

Missing and Murdered Indigenous Women's Task Force in Minnesota

Presentation to the MN House of Representatives
Criminal Justice and Public Safety Reform Committee Hearing
January 26, 2021

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Agenda

- Background and context for MMIW Task Force
- What the MMIW Task Force did
- Key findings
- Mandates and next steps
- What can you do
- Questions



What is the MMIW injustice?



Although American Indian women and girls make up just **1% of the state's population**, from 2010 through 2018, **8% of all murdered women and girls in Minnesota were American Indian.**

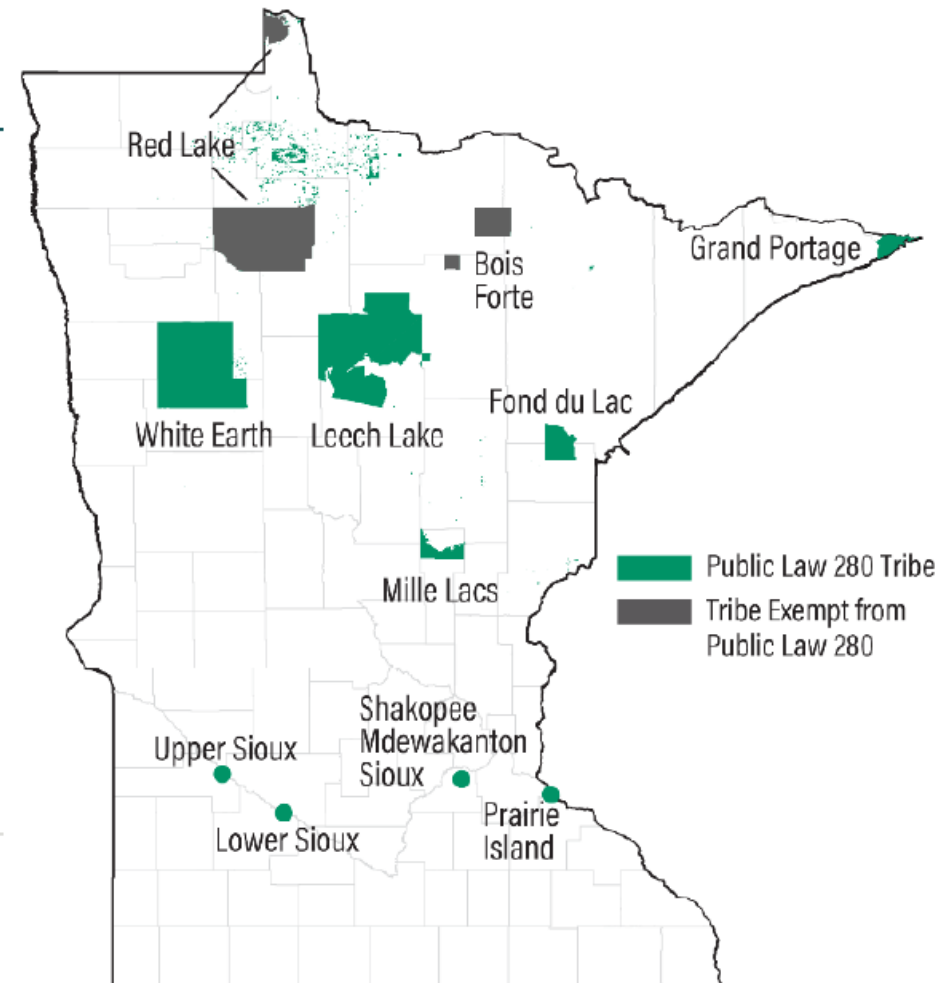


From 27 to 54 American Indian women and girls in Minnesota were missing in any given month from 2012 to 2020.



