

**STATEMENT OF MARY JANE RISLING
(HUPA, YUROK, KARUK, ENROLLED HOOPA VALLEY TRIBE)**

**Prepared in Connection with Participation in Panel #1
Survivor Voices, Family Journeys**

**Submitted to the California Department of Justice
At the 3rd Annual MMIP Summit, February 25, 2025**

Introduction

I was invited to participate on panel #1, along with several other survivor and family member participants impacted by the MMIP crisis. Allocated time for each participant is relatively short, too short to allow me to have my say. So I decided I'd put in writing and submit it into the record. I must admit, this took me down an MMIP rabbit hole of statutes, databases, reports, websites . . . Eventually, I just started writing, focusing on our family's experience with the unresolved disappearance of my niece Emmilee Risling. I ended up focusing on the *challenges to addressing the MMIP crisis* with Emmilee's case as an illustrative case study. The facts highlight pretty much all the complexities surrounding the MMIP issue. That, my personal experiences as an Indian person, my experience with the law and with state and tribal programs fueled what I will call this stream of consciousness submission. I am no expert, have only spent a few days acquainting myself with all this MMIP stuff. It's a lot, and I may have occasionally digressed a bit as I seemed to encounter triggers every time I looked at some new document. Please receive these comments with the same goodwill with which they were drafted. I admit, there may be a few curt statements. One can only hold down the inner crotchety Indian grandma for so long.

It may not be the most interesting read, but I presented it in an outline form with headings to help break it up and, hopefully, make it more digestible.

For the most part, the discussion of Emmilee here focuses on the facts and only the facts. I supplement this with two attachments, which set out much more detailed and humanizing presentations: 1) The AP story carried in newspapers across the country, *Native American Tribe Declares Emergency Over Missing And Murdered Women*, and 2) *My Cousin Emmi, MMIW isn't statistics. It's my family*, published in the North Coast Journal and written by my another niece, Cutcha Risling Baldy.

CHALLENGES TO ADDRESSING THE MMIP CRISIS

A Case Study, Plea for Action, and even Some Recommendations

- I. Case subject Facts: Emmilee Risling, poster child for MMIP focusing national attention on the issue due to:
 - a. Personal circumstances that sparked heightened public interest and coverage, i.e.,
 - i. Her case coincided with funded tribal MMIP programs and was about as close as an Indian woman can get to publicized cases such as Sherri Papini

and Gabby Petito where, unlike Emmilee, seemingly unlimited resources were devoted to efforts to recover them, alive or dead. Emmilee garnered attention with:

1. Documented photographic records of her as a clean cut, lovely young middleclass woman with a social media presence.
 2. Top student, U of Oregon graduate, and a mother of two young children who had returned home after college to work serving her people. (TANF case worker)
- ii. Raised in a rural reservation area.
1. Steeped in traditional culture and active in tribal ceremonial life.
 2. Strong Indian identity - with many positives but also impacted by generational issues common in Indian Country, e.g., Cross-generational historic trauma. *It's real and impacts the individual and the community.* (Don't get me started on trauma informed practice and brain science.)
- iii. Escalating involvement with domestic violence, drugs, mental illness, and violations of law in a remote rural area where the types of services needed to address her escalating decompensation are at best sparce and often inaccessible or nonexistent.
1. As her condition deteriorated, she refused repeated efforts of family to assist her in securing needed services and supports.
 2. Too many of our own people in our reservation communities supplied drugs and aided and abetted her efforts to avoid treatment.
- iv. She was caught in the complexities and confusion of multiple jurisdictions, all happy to point fingers at each other. Pleas to law enforcement and the courts in multiple counties to hold her in custody to facilitate her entry into treatment were denied. The final time was Shasta County where the family and law enforcement recommended against her release. Because she was capable of speaking coherently during the hearing, the court ordered her release. Shortly thereafter she was officially declared missing.

b. Geographic configuration of contacts.

- i. California, a PL-280 state. P.L 280 is a federal law that compounds a maze of jurisdictional uncertainty.
- ii. Multiple large, remote rural counties: Humboldt, Del Norte, Shasta
- iii. Three distinct neighboring tribes, Hoopa, Yurok, Karuk. These are large CA tribes, some with tribal law enforcement programs who may have negotiated agreements allowing some exercise of state and or federal jurisdiction.

