

Missing and Murdered Indigenous Relatives

*Policy, Best and Emerging Practices,
and Current Issues in Minnesota*



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Executive summary

In Minnesota, the number of missing American Indian women and girls ranged from 27 to 54 in any given month during the past decade. Eight percent of all murdered women and girls in Minnesota were American Indian – even though American Indian women and girls make up only 1% of the state’s population (MartinRogers & Pendleton, 2020).

In 2019, the Minnesota Legislature created the Missing and Murdered Indigenous Women and Girls (MMIW) Task Force, which was staffed by the Minnesota Department of Public Safety. Wilder Research was contracted to conduct research and develop the Task Force’s final report to the Minnesota Legislature, which was completed in December 2020. The report included 20 mandates (recommendations) including the first mandate which was to create the Missing and Murdered Indigenous Relatives Office (MartinRogers & Pendleton, 2020).

In 2021, the Minnesota Legislature created the Missing and Murdered Indigenous Relatives (MMIR) Office dedicated to preventing and ending the targeting of Indigenous women, children, and two-spirit people (Minnesota Statutes § 299A.85, 2022). The Office is housed within the Office of Justice Programs in the Minnesota Department of Public Safety. Wilder Research worked with the MMIR Office to produce this report in support of the Office’s efforts to address the MMIR injustice.

This report addresses nine topics of relevance to missing and murdered Indigenous relatives:

1. Reporting and initial investigations of missing person cases
2. Communication and alert systems
3. Review and investigation of unresolved (“cold”) cases
4. Death investigation
5. Jurisdiction issues and government-to-government collaboration
6. Data issues
7. Victim and family services
8. Prevention
9. Media reporting

For each topic, the report presents major findings based on an analysis of the results from interviews with key informants, stakeholder feedback, and listening sessions with survivors and family members of MMIR victims in Minnesota; an inspection of existing federal and state legislation; and a review of relevant research literature. Based on these findings for each topic, the report:

- ▶ Describes the policy context, identifying laws relevant to missing and murdered Indigenous relatives.
- ▶ Provides insight on best and emerging practices, including some protocols for effective investigations.
- ▶ Identifies issues which affect missing persons and homicide investigations related to Native Americans.
- ▶ Offers recommendations.

This summary synthesizes the findings across topics and identifies common themes in the report. The full report provides more detailed information, including extensive references.

Overarching themes

This summary presents the overarching themes that define and perpetuate the MMIR injustice in Minnesota. These themes are based on a literature review and in-depth interviews and listening sessions with experts from around Minnesota, including people with lived experience and family members of Indigenous relatives who are missing or who died by murder or other suspicious circumstances. Each section of the full report explores these issues in more depth.



LEGISLATIVE INITIATIVES AND THEIR SHORTCOMINGS

Many laws – United States, Tribal nations, state, local – attempt to address the injustice of missing and murdered Indigenous people. Minnesota laws require the reporting of missing adults and children.

Recent federal executive orders and congressional legislation have promoted coordination of law enforcement and other activities. Congress has passed laws to facilitate information sharing and to support AMBER alerts for Tribal nations. Minnesota has detailed legislation governing death investigations.

However, existing legislation has shortcomings. A complex web of jurisdictional issues exists in Indian Country. Acts of Congress and Supreme Court decisions have undermined and eroded Tribal sovereignty in exercising criminal jurisdiction.



JURISDICTIONAL INCONSISTENCIES, GAPS, AND CONFLICTS

Multiple agencies have responsibility for enforcement of criminal laws. Some agencies can do so on Tribal nations' land; some can do so only on non-Tribal nations' land; some can do so in both places. Decisions about leadership of investigations, procedures for investigations, staffing of investigations, as well as communication about investigations all get mired due to boundary issues. In addition, agencies sometimes get into conflict with one another. Moreover, even when Tribal nations have jurisdiction, they often have it concurrent with state and federal jurisdiction, thus creating issues of coordination.

Different approaches to investigating missing persons cases and homicides, including inconsistent application of best practices, as well as different approaches to prosecution across jurisdictions, cause confusion.

Evidence suggests that better collaboration between the agencies of Tribal nations and the agencies of U.S. federal, state, and local government will lead to the most productive efforts. Cross-jurisdictional task forces and the development of Tribal Community Response Plans can support effectiveness.



BIAS AND STEREOTYPES

Bias, which creates stereotypes, influence all aspects of the MMIR injustice – from the framing of legislation, to the enforcement of laws, to the investigation of cases, to media coverage.

Some bias has racist roots, in negative attitudes toward American Indians. Other forms of bias derive from negative opinions about people with mental illness, people who have substance use or chemical dependency issues, and people who lack stable housing.

A stereotype arises in the presumption by some law enforcement officers that youth who have run away from care are not in need of help. Conversely, some officers conclude that exploited youth who commit offenses are criminals, not victims. All parties need to recognize missing and murdered Indigenous young people as individuals who have experienced trauma and its consequences, and they should provide responsive, victim-centered, trauma-sensitive, and healing-focused services and supports.



THE IMPORTANCE OF KNOWLEDGE – FOR VICTIMS, FAMILIES, COMMUNITIES

Increased information and understanding related to all dimensions of the MMIR injustice can help to reduce the incidence. Knowledge about healthy relationships, along with awareness of resources to assist people at risk, can help to prevent victimization. Knowledge of how systems work can increase trust in systems and improve the reporting of crimes by families and community members. Faster and more complete reporting can support faster resolution of cases. Knowledge of and access to available resources can help families access support they need to find their relative and/or heal from loss or victimization.



LACK OF CONGRUENCE BETWEEN OFFICIAL, INSTITUTIONAL OPERATIONS AND THE EXPECTATIONS OF FAMILIES, CAREGIVERS, AND OTHER COMMUNITY MEMBERS

Families of missing and murdered loved ones are often desperate for information about their loved one's case. Families appreciate and value consistent, compassionate communication from investigators. However, families' needs for communication may conflict with law enforcement's investigative priorities. Law enforcement may be unsure what information they are able to provide families without compromising the case investigation. In response to this lack of clarity, some law enforcement may default to contacting the family infrequently, or sharing little or nothing at all. This exacerbates the pain and trauma families experience during the investigation. Family members' frustrated or angry responses to law enforcement officers may lead to tension or reduced willingness of the officers to initiate additional communication with them over time.



LESS THAN FULL COMPLIANCE WITH LEGALLY-REQUIRED AND BEST PRACTICES FOR REPORTING MISSING PERSONS, HANDLING MISSING PERSONS REPORTS, AND CONDUCTING MISSING PERSONS INVESTIGATIONS

Law enforcement might not know the criteria in state statute, might misinterpret the criteria, or might be confused about what qualifies someone as “high risk” based on state statute. Even officers who understand the law have discretion in defining someone as “high risk,” which can produce inconsistencies across cases.

In addition, AMBER Alerts have strict restrictions on appropriate uses for announcing a missing person. The alternative, issuing an Endangered Missing Persons Alert through the Crime Alert Network, is voluntary and less consistently put to use, and it is not always accessible to, or prioritized by, law enforcement and other stakeholders.

At the very outset of cases, caregivers of youth in out-of-home placement sometimes delay in reporting youth as missing, or they may not be able to provide accurate information about the youth such as a physical description or current photo, even though Minnesota statute requires immediate reporting of children missing from out-of-home placement. Youth who are covered by the Indian Child Welfare Act (ICWA) and/or Safe Harbor laws may also require additional layers of reporting or notification to various parties.

Missing person investigations and death investigations do not always follow legal and best practice protocols, usually due to the lack of adequately trained and experienced personnel.



THE IMPORTANCE OF KNOWLEDGE – FOR LAW ENFORCEMENT AND OTHER OFFICIALS

Use of readily available sources of best and emerging practices, for sound guidance and support, can improve the work of organizations involved in addressing cases of missing and murdered Indigenous relatives. Entities such as the National Center for Missing and Exploited Children and the Minnesota Department of Human Services have issued best practice guidelines. The U.S. Department of Justice has published a model Tribal Community Response Plan (TCRP) which applies specifically to missing person cases in Indian Country and which Tribal nations can customize, and some Tribes have also shared their TCRPs as examples. Recommended standards exist for handling long-term unresolved cases. The U.S. Department of Justice has established best practices for homicide investigations. The State of Minnesota Bureau of Criminal Apprehension is a sometimes under-utilized resource for investigation expertise, technology, and personnel resources.



DEFICIENCIES IN MUTUAL RESPECT AND TRUST AMONG LAW ENFORCEMENT, VICTIMS, FAMILIES, AND COMMUNITY MEMBERS

Lack of trust impedes reporting and sharing of information by families of victims. It also affects the willingness of victims’ families and community members to collaborate with law enforcement and vice-versa. Positive connections among these groups help not only when victimization has occurred, it also improves community connectivity, which acts to prevent victimization from occurring.



LAW ENFORCEMENT OFFICERS MAY NOT HAVE ADEQUATE TRAINING AND/OR EXPERIENCE

Investigations of inadequate quality sometimes occur because officers with inadequate training or experience related to missing persons conduct those investigations. Many officers (particularly in rural Minnesota or smaller communities) lack experience because of the low overall rate of missing persons and homicides in their area or they have fewer staff and less sophisticated resources compared to larger counties. The Minnesota Bureau of Criminal Apprehension has a specialized team of missing person and homicide investigators who can support law enforcement officers anywhere in the state, once they are invited to do so by the lead agency.



STAFFING SHORTAGES

Law enforcement agencies throughout Minnesota experience high rates of turnover, and they struggle to hire staff and fill vacancies. Other agencies, including victim services, also have difficulty retaining staff due to low pay and high stress. These shortages impede adequate attention to the MMIR injustice, and all cases that require investigative resources.



FUNDING

Legislation has not supplied sufficient funding for prevention activities, optimal law enforcement capacity, and victim and family services. Resources for prevention, investigation, and victim and family support do not sufficiently support necessary activities.



INADEQUATE DATA AND INADEQUATE DATA SHARING

Comprehensive, complete data on the MMIR injustice do not exist. Lack of access constitutes one major problem. Tribes may experience barriers to database access due to jurisdictional issues, lack of internet access, insufficient funding to establish physical and staffing infrastructure, or Tribal leadership declining to participate. This hampers both Tribal and non-Tribal law enforcement's access to information about protective orders, registered predatory sex offenders, illegal gun purchases, arrest warrants, and other information important to protecting members of the community. The MMIR Office does not have access to the data it needs to create a dashboard, complete case reviews, or conduct other activities required of the Office by Statute.

The completeness of information constitutes another problem. Databases which could support an understanding of trends often do not include Tribal affiliation and other demographic characteristics of victims, thus rendering analysis difficult or impossible.

Recommendations for the MMIR Office

Actions we take now will affect future generations and will help break a cycle of risk factors that may burden our children if left unaddressed. For each of the nine topic areas, the report identifies recommendations for the MMIR Office and opportunities for other actors to address the MMIR Injustice in Minnesota. The MMIR Office should seek to act at the most strategic points of intervention to maximize its impacts within the resources it has available. In that regard, strategies for the MMIR Office to emphasize should likely include:

INCREASE KNOWLEDGE ABOUT AND USE OF BEST PRACTICES

The MMIR Office can promote policies and advocate for funding to improve the training of law enforcement and other officials. It can collaborate with other agencies to provide training and can create and/or share tools which will improve the response to victimization, including training for improved communication with families. Additionally, the MMIR Office can ensure survivor voices are leading the Office's efforts.

PROMOTE STRATEGIES FOR BUILDING COLLABORATION

The MMIR Office can promote policies and advocate for funding to enhance partnerships among all entities involved in preventing victimization, investigating cases, and supporting families and communities affected by trauma. It can create a special program or learning network focused on Indian Country, which will provide all agencies common vocabularies, understanding, and tools – and will strengthen connections among government and non-government organizations. Specifically, the Office should clarify the purpose and scope of case reviews for the MMIR office and possibly develop a statewide review process, for both closed and active cases (including cold cases) to help reveal weaknesses in handling cases and point to opportunities for systemic improvement. They can also build recognition of the importance of informal relationships with elders, spiritual leaders, and other community members not in government positions as a significant nutrient for trust and joint work between communities and law enforcement. MMIR includes multiple intergenerational components. Finally, the MMIR Office should consider ways to collaborate with, learn from, and share learnings with other states and the federal government who are all working to address the MMIR crisis.

EMPHASIZE IMMEDIATE ACTION WITH MISSING PERSONS

The MMIR Office can promote practices to ensure immediate reporting of missing persons and appropriate, immediate follow-up by local, state, and Tribal law enforcement. This should include strengthening adherence to existing requirements and working with community-based organizations.

INCREASE KNOWLEDGE IN TRIBAL COMMUNITIES TO INCREASE THEIR CAPACITY TO PREVENT, AND RESPOND TO, VICTIMIZATION

The MMIR Office can play a strong part in education and support for Tribes, including sharing knowledge about ways to reduce risk of victimization among Tribal members, especially those who are at the highest risk. The MMIR Office can also provide information about how investigative processes and official systems work and can enhance the ability and willingness of families and communities to work with law enforcement. Specifically, the MMIR Office can provide information to families about what to do if they have questions or concerns about a missing person or death investigation case or process (e.g., contesting autopsy results) or need help accessing crime victim reparations funds.

REVIEW POLICIES, AND ADVOCATE FOR NECESSARY IMPROVEMENTS

The MMIR Office can focus on policies that relate to any dimension of the MMIR injustice – ranging from crime prevention, to reporting, to investigation, to follow-up with victims, kin and communities. Within the confines of existing laws, the MMIR Office could serve as a broker in the development of memorandums of understanding, or other formal agreements, among jurisdictions nearby each other. The MMIR Office could also collaborate with Tribal, state, and local agencies to identify – and change through legislative advocacy or other means – any official policies or informal norms which impair the amount and quality of data that agencies share in preventing and resolving victimization. Specifically, the MMIR Office should work with the POST Board to update Professional Peace Officer Education learning objectives to reduce bias and, subsequently, update questions in the qualifying exam related to Brandon’s Law. These changes would involve working with training programs to modify the police academy curriculum. To further improve community relations, the MMIR Office can support efforts, such as activities to build rapport and relationships with elders, spiritual leaders, community advocates, and others, to improve community trust in law enforcement.

The strategies identified above involve comprehensive approaches which have broad impacts. More information about the detailed recommendations for the MMIR Office can be found at the end of each topic section in the full report and the Appendix.

Recommendations for other actions

The full report also presents specific recommendations for actors other than the MMIR Office that are critical next steps in eliminating the MMIR injustice in Minnesota. In addition to the high-level summary presented here, the detailed recommendations for other actors can be found at the end of each topic section in the full report.

MINNESOTA LEGISLATURE

There are several recommendations directed to the Minnesota Legislature that are focused on providing adequate resources for law enforcement and related investigative tools and resources, expanding Safe Harbor protections to victims of sexual exploitation who are over age 24, and ensuring death investigators operate independently.

MINNESOTA BUREAU OF CRIMINAL APPREHENSION, FEDERAL BUREAU OF INVESTIGATION, AND LOCAL AND TRIBAL LAW ENFORCEMENT

The recommendations for the BCA, FBI, and local and Tribal law enforcement are primarily related to making sure law enforcement officers are properly trained and are using best practices, as well as following state and federal laws regarding investigations. The MMIR Office could work with the BCA to offer trainings about MMIR issues, as appropriate.

PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD AND LAW ENFORCEMENT TRAINING PROGRAMS

We recommend that the POST board and law enforcement training programs incorporate MMIR topics under existing learning objectives. We also recommend updating the POST board exam to include questions that are critical to MMIR issues and, in particular, Minnesota's laws around missing persons. Finally, we recommend that the POST board update its model missing persons policy to reflect current best practice standards around missing persons investigations, in particular related to recent technology developments.

MINNESOTA DEPARTMENTS OF HUMAN SERVICES AND HEALTH

We recommend that the Minnesota Departments of Health and Human Services collaborate with the MMIR Office to address the specific groups of people who are at high risk of becoming MMIR cases, in particular youth who “run away” from out-of-home placement and individuals who are identified as possible victims of sexual exploitation or domestic violence. The Indian Child Welfare Act should be considered and Tribal nations and counties that have a role in ICWA should be involved in refining and implementing practices around these high risk groups.

MEDICAL EXAMINERS AND CORONERS

We recommend that medical examiners and coroners should have separation from the local law enforcement. Rural counties and Tribes should have access to the highest quality forensic examination and death investigation resources available in urban areas, and best practices should be used in death investigations. Medical examiners and coroners should receive training about cultural practices related to death for Ojibwes and Dakotas, and other Indigenous cultures as needed, and gain skills in collaborating and communicating with families to conduct death investigations in a respectful and culturally appropriate manner. Finally, medical examiners and coroners should work with law enforcement, advocates, and/or the MMIR Office to ensure every family receives clear, timely, and trauma-informed information about the death investigation process and findings.

MEDIA

The media should be aware of biases related to the MMIR injustice and the lack of media coverage of many MMIR cases. The media should take steps to ensure fair and unbiased reporting of individual MMIR cases and the MMIR injustice overall.

AFRICAN AMERICAN MISSING AND MURDERED WOMEN AND GIRLS OFFICE

The new African American Missing and Murdered Women and Girls Office that is also housed in the Office of Justice Programs at the Minnesota Department of Safety may want to consider if and how they can collaborate with the MMIR Office to address some of the recommendations above that impact both African American and Indigenous communities.

TRIBES

Tribes are sovereign nations that have the right to determine if and how they implement any recommendations. If they would find it useful and aligned with their goals and needs, the Tribes could decide to partner with the MMIR Office, as appropriate, on efforts such as developing Tribal Community Response Plans, increasing the skills or capacity of Tribal law enforcement departments, establishing or refreshing legislation or memorandums of understanding or joint powers agreements between the Tribes and the State or County, and providing information or resources to their communities.

MMIR Issues

A Report Roadmap

		Reporting and initial investigation of missing person cases	pg 15
		Inconsistent use of investigative best practices, community distrust, biases against vulnerable populations, and staffing challenges contribute to delays, de-prioritization, and inadequate investigation of missing person cases.	
pg 34		Communication and alert systems	
		The effectiveness of Minnesota's AMBER Alert system is impacted by community distrust and lack of awareness of alert criteria among law enforcement and the public. There are opportunities to bolster Minnesota's alert system for missing and endangered adults.	
		Review and investigation of unresolved ("cold") cases	pg 41
		Many factors make it difficult for law enforcement to maintain momentum on long-term unresolved cases. Having a statewide expert review panel re-examine cases with fresh eyes may help identify new leads.	
pg 48		Death investigation	
		Improved communication with families can help navigate cultural considerations for autopsies and address concerns over the official cause or manner of death. Death investigation and autopsy decision-making should be standardized across jurisdictions.	
		Jurisdiction issues and government-to-government collaboration	pg 59
		Tribal Nations and communities navigate a complex web of jurisdictional issues, and their sovereignty to exercise criminal authority has been eroded over time. Cross-jurisdictional and inter-governmental relationship building, communication, and collaboration are needed.	
pg 72		Data issues	
		There are concerns about the quality and completeness of data related to the MMIR injustice, particularly related to participation in data systems among Tribes and law enforcement, and tracking and documenting race, ethnicity, and Tribal affiliation data.	
pg 94		Prevention	
		Bolstering protective factors such as cultural and community connections, increasing access to healthy relationships education, improving law enforcement and social service system responses to domestic violence and trafficking cases, and supporting Indigenous restorative justice practices can reduce the incidence of MMIR.	
		Media reporting	pg 115
		Historically, MMIR cases have received less media attention than their White counterparts. Media should adopt a survivor-centered approach to create a positive character profile of victims, and law enforcement should utilize mainstream and social media tools to spread awareness of missing persons.	

Introduction

Indigenous women, girls, and two-spirit people are disproportionately likely to experience violence, be murdered, or go missing compared with other demographic groups. Although they make up less than 1% of the population, they account for 8% of all murder victims in Minnesota. Every month, between 27 and 54 American Indian women and girls were listed as missing in Minnesota from 2012 to 2020 (MartinRogers & Pendleton, 2020).

In 2019, the Minnesota Legislature created the Missing and Murdered Indigenous Women and Girls (MMIW) Task Force, which was staffed by the Minnesota Department of Public Safety. Wilder Research was contracted to conduct research and develop the Task Force’s final report to the Minnesota Legislature, which was completed in December 2020. The report included 20 mandates (recommendations) including the first mandate which was to create the Missing and Murdered Indigenous Relatives Office (MartinRogers & Pendleton, 2020).

In this report, we use the terms “Indigenous,” “Native American,” “Native,” and “American Indian” interchangeably to refer to peoples who were the original inhabitants of this geographic area, before colonization. It includes people who are enrolled members of American Indian Tribes and their descendants. When we report data from state and federal data systems, we use the term that the data system uses.

In some instances, we use the term “Indian” when referencing legal statutes, in which this specific term was used. We recognize that some may perceive this term as harmful and problematic, and that the term is rooted in European colonizer’s flawed and limited conceptualizations of communities indigenous to the Americas.

Minnesota’s Missing and Murdered Indigenous Relatives (MMIR) Office

In 2021, the Minnesota Legislature created the Missing and Murdered Indigenous Relatives (MMIR) Office dedicated to preventing and ending the targeting of Indigenous women, children, and two-spirit people (Minnesota Statutes § 299A.85, 2022). The MMIR Office is housed within the Office of Justice Programs in the Minnesota Department of Public Safety.

The MMIR Office, including its director and team of staff, have the following responsibilities:

- “(1) advocate in the legislature for legislation that will facilitate the accomplishment of the mandates identified in the Missing and Murdered Indigenous Women Task Force report;
- (2) advocate for state agencies to take actions to facilitate the accomplishment of the mandates identified in the Missing and Murdered Indigenous Women Task Force report;
- (3) develop recommendations for legislative and agency actions to address injustice in the criminal justice system's response to the cases of missing and murdered Indigenous relatives;

- (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous Women Task Force report and to assess the potential efficacy, feasibility, and impact of the recommendations;
- (5) develop tools and processes to evaluate the implementation and impact of the efforts of the office;
- (6) track and collect Minnesota data on missing and murdered Indigenous women, children, and relatives, and provide statistics upon public or legislative inquiry;
- (7) facilitate technical assistance for local and Tribal law enforcement agencies during active missing and murdered Indigenous relatives cases;
- (8) conduct case reviews and report on the results of case reviews for the following types of missing and murdered Indigenous relatives cases: cold cases for missing Indigenous people and death investigation review for cases of Indigenous people ruled as suicide or overdose under suspicious circumstances;
- (9) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against an Indigenous person. These case reviews should identify those cases where the perpetrator is a repeat offender;
- (10) prepare draft legislation as necessary to allow the office access to the data required for the office to conduct the reviews required in this section and advocate for passage of that legislation;
- (11) review sentencing guidelines for missing and murdered Indigenous women-related crimes, recommend changes if needed, and advocate for consistent implementation of the guidelines across Minnesota courts;
- (12) develop and maintain communication with relevant divisions in the Department of Public Safety regarding any cases involving missing and murdered Indigenous relatives and on procedures for investigating cases involving missing and murdered Indigenous relatives; and
- (13) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that have the right to determine if and how they will coordinate with these other efforts.”

The MMIR Office partnered with Wilder Research in 2022 to develop model protocols and best practice guidance for new and unsolved cases of missing and murdered Indigenous relatives. This report provides an overview of the federal- and state-level policy landscape, highlights best and emerging practices, describes current issues in Minnesota, and provides recommendations for addressing the MMIR injustice in Minnesota related to nine major themes:

- | | |
|---|---|
| 1. Reporting and initial investigations of missing person cases | 5. Jurisdiction issues and government-to-government collaboration |
| 2. Communication and alert systems | 6. Data issues |
| 3. Review and investigation of unresolved (“cold”) cases | 7. Victim and family services |
| 4. Death investigation | 8. Prevention |
| | 9. Media reporting |

For each topic, the report presents major findings based on an analysis of the results from interviews with key informants, stakeholder feedback, and listening sessions with survivors and family members of MMIR victims in Minnesota; an inspection of existing federal and state legislation; and a review of relevant research literature. For this report, we define best practices as those that have been well-researched and known by experts to be effective (e.g., steps in death investigation) and emerging practices as new and seemingly promising efforts to address the MMIR injustice (e.g., Tribal Community Response Plans). Wilder Research developed strategies for the MMIR Office to lead and recommendations for other entities to consider in collaboration with the MMIR Office and key stakeholders.

At the time of this project, Wilder was working concurrently on a similar project with the Utah Legislature's MMIR Task Force. Each study, and report, has been customized and tailored to each state using state-specific policy, protocols, and findings from local key informant interviews and listening sessions. However, the background research on federal policies and best and emerging practices related to MMIR overlapped between the two projects, and has been included in both reports, as appropriate.

Data sources and methodology

This research includes three main sources of information: a literature review, key informant interviews, and listening sessions with survivors and family members of MMIR victims.

The purpose of the literature review was to learn more about the existing federal- and state-level policy landscape related to MMIR issues and best and emerging practices for addressing the MMIR injustice in Minnesota. The literature review included a search of peer-reviewed academic journal articles, reports published by governmental and advocacy organizations, media publications, and other sources. Wilder Research staff reviewed, synthesized, and summarized sources as cited throughout this report.

Wilder worked with the MMIR Office to develop interview questions and to identify key informants who could provide insights to current issues in Minnesota related to the MMIR injustice. This included law enforcement officers (from federal, state, county, local, and Tribal agencies), attorneys, advocates, service providers, researchers, community members with a close family or friend who was missing or murdered, and other experts. Wilder completed interviews with 33 key informants to ask about key issues and to identify potential recommendations that would address the MMIR injustice. Wilder Research scheduled and conducted all interviews. Each interview protocol was tailored to the key informant and their particular area of expertise. Interview transcripts were thematically analyzed using ATLAS.ti software to identify current strengths, challenges and gaps, future opportunities, and recommendations.

Wilder held three listening sessions with survivors and family members of missing and murdered Indigenous relatives (“family members”) and some people who work with this population. Two sessions were held

in person in Minneapolis and Bemidji, and one session was held virtually. Approximately 40 individuals participated in the sessions. Listening session notes were thematically analyzed to identify challenges, gaps, and recommendations.

Several experts who participated in interviews were asked to review and provide feedback on an initial report draft. Wilder made updates to the report to increase comprehensiveness and fix any inaccuracies. Respondents are experts in various aspects of missing persons and death investigations and/or other parts of the system. They were asked to speak from their own experiences, and their opinions and attitudes do not necessarily represent everyone from their field or the agencies they work for.

Reporting and initial investigation of missing person cases

Policy context

THERE ARE FEDERAL REQUIREMENTS RELATED TO THE LOCATION OF MISSING CHILDREN

In 1990, Congress mandated that missing children reports be transmitted to the National Crime Information Center's Missing Persons File, and began to establish requirements that prohibited law enforcement from requiring a waiting period before accepting reports of a missing child under age 18 (National Child Search Assistance Act, 1990). Introduced in 1999 and passed in 2003, Suzanne's Law expanded this prohibition to reports of missing youth, under age 21, who are physically or mentally disabled or whose circumstances indicate they may be in physical danger or that their disappearance was involuntary (PROTECT Act, 2003). Suzanne's Law was named for Suzanne Lyall, a 19-year-old woman who disappeared in 1998 on her way home from work, and who was never found (University of the District of Columbia, 2023). For children missing from foster care, the Preventing Sex Trafficking and Strengthening Families Act of 2014 requires that state agencies develop and implement, "policies and procedures [including relevant training for caseworkers] for identifying, documenting in agency records, and determining appropriate services" for children who are missing from foster care (P.L. 113-183). And, another recent federal law expanded response requirements, specifically related to improving coordination and reporting to National Center for Missing & Exploited Children (NCMEC) and law enforcement for youth who go missing from foster care (P.L. 117-348, sec. 136-137).

THERE ARE NO FEDERAL REQUIREMENTS FOR REPORTING OR INVESTIGATING CASES OF MISSING ADULTS

In contrast, there are no federal requirements or mandates related to reporting or investigating missing adults (Chakraborty, 2020). As a result, there is a lack of national standardization in missing person investigations across jurisdictions in the United States, which are governed by state, local, and Tribal laws and ordinances.

However, Congress has recently passed several pieces of legislation aimed at increasing cross-agency coordination, collaboration, and communication, and providing guidance on best practices to address the MMIR epidemic. In 2020, Savanna's Act directed the U.S. Department of Justice to review, revise, and develop law enforcement protocols to respond to cases of MMIW. The Act was named after Savanna LaFontaine-Greywind, a 22-year-old member of the Spirit Lake Nation of North Dakota, who was murdered

in Fargo, North Dakota, while eight months pregnant (National Indigenous Women's Resource Center, 2022a). The Act requires law enforcement protocols to include guidelines on inter-jurisdictional cooperation at the Tribal, federal, state, and local levels; search procedures on and off Tribal land; data collection and reporting standards (including recording Tribal enrollment or affiliation information); standards for law enforcement response and follow-up on cases of MMIW; and culturally appropriate victim services. Some work has been done across the country on this, but COVID impacted the roll out.

The same year, the Not Invisible Act of 2019 was signed into law, which mandated the creation of a commission to provide recommendations on intergovernmental coordination and establish best practices for state-Tribal-federal law enforcement to address the MMIR injustice. The commission was established in 2022, and includes representatives from Tribal leadership, law enforcement, social service providers, family members of missing and murdered Indigenous relatives, and survivors from across the United States (U.S. Department of the Interior, n.d.). No one from Minnesota is on this commission. In April 2023, the Not Invisible Act Commission held its first national hearing in Tulsa, OK, to solicit public testimony on jurisdictional issues, needed investigative resources, and other issues related to MMIR (U.S. Department of the Interior, 2023).

Most recently, the Office of the Deputy Attorney General published a memorandum that directed each U.S. Attorney with Indian Country jurisdiction to update and develop new public safety plans for Indian Country, in consultation with the Tribes that share geography with their state (U.S. Department of Justice, Office of the Deputy Attorney General, 2022). These plans must develop guidelines on: 1) how federal, Tribal, state, and local law enforcement will work together to respond to crime in Indian Country, including the establishment of an intergovernmental relationship between the U.S. Attorney's Office and the Tribes; 2) how to work with victims and families in a victim-centered, trauma-informed, and culturally responsive manner; and 3) addressing active and unresolved cases of MMIR, including each division of the U.S. Attorney's Office developing a list of key contacts, law enforcement agencies, and resources to support missing person cases. The memorandum also includes the development of a mandatory annual cultural competency training for federal prosecutors and law enforcement related to investigations and prosecutions in Indian Country. Although these plans were recently updated for all Tribal nations in Minnesota based on this recommendation, it is expected that ongoing updates and customization to meet the needs of each Tribe will be ongoing.

THERE HAVE BEEN SEVERAL FEDERAL INITIATIVES TO ADDRESS THE MMIR INJUSTICE

At the federal government level, Executive Order 13898 (2019) created Operation Lady Justice, the two-year Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, which developed significant guidance for improving the response to MMIR cases.

Furthermore, in 2021, President Biden signed Executive Order 14053, ordering federal agencies to develop a “coordinated and comprehensive federal law enforcement strategy to prevent and respond to violence against Native Americans, including to address missing or murdered indigenous people where the federal government has jurisdiction.” The resulting strategy includes helpful guidance that may pertain to Minnesota, specifically in regards to coordinating their MMIR response with the federal government (U.S. Department of Justice & U.S. Department of the Interior, 2022). In the same year, the Secretary of the Interior formed a Missing & Murdered Unit (MMU) within the Bureau of Indian Affairs Office of Justice Services (BIA-OJS) to coordinate interagency collaboration and strengthen existing law enforcement resources (U.S. Department of the Interior, 2021b).

The Homicide Victims' Families' Rights Act of 2021 is also relevant and is described in the “Unresolved cases” section below.

MINNESOTA HAS SEVERAL POLICY REQUIREMENTS RELATED TO REPORTING AND INVESTIGATING MISSING PERSON CASES

In the 1980s and 90s, Minnesota began developing policy and protocol infrastructure to respond to missing children investigations. In 1984, the Minnesota Missing Children’s Act outlined duties of law enforcement agencies in responding to reports of missing children (Laws of Minnesota, 1984). This included conducting a preliminary investigation, consulting with the Bureau of Criminal Apprehension, and entering relevant information into the Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC) data system. In 1994, Minnesota established standardized trainings, policies, and procedures on responding to child abduction investigations, including policy on required actions within the two-hour critical window following the initial report of a missing child (Laws of Minnesota, 1994).

In 2009, the Minnesota Missing Children’s Act was amended to include adults who are missing and endangered (thereafter known as the Minnesota Missing Persons’ Act; Minnesota Statutes § 299C.53, 2009). These amendments, known as Brandon’s Law, were catalyzed by the disappearance of Brandon Swanson, a 19-year-old man whose missing person’s investigation was initially delayed due to his age and his “right to be missing” as an adult, and who was never found. The act mandated that law enforcement must accept any missing person report immediately and may not refuse a missing person report unless the law enforcement officer has direct knowledge of the person’s location and welfare. Specifically, law enforcement are not allowed to refuse missing persons reports on the basis of the person’s age, location or jurisdiction, the amount of time they have been missing, lack of evidence of foul play or involuntary nature, or the reporting person’s lack of familial or other relationship with the missing person. Reports may be made in person, by phone, or other electronic means. Law enforcement must conduct a preliminary investigation to determine whether the person is missing and if they are endangered. Descriptive and critical information must be immediately entered into the NCIC Missing Person file.

Social service agencies responsible for children in placement are required to report a missing child to law enforcement no later than 24 hours after missing for entry into the NCIC database and to the National Center for Missing & Exploited Children (Minnesota Statutes § 260C.212 subd.13, 2022). Within 24 hours, the agency must also report to law enforcement any reasonable cause to believe that the child is, or is at risk of being, a sex trafficking or commercial sexual exploitation victim. Once the child returns, it is the agency's responsibility to determine what the child experienced while absent from care to the extent that the child is willing to disclose this information, including screening for sex trafficking or sexual exploitation victimization. The agency is also mandated to conduct a family assessment within the first 24 hours of the child's return. Furthermore, agencies are responsible for determining the primary factors that contributed to the child's running away, responding to those factors, and determining appropriate services. A recent national audit was conducted "to examine state agencies' efforts to ensure that missing children are reported to NCMEC as required by federal statute" (Office of Inspector General, 2023). As mentioned in a key informant interview, as a result of the findings, Minnesota is now receiving technical assistance through the Administration for Youth and Families and the National Human Trafficking Training and Technical Assistance Center to address needed improvements to the child welfare response to trafficking and exploitation.