Tribal nations that share geography with MN

Public Law 280 Tribes	Tribes exempt from Public Law 280
Fond du Lac	Red Lake
Grand Portage	Bois Forte
Leech Lake	
Mille Lacs	
White Earth	
Lower Sioux	
Upper Sioux	
Prairie Island	
Shakopee	
Mdewakanton Sioux	



Source: Tribal Law and Policy Institute, n.d. b

Criminal jurisdiction in Indian Country is complicated!

Criminal jurisdiction on Fond du Lac, Grand Portage, Leech Lake, Lower Sioux, Upper Sioux, Prairie Island, and Shakopee Mdewakanton Sioux Reservations

Victim	American Indian offender	Non- American Indian offender
Indian	State and Tribe	State ^a
Non-Indian	State and Tribe	State ^a
Other: License offenses; status offenses; government victim	State and Tribe	State

^a The Violence Against Women Act (VAWA) exceptions, which allow tribes to prosecute domestic violence crime, are explained in the tribal jurisdiction section below.

Criminal jurisdiction in Indian Country is complicated!

Criminal jurisdiction on Red Lake and Bois Forte Reservations

Victim	American Indian offender	Non-American Indian offender
Indian	Federal (major crimes only) or Tribe (major and minor crimes)	Federal
Non-Indian	Federal (major crimes only) or Tribe (major and minor crimes)	State
Other: License offenses; status offenses; government victim	Tribe	State

Criminal jurisdiction in Indian Country is complicated!

Criminal jurisdiction on White Earth and Mille Lacs Reservations

Victim	American Indian offender	Non-American Indian offender
Indian	State, Federal, and Tribe	State and Federal
Non-Indian	State, Federal, and Tribe	State and Federal
Other: License offenses; status offenses; government victim	State or Tribe	State

Requirements of MMIW Task Force

- **Examine systemic causes** behind violence that Indigenous women and girls experience
- **Examine appropriate methods for tracking and collecting data** on violence against Indigenous women and girls
- **Report on policies and institutions** such as policing, child welfare, coroner practices, and other governmental practices that **impact violence against Indigenous women and girls** and the **investigation and prosecution of crimes** of gender violence against Indigenous people



Requirements of MMIW Task Force

- **Report on measures necessary to address and reduce violence against Indigenous women and girls**
- **Examine measures** to help victims, victims' families, and victims' communities **prevent and heal from violence**



MMIW Task Force members

- Rep. Mary Kunesh*
- Rep. Barb Haley
- Sen. Patricia Torres Ray
- Sen. Paul Utke
- Drew Evans, MN BCA
- Luke Hennen, MN Sheriffs' Assoc.
- Deidre Aanstad, US Attorney's Office
- Judge Jeffrey Bryan, MN 2nd Judicial Court
- Kim Mammedaty, MN County Attorney's Assoc.
- Jon Roesler, MDH Epidemiologist
- Panda Whiteman, Bois Forte Band of Chippewa
- Rep. Roger Smith, District III Fond du Lac Band of Lake Superior Chippewa
- Jacki Kozlowski, Grand Portage Band of Lake Superior Chippewa
- Brian Pottratz, Leech lake Band of Ojibwe
- Debra Flute, Lower Sioux Indian Community
- Nicole Anderson*, Mille Lacs Band of Ojibwe
- Allison Stein, Prairie Island Indian Community
- Michelle Mountain, Red Lake Nation
- Denise Prescott, community member
- Beth Tepper, Shakopee Mdewakanton Sioux Community
- Chris Lee, Upper Sioux Community
- Tanya Vold, White Earth Nation
- Alyxis Feltus, Mending the Sacred Hoop
- Sheila Lamb, Life House
- Brook LaFloe, Women's Foundation of Minnesota
- Nicole Matthews*, MN Indian Women's Sexual Assault Coalition
- Patina Park*, formerly of MN Indian Women's Resource Center
- Chris Stark, author and researcher

(* = chairs)

What the MMIW Task Force did

- In-person and virtual Task Force meetings including expert presenters
- Community forums: hearing directly from survivors and relatives
- Literature review of research and articles about injustice and sub-parts of the issue from across Turtle Island
- Interviews with 32 experts



Ceremonial signing of the MMIW Task Force legislation, September 2019, MN Humanities Center.

