the investigation and prosecution processes.	MT	P	D, K, IT, P, PD, PW	TI, P,A,E	Government Action Y- M, S, C, F, T. Community Action Y-VR, Y-H/MH/HS, Y-IS
6f. Work with Tribal governments to pass laws and policies that require reporting of all missing persons cases to the National Crime Information Center and State Missing Persons Clearinghouse.	LT	P	K, IT, P, PD,R, PW, J	TI, PT, RJ	Government Action Y-Tribal Community Action Y-Grassroots Y-healthcare/mental health
6g. Establish a data institute to track and study cases of Missing and Murdered Indigenous Women, Girls, Trans/2S+ and LGBQ community members as well as boys and men that also documents tribal-specific data.	LT	P	D, R, IT, P, PD, K, PW	B, PH, CC, E, P, PS, PT	Government Action Y- S, F, T, M

**Timeline:** ST= Short Term 1-2 years | MT= Mid-term 2-3 years | LT= Long-term over 3 years

**Priority:** P=Primary | S= Secondary

**Barriers:**

A= Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices  
IT= Technology | P= Personnel | PD= Cross-sector Professional Development | PW= Political Will | J= Jurisdictional Inconsistencies  
R= Lack of resources for personnel, equipment, travel | S= Systemic barriers (discriminatory) | LC= Language barrier

**Benefits:**

A= Strengthens Public Awareness | B= Builds Systems Capacity | CC= Cross-system Coordination | CR= Culturally Responsive  
E= Advances Equity | LR= Linguistically Responsive | PH= Improves Public Health | P= Strengthens Prevention  
PSTrans= Improves Public Safety | PT= Public Trust is Increased | RJ= Restorative Justice | TI=Advances a Trauma Informed Response

**Government Action:**

A=Lacks statutory authority | D= Limited access to reliable and relevant data | K= Limited Knowledge of Best Practices | IT=Technology

**Short-Term Strategies (one-two years):** Short-term strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMWR within one-two years.

**6a. Support increased data-gathering capacity across law enforcement agencies (LEAs) to increase accountability and ability to understand frequency, type, and location of crimes.**

This strategy arose from an understanding across stakeholders that timely, accurate, and inclusive data about MMIWR is vital to prevention of violence against Indigenous women and relatives. It is also a critical tool in the investigation and prosecution of cases. While challenges with tracking these cases, using data to support prevention, investigations, and prosecution, reporting to government agencies, survivors, and families of victims as well as the media and general public is not unique to New Mexico, it is seen as a top priority in addressing this public safety emergency.

In an effort to understand the current total number of MMIWR cases along with other statistical data across New Mexico, the MMWR task force made public information requests to law enforcement agencies across the state that had a significant American Indian/Alaska Native (AI/AN) population. The data requested on all cases included:

- solved and unsolved missing persons,
- homicides,
- suspicious deaths,
- and deaths in custody involving an AI/AN and White (non-Hispanic) women or girl victims within that agency's jurisdiction between 2014-2019.

These requests were submitted between March and April of 2020. Unfortunately, the response from more than half of the agencies indicated that the scope of the request was too burdensome and broad, so they did not fill the request.

The response from over half of the departments contacted was that they could not acquire this information, or they referred the task force to the New Mexico Department of Public Safety's missing persons clearinghouse. This response is unacceptable given the technology available to law enforcement agencies. Also state and federal laws and internal policies have reporting requirements for missing person cases.

At a minimum, law enforcement agencies should be maintaining their own data apart from the state's missing persons clearinghouse. Data from law enforcement agencies statewide should be easily tracked, accessible to the public, reviewable and monitored by a state task force as an accountability measure. Agencies need to include all pertinent information as required by law to better understand the frequency, type, and location of these crimes.

This strategy seeks to improve data gathering capacity across all law enforcement agencies to improve tracking of solved and unsolved missing persons, homicides, suspicious deaths, and deaths in custody involving Indigenous relatives in our state. Such data should be collected and stored locally and shared with a centralized

database. For missing persons cases, the central repository is the state's missing persons clearinghouse. To ensure the success of this strategy, system upgrades are needed for tribal, state, and local law enforcement agencies. Additional training will also be needed to ensure there is consistency in recording data, and perhaps an agreement or policy that holds agencies accountable to comply with reporting requirements. One possibility to address the funding shortfalls could be setting aside funds through legislative advocacy at the state and federal level for additional equipment and personnel.

Task Force members recognize that there are barriers which have contributed to the current state of data collection, data management, and data sharing. Limited access to reliable and relevant data starts in the field by asking for important and relevant information about the missing person. These issues are either flagged for improvement or exacerbated in the reporting process. Knowledge of best practices for reporting and professional development resources to advance best practices are also barriers. Sometimes jurisdictional issues and inconsistent standards about how to collect and report data and ways to use it in investigations and prosecuting cases present additional barriers to achieving this recommendation. While technology and data bases exist which can facilitate efforts, resources to keep technology up-to-date and training of staff about how to use systems are barriers. Personnel capacity and other resources often put law enforcement agencies in the position to make difficult choices about how time and energy are spent. Specific funding to support improvements in this state emergency are critical to improvements.

Task Force members believe that with additional resources, personnel, training, and monitoring standards around data collection could be implemented successfully within one-two years. Municipal, county, state, tribal, and federal governments need to play a shared role in creating, implementing, and monitoring higher standards. Community stakeholders need to be invited into the problem-solving to ensure that both law enforcement needs are met as well as the needs of survivors and the families of victims. Implementing standards with clear definitions and clear protocols and benchmarks would build systems capacity and cross-system coordination. Better access to and use of data can improve public safety. This level of accountability and coordination can improve public trust and lead to healing or restorative justice benefits for families, communities, and systems partners.

**6b. Increase capacity for the State to consistently report missing persons cases to the National Missing and Unidentified Persons System (NamUs) as required by House Bill 16 (2019) within 30 days.**

This strategy arose from an understanding that increased capacity statewide to link to national MMIWR reporting efforts within 30 days is critical to improved outcomes. For missing and murdered people, a national approach that relies on well-coordinated local efforts matters because crimes often occur across state and other political boundaries.

NamUs is a resource for law enforcement and the public to assist with investigations of missing persons. Some aspects of NamUs are only accessible to federal, tribal, and state and local law enforcement officials who use it as an operational database to assist in managing and resolving cases.<sup>60</sup>

<sup>60</sup> United States Government Accountability Office, GAO 22-104045, Missing or Murdered Indigenous Women, New Efforts Are Underway but Opportunities Exist to Improve the Federal Response, page 19, (Oct. 2021).



NamUs is not as widely used across law enforcement agencies in missing persons cases as the National Crime Information Center (NCIC) and, as a result, does not contain as many records as NCIC, including records of AI/AN women reported missing.<sup>61</sup> The database is an important tool in the search for missing relatives because family members can submit DNA, mitochondrial DNA, paternal DNA and other relevant information to assist with identification.

In New Mexico, we have worked to address this gap through the passage of legislation requiring our state’s Missing Persons Clearinghouse to report missing persons data to NamUs. In 2019, former Representative Joseph Sanchez (District 40) introduced House Bill 16 titled the “Mark Daniel Aguilar Information Sharing Requirement” named after Mark Aguilar who was reported missing from Santa Fe, New Mexico on September 4, 2016. James Aguilar, brother to Mark Aguilar, advocated for the passage of this legislation that requires the NM Missing Persons Clearinghouse to exchange information about missing persons with NamUs. While this is important legislation which raises accountability, progress is still needed.

According to the 2019 Fiscal Impact Report for House Bill 16, the Department of Public Safety explained that “as written the New Mexico Missing Persons Clearinghouse will be required to submit all reports to NamUs. In 2017 there were 12,872 entries into the Missing Persons’ Clearinghouse. In 2018 there were 11,792 entries. It would be difficult for [DPS] to ascertain which entries would need to be entered into NamUs that meet their criteria and with the investigative details of the case.”<sup>62</sup>

Despite some of the reporting questions, the Department of Public Safety (DPS) supported this legislation. House Bill 16 successfully passed the legislature and was signed by Governor Michelle Lujan Grisham on April 2, 2019. Since passage of the legislation, DPS has worked to send NM missing persons data to NamUs to be entered in their database. This was a challenge, but on December 3, 2019, all the missing persons data was transferred to NamUs. Every week additional data is sent to NamUs from the Missing Persons Clearinghouse to keep the national database up-to-date. DPS Missing Person’s Clearinghouse continues to work closely with NamUs to effectively execute the data transfer and commit to the initial mission of NamUs, which is to concentrate closely on imminent missing person cases and cold cases. NamUs is reevaluating their manual intake process as well as their electronic intake process. DPS and NamUs are committed to building the relationship and working together.

Task Force members recognize that there are barriers which have contributed to failures to upload information in the state clearinghouse and national NameUs database. One set of information technology barriers is the limited training and monitoring of data entry. Additionally, personnel shortages, training and professional development on standards protocols and best practices, variations in approach across jurisdictions, and resource scarcity all act as barriers to the timely submission of NamUs data.

