

Missing or Murdered Indigenous People: Culturally Based Prevention Strategies

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I. Introduction

To address the ongoing crisis of missing or murdered Indigenous persons (MMIP),¹ we must explore the historical context that led to the extent of the victimization today. The issue is steeped in centuries of interracial physical and cultural violence carried out through colonial oppression of Indigenous peoples. What began with European colonialization and the kidnapping and murdering of Indigenous people² continued with U.S. colonizing policies throughout the 18th, 19th, and 20th centuries. These policies included wars, massacres, and attacks on Indigenous civilian populations,³ boarding schools with

¹ MMIP in the United States is synonymous with the term missing and murdered Native Americans (MMNA). Another term used to bring attention to the missing or murdered is MMIW or missing or murdered Indigenous women. This paper refers to the Indigenous people of the United States as either Indigenous, Native Americans, American Indian/Alaska Native, or as Indian in reference to U.S. laws that use this term.

² *Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women: Exploring Solutions to End the Cycle of Violence, Before the Subcomm. for Indigenous Peoples of the United States, H. Comm. on Nat. Res.*, 116th Cong. 1 (2019) (written testimony of Professor Sarah Deer, citizen of the Muscogee (Creek) Nation, Professor at the University of Kansas, and Chief Justice of the Prairie Island Indian Community Court of Appeals).

³ KARINA L. WALTERS ET AL., DIS-PLACEMENT AND DIS-EASE: LAND, PLACE, AND HEALTH AMONG AMERICAN INDIANS AND ALASKA NATIVES, IN COMMUNITIES, NEIGHBORHOODS, AND HEALTH: EXPANDING THE BOUNDARIES OF PLACE 174 (2011).

assimilatory policies,⁴ laws suppressing cultural and religious practices,⁵ and forced removal of Indigenous peoples from their traditional lands.⁶

Indigenous peoples have a long history of experiencing interracial violence. Like other races in the United States, there is intraracial violence perpetrated by Natives on Natives; however, multiple studies demonstrate that the majority of the violence experienced by Natives is interracial, meaning it is done by non-Natives to Native people and experienced by Native people living on and off reservation land.⁷ A report analyzing the findings from the National Intimate Partner and Sexual Violence Survey found that, when looking at specific types of violence, such as intimate partner psychological aggression and physical violence, sexual violence, and stalking, American Indian/Alaska Native (AI/AN) women experienced interracial violence 2.8 times as much as intraracial violence (97% vs. 35%), and AI/AN men experience interracial violence 2.7 times as much as intraracial violence (90% vs. 33%).⁸

Although Indigenous families and communities have experienced this violence for centuries, beginning with colonization in 1492, only recently has the topic of MMIP made national news headlines. This is due to the increased advocacy of Indigenous people coming together to raise awareness of the issues surrounding missing persons and

⁴ DENISE K. LAJIMODIERE, AMERICAN INDIAN BOARDING SCHOOLS IN THE UNITED STATES: A BRIEF HISTORY AND THEIR CURRENT LEGACY, *IN* INDIGENOUS PEOPLES' ACCESS TO JUSTICE, INCLUDING TRUTH AND RECONCILIATION PROCESSES 255 (Wilston Littlechild & Elsa Stamatopoulou eds., 2014).

⁵ Lee Irwin, *Freedom, Law, and Prophecy: A Brief History of Native American Religious Resistance*, 21 AM. INDIAN Q. 35 (1997).

⁶ See 25 U.S.C. § 174.

⁷ ANDRÉ B. ROSAY, U.S. DEP'T OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE RESEARCH REPORT: VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN AND MEN (2016); see also BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, AMERICAN INDIANS AND CRIME (1999); see also STEVEN W. PERRY, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, A BJS STATISTICAL PROFILE, 1992–2002: AMERICAN INDIANS AND CRIME (2004); see also RONET BACHMAN ET AL. VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN AND THE CRIMINAL JUSTICE RESPONSE: WHAT IS KNOWN (2008).

⁸ See ROSAY, *supra* note 7, at 46. These rates were in stark contrast to rates for Non-Hispanic White people who experienced intraracial violence at much higher rates (95% vs. 35% for women and 94% vs. 30% for men).

murder cases⁹ and recent studies and news articles addressing the lack of data surrounding the issues of Indigenous missing persons or murder cases.¹⁰ The movement has experienced growing media coverage and has raised a call for action from law enforcement and lawmakers at tribal, state, and federal levels.

Tribal, state, and federal governments are working on an array of actions to prevent further Indigenous people from going missing or being murdered. The federal government and state governments have technical expertise and funding that is useful to tribes. Tribes, however, are the first and foremost experts on their own communities and have resources that can and should be leveraged to help their own people. While we recognize that the MMIP issue is complex, involving different sectors (criminal justice, public health, housing, education, etc.) and factors (resource development, laws, and policies) that tribes have limited control over, in this article, we explore areas where tribes can utilize their self-determination to draw on their cultural resources to help protect their members from certain risk factors that can lead to them going missing or being murdered.

Studies in recent years demonstrate that active participation in tribal culture serves as a preventative factor against crime and victimization.¹¹ The Administration for Native Americans (ANA),

⁹ See such organizations as the Coalition to Stop Violence Against Native Women, the StrongHearts Native Helpline, the Sovereign Bodies Institute, the Indian Law Resource Center, Seeding Sovereignty, the WomenSpirit Coalition, the Native Alliance Against Violence, the Montana Native Women's Coalition, the National Indian Women Resource Center, the Alliance of Tribal Coalitions to End Violence, the Urban Indian Health Institute, the National Congress of American Indians, MMIW USA, the Alaska Native Women's Resource Center, Mending the Sacred Hoop, and the White Earth Reservation Tribal DOVE Program.

¹⁰ See URBAN INDIAN HEALTH INST., MISSING AND MURDERED INDIGENOUS WOMEN & GIRLS (2018); see also YUOK TRIBE, I WILL SEE YOU AGAIN IN A GOOD WAY: A YEAR 1 PROJECT REPORT ON MISSING AND MURDERED INDIGENOUS WOMEN, GIRLS, AND TWO SPIRIT PEOPLE OF NORTHERN CALIFORNIA (2020); see also Jeannie Hovland, *Missing and Murdered Native Americans: How to Combat the Worsening Crisis in the U.S.*, FORTUNE (June 15, 2020), <https://fortune.com/2020/06/15/missing-murdered-native-americans/>.

