



## SENATOR JANET BEWLEY

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### WISCONSIN STATE SENATE

Senator Bewley Testimony for Assembly Bill 548, Missing and Murdered Tribal Women and Girls

Assembly Committee on State Affairs  
Wednesday, March 4<sup>th</sup>, 2020  
412 East  
Wisconsin State Capitol

Dear Chair Swearingen, Vice-Chair Tauchen, and members of the Committee on State Affairs,

Thank you for hearing Assembly Bill 548 today. I appreciate the opportunity to share testimony on behalf of this bill and on behalf of the women that I believe this bill will support.

There are five federally recognized tribes in my Senate District: The St. Croix Tribe of Chippewa Indians as well as the Lac du Flambeau, Lac Courte Oreilles, Red Cliff, and Bad River Bands of Lake Superior Chippewa. These are integral members of our communities, and yet the women of these sovereign nations face rates of violence that are much higher than the national average. Data from the US Department of Justice shows that tribal women and girls face murder rates of more than 10 times the national average. It is estimated by the USDOJ that nearly 80% of tribal women in Wisconsin and nationwide has experienced violence in their lives, and nearly half have been the victims of sexual violence.

But this data is incomplete because this violence is also underreported, law enforcement jurisdiction is often unclear on Reservations and seceded territory, and because of the often habitual nature of domestic and sexual violence.

This bill would create a task force because it is necessary to complete the data, to examine the factors that contribute to this violence, to discover why it is that this group face such high rates of violence, and to find ways to reduce and eliminate violence against Indigenous women. A task force of knowledgeable individuals can and will make recommendation for what Wisconsin can do to help these girls, because the violence experienced by Native women and girls has gone unaddressed for too long.

It is time that we get to the root of this issue and work to eliminate violence and kidnapping that young Indigenous women suffer from. Please support the creation of a task force to address this issue and support the Native women and girls that will benefit from the recommendations this task force will provide to the State. Thank you for your time and consideration. I'd be happy to answer any questions you may have at this time.



**25th Senate District**

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# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

Assembly Committee on State Affairs  
AB 548 – Managed Forest Law Program  
March 4, 2020

Chairman Swearingen and Committee Members -

Thank you for the opportunity to testify in support of AB 548, which creates a task force on missing and murdered tribal women and girls.

The U.S. Department of Justice has reported that Native American women face murder rates that are more than 10 times the national average, with homicide the 3<sup>rd</sup> leading cause of death for those 10-24 years of age. This is a crisis in our country that sadly, the average person isn't aware of. I appreciate the committee holding this hearing today to bring to the forefront the violence that the majority of our native woman are facing.

While these numbers are enough to act, the truth is we don't even know for sure how many cases really exist. Violence against Native Women is an under-reported problem and the cases are often mis-classified or law enforcement agencies are unsure who has jurisdiction to investigate.

Assembly Bill 548 creates a taskforce overseen by Wisconsin's Attorney General, which is comprised of legislators, tribal members, law enforcement, and experts on crime victims rights and violence protection and prevention. The taskforce would examine various factors that contribute to violence against tribal women and girls and they would submit a report by the end of the year on actions that we as a state can take to eliminate this targeted violence.

The federal government is also taking action to address the violence in our tribal communities. President Trump recently announced the "Operation Lady Justice" taskforce, which among its responsibilities will look into the extreme lack of accurate reporting. According to a report published by the Urban Indian Health Institute, there were 5,712 cases of missing or murdered American Indian or Alaskan Native heritage women reported in 2016, but only 116 were entered into the Department of Justice's database.

Again, I'd like to thank the committee for holding this hearing. I'd also like to acknowledge those who came to Madison today to share their family's personal stories. I know it's not easy, but your experiences matter and can help us do our job better.



**Rep. Meyers Testimony for Assembly Bill 548 in the Assembly Committee on State Affairs**

Wednesday, March 4, 2020  
1:00 PM  
412 East  
Wisconsin State Capitol  
Madison, WI

Chair Swearingen and members of the committee, thank you for agreeing to hear this bill and for providing me the opportunity to submit testimony on behalf of this crucial piece of legislation.

As you hear public testimony for this bill, you may be overwhelmed with the horrifying statistics that Native American women and girls are subject to violence and kidnapping more than any other population, but it bears repeating. In 2015, the National Congress of American Indians found that an estimated 40 percent of women who are victims of sex trafficking identify as American Indian, Alaska Native or First Nations. Murder is the third leading cause of death among American Indian and Alaska Native women, according to the Center for Disease Control.

At the same time this horrific epidemic of violence is happening, it's also widely underreported. The National Crime Information Center revealed that in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls. However, the U.S. Department of Justice's federal missing persons database only logged 116 cases during this time.

As a country and a state, we are failing these women and their families. This bill brings together experts in law enforcement, advocates, tribal leaders and tribal community members to identify and provide solutions to this widespread violence against women and girls on tribal lands.

I represent the 74<sup>th</sup> District, home to three federally recognized tribes. I used to work for the Red Cliff Tribe. My children and grandchild are all Red Cliff tribal members. This issue is deeply personal to me. But even if this epidemic doesn't affect you or your family, I implore you to empathize with the victims and their families. It would be shameful if we ended this legislative session without addressing this issue.

