

DRAFT

FOR AN ACT ENTITLED, *Wíŋyaŋ Wakǵáŋ*, an Act 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, categorized as Murdered and Missing Indigenous Women (MMIW). BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

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 South Dakota, appointed by each tribe's respective tribal council; and
- (b) A representative from each of the Great Plains Tribal Chairman's Association and the Global Indigenous Council tribal advocacy bodies based in South Dakota; 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 South Dakota Division of Behavioral Health; and
- (e) An Information Technology expert appointed by the South Dakota Division of Criminal Investigation.

Section 2. The Task Force will initially be impaneled for a period of 12 months, during which period it will submit its findings and recommendations quarterly to the Governor and State Attorney General. After a period of 12 months, a MMIW Task Force Reauthorization Act may be introduced to this 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.

