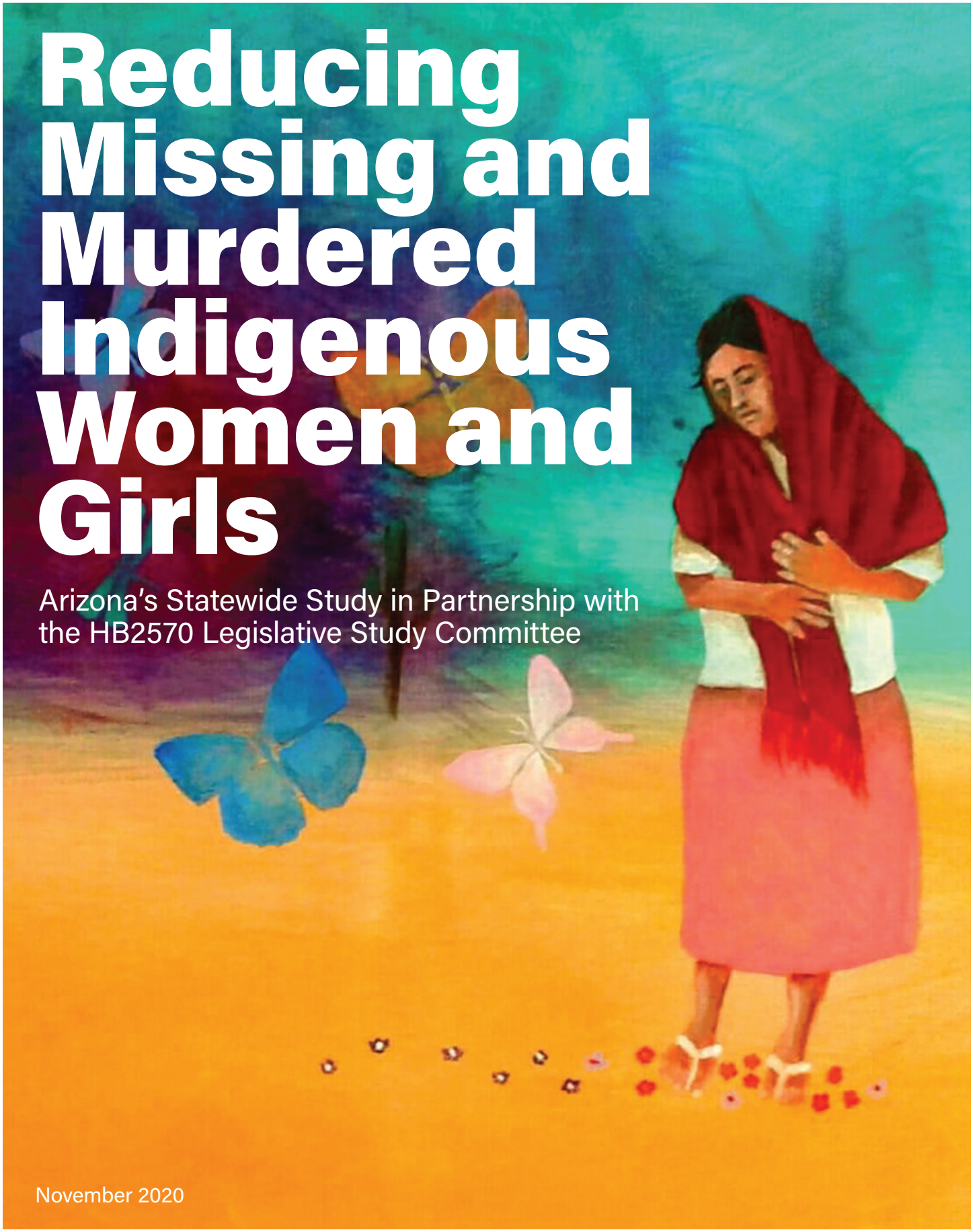
# Reducing Missing and Murdered Indigenous Women and Girls



Arizona's Statewide Study in Partnership with the HB2570 Legislative Study Committee

November 2020

# Reducing Missing and Murdered Indigenous Women and Girls:

## Arizona's Statewide Study in Partnership with the HB2570 Legislative Study Committee

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**COVER ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui), "Spirit flows"

**Research on Violent Victimization Lab**
a unit of the
School of Criminology and Criminal Justice
Arizona State University

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui), " Resilience, strength and heart " 20" x 40 " canvas,

**"Our matriarchs in our communities are disempowered. They're the voices and the community builders in our community. They often times are voiceless because the people that are expected to speak for the community are the men, but remember we are a matriarchal community in [this Tribe]. So, to empower these women means creating safer communities and enabling that safety means allowing them to speak."**

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# LIST OF ACRONYMS

**ASRE:** Age, Sex, Race, and Ethnicity

**ASU:** Arizona State University

**CDC:** Centers for Disease Control and Prevention

**CJIC:** Criminal Justice Information Services

**DOI:** Department of the Interior

**FBI:** Federal Bureau of Investigation

**HB2570:** House Bill 2570

**ICPSR:** Interuniversity Consortium for Political and Social Research

**IPV:** Intimate Partner Violence

**JFNW:** Justice for Native Women

**LGBTQ+/2S:** Lesbian, Gay, Bisexual, Trans, Queer, plus all other gender and sexual identities and Two-Spirited. A term used to identify someone within the Indigenous community who identifies as having both a feminine and masculine spirit.

**MPD:** Mammoth Police Department

**MMIP:** Missing and Murdered Indigenous People

**MMIW:** Missing and Murdered Indigenous Women

**MMIWG:** Missing and Murdered Indigenous Women and Girls

**MOU:** Memorandum of understanding

**MMDR:** Missing and Murdered Diné Relatives Forum

**MSA:** Metropolitan statistical area

**NAMUS:** National Missing and Unidentified Persons System

**NCAI:** National Congress of American Indians

**NCIC:** National Crime Information Center

**NCMEC:** National Center for Missing and Exploited Children

**NIBRS:** National Incident-Based Reporting System

**NIJ:** National Institute of Justice

**OAIP:** Office of American Indian Projects

**PTSD:** Post-traumatic stress disorder

**ROVV:** Research on Violent Victimization

**SART:** Sexual Assault Response Teams

**SHR:** Supplemental Homicide Reports

**TAP:** Tribal Access Program

**UCR:** Uniform Crime Reporting

**UIHI:** Urban Indian Health Institute

**VAWA:** Violence Against Women's Act

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# Forward by State Representative Jennifer Jermaine (White Earth Ojibwe), District 18

Missing and Murdered Indigenous Women and Girls is a complex problem that spans many jurisdictions, but when you overlay the history of Indigenous Peoples and the matrilineal nature of Indigenous communities, the problem takes on a new meaning.