The Minnesota Missing Persons' Act also established the Missing and Unidentified Persons Clearinghouse within the Minnesota Department of Public Safety's Bureau of Criminal Apprehension. The Clearinghouse posts information about missing children, adults, and unidentified persons for cases that are missing for 30 days or longer. In order for a missing person to be included on Minnesota's Clearinghouse public bulletin, a missing person report must be filed with an appropriate police agency, and the individual filing the report must fill out a release form and provide a current photograph if the missing person is a minor (Minnesota Bureau of Criminal Apprehension, n.d.-c). The form can be found on the Minnesota Department of Public Safety's website (<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/missing-unidentified-persons-information-parents.aspx>).

IN 2023, MINNESOTA ESTABLISHED THE GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT FOR INFORMATION ON MMIR CASES

In 2023, Minnesota passed and signed into law a public safety bill that included a provision creating the Gaagige-Mikwendaagoziwag (meaning "they will be remembered forever") reward account for relevant information supporting the investigation of cases of missing and murdered Indigenous relatives (Minn. S.F. 2909, 2023). The bill requires the assembly of an advisory group, which shall advise on determining eligibility criteria for the reward fund and supporting community-led searches, communications, and outreach. The MMIR Office is responsible for distributing the reward funds.

LAW ENFORCEMENT HAS SOME LIMITED ACCESS TO ELECTRONIC INFORMATION

Electronic data, including cellphone location data, communication records, and social media platforms, can be invaluable tools to support law enforcement's investigation and location of missing persons. However, federal and state laws are in place that protect individual privacy rights and limit law enforcement's access to information, except in specific circumstances.

The federal Electronics Communication Privacy Act of 1986, as amended, creates protections for users' email, telephone conversations, and electronically-stored data. Under this statute, law enforcement may obtain electronic communications via subpoena, special court order, or search warrant (depending on the type of information).

In 2010, Minnesota passed a bill that allows law enforcement to request call location information from telecommunication service providers in emergency situations that involve the risk of death or serious physical harm without a warrant or court order (Minnesota Statutes § 237.82, 2010). This law was named after Kelsey Smith, an 18-year-old who was abducted and murdered in 2007, after police were unable to access her cellphone data until it was too late ("Minnesota Senate approves," 2010).

Law enforcement's access to social media information is dependent on the specific platform's policies and the type of data needed (Congressional Research Service, 2022a). When content is posted publicly, with no sharing restrictions, law enforcement is able to access that information with no restrictions (just like all members of the public). However, among information posted privately on social media, law enforcement must rely upon warrants, subpoenas, or court orders to access the information.

Best and emerging practices

MISSING PERSON INVESTIGATORS SHOULD FOLLOW STANDARDIZED POLICIES AND PROCEDURES

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," [and] "missing," ... 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 (New Mexico Indian Affairs Department, 2022, p. 42).

Best practices in the literature emphasize the need to balance the standardization of policies and procedures in missing person investigations with flexibility to adapt the investigation to the specific circumstances of the case (Fillmore et al., 2021; Moran, 2021; Weyand & McPherson, 2021). While missing person

investigations operate in different geographical, social, cultural, political, and organizational contexts, and should be customized to the specific case, there are some general investigative principles that should be appropriately applied in all missing persons cases (Moran, 2021; Weyand & McPherson, 2021). See the Appendix for best practice guidance for missing person investigations that could be used in the development of a protocol for law enforcement specific to MMIR. An investigative checklist was developed by NCMEC, specifically for first responders, supervisory officers, and investigative officers when a child goes missing (NCMEC, 2020a). This resource is listed in the Appendix.

FOLLOW GUIDELINES DEVELOPED BY DHS FOR CAREGIVERS, CASEWORKERS, AND SUPERVISORS WHEN A CHILD GOES MISSING FROM CARE

A 2018-2019 audit, conducted by the Office of Inspector General (2023), found that state agencies, including in Minnesota, did not always ensure that children missing from foster care were reported to NCMEC as required by federal statute. Subsequently, the Minnesota Department of Human Services (DHS) developed a guide for county and Tribal child welfare agencies for how to respond when a youth runs away from foster care. The guide provides reporting requirements for caregivers, caseworkers, and supervisors; steps to locate youth; and what a caseworker should do when a youth is located within the state or another state and is returned. This resource also provides instruction for caseworkers for considering whether the youth who ran away will return to their current placement or go to a new or alternate placement. The guide includes the Runaway Debriefing Form, which must be completed for every child that is located (Minnesota Department of Human Services, 2020).

Additionally, DHS also developed a best practice guide for county and Tribal child welfare agencies responding to cases of human trafficking and sexual exploitation of children and youth. The guide was updated in 2022 to expand content related to the co-occurrence of trafficking and missing youth (Minnesota Department of Human Services, 2022). As sovereign nations, Tribes are not obligated to adhere to DHS guidelines; however, the state provides guidance that Tribes could choose to follow to the extent that the guidance meets their needs.

DEVELOP LAW ENFORCEMENT POLICY AND PROCEDURES FOR REPORTS OF MISSING CHILDREN BASED ON MODEL POLICY

In order for law enforcement to have a swift and carefully planned response to instances of missing children, a policy or procedure for reporting is necessary. NCMEC developed a model for law enforcement policy and procedures for reports of missing children that can be used by agencies to build their own policies for a planned and immediate strategic response to cases of missing children. Incorporating steps specific to children and youth in out-of-home placement (e.g., foster care) may increase the comprehensiveness of these policies. According to NCMEC, “it is also critical that agencies implement these policies with consistency and integrity to help ensure equality and inclusivity in practice, regardless of the child or

family’s race, gender, sexual orientation, or community” (NCMEC, 2021, p. ii). The model policy states that law enforcement must assume the child is in danger “until significant facts to the contrary are confirmed” (NCMEC, 2021, p. i). A policy like this is intended to reduce bias in police response.

The model policy is meant to serve as a general reference for agencies developing their own policy specific to their organization. Having a policy, however, does not replace the need for pre-incident planning and resource development. These two factors, in addition to the development of written policies and procedures, will result in the most effective response when a child is missing. The model policy prompts agencies to: develop policy statements, describing the purpose, goals, and intention of the policy; outline conditions under which reports of missing children should be accepted (including defining “missing child” and describing what factors contribute to elevated risk), and develop detailed protocols and procedures for agencies responding, investigating, and communicating about cases of missing children (NCMEC, 2021).

PREPARE TO RESPOND TO MISSING PERSON CASES IN INDIAN COUNTRY BY DEVELOPING AND IMPLEMENTING TRIBAL COMMUNITY RESPONSE PLANS

A Tribal Community Response Plan (TCRP) is a voluntary missing person investigation guidance document developed by a Tribe that is tailored to their own Tribal community’s needs, resources, and culture (Bay Mills Indian Community, 2022; Fillmore et al., 2021; George, Elm, & Benally, 2022; U.S. Department of Justice, 2022a; U.S. Department of Justice & Department of the Interior, 2022; Weyand & McPherson, 2021). A guide developed by the U.S. Department of Justice through Operation Lady Justice provides direction for Tribal governments and U.S. Attorneys' Offices to develop customized TCRPs, including guidelines for law enforcement agency response, victim services, media and public communications, and community outreach (U.S. Department of Justice, 2022a). Operation Lady Justice and the attorney general’s MMIR Initiative received input on the model protocols and procedures from Tribal leadership, Tribal law enforcement executives, and many others. Guides were developed in concert with Tribal nations that provide a resource for Tribal communities that wish to develop their own TCRPs for responding to emergent missing person cases. These TCRPs are a very new tool and, therefore, very little research has been done about their effectiveness or impact on actual case outcomes. Importantly, these plans apply specifically to missing cases in Indian Country. Other plans are needed to appropriately respond when Native individuals go missing from other communities (e.g., large cities).

Some Tribes have developed TCRPs since the emergence of these guidelines. Alaska, Michigan, Minnesota, Montana, Oklahoma, and Oregon were the six pilot states where efforts to develop TCRPs were supported by the U.S. Attorney’s Office. Two publicly available TCRPs include plans developed by the Yurok Tribe and Bay Mills Indian Community (Bay Mills Indian Community, 2022; George et al., 2022). There may be other TCRPs from other Tribes, such as the plan completed by the Confederated Salish and Kootenai Tribes, but these are the ones we were able to find when searching public websites (U.S. Attorney’s Office for the District of Montana, 2021).

Key steps to working closely with Tribal leaders, community members, and outside agencies to create a TCRP include: 1) inventory available resources from different investigative agencies that could be utilized in a missing person investigation; 2) identify and understand Tribal, federal, and state legal mandates and policies; 3) have a clearly defined purpose or mission statement; 4) develop policy statements to provide guidance to law enforcement, Tribal leaders, partner agencies and organizations, and volunteers; and 5) create a plan for missing person responses and investigations (U.S. Department of Justice, 2022a).

As mentioned in a key informant interview, the National Native Center of Excellence (NNCOE) is available to provide training and assistance to any Tribe in the U.S. that wants to develop a TCRP. The NNCOE also offers MMIP Trauma Training and training on the MMIP Prevention Action Model. In many cases, the trauma experienced by Indigenous families and communities related to the MMIR injustice is unlike other traumas. NNCOE offers specific healing strategies developed from Native Science to human service providers to respond effectively to Indigenous relatives and community members who have a loved one who is missing or who was killed. Simultaneously, the NNCOE offers the MMIP Prevention Model, which consists of a Tribally-determined and community-led set of interventions and supports to address risk factors associated with MMIP, including a Prevention Tool Screener easily used by those in human service and/or corrections settings.

Other coordinated Tribal response plans have been developed in other sectors that could inform Tribal communities' responses to MMIR cases. For example, a multidisciplinary team approach from the Indian Child Protection Act is used for child abuse cases, and AMBER Alert in Indian Country and Child Abduction Response Team (CART) are used for responding to endangered, missing, or abducted children. Practices from these approaches could be incorporated into adult MMIR cases, when appropriate (Connell et al., 2021).

BUILD TRUST IN LAW ENFORCEMENT TO ENCOURAGE TIMELY REPORTING

In 2020, Operation Lady Justice held listening sessions with Tribal leaders, community members, and law enforcement from across the United States (Weyand & McPherson, 2021). Tribal representatives emphasized that some of the most important components that contribute to an effective missing person investigation in their communities were timely reporting and community engagement.

Law enforcement officers need to work to build, earn, and maintain community trust and confidence in law enforcement's missing person response, so that community members are more likely to come forward when they suspect a loved one is missing. This may be achieved through consistent community outreach, engagement, community-based policing methods, and partnering with trusted community-based organizations in missing person case responses.

BOLSTER STATE-LEVEL RESOURCES AND PERSONNEL FOCUSED ON ADDRESSING THE MMIR INJUSTICE

Minnesota's MMIW Task Force recommendations included offering more state resources and personnel to address the MMIR injustice, including the American Indian Human Trafficking Child Welfare Liaison and the Ombudsperson for American Indian Families (MartinRogers & Pendleton, 2020). The New Mexico Legislature, in response to their task force's report, unanimously passed a bill that created a number of investments focused on MMIR (New Mexico Indian Affairs Department, 2022). This included a new position with the Office of the Attorney General as well as Missing Indigenous Persons Specialist and liaison positions, each focused on improving collaboration across law enforcement agencies, data collection, reporting, outreach, and education.

New Mexico's task force also recommended the creation of a specific criminal investigation unit focused on MMIR incidents (New Mexico Indian Affairs Department, 2022). State-level departments devoted to MMIR can coordinate with the U.S. Department of the Interior's recent efforts under the leadership of Secretary Deb Haaland in the creation of a Missing and Murdered Unit within the Bureau of Indian Affairs Office of Justice Services. The Minnesota MMIR Office is not considered law enforcement. Under 299A.85, the MMIR Office does not have the authority to pursue criminal investigations. If a criminal investigation unit were based in the MMIR Office, a statutory amendment would be needed to provide the MMIR Office with clear authority and jurisdiction, as well as staffing and funding for investigators and infrastructure.

Current issues in Minnesota

MISSING PERSON REPORTS FROM COMMUNITY MEMBERS MAY BE DELAYED DUE TO LACK OF TRUST IN LAW ENFORCEMENT

Law enforcement experts report that community members sometimes do not make a missing person report immediately when their loved one goes missing. If individuals aren't reported missing immediately, the preliminary investigation and law enforcement's efforts to locate the missing person may be compromised. As more time passes after the family first becomes aware someone is missing, the likelihood of success in locating and safely returning that missing person diminishes. During the listening sessions, family members reported feeling hesitant to seek out help due to lack of trust in police.

Another obstacle is mistrust between Native Americans and law enforcement. I have worked hard to build that relationship, trying to show we are doing as much as we can in each of these cases, but there are some instances of delayed reporting. Obviously, the longer a case goes unreported, it makes it more difficult to solve. The solution in this is to build the trust that law enforcement is on your side. We want to find your loved one.

– Law enforcement officer

That contributes to a broad spectrum of mistrust of law enforcement in the community, which isn't going to help with people coming forward and believing that they will be listened to, that their tips will be followed up on. So, if they talk to police at a risk to their lives or at a risk to their reputations or at a risk to people, the bad people finding out that they talked, they want to make sure that it's going to count for something.

– Community advocate

Many factors may contribute to delays in family members or friends making a missing person report. These factors, identified by key informants and the research literature, include distrust of law enforcement; concerns their report won't be taken seriously; fear of child protective system involvement; fear they will be held responsible for someone else's drug use, overdose, or other criminal activity; and misinformation or misbeliefs about 24- or 48-hour waiting periods before a person may be reported missing, among law enforcement, the general public, and the media (Weyand & McPherson, 2021). According to some of the key informants who we interviewed, some community members may fear retaliation from sharing information with the police, including risk to their reputation in the community and their personal safety.

Suggestions from a key informant on ways to address reluctance to report to law enforcement among Indigenous communities included adopting communications strategies from campaigns that have successfully changed community attitudes (e.g., discouraging habitual/recreational/casual tobacco use by stressing its importance as part of cultural and spiritual practice). Additionally, engaging community leadership to emphasize cultural values may be a strategy for counteracting delays in or reluctance to report.

THERE ARE DELAYS IN OBTAINING RELEVANT INVESTIGATIVE INFORMATION FOR YOUTH IN OUT-OF-HOME PLACEMENT

A key informant from law enforcement talked about the challenge their agency faces getting timely, complete information about the child (e.g., up-to-date photographs, physical description, Tribal affiliation, full name, date of birth) when a child goes missing from care. Immediate information is needed from the child welfare agency for law enforcement to be able to report the youth as missing in the NCIC database. The absence of this information can cause a delay in the investigation. Training for residential facilities, placing agencies, foster, relative, or pre-adoptive homes and for law enforcement to improve information sharing within the first 24 hours may be needed.

LAW ENFORCEMENT SOMETIMES FAILS TO ACCEPT MISSING PERSON REPORTS, EVEN THOUGH THEY ARE REQUIRED TO BY LAW

Key informants and family members also reported that law enforcement sometimes fails to immediately take and submit missing person reports, despite being required to by law. Refusal to take a report might occur because the missing person is believed to be with a family member and so is not considered "missing" despite not knowing their location. Missing adults are frequently assumed to have disappeared voluntarily, unless there are specific indicators of violence or suspicious circumstances. (Being "missing" isn't a crime for an adult who chose to leave or go missing voluntarily.) Key informants and family members reported that this may be a more likely response from law enforcement in cases when the missing person has a history of running away or disappearing, if the person is experiencing homelessness or otherwise transient, if the person has mental health issues, is a person with known substance abuse issues or addictions, or if the person is a victim of trafficking or exploitation. Refusal to report is especially true in cases of Deprivation of Parental Rights cases, where a non-custodial adult either takes a child and hides them or lures a child away from the custodial family member and/or induces them to "run away" and conceals them. Key

informants also noted that law enforcement officers sometimes make incorrect, biased assumptions about missing individuals (e.g., that they have a substance use disorder). Key informants and family members also reported that some law enforcement officers hold racist views of Indigenous community members. One law enforcement expert who we interviewed emphasized the importance of accepting each missing person report and treating it as a legitimate case. Some family members reported that when police were non-responsive to their missing person report, they felt the responsibility to conduct an investigation and initiate a search for their loved one on their own.

It is also possible that law enforcement might not know the criteria in state statute, might misinterpret the criteria, or might be confused about what qualifies someone as “high risk” based on state statute, which would indicate a need for more training. Family members emphasized the need for further training for law enforcement on how to respond to reports of missing persons.

What we encourage police to do is take every report of a missing person and fill out the report. Put all that information in, and get it into the system. We make some of these assumptions that because folks are local, [law enforcement] know these people. “Oh, that’s just Sally. She’s a druggie. She’s just out doing drugs tonight. She’ll be back tomorrow.” Maybe there was drugs involved. Maybe there wasn’t. But, if we leave it like that, we find her dead two days later--you know we got problems. And, so, what we asked the police to do is treat every case of a missing person report as a legit case, and fill out the reports. Get all the information into the systems, and, if they turn up the next day, great, consider that a successful resolution.

– Law enforcement officer

Police are slow to respond to those who they view as undeserving, because they are involved in sex work or drug addicts. “Throw away people.” You can just see in the language people use that systems don’t care. That doesn’t cover the level of institutional involvement in the harm. Not just by doing nothing, but also by actively participating in the stigmatization and dehumanization process. These systems that are supposed to help actually harm by further stigmatizing, by making people feel undeserving, not recognizing their humanity.

– Community researcher

There’s a lot of stigma and assumptions about substance use even when it’s not happening. There’s a story of an elder who went missing who had no history of using, and law enforcement wouldn’t take a report and assumed the person was using even despite there being no history of that.

– Community researcher

One key informant noted that there are gaps in some Native American community members’ knowledge of how to navigate the systems required to create a missing person report and “talk to White people.” They believe this gap contributes to Indigenous families being dismissed and turned away by law enforcement when they attempt to make a missing person report. To address this gap, some community advocates in Minnesota will support families and directly help them make a report about their missing loved one. These advocates will help explain the circumstances of the person’s disappearance and the “red flags” that have raised the family’s concern about their loved one’s well-being, so that law enforcement will take the report seriously and respond appropriately.

When families go in, they’re told that, “Oh, they’ll just show up” and they send them away... I don’t let them do that. It’s so disheartening, with the reality of our Indian communities. Because our people often don’t know how to navigate the systems. They don’t know the words to use. They don’t have any power... [Law enforcement is] like, “Oh, well, the family just told us that she got in a car and went out with friends. So, she’s not really missing.” And I’m like, “No, but the family’s contacted her. They haven’t been able to reach her. Her cellphone is off.” So those are the pieces that the family may forget. We can make sure that we’re tying all of that together for them. It’s just advocacy.

– Community advocate

LIMITED LAW ENFORCEMENT STAFF CAPACITY CREATES RESPONSE TIME AND QUALITY DEFICIENCIES

Many key informants discussed how law enforcement agencies in Minnesota are facing ubiquitous challenges related to staff turnover, understaffing, and lack of capacity. Many law enforcement agencies have open officer positions they are unable to fill. As a related consequence of low staff capacity, missing person cases tend to get placed as lower priority, in favor of other work that is perceived to be more urgent. This may be particularly true for missing person cases involving youth who have a history of running away, or cases with adults where the circumstances aren't clearly suspicious or involuntary.

We know when somebody called 911, it could be hours until that Tribal officer or BIA officer gets to that home because they have eight calls pending. They've got so many assaults, they've got a possible sexual assault, and what call is a priority? A missing person is not going to be a lights-and-siren code three call when they have eight calls pending and they're more serious in nature.

– Law enforcement officer

Staffing issues have several other implications for missing person investigations. Because of staff turnover, key informants report that some law enforcement agencies lack skilled, experienced, and seasoned missing person investigators—particularly among local and Tribal law enforcement. Staff may receive training in missing person investigation, but frequent staff turnover results in a continual loss of experience and knowledge. Additionally, key informants commented on the lack of administrative support for families completing paperwork to support their loved one's missing person investigation, which may lead to delays and missed opportunities in the investigation.

How do you get that knowledge to local law enforcement? You're not going to. You might pick someone here and there, you might host a training on AMBER Alert in Indian Country. Everyone there is trained in some of the best practices—and a year later, half of those people are gone to other agencies, or not working in investigative capacity, or there's a turnover in investigators, and you lose that intrinsic knowledge at the local agency. ... You're not going to make 10,000 cops the best investigators at missing person cases, by virtue of how law enforcement is set up.

– Law enforcement officer

Key informants spoke to the importance of communication and information sharing among law enforcement agencies working together on investigations across jurisdictions. In particular, adopting a collaborative approach to missing person investigations, including sharing personnel and specialized investigative resources, may help ensure that investigators have adequate personnel resources during the crucial 48 hours of preliminary investigation.

Everyone up here is stretched thin with personnel. It's worse since COVID and the atmosphere around law enforcement from the 2020 timeframe.... The resources are down and we need to get better at helping each other out, specifically to find people. The first 48 hours in any case are crucial to having any type of success when it comes to getting witnesses and getting information needed to resolve these cases quicker.

– Law enforcement officer

MANY MISSING YOUTH ARE ASSUMED TO HAVE RUN AWAY AND BECOME A LOWER PRIORITY

Many missing youth are assumed to have run away, unless there are specific indicators of violence or suspicious circumstances around their disappearance. These cases are frequently not taken seriously, and there is little investigative work done—particularly if youth have had previous encounters with law enforcement, and they are seen as a “bad kid” or labeled as a “runaway.” Sometimes law enforcement will not file missing person reports for youth assumed to have run away. Families may also be hesitant to report a youth as missing if the child habitually runs away, due to perceptions of judgment from the community.

The family has to take on the investigation. Law enforcement will tell us, “You know that’s just a runaway, right?” When we call law enforcement, it can sometimes get them to use resources they didn’t already tap into. It’s a pleasant surprise when law enforcement does something trauma-informed and proactive.

– Community advocate

In situations where law enforcement has already encountered the child or they have been criminalized in the past, and then the child is labeled as a juvenile justice kid, so then there may not be a very robust search for that child. Instead of seeing the child as a young person who needs help and protection, they are labeled as a “bad kid” or seen as the problem. Investigators may see the kid as looking for trouble, so there may not be much of a search for them. We see that most frequently with BIPOC youth. We see that labeling of kids-- “they brought this on themselves.”

– Service provider

These assumptions and prioritization are grounded in part in state law. In Minnesota, if someone has a pattern of running away or disappearing, that may disqualify them from being considered endangered. However, some discretion is allowed, as subdivision 11 states that any other factor that law enforcement deems to indicate the person is at risk can lead to a determined endangered status after obtaining sufficient evidence (Minnesota Statutes § 299C.52, 2022). Frequent running may be the result of coercion, manipulation, hiring, or unaddressed mental health issues. Even youth who run away voluntarily may be in extremely vulnerable circumstances, and are at increased risk for exploitation and violence. These youth may be endangered and in need of law enforcement and social service support, even if their departure was voluntary.

Key informants emphasized that missing youth, whether assumed to have run away or not, should be treated as legitimate missing person cases until they are found and law enforcement can verify their location and well-being. One key informant suggested that the classification of “runaway” should be removed from missing person reports and from social services classification systems, and that youth should just be listed as “missing” until their location and well-being are determined and their case is resolved.

KEY STEPS IN PRELIMINARY INVESTIGATIONS ARE SOMETIMES DELAYED OR INCONSISTENTLY FOLLOWED

Key informants reported that there is wide variation among law enforcement with regard to steps followed in preliminary missing person investigations. In some cases, officers take the missing person report immediately and do thorough follow-up; in other cases, key investigative steps may be missed or delayed, with potential consequences for the investigation. This inconsistency may be due, in part, to lack of staff capacity to perform a thorough preliminary investigation with each missing person case. One key informant also noted that police investigative procedures differ from agency to agency.

One key informant described law enforcement “waiting to see” if the missing person would come back before commencing their preliminary investigation. In doing so, the initial time-sensitive window of preliminary investigation may be lost. Key informants also noted having observed delays in entering missing person reports into NCIC (which disrupts a crucial mechanism of communication across law enforcement agencies) and delays in obtaining forensic data from the family, doctors, dentists, and others.

The Minnesota Bureau of Criminal Apprehension (BCA) has highly trained investigators with expertise in missing person investigations. They are available to support local law enforcement agencies throughout the state with tailored technical assistance and investigative support. Sometimes the BCA isn’t contacted by local law enforcement agencies until later in the investigation (including 24-48 hours later, or even weeks or months into the case). This makes it difficult, if not impossible, for their investigators to recreate preliminary investigative steps. Local law enforcement agencies may be hesitant, or resistant, to bringing in an external agency to support the case. However, agencies with existing relationships, and who have trust in the BCA, are more likely to contact them right away.

[Law enforcement agencies] can pick up the phone 24 hours a day and say, "I need help with this," and [the BCA] can have 100 people on their doorstep in a couple of hours. – Law enforcement officer

Additionally, one key informant noted a lack of accountability to ensure that law enforcement agencies have filed the missing person report, that all the key preliminary investigative steps have been followed, and that the information has been shared with all parties who need to know it. One advocate reported calling law enforcement agencies directly and going down a list to verify that they had taken each necessary step. A representative from the BCA also pointed to the reporting requirements outlined in the NCIC operating manual and CJIS missing persons file manual.

THERE ARE BARRIERS, BUT SIGNIFICANT BENEFITS, TO THE USE OF FORENSIC DIGITAL INVESTIGATION TOOLS

Key informants noted there are perceived barriers to using forensic digital investigation of missing persons’ technology and social media. For law enforcement, there may be a time-consuming administrative burden in

the process of getting warrants and subpoenas for obtaining missing persons' social media. Additionally, family members may be hesitant to share their loved one's electronics. In some cases, family members may be concerned that law enforcement will discover unrelated illegal activities (e.g., purchase of illegal drugs) on their loved one's electronic device, and that they will get in trouble.

However, law enforcement key informants report that they are using forensic digital investigation more frequently, and they have experienced success in their investigations. The BCA utilizes its own cell tracking capabilities.

Cellphone technology is ever evolving. The BCA works with FBI to do cell tracking. It's getting better. Agencies are reaching out sooner to find out who the cell carrier is. There's a couple of agencies that reach out frequently. Once they have gotten some success and understood it, then they do reach out more often. It's getting better through training.
– Law enforcement officer

THE GEOGRAPHY OF MINNESOTA CREATES CHALLENGING CIRCUMSTANCES FOR MISSING PERSON SEARCHES

In Minnesota, we have urban, suburban, and rural geographies. The Indian reservations within Minnesota boundaries are very rural with dense forests, particularly true for those in northern Minnesota, and numerous rivers and lakes, which is generally difficult terrain in which to search for a missing person. Searches are typically completed by law enforcement and are sometimes supplemented by emergency responders and volunteers. It can be very hard to find a human body, especially in changing weather conditions, when wildlife is involved, or when the person's body is submerged in water. Several key informants pointed out that in at least one prominent missing persons case involving an Indigenous youth (as well as other non-Indigenous missing person cases), investigators had done everything they could to search for those individuals, but the areas they were searching in were vast and challenging to navigate. Despite immediate response in the general area where the victims were last seen and despite multiple searches including aerial, canine, and foot volunteers, these victims have not been found. Additionally, one key informant noted that families often want law enforcement to search large areas for their missing loved one, but law enforcement are unable to sustain the level of intensity required to search the entirety of vast geographic areas.

COMMUNITY-INITIATED ADVOCACY AND FAMILY SUPPORTS LACK ADEQUATE FUNDING

The Minnesota Indian Women's Resource Center (MIWRC) in Minneapolis provides culturally responsive supports to families whose loved ones have gone missing, including support making missing person reports, creating and printing flyers, posting on social media, holding press conferences, and smudging the family with traditional medicines. Families contact MIWRC from all over the state for help. MIWRC has developed a MMIR protocol that provides guidance to families whose loved ones are missing and is in the process of developing a tip app that will provide 24/7 support. All of this work with family members of missing persons is unfunded.

Both advocates and law enforcement spoke to the need for law enforcement support during community-led searches—for community members’ protection in potentially dangerous circumstances, to shield family members from the traumatic experience of discovering their loved one’s remains, and to protect the integrity of possible crime scenes. The Community Emergency Response Team (CERT) program trains community members to safely and effectively assist with searches while being properly equipped, protected, and covered by insurance. The program can be accessed by any community to set up a pool of well-trained, capable volunteers who operate under the guidance and coverage of government agencies. These teams are not only a resource for searches, but also for other community needs where the system needs to increase response capacity (FEMA, 2022a). A key informant noted that the opportunity for community involvement can be a powerful way to build two-way trust between community members and law enforcement/government. When people begin to invest, they also begin to become educated, and this leads to a growing pool of informed, educated, invested, and cooperative citizens, as well as solid relationships between community and government services.

Most victim reparation funds provided by local governments and the state are reserved for relatives of victims of violent crimes. Families of missing loved ones may also need financial support to access mental health care, child care, etc., but because law enforcement generally does not consider being missing, in itself, to be evidence of a crime, the families cannot access victim funds. Family members emphasized the need for mental health support for family members of missing and murdered Indigenous relatives, to help them process trauma and unresolved grief.

NO TRIBAL COMMUNITY RESPONSE PLANS HAVE BEEN DEVELOPED IN MINNESOTA

As of March 2023, no Tribal nations that share geography with Minnesota have developed Tribal Community Response Plans. In 2020, the U.S. Attorney’s Office identified Bois Forte as a potential partner for a pilot TCRP project and had a preliminary meeting to discuss it. However, before further steps were pursued, funding for the Minnesota MMIP coordinator position ended and the TCRP was not planned or executed. Key informants spoke to how TCRPs support Tribes in establishing similar investigative processes, encourage partnership and collaboration, and bring more resources to the table to support investigations. Family members emphasized the need for tailored, local guidelines about what to do and how to respond if someone goes missing. More exploration is needed to determine if or how TCRPs will be useful for Tribes, and how TCRPs will interact with Tribal emergency response plans and other Tribal policies and protocols.

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Coordinate and collaborate with community-based organizations doing grassroots work in the MMIR space to ensure resources (e.g., guides for families when a loved one goes missing) shared with communities are consistent with existing best practices.	MMIR Office, community-based organizations	Short-term 1-2 years	Primary	16
2. Assess Tribes' interest and needs related to the potential development of Tribal Community Response Plans. Clarify the MMIR Office's role in helping to develop these plans, and identify potential resources to support their development.	MMIR Office, Tribes	Long-term over 3 years	Primary	1, 7, 11
3. Develop a resource guide for families and communities dealing with MMIR cases that can be used throughout the state (e.g., information about search and rescue teams, community volunteers).	MMIR Office, community advocates	Mid-term 2-3 years	Secondary	20
4. Work with law enforcement professionals to develop an easy tool or guidance for missing person investigation (e.g., a checklist or an app), including every step from initial report through long-term follow-up. Consider working collaboratively with Toronto PD and/or other agencies that are interested in and already working on this type of a tool. a. Consider developing a component for law enforcement and other responding agencies specific to when a child or youth goes missing from care, especially if the child is covered by ICWA.	MMIR Office, Safe Harbor team at MDH, Child welfare/protection team at DHS, law enforcement agencies	Mid-term 2-3 years	Primary	11
5. Consider a potential role for non-experts in the case review process (e.g., civilian review board, domestic violence fatality review board). Collaborate with other state and federal agencies on what they are doing related to MMIR case reviews.	MMIR Office, law enforcement agencies	Short-term 1-2 years	Secondary	11

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>1. Update POST Board model missing person policy to align with best practices and to address specific gaps for MMIR cases. See specific recommendations in the Appendix.</p> <p>a. Assess consistency and inclusion of best practices in law enforcement policies and procedures across jurisdictions in terms of missing person response.</p> <p>b. Keep track of and incorporate guidance provided by the federal government, the Not Invisible Act Commission, and other groups.</p>	<p>POST Board with guidance from MMIR Office and African American Missing & Murdered Task Force</p>	<p>Short-term 1-2 years</p>	<p>Primary</p>	<p>11</p>
<p>2. Update the POST Board’s peace officer statewide qualifying exam to include questions about taking a missing person report immediately (no waiting period) and the responsibility of the jurisdiction where the call is coming from to issue a missing person report.</p> <p>a. Evaluate law enforcement compliance with Brandon’s Law requirements, with special focus on equity and compliance in cases of missing Indigenous persons.</p>	<p>POST board</p> <p>BCA</p>	<p>Mid-term 2-3 years</p>	<p>Primary</p>	<p>11</p>
<p>3. Collaborate to include a session about MMIR during the Bureau of Criminal Apprehension’s (BCA) annual multi-day murder/missing case training event in Brainerd, at other appropriate training sessions, and/or for the MMIR Office to provide training at/for the regional BCA offices. Topics could include: collaboration across jurisdictions, historical trauma and trauma-informed policing and investigation approaches, cultural awareness for family interactions and death investigation procedures, working with victims’ families, advocates and resources for families, how to make referrals, community engagement, bias and stereotypes, and consultation with Tribes.</p>	<p>BCA, MMIR Office, and African American Missing & Murdered Task Force</p>	<p>Mid-term 2-3 years</p>	<p>Secondary</p>	<p>11</p>
<p>4. Address challenges in classifying youth as “runaway,” and/or identify a new classification, such as “missing minor, whereabouts unknown” in law enforcement and social service data systems at all levels (local, state, national). Youth who are missing should be categorized as “missing” until their location and well-being is determined, even if law enforcement or caregivers believe they left voluntarily.</p>	<p>Law enforcement agencies, state agencies</p>	<p>Mid-term 2-3 years</p>	<p>Primary</p>	<p>5</p>

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>5. Explore ways to address cases where American Indian youth go missing from care.</p> <ul style="list-style-type: none"> a. Consider the use of a multidisciplinary team (e.g., Child Abduction Response Team). b. Identify gaps in information sharing between county and Tribal social service agencies and law enforcement within the first 24 hours of a child going missing from care. Ensure that information is in a format that can be readily shared and have a clear process for sharing it with law enforcement. If needed, train county and Tribal social service agencies and residential facilities to ensure the procedure for sharing information with law enforcement is clear and understood. Also, support county and Tribal social service agencies to complete the Runaway Debrief Form as soon as possible following the return of a youth who has run away. Multiple attempts may be necessary. c. Implement accountability measures for compliance with guidelines for caregivers, caseworkers, and supervisors when a child goes missing from care. Specifically, case review, a mechanism for reporting non-compliance, transparency reporting to the public on how agencies are complying with the guidelines, and consequences for non-compliance. And for instances of individual non-compliance, retraining, a review to determine if there are systemic barriers to compliance (lack of resources, lack of tools, lack of training, lack of leadership support for compliance), and a period of probationary review. Provide additional training on state and federal processes for compliance with reporting. d. Conduct further research to identify any gaps in response to American Indian youth missing from care among child welfare agencies. 	<p>DHS, MMIR Office, and African American Missing & Murdered Task Force</p>	<p>Short-term 1-2 years</p>	<p>Primary</p>	<p>11, 14</p>

Communication and alert systems

Policy context

EXISTING NATIONAL COMMUNICATION AND ALERT NETWORKS

In the 1980s, Congress passed several laws that authorized and created systems for the collection and exchange of information to assist in the location of missing persons, including national toll-free telephone lines and a national resource center and clearinghouse (Missing Children Act, 1982; Missing Children's Assistance Act, 1984). In the late 1990s, states began to establish AMBER Alert Systems (early warning systems to locate abducted children), but uptake and establishment of systems was slow (U.S. Department of Justice, n.d.). In 2003, Congress passed the PROTECT Act, which established a national coordinator role for the purpose of supporting the development of state AMBER Alert plans, providing coordination and guidance, and eliminating gaps in communication networks.