¹¹ See Jia Pu et al., *Protective Factors in American Indian Communities and Adolescent Violence*, 17 MATERNAL & CHILD HEALTH J. 8 (2014); see also MARIANNE O. NIELSEN & JAMES W. ZION, NAVAJO NATION PEACEMAKING:

established in 1974 through the Native American Programs Act (NAPA), is a part of the Administration for Children and Families (ACF), located in the U.S. Department of Health and Human Services (HHS). ANA provides funding to support tribal self-sufficiency and cultural preservation. Federal fiscal year (FY) 2020 was the first time that Native American applicants could explicitly apply for projects to address issues surrounding missing persons or murder victims. Funded projects will be able to support training programs, data collection, and the creation of legislative codes or laws through tribal councils that respond to those issues.¹²

ANA provides discretionary grant funding to federally and state-recognized American Indian and Alaska Native tribes. ANA also funds Native Hawaiians and non-profits in all 50 states and Native populations in the Pacific Basin (including American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands). Through ANA grant awards, some funded grantees are conducting projects that use culture as a preventative factor. For example, the Salish School of Spokane, located in Spokane, Washington, is implementing a Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD) project called, the Native Youth Empowerment Project, which began in 2016. Before the project, the grantee reported that its urban native youth had low rates of school completion, the lowest standardized test scores of any racial or ethnic group in the city of Spokane, and many came from communities and neighborhoods with high rates of poverty. The Salish School of Spokane proposed addressing these issues in its project application through teaching youth the Salish language and culture, supporting the youth through an academic program, and involving the youth in a cultural leadership and internship program with work and mentorship. This grantee reported to ANA that several youth were dramatically impacted by the school and were becoming more connected to the culture and engaging in the community, bringing them out of depression, drug use, and poor academic performance.

LIVING TRADITIONAL JUSTICE 111–23 (Marianne O. Nielsen & James W. Zion eds., 3d ed. 2005).

¹² *Missing and Murdered Indigenous Women (MMIW) and Girls, Before the Subcomm. for Indigenous Peoples of the United States, H. Comm. on Nat. Res.*, 116th Cong. (2019) (statement of Jeannie Hovland, Comm’r Administration for Native Americans).

In this article, our focus is on public health considerations for improving outcomes for Indigenous people who go missing or are murdered. We begin this paper briefly exploring the problem, looking at testimonies, and explaining how the lack of data is part of the problem. Second, we look at the role of culture in prevention through a public health model of primary, secondary, and tertiary prevention and through examples of ACF programs and grantees utilizing culture as prevention. At the primary level, we look at population-wide interventions aimed at enculturation and developing family and community bonds to prevent possible victimization before injury occurs. On the secondary level, we explore dealing with the early stages of violence, abuse, or risky behaviors and how those who provide legal, medical, and social service to Indigenous people can engage in culturally competent ways. On the tertiary level, we explore how tribes can utilize their sovereignty and culture to work with people already impacted by violence and dealing with recovery and rehabilitation through tribal practices to heal people so that they feel included as part of the community and to help remove some risk of going missing or being murdered.

II. Missing or murdered indigenous persons

Testimony provided by Indigenous people in the United States during congressional hearings and federal listening sessions emphasized both the long-term nature and prevalence of the MMIP crisis. Professor Sarah Deer of the Muscogee (Creek) Nation testified to the U.S. House of Representatives that, historically, Indigenous peoples in the United States have been kidnapped and murdered by non-Indigenous people since 1492, when Europeans arrived on the continent.¹³ This oppressive history, started by Europeans, continued when the United States became a country. Indigenous communities were marginalized¹⁴ and taken to war¹⁵ by the U.S. government.¹⁶

¹³ *Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women*, *supra* note 2.

¹⁴ *Id.*

¹⁵ WALTERS ET AL., *supra* note 3, at 174.

¹⁶ *Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women*, *supra* note 2.

Today, Native Americans continue to experience disproportionate rates of interracial violence.¹⁷

In an Operation Lady Justice (OLJ),¹⁸ the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, listening session, Native American tribal members explained their experiences with family members who went missing or were murdered and described how crimes against their family members are often not well covered in the media or investigated, which leads to cold cases and a lack of recognition of the problems and urgency needed to address the MMIP crisis.¹⁹ During one OLJ listening session, Tamra Borchardt-Slayton, Chairwoman for the Paiute Indian Tribe of Utah said, “Because the MMIWG Missing and Murdered Indigenous Women and Girls crisis spans multiple policy domains, jurisdictions, and regions, the response must be multi-pronged. For far too long, our communities and nations have grieved and mourned for our brothers, sisters, mothers, fathers, grandfathers, grandmothers, aunties, uncles, nieces, and nephews.”²⁰ These listening sessions have captured the tragedies Native families and communities have experienced and express the true urgency of the MMIP crisis and the need for increased intervention and funding by governmental agencies that Native American communities are calling for.

With the variety of jurisdictions involved in the MMIP crisis, including federal, state, tribal, and local levels, there are issues with data being collected on Indigenous people who are missing or murdered, including: (1) who the data is on: men, women, boys, girls, two-spirit, or LGBTQ+; (2) using the correct racial classifications of those missing or murdered; (3) using the correct classifications of how someone was killed; (4) agencies reporting their data to federal

¹⁷ See ROSAY, *supra* note 7.

¹⁸ The Operation Lady Justice Presidential Task Force on Missing and Murdered American Indians and Alaska Natives was formed by Executive Order 13898 on November 26, 2019, to consult with Tribal governments and hold listening sessions on missing and murdered American Indians and Alaska Natives and then to write a report on its findings.

¹⁹ *BIA General Session Virtual Consultation, The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives* (September 17, 2020).