Task Force members believe that with additional resources, personnel, training, and monitoring and accountability around the use of NamUs by all law enforcement agencies, benefits to survivors, victims and

<sup>61</sup> *Id.*

<sup>62</sup> House Bill 16 Fiscal Impact Report (2019) <https://nmlegis.gov/Sessions/19%20Regular/firs/HB0016.PDF>

communities could be realized within one-two years. State, tribal, and federal governments are seen as essential leaders in this progress. Improving capacity around the use of NamUs will build an accurate public awareness about the scope of the MMIWR issues. If New Mexico improves how we contribute to the national database, we will better be able to partner across states and with tribal and federal law enforcement and media. This cross system coordination would give law enforcement and the community the upper hand in public safety efforts. Accurate data about how these issues apply to MMIWR issues will also allow law enforcement agencies and other stakeholders to leverage resources that are culturally responsive to Indigenous individuals, families, and communities. Data often drives public health and public safety priorities in terms of accurately defining the scope of a problem. By contributing to the national database we have a more accurate sense of how the challenges in New Mexico compare to the rest of the nation. When people are counted, their stories and their families’ search for justice are not ignored, silenced, or forgotten. This is a trauma responsive approach to seeing and counting everyone. Improvements in these systems would strengthen the public trust that Indigenous women and relatives matter, that we all matter, that violence against anyone is worth noting and combatting.

The MMIWR Task Force would like to see continued support for the state’s Missing Persons Clearinghouse to ensure that all missing persons in New Mexico are updated to the NamUs database in a timely manner. There may also need support to streamline this process to avoid any delay with information sharing. There also needs to be training for tribal governments to fully understand this resource and to educate families on the opportunities that are available to submit additional information that can assist with the identification of missing persons.

**6c. Include tribal affiliation when documenting missing persons, trafficking, and cases of homicide to improve data gathering and policy development.**

Including tribal affiliation in state and federal databases that track missing persons, trafficking, and homicide is a necessary change to data collection systems. While there is growing national awareness that Indigenous women and relatives are at a greater risk than the general population of being victims of violence and murder, the law enforcement community and advocates suspect that these numbers are still underreported. One contributing factor in the underreporting of Indigenous women and relatives, is that formal reporting systems do not currently have data fields which include tribal affiliation.

Data collection for missing Indigenous women and relatives is an area that requires attention and resources to ensure accuracy and accountability when documenting missing, murdered, trafficked Indigenous relatives. Too often, American Indian and Alaska Natives (AI/AN) are omitted in data collection and data analysis.<sup>63</sup> The MMIWR Task Force highlighted New Mexico’s data reporting challenges with missing persons cases in its 2020 final report. Since then, the New Mexico Department of Public Safety’s Missing Persons Clearinghouse has worked toward improving the state reporting forms by providing additional options on the dropdown fields to select a tribal affiliation. This small change to the reporting form, along with training, is critical to support law enforcement to collect this information. Because DPS has been working with the FBI to revise the reporting forms for New Mexico, this is seen as a short term to mid-term goal.

<sup>63</sup> Urban Indian Health Institute, Intimate Partner Violence Police Training Toolkit, May 2021, page 15.



There are several barriers that must be acknowledged as we work to improve law enforcement reporting. The barriers include limited knowledge of best practices for improving data collection and reporting platforms, and technology challenges. Inclusive data collection and reporting platforms and standardized training which emphasizes how to determine tribal affiliation(s) is important. By training personnel through cross-sector professional development not only will more accurate and actionable data about endangered women and relatives be available, there will also be opportunities to improve working relationships across jurisdictions. Training to improve data reporting across-jurisdictions and to educate law enforcement on a standard protocol is also needed.

There is also a lack of resources to update reporting forms to add tribal affiliation, which is the name of the tribe/tribes that an individual belongs to and enrollment tribal member number. The state data entry platforms do not ask for tribal affiliation, they only request an officer to identify the person's race. This creates challenges because simply having "AI/AN" entered on a form, if it is entered, does not account for the fact that there are twenty-three sovereign nations in New Mexico, each with their own government systems and law enforcement structure. Furthermore, sometimes questions about race aren't asked directly and inaccurate judgment calls are made. This leads to the mis-designation of racial groups. It impacts accountability and transparency and makes it challenging to identify where missing persons are going missing from. If that information is reported the agency searching for the missing person can work alongside a tribal agency to gather intel and information about the last known location, who that person was with, and any known habits of this person. All this information is critical to finding that missing person and keeping tribal governments and families informed about what is taking place to find and bring their tribal members home.

The benefits of including tribal affiliation when documenting missing persons, trafficking, and cases of homicide are strengthening public awareness. Public awareness around these serious incidents is critical to ensure calls to action are heard by our community and acted upon. Having sound data from our communities is key to knowing the scope of this crisis in our state and knowing where resources, peoplepower and training are needed most. Building systems capacity, having cross-system collaboration, being culturally responsive, improving the public's health, improving public's safety, having the trust of the public to increase, and providing restorative justice.

Collecting tribal affiliation data on reporting forms is critical to ensure that nationally we are tracking this data as it impacts policy decisions, resources, etc. Efforts to remedy this are already underway. Task force members have confidence that this can be resolved within one-two years and that the benefits of these changes can be realized in the next one-two years. The New Mexico Missing and Murdered Indigenous Women and Relatives task force report from December 2020 speaks to the high rates of violence against Indigenous relative that are documented, but even this report may not reflect the true rates in our communities given the high number of reporting challenges. "The percentage of unsolved cases is therefore likely higher for Native American residents of New Mexico than their overall share of the population in the state. Reinforcing the task force's decision to focus not just on women in the efforts to identify missing persons, among the 954 unsolved missing person cases, 508 were male (53%) and 446 were female (47%)." [SSI4] This significant data collection has brought attention to finding ways to make data collecting easier and more helpful, which in addressing that the tribal affiliation is important to data collecting, the unsolved cases are a higher percentage within the Native American population.

**Mid-Term Strategies (two-three years):** Mid-term strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMIWR within two-three years.

#### **6d. Enact federal legislation requiring NCIC to track tribal affiliation and ethnicity data in the missing persons reporting forms.**

Similar to the logic of Objective 6c including tribal affiliation and ethnicity in state and federal databases that track missing persons, trafficking, and homicide is a necessary change to data collection systems and case outcomes. It is difficult to pursue an investigation or prosecution if people are mis-identified because tribal affiliation and ethnicity data are missing. If people are misidentified, others are hindered in their efforts to search for and find the missing, endangered, or murdered person.

While there is progress on this strategy within NM, Indigenous women and relatives are often taken across state and national lines. This requires better processes for data sharing across jurisdictions. The tracking of tribal affiliation on NCIC forms is an important practice that the NM Department of Public Safety is working to adopt on all state reporting forms. This is something that the MMIWR task force would like to happen nationally on all NCIC reporting forms.

The MMIWR Task Force saw challenges with the reporting forms as they currently exist because "[the] NCIC forms do not have dedicated fields requiring tribal affiliation to be entered into a missing person's report."<sup>64</sup> Another challenge that must be addressed at a national level is training all law enforcement to collect tribal affiliation data. If this field is created and then underutilized, the problem will persist.

No states, including New Mexico, are required to track tribal affiliation on missing persons reporting forms. The Department of Public Safety (DPS) prioritized this effort after hearing the concerns of the community and the MMIWR Task Force. DPS oversees the New Mexico Missing Persons Clearinghouse which is required to collect, process, maintain and disseminate records on missing persons.<sup>65</sup> DPS is working with the Federal Bureau of Investigation and NCIC to update the reporting forms. It is possible that NM may serve as a pilot state to see how this strategy can be implemented nationwide.

A special meeting was hosted with representatives from Congresswoman Teresa Ledger's office to discuss ways of changing the NCIC reporting form nationally to replicate the efforts in New Mexico to improve NCIC reporting. This recommendation may not require legislative action, and if that is the case, Congresswoman Teresa Isabel Leger Fernandez can still use her position to write letters to NCIC officials to advocate for the proposed changes to the reporting forms. A solution to this challenge may take several years to implement, and if congressional action is required, this change may take even longer.

<sup>64</sup> MMIWR Task Force Report page 27.

<sup>65</sup> 29-15-3 NMSA 1978.



Task Force members recognize that there are barriers which have contributed to the failure to include tribal affiliation and ethnicity. Knowledge of best practices is a key barrier along with different approaches across jurisdictions. Having personnel to make updates and professional development to change data collection and reporting practices are also significant. Information technology barriers include limited training and monitoring of data entry. Changing the law must be accompanied with an appropriation of resources to empower systemic practice changes.

Task Force members believe that there are clear and achievable benefits with additional resources. Indigenous people will feel seen rather than ignored when there is a standardized approach to recognizing tribal affiliation and ethnicity. This is a trauma-informed approach and it's a benefit of counting everyone. When people have reason to believe that systems serve communities in a fair and equitable way, public trust is improved. Restorative justice and healing for stakeholders are possible when systems are designed in inclusive and equitable ways that are people-centered.

**6e. Initiate in-depth data collection, analysis, and coordinated action by establishing a state government division responsible for examining case files to help document gaps in the investigation and prosecution processes and provide technical assistance to tribal, state, and local law enforcement agencies.**

The handling of open and cold missing person cases has been identified as an area in need of improvement in the State of New Mexico, especially when these cases involve Indigenous persons. Using data to better support investigations requires both more sophisticated and systemic analysis of data, more knowledge of best practices, and more people power. Left completely decentralized, review of cold cases and progress on open cases achieve inconsistent outcomes. Several families who have missing or murdered family members have reported that progress on cases has often taken many years and been disjointed. Better processes and systems to analyze data across cases may allow for more leads and breakthroughs in investigations.