I call on you to support this legislation and ongoing efforts to curtail violence against Indigenous women and girls. I'm proud to work with my colleagues in a bipartisan manner on such important legislation, and I'm hopeful this bill will move forward. Again, thank you for your consideration of this important proposal.



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# AMANDA STUCK

State Representative ♦ 57<sup>th</sup> Assembly District

DATE: March 4, 2020

RE: **Testimony on Assembly Bill 548**

TO: Members of Committee on State Affairs

FROM: Representative Amanda Stuck

Chairman Swearingen and Committee Members,

Thank you for taking the time to read my written testimony and for giving this opportunity to hear from about the first-hand impacts of this issue to people, families, and communities across the State of Wisconsin. While I am disappointed that it has taken nearly five months to receive a hearing on this bill and that the “regular session of the state Assembly has concluded” so the odds of this bill coming to the floor to a vote are incredibly slim. That being said, this hearing will help to continue to keep this issue in the public light and will show the State Legislature that this is an important issue in our state.

The idea for Assembly Bill 548 was brought forward to me by several of my constituents and those working on violence issues in the Fox Valley. AB 548 simply creates a task force on murdered and missing tribal women and girls, comprised of Legislators, tribal members, law enforcement, and experts on crime victims’ rights and violence protection/prevention. The task force will examine the factors that contribute to the epidemic of violence against tribal women and girls and put forward recommendations to the Legislature and all Tribal leaders in the State.

This is not an issue that is unique to Wisconsin. Last year Minnesota created a similar task force, Canada and several of its provinces have launched comparable efforts, and the Trump Administration has created a task force composed of Federal Agency officials to study the issue coupled with Attorney General Barr’s Missing and Murdered Indigenous Persons Initiative which will focus on US Attorney’s offices in just 11 parts of the country, Wisconsin is not included in that effort. Therefore it is critical that Wisconsin also takes its own efforts to help reduce and work towards eliminating the epidemic of violence against indigenous women.

The U.S. Department of Justice has found that Native American women face murder rates that are more than 10 times the national average, with homicide being the 3<sup>rd</sup> leading cause of death for those 10-24 years of age. In addition, 80% of Native women are affected by violence today. Wisconsin is home to 11 federally recognized Tribes, 1 Tribe seeking to restore their federal recognition, and Tribal members from other Tribes from across the country, totaling more than 86,000 residents in the State of Wisconsin. It is time that the State of Wisconsin takes up this work to identify the causes of this epidemic of violence and put forward recommendations for both the state and local level to help reduce and eliminate it.



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

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## Testimony

To: Members of the Assembly Committee on State Affairs  
From: Wisconsin Coalition Against Sexual Assault (WCASA)  
Date: March 4, 2020  
Re: Assembly Bill 548  
Position: Support

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The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. WCASA is a statewide membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the sexual assault service provider agencies located throughout the state that offer support, advocacy and information to survivors of sexual assault and their families.

WCASA thanks Committee Chair Swearingen for bringing this important piece of legislation forward for a hearing today. We also thank the leading sponsors of the bill, Representatives Stuck and Mursau and Senators Bewley and Cowles for their leadership on this legislation in both houses. Additionally, WCASA appreciates the bipartisan list of over 30 other cosponsors of Assembly Bill 548/SB 493.

AB 548 would create a task force comprised of members including law enforcement, prosecutors, and tribal organizations who provide direct services to indigenous women and girls who have been victims of violence. The task force would meet to examine the factors that contribute to violence against tribal women and girls and submit a report to the Legislature and to each Tribe with recommendations for actions that can be taken to reduce and eliminate this violence. Finally, Wisconsin would join ten other states, including Minnesota, in creating a task force to address the problem of murdered and missing indigenous women and girls.

A study from the U.S. Department of Justice shows that tribal women and girls face murder rates of more than 10 times the national average, with homicide being the 3<sup>rd</sup> leading cause of death for those 10-24 years old. The National Crime Information Center revealed that in 2016, there were nearly 6,000 reports of missing American Indian and Alaska Native women and girls. However, during the same time, the U.S. Department of Justice's federal missing person database only logged 116 cases. Forming this task force would be the first step in identifying gaps between state and federal reporting systems and would provide a road map that State and Tribal Governments can utilize to address this problem.

We urge this committee to pass AB 548, which will demonstrate that the Legislature takes seriously the epidemic of violence faced by indigenous women and girls in Wisconsin. Thank you for your consideration. If you have any questions, you can reach me at [ianh@wcasa.org](mailto:ianh@wcasa.org).

Mr. Chairman and members of the committee, my name is **Alyse Arse**, I am here to ask your support for Assembly Bill 548 to create a task force on missing and murdered tribal women and girls.

This issue has directly impacted my family and me. I was two months old and my mom, Rae Elaine Tourtillott, was only 19 when she went missing on the Menominee Reservation in October of 1986. She was reported missing immediately. Often law enforcement has the perception that our missing women and girls are "runaways" or are out partying. They also assume those missing simply need "a break" and "will be back." That assumption is often wrong. As it was in my cousin's case.

Our family began the search for her immediately. Her partial body wasn't found until April of 1987. It was evident to our family that there were problems in handling my mom's case. Her murder has yet to be solved.

