



# Department of Justice

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**STATEMENT OF**

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**BEFORE THE**

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**AT A HEARING ENTITLED**

**MISSING AND MURDERED:  
CONFRONTING THE SILENT CRISIS IN INDIAN COUNTRY**

**DECEMBER 12, 2018**

**Statement of**

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**U.S. Department of Justice**

**Before the**

**United States Senate**

**Committee on Indian Affairs**

**December 12, 2018**

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, thank you for this opportunity to discuss the ongoing commitment by the U.S. Department of Justice to work alongside our Tribal partners to help gather data and provide a resource for investigations into cases involving missing persons. My name is Gerry LaPorte, and I am the Director of the Office of Investigative and Forensic Sciences (OIFS) at the National Institute of Justice (NIJ) in the Department of Justice's Office of Justice Programs (OJP).

Within NIJ, OIFS is the Federal Government's lead agency for forensic science. OIFS's mission is to improve the quality and practice of forensic science through research and development, testing and evaluation, technology, information exchange, and the development of resources for the criminal justice community. NIJ's programs also support the Department of Justice's three forensic science priorities: (1) improve capacity; (2) increase coordination and collaboration with state, local, and Tribal entities; and (3) advance the reliability and sensitivity of forensic science testing. We provide objective and independent knowledge and tools to inform the decision-making of the criminal justice community as it works to reduce crime and advance justice, particularly at the state, local, and Tribal levels. We work with other Department of Justice components and also alongside other Federal agencies, like the Bureau of Indian Affairs.

Much has been said about the levels of crime and violence in Indian country and the Alaska Native villages and the numbers of missing persons and murder victims within the American Indian and Alaska Native (AI/AN) communities. The NIJ-supported study, "Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey," released in 2016, provides staggering estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners. It also provides estimates of interracial and intraracial victimization and briefly examines the impact of violence on the victims. This study was important because it provided the first set of estimates from a national large-scale survey of victimization among self-identified AI/AN women and men on psychological aggression, coercive control and entrapment, physical violence, stalking, and sexual violence, using detailed behaviorally specific questions.

This research provides the most comprehensive, reliable, and valid estimates on the victimization experiences of AI/AN women and men. It found that more than four in five AI/AN adults (83 percent) have experienced some form of violence in their lifetime. That's almost 3 million people who have experienced stalking, sexual violence, or psychological aggression or physical violence by intimate partners.

As part of the Reauthorization of the Violence Against Women Act (VAWA) of 2005 (and as amended in 2013), NIJ is mandated, in consultation with the Justice Department's Office on Violence Against Women (OVW), to conduct analysis and research on violence against Indian women (VAIW) living in Indian country and in Alaska Native villages. Consonant with those provisions, NIJ has developed a comprehensive research program consisting of multiple projects that are being accomplished over an extended period of time. The primary goal of the program is to document the prevalence and nature of violence against Native women living on sovereign tribal lands. The research program also is designed to evaluate the effectiveness of federal, state, Tribal, and local responses to violence against AI/AN women and propose recommendations to improve the effectiveness of such responses.

Ultimately, this program of research is expected to improve our understanding of the programmatic, service, and policy needs of victims, and help educate and inform practitioners, policymakers, and the public about the threat to the safety, health, and well-being of Native women. This effort will hopefully be a big step toward reducing the incidence of violent crimes against Native women and ensuring perpetrators of these violent crimes are held accountable.

The epidemic of sexual violence in Indian country is compounded by another, silent crisis: an unknown number of Native Americans have simply vanished, leaving no trace of their whereabouts or of the crimes to which they may have fallen victim. Fortunately, not every missing person is a victim of a violent crime, and while others have gone missing for deliberate reasons, we remain focused on those who have gone missing unintentionally.

Every night across the nation, tens of thousands of families sit down to their dinner tables and face an empty chair that should be occupied by a loved one. Those affected by the disappearance of a family member face an agonizing wait for answers, sometimes for decades. The sense of loss when a loved one disappears is magnified by feelings of helplessness and isolation as these families puzzle through a process that offers few guideposts.