Various challenges exist when seeking justice for missing or murdered Indigenous relatives during investigations and prosecution. These challenges stem from lack of people power to follow up on leads and properly investigate, a community's lack of trust in the justice system which may lead to uncooperative witnesses, poor investigations due to the lack of communication with tribal nations, and lack of training to conduct homicide investigations, to name a few. Larger agencies may have more resources to manage cold case and follow-up on cases, but this is rare in smaller agencies. There just isn't the capacity. As a result, these cases are often poorly investigated and rarely followed up on by smaller law enforcement agencies at the tribal, county, and local levels.

The establishment of a state funded division within the Department of Public Safety or NM Office of Attorney General for investigating open/cold missing person cases would aid in the prosecution of cases where abduction or sex trafficking is taking place as well as closure of non-criminal missing persons cases. Persons of color, LGBTQ2S+, and women make up the largest number of missing persons' cases where they have also been the victim of a crime. These cases need to be investigated, families need a place to go with new information and missing persons cases, solved and unsolved, should be documented in a clearinghouse. This is related to Objective 6b, "Increasing the capacity for the state to consistently report missing persons cases to NamUS as required by HB 16 2019." Both strategies are critical to seeking answers and justice.

In addition to the role of investigators members of the designated department would be tasked with ensuring that all state, local and tribal agencies are adhering to the Missing Persons Information Reporting Act through audits and maintain a website where families can provide updates they may have on their cases and obtain the status of their missing person case from an investigator. This should be taking place but having a group of investigators or auditors to ensure agencies are complying is crucial. There will be various barriers to this, including limited personnel, training, limited knowledge of national best practices, access to necessary technology for these investigators to manage the cases, and building political support to implement such a division. Having this established in the state will strengthen the public's trust, improve coordination between agencies and improve the cultural relationships between agencies and the people they serve.

This strategy is one that could yield significant results if it was funded and staffed as personnel capacity is the most frequent common denominator in cases that languish. Municipal, state, county, federal, and tribal law enforcement agencies all need resources to count on to support their efforts. Victim's rights, health and mental health providers and service providers that have indigenous specific approaches are needed in the development of a division. This will reduce mistrust, increase buy-in and collaboration to solve and prosecute cases. Having a more navigable and responsive approach will reduce the additional trauma families and survivors experience when they feel like they're getting the run around in the approach to cases. When patterns in crime and crime resolutions are identified because data is used more effectively, prevention efforts are strengthened. Awareness across stakeholders and the public can be improved through a coordinated and committed effort. This strategy would also create equity across geographical areas and political jurisdictions and create strong responses if you're from a small community or a large community. Equity is also advanced by intentionally including Indigenous advocates and service providers in the design of the division. Their voices and perspectives can help ensure that the division works in trauma responsive and culturally responsive ways that minimize the likelihood of being retraumatized as survivors and families of victims seek justice and healing.



**Long-Term Strategies (over three years):** Long-term strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMIWR in three or more years.

**6f. Work with Tribal governments to pass laws and policies that require reporting of all missing persons cases to the National Crime Information Center (NCIC) and State Missing Persons Clearinghouse.**

Missing persons in New Mexico should all be reported to the National Crime Information Center (NCIC) or the Criminal Justice Information System (CJIS), and the NM Missing Persons Clearinghouse. This includes people who go missing from tribal jurisdictions. Once missing persons are entered into NCIC or CJIS, the NM Missing Persons Clearinghouse can see that information and include them to the list of missing persons on the state's clearinghouse. They can then see if missing persons have been included in other national databases (like NamUs and the National Center for Missing and Exploited Children), and whether other alerts such as an Amber Alert, Silver Alert, or Brittany alert should be issued.

The MMIWR Task Force learned from the meetings with tribal law enforcement that most, if not all, tribal law enforcement report missing persons to NCIC as the initial step in their missing persons investigation. Despite that protocol, there have been stories shared with the task force about missing relatives who have not been entered to NCIC by a tribal government. The case of Tiffany Reid was one instance where a family was advocating to get her entered into NCIC, but no one would make that report. Becky Johnson, a Task Force member, advocated for her niece to be entered into NCIC for almost 16 years. Tiffany Reid was finally entered into NCIC in 2021 because of Ms. Johnson's tireless advocacy.

This recommendation continues to be explored by the task force because this first step of entry is so crucial to informing law enforcement across the state and alerting the State Missing Persons Clearinghouse so they can also follow-up with the reporting agency to offer assistance. One solution being explored by the MMIWR Data subcommittee is assisting tribal governments to develop templates that model best practices that could be adopted into laws and policies of tribal governments to require law enforcement to report all missing person cases to the National Crime Information Center and the State's Missing Persons Clearinghouse. The subcommittee saw this strategy as a primary priority that may take up to three years.

Some of the challenges associated with this recommendation are working around the different reporting procedures that exist. For instance, some tribes follow policies of the Department of Interior, Office of Law Enforcement Services, some follow BIA guidelines, and others have their own internal policies that merge different best practices.<sup>66</sup> Still some federal requirements have specific reporting procedures for unique situations like if someone goes missing under foster care (under government supervision) or if an elder goes missing. Ultimately, the goal is to have missing persons incidents occurring on tribal lands to be shared with all police agencies across the state so that everyone has a responsibility to work with the family and tribe to bring that person home.

<sup>66</sup> As Weyand and McPherson (2021) stated in the Department of the Justice Journal of Federal Law and Practice, "there are a variety of tribal, federal, and state legal mandates and policies that apply in a missing person case."

Nationally, tribes are challenged by having limited resources to purchase technology and maintain updated software. They may need to train staff on protocols and professional development, and specific training on cross-jurisdiction collaboration is required for many of these cases.

When law enforcement fails to communicate and engage with surrounding jurisdictions, the burden shifts to families to do their own investigations. Families of missing relatives may have even fewer resources to travel and search for their loved ones. Families have expressed their frustration, and lack of trust in tribal leaders, including state and federal law agencies because they don't see the collaboration or efforts to mobilize resources for a shared goal of finding a lost relative. Smaller tribal communities have even fewer resources and must share law enforcement resources with nearby tribes. In response, many communities, and the federal government are looking to develop a cohesive community-based plan that would assist communities to mobilize when someone goes missing. This approach would advance trauma-informed care, assist with improving the public's trust, and providing restorative justice and healing.

**6g. Provide training to the state division to track and study cases of Missing and Murdered Indigenous Women, Girls, Trans/2S+ and LGBQ community members as well as boys and men that also documents tribal-specific data.**

Currently, there are missed opportunities on how data is collected and utilized. In addition to tribal affiliation, tribal enrollment, and ethnicity, characteristics about missing, murdered, and Indigenous women and relatives fail to include LGBTQ Two Spirit identifies. Data collected in police reports and across most law enforcement databases include fields for only male and female. These binary gender classifications exclude members in our community that are transgender or identify as Two Spirit. The extended Task Force within the MMIWR Data sub-committee has recommended adding additional fields to the reporting forms that are more inclusive of all relatives in our communities. As a first step, law enforcement should be trained to discuss the possibility of missing persons not falling into existing gender fields and how to capture this information even if it's included in the report narrative. Still, the goal remains to improve reporting forms to be inclusive of all relatives, so they are not erased in the data.

Providing a just and equitable response to these communities in the response to missing and murdered cases is undermined when there is incomplete or unreliable data. Lack of knowledge about investigating cases involving these populations amplifies challenges within law enforcement about sufficient personnel or other resources. The intersection of identities and implicit and explicit biases about these populations of people can undermine political will to address the disparities in risk and outcomes. These populations are often at the greatest risk and the least served. By adding systems and training approaches to accurately and fully document the identities of people, the prevention, investigations, and prosecution of cases will be more successful and more equitable. This will also reduce violence against populations with these intersecting identities and improve public health. When people are unseen, they are more vulnerable to victimization. When people are discriminated against, it sends a message to perpetrators that they can do harm with little fear of consequences. By providing this training across law enforcement and criminal justice agencies, there will be better and more coordinated responses to the needs of these populations. When patterns are identified, they can inform prevention strategies and approaches to promoting protective factors in especially vulnerable populations. When the most vulnerable and discriminated people in our communities are held up and their rights to safety and freedom from violence are honored, public trust is improved.



# APPENDIX A

## Acronym and Definitions Guide

The following acronyms and terms are defined in alphabetical order to develop a shared vision and vocabulary for describing and addressing the crisis of missing and murdered Indigenous women and relatives.

### ACRONYMS

- BIA** - Bureau of Indian Affairs
- CSVANW** - Coalition to Stop Violence Against Native Women
- COPS** - Community Oriented Policing Program
- DOJ** - Department of Justice
- DPS** - New Mexico Department of Public Safety
- FBI** - Federal Bureau of Investigation
- LEAs** - Law enforcement agencies
- MMIWR** - Missing and Murdered Indigenous Women and Relatives
- OJS** - Office of Justice Services
- NCIC** - National Criminal Information Center
- NamUs** - National Missing and Unidentified Persons System
- NCMEC** - National Center for Missing and Exploited Children
- SLEC** - Special Law Enforcement Commission
- TAP** - Tribal Access Program
- TLOA** - Tribal Law and Order Act
- USAO** - United States Attorney's Office
- UIHI** - Urban Indian Health Institute
- VAWA** - Violence Against Women Act

<sup>67</sup> <https://www.csvanw.org/mmiw/>

<sup>68</sup> <https://www.bia.gov/>

<sup>69</sup> <https://www.niwr.org/rm-article/mmiw-understanding-missing-and-murdered-indigenous-women-crisis-beyond-individual-acts>

### DEFINITIONS

**Advocacy** - Enhancing existing efforts of culturally appropriate and community-based advocacy in order to support victims and their families and create systemic change at the local, state, and federal level.