There are many aspects of the investigation that we believe negatively impacted the outcome of the investigation:

- There were questions from the beginning about who had jurisdiction it was not clear which law enforcement agency had authority - the Tribal police, the FBI, the State or the Tribe.
- When our family received new information about her disappearance, it was not clear which law enforcement agency to report to.
- Our family has had questions about the training of those involved in the investigation. Did law enforcement agencies have the proper training to carry out such investigations? If not, we need better training.
- Regarding the evidence - there were questions about which agency was responsible, ultimately, for collecting, keeping and protecting the evidence?
- There was no immediate amber alert system for tribal girls and women.

I want to close by clarifying these important aspects:

1. It is unclear, whether critical information, our family learned about her disappearance was ever shared with all those agencies involved or if anyone followed up on this information.
2. Evidence was lost, because of the multiple agencies involved.
3. It appears a lack of training caused the mishandling of the evidence. Were law enforcement agencies prepared to collect and store the evidence? Training for all agencies needs to be improved.

4. Today, there is still no amber alert system in place for those who go missing on Wisconsin Indian reservations. We deserve this protection too.

These are some of the many reasons we need a task force on Missing and Murdered Indigenous Women and Girls.

No other family should have to endure the pain our family continues to struggle with every day. My mom's disappearance was 33 years ago and I feel some of the same issues that negatively impacted her investigation continue to negatively impact investigations today.

Thank you committee chairperson and committee members.

Members of the Assembly Committee on State Affairs,

Mr. Chairman and members of the committee, my name is **Rachel Fernandez**, I am a member of the Menominee Tribe. I am from Keshena, Wisconsin. I am in favor of Assembly Bill 548 regarding the creation of a task force on missing and murdered tribal women and girls. The protection of our tribal women and girls is necessary because they are targeted as victims of sex trafficking more often, because of the socioeconomic status of our women and girls.

In addition, reporting of American Indian women and girls who are missing and murdered goes unreported and underreported not only on our reservations, but in urban areas where law enforcement may not know that the person is an American Indian woman or girl nor which of tribes in the State of Wisconsin she belongs to.

Many of our young moms, sisters, aunts, mothers and grandmothers move to the cities in the State of WI to seek employment. Finding shelter and employment does not always happen and our loved ones become vulnerable and are possibly preyed upon because of their unfortunate situation.

In conclusion:

Awareness and more importantly action is needed because 5,700 American Indian Women and Girls have been reported missing in the past three years, according to the National Crime Information Center. Yet, only 116, just 2% were logged by the Department of Justice. According to the National Institute of Justice 84% of Native women will experience violence in their life and a 2008 study shows that women in tribal communities are 10 times more likely to be murdered than the national average.

Please help us, put an end to these crimes against our women and girls. Creating a task force in WI is an important first step to changing this trend in our state.

I want to thank the Chairman and Committee members for your time and I hope we have your support for Assembly Bill 548 which would create a task force to begin to understand how we may better protect our tribes' native women and girls.



SUPPORT AB 548 / SB 493

# WISCONSIN'S MISSING AND MURDERED INDIGENOUS WOMEN

A bipartisan bill creating a task force on Wisconsin's missing and murdered Indigenous women and girls to address a devastating injustice.

## THE PROBLEM

More than **4 in 5** Indigenous women have experienced violence in their lifetime. Missing Indigenous women are often never found. Federal and state databases are not **accurately** or **regularly** updated with information on missing Indigenous persons. Cases that are not accurately tracked rarely lead to a conviction. Widespread data gaps means that current numbers on missing and murdered Indigenous women are under-reported. These practices make Indigenous women and girls even more vulnerable to violence, and allow perpetrators to avoid justice. **AB 548 and SB 493 are bills designed to begin addressing these problems, and are currently stalled in committee in both the Assembly and Senate.**