Emmilee was reported to authorities on the Yurok Reservation, the Hoopa Reservation, Humboldt County, Del Norte County and Shasta County for various offenses including Indecent exposure (walking naked down public roadways), and arson in a graveyard. Generally, law enforcement did nothing except occasionally transporting her to what was deemed a safe location to get her off the streets and out of their hair. And the few times she was arrested she was

sometimes simply released, other times charged but OR'ed or released by the court with a meaningless requirement to report to probation. When repeated missing person reports finally generated some investigation, timely and effective action was stymied by jurisdictional confusion and finger pointing. Partnering with a foundation, the family was required to raise \$15,000 as its contribution to a search but it was 6 months after she had gone missing and subject to serious restrictions on where search activities were allowed.

After encountering all the roadblocks to an effective response, Emmilee's case remains unresolved. It is instructive in that it involves all the complexities and resulting challenges and confusion that are relevant to addressing the MMIP crisis: jurisdiction, liability, and funding in systems that involve the federal government with its controlling federal laws, a large P.L. 280 state with its diverse local implementation systems operated by Counties, and multiple sovereign/independent tribes. There have been calls for action, state and federal legislation; targeted funding for tribal programs, and a host of hearings and "summits". After encountering all the roadblocks to an effective response, Emmilee's case remains completely unresolved and the roadblocks unaddressed. So, based on personal and family experience, in the spirit of speaking up we offer the following observations and suggestions on what we believe is necessary to achieve meaningful progress in addressing the MMIP crisis.

- II. All the required players for addressing the MMIP crisis must participate.
 - a. The three-legged stool of domestic sovereigns in this country. We must know the applicable law/rules of each, including any subdivisions to whom they delegate enforcement and administration of their programs:
 - i. **Federal** – U.S. government
 - ii. **State** – California, a Public Law 80 state (AND it's 58 County subdivisions delegated with implementation authority)
 - iii. **Tribes** – 110 federally recognized tribes in California
 - b. **Representative Indian People** – including those unaffiliated with a contemporary federally recognized tribe, with personal experience and perspective.

- III. *What must be understood and addressed* to reach solutions? Sticking with the three-legged stool analogy:
 - a. **Jurisdiction** (who has the power, the rules that apply, and how those rules are implemented – directly or via political subdivision.)
 - i. Controlling law sets out a framework for determining which sovereign has power to make and enforce laws in various circumstances. Operating beyond one's jurisdictional authority may subject a government or its individual officials to liability. Agreements, like cross-deputization agreements, are one example of a tool to allow for sharing of resources.
 - ii. A sovereign may create political subdivisions and delegate authority to them, as has CA with its creation of 58 counties, each of which exercises considerable autonomy in how they administer and implement programs.

As with tribes, one size does not fit all.

- b. **Liability** What laws and standards apply and must be followed to avoid liability for the government or individual officials. The enforcement and administration of a government's laws and programs may be actionable if it exceeds the government's authority, violates personal rights, involves an illegal or unauthorized use of resources, or expenditures that violate funding requirements.
- c. **Funding** How it is distributed and implemented, administrative burdens of accessing funds (including reporting and data requirements), and limitations and barriers to its use. (What resources are available, their source, conditions of use.

As an attorney I became an expert in Federal Indian Law, in particular in the area of child and family issues. I spent years serving on the CA Judicial Council's Family and Juvenile Law Advisory Committee, helped develop the ICWA Rule of Court, trained lawyers and judges, authored an ICWA Benchguide, the ICWA chapter of the State Bar of California Juvenile Law Practice Guide, and most recently, a CDSS ICWA Desk Reference for Practitioners. All that said, all that work was devoid of examination of how CA administers and funds all the services and programs that implement the Child Welfare system and other CA programs administered at the county level. This changed in 2015 when I began a five-year contract as the Tribal Consultant to the CA Dept of Social Services (CDSS), initially to assist with the development of the new statewide child welfare data system.