**Attended death** – is a death where a person dies in a situation or setting in which a death certificate can be signed without the need for an additional forensics investigation.

**Bordertown** - Towns that are nearby reservations that are economically dependent on Indigenous peoples and that neighbor Native Nations.<sup>67</sup> These areas are typically defined as having long histories of racial tensions and violence against Native Americans.

**Bureau of Indian Affairs** - The Bureau of Indian Affairs (BIA) is an agency of the federal government of the United States within the U.S. Department of the Interior. The BIA's responsibilities originally included providing health care to American Indians and Alaska Natives. The Bureau of Indian Affairs' mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives.<sup>68</sup>

**Colonialism** - Generally is defined as an act of one nation controlling another for economic gain.<sup>69</sup>

**Culture** - Ensuring that victim-centered approaches are in accordance with the customs, arts, social institutions, spirituality, language and achievements of a particular nation, people or other social group having a cultural environment based on a set of beliefs, practices, customs, ecologies and behaviors common to everyone living within a certain tribe, nation, or pueblo and shapes individual growth and development by influencing ideologies and personalities.

**Domestic violence** - Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.<sup>70</sup>

**Federally recognized tribe** - An American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States. At present, there are 574 federally recognized American Indian and Alaska Native tribes and villages.<sup>71</sup>

<sup>70</sup> <https://www.justice.gov/ovw/domestic-violence>

<sup>71</sup> <https://www.bia.gov/frequently-asked-questions#:~:text=A%20federally%20recognized%20tribe%20is,funding%20and%20services%20from%20the>

<sup>72</sup> <https://www.foia.gov/about.html>

<sup>73</sup> [https://www.acf.hhs.gov/sites/default/files/otip/fact\\_sheet\\_human\\_trafficking\\_fy18.pdf](https://www.acf.hhs.gov/sites/default/files/otip/fact_sheet_human_trafficking_fy18.pdf)

<sup>74</sup> <http://nmpovertylaw.org/wp-content/uploads/2016/08/Report-Racial-Justice-Initiative-NMCLP-2014-05-30.pdf>



**Freedom of Information Act** - Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.<sup>72</sup>

**Healing** - Understanding that victims and families have experienced multiple layers of trauma and need trust, support, acceptance, accountability, education and confidentiality in order to begin healing using culture and services to help attain peace.

**Homicide** – Any death not classified as natural, accident or suicide, in which a person dies at the result of an act performed by another, regardless of who perpetrated the incident.

**Human Trafficking** - Victims are forced, defrauded, or coerced into trafficking. Even if victims initially offer consent, that consent is rendered meaningless by the actions of the traffickers to exploit them for labor, services, or commercial sex. Human trafficking is a crime committed against an individual. Trafficking does not need to involve the physical movement of a person. Trafficking victimization can be transnational or domestic.<sup>73</sup>

**Interpersonal Racism** - occurs between individuals: biases that occur when individuals interact with others and their private racial beliefs affect their public interactions. Example: racial slurs, bigotry, hate crimes and racial violence.<sup>74</sup>



**Internalized Racism** - is within individuals: our private beliefs and biases about race and racism, influenced by our culture. Internalized racism can take many forms including racial prejudice towards other people of a different race, the negative beliefs about oneself by people of color (internalized oppression), or beliefs about superiority or entitlement by white people (internalized privilege). An example is a belief that you or others are more or less intelligent, or beautiful, because of your race.<sup>75</sup>

**Inspection of Public Records Act (IPRA)** - is a New Mexico state law that provides the public and media access to public information. The law requires open access to almost all public records in state and local government, with few exceptions. Under IPRA, the public has the right to take legal action if they are denied access to public records, an important mechanism to empower the public.<sup>76</sup>

**Institutional Racism** - occurs within institutions and systems of power (such as educational, health care, criminal justice, and political systems) manifesting as unfair policies and discriminatory practices that routinely produce racially inequitable outcomes for people of color and advantages for white people. Example: a school system that concentrates people of color in the most overcrowded schools, the least-challenging classes, and with the least-qualified teachers, resulting in higher dropout and disciplinary rates compared with white students.<sup>77</sup>

<sup>75</sup> Ibid.

<sup>76</sup> [https://www.nmag.gov/ipra.aspx#:~:text=The%20Inspection%20of%20Public%20Records%20Act%20\(IPRA\)%20is%20a%20New,local%20government%2C%20with%20few%20exceptions](https://www.nmag.gov/ipra.aspx#:~:text=The%20Inspection%20of%20Public%20Records%20Act%20(IPRA)%20is%20a%20New,local%20government%2C%20with%20few%20exceptions)

<sup>77</sup> Ibid.

<sup>78</sup> <http://www.tribal-institute.org/lists/jurisdiction.htm>

**Indian country** - The term Indian country is defined in 18 U.S.C. § 1151 and 40 C.F.R. § 171.3 as:

- a. all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
- b. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- c. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**Indian (defined by USC)** – The term Indian is defined in 25 U.S. Code § 2201

- a. any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land;
- b. any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and
- c. with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 2206 of this title, any person described in subparagraph (A) or (B) or any person who owns a trust or restricted interest in a parcel of such land in that State.

**Jurisdiction** - Defined as the power or authority of a court over a particular person, area, or subject matter.<sup>78</sup>

**Liberation:** Achieving intergovernmental cooperation by supporting tribal sovereignty free from dominance and control ensuring self-determination, empowerment and freedom from imprisonment, slavery, or oppression.

**Law Enforcement Agencies (LEA)** – For the purpose of this report LEA refers to tribal, local, state, and federal law enforcement agencies.



**Missing child** – An individual who is less than twenty-one (21) years old and reported to any law enforcement agency as abducted, lost, or a runaway.<sup>79</sup>

**Missing person** - A person whose whereabouts are unknown to the person’s custodian or immediate family member and the circumstances of whose absence indicate that the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law or the person voluntarily left the care and control of his custodian without the custodian’s consent and without intent to return.<sup>80</sup>

**Murder** - Murder in the first degree is the killing of one human being by another without lawful justification or excuse, by any means with which death may be caused:

- By any kind of willful, deliberate, and premeditated killing;
- In the commission of or attempt to commit any felony; or
- By any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life. Whoever commits murder in the first degree is guilty of capital felony.

Unless he is acting upon sufficient provocation, upon a sudden quarrel or in the heat of passion, a person who kills another human being without lawful justification or excuse commits murder in the second degree if in performing the acts which cause the death he knows that such acts create a strong probability of death or great bodily harm to that individual or another. Murder in the second degree is a lesser included offense of the crime of murder in the first degree. Whoever commits murder in the second degree is guilty of a second-degree felony resulting in the death of a human being.<sup>81</sup>

<sup>79</sup> [https://www.dps.nm.gov/images/DPSolicies/OPR\\_43\\_R-4\\_MISSING\\_AND\\_ENDANGERED\\_PERSONS\\_INVESTIGATIONS\\_ALERTS\\_AND\\_ADVISORIES.pdf](https://www.dps.nm.gov/images/DPSolicies/OPR_43_R-4_MISSING_AND_ENDANGERED_PERSONS_INVESTIGATIONS_ALERTS_AND_ADVISORIES.pdf)

<sup>80</sup> Ibid.

<sup>81</sup> NM Stat § 30-2-1 (1996 through 1st Sess 50th Legis)

<sup>82</sup> <https://www.justice.gov/archives/jm/criminal-resource-manual-679-major-crimes-act-18-usc-1153>

**Missing and murdered Indigenous women and girls (define based on origin)** - the title of MMIW will be used to center Indigenous Women due to high statistical rates of targeted violence in NM and to align with the title of NM House Bill 278. It is understood that the use of the MMIW acronym throughout the report is also inclusive of other impacted Indigenous populations and demographics. The issue and origins of Missing and Murdered Indigenous Women has a colonial legacy in New Mexico that began with Spanish invasion of Indigenous communities and the subsequent promotion of human trafficking, violence on Indigenous bodies and slavery, followed by further colonial violence by European Americans and settler colonialism. In recent times a movement has been building to bring awareness and action for this ongoing epidemic against Indigenous Peoples. This definition and social media hashtag has gone on to evolve into more inclusive adaptations with NGO initiatives and other awareness efforts not limited to the following examples: MMIR (Missing and Murdered Indigenous Relatives), MMIW2T (Missing and Murdered Indigenous Women Two Spirit and Trans), MMDR (Missing and Murdered Diné Relatives), and MMIWG (Missing and Murdered Indigenous Women and Girls).

