

Embracing Culture within a Community Response to Missing or Murdered Indigenous Women/People in Indian Country

A Discussion With

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Introductions

Indian Country

Terminology: Which is it?

- Native American
- American Indian
- Indigenous
- Nation, Reservation, Pueblo, Colonies, Villages, Territories, Rancheria

U.S Code, 25 U.S.C. § 2201(2)

- (2)“Indian” means—(A)any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land;
- (B)any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) [1] and the regulations promulgated thereunder; and

•*U.S Code, 25 U.S.C. § 2201(2)



Jurisdiction

Tribal LEO's will decide which sovereign(s) may have jurisdiction over a crime:

Was the perpetrator Indian or non-Indian?

Was the victim Indian or non-Indian?

What was the crime?

Where did the crime occur?

Tribe, State, Federal, Public Law 280

Case Law

- **Oliphant v Suquamish Indian Tribe (1978)**

“Mark Oliphant, a non-Indian residing on the Port Madison Reservation in the State of Washington, was arrested by tribal police and charged with assaulting a tribal officer and resisting arrest. He claimed that he was not subject to tribal authority, and the Supreme Court upheld his claim. The case was considered by Indians as a damaging blow to the revival of their sovereignty.”

Case Law

- **United States v Wheeler (1978)**

“The inherent sovereignty of an Indian tribe was affirmed by the Supreme Court in a case involving double jeopardy. A Navajo Indian prosecuted in a federal court had previously been convicted in a tribal court of a lesser included offense arising out of the same incident. The court found no double jeopardy because the tribal court and the federal court were arms of separate sovereigns.

Tribal Civil Jurisdiction

- For tribal civil matters arising in Indian country on tribal lands, tribes *have the power to issue civil tribal protection orders in matters involving tribal members.*
- Family Court: Navajo Nation
- Yurok Tribe: Make Payment to Victim

Cultural Lens of Investigations

- Language
 - Translation
 - No direct meaning
 - Not Linear
 - Location- cultural significance



Cultural Lens of Investigations

- Traditions
- Kinship
 - “All my Relations”
 - No solely determined by blood or marriage.
 - Elaborate Clan system
- Ceremonies
- History