What the MMIW Task Force did (cont.)

- Review state data about the issue
 - Child welfare (DHS)
 - Deaths and human trafficking (MDH)
 - Missing persons and crimes (BCA)
- Deliberate to brainstorm and refine mandates (recommendations)

Key findings: Root causes

- **Colonization** and **historical trauma**
- **Racism**
- **Sexism** and **sexual objectification** of Indigenous women and girls

“There is a fundamental difference between an Indigenous way of looking at the world, where we believe we are related to everything, and the normalization of Whiteness, where they believe everything is an economic resource. We see a tree as a relative; they see a tree as lumber. We see the Earth as mother; they see it as real estate. There is a fundamental difference in our being. We have been associated with things that are in the way and, as such, we are disposable.”

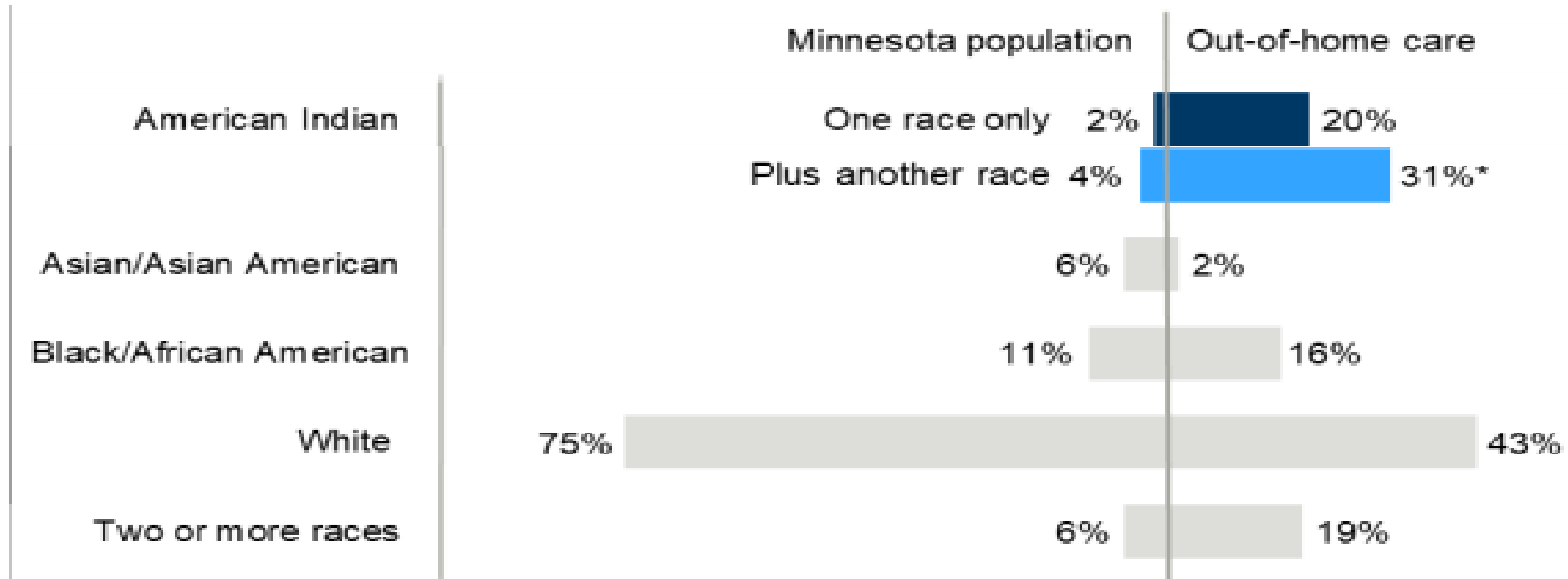
(Public comment)