**Major Crimes Act** - Section 1153 of Title 18 grants jurisdiction to federal courts, exclusive of the states, over Indians who commit any of the enumerated offenses, regardless of whether the victim is an Indian or non-Indian.<sup>82</sup>

**MOU/MOA** - A memorandum of understanding (MOU/MOA) is an agreement between two or more parties outlined in a formal document. It is not legally binding but signals the willingness of the parties to move forward with a contract. This MOU/MOA may be used to cooperatively work together on an agreed upon purpose or meet an agreed objective and outline the discussed terms of a new relationship.



**NCIC (National Criminal Information Center)** - The National Crime Information Center, or NCIC, has been called the lifeline of law enforcement—an electronic clearinghouse of crime data that can be tapped into by virtually every criminal justice agency nationwide, 24 hours a day, 365 days a year. It helps criminal justice professionals apprehend fugitives, locate missing persons, recover stolen property, and identify terrorists. It also assists law enforcement officers in performing their duties more safely and provides information necessary to protect the public.<sup>83</sup>

**Prevention** - Providing community education to everyone, especially youth, that focuses on safety planning and awareness in everyday life, including the internet. Prevention includes training for law enforcement and government to build trust within the community.

**Police brutality** - or police violence is legally defined as a civil rights violation wherein officers exercise undue or excessive force against a civilian. This includes, but is not limited to, physical or verbal harassment, physical or mental injury, property damage, and death. Native people are more likely to be killed by police officers than any other minority group in the Nation.<sup>84</sup>

**Racial misclassification** – When a person is inaccurately coded as being of another race or ethnicity. There is a growing concern of this issue impacting AI/AN, and the need to reverse this practice in order to accurately monitor the health outcomes of this population group.<sup>85</sup>

**Reservation** - Defined by the U.S. Department of the Interior as “an area of land reserved for a tribe or tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of the tribe.”

<sup>83</sup> <https://www.fbi.gov/services/cjis/ncic>

<sup>84</sup> <https://www.csvanw.org/mmiw/>

<sup>85</sup> <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

<sup>86</sup> Ibid.

**Restorative Justice** - Honoring Indigenous voices and recognizing historical and systemic harm in order to offer perspectives for achieving transformational change.

**Safety** - Supporting justice systems, tribal coalitions and organizations to properly enhance the safety for all Indigenous relatives and communities from all forms of violence and oppression.

**Sexual assault** - As defined as any sexual offense—including rape, incest, fondling, exhibitionism, or pornography. Sexual assault involves a wide range of unwanted sexual behaviors that are performed against a person’s will, or when a person is unable to give consent because of their age, disability, level of intoxication, or other reasons. Sexual assaults may or may not involve force and include such things as grabbing, fondling, and verbal threats. Also included is rape, which is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration of a sex organ by another person, without the consent of the victim; may also include penetration of the mouth by a sex organ by another person. This also includes corrective rape, defined as a crime in which someone is raped because of their perceived sexual orientation or gender identity.

**Structural racism** - Racial bias across institutions and society, based on history, culture, ideology, and interactions of institutions and policies that systematically privilege white people and disadvantage people of color. Example: constant depictions of people of color as criminals in mainstream media, creates an atmosphere of suspicion of people of color when they are shopping, traveling, or seeking housing and employment which can result in discriminatory treatment and unequal outcomes.<sup>86</sup>



**Sovereignty** - The inherent authority of tribal nations to govern themselves and their members.<sup>87</sup>

**Settler colonialism** - “The founding of a state based on the ideology of white supremacy, the widespread practice of African slavery, and a policy of genocide and land theft.”<sup>88</sup>

**TAP (Tribal Access Program)** - TAP allows selected federally-recognized Tribes to more effectively serve and protect their nation’s citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems.<sup>89</sup>

**TLOA (Tribal Law and Order Act)** - President Obama signed the Tribal Law and Order Act into law on July 29, 2010. The Tribal Law and Order Act helps to address crime in tribal communities and places a strong emphasis on decreasing violence against American Indian and Alaska Native women. The Act encourages the hiring of more law enforcement officers for Indian lands and provides additional tools to address critical public safety needs. Specifically, the law enhances tribes’ authority to prosecute and punish criminals; expands efforts to recruit, train and keep Bureau of Indian Affairs (BIA) and Tribal police officers; and provides BIA and Tribal police officers with greater access to criminal information sharing databases.<sup>90</sup>

**Unattended Death** - is one that occurs when an individual is alone, according to the U.S. Center for Disease Control and Prevention. More often than not, death is not discovered for a matter of days or weeks, and sometimes even longer.

<sup>87</sup> <http://www.ncai.org/policy-issues/tribal-governance>

<sup>88</sup> Roxanne Dunbar-Ortiz, *An Indigenous Peoples’ History of the United States* (Boston: Beacon Press).

<sup>89</sup> <https://www.justice.gov/tribal/tribal-access-program-tap>

<sup>90</sup> <https://www.justice.gov/tribal/tribal-law-and-order-act>

<sup>91</sup> <https://nnev.org/content/violence-against-women-act/>

<sup>92</sup> <https://www.indian.senate.gov/sites/default/files/Sec-by-Sec%20Bipar%20VAWA%202022%20Reauth%20Tribal%20Title.pdf>



## APPENDIX B

### MMIWR State Response Plan Values

The Missing & Murdered Indigenous Women and Relatives Task Force brought together diverse people from across professional sectors, government departments, and lived experiences to develop systems and policy change strategies to improve the safety and well-being of Indigenous women and relatives and our communities. Freedom from violence and the promotion of healthy relationships and human rights have been the bedrock of learning, discussion, and deliberation. Stakeholders have engaged in courageous conversations with explicit explorations of values and beliefs. This principled and direct approach was understood as the healthiest way possible to engage around painful and traumatic issues.

Task Force participants agreed to uphold several core values and commitments in the development of strategy, policy, and systems change recommendations. In the interest of transparency and respect for the community and those reading the report, they are included below to help decision-makers understand the underlying values framework of this plan.

- **Self-determination-** The Task Force understands that individuals deserve respect for their integrity and should be engaged in decision-making about the issues that most impact them. Furthermore, the sovereignty of Pueblo and Tribal nations is also respected as the 23 sovereign nations have a right to self-governance. Given the history and legacy of colonization, of which the disproportionate number of Indigenous women and relatives who are missing and murdered is a symptom, it is especially important to advance recommendations that convey an understanding of this context while reinforcing an understanding of self-determination as a human right and treaty right.

- **Strengths-based-** The recommendations build on strengths and assets that exist within and among states, nations, communities, organizations, families, and individuals. People and communities who are most impacted by violence against Indigenous women and relatives are not seen as helpless. Rather, the strategies and recommendations being advanced in the plan demonstrate respect for the agency and capacity that all stakeholders bring to the table.
- **People-centered-** While violence against Indigenous women and relatives is a systems issues requiring systemic solutions, Task Force members are committed to advancing solutions and approaches that keep the needs, interests, strengths, hopes, and prayers of victims, families, survivors, and communities at the center of decision-making, design, evaluation, and accountability. Being treated with dignity and respect; having access to safe, supportive and non-judgmental environments; having access to accurate and timely information; making informed choices; and having privacy and confidentiality or concrete examples of people-centered approaches.
- **Culturally and linguistically responsive-** In order to really meet people where they're at and implement effective health and safety promotion strategies, violence prevention strategies, and intervention and healing strategies, respect for peoples' language and culture is critically important. Well-intentioned materials, programs, and approaches that ignore language or culture or treat it as a monolithic or 'one-size fits all' approach, fail to adequately meet the needs of

vulnerable and endangered people and their loved ones. This means that people with cultural and linguistic knowledge must be engaged and resourced to contribute to the design, development, testing, outreach, implementation, evaluation, and eventual revisions of all materials, programs, and resources. Being able to access teachers, healers, and helpers (Managed Care Organizations, list others) that understand the culture and language of the people being served contributes to health and well-being rather than re-traumatization.

- **Intergenerational-** Strengthening positive community norms and implementing solutions to Missing, Murdered, and Indigenous Women and Relatives requires engagement across the lifespan. The needs and interests of all ages need to be considered. From youth to elders, and everyone in between, there must be intentionality to invite and include the contributions that people bring forward in co-creating solutions.
- **Integration of health promotion, prevention, intervention, and healing strategies-** The Task Force is very clear that promoting healthy relationships and human rights is important to the ongoing work of ending violence against Indigenous women and relatives. Additionally, efforts that help communities, families, and individuals reduce the risks of harm are also important. When people are especially vulnerable, thoughtful intervention is needed to grow safety, well-being, and freedom from violence and exploitation. When people have experienced violence or exploitation directly or toward a family member, they deserve respect, support, and access to healing.

- **Collaborative-** Violence against Indigenous women and relatives is a social, political, and economic problem that has been centuries in the making. Many people and institutions have contributed to the disproportionate rates of violence and exploitation against Indigenous women and relatives. Solutions will also require a multi-pronged approach based on authentic collaboration and respect for the dignity and rights of all.
- **Trauma informed-** Throughout the report the terms trauma-informed and trauma responsive are used. While being trauma informed and trauma responsive suggests an intentional approach that respects the people experiencing trauma and the evidence of how trauma impacts people, it never pivots from an understanding that people can experience trauma in many different ways and have diverse needs. However, psychological, and physical safety are essential needs of anyone who has experienced violence or exploitation.
- **Respect and compassion for diversity, equity, inclusion, and human rights-** Because MMIWR issues raise the clear violation of human rights, it is important that all solutions respect the diverse needs of Indigenous women and relatives. Solutions must also strive to provide equitable access to decision-making, information, services, and support. Creating solutions that are designed to fairly and justly meet the needs of people with respect to age, gender, sexual orientation, race, ethnicity, ability, geography, enrollment status, and economic status are vital to turning the course on the crisis of missing and murdered Indigenous women and relatives.





