



North Dakota House of Representatives

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COMMITTEES:

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March 13, 2025

Chairman Wobbema and Committee Members for the record my name is Collette Brown Representative from District 9 which including two of the five Tribes in ND, the TMBC and SLT.

I stand before you today to urge your support for House Bill 1199, which proposes the creation of a Murdered and Missing Indigenous Persons (MMIP) Task Force. This task force will bring together key leaders and agencies to address the growing epidemic of missing and murdered Indigenous persons that has plagued our state and our nation. It is a crisis that demands immediate action—action that North Dakota is poised to lead.

The statistics are alarming, and the time for action is now. According to the National Crime Information Center, more than 9,500 Indigenous people were reported missing in 2020, with many cases still unresolved. The situation is even more dire—Indigenous persons are going missing and being murdered at a rate more than ten times the national average, according to the Centers for Disease Control and Prevention. These numbers are not just statistics; they represent families, communities, and lives forever altered.

The current response to this crisis has been inadequate. Geographic isolation, limited resources, and jurisdictional complications between tribal, state, and federal agencies have left families without answers, without closure, and without justice. For too long, Indigenous communities have been left in the shadows, suffering in silence. It is time to change that.

HB 1199 will create a task force that will meet and work tirelessly to address this issue. The membership of the task force, which includes key stakeholders such as the Attorney General, the Chief of the Bureau of Criminal Investigation, the Executive Director of the Indian Affairs Commission, and representatives from each of the federally recognized tribes in the state, will ensure that this issue receives the attention it deserves. This task force will identify barriers, improve collaboration, and make recommendations that will lead to faster resolutions of cases and, ultimately, to justice for the victims and their families.

This task force is not just a matter of government response—it is a moral imperative. The cost of inaction is too high. The lives of Indigenous persons are at risk, and the erosion of trust between Indigenous communities and law enforcement is growing. Every day we delay is another day of uncertainty and pain for the families who have already suffered too much.

North Dakota has the opportunity to lead the nation in addressing this epidemic. By passing this bill, we will strengthen trust between law enforcement and Indigenous communities, improve the identification and reporting of missing persons, and, most importantly, restore justice and dignity to families who have been denied answers for far too long.

This bill provides \$250,000 in funding for the next biennium to support tribal efforts in identifying, reporting, and locating missing Indigenous persons. It is a small investment for a cause that will yield significant, life-changing results. We cannot afford to wait any longer. The time to act is now.

As legislators, we have the privilege and the responsibility to be part of the real conversation. We can make a difference, and we must. Let us stand together to support this crucial bill, to stand for accountability, justice, and safety for all North Dakotans. Let us act now, not just for the present, but for the next seven generations.

Lastly, I want to add for the record I want to submit the Tribal Homeland Security Advisory Council subcommittee report from January 2024 on their finds for MMIP

I respectfully ask for your support of HB 1199. Together, we can ensure that no more Indigenous persons are lost without justice, and no more families are left without closure.

Thank you for your time and consideration.



Tribal Homeland Security Advisory Council

Public Safety & Criminal Justice Addressing the
Crisis of Missing or Murdered Indigenous People
Subcommittee

Tribal Homeland Security Advisory Council
January 10, 2024



Homeland
Security

This publication is presented on behalf of the Tribal Homeland Security Advisory Council (THSAC) Addressing the Crisis of Missing or Murdered Indigenous People (MMIP) Subcommittee Co-Chaired by DeCota Thompson and Emmalene Sitting Bear for the Secretary of the Department of Homeland Security, Alejandro N. Mayorkas.

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EXECUTIVE SUMMARY

On August 10th, 2023, Secretary Mayorkas tasked the THSAC with forming a subcommittee to address the crisis of missing or murdered indigenous people. As a result, a subcommittee was formed with the task of *Addressing the Crisis of Missing and Murdered Indigenous People* (MMIP). Native Americans face excessively high levels of violence and are victims of violent crimes at a much higher rate than the national average. Executive Order 14053 (EO) tasked the Department of Homeland Security (DHS) with providing support to federal partner agencies, including the Department of Justice (DOJ), the Department of the Interior (DOI), and the Department of Health and Human Services (HHS) for their ongoing efforts to address the crisis of MMIP. A further inspection of the EO highlights the Department's role in the following areas:

1. Coordination of Federal Law Enforcement Strategy to Prevent and Respond to Violence Against Native Americans.
2. Supporting Tribal and Other Non-Federal Law Enforcement Efforts to Prevent and Respond to Violence Against Native Americans.
3. Improving Data Collection, Analysis, and Information Sharing.
4. Strengthening Prevention, Early Intervention, and Victim Survivor Services.

The tasking of this sub-committee was to focus on items three and four, through independent assessments of DHS's current actions as it relates to the two sections. There is a lot of ongoing, and newly completed work, as it relates to the MMIP crisis among numerous parts of the Federal government. The tasking here attempts to build upon and not replace any of that important work, rather how DHS can supplement those efforts to assist Nations in addressing the crisis and increase public safety among Nations.