My time at CDSS was split between work on the data system and work on general CDSS policy. WHAT AN EDUCATION! I got to see funding sources, the onerous and growing reporting and data requirements, data collection – including how precise data fields must be, and how much resistance there is to drilling down from one simple label to capturing relevant but more finessed information. As an example, most systems have boxes for American Indian/Alaska Native. For one reporting system (AFCARS) this is defined as “origins in any of the original peoples of North or South American (including Central America), and maintains Tribal affiliation or community attachment.” The BIA and DOJ, in their response to the Not One More Commission Report are leaning hard into political status and focusing on the 574 federally recognized Tribal Nations¹, conveniently ignoring the special laws for CA Indians and the vast majority of CA Indians not enrolled in one of the contemporary federally recognized tribes. They push for data that collects which federally recognized tribe the person is a citizen member of. This of course also ignores the

¹ Although, at p. 87 they do say the AI/NA label is problematic because “race and ethnicity are social constructs typically based on physical traits and cultural backgrounds, which do not account for the political and legal status of federally-recognized Tribal (FRT) citizens **and affiliates.**” (emphasis added. Whatever that term means. I’m thinking it’s wiggle room for all the Indians not currently enrolled but covered by many federal laws.)

requirements in another federal law, like ICWA – which has broader notice requirements. CA law reflects a far more inclusive approach and has statutes responding to needs of nonfederally recognized tribes and Indians.

The Feather Alert goes *very* broad and applies to “indigenous people” In reviewing the statute (CA Govt Code 8594.13) An effective data plan requires careful consideration and deliberate selection of clearly defined terms to ensure the desired information is captured. So, simple (not so simple) question with respect to the Feather Alert for MMIP, to whom is this distinct alert meant to apply? “Indigenous” has a conventional meaning even broader than the AFCARS definition, in that it is not a term that is confined to the Americas. I did not readily find a definition for this term in the statute. But it most certainly is not “political status.” Since it is early in the Feather Alert development process and since a report with statistical data is to be submitted to the legislature no later than January 1, 2027, I urge attention to examination of all the various federal reporting systems to ascertain the terminology used in those systems and the impact of the selected Feather Alert terminology on the compiled data that can be relevant to other systems that track similar data.

Data. I include a discussion of data here because while it may be important for many purposes it is increasingly important for funding.

Regarding data generally, we currently have a data desert, with no overarching strategy to identify and appropriately and distinctly label the information that needs to be collected. Since most of it is collected for funding and reporting purposes, there is no local or centralized communication or record keeping system for tracking the reports of missing Indian persons that do reach state or federal data system. Emmilee, like most Indian people in rural areas moved among multiple reservations and Counties. Missing reports were made in several of them. While any single report might not warrant an alert or intervention, a pattern of multiple escalating reports may suggest a very different response. The child welfare system collects records of all reports and they do contribute to decisions to eventually open cases.

- As I’ve mentioned, intentional and clearly defined terminology is essential in data collection. Since the amended Feather Alert statute requires work be done to develop policies and procedures, I would invite reconsideration of the definition of “Tribe” or “Tribes of California” which are defined to mean “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission . . .” This invites what I hope are unintended consequences. In recent years I have witnessed the lumping together of the Native American Heritage Commission and the Governor’s Tribal Advisor. I was there with my grandfather when the Commission was signed into law by Jerry Brown. And my cousin Dale was the first Governor’s Tribal Advisor. Both offices are important, but lumping them together is problematic. The list maintained by the Commission was originally targeted at allowing tribes and descendants