In 2018, Congress also passed the Ashanti Alert Act, which established a voluntary national communications network to support search efforts for missing adults. The Ashanti Alert Act was catalyzed by and named for Ashanti Billie, who was abducted from Hampton Roads, Virginia, in 2017. Ashanti was found dead, 350 miles away in Charlotte, North Carolina, two weeks later. At 19 years old, Ashanti's disappearance did not qualify her for any of the existing alert programs and highlighted a gap in notification system infrastructure for missing and endangered adults (Bureau of Justice Assistance, 2021). Ashanti Alerts are intended for cases of missing adults whose mental capacity or the circumstances of their disappearance (including history of domestic violence, sexual assault, child abuse, or human trafficking) warrant an alert (Ashanti Alert Act, 2018). However, as with AMBER Alerts, Ashanti Alerts are intended to be used on a limited basis, so that their effectiveness isn't reduced through overuse.

EFFORTS TO EXPAND COMMUNICATION AND ALERT SYSTEMS IN INDIAN COUNTRY

In 2018, Congress passed the Ashlynnne Mike AMBER Alert in Indian Country Act, which created a grant program to assist Tribes in developing and integrating Tribal AMBER Alert Systems into state systems. The Act was named in memory of an 11-year-old girl, Ashlynnne, who was abducted in 2016 alongside her 9-year-old brother, Ian, on the Navajo reservation after getting off their school bus (Monroe, 2018; Walters & Blasing, 2021). Ian was found several hours later wandering alone in the desert. The next day, Ashlynnne was found sexually assaulted and murdered at a sacred volcanic rock formation. An AMBER Alert hadn't been issued until eight hours after the children's father first reported them missing. The case exposed gaps in the AMBER Alert system in Indian Country (Harp, 2019b; Walters & Blasing, 2021).

A 2019 assessment of the Ashlyne Mike Act found that while 76 out of 100 Tribes surveyed participated in their state's AMBER Alert plan, some Tribes continued to experience implementation challenges and resource gaps. These challenges include lack of training, insufficient infrastructure (e.g., radio, broadcasting, road signs), lack of memorandums of understanding or agreements with the state with which they share geography and possibly law enforcement jurisdiction to allow access to the AMBER Alert plan, staffing shortages, and lack of technological resources (e.g., software, computers) (Harp, 2019b). As of 2018, 5 of 11 Tribes that share geography with Minnesota are participating in the state's AMBER Alert plan (Office of Juvenile Justice and Delinquency Prevention, 2019).

Recently, in 2022, Washington, Colorado, and California each passed legislation that required the expansion of their state's missing persons alert systems to include a specific alert for missing Indigenous persons (Office of Missing and Murdered Indigenous Relatives, 2023). However, these alert systems are voluntary, and so far there is low public awareness of the new alerts, which may hamper community engagement and participation.

MINNESOTA HAS SEVERAL EXISTING COMMUNICATION AND ALERT SYSTEMS

Minnesota uses three communication notification systems: AMBER Alerts, Blue Alerts (for when law enforcement officers are killed or seriously injured in the line of duty), and Missing Persons Alerts through the Minnesota Crime Alert Network (described below).

Minnesota's AMBER Alert system alerts the public about abducted children by activating the state's cellphone, radio, and television Emergency Alert System, as well as the Minnesota Crime Alert Network (Minnesota Bureau of Criminal Apprehension, n.d.-a). To activate an AMBER Alert, law enforcement agencies must submit a request to the Bureau of Criminal Apprehension Operations Center, which must then be evaluated and approved by the superintendent, deputy superintendent, or another designee.

If an abduction does not qualify for an AMBER Alert (e.g., due to age or lack of evidence of imminent danger), law enforcement may consider activating a Missing Persons Alert through the Minnesota Crime Alert Network if they believe the public, businesses, and the media could assist in locating the missing individual (Minnesota Bureau of Criminal Apprehension, n.d.-d). The Minnesota Crime Alert Network was established in 1995 as a voluntary partnership between law enforcement, state agencies, sector. It is used to distribute information on criminal activity, including missing and endangered children and the private or vulnerable adults.

In 2015, a bill was introduced to the Minnesota Legislature to create a Silver Alert system to locate missing adults who are senior citizens with cognitive impairments such as dementia or Alzheimer's disease (Minn. S.F. 857, 2015). A working group, convened by the commissioner of public safety, was tasked with identifying the need for a Silver Alert system and recommended the use of and enhancements to existing

alert systems (Minnesota Department of Public Safety, 2016). Following this recommendation, the bill died in committee. A similar bill has been reintroduced to the Minnesota Legislature several times since, but has not passed each time; most recently, in the 2023 session (Minn. H.F. 1829, 2023).

In 2023, a bill was passed by the Minnesota Legislature and signed into law which established the Office for Missing and Murdered Black Women and Girls (Minn. S.F. 2909, 2023). This bill amended Minnesota Statutes § 299C.53 Subd. 3 to require the law enforcement agency to issue missing persons alerts through the Crime Alert Network for all missing and endangered adults.

THE MINNESOTA FUSION CENTER PROVIDES A MECHANISM FOR STATEWIDE AND NATIONAL LAW ENFORCEMENT COMMUNICATION

The Minnesota Bureau of Criminal Apprehension hosts the Minnesota Fusion Center, which helps coordinate information-sharing amongst federal, state, local, and Tribal law enforcement agencies about suspected criminal activity (Minnesota Bureau of Criminal Apprehension, 2021). The Minnesota Fusion Center's activities include, but are not limited to, statewide or local risk assessments; disseminating federal alerts and warnings; collecting, analyzing, and reporting on local criminal data; and providing intelligence reports.

Best and emerging practices

STATE AMBER ALERT SYSTEMS SHOULD FIT WITHIN A COMPREHENSIVE CHILD RECOVERY STRATEGY

In 2019, the U.S. Department of Justice published updated best practice guidance on AMBER Alert systems (Harp, 2019a). The report provides guidance on topics including AMBER Alert issuance criteria, development of a comprehensive child recovery strategy, strategic inter-agency partnerships, and training and public awareness campaigns.

The DOJ's best practice guide emphasizes that alerts should not be issued if they do not meet the plan's criteria, to avoid overuse of the system which may contribute to loss of efficacy (Harp, 2019a). Generally, AMBER Alerts issuance criteria require: 1) confirmation that the child has been abducted, 2) that the child is at risk of serious bodily injury or death, 3) that law enforcement has sufficient descriptive information about the child and suspected abductor, so releasing information to the public would help the investigation, and 4) that the child is below a certain age (generally, age 17 or younger). Law enforcement officers who receive reports of missing children that potentially qualify for an AMBER Alert should reach out to the state agency that activates the AMBER Alert System for support in assessing the situation.

However, AMBER Alert issuance criteria vary across states and jurisdictions, depending on legislative mandates and regional program design (Harp, 2019a). For example, one point of variance across states may be whether AMBER Alerts are issued for cases of familial abductions. While the AMBER Alert system was primarily designed to be implemented in cases of stranger abductions, the best practice guide emphasizes that familial abductions should be taken equally seriously—particularly if there is a history of domestic violence in the family.

The best practice guide also emphasizes that AMBER Alerts should ideally be one component of a comprehensive child recovery strategy, which includes established policies (such as interagency memorandums of understanding), procedural guidance and resources, and training (Harp, 2019a). As a part of this response, states should support and work to build partnerships amongst law enforcement agencies, multi-disciplinary Child Abduction Response Teams, the State Attorneys General Office, the Missing Persons Clearinghouse, emergency management, the Fusion Center, community advocate organizations, schools, the Department of Transportation, and mass transit.

CROSS-JURISDICTIONAL ALERT SYSTEMS CAN EXPEDITE TIMING AND INCREASE THE REACH OF AN EMERGENCY ALERT

In 2018, in response to the communication and jurisdictional challenges that were revealed by the abduction, rape, and murder of Ashlynn Mike, the Navajo Nation created a new emergency alert system for issuing AMBER Alerts and other emergency notifications (Walters & Blasing, 2021). The Navajo Nation shares geography with 11 counties, spanning three different states, and over 100 local government jurisdictions, which, in the past, created additional steps and delays in sending out alerts across all three states. With the new emergency alert system, the Navajo Division of Public Safety is able to send out alerts via radio, television, and text messaging to all 11 counties within the geographic boundaries of the reservation.

The Federal Emergency Management Administration (FEMA) also created the Integrated Public Alert and Warning System (IPAWS), which provides the capability to notify the public of natural and human-made disasters and emergency and public safety information. Through this initiative, FEMA will support Tribal governments in using the system, including through supplementary funding for eligible public alert and warning activity expenses, as well as providing training through FEMA's Emergency Management Institute (FEMA, 2022b).

TRAININGS HELP BUILD TRIBES' CAPACITY TO RESPOND TO ABDUCTED CHILDREN CASES

Starting in 2007, the Office of Juvenile Justice and Delinquency Prevention began offering training and technical assistance to Tribal communities through the AMBER Alert in Indian Country Initiative (Walters & Blasing, 2021). The Initiative helps Tribes build capacity and capabilities to respond to cases of missing

and abducted children and build AMBER Alert systems within their community. According to a key informant, AMBER Alert in Indian Country tabletop exercises and CART (child abduction response training) also build capacity in Indian Country to respond.

Current issues in Minnesota

THERE ARE BARRIERS THAT IMPACT THE EFFECTIVENESS OF AMBER ALERT SYSTEMS

Key informants reported a number of barriers that impact the effectiveness of Minnesota's AMBER Alert systems, including distrust of police, gaps in knowledge about AMBER Alert criteria, and lack of awareness about other missing person communication systems available.

In some communities with low trust in law enforcement, families are hesitant to contact law enforcement directly about their missing child. Community members are sometimes more comfortable contacting advocates, who can make AMBER Alert requests to law enforcement on their behalf. However, there are gaps in advocates' knowledge and there are misunderstandings about AMBER Alert criteria and the information they need to provide to law enforcement. This practice of contacting an advocacy organization conflicts with the best practice of contacting law enforcement immediately by dialing 911. Advocate organizations should reinforce best practice and avoid operating as a go-between as they are not open 24/7, 365 days a year.

Key informants also noted the need for further public education about criteria required to issue an AMBER Alert, as well as other missing persons alert systems and media resources available in Minnesota.

Ninety-five percent of the families we work with want the AMBER Alert to be used in their child's case, but it was a tool designed to be used only for the very rare cases, the tip of the iceberg, so that it doesn't become the car alarm in the neighborhood that is always going off so no one pays attention to it. We need to educate people about what is under the Amber Alert, crime alerts through the BCA, or media alerts. People tend to think if we don't do an AMBER Alert then we can't do anything. We can do a big media push and use other resources.

– Community advocate

Key informants also noted the importance of improving technology access among rural community members in greater Minnesota to improve access to AMBER Alert phone notifications.

IT MAY BE CHALLENGING TO MEET AMBER ALERT CRITERIA FOR CASES OF FAMILIAL ABDUCTIONS

Minnesota's primary criteria for issuance of an AMBER Alert are whether the child is age 17 or younger and if they are in imminent danger of serious bodily harm or death (Minnesota Bureau of Criminal Apprehension, n.d.-a). The BCA issues AMBER Alert criteria for both non-familial and non-custodial familial abductions. However, one key informant commented that it is difficult for cases of familial

abduction to meet the issuance criterion of the child being in imminent danger, unless the family member has made explicit threats against the child. The Department of Justice advises that AMBER Alerts should be considered for cases of both familial and non-familial abduction—particularly when domestic violence victimization is involved (Harp, 2019a).

COMMUNICATION AND ALERT SYSTEMS FOR MISSING ENDANGERED ADULTS NEED TO BE BOLSTERED

Key informants highlighted the need for more extensive alert system infrastructure to communicate information about missing endangered adults with the general public. Currently, Minnesota Crime Alerts go out to a network of law enforcement agencies, businesses, schools, and community members, but it is a voluntary network, and no cellphone or highway sign alert systems are activated. People who have signed up need to check their email in order to receive alerts, and, within law enforcement agencies, only the people who sign up receive the notifications, so either every officer needs to sign up or one person in the agency needs to be responsible for the secondary distribution of the alerts to everyone in their agency. User types in the system may also create some limitations for members of the public who want to receive notifications.

Key informants also highlighted the importance of improved communication across law enforcement jurisdictions about factors that led up to and have contributed to a missing person’s disappearance, including having a history of domestic violence victimization and other risk factors.

There needs to be better communication specifically about endangered persons and not just children, but any kind of endangered person. ... If you have three or four or five domestic violence incidences and then you have a missing woman, and some of those reports went to Tribal police and some of those reports went to the county sheriff, and they didn't really connect. ... But there should be a mechanism by which certain cases where that important information is transferred back and forth ... There's things that you can see that happened before they were missing that may have contributed to their missing status. It would be good to make sure that that information gets to everyone.

– Community advocate

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
<ol style="list-style-type: none"> 1. Work with community-based organizations to encourage community members to report a missing person immediately to law enforcement, and use appropriate alert systems and social media venues. <ol style="list-style-type: none"> a. Provide information for family members if they need additional help or if law enforcement is unresponsive. 	MMIR Office, community-based organizations	Short-term 1-2 years	Primary	16
Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
<ol style="list-style-type: none"> 1. Collaborate with local, state, and Tribal law enforcement to determine barriers to full utilization of the Minnesota Crime Alert Network in order to ensure Minnesota’s process and system for issuing missing person alerts for all missing and endangered adults and missing children (including those who run away) – including AMBER Alerts and the Missing Persons Alert -- is comprehensive, accessible, and unbiased. <ol style="list-style-type: none"> a. Examine what alert systems or processes other states are using (e.g., “Feather Alerts,” which are specific to Indian Country). b. Consider expanding the Missing Persons Alert system to include cellphone, and highway communication networks in cases of missing and endangered adults. c. Increase funding to increase the number of staff responsible and improve the technical structure of the network. 	BCA, MN Legislature	Mid-term 2-3 years	Secondary	1, 11
<ol style="list-style-type: none"> 2. Notify the MMIR Office when an AMBER Alert or Missing Persons Alert is issued through the Minnesota Crime Alert Network for a MMIR case, for the purposes of tracking statewide MMIR data. 	BCA, MMIR Office	Mid-term 2-3 years	Secondary	1
<ol style="list-style-type: none"> 3. Post criteria for requesting/deploying Missing Persons Alerts on the BCA website. 	BCA	Short-term 1-2 years	Primary	1

Review and investigation of unresolved (“cold”) cases

Resources for cold case investigations are extremely limited.... Such limitations are especially relevant for American Indian and Alaska Native communities, where a lack of law enforcement resources, and particularly of victim and survivor services, already led to these communities being disproportionately affected by violent crime (Budowle et al., 2022, p. 1).

Unresolved (“cold”) missing person and homicide cases, generally characterized by lack of both resolution and further investigative leads over a long period of time, present numerous challenges to law enforcement and significant emotional trauma to all those involved (Budowle et al., 2022; Moran, 2021). Despite these impacts, unresolved missing person cases are often lower priority due to law enforcement’s limited time and resources (Adcock, 2021; Budowle et al., 2022; Moran, 2021). In recent years, more diplomatic verbiage, such as “unresolved cases” or “long-term cases” have been used to describe what was referred to as “cold cases” in the past (Moran, 2021).

Policy context

THERE ARE SOME FEDERAL-LEVEL RESOURCES FOR UNRESOLVED CASE REVIEW AND INVESTIGATION

There is no existing federal policy related to the review, investigation, or reporting of unresolved missing person cases. However, in 2020-21, Operation Lady Justice established seven cold case teams throughout the country, in Minnesota, South Dakota, Montana, New Mexico, Arizona, Alaska, and Tennessee (U.S. Department of the Interior, 2021a). The units are staffed with law enforcement and special agents from the Bureau of Indian Affairs’ Office of Justice Services.

Additionally, in 2022, Congress passed the Homicide Victims’ Families’ Rights Act of 2021. Under this law, families of homicide victims whose cases have remained unresolved for at least three years may request a federal review of the victim’s case file. Cases are eligible if they were investigated by federal law enforcement, the investigators’ leads have been exhausted, and no suspect has been identified. Assessments are intended to identify whether any leads were missed during the preliminary investigation, whether to interview new witnesses or re-interview original witnesses, and whether to follow up with forensic testing and analysis (if evidence is available). The act also requires the National Institute of Justice to publish annual statistics on unresolved homicides.

According to Minnesota statute, after 30 days, if the law enforcement agency has not received additional information, the agency needs to obtain DNA evidence, photographs, fingerprints, etc. Besides this, there are no state laws or policies specific to long-term missing person cases (Minnesota Statutes § 299C.53, 2009).

Best and emerging practices

FORM A COLD CASE UNIT OR TEAM

Forming a cold case unit or team within a law enforcement agency or collective of agencies can ensure appropriate funding and attention to unresolved cases (Moran, 2021). Based on RAND data from 2011, few U.S. law enforcement agencies (7%) have dedicated cold case units, and only one out of five departments has formal protocols for initiating cold case investigations (Davis et al., 2011). See the Appendix for detailed guidance about how to establish an effective cold case unit or team.

For further reference, the National Institute of Justice's Cold Case Investigation Working Group published detailed guidance on best practices for creation of cold case investigation units, including sample documents on standard operating procedures, investigation checklists, sample investigative case files, memorandums of understanding (MOUs), and nondisclosure agreements (NDAs) (Barcus et al., 2019).

A cold case unit may not be practical for the majority of law enforcement agencies in Minnesota. A statewide or region-specific review panel that meets periodically to review cold cases and provide recommendations for next steps may provide a more feasible approach.

PRIORITIZE CASES BASED ON SOLVABILITY FACTORS

Use of solvability matrices or checklists are a well-established best practice for prioritizing unresolved cases (Adcock, 2021; Budowle et al., 2022). For example, the National Institute of Justice's Cold Case Investigation Working Group suggests that unresolved cases should be prioritized based on whether: 1) the statute of limitations on the crime has expired; 2) there is existing testable forensic evidence; 3) victims and other witnesses are available to be interviewed; and 4) the case already has a suspect or person of interest (Barcus et al., 2019). See the Arizona Criminal Justice Commission's (n.d.) Cold Case Solvability Matrix for a sample tool. It is important to note that there is not enough research to determine if use of a solvability matrix or similar tool would impact cases involving Indigenous victims differently compared with all other cases. As mentioned by a key informant, solvability assessments should periodically include re-evaluation and attempts to obtain information that will raise the solvability score, such as a call for anyone who may have witnessed something to come forward or requests for family members to give reference DNA samples. Assessments should also include whether or not innovations in technology or investigative tools/techniques might cause a rise in the solvability score of the case.

LEARN FROM AND BUILD ON EXISTING EFFECTIVE UNRESOLVED CASE INVESTIGATIVE PROTOCOLS

Sample cold case investigation protocols are available through the National Institute of Justice’s Cold Case Investigation Working Group, the Miami Police Department’s Cold Case Team standard operating procedures, or through direct request to the Bureau of Indian Affairs’ Office of Justice Services and the Federal Bureau of Investigation (Budowle et al., 2022).

RE-EXAMINE THE CASE FILE TO DETERMINE INVESTIGATIVE GAPS AND OPPORTUNITIES

It is important to re-examine the original case file with fresh eyes—specifically, by new investigators or volunteers with no prior involvement with the case (Adcock, 2021; Barcus et al., 2019; Budowle et al., 2022; Moran, 2021). It is possible that investigative leads or clues were previously overlooked, mistakes were made, or investigators had limited resources or training at their disposal (Budowle et al., 2022; Moran, 2021). All unresolved case files should be reviewed periodically to ensure that the investigation meets current standards and best practices (Barcus et al., 2019).

SUBMIT EVIDENCE FOR FORENSIC TESTING OR RETESTING

Submitting viable DNA evidence for forensic testing or retesting may reveal new information that can inform the case (Adcock, 2021; Barcus et al., 2019; Budowle et al., 2022; Moran, 2021). At the time of the initial investigation, forensic technology may not have been available, may not have been advanced enough to detect DNA evidence or make identification, or may have been cost prohibitive. DNA databases may have been incomplete or unknown to investigators (Budowle et al., 2022). Forensic testing results that were originally inconclusive or negative may now lead to new evidence or investigative leads (Barcus et al., 2019). In addition, some offenders may have DNA in law enforcement databases that has recently been added.

Consumer DNA websites, such as 23andMe, Ancestry.com, and GEDmatch, may also be used to identify suspects and victims in emerging and unresolved cases (Hill & Murphy, 2019). However, law enforcement needs to navigate each company’s privacy policies. For example, 23andMe refuses law enforcement data requests unless they receive a valid court order, search warrant, or subpoena.

Community trust and informed consent in forensic testing. Indigenous community members may have concerns about sharing DNA samples with investigative agencies, due to past violations of trust in the scientific community (Budowle et al., 2022). For example, in 1989, members of the Havasupai Tribe provided blood samples to contribute to a research study on diabetes. Without their consent, researchers used their DNA for other research purposes. Investigators should develop and implement thorough informed consent procedures that clearly articulate data collection processes, data sovereignty and ownership, storage procedures for the sample and DNA profiles, privacy protections, and how the data will be used.

RE-INTERVIEW WITNESSES WHO MAY BE WILLING TO SHARE NEW INFORMATION

Investigators should revisit witnesses who were interviewed in the original investigation (Barcus et al., 2019; Budowle et al., 2022; Moran, 2021). With the passage of time, personal circumstances or relationships may have changed, and witnesses may be willing to divulge new information about the case they had not shared before. This may uncover new investigative leads.

Time may be the perfect ally in a cold case investigation. People and situations change. Those who were formerly unwilling to cooperate with an investigation may now cooperate. Marriages, friendships, and other trust relationships may deteriorate with the passage of years. Friends can become adversaries, business relationships may sour, and people may mature or relocate. ... Other similar changes may lead to witnesses who are now willing to cooperate with an investigation (Barcus et al., 2019, pp. 17-18).

Current issues in Minnesota

LOW CASELOAD AND LIMITED STAFF CAPACITY MAKE IT DIFFICULT TO MAINTAIN STAFFING ON UNRESOLVED CASES

In Minnesota, there are no law enforcement agencies that have staff (much less entire units) dedicated to working on unresolved cases full time. This is because few agencies have the caseload that would require maintaining full-time staff on unresolved cases, and these agencies, therefore, need to prioritize their staff elsewhere. Instead, law enforcement agencies will frequently have their missing person or homicide investigators spend part of their time on unresolved cases in their jurisdiction, while the other portion of their time is spent on emergent or active cases.

Because investigators split their time between unresolved cases and emergent cases of missing persons and homicides, it can be difficult for investigators to maintain focus and build momentum on unresolved cases. Key informants with expertise in unresolved case investigation talked about how when they start digging into an unresolved case, they will frequently get pulled off to work on emergent cases that are given higher priority. Additionally, unresolved case files are often complex, with a large amount of documentation and evidence to review. When investigators are pulled off unresolved cases to work on emergent ones and are unable to return to the case file until weeks or months later, it can disrupt their train of thought and require them to start over from the beginning, which contributes to further delays.

A cold case can be very complex. The amount of time and data you have to go through to have a competent idea of what happened, then you need to review it 2 or 3 times. It might be 100 pages to read until you can develop a response plan. You start doing that, you re-open the case and then you find out you get an acute missing person case. I don't care how intelligent you are, it's hard to move your mind off a case to an acute missing case and then you have to come back to it after several weeks. That is a hindrance in working toward getting our cases solved.

– Law enforcement officer

Additionally, staff turnover leads to a loss of knowledge and familiarity with the jurisdiction's unresolved cases. However, at least one law enforcement agency in Minnesota is considering turning this challenge into an opportunity by having their new investigators read through entire unresolved case files with a fresh set of eyes, with the hope of identifying new leads.

CROSS-JURISDICTIONAL TASK FORCES HOLD PROMISE FOR UNRESOLVED CASE INVESTIGATION, BUT IT MAY BE DIFFICULT TO BUILD BUY-IN AMONGST INDIVIDUAL LAW ENFORCEMENT AGENCIES

Some key informants, as well as the research literature, recommend convening a cross-jurisdictional task force focused on reviewing unresolved cases from around the state. The review of unresolved case files by investigators new to the case may help identify new leads or areas for investigation.

However, it may be difficult to build sufficient buy-in from individual law enforcement agencies to allocate staff time to such a task force due to the perception of an unfavorably low cost-benefit ratio. While a cross-jurisdictional task force may be effective in solving some unresolved cases, there is no guarantee that each agency contributing staff will see the benefit of solved cases in their own jurisdiction. It may be difficult for agencies to allocate staff time to a task force when the short-term benefit to their individual agency may be unclear.

THERE ARE STATE AND NATIONAL RESOURCES TO SUPPORT UNRESOLVED CASE INVESTIGATION, BUT THERE MAY BE BARRIERS TO FULL UTILIZATION

There are several state- and national-level resources available to support unresolved case review and investigation. Nationally, the new Missing & Murdered Unit at the Bureau of Indian Affairs collaborates with Tribes in Public Law (P.L.) 280 states (see detail description of PL 280 on p. 59) on investigations, including long-term unresolved cases. The Minnesota BCA, which has investigators dedicated part time to unresolved cases, is available to assist other law enforcement agencies in Minnesota with their unresolved cases. This includes revisiting or reviewing case files and resubmitting DNA evidence for further testing.

Additionally, NCMEC's Team Adam offers free resources to law enforcement agencies to support long-term investigations of missing children through support from retired law enforcement professionals (NCMEC, 2020c). Law enforcement agencies investigating long-term cases of missing children and youth can get assistance with case review, age progression, forensic testing, and search support. However, these resources are not available for unresolved cases of missing persons over age 21. Additionally, there may be some challenges to utilizing volunteers or retired law enforcement professionals in unresolved case investigation, as some investigation strategies (e.g., re-interviewing witnesses) need to be implemented by active, sworn law enforcement officers.

I wish there were more resources for missing adults. It's so different what services and public response you get for a 10-year-old vs. 25-year-old, but that person is still gone and their family still misses them.

– Community advocate

When it comes down to it, you have to have sworn law enforcement doing certain things. Retired law enforcement [or other involved individuals who are not sworn law enforcement officers] can come up with ideas, but they can't implement those ideas.
– Law enforcement officer

The Minnesota Bureau of Criminal Apprehension (BCA) created a deck of cold case playing cards which provide information about 52 cold cases in Minnesota over the past 50 years. These card decks were distributed to police departments, sheriff's offices, jails, and Minnesota prison inmates. The goal is to gain further information and tips to help solve Minnesota's cold cases. It is not clear if any MMIR cases are represented in this initiative (Minnesota Bureau of Criminal Apprehension, n.d.-b).

Some law enforcement agencies may be resistant to sharing their unresolved case files with external agencies like the BCA or Team Adam. They may also be concerned that they may face external judgment or scrutiny and risk their reputation. Law enforcement agencies may also have concerns about data privacy issues that hinder data sharing.

Folks tend to own [unsolved cases] and not want to share them. That has gotten better. Team Adam from NCMEC can come in and help look at old cases, but sometimes agencies don't want this. Others are open to it. That ownership can be problematic. There can be frustration on behalf of law enforcement if it hasn't been solved yet, and you don't want to look like an idiot if someone else comes in and solves it.
– Community advocate

COMMUNICATION WITH FAMILY MEMBERS DURING LONG-TERM CASE INVESTIGATIONS CAN BE EMOTIONALLY LOADED AND CHALLENGING TO NAVIGATE

Law enforcement key informants spoke to the challenges associated with communicating with families during long-term unresolved case investigations. Some investigators spoke of the challenge of finding the balance between providing families with updates about their case and keeping them apprised of the work being done while not creating false hope. Cold case reviews could include round-table sessions that include relatives of the victim and their advocate to keep them informed. See the Victim and Family Services section for more detailed information about communication with families.

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Establish a case review process for long-term unresolved MMIR cases as part of the MMIR Office's duties per statute. Collaborate with BCA, Tribal, and local law enforcement to clarify roles and responsibilities of the MMIR Office and other parties and to determine which cases will be the focus of these reviews.	MMIR Office	Short-term 1-2 years	Primary	1, 2
2. Encourage and support local and Tribal law enforcement agencies to work with the BCA and/or federal resources, as needed. Establish formal arrangements for cross-jurisdiction and cross-agency sharing of investigative resources and specialized expertise, and work to build relationships and awareness of resources across agencies to also facilitate informal collaboration and resource sharing.	MMIR Office, BCA, FBI, law enforcement agencies	Long-term over 3 years	Primary	1, 11
Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Review and implement protocols to maintain quality forensic data collection and storage procedures to protect DNA evidence from degradation, so it is available for future testing and re-examination, including working with the BCA and/or federal forensic testing and storage resources, as needed. Ensure adequate consent and confidentiality procedures are in place to allow for future use of data.	Law enforcement agencies	Long-term over 3 years	Primary	11
2. Advocate that the Minnesota Legislature allocate dedicated law enforcement resources to focus on unresolved cases.	BCA, MMIR Office	Long-term over 3 years	Secondary	2
3. Train and ensure quality control in the initial investigation and tracking of evidence by agency personnel to ensure all possible evidence that may be useful to the resolution of the case is gathered and documented. Digitize all case files.	Law enforcement agencies	Long-term over 3 years	Primary	11
4. Prioritize cases using solvability matrices or checklists, and evaluate the impact of case prioritization based on solvability of MMIR cases.	Law enforcement agencies	Short-term 1-2 years	Primary	11

Death investigation

Policy context

POLICIES AND PROCEDURES FOR MEDICOLEGAL INVESTIGATION, INCLUDING AUTOPSIES, ARE DETERMINED AT THE STATE LEVEL

When someone dies, a coroner or medical examiner conducts a medicolegal investigation to understand the cause and manner of the death (Centers for Disease Control and Prevention, 2015). The protocols, procedures, and required qualifications around medicolegal investigation are determined by each state. Resultantly, there is a large amount of variation across states regarding which deaths require investigation by a coroner or medical examiner and what educational or certification requirements investigators must possess. In most states, coroners are not required to be a physician or have any medical training (Centers for Disease Control and Prevention, 2023a).

ALL MINNESOTA COUNTIES MUST HAVE A QUALIFIED CORONER OR MEDICAL EXAMINER

Each county in Minnesota must have a qualified coroner or medical examiner (Minnesota Statutes § 390.005, 2022). Autopsies may be performed by either the coroner or medical examiner. Coroners may be elected or appointed, while medical examiners must be appointed by the county board. To be qualified, medical examiners must be a board certified forensic pathologist, while coroners must be a physician with a valid license to practice medicine. Coroners must also obtain training in medicolegal death investigation within four years of taking office. As of 2023, Minnesota is one of only four states in the U.S. that requires coroners to be a licensed physician (Centers for Disease Control and Prevention, 2023a).

THE COUNTY CORONER OR MEDICAL EXAMINER DETERMINES WHETHER AN AUTOPSY IS NECESSARY

Under Minnesota state law, all deaths that are sudden, unexpected, or that were caused fully or in part by anything other than natural causes must be reported to the county coroner or medical examiner for assessment (Minnesota Statutes § 390.11, 2022). This includes, but is not limited to, deaths due to violence (including homicide, suicide, or accidents), deaths under unusual or suspicious circumstances, and deaths of unidentified individuals. The coroner or medical examiner then determines whether to perform an autopsy on the deceased individual based on whether it is within the public's interest.

REQUIRED COMMUNICATION WITH FAMILIES ABOUT AUTOPSIES IS WRITTEN IN STATE STATUTE

As of 2015, Minnesota’s autopsy law requires coroners or medical examiners to “maintain and make publicly available, a statement of policy or principles to be used for communicating with families during a death investigation” (Minnesota Statutes § 390.005, 2022). Additionally, they must communicate with the families of the decedent to inform the family or the representative of the decedent of the intended autopsy no more than 24 hours after the discovery of the decedent’s body (Minnesota Statutes § 390.11, 2022). This notice must include “providing written materials explaining the death investigation process or providing the representative the office’s website address where this information is located” and “information regarding Minnesota’s law concerning religious objections to autopsies.” The autopsy report must be filed in the office of the coroner or medical examiner and, if further investigation is advisable, the report is sent to the county attorney. There are no additional requirements in statute about how to communicate with families. Minnesota statute categorizes the coroner or medical examiner’s report as private or nonpublic data, which may be made available to the deceased individual’s legal representative or family members. However, the report can be withheld from the family if the case is a suspected homicide and the investigation is active. If active indefinitely, the county medical examiner’s office will hold the autopsy report as private for 30 years before releasing it to the family (Minnesota Statutes § 13.83, 2022). There is no fee for families associated with autopsies requested by the medical examiner or coroner office. For a nominal fee, family and legal representatives can request a copy of the final report.

FEDERAL AND STATE LAW PROTECTS INDIGENOUS COMMUNITIES’ CULTURAL RIGHTS AND PRACTICES

In the 19th and 20th centuries, as a tool of cultural eradication, U.S. federal policies targeted Indigenous communities with forcible Christian conversion and outlawed many religious and cultural practices (Zotigh, 2018). For example, in 1883 the Department of the Interior created a set of rules known as “The Code of Indian Offenses” that outlawed religious practices among Indigenous communities (including dances, feasts, and “the usual practices of so-called medicine men”), punishable by incarceration, hard labor, and withholding of rations (Price, 1883, p. 4). It wasn’t until the passage of the American Indian Religious Freedom Act of 1978 that the First Amendment religious rights of Native Americans were codified under U.S. law, including the freedom to perform ceremonies and traditional rites.