In recognition of these impediments, the Secretary tasked this Subcommittee with reviewing the program and stakeholder feedback, and providing recommendations with insight into:

Provide an independent assessment of DHS's current actions relating to item three of the EO, *Improving Data Collection, Analysis, and Information Sharing*. This assessment included:

- Collection of relevant criminal data and data related to MMIP from Tribal Nations and organizations;
- Review and assess the efficiency and effectiveness of the Department's information sharing to enhance the security and preparedness within Tribal Nations. This includes recommendations for new information-sharing mechanisms, whether via platforms or networks, or by creating a new process that will effectively communicate threat information and other relevant federal resources to Native Americans; and

- Outline further areas in which the Federal Emergency Management Agency (FEMA) can promote its Integrated Public Alert Warning System (IPAWS) in relation to cases of MMIP.

Provide an independent assessment of DHS's current actions relating to item four, *Strengthening Prevention, Early Intervention, and Victim and Survivor Services*. This assessment should include but not be limited to:

- Distribution of education, awareness, and training materials from the Blue Campaign to Tribal Nations;
- Engagements on prevention and intervention with Tribal Nations; and
- Recommendations for DHS to improve access to information or services relating to item four of the EO.

In preparation for this report, the Subcommittee was briefed by stakeholders, subject matter experts, and leaders from the DHS Blue Campaign, Center for Countering Human Trafficking, FEMA's IPAWS Program, and Homeland Security Investigations' (HSI) Shadow Wolves Unit. The Subcommittee also received briefings from the Alaskan Department of Public Safety, DOJ's Office of Justice Programs' (OJP) NamUs Program, and DOI's Missing and Murdered Unit (MMU). Members heard consistent themes, affirming the concerns presented at the outset of the tasking. Members identified limited communication & information sharing, the need for further education and awareness training, and data compilation and centralization as primary obstacles that require further attention to make a significant impact on the crisis of MMIP.

The Subcommittee has the following primary findings:

1. There is no officially designated centralized data collection point which diminishes the quality, timeliness, and success in tracking missing and murdered indigenous persons (MMIP) cases.
2. There is no efficient information sharing process between state, local, tribal, and territorial (SLTT) law enforcement and public safety.
3. Tribes do not have equitable access to resources, information, and services.
4. Geographical and environmental factors contribute greatly to the number of missing and murdered indigenous people.

To address these findings, we make the following policy and legislative recommendations to DHS:

1. Create a designated and centralized standalone Tribal Nations Platform/Campaign for data collection and networking; one that is secure, current, near real time and is in line with today's technological standards.
2. Establish a component of the standalone Tribal Nation Platform that provides data analysis.

3. Establish uniform criteria for reporting requirements and a process of mandating reporting requirements for all missing persons.
4. Provide additional training to law enforcement and other stakeholders to support the adoption of new and existing information-capturing systems.
5. Implement a Whole Community Approach strategy to strengthen the prevention and mitigation of MMIP. Standup an awareness campaign to connect the law enforcement, SLTT officials, non-governmental organizations and all community stakeholders working in the MMIP realm to promote early intervention.
6. Improve victim and survivor services offered through DHS and federal partners by consolidating them under one platform.

METHODOLOGY

In carrying out the Secretary's tasking, the Subcommittee met with subject matter experts at the federal and state level. Throughout September and October 2023, the subcommittee was briefed by the DHS Blue Campaign, Center for Countering Human Trafficking, Federal Emergency Management Agency's (FEMA) Integrated Public Alert Warning System (IPAWS) Program, and Homeland Security Investigations' (HSI) Shadow Wolves Unit. The Subcommittee also received briefings from the Alaskan Department of Public Safety, the DOJ's Office of Justice Programs' (OJP) National Missing and Unidentified Persons System (NamUs) Program, and the DOI's Missing and Murdered Unit (MMU).

Furthermore, the Subcommittee reviewed data reports from the NamUs Program, as well as Requests for Information (RFIs) from FEMA IPAWS, Office of State and Local Law Enforcement (OSLLE), Customs and Border Protection (CBP), Federal Law Enforcement Training Centers (FLETC), and Immigration and Customs Enforcement (ICE).

KEY FINDINGS

Key Finding #1: There is no officially designated centralized data collection point which diminishes the quality, timeliness, and success in tracking missing and murdered indigenous persons (MMIP) cases.

Tribes vary in their data collection and analysis processes when handling MMIP cases which leads to complications. Some Nations are equipped with their own law enforcement, while others rely on states or federal agencies, causing case management to lack consistency overall. Many cases make their way into the Federal Bureau of Investigation (FBI)'s National Crime Information Center (NCIC), some to NamUs, and yet others do not. Consistency and overall continuity among data collection and compilation are evidently necessary.

Duplicative and regional data collection and storage methods causes cases to lack trustful and consistent data and real-time evaluation. As various tribal organizations evolve, their

sources of data can multiply. Multiple data sources can result in a host of complications and inefficiencies, ranging from inaccurate or duplicated data to incorrect filing of compliance information. Centralizing data sources across a platform can assure that Tribal Nations throughout the country have access to a common source of trusted data, allowing for increased productivity, optimized collaboration, and more confident decision-making. Centralizing entity data eliminates data silos by integrating all information into a single, shareable source. This minimizes the time spent reconciling competing data sets and reduces the inefficiencies caused by inaccurate or incomplete data. Centralized entity data increases the opportunities for collaboration and shared problem-solving across the platform because each division is equipped with a shared foundation of baseline knowledge. Bad data often accumulates in environments as multiple users interact with a variety of different data sources. This inevitably leads to inaccuracies and redundancies.