of Indian villages and burials to have some say in their sacred places and disturbance of their ancestor's bones. This predates federal tribal recognition regulations and the Tribal List Act. As such the Commission's list included what are now being referred to as nonfederally recognized tribes, sometimes doing business as nonprofits. This is not the same things as the 25 CFR Part 83 list of tribes acknowledged to have a government-to-government relationship with the United States. These tribes are considered to be sovereign governments with citizen members. Suggesting nonfederally recognized groups can exercise police power is problematic. Hence, this inconsistency has undoubtedly driven efforts to exclude nonfederally recognized groups from the Commissions list - working an injustice to California Indian people. Recently, what had been the Commission's list simply disappeared from its website in conjunction with the effort by the Commission to develop regulations governing its list. Thankfully, the effort failed precisely because the draft required the submission of, essentially, the equivalent of a completed federal acknowledgment petition. First, there is considerable opposition to state recognition of nonfederally recognized tribes. Second, an Indian family should not have to become a recognized tribe to have input on its ancestor's bones. Rather than mixing everything up, the Commission list should better include (1) federally recognized tribes and (2) representative groups of unrecognized Indians doing business through or in the form of some identifiable entity, such as a nonprofits or unincorporated associations that can communicate on behalf of the group. This would facilitate the role of the Commission in identifying groups that developers must consult and work with on mitigating site disturbances. The Feather Alert law should then just define Tribe or Tribes of California as federally recognized tribes located in California and included on the list of federally recognized tribes published annually by the BIA. Alternatively, if, as presently written, dispossessing California Indians of the ability to engage with their traditional sites and their own ancestor's bones is what is intended, then so be it. But - for shame.

Funding Distribution. Another BIG lesson I learned from my own lived experience with foster children and my time at CDSS is how money is distributed for the implementation of programs across the state. In an overly simplistic nutshell, the state focuses on policies and programs and secures and moves the money out to counties who administer it, consistent with the demographics and needs of each county. They must collect data and report to the state as required for the state to then, in turn, meet its state and federal reporting requirements and keep the money flowing. There is a big difference between, for example, L.A. County and Modoc County. So, the amount of money and how each County sets up its programs looks very different.

Additionally, it turns out that "unfunded mandates" are not allowed. In passing laws the state has to budget money for counties when it imposes an implementation requirement on them. For this reason, what often happens is instead of requirements, grant programs are offered to counties to encourage them to implement programs that advance state police directions. This is done on an optional basis. Of course, urban

counties with large populations and large budgets get the largest shares. Rural counties, where most CA reservations and Indian people are, get tiny shares for tiny populations. Then vast geographic distances, limited public resources, economy of scale and administrative burdens too often exclude rural counties from participation in optional programs. These include a host of useful programs, such as Bringing Families Home, a CDSS program that pays for and bumps reunifying families to the top of the Section 8 list. The result is more and varied services in large counties and a dearth of services in rural areas.

I include this discussion to emphasize two things.

First, because of how state money is distributed to and implemented through Counties, there is incredible variation among counties, and incredible need and barriers in rural Counties. This means Counties are indispensable participants in developing workable systems.

Second, creativity and cooperation is essential to allow pooling of limited resources and efficiency in developing, administering, and sustaining services needed to address the generational problems contributing to what is now the MMIP epidemic.

- For rural counties, as with Regional Centers for developmental disabilities, it may be appropriate to explore regional models in order to minimize administrative burdens and provide economy of scale.
- Not unique to Indian people, there is growing recognition of both (1) the need for our governmental institutions to address the growing mental health and addiction epidemics, and (2) to move away from administering programs from disjointed silos and instead invest in new ways to maximize limited resources. Examples include:

CA Prop 36 (2024) Treatment-Mandated Felony for Drug Possession

The measure introduces a “treatment-mandated felony” for repeat drug offenders. This provision requires individuals with two or more prior drug convictions to enroll in court-mandated treatment programs. Successful completion of the program may result in reduced penalties or case dismissal, while failure to comply could lead to up to three years in prison. (The governor opposed this measure because we don’t have needed facilities, but the people agree we need them.)

AB2083 System of Care MOU

Assembly Bill (AB) 153 amended Welfare and Institutions Code §16521.6 to require that federally recognized tribes within a county, who through the county’s tribal consultation process elect to participate, must be included in the development and implementation of the System of Care Memorandum of Understanding (MOU) required by AB 2083. It also requires each MOU to contain a provision setting forth a process, developed through tribal

consultation, for engaging and coordinating with these tribes in the ongoing implementation of the MOU.

CA law requires each county to develop and implement a memorandum of understanding (MOU) setting forth roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. The purpose of the MOU is to ensure that children and youth in foster care receive coordinated, timely, and trauma informed services.