## APPENDIX C

### OBJECTIVE 1 Supports Services for Survivors and Families, Community Impact Subcommittee

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
1a. Establish secure and confidential shelters within tribal communities and border towns for individuals, families, and youth in crisis.	MT	S	P, PD, R	B, CR, E, LR, PH, TI	Y-County, Y-Tribal, Y- Grassroots, Y- Victim's Rights, Y-Indigenous Specific, Y-LBTQ/Two Spirit
1b. Expand support services to include housing support, mental health, substance abuse and trafficking aftercare (e.g., The Life Link in Santa Fe).	ST	P	R, P, PD, D	All	All Gov, all Comm
1c. Provide more victim-centered resources and availability of victim advocates and/or a family liaison	ST	P	P, R, J, PD	A, B, CC, TI, PH, CR	Y – County, Tribal; Y-All Comm
1d. Increase state and local funding to provide resources and programs that can support survivors and families.	ST	P	D, A, lack of accountability for federal trust responsibilities.	All	Y – All Gov; Y – All Comm
1e. Inclusive service programs such as Health care, Behavioral health, IHS, first responders, service programs HHS (First Nations) need to include community members from youth, 2SLGBTQ+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Plus), and rural locations.	ST	P	K, R, D (tribal), PD, lack of community education	All	All Gov, all Comm
1f. Strengthen services provided for long-and short term housing to improve crisis response and increase access to mental health and substance abuse treatment.	ST,LT	P	K, PD, P, R	CC, CR, PH, P, TI	Y – Tribal and County with federal support. Y- Healthcare/MH, LGBTQIA



### OBJECTIVE 2 Develop Community Outreach, Education, and Prevention Strategies, Community Impact

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
2a. Develop career pathways for Native youth for careers within tribal communities, including pathways in social and behavioral services, trade, social justice, criminal justice, education, agriculture, medical, and rehabilitation programs to expand the workforce in tribal and neighboring communities.	LT	S	D, R (monetary), S	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y-Tribal, State, Federal
2b. Expand youth programs and community education to raise awareness and prevention of sexual violence and domestic violence.	ST	P	PW, K, S, P, J, R, LC	A, B, CR, LR, E, P, PS, PH, PT, TI, RJ	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2c. To create and expand culturally-relevant curriculum on healthy relationships and violence prevention. Develop education, outreach, and training for and from impacted community members to identify and respond to signs of human trafficking and domestic violence.	LT	P	PW, K, S, P, J	A, B, CR, LR, E, P, PS, PH, PT, TI, RJ	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2d. Raise awareness of MMIWR through the creation of a resource guide and repository with informational materials and media campaigns that can be posted in public places and businesses.	ST	S	P, R, D, S	A, CR, E, P, PS, TI, CC	Y-State, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2e. Secure updated equipment for investigations and crime scene documentation.	MT	P	IT, P, K, J, R	B, PS, PT	Y-Tribal, Federal, State, County, Municipal
2f. Secure and implement training for standardized state- and tribal-wide investigations and crime scene documentation.	LT	P	IT, P, K, J, R, S	B, CR, PS, PT, TI	Y-Tribal, Federal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit
2g.1) Revise training standards for NM Law Enforcement in collaboration with the MMIWR task force and the NMAG Human Trafficking task force.  2g.2) Establish a cross-sector statewide training bureau around MMIWR and related issues to strengthen victims' services.	LT	P	PW, S, A, P, PD, J, R, D, K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y-Tribal, State, County, Municipal, Grassroots, Victim's Rights, Healthcare, Indigenous specific, LBTQ/two-spirit



OBJECTIVE 3

**Develop Community Resources for Strong Responses to MMIWR, Community Impact**

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
3a. Identify trusted community members who can be trained to serve as facilitators for grief and loss support groups and connect to existing grief and loss supports. (Training orgs and resource data base., i.e DOJ VAWA)	ST	P	K, IT, PD, P, PW, R, S, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ	All
3b. Educate youth pre-k-12 about MMIWR, emphasizing prevention. (Related to 2b)	MT	P	A,PW, K, S, P, J, R	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	School boards, State, Tribal, Federal, Healthcare/Mental Health. Human Services
3c. Develop Multi-Disciplinary Teams (MDTs) within tribal communities to spread awareness about MMIWR, focused on prevention.	LT	P	A, K, IT, P, PD, PW, R, S, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Tribal, Federal, State, Indigenous specific community partners- grassroots, health, mental health, human serviceLGBT/Two Spirit, victim's rights
3d. Create a strong intergenerational community (prevention) response, including youth prevention and education programs that are based in culture and healthy relationships.	MT	P	K, IT, P, PD, PW, LC, S, R	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Tribal, County, Municipality Federal-\$, Community-based- All Community Groups
3e. Provide healing options with different modalities for survivors and reentry programs to ensure reintegration and a healing journey.	MT/LT	P	R, PW, PD, K, S, AH, LC	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	All Actors
3f. Develop community aid and response to check on vulnerable people (youth, people with disabilities and elders) during pandemic isolation.	ST	P	A, D, P, PW, R, J, AH, S	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Call to community groups
3g. Identify funding for each school (state and BIE) to support existing resources and to require the establishment of LGBTQ Two Spirit student groups. (Build from PFLAG and Gay Straight Alliance, etc. Model)	MT	P	A, P, PW, R, S, PD, K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ	State, Federal, Tribal-\$ Community- grassroots, LGBT/Two Spirit



OBJECTIVE 4

**Leverage Resources for Tribal Judicial Systems, Systems Subcommittee**

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
4a. Seek and secure funding for capacity building to respond to MMIWR cases	MT	P	P, K, R, J,S	B, CC, CR, E, LR, PS, TI	Y- Tribal, Y-Federal Y- Victim's Rights, Y-Indigenous Specific
4b. Seek and secure funding for tribal court safety, equipment, and technology.	MT	P	P, K, R, J, IT, S	B, PS, CC, PT	Y-State, Tribal
4c. Support legal reform in tribal communities to prohibit human trafficking.	LT	S	P, R, PW, D	B, CC, PS, P, PT	Y- Tribal, Federal, Victim's Rights, Healthcare/Mental Health/Human Services
4d. Advocate and secure funding for additional Special Assistant United States Attorney (SAUSA) positions and resources to tribal courts.	LT	P	R	P, CC,B,PT	Y- Tribal, Federal, Victim's Rights
4e. Establish liaison positions, task forces, and opportunities to discuss and improve coordination and collaboration between tribal, state, city, county and federal agencies.	MT	S	PW, P, R	B,CC,PT,	all Government



OBJECTIVE 5

**Increase Law Enforcement Capacity to Prevent, Investigate, Prosecute, and Report MMIWR Cases, Systems Subcommittee**

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
5a. Create Memorandums of Understanding between tribal law enforcement agencies and state/county/city agencies to facilitate information sharing, resource sharing, investigations, enforcement, or other creative partnerships to strengthen the response to MMIWR cases.	MT	S	R, PW, K, PD	A, B, CC, PS, PT	Y- Tribal, State, Federal, Municipal, County
5b. The Department of Public Safety must identify solutions to improve and increase commissioning agreements in collaboration with tribal leadership.	MT	P	PW, R, J, PD	A, B, CC, PS, PT	Y- Tribal, State, County
5c. Establish a permanent MMIWR office with a standing cold case review team.	MT	P	R, P, J, A, K	B, A,CC, PS, PT, P	All Govt; All community
5d. Create and pass legislation mandating training focused on MMIWR and improving reporting by all public safety personnel across the state.	MT	P	P, K, R	B, CC, PS	Y- state, federal, municipal, county, victim's rights
5e. Support all New Mexico tribes' participation in the 2013 VAWA act.	LT	P	IT, P, PD, PW, R	B, P, PH, PS, PT, RJ	Y- federal, state, tribal, victim's rights
5f. Streamline the process to commission state police officers with the Special Law Enforcement Commission (SLEC).	LT	S	P, PD, R, J	B, CC, PS	Y-State, Federal, Tribal
5g. Establish a mandatory protection order sharing between tribes and New Mexico Law Enforcement officers via NCIC. (Pro)	MT	P	P,R,K	A, B, CC, CR, E, LR, PH, P, PS, PT, RJ, TI	Y- state, federal, tribal, victim's rights, Indigenous specific, LBTQ/2S



OBJECTIVE 6

**Develop Standards and Capacity for Data to be Reported and Documented Accurately and Used to Support Prevention and Response, Data Subcommittee**