Additionally, centralizing data minimizes information silos, improves data quality, and makes it easier to see and predict the potential impact of emerging trends or proposed changes across different areas, agencies, tribal nations, initiatives, etc. It is critical to have the ability to access and analyze data near to real time as possible, allowing all levels of government and partners to make data-driven decisions that can be adjusted as needed. Examples of centralized data management systems include online database software, data warehouses, and data lakes. Centralizing data helps organizations streamline processes, improve efficiency, and make better-informed decisions.

A designated centralized data source is easier to maintain and keep clean, providing data that is verified and accurate. The process of cleaning data removes outdated entries and eliminates duplicate copies of files, categorizing information into usefully organized indexes. Data cleansing can redefine the current process and reveal opportunities for further integration. Most importantly, tribal nations and their partners can rest assured that the data is current, trustworthy, and can be used for day-to-day decisions and future objectives.

Key Finding #2: There is no efficient information sharing process between SLTT law enforcement and public safety.

Information sharing gaps, due to legal differences among SLTT law enforcement and jurisdiction differences between states, has severely impacted the resolution of many MMIP cases.¹ While the National Child Search Assistance Act (42 U.S.C. 5779, 5780) mandates that every missing child reported to law enforcement be immediately entered into NCIC, to date, there is no federal law requiring a law enforcement report be filed for anyone 21 years or older who goes missing, nor is there a mandate to enter the case into NamUs. Additionally, DHS resources like the Center for Countering Human Trafficking (CCHT) Blue Campaign, a national awareness campaign, do not collect and compile data and statistics specifically on tribal nations and human trafficking. There is a gap or improvement opportunity around collecting relevant criminal data and data related to MMIP from Tribal Nations and

organizations. DHS can help eliminate this barrier through the creation of a law enforcement sensitive (LES) portal to alleviate the information sharing challenges, and better share time-sensitive information and threat intelligence, providing a trusted networking system for law enforcement to coordinate their efforts for both adult and youth MMIP cases.

Jurisdictional differences, tribes falling within multiple different state boundary lines, contribute to the discrepancies in solving MMIP cases. The variation between state agencies and their mandates to address missing persons cases contributes to data fragmentation, and inconsistencies. A federal law requiring information collection standardization among all missing persons cases could mandate uniformity, equitable response and services, and help to establish continuity among all MMIP cases nationally. Overall, Tribal Nations' investigating agencies supplied with the proper resources are best equipped to consistently handle casework and data processing of missing persons cases, so investing in information sharing services that support this process is most beneficial. Further discussion should be had to understand both the inefficiencies in the information sharing process and whether mandated standardization could help to resolve confusion in missing persons cases nationally.

Key Finding #3: Tribes do not have equitable access to resources, information, and services.

Resources such as training, education, funding, knowledge of networking opportunities, or consulting agencies support are made available to tribal nations, but guidance in finding these opportunities is not equitable among all tribes.

It is evident that many Tribal Nations do not share the same resources or partnerships that other Nations do, therein lies a gap in access to resources, information, and services. This is evident in the underutilization of the FEMA IPAWS system which was learned in briefings. While some Nations are utilizing the system effectively, many others are still either choosing to not use it or are simply unaware of its existence and benefits. A centralized platform offering resources available could help tribes to learn and have access to FEMA IPAWS.

Furthermore, access to information and services that address the strength of public safety in Indian Country is lacking, in part, due to equity. Specifically, tribes lack equity in access to systems that address public safety, which MMIP and its causation factors fall under. Examples are lack of adequate law enforcement coverage for jurisdiction size, lack of trained law enforcement, lack of adequate victims' services, lack of tribal judicial systems in some areas, lack of adequate social services for families, and lack of more consistent education and prevention efforts for those MMIP causation factors.

Joint missing persons investigation & search, rescue and recovery services and training are lacking in Indian country. Without the necessary resources, information, and services available, public safety for indigenous people is more severely hindered due to the additional

geographical and environmental obstacles these communities face. This will be addressed further in Key Finding number four.

Ultimately, for tribal nations to become more self-sufficient and resilient, accessibility to resources, information, and services must be equitable for all Nations.

Key Finding #4: Geographical and environmental factors contribute greatly to the number of missing and murdered indigenous people.

Through discussions with the Alaskan Department of Public Safety, we learned that a majority percentage of missing persons cases in Alaska are due to environmental factors such as weather, falling into water, and falling through ice, differing greatly from external factors or considerations of other missing persons cases such as human trafficking, domestic violence, runaways, drug and/or alcohol intoxication, and despondency. While still needing attention and resolution, the unknown threat of further violence that other MMIP cases pose, represents a different scenario altogether. This must be considered when formulating a response and search for the missing indigenous individuals.

