
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 2279 **Hearing Date:** June 18, 2024
Author: Cervantes
Version: June 3, 2024
Urgency: No **Fiscal:** Yes
Consultant: JD

Subject: *Missing and Murdered Indigenous Persons Justice Program*

HISTORY

Source: Yurok Tribe

Prior Legislation: AB 3099 (Ramos), Chapter 170, Statutes of 2020.
AB 1314 (Ramos), Chapter 476, Statutes of 2022.

Support: Cahuilla Band of Indians; California Public Defenders Association; California Tribal Business Alliance; Smart Justice California, a Project of Tides Advocacy;

Opposition: None known

Assembly Floor Vote: 73 - 0

PURPOSE

The purpose of this bill is to establish The Missing and Murdered Indigenous Persons Justice Program (the program) within the Department of Justice (DOJ), this program would facilitate collaboration between parties in cases of missing and murdered indigenous people and report to the legislature specified data.

Existing law states that murder is the unlawful killing of a human being, or a fetus, with malice aforethought. (Pen. Code, § 187, subd. (a).)

Existing law states that malice is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart. (Pen. Code, § 188, subd. (a)(2).)

Existing law requires that all local police and sheriffs' departments shall accept any report, by any party, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. (Pen. Code, § 14211, subd. (a).)

Existing law states that in cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report and make an assessment of reasonable steps to be taken to locate the person by using the report forms, checklists, and guidelines, as specified. (Pen. Code, § 14211, subd. (c).)

Existing law establishes the “feather alert”, a notification system designed to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances. (Gov. Code, § 8594.13 subd. (a).)

Existing law states that if a person is reported missing to a law enforcement agency and that agency determines that specified requirements are met, the law enforcement agency may request the Department of the California Highway Patrol to activate a Feather Alert. (Gov. Code, § 8594.13 subd. (b)(1).)

Existing law establishes the Rural Indian Crime Prevention Program. (Pen. Code, § 13847, subd. (a).)

Existing law requires the Rural Indian Crime Prevention Program to target the relationship between law enforcement and Native American communities to encourage and to strengthen cooperative efforts and to implement crime suppression and prevention programs. (Pen. Code, § 13847, subd. (a).)

Existing law provides concurrent California and Tribal jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country, as specified. (18 U.S.C. § 1162.):

Existing law provides California limited jurisdiction over civil offenses that occur within Indian country. (25 U.S.C. § 1322, subds. (a) & (c).)

This bill would establish The Missing and Murdered Indigenous Persons Justice Program (the program) within the DOJ.

This bill would require the program to facilitate collaboration and act as a liaison between tribal victims’ families, tribal governments, and law enforcement agencies regarding cases involving missing and murdered indigenous persons in California, including cases involving human trafficking.

This bill would require the program to provide technical advice where appropriate to law enforcement agencies regarding cases involving missing and murdered indigenous persons, including cases of human trafficking.

This bill would require the program to publish data on the number of and facts about cases involving missing and murdered indigenous persons in California.

This bill would require the program to submit an annual report to both houses of the Legislature containing the information related to the number of and facts about cases involving missing and murdered indigenous persons in California. This report would become inoperable on and after January 1, 2029.

COMMENTS

1. Need for This Bill

According to the Author:

It is an unfortunate truth that across the United States, including in California, there is an ongoing crisis of persistent violence levied committed against Indigenous people, especially women and girls. The Sovereign Bodies Institute (SBI) began tracking the number of murdered and missing Indigenous people (MMIP) in California in 2015 and found that there are approximately 18 new MMIP cases documented per year. Cases were documented in 42 of California's 58 counties. According to SBI, 91 percent of murdered and missing Indigenous children in Southern California are girls, and the lack of thematic issues among these cases suggests these girls are targeted because they are both Indigenous and girls.

Assembly Bill 2279 will continue this effort by establishing the Missing and Murdered Indigenous Persons Justice Program within the Department of Justice. The program would be empowered to facilitate collaboration and act as a liaison between tribal victims' families; tribal governments; and state, federal, and out-of-state law enforcement agencies, the program would also provide technical advice to law enforcement agencies investigating MMIP cases in California when appropriate. Finally, to further improve transparency regarding the ongoing MMIP crisis, the program would be required to publish data on the number of MMIP cases and facts about those cases, as well as submit an annual report to the Legislature. This bill will help provide a coordinated state response to MMIP cases, as well as shine a light on a crisis affecting our Indigenous communities that has not received nearly the attention it deserves.

