

FISCAL NOTE
Requested by Legislative Council
01/14/2019

Amendment to: HB 1313

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$75,000	\$0	\$0	\$0
Appropriations	\$0	\$0	\$75,000	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for data related to missing and murdered indigenous people to be included in the Criminal Justice Information Sharing (CJIS) system.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently missing and murdered indigenous people are not included in the CJIS system. This will result in an additional cost to provide for it in the CJIS system.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated this bill will result in about \$75,000 from the general fund being needed to update the CJIS system.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

It is estimated this bill will result in about \$75,000 from the general fund being needed to update the CJIS system.

The Executive Recommendation did not anticipate the impact of this bill.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/19/2019

FISCAL NOTE
Requested by Legislative Council
01/14/2019

Bill/Resolution No.: HB 1313

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$75,000	\$0	\$0	\$0
Appropriations	\$0	\$0	\$75,000	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for data related to missing and murdered indigenous people to be included in the Criminal Justice Information Sharing (CJIS) system.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently missing and murdered indigenous people are not included in the CJIS system. This will result in an additional cost to provide for it in the CJIS system.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated this bill will result in about \$75,000 from the general fund being needed to update the CJIS system.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

It is estimated this bill will result in about \$75,000 from the general fund being needed to update the CJIS system.

The Executive Recommendation did not anticipate the impact of this bill.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 01/19/2019

2019 HOUSE JUDICIARY

HB 1313

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1313
1/23/2019
31355

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to the collection of data on missing and murdered indigenous people in the criminal justice data information sharing system.

Minutes:

1, 2

Chairman Koppelman: Opened the hearing on HB 1313.

Rep. Buffalo: Introduced the bill: (See Attachment #1) We are doing housekeeping amendments with the Attorney General's office (1:28-4:00)

Rep. Rick Becker: You indicated the data base doesn't include missing people at all?

Rep. Buffalo: This bill would also address the lack of having a state repository for missing people.

Rep. Rick Becker: Are there aspects with regards to the indigenous component, are there aspects not being covered because of reservations. Are indigenous people not being represented in the data base the way they should aside of the missing aspect.

Rep. Buffalo: Yes there are inaccuracy's in data misclassification is a common problem from higher education to death certificates.

Rep. Paur: Seventy-one percent of native American's are non-reservation land. Is that population that this will reflect, would we have access to reservation records and data?

Rep. Buffalo: The collaboration is ongoing with the Attorney General's office and the Indian Affairs Commission that is working in addressing the murdered and missing people and that would include working with different jurisdictions. That 71% represents tribal members from a federally recognized tribe that do not live currently on the reservation.

Rep. Paur: Yes the list would include those living on or off the reservation?

Rep. Buffalo: Yes until calibrations with the different reservations.

Chairman K. Koppelman: You want this report to specifically identify the indigenous people that are missing? Is that correct?

Rep. Buffalo: Yes we need to start with indigenous people. We would want that to be highlighted in that.

Chairman K. Koppelman: The fiscal note is \$75,000. That comes from the CEGIS program.

Troy Seibel, Chief Deputy of Attorney General: Our office is supportive with this bill. To better carry out what she would like to see we will do some housekeeping amendments.

Representative Jones: Will your data base be interactive enough to be current?

Troy Seibel: There is currently an alert system now that law enforcement has at its disposal. An alert can be sent out through State radio and SEGIS when we do have senior citizens that have gone missing. We would have a system in place where the law enforcement agencies and other entities that have excess could then make update to the system.

Rep. Rick Becker: That is a great idea. My concern arises to what this bill is actually doing. This is a critical problem. My concern is we are putting an awareness campaign in statute if missing people are included indicated that it must also include missing and murdered indigenous people is redundant to do anything more than you can already do.

Troy Seibel: The idea is to enable law enforcement to identify that someone is missing. The ability to identify when someone has been reported missing.

Rep. Rick Becker: If we assume the missing person's data base be incorporated; why use indigenous people. That seems redundant. What does this allow you to do that you could not do now.

Troy Seibel: The reason for having a separate marker for indigenous people were outlined by Rep. Buffalo. From law enforcement it would not make any difference to us.

Rep. Hanson: If we would include more comprehensive data with markers based on background, or race could this data show that certain populations are disproportionately affected by certain crimes so therefore we could use this data to make certain decisions or prevention methods or investigations.

Troy Siebel: That is possible.

Rep. Magrum: Could anyone who has internet get this information?

Troy Seibel: This bill discusses including this in our CEGIS system which has restricted access spelled out in law. The legislature could make a different system in law.

Rep. Magrum: Could this be expanded to that?

Troy Seibel: It certainly could. That is up to this body.

Rep. Rick Becker: Do you now in your data base record race?

Troy Seibel: It depends?

Chairman K. Koppelman: You have a \$75,000 fiscal note. What are those extra costs?

Troy Seibel: It is our best estimate to enhance the CEGIS system to include this type of data and interface with the other agencies.

Representative Simons: What is the difference right now?

Troy Seibel: We do not currently maintain a separate missing person data base.

Representative Simons: Our law enforcement doesn't have a central system for missing persons?

Rep. McWilliams: Do we have another system that tracks missing people?

Chairman K. Koppelman: Is there a public notification system?

Troy Seibel: Typically the public has initiated efforts to find folks, but there is no system available.

Cheryl Kerry, Executive Director of the Scared Resource Center with the American Indian Population: I am here in support of this bill. We do have data two years of data about the off reservation American Indian population in Bismarck Mandan and that data is critical in telling a story. We as natives are over represented in so many areas in the foster care and juvenile justice system and this is no different and missing and murdered indigenous people. Thirty percent of native Americans had witness or experienced rape or sexual assault. The data we got back was stunning. 60% of the population had witnessed or had experienced domestic violence. A lot of our story telling is based on compassionate and relationship building. We are not good at collecting data. This is a critical bill for our native people. I work directly in the community and work with the families and I think that indigenous can be elevated.

Representative Jones: Is there another data base that is being promoted on the local effort from the tribes?

Cheryl Kerry: We are not good at accumulating data that is being promoted on a local level for reservations or tribes? We have focused on a different story telling.

Dustin Peyer, Real Indian News: Has only accepted one out of state contribution that was not large enough to be reportable. (Handed out Nellie Mahto testimony #2) Read the testimony.

Recessed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Prairie Room, State Capitol

HB 1313
1/28/2019
31617

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to the collection of data on missing and murdered indigenous people in the criminal justice data information sharing system.

Minutes:

1,2

Chairman Koppelman: Re-opened the meeting on HB 1313.

Rep. Buffalo: (Attachments #1) Went through testimony and discussed proposed amendment. This is the proposed amendments after meeting with the Attorney General's office. The current fiscal note of \$75,000 will stay, but will moved from general funds to other funds.

Rep. Rick Becker: It seems that the demographic information is only required for indigenous people? Is that the way you read it?

Rep. Buffalo: I will defer to Attorney General's office.

Molly Global: ITC director. The intent is to have demographics on every person entered into the repository including some specific some indigenous person's demographic information.

Rep. Rick Becker: You are saying you have demographic data but you are saying you have additional demographic data for indigenous peoples?

Molly Global: Things like tribal affiliation would be specific indigenous people.

Rep. Rick Becker: Are you limited it to the tribes that are official within the state?

Molly Global: Yes it would be state only.

Rep. Rick Becker: If you had member of a tribe outside of the state you would not include that data?

Molly Global: We would include that data. They would still potential have that tribal affiliation so if that was available that would be entered.

Chairman K. Koppelman: What other information would you include in that data base?

Molly Global: We would follow include an FBI specification that lists the most useful type of data to be included so we would follow that as closely as possible.

Chairman K. Koppelman: The intent of the committee was an update to the bill language. The desire expressed was to track all missing persons. You have written an appropriation bill too. You have a fiscal note. This would need to be referred to the appropriations. I am not sure a continuing appropriation was considered or discussed in the committee.

Molly Global: That was developed in collaboration with our finance director.

Troy Seibold: Chief Deputy AG: The amendment you have with regards to the appropriation we just wanted to make it clear that the effective date of the bill, if it were passed, would be contingent with us getting funding. We are not expecting it to be a continuing appropriation.

Chairman K. Koppelman: When we do that in the fiscal note it says it will be continuing.

Troy Seibold: We just thought we would get it up and running.

Chairman K. Koppelman: Where would this amount go?

Troy Seibold: I think those would be our hard costs; not staff time. It would be software.

Rep. Jones: This amendment shows the BCI is going to create a missing person's list. It must include a federally recognized tribes. Did we have a missing person's list in BCI before or are we creating this?

Troy Seibold: This is new to CGIS. They did not have this before.

Rep. Jones: This list will include all missing persons in the state and all inclusive.

Troy Seibold: Yes

Chairman K. Koppelman: Basically nothing is tracked now. What does law enforcement do now with regard to tracking missing people around the state?

Troy Seibold: This would add it to CEGIS which doesn't exist now. There is a federal system where there is some of that missing person's information that is available currently but it is not something that is in CEGIS so the intent is to add it into our state system.

Chairman K. Koppelman: Would it be more efficient to tag onto federally available systems that are there now rather than putting it into CEGIS now.

Troy Seibold: There is a possibility that we could set up some sort of interface where the two computer programs would talk to each other.

Chairman K. Koppelman: We want to do it more efficiently if possible?

Troy Seibold: As written we could do that now and do the best way. This would give us ND more specific.

Rep. Rick Becker: Does the federal system include race and ethnicity? Is the federal system available to ND and BCI? This bill would make it more ND specific?

Troy Seibold: It does. Yes, the system is available to ND.

Molly Global: There is some specific Explained how the system works? The missing persons is not a mechanism now in the system for ND.

Rep. Rick Becker: What is the value of knowing the different tribes? Is there a concern specifically that tribes and what value or action can be taken by knowing those mechanisms?

Molly Global: When you look at the data Rep. Buffalo passed out there are some differences in the physical location of the tribe and how many folks are missing. Where specific areas are targeted it might tell you areas that are most vulnerable.

Chairman K. Koppelman: Additional testimony from Carel Two-Eagles (Attachment #2) passed out.

Hearing Closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1313
2/4/2019
32119

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek By: Elaine Stromme

Explanation or reason for introduction of bill/resolution: Relating to the collection of data on missing and murdered indigenous people in the criminal justice data information sharing system.

Minutes:

Amendment: 1

Chairman Koppelman: Re-opened the meeting on HB 1313. (Attachment #1) This is a hog house amendment. Went over the proposed amendment. Items 7 & 8 on page 2 are the Attorney Generals proposals. I am not comfortable with #8. I think # 7 would be a fine amendment to the bill.

Rep. Karls: Made a motion to attach the hoghouse amendment to the amendment numbered .02002 with the striking sub section number 8 of section1

Rep. Paulson: Seconded

Voice vote was taken on amendment # .02002: Motion passed

Rep. Becker: I move to strike Section 2, it refers to the missing persons fund which we just took out of the bill.

Rep. Satrum: Seconded

Voice vote was taken on amendment: Passes

Rep. McWilliams: moved for a Do Pass as twice amended HB1313

Rep. Hansen: Seconded

A Roll Call Vote was taken Yes 13 No 0 Absent 1

Rep McWilliams will carry HB 1313

Chairman K. Koppelman: Hearing closed.

February 4, 2019

#1 HB1313
DP 2/4/19
1 of 2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1313

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54-12-34. Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.
 - c. The director of the department of corrections and rehabilitation or the director's designee.

- d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
 - f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three-year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board.
7. The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules."

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1313**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: .02002 Strike Section 8

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Karls Seconded By Rep. Paulson

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

VOICE VOTE CARRIES

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB1313**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: Strike Section 2 of Amendment

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Rick Becker Seconded By Rep. Satrum

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrum					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice Vote Carries

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB ~~1258~~ 1313

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 19.0750.02003

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. McWilliams Seconded By Rep. Hansen

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Rep. Buffalo	X	
Vice Chairman Karls	X		Rep. Karla Rose Hanson	X	
Rep. Becker	X				
Rep. Terry Jones	X				
Rep. Magrum	X				
Rep. McWilliams	X				
Rep. B. Paulson	X				
Rep. Paur	X				
Rep. Roers Jones	X				
Rep. Satrom	X				
Rep. Simons	X				
Rep. Vetter					

Total (Yes) 13 No 0

Absent 1

Floor Assignment Representative McWilliams

If the vote is on an amendment, briefly indicate intent:

Motion Carries Do Pass HB 1258

REPORT OF STANDING COMMITTEE

HB 1313: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54-12-34. Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.
 - c. The director of the department of corrections and rehabilitation or the director's designee.
 - d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.

- f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three-year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board.
7. The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules."

Renumber accordingly

2019 HOUSE APPROPRIATIONS

HB 1313

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1313
2/14/2019
32736

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck
--

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

Minutes:

--

Chairman Delzer: Opened hearing.

Representative K. Koppelman: HB1313 originally came to us as a way to track Native American people who are not being tracked or reported. We then expanded that to say that all missing persons should be tracked. The public doesn't have a listing of who is missing or who they should be looking for. We also added that there should be specific data in the Native American population. The dollar amount is specifically for the costs of doing that.

Chairman Delzer: What was the discussion as to what this will do?

Representative K. Koppelman: That there will be knowledge of who is missing and the tracking on there. Some of this knowledge is available now, but you might want to find if this is a real number or not. They claim that they need to set up a system and that is the cost of it. I think this will build awareness for the public.

Chairman Delzer: This specifically says records under this are exempt records?

Representative K. Koppelman: Right, this is for the law enforcement. They can release information that they think the help of the public is necessary. We were surprised to find out that there isn't a good system for this now.

Representative Kempenich: How does this go with the Amber Alert?

Representative K. Koppelman: This would not create a new alert system because we already have the silver and Amber alerts. Right now the focus is on the agency involved, this would be go out to all law enforcement and then they can work more collaboratively.

3:45 Chairman Delzer: The fiscal note is for an update.

Representative Nathe: What agency could take care of this?

Representative K. Koppelman: The attorney general's office would administer this, but it would go through all law enforcement as well.

Chairman Delzer: According to the fiscal note, it would all be just an update.

Representative Nathe: So there will be no need for a fulltime employee (FTE)?

Representative K. Koppelman: No it would just be for the additional equipment.

Representative Kempenich: How would this affect the reservation?

Representative Koppelman: We have dealt with many of those issues, but the reservation claims that there is cooperation. There are a lot of different situation that are not reported too.

Representative Schatz: Did any law enforcement or the attorney general come to testify that this was needed?

Representative Koppelman: I believe that the attorney generals' office was there, and they were supportive of it.

Representative Nathe: This is dependent that they would report this to the agency and it they don't we can't force them?

Representative K. Koppelman: You are right, that sovereign nation point does come into play. I am told that there is a lot of cooperation in it, but we cannot force them.

Chairman Delzer: I would think that this bill would force local counties to do it. It's there is they want to, but I don't think it forces anybody.

Representative Koppelman: I assume that that would be the norm.

Chairman Delzer: Well if that is already there, then there would be no cost to this.

No further questions, meeting closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1313
2/14/2019
32787

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Risa Bergquist by Caitlin Fleck
--

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

Minutes:

--

Chairman Delzer: Opened hearing.

Representative Beadle: I move for a do pass.

Representative Brandenburg: Second.

Roll Call Vote: 19 Yes, 0 No, 2 Absent.

Motion carries.

Floor assignment: **Representative McWilliams**

Meeting closed.

Date: 2/14/2019
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1313**

House Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative Beadle Seconded By Representative Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	A				
Representative Anderson	X		Representative Schobinger	X	
Representative Beadle	X		Representative Vigesaa	X	
Representative Bellew	X				
Representative Brandenburg	X				
Representative Howe	X		Representative Boe	X	
Representative Kreidt	X		Representative Holman	X	
Representative Martinson	X		Representative Mock	X	
Representative Meier	X				
Representative Monson	A				
Representative Nathe	X				
Representative J. Nelson	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	X				

Total (Yes) 19 No 0

Absent 2

Floor Assignment Representative McWilliams

Motion Carries

REPORT OF STANDING COMMITTEE

HB 1313, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed HB 1313 was placed on the Eleventh order on the calendar.

2019 SENATE JUDICIARY

HB 1313

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1313
3/19/2019
#33935 (28:00)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Meghan Pegel/Amy Crane

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

Minutes:

2 Attachments

Chair Larson opens the hearing on HB 1313. Senator Osland was absent.

Ruth Buffalo, District 27 Representative, testifies in favor (see attachments #1-2)

Vice Chairman Dwyer: The bill was substantially amended in the House. Are you supportive of what the House did?

Representative Buffalo: Yes, I am supportive. Throughout this process, we learned that North Dakota does not collect data on missing people so with the hog house amendment, I stand in full support. This is a win-win for everyone. It's not only collecting data on missing indigenous people, but its collecting data on all groups. It's adding something that wasn't there before.

(6) Mathew Lone Bear, citizen, testifies in favor

Lone Bear: I did a search for my relative on the Fort Berthold reservation for about 10 months. One of the questions that I asked law enforcement was if there was anyone else missing, either on the reservation or the next county over and had there been a database in place, they would have been able to answer that question. Maybe there are other people missing the same way, but there's no way to tell. This would help law enforcement in investigating. It's a proactive manner.

(7) Christina Sambor, Youthworks, testifies in favor

Sambor: When we look at the topic of the previous hearing, I think this is important and I understand the need in general to track missing people but also to highlight the issue of the difference how it's treated when indigenous people go missing and, sometimes we don't pay enough attention to that and the overall problem. Highlighting the issue of missing and murdered indigenous people specifically is really important and we see that reflected in our trafficking work as well. Meaning that, we have 30-40% of the clients that we serve are indigenous people. Making sure we're highlighting the issue of missing and murdered indigenous people specifically.

Chair Larson: We've addressed a couple of other things this session as well by having some better cross jurisdictional law enforcement being able to work together for some of these things, so I think that's one of the things that could be better in helping to identify.

Sambor: Absolutely and voicing our support for all of those efforts.

Senator Bakke: We don't keep track of missing people in the state? There's no place where we have a listing? That baffles me.

Steve Harstad, Special Agent with BCI, testifies in favor

Agent Harstad: As part of the AG office, we do support this bill. Currently a missing person is reported to the national crime information center, which is FBI. That repository has all missing persons nationwide. What we're creating here is something that is very specific to North Dakota. It is difficult to query NCIC for everybody missing in North Dakota. You can query names individually but you can't query everyone missing in North Dakota and it's really difficult to get a list specific to North Dakota. That's what we're trying to create here.

Senator Bakke: You can't go into this and ask for North Dakota only?

Agent Harstad: That is my understanding. We can search by name, but we can't query by state.

Senator Myrdal: Will this help also for your agency to see patterns and geography as relates to sex trafficking or serial offenders?

Agent Harstad: I believe it will. The more data the better. If we can gather those things and include nationalities, tribal affiliations among others, maybe we can see a pattern there and focus some training that would improve that situation.

Vice Chairman Dwyer: I see that the last sentence says that the records are exempt records in accordance with your rules, could you elaborate on that a bit?

Agent Harstad: We're trying to accomplish not necessarily making it an open record, because it is going to be held in a law enforcement database, but we also do want to give the Bureau the ability to share that information with different organizations statewide and nationwide that would allow for statistics, that we could do more research projects, things like that. We want the data to be available that way but we also don't want it as an open record because it can be under investigation.

(12:45) Cara Currie Hall, testifies in favor

C. Hall: attention to this issue. This is a global issue. As goes North Dakota, so goes the nation to eliminate this. It's burdensome to stand to have for the numbers of people who are being murdered and killed. When we have the discussion, that must include indigenous people that our lives have great value as well. It's indigenous land, where is their voice? I'm prolife. There's no value we can place in someone's life that will eliminate this problem. What is the consequence for people who murder? Is it still an eye for an eye? I spoke at the United Nations on this very issue. If we have to collect data, eliminate the issue. Insist that law enforcement expand and do a better job. I had the phone calls. By not feeling safe going to the grocery store, we must do better today.

(15:55) Ken Hall, testifies in favor

K. Hall: fully support this bill. To bring this forward which is long overdue. It's a global discussion, not just our state. Solutions are needed, not more data, but solutions. When you talk about jurisdiction, it's multiple so there has to be a collaborative effort. We have to realize it's not just an indigenous thing, that we are here to coexist. Our young boys and girls have dreams and goals just like the next person. We have to continue to educate people of who we are as people and continue to remind people that life is sacred. I fully support this bill, and hope that we can all come together. The world comes here for our oil, and we have more to show than just our oil. We are taking a step forward that we are going to take the lead and not the backseat.

(19:50) Cheryl Kary, Executive Director for the Sacred Pipe Resource Center, testifies in favor

Cary: nonprofit serving the native American population. I've been supportive of this bill since the beginning. I working with native populations in Bismarck-Mandan, vulnerable populations including native women who are homeless. The stories that they tell of the abuse that they have to go through would make your hair curl. This bill is one step towards the recognition that society is watching and willing to protect them. In our work, we also collect data. One of the pieces of information is the trauma that our native people go through. We did a survey in 2017 and 2018, our survey found that over 60% have experienced or witnessed sexual assault, rape, or domestic violence. We know that in our communities it's a big problem, keeping our native women safe. I ask for your full support in pushing this bill forward, getting it passed.

(21:50) Angela Anderson, filmmaker, testifies in favor

Anderson: support of this bill. After having done several interviews regarding the effects of the oil boom, including violence against women and in particular native women. Every interview I've done, regardless of the topic, it comes up as an epidemic. When I tell people that there are no statistics being kept on native women going missing and murdered, people can't believe it. The world is watching and its embarrassing that nothing is being done. This

is only a step, those people said that data is one thing, but no woman should have to live in fear.

Chair Larson: Thanks to Representative Buffalo, we are going to be collecting some of this data, but it's not only indigenous people, it's everybody else as well. It's not that we're collecting data on everyone but indigenous women, we're not collecting data on anyone.

(23:50) Tracey Wilke, testifies in favor

Wilke: I support this. I have a lot trauma at that.

(24:45) Carel Two Eagle, citizen, testifies in favor

Two Eagle: too many of our people go missing. Sometimes the response from law enforcement is they don't know what to do. Or worse members of our nations won't talk to them because they figure nothing will happen anyway. This promotes better communication and a willingness to communicate. For what it's worth, I've been an activist since I was a kid. My ex got a phone call from a friend, and he reported me as missing and they found a body and he was terrified like it was me. But they couldn't identify it because the face was missing. They were asking each other; can you think of anything we can use to identify this body? They ended up realizing it wasn't me because of the pierced ears, which I don't have. If there hadn't been a willingness to communicate, there would have never been anything known.

Chair Larson: closes the hearing on HB 1313.

Vice Chairman Dwyer: Motions for a Do Pass and Rereferred to Appropriations.
Senator Myrdal: Seconds.

A Roll Call Vote was Taken: 5 yeas, 0 nays, 1 absent. Motion carries.

Senator Myrdal will carry the bill.

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1313**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☒ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Vice Chairman Dwyer Seconded By Senator Myrdal

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	AB				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Myrdal

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1313, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1313 was rereferred to the Appropriations Committee.

2019 SENATE APPROPRIATIONS

HB 1313

2019 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1313
3/26/2019
JOB # 34224

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Alice Delzer / Marne Johnson

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

Minutes:

1. Testimony of Representative Ruth Buffalo

V. Chairman Wanzek: called the Committee to order on HB 1313. All committee members were present. Levi Kinnischtzke, Legislative Council and Becky Deichert, OMB were also present.

Representative Ruth Buffalo, District 27, South Fargo: testified in favor of HB 1313 and submitted Attachment # 1, which states HB 1313 would create a state repository for missing persons. In addition, the bill will address the need for accuracy in data collection of missing and murdered Indigenous people. Please give a do pass recommendation for HB 1313.

(2:50) V. Chairman Wanzek: Are there any questions?

Senator Mathern: Thank you for bringing this bill. What numbers of people do you think would be added to this registry per year in North Dakota?

Representative Buffalo: We are hoping there is not an increase, we are hoping this will act as a deterrent and send a message to the predators, that law enforcement, authorities and powers that be are watching, and paying attention to this. It is a sad thing. We don't want to perpetuate this, or make it to encourage people to go missing. We see that this mechanism is needed to help, should cases happen in the future, where law enforcement would work through the difference jurisdictions in the state. In my culture, you have to be careful what you speak, because it could come to fruition.

Senator Mathern: How many missing persons do you think there are?

Representative Buffalo: There is still a number of cold cases. The Sovereign Bodies Institute supplied some data referenced here. In the Dakotas, there have been at least 75 cases. I can provide that information to you.