Additionally, environmental factors beg the need for more specific intervention such as an aircraft for agencies handling cases in Alaska. In conjunction with the lack of infrastructure and housing for prospective officer candidates, the remote locations where officers are needed simply lack the necessities to host or house officers. The geography and terrain, combined with the vast area, create substantial hurdles in responding to incidents, especially in a timely manner.

In some Tribal communities, the international border poses a host of different challenges altogether. Often these challenges are unique to the community and haven't been considered when deciding how to address this problem set in certain communities. These geographical factors highlight how drastically different each Tribal Nation and their public safety issues are. A singular or umbrella approach is often not the best solution; there is a need to involve Tribal Nations when assessing individual challenges.

RECOMMENDATIONS

The recommendations of the MMIP Subcommittee fall into two general categories: recommendations on improving data collection, analysis, and information sharing, and strengthening prevention, early intervention, and victim and survivor services.

1) Improving Data Collection, Analysis, and Information Sharing

Recommendation #1: Create a designated and centralized standalone Tribal Nation Platform for data collection and networking; one that is secure, current, near real-time, and in line with today's technological standards.

Create a standalone platform to serve as a unified location for MMIP data, statistics, and resources to be collected and housed. This web-based platform would be confidential and accessible to tribal nations to provide data, engage with federal agencies, and utilize resources across all levels of communities. Additionally, allocating separate areas for data on historical MMIP cases and current cases would be necessary. The centralized data process would not only be a source of unification for families but would reduce duplication of data and improve data accessibility, increase the efficiency of data processing and analysis, improve data quality and accuracy, provide a more user-friendly experience, increase the effectiveness of data-driven decision-making, and increase transparency and stakeholder awareness. The creation of a data management plan and data governance structure are also essential to the success of the centralized data platform; thus, we also recommend the following:

a) Create a data management plan with defined processes and standards.

The recommended networking platform, at the scale required, would require a high standard data management system. Data Management helps define processes and standards for managing and securing data, ensuring data integrity. The key components of a data management plan include defining the scope of the project, identifying data sources, establishing data quality standards, defining data access and security protocols, and developing data backup and disaster recovery plans to ensure that data is protected in case of a security breach or system failure.

b) Work with DHS's Office of Intelligence & Analysis (I&A) and Cybersecurity and Infrastructure Security Agency (CISA) to establish a data governance framework.

Establishing a data governance framework is also critical for successful data centralization projects. This framework should include policies, procedures, and standards for managing data quality, security, and compliance. Assigning roles and responsibilities to individuals within the framework is also important to ensure accountability and consistency. The framework should enable consistent checks to monitor data quality, security, and compliance. Regular audits should be conducted to ensure compliance with legal and organizational standards. Additionally, the framework should include data monitoring, data lineage, catalogs, user permissions, and role-based access controls to manage access control and optimize role-based security.

Recommendation #2: Establish a component of the standalone Tribal Nation Platform that provides data analysis.

Establishing a central repository utilizing a website, database, or platform specific to solved cases is important especially at the tribal level, where records would be available to help with solving new cases by leveraging this data and information. A database that is

split up between "historical" cases and "current" cases would help us see visually if these efforts are having a positive impact or not or if there are areas for improvement.

Segmenting the historical cases creates a more dedicated and refined approach to handling of the newer cases. Often the circumstances require a specific approach based upon the facts. Understanding and applying varied methodology to cases can help to yield the results that are sought respectively. A branch specifically for MMIP cases that is further subcategorized appropriately, will help to understand the parts of the crisis more thoroughly. While the topic of the MMIP branch merits further and deeper discussion, it cannot be denied that a major part of the platform would be the MMIP branch of the Tribal Public Safety Platform/Campaign.

Recommendation #3: Establish uniform criteria for reporting requirements and a process of mandating reporting requirements for missing persons.

All Missing persons should be entered in NCIC within one-to-two hours of report intake.ⁱⁱ We request that DHS take the initiative and make it a goal to have discussions at the Federal level to require states to report a missing person to all levels of government. This should be a requirement of agencies if they continue to have access to NCIC. Additionally, a mandate should be placed on law enforcement to implement reporting requirements and information collection process requirements. Accountability for this mandate should be required by the law enforcement office as well, including all SLTT partners as the burden should not be placed solely on Tribal Nations.

It is recommended that DHS mandate that all law enforcement receive reports of missing persons upon notification, and remove time reporting restrictions, including those at the federal, state, local and tribal levels. Additionally, it is recommended that all law enforcement have mandated reporting requirements including an efficient, effective information collection process that is equitable to all nationalities, races, and cultural backgrounds. This would help alleviate the burden that is solely placed on Tribal Nations currently and addresses those residing on reservations and off reservation lands in urban areas.

DHS can provide valuable resource support while ensuring that data stays secure when utilizing this new reporting system.

Recommendation #4: Provide additional training to law enforcement and other stakeholders to support the adoption of new and existing information-capturing systems.

Law enforcement and emergency management agencies should be equipped with additional training and support to understand how to collaborate to provide farther situational awareness to the public, stakeholders, and other agencies for missing persons. Examples of additional training include law enforcement public information officer (PIO)

training, mass notification system training for IPAWS, Incident Command System trainings from FEMA, Child Abduction Response Teams (CART) and Cultural Awareness Training for all Public Safety Agencies working with, on, or near tribal nations or tribal communities. Additional support services include networking to partner with neighboring agencies and task forces, sharing integrated community response plans, best preparedness and response practices, peer guidance and consulting, and immediate notification to MMU District Agents and area tribal reservations, especially if the missing person is Native American.