Key findings: Systemic risk factors

- **Systemic risk factors** (NOT “bad lifestyle choices”) increase risk of violence and abuse for Indigenous women and girls:
 - › **Poverty and lack of housing**
 - › Involvement in the **child welfare system and the criminal justice system**
 - › Being a victim of **domestic violence**
 - › Being involved in **prostitution and trafficking**

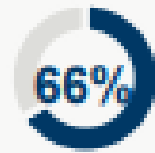
Systemic risk factors: child welfare system

Comparison of the race of children in Minnesota to the race of children in out-of-home care in Minnesota, 2019

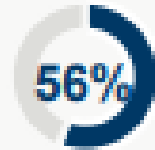


Source: Minnesota Department of Human Services, 2020c

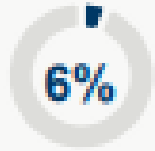
Systemic risk factors: domestic violence



Sixty-six percent of Indigenous women have experienced psychological abuse, and



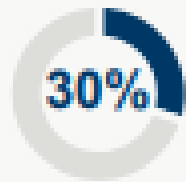
Fifty-six percent have experienced physical abuse from an intimate partner.



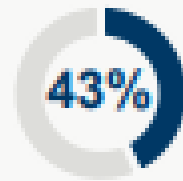
Six percent of intimate partner homicide victims in Minnesota are American Indian.

Sources: Rosay, 2016; Violence Free Minnesota, 2018b

Systemic risk factors: homelessness



Thirty-percent of Indigenous women who are currently experiencing homelessness in Minnesota have been in a physically abusive relationship in the past year, and

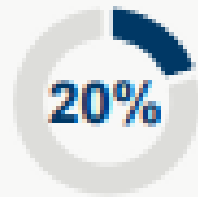


Forty-three percent reported staying in an abusive relationship because they did not have other housing options.

Source: Pittman et al., 2020

Systemic risk factors: prostitution and trafficking

Law enforcement agencies reported **173** sex trafficking incidents in 2017.



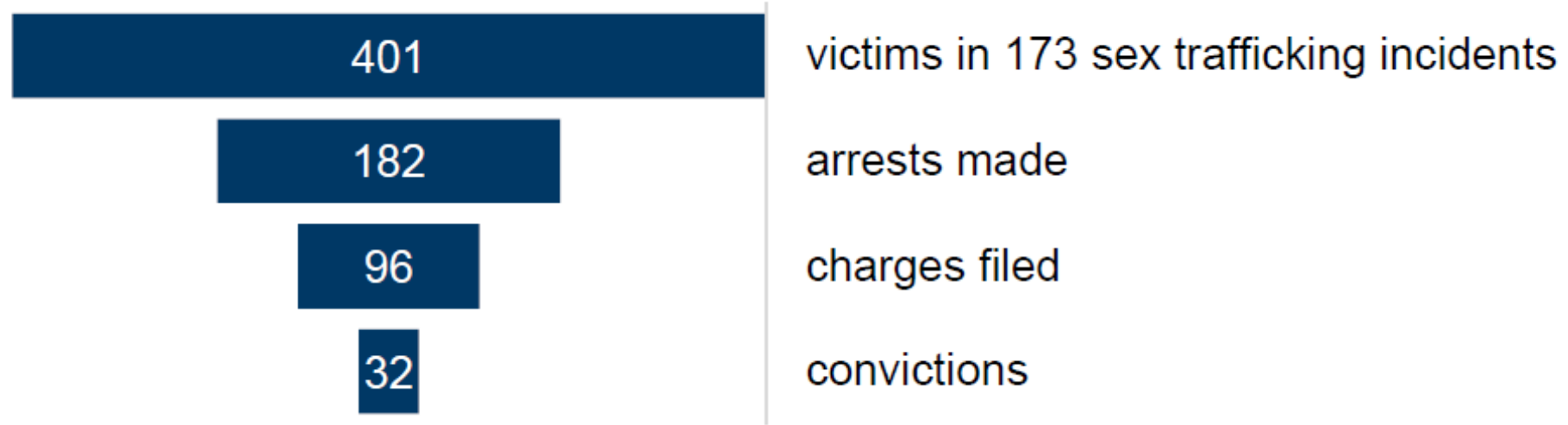
Twenty percent of those victims were American Indian.