Ashlynnne Mike AMBER Alert
in Indian Country Act of 2018

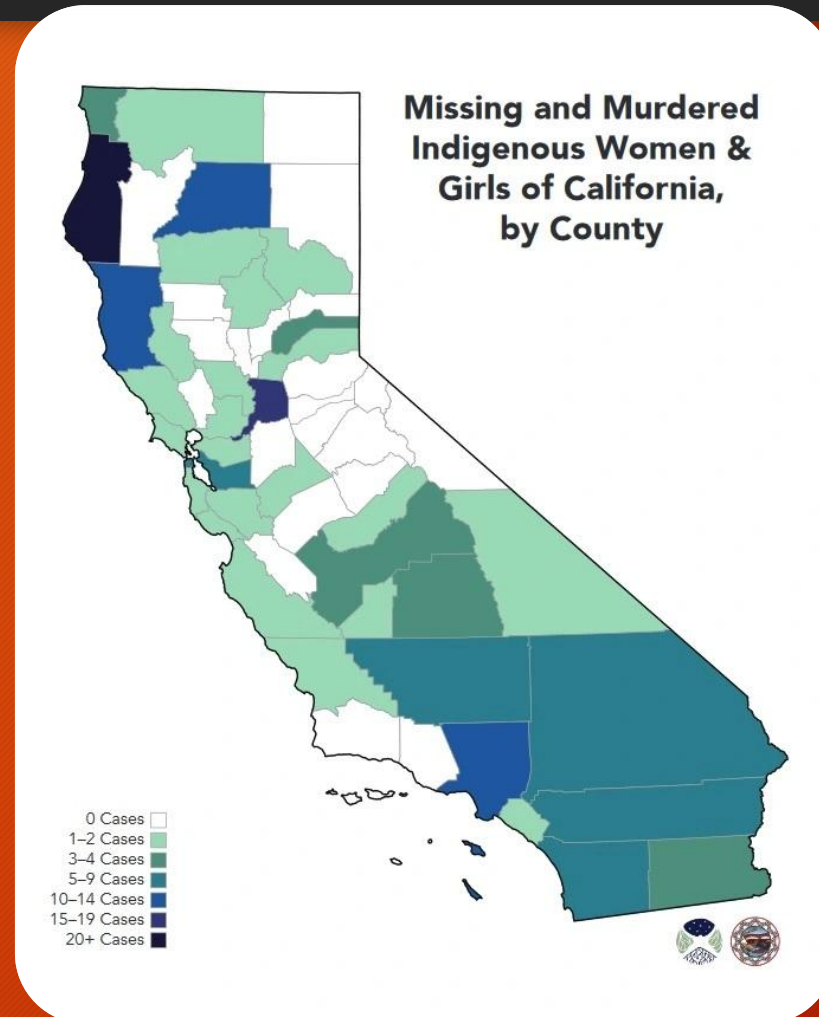
Missing or Murdered Indigenous People

- Indigenous Women and People have gone missing or been murdered in Indian Country, with little or no justice or resolution.
- This crisis has been ongoing for generations and has been largely overlooked or ignored by society.
- We are working on Tribally led initiatives to reduce the disproportionate impact of violent crimes and missing people on Indigenous Communities.
- This includes identifying & dismantling systematic barriers to justice and safety for Indigenous peoples.

Missing or Murdered Indigenous People

- Indigenous women go missing and/or are murdered at rates higher than any ethnic group in the United States.
- More than 4 in 5 American Indian and Alaska Native women experience violence in their lifetime.
- Indigenous women have a murder rate ten times the national average.
- California has the 5th highest caseload for MMIP cases in the United States.

Missing or Murdered Indigenous People



Systemic Barriers

- Public Law 280
- Jurisdictional Issues for Law Enforcement
- Trauma in Law Enforcement

Public Law 280

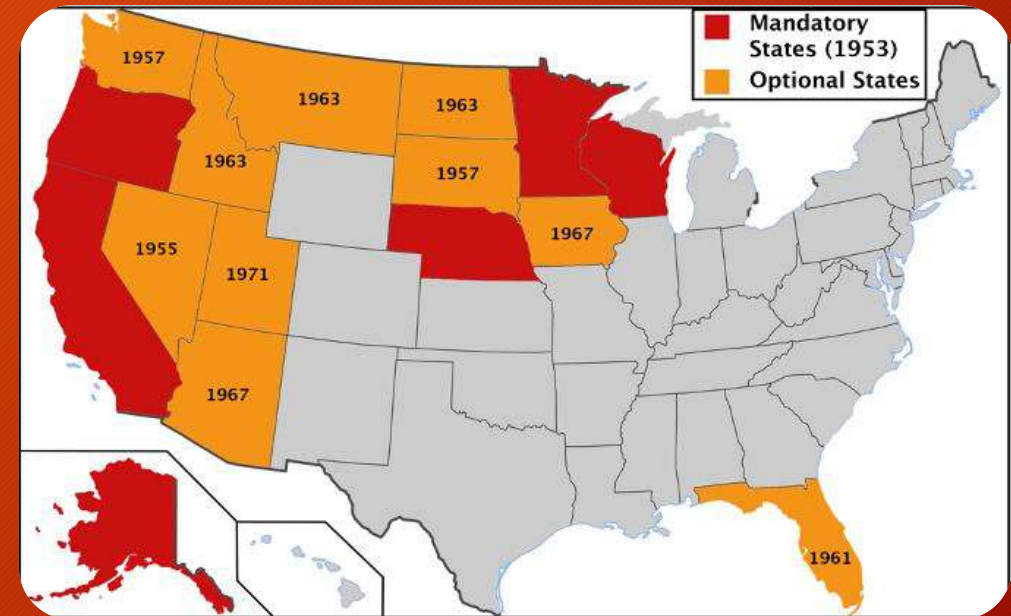
- A federal law enacted in 1953.
- Transfers criminal jurisdiction over certain Indian reservations to state governments.
- Jurisdiction issues: can be unclear who has jurisdiction, causing delays and lack of ownership.
- PL 280 has lasting impacts on the ability of tribal governments to protect their own citizens from violence.

Public Law 280 - Criminal Jurisdiction

- **Indian defendant:** concurrent state and tribe. Currently crimes on reservations are tried by the state. However, tribes can and some are considering exercising criminal jurisdiction—(building infrastructure.)
- There is no double jeopardy for trying a defendant in state and tribal court for the same offense.
- **Non-Indian defendant:** exclusive state.

Public Law 280

- **Mandatory PL 280 States: (State Not Given Option)**
 - California, Minnesota (except the Red Lake Nation & Mille Lacs Band of Ojibew), Nebraska, Oregon (except Warm Springs), Wisconsin (except Menominee Indian Reservation) and Alaska (upon statehood).
- **Optional PL 280 States: (Option Given To State)**
 - Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah & Washington. Not all fully adopted.