Some examples of services being offered for tribal communities are FEMA's ICS, IPAWS, Blue Campaign and others. It is further recommended that DHS provide Public Information Officer training for tribal Public Safety-related agencies. Tribes could benefit from FEMA IPAWS as a mass notification tool that can be placed with tribal Emergency Management and/or Law Enforcement. Greater push to provide education and awareness outreach on how IPAWS works to tribes. Provide existing examples of tribal nations who use it, with permission, with success in presentations to other tribes as liaisons.

Data that is entered into NCIC is not always entered into NamUs, a DOJ Data Collection Initiative. Implementing protocols at all levels to do both collectively through collaboration efforts and additions to the NCIC system. Provide a framework for local, tribal, county, and state law enforcement agencies to implement these changes with LE trainings and public awareness.

2) Strengthening Prevention, Early Intervention, and Victim and Survivor Services

Recommendation #5: Implement a Whole Community Approach strategy to strengthen the prevention and mitigation of MMIP. Standup an awareness campaign to connect law enforcement, SLTT officials, non-governmental organizations, and all community stakeholders working in the MMIP realm to promote proactive and consistent coordination and collaboration.

a) Educate and share resources and services to better inform the whole of the community.

It is recommended that DHS offer early prevention educational presentations on human trafficking and MMIP to all appropriate levels of education. These presentations will be culturally appropriate and offered at the beginning and end of each academic school year. Experts from Homeland Security Investigations should collaborate with tribes' educational institutions at all levels to share their insight and expertise on the areas where Tribal members face threats including human trafficking, drugs, and predatory crimes against children. The presentations would be both in person giving the audience a chance to build foundational relationships with tribes

and their communities as well as extend to video and web-based, ensuring the messaging reaches the maximum audience.

Dedicate more resources to awareness of MMIP in tribes and their neighboring communities to combat overall public safety concerns. There is a need for a whole community approach for response and mitigation of missing persons in Tribal Nations. Support a collaborative planning session to update progressive policy changes, and build stronger, lasting relationships at all levels of government with community needs being at the forefront. Comprehensive support is needed from all law enforcement stakeholders and various levels of government. Agencies at the state, local and federal levels are not aware of the many outstanding initiatives being worked on by their counterparts in the MMIP space. This causes inefficiency and there needs to be one designated and centralized agency or division to bring everyone together in coordination, collaboration, and provide equal representation.

There must be a priority focus on all phases of the MMIP case lifecycle: prevention, mitigation, preparedness, response, and recovery. If the MMIP Public Health/Public Safety Crisis is going to come to an end in our lifetimes, DHS and its partners must not only fully support more education, outreach, and equitable access to resources, but consistently maintain a proactive stance in their responses.

b) Reinforce partnerships between tribal communities and DHS and foster stronger partnerships between tribal and state and local governments.

First, the Department should continue to raise awareness of its services provided to tribal communities by offering more listening sessions, creating additional resource guides, and consolidating the DHS website on materials directed towards tribal communities. Furthermore, in line with DHS and FEMA's strategy to build a resilient nation, we recommend tribal communities are brought to the table when discussing emergency preparedness federal funding accessibility. DHS should collaborate with its federal partners to communicate the efforts being taken across DHS to combat human trafficking and MMIP and move forward with a whole-of-government approach to make sure funding needs are met.

Second, DHS should provide more resources for tribes to strengthen relationships with their neighboring state and local communities. Continue facilitating outreach to state governments for increased participation in DHS-led taskforces on tribal communities, as more concentrated dialogue between tribes and states will help alleviate friction between them. Homeland security and resiliency is not restricted to a specific community or state, it is a whole of community endeavor that can be supplemented by more conducive government-to-government relationships and collaboration in sharing resources for addressing the overall need to improve public safety in Indian Country.

While it is not in the authorities of DHS to enforce increased communication and collaboration between states and respective tribal communities, it can be noted that by rebuilding these working relationships, with more whole of community resources, a potential positive impact would allow tribal nations to have a seat at the state legislature when deciding on revisions or proposals of new laws that relate to public safety, health and human services matters, such as criminal codes, education, judicial, emergency services, medical and healthcare. Any changes at the state level must be equitable to the whole population within that state and be sensitive to the ongoing public health/public safety crises of MMIP nationwide.

As outlined in Key Finding #4, there are many factors that lead to missing indigenous people, including specifically, geography and climate. The Department can assist geographically diverse areas such as Alaska, with funding for housing, aircraft and transportation support for law enforcement officers, and outreach to assist with hiring law enforcement in remote areas. For example, supplemental aircraft and air support to aid not just the tribes, but other air support entities such as the United States Coast Guard, and state in managing a coordinated and concerted air effort in regions where this is applicable. Additionally, facilitation for partnerships with other organizations such as DoD and various Search and Rescue and Recovery Organizations in these deficient areas for equipment, training, and resources where collaborative efforts benefits all parties would be welcomed in strengthening MMIP efforts.

c) Create a board of participating Tribal Nation members in collaboration with DHS partnership, to address public safety concerns and the crisis of MMIP.