Often when an individual disappears and is found murdered, it affects the entire family and Clan structure for generations. The children often end up in the Indian Child Welfare and Child Protective Services Systems. Prior to the establishment of the Indian Child Welfare Act[1] in 1978, children were separated from their Tribes and placed with non-Native families or in Native American Boarding School[2]. This is what happened to my family.

My Grandfather lost both of his parents at age 10. His Mother died of natural causes, but his Father disappeared with no explanation - and because it was the 1930s and he was Ojibwe – there was no law enforcement investigation. My Grandfather ended up in the Native American Boarding School system where he became disconnected from his heritage and his language. Pivotal decisions that my Grandfather made throughout his adult life, tied back to his experience at age 10. He volunteered for the U.S. Navy upon graduating and served for five years in the South Pacific during World War II. In the 1950s, he used the Indian Relocation Act[3] to move his family from the White Earth Nation[4] in Minnesota to the Los Angeles, California area. Both my Father and I grew up in big cities with little connection to our Indigenous roots. In 2005, after searching for more than 50 years, my Grandfather finally

1 https://www.nicwa.org/about-icwa/

2 https://boardingschoolhealing.org/education/us-indian-boarding-school-history/

3 https://www.govinfo.gov/content/pkg/STATUTE-70/pdf/STATUTE-70-Pg986.pdf

4 https://whiteearth.com/home

received some closure when he found his Father's remains. Forensics revealed that he had been deceased since the mid-1930s. The effects that rippled through three generations of my family, from the initial missing person, is what is referred to as intergenerational trauma.[5] Many families are not given any closure or the ability to properly bury a loved one.

The experience of my family and all of the other families is what drives my passion to shine a light on the law enforcement and prosecution gaps between jurisdictions and to reform the services available for victims and surviving family members. I was honored to be able to sponsor the legislation[6] to study the issue of Missing and Murdered Indigenous Women and Girls in the Arizona Legislature and to Chair the Study Committee that it established.

The Study Committee and I are pleased to partner with Arizona State University (ASU) on our Missing and Murdered Indigenous Women and Girls work. ASU is the ideal partner for this work. ASU is committed to engaging in positive partnerships with Native American communities. The scholars we partnered with at ASU have the training, expertise, and cultural competency needed to examine Missing and Murdered Indigenous Women and Girls. Dr. Kathleen (Kate) Fox is a trusted ally who has mobilized a large and diverse team of Native and non-Native scholars, students, and community partners who have all joined together with a common goal: To end Missing and Murdered Indigenous Women and Girls. We acknowledge the hard work and dedication of ASU's Research on Violent Victimization lab (Dr. Kate Fox, Kayleigh Stanek, Sara Julian, Michelle Hovel of the Navajo Nation, Cheston Dalangyawma of Hopi Tribe, Hilary Edwards of the Swinomish Indian Tribal Community, and Morgan Eaton); the Office of American Indian Projects (Chris Sharp of the Colorado River Indian Tribes, and Turquoise Devereaux of the Salish and Blackfeet); the American Indian Policy Institute (Dr. Traci Morris of the Chickasaw Nation of Oklahoma); the American Indian Initiatives (Jacob Moore of the Tohono O'odham Nation, Akimel O'odham, Lakota, Dakota; and Dr. Bryan Brayboy); the Office of Sex Trafficking Intervention Research (Dr. Dominique Roe-Sepowitz) and the Academy For Justice (Dawn Walton and Professor Valena Beety). Thank you to all at ASU who contributed and continue to strive toward ending Missing and Murdered Indigenous Women and Girls (MMIWG). We also recognize the contributions of Valaura Imus-Nahsonhoya (Hopi Tribe and Executive Director and Founder of Honwungsi Consulting Services, LLC), Hallie Bongar White (Executive Director of the Southwest Center for Law and Policy), and Mak Mars (Oneida Nation of Wisconsin and Fond Du Lac Ojibwe).

The partnership with ASU School of Criminology and Criminal Justice[7] and Honwungsi Consulting Services, LLC[8] will continue working on this topic through 2023 with the opportunity to extend beyond that.

Our work on this topic does not end with this report. This is only the beginning. The Study Committee will use the findings and data in this report to identify administrative and legislative action needed to help prevent future abductions and murders of Indigenous Women and Girls in Arizona. We dedicate this report to the lives lost and the Tribes who have inhabited this land for time immemorial. It is our hope and expectation that this continued work will save lives.

5 American Psychological Association, The legacy of trauma (February 2019), https://www.apa.org/monitor/2019/02/legacy-trauma

6 Establishing a Study Committee on Missing and Murdered Indigenous Women and Girls, H.B. 2570, 54th Leg., 1st Sess. Ch. 232 (A.Z. 2019). https://www.azleg.gov/legtext/54leg/1R/laws/0232.pdf

7 "School of Criminology and Criminal Justice," Arizona State University, Accessed September 14, 2020, https://ccj.asu.edu/

8 Honwungsi Consulting Services, LLC, 2019, "Honwungsi Consulting Services, LLC," Facebook, October 19, 2019, https://www.facebook.com/Honwungsi-Consulting-Services-LLC-104500244308448/

# Acknowledgements

## from Indigenous Team Members of the Research on Violent Victimization Lab


**TURQUOISE SKYE DEVEREAUX (SALISH/BLACKFEET):**

I would like to acknowledge the lives of the Matriarchs of our Indigenous communities that have been lost but never forgotten. You continue to carry us through this physical world with your courageous, unwavering spirits. I would also like to acknowledge the Indigenous grassroots organizations and individuals who work so diligently to bring justice to families and communities, as we continue to be impacted by the grief for our women and girls. They have taught us ways to protect and advocate for our most sacred leaders of our Indigenous communities.