Senator Oehlke: On the added portion, on page 3 of the bill itself, line 6 and 7, it makes reference to an 'authorized user.' Nowhere in the bill is there a definition of an authorized user, there is no definition in century code. Who or what is an authorized user?

Representative Buffalo: I might want to defer that to the expert in the room.

Senator Oehlke: Someone is supposed to inform the authorized user of someone missing on the reservation. Someone on the reservation would be the one responsible for getting the information to the authorized user. Who does that on the reservation? Are they all going to be forthcoming? I live near a reservation. I know sometimes there are things that never get divulged on the reservation. Is this going to require that information to be forthcoming on the reservations, or it will be the same old, same old?

Representative Buffalo: Our hope this will be providing a good change in the right direction. When we look at our American Indian population within North Dakota, how I understand this mechanism to work is that if a member of a federally recognized tribe goes missing and they are a resident of Fargo, this mechanism would also alert tribal entities, which will help finding people that go missing. This is also to help the urban natives, anybody that is not residing on the reservation.

Senator Oehlke: If someone disappears off of a reservation that lives in Fargo, they'd fall into the regular missing person scheme of things anyway. We get Amber Alerts, as soon as the family calls 911, so really we are talking about people that are living on the reservation that are missing or have disappeared. But there has to be someone on the reservation that wants that information divulged to the rest of the world. Who is going to make sure that happens?

Representative Buffalo: I'm not diminishing the fact that when individuals do go missing on the reservation, it's equally important. To answer your question, with the tribal authorities, we believe that this particular issue has communities on high alert, and different reservations are working to make sure their communities are safer, and they are working on cooperative agreements with the state, and at the federal level, if and when Savanna's Act becomes law that will also address those specific questions to be sure communication is happening across the different jurisdictions of tribal state and federal.

Senator Grabinger: What type of collaboration will we have between the tribes and the attorney general's office to make this know and get this documented and work together. We have seen in the past the difficulty between the tribes and the state working together to accomplish law enforcement issues. This is another one. If we are going to put money forward, will it really be beneficial, like we want it to be, or are we wasting time because we aren't going to have the collaboration? I think that goes along with the previous question.

Representative Buffalo: I believe the tribes in North Dakota are wanting to be a part of this. Anecdotally, I've had members of law enforcement and different departments, specifically within the MHA nation, who want to be a part of this process to ensure and the help prevent further people from going missing, and to make sure that data is accurate. In the process of documenting data, there are times where there is a window of misclassification and inaccuracy across the board, not only in law enforcement, but in health care, morgues, and

higher education, where Native American individuals are told to check the white box if they are half white, half Indian, for example. So it is a larger issue we have to address.

Senator Grabinger: Are you looking at something on the end game or at the beginning? You keep alluding to 'this might stop some people from falling into this,' and I'm thinking on the other end, this is making an awareness that these people are missing and we have to try to find them. What I'm hearing is you seem to be alluding to the fact this is a prevention method, and I'm wondering if this is supposed to be an effort to try and help find people that are missing.

Representative Buffalo: This bill is needed. This is a mechanism that will help collect data accurately across the different jurisdictions. I am thinking in the long run, for future generations, to prevent any sort of tragedies from happening. That seeps out in my speech. But, ultimately, mechanism is to track data accurately. This hasn't been done before in any other state, so this would be North Dakota paving the way and providing leadership.

Senator Dever: I am certainly sympathetic with the intent of this bill, I am reading in the fiscal not, where it says, 'currently, missing and murdered indigenous people are not included in the CJIS system.' That suggests that non-indigenous people are, and indigenous people are excluded from it, or is it a matter of the availability of the information?

Representative Buffalo: I think others in the room can speak better to demographics and which groups are currently being collected, and I don't want to provide false information, so I will defer regarding what currently is being collected.

Senator Dever: There aren't issues of sovereignty and jurisdiction?

Representative Buffalo: Not that I know of.

Senator Gary Lee: I am always struck by the cost that some of these technological things that we want done cost, and this is \$75,000 to a system we already have. Did they give you any indication what's included in the \$75,000? We already have the system; we have a database. Why the \$75,000?

Representative Buffalo: My understanding is that the \$75,000 is to cover through the biennium, and this will also provide the opportunities to have data sharing across jurisdictions, but I could be wrong, so I want to defer back to the data experts for that question.

(16:25) Steven Harstad, Chief Agent, NDBCI, Attorney General's Office: We would be tasked with creating this database. A little background, currently, with missing persons in the state of North Dakota, they are reported to the National Crime Information Center, which is an FBI project. All missing persons are reported to that database. It's an FBI database, not housed in North Dakota. The difficulty with that is, it is difficult to get a list of missing persons within North Dakota. We can search for a particular person and it will return the information that they are missing, but we can't say, 'show me all the persons that are missing in North Dakota.' Some of the problems that we have already talked about is because we don't have this database local to North Dakota. We are dealing with a federal database, and it's more difficult to interact with that data. What we are trying to create with this is a missing persons

database for all of North Dakota. It does include indigenous information, specific to tribal affiliation and things like that, but it will be a missing persons database for all North Dakota. We will create that; the fiscal note includes us creating that database. It does not exist, it will be created within our Criminal Justice Information Sharing (CJIS) platform, which law enforcement can have access too, that would be our authorized users. We can have authorized users that are tribal members or tribal law enforcement, or those types of things. Those authorized users can have access to our CJIS system and those would be the people that would input this data for tribal entities; North Dakota law enforcement would input it for other people within North Dakota.

Senator Gary Lee: We have the CJIS system. What are we using it for now if we're not using it to collect missing persons data in this bill?

Mr. Harstad: We use the Criminal Justice Information Sharing (CJIS) System for a lot of things, criminal records, criminal information, all of that stuff, but we don't have a missing persons database within that system.

Senator Gary Lee: Why so much money?

Mr. Harstad: I am not the technical person that comes up with that number, but I do have a chart in front of me. It is a vendor thing; it is not ours. What we are including is having a vendor build out this system for us. We need more than just a database, we need an entry interface, things like that so that law enforcement can go in and enter the right information. There are checks and balances that are included with those types of things, and some indexing and reporting that would come out, what you would do with the data once you have it.

Senator Bekkedahl: I am a little bit staggered and almost embarrassed that we don't keep track of this stuff. Maybe we do keep track, just not well. I'm reading in the fiscal note, currently missing and murdered indigenous people are not included in the CJIS system. I thought you referenced that we don't have any system keeping track of murdered or missing people. Is that correct?

Mr. Harstad: We do have murdered information, those are cases that somebody is working and they would be in somebody's system. Now, would they necessarily be in North Dakota CJIS system if it happened on the reservation? Probably not, because that's a federal case. North Dakota's CJIS database may not have that information, because it's an FBI case.

Senator Bekkedahl: We rely on the Attorney General and the state system to do these things for us, whether they are federal or state. I get that there are jurisdictions out there, but we are talking about our residents, whether they are reservation residents in a sovereign nation, or other. If this was set up to do some of this stuff, why wasn't this set up to do this from the start? As a state we should have been doing this from the start.

Senator Poolman: I'm trying to understand what happens currently. You talked about the FBI having a national database, so now, anytime any one goes missing they are reported in the federal system?

Mr. Harstad: That is correct.

Senator Poolman: If they are already reported in the federal system, will this entity now report it to a federal system and to a state system, and what is the advantage to having both? Why do you need a database in both places?

Mr. Harstad: The advantage is we can get and gather more information locally than what maybe they are gathering in the federal system. The federal system is difficult to get this full list of North Dakota. We would like to be able to see everybody that's reported missing in the state of North Dakota and that can be kind of difficult from the NCIC system. I see Molly standing over here so she must have additional information that might help you out with that.

Senator Poolman: What is the reason we would need to see the whole list at one time? What are the advantages of that? What are we trying to get at?

Mr. Harstad: The biggest advantage is going to be, now we have data to use to show that there are more missing persons a particular reservation, is there a problem there, should we focus resources there? Now we would have data to help us.

Senator Erbele: \$75,000 to get the database up. Is that a one-time or ongoing cost?

Mr. Harstad: That would be a one-time cost. Any maintenance would be handled by the Office of Attorney General IT staff. There would be no additional cost.

Senator Sorvaag: You said we have a database now for missing persons, correct?

Mr. Harstad: National Crime Information Center, which is an FBI database. That is where all missing persons are stored.

Senator Sorvaag: There is nothing statewide? CJIS doesn't handle anything statewide for missing persons? You can input local, track local, and not have to go to the FBI and back. But you don't keep track of anybody at the state level?

Mr. Harstad: That's correct.

Senator Robinson: Representative Buffalo had made reference to there are probably 75 missing persons now. Is that accumulative, going back years and years, what type of time period are we looking at? Representative Buffalo had indicated we are paving the way, that's a sad commentary, we have reservations across the country. The accumulative effect across the country has to be mind boggling. It seems we have been asleep at the switch or something here. This is serious. I spent four years at Spirit Lake, and I recall reports of missing persons, it is rather alarming when I think about the reality here. Do you agree?

Mr. Harstad: I agree.

Senator Dever: Legislation is being considered in Congress. How would that affect this?

Mr. Harstad: I don't know. I am not familiar with other legislation that has any effect on this at this time.

Senator Dever: I think Senator Heitkamp had introduced legislation, and now I think Senator Hoeven and Senator Cramer are doing the same. But it's similarly associated.

Representative Buffalo: Yes there is legislation being proposed, Savanna's Act, I believe Senator Cramer and Senator Hoeven are sponsoring that legislation. I believe what is being introduced at the federal level will only be enhanced at what we introduce at the state level.

V. Chairman Wanzek: Anyone else who wishes to comment on HB 1313?

(28:37) Molly Goebel, IT CJIS Division Director, Attorney General's Office: I will provide a quick clarification. The database does exist at the federal level. The question was why do we need it at the state level, and there are a variety of reasons. As we deal with warrants, protection orders, and other types of law enforcement data, the way we structure it is we have a database at the state where we can take almost any information that is relevant and provide it, because the feds have strict requirements, mandatory fields, certain criteria that has to be met, or you are not even able to send it to the feds. I think having a state database, we can relax some of those, and say there is a person missing from a reservation or from a city, or anyone, we can put that in the database and mark it in different ways, so it doesn't have to meet all that strict FBI criteria. Part of this project we can explore, are there ways to get more reporting from the FBI on the existing North Dakota cases that are in their database. It is not easy, they set it up so you query by name and date of birth, not by state or by region. We can explore that. My concern is if we rely on that as a strategy, it may be just as expensive as this strategy, but also for those cases that don't meet the FBI criteria, we have no way to capture those in the data set.

Senator Mathern: How can the Attorney General manage the case load, if you don't know how many missing people there are? You don't have a spreadsheet?

Molly Goebel: It's interesting, BCI is tasked with the policy for local law enforcement, but the responsibility for finding missing persons and for issuing those alerts, which happens sometimes, but not every time, that resides with local law enforcement. You end up having some local law enforcements that have the resources and the knowledge to really have successful investigations, and some, in smaller areas, who don't have those resources. Today BCI doesn't have a lot of visibility in that. They may see a Facebook page, or this agency mentions this person is missing, or if there is really a health concern, you might see it in the media or have calls. But there is no formal way for BCI to have visibility into who is missing in our state.

Senator Robinson: Regarding the estimate of 75 missing people, is that accumulative?

Representative Buffalo: That number is a rough estimate off the top of my head. It was specifically related to the indigenous population. This is from the Sovereign Bodies Institute; 'This is a data snapshot for South Dakota, North Dakota and Montana. There are 296 documented missing and murdered indigenous women cases in these three states combined from 1972 to present. Of these cases, 30 are active missing persons cases, 192 are murders,

and 74 have unknown status. There are likely many more cases that we have not yet documented. 157 of these cases occurred on reservations. 15 in rural areas, 105 in urban centers and 19 cases have unknown location types.' Then it has it by tribe.

Senator Oehlke: The database fiscal note, \$75,000 is that one where you contacted a vendor and asked what it will cost, or is it a rough estimate?

Molly Goebel: So, kind of a combination of those different things. Montana has a system that is purchased from a vendor, which cost \$60,000 initially. But I believe it only allows entry for those things that go to the FBI, it just saves a copy at the state. We didn't think that quite met our needs, and there are ongoing costs. You have to pay maintenance, it's usually about 20% per year and it increases often by 3-5% per year. I am a little nervous to take on that ongoing cost and try to absorb it in our agency. What is nice about the \$75,000 estimate, I know there is some sticker shock, but it is a very conservative estimate. I had to go back to my architect and have him go back to the drawing board a few times, to get to that number. Typically for a system, it would not cost less than \$200,000-\$400,000 so it is definitely not a high priced item for what it is. Then we went through, once he determined a structure that includes that basic missing persons repository for all North Dakotans, the data entry screens to allow authorized users to enter it, and the indexing and reporting capabilities. That's where the \$75,000 came from. I have it broke down, we hire contractors from the vendor pool to do a lot of the development work, and we partner them with a staff resource who does a lot more of the business analysis, the quality assurance, the testing, the guidance, making sure standards are followed, but we do not have enough resources for all of the grants and all of the things that the legislature asks us to do as well, to have just staff people who program. For me that is the best approach, I have this one-time cost, I get it done, and then hopefully there is very little maintenance with the system. Then I can absorb that maintenance and allocate it among staff or vendors. It is really just the one-time cost that we are outsourcing to the private sector.

Senator Oehlke: When I get an Amber Alert on my phone, is that localized out of our 911 center, or is that a state-wide Amber Alert?

Molly Goebel: The Amber Alert is a state-wide alert; it comes from state radio. That's where the NCIC federal database goes, but there's difference capabilities our state has purchased, BCI partners with state radio and DES for those alerts. They are very specific scenarios. Amber Alert is just for children, Silver Alert just for elderly, or if someone is dangerous. It is definitely not a statewide strategy that is based on all the data or all the missing persons, it's kind of a specific scenario solution.

V. Chairman Wanzek: Anyone else wishing to speak on HB 1313?

Carel Two Eagle: I stand in support of 1313 for several reasons. I've been a missing person, in this case I was doing some monkey wrenching against a bunch of thieves on the reservation and they wanted to send a message, and they found a body that looked like mine, and my brother was contacted, ultimately he called my ex, and they discussed it and the body had pierced ears, and I didn't have that. The devastation to my family while I was missing for two weeks was incalculable. The \$75,000 is \$37,500 a year for two years. That's pin money. People live on that kind of money. People go missing on that kind of money and

we need to know where they are. I think you really ought to fund this. For peace of mind, whether it's for natives or not.

V. Chairman Wanzek: We will close the hearing on HB 1313.

2019 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1313
3/28/2019
JOB # 34312

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Alice Delzer

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons. (Do Pass)

Minutes:

No testimony submitted

V. Chairman Krebsbach: opened the hearing on HB 1313. All committee members were present except Senator Hogue. Alex Cronquist, Legislative Council and Larry Martin, OMB were also present. It's a pretty simple bill. the change is on 3rd page regarding missing persons log.

Senator Grabinger: I would move a do pass on 1313. We heard the testimony from the Attorney General's office. I think it is a good idea to keep a watch. **2nd by Senator Robinson.**

V. Chairman Krebsbach: Is there any discussion from the committee on this bill?

Senator Robinson: I think some of us thought these systems were in place, and they are not. I can't imagine what families are going through not knowing for a couple of weeks, but some families for year. I would hope we pass the bill.

V. Chairman Krebsbach: Is this for any and all. It will cover all.

Senator Robinson: Yes. There is the federal listing but for our people to extract just the ND people is problematic. I hope this will bring resolution to those people missing.

V. Chairman Krebsbach: Call the roll on a Do Pass on HB 1313.

A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 1. This goes back to Judiciary. Senator Myrdal will carry the bill.

the hearing was closed on HB 1313

Date: 3-28-19Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1313**

Senate Appropriations

Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____Motion Made By Grabinger Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg	✓		Senator Mathern	✓	
Senator Krebsbach	✓		Senator Grabinger	✓	
Senator Wanzek	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Poolman	✓				
Senator Bekkedahl	✓				
Senator G. Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	A				

Total (Yes) 13 No 0Absent 1Floor Assignment Myrdal - Judiciary

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1313, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1313 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1313



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative

Ruth Buffalo

District 27

P.O. Box 9763

Fargo, ND 58106-9763

C: 701-491-8175

rbuffalo@nd.gov

Committees:

Agriculture

Judiciary

January 23, 2018

#1
HB1313
1-23-19
pg 1

Chair K. Koppelman and House Judiciary Committee,

My name is Ruth Buffalo and I represent District 27 in south Fargo. The intent of House Bill 1313 is to include data related to missing and murdered indigenous people. This bill would address the need for accuracy in data collection of missing and murdered indigenous people. According to the Urban Indian Health Institute's report on Missing and Murdered Indigenous Women & Girls, 71% of American Indians/Alaska Native live in urban and non-reservation areas¹.

Not only is the issue of Missing and Murdered Indigenous Women and Girls a nationwide crisis, but it is also a nationwide data crisis. The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, with only 116 cases logged in the US Department of Justices federal missing persons database.

Currently the state of North Dakota does not have a state repository for missing persons. As a public health professional, my primary focus is prevention. How do we prevent further tragedies from occurring? We know data tells a story. If there is no data available, then this issue does not exist. We know this is not accurate in the case of Missing and Murdered Indigenous People. Hundreds of communities hold stories of truth from generation to generation.

North Dakota has an opportunity to lead the way in being the first state to collect data specifically on Missing and Murdered Indigenous People. By doing so, this will contribute to additional funding needed to provide the resources necessary to keep our communities safe for everyone. I believe in voting yes for the passage of HB1313 we are sending a message to predators who prey on our most vulnerable and will deter from further targeting of our most vulnerable.

¹ Lucchesi, A., & Echo-Hawk, A. (2018, November 14). *Missing and Murdered Indigenous Women & Girls*(Rep.). Retrieved <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

SI/
HB 1313
1-23-19
Pg 2

Thank you, Mr. Chair and members of the Judiciary Committee.

The following amendments have been added to this bill:

- **Section 1. AMENDMENT.** Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54.12.34 Criminal Justice data information sharing system.

1. The criminal justice data information sharing system must include data related to indigenous people.

7. The criminal justice data information sharing system must include a separate collection mechanism for data specific to missing individuals. This subsection may be implemented only upon the receipt of federal funds.

#1
HB1313
1-23-19
pg 2

MISSING AND MURDERED *INDIGENOUS* WOMEN & GIRLS

A snapshot of data from 71 urban cities in the United States

*This report contains strong language about violence against American Indian and Alaska Native women.

#1
HB1313
1-23-18
P74

This report is the second of the Our Bodies, Our Stories series. Go to UIHI.org to read the first report regarding sexual violence against Native women in Seattle, Washington.

Urban Indian Health Institute is a division of the Seattle Indian Health Board. Donate to future projects that will strengthen the health of Native people by going to <http://www.sihb.org/get-involved-donate>.

#1
HB 1313
1-23-17
pg 5

**DUE TO URBAN INDIAN
HEALTH INSTITUTE'S LIMITED
RESOURCES AND THE
POOR DATA COLLECTION BY
NUMEROUS CITIES,
THE 506 CASES IDENTIFIED
IN THIS REPORT ARE
LIKELY AN UNDERCOUNT OF
MISSING AND MURDERED
INDIGENOUS WOMEN &
GIRLS IN URBAN AREAS.**



#1
HB1313
1-23-19
Pg 6

DATA A NATIONWIDE CRISIS: MISSING AND MURDERED INDIGENOUS WOMEN & GIRLS



MURDER

The third-leading cause of death among American Indian/Alaska Native women.ⁱⁱⁱ

Nationwide, the voices of Indigenous people have united to raise awareness of missing and murdered Indigenous woman and girls (MMIWG). Though awareness of the crisis is growing, data on the realities of this violence is scarce.

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.ⁱⁱⁱ The Center for Disease Control and Prevention has reported that murder is the third-leading cause of death among American Indian and Alaska Native women and that rates of violence on reservations can be up to ten times higher than the national average.^{iii,iv} However, no research has been done on rates of such violence among American Indian and Alaska Native women living in urban areas despite the fact that approximately 71% of American Indian and Alaska Natives live in urban areas.^v

To fill this gap, in 2017, Urban Indian Health Institute (UIHI), a tribal epidemiology center, began a study aimed at assessing the number and dynamics of cases of missing and murdered American Indian and Alaska Native women and girls in cities across the United States. This study sought to assess why obtaining data on this violence is so difficult, how law enforcement agencies are tracking and responding to these cases, and how media is reporting on them. The study's intention is to provide a comprehensive snapshot of the MMIWG crisis in urban American Indian and Alaska Native communities and the institutional practices that allow them to disappear not once, but three times—in life, in the media, and in the data.

#1
HB1313
1-23-19
pg 7

AN OVERVIEW OF MMIWG IN URBAN AMERICA

Despite this ongoing crisis, there is a lack of data and an inaccurate understanding of MMIWG, creating a false perception that the issue does not affect off-reservation/village American Indian and Alaska Native communities.

However, according to an analysis of 2016 Census data, 50.2% of the urban Indian population identified as female.^{vi} The data in this report also includes LGBTQ, non-binary, and Two Spirit individuals. The majority of American Indian and Alaska Native people now live in urban communities due to a variety of reasons for migration, from forced relocation due to 1950s federal relocation and termination policies, to current barriers to obtaining quality educational, employment, and housing opportunities on tribal lands. Because of this, urban American Indian and Alaska Native people experience MMIWG-related violence in two ways—through losses experienced by extended family and community ties on reservations, in villages, and in urban communities themselves. Though there are critical issues regarding jurisdiction of MMIWG cases on reservation and village lands, lack of prosecution, lack of proper data collection, prejudice, and institutional racism are factors that also occur in urban areas.

In this study, UIHI sought to demonstrate the ways in which these issues also impact urban MMIWG cases, highlighting the results of a deeply flawed institutional system rooted in colonial relationships that marginalize and disenfranchise people of color and remains complicit in violence targeting American Indian and Alaska Native women and girls.

71% of American Indians/
Alaska Natives live in
urban areas.^v

Urban Indians are tribal people
currently living off federally-
defined tribal lands in urban areas.

Institutional racism is the process of purposely discriminating against certain groups of people through the use of biased laws or practices. Often, institutional racism is subtle and manifests itself in seemingly innocuous ways, but its effects are anything but subtle.^{vii, viii}



HFJ
HB1313
1-23-19
pg 8

COLLECTING THE DATA

UIHI utilized a multi-pronged methodology to collect data on cases of MMIWG with the understanding that what is reported and recorded by law enforcement, covered by media, and remembered and honored by community members and family rarely matches.

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.

Racial misclassification is the incorrect coding of an individual's race or ethnicity, e.g. an American Indian and Alaska Native individual incorrectly coded as white.

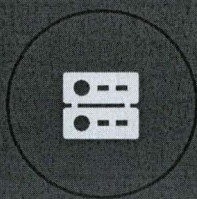
Misclassification generally favors the larger race, so while American Indians and Alaska Natives are often misclassified as white, the reverse of that is rare.⁵

The **Freedom of Information Act (FOIA)** grants any person the right to request access to federal agency records or information.*

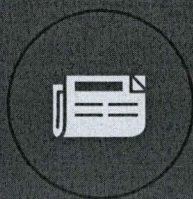
UIHI'S DATA SOURCES



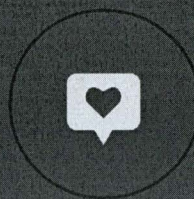
Law Enforcement
Records



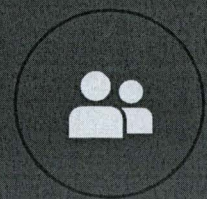
State & National
Databases



Media
Coverage



Social Media



Community & Family
Member Accounts

#1
HB1313
1-23-19
P89

CITIES UIHI ATTEMPTED TO COLLECT DATA FROM



UIHI attempted to collect data in 71 cities across 29 states.

Due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000.

In these FOIA requests, UIHI requested all case data from 1900 to the present. No agency was able to provide data dating to 1900 but providing such a large date range was useful in accessing as much data as the agency had readily available, which varied across jurisdictions. The oldest case UIHI identified happened in 1943, but approximately two-thirds of the cases in UIHI's data are from 2010 to 2018. This suggests the actual number of urban MMIWG cases are much higher than what UIHI was able to identify in this study.

These cities were selected because they either have an urban Indian health center that is affiliated with UIHI, a significant population of urban Indians, or were found to have a large number of MMIWG cases in a preliminary consultation with key community leaders.