Create a board of appointed tribal membership of those participating nations with DHS partnership that are using the recommended MMIP platform, to protect the privacy and sovereign rights of tribal nations. This recommended board will be created and appointed by an already established group of those representing Native tribes to encourage Tribal nations to participate in the recommended MMIP platform. This board of appointed tribal membership will strive to regularly extend the invitation to tribal nations not already participating by promoting consistent communication, resources, and/or helpful data and statistics. This board would provide directional guidance to DHS and the designated platform that is being recommended.

Establish an incident management system across the United States that moves towards all-hazards incident management. While there is a policy mandate already in place for DHS department to utilize NIMS, the scalable, flexible system of the NIMS Incident Command System is a strong option for local, tribal, county, state public safety agencies and community stakeholders as a resource tool. The benefits of applying FEMA's National Incident Management System (NIMS) ICS overall for efficient, safe, and effective community response to missing persons.ⁱⁱⁱ

Recommendation #6: Improve victim and survivor services offered through DHS and federal partners by consolidating them under one platform.

Support the long-term funding of a MMIP Prevention Specialist Program, providing more resources to law enforcement agencies with tools for education to local, tribal educational institutions. The program's messaging would support the Blue Campaign as they already offer training, scheduled events, resources, and clearly defining human trafficking for the public around human trafficking. The specialist, potentially a MMIP survivor, would liaise with HHS on initiatives relating to MMIP causation factors, with priority on prevention, advocacy, and awareness to help provide more protection to vulnerable community members. We recommend adding funding guidelines to the existing Tribal Homeland Security Grant Program (THSGP) or create a new grant. Partnering with organizations like the Strong Hearts Native Helpline to promote culturally aware resources and streamline messaging campaigns. Centralizing a wide variety of resources will increase overall public safety and proactively address the disproportionate rates of violence and crime in Tribal Nations, help to get victims and survivors the critical services they need to heal, and put an end to the generational trauma their families and descendants might face without such encompassing support.

CONCLUSION

It is essential that there is buy-in among Tribal Nations to support a DHS initiated Tribal Nation Networking Platform. If we are to recommend and ask for DHS to partner with Tribal Nations by building a platform under its umbrella, we must have Nations prepared to join and participate in such an endeavor. Through the creation of an appointed Tribal membership among the participating Nations, the Nation-to-Nation support will help to assuage any concerns among Nations and dispel any notion that this is only a federally driven initiative. Such a platform and initiative will require funding, staffing, and maintenance, in addition to the buy-in from Tribal Nations. The request for a DHS-led initiative in collaboration and partnership with Tribes, even having appointed Tribal members with expertise relevant to the initiative to sit on the board conducting oversight of the platform, is something that can benefit every participant. The platform could be a Tribal Homeland Security Public Safety initiative, charged with data collection and publication as well as resource portal for training and education, and a Nation-to-Nation to Federal partner site to enhance the capabilities of Tribal Nations in addressing their own public safety.

As for DHS assistance, beyond the partnering and building of a platform, utilization of existing unfractured and initiatives such as modeling of the Blue Campaign, inclusion of their "If You See Something, Say Something Campaign[®]", tapping into the Homeland Security Information Network will allow real-time sharing of intelligence for Tribal law enforcement and partners of the platform. More sensitive data could be sourced through the Homeland Secure Data Network for participating partners of the platform. The Multi-State Information Sharing

Analysis Center (MS-ISAC) is yet another resource to share and acquire time sensitive alerts and information. The “SchoolSafety.gov” and the School Security Assessment Tool can also be tapped for inclusion into the public safety portion of the platform. All resources that DHS and its partner agencies offers can be shared collectively through a platform intended to increase and build safety in Tribal communities. When presented in a place where partnership is sought and trust is built between Tribal Nations and federal partners, the resources can have a much larger impact and relationships can be forged. A DHS initiated, Tribal Nation Public Safety Campaign/Platform can be the neutral ground for building that trust and those relationships that can change the future of public safety in Indian Country. The idea is both grand in scale but simple in concept, it most certainly merits further active planning discussions and thought among anyone who can and sees the importance to build upon the idea of establishing greater public safety among Tribal Nations, while attacking the crisis of MMIP at the same time. By addressing MMIP and Public Safety of Indian Country; we address the past, present, and future of all Tribal Nations.

APPENDIX 1: TASKING LETTER

Secretary
U.S. Department of Homeland Security
Washington, DC 20538



**Homeland
Security**

MEMORANDUM FOR: Chairman Peter Yucupicio
Chair, Tribal Homeland Security Advisory Council

CC: Secretary Kimberly Hampton
Vice Chair, Tribal Homeland Security Advisory Council

FROM: Alejandro N. Mayorkas
Secretary

SUBJECT: **Tribal Homeland Security Advisory Council (THSAC)
Taskings**

Thank you for the thoughtful discussion and dialogue during the first meeting of the Tribal Homeland Security Advisory Council (THSAC) on February 14, 2023. The expertise, insight, and recommendations of the THSAC members are critical to ensuring that we meet the Department of Homeland Security's (DHS) mission of keeping the homeland safe.