**CHESTON DALANGYAWMA (HOPI):**

I would like to acknowledge that Missing and Murdered Indigenous Women and Girls (MMIWG) is not a contemporary issue rather an issue that has been overlooked for centuries. I would like to express my gratitude to Dr. Kate Fox in extending the opportunity to be a contributing member of her team. I hope that my contributions to this project will be beneficial to creating effective policies in the documentation, understanding and the reduction of missing and murdered individuals no matter what their gender, race, or ethnicity.

**CHRIS SHARP (MOHAVE FROM COLORADO RIVER INDIAN TRIBES)**
Director of the Office of American Indian Projects within the ASU School of Social Work**:**

Thank you to the entire Study Committee and the advocates that moved this legislation to become a reality. I want to acknowledge Kate Fox, the entire research team and our Indigenous scholars who put their hearts into this project. Thanks for allowing me to be a part of this initial step on the journey to raising awareness and addressing the MMIWG problem. I want to acknowledge that MMIWG is not new and took roots in the first encounters with the Columbus voyage and subsequent attempts to subdue and colonize Indigenous Peoples. I acknowledge all of those ancestor women and girls that were murdered or went missing, they are unnamed but not forgotten. By acknowledgment we can take the next step toward healing. Meaningful acknowledgment requires action as a society to prevent and end MMIWG. I would like to acknowledge all of those families that have been impacted by MMIWG, please know that this work will continue, you are always in our minds as we do this work, and you will not be forgotten.

**MICHELLE HOVEL (NAVAJO NATION):**

I am an enrolled member of the Diné Nation (Navajo Nation). My Diné heritage and lineage fully link to the Tséńjíkiní (Honey Combed Rock People) clan, who amazingly still reside on their Diné homeland in northern Arizona. I want to acknowledge the strength and endurance of my Diné ancestors for overcoming the continual enforcement of their colonizers' government policies used as campaigns to assimilate or abate them [(e.g., the Long Walk of the Navajo in 1864 and the compulsory attendance of government-sponsored "assimilation" boarding school (1800 - 1900)]. Today, my Diné ancestors' unrelenting resilience allows me to embrace the beauty of the Diné culture and gives me the strength to navigate the modern world. I want to thank Dr. Kate Fox, Ph.D., and the School of Criminology and Criminal Justice at Arizona State University for allowing me to participate in the research project focusing on the epidemic of Missing and Murdered Indigenous Women and Girls (MMIWG). During the time spent working on the research project, I was firmly committed to compiling much research data that would contribute (figurative) in giving the Indigenous women and girls, who are still missing or who were murdered, a voice in bringing national attention to the epidemic of MMIWG.

# Acknowledgements

## from the Authors

Preventing MMIWG is achievable. The problem of MMIWG is not a reflection of Indigenous Peoples or communities. Instead, MMIWG is a reflection of colonization, genocide, oppression and violence perpetuated against Indigenous Peoples for generations. This moment in time reflects an opportunity to look to Indigenous communities to find solutions. Indigenous Peoples are resilient and know how to support and heal each other. Non-Indigenous people play an important role in reducing MMIWG by supporting Indigenous Peoples and policies, learning to be good allies, sharing tools, including Indigenous Peoples where discussions and decisions are being made about Indigenous communities, and learning about Indigenous history and culture.

The MMIWG work presented in this report is based on the efforts, skills, and collaborations of many Indigenous and non-Indigenous people. Our Indigenous team members contributed immensely to this work, especially in terms of grounding this work in Indigenous knowledge and culture. The non-Indigenous among us are committed to being good allies and learning to be even better ones. Our entire team recognizes that being trusted with MMIWG work is a tremendous responsibility, and one that we approach with respect, cultural humility, inclusivity, and an awareness of systemic racism and power dynamics. While this work has been emotionally difficult for us all, it is important to acknowledge that MMIWG impacts our Indigenous team members, many of whom have a deeper knowledge of and experience with MMIWG, and this makes this work even more difficult. Our diverse team worked together effectively and built capacity in young researchers. We carried out this MMIWG work with very limited resources, which speaks to the energy and dedication to the mission of improving the lives and safety of Indigenous Peoples.

This project was carried out under the guidance of Chris Sharp (Colorado River Indian Tribes), Director of Arizona State University's (ASU) Office of American Indian Projects (OAIP) and Turquoise Devereaux (Salish and Blackfeet), OAIP Project Coordinator and co-owner of Indigenous Community Collaborative. Chris and Turquoise, you both provided incredibly meaningful advice, friendship, support, and perspective and have shaped this project and our team in such impactful and positive ways. We also owe many thanks to Kayleigh Stanek (PhD student in Criminology & Criminal Justice) and Sara Julian (Institute for Justice Research and Development Law and Policy Fellow) for your long-term commitment to this project, for your creative ideas and thoughtfulness, and for all of your tireless efforts to ensure that our work is of high-quality. We are very thankful to the Indigenous ASU students and members of the Arizona State University Research on Violent Victimization (ROVV) lab, including Michelle Hovel (Navajo Nation), Cheston Dalangyawma (Hopi Tribe), and Hilary Edwards (Swinomish Indian Tribal Community). Your voices shine bright in this report and made our work more grounded, thoughtful, genuine, and strong. Dr. Kate Fox (Director of ROVV) organized our team and provided leadership, research expertise, and vision for our MMIWG work.

Thank you to our Arizona State University (ASU) and community partners, including Dr. Traci Morris (Chickasaw Nation of Oklahoma) who is Director of the ASU American Indian Policy Institute, Jacob Moore (Tohono O'odham Nation, Akimel O'odham, Lakota, Dakota) who is the ASU Assistant Vice-President of Tribal Relations, and Dr. Dominique Roe-Sepowitz who is Director of the ASU Sex Trafficking Intervention Research office. We value your support, expertise, advice, and partnership – and your guidance has considerably strengthened and informed this work. Thank you, Hallie Bongar White, who is Executive Director of the Southwest Center for Law and Policy, for your encouragement, support, positivity, and partnership. Thank you, Mak Mars (Oneida Nation of Wisconsin and Fond Du Lac Ojibwe), who is the founder of Justice for Native Women, for allowing us the privilege and honor of incorporating into our study your data – which took years of difficult and time-consuming investigative work. We also owe many thanks to Dr. James Alan Fox (Northeastern University) for providing data and Dr. Alyssa Chamberlain (Arizona State University) for creating the maps presented in our report.