Guidance issued by implementing departments has clarified that while AB 2083 focuses on children and youth in foster care who have experienced severe trauma, it reflects a priority to build a locally-governed interagency or interdepartmental model on behalf of all children and youth across California that have similar needs, that interact with and are served by multiple agencies.

Here I will call out California tribes. The MOU process is the result of litigation in the context of child welfare. Basically, it challenged the denial of services because of how the services were siloed and conditioned on which door (i.e., program) the child happened to enter the system through. The state settled the lawsuit and agreed to take action to change this. Hence the priority of building a locally-governed interagency or interdepartmental model which though advocacy on the part of tribes, tribes have a right to participate in.

Child welfare has not been a priority for most tribal governments, but please understand participation in an effort such as this provides an established and ongoing forum for working toward mutually beneficial solutions and approaches for working together and meeting local needs. You have an opportunity for a seat at the table, take it! If nothing else, identify a representative who can be delegated with authority to represent a tribe or tribes. Not the ICWA worker, someone who can speak funding streams, program administration, compliance limitations and collaborate on legislation if needed.

- IV. *What does it take* to unravel this jumbled, knotted rat's nest of complexities and sort it into straightforward meaningful protocols, tools, and collaborative approaches that can help cut through the confusion and be efficiently and effectively implemented on the ground.
- a. It ain't easy and will take time and an **ongoing effort**. Everyone is overworked and under-resourced, so this effort must be **anchored by a lead agency** to follow-up, follow through and keep the effort moving. There must be committed partners with identified leads for communication and oversight of the commitments and activities of each respective group.
 - b. All the **relevant players** must be identified and represented in the effort, with plenty of transparency as the process proceeds.

- i. Relevant players must include **Tribes**, the **state of CA** (various agencies), **Counties**, and the **Feds** – they are all relevant participants.

By the way, WHERE ARE THE FEDS in the California MMIP effort? Yes, we are a PL280 state, but there is a continuing trust responsibility, various federal laws impact jurisdiction in CA, and federal programs are the source of significant funding streams for CA tribes, including tribal law enforcement. Additionally, Savanna's Act and Not Invisible Act, signed into law by Trump, are laws meant to help address the Missing and Murdered Indigenous Women crisis. They should be carefully examined to identify provisions that impact CA. One of the Not Invisible hearings was held in Blue Lake, California.² And it appears various provisions of Savanna's Act may also be relevant to our work in California. For example, DOJ has guidance for and can review Tribal Community Response Plans from CA. If nothing else protocols, best practices, and hosts of information on reporting and alert systems, jurisdiction, etc. is and has been developed as part of the federal effort. Surely samples and lessons learned are relevant to the CA effort.³ Not reinventing the wheel but building on the work already completed be cost saving and allow us to maximize the limited resources available to the CA effort.

² The report of the Not Invisible Commission was REMOVED from the DOJ website and that link is missing and murdered. But the report can still be found on various Indian Organization sites.

<https://ncuih.org/research/knowledge-resource-center/#/policy/not-one-more-the-not-invisible-act-commission-final-report>

The joint response of the DOI and DOJ remains on the DOJ website.

<https://www.doi.gov/media/document/section-4c2c-response-departments-justice-and-interior-not-one-more-findings-and>

³ Savanna's Act directs the US Department of Justice (DOJ) to review, revise, and develop law enforcement and justice protocols to address missing or murdered Native Americans. The bill requires DOJ to

- provide training to law enforcement agencies on how to record tribal enrollment for victims in federal databases;
- develop and implement a strategy to educate the public on the National Missing and Unidentified Persons System;
- conduct specific outreach to tribes, tribal organizations, and urban Indian organizations regarding the ability to publicly enter information through the National Missing and Unidentified Persons System or other non-law enforcement sensitive portal;
- develop regionally appropriate guidelines for response to cases of missing or murdered Native Americans;
- provide training and technical assistance to tribes and law enforcement agencies for implementation of the developed guidelines; and
- report statistics on missing or murdered Native Americans.

Tribes may submit their own guidelines to DOJ that respond to cases of missing or murdered Native Americans.