Source: Minnesota Statistical Analysis Center, 2019

Key findings: Seeking justice

- Once an Indigenous woman or girl goes missing or dies under suspicious circumstances, the **investigation**, **prosecution**, and **sentencing** processes that are supposed to serve justice often fail to provide equal and fair treatment for these Indigenous victims

Seeking justice: trafficking



Source: Minnesota Statistical Analysis Center, 2019

“Unfortunately, I think for folks on reservations there is a common understanding that these crimes won’t be prosecuted.” (Direct service provider, key informant)

Key findings: Prevention and healing

- The system does not have adequate **culturally responsive healing resources** for Indigenous victims/survivors, families, and communities

Mandates

- 1. Create an **MMIW Office** to provide ongoing attention to and leadership for this issue.
- 2. Ensure adequate **funding and resources** to implement these recommendations.
- 3. Address **systemic racism**.
- 4. Focus on **eliminating poverty and meeting basic needs**.
- 5. Produce an **annual MMIW report and dashboard** to provide an overview of the MMIW injustice and track changes over time.
- 6. Ensure state and federal technical assistance and support is provided so tribes have access to and can fully participate in all relevant **data systems**.

Mandates, cont.

- 7. Support tribes to **exercise their sovereignty and increase their jurisdictional authority** to investigate, prosecute, and sentence perpetrators of violence against Indigenous women and girls.
- 8. Advocate for the U.S. Congress to **pass the 2020 Violence Against Women Act**.
- 9. **Expand Minnesota's Safe Harbor law** to all trafficking victims (not just those age 24 and younger).
- 10. Increase **personnel and state resources** dedicated to addressing the MMIW injustice.
- 11. Provide more training and resources, especially in Indian Country and greater Minnesota, to **conduct effective investigations of MMIW-related cases**.
- 12. Ensure that all MMIW-related **deaths receive an autopsy and are investigated** by a coroner or medical examiner.
- 13. Strengthen the **trauma-informed and victim-centered response** of law enforcement, courts, and the health care system to Indigenous sexual assault, trafficking, and violence survivors.
- 14. Address the harm that the **child welfare system** has done to Indigenous families and communities.

Mandates, cont.

- 15. Provide age appropriate, culturally responsive, trauma-informed education on **healthy relationships and consent** to all students in Minnesota's K-12 schools.
- 16. **Increase awareness** of MMIW issues and specific MMIW cases among the general public.
- 17. **Prevent and reduce the harms of trafficking, sexual exploitation, and normalized violence** for Indigenous women and girls who are at the most risk of becoming MMIW.
- 18. Require **sex trafficking awareness training and targeted prevention** to Indian Country, areas where extractive industries such as oil and mining camps are located, and casinos and hotels.
- 19. Ensure that initiatives and decisions related to the MMIW injustice are **informed by Indigenous women and girls**, especially those who have lived experiences with violence and exploitation.
- 20. Promote healing of perpetrators, survivors, relatives, and communities by supporting **culturally responsive, community-led efforts**.

Next steps

- MMIW Task Force continuation thru June 2021
 - Develop implementation action plan
- MMIW rally on 2/14/2021
- Form MMIW Office



Questions or comments?



Community gathering and protest on July 27, 2020,
when the U.S. Department of Justice opened the MMIW cold case office in Bloomington, MN.

Chi' Miigwech!
Wopila tanka!
Thank you!



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Twin Cities MMIW March, February 14, 2020.