This project became a reality because of inspiration and encouragement from Dr. Michael Crow (President of Arizona State University [ASU]), Dr. Jonathan Koppell

(Dean of the ASU Watts College for Public Service and Community Solutions), and Dr. Jon Gould (Director of the ASU School of Criminology and Criminal Justice). In 2015, President Michael Crow encouraged the ASU community to "seek to embrace our place, connect with Tribal communities…and integrate Indigenous knowledge and engage Indigenous issues globally."[9] That compelling statement motivated our partnership with Indigenous communities, and this became a reality with the support, time, and guidance provided by Dean Koppell and Director Gould. We thank you.

To State House of Representatives Jennifer Jermaine (White Earth Ojibwe) and the MMIWG Study Committee: We humbly thank you for your time, trust, patience, wisdom, advice, and partnership. Representative Jermaine, your strong leadership has woven together all of the people and communities in a way that honors and respects the many perspectives, cultures, and values that impact – and are impacted by – MMIWG. Thank you, Rep. Jermaine, for the opportunity to partner with you and the Study Committee. We also owe many thanks to Debbie Nez-Manuel (Navajo Nation), for your generosity, inspiration, and calming influence. And we are grateful and appreciative of Valaura Imus-Nahsonhoya (Hopi Tribe), who serves as the Tribal Liaison and Study Coordinator, for your guidance, expertise, and kindness. We wish to acknowledge the entire MMIWG Study Committee and especially the Data Sharing Subcommittee (chaired by Debbie Nez-Manuel) who we had the pleasure of getting to know more closely, including Patricia Hibbeler (Salish/Kootenai) who is CEO of the Phoenix Indian Center, April Ignacio (Tohono O'odham Nation) who is Founder of Indivisible Tohono, Honorable Alfred Urbina (Pascua Yaqui Tribe) who is Associate Judge for Pascua Yaqui Courts, Blaine Gadow who is Arizona Assistant Attorney General, and Dmitri W. Gonzales who is a Lieutenant for Maricopa County Sheriff's Office, Major Crimes Division. We also wish to acknowledge and thank the Study Committee legislative staff, Tracy Lopes (Arizona House of Representatives Policy Advisor), Rhonda Barnes (General Council), and Ingrid Garvey (Research Staff), for your time, support, and guidance. And all of these partnerships were made possible thanks to the support of Serena Denetsosie (Navajo Nation). Serena, thank you so much for your friendship, encouragement, and teachings.

We also received support and solidarity from Dr. Bryan Brayboy (ASU's Special Advisor to the President on American Indian Affairs), Dawn Walton (Executive Director of ASU's Academy For Justice), Professor Valena Beety (Deputy Director of ASU's Academy For Justice), AmeriCorps, Florida State University Institute for Justice Research and Development, Ynez Chacon (Tohono O'odham/Chicanx), Brianna Minjarez, Gabriel Alvarez, Gregg Martinez, Carmen Tsosie (Navajo Nation), Brian Skeet (Navajo Nation) for graphic design, Abel Ochoa (Pascua Yaqui) and Benjamin Timpson for artwork. Thank you.

We acknowledge all of the Indigenous Peoples who have lost their lives and to the families, communities, and entire Tribal Nations who have been impacted by missing and murdered Indigenous Peoples (MMIP). We also acknowledge Pamela Foster, mother of Ashlynne Mike, who fought in her daughter's memory for the Ashlynne Mike AMBER Alert in Indian Country Act of 2018. This project is a step forward toward reducing MMIWG and MMIP. There is much work left to do toward the goal of improving the lives and safety of Indigenous Peoples, and so our work will continue.

9 President Michael Crow. ASU Commitment to American Indian Tribes. (Phoenix: Office of the President, Arizona State University, 2015) Available electronically at: https://americanindianaffairs.asu.edu/Tribal%20relations/office-president

# Arizona State University Commitment to American Indian Tribes

**BY MICHAEL CROW,**
ARIZONA STATE UNIVERSITY (ASU) PRESIDENT[10]

August 31, 2015

Arizona State University is located in Indian Country; there are 22 tribal nations in Arizona. The Tempe campus sits on the ancestral homelands of those American Indian tribes that have inhabited this place for centuries, including the Akimel O'odham (Pima) and Pee Posh (Maricopa) peoples.

In keeping with the design aspirations of the New American University, ASU seeks to embrace our place, connect with tribal communities, and enable the success of each American Indian student. We reaffirm the university's commitment to these goals and acknowledge that everyone, the entire ASU community, is responsible for their achievement.

ASU continues to develop an impressive cohort of scholars engaged in American Indian cultural, social, educational, legal, and economic issues. We have built world-class programs in American Indian Studies, American Indian Legal Studies, and Indigenous conceptions of justice. Our work, however, is not complete. We must further enhance our capacity to leverage place, transform society, conduct use-inspired research, enable student success, work across disciplines, integrate Indigenous knowledge and engage Indigenous issues globally. We are committed to providing access, retaining and graduating American Indian students in a climate that is welcoming and respectful of their languages and cultures. Foundational to these goals, we commit to creating an environment of success and possibility for American Indian students at ASU.

We are dedicated to supporting tribal nations in achieving futures of their own making. We will partner with tribal nations to: address the ravages of paternalism; improve educational achievement of American Indian children, youth, and adults; create innovative and appropriate use and development of natural resources; conceptualize and implement responses to physical and mental health challenges; and build and strengthen leadership capacities to address challenges for Native nations in the 21st Century and beyond. And we will enhance and foster an environment of success and unlimited possibilities for American Indians at ASU.

This work acknowledges our indisputable recognition of place and reinforces our mission as the New American University.

