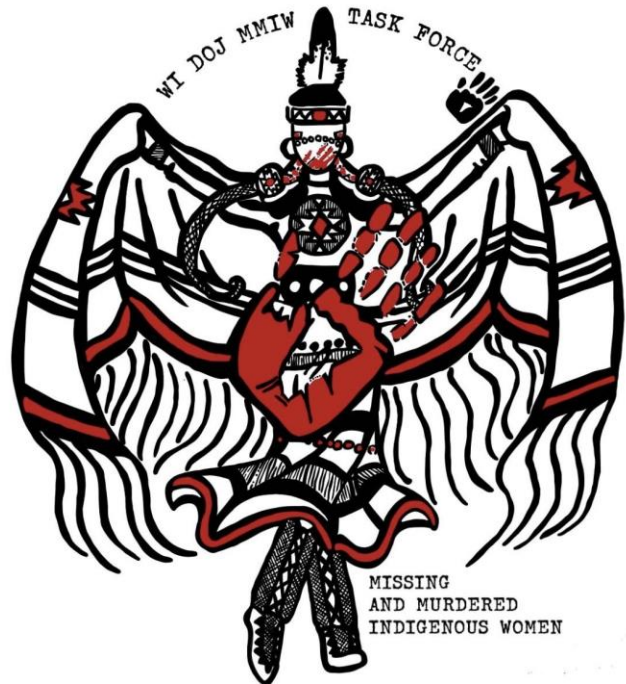


WI DOJ MMIW/R TASK FORCE

Understanding the dynamics of sex trafficking, jurisdictional and judicial complexities, and the impacts on Indigenous communities.



Overview of Task Force Work

- The Missing and Murdered Indigenous Women/Relatives Task Force (MMIWR) is charged with helping fight the abduction, homicide, violence and trafficking of Indigenous women in Wisconsin.
- The Task Force focuses on examining the factors that contribute to missing and murdered Indigenous women/relatives (MMIWR) and the response from social service organizations, understanding the roles federal, state and tribal jurisdictions play, and improving and implementing robust data collection and reporting methods.

Overview of Task Force Work

- The Wisconsin Department of Justice (DOJ) and Wisconsin Indigenous communities announced the creation of the Task Force in July 2020, and the Task Force met regularly through October 2022.
- The Task Force appointed subcommittees focused on community/family impact, legal aspects of MMIWR cases, response systems, and MMIWR data.

Current Efforts



Final Report

- This report is a starting point—an offering of education, root causes, and personal stories and experiences that convey the broad extent of this crisis across systems.
- This report is a call to action from Wisconsin Indigenous communities who have waited too long for justice.

Implementation Plan

- The accompanying Implementation Plan recommends actions that can prevent further loss of Indigenous culture and life.
- There are practical steps that we all can take to improve safety for Indigenous women and relatives; address barriers that contribute to trafficking of Indigenous relatives; more meaningfully and expeditiously search for and locate our relatives when they go missing and bring our relatives home; and deliver justice for those who have been murdered.

Trafficking Risk Factors



Jurisdictional Complexities

The vulnerability of Indigenous women, children, and relatives to sex trafficking can be attributed to a range of jurisdictional complexities and systemic factors that create an environment conducive to exploitation. Some of these jurisdictional complexities include:

- Dual Legal Systems
- Lack of Coordination
- Limited Law Enforcement
- Lack of Trust in Authorities
- Inadequate Support Services

Jurisdictional Complexities

Dual Legal Systems

- Many Indigenous communities have their own legal systems and governance structures, in addition to being subject to the laws of the nation-state they reside in.
- This can lead to jurisdictional gaps and conflicts between Indigenous laws and state laws, making it difficult to effectively address crimes like trafficking and creating opportunities for perpetrators to evade prosecution.

Lack of Coordination

- Jurisdictional disputes and lack of coordination between Indigenous governments, federal, and state authorities can hinder the sharing of information, resources, and enforcement efforts necessary to combat trafficking effectively.

Jurisdictional Complexities

Limited Law Enforcement

- Some Indigenous communities may have limited law enforcement presence due to their remote locations or resource constraints.
- This can result in delayed responses to trafficking cases and difficulties in conducting effective investigations.

Lack of Trust in Authorities

- Due to history of negative interactions with state authorities, Indigenous individuals might be reluctant to seek help from law enforcement or social services, fearing discrimination or retribution.
- This can further isolate victims and prevent them from escaping trafficking situations.

Jurisdictional Complexities

- **Inadequate Support Services**
 - Indigenous victims of trafficking often face barriers in accessing appropriate support services that understand and respect their cultural backgrounds and needs.
 - Lack of culturally sensitive shelters, counseling, and rehabilitation programs can hinder recovery and reintegration.
- To effectively address the vulnerability of Indigenous women, children, and relatives to trafficking, it is crucial to work collaboratively with Indigenous communities, recognize and respect their sovereignty, and develop holistic approaches that consider both cultural and jurisdictional complexities.

Judicial Complexities

The trafficking of Indigenous women, children, and relatives involves complex judicial issues that can have profound effects on tribal communities.

These complexities arise from the overlapping jurisdictions of tribal, federal, and state legal systems, as well as historical and systemic factors.



Judicial Complexities

Tribal Jurisdiction

- Tribal governments have inherent sovereign authority over their lands and members.
- However, due to limitations imposed by federal laws like the Major Crimes Act, tribes often have restricted jurisdiction when it comes to prosecuting certain crimes committed by non-Indigenous individuals on tribal lands.
- This jurisdictional gap can create challenges in prosecuting traffickers who are not a member of that tribe.