FINDINGS

UIHI identified 506 unique cases of missing and murdered American Indian and Alaska Native women and girls across the 71 selected cities—128 (25%) were missing persons cases, 280 (56%) were murder cases, and 98 (19%) had an unknown status.

Approximately 75% of the cases UIHI identified had no tribal affiliation listed.

Sixty-six out of 506 MMIWG cases that UIHI identified were tied to domestic and sexual violence.

The youngest victim was a baby less than one year old.

The oldest victim was an elder who was 83 years old.

A case was flagged as “status unknown” in two circumstances: when law enforcement gave a number of total cases in response to a record request but did not clarify how many were missing and how many were murdered (16 cases total), and when a case was listed on a missing persons database but had been removed, UIHI could not verify whether the woman or girl was located safe or deceased.

The identified cases were widely distributed by age and tribal affiliation. The youngest victim was under one year old and the oldest was 83 years old. One hundred and thirty-five cases (27%) were victims aged 18 or under, and mean victim age was approximately 29 years old (out of 387 cases for which victim age was able to be determined).

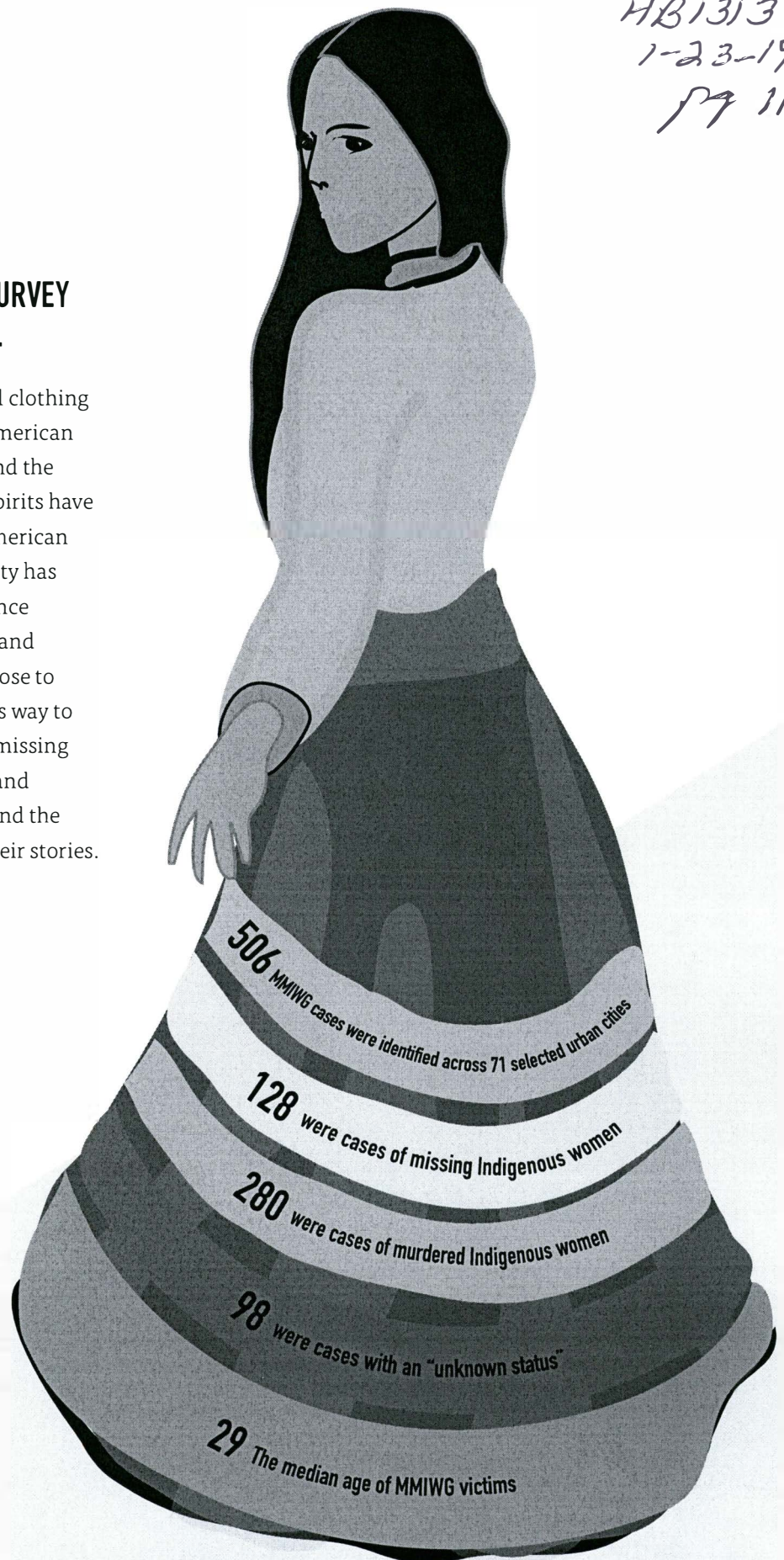
UIHI identified 96 cases that were tied to broader issues such as domestic violence, sexual assault, police brutality, and lack of safety for sex workers. In this report, domestic violence includes intimate partner violence and family violence. Forty-two (8% of all cases) cases were domestic violence related, and 14% of domestic violence fatalities were victims aged 18 and under. Three victims were pregnant at their time of death. At least 25 victims (6% of all cases) experienced sexual assault at the time of disappearance or death, 18 victims (4% of all cases) were identified as sex workers or victims of trafficking, and 39% of victims in the sex trade were sexually assaulted at the time of death. For this report, sexual assault is defined as penetrative and non-penetrative sexual violence and includes victims who were found murdered and left nude. Eight victims were identified as homeless, six were trans-women, and seven were victims of police brutality or death in custody.

UIHI was able to identify the victim’s relationship to the perpetrator in 24 cases; of these, 13 victims were killed by a partner or the partner of an immediate family member, three were killed by an immediate family member, six were killed by a serial killer, and two were killed by a drug dealer. Of the perpetrators UIHI was able to identify, 83% were male and approximately half were non-Native. Thirty-eight of the perpetrators were convicted, while nine were never charged, four were acquitted, one had a mistrial, and one committed suicide. Altogether, 28% of these perpetrators were never found guilty or held accountable. An additional 30 alleged perpetrators have pending charges.

#1
HB1313
1-23-19
pg 11

MMIWG STATISTICS FROM A SURVEY OF 71 CITIES ACROSS THE U.S.

The ribbon skirt is a form of cultural clothing that represents the sacredness of American Indian and Alaska Native women and the deep connection their bodies and spirits have to the land. Just like a skirt, each American Indian and Alaska Native community has its own beauty and stories of resilience despite multiple ribbons of trauma and violence stacked upon them. We chose to represent the study's findings in this way to honor the sacredness of our urban missing and murdered Indigenous women and girls, the prayers we hold them in, and the responsibility we have to care for their stories.



THE INVISIBLE 153

Number of cases
identified by UIHI that
currently **do not exist**
in law enforcement
records.

GEOGRAPHY

The 506 cases UIHI identified were dispersed over a wide geographic area. Regionally, the Southwest (157), Northern Plains (101), Pacific Northwest (84), Alaska (52), and California (40) were the areas with the highest number of cases. The cities that figure most prominently in the data are Seattle (45), Albuquerque (37), Anchorage (31), Tucson (31), and Billings (29).

AREAS WITH THE HIGHEST NUMBER OF CASES (BY REGION)



Southwest



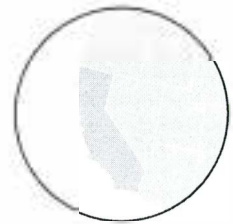
Northern Plains



Pacific Northwest



Alaska



California

The states with the highest number of cases are as follows: New Mexico (78), Washington (71), Arizona (54), Alaska (52), Montana (41), California (40), Nebraska (33), Utah (24), Minnesota (20), and Oklahoma (18).

The areas with the largest number of urban cases with an unknown status were Albuquerque (18), San Francisco (16), Omaha (10), and Billings (8). Notably, both Albuquerque and Billings police departments acknowledged FOIA requests but did not provide any records or information or respond to any follow-up,

while the records provided by San Francisco police did not specify the name or status of any victim. Omaha figured prominently in this list because, like many jurisdictions across the country, when a person listed on the Nebraska missing persons database is located, the notice is removed with no public information as to whether they were found safe or deceased. Together, these cities highlight the need for changes to public information systems on missing persons and improvement in cooperation from law enforcement agencies.

#1
HB1313
1-23-19
pg 14

TOP 10 CITIES WITH HIGHEST NUMBER OF MMIWG CASES



See Appendix for data from all 71 cities surveyed.

TOP 10 STATES WITH HIGHEST NUMBER OF MMIWG CASES



#1
HB 1313
1-23-19
pg 15

CHALLENGES AND OBSTACLES IN OBTAINING MMIWG DATA

"Until there is cooperation and better tracking systems at all government levels, the data on missing and murdered Indigenous women will never be 100 percent accurate, which is what we need to strive for in order to protect our mothers, daughters, sisters, and aunties."

-Abigail Echo-Hawk (Pawnee), Director,
Urban Indian Health Institute

ACCESSING LAW ENFORCEMENT DATA

UIHI filed FOIA requests with municipal police departments in all 71 cities included in the survey. In the case of Alaska, UIHI also filed a request with the Alaska Department of Public Safety (DPS) because a case that occurred in a major city was not considered city jurisdiction. To ensure other such cases would be included in the data, a request to DPS was necessary.

Initially, these requests were filed via the agency's online request system, when one existed, and, in cases where there was no such system, via email. Where no online system or email was available, no contact was made. After a significant portion of these initial requests never received a response, UIHI utilized MuckRock, a paid service that assists in FOIA requests, to re-file prior requests and file new requests with agencies that had no online system or email available.

In these requests, UIHI asked for all data on cases of missing persons (unsolved only), homicides, suspicious deaths, and deaths in custody (solved and unsolved) involving an American Indian or Alaska Native victim that was female or identified as a trans-woman/girl.

#1
HB1313
1-23-19
JY 16

FOIA RESULTS

Seventy-one city police agencies and one state police agency were surveyed. Forty agencies (56%) provided some level of data. Thirty-three of the 40 (and 46% of all surveyed) actually searched their records, though not all provided comprehensive data. Ten out of the 40 agencies provided data but with a "caveat", meaning they only confirmed cases UIHI had already logged, provided what they could recall from memory, or gave partial data. Fourteen of the 72 agencies surveyed (20%) did not provide data, and 18 (25%) are still pending. Those combined with the 10 "caveat" cases comprised 59% of all the agencies surveyed. In sum, nearly two-thirds of all agencies surveyed either did not provide data or provided partial data with significant compromises.

Thirteen of the 72 agencies surveyed (18%) did not respond to our FOIA request within the time limit set by local statute, and an additional 12 agencies (17% of all agencies) failed to respond within their local time limit by ignoring the first attempt, but did respond in time when a second request was filed nine months later using MuckRock. Combined, these 25 agencies

"It is unacceptable that law enforcement feel recalling data from memory is an adequate response to a records request. In the one instance where this occurred and the officer searched their records after, several additional cases the officer could not recall were found. This highlights the need for improved records provision standards and shows that the institutional memory of law enforcement is not a reliable or accurate data source."

- Annita Lucchesi (Southern Cheyenne), PhD-c

71 CITY POLICE DEPARTMENTS AND 1 STATE AGENCY WERE SURVEYED.

OUT OF THOSE:

40 AGENCIES
PROVIDED SOME
LEVEL OF DATA



14 AGENCIES
DID NOT
PROVIDE DATA



18 AGENCIES
STILL HAVE
PENDING FOIA
REQUESTS



as of our cutoff date,
October 15, 2018



Urban Indian
Health Institute
A Division of the Seattle Indian Health Board

#1
HB1313
1-23-19
pg 17

Departments like Anchorage and Lincoln demonstrate that it is possible for urban police departments to respond to FOIA requests for such data and that the barriers other agencies have identified are not inherent to law enforcement as a whole.

"Your assertion that we have ignored a similar request from eight months ago is false. Unless you sent your request elsewhere, this is the first time we have seen it."

Chief of Police in Billings, Montana, after receiving a second FOIA request. After receiving screen shots of first request, no further response was given

represent over one-third (35%) of all agencies surveyed. Six agencies never responded to any FOIA requests: Albuquerque, Baltimore, Butte, Reno, San Jose, and Tempe. Sixty agencies (83%) required more than one communication regarding UIHI's request. Of those 60, 29 (40% of all agencies) needed more than two, and 16 (22% of all agencies) needed more than five.

The findings highlight that the FOIA process is, at best, laborious, requiring intensive follow up and resources from the requesting agency. For example, a representative from Juneau Police in Alaska explained that they received UIHI's initial request at the same time as an unaffiliated project at another institution filed a request for data on sexual assault on Alaska Native women. The agency assumed any request on violence against Alaska Native women must have come from the same source, so, when they filled the other institution's request, they closed out UIHI's. Similarly, in an October 2018 phone call, a representative from the Los Angeles Police claimed UIHI's two prior FOIA requests to their agency had been closed out by being lost in the system due to understaffing. They had a backlog of thousands of requests that three staff members were responsible for filling, and many were not answered (as UIHI's first request was) or were rerouted to the wrong agency (as UIHI's second request was). An entire year later, the agency expected UIHI to file a third request and "get back in line."

In another case, the Chief of Police in Billings, Montana, after having received a second FOIA request from UIHI, wrote, "Your assertion that we have ignored a similar request from eight months ago is false. Unless you sent your request elsewhere, this is the first time we have seen it." UIHI responded with screenshots of the initial request and of the automatic email received stating that the request was received and was processing, but UIHI never received any response to the email or to the record request to date.

However, some agencies were helpful and provided case data in a timely manner. For example, a representative from the Anchorage police department was one of the very first to provide comprehensive data on MMIWG cases in their jurisdiction. Not only did they search their records for

#1
HB1313
1-23-19
ry 18

cases, they also searched the name of each case UIHI had logged to determine why they may not appear on the department's search results. Similarly, a representative from the Lincoln police department called for clarification of the request to ensure that they were pulling all of the pertinent records. They were very supportive of the project and dedicated hours of research at no cost to provide case data dating back to 1962.

FEES FOR ACCESSING DATA

Thirteen percent of all agencies surveyed charged a fee for accessing data: Fairbanks, Flagstaff, Juneau, Sitka, Kansas City, Ketchikan, Portland, Salt Lake City, Tucson, and Utqiagvik. If UIHI had paid every invoice received, it would have cost \$4,464.48 (not including the cost of the paid service for the FOIA requests). Alaska agencies comprised 93% of the total costs of invoices. The invoices UIHI paid totaled \$68, and, in turn, UIHI received data from three cities, resulting in an additional 51 cases logged. Portland police never provided any data despite their invoice being paid. As a small American Indian and Alaska Native organization with limited resources, UIHI was unable to pay a majority of the fees and thus was unable to access the data.

Of the agencies that did provide some kind of data, nine (23%) located data prior to 1990, 18 (45%) located data prior to 2000, and 29 (73%) located data prior to 2010. Accessing historical data was extremely difficult.

\$4,464

Total Required Fees
(from 13% of the cities)

\$68

UIHI's Budget
for FOIA Fees

FOIA REQUEST TO ALASKA

After UIHI's FOIA request was rejected by the Alaska State Troopers for being too burdensome, an appeal was denied by the Department of Public Safety because they estimated there were between 800 and 1,200 homicides of Alaska Native women since 1940 and it would require too many work hours to complete the request. Using one of the author's connections in Alaska, UIHI received assistance

from a prominent Alaska Native tribal leader, after which the agency offered to provide data only from 2013 to 2018 because those records had been digitized and were searchable. However, UIHI has still not received the data to date.



#1
HB 1313
1-23-19
17 19

"[Many] Native Americans adopted Hispanic names back during colonial times...Our crime systems are not flexible enough to pick out Native Americans from others in the system...it would be impossible to compile any statistically relevant information for you."

Representative from Santa Fe Police Department

"[Regarding the difference] the Homicide unit found that 'N' was being used in the 60s up through the late 70s and early 80s – meant Negro not Native American."

-Representative from Seattle Police Department

"Sometimes the information [on a victim's race] would not be asked and our record system defaults to white."

-Representative from Fargo Police Department

LACKING RECORDS AND RACIAL MISCLASSIFICATION

Nine cities (13% of total) reported the inability to search for American Indian, Native American, or Alaska Native in their data reporting systems despite the common and expected practice of classifying victims by race in data systems. A representative from Santa Fe police wrote, "[Many] Native Americans adopted Hispanic names back during colonial times...Our crime systems are not flexible enough to pick out Native Americans from others in the system...it would be impossible to compile any statistically relevant information for you."

In Seattle, UIHI was initially provided one list then subsequently provided another. Considering they had significant overlap, UIHI asked for an explanation of the difference between the two and were told: "[Regarding the difference] the Homicide unit found that 'N' was being used in the 60s up through the late 70s and early 80s – meant Negro not Native American." However, all of the names that were on the original list—which presumably had both American Indian and Alaska Native and African American names on it—were also on the second list and did not provide any clarification.

Additionally, several police departments provided UIHI with data that included both American Indians and Indian-Americans with visibly Indian-American surnames (e.g. Singh). When asked about this misclassification, a representative from Sacramento police claimed the Indian-American names must be victims who were biracial.

Misclassification can also occur due to lack of recognition of tribal nations. UIHI found that if a woman or girl was killed during the time their tribe was terminated, her citizenship may have never been restored when her nation was re-recognized, and she may have been falsely classified as white—or not racially classified at all—in documentation regarding her case. These cases would not be included in search results constrained to searching for records of Native American females. This is an issue that still impacts contemporary cases involving victims from tribes that are not federally recognized, and lack of recognition is an issue that disproportionately affects urban

#1
HB 1313
1-23-19
pg 20

Indian communities. For example, Seattle, San Francisco, and Los Angeles each are located on homelands belonging to tribes that are not federally recognized (the Duwamish, Ohlone, and Tongva peoples, respectively). In this way, it is possible that American Indian and Alaska Native women and girls indigenous to the land the city is located on may not even be included in the city's data on American Indian and Alaska Native people, and their deaths and disappearances go uncounted on their own homeland.

UIHI found that it was not just racial categories that held misclassifications. Records obtained from Anchorage police showed that two-thirds of the cases UIHI identified that were not in the data the agency provided were, indeed, in their system, but three cases were misclassified as white, one was classified as a suicide (despite the case having been reopened as a homicide), one was classified

as an overdose when her body had been moved and disposed of suspiciously, and one was not considered as having happened within the city because she had been kidnapped from a bar within the city but killed just outside of it.

Through research methods outside of FOIA requests (government missing persons databases, news reports, social media and advocacy sites, direct contact with families and community members who volunteered info), UIHI found 153 cases that were not in law enforcement records. Of all of the data gathered in the 40 cities where FOIA requests produced results, 42% of the cases were found by UIHI's diligent research and not present in law enforcement data. This 42% was made up of cases from 26 of the 40 cities (65%). The cities where UIHI located the highest number of cases not found in law enforcement records are listed in the table below.

TOP 10 CITIES WITH HIGHEST NUMBER OF MMIWG CASES THAT ARE NOT IN LAW ENFORCEMENT RECORDS

CITY	NUMBER OF CASES
Gallup, NM	20
Billings, MT	17
Omaha, NE	16
Seattle, WA	11
Anchorage, AK	9

CITY	NUMBER OF CASES
Farmington, NM	9
Denver, CO	7
Oklahoma City, OK	7
Rapid City, SD	6
Great Falls, MT	5



#1
HB1313
1-23-19
Pg 21

URBAN MMIWG IN THE MEDIA

METHODS

UIHI conducted a content analysis of media coverage on MMIWG in the areas covered by the study. The vast majority of coverage on MMIWG, both on individual cases and on the issue overall, was centered on reservation-based violence. Though coverage of reservation-based violence is critical, this bias does work to collectively minimize this issue in urban spaces. It also bolsters stereotypes of American Indian and Alaska Native people as solely living on reservations or in rural areas, perpetuates perceptions of tribal lands as violence-ridden environments, and, ultimately, is representative of an institutional bias of media coverage on this issue. Additionally, media sources have used language that could be perceived as violent and victim-blaming in their coverage of MMIWG cases. This type of coverage can also perpetuate negative stereotypes of American Indian and Alaska Native women and girls, so UIHI also conducted a qualitative analysis to identify this type of language.

UIHI conducted a comprehensive online search for media coverage on all 506 cases represented in the data. Each publicly-available article UIHI found was logged, assessed and coded for the type of language it used, and attributed to the outlet that originally published it.

MORE THAN 95%

of the cases in this study were never covered by national or international media.

FINDINGS

Media Coverage

UIHI examined 934 articles, which collectively covered 129 cases out of the 506 represented in the study. One-quarter of the total number of cases were covered by local, regional, or national media. Less than one-fifth of the total number of cases were covered more than once (14%), less than one-tenth were covered more than three times (7%), and less than 5% of cases were covered more than five times. The top ten cases that received the most coverage comprised 62% of all coverage, and 47% of coverage was regarding just one case. Nearly all of the articles UIHI surveyed (91%) regarded a murder case, and 83% of the cases covered by media were murder cases. There were 27 articles printed in national or international media, covering 21 cases.

#1
HB1313
1-23-19
pg 22

Violent Language

For the purposes of this analysis, UIHI defined violent language as language that engages in racism or misogyny or racial stereotyping, including references to drugs, alcohol, sex work, gang violence, victim criminal history, victim-blaming, making excuses for the perpetrator, misgendering transgender victims, racial misclassification, false information on cases, not naming the victim, and publishing images/video of the victim's death.

Of the articles analyzed, 46 media outlets had violent language in their coverage, representing nearly a third of all outlets surveyed (31%). Thirty-six media outlets (25%) used violent language in 50% or more of the cases they covered, and 22 (15%) used violent language in 100% of the cases they covered. UIHI identified prevalence of specific types of violent language in the table on the right.

If the case is covered in the media, the language that is used to describe the crime and the victim often causes additional harm. In addition, these findings demonstrate that media outlets are willing to publish a single story on this issue but not commit to sustained coverage on the cases that happen within the geographic areas they cover.



TYPES OF VIOLENT LANGUAGE USED IN ARTICLES

References to drugs or alcohol 38%

Coverage of trans-women victims that misgendered the victim 33%

References to victim's criminal history 31%

References to sex work 11%

Gave false information on the case or did not name the victim 8%

Made excuses for the perpetrator or used victim-blaming language 4%

Showed images or video of victim death 3%

#1
HB1313
1-23-19
pg 23

DISCUSSION

This study illustrates the maze of injustice that impacts MMIWG cases and demonstrates how they are made to disappear in life, the media, and in data. UIHI discovered a striking level of inconsistency between community, law enforcement, and media understandings of the magnitude of this violence. If this report demonstrates one powerful conclusion, it is that if we rely solely on law enforcement or media for an awareness or understanding of the issue, we will have a deeply inaccurate picture of the realities, minimizing the extent to which our urban American Indian and Alaska Native sisters experience this violence. This inaccurate picture limits our ability to address this issue at policy, programing, and advocacy levels.

Moreover, many of the reasons commonly attributed to root causes of MMIWG in the media and popular narrative—sex work and domestic violence, for example—are forms of violence that were not prominent in the cases UIHI found, and the geography of this data does not match an assumed perception on where MMIWG cases are more likely to occur. These narratives stress areas like Montana and North Dakota, while minimizing the issue in places like California and Alaska. This study shows these neglected areas need to be at the forefront of the dialogue rather than almost entirely absent from it. Overall, there is a need for more sustained and in-depth research on how and why urban American Indian and Alaska Native women and girls go missing and are killed and enforceable data collection practices for local, state, and federal agencies.

LAW ENFORCEMENT

The challenges and barriers in accessing data on this issue from law enforcement severely impeded the ability of communities, tribal nations, and policy makers to make informed decisions on how best to address this violence. This is especially problematic in the case of grassroots organizers, who often serve as informal first responders and service providers for American Indian and Alaska Native women and their families. The average community member does not have thousands of dollars and unlimited time to continue to follow up for this data, and yet they are the entities staffing women's shelters, volunteering in searches, organizing memorials, advocating for policy changes, caring for families, holding ceremonies, fundraising for funerals, and organizing awareness campaigns. This indicates that measures need to be put in place for community access to information on this issue as the FOIA process is far from its democratic intentions.