2. Murdered or Missing Indigenous Persons (MMIP) in California and the U.S.

The problem of MMIP reaches across state lines. In 2018, the Urban Indian Health Institute (UIHI) published a study addressing MMIP titled *Missing and Murdered Indigenous Women & Girls, A snapshot of data from 71 urban cities in the United States*. (Available at: <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf> [as of Mar. 26, 2024].) They state in part, "the National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, though the US Department of Justice's federal missing persons database, NamUs, only logged 116 cases." (*Missing and Murdered Indigenous Women & Girls, supra, at p. 2.*) The lack of information, underreporting, and misinformation on MMIPs leads to various discrepancies as to how local, state, and federal agencies respond to this ongoing crisis.

The UIHI tried, repeatedly, to gather information from various sources including, but not limited to, law enforcement agencies, state and national databases, and media coverage regarding MMIP. Some sources either did not respond or found it to laborious to produce or provide information for MMIP.

In their report, the UIHI states, “As demonstrated by the findings of this study, reasons for the lack of quality data include underreporting, racial misclassification, poor relationships between law enforcement and American Indian and Alaska Native communities, poor record-keeping protocols, institutional racism in the media, and a lack of substantive relationships between journalists and American Indian and Alaska Native communities. In an effort to collect as much case data as possible and to be able to compare the five data sources used, UIHI collected data from Freedom of Information Act (FOIA) requests to law enforcement agencies, state and national missing persons databases, searches of local and regional news media online archives, public social media posts, and direct contact with family and community members who volunteered information on missing or murdered loved ones.” (*Missing and Murdered Indigenous Women & Girls, supra, at p. 4.*)

According to a memo produced by the Yurok Tribe in Partnership with Strong Hearted Native Women’s Coalition, provided to this committee by the author, *Recommendations for Federal and State Leaders Addressing the Crisis of Missing and Murdered Indigenous People*, “California has over 109 federally recognized native tribes, and has the largest population of Native Americans of any state in the United States and the fifth largest caseload of Missing and Murdered Indigenous People (MMIP).” The report gives direct insight into the needs of indigenous groups who live and reside in California. The memo makes recommendations specifically for California, including the creation of a Red Ribbon Panel to address MMIP.

This bill seeks to establish the Missing and Murdered Indigenous Persons Justice Program within the Department of Justice within DOJ, to facilitate and act as a liaison between parties in cases regarding missing and murdered indigenous people, as well as to collect data from various sources, and to publish a report of its findings to the Legislature.

3. Argument in Support

According to the Yurok Tribe:

[...] The Yurok Tribe is a vital cultural, economic, and political leader in Northern California. The Tribe has led California Tribes’ recent MMIP efforts, through conducting research and reports, creating Tribal justice and wellness programs, engaging in policy advocacy and coalition building, media outreach, and leading statewide and national events. AB 2138 will strengthen and protect tribal law enforcement, Tribal families, and communities. It will also address the crisis of Missing and Murdered Indigenous Women and Persons by strengthening public safety in tribal communities.

California has the largest population of Native Americans of any state in the United States and the state is facing increasing public safety challenges and the crisis of Missing and Murdered Indigenous Persons (MMIP). Indigenous Persons, especially Indigenous Women and Girls, are disproportionately affected by violence, human trafficking, and murder, and become “missing” at much higher rates than people of other racial groups.) California has the fifth largest caseload of MMIP. More than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime

and more than 1 in 3 in the last year. Additionally, 1 in 130 Native American children likely go missing each year.

The Sovereign Bodies Institute (SBI) began tracking the number of murdered and missing Indigenous people (MMIP) in California in 2015 and found that there are approximately 18 new MMIP cases documented per year. Cases were documented in 42 of California's 58 counties. According to SBI, 91 percent of murdered and missing Indigenous children in Southern California are girls, and the lack of any thematic issues among these cases suggests that these girls are targeted because they are both Indigenous and girls. Of all of the MMIP cases that SBI documented in California, only 21 percent involved a response by the criminal justice system. For known MMIP cases in Southern California, there is no documentation of a single conviction. In 2019, the Urban Indian Health Institute reported that 95 percent of MMIP cases go without being covered by either national or international media.

Assembly Bill 2279 will help provide a state response to the ongoing MMIP crisis by establishing a Bureau of Missing and Murdered Indigenous Women, Girls, and Persons within the Department of Justice. The Bureau would be empowered to facilitate collaboration between victims' families; tribal governments; and state, federal, and out-of-state law enforcement agencies. The Bureau would also assist in investigating MMIP cases in California when appropriate, including human trafficking cases. Finally, in order to further improve transparency regarding the ongoing MMIP crisis, the Bureau would be required to publish data on the number of MMIP cases and facts about those cases, as well as submit an annual report to the Legislature.

AB 2279 will help provide a coordinated state response to MMIP cases, as well as shine a light on a crisis affecting our Indigenous communities that has not received nearly the attention it deserves. For this reason, we stand in strong support of your Assembly Bill 2279. We thank you for working to further address the ongoing MMIP crisis affecting Indigenous communities across California.

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