²⁰ *Tribes in BIA's Southern Plains, Southwest, Western, Rocky Mountain and Eastern Oklahoma Regions Webinar, The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives* (May 29, 2020).

databases; and (5) Indigenous people underreporting people missing due to poor relationships with law enforcement agencies.²¹ These issues lead to a lack of data showing the full picture of the MMIP crisis across reservations, rural areas, and urban spaces.²² At the federal level, missing person cases are tracked in the Federal Bureau of Investigation's (FBI's) National Crime Information Center (NCIC) database; however, it is up to different tribal, state, and local agencies to report those missing to this database.²³ The National Missing And Unidentified Persons System (NamUs) also tracks missing people nationwide that people report to them and provides resources such as missing person records, free forensic testing, investigative support, victim services, training, and outreach.²⁴ The FBI's Uniform Crime Reporting (UCR) program collects data on nationwide murders from law enforcement agencies that report them to the FBI.²⁵ States, tribes, and local law enforcement also keep records on those reported missing or murdered, as do Indigenous organizations like the Sovereign Bodies Institute.²⁶

In order to begin to address these data issues, build better relationships between tribes and law enforcement, provide law enforcement with resources, and promote transparency, different states and tribes have been introducing legislation around the issue of MMIP.²⁷ In 2020, two acts were passed through Congress and signed into law to strengthen the federal government's response to the MMIP

²¹ See URBAN INDIAN HEALTH INSTITUTE, *supra* note 10; see also YUROK TRIBE, *supra* note 10.

²² Hovland, *supra* note 10.

²³ *National Crime Information Center (NCIC)*, FED. BUREAU OF INVESTIGATION, <https://www.fbi.gov/services/cjis/ncic> (last visited Dec. 4, 2020).

²⁴ NAMUS, <https://www.namus.gov> (last visited Dec. 4, 2020).

²⁵ *Federal Bureau of Investigation Uniform Crime Reporting*, FED. BUREAU OF INVESTIGATION, <https://www.fbi.gov/services/cjis/ucr> (last visited Dec. 4, 2020).

²⁶ *MMIWG2 Database*, SOVEREIGN BODIES INST., <https://www.sovereignbodies.org/mmiw-database> (last visited Oct. 26, 2020).

²⁷ See *Legislation*, ASS'N ON AM. INDIAN AFFS., <https://www.indian-affairs.org/legislation.html> (last visited Dec. 7, 2020); see also *Missing and Murdered Indigenous Women (MMIW)*, UNM U. LIBRS., <https://libguides.unm.edu/c.php?g=931968&p=6782138> (last visited Dec. 7, 2020).

crisis, Savannah’s Act²⁸ and the Not Invisible Act.²⁹ Savannah’s Act includes improvements to reporting MMIP in databases; improvements to communication between federal, state, tribal, and local law enforcement agencies; increases tribal access to resources; and develops guidelines for responding to Indigenous missing or murdered people and providing training to develop guidelines.³⁰ The Not Invisible Act includes increased intergovernmental coordination through the establishment of a Joint Commission on Reducing Violent Crimes Against Indians, which has federal, tribal, and local stakeholders to make recommendations to the Departments of Justice and Interior on how to address the MMIP crisis.³¹

ANA, ACF, and HHS all advocate for prevention efforts to support the health of our Native communities.³² ACF funds programs such as Head Start, Tribal Maternal, Infant and Early Childhood Home Visiting (MIECHV), Family Violence and Prevention Services, Runaway and Homeless Youth, and Healthy Marriage and Responsible Fatherhood in order to address historical trauma, domestic violence, and heal Native families.³³ The StrongHearts Native Helpline, the National Indigenous Women’s Resource Center (NIWRC), and the Alaska Native Women’s Resource Center (AKNWRC) are all funded through the Family Violence and Prevention Services Act³⁴ and help Native people dealing with domestic violence. Additionally, HHS created and funds resources for vulnerable populations, including “foster children; runaway and homeless youth; victims of domestic violence and children who witness it; homeless adults; lesbian, gay, bisexual, and transgender individuals; individuals with mental disabilities; and those struggling with substance abuse or addiction.” ACF also addresses the MMIP crisis through its Missing and Murdered Native Americans: A Public Health Framework for Action, which improves collaboration between

²⁸ Pub. L. No. 116-165, 134 Stat. 765 (2020).

²⁹ Pub. L. No. 116–165, 134 Stat. 766 (2020)

³⁰ Pub. L. No. 116-165, 134 Stat. 765 (2020).

³¹ Pub. L. No. 116–165, 134 Stat. 766 (2020).

³² *Missing and Murdered Indigenous Women (MMIW) and Girls*, statement of Jeannie Hovland, *supra* note 12.

³³ *Id.*

³⁴ Pub. L. No. 98-457, 98 Stat. 1749 (1984).

ACF program offices and Native communities.³⁵ ANA funding not only supports creating codes around missing and murdered persons as mentioned above, but it supports “the preservation of Native cultures and languages which have been shown to stand as strong protective and preventative factors.”³⁶

While the exact scale of the crisis is difficult to measure, research has helped shine a light on some of the major drivers and risk factors that contribute to the MMIP crisis. Understanding these contributing factors is crucial for developing preventative measures, particularly in the context where enforcement after the fact is logistically and legally difficult. Obtaining justice for those that have been murdered is a critical need, but working on prevention efforts to protect Indigenous men, women, boys, and girls from further victimization is also crucial.

During a conference on the MMIP crisis hosted by the Confederated Salish and Kootenai Tribes, community members identified their understanding of several potential risk factors for victimization, including a lack of sense of community, interactions with the foster care system, substance use, and the presence of transitory predators from outside of the reservation.³⁷ When the Canadian government produced a report on missing or murdered women and girls, it identified several pathways to violence, including multigenerational trauma, social and economic marginalization, denying agency and expertise in restoring culture, naming the foster care system, disconnection from culture, and substance use as examples of specific risk factors for exposure to violence.³⁸ Borchardt-Slayton, Chairwoman for the Paiute Indian Tribe of Utah, stated that “Bringing an end to the crisis requires serious attention to underlying factors to alleviate risky behavior.”³⁹ In this paper, we explore how the

³⁵ ADMINISTRATION FOR CHILDREN AND FAMILIES, MISSING AND MURDERED NATIVE AMERICANS: A PUBLIC HEALTH FRAMEWORK FOR ACTION (2020).

³⁶ *Id.*; see also Pu et al., *supra* note 11, at 8.

³⁷ Olivia Reingold, *Conference Finds Links Between Human Trafficking, MMIW* (Aug. 30, 2019), YELLOWSTONE PUBLIC RADIO, <https://www.ypradio.org/post/conference-finds-links-between-human-trafficking-mmiw#stream/0>.