It was in response to this "national silent mass disaster" that NIJ developed the National Missing and Unidentified Persons System (NamUs) to help identify unidentified remains, locate missing persons, and bring resolution to victims' families. NamUs is a national, centralized, web-based information clearinghouse and resource center for missing, unidentified, and unclaimed person cases. NamUs combines technology, forensic services, and investigative technical assistance from a seasoned staff of subject matter experts to support and assist stakeholders with cases from across the country.

Since the system was launched in 2007, more than 45,000 cases have been reported to NamUs and over 16,000 missing person cases and over 3,500 unidentified person cases reported to NamUs have been resolved. Many of these resolutions were made possible by storing, sharing, and comparing case information in a centralized, online system that is accessible to all.

It is important to note that cases are only published in NamUs after rigorous vetting with the appropriate local, state, federal, or Tribal law enforcement agency in order to secure the privacy and protection of persons reported missing and to ensure quality control over the missing person data. For instance, some missing person reports involve individuals who do not wish for their location to be known to family or associates due to circumstances involving domestic violence and other safety issues.

NIJ's NamUs provides law enforcement officials, medical examiners and coroners, allied forensic professionals, and families with lost loved ones the tools and support they need to investigate and solve some of the most complex cold cases. NamUs is a permission-based system, meaning it offers both a publicly viewable area and a restricted criminal justice-sensitive environment designed to protect privileged information while enlisting the support of the general public. With diverse users in all 50 states and across many Tribes and U.S. territories, NamUs is a collaborative system that bridges the communication gap among stakeholders in different geographical regions, enabling better information sharing and providing technical assistance and investigative case support critical to resolving these cases.

For clarity, I must note some distinctions between the data entered into NamUs and the data entered into the FBI's National Crime Information Center (NCIC). With the exception of states like New York, Michigan, and Tennessee that have passed mandatory reporting laws, NamUs is a voluntary program that has traditionally been used by criminal justice agencies to investigate long-term missing and unidentified person cases or cases where all investigative leads have been exhausted. Since the majority of missing persons reported to NCIC are mandated by law and many are recovered quickly, most are never entered into NamUs. However, NamUs poses no restrictions on the amount of time a person must be missing prior to entry into the database or for access to investigative or forensic services.

We realized that AI/AN cases were underrepresented in NamUs, so over the last two years NIJ and NamUs staff have made significant and targeted efforts to increase awareness. We have launched an outreach campaign to Tribal law enforcement, leadership, and community members to ensure the communities are aware of the technology and technical assistance, which is available free to all Tribal nations. Also, a recent technology upgrade, NamUs 2.0, contains enhancements that allow all criminal justice users to better collect, search, analyze, and manage case information.

NamUs has helped resolve 279 cases and currently has 324 active AI/AN missing persons cases, but it remains seriously underutilized by this community of stakeholders. The number of missing persons cases is believed to be far more. NIJ continues its outreach and technical assistance activities nationwide.

There are also 102 active unidentified remains cases being supported, 61 of which have been deemed either homicides or deaths of undetermined causes. NIJ is committed to working with the Tribal nations directly to enhance technology and provide training, better support and technical assistance, and investigative and forensic services. By bringing information, people, and forensic science together, NamUs can help resolve cases. We know the loss, trauma, and need for answers span generations. NamUs even received DNA from the grandchild of a man

who went missing in 1902. The oldest missing persons case resolved by NamUs was from 1934 and the oldest unidentified persons case was from 1957.

In FY 2018 OJP, along with our partners at the Justice Department's other grant-making offices – the Office of Community Oriented Policing Services (COPS Office) and OVW – awarded 225 grants totaling more than \$113 million to 125 separate Tribes under our Coordinated Tribal Assistance Solicitation (CTAS). Since FY 2010, the Justice Department has awarded more than 2,000 grants for applications submitted through CTAS, totaling more than \$940 million to hundreds of AI/AN communities. Through CTAS, applicants apply for multiple tribal grant programs under one solicitation, which allows Tribes to plan comprehensively and strategically allocate resources.