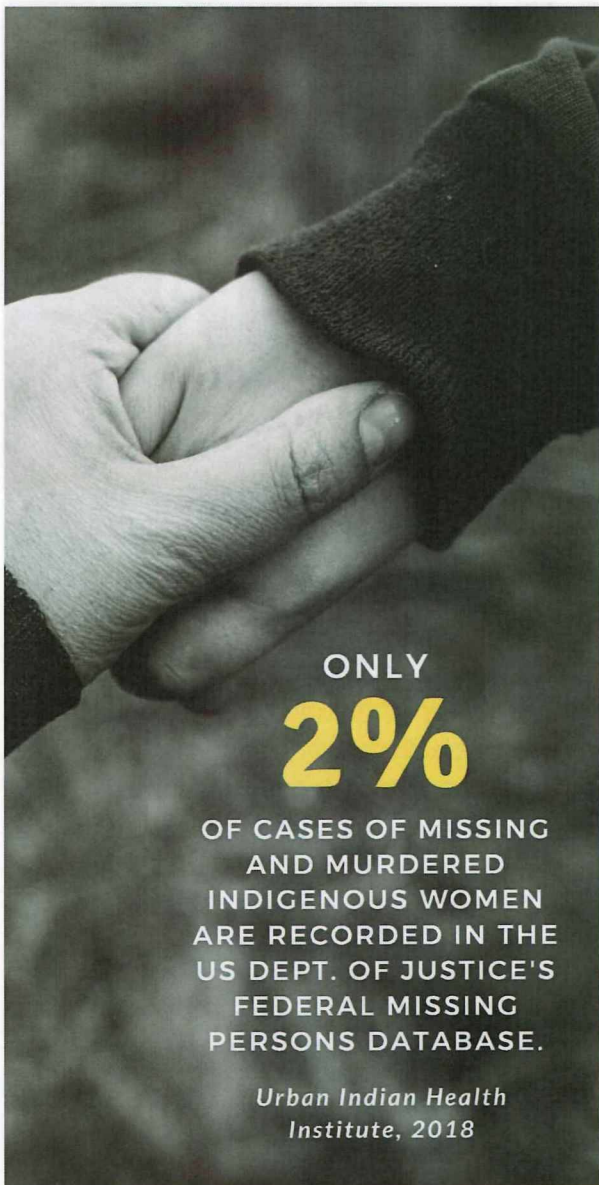


## IN 1986, RAE ELAINE TOURTILLOTT ATTENDED A BIRTHDAY PARTY AND NEVER RETURNED.

*On October 15, 1986, Rae Elaine Tourtillott, a 19-year-old mother of a 2-month-old daughter and member of the Menominee Indian Tribe, attended a birthday party on the Menominee reservation. Several individuals saw her being picked up by a vehicle driven by two individuals at the end of the party. Rae was last seen exiting that vehicle near the Tomow Overlook. On April 9, 1987 her body was found by a local trapper. As of 2020, her case has not been solved and the perpetrator has not been identified.*

*Rae's story is just one of many. Rae and all missing and murdered Indigenous women and girls deserve justice.*





ONLY  
**2%**

OF CASES OF MISSING  
AND MURDERED  
INDIGENOUS WOMEN  
ARE RECORDED IN THE  
US DEPT. OF JUSTICE'S  
FEDERAL MISSING  
PERSONS DATABASE.

*Urban Indian Health  
Institute, 2018*

**SUPPORT  
ASSEMBLY BILL 548  
AND SENATE BILL 493.**

**PROTECT WISCONSIN'S  
INDIGENOUS WOMEN  
AND GIRLS.**

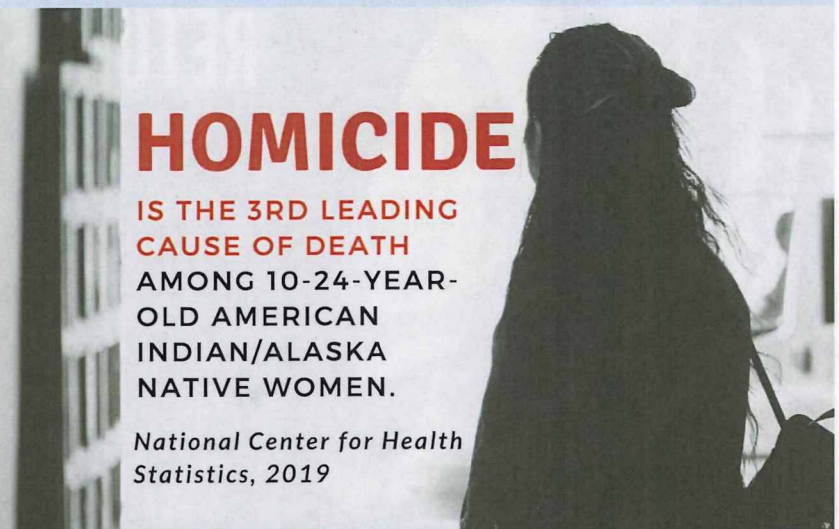
## THE SOLUTION:

**Support AB548 / SB493**

Several other states, including Minnesota, have created similar task forces to examine the factors that contribute to violence against Indigenous women.

***We cannot solve a problem that is not tracked or taken seriously. This task force will establish statewide accountability to these women and girls while also signaling that this crisis is unacceptable and will be addressed.***

The task force proposed in this bill will be led by members of Wisconsin's Indigenous community, victims rights advocates, and violence prevention professionals. The task force will have until December 15, 2020 to submit a report to Tribal and governmental leadership that identifies the systemic causes of violence against Indigenous women and girls and recommends actions to address and eliminate this violence in Wisconsin.



## HOMICIDE

**IS THE 3RD LEADING  
CAUSE OF DEATH  
AMONG 10-24-YEAR-  
OLD AMERICAN  
INDIAN/ALASKA  
NATIVE WOMEN.**

*National Center for Health  
Statistics, 2019*





## **MENOMINEE INDIAN TRIBE OF WISCONSIN**

P.O. Box 910  
Keshena, WI 54135-0910

To: Representative Rob Swearingen, Chair  
Members of Assembly Committee on State Affairs  
From: Gunnar Peters, Menominee Tribal Legislator, Menominee Indian Tribe  
Date: Wednesday, March 4, 2020  
Re: Supporting Testimony on Assembly Bill 548 – Create a Task Force on Missing and Murdered Tribal Women and Girls

The Honorable Chairman, Swearingen and members of the Committee, we are honored to be here to testify in support of Assembly Bill 548 legislation, which will create a task force on missing and murdered tribal women and girls to study and bring forth action to address this violence.

Representing Menominee Indian Tribe are myself, Gunnar Peters, Menominee Tribal Legislator and Richard Nacotee, Chief of Police for the Menominee Tribal Police.