Officer Wellness

What makes an event traumatic:

- Threat (real or perceived) to one's physical or emotional well-being.
- Overwhelming
- Results in intense feelings of fear or lack of control
- Leaves you feeling helpless
- Changes the way you understand yourself, others, or the world
- Direct Trauma and Vicarious Trauma

Resiliency

The capacity to recover from difficulties; toughness.

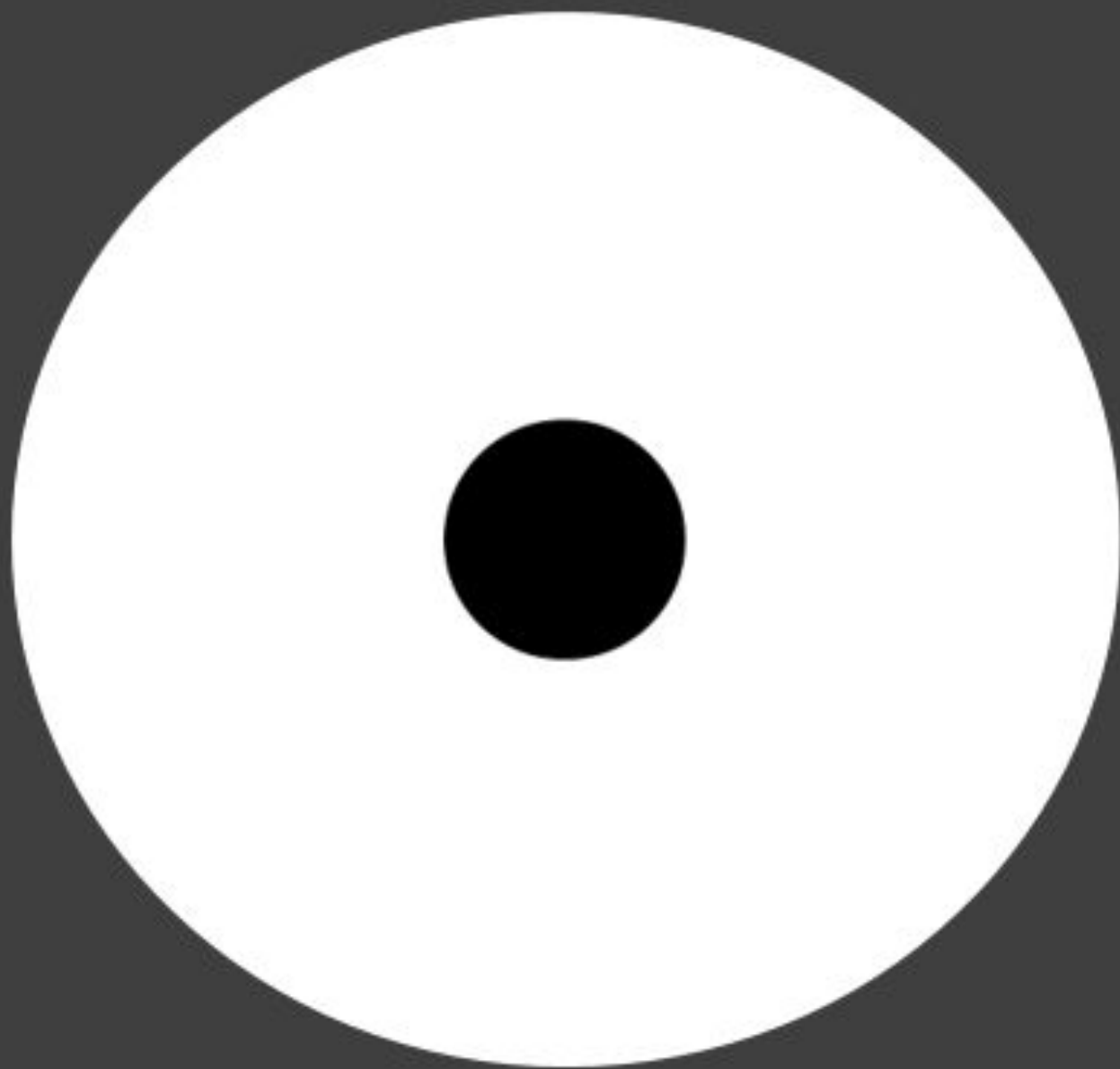
Post Traumatic Stress

- Exposed to or witness a traumatic event
- Re-Experience
- Avoidance

Lens

- Subtle shift in perspective can make the difference

What do you see?