Additionally, the bill authorizes DOJ to provide grants for the purposes of (1) developing and implementing policies and protocols for law enforcement regarding cases of missing or murdered Native Americans, and (2) compiling and annually reporting data relating to missing or murdered Native Americans.

Federal law enforcement agencies must modify their guidelines to incorporate the guidelines developed by DOJ.

- c. What would we like to see as a meaningful plunge into addressing the MMIP crisis?
- i. A bit of **visioning** please, together with an applied plan identifying concerns/barriers/needs, and breaking them into discrete issue areas needing attention. The Not Invisible Commission adopted a report structure to address specific topics. This provides us with a head start on areas to build a plan around. This includes:
 1. Law Enforcement & Investigative Resources—Identifying/Responding to Missing, Murdered, and Trafficked Persons;
 2. Policies & Programs—Reporting and Collecting Data on Missing, Murdered, and Trafficked Persons;
 3. Recruitment & Retention of Tribal Law Enforcement;
 4. Coordinating Resources—Criminal Jurisdiction, Prosecution, Information Sharing on Tribal-State-Federal Missing, Murdered, and Trafficked Persons Investigations;
 5. Victim and Family Resources and Services; and
 6. Other Necessary Legislative & Administrative Changes.

There are many barriers resulting from both laws that are and are not yet on the books. CA is fortunate to have engaged legislators who have the courage to act to change laws, so in developing a plan THINK BIG.)

- ii. Commitment to responsive strategies that are 1) sensitive to the cultural values and traditions of CA tribes, 2) mindful of the violent and traumatic history suffered by all the Indians in California, and 3) administered in a transparent and accountable way.

I for one am not only weary of but offended by government initiatives that offer as solutions the surrender of privacy rights by Indian people. In this instance, the CA DOJ's DNA initiative. The Attorney General has assured us DNA samples from relatives of missing persons are not searched against any criminal or offender DNA databases. They are only searched against the DNA samples from unidentified persons and unidentified human remains.

Finally, the Federal Bureau of Investigation must include gender in its annual statistics on missing and unidentified persons published on its website.

Because I'm a California Indian, I have plenty of reason to be distrustful. Curious to verify the source of the assurance I looked at the DOJ website and discovered "The DNA profiles from missing and unidentified persons investigations are uploaded to the FBI's Combined DNA Index System (CODIS) for searching and comparison with the DNA samples from missing persons cases throughout the nation, not just in California." So, I suppose this means it is some federal law or policy that establishes the limitation on use. Maybe it's a federal statute, and if so I wanna see it. Is it contained in HIPPA, or one of the many laws that protect the privacy rights and personal health information of everyone else? Or is there a special one for Indians? If it's not a statutory protection, I wonder how DOGE and the Trump administration feel about it and just how secure it is? At any rate, as a matter of principle, I know I'm not providing my DNA.

In late 2020 AB 3099 was signed into law. And \$5 million dollars appropriated in late 2021 to establish the Tribal Assistance Program within the CA Department of Justice's Office of Native Affairs. A press release from the AG states:

"In order to help address these challenges, AB 3099 works to fill the gaps by establishing the Tribal Assistance Program within the California Department of Justice's Office of Native American Affairs. The law appropriates 5 million dollars and requires the new program over a period of five years, among other things, to:

- Develop guidance for law enforcement training on policing and criminal investigations on tribal lands consistent with PL 280;
- Provide educational materials geared towards tribal citizens about the complexities of concurrent criminal jurisdiction under PL 280, including information relating to victims' rights and the availability of services in the state;
- Share guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools for police investigations conducted under PL 280;
- Facilitate and support improved communication between local law enforcement agencies and tribal governments; and
- Conduct a study to determine the scope of the issue of missing and murdered Native Americans in California, identifying barriers to reporting and ultimately issuing recommendations to the State Legislature." This report to the legislature requirement became inoperative on January 1, 2025.⁴

⁴ Per Government Code 9795, the report is instead submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. Each report shall include a summary of its contents, not to exceed one page in length. If the report is submitted by a state agency, that agency shall also provide an electronic copy of the summary

To inquire about the status of the activities listed above, I made multiple attempts to reach the Tribal Assistance Program, but my messages went unanswered.