In 2015, Minnesota amended the state’s autopsy statute to allow for religious objections. This amendment was preceded by several unfortunate cases that proved the current law to be too vague. A key case example is that of Mushkooub Aubid, an Ojibwe spiritual leader who died in a serious car accident near a reservation in greater Minnesota. After Aubid’s death, the medical examiner failed to communicate with his family, and their cultural and religious wishes were dismissed on several occasions (Kulick et al., 2016). In this case, the family did not want an autopsy conducted as they were confident they understood the cause of

death and because it would interfere with their ability to perform funeral rites aligned with the Midewiwin spirituality of the decedent, an ancient religion of the Anishinabe. The family submitted a court order to stop the autopsy, which the medical examiner dismissed for nine hours (Kulick et al., 2016; Olson, 2015).

As a result of the 2015 amendments to the autopsy statute, coroners or medical examiners cannot perform an autopsy that has been objected to based on religious grounds unless it is determined by the courts there is a compelling state interest to perform it. If it is determined in district court that an autopsy is indeed of compelling state interest, as is common for cases with violent involvement such as homicides, the procedure conducted must be the least intrusive necessary. As mentioned previously, the 2015 amendment also includes language about communicating to families about the intended autopsy within 24 hours of identifying the body of the decedent. The statute allows coroners or medical examiners to speak with families after a religious objection as the objection may not encompass all aspects of a full exam (i.e., external examination, toxicology, and radiographic imaging may still be okay) (Minnesota Statutes § 390.11, 2022).

Best and emerging practices

THERE ARE ESTABLISHED BEST PRACTICE PROCEDURES FOR INVESTIGATORS RESPONDING TO THE SCENE OF ALL DEATHS

In 1999, the U.S. Department of Justice published guidance on death scene investigation, compiled and reviewed by a technical panel of content experts and practitioners (updated in 2011; Holder, 2011). The guide provides detailed guidelines and protocols for conducting death investigations. See the Appendix for a summary of the guidance; for further detail, see the guide.

APPROPRIATE TRAINING FOR DEATH INVESTIGATORS IS CRITICAL

Medical examiners and coroners who determine the cause and circumstances of death in criminal and unexplained cases play a critical role in the investigative process. The expertise and availability of these professionals varies widely by state and by county or city (Young, 2022). As mentioned previously, a mix of coroners and medical examiners are used in Minnesota, depending on the county and the required training for these positions (CDC, 2023b). In a recent article in MinnPost, the coroner's system was described as "disjointed and chronically underfunded" nationally. Some states have pushed to improve their death investigation system by using medical examiners only, as they are deemed to have the best and most appropriate training to make the determinations required of them (e.g., whether or not to order an autopsy, the invasiveness required). However, because many rural counties across the country are challenged to afford the expertise of medical examiners due to limited budgets and the shortage of medical examiners, it may be impractical to eliminate the coroner system altogether (Young, 2022). The Bureau of Justice Assistance

recently published a fact sheet outlining a program initiated in 2017 to strengthen the medical examiner-coroner system in light of national shortages (Bureau of Justice Assistance, 2023).

DEATH INVESTIGATORS SHOULD OPERATE INDEPENDENTLY

Death investigators have been known to reach varying conclusions and there is some concern that they may feel beholden to those that appointed them—in Minnesota, either the county board (for all medical examiners) or an elected official. Coroners and medical examiners may face conflicting interests or political pressure in the evaluation of cases. Therefore, critics advocate for these positions to be divorced from other agencies (e.g., sheriff’s offices) and operate independently to enhance objective decision-making (Young, 2022).

USE A PAYMENT STRUCTURE THAT MINIMALLY INFLUENCES THE DECISION OF WHETHER TO CONDUCT AN AUTOPSY

Many counties in Minnesota contract medical examiner services to private companies. During legislative hearings to amend the Minnesota autopsy statute in 2015, it was identified that the medical examiner where Mr. Aubid’s death took place was paid by-the-body, which may, consciously or unconsciously, provide a financial incentive to perform autopsies (Kulick et al., 2016) or to not perform autopsies in cases where the county doesn’t have the funds set aside to pay for them.

CULTURAL CONSIDERATIONS FOR AUTOPSIES ARE IMPORTANT AMONG INDIGENOUS POPULATIONS

Dialogue with families

In 2015, Minnesota autopsy law was amended to require that medical examiners talk to families about an intended autopsy (Kulick et al., 2016). Examples of ways medical examiners and coroners can increase communication with Indigenous families include inviting an open dialogue through educational materials about the death investigation process and reaching out to Tribal agencies to form communication pathways (Smiles, n.d.).

Seek to understand and respect cultural religious beliefs and practices, particularly those that are unfamiliar

People in these roles should show willingness to listen to the desires and concerns of families, answer their questions, and respect Tribes’ religious and cultural practices. It is not appropriate for death investigators to doubt or express skepticism about families’ religious beliefs (Smiles, n.d.). Some Indigenous religions and cultural practices around death are not well known or understood by death investigators. For example, the Midewiwin belief is that “any cuts or lacerations into a body after death is a desecration that can impede

the person's journey into the spirit world" (Kulick et al., 2016, p. 1703). The family in Mr. Aubid's case also believed that they must "(1) wash the decedent's body in cedar water within twenty-four hours after the death; (2) feast and pray at sunset in close proximity to the body every evening until burial; and (3) keep a spirit fire burning near the body so the decedent's spirit can rejoin the family every evening for the feast" (Olson, 2015). If death investigators have some prior awareness of the family's cultural beliefs and practices around death and burial, it may facilitate better communication and coordination with families during the investigative process and ensure that practices are taken into consideration, while still performing the procedures necessary to gather evidence needed in suspicious death investigations.

THERE ARE ESTABLISHED BEST PRACTICE PROCEDURES FOR HOMICIDE INVESTIGATION

In 2013, the U.S. Department of Justice published the findings of a research study describing the practices of homicide investigative agencies that were associated with high rates of case clearance (Carter, 2013). Investigators from seven different law enforcement agencies across the United States, all with a case clearance rate of at least 80%, were interviewed about their agency's strategies and tactics when investigating homicides. The report outlines 32 best practices associated with high clearance rates (Carter, 2013, summarized on pp. 27-31). Additionally, the functions and tasks critical to conduct in the first 48 hours are described in three intervals via a process map. The map details tasks specific to different responders within each interval (crime scene investigators, district attorney, and medical examiner; digital forensics; homicide investigators; patrol officers; patrol supervisor; and public information officer; Carter, 2013, pp. 36-37).

The process map covers 80 separate tasks to be performed; however, "the key issue is not 'what' tasks are performed but 'how effectively' they are performed" (Carter, 2013, p. 32). See the Appendix for key aspects of a successful homicide investigative strategy and tactics within the first 48 hours that could be used to develop a protocol specific to MMIR.

The success of investigative strategies and tactics is predicated on community relationships and trust

It is important to note that the investigative information collected will be limited if trust in and support for law enforcement is lacking. A lack of trust can result in fewer anonymous tips and make it difficult or impossible to collect substantive information helpful to the investigation (Carter, 2013). Family members and witnesses are imperative to missing person and death investigations, so establishing trust with them is key.

An important part of the investigative process is performing a comprehensive canvass of the neighborhood or surrounding area to gather relevant information from community members for the case. For agencies with high clearance rates, the canvasses were conducted by a patrol officer that was known and trusted

by community members, leading to discussions with community members that were in depth rather than “simple ‘knock-and-talk’ exercises” (Carter, 2013, p. 7). Cooperation and engagement from community members was given to agencies that had “laid a strategic foundation in community relationships” (Carter, 2013, p. 7). Some law enforcement agencies have begun to adopt a Homicide Support Group (HSG) model to reduce crime and improve police-community relationships. “HSGs offer a programmatic structure for agencies to provide much-needed support to secondary crime victims, improving their cooperation in the investigatory and prosecutorial processes to increase clearance rates, community cooperation, and community safety” (Center for Naval Analyses, 2023).

Strategic staffing, scheduling, and training impact clearance rates

Adequate staffing is critical to increasing clearance rates. The optimal number of investigators is four investigators rotating as the lead investigator with one supervisor. The ideal is to have an investigator lead three homicide cases annually. (However, this may vary or not be feasible for small agencies.) An alternative approach to assigning a lead investigator is to have a team of investigators, with the needed skill set, work together and divide up tasks among team members. It is best to have investigative squads assigned to day and evening shifts and have the overnight shift on call. This schedule is most cost-effective and ensures investigators are available at peak hours and can get to an investigative scene quickly. Mentorship from experienced investigators, recommended for at least three months, is core to the training of new homicide investigators. In addition to partnering with an experienced investigator on the job, “the optimum training and preparation for the position of homicide investigator is a minimum of three years as a patrol officer, followed by at least two years as an investigator with general investigative experience” (p. 10). Additional training on death investigation, homicide crime scene investigation, and interviewing and interrogation is also recommended for new homicide investigators (Carter, 2013).

The 2013 report summarized above is a companion to a second report developed by the International Association of Chiefs of Police (IACP) that identified 10 things law enforcement officers in leadership roles can do to positively impact homicide investigation outcomes (International Association of Chiefs of Police, 2013). Albeit specific to law enforcement officers, these recommendations also point to best practices more broadly. For more detail, see the original report.

See the Appendix for recommendations for law enforcement leadership to improve homicide investigation outcomes.

THERE ARE GAPS IN KNOWLEDGE AND THERE IS INCONSISTENT IMPLEMENTATION OF DEATH INVESTIGATION BEST PRACTICES ACROSS LAW ENFORCEMENT JURISDICTIONS

There is wide variation in how death investigations are investigated in Minnesota—both across law enforcement agencies, and among individual investigators themselves. While agencies may have documented protocols and procedures, investigation procedures may not be consistently communicated to new staff in their training. New investigators' training in death investigation is dependent on, and may differ by, the officer who is assigned to train them.

Key informants also noted gaps in law enforcement's knowledge of death investigation, particularly among local and Tribal law enforcement. This may be due in part to the rarity of homicides in some communities in greater Minnesota, which limits law enforcement officers' opportunities to gain exposure to working homicide cases. For example, one key informant noted the current practice of one Tribal law enforcement agency which transports all deceased individuals to the hospital, where they are declared dead. Under Minnesota law, the hospital becomes the "death scene," and the investigating coroner or medical examiner then loses jurisdictional authority to investigate the original scene where the death actually occurred, which results in a loss of evidence. This key informant emphasized the need for training local and Tribal law enforcement in best practices of preliminary death scene investigation.

Future research should seek to understand issues related to locating unidentified human remains that may be in medical examiner or coroner offices and identifying human remains (including skeletal) that were disposed or interred without being identified.

THERE ARE CHALLENGES AND INCONSISTENCIES RELATED TO AUTOPSY DECISION-MAKING ACROSS MINNESOTA

Key informants commented on challenges related to coroners' autopsy decision-making in Minnesota. In counties without a medical examiner in-county, coroners get the first report of the death, and they make the decision about which deceased individuals should receive an autopsy. One expert reported that some coroners make questionable decisions about whether or not to send a case for autopsy, and sometimes cases that should have received an autopsy do not receive one. For example, there have been cases where suspicious deaths were ruled a suicide or overdose without an autopsy being performed, which were perceived to not have been investigated properly.

Additionally, some Minnesota counties have limited budgetary resources to spend on autopsies. There may be, whether conscious or not, a financial disincentive to perform a thorough death investigation in order to save the county's resources.

In consult counties, the coroner in that county gets the first report of the death and they decide what goes for an autopsy. It's not up to the medical examiner. Sometimes they send appropriate cases, sometimes they send inappropriate cases, other times you wonder why they didn't send some cases to us. There could be a budget issue; they have a fixed budget for autopsies. They are physicians so there might be knowledge gaps; they have some education in forensic pathology, but not a full understanding. They decide who comes and who goes. More and more counties go away from this, because some coroners make questionable decisions
– Medical examiner

Cause vs. Manner of Death

In forensic investigation, the **cause of death** is the "underlying medical condition, disease, or injury" that resulted in death, whereas the **manner of death** is the "way in which death occurs, which may be homicide, suicide, accidental, natural, or undetermined." (Maryland Department of Health, n.d.)

THE OFFICIAL CAUSE OR MANNER OF DEATH MAY CONFLICT WITH WHAT THE FAMILY BELIEVES TO BE TRUE

Key informants discussed challenges related to when the official cause and manner of death determined by the investigation doesn't align with what the family or community believes to be true. In particular, key informants talked about cases where the cause and manner of death was ruled to be accidental overdose or exposure, but community members knew that the victim had a history of domestic violence victimization, and believed their death to be a homicide. Key informants noted how, in some cases, there has been a lack of consideration for how domestic violence may have contributed to or caused the death. Key informants also noted that bias against individuals with a history of drug use may impact death investigators' perceptions of the individual and potentially the determination of their cause of death (e.g., that they died from an accidental overdose rather than other causes). However, some law enforcement key informants saw these situations as family members not wanting to believe that their loved one died by suicide or suffered an overdose, so they keep searching for other explanations.

They said she died of exposure. Her nails were ripped off. All the way down. Jagged. At the funeral, you could see the marks on her neck. The bruising. ... I said, "But she wouldn't have died of exposure if she wasn't beat up and left [outside]. ..." We don't look at the domestic violence and how that plays in. Or the sexual assault and how that plays in to the reason they died of exposure. So, exposure can be the cause of death. Just like an embolism can be the cause of death-- but it's due to alcoholism and cirrhosis. How come they don't say that in the report? Yes, she died of exposure—as a result of the domestic violence.
– Community researcher

Key informants emphasized the importance of law enforcement conducting a thorough investigation and clear communication with the family to build the family's confidence in the investigation and their trust in the investigation's conclusions. In Minnesota, family members can seek a second opinion on a medical examiner's findings, but it would be at their own cost.

Following the preliminary death investigation, family members also reported challenges with later steps in the criminal justice process. For example, the perpetrator of their loved one's homicide claimed to have acted in self-defense, but the family found the claim implausible (both out of character for their loved one, and beyond their physical capacity). Family members also reported perpetrators being charged with less serious offenses than they believed to be warranted (e.g., being charged with disorderly conduct instead of kidnapping, or less serious homicide charges).

GAPS IN COMMUNICATION WITH FAMILIES ABOUT AUTOPSY FINDINGS EXIST

Based on findings from key informant interviews and listening session with families, there is a wide amount of variation, and disparities in practice, around the communication of autopsy findings with the family members. Some families experience difficulties obtaining the autopsy report in the first place. Among families who have received the report, there is a wide amount of variation in the support provided to help them read, interpret, understand, and cope with the technical and frequently distressing findings of the report.

Some law enforcement agencies and medical examiners offices in Minnesota have the training and skills to sit down with families and explain the report in plain language and with compassion. However, in counties with out-of-county medical examiners, sometimes families are provided the autopsy report by itself, without any support to read or understand it. Many local law enforcement officers don't have the forensic training required to support families through this process. This can be a confusing and traumatic experience for families.

THERE IS VARIATION AMONG DEATH INVESTIGATORS' KNOWLEDGE AND COMFORT NAVIGATING CULTURAL DIFFERENCES AND ACCOMMODATIONS

Key informants reported variation, and some gaps, across coroners' and medical examiners' knowledge and awareness of Indigenous communities and cultural practices in Minnesota, including when families raise religious objections to autopsies.

When they encounter religious objections to autopsies, some practitioners will work closely with families to understand and navigate their concerns, their cultural needs, and the autopsy decision-making process. These practitioners will speak to families in a calm environment when families feel emotionally prepared to engage in conversation (even though this may conflict with, or complicate, the time-sensitive nature of the death investigation process). Practitioners will explain why they feel an autopsy is necessary and ask

families what their concerns are (rather than assume what their objection may be). Practitioners will work to identify opportunities to accommodate families' concerns to the extent possible—for example, by performing the autopsy within a specific time period and using less invasive forensic techniques like imaging and toxicology. These accommodations may not always be possible in cases when the state has a strong, compelling interest in the case (for example, within the context of a homicide investigation or overdose of a child). However, one expert noted that families rarely object to autopsies if there is concern about a potentially violent cause of their loved one's death.

However, other practitioners are less willing to try to accommodate Indigenous families' burial rituals and beliefs. One mother whose adult child was murdered shared their story of how their daughter's remains were treated inappropriately, in violation of their tribe's cultural traditions. This experience was devastating and re-traumatizing for their family. One expert also noted that some practitioners experience discomfort interacting with families during their grieving process, particularly navigating grief across cultures. Some practitioners will write grieving families off as "histrionic, unreasonable, or crazy." Therefore, bridging understanding and respect for cultural beliefs and burial rituals between Indigenous families and death investigators is critical.

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Work with law enforcement professionals to develop an easy tool or guidance for death investigation (e.g., a checklist or an app), for every local law enforcement agency to reference.	MMIR Office, law enforcement agencies	Mid-term 2-3 years	Primary	11
Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Ensure families receive clear, layperson explanation of the medical examiner's report about the cause and manner of death and the process of the death investigation.	Law enforcement agencies with support from MMIR Office	Mid-term 2-3 years	Secondary	12, 20
2. Ensure death investigation positions function independently so as not to be influenced by government or law enforcement agencies (e.g., separate coroner duties from the sheriff's office).	Local governments, MN Legislature	Long-term over 3 years	Secondary	12
3. Provide training to law enforcement to ensure they collect the information the coroner or medical examiner will need to complete a thorough death investigation. Smaller local law enforcement agencies and Tribal law enforcement may need particular support in this area.	BCA, Minnesota Medical Examiners and Coroners Association, MMIR Office, Tribal and local law enforcement agencies	Long-term over 3 years	Secondary	12
4. Provide training for coroners and medical examiners on religious objections to autopsy and how to navigate conversations and the autopsy decision-making process with families.	Minnesota Medical Examiners and Coroners Association, MMIR Office	Long-term over 3 years	Secondary	12
5. Consider the application of psychological autopsies to understand factors that precede and/or contribute to cases of MMIR.	Minnesota Medical Examiners and Coroners Association	Short-term 1-2 years	Secondary	12

Jurisdiction issues and government-to-government collaboration

Missing person and homicide investigations involving Indigenous community members have an additional layer of complexity due to the maze of possible concurrent law enforcement jurisdictions. This is a result of a series of Congressional acts and Supreme Court decisions over the past 200 years (Denke et al., 2021; Fox et al., 2020). The racial/Tribal identity of both the offender and the victim in a crime, the type of crime, and where the offense was located determine which Tribal, local, county, state, or federal law enforcement may have jurisdiction to investigate or prosecute a case (Denke et al., 2021; Fox et al., 2020). This complexity may contribute to delays in investigation of missing person and homicide cases and other crimes involving American Indians (Fox et al., 2020; New Mexico Indian Affairs Department, 2022).

Policy context

THERE IS A COMPLEX WEB OF JURISDICTIONAL ISSUES IN INDIAN COUNTRY

The United States government has affirmed Tribal nations' sovereignty numerous times and across all branches of government (National Congress of American Indians, n.d.). However, several acts of Congress and key Supreme Court decisions throughout the 19th and 20th centuries have undermined and eroded Tribal sovereignty in exercising criminal jurisdiction via investigation and prosecution.

Several acts of Congress have extended federal and state authority over Tribes and Indian Country

The General Crimes Act of 1817 established that the laws of the United States extend to Indian Country—however, offenses “committed by one Indian against the person or property of another Indian” are exempt. The Major Crimes Act (1885) extended federal jurisdiction over Indians who commit one of the listed offenses (e.g., murder, manslaughter, kidnapping, and sexual abuse), regardless of the identity of the victim.

Public Law (P.L.) 280 granted certain states criminal jurisdiction over Indians on reservations (Administration for Native Americans, 2014; Act of 1953 P.L. 280, 1953). In six states (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin), Congress mandated state jurisdiction in Indian Country (the “mandatory” PL 280 states). Other states (referred to as the “optional” states) also exercised expanded state criminal jurisdiction. Following opposition by Tribal nations due to the failure of PL 280 to recognize Tribal sovereignty and self-determination, PL 280 was amended in 1968 to

require Tribal consent before additional states could extend their jurisdiction to Indian Country (Gonzales et al., 2005). The Tribal Law and Order Act of 2010 allowed Tribes to request the federal government re-assume concurrent jurisdiction to prosecute crimes within the Tribe’s jurisdictional boundaries (U.S. Department of Justice, 2021).

More recently, the Supreme Court’s *Oklahoma v. Castro-Huerta* (2022) court decision ruled that federal and state governments have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian Country. The ruling stated that while previous statutes (the General Crimes Act, Major Crimes Act, and P.L. 280) affirmed federal jurisdiction, and some select states’ jurisdiction, they do not preempt state jurisdiction. That is, these previous statutes extended federal authority, and specific states’ authority, to prosecute crimes in Indian Country, but they did not actively limit or prohibit state jurisdiction. The Supreme Court’s ruling established that states have criminal jurisdiction in Indian Country, unless jurisdiction is explicitly limited or eliminated.

Other statutes and rulings have placed limitations on Tribal criminal jurisdiction

The Indian Civil Rights Act (1968) established that Tribal nations exercising powers of self-government may not impose a conviction for any one offense greater than an imprisonment term of six months, a fine of \$500, or both. These sentencing restrictions were amended to one year and \$5,000 in 1986, and amended again in 2010 to three years and \$15,000 (under some circumstances) under the Tribal Law and Order Act (U.S. Department of Justice, 2021).

Additionally, a 1978 Supreme Court decision (*Oliphant v. Suquamish Indian Tribe*) ruled that Tribes lack criminal jurisdiction over all crimes committed by non-Indians, unless they have express Congressional authorization. This ruling severely hindered Tribal law enforcement and Tribal courts’ ability to prosecute crimes committed by non-Indians within and against their communities.

Violence Against Women Act 2013 and 2022 established Tribal jurisdiction to prosecute some crimes, regardless of the defendant’s identity

More recently, several acts of Congress have extended Tribes’ jurisdiction to prosecute certain crimes in Indian Country, regardless of the identity of the defendant. The Violence Against Women Reauthorization Act of 2013 allowed participating Tribes to exercise Special Domestic Violence Criminal Jurisdiction over defendants who commit domestic violence, dating violence, or violate protection orders in Indian Country, regardless of their Indian vs. non-Indian status. In 2022, the Act was amended to include an expanded list of crimes included in Tribes’ Special Tribal Criminal Jurisdiction—including sexual violence, sex trafficking, stalking, and child violence.

Tribal courts must meet specific requirements to exercise criminal jurisdiction

The Indian Civil Rights Act, Tribal Law and Order Act, and the Violence Against Women Act (VAWA) outline due process protections for defendants being prosecuted in Tribal courts. They must meet the rights of defendants outlined in the Indian Civil Rights Act, which parallels the U.S. Constitution's Bill of Rights, including the right to due process. The Tribal Law and Order Act also outlines rights of defendants, including: effective assistance of counsel; public defenders paid for by the Tribal government; law-trained licensed Tribal judges; publicly available Tribal criminal laws; and recorded criminal proceedings. VAWA (2013) also established that jury pools in Tribal courts must represent a fair cross-section of the community, and must "not systematically exclude any distinctive group in the community, including non-Indians." While VAWA 2013 and 2022 authorized grant and reimbursement programs to support Tribes' participation in Special Domestic Violence Criminal Jurisdiction and Special Tribal Criminal Jurisdiction, these requirements pose a barrier to Tribes establishing sovereign courts and exercising criminal jurisdiction to prosecute cases (New Mexico Indian Affairs Department, 2022). As of May 2022, only 31 of the 574 federally recognized Tribes had been able to implement Special Domestic Violence Criminal Jurisdiction under VAWA 2013 (National Congress of American Indians, 2022).

The state of Minnesota has concurrent jurisdiction to prosecute crimes in Indian Country on most reservations, but a complicated set of laws and agreements govern these cross-jurisdiction arrangements and it varies across Tribes

As a "mandatory" PL 280 state, the state of Minnesota assumed jurisdiction to prosecute crimes in Indian Country in 1953, with the exception of the Red Lake Nation (Administration for Native Americans, 2014). In 1973, the state of Minnesota retroceded to the federal government criminal jurisdiction of the Bois Forte Reservation (Laws of Minnesota, 1973). In 2013 and 2017, respectively, the White Earth Band and the Mille Lacs Band of Ojibwe requested and were granted concurrent federal jurisdiction under the Tribal Law and Order Act of 2010 (Office of Public Affairs, 2013 & 2016).

In the 1990s, several laws established the law enforcement authority of the 11 federally recognized Tribes that share geography with Minnesota. Most Tribal nations' law enforcement authority was covered by Minnesota code established in 1999; Mille Lacs, Lower Sioux, and Fond du Lac each had their own individual law enforcement authority code passed in 1991, 1997, and 1998, respectively (Minnesota Statutes § 626.90-626.93, 2022). Generally, the code requires that Tribal nations in Minnesota meet certain requirements to adopt and maintain law enforcement authority. Among other requirements (e.g., assuming liability, abiding by law enforcement data practices), Tribes must enter into mutual aid or cooperative agreements with the local county sheriff's office who shares geography with their Tribe, in order to enforce state law within the boundaries of the Tribal nation's land.

Notably, the Mille Lacs Band of Ojibwe’s law enforcement agreement with Mille Lacs County was terminated in 2017 after 25 years of cooperation (Marohn, 2023). Mille Lacs County claimed that an 1855 treaty with the Tribe was invalidated by subsequent treaties, which would have had the effect of reducing the land held in trust for the Band to 4,000 acres from the original 61,000. While the Mille Lacs Band and Mille Lacs County re-entered a law enforcement agreement in 2018, the band and county have since been in litigation. Most recently, in January 2023, a federal judge ruled that the County “improperly limited the Band’s inherent law enforcement authority” and unlawfully prohibited Tribal officers from investigating violations of state law on reservation lands.

In 2019, the Minnesota Legislature revised the Tribal law enforcement authority statute to create an exception for the Prairie Island Indian Community (Prairie Island Indian Community, 2019). With this legislative change, Prairie Island no longer requires an approved cooperative agreement with the local county sheriff in order to exercise their law enforcement authority. The law also now explicitly affirms Prairie Island’s concurrent jurisdictional authority with the county (Minnesota Statutes § 626.93.7, 2022). This legislation set a precedent for other Tribes that share geography with Minnesota to strengthen their sovereign law enforcement authority.

MINNESOTA HAS ROBUST LEGISLATIVE AND ORGANIZATIONAL INFRASTRUCTURE TO SUPPORT GOVERNMENT-TO-GOVERNMENT COORDINATION AND COLLABORATION WITH TRIBAL NATIONS

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 (New Mexico Indian Affairs Department, 2022, p. 67).

In 1963, Minnesota established the Minnesota Indian Affairs Council (Laws of Minnesota, 1963). The Council must have representation from each of the 11 federally recognized Tribes that share geography with Minnesota, the state legislature, and some state agencies. The Council works to protect the sovereignty of these Tribal nations and to ensure the well-being of American Indian citizens through legislative advocacy, cultural resources and language revitalization programs, education, and serving as a liaison between the Tribes and state agencies of Minnesota.

Sovereignty of Tribal nations in Minnesota was affirmed by Governor Tim Pawlenty’s 2003 Executive Order 03-05, followed by Governor Mark Dayton’s 2013 Executive Order 13-10 (State of Minnesota Executive Department, 2003 & 2013). These executive orders mandated that all executive branch state

agencies recognize the government-to-government relationship between the state of Minnesota and the Tribal nations who share the same geography. The executive order also mandated that agencies consult with Tribal nations prior to adopting policies or taking action on matters of mutual interest. Additionally, the 2013 executive order required agencies, including the Department of Public Safety, to develop Tribal consultation policies.

In 2021, Minnesota's government-to-government relationship with Tribal nations was signed into legislation. The statute recognized Tribes' "absolute right to existence, self-governance, and self-determination" (Minnesota Statutes § 10.65.3, 2021). This statute mandated that state agencies must implement Tribal consultation policies, including consulting with Minnesota Tribal governments annually (at a minimum) and on legislative and fiscal matters that affect their government or their members. To support the implementation of the state agency consultation policies, the Minnesota Indian Affairs Council's Tribal State Relations Training team provides training and education to Minnesota state employees about the Tribes' governments, histories, and cultures (Minnesota Department of Transportation, 2023).

Employees of state agencies are mandated to consult with the Tribes on matters of mutual interest, yet they have not been equipped with the knowledge or tools they need to implement such consultation. Expectations vary from one department to another, executive orders change with each administration, and loose definitions of consultation can lead to state-Tribal disagreements.

– Tribal-State Relations Training website (Minnesota Department of Transportation, 2023)

Additionally, Minnesota has several cross-jurisdictional law enforcement working groups. In 2010, Minnesota established the Violent Crime Coordinating Council, which provides guidance related to the investigation and prosecution of gang, drug, and violent crime (Minnesota Statutes § 299A.642.1, 2022). It includes representatives from across the state of Minnesota, including at least one Tribal law enforcement officer. The Council must work to develop a plan to reduce and ameliorate harm caused by gang and drug crimes in Minnesota.

Additionally, in 2018, the 11 Tribal nations that share geography with Minnesota formed a coalition called the Tribes United Against Sex Trafficking (TRUST) Task Force (Pember, 2018). The task force worked to collaboratively prevent and respond to cases of sex trafficking in Tribal communities.

FEDERAL PROSECUTION CHALLENGES

Many crimes that take place in Indian Country in non-PL 280 states fall under the jurisdiction of the U.S. Attorney's Office (USAO; Branton et al., 2021). The federal government may decline cases that are submitted for federal prosecution through an "immediate declination" if they find that the case is ineligible for prosecution in federal court due to jurisdictional issues, or through a "later declination" due to insufficient evidence or other reasons (Native American Budget Policy Institute, 2020).

The Tribal Law and Order Act (2010) mandated that the U.S. Department of Justice must publish annual statistics on declination rates of criminal cases occurring in Indian Country, and the reasons for declination. The most common reason for federal declination is lack of sufficient evidence for prosecution. The U.S. Attorney's Office reports that declination statistics have remained stable over time (U.S. Department of Justice, 2019a). In 2019, 32% of cases in Indian Country referred to the U.S. Attorney's Office were declined for prosecution; of those, the most common reason for declination was insufficient evidence (79%).

[Declination statistics] likely reflect difficulties caused by the justice system in place. The lack of police on the ground in Indian Country often results in delayed responses to criminal activity, which prevents officers from securing the crime scene and gathering evidence. ... Declination data could be used to target the appropriate federal district for increased funding to meet the shortfalls for training, forensics equipment, personnel, or to address other needs caused by the system (S. Rep. No. 111-93, 2009).

A recent study found that criminal cases in Indian Country (Tribal cases) are 15% more likely to be declined for prosecution than cases outside of Indian Country (non-Tribal cases) (Branton et al., 2021). However, rates of declination in Indian Country have been significantly lower (change of 10 percentage points from an average of 0.40 to 0.30) since the passage of the Tribal Law and Order Act in 2010, which aimed to address law enforcement gaps in Indian Country through expanding Tribal court's sentencing authority, hiring more Bureau of Indian Affairs and Tribal police officers, and increasing Tribes' access to law enforcement databases.

Best and emerging practices

LAW ENFORCEMENT AGREEMENTS MAY HELP ADDRESS JURISDICTIONAL ISSUES AND BOLSTER COORDINATION

Reports to the legislatures for Arizona, Nebraska, and New Mexico and other literature highlight the need for law enforcement agreements between Tribal, local, county, and state law enforcement to address jurisdictional issues and improve outcomes in MMIR cases (Denke et al., 2021; Fox et al., 2020; New Mexico Indian Affairs Department, 2022; Sutter et al., 2020). These law enforcement agreements can take many forms: memorandums of understanding (MOUs) between Tribal and local law enforcement, cross-deputizations, state recognition of Tribal law enforcement officers, and Special Law Enforcement Commissions from the Bureau of Indian Affairs (Denke et al., 2021). Tribes and state governments should be attentive to Tribal sovereignty and the appropriate balance of power between the state and the Tribe when establishing these agreements.

Memorandums of understanding. MOUs are agreements between Tribal law enforcement and local and county law enforcement with whom they share geography (Denke et al., 2021). These agreements clarify roles and responsibilities of each agency, with the intention of providing comprehensive and

coordinated law enforcement support to the areas that the agencies serve. Some agreements also establish shared resources and infrastructure across agencies, like dispatch and other communication systems, access to law enforcement data systems, booking and jail services for state-charged offenders, and forensic testing resources. Having these agreements in place is likely to support improved responses to missing person investigations, in particular for cases where it was unclear where the person was last seen or it is possible that they could have been in several jurisdictions. However, Tribes may have to negotiate MOUs with multiple local jurisdictions with whom they share geography, and MOUs may dissolve with transitions in law enforcement and/or Tribal leadership. More discussion with Tribal leaders is needed to determine whether an MOU is appropriate.

Cross-deputizations. Cross-deputizations empower Tribal law enforcement to “enforce laws outside of their primary jurisdiction, and regardless of the identity of the offender” (National Sheriffs’ Association, 2018, p. 8). In Idaho’s MMIR task force report, a key recommendation among stakeholders interviewed was cross-deputization agreements to “(a) increase Tribal partners’ access to information related to crimes on Tribal land involving non-Tribal suspects, (b) increase the ability of Tribal police to detain or arrest non-Tribal suspects on Tribal land, and (c) increase the likelihood, in cross-jurisdiction cases, for all partners to track the case and for Tribal prosecutors to have better data on crimes involving Tribal suspects and/or victims” (Fillmore et al., 2021, p. 39). Arizona’s report also calls for facilitating cross-deputization in the interest of forming multi-agency teams (Fox et al., 2020). The U.S. Department of Justice’s Center for Community Oriented Policing provides guidance on establishing cross-deputizations, including sample documents and law enforcement agreements (National Sheriffs’ Association, 2018). According to a key informant, in Minnesota, all Tribal police, except from Red Lake and Bois Forte, are licensed peace officers in the state, meaning they have complied with all of the educational and training requirements for licensure and are subject to all the same continuing education requirements, standards of conduct, etc.