³⁸ NAT’L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, RECLAIMING POWER AND PLACE: THE FINAL REPORT OF THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS III (2019).

³⁹ Tribal Regional Virtual Listening Session Southern Plains, Southwest, Western, Rocky Mountain and Eastern Oklahoma Regions, The Presidential

Indigenous Tribes and communities in the United States are engaging with their culture to address these identified risk factors tied to victimization and violence, including a lack of a sense of community, substance use, and disconnection from culture.⁴⁰

III. Culture as prevention

Indigenous persons have lived in the United States and its territories for thousands of years with thriving societies and diverse cultures. In the United States, there are 574 federally recognized tribes,⁴¹ additional state recognized tribes, and other Indigenous organizations and entities. Over 5.2 million people identify as AI/AN⁴² and are living throughout the United States and its territories. Culture, unique to each Indigenous tribe, includes the customary beliefs, social forms, and material traits, such as values, languages, spirituality and ceremony, and traditions that are transmitted between generations.⁴³ Before European contact, Indigenous communities widely practiced their cultures and spoke their Native languages.

The United States enacted policies that disrupted culture and policies that made practicing Indigenous culture in the United States illegal.⁴⁴ The Indian Removal Act of 1830 moved tribes across the United States, away from their homelands where they practiced traditional hunting and gathering practices, to new places where the same resources were not available.⁴⁵ The Indian Religious Crimes Code of 1883 diminished religious freedom and outlawed Native

Task Force on Missing and Murdered American Indians and Alaska Natives (May 29, 2020).

⁴⁰ See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁴¹ 25 U.S.C. § 5130–5131.

⁴² TINA NORRIS ET AL., THE AMERICAN INDIAN AND ALASKA NATIVE POPULATION: 2010 (2012).

⁴³ *Culture*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/culture> (last visited Oct. 28, 2020).

⁴⁴ Irwin, *supra* note 5. The Indian Religious Crimes Code of 1883 denied Native Americans “freedom of religion” as outlined in the First Amendment, banning traditional dances and ceremonies.

⁴⁵ 25 U.S.C. § 174.

ceremonial dancing.⁴⁶ The boarding school era, beginning in the 1860s, separated Native youth from their families, their language, and their culture, and exposed them to physical and sexual abuse.⁴⁷ Finally, the General Allotment Act (Dawes Act) of 1887 allotted Native land, breaking up reservations and further disrupting traditional land management practices and family connectivity.⁴⁸ For generations, the Indigenous peoples of the United States found their cultural practices outlawed, their people removed from sacred places, and their children purposely separated from parents to be assimilated into mainstream U.S. culture.⁴⁹

These methods of colonization and assimilation caused significant trauma in Indigenous communities, which was passed down through generations. Historical trauma is a term used to describe the resulting emotional and psychological damage to Indigenous people from the generations of wars, massacres, removal policies, criminalization of culture, and boarding schools.⁵⁰ Historical trauma is linked to a variety of problematic community conditions in Indigenous communities, such as suicide, substance use, poverty, low educational achievement, shaming of cultural identity, loss of Native language and culture, dysfunctional families, trauma, and violence.⁵¹ One way to address historical trauma is through engaging with traditional culture, drawing on the strengths that Indigenous people have.⁵² Some of these community conditions, such as lack of community

⁴⁶ Irwin, *supra* note 5. The Indian Religious Crimes Code of 1883 was developed by the Secretary of the Interior Henry Teller and instituted through the Bureau of Indian Affairs for the Indian Courts.

⁴⁷ LAJIMODIERE, *supra* note 4, at 255.

⁴⁸ 46 Cong. Ch. 119, 24 Stat. 388, 25 U.S.C. § 331, repealed by the Indian Land Consolidation Act Amendments of 2000, Pub. L. No. 106-462, 114 Stat. 1992.

⁴⁹ Irwin, *supra* note 5; LAJIMODIERE, *supra* note 4, at 255.

⁵⁰ Maria Yellow Horse Brave Heart et al., *Historical Trauma Among Indigenous Peoples of the Americas: Concepts, Research, and Clinical Considerations*, 43 J. OF PSYCHOACTIVE DRUGS 282 (2011).

⁵¹ SAMHSA, *Culture is Prevention*, YOUTUBE (Aug. 23, 2018), <https://www.youtube.com/watch?v=t8GJtTSKgQQ>; see also WALTERS ET AL., *supra* note 3, at 174–76.

⁵² Joseph P. Gone, *Redressing First Nations Historical Trauma: Theorizing Mechanisms for Indigenous Culture as Mental Health Treatment*, 50 TRANSCULTURAL PSYCHIATRY 696 (2013).

bonds, substance use, and cultural alienation may be putting Indigenous people at risk of becoming vulnerable to violence.⁵³ In the next three sections, we explore how culture is used as a preventative factor to make Indigenous communities safer and protect Indigenous people through utilizing a public health prevention model of primary, secondary, and tertiary prevention and giving examples of ACF programs and grantees utilizing culture as a preventative factor.

A. Primary prevention: increasing connectedness

Preliminary studies reported that social and cultural integration serve as a powerful protective factor against victimization. In a survey of five Midwestern reservation schools, parental involvement in an adolescent's life was found to prevent violence, and the survey specifically found that "an adolescent's interest in the tribe's culture had a strong positive, indirect relationship with adolescents' violent behavior."⁵⁴ The pathway described in this study involves boys and girls becoming interested in their culture, which leads to closer parental monitoring and higher self-efficacy, which in turn leads to decreased exposure to violence.⁵⁵ This pathway was echoed in anti-human trafficking research that surveyed survivors of trafficking, including those connected to an ANA grantee, Native Connections. In this study, survivors reported on three key themes that could have helped prevent trafficking: "(1) having family/parents, (2) having someone other than parents who cared about them, and (3) having the support of one's community."⁵⁶ This pathway can serve as a guideline for primary population-level prevention. Primary prevention works to stop violence before it happens.⁵⁷ By utilizing existing cultural resources, Indigenous communities can integrate their members into both their cultures and their immediate families in order to build the community bonds that can prevent violence or victimization.

⁵³ See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁵⁴ Pu et al., *supra* note 11, at 8.

⁵⁵ *Id.*

⁵⁶ DEBRA SCHILLING WOLFE ET AL., HUMAN TRAFFICKING PREVALENCE AND CHILD WELFARE RISK FACTORS AMONG HOMELESS YOUTH: A MULTI-CITY STUDY 47 (2018).