Additionally, it is alarming that UIHI located records of 153 cases that are not in law enforcement records and that some cities still do not have systems that are searchable by race or include American Indian, Native American, or Alaska Native as categories. Record-keeping protocols must be updated and implemented immediately—no agency can adequately respond to violence it does not track.

More largely, continued research on racial and gender bias in police forces regarding how MMIWG cases are handled needs to occur. It is unacceptable that nearly a third of perpetrators were never held accountable, and the resistance to tracking this data

#1
HB1313
1-23-19
pg 2.4

that UIHI experienced from agency leadership is indicative of larger institutional structural inequity. Ultimately, American Indian and Alaska Native women will continue to go missing and be killed as long as law enforcement does not account for this violence in accurate, meaningful ways and does not bring these cases to justice more consistently.

MEDIA

Based on UIHI's findings, it is clear that media coverage of this issue is extremely uneven, and the vast majority of cases occurring in urban areas are never covered by media at all. Combined with the inaccessibility of law enforcement data, this lack of reporting leads the general public to have an inaccurate understanding of the issue, and over two-thirds of the cases that happen in urban areas are rendered invisible. This not only prevents critical awareness of the issue and is hurtful to victims' families and communities, it limits efforts to engage in cross-cultural community dialogue on how to enhance safety, not just for urban American Indian and Alaska Native women and girls, but for all who live in the cities in which they go missing and are killed.

Similarly, existing media coverage remains deeply biased, and standards and protocols need to be put in place for covering these cases to decrease the amount of violent language used. It is imperative that stories on the violence our urban American Indian and Alaska Native women and girls experience are treated with care and respect. The Native American Journalist Association has created resources to assist reporters in evaluating their stories to determine if they rely on stereotypes; use of resources such as this will assist in decreasing, and ultimately ending, the use of racist, victim-blaming, and criminalizing language.^{xi}

Both the lack of reporting and the bias in existing coverage could be addressed through the presence of more Indigenous staff at media outlets, and efforts to build more substantive relationships with the communities they are reporting (or not reporting) on. In an urban context, these relationship-building opportunities are readily available through urban American Indian and Alaska Native community events, community organizations and programming, and outreach to American Indian and Alaska Native college students pursuing a career in journalism.

THE CHALLENGES AND BARRIERS IN ACCESSING DATA ON THIS ISSUE FROM LAW ENFORCEMENT SEVERELY IMPEDE THE ABILITY OF COMMUNITIES, TRIBAL NATIONS, AND POLICY MAKERS TO MAKE INFORMED DECISIONS ON HOW BEST TO ADDRESS THIS VIOLENCE.



#1
HB 1313
1-23-19
8725

RECOMMENDATIONS

The MMIWG epidemic deeply impacts urban American Indian and Alaska Native communities, and the dialogue must shift to include them. Any policy addressing MMIWG that does not account for the violence urban Native communities experience will not adequately address the issue. This includes the currently proposed Savanna's Act, a federal bill aimed at collecting data on new MMIWG cases. Though it is named after Savanna LaFontaine-Greywind, who was murdered in Fargo, North Dakota (one of the cities included in this survey), presently, it solely asks federal law enforcement to track and report data. Because cases occurring in urban areas are not federal jurisdiction, this means missing and murdered urban Native women and girls, including Savanna herself, would not be included in the data the bill aims to collect. Gaps such as these allow the violence urban Native women and girls experience to continue.

Tribal nations must have the ability to advocate for their citizens living in urban areas when they go missing or are killed. This is a courtesy extended to all other sovereign nations—when a citizen is killed while living or traveling outside the nation of which they are a citizen, the nation is notified of their death and able to advocate for their citizen's case and family. This basic respect must be afforded to tribal nations as well, so they are able to fully practice their inherent sovereignty by advocating for the health and safety of all their citizens, regardless of where they reside. Currently, this courtesy is not extended, and rarely is a tribal nation notified or given access to the data regarding their tribal citizens. The concept of Indigenous Data Sovereignty, which has been

adopted by the National Congress of American Indians in 2018, is defined as the right of a nation to govern the collection, ownership, and application of its own data, including any data collected on its tribal citizens.^{xii} The findings in this report show that racial misclassification and a lack of consistent data collection made for a significant undercount of urban MMIWG cases. Tribal nations should be part of meaningful consultations to ensure proper data collection and sustained access to the data.

Lastly, funding for research that will support effective policy on violence against American Indian and Alaska Native women and girls in urban areas is desperately needed—by mid-October 2018, 76 urban MMIWG cases had already occurred in the year. Despite calls to action from tribal leadership, federal agencies have not been able to conduct a comprehensive study on MMIWG, and a focused study on this violence as it occurs in urban areas has been deemed too difficult to include in a bill like Savanna's Act. However, UIHI completed this study in approximately one year. This demonstrates the deep commitment Indigenous research and epidemiology institutions have in honoring and better understanding the violence our sisters experience. This study shows the importance of creating funding opportunities to support a continuation of this work by the Indigenous institutions who are equipped to take it on in a good way.

*The data collected does not reflect any FOIA responses received after October 15, 2018 nor any community reported instances after that date. UIHI acknowledges that Chicago recently responded to the FOIA with 7 reported homicides, and 4 urban Indigenous women and girls have been murdered and are missing since this date.

#1
HB1313
1-23-15
ry 26

The lack of good data and the resulting lack of understanding about the violence perpetrated against urban American Indian and Alaska Native women and girls is appalling and adds to the historical and ongoing trauma American Indian and Alaska Native people have experienced for generations. But the resilience of American Indian and Alaska Native women and girls has sustained our communities for generation after generation. As the life bearers of our communities, they have been integral to holding strong our culture and traditional practices. Bringing to light the stories of these women through data is an integral part of moving toward meaningful change that ends this epidemic of violence. UIHI is taking huge steps to decolonize data by reclaiming the Indigenous values of data collection, analysis, and research, for Indigenous people, by Indigenous people. Our lives depend on it.

END NOTES

ⁱ National Crime Information Center (2018). Federal Bureau of Investigation.

ⁱⁱ Department of Justice (2018). NamUs. Retrieved from <https://www.namus.gov/MissingPersons/Search>

ⁱⁱⁱ Urban Indian Health Institute, Seattle Indian Health Board (2016). Community Health Profile: National Aggregate of Urban Indian Health Program Service Areas.

^{iv} Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M & Lanier, C. (2008) Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>

^v Norris, T., Vines, P.L. & Hoeffel, E (2012). The American Indian and Alaska Native Population: 2010. U.S. Census Bureau. Retrieved from <https://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>

^{vi} U.S. Census Bridged Race Categories (2016). National Center for Health Statistics, Centers for Disease Control and Prevention.

^{vii} Omi, M. & Winant, H. (2015) Racial Formation in the U.S. Third Edition. New York: Routledge.

^{viii} Robertson, D.L. (2015) "Invisibility in the color-blind era: Examining legitimized racism against indigenous peoples." The American Indian Quarterly 39.2: 113-153.

^{ix} Jim, M.A., Arias, E., Seneca D.S., Seneca, D.S., Hoopes, M.J., Jim, C.C., Johnson, N.J. & Wiggins, C.L. (2014). Racial Misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area. American Journal of Public Health. 104 (Supplement 3): S295-S302.

^x Office of Information Policy, Department of Justice (2017) About FOIA. Retrieved from <https://www.justice.gov/oip/about-foia>.

^{xi} Native American Journalists Association (2018). NAJA AP Style Guide. Retrieved from <https://www.naja.com/resources/naja-ap-style-guide/>

^{xii} National Congress of American Indians (2018). Support of US Indigenous Data Sovereignty and Inclusion of Tribes in Development of Tribal Data Governance Principles (Resolution #KAN-18-011). Retrieved from http://www.ncai.org/attachments/Resolution_gbuJbEHWpkOgcwCICRtgMJHMsUNofqYvuMSnzLFzOdxBlMIRjij_KAN-18-011%20Final.pdf



#1
HB1313
1-23-19
1787

Missing & Murdered Indigenous Women & Girls in Pacific Northwest Cities

Spokane

UIHI has recorded 1 case in Spokane--Mary Bercier, who was announced as missing by a relative in 2018.



Seattle

UIHI has recorded 45 cases in Seattle, including Patricia YellowRobe, who was from the Rocky Boy Chippewa-Cree reservation and murdered by a serial killer in 1998, and Sandra Smiscon, Ashton Reyes, Nicole Westbrook, and Eveona Cortez. Representing the Yakama, Tlingit, Navajo, and Blackfeet nations, Sandra, Ashton, Nicole, & Eveona were all randomly killed in acts of gun violence, in 2003, 2012, and 2018.



Portland

UIHI has recorded 6 cases in Portland, including Dusti Grey, who was homeless when she was reported missing in 2017.



Tacoma

UIHI has recorded 25 cases in Tacoma, including Teekah Lewis, who went missing in 1999 at the age of 3, Teresa Davis, missing since 1973, and Jacqueline Salyers, who was a Puyallup tribal member who was pregnant when she was killed by law enforcement in 2016.



This map includes a Coastal-inspired orca design, honoring Tahlequah, a whale from Puget Sound, who the world joined in mourning for her spirit baby for 17 days in 2018. Like Tahlequah, Native mothers remain resilient leaders through the grief of losing their children to colonial violence. This map also includes cedar designs, to honor the prayers we say for these mothers and their babies.



Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

#1
H01313
1-23-19
Jy 28

Missing & Murdered Indigenous Women & Girls in California Cities

Eureka & Redding

UIHI has recorded 5 cases in Eureka, and 3 in Redding, including Jennika Suazo, a Tolowa high school student who was killed in 2016, and Heather Cameron, a Grand Ronde tribal member and mother of four who was last seen shortly before she made three 911 calls from her abusive ex-boyfriend's phone, saying she had been drugged and kidnapped.



Sacramento

UIHI has recorded 13 cases in Sacramento. None of these were ever reported on by media, so no photos or stories on these 13 stolen sisters are available. 3 remain missing, and 10 were murdered.

San Francisco

UIHI has recorded 17 cases in San Francisco, including Jezeille Murdock, who went missing on her 34th birthday in 2017.



Bakersfield

UIHI has recorded 4 cases in Bakersfield, including Peggy Humber, a 44-year-old woman missing since 2000.



San Diego

UIHI has recorded one case in San Diego--Linda Hewitt, murdered in 1978. No photo of Linda or information on her story is available.

UIHI has recorded a total of 41 cases of missing and murdered indigenous women and girls in cities across California. This map includes a design inspired by California tribal basket designs, with abalone components to honor the Yurok story of Abalone Woman, who was killed by her love, Dentalium Man, and became the beautiful shell that indigenous peoples across the continent admire and pray with.

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Utqiagvik

UIHI has recorded 1 case in Utqiagvik--Nancy Brower, a 15-year-old high school student raped and murdered in 2002.

In 2018, UIHI filed a FOIA request to the Alaska State Troopers, for information on the number of MMIWG in the state. They estimated there are between 800 to 1,200 homicides of Alaska Native women in their records since 1940, but said the agency does not have the time to pull them. This map has over 1,200 feathers on it, to honor each of those files UIHI could not access. This map also honors the connection our stolen sisters have to our communities and the land, with Alaska-style forget-me-not beadwork designs.

Bethel

UIHI has recorded 8 cases in Bethel, including Stella Evon, a 17-year-old Yup'ik girl missing since 1996, and Sandra Frye, a 26-year-old mother of four found murdered in 2017.

Fairbanks

UIHI has recorded 6 cases in Fairbanks, including Sophie Sergie, a 20-year-old aspiring marine biologist, who was found raped and shot in a bathtub in a University of Alaska dorm in 1993.

Missing & Murdered Indigenous Women & Girls in Alaskan Cities

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Juneau & Ketchikan

UIHI has recorded 3 cases each in Juneau and Ketchikan, including LoriDee Wilson, a Yup'ik mother of three missing since 2016, and Angeline Dundas, a 34-year-old woman, whose body was pulled from the Tongass Narrows in 2015, within 24 hours of seeking help at a local women's shelter.

Anchorage

UIHI has recorded 31 cases in Anchorage, including Annie Mann, Vera Hapoff, Della Brown, and Genevieve Tetpon, 4 of at least 10 murders of Native women in the span of a few years. Many of these cases remain unsolved, including Annie and Vera's.

#1
HB1313
1-23-19

Missing & Murdered Indigenous Women & Girls in Northern Plains & Great Lakes Cities

Montana

UIHI has recorded 29 cases in Billings, 5 in Great Falls, 3 in Helena, & 4 in Missoula, including Almeda Old Crane, a Crow mother who was found raped and killed after her husband went to prison for killing the man who raped her in 1981.

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Dakotas

UIHI has recorded 2 cases in Fargo, 1 in Pierre, 8 in Rapid City, & 4 in Sioux Falls, including Cari Black Elk-Cline, Alicia Jumping Eagle, Deziree Martinez, & Jamie Wounded Arrow, who were each killed in 2017.

Colorado

UIHI has recorded 12 cases in Denver, including Dawn DeHerrera, a sex worker and advocate for the homeless who was found killed in a massage parlor in 2003.

Nebraska

UIHI has recorded 9 cases in Lincoln, and 24 cases in Omaha, including Barbara Gonzales, murdered by her partner's nephew in 2010, and Rose Fields, who was known to be homeless and went missing in 2000.

Great Lakes

UIHI has recorded 1 case in Illinois, 1 in Michigan, 6 in Wisconsin, and 20 in Minnesota, including 25-year-old Ojibwe woman Tess White, who was pregnant when she was tortured and killed in 2016.

This map includes floral designs inspired by Anishinaabe-style beadwork, and the silhouette of a deer, to honor the story of Deer Woman, who some Plains tribes say protects women and girls by punishing men who abuse them. In researching a case represented on this map, a seemingly unrelated article on the rare sighting of a white doe appeared the same week a Native woman's killers pled guilty--a powerful reminder of Deer Woman's presence.

P1 HB1313
1-23-19
pg 30

Salt Lake City

UIHI has recorded 24 cases in Salt Lake City, including Deborah Haudley, who was living at a motel with her partner when he killed her in 2010.



Flagstaff

UIHI has recorded 6 cases in Flagstaff, including Nicole Joe, who was beaten by her partner and left outside in the cold, and died on Christmas Day in 2017.



Phoenix & Tempe

UIHI has recorded 14 cases in Phoenix, 3 in Tempe, and 4 in Tucson, including Jade Velasquez, who was killed by a serial killer in 2003, a 15-year-old Jane Doe found in 2002.



Tucson

UIHI has recorded 31 cases in Tucson, including Mia Henderson, a Navajo college student murdered in 2007.



Gallup

UIHI has recorded 25 cases in Gallup, including high school student Colleen Lincoln, who was beaten to death and burned two days before Christmas in 2010.



Farmington

UIHI has recorded 10 cases in Farmington, including Vanessa Tsosie, whose only photo circulated was the shoes she was wearing at time of death.



Santa Fe

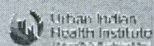
UIHI has recorded 6 cases in Santa Fe, including Navajo woman Melissa Tsosie, who was killed in a homeless encampment in 2015.



Albuquerque

UIHI has recorded 37 cases in Albuquerque, including Terri Benally, Kelly Watson, & Ryan Hoskie, 3 Navajo trans-women killed from 2004-2009. No photos of them were published.

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.



Missing & Murdered Indigenous Women & Girls in Southwest Cities

This map includes a design inspired by Southwestern weaving traditions, and images of corn, to honor the cultural and ceremonial uses of corn in the Southwest, and its ties to stories of the sacredness of women.

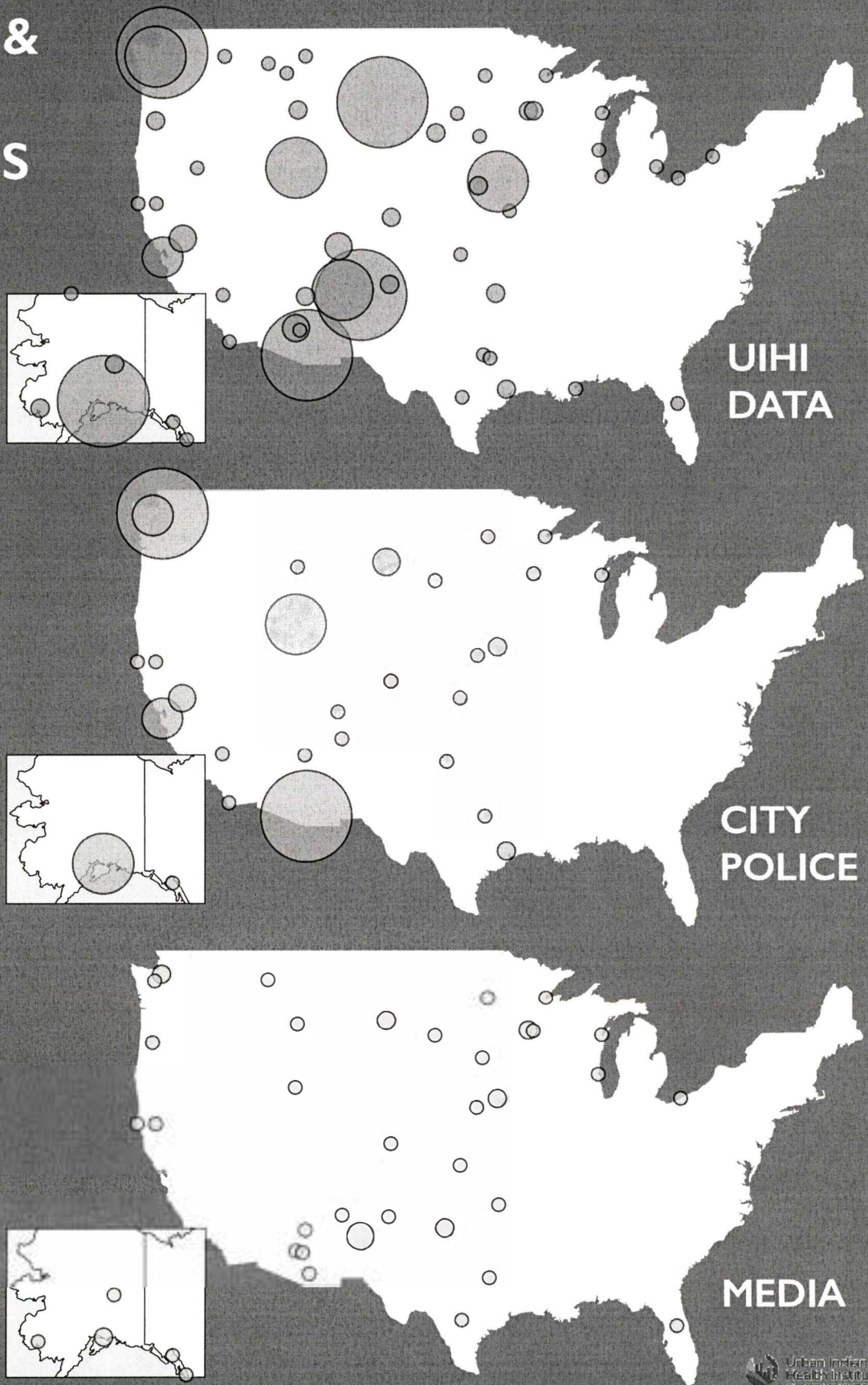
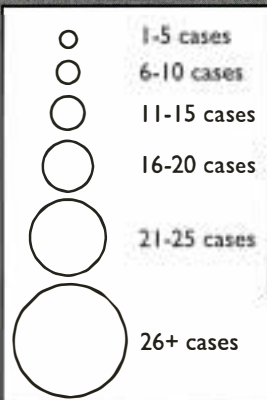
#1 HB1313
1-23-19
31

#1 HB1313
1-23-19
Jr 30

MISSING & MURDERED INDIGENOUS WOMEN & GIRLS IN MAJOR US CITIES

No agency has comprehensive data on the true number of missing and murdered indigenous women and girls, and that further research is needed. A challenge in researching this violence is the drastically different information each source has. On this map, we compare UIHI data to data obtained from FOIA requests to municipal police departments, and to data on which cases from those sources were covered by media. This comparison highlights the gaps and disconnects between community, law enforcement, and media awareness of urban MMIW cases.

Note: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases shown here have occurred since 2000.



APPENDIX

#1
HB1330
1-23-19
pg 33

CITY	MISSING	MURDERED	UNKNOWN	TOTAL
Akron, OH	0	0	0	0
Albuquerque, NM	3	16	18	37
Anchorage, AK	3	27	1	31
Arlington, TX	1	0	0	1
Bakersfield, CA	1	3	0	4
Baltimore, MD	0	1	0	1
Bethel, AK	1	3	4	8
Billings, MT	5	16	8	29
Bismarck, ND	0	0	0	0
Boston, MA	0	0	0	0
Buffalo, NY	1	0	1	2
Butte, MT	0	0	0	0
Chicago, IL	0	0	1	1
Cleveland, OH	1	1	0	2
Dallas, TX	1	1	0	2
Denver, CO	1	8	3	12
Detroit, MI	1	0	0	1
Duluth, MN	1	3	0	4
Eureka, CA	3	2	0	5
Fairbanks, AK	3	3	0	6
Fargo, ND	0	2	0	2
Farmington, NM	3	3	4	10
Flagstaff, AZ	0	7	0	7
Fountain Valley, CA	0	0	0	0
Fresno, CA	0	0	0	0
Gallup, NM	12	9	4	25
Great Falls, MT	2	0	3	5
Green Bay, WI	0	3	0	3
Helena, MT	0	0	3	3
Houston, TX	6	1	0	7
Idaho Falls, ID	2	2	3	7
Indianapolis, IN	0	0	0	0
Juneau, AK	2	1	0	3
Kansas City, MO	0	1	0	1
Ketchikan, AK	0	3	0	3
Lincoln, NE	2	5	2	9

CITY	MISSING	MURDERED	UNKNOWN	TOTAL
Los Angeles, CA	0	0	0	0
Milwaukee, WI	1	2	0	3
Minneapolis, MN	2	7	0	9
Missoula, MT	1	1	2	4
New Orleans, LA	1	0	0	1
Oakland, CA	0	0	0	0
Oklahoma City, OK	2	7	1	10
Omaha, NE	11	3	10	24
Orlando, FL	0	2	0	2
Phoenix, AZ	8	6	0	14
Pierre, SD	1	0	0	1
Portland, OR	4	0	2	6
Rapid City, SD	3	5	0	8
Redding, CA	2	1	0	3
Reno, NV	0	0	1	1
Sacramento, CA	3	10	0	13
Salt Lake City, UT	1	22	1	24
San Antonio, TX	1	0	0	1
San Diego, CA	0	1	0	1
San Francisco, CA	1	0	16	17
San Jose, CA	0	0	0	0
Santa Barbara, CA	0	0	0	0
Santa Fe, NM	2	1	3	6
Seattle, WA	7	38	0	45
Sioux Falls, SD	0	4	0	4
Sitka, AK	0	0	0	0
Spokane, WA	0	0	1	1
St. Louis, MO	0	0	0	0
St. Paul, MN	4	3	0	7
Tacoma, WA	13	10	2	25
Tempe, AZ	0	2	1	3
Tucson, AZ	1	30	0	31
Tulsa, OK	4	1	3	8
Utqiagvik, AK	0	1	0	1
Wichita, KS	0	2	0	2
TOTAL	128	280	98	506

#1
HB1313
1-23-17
Jy 34



**Urban Indian
Health Institute**
A Division of the Seattle Indian Health Board

Annita Lucchesi (Southern Cheyenne), PhD-c

Abigail Echo-Hawk (Pawnee), MA

Chief Research Officer, Seattle Indian Health Board

Director, Urban Indian Health Institute

info@uihi.org

206-812-3030

Partial funding for this report was provided by the Indian Health Service Division of Epidemiology and Disease Prevention, grant #HHS-2016-IHS-EPI-0001. The report contents are solely the responsibility of the authors and do not necessarily represent the official views of the Indian Health Service.

Image credit: U.S. map by Theshibboleth [GFDL (<http://www.gnu.org/copyleft/fdl.html>) or CC-BY-SA-3.0 (<http://creativecommons.org/licenses/by-sa/3.0/>)], via Wikimedia Commons

#2
HB1313
1-23-19
pg 1

To whom it may concern:

My name is Nellie Mahto. I am a voter in District 37. Representative Luke Simmons is our representative.

I am emailing my testimony to urge you to pass the MMIP database bill.

I was involved in the search for Olivia Lone Bear.

I helped organize a grid search in the Dickinson ND area to look for the vehicle that Olivia was last seen in. I also went to the reservation a few times to participate in the search for Olivia that was being conducted on the reservation. I became involved after hearing about her missing on Facebook. No missing alerts were given at the time this search had started. Matthew Lone Bear was searching for his sister, simply by word of mouth, for the first two weeks before any alerts were issued.