State recognition of Tribal officers. Some states have passed laws that allow Tribal officers to become certified through their Peace Officer Standards and Training (POST) programs, giving them police powers to enforce state law (Denke et al., 2021; National Sheriffs’ Association, 2018; New Mexico Indian Affairs Department, 2022). In Oklahoma, certified Tribal law enforcement officers have full police powers throughout the state (National Sheriffs’ Association, 2018). With state certification, Tribal officers may no longer be burdened by navigating jurisdictional complications, or dependent on individual cross-deputization agreements to enforce the law. According to a key informant, in Minnesota, Tribal officers who are not already state-licensed peace officers can ask for the POST Board to recognize their training (request a variance from rule), allow them to take the reciprocity licensing exam, and become a licensed peace officer under POST’s jurisdiction. In cases where a variance is granted, these officers are treated like any out-of-state or qualified federal officers who are seeking Minnesota licensure.

Special Law Enforcement Commissions. Another way Tribal law enforcement can address jurisdictional challenges is through Special Law Enforcement Commissions (SLECs) from the BIA (Denke et al, 2021;

Fillmore et al., 2021). SLECs permit Tribal, local, and county officers to assist in federal investigations of major crimes occurring in Indian Country. State recognition and authority for POST-certified Tribal police officers to enforce state law is an important component to investigating missing or murdered Indigenous relatives (Denke et al, 2021; Fillmore et al., 2021). Providing this authority and training can also contribute to fewer jurisdictional concerns or confusion.

BUILDING STRONG GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS

The Tribal Law and Policy Institute published comprehensive guidance for state and local agencies seeking to consult or collaborate with Tribes (Thorne & Garcia, 2019). Their report, “Crossing the Bridge: Tribal-State-Local Collaboration,” provides recommendations on the process of internal planning, developing Tribal-state-local partnerships, and maintaining ongoing working relationships.

The Tribal Law and Policy Institute encourages state and local agencies to do internal reflection and planning work before attempting to engage in collaboration with potential Tribal partners (Thorne & Garcia, 2019). These steps should include establishing shared goals, assembling an internal team with the right set of interpersonal and technical skills and experience, coming to consensus about what level and type of collaboration the team would like to have with their Tribal partners, assessing individual and organizational readiness to engage in collaboration, setting internal ground rules for communication and decision-making, and working to understand the impact of institutional history on current organizational and interpersonal relationships with Tribal partners.

When beginning to work with, or re-engage with, a Tribal partner, state and local agencies should engage in most steps listed above to ensure that all participants are on the same page and in consensus about the prospective collaborative partnership (Thorne & Garcia, 2019). Additionally, the authors emphasized the importance of listening to understand others’ perspectives, coming to the table with an appreciation and love for learning about new ideas, setting ground rules and shared values, building relationships (for example, through sharing meals and personal stories), and establishing or rebuilding trust among the parties (including bringing in a mediator when necessary).

When trying to maintain ongoing working relationships, Thorne & Garcia (2019) emphasized the importance of not only celebrating successes and sharing credit, but also accepting blame and acknowledging past harm when things do not go well, in order to earn partners’ trust and respect. Minnesota has Tribal liaisons housed in each state agency that work to build relationships with Tribal nations.

MISSING PERSON INVESTIGATIONS THAT CROSS JURISDICTIONAL BOUNDARIES ARE MORE COMPLEX TO NAVIGATE

Key informants reported difficulties investigating missing person cases when the case spanned multiple law enforcement jurisdictions (for example, if an individual lives on the White Earth reservation, but went missing while on a day trip to Minneapolis). While Brandon's Law is intended to make this clear, law enforcement reported confusion about which law enforcement agency should make the report—whether it's the agency from where the person lives, or where they went missing. One key informant reported that families are sometimes turned away by law enforcement and told to contact a different agency (e.g., their home agency, instead of the agency in the jurisdiction where the person went missing). This confusion may contribute to delays in the preliminary investigation. One key informant also observed that missing person cases aren't taken as seriously when they cross jurisdictions.

However, there are some law enforcement agencies in Minnesota who have law enforcement authority in multiple jurisdictions, or the entire state (for example, the BCA, the BIA, and the FBI) who may be able to support these missing person cases on request.

Half of the missing cases that we experience, or get notified of, are from outside of Minneapolis. But she goes missing in Minneapolis. And that's important for people to understand the transient nature of our communities. How you can live in Red Lake, but you came down to the cities for the day, or for the weekend, or whatever. And so families may be contacting us from Red Lake. – Community advocate

TRIBAL LAW ENFORCEMENT SOVEREIGNTY IS RESTRICTED, AND FEDERAL LAW ENFORCEMENT MAY HAVE LIMITED CAPACITY ON SOME RESERVATIONS

Among key informants and expert reviewers, it is known that as non-PL280 Tribes, the state has no criminal authority over state crimes committed on Bois Forte or Red Lake reservation lands. Bois Forte and Red Lake both operate Tribal law enforcement agencies, and the FBI has criminal authority over federal offenses committed within the boundaries of the reservation. However, Tribal law enforcement does not have criminal jurisdiction over most criminal infractions committed by non-Natives on reservation land, outside of the offenses outlined in VAWA.

Also at the federal level, the Bureau of Indian Affairs (BIA) Office of Justice Services holds jurisdiction over major crimes committed within Indian Country. It also has a Missing and Murdered Unit (MMU) and a Division of Drug Enforcement (DDE) that, unlike the MMIR Office in Minnesota, has law enforcement authority/capability. By the end of 2023, it is planned that the BIA's MMU will have an FBI liaison and will be taking over human trafficking cases in Indian Country.

Additionally, while the FBI will get involved in cases in non-PL280 Indian Country, such as death investigation, crimes against children, domestic violence, and significant bodily harm, they generally do not have jurisdiction over missing person cases, unless there is evidence of risk to life. However, the FBI is available to assist on missing person investigations if requested by the originating agency. FBI involvement is dependent on notification from the originating agency (e.g., Tribal law enforcement). While FBI offices in Minnesota have on-call agents available 24/7, sometimes a delayed response from the FBI is due to a lack of or late notification from the originating agency, or the time it takes to travel to the location where the crime was committed. The FBI may not be present for the preliminary investigation of a death scene. This context underscores the importance of communication between Tribal entities and the FBI in both missing persons cases where criminality is involved and death scene investigations. Ideally, in death cases that fall under federal jurisdiction, the FBI should be involved and collaborate with the originating agency to determine the cause and manner of death (excluding cases that are due entirely to natural disease).

These factors contribute to the community perception that Indian Country is a safe haven for criminal activity—because Tribal law enforcement has limited jurisdiction, and federal law enforcement doesn't frequently get involved.

CROSS-JURISDICTIONAL AGREEMENTS THAT ARE BUILT UPON AND EXIST WITHIN THE CONTEXT OF STRONG, TRUSTING RELATIONSHIPS ARE MORE LIKELY TO BE SUCCESSFUL

Key informants reflected that MOUs and cross-deputizations are only effective when there is a trusting, transparent relationship and willingness to collaborate between the Tribe and the local county sheriff with whom they share geography. These relationships may be challenging or fraught, or may be disrupted and need to be rebuilt when a new county sheriff, attorney, or board is elected.

Additionally, Tribes that share geography with multiple counties (for example, the Leech Lake Band of Ojibwe shares geography with four different counties) face additional barriers and complications trying to establish and maintain individual MOUs with each county sheriff, and navigating different jurisdictional policies and procedures. These relationships may be challenging or fraught, or may be disrupted and need to be rebuilt when a new county sheriff is elected or new Tribal government or Tribal police leadership are elected or hired.

THERE ARE GAPS IN COMMUNICATION AND INFORMATION-SHARING ACROSS LAW ENFORCEMENT AGENCIES

Key informants noted that gaps and barriers to information-sharing across law enforcement agencies and jurisdictions may detract from the effectiveness of their collective responses to missing and endangered persons. Agencies will frequently use different records management systems and radio communication

systems, which hamper effective cross-jurisdictional communication about missing person and other investigations. When law enforcement agencies don't use the same data system, information-sharing has to happen through email or phone request. Additionally, key informants noted the lack of information-sharing about missing persons' previous histories of violence victimization (such as domestic violence) which may have led or contributed to a person going missing.

However, key informants highlighted that, recently, a Tribal law enforcement agency began to use the same radio system as the county they share geography with. This enables the two agencies to set up talk groups and have radio-to-radio communications on larger incidents, which wasn't possible before.

Key informants also noted frustration among Tribal communities and leadership when someone from their Tribe passes away outside of the community and they aren't notified by the other law enforcement agency. Law enforcement key informants noted that it can sometimes be difficult to know when a deceased individual is affiliated with a Tribe. However, some law enforcement agencies and medical examiners have found success by proactively communicating with the Tribe when there is an incident involving someone who is Native American, so that the Tribes can determine whether they are a member of their community.

THERE IS ROOM FOR IMPROVEMENT IN MINNESOTA'S APPROACH TO GOVERNMENT-TO-GOVERNMENT COLLABORATION

While Minnesota's state government is very progressive with regard to government-to-government relations with Tribes, and has robust policy infrastructure in place to support government-to-government relationships, there are areas for some agencies to continue to grow. In some cases, state agencies may rely too heavily on trusted individuals (for example, their Tribal liaison) to build relationships with the Tribes. However, that trust doesn't necessarily extend to the entire state agency.

One expert emphasized the importance of state agencies acknowledging past harms done by the agency (for example, taking action without informing the Tribes, or being dishonest), and working to address those harms. State agencies should also proactively, regularly, and consistently communicate and collaborate with Tribes, outside of, and in addition to, the formal consultation process required by state law. However, agencies should remain cognizant and considerate of their requests on Tribes' limited time and resources, as Tribal governments sometimes receive concurrent, uncoordinated requests for consultation from different agencies.

If you want to build trust with the community, first you need to acknowledge that past harm and you need to rectify that past harm you've done to the community. You need to show up even if you're, I don't want to say, not wanted. But if you're going to get yelled at, you're going to get yelled at. There's no way around it.

– Service provider

I think experiences of Tribal law enforcement in the past with the BCA haven't always been the greatest, but [it was helpful to develop] an opportunity for communication when things were going wrong or if the BCA was doing something disingenuous with Tribes. I think that was able to patch up a lot of those kind of historical relationships. And I think I'd say there's specific individuals, though, in the BCA that had done a lot more work to kind of build those relationships with their Tribal law enforcement counterparts. – Service provider

THERE IS A NEED FOR INCREASED COORDINATION AND SHARED LEARNING ACROSS STATES

Key informants spoke to the need for greater communication and collaboration across states in addressing the MMIR injustice. Many states are working to examine, and try to address, the MMIR injustice independently. While there used to be federally-funded MMIP coordinators which provided an avenue for national coordination and collaboration, that funding was lost following the 2020 presidential election and change in administration. A few MMIP positions were retained and funded by the individual United States Attorney's Office districts. A national coalition, or conference, may create opportunities for shared learning and collective progress beyond what individual states can accomplish alone. In June 2023, researchers from this project (MartinRogers and Austin) participated in a multi-state MMIR research convening hosted by New Mexico, where researchers from Minnesota, Utah, New Mexico, California, and Nebraska participated in a two-day convening to share information on research methods and key findings to-date. We also discussed common recommendations, the role of the federal government including the Not Invisible Act Commission, and possible next steps for future cross-state efforts.

Every state is kind of like recreating the wheel over and over and over again. ... I wish there was a national coalition, so that people could communicate from state to state to state. See who's doing what and what's working, and what doesn't work, and not have to start all over again every time the states start up. – Law enforcement officer

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Support communication, collaboration, and relationship-building across agencies and jurisdictions about MMIR issues and cases, including informal processes and formal agreements or plans (e.g., TCRPs, MOUs, and/or joint powers agreements).	MMIR Office, FBI, BIA, BCA, Tribal and local law enforcement	Long-term over 3 years	Primary	1, 7
2. Provide training for law enforcement, advocates, social service providers, attorneys, Tribal leadership, community members, etc. that includes information about jurisdiction issues and other issues that impact Indian Country MMIR cases, so everyone is equipped with the same knowledge. Collaborate with Tribes, as appropriate. Consider if/how this fits with the Tribal-State Relations training already offered by MIAC.	MMIR Office and various partners	Long-term over 3 years	Primary	1, 11
3. Consider making POST in-service credits available for this training.	MMIR Office and various partners	Long-term over 3 years	Primary	1, 11

Data issues

There are numerous issues related to the collection, reporting, and sharing of data related to MMIR cases, including underreporting, lack collecting demographic information, racial misidentification of victims, and barriers to data sharing across law enforcement agencies and with the public (Cristobal, 2022). Additionally, data on missing persons are inherently complex to measure and interpret because cases are frequently in flux, and one person may go missing multiple times (Fillmore et al., 2021). Hawaii’s MMIR task force calls for “more structured, systematic, and streamlined data collection between governmental agencies” in order to “understand the full scope of violence” (Cristobal, 2022, p. 18). Figure 1 provides a list of MMIR databases and a summary of the data included and who participates and has access.

1. MMIR-relevant databases, available information, and access

MMIR-relevant database	Information and resources available	Contextual or demographic data availability	Participation and access
National Crime Information Center (NCIC) <i>Federal Bureau of Investigation</i>	Computerized index of criminal justice information, including records of missing persons who meet certain criteria due to age or concern for safety ^a	Race/ethnicity ^a	Law enforcement are legislatively mandated to report all cases of missing persons under age 21. States and law enforcement agencies have discretion to set policies regarding missing adults. Available to Tribal police through their state Criminal Justice Information Service (CJIS) Systems Agency (CSA) or the DOJ’s Tribal Access Program (TAP), though there have been challenges and barriers to access ^a
The National Missing and Unidentified Persons System (NamUs) <i>U.S. Department of Justice</i>	National clearinghouse for missing, unidentified, and unclaimed person cases in the U.S., as well as a resource center with free forensic services ^a	Race/ethnicity ^a Tribal enrollment/affiliation ^a	Publicly accessible database (www.NamUs.gov), though some information (e.g., biometric data) is restricted to law enforcement and other verified users ^a
The National Center for Missing & Exploited Children (NCMEC)	National clearinghouse for missing and exploited children, as well as resources for case investigation and forensic supports ^a	Race/ethnicity ^b Tribal affiliation ^b	Maintains a public searchable database of missing children cases, and publishes analyses of data on missing and exploited children ^c
National Data Exchange (N-DEx) <i>Federal Bureau of Investigation</i>	National web-based system of criminal justice records not contained in NCIC, including incident and arrest reports, calls for emergency support, and supervised release reports ^a	Unknown	Available to Tribal police through their state CSA or the DOJ’s TAP, though there have been challenges and barriers to access ^a

MMIR-relevant database	Information and resources available	Contextual or demographic data availability	Participation and access
Violent Criminal Apprehension Program (ViCAP) <i>Federal Bureau of Investigation</i>	National database of violent crime information for homicides, missing persons that may involve foul play, unidentified human remains, and sexual assault; includes a behavior-based crime analysis tool to support investigation of unresolved cases and developing leads ^a	Unknown	Law enforcement agencies, including Tribal police, must go through an application process and designate a single agency point of contact in order to gain agency-wide access to ViCAP ^a
National Integrated Ballistic Information Network (NIBIN) <i>Bureau of Alcohol, Tobacco, Firearms and Explosives</i>	Database of ballistic evidence (from bullets, cartridge casings, and test-fired recovered firearms) from homicides, suicide deaths, and other cases involving firearms ^a	N/A	Relies on participation from local, state, Tribal, and federal law enforcement agencies to contribute to the ballistics evidence database ^a
Minnesota Missing and Unidentified Person Clearinghouse <i>Minnesota Bureau of Criminal Apprehension</i>	Database on missing children and adults in the state of Minnesota ^d	Race ^d	Maintains a public-facing website with information about missing children, and appropriate information on missing adults and/or unidentified persons ^d
Missing and Murdered Indigenous People (MMIP) Database <i>Sovereign Bodies Institute</i>	Non-governmental database of cases of missing and murdered Indigenous people from 1900 to present, including from the U.S., Canada, and other colonized regions of the world ^{e,f}	Tribal affiliation(s) ^e Indigenous name and translation ^e Location type (Tribal, rural, urban) ^e Relevant issues (e.g., domestic violence, sexual assault, trafficking, foster care, unsheltered) ^e	Members of the public may submit cases for review and inclusion in the MMIP database ^e Database access is available on request, in accordance with the Sovereign Bodies Institute's data sharing protocols ^e

^a Budowle et al. (2022), ^b NCMEC (2020b), ^c NCMEC (2023b), ^d Minnesota Bureau of Criminal Apprehension (n.d.-c), ^e Sovereign Bodies Institute (2022), ^f Please note that some experts have raised concerns that cases are not consistently removed from the MMIP Database when resolved; the total number of cases may be inflated.

Tribal data sovereignty. Central to the discussion of data-related issues and data sharing is Tribal sovereignty. Tribal sovereignty must be respected through inter-jurisdictional communication, inter-governmental agreements, and increased coordination. State governments and the U.S. Congress should work to support Tribal nations' ownership and management of data relevant to and about their community, and should also include Indigenous representatives on data system advisory boards, such as for the National Crime Information Center (Congressional Research Service, 2022b).

THERE ARE FEDERAL REQUIREMENTS FOR REPORTING DATA ON MISSING CHILDREN AND YOUTH

In 1990, the National Child Search Assistance Act began requiring law enforcement agencies to report each case of a missing child to the U.S. Department of Justice's National Crime Information Center (NCIC). In 2003, this act was amended by Suzanne's Law, which required agencies to report all cases of missing persons up to age 21 (PROTECT Act, 2003). The act was again amended in 2006 by the Adam Walsh Child Protection and Safety Act to specify that law enforcement was required to enter information about missing children and youth into NCIC within two hours of receiving the report. There is no federal requirement for entering information into NCIC about missing adults.

SAVANNA'S ACT AND NOT INVISIBLE ACT AIM TO ADDRESS TRIBAL DATA COLLECTION AND REPORTING CHALLENGES

Recent federal legislation has attempted to enhance data collection about violent crime on Tribal lands (Savanna's Act, 2020; Not Invisible Act, 2020). Savanna's Act requires the U.S. Department of Justice to provide law enforcement training on entering Tribal enrollment information in federal databases, and outreach and education on NamUs and other publicly accessible databases. The act also requires the U.S. Department of Justice to provide statistics on missing and murdered Native Americans, and the FBI to report annual disaggregated gender data on missing and unidentified persons. As a part of the Not Invisible Act (2020), the commission is charged with identifying recommendations for tracking and reporting data on missing persons, homicides, and human trafficking in Indian Country.

IN MINNESOTA, ALL MISSING PERSONS MUST BE REPORTED TO NCIC, REGARDLESS OF AGE

As a part of Brandon's Law, *all* reports of missing and endangered persons must be entered into the NCIC database immediately (Minnesota Statutes § 299C.535, 2009). NCIC is a database that is searched when law enforcement queries a person hot file (information related to stolen property and wanted and missing persons).

The Minnesota Missing and Unidentified Persons Clearinghouse was created and is defined in Minnesota statute (Minnesota Statutes § 299C.51, 2009). The Clearinghouse is a webpage of missing person cases. It presents to the public vetted information supplied by law enforcement or families as a tool to assist in the recovery of missing children and adults.

INCREASE TRIBES' ACCESS TO AND PARTICIPATION IN FEDERAL DATABASES

One of the greatest data and crime reporting gaps related to MMIR is Tribal communities' limited access to and participation in federal crime data collection efforts. Tribes may experience barriers to database access due to state statutes, jurisdictional issues, internet access, insufficient funding to establish physical and staffing infrastructure, or Tribal leadership declining to participate (Naternicola, 2021). These barriers can hamper both Tribal and non-Tribal law enforcement's access to information about protective orders, registered predatory sex offenders, illegal gun purchases, arrest warrants, and other information important to protecting members of the community (U.S. Department of Justice, 2019b). In Minnesota, Fond du Lac and Bois Forte Tribes both have their own exclusion lists that state law enforcement do not have access to.

To try to address these issues, in 2015, the U.S. Department of Justice launched several programs aimed at increasing Tribes' access to and participation in federal data systems: the Tribal Access Program (TAP) and the Tribal Engagement Program (TEP; Naternicola, 2021; U.S. Department of Justice, 2019b). The Tribal Access Program provides some federally recognized Tribes, selected through an application process, with the personnel, infrastructure, and training to access Criminal Justice Information Services, including the National Crime Information Center and other national crime information systems (U.S. Department of Justice, 2019b). As of 2022, Tribal nations that share geography with Minnesota with TAP include Red Lake, Lower Souix, Prairie Island, and Mille Lacs. TEP is an outreach program that partners with Tribal agencies to identify needs and overcome barriers to Tribal access to CJIS Division services (Naternicola, 2021).

MANDATE REPORTING MISSING PERSON CASES TO SHARED DATA SYSTEMS

Several state task forces have recommended that policy be implemented at a state or federal level to require all missing person cases, regardless of age, to be reported to NCIC, NamUs, and other shared data systems (Fillmore et al., 2021; Fox et al., 2020; New Mexico Indian Affairs Department, 2022; Sutter et al., 2020).

Reporting missing person cases to shared data systems helps support case investigations. When missing person cases are reported to NCIC, law enforcement agencies statewide (with NCIC access) are informed and have access to information about the missing person, which may facilitate a more coordinated and comprehensive response (New Mexico Indian Affairs Department, 2022). Additionally, the state's Missing Persons Clearinghouse is notified, which can also support the missing person response through accessing other nationwide missing person databases like NamUs, and activating applicable alert systems like AMBER Alerts, Silver Alerts, or other endangered missing persons alert systems. Through NamUs, it is also possible to record Tribal affiliation and for families to submit forensic data to support the investigation (Fillmore et al., 2021; New Mexico Indian Affairs Department, 2022).

CONSISTENT AND ACCURATE COLLECTION AND REPORTING OF RACE, ETHNICITY, AND TRIBAL AFFILIATION

Consistent collection, reporting, and inclusion of race, ethnicity, and Tribal affiliation data in missing person reports and data systems is critical to understanding the breadth and scope of the MMIR injustice (Fillmore et al., 2021; New Mexico Indian Affairs Department, 2022). However, in many cases, the victim’s race, ethnicity, and Tribal affiliation may be unknown, or their identity may be misidentified and inaccurately reported as Hispanic, White, or Asian (Fillmore et al., 2021; Fox et al., 2020). Additionally, while NamUs includes data fields on Tribal affiliation, it is not currently possible to track Tribal affiliation in NCIC (New Mexico Indian Affairs Department, 2022). Lack of, or inaccurate, collection and reporting of race, ethnicity, and Tribal affiliation erases the Indigenous identity of MMIR victims and undermines Tribal communities’ abilities to understand and report on the scope of the issue (Fox et al., 2020).

Current issues in Minnesota

CONCERNS ABOUT DATA QUALITY AND COMPLETENESS EXIST

All Tribal law enforcement agencies have access to and are able to enter data into NCIC. Nine out of 11 Tribal agencies have direct access, through having obtained an Originating Agency Identified (ORI) with the FBI. The other Tribes work in partnership with the local county sheriff, who enters data into NCIC on their behalf. One key informant commented that data accessibility gets a lot of attention, but data quality and completeness is the crux of the problem in Minnesota.

Key informants expressed concerns about the quality and completeness of data related to the MMIR injustice. For example, when missing people are located or their case is otherwise resolved, they aren’t consistently removed from missing person databases. This means that the number of missing persons in a database at any given time may appear larger than it is in reality. One key informant emphasized the importance of understanding and interpreting missing persons data within this larger context.

On a lot of people's radar is just that accessibility to data. I think one of the issues, though, that I saw with that is, your data isn't going to be good in the first place because these crimes aren't being properly identified. Or there is just a disconnect between individuals that go missing and how they're being tracked sometimes. So yeah, you could do all the accessibility of data you want, but then if the data's not fully complete, how's it going to help you?
– Service provider

Key informants also noted that Tribal affiliation information is difficult to identify and track in the data. Law enforcement officers sometimes face challenges collecting that information in the first place, and there are no specific data fields to record that information consistently in NCIC (other than the “miscellaneous” open-ended data field). In particular, there may be barriers to obtaining Tribal affiliation information about children missing from out-of-home placement—as caregivers do not consistently or frequently know that information about the children in their care (or sometimes, even information like the child’s date of birth or middle name). Additionally, those collecting race, gender, and sexuality data may be uncomfortable asking these questions and either guess or default to selecting “did not disclose/refused to answer.”

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Increase education to families, friends, and caregivers about the steps to get a missing person posted on the state's Clearinghouse. Provide support to families, as appropriate.	MMIR Office, law enforcement agencies	Mid-term 2-3 years	Primary	20
2. Work with the Clearinghouse to provide accurate and up-to-date information for MMIR cases when there may not be any family members who are advocating for that case.	MMIR Office, law enforcement agencies	Mid-term 2-3 years	Secondary	20
3. Continue to develop the MMIR dashboard. <ul style="list-style-type: none"> Work with the FBI to ensure the Office has accurate data related to MMIR and work with the BCA to access relevant state data. Identify state data systems that have data that need to feed into the MMIR dashboard and ensure the Office has access to these data. Consider what upstream data points to include that are risk factors for MMIR (poverty, homeless, involvement with child protection or criminal justice systems, victim of domestic violence and/or trafficking). 	MMIR Office, FBI, state agencies (DPS, DHS, MDH)	Mid-term 2-3 years	Primary	5
4. Building on requests already made by the MMIR Office, encourage collaboration and data sharing among state, local, and Tribal law enforcement agencies and the MMIR Office to accomplish the objectives of the legislation that created the Office, including: <ul style="list-style-type: none"> providing technical assistance to law enforcement agencies during an investigation completing case reviews, and providing statistical analysis of MMIR data for the MMIR Office's dashboard. <p>Consider also drafting and signing an agreement/protocol to coordinate and collaborate on cases and data sharing agreements.</p>	MMIR Office, BCA, Tribal law enforcement	Short-term 1-2 years	Primary	5, 6, 7

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Enter as much detailed information as possible into NCIC (National Crime Information Center) and NamUS (National Missing and Unidentified Persons System) (e.g., vehicle plate number, aliases, a photo, especially if the missing person doesn't have a driver's license) and routinely update entries as more information is received.	Law enforcement agencies	Mid-term 2-3 years	Primary	11
2. Provide necessary training and law enforcement agency policies, as needed, to gather accurate and complete information about race and Tribal affiliation in the case of Native American victims in NCIC, NamUS, Minnesota Missing and Unidentified Persons Clearinghouse, and other relevant data systems. Gender identity and sexual orientation should also be tracked in these and other data systems to increase understanding about who is most at-risk for MMIR. <ul style="list-style-type: none"> In NCIC, the citizenship field should be updated to select both U.S. citizen and Tribal nation citizen, not one or the other, as this is where Tribal affiliation is documented. 	BCA, FBI	Long-term over 3 years	Secondary	6
3. Develop and implement training for law enforcement on proper use of NCIC and any other data systems.	BCA	Mid-term 2-3 years	Primary	11
4. Develop policies and procedures to ensure the Tribe is notified when an ICWA child with Tribal affiliation goes missing.	State agencies (DPS, DHS, MDH), MN Legislature, Tribes	Long-term over 3 years	Primary	14

Victim and family services

Policy context

CRIME VICTIMS HAVE SPECIFIC RIGHTS AND ENTITLEMENTS UNDER FEDERAL LAW

Two federal statutes, the Crime Victims' Rights Act and the Victims' Rights and Restitution Act, outline the rights and entitlements of crime victims in the United States (U.S. Department of Justice, 2022c).

The Crime Victims' Rights Act outlines rights given to the victims of crimes by the federal government. These include, but are not limited to, the right to protection from the alleged offender, the right to be informed of relevant court proceedings, the right to be treated with fairness and respect to their dignity and privacy, and the right to full and timely restitution.

Under the Victims' Rights and Restitution Act, crime victims are entitled to certain services provided by the federal government, including: information about where to receive medical and social services, counseling, treatment, and other services; reasonable protection from the alleged offender; and information about the status of the criminal investigation (to the extent appropriate). If the victim is deceased, services are provided to their spouse, legal guardian, parent, sibling, or other family members.

IN MINNESOTA, VICTIMS HAVE A NETWORK OF LEGAL RIGHTS, SUPPORTS, AND SERVICES

In Minnesota, law enforcement must notify crime victims of their rights—including their right to apply for reparations, the right to request law enforcement withhold public access to data that would reveal the victim's identity, the right to be informed of and participate in the prosecution process, and special rights of domestic abuse victims. Prosecutors may elect to withhold the victim's address, telephone number, and date of birth if there are concerns about the victim's safety and the information is not relevant to their case (Minnesota Statutes § 611A.01-611A.06, 2022).

Minnesota's Crime Victims Reparations Act provides reparations of up to \$50,000 to victims of crimes occurring in Minnesota. Reparations claims can include medical and rehabilitative services; psychological or psychiatric services; loss of income; substitute child care or household services; moving expenses; funeral, burial, or cremation services; and loss of support for dependents. To be eligible, claims must be submitted within three years of the crime (except in cases of child abuse), the crime must have been reported to the police within 30 days (except for sexual assault and child sexual abuse), and the victim must have cooperated fully with law enforcement officials and prosecution, which is often a challenge for crime victims due to trauma or fear of the perpetrator, as well as in some cases ongoing mental illness, addiction, and/or concerns

about their own criminal or child protection cases, etc. Criminal conduct does not have to be prosecuted or convicted in order for the victim's claims to be eligible (Minnesota Statutes § 611A.51-611A.68, 2022).

In 2007, the Minnesota Legislature mandated that the Peace Officer Standards and Training (POST) board revise and update training courses related to no-contact orders in domestic violence cases (Minn. H.F. 829, 2007). In 2019, the Minnesota POST board voted to adopt training for new law enforcement officers on how to approach cases of sexual assault, including trauma-informed interviewing techniques (Williams, 2019).

In 2013, Minnesota's Safe Harbor Law directed the creation of and funding for the No Wrong Door model of service provision for sexually exploited youth, based on best practices for criminal justice and social service professionals (Atella & Turner, 2019; Minnesota Department of Public Safety, 2013). The No Wrong Door model is a victim-centered, trauma-informed network of comprehensive services (including housing; physical, mental, and chemical health care; education; employment; advocacy; and legal services) based on the premise that exploited youth should be able to seek help and get support no matter where they encounter the state services system (Minnesota Department of Public Safety, 2013).

Additionally, in 2023, the Minnesota state legislature passed a health and human services omnibus bill that included several important provisions for victim and family services (Minn. S.F. 2995, 2023). The bill established:

- ▶ A grant program to provide “comprehensive, trauma-informed, and culturally specific services for victims of labor trafficking or labor exploitation.”
- ▶ The Emmett Louis Till Recovery Program, which provides grants to service providers working to address the health and wellness needs of victims and their family members who have experienced trauma (including historical trauma)—including due to experiences of assault, hate crimes, the violent death of a family member, or discrimination and oppression. Services include health and wellness supports (including physical and mental health, cultural needs, and spiritual or faith-based needs), cultural awareness services, and community resources and services to support healing.
- ▶ A grant program for housing providers who serve sexually exploited or at-risk youth age 24 and younger to provide street and community outreach, emergency shelter programs, and supportive housing programs.
- ▶ A grant program for culturally specific and culturally responsive mental health and substance use disorder treatment supports, including funding workforce development, culturally specific outreach and intervention, expansion of service availability, and training providers on cultural competence and cultural humility.

Best and emerging practices

VICTIM-CENTERED, SURVIVOR INFORMED, TRAUMA-INFORMED, AND CULTURALLY RESPONSIVE APPROACHES TO VICTIM AND FAMILY SERVICES

Without a robust understanding of the dynamics of intergenerational and historical trauma and the cultural resources available to Indigenous victims, these service providers, at best, fail to provide optimal care and, at worst, can actively harm victims. Understanding the concepts of trauma-informed and culturally-informed care are requirements for every professional who interacts with Indigenous people (Gordon & Roberts, 2021, p. 62).

Victim-centered. “A victim-centered practice focuses on concerns of victims and their needs while reducing system impacts of trauma when families are involved in the criminal justice system” through providing services with compassion and empathy, and without judgment (Office for Victims of Crime, n.d.; Stewart et al., 2021, p. 29). With a victim-centered approach, law enforcement and service providers center the victim’s needs, safety, and well-being in each decision throughout the investigative process. Some providers have recently started to shift from a “trauma-informed” lens to a “healing-centered” lens, which takes a more holistic approach to healing and well-being and recognizes people beyond just the trauma they have experienced (Ginwright, 2018).

Survivor-informed. Services that are survivor-informed mean they are “a program, policy, intervention, or product that is designed, implemented, or evaluated with intentional partnership, collaboration, and input from survivors to ensure that the program or product accurately represents the needs, interests and perceptions of the target victim population” (Cho, n.d., p. 2). The Office for Victims of Crime commissioned the development of a practical guide for service providers who are looking to review or develop services that are informed by survivors of domestic violence or trafficking. The guide includes several exercises that providers can use in a variety of situations (e.g., reviewing a policy or program with survivors; (Cho, n.d.)). Survivor-informed approaches were also identified as a best practice by a collaborative that worked to identify factors for long-term well-being of survivors (Vatne Bintliff et al., 2018). In some cases, it is appropriate or advised to compensate survivors for their contributions that inform services.

Trauma-informed. Survivors of violence and loved ones of missing persons and homicide victims who are involved in investigations are coping with significant emotional trauma (Moran, 2021). It is imperative for law enforcement and victim service providers to adopt a trauma-informed approach to interacting with survivors, family members, and community members throughout the investigation to build trust and avoid contributing to further harm (Budowle et al., 2022; Gordon & Roberts, 2021). For example, law enforcement should give survivors as much decision-making agency as possible throughout the investigative process to restore their sense of self-determination and control (Office for Victims of Crime, n.d.).

When interviewing survivors, law enforcement should ask open-ended questions, avoid questions that imply or place blame on the survivor, and be aware of how trauma can impact memory storage, retention, and recall, which may affect the survivor’s ability to provide consistent testimony about their experience (International Association of Chiefs of Police, 2020). See further guidance on trauma-informed victim interviewing developed by the International Association of Chiefs of Police (2020).

Historical and current trauma in Indigenous communities

A trauma-informed approach to law enforcement for Indigenous communities should incorporate an awareness of and response to historical trauma—a term for “the emotional and psychological damage to Indigenous people from the generation of wars, massacres, removal policies, criminalization of culture, and boarding schools” (Gordon & Roberts, 2021, p. 57).

Law enforcement played a significant role in enforcing settler colonialist laws, including confining Indigenous communities to reservation boundaries and prohibiting cultural practices (Redner-Vera & Galeste, 2015). This history of law enforcement maltreatment, paired with ongoing discrimination and disproportionate rates of arrest, use of deadly force, and incarceration among American Indian communities, may contribute to distrust of law enforcement among Indigenous communities.