I respectfully request this advisory body form three subcommittees to provide findings and recommendations in the following issue areas of our work:

1. How the Department can more effectively support cybersecurity protection and services to Indian Country.
2. How the Department can enhance its efforts in support of Executive Order 14053 *Improving Public Safety and Criminal Justice for Native American and Addressing the Crisis of Missing or Murdered Indigenous People*.
3. How the Department can improve accessibility and remove barriers for Indian Country to access grant funding.

Through these taskings, DHS seeks to improve Indian Country's ability to assist in securing the homeland with more effective cybersecurity, enhanced public safety, and more equitable grant management. These taskings will simultaneously provide DHS with increased positive engagement with tribes and further the Department's compliance with the federal government's treaty and trust responsibilities to tribes.

These three issues mirror the concerns expressed to the Office of Intergovernmental Affairs (IGA) by Tribal Nations and tribal organizations and associations in various settings, including formal tribal consultations, tribal engagement meetings, tribal conferences, and publications. IGA has been made aware of several cyber-attacks on Tribal Nations. For instance, during one meeting, a Tribe described a cyber-attack that closed the only hospital in their remote town. Regarding Missing or Murdered Indigenous People, several tribes and organizations have grave concerns about this crisis and the need for continued work and collaboration between government and law enforcement agencies. Finally, tribes often mention grant management as an area of concern central to homeland security. For instance, IGA met with a tribe that expressed concerns about a lack of equity with the application for FEMA's Flood Mitigation Assistance Grant Program.

There is a lot of work to be done in these areas and these issues are described in more detail below. I request that the THSAC submit its findings and key recommendations to me no later than 120 days from the date of this memorandum.

Thank you for your work and dedication on these important matters, your service on the THSAC, and your service protecting Indian Country and the nation.

Cybersecurity

Within the United States, the federal government has trust and treaty responsibilities with more than 570 federally recognized tribes, each their own sovereign nation with ranging capabilities and vulnerabilities. Due to this uneven distribution of cyber proficiencies, ransomware and malware attacks on Tribal Nations have significantly increased. These attacks have the capacity to expose further external systems and infrastructure to attack. The Department wants to ensure cybersecurity resources are widely deployed and available to all stakeholders. This includes the sharing of best practices and providing expertise to those with less developed cybersecurity infrastructure.

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations for how the Department can address cyber vulnerabilities within Indian Country. Specifically, the subcommittee will:

- a. Review the current cyber capabilities of Indian Country, including the following:
 - Governance structure,
 - Level of cyber expertise,
 - History of ransomware attacks,
 - Vulnerability gaps, and

- Any other factors that the Council believes would be beneficial for the Department’s awareness when drafting new policies or programs related to providing cybersecurity support. And,
- b. Based on the review, provide actionable recommendations on how the Department, within its authority and capabilities, can more effectively support, prevent, and respond to the vulnerabilities identified.

Addressing the Crisis of Missing or Murdered Indigenous People

The safety and well-being of all Native Americans is a top priority for both the Biden Administration and the Department. Native Americans face excessively high levels of violence and are victims of violent crime at a rate much higher than the national average.¹ Under Executive Order 14053 (EO), the Department is tasked with providing support to the Departments of Justice, Interior, and Health and Human Services in their efforts to address the crisis of missing and murdered indigenous people. The EO specifically highlights the Department’s role in the following areas:

1. *Coordination of a Federal Law Enforcement Strategy to Prevent and Respond to Violence Against Native Americans.*
2. *Supporting Tribal and Other Non-Federal Law Enforcement Efforts to Prevent and Respond to Violence Against Native Americans.*
3. *Improving Data Collection, Analysis, and Information Sharing.*
4. *Strengthening Prevention, Early Intervention, and Victim and Survivor Services.*

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations on the Department’s support in EO 14053, with stakeholder feedback and inclusive of potential legislative reforms. Specifically, the subcommittee will:

- a. Provide an independent assessment of DHS’s current actions relating to item 3, *Improving Data Collection, Analysis, and Information Sharing*. This assessment should include but not be limited to:
 - Collection of relevant criminal data and data related to missing and murdered indigenous peoples (MMIP) from Indian Country,
 - Review and assess the efficiency and effectiveness of the Department’s information sharing to enhance the security and preparedness within Indian Country. This includes recommendations for new information-sharing mechanisms, whether via platforms or networks, or by creating a new process that

¹ See, e.g., Fairchild, D.G., M.W. Fairchild, and S. Stoner, “Prevalence of Domestic Violence Among Women Seeking Routine Care in a Native American Health Care Facility,” *American Journal of Public Health* 88 (1998): 1515–1517; Oetzel, J., and B. Duran, “Intimate Partner Violence in American Indian and/or Alaska Native Communities: A Social Ecological Framework of Determinants and Interventions,” *Journal of the Center for American Indian and Alaska Native Mental Health Research* 11 (2004): 49–68; Robin, R.W., B. Chester, and J.K. Rasmussen, “Intimate Violence in a Southwestern American Indian Tribal Community,” *Cultural Diversity and Mental Health* 4 (4) (1998): 335–344.