Native Lens

- Historic Trauma
- Inter-Generational Trauma
- Complex Trauma
- Vicarious Trauma
- PTS

Historic Trauma



Adverse Childhood Experiences

“ACEs” Adverse Childhood Experience

1995 - 1997 17,000 patients studied at Kaiser Permanente discovered ACEs were common and that they increased the risk of poor health as the number of ACEs increased.

Examples of ACEs?

Adverse Childhood Experiences

Potentially traumatic events that occur in childhood.

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Physical Neglect
- Emotional Neglect
- Mental Illness
- Incarcerated Relative
- Family Violence
- Substance Abuse
- Divorce / Separation

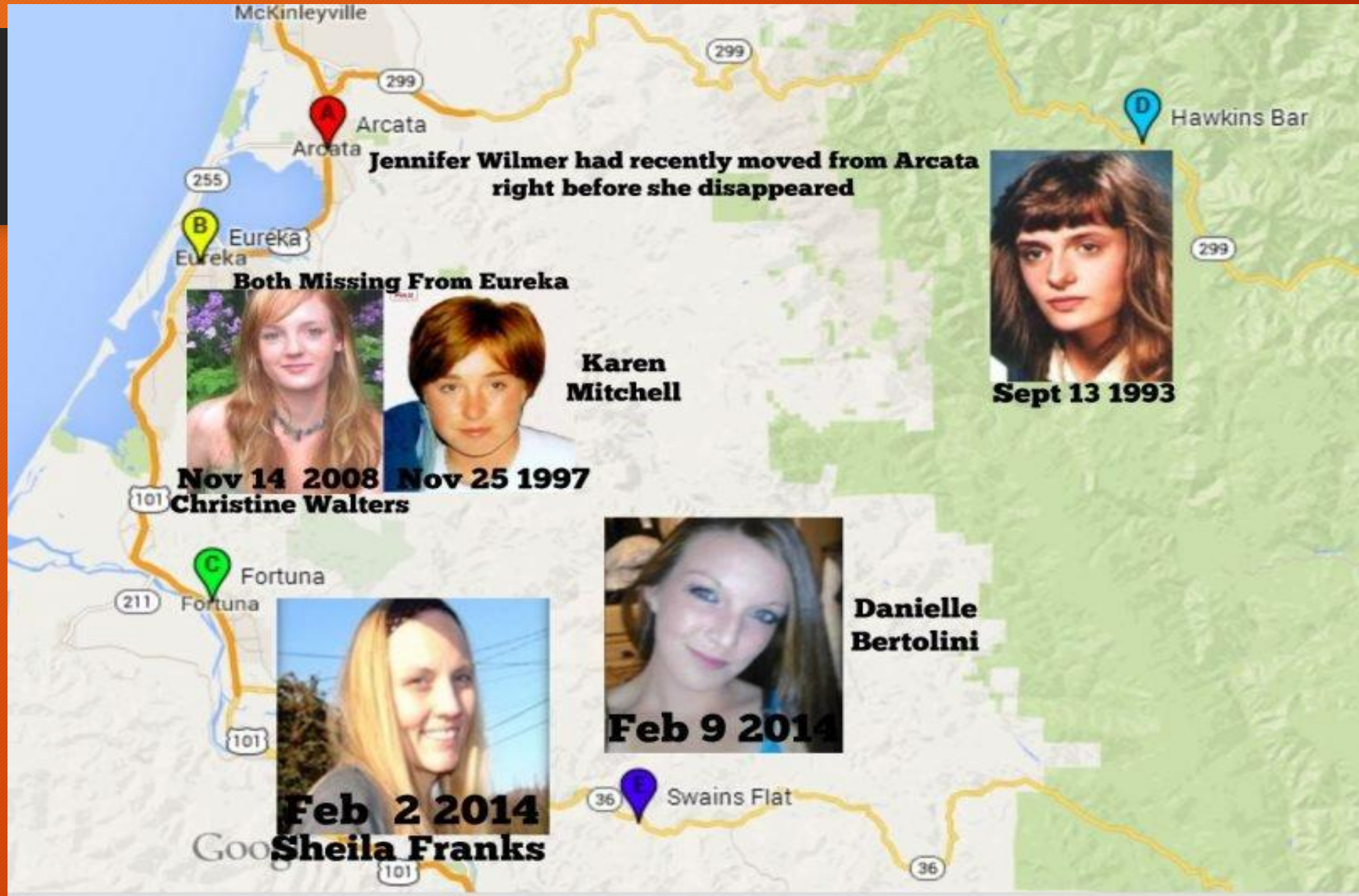


Adverse Childhood Experiences

- How Do You Cope?
- Drugs & Alcohol
- No Parenting Skills
- Cycle of Abuse
- Can't Fit In