Culturally responsive. Law enforcement, victim service providers, and other professionals who interact with Indigenous victims and families during an MMIR investigation should provide culturally informed services, supports, and communication (Gordon & Roberts, 2021; U.S. Department of Justice, 2022a). Law enforcement should tailor their investigative approach to the cultural norms and expectations for each specific Tribal community, taking into account the “background, belief system, family structure, history, language, and customs of the family” (Bay Mills Indian Community, 2022, p. 7; Stewart et al., 2021). Recruiting, training, and hiring Indigenous service providers, or victim service providers (VSPs) with other shared identities, may serve victims and families with more “immediate expertise in their conditions and culture” (Gordon & Roberts, 2021, p. 62). If law enforcement and VSPs are not adequately informed about cultural norms and expectations in the community, they may inadvertently contribute to misunderstandings, perceptions of disrespect, and harm during an already traumatic experience (Stewart et al., 2021).

VSPs and law enforcement should also support and honor families’ belief systems and connection to cultural practices, traditions, and ceremonies (Stewart et al., 2021). In particular, law enforcement should take care in understanding family and community beliefs and practices with regard to handling the deceased person’s remains, personal belongings, funeral practices and requirements, and use of the deceased person’s name and image (Budowle et al., 2022; Dennis, 2021; Stewart et al., 2021). Notably, the Bay Mills Indian Community TCRP incorporates a cultural specialist liaison into their victim services response team, who is available to offer spiritual guidance, prayer, fire, storytelling, and any other cultural practices requested by the family (2022).

UTILIZATION OF VICTIM SERVICE PROVIDERS

Victim service providers are on the front lines of the [MMIP] crisis, yet their efforts often go unheralded despite the many ways they advocate for victims and survivors on a daily basis. ... [They] are the linchpin between law enforcement, the justice system, and families and survivors. No matter where a crime occurs or who is ultimately responsible for investigation and prosecution, a direct line of communication should be established with every family for key case updates, the sharing of leads as possible, and other case information. For many, that point of contact is often victim service providers. (George et al., 2021, p. 117).

Victim service providers (VSPs) are crucial supports for impacted survivors/victims and family members, as well as members of the investigative law enforcement team (U.S. Department of Justice, 2022a). VSPs can connect victims/survivors and families to needed services and supports, ensure victims are aware of their rights, provide guidance and emotional support throughout the case investigation and prosecution, and serve as a liaison between the victim and family members and law enforcement. Additionally, VSPs can help law enforcement further their investigation through building family trust and participation in the investigation, and helping law enforcement understand victim and family “vulnerabilities, victimology, and historical context” (Stewart et al., 2021, p. 35).

VSPs can either be integrated into the investigative team (systems-based) or work for independent organizations, like nonprofits, outside of law enforcement (community-based) (U.S. Department of Justice, 2022a). System-based VSPs are required to share information with law enforcement as a part of the investigation; community-based VSPs may have “advocate privileges” and a higher level of confidentiality to keep some information private. However, there may be insufficient access to VSPs in some Tribal communities (Weyand & McPherson, 2021).

The National Center for Victims of Crime created a web-based resource mapping tool called the Tribal Resource Tool (National Center for Victims of Crime, 2022). This tool maps all victim services available in the United States for American Indian and Alaska Native community members who have experienced all forms of crime victimization, including services for “justice, safety, healing, and support.” StrongHearts Native Helpline (<https://strongheartshelpline.org/>) is also a resource that provides culturally-appropriate support and advocacy for Native people experiencing domestic and sexual violence.

CONSISTENT COMMUNICATION WITH FAMILIES OF MISSING PERSONS

Law enforcement officers, or a designated liaison like a VSP or advocate, should communicate with family members of victims consistently and respectfully about the progress of the investigation (Adcock, 2021; Budowle et al., 2022; Woolnough et al., 2015). In interviews with family members of missing persons, families had positive experiences with law enforcement when the communication was professional, compassionate, frequent, and indicated investment in their loved one’s case (Woolnough et al., 2015).

In contrast, families had negative experiences when law enforcements' communication was irregular and uncoordinated, when they were uninformed about the progress of the case, and when they had to seek out updates rather than receiving proactive updates from law enforcement themselves. Woolnough et al. (2015) recommend that law enforcement proactively schedule regular check-ins with family members and coordinate introductions and warm hand-offs when the investigation transitions from one law enforcement officer to another. This desire has come up recently in roundtables conducted with victim-survivors, according to a local service provider.

Families play a key role when a child goes missing. The U.S. Department of Justice, Office of Justice Programs developed a guide for families in 2010, with the most recent update in 2023, which provides advice for parents whose children are missing. It summarizes what families can do within the first 48 hours; their role with law enforcement, the media, and with volunteers; and guidance around photo and flier distribution and rewards and donations (U.S. Department of Justice, 2023).

FLEXIBLE FUNDING TO SUPPORT VICTIMS AND THEIR FAMILIES

When a person goes missing or is the victim of a violent crime, they and their family may face increased financial hardship due to incurred expenses related to the investigation or reduced income (Stewart et al., 2021). However, there may be barriers to governmental financial support for family members of missing persons in particular. While there are reparation funds available for victims of crime, being missing itself is not considered a crime. Family members who depend on the missing person for income may be unable to claim reparations support.

Flexible financial funds, such as the Snowbird Fund in Montana, may help families in need during MMIR case investigation and prosecution (Montana Community Foundation, n.d.; New Mexico Indian Affairs Department, 2022). The Snowbird Fund supports family members of missing Indigenous relatives who are leading their own community searches by providing money for travel expenses, cellphone costs, tools like metal detectors and drones, public awareness communication resources, and community vigils (Montana Community Foundation, n.d.).

Current issues in Minnesota

MISMATCH BETWEEN FAMILIES' EXPECTATIONS AND INVESTIGATORS' COMMUNICATION

Key informants reported that families frequently experience frustrations related to communication, or lack thereof, about their loved one's missing person or homicide case. Sometimes families will hear infrequently or inconsistently from the investigator, or there is very little information shared overall. Families also find it challenging when they don't have a single point of contact to reach out to with

questions. This is particularly challenging on longer-term investigations, when there are frequent staff transitions that disrupt relationships. These gaps in communication contribute to family perceptions that there is little work being done on their loved one's case.

These lapses in communication, and differences in expectations, may be due to underlying tensions between the priorities of law enforcement officers investigating the case and the families who are desperate to hear any news about their loved one. Law enforcement officers are hesitant to divulge information about the case, for fear that it could compromise the integrity of the investigation, which may prevent the case from going to trial and the victim receiving justice. Additionally, in some cases (for example, cases of missing children), investigators may be investigating close family members themselves. These dynamics contribute to frustration and distrust among family members.

We need to maintain the integrity of the investigation. It is traumatic when families lose a loved one, and we offer victim services. But in insular communities we have to be strategic about how we run our cases to make sure the person responsible will go to jail. ... There are things that go on behind the scenes and we are actively investigating, but we can't talk about them to families. I can see why families are frustrated. We want to be sure we can get a conviction through the court process to get justice for the family. – Law enforcement officer

Some key informants commented that there was confusion among law enforcement about how much and what type of information is allowable to share with families. In some cases, information shared with families is up to individual investigator's discretion. This lack of clarity may lead to investigators being overly cautious—playing it safe by sharing too little, rather than too much.

However, key informants offered suggestions for how law enforcement can best navigate these dynamics to provide supportive victim services throughout the investigation. Key informants emphasized the importance of law enforcement proactively and consistently reaching out to the family, so that they don't feel the need to reach out on their own. Investigators should have a conversation with families about how often they want updates about their loved one's case and come to an agreement about when, how, and how often they check in. Then, investigators need to follow through on that agreement.

Key informants also suggested that law enforcement share broad information with the family that gives them a sense of how much work is being done. For example, law enforcement could tell families that they put in 80 hours working on the case, interviewed 15 different people, or had 6 binders full of evidence. These pieces of information help families visualize how much work is being done on their loved one's case and how long steps take (e.g., getting warrants), without getting into any specific details that could compromise the investigation. Key informants emphasized the importance of continuing to provide these updates, even when investigators don't have any concrete leads or progress. If families have questions that investigators aren't able or allowed to answer, they need to clearly explain why they can't provide that information.

One expert also emphasized the importance of law enforcement using the family's loved one's name in conversation, demonstrating empathy, and validating the emotions that families are experiencing.

LAW ENFORCEMENT HAS EXPERIENCED SOME SUCCESS WITH TRAUMA-INFORMED TRAINING, BUT THERE ARE CHALLENGES TO BROAD IMPLEMENTATION

Key informants noted that some law enforcement officers, such as those with specialized training in human trafficking and exploitation, have developed strong skills to work with survivors in a compassionate, trauma-informed manner. These officers put victims' and survivors' feelings at the center of the interviewing and investigation process; for example, they don't push for more information when the survivor is experiencing distress (and go back to the topic later), try to minimize the number of times they speak to victims to avoid re-traumatization, and have an advocate present.

I also just see too in the interview process that-- "I don't need to keep pushing you for more information. I'm seeing that you're experiencing some distress. So let's stop this process and come back to it when you're feeling more comfortable." So again, like putting that victim survivor's feelings and experience in the center of the interview process, and that it doesn't always happen, but I have seen it happen. – Service provider

Key informants also commented that they have seen a shift, and positive progress, in some law enforcement officers' attitudes towards vulnerable and exploited youth who may have committed criminal infractions. Instead of seeing these youth as “bad kids,” as they may have in the past, law enforcement officers are growing to understand that these youth are victims, that their behavioral problems are related to and potentially a consequence of their trauma, and that they need help and support rather than punishment.

I think the one big sort of success has been that [law enforcement is] not seeing youth as bad kids anymore, and that they're starting to understand that they are crime victims. Some of their behavioral issues are the result of being victims and the trauma that comes along with that. So, I think that's very powerful when law enforcement is able to even if they're encountering a youth who has broken the law in some way, but starting to hopefully dig a bit further and see what's going on in that and not focusing on that petty crime. Rather, looking at the bigger picture of what kind of trauma they might be experiencing and why that's happening. So, I think, when that happens that's very successful. That builds a lot of trust with youth, with the community, with the service providers, and others that everybody is kind of working together and not punishing the youth. – Service provider

However, officers with specialized trauma-informed training are frequently not the first point of contact for many vulnerable and exploited youth and adults. If these officers aren't trained, compassionate, and understanding, survivors likely will not feel comfortable seeking support. For example, many youth who run away avoid law enforcement because they're afraid of child protection involvement and interference in their family home.

Key informants noted a number of barriers to more law enforcement officers receiving trauma-informed training. It can be difficult for law enforcement agencies to meet all mandatory training requirements, much less those that are voluntary. Additionally, agencies may lack the budget to afford comprehensive trainings. For example, the Forensic Experiential Trauma Interviewing (FETI) training is a well-recognized and acclaimed training on trauma-informed victim interviewing, but it is expensive and inaccessible to many

law enforcement agencies. Additionally, it is unclear how culturally responsive FETI is. Some law enforcement officers may receive training (for example, through the BCA-led Minnesota Human Trafficking Investigators Task Force), but, with frequent staff turnover, that knowledge and experience is lost, and there is a continual need to train new officers.

MINNESOTA'S SAFE HARBOR SERVICES HAVE MANY STRENGTHS, BUT THERE ARE GAPS IN SERVICE AVAILABILITY, PARTICULARLY FOR INDIGENOUS YOUTH

I have been able to see across the board that Minnesota has the best approach in terms of having all the systems well connected, like collaborating with law enforcement response. ... The coordinated effort within the state, that everyone knows each other and what everyone does. It is so beneficial for the youth and adults too because folks know the connections and they are able to refer services to our sexually exploited community members. The safe, vetted network of services are huge for the community. – Service provider

Key informants reported that Minnesota's Safe Harbor services are among the best in the country in providing comprehensive, coordinated services for sexually exploited youth and youth at risk of sexual exploitation. Safe Harbor is currently engaged in a strategic planning process emphasizing racial and social equity and centralizing the role that survivors play as subject matter experts. However, key informants also noted many areas where Safe Harbor may be able to continue improving access, availability, and responsiveness of their services.

Key informants noted geographic gaps in culturally responsive Safe Harbor services for Indigenous communities in many parts of the state, including a lack of Indigenous providers. Specifically, there are four Safe Harbor grantees that are Native-led organizations; two are located in the Twin Cities (American Indian Family Center and Minnesota Indian Women's Resource Center); one is located in Northwest Minnesota (Northwest Indian Community Development Center); and one is located in Northeast Minnesota (American Indian Community Housing). There are no culturally responsive Indigenous Safe Harbor services in West Central, South, Central, and Southeast Minnesota.

While Safe Harbor staff (the majority of which are White and cis-gender female) may receive training on being welcoming and sensitive, sometimes mistakes are made and youth receiving services may feel uncomfortable. Specifically, some Safe Harbor staff may lack cultural awareness—including lacking awareness of their own culture and the importance of youth's culture for their personal identities and overall well-being. One expert pointed to the need for continuing cultural training and education for Safe Harbor providers, including the importance of embedding culture into programming and services.

I don't think that they [Safe Harbor providers] generally think about culture as something that's important, because they don't have a culture that they identify with, and I don't think that they think about how that might impact a youth either positively or negatively. ... A lot of the research shows that we, as Native people, when we're experiencing different forms of victimization, it really is tied into our Indigenous identity. So, being able to recognize first of all that identity with cultural and with spiritual harm that comes from our victimization. And then, also, recognizing that we need to have that cultural resilience built back into our lives to have pride, and who we are as Indigenous people, is just so important. – Service provider

Key informants also pointed to gaps in Safe Harbor programming related to age restrictions (a lack of services available for survivors over the age of 24); a lack of services tailored to male-identifying, transgender female-identifying, and gender non-conforming youth; a lack of long-term continuous services; a lack of wraparound services at a single agency; the need for service provision in comfortable, familiar, and informal community spaces; and a lack of services directed at youth experiencing labor trafficking and exploitation, which frequently overlaps with sexual exploitation.

Positively, the American Indian Human Trafficking program consultant role at DHS that was grant funded and set to expire in September 2023 was recently approved as a permanent position.

THERE IS A NEED FOR CULTURALLY RESPONSIVE MENTAL HEALTH AND SUBSTANCE USE SERVICES

Many key informants noted gaps in availability of mental health and substance use services for vulnerable and exploited youth and adults. In particular, there is a need for culturally responsive mental health and substance use services for Indigenous communities. Key informants noted the importance of not just addressing trauma, but supporting an individual's healing process through cultural healing and ceremonial work. However, there is a lack of funding to support these types of cultural healing services. In particular, one expert noted the need for cultural spaces for youth that help them grieve and process trauma and loss—for example, when a relative or friend from the community passes away.

HISTORICAL TRAUMA AND LACK OF TRUST IN SYSTEMS CONTINUES TO IMPACT FAMILIES

Key informants reported that Indigenous community members frequently distrust government systems—including law enforcement and social service providers—because those systems have played a role in their community's oppression and disenfranchisement in the past.

I think it's always a struggle for a lot of teams that are based in systems that have historically either disenfranchised, even committed violence against, Indigenous people. To have a system that Indigenous people or any community of color [that] is supposed to respect or trust or believe will meet their needs or gets them what they would perceive as justice [is challenging].
– Service provider

This distrust is reinforced by dynamics that continue today between Indigenous communities and some state agencies. Key informants noted that the child welfare, justice, and law enforcement systems are hyper-responsive to perceived criminality in Native American communities. But, in other contexts, when Native community members are seeking support, services, and protection, these systems can be non-responsive. Key informants also noted that law enforcement has a lack of understanding of historic and current violence and marginalization among Indigenous communities, and officers aren't trained to interact with communities that have a historic distrust of police (outside of criminalization).

This distrust of law enforcement may work against families when a loved one goes missing. If families come across as unsure or reserved, they may be perceived as suspicious—and law enforcement may treat them with distrust, instead of empathy.

How you feel about law enforcement is how you get treated by law enforcement... Officers aren't trained culturally to understand why they might have certain feelings against police. ... There's no trust, no practice of police being in relationship with the African American or Indigenous community unless our people are being criminalized.
– Community advocate

These dynamics may hamper families' access to victim services and supports. For example, in order to access the victims' reparations fund, families are legally required to cooperate with law enforcement, which may be a barrier for some families due to lack of trust and comfort.

To make referrals to victims' services, some law enforcement will routinely hand families a flyer with services to call. One expert commented that while families from non-marginalized communities will reach out and contact advocates themselves, families from marginalized communities lack trust, and won't. Investigators can address this dynamic by proactively contacting advocates directly and taking time to introduce the family to different staff responsible for their loved one's case—instead of just handing family members a flyer.

[Law enforcement will] go to the house, take the report, and leave. They won't say, let me call an advocate who specializes in this, to get over to you. Or what I've heard is, they gave me a damn flyer and said, "Here, call these numbers." Our families, when they're in crisis, they don't need to be told to call a number. What they need is somebody to actually call on their behalf and sit there and say, "I have a family who's needing an advocate."
– Family member with lived experience

VICTIM ADVOCATES ARE CRUCIAL RESOURCES FOR SURVIVORS AND FAMILIES NAVIGATING THE CRIMINAL JUSTICE SYSTEM

Because of communities' historic distrust, key informants noted the importance of victim advocates that help families navigate the criminal justice system and judicial process. Key informants reported that there are very few services available through law enforcement and the court system. Ideally, victim advocates across the system (community, Tribal, state, and/or federal) should coordinate services throughout the course of the investigation and legal process, so they provide continual services without interruption. According to a key informant, it is very rare that the Crime Victim Services Unit at the Minnesota Department of Public Safety's Office of Justice Programs gets applications for reparations from Indigenous community members.

Having that support network of people to help navigate the process, because our people are very scared of systems. And those systems have worked against them for so long that they really need advocates to help guide those system processes.
– Service provider

In particular, key informants emphasized the importance of law enforcement contacting Tribal victim advocates. This is highly unlikely given that law enforcement often doesn't know a victim's or families' Tribal status. Tribal advocates are highly compassionate and available, and have been known to go to families' homes at any time of the day or night—to listen to them, grieve alongside them, and connect them to needed services and supports. However, key informants noted that many law enforcement agencies don't know about Tribal advocates, and so don't contact them even if they know a family's Tribal status.

VICTIM SERVICES ARE UNDERFUNDED, WHICH CONTRIBUTES TO CHALLENGES WITH STAFF RETENTION, COLLABORATION, AND SUSTAINABILITY

Key informants noted that many victim service programs are underfunded, which contributes to numerous challenges related to staff retention, competition (rather than collaboration) with other service providers, and sustainability.

Key informants emphasized that many victim service agencies experience challenges with staff retention and turnover. Victim service providers experience a high level of stress, vicarious trauma, and burnout, while also receiving low pay—which contributes to many people leaving the field.

Staff retention and payment for staff is a challenge. Just like a lot of other fields right now, people are not being paid well for doing hard jobs. And so there's a need to really build up the ability for organizations to keep staff so that they can continuously be there as a support for the victims that they're helping. – Service provider

Additionally, key informants noted that a lack of funding contributes to a culture of competition across service providers, instead of collaboration—which would ultimately provide better, more coordinated services for survivors. Additionally, many programs are funded through one-year grants, which makes it difficult to create sustainable, working programs. Funding streams that support domestic violence, sexual assault, and sex trafficking services are also often siloed—which creates challenges for service providers because experiences of victimization are often co-occurring, overlapping, and intersectional.

SURVIVORS NEED SAFE CONDITIONS TO COME FORWARD FOR SUPPORT WITHOUT FEAR OF NEGATIVE LEGAL RAMIFICATIONS OR RETRIBUTION

Key informants noted that survivors have a need for safe conditions to come forward for support. Some survivors of violence may be hesitant to seek out medical or social services because they may have an arrest warrant or because they have drugs in their system. Survivors need legal protections and assurances that they won't face negative legal ramifications if they seek help and support for violence victimization or exploitation.

Survivors may also fear retribution from their abuser, or the perpetrators of violence and exploitation, if they provide information to law enforcement. Survivors who cooperate with law enforcement's investigation need protection and assurances for their physical safety and the safety of their loved ones. This includes

expanded availability of housing supports for victims of violence—including temporary supports like safe houses and drop-in centers, and longer-term supports like rehousing and relocation.

The women going through it know exactly what's going on. They know who's doing it, they know where it's being done, they have all of this information, but they have nowhere to go with it, and they're not safe in giving that information. So, in my opinion, the MMIR Office has to find a way to create actual safety. And I think the MMIR Office understands this, but it seems like there's a real disconnect from a lot of the people doing this work. These men are brutal and they will kill you. They will just simply kill you. You know what I mean? That's a real thing. ... There needs to be some kind of place and space to take these women to.

– Community researcher

Indigenous survivors of sexual exploitation may face additional barriers to pursuing justice through the court system due to the ongoing criminalization of prostitution; distrust of police (who are suspected, or known to be potential johns); and complex jurisdictional challenges that create barriers to prosecution (Stark, 2019). Within this context, seeking civil litigation may be an effective strategy that allows survivors to seek justice and reparations for harm committed against them, while also avoiding engagement with, and not relying upon, law enforcement.

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Identify and address barriers to utilization of the Minnesota Crime Victims Reimbursement Act funds (e.g., required cooperation with law enforcement); allow victims to make reports to health care and social service providers in lieu of a police report.	MMIR Office in collaboration with Victim Service Programs and coalitions	Mid-term 2-3 years	Secondary	20
2. Advocate that the Minnesota Legislature expand eligibility for the Minnesota Crime Victims Reimbursement Act fund to include family members (including extended family for American Indian victims) of missing persons who are facing financial hardship (e.g., due to loss of income).	MMIR Office in collaboration with Victim Service Programs and coalitions, MN Legislature	Mid-term 2-3 years	Secondary	20
3. Advocate that the Minnesota Legislature expand Safe Harbor program eligibility and access for all sex trafficking victims regardless of age, as recommended by the Minnesota Department of Health's (2019) Safe Harbor for All strategic plan.	MMIR Office, DHS Safe Harbor team, MN Legislature	Mid-term 2-3 years	Primary	9, 17
4. Advocate that the Minnesota Legislature increase funding for temporary safe housing and housing relocation support for victims of crime and witnesses (beyond youth experiencing sexual exploitation age 24 and younger).	MMIR Office, MN Legislature	Mid-term 2-3 years	Primary	4, 17
5. Develop communications plans or guidance for law enforcement about when and how to provide case updates to families.	MMIR Office	Mid-term 2-3 years	Secondary	11, 20
6. Advocate for the creation of laws to protect people who are seeking help/coming forward to provide information to law enforcement (e.g., about sex trafficking) from negative legal ramifications (e.g., criminal charges due to warrant, drugs in their system, or if someone overdosed on drugs supplied by them), and protection from further violence by the perpetrator.	MMIR Office, MN Legislature	Mid-term 2-3 years	Primary	17
7. Identify ways to ensure survivor voices are leading the MMIR Office's efforts. a. Refer to Safe Harbor or other examples as a model.	MMIR Office	Mid-term 2-3 years	Secondary	19

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>1. Increase the number of victim advocates and family liaisons. Advocate for additional funding to support local organizations.</p> <p>a. The MMIR Office should coordinate with Tribes and victim service agencies in Minnesota (Jacob Wetterling Resource Center, Missing Children Minnesota, etc.) and/or allocate in-house resources within the MMIR Office to ensure qualified, culturally responsive advocates are available to provide support to families who are experiencing the loss of a loved one through violence or who have a relative who is an emergent or long-term missing person.</p>	DPS, MMIR Office, advocacy organizations, MN Legislature	Mid-term 2-3 years	Primary	13, 20
<p>2. Identify and pursue strategies to increase the availability of culturally responsive, victim-centered, and healing-centered services, including social and mental health supports for the individual affected and their family. Specifically, acknowledge spiritual healers and their expertise in supportive grieving families.</p>	DPS	Long-term over 3 years	Primary	13, 20
<p>3. Improve coordination of victim service providers or law enforcement liaisons across all stages of investigation and prosecution—ideally, one contact person throughout the duration of the case.</p>	DPS	Long-term over 3 years	Secondary	13, 20
<p>4. Encourage and support consistent communication among law enforcement, prosecutors, and families about the progress of case investigation and prosecution. The MMIR Office could consider working through existing training venues to provide training to law enforcement and/or prosecutors specifically about the topic of healing-centered approaches to communicating with Indigenous families during a missing person or death investigation (including historical trauma and effective strategies for building trust with Indigenous victims and families).</p>	DPS, MMIR Office	Mid-term 2-3 years	Primary	13, 20

Prevention

Poverty, the child welfare system, domestic violence, and sex trafficking and prostitution are central risks in the web of mutually reinforcing factors that make Indigenous women, girls, and two spirit people more vulnerable to violence and exploitation. ... Indigenous women are not vulnerable to MMIW because of individual “risky behaviors,” but because of these systemic risk factors that consistently place them in dangerous living, work, and social situations (MartinRogers & Pendleton, 2020, p. 36).

Approached through a public health model of prevention, the risk of violent victimization among Indigenous relatives may be reduced via primary, secondary, and tertiary prevention strategies (Gordon & Roberts, 2021). Primary prevention reduces risk and bolsters protective factors at the community level before violence perpetration or victimization occurs. It builds cultural and community connections, healthy relationship skills, and public awareness (Gordon & Roberts, 2021; Niolon et al., 2017; Satter et al., 2021; U.S. Department of State, n.d.). Secondary prevention aims to intervene in earlier stages of violence and exploitation through the provision of legal, medical, and social services so that violence does not recur or escalate to an individual's disappearance or homicide (Gordon & Roberts, 2021). Tertiary prevention strategies employ restorative justice principles in response to violence perpetration to promote healing and community reintegration, and reduce violence escalation and recidivism.

When looking at key gaps, it seems the numbers dictate a really close look at children in social care as an area where positive impacts and disrupters might potentially be found. I think, at times, law enforcement feels like they are tasked with pulling children out of the river, but unable to get upstream around the corner and stop the kids from actually getting into the river.
– Law enforcement officer

Policy context

SOCIAL-EMOTIONAL AND HEALTHY RELATIONSHIPS EDUCATION

In the United States, the federal government has a limited role in the education system, including the provision of sexual health education; states are primarily responsible for developing curricula and establishing standards (U.S. Department of Education, 2021). As of February 2023, just 38 states and Washington, D.C., mandate sex and/or HIV education be taught in public schools, and the requirements that these programs must meet vary widely across states (Guttmacher Institute, 2023). Thirty-one states and Washington, D.C., require that information on healthy relationships be provided in sexual health education, and 40 states require curricula to incorporate intimate partner violence prevention.

In Minnesota, there are few requirements that public schools must meet for sex education (Kurtz, 2021). Schools are mandated to teach sex education, districts must cooperate with student organizations, the curriculum must be technically accurate and updated, and the curriculum must support students to abstain

from sex until marriage. As a result of these broad requirements, sexual health education in Minnesota varies widely across school districts. Bills have been introduced to the legislature several times, most recently in 2023, to establish a comprehensive model sexual health education program that would incorporate healthy relationships and consent (Minn. H.F. 174, 2023). None of these bills have passed to-date.

However, Minnesota statute from 1992 requires the development and implementation of violence prevention curricula for public school students, including content on: conflict resolution; communication skills; sexual, racial, and cultural harassment; and self-protection and safety (Minnesota Statutes § 120B.22, 2022).

SEVERAL FEDERAL LAWS HAVE ESTABLISHED A NETWORK OF SUPPORTS AND PROTECTIONS FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE

The Violence Against Women Act (VAWA), first passed in 1994, created and provides support for numerous programs that work to prevent domestic violence, sexual assault, dating violence, and stalking. The Act has been reauthorized four times, most recently in 2022. Each reauthorization has built upon and strengthened the original Act and previous reauthorizations, establishing programs like legal assistance programs, housing protections,¹ rape crisis centers, and culturally and linguistically specific services; increasing equitable access to services among survivors from marginalized communities; and promoting trauma-informed and victim-centered training among law enforcement and health care professionals (National Network to End Domestic Violence, 2017b).

The Family Violence Prevention and Services Act (FVPSA), first passed in 1984, provides federal funding for domestic violence shelters, crisis hotlines, counseling, and programs (National Network to End Domestic Violence, 2017a). Notably, this act was reauthorized in 2021 and included grants for Tribal domestic violence coalitions, a national Indian domestic violence hotline, and culturally specific services for domestic violence victims (Billings, 2022).

However, Tribal leaders have reported to the attorney general that there is insufficient federal funding allocated to violence prevention, emergency services, and victim support for Tribal and urban Native communities (Satter et al., 2021). While some FVPSA funds are earmarked specifically for Tribal community services, many grants are competitive with stringent reporting requirements, or are awarded to states who re-allocate a portion of these funds to Tribes, or directly administer programs to Tribes who share geography. These barriers limit Tribes' access to resources to administer programming tailored to their communities' needs. Furthermore, a local service provider noted barriers to the use of VAWA funds for prevention work.

¹ One expert noted anecdotally that some tribal housing programs may be unaware that if they accept federal funds for housing, they are required to follow VAWA and other federal housing protection laws.

FEDERAL POLICY INFRASTRUCTURE FOR COMMUNICATING AND ENFORCING PROTECTIVE ORDERS

The 1994 Violence Against Women Act also requires that every jurisdiction in the United States recognizes and enforces valid protection orders, including those issued by Tribal governments (Violence Against Women Act, 1994).

REDUCED ACCESS TO LETHAL MEANS OF VIOLENCE

The 1968 Gun Control Act prohibits anyone convicted of a felony and anyone subject to a domestic violence protective order from possessing a firearm. In 1996, this prohibition was extended to anyone convicted of a misdemeanor crime of domestic violence (U.S. Department of Justice, 2013).

FEDERAL LAW PROMOTES THE SECURITY AND STABILITY OF NATIVE AMERICAN FAMILIES, KEEPING CHILDREN WITH NATIVE AMERICAN FAMILIES WHEN POSSIBLE

The Indian Child Welfare Act (ICWA) was enacted in 1978 as a response to several decades of U.S. government policies that supported the removal of Native American children from their homes and families to attend boarding schools or to be placed in homes with non-Native families. The act established minimum federal standards for the removal of Native American children from their families and established a preference for placement of Native American children with extended family or other families from their Tribe with the intent to “protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families” (25 U.S. C. § 1902). The legislation also provides guidance to states for handling child abuse, neglect, and adoption cases involving Native children (25 U.S. C. § 1902). States have varying interpretations of the federal law despite the law’s original intent for standards. Guidelines for implementation were updated in 2015 and again in 2016.

FEDERAL LAW IMPROVES SYSTEM RESPONSE TO PROTECT AND PREVENT CHILDREN AND YOUTH FROM BECOMING VICTIMS OF TRAFFICKING

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), signed into law in 2014, amends the federal foster care program (Title IV-E) to protect and prevent children and youth in foster care from becoming victims of trafficking. It includes several provisions for a system response to the identification of children who are victims of, or at risk for, trafficking and assistance for them. State agencies had two years to comply with the requirement to report all missing children to NCMEC as part of this legislation, which resulted in a dramatic rise in numbers of endangered runaways during 2015-2017 (NCMEC, 2022). An undercount of missing Native children is assumed as Tribes are not included in this mandate due to Tribal sovereignty.

A RECENT FEDERAL LAW PROVIDES FINANCIAL SUPPORT TO HELP KEEP CHILDREN FROM GOING INTO OUT-OF-HOME PLACEMENT

New federal financial support for placement prevention services for eligible children at imminent risk of out-of-home placement was provided by the Family First Prevention Services Act (FFPSA), signed into law in 2018 as part of P.L. 115-123. Specifically, it gives state, county, and Tribal welfare agencies up to 50% reimbursement for federally approved services that help keep children in their homes. Some of the services include mental health, substance abuse, and in-home parent skill-based programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or kin caregivers of those children and youth (Minnesota Department of Human Services, 2023).

MINNESOTA LAW ENFORCEMENT FIRST RESPONSE

Minnesota statutes outline the duties of law enforcement officers when responding to allegations of domestic violence. Officers may make arrests without a warrant if they have probable cause to believe that the person has committed domestic abuse within the previous 72 hours (Minnesota Statutes § 629.341, 2022). The officer does not have to have been present at the incident of abuse or violation to make the arrest. The officer must notify the victim of their legal rights and what social services are available in the community. Officers must make a written report of the alleged incident, which must be made available upon request and at no cost to the victim of domestic abuse. Arresting officers cannot issue a citation, in lieu of arrest, to an individual charged with domestic abuse, harassment or stalking, or violation of an order for protection and/or no-contact order (Minnesota Statutes § 629.72, 2022). Individuals arrested on these charges must be brought to the police station or county jail, and must be detained (in lieu of a citation) if it appears they pose a threat to the alleged victim or general public safety. Persons arrested for violation of an order for protection or no-contact order must be held for at least 36 hours.

MINNESOTA RESOURCES FOR VICTIM RELIEF AND PROTECTION FROM FURTHER VICTIMIZATION

Minnesota's Domestic Abuse Act, originally passed in 1979, establishes Minnesota's processes for issuing civil orders for protection (Minnesota Statutes § 518B.01, 2022). Filing for an order for protection is free; filing fees are waived for the petitioner and respondent. The court may provide the petitioner with relief, including excluding the abuser from their shared home and/or the surrounding area, awarding temporary custody or placing restrictions on parenting time, establishing no-contact orders, and providing counseling or other social services, mandatory treatment or domestic abuse counseling services, and restitution.

Orders for protection issued by Tribal nations, alongside other U.S. states and territories, are treated the same as orders issued in Minnesota. A person with an order for protection must submit a certified or authenticated copy of the order to the county, so it can be entered into state databases. However, the state will also accept an affidavit from a person with personal knowledge (including the person protected by the order) if a certified or authenticated copy of the order is not available.

Since 2007, victims of domestic violence, criminal sexual conduct, and harassment have the right to terminate a rental lease agreement without penalty or liability (Minnesota Statutes § 504B.206, 2022). The tenant must provide advanced written notice to the landlord, pay rent for the full month in which the lease is terminated, and forfeit the security deposit. The tenant must provide the order for protection, no-contact order, or other documentation of victimization signed by a court official, law enforcement official, or qualified third party such as a health care professional, domestic abuse advocate, or sexual assault counselor.