This bill, had it been implemented at that time, the Lone Bears families suffering may have been alleviated by getting the word out that Olivia was missing. It may have not changed the outcome but this law is necessary in order to track missing indigenous people's.

Thank you

Nellie Mahto

January 28, 2019
Testimony by Representative Ruth Buffalo
RE: Amendments to HB 1313

#1
HB1313
1-28-19
RJ1

Mr. Chairman and members of the House Judiciary Committee, I bring to you today the amendments 19.0750.02002 for HB 1313. I met with the Attorney General's office and agree with the following amendments. The amendments would provide two new sections to North Dakota Century Code 54-12-34, relating to the collection of data on missing persons; to provide a continuing appropriation; and to provide a contingent effective date.

See sections 7 and 8. Section 2. Contingent Effective Date.

The current fiscal note of \$75,000 will stay but will be moved from general funds to other funds. I believe it will provide authority for spending the monies collected into the fund.

Thank you! I will stand for any questions and refer to Attorney Generals Office.

#1
HB 1313
1-28-19
pg 2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1313

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons; to provide a continuing appropriation; and to provide a contingent effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54-12-34. Criminal justice data information sharing system - Continuing appropriation.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.
 - c. The director of the department of corrections and rehabilitation or the director's designee.

- #1
HB 1313
1-28-14
pg 3
- d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
 - f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three-year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board.
7. The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally-recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules.
8. There is established within the state treasury the missing persons fund. All moneys raised in connection with the missing persons repository from any source, including federal or private sources, donations, gifts, or bequests must be deposited in the fund. All moneys in the fund are appropriated to

#1
HB1313
1-28-19
pg 4

the attorney general on a continuing basis for the purposes specified in this section and for paying expenses related to providing missing person information.

SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective when the attorney general notifies the legislative council the funds in the missing persons fund are sufficient to implement a missing person's repository."

Renumber accordingly

#1
HB1313
1-25-19
pg 5



Formerly Family Violence Prevention Fund

The Facts on Violence Against American Indian/Alaskan Native Women

Impact Statement

American Indian women living on Indian reservations experience unique challenges that intensify the epidemic of violence against them. Accurate statistical data quantifying incidences of violence against women on reservations, or "Indian country", is in small quantity. Comprehensive data on violence against women under tribal jurisdiction does not exist since no federal or Indian agency nor organization systematically collects this information.

Data on crime in Indian country is also lacking. This is partially due to the underreporting of crimes to tribal authorities and partly due to underreporting to the federal authorities. While a comprehensive survey of the devastation caused by violence against American Indian women remains elusive, the glimpse that emerges from existing data collection is grim. The scope of this data collection examines violence committed against American Indian women and issues around the effectiveness of the local, state and federal responses.

Note on Terminology

Futures Without Violence is committed to using terminology that respects and honors the individuals to whom this research is concerned. Currently, there are over 560 federally recognized American Indian and Alaskan Native Indian tribes in the U.S. While no single term is universally accepted by all indigenous peoples in the U.S., the terms "American Indian, Alaskan Native, Indigenous, and Native American," are used for data reporting purposes only, and appear in the form the terminology was originally published. It is not meant to minimize, exclude or generalize the individuals involved nor endorse one form of terminology over the other.

Domestic Violence/Intimate Partner Violence/Physical Assault

- American Indian women residing on Indian reservations suffer domestic violence and physical assault at rates far exceeding women of other ethnicities and

#1
17B1313
1-28-19
RJL

locations.¹ A 2004 Department of Justice report estimates these assault rates to be as much as 50% higher than the next most victimized demographic.²

- National annual incidence rates and lifetime prevalence rates for physical assaults are also higher for American Indian and Alaskan Native women compared to other women.³
- In a 2008 CDC study, 39% of Native women surveyed identified as victims of intimate partner violence in their lifetime, a rate higher than any other race or ethnicity surveyed.⁴ This finding has been common over the years. A study from 1998 that utilized a large national probability sample (n=8000) found that American Indian/Alaskan Native American women were the most likely racial group to report a physical assault by an intimate partner⁵
- According to the Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs at least 70% of the violent victimizations experienced by American Indians are committed by persons not of the same race— a substantially higher rate of interracial violence than experienced by white or black victims.⁶
- In a 2006 study, 96% of American Indian respondents who had been a victim of rape or sexual assault had experienced other physical abuse as well.⁷
- During a physical assault, American Indian and Alaska Native women were more likely to be injured than women of all other groups and more of these injuries needed medical care.⁸
- Violence against Indian women occurs as a gauntlet in the lives of Indian women: at one end verbal abuse and at the other murder. Most Indian women do not report such crimes because of the belief that nothing will be done.⁹

Sexual Assault

- Federal government studies have consistently shown that American Indian women experience much higher levels of sexual violence than other women in the U.S. Data gathered by the U.S. Department of Justice indicates that Native American and Alaskan Native women are more than 2.5 times more likely to be raped or sexually assaulted than women in the USA in general (5 vs. 2 per 1,000).¹⁰
- Additionally, 34% or more than one in three Native women will be raped during their lifetime, whereas for women as a whole the risk is less than one in five.¹¹

FI
HB1313
1-28-19
Pg 7

- A 2004 study that examined intimate partner rape among American Indian women found that one in five respondents (20.9%) reported they had been a victim of at least one incident in their lifetime.¹²

Stalking

- 17 percent of Native American and Alaskan Native women have been stalked in their lifetime.¹³

Health Connections/ Risk Factors

- Native American victims of intimate and family violence are more likely than victims of all other races to be injured and need hospital care.¹⁴
- In general studies of American Indians, researchers have found evidence that this population has higher levels of alcohol abuse and dependence, suicide rates, and mental distress than the general population.¹⁵
- A 2009 study that examined the overlap of intimate partner violence and alcohol, drug, and mental disorders found significant unadjusted prevalence ratios (severe physical and sexual abuse) for anxiety, PTSD, mood and any mental disorder.¹⁶
- During the past twenty years, there has been growing recognition among health care professionals that domestic violence is a highly prevalent public health problem with devastating effects on individuals, families and communities. The health care setting offers a critical opportunity for early identification and even primary prevention of abuse.¹⁷
- Given the multiple risks present in the AI/AN communities, the prevalence of posttraumatic stress disorder (PTSD) is substantially higher among AI/AN persons in the general community.¹⁸
- It is likely that higher rates of exposure to traumatic events coupled with the overarching cultural, historical, and intergenerational traumas make this population more vulnerable to PTSD.¹⁹
- Alcohol and drugs appear to play a larger role in the sexual attacks of American Indian and Alaska Native women compared to other women. Over two-thirds (68%) of American Indian and Alaska Native sexual assault victims believed their attackers had been drinking and/or taking drugs before the offense.²⁰

#1
HB1313
1-28-19
PJ 8

American Indian Children and Youth

- American Indian and Alaska Native children are more likely to receive needed mental health care services through a juvenile justice system and inpatient facilities than non-Indian children. They are also the group most likely to encounter systems with a consistent lack of attention to established standards of care for the population.²¹
- The number of American Indian children and adolescents reporting depression and suicidal ideation is a significant cause for concern in the United States.²²

Victim Perspective (Tribal specific/Culturally Sensitive) Resiliency

- Some American Indian and Alaskan Native communities are developing culturally sensitive interventions for violence against American Indian and Alaska Native women both within and outside of the criminal justice system. These family or community forums emphasize restorative and reparative approaches to justice.²³
- Problems in law enforcement are exacerbated on many tribal lands due to insufficient funding, inadequate funding, inadequate training, and victims' trust for outside authority.²⁴

Historical Trauma

- The abuse of Indian women and children can be traced to the introduction of unnatural life ways into Native culture²⁵. Scholars support this idea and suggest that violence against American Indian and Alaska Native women directly relates to historical victimization. According to proponents of this idea, domination and oppression of native peoples increased both economic deprivation and dependency through retracting tribal rights and sovereignty. Consequently, American Indian and Alaska Natives today are believed to suffer from internalized oppression and the normalization of violence.²⁶

Jurisdictional /Sovereignty Problems

- There are many jurisdictional complexities and limitations in Indian Country. The confusing division of authority among tribal, federal and state governments results in a jurisdictional maze that is complicated by the lack of tribal courts' criminal jurisdiction over non-Indians, the practical impact of Public Law 280, and other limitations on tribal criminal jurisdiction. The difficulty of determining jurisdiction, and provisions for concurrent jurisdiction of certain cases, can cause conflict and confusion for law enforcement, prosecution, courts, service providers, and crime

FI
HB1313
1-28-19
Pg 9

victims in Indian Country.²⁷ As a result, non-Indians who commit acts of domestic violence that are misdemeanors on Indian reservations are virtually immune from prosecution in most areas of the country. This is because the Supreme Court has held that tribal governments may not prosecute non-Indians.^{28 29}

- About one-quarter of all cases of family violence (violence involving spouses) against American Indians involve a non-Indian perpetrator, a rate of inter-racial violence five times the rate of inter-racial violence involving other racial groups.³⁰
- A larger percent of victimization against American Indian and Alaskan Native women are committed by white offenders compared to American Indian and Alaska Native offenders.³¹
- Jurisdiction over law enforcement varies by the location of the offense (on or off reservation), what parties are involved (the race/ethnicity of the victim and offender), the nature of the crime (major crime or misdemeanor) and if the tribe resides in a PL-280 state.³² Passed in 1953, Public Law 280 gave state governments jurisdiction over offenses committed in Indian Country or involving American Indian and Alaska Natives in PL-280 states. The six "mandatory" states required to adopt PL-280 were Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin.³³
- In addition to practical problems of funding, training, coordination, and jurisdictional complexities, tribal governments suffer from an inability to use what sovereignty duties they are realistically allowed to implement. Researchers have suggested that the erosion of the tribal government's ability to address crime significantly harms American Indian and Alaska Native women in particular.³⁴ American Indian advocates argue that tribal government's inability to prosecute non-American Indian and Alaska Natives attracts offenders of various crimes to Indian country.³⁵
- In 1994, the Violence Against Women Act (VAWA), a part of the Federal Crime Control Bill, gave federal support to develop and strengthen law enforcement and prosecution strategies to combat violence against Indian women and children and develop and strengthen victim services particularly involving violent crimes against women. VAWA created the Violence Against Women Office (VAWO) – now known as the Office of Violence Against Women – within the Office of Justice Programs (OJP), Department of Justice.³⁶

#1
HB1313
1-28-19
Pg 10

Lack of Resources /Social Isolation on Reservation

- Poverty contributes to a number of less than desirable environmental conditions that create increased stress and trauma. Approximately 26% of AI/AN live in poverty, compared with 13% of the general population and 10% of White Americans. Single parent AI/AN families have the highest poverty rates in the country.³⁷
- With well over 500 federally recognized tribes, there are barely 26 Native specific shelters in existence today with only a few more in development.³⁸
- The barriers of social isolation precludes some American Indian and Alaska Native women from obtaining adequate medical care including the availability of rape kits being preformed by trained medical staff to aid in prosecution.³⁹

Emerging Trends /Interventions

- **Extended safety and support.** In the work to end violence against Indian women, many Native nations are finding that shelter options alone do not provide the time or the stability for women to create a solid base for change in their lives. Longer-term housing and affordable permanent housing that goes beyond providing simply the physical structure, needs to be implemented in order to create opportunities for battered women leaving abusive relationships to live in a community that extends safety, support and a place to work toward reclaiming their connections with themselves and each other.⁴⁰
- **Domestic Violence intervention in the health care setting.** The health care setting offers a critical opportunity for early identification and even primary prevention of abuse.⁴¹

¹ Brief for National Network to End Domestic Violence et al. as Amici Curiae Supporting Respondents at 2, *Plains Commerce Bank v. Long Family Land and Cattle Co.*, 128 S. Ct. 2709 (2008) (No. 07-411).

² Steven W Perry, *American Indians and Crime- A BJS Statistical Profile 1992-2002*, Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, December 2004.

³ U.S. Department of Justice. *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known.* 2008:7

⁴ *Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence*, United States, 2005, MMWR February 8, 2008/ 57(05); 113-117.

<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm>

⁵ Tjaden, P. & Thonennes. (2000). *The Prevalence, Incidence, and Consequences of Violence Against Women: findings from the National Violence Survey Against Women.* National Institute of Justice & the Centers for Disease Control & Prevention. <http://www.ncjrs.gov/txtfiles1/nij/183781.txt>

#1
HB1313
1-28-19
Pg 11

- ⁶ Greenfeld, Lawrence & Smith, Steven. *American Indians and Crime*. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, February 1999. NCJ 173386. <http://www.bjs.gov/content/pub/pdf/aic.pdf>
- ⁷ Saylor, K., Daliparthi, N. (2006) Violence against Native Women in substance abuse treatment. *American Indian and Alaska Native Mental Health Research: The Journal of National Center*, 13(1), 32-51
- ⁸ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:49
- ⁹ Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA. Amnesty International, 2007: 2
- ¹⁰ Steven W Perry, *American Indians and Crime- A BJS Statistical Profile 1992-2002*, Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, December 2004. <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=386>
- ¹¹ Tjaden, P. & Thonennes. (2000). The Prevalence, Incidence, and Consequences of Violence Against Women: findings from the *National Violence Survey Against Women*. National Institute of Justice & the Centers for Disease Control & Prevention. <http://www.ncjrs.gov/txtfiles1/nij/183781.txt>
- ¹² Malcoe, L.H., & Duran, B. (2004) Intimate partner violence and injury in the in the lives of low income Native American women. In *U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known*. 2008:45
- ¹³ Stalking in America: Findings from National Violence Against Women Survey; NIJ & CDC 1998.
- ¹⁴ US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics; American Indians and Crime, 1992-96 Report.
- ¹⁵ Gone, J., & Alcantara, C. (2007). Identifying effective mental health interventions for American Indians and Alaska Natives: A review of the literature. *Cultural Diversity and Ethnic Minority Psychology*, 13, 356-363.
- ¹⁶ Duran, B, Oetzel J, Parker T, Malcoe L.H., Lucero J, Jiang Y. (2009). Intimate Partner Violence and Alcohol, Drug and Mental Disorders Among American Indian Women from Southwest Tribes in Primary Care, *American Indian and Alaska Native Mental Health Research: The Journal of the National Center*, Vol. 16, No. 2: p. 11-26.
- ¹⁷ Building Domestic Violence Health Care Responses in Indian Country: A Promising Practices Report. Family Violence Prevention Fund, 2010. 10
- ¹⁸ Kessler, R.C., Sonnega, E., Hughes, M., & Nelson, C.B. (1995) Posttraumatic stress disorder in the National Comorbidity Survey. *Archives of General Psychiatry*, 52(12), 1048-1060.
- ¹⁹ Bigfoot, Dolores S. & Schmidt, Susan R (2010). "Honoring Children, Mending the Circle: Cultural Adaption of Trauma-Focused Cognitive-Behavioral Therapy for American Indian and Alaska Native Children. *Journal of Clinical Psychology*. Vol 66: 849
- ²⁰ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:39
- ²¹ Bigfoot, Dolores S. & Schmidt, Susan R (2010). "Honoring Children, Mending the Circle: Cultural Adaption of Trauma-Focused Cognitive-Behavioral Therapy for American Indian and Alaska Native Children. *Journal of Clinical Psychology*. Vol 66: 847
- ²² Olson, L.M. & Wahab, S. (2006) American Indian and suicide: A neglected area of research. *Trauma, Violence, & Abuse*, 7(19), 19-33.
- ²³ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:10
- ²⁴ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:9
- ²⁵ Paula Gunn Allen. (1985) "Violence and the American Indian Woman: Working to Prevent Sexual and Domestic Violence, Vol5, No.4 (April). Seattle: Center for the Prevention of Sexual and Domestic Violence.
- ²⁶ Burbar, R., & Thurman, P.J. (2004) Violence against Native women. *Social Justice*, 31(4), 70-86.
- ²⁷ Valencia-Weber, G., and C. P. Zuni, "Domestic Violence and Tribal Protection of Indigenous Women in the United States." *St. John's Law Review* 69:69 (1995): 16.
- ²⁸ See *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).
- ²⁹ In *Oliphant v. Suquamish Indian Tribe*, followed by *Duro v. Reina*, the Court held that Indian tribes do not have the authority to criminally prosecute any non-tribal citizens. The Court held that the federal judiciary has the authority to divest aspects of Indian tribes' sovereign authority (such as, for example, the power to prosecute non-

#1
HB1313
1-28-19
Pg 12

Indians) if the court concludes that that aspect of sovereignty is "inconsistent with their status" as domestic dependent nations.²⁹

³⁰ See GREENFIELD & SMITH, *supra* note 2, at 8.

³¹ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:38

³² U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:79

³³ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:75

³⁴ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:69

³⁵ Deer, Sarah. (2005) Sovereignty of the Soul: Exploring the Intersection of Rape Law Reform and Federal Indian Law. Suffolk University Law Review, 38, 455-466

³⁶ University of Oklahoma Health Sciences Center, (UOHSC). Grant number 97-VI-GX-0002, Office of Victims of Crime (OVC), United States Department of Justice. 1997.

³⁷ National Child and Neglect Data System (2002). Child maltreatment 2002. Washington, DC: Department of Health and Human Services, Administration on Children and Families.

³⁸ Mending the Sacred Hoop Technical Assistance Project. (2003) Addressing Violence in Indian Country: Introductory Manual. <http://www.msh-ta.org/Resources/Addressing%20Violence%20in%20Indian%20Country.pdf>

³⁹ U.S. Department of Justice. Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is known. 2008:9

⁴⁰ Mending the Sacred Hoop Technical Assistance Project. (2003) Addressing Violence in Indian Country: Introductory Manual. <http://www.msh-ta.org/Resources/Addressing%20Violence%20in%20Indian%20Country.pdf>

⁴¹ Building Domestic Violence Health Care Responses in Indian Country: A Promising Practices Report. Family Violence Prevention Fund, 2010. 10

WHO ARE AMERICAN INDIANS AND ALASKA NATIVES?

According to the federal government, "American Indians and Alaska Natives are people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment".ⁱ

DID YOU KNOW?

- American Indian and Alaska Native women experience assault and domestic violence at much higher rates than women of any other ethnicity.ⁱⁱ
- Over 84% of Native women experience violence during their lifetimes.ⁱⁱⁱ
- American Indians are 3 times more likely to experience sexual violence than any other ethnic group. Over half of American Indian women report having experienced sexual assault.^{iv}
- 55.5% of Native women experience physical intimate partner violence in their lifetimes; 66.6% experience psychological abuse.^v
- 17% of American Indian and Alaska Native women have been stalked.^{vi}
- On some reservations in the United States, the murder rate of Native women is 10 times higher than in the rest of the nation.^{vii}
- American Indian/Alaska Native children experience PTSD at the same rate as combat veterans from the Iraq and Afghanistan wars.^{viii}

WHY IT MATTERS

American Indian and Alaska Native women experience extremely high rates of domestic violence, physical and sexual assault, and murder. Many women do not report violence for a variety of reasons. Many tribes have inadequate or no law enforcement to report these crimes to. In small, isolated communities, victims often fear retribution from perpetrators' friends and family. Many Native women also never speak of their abuse because they see it as futile; they believe no one can or will help them.^{ix}

LACK OF RESOURCES ON TRIBAL LANDS

- High poverty rates, especially on reservations, can exacerbate domestic violence trauma.^x
- Alcohol and drug use on tribal lands is rampant and is associated with domestic violence perpetration. On one Montana reservation, 40% of reported violent crime involved alcohol or drugs.^{xi}
- Although the federal government recognizes 566 tribes in the US, there are only 26 shelters nationwide providing culturally-specific services to American Indian and Alaska Native victims/survivors.^{xii}

If you need help:

Call The National Domestic Violence Hotline 1-800-799-SAFE (7233)
Or, online go to TheHotline.org

Suggested citation: National Coalition Against Domestic Violence (2016). *Domestic violence against American Indian and Alaska Native women*. Retrieved from www.ncadv.org





VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN FEDERAL RESPONSIBILITY TO TRIBES

The history of European settlement and the founding of the United States is, in large part, a history of persecution of Native people. Through violence, a succession of broken treaties, and in violation of multiple Supreme Court rulings, the United States government displaced American Indians from their tribal lands. Through allotment and aggressive assimilation policies, the United States government broke up Native families and attempted to destroy their languages and cultures. Many of the broken treaties established a federal trust responsibility in exchange for tribal land. The federal government promised, and has a legal duty, to protect American Indian peoples, to see to their welfare, and to treat them with respect and dignity. The federal government "has charged itself with moral obligations of the highest responsibility and trust" (*Seminole Nation v. United States*, 1942).^{xiii} Despite that obligation, the federal government has abrogated its duties, failing to provide law enforcement protection to tribes, severely underfunding tribal criminal justice systems, and ignoring the needs of victims and survivors of violent crime. Recent years have seen some improvements in the federal government's response to violence against Native women, particularly as a result of programs established by the Violence Against Women Act.

TRIBAL SOVEREIGNTY AND JURISDICTION

Under federal law and as a term of treaties, tribes are sovereign nations ruled by their own governments. However, tribal sovereignty has been slowly eroded. Tribal governments have charge of day-to-day operations in Indian country, and the federal government is required to consult with tribes when making decisions impacting their citizens and/or property. Many tribes have their own criminal justice systems, but a convoluted jurisdictional muddle prevents them from holding non-Native offenders accountable. As a result, many non-Native offenders are virtually immune to prosecution.^{xiv} Jurisdiction also varies by the nature of the crime and the location of the tribal land. Certain states, known as PL-280 states, have full jurisdiction over crimes committed on tribal lands. In communities where the federal government is responsible for responding to and prosecuting violent crime, US Attorneys refused to prosecute 67% of sexual assault and related cases.^{xv} Lack of jurisdiction over non-Natives is particularly problematic, because:

- Approximately 2/3 of Native women who are sexually assaulted are attacked by non-Native men.^{xvi}
- 59% of Native women report being in relationships with non-Native men.^{xvii}
- In 71% of sexual assaults against Native women, the victim knew her attacker.^{xviii}
- The rate of interracial violence experienced by American Indians and Alaska Natives is far higher than the rate experienced by Black or White victims.^{xix}

The most recent iteration of VAWA gave tribes meeting certain due process requirements jurisdiction over non-Natives who commit violence against women on tribal lands. This program has been successful in pilot projects and is now being implemented by many tribes across the nation.

If you need help:

Call The National Domestic Violence Hotline 1-800-799-SAFE (7233)
Or, online go to TheHotline.org



NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



Domestic Violence Against American Indian and Alaska Native Women

#1
HB1313
1-28-19
Pg 15

ⁱ Centers for Disease Control (2015). *American Indian and Alaska Native populations*. Retrieved from <http://www.cdc.gov/minorityhealth/populations/REMP/aian.html>.

ⁱⁱ United States Department of Justice. (2000). *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>.

ⁱⁱⁱ Rosay, R. B. (2016). *Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

^{iv} Ibid.

^v Ibid.

^{vi} Stalking in America: Findings from National Violence Against Women Survey; NIJ & CDC 1998.

^{vii} Bachman, R. (2008). *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>.

^{viii} Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence *supra* note 3, at 38.

^{ix} United States Department of Justice. (2000). *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>

^x National Child and Neglect Data System (2002). *Child maltreatment 2002*. Washington, DC: Department of Health and Human Services, Administration on Children and Families

^{xi} Stafne, A. T. (2015) *Testimony of A.T. Stafne, Chairman of the Assiniboine and Sioux tribes of the Fort Peck Reservation before the Senate Committee on Indian Affairs on addressing the need for victim services in Indian Country*.

^{xii} Mending the Sacred Hoop Technical Assistance Project. (2003) *Addressing Violence in Indian Country: Introductory Manual*. Retrieved from: <http://www.msh-ta.org/Resources/Addressing%20Violence%20in%20Indian%20Country.pdf>.

^{xiii} US Department of Interior Indian Affairs (n.d.). *Frequently asked questions*. Retrieved from <http://www.bia.gov/FAQs/>.

^{xiv} Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

^{xv} United States Government Accountability Office (2010). *U.S. Department of Justice Declinations of Indian Country criminal matters*. Retrieved from <http://www.gao.gov/assets/100/97229.pdf>.

^{xvi} Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

^{xvii} Ibid.

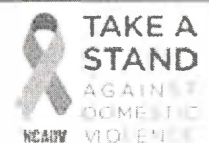
^{xviii} Ibid.

^{xix} Ibid.