10 President Michael Crow. ASU Commitment to American Indian Tribes. (Phoenix: Office of the President, Arizona State University, 2015) Available electronically at: https://americanindianaffairs.asu.edu/Tribal%20relations/office-president

# Emotional and Mental Awareness of the Triggering Effect of MMIWG

Missing and Murdered Indigenous Women and Girls (MMIWG) is not a new topic to Indigenous Peoples, especially with the experiences of intergenerational or historical trauma. Historical trauma is known as "unresolved grief response" that is a result of "massive cumulative trauma across generations."[11] This compounded trauma can lead to *post-traumatic stress disorder* (PTSD) whereby an individual "experiences the acute stressors directly."[12]

The authors would like to ensure your emotional and mental health is addressed through the reading of this report. Reading, learning, and thinking about MMIWG can trigger historical trauma or PTSD-symptoms.

Our coping mechanisms are inherent within us, thus strengthening our resiliency.

**CONTACT FOR RESOURCES AND REFERRALS**

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11 Maria Yellow Horse Brave Heart, The Return to the Sacred Path: Healing the Historical Trauma Response Among the Lakota. 68 Smith C. Stud. in Soc. Work 287, 287 (1998).

12 Holeigh J. Skyler Foundation (2019, February 21). Intergenerational Trauma. https://www.pmtresearch.org/intergenerational-trauma/

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui)
"Centered spirit" 24"x 24" canvas, acrylics.

# EXECUTIVE SUMMARY

**“There’s a lot of people that are missing here that people don’t talk about.”**

# EXECUTIVE SUMMARY

The United States is now waking up to the fact that Indigenous Peoples have been oppressed by the dominant (non-Indigenous) culture for centuries. This oppression continues today and has led to a national and international crisis involving missing and murdered Indigenous Peoples (MMIP).

This report aims to tell a data-driven story about what is known so far about missing and murdered Indigenous women and girls (MMIWG) in Arizona and offers best-practices to reduce MMIWG. The goal of this work is to improve the lives and safety of Indigenous Peoples and communities. We thank the State of Arizona for recognizing the importance of this issue and being at the forefront in terms of legislation. The focus on women and girls is a direct mandate from Arizona's MMIWG legislation and an initial step toward understanding and reducing murder and disappearance of all Indigenous Peoples in the state including lesbian, gay, bisexual, transgender, and Two Spirit people.[13]

Federally-recognized Tribal Nations are sovereign (self-governing) nations and part of the United States family of governments.[14] A government-to-government relationship defines how Tribal Nations are defined in relationship with the U.S. However, few seem to understand this relationship. The Trust Responsibility[15] is the promise to fulfill treaty obligations in perpetuity for giving up nearly all Tribal lands to the U.S. The Trust Responsibility ensures that Tribal Nations will always have seat at the table within the family of government within the U.S. The Trust Responsibility requires the federal government to act in the best interests of Tribal Nations to ensure healthy and thriving Tribal Nations. As this country grew via westward expansion and policies of Manifest Destiny[16] (in and of itself a problematic term)

Tribal Nations were subjected to a multitude of laws and policies that deprived them of land, attempted to assimilate them, and continues –in many ways—to oppress them. The term for this is Colonization, and the impacts of it is often seen in the form of the erasure of Native individuals, cultures, and nations. This is a contributing factor to the national and international crisis involving the missing and murder of Indigenous Peoples.

It is paramount to remember that Indigenous Peoples and governments have inherent rights and a political relationship with the U.S. government. These rights do not derive from race or ethnicity. Tribal citizens are citizens of three sovereigns: their own Tribal Nations, the U.S., and the state in which they reside. This contributes to the issue of MMIP via jurisdictional issues which will be discussed later. Indigenous Peoples are members of sovereign Tribal Nations. The U.S. recognizes this unique political status in the Trust Responsibility.

The meaning of the word "Indigenous." For purposes of this study, Indigenous Peoples refers to those of American Indian/Alaska Native decent. The federal government and state governments use the term American Indian/Alaska Native racial category as established by the U.S. Census Bureau. When referring to individuals, this study will use the term Indigenous, but for governments we will use "Tribal Government" and "Tribal Nation" interchangeably. When we discuss other studies, we use the term that the authors used (e.g., Native American, Alaska Native, Hawaiian Native, American Indian, Aboriginal, and Indigenous) in an effort to accurately describe populations.

The first responsibility of any government is the safety and protection of its people. Historically, nothing has been more important or vital to the State of Arizona. In 2020, Indian Country in Arizona is still experiencing a public safety and public health crisis created primarily by violent behavior against vulnerable Indigenous women and family members and growing incidents of unsolved cases of missing and murdered women and girls. Arizona Tribes are in the best position to close jurisdictional gaps and safe havens for lawbreakers. The starting place to reverse historical

13 A term used by some Indigenous Peoples who identify as having both a masculine and feminine spirit. Two-Spirit is a gender identity distinct to Indigenous communities and does not necessarily mean someone who is queer and has been considered by most tribes to be a third gender – neither male nor female. https://www.ihs.gov/lgbt/health/twospirit/

14 National Congress of American Indians (NCAI), Tribal Nations and the United States (Washington DC: NCAI, 2019). http://www.ncai.org/tribalnations/introduction/Indian_Country_101_Updated_February_2019.pdf

15 Administration For Native Americans. American Indians and Alaska Natives – The Trust Responsibility (2014). https://www.acf.hhs.gov/ana/resource/american-indians-and-alaska-natives-the-trust-responsibility

16 For background on Manifest Dynasty, see https://americanexperience.si.edu/wp-content/uploads/2015/02/Manifest-Destiny-and-Indian-Removal.pdf andhttps://www.khanacademy.org/humanities/us-history/the-early-republic/age-of-jackson/a/manifest-destiny

jurisdictional problems and injustices in Indian Country, is to strengthen Tribal justice systems and improve state and federal cooperation and coordination with tribal governments. From Tuba City to Sells, federal laws and state policies should not hinder or prevent Tribes from doing what their ancestors once did, protecting their way of life.