Our Tribe is dedicated to safeguarding our Native women and children. We thank you for bringing forth legislation that begins to address our crisis that our Wisconsin Tribal women, children, and families are facing.

As a Menominee Tribal member and elected Menominee Tribal Legislator, I understand the need to advocate for changes to increase safety for our communities by addressing the crisis of missing and murdered indigenous Native people. As our Native people have experienced the grief of our missing women, children, and families for many generations. This problem has many gaps in reporting, enforcement, and assistance. This bill takes a monumental step forward to help coordinate law enforcement, gather data, and collect the information necessary to increase the states resources for reporting and identifying missing and murdered Native people.

It is important for our Tribe to issue our support because our tribe, along with other tribes, are part of the push to address missing and murdered Native American people. These are our mothers, sisters, nieces, daughters, brothers, sons, nephews, grandchildren, and your Wisconsinites. Their safety commands our utmost attention and concern.

There is not sufficient time to recount all needs, issues, and stories of our missing and murdered or the families and communities impacted in this written testimony. But their stories constitute an important reminder that a strong state response is needed. It is going to take all of us. We are going to have to work together.

At this time, I am going ask our Menominee Tribal Chief of Police to share our Menominee story and some of our issues, our data, our understandings, and our needs from a law enforcement perspective, as they are ones who see and experience this first hand.

My name is Richard Nacotee, Interim Chief of Police for Menominee Tribal Police. My testimony will focus on our knowledge in terms of the number of MMIW based on source reporting. I will offer some theories about the causes of this high rate of MMIW. Finally, I will suggest how this Committee, the State Legislature, and this Task Force can improve response action to this crisis.

Our Menominee statistics reveal similar to national statistics on violence We respond to nearly 10,000 calls for service last year, a 2.7% from last year. And like national statistics, we can say that 4 in 5 our Native women have experienced violence, more than 1 in 2 have experienced sexual violence, one in three Native women will experience domestic violence, and Native Americans disappear or are runaway as juveniles at twice the rate per capita of white Americans.

Our Tribal Police maintains a sexual offender registry and notification program (SORN). Last year we have over 114 Sex Offenders identified and with a number registered averaged 27.08 each month.

Our Crime Victim Program support services to victims involved in a criminal incident, including assaults, domestic violence, sexual assaults, and survivors of homicide. Our program assisted 178 new clients last year. And over 70% were related to violence – from Battery-domestic violence, domestic violence, assault, battery, aggravated battery-domestic violence, disorderly conduct-domestic violence related, child neglect, child sexual abuse, and elder abuse.

But these numbers only represent a fraction of the real data, as the lack of diligent and adequate federal response, along with overlaps in law enforcement jurisdiction, contributes to limited available statistics. We do not even know the statistics on our tribal members living off the reservation. Many of these cases of violence are caused by nontribal people and go unprosecuted.

While there is no single cause and no primary risk factor, that one can point to as the reason for high rates of MMIW, experts and our law enforcement experiences suggest several explanations for the disparity.

A case in point, is the story I want to share about our most vulnerable, our native youth, who are in the care of Child and Family Services and chronic runaways.



One of them is a story of 14 years old young girl Menominee.....

Too common story, of a child youth running away because they aren't being properly supported and at the risk of being sexually exploited. We simply cannot allow this to continue to happen as easily. We don't want to become a feeding ground for sexual predators, sexual trafficking, and missing and murdered native person.

Like this story and many so many, I can offer a few explanations:

- jurisdictional barriers
- indifference from government officials
- the lack of cross-jurisdictional communication and planning
- failure to adequately fund tribal justice systems, and
- the problem of sex traffickers and other predators targeting Native women specifically

One thing known for sure is the need for a response to this urgent crisis of MMIW in Wisconsin. Until recently the issue of MMIW has not been included in most federally funded programs nor in State agencies, programs or legislation, of impacting violence against Native women and Native people in general. We understand the importance of responding at a tribal, state, and national level of this crisis.

As a State and within all our communities, we must prepare protocols based on an understanding that domestic and sexual violence occurs on a spectrum of abusive behavior. As Tribes, as counties, as town, cities, and law enforcement agencies we must work together to take immediate action, noting the quicker the response, the faster the victim may be located and help may be provided.

The disappearance of every Native women and Native people requires an immediate response.

We must consider the connection with the five other crimes identified in VAWA Title IX – domestic violence, dating violence, sexual assault, stalking and sex trafficking. Native women experience a continuum of violence, with MMIW at the extreme end of this range. It is not an issue that can be addressed in isolation, but rather needs to be seen as one manifestation of the violence that threatens Native women and girls throughout their lifetimes.

