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MODEL LAW

Building off of Minnesota's model and the themes identified in the community listening session, we propose a model law to create a state-level Office of Missing and Murdered Black Women and Girls. This office is designed to 1) address the systemic inequities in the prevention and response to cases involving missing and murdered Black women and girls; 2) to influence the broader context of gender-based violence that contributes to such cases; and 3) to restore public trust through transparency, accountability, and survivor-centered practices.

The model law specifies the staffing and structure of the Office, the type of populations that should be served by the Office, and the activities of the Office. These activities include 1) having data collection authority and reporting requirements—including establishing and maintaining a data dashboard; 2) creating legislation and agency action

recommendations; 3) conducting case review; 4) providing education and technical assistance to law enforcement and other relevant agencies; 5) developing and organizing prevention activities; and 6) distributing grants to community organizations. The law also establishes a missing and endangered person alert program. This model law is designed to be customizable to the structure of each state and can be modified to be considered at a local level. If the political environment does not support the creation of a new office, portions of the model law can be embedded into existing state offices. Because this is a novel policy solution, there is a need to rigorously evaluate the work of state offices to address the epidemic of missing and murdered Black women. The establishment of such offices should include the development of clear metrics of success and plans for rigorous evaluation of office activities.



AN ACT TO CREATE AN OFFICE FOR MISSING AND MURDERED BLACK WOMEN AND GIRLS.

Section 1. Establishment.

- (a) The **[head of designated state agency]** shall establish and maintain an office dedicated to preventing and ending the targeting of Black women and girls within the **[designated state agency]** (“the Office”).
- (b) The Office is an independent entity.
- (c) The purpose of the Office is to address systemic inequities in the prevention, investigation, reporting, prosecution, and public response to cases involving missing and murdered Black women and girls, including girls classified as runaways and the broader context of gender-based violence that contributes to such cases, and to restore public trust through transparency, accountability, and survivor-centered practices.

Section 2. Definitions.

- (a) As used in this subdivision:
 - (1) “domestic violence” has the meaning given in [relevant section of state code].
 - (2) “gender-based violence” means violence, abuse, or exploitation directed at an individual based on gender, gender identity, or perceived gender roles, including but not limited to domestic violence, sexual violence, stalking, harassment, trafficking, coercion, and exploitation.
 - (3) “labor trafficking” has the meaning given in [relevant section of state code].
 - (4) “missing person” has the meaning given in [relevant section of state code].
 - (5) “sex trafficking” has the meaning given in [relevant section of state code].
 - (6) “suspicious death” means a death in which the cause or manner of death is uncertain, contested, or may involve violence, neglect, coercion, or exploitation, including deaths classified as suicide, overdose, or accidental, where the surrounding circumstances indicate a need for further review.

Section 3. Director; staff.

- (a) The **[head of designated state agency]** must appoint a director who is a person closely connected to the Black community and who is highly knowledgeable about criminal investigations. The **[head of designated state agency]** is encouraged to consider candidates for appointment who are recommended by members of the Black community.
 - (1) The director may only be removed for cause.
 - (2) The **[head of designated state agency]** shall consult with representatives of the Black caucus and community-based organizations serving Black women and girls prior to appointment.
 - (3) The director must demonstrate experience in trauma-informed practices, cultural competency, and community engagement.
- (b) The director may select, appoint, and compensate out of available funds assistants and employees as necessary to discharge the Office's responsibilities.
- (c) The director and full-time staff shall be members of the **[State Retirement Association]**.
- (d) Advisory Board. The Office shall establish a multidisciplinary advisory board.
 - (1) The director shall collaborate with the advisory board.
 - (2) The Office shall compensate advisory board members.
 - (3) The advisory board shall include:
 - (A) Two survivors or family members of missing or murdered Black women or girls;
 - (B) One representative from a Black-led community organization;
 - (C) One public health expert;
 - (D) One applied data and research professional;
 - (E) Two representatives from service providers who serve Black women and girls; and
 - (F) One law enforcement representative or person with professional expertise in criminal investigations.