The Humboldt Five



MMIP Movement

Help Find Me
Indian Country's Missing



Name: **SUMI GAIL JUAN**
 Missing From: **HOOPA, CA**
 Date Missing: **OCTOBER 29, 2010**
 Race: **NATIVE AMERICAN**
 Age: **33 in 2010**
 Hair: **BLACK**
 Eyes: **BROWN**
 Height: **5' 10"**
 Weight: **200 pounds**
 Wears glasses occasionally
 Birthmark on her left calf

Sumi was last seen last seen in September 2010, walking from the Hoopa Elementary School on Highway 96. She was reported missing on October 29, 2010.

Anyone with information regarding the disappearance of Sumi Gail Juan please contact Sgt. Wayne Hanson at 707-268-3639 or 707-445-7251. Humboldt County Sherriff's Office, Hoopa Sub-station at 866-688-6160 or the Hoopa Valley Tribal Police at 530-625-4202.

Find us on Facebook at Indian Country's Missing
 Operating out of San Diego, CA., Kumeyaay, Luiseño, Diegueño and beyond.

STILL MISSING
KHADIJAH BRITTON



Abducted at Gunpoint
 February 7, 2018
 COVELO, CA

KHADIJAH ROSE BRITTON
 Missing Age: 23
 Native American
 5' 8" 180 lbs

Tattoo of 'Britton' on her right arm

Her boyfriend was arrested for kidnapping & domestic violence

\$85,000 REWARD

IF YOU HAVE INFORMATION, CONTACT:
 MENDOCINO CSO (707) 463-4086
 ANON TIP LINE (707) 234-2100

MISSING PERSON
Andrea Jerri White



MISSING SINCE:	07/31/1991	SEX:	Female
DOB:	11/14/1968	RACE:	American Indian
HEIGHT:	5	EYES:	Brown
WEIGHT:	115 lbs.	HAIR:	Brown
NICKNAME:	Chic White		
SCARS/MARKS/TATTOO:	Scar (5 inch scar on left side of temple).		
DENTAL X-RAYS AVAILABLE:	Yes		


Andrea White was last seen on July 31, 1991.



MISSING

VIRGIL BUSSETT JR

#MMIWM NATIVE MAN
 MISSING SINCE MARCH 15TH 2020
 PLEASE CONTACT ALICIA AUDELO
 (707)499-7257 OR LOCAL TRIBAL POLICE



Why Do We Learn About Trauma?

- **Ease Management**
 - Understanding behavior helps officers de-escalate
 - Reduce the number of complaints
- **Help keep people out of the CJ system**
 - Reduce the number of arrests
 - Jail is not always the best place for someone
- **Job Improvement**
 - Reduce re-traumatizing
 - Avoid a punitive role as a LEO
 - Self-awareness and of other officers

Principals of a Trauma-Informed Approach

- Recognize the impact on development and coping strategies
- Recovery is the primary goal
- Employ an empowerment model
- Emphasize choice/voice
- Stress relational collaboration
- Recognize the need for safety & respect
- Emphasize strength and resilience
- Minimize re-traumatization
- Cultural competence
- Peer input is included

Historic Law Enforcement Response

We are in a transitional period in Law Enforcement.
George Floyd has transformed the profession.

Last event was Rodney King (1991/1992)

Officers unwilling to change are leaving the profession.

Culture as a Protective Factor



1929 Katherine Reed Age 14



1950 Katherine Reed Age 14

Culture as a Protective Factor



Bringing Culture into Investigations



Policy Work

- Address Circumstances that Contribute to MMIP
- Address Inequities and Fairness
- Funding Requests for Response and Prevention
- Children Going Missing from Foster Care
- Parity for Tribal Police Officers
- Access to CLETS



Feather Alert

California AB 1314 (2022)

Criteria:

1. The missing person is an indigenous woman or indigenous person.
2. The investigating law enforcement agency has utilized available local and tribal resources.
3. The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
4. The law enforcement agency believes that the person is in danger.
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

Policy Work: Foster Care

- AB 273: Foster Care - Authored by Assemblymember James Ramos:
 - Requires Tribes and other essential parties are notified when a child is missing from foster care.
 - Creates a uniform protocol for counties to follow when children go missing from foster care.
 - Requires a judicial hearing to oversee the search for the child who is missing
 - Helps ensures that child is placed in a safe and appropriate home.