Indigenous Peoples in the U.S. have faced the crisis of MMIP for more than 500 years. Strong grassroots movements have propelled public awareness and prevention of MMIP. While the harms from over 500 years cannot be rectified in a report, or by a single piece of legislation, Arizona, along with several other states and our federal government are now officially recognizing this crisis and are working to end it.

The data on MMIWG are limited. The magnitude of MMIWG is likely far greater than the numbers show. As we describe in this report, there are numerous issues impacting the known occurrence of MMIWG. Adequate training among officials or representatives who are responding or serving the victims or families in urban, rural or remote landscapes, underreporting (e.g., not reporting to law enforcement, or law enforcement not documenting) and racial misclassification (e.g., Indigenous person is documented as another race) are but a few of the most common challenges. Key findings are summarized here and are presented in more detail and with descriptive graphs in our report (see Figure 1).

To understand how much MMIWG has happened in Arizona, we examined existing data sources.

Data was gleaned from the National Missing and Unidentified Persons System (NamUs) related to missing Indigenous females in the state of Arizona:

- 12 Indigenous females were recorded as missing in Arizona as of July 25, 2020 and ranged in ages from 20 to 54.
- Of the Indigenous Peoples documented as missing in Arizona as of July 25, 2020, females were missing for an average of two decades (21 years). This is twice as long as the average for males (12 years).
- Most of the missing Indigenous women were missing from rural areas (n=10; 83%).

Data gleaned from the Federal Bureau of Investigation's Supplemental Homicide Reports (1976-2018) provides a fuller picture of the scope of murdered Indigenous females in Arizona:

- 160 murders of Indigenous females were recorded in Arizona from 1976-2018.
- Murders of Indigenous women and girls have been steadily increasing over the past 40 years.
- Counties in Arizona that have higher populations – such as Maricopa and Pima – have more Indigenous female homicides compared to counties with smaller populations.
- 74% of homicides of Indigenous women and girls are handled by municipal police (n=119) whereas far fewer cases are handled by Sheriff's offices (13%; n=21) or Tribal police (12%; n=20).
- Indigenous females of all ages are murdered. In Arizona, Indigenous females were killed ranging in age from infants (less than 1 year old) to elders (81 years old), with the average victim's age of 31.
- Most of the murderers/offenders who kill Native American females are between the ages of 18 to 40, with an average age of 31.
- Nearly 90% of offenders who kill Native Americans are male (n=102).
- Of the cases in which the race of the offender was documented, 63% of those who killed Native American females were also Native American (n=73) and 25% were white (n=25).
- The weapon most commonly used to kill Indigenous females was guns/firearms (n=53; 33%), followed by knives (n=41; 26%), personal weapons (n=25; 16%), unknown weapons (n=21; 13%), blunt objects (n=14; 9%), strangulation (n=4; 3%), and fire (n=1; 1%).
- The most common relationship between murdered Indigenous females and their killers is unknown in 30% (n=47) of cases. Over a quarter of Indigenous females were killed by an intimate partner (n=45; 28%), followed by acquaintances (n=27; 17%), strangers (n=14; 9%), parents (n=9; 6%), friends (n=4; 3%), children (n=2; 1%), siblings (n=1; 1%), or other family members (n=10; 6%).
- While many circumstances of Native American female homicide are unknown (n=53; 33%), the largest known circumstance involved an argument between victim and offender (n=48; 30%).

## POLICY RECOMMENDATIONS TO REDUCE MMIWG IN ARIZONA

While respecting the sovereignty and political integrity of Tribal governments, and the values and culture represented by each Tribal Nation, Arizona's response should reflect a full and cooperative relationship in

# Missing and Murdered Indigenous Women and Girls in Arizona

## WOMEN AND GIRLS MISSING

**160**

Native American women and girls in Arizona were known to be missing from 1976-2018

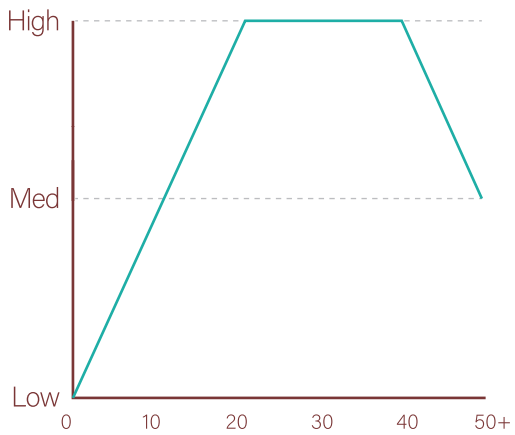
## HOMICIDES INVOLVING ARGUMENT

**30%**

The circumstances of MMIWG is mostly unknown (33%), but many homicides involved an argument between victim and offender (30%).


## AGE A HIGHEST RISK

Age vs. Level of Risk




Women in their 20s, 30s, and 40s are at the highest risk of being killed.

## AGE RANGE OF MMIWG


Native American women and girls of all ages are missing and murdered, ranging from infants to elders.