Some asks or recommendations to consider for the Task Force and Assembly Bill 548 include:

- Recognize the need for tribal, federal, and state responses to cases of missing and murdered Native women and girls, including development of local and interjurisdictional protocols and establish standardized protocols based on best practices, in consultation with

tribal governments as mandated by VAWA, and improve data collection without hampering funding for tribal governments and tribal programs;

- Need to consider response to crimes of sexual violence on tribal lands and in neighboring areas, the experiences of native women living off tribal lands in Wisconsin cities and urban areas. As over 50 % of our Menominee people live outside our Reservation area.
- An imperative step is to overcome historic disparities in the treatment of Native Americans as crime victims. The lack of resources starts at the very beginning of every MMIWG case, from the moment a Native person goes missing. Tribal law enforcement agencies are notoriously strapped for resources, precious time is "wasted" because protocols aren't in place and state and federal agencies may not respond right away.
- And unfortunately, a lack of a response is part of a larger problem: A culture of violence against Indigenous women and girls. A treatment of Native people as second class citizens as it relates to public safety and crime victims. And a failing to do the exact same things for Native people when someone goes missing, murdered, or victim of a crime. And some victims are simply discounted because of their race or involvement in prostitution or sex trafficking.
- Jurisdictional issue of nontribal member as perpetrators. Issue at point for Menominee is domestic violence case goes to Shawano/Menominee DA. They refer the case to FBI. With the FBI the violent act needs to meet a certain threshold, and often times the non-Indian gets a disorderly conduct. And often is a repeat offender with only a disorderly conduct charge.
- One of biggest issue we see is the number of runaway juveniles or unreported missing juveniles. The Task Force needs to reach out the State's DCF and DHS to response to youth in need of care who go missing. The entire child-welfare system needs to be at the table and significant part.
- Lack of resources to conduct searches and the fact that law enforcement is just stretched so thin. There is never going to be enough manpower to meet the need, not only in the state, not only on the reservations, but nationwide, we need more law enforcement officers. Really need a position solely in these areas of domestic violence, sexual assault, and sex trafficking. An emphasis must be placed on sex trafficking.

- Tribal warrants are not recognized. The State does not recognize tribal warrants. Clinics and hospitals do not recognize them. And facebook and other social media will not accept our tribal warrants.
- Police Officers and first responders will need to be trained on endangered missing and abducted native people and people in general.
- Victims and witness need protection. This is a community concern. People are afraid to report. And needs to be considered.
- And the fact that this is more than woman and girls, that are missing, endangered, and murdered. Our Native boys and men need protection as well as our children, women, and men victim to sex trafficking.

Our hope is that this Task Force will assist State leadership, tribal advocates, policymakers, and community stakeholders in understanding the urgent need for a collaborative solution to the Missing and Murdered Indigenous People facing our country and our state.

Setting up a state task force is a great step. And we look forward to the next steps, when we, our State of Wisconsin, implements the recommendations and then we experience a decrease to the number of women and girls that go missing or are murdered who experience violence.

We commend you for holding this hearing, for taking the initiative to create this task force, and we hope you will seriously consider further legislation, appropriations, and actions that effectively addresses this crisis.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

Josh Kaul  
Attorney General

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PREPARED TESTIMONY OF EXECUTIVE DIRECTOR OF OFFICE OF  
CRIME VICTIMS SERVICES MICHELLE VISTE

2019 Assembly Committee on State Affairs  
Thursday, March 4, 2020

Chair Swearingen, Vice Chair Tauchen, and Members of the Committee:

My name is Michelle Viste and I am the Executive Director of the Department of Justice's (DOJ's) Office of Crime Victim Services (OCVS). I appreciate the opportunity to testify on behalf of DOJ in support of 2019 Assembly Bill 548, legislation that would create a task force to examine issues that contribute to violence against indigenous women and girls.

I would like to begin by thanking Representatives Stuck and Mursau and Senators Bewley and Smith for their leadership on this topic. OCVS was honored to have been asked to provide feedback and technical assistance on an early version of this bill draft and DOJ would welcome the opportunity to convene a task force on this important issue.

According to the National Crime Information Center, in 2016 there were 5,712 reported cases of missing and murdered indigenous women and girls in the United States. Many believe this number is underreported. We know that indigenous women are victims of violence, homicide and sexual assault at rates much higher than other groups. According to a report prepared by the National Congress of American Indians, American Indians and Alaska Natives are:

- 2.5 times as likely to experience violent crimes as other races;
- At least 2 times as likely to experience rape or sexual assault as other races;
- 61 percent of American Indian and Alaska Native women have been assaulted in their lifetimes;
- 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and
- 39 percent of American Indian and Alaska Native women will be subjected to violence by an intimate partner in their lifetimes.



Michelle Viste, Executive Director of Office of Crime Victims Services  
2019 Assembly Committee on State Affairs  
Thursday, March 4, 2020  
Page 2

However, while a fair amount is known about the issue, little is known about the cause. A lack of reliable data and challenges created by overlapping jurisdictions for state and tribal law enforcement agencies exacerbate the issue. A great deal of valuable work is currently being done at the local level by tribal communities that can be supported and enhanced through statewide coordination and collaboration between state and tribal law enforcement. That is precisely what makes the creation of this task force so important. Several other states, including Minnesota, have created task forces to examine this issue. More recently, President Trump signed an executive order to create a task force at the federal level.

For this task force to be successful, it is critical that it receive leadership, consultation and input from Wisconsin's Indigenous communities. Importantly, this task force's proposed membership includes representatives from tribal governments, the Wisconsin Legislature, law enforcement, and legal and social service providers.