Policy Work: Law Enforcement



- AB 44: Public Safety - Authored by Assemblymember James Ramos:
 - Intended to ensure parity between Tribal Police and other CA law enforcement, allowing Tribal Police to enforce state law in their respective jurisdictions.
 - Intended to that Tribal Police are recognized as peace officers, granting them the same benefits and privileges as other peace officer in the state.
 - Intended to grant access to CLETS for tribal police and tribal courts, a critical law enforcement telecommunications system that helps protect public safety.
 - Currently in Amendment Process.

Law Enforcement

- **MMIP Investigator**
- Tribally Lead Investigations
- Building Tribe's Law Enforcement Capacity
- CIT & Collaborations
- Tribal Police Officer Parity
- Trauma Informed Policing
- Model of Policing



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Raising Awareness

- **Emergency Declaration**
- MMIP Walk (2022)
- AMBER Alert in Indian Country Training for Local Law Enforcement
- Yurok 3 Yearly Reports (2019-2022)
- MMIP Policy Summit (2022)
- MMIP Day of Action (2023)
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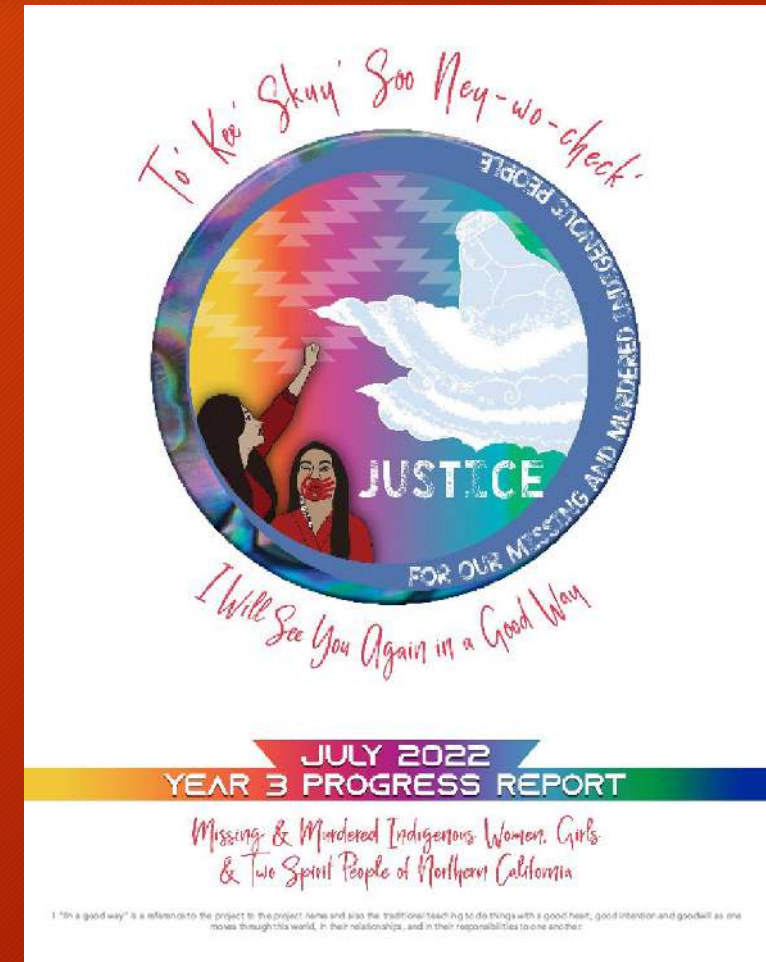
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Collaboration

- **Local Tribal Roundtable**
- Tribal Leaders' Roundtable
- Working with County, State & Federal Justice Partners
- AMBER Alert in Indian Country
- U.S. Marshal's Project
- Legislative Coalition

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- **Legislative Coalition**

Litigation / Courts

- Tribal Court
- Wellness Court
- Prevention Programs
- Protective Orders
- Special Tribal Criminal Jurisdiction / VAWA 2022

Conclusion

- Addressing the MMIP Crisis Needs Action & Collaboration!

Contact us for questions and collaboration:

- Greg O'Rourke, Police Chief: gorourke@yuroktribe.nsn.us
- Valerie Bribiescas: valerie.bribiescas7827@fvtc.edu
- Brie Bennett, Deputy Prosecutor: bbennett@yuroktribe.nsn.us