Strategies	Timeline	Priority	Barriers	Benefits	Government Action?
6a. Support increased data-gathering capacity across law enforcement agencies (LEAs) to increase accountability and ability to understand frequency, type and location of crimes.	ST	P	D, K, IT, P, PD, J, R, PW	B, CC, PS, PT, RJ	Government Action Y- State, and Y- Tribal, Y-Federal Y - Municipal agreement Community Action - Y
6b. Increase capacity for the State to consistently report missing persons cases to NamUs as required by House Bill 16 (2019) within 30 days.	ST	P	IT, P,PD,J, R	A, CC, CR, PH,PS, TI, PT,	Government Action Y -State, Y-Federal, Y-Tribal Community Action - N
6c. Include tribal affiliation when documenting missing persons, trafficking, and cases of homicide to improve data gathering and policy development.	ST	S	K, IT, P,PD, J, R	A, B, CC, CR,E, PH, PS, PT, RJ	Government Action Y-M, C, F, T Community Action Y-GR, Y-VR, Y-H/MH/HS, Y-IS, Y-LGBTQ
6d. Enact federal legislation requiring NCIC to track tribal affiliation and ethnicity data in the missing persons reporting forms.	MT	P	PW, D, K, R, J	TI, RJ,PT,E, A,PH,P	Government Action Y-M, S, C, F, T. Community Action Y-GR, Y-VR, Y-H/M/H/H,Y-LGBTQ2+
6e. Initiate in-depth data collection by examining case files to help document gaps in the investigation and prosecution processes.	MT	P	D, K, IT, P, PD, PW	TI, P,A,E	Government Action Y- M, S, C, F, T. Community Action Y-VR, Y-H/MH/HS, Y-IS
6f. Work with Tribal governments to pass laws and policies that require reporting of all missing persons cases to the National Crime Information Center and State Missing Persons Clearinghouse.	LT	P	K, IT, P, PD,R, PW, J	TI, PT, RJ	Government Action Y-Tribal Community Action Y-Grassroots Y-healthcare/mental health
6g. Establish a data institute to track and study cases of Missing and Murdered Indigenous Women, Girls, Trans/2S+ and LGBQ community members as well as boys and men that also documents tribal-specific data.	LT	P	D, R, IT, P, PD, K, PW	B, PH, CC, E, P, PS, PT	Government Action Y- S, F, T, M



**MMIWR Systems Change and Policy Objectives  
Summary Table Terms and Concepts**

**STRATEGIES**

The strategies identified in this summary table were developed by the founding MMIWR Task Force in 2020. Additional strategies also emerged in the 2021 Task Force committee and subcommittee work.

**TIMELINE**

Adoption and implementation of few of the strategies identified are one-and-done strategies. Instead, they require transforming systems to be more responsive and accountable to people who have experienced trauma and their families and communities.

- **Short-term** strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMIWR within 1-2 years.
- **Mid-term** strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMIWR within 2-3 years.
- **Long-term** strategies are those that can be adopted and begin implementation that measurably improves the well-being of those most impacted by MMIWR in 3 or more years.

**PRIORITY**

All of the strategies identified are an important part of responding to the needs of individuals, families, communities, and systems to promote the well-being of indigenous women and relatives, prevent violence against indigenous women and relatives, and intervene and respond to the needs of indigenous women and relatives if they are threatened, endangered, harmed, or the victims or survivors of violence. Some priorities are primary. They must be accomplished first to allow

other strategies to move forward. Other priorities are secondary. They need to happen hand-in-hand with or following other foundational strategies.

**KEY DEFINITIONS - BARRIERS**

**A - Lacks statutory authority-** If the systems partner is not empowered to take action because they lack the legal authority to do so, lacking statutory authority is a barrier that could be addressed with legislative change.

**D - Limited access to reliable and relevant data-** If there is not a clear and consistent way to gather and share all necessary information about the needs or outcomes of MMIWR, limited access to reliable and relevant data is a barrier.

**K - Limited Knowledge of Best Practices-** If there is evidence or examples of strategies, approaches, and practices that are in place in some sectors or agencies that facilitate support to families or individuals who have gone missing or been murdered and these approaches are not in place consistently for all indigenous families, limited knowledge of best practices is a barrier.

**IT - Information Technology-** If there is equipment, software, database access, or programming to reduce barriers or streamline information sharing about MMIWR that needs to be developed or purchased, IT is a barrier.

**P - Personnel-** If there are not enough paid people with the necessary skills, knowledge, attributes, and competencies to support individuals, families, or communities of MMIWR, personnel is a barrier.

**PD - Professional Development-** If lack of understanding,



training, supervision, or quality assurance is slowing or weakening the professional response to the needs of MMIWR, professional development is a barrier.

**PW - Political Will-** If the well-being of indigenous women and relatives is not treated as a public policy/ public health priority, political will is a barrier.

**J - Jurisdictional Inconsistencies-** If differing rules, processes, laws, or systems across governments, agencies, or sectors are creating barriers to individuals, families, and communities who are seeking support to respond to MMIWR, jurisdictional inconsistencies are a barrier.

**R - Lack of resources for personnel, equipment, travel, etc.-** If there are insufficient resources to honor the urgency or well-being of individuals, families, or communities responding to MMIWR, lack of resources are a barrier.

**S - Systemic:** organizational or systemic barriers are policies, procedures, or practices that unfairly discriminate and can prevent individuals from participating fully in a situation. Organizational or systemic barriers are often put into place unintentionally.

**LC - Language barriers.**

**KEY DEFINITIONS - BENEFITS**

**A - Strengthens Public Awareness-** If a strategy focuses public awareness and understanding on the unique needs of MMIWR through traditional media and social media outlets or community education campaigns, strengthens public awareness is a benefit.

**B - Builds Systems Capacity-** If a strategy increases the ability of agencies or organizations to take responsibility for and address the needs of those impacted by MMIWR,

building systems capacity is a benefit.

**CC - Cross-system Coordination-** If a strategy allows people across systems and sectors to be better able to reduce barriers to resolution and create an approach to MMIWR that is more responsive and healing than retraumatizing, cross-system coordination is a benefit.

**CR - Culturally Responsive-** If strategies enable professionals in the public and private sector to demonstrate accurate empathy for the needs and values of those impacted by MMIWR in a way that honors the individual, family, and community in the context of their culture, cultural responsiveness is a benefit.

**E - Advances Equity-** If a strategy increases the capacity of individuals and systems to respond to tragedy and trauma in ways that meet the unique needs of Indigenous individuals, families, and communities and prevents damaging biases about indigenous women, children, families, and the LBG, Trans, Two Spirit communities, advancing equity is a benefit.

**LR - Linguistically Responsive-** If a strategy enhances capacity to provide services in an individual or family's home language during a time of crisis, linguistic responsiveness is a benefit.

**PH - Improves Public Health-** If a strategy systematically promotes the well-being of indigenous women, girls, and relatives; prevents violence against women and girls, facilitates intervention to reduce harm, or provides a healing response when harm has occurred, improving public health is a benefit.

**P - Strengthens Prevention-** If a strategy is proactively aimed at preventing violence against indigenous women, girls, and relatives, strengthening prevention is a benefit.



**PS** - Improves Public Safety- If a strategy strengthens safety for indigenous women and relatives and reduces the likelihood that they will be perpetrated against or increases the severity of consequences of harming indigenous women and relatives, improving public safety is a benefit.

**PT** - Public Trust- If a strategy increases predictable and positive outcomes for the people most impacted by MMIWR and strengthens the transparency and credibility of systems, public trust is a benefit.

**RJ** - Restorative Justice- If a strategy creates opportunities to repair harm, respect the dignity of those who have been harmed, and increase the likelihood of a just and healing response and accountability, restorative justice is a benefit.

**TI** - Advances a Trauma Informed Response - If a strategy is centered in responding in a healing manner to the tragedy and trauma that an individual, family, or community experiences when harm has come to an indigenous woman or relative, a trauma informed response is a benefit.

**GOVERNMENT ACTION AND/OR COMMUNITY ACTION**  
The progress and success of some strategies require government leadership to achieve successful adoption, implementation, and outcomes. Some strategies do not need government action and communities have the ability to implement solutions and drive positive outcomes without government involvement. Several strategies require both government and community action.

Government is not monolithic. Certain levels of government and branches of government are best suited to strengthen systems and system-responses to better meet the needs of individuals, families, and communities impacted by MMIWR. Municipalities, counties, Tribes/

Pueblos, state government, and the US government each have an obligation to protect and promote the well-being of Indigenous women and relatives and respond to bring justice when their well-being has been threatened or compromised. Analyzing who government partners are and how they can contribute to protect the safety and well-being of community members is an important part of a state response plan.

Community stakeholders are also diverse. There are grassroots efforts aimed at responding to the needs of Indigenous women, relatives, and their families when violence or harm occurs. There are also government and non-government programs that respond to the needs of victim's and promote victim's rights. There are public and private healthcare, mental health, behavioral health, and human service organizations that interact, engage with, and can better serve individuals and families who have experienced a missing or murdered indigenous woman or relative. Within all community responses there are some that are created by, for, and with Indigenous people and are particularly responsive to the needs of Indigenous people, families, and communities. When strategies build or strengthen these culturally appropriate supports, they advance healing and interrupt the cycle of re-traumatization that is part of a cycle of historical and ongoing trauma that is deeply rooted in colonization. In addition, when strategies acknowledge the increased risk and incidents of violence and exploitation that happens to lesbian, bi-sexual, gay, transgendered, and two-spirit people and responds to their needs, better outcomes are created.