Federal Jurisdiction

- In cases involving non-Indigenous offenders, federal law enforcement agencies such as the FBI and the Department of Justice have jurisdiction to investigate and prosecute trafficking crimes on tribal lands.
- This can lead to a complex interplay of federal agencies, tribal law enforcement, and state authorities, often causing delays and inefficiencies in handling cases.

Judicial Complexities

State Jurisdiction

- State laws also play a role in addressing trafficking, especially when the crime occurs on tribal lands but involves non-tribal members.
- Coordinating between tribal, federal, and state authorities can be challenging and can lead to jurisdictional disputes that hinder effective law enforcement.

Tribal vs. Federal Prosecution

- Deciding whether to prosecute trafficking cases in tribal courts or federal courts can be complicated.
- Tribal courts may offer more culturally sensitive proceedings, but they might lack resources or face limitations in sentencing.
- Federal courts may have more resources but might not fully understand the cultural dynamics of tribal communities.

Victim Protection

- Trafficking victims from tribal communities may be reluctant to engage with mainstream legal systems due to historical mistrust and cultural differences.
- Ensuring their safety, well-being, and cooperation in investigations while respecting their cultural backgrounds requires careful consideration.

Impacts of Trafficking on Tribal Communities

Community Impact

- The trafficking of Indigenous women, children, and relatives can have devastating effects on tribal communities.
- It erodes social fabric, disrupts family dynamics, and leads to mistrust and fear within the community.

Cultural Erosion

- Trafficking can contribute to the erosion of cultural values and traditional practices by exposing victims to traumatic experiences that challenge their sense of identity and belonging.

Inter-Community Relations

- The presence of trafficking within or near tribal communities can strain relations between law enforcement agencies, local non-Indigenous populations, and exacerbate existing tensions.

Impacts of Trafficking on Tribal Communities

Revictimization

- The complexities of the legal system, coupled with historical trauma, can lead to revictimization of trafficking survivors as they navigate a complex and often overwhelming process.

Criminalization of Victims

- Indigenous trafficking survivors may be arrested and charged for crimes they were forced to commit while being trafficked, further victimizing them with the legal system.

Intersectional Issues

- The intersection of gender-based violence and MMIWR is heavily intertwined.
- It is important to understand the connection between domestic, dating, trafficking, and sexual violence and the high incidence of missing and murdered Indigenous women and relatives (MMIWR) in the United States.



Intersectional Issues



- The current reports of abduction and murder of Native women are alarming and represent one of the most horrific aspects of the spectrum of violence committed against Native women.
- These disappearances or murders are often connected to domestic violence, dating violence, sexual assault, stalking, and sex trafficking.

Intersectionality of Issues MMIWG2S Canadian Report

INTERSECTIONALITY: A SUMMARY OF OVERLAPPING OPPRESSIONS AND IDENTITY MARKERS

Structural Forces

- Colonization (historic and ongoing)
- Patriarchy
- Social, political and economic marginalization
- Media and stereotyping
- Institutions and structures that harm rather than heal (e.g. health, justice)

Types of Discrimination

- Racism
- Sexism
- Transphobia and homophobia
- Exploitation
- Economic, political and social exclusion
- Cultural violence
- Physical, emotional, and spiritual violence
- Family dislocation and separation
- Denial of adequate financial resources

Aspects of Identity

- Indigeneity and "Status"
- Socioeconomic status
- Family status
- Educational level
- Geographic location
- Gender
- Ability and disability
- Sexual orientation
- Spirituality

Advocacy and Prevention



Advocacy and Prevention

Advocacy and preventative measures for trafficking of Indigenous women, children, and relatives requires a multi-faceted approach that addresses the root causes and unique vulnerabilities of tribal communities.

Advocacy and Prevention

Community Empowerment and Education:

- Empower Indigenous communities through culturally sensitive education programs that raise awareness about trafficking and the rights of community members.
- Provide workshops and training on recognizing signs of trafficking, self-protection, and reporting mechanisms.

Legal Reforms and Advocacy:

- Advocate for legal reforms that strengthen tribal jurisdiction over trafficking cases and support coordination between tribal, federal, and state authorities.
- Collaborate with legal experts to ensure that Indigenous survivors have access to legal representation and advocacy.

Advocacy and Prevention

Culturally Tailored Support Services

- Establish shelters and safe spaces specifically designed for Indigenous trafficking survivors, providing culturally relevant counseling, healing practices, and support.
- Collaboration with traditional healers, elders, and cultural leaders to incorporate healing practices into recovery programs.

Collaborative Partnerships

- Foster partnerships between tribal governments, law enforcement agencies, and service providers to enhance the response to trafficking cases and provide comprehensive victim support.

Advocacy and Prevention

Data Collection and Research

- Support research initiatives that analyze the factors contributing to the vulnerability of Indigenous women, children, and relatives to trafficking, enabling evidence-based policy and program development.

Trauma-Informed Care

- Develop trauma-informed approaches that recognize the historical trauma experienced by Indigenous communities and integrate this understanding into victim services.

Advocacy and Prevention

Preventing Online Exploitation

- Educate Indigenous youth about online safety, including the risks of online grooming and exploitation.
- Collaborate with technology companies and law enforcement to combat online platforms used for trafficking.

Engage Men and Boys

- Engage men and boys in prevention efforts by promoting respectful attitudes, healthy relationships, and allyship to combat sex trafficking and exploitation.

Advocacy and Prevention

- By combining these strategies, tailored to the unique cultural contexts and needs of Indigenous communities, it is possible to make significant strides in preventing sex trafficking and supporting survivors on their journey to healing and empowerment.

Thank you for your time!

For additional information or questions feel free to contact us:

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