With CTAS, Tribes can search grant opportunities by purpose area – whether it's serving sexual assault survivors, implementing a coordinated community response to violence against Native women, helping Tribal youth, or any of the other general purpose areas, including a new one this year that focuses on addressing violence and a re-tooled emphasis on victim services.

In FY 2018, for the first time, OJP received a three percent set-aside (totaling \$133 million) of the Crime Victims Fund specifically allocated to meet the needs of AI/AN victims. We expect to finish awarding these grants by mid-April 2019, and once awarded, they will substantially expand the number of Tribes providing victim services.

These awards will support child and elder victims, domestic violence and sexual assault survivors, victims of human trafficking, families of homicide victims, and people who have been victimized as a result of the opioid crisis. The FY 2019 President's Budget request proposes a comparable percentage of set-aside funds to help solidify the long-term sustainability of Tribal victim assistance programs.

OJP, along with the COPS Office, also supports the Tribal Access Program (TAP), which enables Tribal officials to enter protection orders in federal databases and register sex offenders with the National Sex Offender Registry. TAP can be a key element in ensuring the safety of certain victims. It also allows Tribes to access critical data from FBI databases. Nearly 50 tribes are currently part of the program, and an additional 25 tribes have been selected to participate in this fiscal year.

At annual government-to-government consultations with tribes held by OVW, tribal leaders have testified about the need for robust responses to the disappearance, trafficking, and murder of Native women and youth. In response, OVW has funded training and technical assistance for interdisciplinary teams from tribal communities on identifying cases of sex trafficking and ensuring that victims receive needed services. In FY 2018, OVW renewed funding for Tribal Special Assistant United States Attorneys, cross-deputized tribal prosecutors who are able to bring violence-against-women cases in both tribal and federal courts, including prosecuting habitual domestic violence offenders before their crimes result in murder. OVW also provides funding and other support to tribes exploring and implementing special domestic violence criminal jurisdiction under the 2013 reauthorization of VAWA to help ensure prosecution of certain non-Indian domestic violence offenders. Finally, through the Trilateral

Working Group on Violence Against Indigenous Women and Girls, OVW and other DOJ components are fostering cross-border collaboration with Canada and Mexico to combat the disappearance and murder of Native women and youth.

As the Committee is well aware, the majority of American Indians and Alaska Natives in our country do not live on Tribal lands. Many of them, in fact, live in urban areas, where they face a different set of challenges from those we see in Indian country. One of those challenges is a disproportionate vulnerability to sex trafficking. Victims of trafficking likely also contribute to the missing Indian person numbers discussed at this hearing. Indian women and girls are sometimes moved off reservations and forced into trafficking activities in the city. In addition to the horrific trauma that this kind of exploitation causes, it also means that they are often dragged into the criminal justice system by virtue of being arrested.

OJP's Office for Victims of Crime has made three awards to urban organizations to address this urgent problem under a program called Project Beacon. Grantees in Albuquerque, Seattle, and Chicago are developing community partnerships to meet the needs of American Indian victims. The grants support a range of services, from emergency shelter and housing to crisis counseling and treatment. These victims have, in many cases, been violently displaced, uprooted and separated from their families and support networks. Our goal through these grants is to return them to safety, return them to their families, and to help them begin the process of recovery and healing.

As noted, OJP works closely with other DOJ components. The Department's Office of Tribal Justice and the network of Tribal Liaisons in the United States Attorneys' offices and specialists throughout the country collaborate with tribes to improve law enforcement functions and reduce crime. These offices each have a tribal liaison to link efforts between the Department and tribal leadership. The Executive Office for U.S. Attorneys also trains federal, state, local, and Tribal attorneys and law enforcement staff on law enforcement issues in Indian country.

As the Department continues to enhance its public safety efforts in Indian country, we remain committed to working with our Tribal partners to improve the tools they need to protect citizens, safeguard communities, and solve crimes that, in too many cases, have left loved ones without the answers that they need and deserve. We will continue to work hard on their behalf. Thank you, and I look forward to addressing your questions.