- (4) The advisory board shall meet no fewer than four times per year and shall review draft reports prior to submission.
- (5) The director shall meet with the advisory board on a quarterly basis.
- (6) The advisory board shall have the following duties:
 - (A) Review grant applications received pursuant to Sec. 7 of this law.
 - (B) Meet with the director each quarter.
 - (C) Review the Office's annual report and any supplemental reports prior to publication;
 - (D) Offer recommendations to the director about the Office's activities and duties.

Section 4. Duties.

- (a) The Office has the following duties:
 - (1) Advocate in the legislature for legislation that will facilitate the accomplishment of mandates identified by the Office.
 - (2) Advocate for state agencies to take actions to facilitate the accomplishment of mandates identified by the Office.
 - (3) Develop recommendations for community, legislative, and agency actions to address injustice in the criminal justice system's response to cases of missing and murdered Black women and girls, including
 - (A) recommendations to ensure equitable use of emergency alert systems, including review of criteria that may disproportionately exclude Black girls;
 - (B) recommendations related to the creation or modification of public alert systems to ensure timely public notification in cases involving Black women and girls;
 - (C) recommendations to address the intersection between cases involving missing and murdered Black women and girls and gender-based violence;
 - (D) recommendations for legislative, agency, and community actions to address the intersection between cases involving murdered Black women and girls and gender-based violence; and
 - (E) recommendations related to barriers the Office faced in obtaining information from agencies required to collaborate with the Office.
 - (4) Develop recommendations for additional or improved training for law enforcement to the **[State authority responsible for setting law enforcement training and standards]**.
 - (5) Facilitate research to support its recommendations.
 - (6) Collect data on missing person and homicide and suspicious death cases involving Black women and girls, including girls classified as runaways, to include the total number of cases, the rate at which the cases are solved, the length of time the cases remain open, and a comparison to similar cases involving different demographic groups.
 - (7) Collect data on Amber Alerts, including the total number of Amber Alerts issued, the total number of Amber Alerts that involve Black girls, and the outcome of cases involving Amber Alerts disaggregated by the child's race and sex.
 - (8) Collect data on reports of missing Black girls, including the number classified as voluntary runaways, and a comparison to similar cases involving different demographic groups.
 - (9) Collect and analyze data on the prevalence and characteristics of gender-based violence experienced by Black women and girls, and its relationship to missing persons cases, homicides, and suspicious deaths.
 - (10) Analyze and assess the intersection between cases involving missing and murdered Black women and girls, suspicious deaths, and gender-based violence.
 - (11) Analyze and assess cases involving prior instances of violence or exploitation within the family or relationship, whether a person alleged to have caused the death of a Black girl or woman had prior convictions for gender-based violence, and whether they used a firearm in the murder or any prior instances of gender-based violence.
 - (12) Develop tools and processes to evaluate the implementation and impact of the efforts of the office.

