



Rocky Mountain Tribal Leaders Council

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March 22, 2019

Office of the Governor
PO Box 200801
Helena MT 59620-0801

RE: MURDERED AND MISSING INDIGENOUS WOMEN (MMIW) EPIDEMIC

Dear Governor Bullock,

We are in the midst of a human rights crisis in Montana that will not abate until proactive, solution-based action is taken. I urge you to delay no longer and take that action now and fulfil what you described as “a moral obligation” to ensure that the Murdered and Missing Indigenous Women (MMIW) epidemic is soon “unheard of in our state and our country’s future.” Governor, you made that statement in the State Capitol on January 30, 2019. That evening, Lieutenant Governor Cooney attended an MMIW reception the Rocky Mountain Tribal Leaders Council (RMTLC) held for Montana legislators. Lieutenant Governor Cooney also offered words that promised commitment to this tragedy which is devastating our communities, but in the weeks since, what has transpired has fallen short of those words and our expectations.

The RMTLC applauds the Montana Indian Caucus and Chair Sharon Stewart Peregoy and Rep. Rae Peppers for introducing and championing MMIW-related bills into the legislature. As you well-know, these bills represent a starting point given the political realities our colleagues face, not a comprehensive legislative assault on the epidemic. Now, even HB 21, “Hanna’s Act,” has had the extremely modest \$100,000-funding provision stripped by the House Judiciary Committee. Contrary to Chair Alan Doane’s speculative rationalization for crippling the implementation of HB 21, the Montana Department of Justice has since confirmed that there are no vacancy savings in the department to cover that \$100,000 should HB 21 ever reach your desk.

State-Tribal Relations Chair Peregoy described HB 21 as “the focal point” of the MMIW package introduced by the Indian Caucus. Now that “focal point” has no funds to pay the missing persons specialist the bill was to provide for, which begs the question if this will now be a volunteer post? If HB 21 passes, who will help law enforcement and families in the search for missing persons, oversee entries into the database of the national crime information center of the U.S. DOJ and other databases to ensure records of missing Native women and children are accurate, complete, and made in a timely fashion? A paper tiger cannot fulfil “a moral obligation.” We have already had tribal leaders ask, “Is it that our women’s lives are worth enough politically to provide a soundbite, but

in reality, are not even worth the cost of transportation that government officials are provided with to travel around the state?"

Action is required now, beyond an unfunded HB 21 or the other modest bills our colleagues continue to try and move forward. You are surely aware that the recent Urban Indian Health Institute Report identified Montana as the state with the fifth highest incidence of MMIW cases. Billings, which had the same disturbing ranking among cities, is a known-hub at the west end of the I-90 corridor from which our women and children are trafficked into sex slavery. Knowing that, it was shocking to learn that Montana has not submitted any MMIW data to the Centers for Disease Control and Prevention. The MMIW epidemic must be addressed now, and I appeal to you to take executive action impact this tragedy. The RMTLC submits the attached draft upon which you can create a new MMIW task force – a task force with weight and authority – to begin attacking this tragedy; **a task force that is fully funded and empowered to act.**

The RMTLC in alliance with the Great Plains Tribal Chairman's Association (GPTCA) and the Global Indigenous Council (GIC) has been at the forefront of the effort to secure meaningful legislation to address the MMIW epidemic (www.mmiw-gic.com). In the 116th Congress, we have so far contributed to four MMIW-related bills introduced in the US Senate, the most recent being Senator Tester's Studying the Missing and Murdered Indian Crisis Act, an initiative that was introduced by our representatives, Mr. Tom Rodgers and Mr. Rain Bear Stands Last, at the RMTLC's MMIW reception in Helena.

In closing, the filmmakers responsible for the Emmy-winning and Oscar-nominated films, "The Invisible War" (which broke the story of the epidemic of rape in our military, and led to the passing of 35 pieces of legislation and significant changes in military policy), "The Hunting Ground," and "The Bleeding Edge" (which recently won the prestigious George Polk Award), are featuring the work of the RMTLC in a documentary about the MMIW crisis - including our efforts in Montana.

We look forward to working with you to see this meaningful action taken as a matter of urgency.