In 2006, Minnesota established an address confidentiality program called Safe at Home (Minnesota Rules, chapter 8290). Under this program, victims of domestic violence, sexual assault, harassment, or stalking may obtain a designated address from the secretary of state. Participants may use this designated address as a substitute mailing address for all purposes, including as a mailing address, work address, and when applying for a driver's license. Program participants and any third parties may not be compelled to disclose the participant's address, unless a court orders the disclosure and provides protection for the participant.

PROTECTIONS FOR VICTIMS OF TRAFFICKING AND EXPLOITATION

Children who engage in commercial sex are not criminalized under federal law. The Trafficking Victims Protection Act of 2000 criminalizes the trafficking in persons for commercial sex acts (U.S. Department of Justice, 2022b). The law only applies to trafficked adults when the use of force, fraud, or coercion is involved in the commercial sex act; these stipulations are not necessary in the case of children under age 18. However, children engaged in commercial sex may be prosecuted for prostitution in some states.

In 2011, Minnesota passed a Safe Harbor Law, which provided legislatively mandated legal protections and social services for sexually exploited youth (Minnesota Department of Health, 2022b). Because of the Safe Harbor Law, sexually exploited youth are included under Minnesota's child protection codes, and are excluded from the state's definition of a delinquent child. These changes recognize sexually exploited youth as victims, not criminals, through establishing that youth under age 18 cannot be criminally charged for prostitution. Safe Harbor also increased criminal penalties against commercial sex abusers and purchasers. Per federal requirement under Public Law 114-22 and Minnesota Statute 260E, sex trafficking is considered a form of sexual abuse and must be reported to child protection agencies for investigation, regardless of the victim's relationship to the alleged offender. Reports of sexual exploitation involving a caregiver alleged offender are also investigated by child protection (P.L. 114-22, 2015; Minnesota Statutes § 260E, 2022). According to a key informant, it should be noted that the state's response differs based on the state's definition of exploitation versus trafficking. Minnesota does not consider two-party exploitation of minors to be sex trafficking, and thus it is not a mandated report. Reports of this nature made to child protection would be screened out and do not necessarily include a welfare response or referral to Safe Harbor services or advocacy. Sex trafficking of minors in Minnesota has to include a third party, and these reports

require a child protection investigation regardless of who the trafficker is. However, these investigations do not require that referrals be made to Safe Harbor.

In 2014, Minnesota adopted a No Wrong Door service model, which established regional navigators, housing and shelter, and comprehensive services for sexually exploited youth under age 18. In 2016, Safe Harbor service eligibility expanded to include individuals age 24 and younger. However, commercially exploited youth age 18-24 may still be criminally charged with prostitution.

Minnesota state law reflects the requirements outlined in the federal Preventing Sex Trafficking and Strengthening Families Act related to: 1) identifying, documenting, and determining services for those at risk, 2) reporting requirements, and 3) locating and responding to children who run away from care (Minnesota Statutes § 260C.212 subd.13, 2022). Additional requirements at the state level for working with Indian children and families beyond ICWA are outlined in the Minnesota Indian Family Preservation Act (MIFPA; Minnesota Statutes § 260.762, 2022). MIFPA, originally passed in 1985, was recently updated during the 2023 legislative session and now codifies sections of MIFPA that were dependent on the federal ICWA, which is currently being challenged in the U.S. Supreme Court as unconstitutional (*Brackeen v. Haaland*). Other states have also preserved or strengthened ICWA at the state level in light of the recent Supreme Court hearings.

As a result of the Family First Prevention Services Act, Minnesota has a new set of robust standards for residential programs serving sex trafficked, commercially sexually exploited or at-risk youth. The standards were developed with people who have lived experience, and the Minnesota Department of Human Services has certified more than 30 programs that qualify to serve this population of youth. Very few states have certification requirements as detailed as Minnesota, which include initial and ongoing training for all direct contact staff; access to human trafficking prevention education; and culturally specific, individualized safety and service plans. Additionally, Minnesota is keeping MIFPA updated, looking at the intersection of MIFPA, ICWA, and trafficking, and updating Tribal-state agreements (Minnesota Department of Human Services, 2021). The American Indian Well Being Unit, formerly known as the state's ICWA Unit, will house an American Indian Human Trafficking program consultant who will continue to address out-of-home placements as a risk factor for trafficking and exploitation.

Guidance and tools for caseworkers to use for identifying youth eligible for Title IV-E reimbursement for placements in specialized settings for trafficked, exploited or at-risk youth are provided in a guide developed by DHS. The guide includes a flowchart for child protection screening of sexual exploitation and sex trafficking and a labor trafficking screening tool available to caseworkers (Minnesota Department of Human Services, 2022).

Best and emerging practices

PRIMARY PREVENTION STRATEGIES

Cultural and community connection

There is some evidence that cultural and community connectivity is protective against violence exposure or victimization (Gordon & Roberts, 2021; Satter et al., 2021). Indigenous cultural and community assets such as participation in ceremonies and availability of culturally specific teachings and activities are linked to a number of factors that are protective against violence victimization, including self-efficacy, parental involvement, and community connectedness (Gordon & Roberts, 2021; Satter et al., 2021). Through increasing these protective factors, Indigenous cultural activities, practices, and resources contribute to primary prevention of violence victimization.

Primary prevention works to stop violence before it happens. By utilizing existing cultural resources, Indigenous communities can integrate their members into both their cultures and their immediate families in order to build the community bonds that can prevent violence or victimization (Gordon & Roberts, 2021, p. 58).

Cultural and community disruption

Generations of colonization, displacement, criminalization of religious and cultural practices, boarding school era separations and abuses that continue with today's child protection systems, and forced assimilation have disrupted Indigenous family, community, and cultural systems and have contributed to significant historical trauma that lives on today (Gordon & Roberts, 2021; Satter et al., 2021). The emotional and psychological trauma to Indigenous communities from these experiences is linked with adverse health, social, and economic outcomes and increased risk for violence (Gordon & Roberts, 2021; Satter et al., 2021).

Healthy relationship skills taught early in life

The prevention of intimate partner violence (IPV) and other forms of violence begins early in life, during the critical developmental period of adolescence (Niolon et al., 2017). The normalization of violence in relationships and challenges with communication and emotional regulation can increase an individual's risk for both violence perpetration and victimization. There are evidence-based social-emotional learning programs, such as *Safe Dates*, *The Fourth R: Strategies for Healthy Teen Relationships*, and *Expect Respect Support Groups*, that provide youth the opportunity to learn about positive communication and conflict resolution skills, healthy sexuality, personal safety, and recognizing the signs of abuse. These programs, assessed through rigorous evaluation, have been associated with reduced youth violence victimization and perpetration over time. Providing age-appropriate education on these topics in K-12 public schools in Minnesota was one of the recommendations of the Minnesota MMIW Task Force (MartinRogers &

Pendleton, 2020). *Seeing and Exploring Life's Future (SELF)* is another program, locally, through Lutheran Social Services of Minnesota that offers comprehensive sexual health and teen pregnancy prevention.

Youth who run away from home are more likely to have had adverse childhood experiences (ACEs; Earle & Selfridge, n.d.). ACEs put youth at greater risk for human trafficking compared to those without ACEs. Trainings are available for implementing various tools to identify children with ACEs and at risk of running away. These tools should not be used to remove children from homes or to support out-of-home placement of youth. Service providers must work together to identify youth at risk and promote protective factors among families and in communities.

Building community awareness of trafficking

Increasing community awareness about risks and signs of trafficking is an important component of preventing victimization and exploitation (U.S. Department of State, n.d.). This can be approached in several ways.

Not a Number (<https://love146.org/notanumber/>) is a research-based child trafficking and exploitation prevention curriculum for youth age 12-18 designed by experts in the fields of human trafficking, sexual exploitation, education, research, and evaluation. *Not a Number* teaches youth what human trafficking is, how to recognize traffickers' grooming and recruitment strategies, how to challenge harmful stereotypes, healthy relationship skills, risk and vulnerability factors, and community resources and supports.

As of March 2023, 51 agencies in Minnesota are licensed to provide the *Not a Number* curriculum, including the Division of Indian Work, Grand Portage Human Services, Mending the Sacred Hoop, the Mille Lacs Band of Ojibwe Family Violence Prevention program, and the White Earth DOVE program. In order to support certified residential programs in meeting the standards around human trafficking prevention education, DHS has provided scholarships to 45 staff from residential programs to become certified facilitators of *Not a Number*.

Additionally, Safe Harbor providers in Minnesota are in the process of developing a culturally-specific anti-trafficking curriculum called *Strong and Resilient*, which provides education on healthy relationships, building positive Indigenous identity, and the impact of colonization and historical trauma on risk and vulnerability of Indigenous people (Office on Trafficking in Persons, 2021). Many Tribes also have programming in their communities that is used to divert youth and use cultural programming to support concepts related to these topics.

There are other public awareness campaigns and programs aimed at increasing awareness of human trafficking among community members, law enforcement, health care providers, and other service providers (U.S. Department of State, n.d.). For example, the U.S. Department of Human Services' Blue Campaign educates the public, law enforcement, and businesses about recognizing the signs of human trafficking

and how to respond. Additionally, the Blue Campaign has a staff member focused on Tribal engagement. The Administration for Children & Families' Office of Trafficking in Persons, Administration for Native Americans, and U.S. Department of Health and Human Services also created a Native youth toolkit for combatting human trafficking (U.S. Department of Health and Human Services et al., n.d.).

There are also public awareness trainings for professionals who are more likely to encounter victims of exploitation and trafficking in their line of work, like health and social service providers, transportation workers, and airline and travel professionals (U.S. Department of State, n.d.). For example, Minnesota mandated the creation and implementation of sex trafficking prevention and response training for hotel and motel staff, where exploitation frequently happens (Minnesota Department of Health, 2022c). In an evaluation of Minnesota's Safe Harbor program, hotel and motel staff who received the training self-reported increased knowledge about sex trafficking prevention and identification (Atella & Turner, 2019). This is particularly important because many trafficking victims do not self-identify as trafficking victims.

SECONDARY AND TERTIARY PREVENTION STRATEGIES

Domestic violence advocates help connect victims to networks of supports and services

Domestic violence advocates can help victims navigate and access resources to meet their basic needs and gain independence from their former partner (Niolon et al., 2017). Advocates can connect victims to "legal, medical, housing, employment, child care, and social support services" (Niolon et al., 2017, p. 39). In one randomized controlled trial among women with a history of domestic violence, women who received 10 weeks of community-based advocacy services were twice as likely to experience no violence for two years, compared to women who received no advocacy services (Sullivan & Bybee, 1999).

Flexible financial assistance programs help survivors establish independence and stability

The Domestic Violence Housing First program in the state of Washington provides advocacy services and flexible financial assistance to domestic violence victims (Mbilinyi, 2015). Survivors have the self-determination and flexibility to make choices about what they need to establish independence and stability, such as permanent housing, transportation, child care, and other costs. Ninety-six percent of participants remained stably housed at 18 months, and 84% reported that the program helped increase their safety. Participants in the program also reported increased school stability for their children, healing, health and well-being, confidence, and self-worth. AICHO (American Indian Community Housing Organization) in Duluth, Minnesota, also uses the Housing First model, providing housing and supports to Indigenous women.

Lethality assessments reduce risk of future domestic violence fatalities

Lethality assessments are screening tools used by law enforcement when responding to reports of intimate partner violence to assess survivors' future risk of becoming victims of homicide (Niolon et al., 2017). Law enforcement officers ask victims about their abusive partner's past acts and threats of violence, access to firearms, history of breakups or separations, employment status, and other research-based risk factors for intimate partner violence lethality (Maryland Network Against Domestic Violence, 2016; Niolon et al., 2017).² If a victim meets a threshold of risk, law enforcement officers implement a protocol to connect them with a domestic violence advocate to provide safety planning and connect them to supports and resources (Maryland Network Against Domestic Violence, 2016; Niolon et al., 2017). An evaluation of lethality assessments found that survivors whose responding officer implemented a lethality assessment experienced a significant reduction in violence severity and frequency in the seven months that followed (Messing et al., 2014).

Domestic Violence Fatality Review Boards help learn from past cases and identify system gaps

In 2001, the Oklahoma legislature established a multidisciplinary Domestic Violence Fatality Review Board (Oklahoma Office of the Attorney General, 2022; Satter et al., 2021). The purpose of the board is to conduct an annual review of domestic violence fatalities from the previous year, in order to identify systems gaps and recommendations for preventing future domestic violence related deaths in the state. The board includes representatives from state agencies (including victims' services, health, human services, and the bureau of investigation), law enforcement and prosecutors, health care providers, the chief medical examiner, and domestic violence representatives and survivors. In 2022, the board included two Tribal domestic violence representatives, including one survivor of domestic violence. Similarly, St. Louis County in Minnesota has a Child Welfare Mortality Review MDT (multi-disciplinary team) that regularly invites the local Tribe, Fond du Lac, to participate. This board is written in Minnesota statute. These types of review boards may help identify learnings from previous cases of MMIR to improve multidisciplinary, coordinated responses to domestic violence and prevent future MMIR cases.

Culturally responsive trafficking victim identification

The Stop, Observe, Ask, and Respond (SOAR) to Health and Wellness Program is a trauma-informed training program that helps health and social service providers identify and intervene with suspected cases of human trafficking (Gordon & Roberts, 2021). The SOAR Program offers a one-hour module specific to Indigenous communities (Office on Trafficking in Persons, 2020). The module educates providers on

² An expert we interviewed emphasized the importance of law enforcement officers consistently conducting lethality assessments, even when the victim is intoxicated. Some law enforcement officers have a policy of not taking victim or witness statements when they are under the influence, but this could contribute to further risk of lethality through missed opportunities to intervene and disrupt patterns of violence.

historic factors that contribute to human trafficking in Indigenous communities, indicators of trafficking, resources available, how to honor cultural practices in service delivery, and strategies for cross-jurisdictional collaboration. This program is available at no cost.

Additionally, the Minnesota Youth Trafficking and Exploitation Identification (MYTEI) Tool and Guide was developed to help professionals identify youth at risk of or currently experiencing trafficking and exploitation (Minnesota Department of Health, 2022a). The MYTEI Tool and Guide provides direction on the process of identifying at-risk youth, response planning, and information on next steps and referrals. The MYTEI is an interview guide that allows providers to learn language and ask questions that help youth understand victimization, as youth experiencing trafficking and exploitation do not understand the dynamics of exploitation and often do not self-identify as victims/survivors. To access the tool, professionals must submit a request form and complete a one-hour required training.

Indigenous restorative justices practices

Restorative justice takes Indigenous people engaging in high-risk behaviors, has them interact with Tribal justice systems in a more culturally safe way, and engages them with their community, improving cohesion, rehabilitating, treating substance abuse issues, and helping to protect them from the risk factors of substance abuse, disconnection from culture, and a loss of sense of community, which are risks associated with becoming a missing or murdered person. Indigenous restorative justice practices emphasize restoring harmony and peace to the community, healing, resolving conflict, and restoring relationships (Gordon & Roberts, 2021, p. 67).

Tribal justice systems may employ restorative justice practices to support Indigenous community members involved in the legal system to prevent both further violence perpetration and victimization (Gordon & Roberts, 2021). One example of restorative justice practices in Tribal courts is peacemaking circles, which include prayer, negotiation, and consensus-building around the reconciliation process. Courts that have employed peacemaking circles have found evidence of reduced recidivism among program participants.

In Minnesota, the White Earth Healing to Wellness Drug Court delivers Anishinaabe culture- and values-based healing services, treatment, sanctions, and incentives for community members who have criminal offenses involving substance use (White Earth Nation, 2023). The goals of the Healing to Wellness Court are to reduce recidivism, increase public safety, and improve the health and well-being of program participants.

THERE IS A NEED FOR FURTHER YOUTH EDUCATION ON HEALTHY RELATIONSHIPS, PERSONAL SAFETY, AND EXPLOITATION

Key informants emphasized the importance of youth having access to comprehensive, developmentally- and age-appropriate sexual health and healthy relationships education. However, they also noted disparities in access across the state—with youth in rural communities in particular having limited, if any, access. Key informants also highlighted the need for education on online safety (including how youth can recognize the signs of grooming, and how to respond if they think they are being targeted), and community-specific human trafficking education.

It's really important to talk to young people about what is love, because that's what a lot of this is about. It's about the women and the girls not knowing what love is and thinking that love is being beat up or sold.

– Community researcher

There is some movement in Minnesota around human trafficking education. Love146 is expanding *Not a Number* to more schools (including Minneapolis Public Schools) and is seeking to expand partnerships with Tribal nations, as well. Through Safe Harbor, as a part of the standards for residential programs serving sexually exploited or at-risk youth, youth must be offered human trafficking prevention education. Some key informants suggested this training should be offered to all youth in out-of-home placement, who are known to be at increased risk for exploitation (discussed in further detail below). Tribes are also offering programming promoting self-awareness and self-esteem through language and culture as well as participation in youth leadership councils.

POVERTY AND LACK OF ACCESS TO RESOURCES CREATE VULNERABILITIES TO EXPLOITATION

Key informants emphasized that a crucial aspect of violence prevention is ensuring that Native youth and adults have access to economic resources and opportunities to meet their basic needs. Without access to living wage jobs, affordable housing, food, transportation, health care, and social support, youth and adults are at increased risk of sexual exploitation to try to meet their basic needs.

Not having enough to eat, not being able to pay my rent matters. Every economic disparity can be used as coercion.

– Community researcher

Native women make 40 cents on the dollar. Our social-economic system is not set up for us to find full support or dignity. People struggle with risky situations because they are trying to meet their needs.

– Community advocate

Data from the Minnesota Student Survey indicate that Native+ youth³ are disproportionately likely to report trading sex or sexual activity in exchange for money, food, drugs, alcohol, housing, or something else (4.3%, compared to 1.3% of all students; Johnston-Goodstar et al., 2023). These rates were even higher among LGBTQ+2S-identifying⁴ Native+ students (8.9%). These youth are at high risk of suicidal ideation and self-harming behaviors: 76% of Native+ youth who have traded sex have seriously considered attempting suicide.

HIGH RATES OF OUT-OF-HOME PLACEMENT PUT AMERICAN INDIAN YOUTH AT INCREASED RISK

Key informants reported observing high rates of child protection system involvement and out-of-home placement among youth in American Indian communities. There is a long history of removal of Native children from their families that has resulted in historical trauma and breakdown of traditional family roles. However, in some cases of abuse or neglect, removal of a child from their family home is necessary to keep the child safe. Key informants reported that removing youth from their families and communities puts them at increased risk for future victimization by taking away their family- and community-based support systems and networks and distancing them from trusted adults in their lives. There are also high rates of youth running away from out-of-home placement—either running back to their community because they want to be with their family, or away from their placement due to abuse or other unsafe situations. More work is needed to identify suitable out-of-home placement options that align with the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act and where Native children who require out-of-home placements are safe and comfortable.

It just was kind of surprising how many youth that I worked with had some sort of connection to the child protection system. ... I came to believe that that is probably one of the biggest factors that creates vulnerability, and I think it makes sense when you kind of break it down. The automatic response is oftentimes to remove a child from their community, from their family. Even though sometimes maybe that family isn't the best situation, it's still that support system that that youth has in place. And so when you take a child out of their support system and you put them into something else, I think that really creates strains and struggles for our youths that they don't have a support system in place. I think that makes the youth more vulnerable. I think, oftentimes, what you see in research is even if there's one adult that a youth can trust in their life, that really does a lot of work in terms of protective factors. And so when you take stuff like that away, I think that just increases vulnerability of youth.

– Service provider

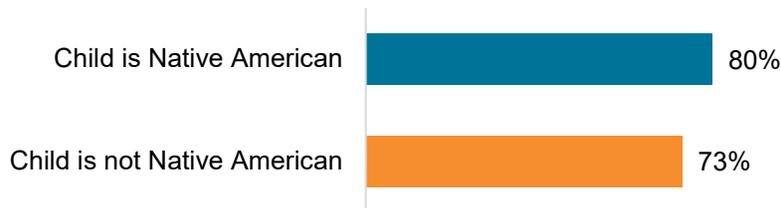
³ Native+ is an inclusive term that includes youth who self-identify as either American Indian or Alaskan Native, or Native Hawaiian and Pacific Islander—either alone, or in addition to other races (Johnston-Goodstar et al., 2023). This definition “honors the sovereignty of Indigenous nations to determine community membership and reflects the racial diversity in community and the shared experiences of Indigenous peoples with colonialism” (Johnston-Goodstar et al., 2023, p. 1).

⁴ LGBTQ+2S stands for Lesbian, Gay, Bi, Trans, Queer and Questioning, and/or 2-Spirit (which is a “culturally and spiritually distinct gender exclusively recognized by Native American Nations” (Johnston-Goodstar et al., 2023)).

DATA INDICATE NATIVE AMERICAN YOUTH MAY RUN AWAY FROM OUT-OF-HOME PLACEMENT AT A DISPROPORTIONATE RATE COMPARED WITH NON-NATIVE YOUTH, PUTTING THEM AT GREATER RISK FOR TRAFFICKING AND SEXUAL EXPLOITATION

NCMEC’s analysis of missing Native American children from 2012-2021 provides a compelling snapshot of data. The picture is incomplete, however, as Tribal nations in non-PL 280 states are not mandated to report missing children to NCMEC due to Tribal sovereignty. Among Tribal police departments, established procedures for reporting to NCMEC varies. From January 2012 to December 2021, NCMEC reported nearly 3,000 cases involving Native American children, which comprised 1% of all cases reported to NCMEC during that time period. Almost all cases (99%) were resolved. Native American children were reported as missing from care at a higher rate than non-Native children (80% in out-of-home placement before missing versus 73%, respectively). See Figure 2.

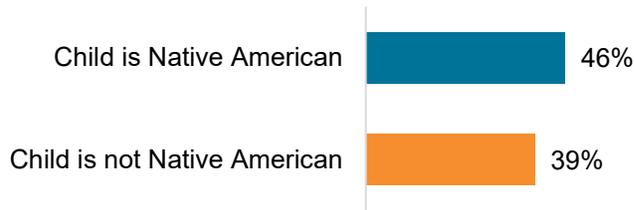
2. Percent of youth missing from care by race/ethnicity



Adapted from *An Analysis of Missing Native American Children 2012–2021* (p. 11), by National Center for Missing & Exploited Children (<https://www.missingkids.org/content/dam/missingkids/pdfs/analysis-of-missing-native-american-children-2012-2021.pdf>). Copyright 2022 by National Center for Missing & Exploited Children. Adapted with permission.

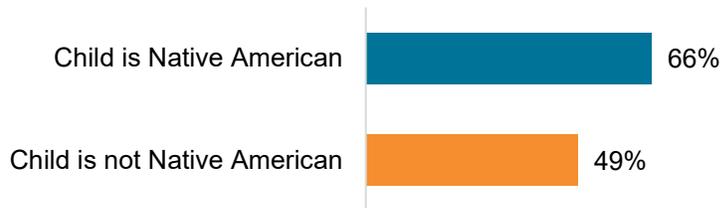
The largest share of missing cases (89%) were considered endangered runaways (defined as a child under age 18 who is “missing on their own accord and whose whereabouts are unknown to their parent or legal guardian” (p. 34)) and 8% were family abductions (NCMEC, 2022). Consistent with a high rate of repeat missing incidents among non-Native children, 65% of Native American children had two or more missing incidents, and children with more than one missing incident had an average of four missing incidents. One child had a total of 68 missing incidents. Despite the incompleteness of the data, what is available reveals that Native American children who are endangered runaways are experiencing drug and alcohol use, diagnosed mental illness, and suicidal behaviors at a higher rate compared with non-Native children who are endangered runaways. For example, 46% of Native children compared to 39% of non-Native children who are endangered runaways and missing from care had a diagnosed mental illness and 66% of Native children compared to 49% of non-Native children who are endangered runaways and missing from care used drugs and alcohol. See Figures 3 and 4 (NCMEC, 2022).

3. Percent of endangered runaway children missing from care with a mental illness by race/ethnicity



NCMEC Data (2012-2021) provided on 8/15/23 and published with permission.

4. Percent of endangered runaway children missing from care who used drugs and alcohol by race/ethnicity



NCMEC Data (2012-2021) provided on 8/15/23 and published with permission.

COORDINATION BETWEEN CHILD WELFARE/PROTECTION, LAW ENFORCEMENT, NCMEC, SAFE HARBOR, AND TRAFFICKING TASK FORCES IS CRITICAL

Multi-disciplinary teams

ICWA mentions multi-disciplinary teams (MDTs), which include professionals from law enforcement, social services, prosecution, public defense, medical and mental health, victim support services, the child advocacy center, and ICWA, and cultural representatives. MDTs are working together across the state to coordinate interventions for children or youth for whom child protection caseworkers are concerned about. For example, Southern St. Louis and Carlton counties have an MDT that is facilitated by the First Witness Child Advocacy Center in Duluth, Minnesota. Safe Harbor meetings also discuss child protection cases.

Child Advocacy Centers and training for service providers

Nine Child Advocacy Center programs (CAC) funded and accredited by the Minnesota Office of Justice Programs exist across the state of Minnesota (Office of Justice Programs, 2023). These sites provide services or referrals for victims/survivors of sexual or physical violence or neglect. CACs must follow program standards for victim service providers related to their services, staff development, community outreach and education, and systems coordination and partnering (Office of Justice Programs, n.d.). First Witness, a

CAC located in Duluth, has a national reputation for their development of trainings in forensic interviewing and advocacy practices (<https://firstwitness.org/training/>).

State-level efforts to find intersections and opportunities for collaboration between child protection, human trafficking, and MMIR

Efforts to collaborate at the intersection of several overlapping topics addressed by state agencies will be beneficial to addressing MMIR in Minnesota. Staff and leadership from various state departments are beginning to work together to understand how a coordinated effort can improve the safety of vulnerable youth and children. Per Minnesota statute 260E, all staff with child protective duties must take approved training on human trafficking and sexual exploitation. Additionally, the Minnesota Department of Human Services (DHS) now has a human trafficking coordinator position that works at the intersection of ICWA/MIFPA and human trafficking. The purpose of this position is to improve the system response to youth who are identified as high risk for trafficking or are already being trafficked. This requires engagement with others at DHS involved in child protection and Safe Harbor, and relevant Minnesota Department of Health staff. These collaborative efforts present a window of opportunity for the MMIR Office to engage with intersecting issues related to MMIR.

The coordination with child welfare and law enforcement and NCMEC and Safe Harbor and trafficking task forces is crucially important. Increased training and better relationships ahead of time between those different partners would help tremendously to respond and locate a child once they do go missing. Sometimes child welfare is trained, but only on their piece and they don't know the role of law enforcement or NCMEC and vice versa. They don't know how to do it or how to do it in a trauma-informed way. – Service provider

Through some of our funding and partnerships, we [Safe Harbor] work a lot with the child welfare response [to sexual exploitation and trafficking of youth] over at the Department of Human Services, and they've identified a staff person who is a point person around Indian Child Welfare Act issues. She is coordinating a lot with the MMIR Office now, too, and then there's some cross coordination going on with the BCA's [Bureau of Criminal Apprehension] human trafficking investigators task force because the child welfare laws do require this communication to be happening with law enforcement. And I think, over the years, there's been a lot of effort to really build that up and have more cross communication there. ... It's starting to close some of the loops there. – Service provider

Communication between agencies regarding criminal histories and orders for protection is often lacking, and Tribal data sovereignty and lack of Tribal participation in state data systems may exacerbate communication challenges.

YOUTH WHO GO MISSING FROM CARE ARE INCONSISTENTLY REPORTED TO LAW ENFORCEMENT AND SCREENED FOR TRAFFICKING

Key informants noted frequent delays in caregivers reporting youth as missing, even though Minnesota statute requires children missing from out-of-home placement to be reported immediately, and no later than 24 hours by the social service agency responsible (Minnesota Statutes § 260C.212.13, 2022). Additionally, a national study identified that 81% of children returning to foster care after running away

in Minnesota were not screened for sex trafficking. When children were screened, the information from the screening did not provide what was needed to accurately identify children as victims of sex trafficking (Murin, 2022). Since a 2018-2019 audit, the statewide documentation system (SSIS) asks whether or not the Runaway Debriefing Form has been completed (yes/no). According to a key informant, there is no accountability mechanism in place; there is no requirement for social service agency staff to scan and attach the form or enter in the information from the form anywhere in SSIS. Currently just a checkbox, case workers would benefit from training on what to do with the information collected via the form. Additionally, if youth are not willing to answer questions on the form within 24 hours of returning, case workers should make future attempts to complete it.

HISTORICAL TRAUMA AND CULTURAL DISLOCATION CONTRIBUTE TO VULNERABILITY, BUT CULTURAL STRENGTH AND RESILIENCY MAY BE PROTECTIVE FACTORS

Key informants drew clear connections between the violence experienced by Indigenous communities today and its relationship to colonization, cultural dislocation, and historical trauma. Colonialism (and compounding practices of forced removal, boarding schools, and resource deprivation) contributed to cultural and community dislocation, including the loss of language, cultural traditions, and healing practices. People were left with a loss of connection, belonging, and relationships.

What I hear most often is the cultural dislocation. The break in generations from boarding school, forced removal, all of those pieces – it creates a void and a rift. Makes it hard to have that communal belonging. Language, being disconnected. Also, all of the tremendous resource drain and lack of access to productive land and forced economic hardships. Trading sex and exploitation is tied to lack of access to all kinds of things, financial, community/belonging. ... All of those historical experiences and then perpetrators slide right into that space of vulnerability.
– Community researcher

One key informant talked about the concept of “blood memory,” and how Native communities are still healing from 800 years of trauma, which has an impact on seven generations into the future. That stress and trauma contributes to emotional, behavioral, and substance abuse problems, which in turn make youth more vulnerable to violence victimization and exploitation. Native communities’ trauma frequently goes undiagnosed due to a lack of mental and behavioral health services, particularly in rural and high-need areas.

This is 800 years of trauma ... and it takes seven generations to heal from that. And none of us, including myself, will ever be healed. I'll be long in the spirit world because termination or extermination, I'm fourth generation. From the treaties, fourth generation. From boarding schools, first generation and third generation from boarding schools. ... I hear elders talk about us is that our young people don't understand blood memory. When they are acting out or dealing with these behaviors, they don't understand where it's coming from. They don't understand it has been genetically given to your generations and from all your family members. And we call that blood memory and they don't realize that is the cause of this behavior. And they don't understand it because maybe they didn't talk about it. They're just trying to live life and they're floundering and don't understand that they've got all this blood memory flowing through their genetics like I do.
– Family member with lived experience

Key informants emphasized the importance of creating spaces and opportunities for Native children, youth, and families to experience and learn about their culture. Through reclaiming cultural connectedness, communities may begin to heal from historical trauma and gain sources of strength and resiliency that prevent violence victimization. Youth involvement in building community through participation in youth advisory boards or councils was also suggested as a protective factor against violence.

Critical to this is that youth and their cultural roles be celebrated and recognized explicitly as valuable. Modern expressions of traditional roles for young people can begin rooting youth in their cultural value to their community early.
– Community advocate

We need to have that cultural resilience built back into our lives and to have pride in who we are as Indigenous people. It is just so important. ... We need to be connected to these cultural teachings and cultural healings. ... Also, there are just piles and piles of research out there on how specifically cultural connectedness for Indigenous youth is not just human trafficking prevention, but also suicide prevention, teen dating violence prevention, teen pregnancy prevention, substance use prevention. All of that is connected to cultural strength.
– Service provider

CYCLES OF VIOLENCE, WHICH OVERLAP AND PERPETUATE ONE ANOTHER, NEED TO BE DISRUPTED

Key informants described how different forms of violence victimization—domestic violence, sexual assault, and human trafficking—frequently lead into one another, or are all happening at the same time. Key informants also noted how these types of violence will escalate and contribute or lead to victims later going missing, or being murdered. One key informant emphasized the importance of the criminal justice system re-examining and bolstering criminal penalties for cases of domestic violence, sexual assault, and sexual solicitation, as a means of preventing further violence.