## A DEADLY TREND

Year vs. Number of Homicides of Indigenous Women in AZ

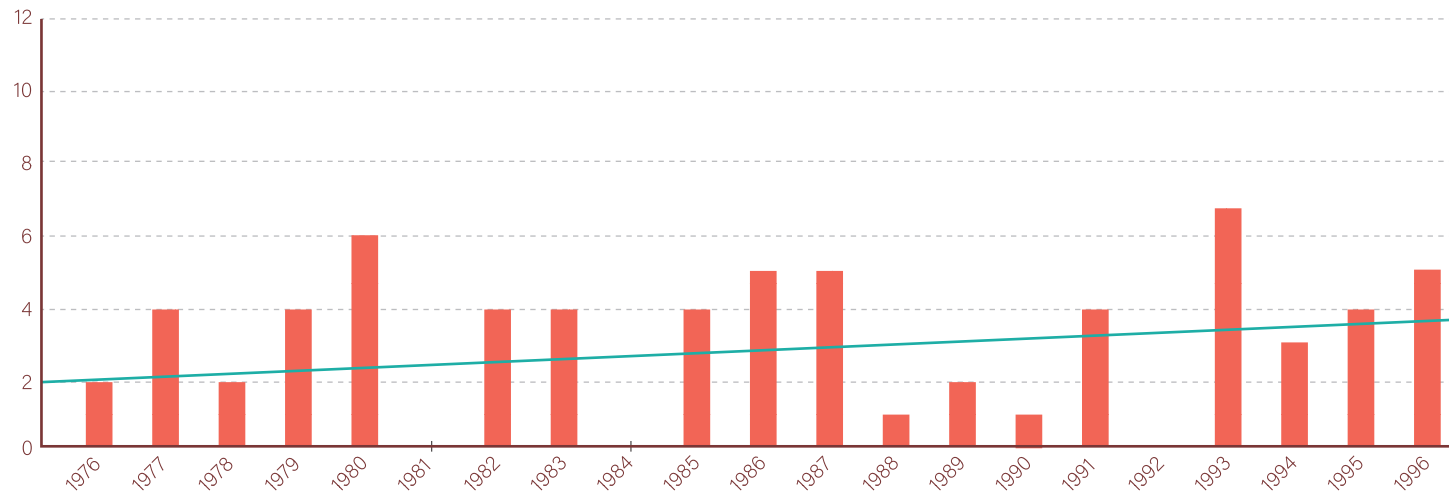
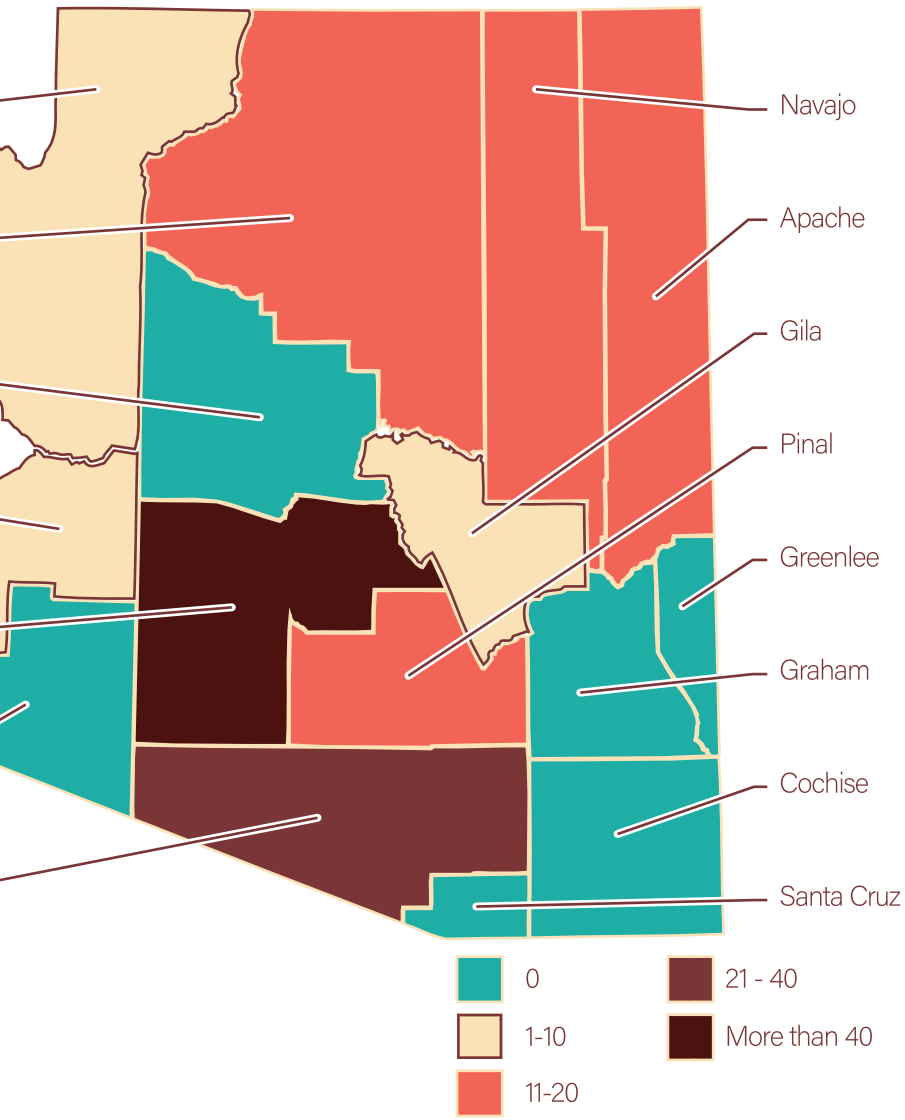
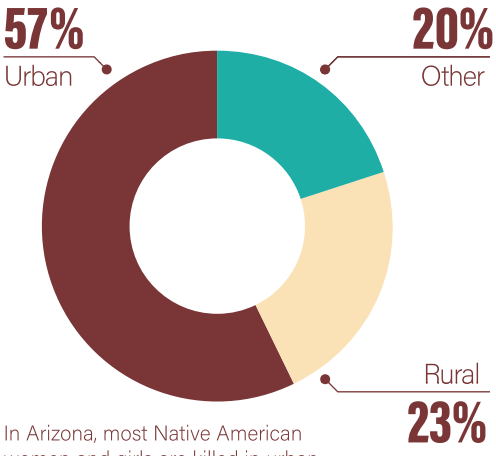