- (13) Track and collect state data on missing and murdered Black women and girls, and provide statistics upon public or legislative inquiry.
- (14) Facilitate technical assistance for local and Tribal law enforcement agencies during active cases involving missing and murdered Black women and girls.
- (15) Conduct case reviews and report on the results of case reviews for the following types of cases involving missing and murdered Black women and girls: cold cases for missing Black women and girls and death investigation review for cases involving Black women and girls, including suicides, homicides, and suspicious deaths.
- (16) Conduct case reviews of the prosecution and sentencing for cases involving gender-based violence committed against a Black woman or girl, including cases where the alleged perpetrator had a history of gender-based violence.
- (17) Prepare draft legislation as necessary to allow the Office access to the data necessary for the office to conduct the reviews required in this section and advocate for passage of that legislation.
- (18) Review sentencing guidelines for crimes related to missing and murdered Black women and girls, recommend changes if needed, and advocate for consistent implementation of the guidelines across courts.
- (19) Develop and maintain communication with relevant divisions in the **[relevant state agency]** regarding any cases involving missing and murdered Black women and girls and on procedures for investigating cases involving missing and murdered Black women and girls.
- (20) Organize and lead the development and implementation of primary prevention strategies in coordination with the departments of Health, Education, and Human Services.
 - (A) Strategies must include, but are not limited to:
 1. education on healthy relationships for girls, boys, and gender non-conforming youth;
 2. intimate partner and other gender-based violence prevention efforts, including programs and education for boys and men; and
 3. community-based early intervention programming.
 - (B) The Office must make any programming or educational activities open to people of all sexual orientations and gender identities.
 - (C) The Office must offer e-learning and in-person opportunities to participate in programs and educational activities.
- (21) Establish and maintain a publicly accessible online dashboard that includes:
 - (A) the number of reported missing cases involving Black women and girls;
 - (B) the number of homicide cases involving Black women and girls;
 - (C) case status (open, closed, cold);
 - (D) length of time cases remain open;
 - (E) investigative activity timelines;
 - (F) classification data, including cases labeled as runaways; and
 - (G) comparisons to similar cases involving other demographic groups.
- (22) Request and review documentation from **[State agency responsible for collecting statewide law enforcement data and investigative activities]** regarding investigative actions taken in active and cold cases, including:
 - (A) date of last investigative action
 - (B) date of last family contact
 - (C) reasons for case closure where applicable
- (23) Issue recommendations where gaps are identified in investigative materials provided by law enforcement.
- (24) Coordinate, as relevant, with federal efforts and efforts in neighboring states.

Section 5. Coordination with other organizations.

- (a) In fulfilling its duties, the office may coordinate, as useful, with stakeholder groups and state agencies that are responsible for the systems that play a role in investigating, prosecuting, and adjudicating cases involving violence committed against Black women and girls; those who have a role in supporting or advocating for missing or murdered Black women and girls and the people who seek justice for them; and those who represent the interests of Black people.
- (b) This includes the following entities:
 - (1) **[State Chiefs of Police Association];**
 - (2) **[State Sheriffs' Association];**
 - (3) **[State Bureau of Criminal Apprehension];**
 - (4) **[State Police and Peace Officers Association];**
 - (5) Tribal law enforcement;
 - (6) **[State County Attorneys Association];**
 - (7) United States Attorney's Office;
 - (8) juvenile and family courts;
 - (9) **[State Coroners' and Medical Examiners' Association];**
 - (10) United States Coast Guard;
 - (11) state agencies, including the Departments of Health, Human Services, Education, Corrections, and Public Safety;
 - (12) service providers who offer legal services, advocacy, and other services to Black women and girls;
 - (13) Black women and girls who are survivors of gender-based violence;
 - (14) agencies and organizations addressing gender-based violence, public health, and community-based prevention efforts; and
 - (15) organizations and leadership from urban and statewide Black communities.
- (c) No state agency shall restrict or delay the Office's access to data, reporting, or publication of findings.

Section 6. Reports.

- (a) The Office shall submit an annual report and host an annual public briefing.
- (b) Reports shall include
 - (1) measurable outcomes achieved to meet its statutory duties;
 - (2) specific objectives and outcome measures proposed for the following year;
 - (3) data and statistics on missing and murdered Black women and girls in [State], including names, dates of disappearance, and dates of death, to the extent the data is publicly available;
 - (4) analysis of patterns and trends related to gender-based violence affecting Black women and girls, including its relationship to missing persons and mortality outcomes;
 - (5) legislative recommendations; and
 - (6) budget analysis and funding gaps.
- (c) The Office must submit the report by **[Date TBD by State]** each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.
- (d) The Office may submit reports in addition to its annual report at any time.

Section 7. Funding, acceptance of gifts, and receipt of grants.