While I am encouraged that the Assembly Committee on State Affairs agreed to hold a public hearing on this legislation, I would be remiss if I did not mention my disappointment that this hearing comes so late in the legislative session. In 2019, the Minnesota legislature unanimously passed legislation creating a task force to examine this issue. Minnesota's task force was able to begin its work later that same year. There is no good reason why the outcome should not have been the same here in Wisconsin. With every passing day, we miss an opportunity to begin to address this issue and better serve crime victims in our state. As such, DOJ will continue moving forward on this issue with or without the involvement of the legislature.

OCVS has built a strong, collaborative partnership with Wisconsin's tribal domestic abuse coalition, American Indians Against Abuse. Recently, OCVS was selected as a pilot site by the VAWA STOP Intensive Technical Assistance Project (SITAP) to partner with American Indian's Against Abuse on the development and implementation of a survivor- and tribal-driven action plan to address Missing and Murdered Indigenous Women in Wisconsin (MMIW). Additionally, the OCVS Advisory Committee convened a multi-disciplinary MMIW workgroup early last year to harness momentum on this issue, but efforts were paused in the hopes that legislative action on this proposed task force was forthcoming. This workgroup, co-chaired by representatives from American Indians Against Abuse and OCVS, will—without delay—resume this important work and expand partnerships with other sovereign nations and stakeholders working on this issue.

Thank you for your consideration of this testimony. With that, I am available to answer questions from committee members.

Hello, my name is Kari Ives and I am here in support of AB 548 to create a taskforce for missing and murdered indigenous women and girls. As a woman, social worker, and county board supervisor, I strongly believe that we need a taskforce to prevent missing indigenous women and girls falling through the cracks and remaining unsolved crimes

More than 4 in 5 Indigenous women will experience violence in their lifetime. Missing Indigenous women are often never found. Federal and state databases are not accurately or regularly updated with information on missing Indigenous persons and widespread data gaps mean numbers are under-reported. Cases are rarely brought to trial and convictions are uncommon. These practices make Indigenous women and girls even more vulnerable to violence, and allow perpetrators to avoid justice. AB 548 seeks to address these problems.

This taskforce will be comprised of Indigenous community members, victim's rights advocates, violence prevention professionals, and members of the legislature. Taskforce members will develop a report identifying systemic causes of violence, appropriate methods for tracking and collecting data, policies and institutions that impact Indigenous women and girls, and suggest measures necessary to address and reduce violence and promote healing in Indigenous communities.

*According to an article from Amnesty USA, "The federal government has created a complex interconnection between federal, state and tribal jurisdictions that undermines tribal authority and often allows perpetrators to evade justice. Why? There can be significant delays determining who has jurisdiction over a particular crime. The result... confusion and uncertainty that no one intervenes, and denied access to justice (retrieved from <https://www.amnestyusa.org/reports/maze-of-injustice/>)"*

Imagine... not having law enforcement believe you when you file a missing person report, putting you off as they inform you the missing adult will likely come back. You are scared for your loved one... you have to organize a search party, create and hang flyers, with the possibility finding your loved one's dead body or only a part of it. Due to the lack of law enforcement investigations, crime scenes may not get marked off and evidence is contaminated.

Thank you for your time and I urge you to support the passage of Assembly Bill 548, time is of the essence.

## **Testimony in Support of AB 548**

March 4th, 2020

Emile Shartle and Mariah Hennen

Good Afternoon Representative Swearingen, Representative Tauchen and Members of the Assembly Committee on State Affairs. Thank you for the opportunity to testify this afternoon in support of AB 548.

My name is Mariah Hennen and I am a resident of Milwaukee and a non-profit program manager. My name is Emile Shartle and I am a resident of Madison and a public health epidemiologist. We are here this afternoon as members of the Wisconsin Women's Network. We appreciate the opportunity to discuss the critical importance of AB 548, which would create a task force to address the crisis of missing and murdered Indigenous women and girls in Wisconsin. We must end the violence against Indigenous women and girls now.

As you have heard today, AB 548 would require the attorney general to create a taskforce of Indigenous community members, victim's rights advocates, violence prevention professionals, and members of the legislature. Taskforce members will develop a report identifying systemic causes of violence against Indigenous women and girls, appropriate methods for tracking and collecting data, policies and institutions that impact Indigenous women and girls, and suggest measures necessary to address and reduce violence and promote healing in Indigenous communities.

Violence against Indigenous people occurs every day in Wisconsin. Indigenous communities have been sharing their stories of missing and murdered loved ones, including stories that were shared here today, for decades. But we unfortunately exist in a system that was designed on, and primarily values, quantitative data over stories. The lack of tangible data has resulted in this crisis being neglected and ignored. To solve a problem as large and complex as this, we must first learn the scope.

Currently, there is no consistently updated database to track missing and murdered Indigenous women across the U.S. and there is no data being tracked in Wisconsin. While the National Missing and Unidentified Missing Persons System (NAMUS) is used by the U.S. federal government to keep records for missing, unidentified, and unclaimed person cases, the data is uploaded on a voluntary basis based on jurisdictional boundaries. There are critical gaps that don't capture accurate data about the numbers of Indigenous women that are missing. These gaps include: unclear jurisdictional case reporting responsibility, miscoded race/ethnicity status in records, distrust in law enforcement and government, and lack of a centralized missing persons database that includes reports from tribal and non-tribal lands.