⁵⁷ Lucy Kirk et al., *Effectiveness of Secondary and Tertiary Prevention for Violence Against Women in Low and Low-Middle Income Countries: A Systematic Review*, 17 BMC PUB. HEALTH 622 (2017).

The literature on prevention research in Indigenous communities refers to the concepts of *enculturation*, or the degree to which an individual is engaged with their cultural traditions and practices, and *cultural orientation*, or how an individual's self-image and sense of purpose is informed by their cultural beliefs.⁵⁸ These aspects of identity are measurable, and scales have been developed to accurately quantify enculturation and cultural orientation, and those scales can be used to measure the impact of prevention programs promoting connectedness.⁵⁹ Public health researchers have found that higher enculturation and greater cultural orientation serves as a protective factor against substance use (a possible risk factor tied to Indigenous people going missing or being murdered)⁶⁰ and self-harm.⁶¹ Additionally, greater enculturation involves developing and deepening community bonds and community cohesion as a crucial preventative factor against violence.⁶²

As discussed, Indigenous peoples in the United States have faced assimilation and colonization practices that led to historical trauma in their communities. This pattern of intentional cultural genocide was accompanied by physical acts of violence, including the Wounded Knee Massacre, where U.S. Army soldiers murdered hundreds of Lakota women and children.⁶³ It is important to repair this cultural damage and treat historical trauma to prevent Indigenous people from developing the risk factors tied to victimization.⁶⁴ In one Lakota treatment model, community members engaged in memorializing and

⁵⁸ John Fleming & Robert J. Ledogar, *Resilience and Indigenous Spirituality: A Literature Review*, 47 PIMATSIWIN: A J. OF ABORIGINAL & INDIGENOUS CMTY. HEALTH 6 (2008).

⁵⁹ *Id.*

⁶⁰ See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁶¹ Fleming & Ledogar, *supra* note, at 58.

⁶² GRETA M. MASSETTI & CORINNE DAVID-FERDON, PREVENTING VIOLENCE AMONG HIGH-RISK YOUTH AND COMMUNITIES WITH ECONOMIC, POLICY, AND STRUCTURAL STRATEGIES (Feb. 12, 2016).

⁶³ 1890: U.S. Cavalry Massacres Lakota at Wounded Knee, U.S. NAT'L LIBR. OF MED., <https://www.nlm.nih.gov/nativevoices/timeline/377.html> (last visited Oct. 28, 2020).

⁶⁴ See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38; see also Gone, *supra* note, at 52.

mourning Wounded Knee using cultural resources, including Lakota language and ritual.⁶⁵ Seventy-five percent of participants expressed “high agreement that the intervention helped them overcome feelings of cultural shame.”⁶⁶

Lakota communities have also worked to undo the effects of cultural trauma in a family setting. In an attempt to prevent substance use (a possible risk factor tied to Indigenous people going missing or being murdered),⁶⁷ the Takini Network, established by prominent historical trauma researcher Maria Yellow Horse Brave Heart, designed a historical trauma and unresolved grief intervention (HTUG) that, when used in parenting sessions, showed “a decrease in hopelessness[,] . . . an increase in joy, . . . an increase in positive Lakota identity, . . . an increase in protective factors and a decrease in risk factors for substance abuse, . . . improvement in parental relationships . . . , and . . . improvement in parenting skills.”⁶⁸ More research is needed to determine the long-term and intergenerational effects of these kinds of interventions. These types of interventions, however, offer promising practices to address the policies of cultural degradation and assimilation that pulled communities apart and disposed of cultural resources for family and community cohesion. By re-introducing or increasing access to cultural resources in a community context, families and communities can come together to help protect their members from victimization as individuals learn coping strategies to increase resilience and reduce vulnerability through growing community bonds.

Many ANA projects incorporate aspects of enculturation and community bonds, particularly through social development programs. A recent ANA grantee, Native American Connections (funded in 2019), seeks to counteract historical trauma from the residential school system by providing cultural activities for Indigenous people in

⁶⁵ John Oetzel & Bonnie Duran, *Intimate Partner Violence in American Indian and/or Alaska Native Communities: A Social Ecological Framework of Determinants and Interventions*, 11 AM. INDIAN & ALASKA NATIVE MENTAL HEALTH RES. J. OF NAT’L CTR. 59 (2004).

⁶⁶ *Id.* at 59–60.

⁶⁷ See Reingold, *supra* note 37; see also NAT’L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁶⁸ Maria Yellow Horse Brave Heart, *The Historical Trauma Response Among Natives and its Relationship with Substance Abuse: A Lakota Illustration*, 35 J. PSYCHOACTIVE DRUGS 11 (2003).

Phoenix, Arizona. The program has three outputs: a series of cultural events and presentations for hundreds of community members in Phoenix; professional development for educators regarding historical trauma; and Indigenous food demonstrations. Each of these outputs includes hundreds of community members. This programming takes place primarily in a Native American cultural center in a predominately Indigenous neighborhood in Phoenix. While these activities may seem far removed from the issues surrounding missing persons or murder cases, this and interventions like it are an important component of primary prevention. This intervention tackles the problem from two angles: community awareness and Indigenous enculturation. By informing community members about the specific traumas faced by Indigenous people in their area, the community can gain a better understanding of the historical events that primed conditions for the MMIP crisis. By teaching Indigenous people about specific cultural practices and history, enculturation is achieved, and community bonds are built. These may not have an immediate impact on the rates of Indigenous persons going missing or being murdered, but over time, this intervention and others like it can help repair the wounds of historical trauma and bring communities together to reduce some of the risk factors thought to be associated with Indigenous persons going missing or being murdered.