- (a) A minimum annual appropriation of \$_____ shall be provided in the state budget.
- (b) A missing and murdered Black women and girls account is established in the special revenue fund. Money in the account, including interest earned, is appropriated to the Office for the purposes of carrying out the Office's duties, including but not limited to issuing grants to community-based organizations.
- (c) The Office may accept funds contributed by individuals and may apply for and receive grants from public and private entities. The funds accepted or received under this subdivision must be deposited in the missing and murdered Black women and girls account created under paragraph (b).

Section 8. Grants to organizations.

- (a) The Office shall issue grants to community-based organizations that provide services designed to prevent or end the targeting of Black women or girls, or to provide assistance to victims of offenses that targeted Black women or girls.
- (b) Grant recipients must use money to:
 - (1) provide services designed to reduce or prevent crimes or other negative behaviors that target Black women or girls;
 - (2) provide training to the community about how to handle situations and crimes involving gender-based violence targeting of Black women and girls, including but not limited to training for law enforcement officers, county attorneys, city attorneys, judges, and other criminal justice partners; or
 - (3) provide services to Black women and girls who are victims of gender-based violence, or to the family members of missing and murdered Black women and girls who were victims of gender-based violence.
- (c) Applicants must apply in a form and manner established by the Office.
- (d) Grant recipients must provide an annual report to the Office that includes:
 - (1) the services provided by the grant recipient;
 - (2) the number of individuals served in the previous year; and
 - (3) any other information required by the Office.
- (e) On or before February 1 of each year, the Office shall report to the legislative committees and divisions with jurisdiction over public safety on the work of grant recipients, including a description of the number of entities awarded grants, the amount of those grants, and the number of individuals served by the grantees.
- (f) The Office may enter into agreements with the **[State Office of Justice Programs]** for the administration of grants issued under this subdivision.

Section 9. Access to data.

- (a) The director has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals to the extent the data is necessary for the Office to perform its duties under this section.
- (b) Agencies shall respond to data requests from the Office within 30 days.
- (c) Failure to comply shall be documented in the Office's annual report.

Section 10. Missing and Endangered Persons Alert Program

- (a) The **[state agency responsible for maintaining statewide criminal justice information systems or coordinating missing persons investigations]** shall operate a missing and endangered persons alert program.
- (b) When the designated state agency receives a report from a law enforcement agency indicating that a person is missing and believed to be endangered, the agency shall originate or authorize a missing person alert consistent with statewide alert criteria.
- (c) Upon receiving such a report, the designated state agency may assist the reporting law enforcement agency by:
 - (1) providing investigative guidance and technical assistance;
 - (2) coordinating communication among relevant law enforcement agencies;
 - (3) offering access to investigative resources and information systems; and
 - (4) supporting implementation of state policies requiring prompt and effective responses to missing persons cases.
- (d) The reporting law enforcement agency shall promptly notify appropriate law enforcement agencies throughout the state and, when appropriate, law enforcement agencies in adjacent states or jurisdictions of information that may assist in the prompt location and safe return of a missing and endangered person.

- (e) When a report involving a missing Black woman or girl is received by a law enforcement agency and an alert is issued through a statewide alert system, **[the agency responsible for administering the alert program]** shall notify the Office as soon as practicable.
- (f) A missing person alert shall be disseminated through statewide public alert systems, law enforcement communication networks, and other appropriate notification mechanisms as determined by the designated state agency.
 - (1) Upon notification, the Office may:
 - (A) assist in coordinating outreach and information sharing to support efforts to locate the missing person and
 - (B) provide culturally competent resources and support to affected families and communities.
 - (2) The Office shall
 - (A) monitor the timeliness and effectiveness of alert issuance and investigative response;
 - (B) collect information necessary to evaluate patterns and disparities in missing persons investigations and alerts; and
 - (C) make recommendations to the **[designated state agency]** and to the legislature regarding improvements to alert systems, investigative coordination, and public notification practices to ensure equitable and effective responses to cases involving missing Black women and girls.
- (g) The designated state agency shall develop and publish guidance for law enforcement agencies on the criteria and procedures for issuing missing person alerts and may assist agencies in disseminating alerts as necessary.