For example, missing Indigenous persons cases may be reported to NAMUS by tribal, state, federal, or county agencies, which often leads to the false assumption that cases have already been reported by another agency. The back

and forth between different authorities trying to determine who should take the lead and ownership in reporting and investigating a missing persons case takes up critical time and resources. Because of these non-standardized procedures between tribal and non-tribal law enforcement, many cases are never reported to any tracking database. Too often it falls to family, friends, and community members themselves to search for missing Indigenous women through the use of search parties, social media, and word of mouth.

When cases are actually reported, they may still be missed due to a miscategorization of the victim's race, ethnicity, or tribal status. For example, individuals uploading a missing person's case into NAMUS could identify the person as belonging to another primary race, such as white, when the individual themselves would have identified as belonging to an Indigenous community. This creates confusion when searching for a specific person in a database.

A Wisconsin-focused task force is also important because the federal government is not addressing Wisconsin-specific concerns. While there have been some limited federal efforts to start addressing this crisis, the federal Department of Justice did not select Wisconsin to be a part of its federal programming. As we mentioned, although federal law enforcement may have jurisdiction to investigate crimes on tribal lands, many of the crimes and violence is committed outside of tribal lands. Many missing and murdered Indigenous women live in urban areas that are not under tribal jurisdiction, and tribal authorities are unable to thoroughly investigate the crimes due to jurisdictional issues. A Wisconsin taskforce would help address these state specific jurisdictional concerns.

Passing AB 548 is a critical first step in making the creation of a centralized, standardized missing Indigenous persons database that is accessible and easily navigated by tribal and non-tribal authorities a reality. It is paramount to tackling the epidemic of missing and murdered Indigenous people in Wisconsin.

Many other states, including Minnesota, New Mexico, Montana, Arizona, California, Wyoming, and Nebraska, have already established task forces like the one referenced in AB 548. These states have taken the first step to addressing the crisis of missing and murdered Indigenous women and girls. We urge Wisconsin to join them.

We support AB 548 because we believe that no woman should ever fear going missing or being murdered. No family should be afraid that their loved one will disappear without an investigation. We believe women in Wisconsin should be able to live and thrive safely, with dignity and respect, and we are concerned that Indigenous women are being systematically and disproportionately subjected to violence in our state.

Please support Indigenous women and girls in Wisconsin and pass AB 548.

Thank you.



AB 548 Statement  
March 4, 2020

Greetings honorable Representatives. Thank you from the depths of my heart for this opportunity to speak with you. I along with my friend Lisa Hurst wrote this bill with the exceptional help from Representative Stuck, Senator Bewley along with their staffs. You have seen the alarming statistics regarding the level of violence an indigenous woman faces in her lifetime. We read that 80% indigenous women will face some type of domestic abuse in their lifetime. It was those figures brought to light by the scholars of Indian Health Services. Lisa and I gasped at the numbers and the trauma that many of our indigenous sisters face. We knew that we needed to act; that our state legislators needed to know that this problem exists.

We are blessed to have so many caring and determined Wisconsin citizens walking with us on this journey, indigenous and non-indigenous alike. We know that social changes need to happen so that no one, simply based on their birth needs to face such a daunting life.

As a scholar I know that we can solve many problems and social ills. However, as a scholar I also know that we cannot fix a problem that is not clearly defined. All the statistics presented are national and do not necessarily represent Wisconsin. Wisconsin is fortunate to house twelve tribes, eleven federally recognized and one still struggling with federal recognition. This is more than any other state. Also, Wisconsin is the 15th most populous state with regards to its indigenous population. We need a clear picture of what is happening in Wisconsin. Once we know this, we can gather together again to strategize on ways to affect positive change.

While we are unsure of the conditions of Wisconsin indigenous peoples and the violence they face, we do know for certain that the databases in Wisconsin are flawed. Unequivocally, our current data does not accurately reflect the murders of indigenous Wisconsin. For example, the Wisconsin Department of Justice data representing 1998 – 2017 lists 23 murdered WI Native Americans. The names of these women and girls are absent from the report but we can tell you that without doubt the figures are flawed. For example, the May 5, 2019 Joint Assembly Resolution names FOUR tribal people who do NOT APPEAR in the database. The names of the individuals listed in the Joint Resolution are Bad River Ojibwe members Angeline Whitebird-Sweet, murdered 1989, Charlene Couture, missing since 2009 and Sheila St. Clair, missing since 2015. Lac du Flambeau Ojibwe members Susan Poupart, murdered 1990, LaVonne Frank murdered 1997, Donna (LaBarge) Peterson, murdered July 2004, and Emily Anne Marie Wayman 22 years old, murdered 2010.

At its foundation, AB 548 will create a taskforce charged with reviewing how individuals are identified and how tribal, city, county, and state police departments share their data. I know that there are jurisdiction problems that need to be resolved. However, the vast majority of indigenous people do not reside on reservation lands. Much of the violence against indigenous peoples take place in urban areas.

In closing, though this committee cannot take this bill to the legislative body, the committee needs to acknowledge that this problem exists. The federal government cannot solve a Wisconsin database problem. Only Wisconsin justice system agencies can accomplish this. We need to work together to define the scope of the problem so that we can work together to affect positive changes.

Respectfully,  
Renee Gralewicz, Brothertown Indian Nation Elder and Peacemaker