## APPENDIX D

### Project Timeline

	Public Meetings	Data Collection
May 5, 2021 "Our Women, Our Relatives New Mexico's Call To Action: May 5th Missing and Murdered Women's Day"	On May 5, 2021, more than 200 participants from across the state of New Mexico joined the New Mexico MMIWR Task Force's call to action to address the Missing and Murdered Indigenous Women and Relatives crisis in the state.	This meeting celebrated the signing of Executive Order 2021-013 by Governor Michelle Lujan Grisham that established the 2021 New Mexico Missing and Murdered Indigenous Women and Relatives Task Force. This meeting also centered on New Mexico's MMIWR crisis, by illustrating the elevated rates of missing women and Indigenous peoples in the state.
June 25, 2021 New Mexico's MMIW Call to Action II: "Foundation for Change: Ending Violence Against Our Women and Relatives"	The second public meeting, "Foundation for Change: Ending Violence Against Our Women and Relatives," honored the 2019-2020 task force members with a moment of gratitude and welcomed the 2021 incoming task force members.	The meeting was filled with heart-felt testimony, community voices, and support from the U.S. Department of the Interior. Guest speakers collectively set the stage for the future MMIWR task force work to develop a State Response Plan for addressing and ending violence against Indigenous relatives in New Mexico.
August Subcommittee Meetings	Systems: August 12, 2021 Data Subcommittee: August 13, 2021 Community Impact: August 24, 2021	Subcommittee introductions  Beginning discussing the 2020 MMIWR Final Report recommendations.
August 31, 2021 MMIWR Task Force Meeting	Presentation by Aubony Burns King County Prosecuting Office, Seattle Washington on MMIWR Training Initiatives for Prosecutors and Staff. Training Resources Prepared by the Urban Indian Health Institute.  Second Judicial District Attorney's Office Presentation on the Establishment of a MMIWR Crime Strategies Unit.	Begin learning about how other states are addressing MMIWR training efforts.  Learn about initiatives at the Second Judicial District Attorney's Office to establish a Crime Strategies Unit to focus on MMIWR incidents.



September Subcommittee Meetings	Systems: September 9, 2021  Data: September 2, 2021  Community Impact: September 15, 2021	Begin working through spreadsheets for recommendations
September 27, 2021 MMIWR Task Force Meeting	Presentation by Minnesota Senator Mary Kunesh on MMIWR Office  Presentation by Detective Somershoe about AZ Missing Persons Day  Presentation by Emily Wright, Ph.D. and Tara Richards, Ph.D. University of Nebraska Omaha on a grant opportunity/partnership to collect NM data on MMIWR incidents  Discussion & finalization of NM legislative proposals and presentation to the NM Indian Affairs Interim Committee and Legislative Health and Human Services Interim Committee	Key findings: seeking justice, no more missing and murdered, investigation prosecution and sentencing must be done right. Our system does not have adequate cultural services for Indigenous families, facilitated by our elders and native experts.  Office creation was the first mandate, continuous funding, and permanent resources. State and federal components so tribes have access to data.  All our native women should have an autopsy, deaths have been listed as suicide when the family knows that it is not suicide. Look into child welfare system, create education in schools, prevention of trafficking, require and continue to sex trafficking awareness led by those that have that lived experience.
October Subcommittee Meetings	Systems: October 14th, 2021  Data: October 7, 2021  Community Impact: October 13, 2021	Discuss and finalize legislative proposals.
October 26, 2021 MMIWR Task Force Meeting	Seraphine Warren, niece of Ella May Begay presentation  Legislative Proposal Update from 10.19.21 Indian Affairs Interim Committee (Stephanie Salazar)  Subcommittee Reports  Legislative Panel- Representatives Andrea Romero & Georgene Louis  Reviewed Strategies in Break-out Groups (Systems, Community Impact, Data)	Seraphine needs help with the search for Ella Mae Begay. Support needs for families that are searching for a loved one include: <ul style="list-style-type: none"> <li>• Water for horses, hay, gas for ATVS</li> <li>• Food and water for searchers</li> <li>• Bone specialists on call for when searchers find bones, search with law enforcement and bone specialists.</li> <li>• Funding for search efforts</li> <li>• Law Enforcement Family Liaison to ensure family stays up to date with information, better communication is needed.</li> <li>• Spokesperson for help with media</li> </ul>



November Subcommittee Meetings	Systems: November 12, 2021 Data: November 4, 2021 Community Impact: November 10, 2021	Worked on table for recommendations
November 12, 2021 “Bridging the Gaps: New Mexico MMIWR Task Force Education Panel”	The MMIWR Task Force hosted a community educational event that elevated the voices of families with missing loved ones and hosted a panel discussion composed of task force members.  Three task force members: Regina Chacon, Pameyla Herndon, and Chastity Sandoval, along with MMIWR consultant Jessica Gidagaakoons Smith all served as panelists for this important discussion.	Important topics were explored during this panel discussion including what should people do when someone goes missing? What does “MMIWR” stand for, and why is this different from the more commonly known “MMIW” phrasing? Other important topics like what does two-spirit mean and how is this community impacted by the missing Indigenous persons crisis?  The virtual event was well attended by community members and had nearly 800 views and reached at least 1,600 Facebook users.
November 17, 2021 MMIWR Task Force Meeting	Subcommittee Reports  MMIWR Task Force and Legislative Update (Stephanie Salazar) NM Attorney General Legislative Update (Mark Probasco)  Comprehensive Response Plan- Updates on Summary Tables and Consensus Building (Consensus = 85% agreement or higher)  Overview of President Biden’s Executive Order on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People (Rachel Lentz, Senator Heinrich’s Office)	Mark Probasco on legislation: Consolidating numbers problem and checkerboard jurisdiction to ensure there is adequate investigation. Our office has statewide jurisdiction, there is one office that families can reach out to ensure cases move forward. Time is crucial, and we need to have prosecutors that are in tune with this crisis. We need to make sure the state consolidates their efforts. The first part is to make sure victims don’t have to go through a tangled web, that there is an entity to go through to investigate cases. Second part makes sure there is a specialist to make sure info is put into databases and to ensure there is follow through. Successful outcomes need someone who is instigating these cases.
December Subcommittee Meetings	Systems: December 13, 2021  Data: December 2, 2021  Community Impact: December 8, 2021	Presentations by the DHSEM Fusion Center Bureau Chief Adam Simonson on how they can assist the task force and support ongoing MMIWR cases with resources.  UNO presentations



December 14th, 2021 MMIWR Task Force Meeting	<p>Pepita Redhair's story was highlighted by Jessica Gidagaakoons Smith and Darlene Gomez.</p> <p>Community Outreach and Education Update- Jessica Gidagaakoons Smith</p> <p>Legislative Update- Stephanie Salazar and Poqueen Rivera</p> <p>Subcommittee Reports</p> <p>Comprehensive State Response Plan</p>	<p>46 recommendations, 23 from community impact, 16 from systems, 7 from data. 49 altogether had a thorough analysis. Communication has been great, only 2 recommendations didn't reach 85% consensus.</p> <p>2b. Education and awareness on prevention on sexual violence. Mattee talks of how important education is for our youth because of a high prevalence of youth violence. Kelly talks about how our most vulnerable are our youth and we need to arm them with education.</p>
January Subcommittee Meetings	<p>Systems: January 13, 2022</p> <p>Data: January 6, 2022</p> <p>Community Impact: January 12, 2022</p>	<p>Presentation by RS21</p> <p>Presentation by DHSEM Fusion Center</p> <p>Legislative Updates</p>
January 14, 2022 MMIWR Task Force Meeting	<p>Elevating Youth Voices Presentation – Gracie Aragon, Reyes Devore, Jaelynn Littlebear, Pueblo Action Alliance</p> <p>Taskforce Engagement in Legislative Advocacy (Stephanie Salazar, PoQueen Rivera, Lilly Irvin-Vitela)</p> <p>LGBTQ2S+ Presentation by the Community Impact Subcommittee informational presentation led by Jessica Gidagaakoons Smith</p>	<p>Youth need more education on MMIWR and dating violence. More healing spaces for youth is also needed.</p> <p>Legislative updates:</p> <ul style="list-style-type: none"> <li>Senate Bill 12: AG Office for Missing Indigenous Persons</li> <li>Senate Bill 13: Missing in NM Day Event</li> </ul> <p>LGBTQ2s youth are at higher risk for trafficking, violence, bullying, and suicide. They need safe spaces in school and groups that can help them navigate trauma.</p>



February 25, 2022 MMIWR Task Force Meeting	<p>Legislative Update (Indian Affairs Department)</p> <p>SB 12 MMIWR Office (S. Pinto and Lopez)</p> <p>SM 18 Missing &amp; Murdered Indigenous Women (S. Pinto)</p> <p>Update on MOU Efforts (Second Judicial District Attorney's Office)</p>	<p>MOU Efforts (Second Judicial District Attorney's Office)</p> <p>Started to take techniques and skills we have been developing and apply them to the work with the taskforce and apply them to find solutions.</p> <p>Actively engaging in social media to connect where we see conversations about missing persons. We have hit the ground running and actively working to solve cases.</p> <p>Working with phones, mapping cell phones, tracking links to move us forward. We have had success and we have helped bring people home.</p> <p>Time matters, we are actively available, the earlier the better. We look at both ends, can we work both ends and get involved early.</p>
March Subcommittee Meetings	<p>Systems: March 11, 2022</p> <p>Data: March 3, 2022</p> <p>Community Impact: March 9, 2022</p>	<p>Go over state response plan, pick top 3 recommendations to highlight during State Response Plan roll-out event</p> <p>Review Shared Values document</p> <p>Complete Subcommittee Talking Points Document</p>