B. Secondary prevention: service providers

After physical or emotional violence occurs, but before the long-term impacts set in, a response is needed. A case of domestic battery can escalate to murder; coercion and emotional abuse can escalate to human trafficking.⁶⁹ It is vital to look at who responds to these cases and who Indigenous people trust to respond. In communities deeply impacted by historical trauma, institutional trust may be low, and historical harms are compounded by the impact they have on preventing Indigenous people from accessing the help they need. This phenomenon has significant impacts for secondary interventions, which detect violent behaviors or attitudes early and prevent

⁶⁹ ANDREW R. KLEIN, PRACTICAL IMPLICATIONS OF CURRENT DOMESTIC VIOLENCE RESEARCH: FOR LAW ENFORCEMENT (2009); *see also Mental Health Needs*, OFF. FOR VICTIMS OF CRIME TRAINING & TECH. ASSISTANCE CTR., <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/44-comprehensive-victim-services/mental-health-needs/> (last visited Oct. 28, 2020).

reoccurrence or escalation.⁷⁰ These interventions may occur in the immediate aftermath of violent acts and are often concerned with the initial response, as opposed to tertiary prevention, which is concerned with the long-term ramifications of escalated violence and avoiding mortality or re-offense.⁷¹

In the context of Indigenous communities and missing persons or murder cases, service providers, such as law enforcement, social workers, lawyers, and medical professionals, are an important component of secondary prevention. These professionals often interact with men, women, boys, and girls shortly after physical, emotional, or sexual violence occurs and can help or hinder victims as they seek to avoid future victimization or serious ongoing trauma. They may also interact with Indigenous people after they were exposed to risk factors for violence, such as substance use.⁷² Unfortunately, without a robust understanding of the dynamics of intergenerational and historical trauma and the cultural resources available to Indigenous victims, these service providers, at best, fail to provide optimal care and, at worst, can actively harm victims.⁷³ Understanding the concepts of trauma-informed and culturally-informed care are requirements for every professional who interacts with Indigenous people. Having this knowledge helps ensure the professional's response meets professional standards and ethics guidelines.⁷⁴ Additionally, there is a real need for increased training of Indigenous service providers to help guarantee that communities can be served by people with immediate expertise in their conditions and culture.⁷⁵

Developing cultural safety may involve recruiting Indigenous service providers, training non-Indigenous service providers in Indigenous

⁷⁰ Kirk et al., *supra* note 57.

⁷¹ *Id.*

⁷² See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁷³ Rachelle D. Hole et al., *Visibility and Voice: Aboriginal People Experience Culturally Unsafe Health Care*, 25 QUALITATIVE HEALTH RSCH. 1662 (2015).

⁷⁴ Caroline L. Tait, *Ethical Programming Towards a Community-Centered Approach to Mental Health and Addiction Programming in Aboriginal Communities*, 6 PIMATSIWIN: A J. OF ABORIGINAL & INDIGENOUS CMTY. HEALTH 29 (2008).

⁷⁵ Crystal Jongen et al., *Working Well: Strategies to Strengthen the Workforce of the Indigenous Primary Healthcare Sector*, 19 BMC HEALTH SERVICES RES. 910 (2019).

culture or spirituality, and equipping Indigenous or non-Indigenous service providers with culturally appropriate interventions. Indigenous scholars and social work researchers discuss the concept of cultural safety, or the creation of “an environment that is spiritually, socially, emotionally and physically safe for people” and that avoids “stereotyping and racism . . . discrimination and structural inequalities” that often dissuade Indigenous people from seeking care.⁷⁶ Creative and common-sense ways of integrating Indigenous people and Indigenous knowledge into the systems that serve Indigenous communities can help generate cultural safety and improve outcomes. Indigenous service providers are also able to change community perceptions and increase engagement with agencies charged with providing care, opening up new sets of resources and protection to community members.

An example of a program that deals with training service providers to respond in culturally attuned ways is the Rural Human Services (RHS) Program, which is a certificate offered through the University of Alaska Fairbanks (UAF) College of Rural and Community Development.⁷⁷ The program based at UAF was developed for Alaska Native people interested in working in their own rural villages as human service providers.⁷⁸ The program is built around Alaska Native traditions, values, and learning styles and addresses such areas as suicide prevention, mental health counseling, crisis intervention, interpersonal violence, substance use, healing, and grief through cooperative learning, involving elders in the education process, and hands-on experience that is grounded in the oral traditions of Alaska Native people.⁷⁹ The program is taught through partnerships between University of Alaska faculty, Alaska Native elders, and Alaska Native health services providers.⁸⁰ There are both eurocentric and Alaska Native components to the program as Native and non-Native faculty work with Alaska Native elders and health service providers.⁸¹ By

⁷⁶ Donna M. Klinspohn, *The Importance of Culture in Addressing Domestic Violence for First Nation's Women*, 9 FRONTIERS IN PSYCH. 1, 3 (2018).

⁷⁷ *Rural Human Services*, UNIV. OF ALASKA FAIRBANKS, <https://uaf.edu/rhs/about/index.php> (last visited Oct. 28, 2020).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Valerie Gifford & Diane McEachern, *Reclaiming the Elder Role of Educator in Higher Education for Alaska Native Elders*, J. OF SOC. WORK EDUC. (2019).

learning both viewpoints, the RHS Program graduates are ready to work with the Indigenous populations in their villages and the more eurocentric medical and social services sectors.⁸²

Two examples from ACF demonstrate the possibilities in training non-Indigenous service providers to more effectively combat and prevent Indigenous people from going missing or being murdered. First, the Stop, Observe, Ask, and Respond (SOAR) to Health and Wellness Program for Native Communities trained service providers on how to identify cases of human trafficking using trauma-informed, culturally appropriate approaches.⁸³ SOAR for Native communities provides training to help health care and social service providers identify and respond to human trafficking in Indigenous settings and provides culturally appropriate resources for those interacting with survivors of trafficking.⁸⁴ This training is freely available on demand for self-paced learning through SOAR *Online* and through live delivery upon request via the National Human Trafficking Training and Technical Assistance Center.⁸⁵ In addition, an ANA partnership with the ACF Office of Trafficking in Persons provided Native survivors of human trafficking and frontline professionals the opportunity to examine cultural protective factors aimed at prevention of human trafficking of Native youth through its Human Trafficking Leadership Academy (HTLA).⁸⁶ By training the service providers most involved in the MMIP crisis, these HHS programs can contribute powerfully to secondary prevention efforts.

⁸² *Id.*

⁸³ *Missing and Murdered Indigenous Women (MMIW) and Girls*, statement of Jeannie Hovland, *supra* note 12.