- will effectively communicate threat information and other relevant federal resources to Native Americans, and
- Outline further areas in which FEMA can promote its Integrated Public Alert Warning System (IPAWS) in relation to cases of MMIP.
- b. Provide an independent assessment of DHS's current actions relating to item 4, *Strengthening Prevention, Early Intervention, and Victim and Survivor Services*. This assessment should include but not be limited to:
- Distribution of education, awareness, and training materials from the Blue Campaign to Indian Country,
 - Engagements on prevention and intervention with Indian Country, and
 - Recommendations for DHS to improve access to information or services relating to item 4.

Accessibility of DHS Grants

The Department seeks to build resilient communities by offering tools to help them prepare for, mitigate, and respond to disasters. Many of these resources are given through competitive grant opportunities within FEMA, such as the Tribal Homeland Security Grant Program (THSGP), Building Resilient Infrastructure and Communities (BRIC), Hazard Mitigation Assistance (HMA), Pre-Disaster Mitigation (PDM), and many more. Within Indian Country, there is a wide breadth of capabilities in emergency management services. Some tribes have very robust emergency management offices that can navigate the grant process, from application writing to distribution of funds, to reporting on progress. On the other hand, other tribes may only have a single dedicated Emergency Manager who serves in more than one role and does not have the resources or the manpower to take advantage of DHS grant opportunities. This disparity creates a very challenging arena for tribes to navigate.

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations on grant accessibility, with consideration of stakeholder feedback and include of potential legislative reforms. Specifically, the subcommittee will:

- a. Provide recommendations for how the Department can most effectively and appropriately address barriers to access or other challenges for tribes in the grant application process, and;
- b. Provide recommendations for how the Department's existing resources can more equitably meet the needs of Indian Country. This includes any suggested legislative and programmatic changes to congressional authorities outlining access to those grant opportunities.

APPENDIX 2: SUBJECT MATTER EXPERTS AND OTHER WITNESSES

Name	Title	Organization
Erica Reid	Senior Engagement Manager	Blue Campaign, DHS Center for Countering Human Trafficking
LaTonia Whitsett	Management Program Analyst	DHS Center for Countering Human Trafficking
Carmin DeRose	Division Chief	DHS Homeland Security Investigations
Tammy M. Breitzke	Supervisory Special Agent	DHS Homeland Security Investigations
Lucas Zarwell	Office Director	Office of Investigative and Forensic Sciences, DOJ
Christine Crossland	Senior Social Science Analyst	Office on Violence and Victimization Prevention, DOJ
Charles Heurich	Physical Scientist	Office of Investigative and Forensic Science, DOJ
Austin McDaniel	Director of Communications	Alaska State Troopers, Alaska Department of Public Safety
Malia Miller	Missing Persons Clearinghouse Manager	Missing Persons Clearinghouse, Alaska Department of Public Safety
Pamela Holstein-Wallace	Program Analyst	IPAWS, FEMA, DHS
Kelbie Kennedy	National Tribal Affairs Advocate	Office of External Affairs, FEMA, DHS
Thomas Haid	Group Supervisor, Assistant Special Agent in Charge (SAC)	Immigration and Customs Enforcement (ICE)
Leo Lamas	Special Agent in Charge (SAC)	Immigration and Customs Enforcement (ICE)
Greg Paris	Resident Agent in Charge	Immigration and Customs Enforcement (ICE)
Marcelino Toersbijns	Unit Chief	Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) Missing and Murdered Unit (MMU)

APPENDIX 3: REFERENCES

ⁱ **Department of Justice: Guide to Developing a Tribal Community Response Plan for Community Response Plan for Missing Person Cases**; See Department of Justice’s guide with a set of guidance documents for Tribal governments and U.S. Attorney’s Offices, working with other partners, to develop a Tribal community response plan to respond to missing person cases that are tailored to the specific needs, resources, and culture of a specific Tribal community

ⁱⁱ **Reporting requirement for missing children, 34 U.S.C. § 41307**; See 34 U.S.C. United States Code, 2020 Edition Title 34 - CRIME CONTROL AND LAW ENFORCEMENT Subtitle IV - Criminal Records and Information, CHAPTER 413 - CRIME REPORTS AND STATISTICS, Sec. 41307 Reporting requirement for missing children, From the U.S. Government Publishing Office, www.gpo.gov

ⁱⁱⁱ **FEMA - Emergency Management Institute (EMI) Course | IS-100.C: Introduction to the Incident Command System, ICS 100**; ICS provides a way for all stakeholders to come together to safely but aggressively initiate a missing persons response within their communities by adhering to implementing an orderly, systematic planning process, implementing a common, flexible, predesigned management structure, fosters cooperation between diverse disciplines and agencies, and essentially provides a common “language” for all to speak when needing to accomplish such important objectives. ICS training is also cost effective, widely accessible, and has been used with success for such purposes already among several tribal nations. ICS principles: Establishment and Transfer of Command • Management by Objectives • Unified Command • ICS Management Functions • Organizational Flexibility • Unity and Chain of Command • Span of Control • Incident Action Plans • Comprehensive Resources Management • Common Terminology • Integrated Communications • Personnel Accountability