If you need help:

Call The National Domestic Violence Hotline 1-800-799-SAFE (7233)
Or, online go to TheHotline.org

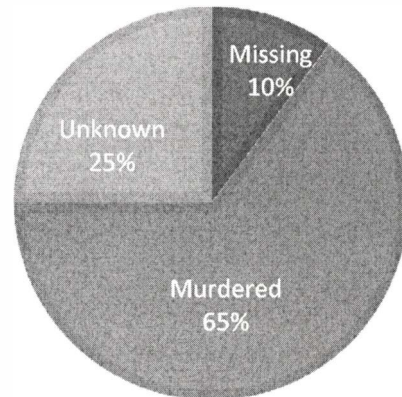
Suggested citation: National Coalition Against Domestic Violence (2016). *Domestic violence against American Indian and Alaska Native women*. Retrieved from www.ncadv.org



#1
HB1313
1-28-19
PZ 12

Missing & Murdered Indigenous Women & Girls in South Dakota, North Dakota, & Montana—a Data Snapshot

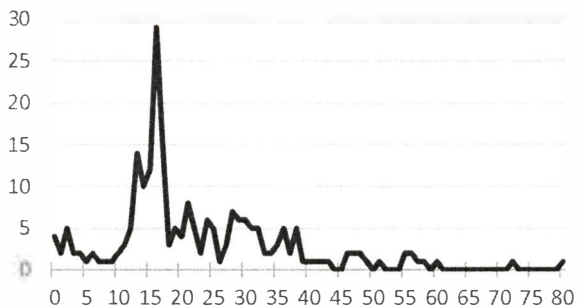
There are 296 documented MMIWG cases in these three states combined, from 1972 to present. Of these cases, 30 are active missing persons cases, 192 are murders, and 74 have unknown status (reported missing and unable to confirm if found safe or deceased). There are likely many more cases that we have not yet documented.



157 of these cases occurred on reservations, 15 in rural areas, **105 in urban centers**, and 19 cases have unknown location types.

Nearly half (39%) of these cases are girls age 18 or under, and the average victim age is 23 years old. At least 26 of the victims were mothers, and **96% of mothers in the data were murdered.** This indicates that our girls and young women are at high risk for violence, and our youth are vulnerable to loss of their mothers.

Number of Cases by Age



Blackfeet	32
Oglala	30
Crow	24
Northern Cheyenne	22
Salish & Kootenai	19
Fort Peck Tribes	15
Standing Rock	11
Three Affiliated Tribes	9
Turtle Mountain	7
Yankton	6
Rosebud	3
Sisseton-Wahpeton	3
Spirit Lake	3
Rocky Boy	2
Cheyenne River	1
Fort Belknap	1
Lower Brule	1
Other (tribes outside ND, SD, MT)	8
No tribal affiliation available	104

Data sourced from missing persons databases, Freedom of Information Act (FOIA) requests to law enforcement, news articles, historical archives, and direct contact with families and community members. Raw data available to tribal governments on an as-requested basis. Gathered and held by Sovereign Bodies Institute, an Affiliate of Seventh Generation Fund for Indigenous Peoples. For more information, see sovereign-bodies.org.



SOVEREIGN BODIES

#2
HB1313
1-28-19
RJ1

Good afternoon Chairman Koppelman and members of the House Judiciary Committee! For the record, my name is Carel Two-Eagle. I stand in support of HB 1313. My life focus is about healing the Sacred Hoop. Passing HB1313 is in keeping with that.

Racism is a fact of life in this country. We have seen it since the first Europeans came here. We're seeing it now with the administration in Washington DC and incidents there last week, when white high school students, encouraged by a priest, shouted racist trash at a Native elder who is a veteran & a singer. Their backers had the temerity to claim "the Native elder was the aggressor" – via his drum & singing.

On Twitter, a woman tweets daily about "the more than 5,000 missing & murdered Indigenous women" to drum up support for better data collection & efforts by law enforcement, off our Reservations, on our behalf.

Articles in the media, as recently as 2018, such as "Despite Past Reforms, Native Women Face High Rates of Crime" (AP News and NY Post) & "Native Americans are the Victims of a Broken US Justice System" (QZ News) - & many more – highlight our situation & support our efforts to get better data collection off our Reservations; not just on them. Looking on BJS.gov, I found "American Indians and Crime: A BJS Statistical Profile, 1992 -2002", the latest I could find – 17 years old! "Reports the rates and characteristics of violent crimes experienced by American Indians and summarizes data on American Indians in the criminal justice system."

The claim that the cost is too high to collect accurate data on crimes against us & on how we are sentenced more harshly than other races is specious. This data is collected for whites, blacks, & Asians. Only for us is it claimed to cost too much. This is racist.

I read more than 100 cases of a local female judge. Every Native man got harsher sentences than white or black men did. This information is not in any database yet.

Last year, there was a story on Native children & ICWA – the Indian Child Welfare Act - & the National Public Radio interviewer blurted, "What! Are you telling me that Indian children are special?!?" Yes, our children are special. We Indigenous are the only people whose children routinely have to be defended against efforts to take them from their families & foster them with white families. Usually, those white parents claim some version of Christianity – the religion which has caused us indescribable amounts of well-documented grief & trauma.

#2
HB1313
1-28-19

The original four-point program to destroy Traditionalism was formulated by a French Jesuit missionary – Fr. Paul Le Jeune – about 1502. Le Jeune means “the young one” in French. His four-point program centered on our children. The four points were: (1) take the children away from their mothers & grandmothers when they were 5-6 years old so they couldn’t learn much of their Traditional Ways or learn their mother tongues; (2) cut their hair because all Indigenous Turtle Island Nations have spiritual & cultural attachment to hair; (3) force the children to wear white culture clothing & punish them for having anything of their Traditional spiritual or cultural Ways, such as medicine bags or mocassins; (4) teach the males, including the adult males, that females are not their spiritual equals – even less that we are their spiritual superiors, as our Traditions teach. pg 2

That program still operates today. It was the basis for the boarding schools, which were run in blatant violation of the Doctrine of Separation of Church & State. If this program weren’t still operating, we wouldn’t need to defend our children from efforts to steal them from us & foster them with white parents. This does not happen to black or Asian children. It only happens to ours.

Bureau of Justice reports on statistics of crimes suffered by Native people state ours are far higher than the statistics for other races. All reports state the belief of the data-gatherers that the data on crimes against Natives are much under-gathered. My Search term was “Native and Indigenous Crime Statistics”. I got pages of response – all of it with the qualifier that data for crimes against us is not as extensive as data for blacks, whites, or Asian victims, or as extensive as is needed.

HB1313 would be one more step in improving the situation of us Indigenous people, because a problem can’t be fixed if there is insufficient data regarding the problem. We are the people for whom this state is named. We vote. We pay taxes. Taxes we pay support this building & everyone in it. We have jobs & businesses. Recommending Do Pass would show respect for basic human dignity, including ours. Passing HB1313 would help heal the Sacred Hoop. I strongly urge you to vote DO PASS on HB1313.

Thank you for hearing me in a good way now. I am always available to answer any questions you may have. Mitakuye oias’in – All are my relatives.

Thank you for hearing me in a good way now. I am always available to answer any questions you may have. Mitakuye oias’in – All are my relatives.

January 25, 2019

#1
HB 1313
2-4-16

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1313

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons; to provide a continuing appropriation; and to provide a contingent effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54-12-34. Criminal justice data information sharing system - Continuing appropriation.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.
 - c. The director of the department of corrections and rehabilitation or the director's designee.

- d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
 - f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three-year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board.
7. The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally-recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules.
8. There is established within the state treasury the missing persons fund. All moneys raised in connection with the missing persons repository from any source, including federal or private sources, donations, gifts, or bequests must be deposited in the fund. All moneys in the fund are appropriated to

the attorney general on a continuing basis for the purposes specified in this section and for paying expenses related to providing missing person information.

SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective when the attorney general notifies the legislative council the funds in the missing persons fund are sufficient to implement a missing person's repository."

Renumber accordingly



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative
Ruth Buffalo
District 27
P.O. Box 9763
Fargo, ND 58106-9763
C: 701-491-8175
rbuffalo@nd.gov

Committees:
Agriculture
Judiciary

1

March 19, 2019

HB 1313
3-19-19

Madam Chair and members of the Senate Judiciary Committee,

My name is Ruth Buffalo and I represent District 27 in south Fargo.

HB 1313 would create a state repository for missing persons including indigenous population, this bill comes with a fiscal note of \$75,000 to update the software of the Criminal Justice Information System within the Attorney General's office.

House Bill 1313 would create a state repository for missing persons including Indigenous populations; this bill comes with a fiscal note of \$75,000 to update the software of the Criminal Justice Information System (CJIS) within the Attorney General's office. In addition, the bill will address the need for accuracy in data collection of missing and murdered Indigenous people. According to the Urban Indian Health Institute's report on Missing and Murdered Indigenous Women & Girls, 71% of American Indians/Alaska Native live in urban and non-reservation areas¹. The issue of missing and murdered Indigenous women and girls (MMIWG) is a nationwide crisis, but it is also a nationwide data crisis. The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, with only 116 cases logged in the U.S. Department of Justice federal missing persons database.

According to the Sovereign Bodies Institute, as related Missing & Murdered Indigenous Women & Girls in South Dakota, North Dakota, & Montana. There are 296 documented MMIWG cases in these three states combined, from 1972 to present. Of these cases, 30 are active missing persons cases, 192 are murders, and 74 have unknown status (reported missing and unable to confirm if found safe or deceased). There are likely many more cases that we have not yet documented. 157 of these cases occurred on reservations, 15 in rural areas, 105 in urban centers, and 19 cases have unknown location types.

I wish I had more data to share with you, but the fact that I don't is part of the reason why I'm here.

The epidemic of our missing and murdered Indigenous people has left many of our communities throughout North Dakota and country on high alert. From the horrendous crime committed in the murder of Savanna Lafontaine-

¹ Lucchesi, A., & Echo-Hawk, A. (2018, November 14). *Missing and Murdered Indigenous Women & Girls* (Rep.). Retrieved <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

Greywind, a young Indigenous mother who was eight months pregnant to our indigenous men who go missing.

As a public health professional and researcher, I know data tells a story. Without data, there is no clear evidence that a problem exists. Therefore, it is essential for accurate data reporting and swift action taken by authorities when people go missing. The dearth of accurate reporting data in the countless cases of missing and murdered Indigenous people, in essence, pours fuel onto an already blazing fire. Hundreds of communities hold stories of truth from generation to generation. Our communities know which relatives have yet to return to their families. We must help them tell those stories, by giving them the tools and resources to do so, and eventually, bring the lost one's home.

Please give HB 1313 a do pass recommendation. Thank you, Madam Chair and members of the Senate Judiciary Committee. I will stand for any questions.

#2
HB 1313
3.19.19

MISSING AND MURDERED *INDIGENOUS* WOMEN & GIRLS

A snapshot of data from 71 urban cities in the United States

*This report contains strong language about violence against American Indian and Alaska Native women.

#2
HB 1313
3.19.19

This report is the second of the Our Bodies, Our Stories series. Go to UIHI.org to read the first report regarding sexual violence against Native women in Seattle, Washington.

Urban Indian Health Institute is a division of the Seattle Indian Health Board. Donate to future projects that will strengthen the health of Native people by going to <http://www.sihb.org/get-involved-donate>.

**DUE TO URBAN INDIAN
HEALTH INSTITUTE'S LIMITED
RESOURCES AND THE
POOR DATA COLLECTION BY
NUMEROUS CITIES,
THE 506 CASES IDENTIFIED
IN THIS REPORT ARE
LIKELY AN UNDERCOUNT OF
MISSING AND MURDERED
INDIGENOUS WOMEN &
GIRLS IN URBAN AREAS.**

#2
HB 1313
3.19.19

DATA A NATIONWIDE CRISIS: MISSING AND MURDERED INDIGENOUS WOMEN & GIRLS



MURDER

The third-leading cause of death among American Indian/Alaska Native women.ⁱⁱⁱ

Nationwide, the voices of Indigenous people have united to raise awareness of missing and murdered Indigenous woman and girls (MMIWG). Though awareness of the crisis is growing, data on the realities of this violence is scarce.

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.ⁱⁱⁱ The Center for Disease Control and Prevention has reported that murder is the third-leading cause of death among American Indian and Alaska Native women and that rates of violence on reservations can be up to ten times higher than the national average.^{iii, iv} However, no research has been done on rates of such violence among American Indian and Alaska Native women living in urban areas despite the fact that approximately 71% of American Indian and Alaska Natives live in urban areas.^v

To fill this gap, in 2017, Urban Indian Health Institute (UIHI), a tribal epidemiology center, began a study aimed at assessing the number and dynamics of cases of missing and murdered American Indian and Alaska Native women and girls in cities across the United States. This study sought to assess why obtaining data on this violence is so difficult, how law enforcement agencies are tracking and responding to these cases, and how media is reporting on them. The study's intention is to provide a comprehensive snapshot of the MMIWG crisis in urban American Indian and Alaska Native communities and the institutional practices that allow them to disappear not once, but three times—in life, in the media, and in the data.

AN OVERVIEW OF MMIWG IN URBAN AMERICA

Despite this ongoing crisis, there is a lack of data and an inaccurate understanding of MMIWG, creating a false perception that the issue does not affect off-reservation/village American Indian and Alaska Native communities.

However, according to an analysis of 2016 Census data, 50.2% of the urban Indian population identified as female.^{vi} The data in this report also includes LGBTQ, non-binary, and Two Spirit individuals. The majority of American Indian and Alaska Native people now live in urban communities due to a variety of reasons for migration, from forced relocation due to 1950s federal relocation and termination policies, to current barriers to obtaining quality educational, employment, and housing opportunities on tribal lands. Because of this, urban American Indian and Alaska Native people experience MMIWG-related violence in two ways—through losses experienced by extended family and community ties on reservations, in villages, and in urban communities themselves. Though there are critical issues regarding jurisdiction of MMIWG cases on reservation and village lands, lack of prosecution, lack of proper data collection, prejudice, and institutional racism are factors that also occur in urban areas.

In this study, UIHI sought to demonstrate the ways in which these issues also impact urban MMIWG cases, highlighting the results of a deeply flawed institutional system rooted in colonial relationships that marginalize and disenfranchise people of color and remains complicit in violence targeting American Indian and Alaska Native women and girls.

71% of American Indians/
Alaska Natives live in
urban areas.^v

Urban Indians are tribal people
currently living off federally-
defined tribal lands in urban areas.

Institutional racism is the process of purposely discriminating against certain groups of people through the use of biased laws or practices. Often, institutional racism is subtle and manifests itself in seemingly innocuous ways, but its effects are anything but subtle.

COLLECTING THE DATA

UIHI utilized a multi-pronged methodology to collect data on cases of MMIWG with the understanding that what is reported and recorded by law enforcement, covered by media, and remembered and honored by community members and family rarely matches.

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.

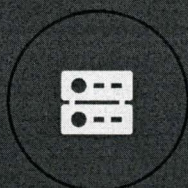
Racial misclassification is the incorrect coding of an individual's race or ethnicity. e.g. an American Indian and Alaska Native individual incorrectly coded as white. Misclassification generally favors the larger race, so while American Indians and Alaska Natives are often misclassified as white, the reverse of that is rare.¹²

The **Freedom of Information Act (FOIA)** grants any person the right to request access to federal agency records or information.¹³

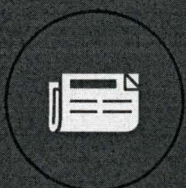
UIHI'S DATA SOURCES



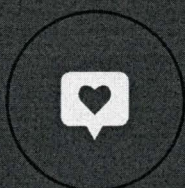
Law Enforcement
Records



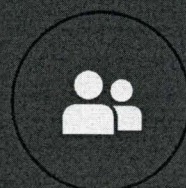
State & National
Databases



Media
Coverage

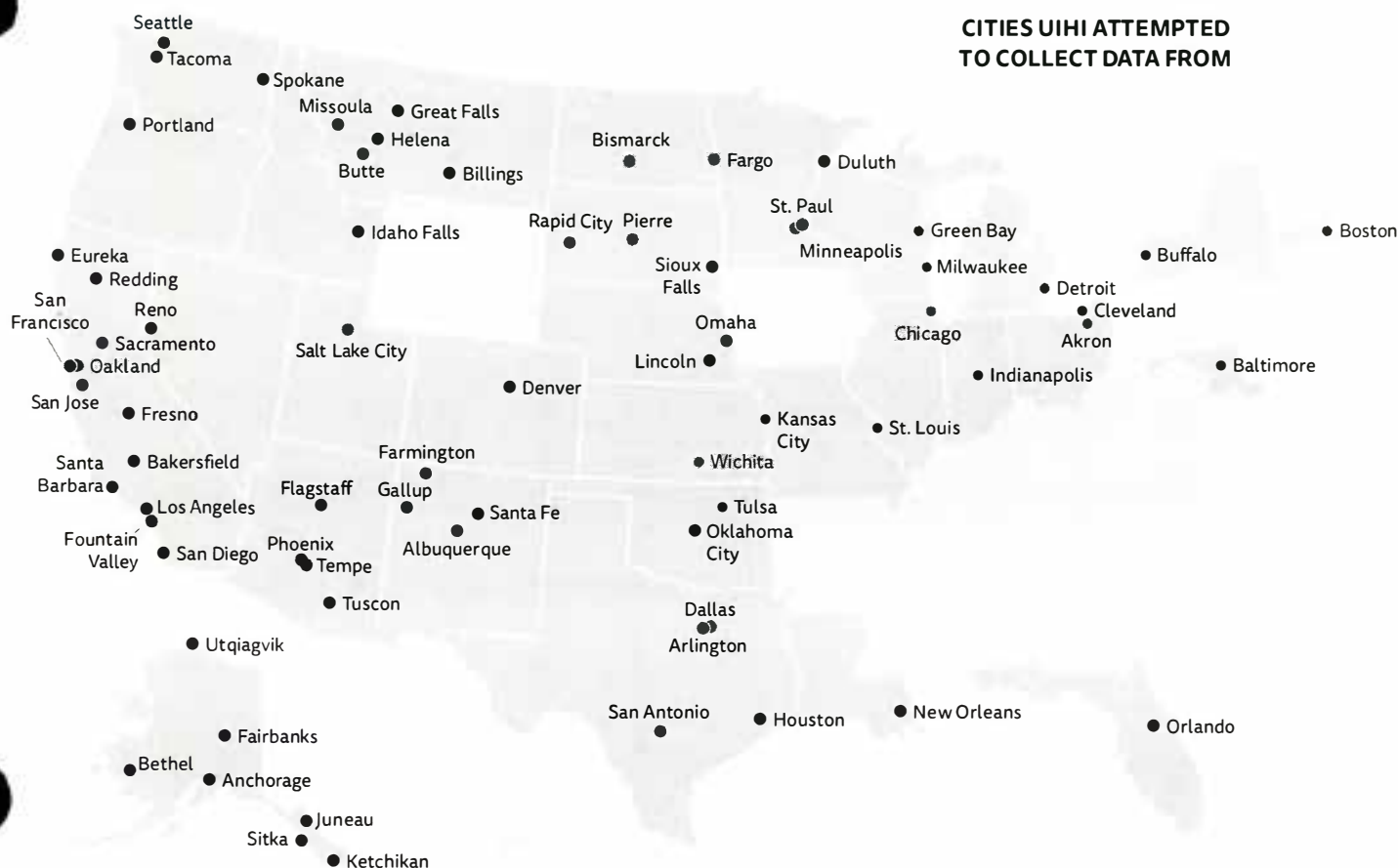


Social Media



Community & Family
Member Accounts

CITIES UIHI ATTEMPTED TO COLLECT DATA FROM



UIHI attempted to collect data in 71 cities across 29 states.

Due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000.

In these FOIA requests, UIHI requested all case data from 1900 to the present. No agency was able to provide data dating to 1900 but providing such a large date range was useful in accessing as much data as the agency had readily available, which varied across jurisdictions. The oldest case UIHI identified happened in 1943, but approximately two-thirds of the cases in UIHI's data are from 2010 to 2018. This suggests the actual number of urban MMIWG cases are much higher than what UIHI was able to identify in this study.

These cities were selected because they either have an urban Indian health center that is affiliated with UIHI, a significant population of urban Indians, or were found to have a large number of MMIWG cases in a preliminary consultation with key community leaders.

FINDINGS

UIHI identified 506 unique cases of missing and murdered American Indian and Alaska Native women and girls across the 71 selected cities—128 (25%) were missing persons cases, 280 (56%) were murder cases, and 98 (19%) had an unknown status.

Approximately 75% of the cases UIHI identified had no tribal affiliation listed.

Sixty-six out of 506 MMIWG cases that UIHI identified were tied to domestic and sexual violence.

The youngest victim was a baby less than one year old.

The oldest victim was an elder who was 83 years old.

A case was flagged as “status unknown” in two circumstances: when law enforcement gave a number of total cases in response to a record request but did not clarify how many were missing and how many were murdered (16 cases total), and when a case was listed on a missing persons database but had been removed, UIHI could not verify whether the woman or girl was located safe or deceased.

The identified cases were widely distributed by age and tribal affiliation. The youngest victim was under one year old and the oldest was 83 years old. One hundred and thirty-five cases (27%) were victims aged 18 or under, and mean victim age was approximately 29 years old (out of 387 cases for which victim age was able to be determined).

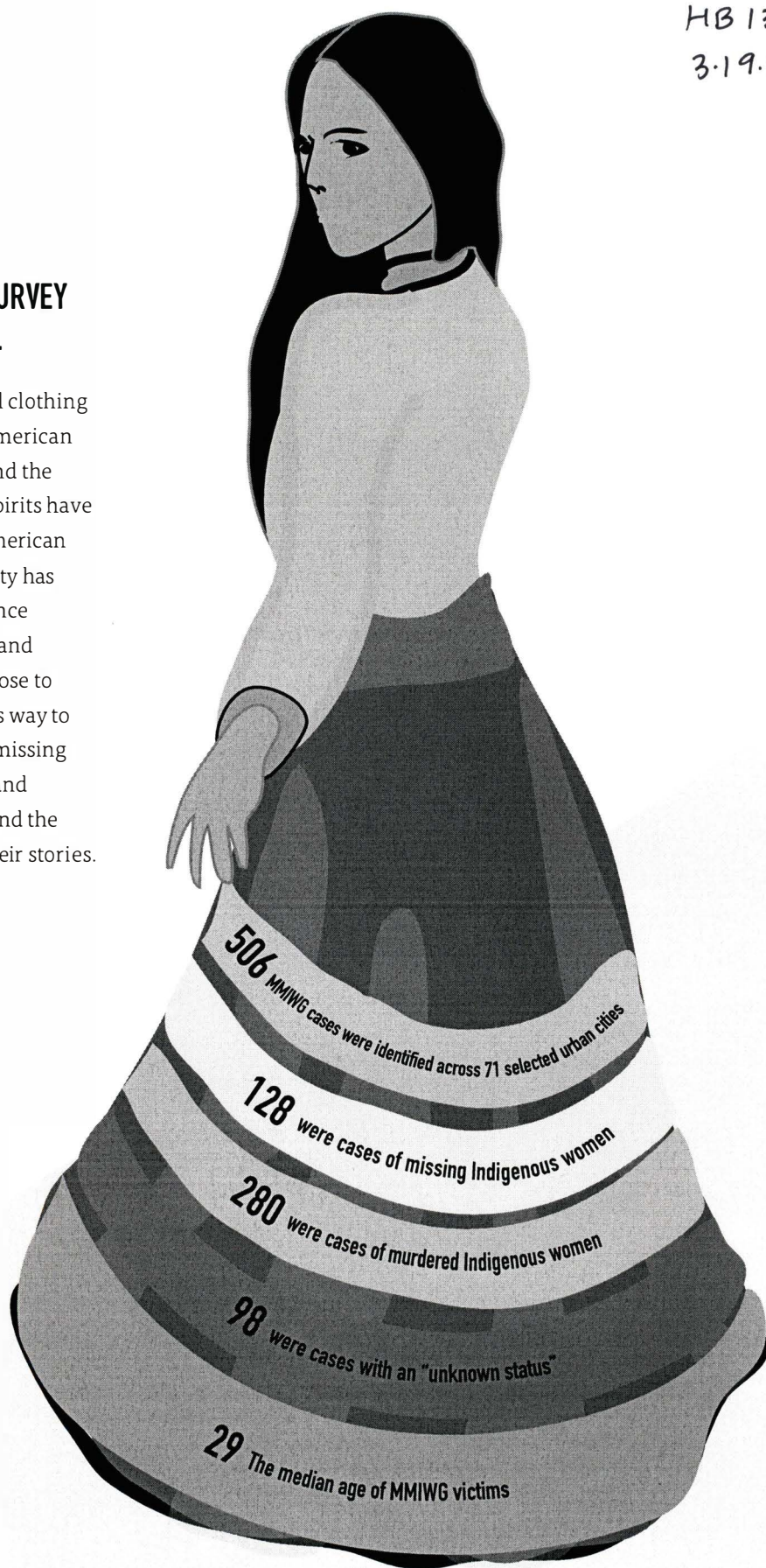
UIHI identified 96 cases that were tied to broader issues such as domestic violence, sexual assault, police brutality, and lack of safety for sex workers. In this report, domestic violence includes intimate partner violence and family violence. Forty-two (8% of all cases) cases were domestic violence related, and 14% of domestic violence fatalities were victims aged 18 and under. Three victims were pregnant at their time of death. At least 25 victims (6% of all cases) experienced sexual assault at the time of disappearance or death, 18 victims (4% of all cases) were identified as sex workers or victims of trafficking, and 39% of victims in the sex trade were sexually assaulted at the time of death. For this report, sexual assault is defined as penetrative and non-penetrative sexual violence and includes victims who were found murdered and left nude. Eight victims were identified as homeless, six were trans-women, and seven were victims of police brutality or death in custody.