⁸⁴ *Id.*

⁸⁵ For SOAR online training visit *SOAR Online*, NAT'L HUM. TRAFFICKING TRAINING & TECH. ASSISTANCE CTR., <https://nhttac.acf.hhs.gov/soar/soar-for-individuals/soar-online>. To contact the National Human Trafficking Training and Technical Assistance Center visit *National Human Trafficking Training and Technical Assistance Center (NHTTAC)*, OFF. OF TRAFFICKING IN PERSONS, <https://www.acf.hhs.gov/otip/training/nhttac>.

⁸⁶ *Human Trafficking Leadership Academy*, NAT'L HUM. TRAFFICKING & TRAINING TECH. ASSISTANCE CTR., <https://nhttac.acf.hhs.gov/survivor-involvement/human-trafficking-leadership-academy> (last visited Sept. 17, 2020).

C. Tertiary prevention: restorative justice practices

In comparison to the U.S. population in general, AI/AN populations have higher rates of alcohol and substance use and dependence due to the lasting impact of historical trauma resulting in poverty, chronic stress, violence and victimization, as well as other social determinants of health.⁸⁷ When considering tertiary violence prevention, it is important to remember that substance use can serve as a risk factor for Indigenous people linked to being murdered or going missing.⁸⁸ Additionally, when comparing AI/AN with other ethnic groups in the United States, Native people have consistently “been overrepresented in the justice system for alcohol-related arrests throughout the past three decades” due to crimes either associated by or precipitated with alcohol use or abuse.⁸⁹ Overall, Native people are overrepresented in the criminal justice system when compared to other Whites and Hispanics, and these high rates of incarceration in the United States justice system mean that many Native criminal offenders are removed from their communities and social structures, which further puts Indigenous people at risk of going missing or being murdered as their ties to their community are weakened.⁹⁰

Historically, tribes had their own justice systems as sovereign governments. Of the 574 federally recognized tribes, the Bureau of Indian Affairs states that, today, approximately 400 have some form of a judicial system.⁹¹ Tribes can protect their own community members through utilizing their sovereignty to establish judicial systems that serve their needs: Some judicial systems are more

⁸⁷ Robert S. Young & J. Richelle Joe, *Some Thoughts About the Epidemiology of Alcohol and Drug Use Among American Indian/Alaska Native Populations*, 8 J. OF ETHNICITY IN SUBSTANCE ABUSE 223 (2009); see also Brave Heart et al., *supra* note 50.

⁸⁸ See Reingold, *supra* note 37; see also NAT’L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁸⁹ Sarah W. Feldstein, et al., *American Indian/Alaska Native Alcohol-Related Incarceration and Treatment*, 13 AM. INDIAN & ALASKA NATIVE MENTAL HEALTH RSCH. 2 (2006).

⁹⁰ ZHEN ZENG, U.S. DEP’T OF JUSTICE, JAIL INMATES IN 2018 (2020); see also Reingold, *supra* note 37; MAY LEUNG, THE ORIGINS OF RESTORATIVE JUSTICE, Alberta, Canada: Canadian Forum on Civil Justice (1999).

⁹¹ *Tribal Court Systems*, U.S. DEP’T OF INTERIOR, INDIAN AFFS., <https://www.bia.gov/CFRCourts/tribal-justice-support-directorate> (last visited Oct. 28, 2020).

traditional and restorative, such as peacemaking courts/circles, councils of elders, or sentencing circles; other tribes have established systems that more closely follow the U.S. system through a Code of Federal Regulations (CFR), courts with judges, and consequences such as fines or imprisonment; while still other tribes have a hybrid system where they have elements of cultural restorative justice and CFR courts.⁹²

Since the formation of the United States, the practical sovereignty of tribes has been diminished, and limitations have been imposed on tribes that weaken their ability to exercise their sovereign powers due to United States federal laws and court cases.⁹³ In some cases, tribes have judicial powers over Native American people and can use restorative justice practices to resolve the crimes.⁹⁴ Restorative justice practices increase the person's integration into the community, protecting community members from being removed from the community and being incarcerated, which leads to a loss of community ties.⁹⁵ Tribes are engaging Indigenous people at the tertiary level of

⁹² STEPHEN W. PERRY, CENSUS OF TRIBAL JUSTICE AGENCIES IN INDIAN COUNTRY, 2002 (2005).

⁹³ See the Marshall Trilogy cases: *Johnson v. M'Intosh*, 21 U.S. 543 (1823), *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1831), *Worcester v. Georgia*, 31 U.S. 515, 520 (1832) that together recognized a persisting but limited tribal sovereignty over a tribe's Aboriginal lands and its members. See *United States v. Kagama*, 118 U.S. 375 (1886) for Congressional plenary power to extinguish tribal sovereignty. See *United States v. Wheeler*, 435 U.S. 313, 322 (1978) for tribes having inherent sovereignty that was never extinguished.

⁹⁴ See the Indian Country Crimes Act (ICCA) 18 U.S.C. § 1152, Major Crimes Act (MCA) 18 U.S.C. § 1153, the Indian Civil Rights Act (ICRA) 25 U.S.C. § 1301–1304, 28 U.S.C. § 1360; 83 Pub. L. No. 280 (1953), Tribal Law and Order Act of 2010 (TLOA), Pub. L. No. 111-211, 124 Stat. 2258, the Duro Fix statute Pub. L. No. 101-511, 104 Stat. 1856 (1990) (codified at 25 U.S.C. § 1301(2)), and the 2013 Amendments to the Violence Against Women Act (VAWA), Pub. L. No. 103-322, 108 Stat. 1902 (1994), amended by Congress, reauthorized, and expanded in 1996 and 2000, Violence Against Women Act of 2000, Pub. L. No. 106-386, 114 Stat. 1491; Pub. L. No. 104-201, 110 Stat. 2655 (1996) (codified as amended at 18 U.S.C. § 2261A). For further understanding of Federal Indian law, please see Cohen's Handbook of Federal Indian Law: NELL JESSUP NEWTON, FELIX COHEN, & ROBERT ANDERSON, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (2012).