Native people are targeted in these ways and are disproportionately abused. But, for people who don't care about Native people or who are just like, "Oh that's sad, too bad," these perpetrators go out into other communities, too, and harm other people. Good preventive method is to put these rapists in jail and not let them out. That's a good prevention method right there. ... Put them away in jail because they will just continue to rape others and murder.
– Community researcher

Recommendations

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>1. Advocate that the Minnesota Legislature mandate the inclusion of evidence-based, comprehensive social-emotional and healthy relationship content and skills-building in public schools' sexual health education curricula, including using evidence-based information to inform how abstinence is addressed.</p> <p>a. Consider if and how to include culturally-based healthy relationship and skill-building specifically for American Indian students to address disparities in social-emotional skills and their higher risk of exploitation.</p>	MMIR Office	Long-term over 3 years	Secondary	15
<p>2. Support and implement trafficking public awareness campaigns and programming.</p>	MMIR Office	Long-term over 3 years	Secondary	17
<p>3. Provide training about trafficking/narcotics awareness for hotel and casino workers and those in extractive industries that are setting up “man camps” on or near reservations.</p> <p>a. To the extent that the Tribes are open to this kind of assistance, work with Tribal law enforcement (and the MN TRUST Task Force) to increase their access to sex trafficking and response training, especially training that is specific to powwows and other community events.</p>	MMIR Office, Safe Harbor	Mid-term 2-3 years	Primary	18
<p>4. Conduct an inventory of existing community education and prevention programs and resources, encouraging collaboration and sharing of information and resources.</p>	MMIR Office	Short-term 1-2 years	Secondary	17, 18
<p>5. Advocate that the Minnesota Legislature mandate that law enforcement conduct lethality assessments when responding to domestic violence calls. Assess the extent that lethality assessments are being used at domestic violence calls and advocate that risk factors for MMIR are considered.</p> <p>a. Identify risk assessment tools for law enforcement.</p>	MMIR Office with law enforcement agencies	Mid-term 2-3 years	Secondary	11

Strategies for MMIR Office to lead	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>6. Advocate for an increase in allocation of federal and state funding for violence prevention, emergency support, and victim services that are non-competitive and earmarked for Tribes and for urban American Indian community members living off of reservations and for increased funding to support coordination and collaboration between law enforcement, advocates, behavioral health providers, mental health providers, and cultural healing practitioners.</p>	MMIR Office	Long-term over 3 years	Primary	17
<p>7. Identify and promote education (e.g., from NCMEC) for youth on online safety, so they can recognize and know how to respond to possible grooming and signs of exploitation.</p> <p>a. Offer primary, secondary, and tertiary prevention efforts for youth such as treatment services that include information about grooming and sexual exploitation for American Indian and sexually exploited youth.</p> <p>b. Offer group class or therapy for American Indian youth in foster care to increase knowledge and skills to recognize signs of grooming and sexual exploitation.</p>	MMIR Office, Safe Harbor, American Indian Human Trafficking Child Welfare Liaison	Mid-term 2-3 years	Primary	17
<p>8. Advocate that the Minnesota Legislature increase access to American Indian cultural resources and land, especially for urban families with limited access to activities on reservations, including culturally-specific land- and language-based activities.</p>	MMIR Office	Long-term over 3 years	Primary	17, 20

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
<p>1. Continue and increase collaboration to address the intersection of child protection, human trafficking, and the MMIR injustice. Increase understanding of why American Indian youth are running away from out-of-home placements and address issues upstream, including why so many Native American children end up in out-of-home placements and why so many of these children run away from their placements.</p> <p>a. Consider strategies to increase the availability of culturally appropriate, safe out-of-home placement options for Native American youth, especially those who have run away from care in the past.</p> <p>b. Support Tribal sovereignty to determine appropriate child welfare services</p> <p>c. Provide human trafficking training for fire, EMS, and other emergency first responders so they are able to recognize signs and ask screener questions to identify survivors (including, as appropriate, integration with Minnesota’s Safe Harbor services).</p>	<p>DHS, MDH, Safe Harbor, counties, Ombudsperson for American Indian Families, American Indian Human Trafficking Child Welfare Liaison, MMIR Office, MN TRUST Task Force</p> <p>DPS</p>	<p>Long-term over 3 years</p>	<p>Primary</p>	<p>14</p>
<p>2. Learn more about and support effective strategies to protect people who are most at risk of becoming MMIR, including harm reduction and strategies for serving unhoused individuals and encampments.</p>	<p>DHS, MDH, Minnesota Housing, county and city governments</p>	<p>Long-term over 3 years</p>	<p>Primary</p>	<p>3, 17</p>
<p>3. Review criminal penalties for domestic violence, solicitation, etc. and consider increasing criminal penalties.</p>	<p>BCA</p>	<p>Mid-term 2-3 years</p>	<p>Secondary</p>	<p>17</p>
<p>4. Ensure Tribal law enforcement from Bois Forte and Red Lake have access to and are encouraged to report in to the BCA’s data system about orders for protection.</p>	<p>BCA, Tribal law enforcement</p>	<p>Short-term 1-2 years</p>	<p>Primary</p>	<p>6</p>

Media reporting

Best and emerging practices

ENSURE COVERAGE BY MAINSTREAM MEDIA

Mainstream media decide which stories are newsworthy (Hawes et al., 2022; Jeanis et al., 2021; Stewart, 2022). However, decisions about which cases to cover may be informed by journalists' and editors' personal biases and prejudices (Connell & MartinRogers, 2021; Hawes et al., 2022; Jeanis et al., 2021; Stewart, 2022). Missing White women and girls are disproportionately likely to receive media attention and coverage than missing Indigenous and other non-White individuals (Hawes et al., 2022). Stories that get a lot of media coverage put pressure on police, which can increase resources allocated to the case and may impact the success of the investigation (Hawes et al., 2022; Stewart, 2022).

Media journalists and editors should reflect on their personal biases when deciding whether to cover a missing person case (Connell & MartinRogers, 2021). Additionally, mainstream media should recruit and hire Indigenous staff throughout the industry to help ensure that Indigenous communities' stories are shared and given the attention they deserve (National Indigenous Women's Resource Center, 2022b; Stewart, 2022).

UTILIZE A SURVIVOR-CENTERED APPROACH

It is so important that our women and girls are humanized in the media because traditionally our women and girls have been portrayed as prostitutes, as drunks, and as runaways and trash and not valuable, and that perpetuates the violence towards our women because the media plays such a huge role in societal perceptions. – Brandi Morin (French/Cree/Iroquois), National Indigenous Women's Resource Center, 2022b, p. 2

Past media coverage of missing and murdered Indigenous relatives has been problematic, victim-blaming, and grounded in racist and discriminatory stereotypes (Connell & MartinRogers, 2021; Hawes et al., 2022; National Indigenous Women's Resource Center, 2022b). The National Indigenous Women's Resource Center (2022b) encourages journalists to instead adopt a survivor-centered approach that: centers survivors' needs and interests, respects survivors' privacy and dignity, focuses on survivors' empowerment and "quest for justice," prevents re-traumatization, and focuses on addressing larger patterns of gender-based violence.

CREATE A POSITIVE CHARACTER PROFILE OF THE VICTIM

Whether intentionally or not, journalists tend to frame victims in either a positive or negative light (also known as a "sympathy" or "scrutiny" frame, respectively; Connell & MartinRogers, 2021; Grant et al.,

2021). When stories are told using a scrutiny frame, the public is more likely to blame the victim for their circumstances; in contrast, sympathy frames encourage readers to empathize with the victim (Foreman et al., 2016; Jeanis et al., 2021).

Often when victims are reported in a scrutiny frame, their past histories like drug or alcohol use, criminal history, child protection cases, gambling, sex work, mental illness, domestic violence, or other negative character descriptions are mentioned (Connell & MartinRogers, 2021). These pieces of information are often not relevant to the case and are not necessary for the journalist to include in the story (Connell & MartinRogers, 2021; Grant et al., 2021; Stewart, 2022). Media coverage of Indigenous victims is more likely to contain negative character framing, and less likely to contain positive character framing, compared to reporting on victims of other racial groups (Connell & MartinRogers, 2021; Grant et al., 2021). For example, in a content analysis of media coverage of missing and murdered women, Connell & MartinRogers (2021) found that drug and alcohol use was more frequently mentioned in articles about Indigenous victims (1 out of 3) compared to articles about non-Indigenous victims (1 out of 5).

The Wyoming Missing and Murdered Indigenous People Statewide Report notes that media coverage of Indigenous homicide victims' stories frequently contains more violent language and graphic details (77%) compared to media coverage of White homicide victims (27%; Grant et al., 2021). Some articles about Indigenous victims described the victim as "a body," rather than a person (e.g., "They left the body in a ditch"; 14%); no articles about White victims used this language.

REPORT VICTIMS' RACE AND TRIBAL AFFILIATION

Most commonly, media coverage of Indigenous victims does not mention their race or Tribal affiliation (Connell & MartinRogers, 2021). Including Indigenous victims' Tribal affiliation is a sign of respect and may help support Tribal nations and communities' efforts to understand the scope and nature of the MMIR injustice.

PROVIDE CONTEXTUAL INFORMATION

Journalists choose whether or not to place individual crimes within larger context ... issues are presented as individual, disconnected incidents ... [or] as part of larger trends (Connell & MartinRogers, 2021, p. 14).

In their reporting, journalists should place individual cases within the context of the larger MMIR injustice (Connell & MartinRogers, 2021). Journalists can achieve this by including information about disproportionate rates of violence faced by Indigenous women and relatives and the root causes of that violence; systemic challenges and barriers to justice for MMIR cases (e.g., jurisdictional issues, lack of resources, biased state systems); and policies, state and federal efforts, and community responses intended to address the MMIR injustice (Connell & MartinRogers, 2021; National Indigenous Women's Resource

Center, 2022b). By placing each case within this larger context, journalists contribute to public awareness about the MMIR injustice, and readers are less likely to place blame on the victim (Connell & MartinRogers, 2021). Similarly, when the media is reporting on an issue such as the MMIR injustice or any other issue that disproportionately impacts Indigenous communities, they should ensure that they are reflecting the strengths and resilience of the community rather than just its struggles or deficits (avoid “trauma/poverty porn”).

UTILIZE SOCIAL MEDIA

Social media can quickly, efficiently, and cost-effectively disseminate information, reaching a larger number of people than other forms of media. Social media platforms have changed the landscape of searching for missing persons, and the significant reach of tools like Facebook, Twitter, and Instagram make them “the ideal place to generate leads for law enforcement” (Lauth, 2020, p. 3). Some note that social media is becoming the “milk carton campaign” of the time (Jeanis et al., 2021; Jeanis et al., 2022; Solymosi et al., 2021).

It is important to note that no published, peer-reviewed studies have “examined the relationship between social media exposure and recovery status of the missing victim” (Jeanis et al., 2022, p. 4). In addition, Jeanis et al. note that “previous research suggests that racial/class and gender biases shape police investigations, judicial processes, and awareness/exposure of cases. ... Thus, these biases not only affect how traditional media covers cases, in this case missing persons, but also how social media coverage of these cases is affected even after being financially backed” (2022, p. 4).

This leaves many gaps in confidently identifying best practices for using social media when it comes to reporting on missing/murdered individuals, especially missing and murdered people of color. Therefore, the following suggestions come from the limited research that has looked at social media in the general realm of missing person cases.

- ▶ Use a variety of platforms like Facebook, Twitter, Instagram, TikTok, and YouTube (Jeanis et. al., 2022)
- ▶ Use high quality photos (Jeanis et. al., 2022; Lauth, 2020; Solymosi et al., 2021). Avoid using mug shots, something prevalent when reporting on MMIR cases, whenever possible (MartinRogers & Pendleton, 2020).
- ▶ Apply hashtags (Lauth, 2020; Solymosi et al., 2021)
- ▶ Utilize the boost/advertise feature. Jeanis et al. found that a 2021 study conducted by Ferguson and Soave that “boosted posts received significantly more engagement at all levels (clicks, likes/reactions, shares, and unique users reached)” (2022, p. 10).
- ▶ Work with the police department to disseminate information on their social media platforms (Lauth, 2020; Solymosi et al., 2021)

Please refer to the Guidelines for Journalists Reporting on Missing Indigenous People’s report created by the New Brunswick Aboriginal Peoples Council (New Brunswick Aboriginal Peoples Council; 2021) to guide reporters and editors' questions.

Current issues in Minnesota

THERE HAS HISTORICALLY BEEN INSUFFICIENT MEDIA COVERAGE OF MMIR CASES, BUT THINGS MAY BE CHANGING

Key informants observed that cases of missing and murdered Indigenous relatives have historically received less attention from the media and public than cases of White children and adults. One law enforcement key informant commented that they feel unable to control or change this dynamic—as they provide the same media outlets with the same information about each case. However, some key informants reflected that MMIR cases have received increased media attention over the past couple of years, potentially attributed to increased awareness of the issue due to persistent community activism. One key informant suggested that the MMIR Office should have a role in amplifying MMIR cases in the media.

Kids who are Native might not get as much social media attention if we post a missing child. For the last few years it has been more balanced, but a few years ago the White kids got way more comments, likes, shares, and traction. The last two years it has been evening out, which is good. – Community advocate

Another key informant emphasized that media reporting of MMIR cases should avoid dramatization of the crime (which can be dehumanizing for the survivor and their family), and discourage the public from taking vigilante investigative action (e.g., contacting witnesses, going to the crime scene) which could adversely impact the official law enforcement investigation.

SOCIAL MEDIA HAVE BEEN USED EFFECTIVELY TO SPREAD AWARENESS OF MISSING PERSONS, THOUGH IT REQUIRES CAUTION

Some law enforcement agencies in Minnesota have seen success in sharing information about missing persons on social media, as an alternative or complement to other communication and alert systems. In particular, one local law enforcement agency in Minnesota (Bemidji Police Department) recently began posting cases of missing youth on their agency’s Facebook page. This approach has involved navigating some challenges. For example, the agency worked with their county attorney to ensure the legality of posting minors’ photos and personal information. Additionally, the change in practice gave some community members the impression that more youth were going missing overall when there wasn’t necessarily an uptick in the rates of missing youth, but there was an increase in public awareness. However, one advocate key informant commended this law enforcement agency for being proactive and responsive in their response to missing youth, which they believe will be more effective in locating and resolving their cases.

Additionally, key informants noted some challenges specific to when family members utilize social media to share information about their missing loved one with the community. Sometimes family members will share personal identifying information (for example, date of birth) which may increase the risk of identity theft, or they share their personal phone number, which may make them vulnerable to harassment or inappropriate contacts from members of the public. Instead, family members should coordinate with local, Tribal, or state law enforcement to provide a law enforcement phone number that people can contact if they have information about the case.

Recommendations

Recommendations beyond MMIR Office	Who is involved	Timeline	Priority	Related mandate from Task Force report
1. Follow best practice guidance on media coverage of MMIR cases. See the Appendix for best practice guidelines.	Media and governmental organizations	Long-term over 3 years	Secondary	3

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Appendix

Frameworks for protocol development

Detailed guidance in the following sections are based on best and emerging practices in the literature (indicated by citation) and expert input. Similar to the City of Saint Paul’s Blueprint for Safety for domestic violence, the information outlined in this section could be used to develop a similar manual for training purposes and use by MMIR responders using a Coordinated Community Response model.⁵ Many of the practices in this Appendix are not specific to MMIR cases; however, these best practices may be less likely to be followed when the victim is Indigenous.

Note: Communication with families and community engagement are both critical steps to ensuring that any protocol development targeting MMIR is comprehensive.

EMERGENT MISSING PERSON CASES

General investigative principles that should be appropriately applied in all missing persons cases include:

- ▶ **Assume that the missing person needs assistance** until the evidence indicates otherwise—rather than waiting for evidence that their disappearance was suspicious or involuntary before acting (Moran, 2021).
- ▶ **Accept missing person reports and initiate an investigation without delay**, without requiring a specific amount of time to have passed (Moran, 2021).
- ▶ **Create an effective command structure** and determine which law enforcement entity is the lead agency (Weyand & McPherson, 2021).
- ▶ **Conduct a preliminary investigation immediately** to collect vital information and determine whether the missing person is “high risk,” and launch an appropriate search and investigation (Moran, 2021; Weyand & McPherson, 2021). “High risk” missing persons are those whose whereabouts are “not known and whose circumstances indicate that the person may be at risk of injury and death” (Moran, 2021, p. 138).
 - High-risk circumstances can include evidence of abduction; under suspicious, unknown, or known dangerous circumstances; being missing for more than 30 days; needing medical attention (including having dementia, behavioral health issues, or needing prescription medication); mental, developmental or intellectual disability; under the age of 21; having received past threats or been

⁵ A model developed to link the city’s criminal justice agencies together to respond to and address domestic violence through interventions based in six foundational principles. The purpose of the model is to “maximize safety for victims of domestic violence and hold offenders accountable while offering them opportunities to change” (City of Saint Paul, 2021)

the victim of acts of violence; suicidality; substance use disorder; or any other factor that, from the perspective of law enforcement, suggests the missing person may be at risk.

- Although in some cases having a history of running away or leaving without giving notice could be a reason that law enforcement might deem a person to NOT be at high risk, there are also circumstances, such as if the running away or leaving without notice is associated with being trafficked or substance use disorder, when the person should still be considered at high risk even if they have a history or pattern of leaving.
- ▶ **Collect and document information** (if applicable and available) that describes the missing person's physical appearance, last known location, vehicle, clothing, and known medical problems and medication (National Indigenous Women's Resource Center, 2020). Law enforcement should also verify and document contextual information, such as the missing person is not in a local hospital or jail; the name of the law enforcement dispatcher who received the report; the missing person's information was entered into the appropriate local, state, and NCIC database; and any assistance from other law enforcement departments or specialized units.
- ▶ For missing children or youth under age 18, law enforcement or any individual responsible for the child should contact **NCMEC (National Center for Missing and Exploited Children)**, **schools** and vital records agencies (Moran, 2021), and youth homeless shelters.
- ▶ Obtain information from the missing person's **phone, computer, and social media accounts** as soon as possible (Moran, 2021).
- ▶ **Quickly communicate** information about missing children and other high-risk missing persons with law enforcement and other relevant agencies through radio and computer systems (Moran, 2021).
- ▶ **Create a public alerts policy** for utilizing media outlets' aid in locating high-risk missing persons (Moran, 2021; Weyand & McPherson, 2021).
- ▶ **Collect evidence** (including fingerprints, dental, and DNA) and documenting data in appropriate databases (Moran, 2021).
- ▶ **Utilize NamUs' (National Missing and Unidentified Persons System) investigative support, training, and forensic services**, which are provided at no cost to law enforcement, medical examiners, coroners, forensic professionals, and family members of missing persons (Moran, 2021). NCMEC also offers these types of support services.
- ▶ **Expand the missing person investigation** to incorporate outside agencies and other community-based resources, as appropriate (Weyand & McPherson, 2021). For example, if an elder goes missing, someone from the elder care facility may need to be involved with the investigative team.

- ▶ **Frequently and consistently communicate** with the individual who made the missing person report or person responsible for the missing person's welfare, particularly within the first 30 days of the initial investigation, and every 30 days after to obtain new or updated information (Moran, 2021).
- ▶ Introduce **culturally appropriate, victim-centered, and trauma-informed victim services** to support family members and law enforcement's investigation (Weyand & McPherson, 2021).
- ▶ Transition unresolved cases to **long-term missing person investigations**, as appropriate, including determining staffing, allocated resources, communication strategies with the family and community, and preservation of evidence. For MMIR cases, the BIA should be consulted in this process as they have regional cold case teams and can consider unresolved cases for BIA Cold Case Team review and possible assistance (Weyand & McPherson, 2021).
- ▶ **Only close a missing person case** when the individual has **returned or been located** (Moran, 2021). While a case should only be closed upon return/recovery/locating the person, this also means that the case needs to be a) actively worked on when there are leads/evidence to follow up on, or b) reviewed periodically until the case is closed. In particular, do not close a missing person case due to some other type of case being opened involving the missing person. For example, if there is a warrant and the person is also considered a fugitive, the missing person case should not be closed. They might be a fugitive, but they might also be in danger.

COLD CASE UNIT OR TEAM

Law enforcement agencies may work to establish an effective cold case unit or team by:

- ▶ **Systematically gathering and organizing data** on existing unresolved cases, including homicides, missing persons, unidentified persons, sexual assaults, and other violent crimes to better understand the scope of the issue (Adcock, 2021; Barcus et al., 2019; Moran, 2021)
- ▶ **Committing agency time and resources** for the duration of unresolved investigations, including minimizing administrative burden on investigators so they have adequate time to dedicate to cases (Adcock, 2021; Barcus et al., 2019; Moran, 2021)
- ▶ **Dedicating staff** with sufficient time to focus on unresolved cases (Adcock, 2021; Barcus et al., 2019; Moran, 2021)
- ▶ Assembling a team with the right mix of **varied skills** and **experience** and who are able to make a **long-term commitment** (Adcock, 2021; Barcus et al., 2019; Moran, 2021)
- ▶ **Tailoring the unit to their agency's size or need**, as large agencies may need and be able to resource permanent full-time cold case units, while smaller agencies may choose to incorporate cold case teams within other investigative units (Moran, 2021)

DEATH INVESTIGATION

A summary of guidelines and protocols for conducting death investigations from the U.S. Department of Justice:

Coordinate with other responding officials and agencies

When first arriving at the scene of a death, investigators should introduce themselves and explain their role to other law enforcement, fire, EMS, and social service professionals present at the scene (Holder, 2011). Investigators should participate in a scene briefing with other participating agencies to share preliminary information and establish goals, roles, and responsibilities in the investigation. This includes establishing the scene location, whether the death is being considered as suspicious, and confirming that initial witness statements about the incident have been collected.

After the scene investigation is complete, as described below, the investigator and all other responding agencies should participate in a scene debriefing to allocate remaining responsibilities, share pertinent information, and identify the need to involve other specialists (such as the pathologist for an autopsy, as needed).

Perform a preliminary assessment of the death scene

Before entering a scene, investigators should address environmental and physical risks that could compromise scene safety and contribute to further injury or mortality, including hostile individuals, environmental or physical threats, or biohazards (Holder, 2011).

Additionally, investigators should note that the deceased person may have died in a different location from where they were found (Holder, 2011). And, though uncommon, it is important to consider that the decedent or the crime scene may have been staged/posed. Investigators should locate and determine any additional locations where injury contributing to the death may have occurred to help establish the cause, manner, and circumstances of the death. A key informant noted that scene security (ensuring nothing is removed or added) and obtaining a warrant to process the scene is paramount to allow proper evidence discovery and processing.

Establish photographic and descriptive documentation of the scene

Investigators should take detailed photographs and video of the scene of the death to serve as a future reference point (Holder, 2011). Photographs and video should be taken before the deceased person, or any evidence, is removed from the scene or disturbed in any way. Photographs and video should be taken of the overall scene (to put it in the context of the surrounding area) and more detailed views of specific areas or pieces of evidence within the scene. A 360 degree camera is advisable if it is within the law

enforcement agency's budget. Investigators should also document (via diagram or written narrative) the scene, describing the characteristics and location of the evidence and the scene environment (e.g., temperature, scents, light). If the scene has been disturbed, or conditions have changed before the scene has been documented, those changes should be included in the report.

Identify, document, and preserve evidence

Investigators should identify the first official who responded to the scene (the “first responder”) and determine whether the integrity of the scene has been altered or contaminated (Holder, 2011). Investigators should perform a scene “walk through” to identify evidence; document, photograph, and collect fragile evidence immediately; locate and view the deceased person; and determine strategies for reducing scene disturbance (e.g., path of entry and exit, scene boundaries) to prevent loss of evidence. It is important to establish and maintain a chain of custody for evidence, including securing and preserving evidence; documenting the location, time, and person who collected the evidence; and developing lists of personnel and witnesses present at the scene. Evidence may also include cellphone and smart device data, CCTV/Ring camera video, social media data, router data, etc. When collecting evidence, investigators must follow all relevant laws to ensure that the evidence collected is admissible in court (e.g., laws related to search warrants, medical examiner/coroner statutes and procedures).

Along with evidence, investigators should also identify the deceased person's valuables and property at the scene. Personal property and valuables should be properly collected, documented, and securely stored so they may be returned to the next of kin as required by law.

Interview witnesses

Investigators should interview witnesses present at the scene of the death (Holder, 2011) and individuals who were present just before the time of death. They should document names and other identifying information, whether the witness has a relationship to the deceased person, and the circumstances of how they discovered the death. Investigators should also take note of inconsistencies in witness statements (e.g., compared to what was shared in the scene briefing) and follow up to clarify and verify statements.

Examine and document the condition of the deceased person's body

Investigators should take detailed photographs of the deceased person's location, appearance, and condition—both as the deceased person was originally found and the underlying surface after the deceased person has been removed (Holder, 2011). Investigators should conduct a preliminary external examination of the deceased person and document physical characteristics (including scars and tattoos), clothing and other personal effects (including whether they are present or absent), and any visible injury or trauma. Evidence

that is present on the body (including blood or other body fluids, hair, or fibers) should be thoroughly photographed, documented, collected, and stored before removal and transportation of the deceased person.

Additionally, investigators should identify and document all post-mortem changes they observe—including skin discoloration (livor), the degree of stiffening of the joints and muscles (rigor mortis), stage of decomposition, any insect or animal activity, and both the scene and body temperature.

Once the examination is complete, investigators should supervise the preparation and removal of the remains to ensure that the deceased person's body and associated evidence is protected and preserved, that the deceased person is properly identified using an identification tag, and an appropriate chain of custody is followed. Investigators should maintain jurisdiction over the deceased person's body throughout the process of transportation to a medical or autopsy facility to protect chain of custody, determine who is responsible for completing the death certificate, and release the body to an authorized entity (e.g., funeral director, medical examiner, or coroner).

Identify the deceased person, notify next of kin, and assist the family

Investigators should work to establish the deceased person's identity via photographic identification (if possible given their condition), forensic methods (e.g., fingerprints, dental records, DNA comparisons), and other circumstantial evidence such as physical characteristics, tattoos, and the circumstances surrounding the death (Holder, 2011). Investigators should identify, locate, and notify the deceased person's next of kin in a timely matter, and the notification should take place in person barring inexorable circumstances. When possible, an advocate or victim services provider should be present for the notification or made available immediately afterwards.

Investigators should or work with a victim service coordinator or social worker to provide the deceased person's family with information about next steps (including whether an autopsy is required and the timeline for releasing the deceased person's body), available community support resources (including victim services, social services, and death scene clean-up), and who they can contact with questions.

Develop and document a profile of the deceased person

Investigators should create a comprehensive profile of the deceased person, with information about the discovery of their body; the circumstances around their death; and their medical, mental health, and social history (Holder, 2011).

Investigators should document information about the discovery of the deceased person, including who, when, where, and how the discovery was made (Holder, 2011). Investigators should also document known circumstances and conditions leading up to the death (including when the person was last known to be alive, notable incidents, physical complaints or symptoms, and emergency medical services records).

Investigators should obtain and document the deceased person's **medical history** (including prescription medications, alcohol or drug use, and family medical history), **mental health history** (including behavioral issues, hospitalizations, medications, and history of suicidal ideation or attempts on their life), and **social history** (such as information about their marital, family, and friendship relationships; employment, education, and financial history; daily routines and activities; internet activity; religious and cultural information, including religious objection to autopsy; and criminal history). This information helps to inform determination of the cause, manner, and circumstances of the death and whether further post-mortem examination and testing is necessary.

HOMICIDE INVESTIGATION

In the first 48 hours of a homicide, the following investigative techniques should be performed:

- ▶ “If the suspect has not been apprehended or killed at the scene, collect as much information as possible about the suspect’s identity and behavior because of the likelihood that the suspect is still in a reasonable proximity and is moving away from the scene.
- ▶ Identify and take statements from witnesses before they leave the area and cannot be located. Also, document photo identification and/or take a photo of witnesses in cases when they cannot produce photo ID. When statements are taken as soon as practicable at the crime scene, memories are more accurate and witnesses are less likely to have the opportunity to compare observations/stories.
- ▶ Identify and collect critical evidence, without compromising it, for later analysis before the evidence is contaminated or lost. This could include law enforcement activating any dashboard cameras or body-worn cameras upon entering the scene.
- ▶ Understand the motive and manner of death to provide direction for the investigation and interviews of suspects and witnesses. Manner at motive can change throughout the course of the investigation, but investigators have to act on the information available at the present time. It should be noted that investigators can proceed in many directions in relation to motives and manner. Experience has shown that by exhausting all leads, the investigator usually has a clear understanding of the motive and manner of death” (Carter, 2013, pp. 11-12).

Recommendations for law enforcement professionals in leadership roles to improve homicide investigation outcomes:

1. “Invest in your relationships with your homicide unit
2. Have a system in place for standardized and structured management of investigations
3. Mandate information sharing
4. Support investigations with appropriate resources

5. Assess your current response to victims/survivors
6. Build up/reinforce your partnerships
7. Build community cachet and give them options
8. Manage political and public expectations of homicide investigations
9. Know your numbers
10. Measure closure and beyond” (International Association of Chiefs of Police, 2013, p. 5)

KEY RESOURCES TO FURTHER REFERENCE FOR PROTOCOL DEVELOPMENT

Missing person investigation

Minnesota Department of Human Services. (2020). *Best practice for responding to youth who run away from foster care: A guide for county and Tribal child welfare agencies.*

<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-8015-ENG> (link will not work with Chrome browser, copy and paste the link to use Chrome)

Moran, J. P. (2021). Living in a cruel limbo: A guide to investigating cold missing person cases. *Department of Justice Journal of Federal Law and Practice*, 69(2), 131-148.

<https://www.justice.gov/media/1134026/dl?inline>

National Center for Missing & Exploited Children. (2020). *Investigative checklist for first responders.*

<https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc88.pdf>

National Center for Missing & Exploited Children. (2021). *Law enforcement policy and procedures for reports of missing and abducted children.*

<https://www.missingkids.org/content/dam/missingkids/pdfs/NCMEC-LE-Model-Policy.pdf>

National Indigenous Women’s Resource Center. (2020). *When a loved one goes missing – understanding and responding to the crisis of missing and murdered Indigenous women.*

<https://www.niwrc.org/resources/pocket-guide/when-loved-one-goes-missing-understanding-and-responding-crisis-missing-and>

Weyand, E. H., & McPherson, L. (2021). Enhancing law enforcement response to missing person cases in Tribal communities. *Department of Justice Journal of Federal Law and Practice*, 69(1), 137-

148. <https://www.justice.gov/media/1120261/dl?inline>

Tribal Community Response Plans and guidance

Bay Mills Indian Community [Gnoozhekaaning]. (2022). *Tribal community response plan missing or murdered individuals*.

https://www.baymills.org/files/ugd/869f65_5240245e70114abcb19705d889977a3b.pdf

George, B. K., Elm, J., & Benally, N. (2022). *To' Kee Shuy' Soo Ney-wo-chek' I will see you again in a good way year 3 progress report*. Missing & Murdered Indigenous Women, Girls & Two Spirit People of Northern California.

https://www.yuroktribe.org/files/ugd/23c897_f7c9d40dadf74f2b976954111d751e7a.pdf

U.S. Department of Justice. (2022a). *Guide to developing a Tribal community response plan for missing person cases*. <https://www.justice.gov/tribal/page/file/1561361/download>

Communication and alert systems

Harp, C. (2019a). *AMBER Alert best practices*. U.S. Department of Justice.

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252759.pdf>

Cold case investigation

Adcock, J. (2021). Addressing the crisis of missing or murdered Indigenous persons: A path forward utilizing a structured cold case investigation protocol. *Department of Justice Journal of Federal Law and Practice*, 69(1), 103-128. <https://www.justice.gov/media/1120261/dl?inline>

Barcus, H., Heurich, C., Ritter, N., Schwarting, D. E., & Walton, R. (2019). *National best practices for implementing and sustaining a cold case investigation unit*. U.S. Department of Justice.

<https://www.ojp.gov/pdffiles1/nij/252016.pdf>

Budowle, B., Lindsey, J., & Spamer, B. J. (2022). *Unresolved cases: A review of protocols and resources for supporting investigations involving American Indians and Alaska Natives*. U.S. Department of Justice, Office of Community Oriented Policing Services.

<https://cops.usdoj.gov/ric/Publications/cops-p456-pub.pdf> (link will not work with Chrome browser, copy and paste the link to use Chrome)

Homicide investigation

Carter, D. L. (2013). *Homicide process mapping: Best practices for increasing homicide clearances*. U.S. Department of Justice.

<https://vrnclearinghousefiles.blob.core.windows.net/documents/Homicide%20Process%20Mapping%20-%20Best%20Practices%20for%20Increasing%20Homicide%20Clearances.pdf>

Holder, E. H., Robinson, L. O., & Lauc, J. H. (2011). *Death investigation: A guide for the scene investigator*. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/234457.pdf>

International Association of Chiefs of Police. (2013). *10 things law enforcement executives can do to positively impact homicide investigation outcomes*. U.S. Department of Justice. <https://vrnclearinghousefiles.blob.core.windows.net/documents/10%20Things%20Law%20Enforcement%20Executives%20Can%20Do%20to%20Positively%20Impact%20Homicide%20Investigation%20Outcomes.pdf>

Victim and family services

International Association of Chiefs of Police. (2020). *Successful trauma informed victim interviewing*. <https://www.theiacp.org/resources/document/successful-trauma-informed-victim-interviewing>

Minnesota Department of Human Services. (2022). *Best practice response to human trafficking and sexual exploitation of children and youth: A guide for county and Tribal child welfare agencies*. [https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-8015-ENG_\(link will not work with Chrome browser, copy and paste the link to use Chrome\)](https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-8015-ENG_(link%20will%20not%20work%20with%20Chrome%20browser,%20copy%20and%20paste%20the%20link%20to%20use%20Chrome))

Prevention

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SPECIFIC POST BOARD RECOMMENDATIONS

1. Update the Minnesota POST Board’s Professional Peace Officer Education Learning Objectives Category 2, Part 1, Section 5.7 (Legal Studies Minnesota Criminal Code and Statutes) from “officer responsibilities regarding children” to “officer responsibilities regarding missing children (including runaways), youth, and adults.” Update Category 3, Section 14 (Responding to and Investigating Certain Types of Calls) in the learning objectives to include “human trafficking” and update M (Missing Persons) to include language about “youth.”
2. Modify the POST Board’s Missing Persons Policy Template in the following ways:
 - Obtain cellphone number(s) from the missing person (and suspects) in the initial response.
 - Add emergency phone subpoenas to phone providers for the victim’s (and suspects’) phone.

- Add exigency request instruction for accessing cellphone tracking data per Minnesota state statute (Minnesota Statutes § 237.83, 2022).
 - Add geo-fence warrants, in coordination with Tribes, at any potential last known time and location points or crime scenes to identify any devices that were in that geographic area during that time.
 - Add a bullet in the Investigation section for identifying and securing all home/business/public surveillance and video from the area of last known location and crime scenes.
 - Move cellphones up in priority in the bullet list of investigation steps, and move compiling a list of sex offenders down in priority. Add compiling predatory offender and writs of exclusion lists as well (may need to acquire from Tribes).
 - Re-order the Prolonged Investigation section: move family contact bullet to top, remove the “profile of the possible abductor” bullet, and re-organize bullets to prioritize cellphones, surveillance cameras, and family engagement.
 - Use the following definition of missing persons in state law and model policies, which is intended to reduce bias in determining when a missing person report should be filed and investigation procedures are initiated: A person is a missing person if both of the following conditions exist with respect to the person: 1) The person’s whereabouts are unknown, and 2) There is a reasonable concern for the person’s safety, because of the circumstances surrounding their absence or because of any other considerations. Any concern for a person’s safety raised shall be presumed to be reasonable unless determined otherwise by a police officer holding the rank of Sergeant/Detective or higher. (provided by Sin Kim, Toronto PD)
3. Section 12 (Racially Based Profiling and Bias Motivated Crime) could also be updated to cover topics of race and bias in society and policing.

MEDIA REPORTING BEST PRACTICES

- ▶ Provide training or education to help facilitate self-examination of personal biases, which may impact which communities’ cases receive more media coverage and attention than others.
- ▶ Use positive descriptors for victims like “hard worker,” “compassionate,” and “community member” and other information about their professional or educational background. Avoid including unnecessary information that portrays victims in a negative light; don’t use mug shots or other unflattering or inappropriate images.
- ▶ Humanize the victims through using relationship references (e.g., referring to the victim as a mother or daughter), and using family and friends’ narratives.
- ▶ Avoid the use of violent and graphic language about the crime, the victim’s injuries, or the crime scene.
- ▶ Reduce the use of language that describes homicide victims as bodies instead of people.

- ▶ Avoid sharing protected personally identifiable information, like date of birth, that may increase MMIR victims' risk of identity theft.
- ▶ Avoid using police as the sole source of narrative about a victim due to implicit connotations of criminality.
- ▶ Report victims' race and Tribal affiliation and other information about their Tribal identity (e.g., clans and lineage).
- ▶ Provide contextual information about the MMIR injustice, its root causes, and government or community initiatives working to address it.

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