UIHI was able to identify the victim’s relationship to the perpetrator in 24 cases; of these, 13 victims were killed by a partner or the partner of an immediate family member, three were killed by an immediate family member, six were killed by a serial killer, and two were killed by a drug dealer. Of the perpetrators UIHI was able to identify, 83% were male and approximately half were non-Native. Thirty-eight of the perpetrators were convicted, while nine were never charged, four were acquitted, one had a mistrial, and one committed suicide. Altogether, 28% of these perpetrators were never found guilty or held accountable. An additional 30 alleged perpetrators have pending charges.

2
HB 1313
3.19.19

MMIWG STATISTICS FROM A SURVEY OF 71 CITIES ACROSS THE U.S.

The ribbon skirt is a form of cultural clothing that represents the sacredness of American Indian and Alaska Native women and the deep connection their bodies and spirits have to the land. Just like a skirt, each American Indian and Alaska Native community has its own beauty and stories of resilience despite multiple ribbons of trauma and violence stacked upon them. We chose to represent the study's findings in this way to honor the sacredness of our urban missing and murdered Indigenous women and girls, the prayers we hold them in, and the responsibility we have to care for their stories.



#2
HB 1313
3-19-19

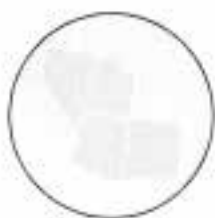
THE INVISIBLE 153

Number of cases
identified by UIHI that
currently **do not exist**
in law enforcement
records.

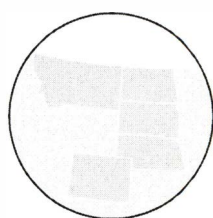
GEOGRAPHY

The 506 cases UIHI identified were dispersed over a wide geographic area. Regionally, the Southwest (157), Northern Plains (101), Pacific Northwest (84), Alaska (52), and California (40) were the areas with the highest number of cases. The cities that figure most prominently in the data are Seattle (45), Albuquerque (37), Anchorage (31), Tucson (31), and Billings (29).

AREAS WITH THE HIGHEST NUMBER OF CASES (BY REGION)



Southwest



Northern Plains



Pacific Northwest



Alaska



California

The states with the highest number of cases are as follows: New Mexico (78), Washington (71), Arizona (54), Alaska (52), Montana (41), California (40), Nebraska (33), Utah (24), Minnesota (20), and Oklahoma (18).

The areas with the largest number of urban cases with an unknown status were Albuquerque (18), San Francisco (16), Omaha (10), and Billings (8). Notably, both Albuquerque and Billings police departments acknowledged FOIA requests but did not provide any records or information or respond to any follow-up,

while the records provided by San Francisco police did not specify the name or status of any victim. Omaha figured prominently in this list because, like many jurisdictions across the country, when a person listed on the Nebraska missing persons database is located, the notice is removed with no public information as to whether they were found safe or deceased. Together, these cities highlight the need for changes to public information systems on missing persons and improvement in cooperation from law enforcement agencies.

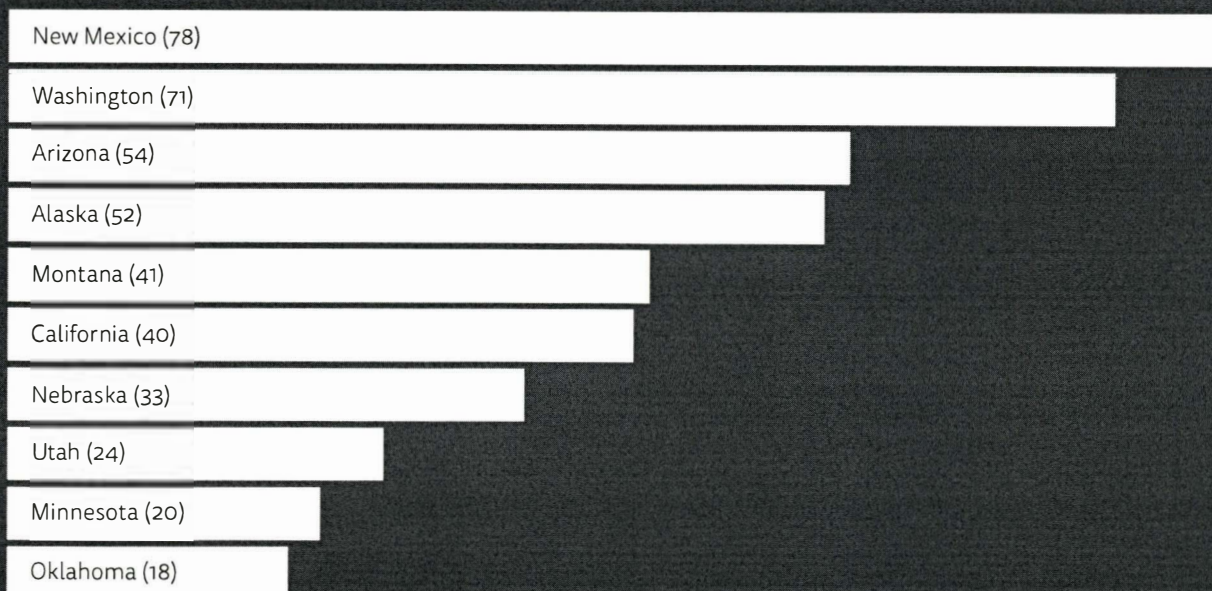
2
HB 1313
3-19-19

TOP 10 CITIES WITH HIGHEST NUMBER OF MMIWG CASES



See Appendix for data from all 71 cities surveyed.

TOP 10 STATES WITH HIGHEST NUMBER OF MMIWG CASES



CHALLENGES AND OBSTACLES IN OBTAINING MMIWG DATA

"Until there is cooperation and better tracking systems at all government levels, the data on missing and murdered Indigenous women will never be 100 percent accurate, which is what we need to strive for in order to protect our mothers, daughters, sisters, and aunties."

- Abigail Echo-Hawk (Pawnee), Director,
Urban Indian Health Institute

ACCESSING LAW ENFORCEMENT DATA

UIHI filed FOIA requests with municipal police departments in all 71 cities included in the survey. In the case of Alaska, UIHI also filed a request with the Alaska Department of Public Safety (DPS) because a case that occurred in a major city was not considered city jurisdiction. To ensure other such cases would be included in the data, a request to DPS was necessary.

Initially, these requests were filed via the agency's online request system, when one existed, and, in cases where there was no such system, via email. Where no online system or email was available, no contact was made. After a significant portion of these initial requests never received a response, UIHI utilized MuckRock, a paid service that assists in FOIA requests, to re-file prior requests and file new requests with agencies that had no online system or email available.

In these requests, UIHI asked for all data on cases of missing persons (unsolved only), homicides, suspicious deaths, and deaths in custody (solved and unsolved) involving an American Indian or Alaska Native victim that was female or identified as a trans-woman/girl.

#2
HB 1313
3-19-19

FOIA RESULTS

Seventy-one city police agencies and one state police agency were surveyed. Forty agencies (56%) provided some level of data. Thirty-three of the 40 (and 46% of all surveyed) actually searched their records, though not all provided comprehensive data. Ten out of the 40 agencies provided data but with a “caveat”, meaning they only confirmed cases UIHI had already logged, provided what they could recall from memory, or gave partial data. Fourteen of the 72 agencies surveyed (20%) did not provide data, and 18 (25%) are still pending. Those combined with the 10 “caveat” cases comprised 59% of all the agencies surveyed. In sum, nearly two-thirds of all agencies surveyed either did not provide data or provided partial data with significant compromises.

Thirteen of the 72 agencies surveyed (18%) did not respond to our FOIA request within the time limit set by local statute, and an additional 12 agencies (17% of all agencies) failed to respond within their local time limit by ignoring the first attempt, but did respond in time when a second request was filed nine months later using MuckRock. Combined, these 25 agencies

“It is unacceptable that law enforcement feel recalling data from memory is an adequate response to a records request. In the one instance where this occurred and the officer searched their records after, several additional cases the officer could not recall were found. This highlights the need for improved records provision standards and shows that the institutional memory of law enforcement is not a reliable or accurate data source.”

- Annita Lucchesi (Southern Cheyenne), PhD-c

71 CITY POLICE DEPARTMENTS AND 1 STATE AGENCY WERE SURVEYED.

OUT OF THOSE:

40 AGENCIES
PROVIDED SOME
LEVEL OF DATA



14 AGENCIES
DID NOT
PROVIDE DATA



18 AGENCIES
STILL HAVE
PENDING FOIA
REQUESTS



as of our cutoff date,
October 15, 2018



Urban Indian
Health Institute
A Division of the Seattle Indian Health Board

Departments like Anchorage and Lincoln demonstrate that it is possible for urban police departments to respond to FOIA requests for such data and that the barriers other agencies have identified are not inherent to law enforcement as a whole.

"Your assertion that we have ignored a similar request from eight months ago is false. Unless you sent your request elsewhere, this is the first time we have seen it."

Chief of Police in Billings, Montana, after receiving a second FOIA request. After receiving screen shots of first request, no further response was given

represent over one-third (35%) of all agencies surveyed. Six agencies never responded to any FOIA requests: Albuquerque, Baltimore, Butte, Reno, San Jose, and Tempe. Sixty agencies (83%) required more than one communication regarding UIHI's request. Of those 60, 29 (40% of all agencies) needed more than two, and 16 (22% of all agencies) needed more than five.

The findings highlight that the FOIA process is, at best, laborious, requiring intensive follow up and resources from the requesting agency. For example, a representative from Juneau Police in Alaska explained that they received UIHI's initial request at the same time as an unaffiliated project at another institution filed a request for data on sexual assault on Alaska Native women. The agency assumed any request on violence against Alaska Native women must have come from the same source, so, when they filled the other institution's request, they closed out UIHI's. Similarly, in an October 2018 phone call, a representative from the Los Angeles Police claimed UIHI's two prior FOIA requests to their agency had been closed out by being lost in the system due to understaffing. They had a backlog of thousands of requests that three staff members were responsible for filling, and many were not answered (as UIHI's first request was) or were rerouted to the wrong agency (as UIHI's second request was). An entire year later, the agency expected UIHI to file a third request and "get back in line."

In another case, the Chief of Police in Billings, Montana, after having received a second FOIA request from UIHI, wrote, "Your assertion that we have ignored a similar request from eight months ago is false. Unless you sent your request elsewhere, this is the first time we have seen it." UIHI responded with screenshots of the initial request and of the automatic email received stating that the request was received and was processing, but UIHI never received any response to the email or to the record request to date.

However, some agencies were helpful and provided case data in a timely manner. For example, a representative from the Anchorage police department was one of the very first to provide comprehensive data on MMIWG cases in their jurisdiction. Not only did they search their records for

cases, they also searched the name of each case UIHI had logged to determine why they may not appear on the department's search results. Similarly, a representative from the Lincoln police department called for clarification of the request to ensure that they were pulling all of the pertinent records. They were very supportive of the project and dedicated hours of research at no cost to provide case data dating back to 1962.

FEES FOR ACCESSING DATA

Thirteen percent of all agencies surveyed charged a fee for accessing data: Fairbanks, Flagstaff, Juneau, Sitka, Kansas City, Ketchikan, Portland, Salt Lake City, Tucson, and Utqiagvik. If UIHI had paid every invoice received, it would have cost \$4,464.48 (not including the cost of the paid service for the FOIA requests). Alaska agencies comprised 93% of the total costs of invoices. The invoices UIHI paid totaled \$68, and, in turn, UIHI received data from three cities, resulting in an additional 51 cases logged. Portland police never provided any data despite their invoice being paid. As a small American Indian and Alaska Native organization with limited resources, UIHI was unable to pay a majority of the fees and thus was unable to access the data.

\$4,464

Total Required Fees
(from 13% of the cities)

\$68

UIHI's Budget
for FOIA Fees

Of the agencies that did provide some kind of data, nine (23%) located data prior to 1990, 18 (45%) located data prior to 2000, and 29 (73%) located data prior to 2010. Accessing historical data was extremely difficult.

FOIA REQUEST TO ALASKA

After UIHI's FOIA request was rejected by the Alaska State Troopers for being too burdensome, an appeal was denied by the Department of Public Safety because they estimated there were between 800 and 1,200 homicides of Alaska Native women since 1940 and it would require too many work hours to complete the request. Using one of the author's connections in Alaska, UIHI received assistance

from a prominent Alaska Native tribal leader, after which the agency offered to provide data only from 2013 to 2018 because those records had been digitized and were searchable. However, UIHI has still not received the data to date.

"[Many] Native Americans adopted Hispanic names back during colonial times...Our crime systems are not flexible enough to pick out Native Americans from others in the system...it would be impossible to compile any statistically relevant information for you."

-Representative from Santa Fe Police Department

"[Regarding the difference] the Homicide unit found that 'N' was being used in the 60s up through the late 70s and early 80s – meant Negro not Native American."

-Representative from Seattle Police Department

"Sometimes the information [on a victim's race] would not be asked and our record system defaults to white."

-Representative from Fargo Police Department

LACKING RECORDS AND RACIAL MISCLASSIFICATION

Nine cities (13% of total) reported the inability to search for American Indian, Native American, or Alaska Native in their data reporting systems despite the common and expected practice of classifying victims by race in data systems. A representative from Santa Fe police wrote, "[Many] Native Americans adopted Hispanic names back during colonial times...Our crime systems are not flexible enough to pick out Native Americans from others in the system...it would be impossible to compile any statistically relevant information for you."

In Seattle, UIHI was initially provided one list then subsequently provided another. Considering they had significant overlap, UIHI asked for an explanation of the difference between the two and were told: "[Regarding the difference] the Homicide unit found that 'N' was being used in the 60s up through the late 70s and early 80s – meant Negro not Native American." However, all of the names that were on the original list—which presumably had both American Indian and Alaska Native and African American names on it—were also on the second list and did not provide any clarification.

Additionally, several police departments provided UIHI with data that included both American Indians and Indian-Americans with visibly Indian-American surnames (e.g. Singh). When asked about this misclassification, a representative from Sacramento police claimed the Indian-American names must be victims who were biracial.

Misclassification can also occur due to lack of recognition of tribal nations. UIHI found that if a woman or girl was killed during the time their tribe was terminated, her citizenship may have never been restored when her nation was re-recognized, and she may have been falsely classified as white—or not racially classified at all—in documentation regarding her case. These cases would not be included in search results constrained to searching for records of Native American females. This is an issue that still impacts contemporary cases involving victims from tribes that are not federally recognized, and lack of recognition is an issue that disproportionately affects urban

Indian communities. For example, Seattle, San Francisco, and Los Angeles each are located on homelands belonging to tribes that are not federally recognized (the Duwamish, Ohlone, and Tongva peoples, respectively). In this way, it is possible that American Indian and Alaska Native women and girls indigenous to the land the city is located on may not even be included in the city's data on American Indian and Alaska Native people, and their deaths and disappearances go uncounted on their own homeland.

UIHI found that it was not just racial categories that held misclassifications. Records obtained from Anchorage police showed that two-thirds of the cases UIHI identified that were not in the data the agency provided were, indeed, in their system, but three cases were misclassified as white, one was classified as a suicide (despite the case having been reopened as a homicide), one was classified

as an overdose when her body had been moved and disposed of suspiciously, and one was not considered as having happened within the city because she had been kidnapped from a bar within the city but killed just outside of it.

Through research methods outside of FOIA requests (government missing persons databases, news reports, social media and advocacy sites, direct contact with families and community members who volunteered info), UIHI found 153 cases that were not in law enforcement records. Of all of the data gathered in the 40 cities where FOIA requests produced results, 42% of the cases were found by UIHI's diligent research and not present in law enforcement data. This 42% was made up of cases from 26 of the 40 cities (65%). The cities where UIHI located the highest number of cases not found in law enforcement records are listed in the table below.

TOP 10 CITIES WITH HIGHEST NUMBER OF MMIWG CASES THAT ARE NOT IN LAW ENFORCEMENT RECORDS

CITY	NUMBER OF CASES
Gallup, NM	20
Billings, MT	17
Omaha, NE	16
Seattle, WA	11
Anchorage, AK	9

CITY	NUMBER OF CASES
Farmington, NM	9
Denver, CO	7
Oklahoma City, OK	7
Rapid City, SD	6
Great Falls, MT	5

URBAN MMIWG IN THE MEDIA

METHODS

UIHI conducted a content analysis of media coverage on MMIWG in the areas covered by the study. The vast majority of coverage on MMIWG, both on individual cases and on the issue overall, was centered on reservation-based violence. Though coverage of reservation-based violence is critical, this bias does work to collectively minimize this issue in urban spaces. It also bolsters stereotypes of American Indian and Alaska Native people as solely living on reservations or in rural areas, perpetuates perceptions of tribal lands as violence-ridden environments, and, ultimately, is representative of an institutional bias of media coverage on this issue. Additionally, media sources have used language that could be perceived as violent and victim-blaming in their coverage of MMIWG cases. This type of coverage can also perpetuate negative stereotypes of American Indian and Alaska Native women and girls, so UIHI also conducted a qualitative analysis to identify this type of language.

UIHI conducted a comprehensive online search for media coverage on all 506 cases represented in the data. Each publicly-available article UIHI found was logged, assessed and coded for the type of language it used, and attributed to the outlet that originally published it.

MORE THAN 95%

of the cases in this study were never covered by national or international media.



FINDINGS

Media Coverage

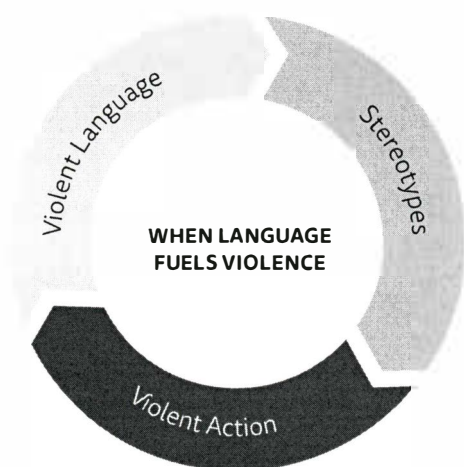
UIHI examined 934 articles, which collectively covered 129 cases out of the 506 represented in the study. One-quarter of the total number of cases were covered by local, regional, or national media. Less than one-fifth of the total number of cases were covered more than once (14%), less than one-tenth were covered more than three times (7%), and less than 5% of cases were covered more than five times. The top ten cases that received the most coverage comprised 62% of all coverage, and 47% of coverage was regarding just one case. Nearly all of the articles UIHI surveyed (91%) regarded a murder case, and 83% of the cases covered by media were murder cases. There were 27 articles printed in national or international media, covering 21 cases.

Violent Language

For the purposes of this analysis, UIHI defined violent language as language that engages in racism or misogyny or racial stereotyping, including references to drugs, alcohol, sex work, gang violence, victim criminal history, victim-blaming, making excuses for the perpetrator, misgendering transgender victims, racial misclassification, false information on cases, not naming the victim, and publishing images/video of the victim's death.

Of the articles analyzed, 46 media outlets had violent language in their coverage, representing nearly a third of all outlets surveyed (31%). Thirty-six media outlets (25%) used violent language in 50% or more of the cases they covered, and 22 (15%) used violent language in 100% of the cases they covered. UIHI identified prevalence of specific types of violent language in the table on the right.

If the case is covered in the media, the language that is used to describe the crime and the victim often causes additional harm. In addition, these findings demonstrate that media outlets are willing to publish a single story on this issue but not commit to sustained coverage on the cases that happen within the geographic areas they cover.



TYPES OF VIOLENT LANGUAGE USED IN ARTICLES

References to drugs or alcohol 38%

Coverage of trans-women victims that misgendered the victim 33%

References to victim's criminal history 31%

References to sex work 11%

Gave false information on the case or did not name the victim 8%

Made excuses for the perpetrator or used victim-blaming language 4%

Showed images or video of victim death 3%



DISCUSSION

This study illustrates the maze of injustice that impacts MMIWG cases and demonstrates how they are made to disappear in life, the media, and in data. UIHI discovered a striking level of inconsistency between community, law enforcement, and media understandings of the magnitude of this violence. If this report demonstrates one powerful conclusion, it is that if we rely solely on law enforcement or media for an awareness or understanding of the issue, we will have a deeply inaccurate picture of the realities, minimizing the extent to which our urban American Indian and Alaska Native sisters experience this violence. This inaccurate picture limits our ability to address this issue at policy, programing, and advocacy levels.

Moreover, many of the reasons commonly attributed to root causes of MMIWG in the media and popular narrative—sex work and domestic violence, for example—are forms of violence that were not prominent in the cases UIHI found, and the geography of this data does not match an assumed perception on where MMIWG cases are more likely to occur. These narratives stress areas like Montana and North Dakota, while minimizing the issue in places like California and Alaska. This study shows these neglected areas need to be at the forefront of the dialogue rather than almost entirely absent from it. Overall, there is a need for more sustained and in-depth research on how and why urban American Indian and Alaska Native women and girls go missing and are killed and enforceable data collection practices for local, state, and federal agencies.

LAW ENFORCEMENT

The challenges and barriers in accessing data on this issue from law enforcement severely impede the ability of communities, tribal nations, and policy makers to make informed decisions on how best to address this violence. This is especially problematic in the case of grassroots organizers, who often serve as informal first responders and service providers for American Indian and Alaska Native women and their families. The average community member does not have thousands of dollars and unlimited time to continue to follow up for this data, and yet they are the entities staffing women's shelters, volunteering in searches, organizing memorials, advocating for policy changes, caring for families, holding ceremonies, fundraising for funerals, and organizing awareness campaigns. This indicates that measures need to be put in place for community access to information on this issue as the FOIA process is far from its democratic intentions.

Additionally, it is alarming that UIHI located records of 153 cases that are not in law enforcement records and that some cities still do not have systems that are searchable by race or include American Indian, Native American, or Alaska Native as categories. Record-keeping protocols must be updated and implemented immediately—no agency can adequately respond to violence it does not track.

More largely, continued research on racial and gender bias in police forces regarding how MMIWG cases are handled needs to occur. It is unacceptable that nearly a third of perpetrators were never held accountable, and the resistance to tracking this data

that UIHI experienced from agency leadership is indicative of larger institutional structural inequity. Ultimately, American Indian and Alaska Native women will continue to go missing and be killed as long as law enforcement does not account for this violence in accurate, meaningful ways and does not bring these cases to justice more consistently.

MEDIA

Based on UIHI's findings, it is clear that media coverage of this issue is extremely uneven, and the vast majority of cases occurring in urban areas are never covered by media at all. Combined with the inaccessibility of law enforcement data, this lack of reporting leads the general public to have an inaccurate understanding of the issue, and over two-thirds of the cases that happen in urban areas are rendered invisible. This not only prevents critical awareness of the issue and is hurtful to victims' families and communities, it limits efforts to engage in cross-cultural community dialogue on how to enhance safety, not just for urban American Indian and Alaska Native women and girls, but for all who live in the cities in which they go missing and are killed.