To build trust and for accountability to the Indians and Tribes in California I'd like status updates periodically posted on the DOJ website, and activity reports presented at the annual summits.

- iii. **Tangible products.** The MMIP epidemic presents overwhelming challenges that are centuries in the making. A vision, and a plan are critical, but action that moves in the right direction and inspires further work to be done can and must commence immediately, some of that action is called out in AB 3099. As well, this might include cross-jurisdictional measures like facilitating access to federal data systems; templates and forms that meet the needs/concerns of the various jurisdictions, such as a standard form for documenting and assessing an Indian person as missing and for certifying the accuracy of the statements made.

By way of example, in the relatively straightforward case of domestic violence restraining orders, which federal law says are entitled to full faith and credit, it took YEARS of collaborative work, eventually resulting in the California Judicial Council developing forms for registering Tribal Domestic Violence Restraining Orders with counties. This occurred after the feds, state, counties, and tribes worked to clarify both what the tribes must include in their orders, and what counties must do when they receive an order containing the required information and assurances. This was accompanied by training. At this point, it is institutionalized and no longer a hotbed of jurisdictional issues.

THE PLEA FOR ACTION

Missing Indian People

Not all missing Indian people are murdered. Justice requires **protection** as well as **attention, interventions, and services** to address the issues that too often lead to death. It's not enough to just locate a "missing" person and then repeatedly ignore them each time until it ultimately becomes a search for a body. Our most urgent plea is for increased focus on addressing the issue of Missing Indian People while they are still alive. We ask that the highest priority be given to ACCOUNTABILITY to California Indians and Tribes.

Most of this statement has addressed Missing Indian People with examples and recommendations included throughout.

directly to each member of the appropriate house or houses of the Legislature. The public can access it from the authoring agency or the California State Library.

Murdered Indian People

- Justice for murdered Indian people raises issues of **fairness** in both:
 - The respective value and priority placed on the *Indian victim* in reaching the decision to investigate, in the resources devoted to identification and prosecution of the perpetrator, and in the punishment imposed.
 - The prosecution and sentencing disparities between Indian and nonIndian perpetrators.
Indian communities experience unwarranted prosecutions of Indian people wrongly accused or whose actions were justified, and see disproportionately harsh sentences imposed.

I am but one of many who has been marching for justice since I was a child at courthouses throughout northern CA - for both (1) the failure to prosecute a nonIndian murderer of an Indian person, and (2) the unwarranted prosecution of an Indian person. These are insidious historic, racial, and economic problems. However, they deserve (1) to be identified as real problems in need of solutions, and (2) warrant development of an action plan for identifying and documenting what is occurring followed by development of an action plan.

- Justice for murdered Indian people also involves the respect and dignity of locating a body and bringing closure to the family and community.

For Emmilee, the family searched, Yurok law enforcement reportedly spent some time driving remote roads. Tips to state and tribal law enforcement were generally dismissed as vague and unsubstantiated, coming from informants unwilling to put themselves in danger by signing affidavits. It was nearly 6 months after her disappearance that a serious search effort was conducted, at a private cost of \$30,000. Half the cost was covered by a nonprofit organization and the remaining was left to the family and its own fundraising efforts. And even this effort was severely hampered not only by passage of time, but also jurisdictional confusion that made off limits what should have been the prime targeted search locations.

We need work to clarifying the jurisdictional framework, to identify limitations encountered by the various agencies, and then initiate development of tangible protocols and agreements for working together to maximize the limited resources available in rural areas. This mean more than questionnaires and interviews of Indian people asking us what the problems are, as the CA DOJ has done thus far. This is cross-agency work. Where is the questionnaire for each tribe and county that collects information asking them: about their systems/processes and criteria for addressing MMIP cases; the problems and challenges they encounter in any attempts to respond to reports; the criteria they utilize for issuing a Feather alert; the reasons they have failed to issue alerts, and if and how they track data on reports of missing Indian people, both those escalating to a Feather Alert and those deemed unworthy of further action? I'm pretty sure none of this stuff exists. It should. And it seems to be required by the amendments to the Feather Alert statute. I look forward to seeing the work of the DOJ's Tribal Assistance Program as it progresses.