⁹⁵ See LEUNG, *supra* note 90; see also Reingold, *supra* note 37.

prevention, which is concerned with the long-term effects of escalated violence and avoiding recidivation.⁹⁶ Restorative justice takes Indigenous people engaging in high-risk behaviors, has them interact with tribal justice systems in a more culturally safe way, and engages them with their community, improving cohesion, rehabilitating, treating substance abuse issues, and helping to protect them from the risk factors of substance abuse, disconnection from culture, and a loss of sense of community, which are risks associated with becoming a missing or murdered person.⁹⁷ Indigenous restorative justice practices emphasize restoring harmony and peace to the community, healing, resolving conflict, and restoring relationships.⁹⁸

The peacemaking circle is the most widely used type of restorative justice in U.S. Indigenous communities.⁹⁹ The Navajo Nation, in 1982, was the first tribe to use a peacemaking circle as a traditional Indigenous justice system to be part of their post-colonial judicial system.¹⁰⁰ The type of cases handled by peacemaking circles include juvenile issues such as misdemeanors, minors in possession of alcohol or drugs, shoplifting, truancy, property damage, auto thefts, assault and battery, and vandalism; adult issues include drunk driving, child support, child custody, and domestic relations issues that were non-violent.¹⁰¹ Participants in peacemaking circles include the offender, the victim, their families, the peacemaker, and community members such as church representatives, counselors, police, and other interested community members.¹⁰² The peacemaker is not a neutral

⁹⁶ Kirk et al., *supra* note 57.

⁹⁷ See Reingold, *supra* note 37; see also NAT'L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

⁹⁸ ADA PECOS MELTON, INDIGENOUS JUSTICE SYSTEMS AND TRIBAL SOCIETY, *in* JUSTICE AS HEALING: INDIGENOUS WAYS 108 (Wanda D. McCaslin ed., 2005).

⁹⁹ *Id.*

¹⁰⁰ Nancy A. Costello, *Walking Together in a Good Way: Indian Peacemaker Courts in Michigan*, 76 U. DET. MERCY L. REV. 875 (Spring 1999).

¹⁰¹ *Id.*; see also Laura Mirsky, *Restorative Justice Practices of Native American, First Nation and other Indigenous People of North America: Part One*, INT'L INST. FOR RESTORATIVE PRAC., <https://www.iirp.edu/news/restorative-justice-practices-of-native-american-first-nation-and-other-indigenous-people-of-north-america-part-one> (last visited Oct. 28, 2020).

¹⁰² *Kake Circle Peacemaking*, HARVARD KENNEDY SCHOOL ASH CTR. FOR DEMOCRATIC GOVERNANCE & INNOVATION, <https://www.innovations.harvard.edu/kake-circle-peacemaking> (last visited Oct. 28, 2020).

mediator, they often know the parties involved and could even be a relative; the peacemaker is chosen for their leadership and knowledge and provides teaching to the parties involved.¹⁰³ The circles can have anywhere from 6 to 60 people.¹⁰⁴ The circle begins with a prayer and then works to negotiate and build consensus about what should be done through conciliation instead of punishment.¹⁰⁵ The wrongdoer usually apologizes and has consequences such as attending a culture camp, performing community service with an elder, having a curfew, or enrolling in substance use treatment, and they have to compensate the victim through repairing relationships and feelings.¹⁰⁶

Peacemaking circles have had success in reducing recidivism. In Kake, Alaska, the Circle Peacemaking program had low rates of recidivism, with 68 adults going through the program and not violating any laws or repeating their offense during their probationary periods.¹⁰⁷ The Kwnalin Dun First Nations Community in Yukon, Canada found that adults who went through the circle program had “dramatic decreases in the frequency and seriousness of criminal behavior.”¹⁰⁸ The criminal activity of the adults involved in the Kwnalin Dun First Nations Community decreased by 80%.¹⁰⁹ The Navajo Nation compared the rates of recidivism between their Peacemaking Program and their family court and found a 60% lower rate of reoffending in their Peacemaking Program.¹¹⁰ Lower rates of recidivism are linked to the involvement of culture and traditions in the circle, the successes in the circles of reducing substance use, and the healing that happens between the offender, the victim, and the community.¹¹¹ Treating these offenders through connecting them to the community, addressing their substance use, and involving them in

¹⁰³ Costello, *supra* note 100, at 875.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Kake Circle Peacemaking*, *supra* note 102.

¹⁰⁸ DAVID CAYLEY, *THE EXPANDING PRISON: THE CRISIS IN CRIME AND PUNISHMENT AND THE SEARCH FOR ALTERNATIVES* 187 (1998).

¹⁰⁹ *Id.*

¹¹⁰ NIELSEN & ZION, *supra* note 11, at 123.

¹¹¹ *Kake Circle Peacemaking*, *supra* note 102.

their culture could help lower their risk of going missing or being a murder victim.¹¹²

ANA awarded a Social and Economic Development Strategies grant to the Mashpee Wampanoag Tribe in Massachusetts from 2014–2016 to help them integrate traditional peacemaking as a process to resolve disputes into their existing court system.¹¹³ The tribe worked through an Elder’s Judiciary Committee (EJC), and the EJC sought out community advisors, including spiritual advisors, clan mothers, and chief’s circle members to develop the techniques for dispute resolution and the peacemaking guidelines.¹¹⁴ Through the ANA funding, the tribe developed a peacemaker court and trained 18 peacemakers.¹¹⁵ The Mashpee Wampanoag Tribe is engaging in tertiary prevention in its community, it is working with people who have escalated to committing crimes and are treating these offenders, healing them, the victim, and the community to make the community stronger and safer. Restorative justice practices help reintegrate offenders into the community, help resolve their substance use issues, and may make them less at risk for going missing or being murdered.

IV. Conclusion

MMIP is a serious issue endangering the lives of Indigenous men, women, boys, and girls. Indigenous peoples in the United States have a history of colonization and historical trauma that puts them at risk for going missing or being murdered as they lose connectedness with their communities, use substances, and are alienated from their culture. Indigenous communities, however, have great strength in their culture and can use it as a preventative factor to enculturate and connect people to their communities, engage with service providers to respond in culturally competent ways, and rehabilitate their offenders through restorative justice practices, all to protect them from becoming at risk of going missing or being murdered.

¹¹² See Reingold, *supra* note 37; see also NAT’L INQUIRY INTO MISSING & MURDERED INDIGENOUS WOMEN & GIRLS, *supra* note 38.

¹¹³ ADMINISTRATION FOR NATIVE AMERICANS, FY 2017 REPORT TO CONGRESS ON THE OUTCOME EVALUATIONS OF ADMINISTRATION FOR NATIVE AMERICANS PROJECTS 57 (2018).

¹¹⁴ *Id.*

¹¹⁵ *Id.*

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