Similarly, existing media coverage remains deeply biased, and standards and protocols need to be put in place for covering these cases to decrease the amount of violent language used. It is imperative that stories on the violence our urban American Indian and Alaska Native women and girls experience are treated with care and respect. The Native American Journalist Association has created resources to assist reporters in evaluating their stories to determine if they rely on stereotypes; use of resources such as this will assist in decreasing, and ultimately ending, the use of racist, victim-blaming, and criminalizing language.^{xi}

Both the lack of reporting and the bias in existing coverage could be addressed through the presence of more Indigenous staff at media outlets, and efforts to build more substantive relationships with the communities they are reporting (or not reporting) on. In an urban context, these relationship-building opportunities are readily available through urban American Indian and Alaska Native community events, community organizations and programming, and outreach to American Indian and Alaska Native college students pursuing a career in journalism.

THE CHALLENGES AND BARRIERS IN ACCESSING DATA ON THIS ISSUE FROM LAW ENFORCEMENT SEVERELY IMPEDE THE ABILITY OF COMMUNITIES, TRIBAL NATIONS, AND POLICY MAKERS TO MAKE INFORMED DECISIONS ON HOW BEST TO ADDRESS THIS VIOLENCE.



RECOMMENDATIONS

The MMIWG epidemic deeply impacts urban American Indian and Alaska Native communities, and the dialogue must shift to include them. Any policy addressing MMIWG that does not account for the violence urban Native communities experience will not adequately address the issue. This includes the currently proposed Savanna's Act, a federal bill aimed at collecting data on new MMIWG cases. Though it is named after Savanna LaFontaine-Greywind, who was murdered in Fargo, North Dakota (one of the cities included in this survey), presently, it solely asks federal law enforcement to track and report data. Because cases occurring in urban areas are not federal jurisdiction, this means missing and murdered urban Native women and girls, including Savanna herself, would not be included in the data the bill aims to collect. Gaps such as these allow the violence urban Native women and girls experience to continue.

Tribal nations must have the ability to advocate for their citizens living in urban areas when they go missing or are killed. This is a courtesy extended to all other sovereign nations—when a citizen is killed while living or traveling outside the nation of which they are a citizen, the nation is notified of their death and able to advocate for their citizen's case and family. This basic respect must be afforded to tribal nations as well, so they are able to fully practice their inherent sovereignty by advocating for the health and safety of all their citizens, regardless of where they reside. Currently, this courtesy is not extended, and rarely is a tribal nation notified or given access to the data regarding their tribal citizens. The concept of Indigenous Data Sovereignty, which has been

adopted by the National Congress of American Indians in 2018, is defined as the right of a nation to govern the collection, ownership, and application of its own data, including any data collected on its tribal citizens.^{xii} The findings in this report show that racial misclassification and a lack of consistent data collection made for a significant undercount of urban MMIWG cases. Tribal nations should be part of meaningful consultations to ensure proper data collection and sustained access to the data.

Lastly, funding for research that will support effective policy on violence against American Indian and Alaska Native women and girls in urban areas is desperately needed—by mid-October 2018, 76 urban MMIWG cases had already occurred in the year. Despite calls to action from tribal leadership, federal agencies have not been able to conduct a comprehensive study on MMIWG, and a focused study on this violence as it occurs in urban areas has been deemed too difficult to include in a bill like Savanna's Act. However, UIHI completed this study in approximately one year. This demonstrates the deep commitment Indigenous research and epidemiology institutions have in honoring and better understanding the violence our sisters experience. This study shows the importance of creating funding opportunities to support a continuation of this work by the Indigenous institutions who are equipped to take it on in a good way.

*The data collected does not reflect any FOIA responses received after October 15, 2018 nor any community reported instances after that date. UIHI acknowledges that Chicago recently responded to the FOIA with 7 reported homicides, and 4 urban Indigenous women and girls have been murdered and are missing since this date.

The lack of good data and the resulting lack of understanding about the violence perpetrated against urban American Indian and Alaska Native women and girls is appalling and adds to the historical and ongoing trauma American Indian and Alaska Native people have experienced for generations. But the resilience of American Indian and Alaska Native women and girls has sustained our communities for generation after generation. As the life bearers of our communities, they have been integral to holding strong our culture and traditional practices. Bringing to light the stories of these women through data is an integral part of moving toward meaningful change that ends this epidemic of violence. UIHI is taking huge steps to decolonize data by reclaiming the Indigenous values of data collection, analysis, and research, for Indigenous people, by Indigenous people. Our lives depend on it.

END NOTES

¹ National Crime Information Center (2018). Federal Bureau of Investigation.

² Department of Justice (2018). NamUs. Retrieved from <https://www.namus.gov/MissingPersons/Search>

³ Urban Indian Health Institute, Seattle Indian Health Board (2016). Community Health Profile: National Aggregate of Urban Indian Health Program Service Areas.

⁴ Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M & Lanier, C. (2008) Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>

⁵ Norris, T., Vines, P.L. & Hoeffel, E (2012). The American Indian and Alaska Native Population: 2010. U.S. Census Bureau. Retrieved from <https://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>

⁶ U.S. Census Bridged Race Categories (2016). National Center for Health Statistics, Centers for Disease Control and Prevention.

⁷ Omi, M. & Winant, H. (2015) Racial Formation in the U.S. Third Edition. New York: Routledge.

⁸ Robertson, D.L. (2015) "Invisibility in the color-blind era: Examining legitimized racism against indigenous peoples." The American Indian Quarterly 39.2: 113-153.

⁹ Jim, M.A., Arias, E., Seneca D.S., Seneca, D.S., Hoopes, M.J., Jim, C.C., Johnson, N.J. & Wiggins, C.L. (2014). Racial Misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area. American Journal of Public Health. 104 (Supplement 3): S295-S302.

¹⁰ Office of Information Policy, Department of Justice (2017). About FOIA. Retrieved from <https://www.justice.gov/oip/about-foia>.

¹¹ Native American Journalists Association (2018). NAJA AP Style Guide. Retrieved from <https://www.naja.com/resources/naja-ap-style-guide/>

¹² National Congress of American Indians (2018). Support of US Indigenous Data Sovereignty and Inclusion of Tribes in Development of Tribal Data Governance Principles (Resolution #KAN-18-011). Retrieved from http://www.ncai.org/attachments/Resolution_gbuJbEHWPkOgcwCICRtgMJHMsUNofqYvuMSnzLFzOdxBIMIRjij_KAN-18-011%20Final.pdf

Missing & Murdered Indigenous Women & Girls in Pacific Northwest Cities

Spokane

UIHI has recorded 1 case in Spokane--Mary Bercier, who was announced as missing by a relative in 2018.



Seattle

UIHI has recorded 45 cases in Seattle, including Patricia YellowRobe, who was from the Rocky Boy Chippewa-Cree reservation and murdered by a serial killer in 1998, and Sandra Smiscon, Ashton Reyes, Nicole Westbrook, and Eveona Cortez. Representing the Yakama, Tlingit, Navajo, and Blackfeet nations, Sandra, Ashton, Nicole, & Eveona were all randomly killed in acts of gun violence, in 2003, 2012, and 2018.



Portland

UIHI has recorded 6 cases in Portland, including Dusti Grey, who was homeless when she was reported missing in 2017.



Tacoma

UIHI has recorded 25 cases in Tacoma, including Teekah Lewis, who went missing in 1999 at the age of 3, Teresa Davis, missing since 1973, and Jacqueline Salyers, who was a Puyallup tribal member who was pregnant when she was killed by law enforcement in 2016.



This map includes a Coastal-inspired orca design, honoring Tahlequah, a whale from Puget Sound, who the world joined in mourning for her spirit baby for 17 days in 2018. Like Tahlequah, Native mothers remain resilient leaders through the grief of losing their children to colonial violence. This map also includes cedar designs, to honor the prayers we say for these mothers and their babies.



Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Missing & Murdered Indigenous Women & Girls in California Cities

Eureka & Redding

UIHI has recorded 5 cases in Eureka, and 3 in Redding, including Jennika Suazo, a Tolowa high school student who was killed in 2016, and Heather Cameron, a Grand Ronde tribal member and mother of four who was last seen shortly before she made three 911 calls from her abusive ex-boyfriend's phone, saying she had been drugged and kidnapped.



Sacramento

UIHI has recorded 13 cases in Sacramento. None of these were ever reported on by media, so no photos or stories on these 13 stolen sisters are available. 3 remain missing, and 10 were murdered.

San Francisco

UIHI has recorded 17 cases in San Francisco, including Jezeille Murdock, who went missing on her 34th birthday in 2017.



Bakersfield

UIHI has recorded 4 cases in Bakersfield, including Peggy Humber, a 44-year-old woman missing since 2000.



San Diego

UIHI has recorded one case in San Diego--Linda Hewitt, murdered in 1978. No photo of Linda or information on her story is available.

UIHI has recorded a total of 41 cases of missing and murdered indigenous women and girls in cities across California. This map includes a design inspired by California tribal basket designs, with abalone components to honor the Yurok story of Abalone Woman, who was killed by her love, Dentalium Man, and became the beautiful shell that indigenous peoples across the continent admire and pray with.

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Utqiagvik

UIHI has recorded 1 case in Utqiagvik--Nancy Brower, a 15-year-old high school student raped and murdered in 2002.

In 2018, UIHI filed a FOIA request to the Alaska State Troopers, for information on the number of MMIWG in the state. They estimated there are between 800 to 1,200 homicides of Alaska Native women in their records since 1940, but said the agency does not have the time to pull them. This map has over 1,200 feathers on it, to honor each of those files UIHI could not access. This map also honors the connection our stolen sisters have to our communities and the land, with Alaska-style forget-me-not beadwork designs.

Bethel

UIHI has recorded 8 cases in Bethel, including Stella Evon, a 17-year-old Yup'ik girl missing since 1996, and Sandra Frye, a 26-year-old mother of four found murdered in 2017.

Fairbanks

UIHI has recorded 6 cases in Fairbanks, including Sophie Sergie, a 20-year-old aspiring marine biologist, who was found raped and shot in a bathtub in a University of Alaska dorm in 1993.

Missing & Murdered Indigenous Women & Girls in Alaskan Cities

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

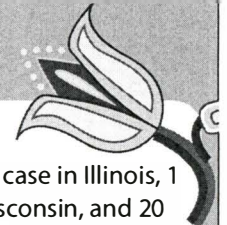
Juneau & Ketchikan

UIHI has recorded 3 cases each in Juneau and Ketchikan, including LoriDee Wilson, a Yup'ik mother of three missing since 2016, and Angeline Dundas, a 34-year-old woman, whose body was pulled from the Tongass Narrows in 2015, within 24 hours of seeking help at a local women's shelter.

Anchorage

UIHI has recorded 31 cases in Anchorage, including Annie Mann, Vera Hapoff, Della Brown, and Genevieve Tetpon, 4 of at least 10 murders of Native women in the span of a few years. Many of these cases remain unsolved, including Annie and Vera's.

Missing & Murdered Indigenous Women & Girls in Northern Plains & Great Lakes Cities



Great Lakes

UIHI has recorded 1 case in Illinois, 1 in Michigan, 6 in Wisconsin, and 20 in Minnesota, including 25-year-old Ojibwe woman Tess White, who was pregnant when she was tortured and killed in 2016.

Dakotas

UIHI has recorded 2 cases in Fargo, 1 in Pierre, 8 in Rapid City, & 4 in Sioux Falls, including Cari Black Elk-Cline, Alicia Jumping Eagle, Deziree Martinez, & Jamie Wounded Arrow, who were each killed in 2017.

Montana

UIHI has recorded 29 cases in Billings, 5 in Great Falls, 3 in Helena, & 4 in Missoula, including Almeda Old Crane, a Crow mother who was found raped and killed after her husband went to prison for killing the man who raped her in 1981.



Colorado

UIHI has recorded 12 cases in Denver, including Dawn DeHerrera, a sex worker and advocate for the homeless who was found killed in a massage parlor in 2003.

Nebraska

UIHI has recorded 9 cases in Lincoln, and 24 cases in Omaha, including Barbara Gonzales, murdered by her partner's nephew in 2010, and Rose Fields, who was known to be homeless and went missing in 2000.

This map includes floral designs inspired by Anishinaabe-style beadwork, and the silhouette of a deer, to honor the story of Deer Woman, who some Plains tribes say protects women and girls by punishing men who abuse them. In researching a case represented on this map, a seemingly unrelated article on the rare sighting of a white doe appeared the same week a Native woman's killers pled guilty--a powerful reminder of Deer Woman's presence.

Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.

Salt Lake City

UIHI has recorded 24 cases in Salt Lake City, including Deborah Haudley, who was living at a motel with her partner when he killed her in 2010.



Flagstaff

UIHI has recorded 6 cases in Flagstaff, including Nicole Joe, who was beaten by her partner and left outside in the cold, and died on Christmas Day in 2017.



Gallup

UIHI has recorded 25 cases in Gallup, including high school student Colleen Lincoln, who was beaten to death and burned two days before Christmas in 2010.



Farmington

UIHI has recorded 10 cases in Farmington, including Vanessa Tsosie, whose only photo circulated was the shoes she was wearing at time of death.



Santa Fe

UIHI has recorded 6 cases in Santa Fe, including Navajo woman Melissa Tsosie, who was killed in a homeless encampment in 2015.



Phoenix & Tempe

UIHI has recorded 14 cases in Phoenix, 3 in Tempe, and 4 in Tucson, including Jade Velasquez, who was killed by a serial killer in 2003, a 15-year-old Jane Doe found in 2002.

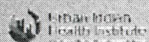


Tucson

UIHI has recorded 31 cases in Tucson, including Mia Henderson, a Navajo college student murdered in 2007.



Notes: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases in this report have occurred since 2000. All MMIWG photos are sourced from public media.



Missing & Murdered Indigenous Women & Girls in Southwest Cities

Albuquerque

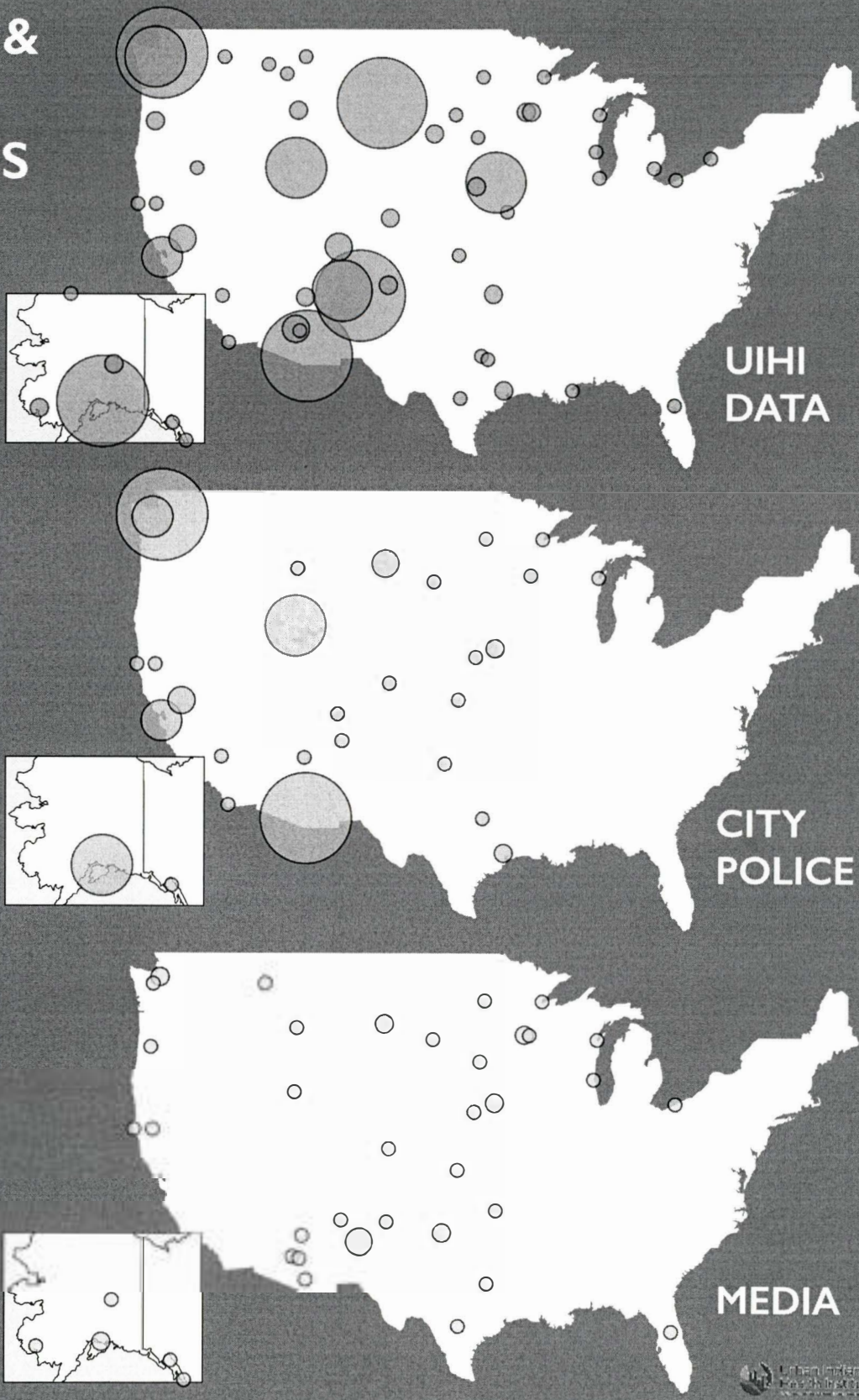
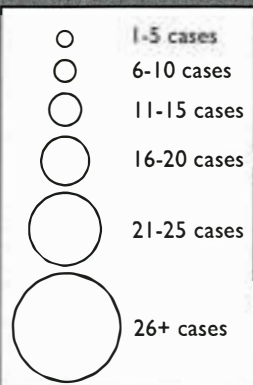
UIHI has recorded 37 cases in Albuquerque, including Terri Benally, Kelly Watson, & Ryan Hoskie, 3 Navajo trans-women killed from 2004-2009. No photos of them were published.

This map includes a design inspired by Southwestern weaving traditions, and images of corn, to honor the cultural and ceremonial uses of corn in the Southwest, and its ties to stories of the sacredness of women.

MISSING & MURDERED INDIGENOUS WOMEN & GIRLS IN MAJOR US CITIES

No agency has comprehensive data on the true number of missing and murdered indigenous women and girls, and that further research is needed. A challenge in researching this violence is the drastically different information each source has. On this map, we compare UIHI data to data obtained from FOIA requests to municipal police departments, and to data on which cases from those sources were covered by media. This comparison highlights the gaps and disconnects between community, law enforcement, and media awareness of urban MMIW cases.

Note: data ranges from 1943 to 2018, but due to challenges in collecting data on historical cases, approximately 80% of the cases shown here have occurred since 2000.



2
HB 1313
3.19.19

APPENDIX

CITY	MISSING	MURDERED	UNKNOWN	TOTAL	CITY	MISSING	MURDERED	UNKNOWN	TOTAL
Akron, OH	0	0	0	0	Los Angeles, CA	0	0	0	0
Albuquerque, NM	3	16	18	37	Milwaukee, WI	1	2	0	3
Anchorage, AK	3	27	1	31	Minneapolis, MN	2	7	0	9
Arlington, TX	1	0	0	1	Missoula, MT	1	1	2	4
Bakersfield, CA	1	3	0	4	New Orleans, LA	1	0	0	1
Baltimore, MD	0	1	0	1	Oakland, CA	0	0	0	0
Bethel, AK	1	3	4	8	Oklahoma City, OK	2	7	1	10
Billings, MT	5	16	8	29	Omaha, NE	11	3	10	24
Bismarck, ND	0	0	0	0	Orlando, FL	0	2	0	2
Boston, MA	0	0	0	0	Phoenix, AZ	8	6	0	14
Buffalo, NY	1	0	1	2	Pierre, SD	1	0	0	1
Butte, MT	0	0	0	0	Portland, OR	4	0	2	6
Chicago, IL	0	0	1	1	Rapid City, SD	3	5	0	8
Cleveland, OH	1	1	0	2	Redding, CA	2	1	0	3
Dallas, TX	1	1	0	2	Reno, NV	0	0	1	1
Denver, CO	1	8	3	12	Sacramento, CA	3	10	0	13
Detroit, MI	1	0	0	1	Salt Lake City, UT	1	22	1	24
Duluth, MN	1	3	0	4	San Antonio, TX	1	0	0	1
Eureka, CA	3	2	0	5	San Diego, CA	0	1	0	1
Fairbanks, AK	3	3	0	6	San Francisco, CA	1	0	16	17
Fargo, ND	0	2	0	2	San Jose, CA	0	0	0	0
Farmington, NM	3	3	4	10	Santa Barbara, CA	0	0	0	0
Flagstaff, AZ	0	7	0	7	Santa Fe, NM	2	1	3	6
Fountain Valley, CA	0	0	0	0	Seattle, WA	7	38	0	45
Fresno, CA	0	0	0	0	Sioux Falls, SD	0	4	0	4
Gallup, NM	12	9	4	25	Sitka, AK	0	0	0	0
Great Falls, MT	2	0	3	5	Spokane, WA	0	0	1	1
Green Bay, WI	0	3	0	3	St. Louis, MO	0	0	0	0
Helena, MT	0	0	3	3	St. Paul, MN	4	3	0	7
Houston, TX	6	1	0	7	Tacoma, WA	13	10	2	25
Idaho Falls, ID	2	2	3	7	Tempe, AZ	0	2	1	3
Indianapolis, IN	0	0	0	0	Tucson, AZ	1	30	0	31
Juneau, AK	2	1	0	3	Tulsa, OK	4	1	3	8
Kansas City, MO	0	1	0	1	Utqiagvik, AK	0	1	0	1
Ketchikan, AK	0	3	0	3	Wichita, KS	0	2	0	2
Lincoln, NE	2	5	2	9	TOTAL	128	280	98	506

#2
HB 1313
3.19.19



**Urban Indian
Health Institute**
A Division of the Seattle Indian Health Board

Annita Lucchesi (Southern Cheyenne), PhD-c

Abigail Echo-Hawk (Pawnee), MA

Chief Research Officer, Seattle Indian Health Board

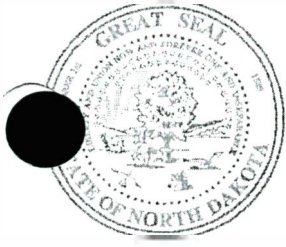
Director, Urban Indian Health Institute

info@uihi.org

206-812-3030

Partial funding for this report was provided by the Indian Health Service Division of Epidemiology and Disease Prevention, grant #HHS-2016-IHS-EPI-0001. The report contents are solely the responsibility of the authors and do not necessarily represent the official views of the Indian Health Service.

Image credit: U.S. map by Theshibboleth [GFDL (<http://www.gnu.org/copyleft/fdl.html>) or CC-BY-SA-3.0 (<http://creativecommons.org/licenses/by-sa/3.0/>)], via Wikimedia Commons



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative
Ruth Buffalo
District 27
P.O. Box 9763
Fargo, ND 58106-9763
C: 701-491-8175
rbuffalo@nd.gov

Committees:
ture

March 26, 2019

HB 1313
3-26-19
#1
p1

Chair Holmberg and Senate Appropriations Committee,

My name is Ruth Buffalo and I represent District 27 in south Fargo. HB 1313 would create a state repository for missing persons, this bill includes a \$75,000 fiscal note to update the Criminal Justice Information System software within the Attorney General's office. This \$75,000 is needed to start the state repository for missing persons which will include different groups such as the Indigenous population.

In addition, the bill will address the need for accuracy in data collection of missing and murdered Indigenous people. According to the Urban Indian Health Institute's report on Missing and Murdered Indigenous Women & Girls, 71% of American Indians/Alaska Native live in urban and non-reservation areas¹. The issue of missing and murdered Indigenous women and girls (MMIWG) is a nationwide crisis, but it is also a nationwide data crisis. The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, with only 116 cases logged in the U.S. Department of Justice federal missing persons database.

As a public health professional and researcher, I know data tells a story. Without data, there is no clear evidence that a problem exists. Therefore, it is essential for accurate data reporting and swift action taken by authorities when people go missing. The dearth of accurate reporting data in the countless cases of missing and murdered Indigenous people, in essence, pours fuel onto an already blazing fire. Hundreds of communities hold stories of truth from generation to generation. Our communities know which relatives have yet to return to their families. We must help them tell those stories, by giving them the tools and resources to do so, and eventually, bring the lost one's home.

Please give a do pass recommendation for HB 1313. Thank you, Chair Holmberg and members of the Senate Appropriations Committee. I will stand for any questions.

¹ Lucchesi, A., & Echo-Hawk, A. (2018, November 14). *Missing and Murdered Indigenous Women & Girls* (Rep.). Retrieved <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

p1