Sincerely,



Gerald Grey, Chairman
Rocky Mountain Tribal Leaders Council



William Snell, Jr., Executive Director
Rocky Mountain Tribal Leaders Council



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EXECUTIVE ACTION to create a Task Force to address the increasing rate of homicide, human trafficking and sexual violence being perpetrated upon American Indian women and children in the State of Montana, categorized as Murdered and Missing Indigenous Women (MMIW):

Section 1. The Task Force will be comprised of State, Tribal and Federal law enforcement officers with the requisite authority to submit recommendations for enactment into state statute. The Task Force will be supplemented by:

- (a) A tribal official from each tribal nation in Montana, appointed by each tribe's respective tribal council; and
- (b) A representative from each of the Rocky Mountain Tribal Leaders Council and the Global Indigenous Council tribal advocacy bodies based in Montana; and
- (c) A victim's advocate with no less than five-years professional experience of working in the field of sexual trauma and victim recovery; and
- (d) A mental health professional recommended by the Montana Board of Behavioral Health; and
- (e) An Information Technology expert appointed by the Montana Division of Criminal Investigation.

Section 2. The Task Force will initially be impaneled for a period of 24 months, during which period it will submit its findings and recommendations quarterly to the Governor and State Attorney General for expeditious implementation. After a period of 24 months, a MMIW Task Force Reauthorization Act may be introduced to the Montana legislature.

Section 3. US House and Senate committees have found that investigations into MMIW cases are consistently hindered by a lack of available resources to tribal law enforcement, such as:

- (a) necessary training, equipment, or funding;
- (b) a lack of interagency cooperation; and
- (c) a lack of effective existing laws; and
- (d) the complex jurisdictional web that exists in Indian country.

Each has a negative impact on the ability to provide public safety to Indian communities, which has resulted in, but is not limited to, increased exploitation of the existing system and its loopholes by criminals.

To redress this shortfall, the Task Force will gather facts and consider how best to formulate solution-based policies and their implementation in respect to the following:

- (1) Clarify the responsibilities of Federal, State, Tribal, and local County and City law enforcement agencies when responding to cases of missing and murdered Indian people.
- (2) Establish methods to increase coordination and communication among Federal, State, Tribal, and local County and City law enforcement agencies.

- (3) Define a process and structure to increase the collection of data related to murdered and missing indigenous women and children and the most effective and expeditious method of sharing that information among Federal, State, and Tribal, and local County and City law enforcement agencies.
- (4) Formulate standard law enforcement protocols to respond to the unique challenges and circumstances surrounding the murdered and missing indigenous women and children crisis, with prioritization for;
- (a) response criteria to a missing person report. It is established fact that the first 12 to 24 hours are crucial in a missing person's case; in the general population, 75% of missing children are killed within 3-hours of abduction, so a protocol must be established for Indian children that reflects such. What data there is indicates that if any law enforcement agency waits 72-hours to activate a full-scale search, it will invariably be looking for a body, not the recovery of a missing Native American minor or woman.
- (5) Develop an effective framework within which intelligence can be gathered and shared in reciprocal compacts with other states related to human trafficking criminal organizations.
- (6) Consider how temporary habitations raised to house extractive industry workers, referred to as "man camps," can be most effectively policed and monitored, and if existing zoning ordinances need to be amended to achieve that end. Statistics from the Bakken show that sex assaults in the neighboring Fort Berthold Indian community rose by up to 167% with the advent of "man camps."
- (7) Recommend the appropriate location(s) for Tribal Liaison Offices that will be tasked with;
- a – being a confidential outlet where tribal and community members can share information on assaults and abductions in private without having to engage with standard law enforcement agencies. The liaison office would be the conduit to pass information to law enforcement. Tribal members would be empowered to share information in a culturally appropriate setting, and in their own languages. These witnesses will not have to interact with law enforcement unless and until a prosecution proceeds relative to the information shared with the liaison office.
- b – being be a point of contact for victims' families to provide support and advocacy.
- c – house a mental health office to treat survivors of MMIW cases; this treatment will include culturally oriented practices in addition to embodying the latest, most effective mental health practices.
- (8) Establish a multidisciplinary team to proactively work on the issue and liaise with law enforcement.