Figure 1. Infographic summarizing key MMIWG study findings

## MURDERED NATIVE AMERICAN FEMALES BY COUNTY

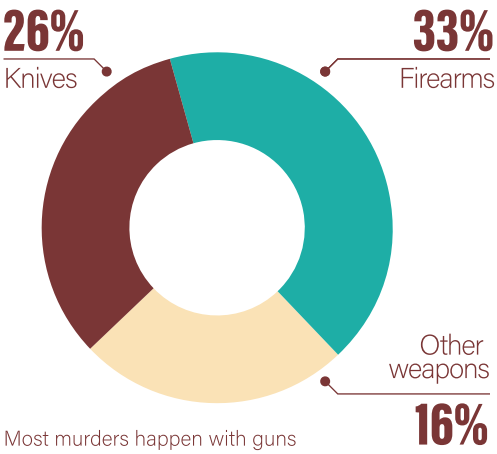



## MURDERED BY LOCATION

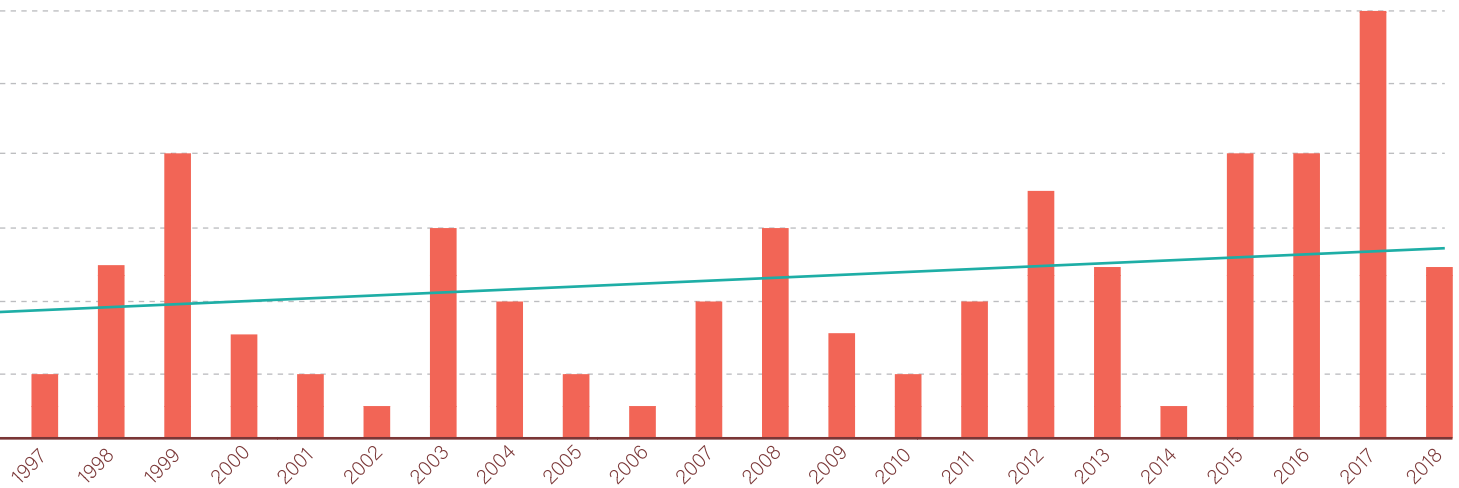



In Arizona, most Native American women and girls are killed in urban cities of Phoenix/Mesa/Scottsdale followed by rural areas.

## MURDERED BY WEAPON




Most murders happen with guns and firearms, followed by knives and other weapons.




Source: Authors

regard to data collection and mutual information sharing, which will enhance the enforcement of laws and court orders on Reservations by Tribal governments and enhance the enforcement of the same laws outside of Indian Country by states, municipalities, and the federal government, which will serve to improve the safety and security of all Indigenous Peoples, on or off Tribal land.

Engage in consultation with Arizona Tribes to work together to determine the best permanent institutional approach and structure to collectively take action to reduce MMIWG. For instance, one possibility may be a permanent state office, run by Indigenous Peoples, that partners with all 22 Arizona Tribes is necessary to ensure the coordination of training, services, resource allocation, relationship building, collaboration, and data fidelity. Or, perhaps cross-disciplinary and cross-departmental collaborations approach is important among Trial Liaisons and the state of Arizona entities (e.g., Department of Economic Security, Department of Child Safety, Department of Public Safety, Office of Faith, Youth, and Family, etc.). Either the creation of a state office, or the collaboration among Tribal liaisons among state departments, would be poised to ensure that appropriate considerations are made regarding (1) Tribal sovereignty and the federal trust responsibility (a relationship that supersedes the state for funding and services), and (2) complexities surrounding any recommendations regarding the safety of Indigenous Peoples, including how these recommendations would be carried out, whom would be responsible for ensuring their completion, securing source of permanent funding, and how these recommendations will impact current programs who are providing direct services to avoid unintentional harm. Some of the suggested recommendations are for victim services, law enforcement, and legislation – on and off Tribal land.

For all recommendations, it is essential to consult with Tribal Nations to review, modify, approve, implement, and periodically re-assess the effectiveness of policies that impact Indigenous Peoples. As the State of Arizona works to address crime and violence associated with MMIWG, it should do so through a civil rights protection approach. The State should develop training requirements, transparent protocols, and develop models for solutions to address domestic violence, victim and family safety, victim notification, data collection, and testing and evaluating evidence, by using a trauma informed, human rights framework that respects Tribal sovereignty and the rights of victims and families. The State should do so by consultation, informed consent, and by communicating any new process or reform to and through Tribal communities and leaders.

The State of Arizona should work with Arizona's Tribal communities and leaders, and MMIWG experts on the following recommendations:

## VICTIM SERVICE RECOMMENDATIONS

1. Provide funding opportunities (and increase current funding) for Tribes and non-profit agencies that serve Indigenous victims within rural, urban, and Tribal communities.
2. Offer survivors and family members of MMIWG wrap-around services from a network of agencies and centralize the service provision where possible to streamline services.[17] However, it should be acknowledged that not all services need to be centralized/wrap-around given that each Tribe is different in their level of capacity.
3. Increase access to shelters/safe houses for survivors fleeing violence in urban areas and in Tribal communities through increased funding.[18]
4. Increase access to Indigenous legal advocates to help orient survivors and families within the legal system and to accompany survivors in court proceedings, in urban, rural, remote, and Reservations.[19]
5. Provide a centralized reporting site for MMIWG to report missing and murdered persons that honors the unique nature of all of the 22 Tribes and provides an accurate account of MMIWG in Arizona.
6. Establish a 24-hour crisis hotline for MMIWG and related needs (e.g., domestic violence shelters and safe homes, legal assistance, medical care, financial assistance, and housing advocacy referrals).

## RESOURCE ALLOCATION RECOMMENDATIONS

1. Centralize and specify permanent funding and technical assistance that will be available to Tribes.[20]
2. Strategically improve outreach and dissemination of available and up-to-date resources (e.g., Tribal victim services) to urban, rural, and Tribal communities.

17 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
18 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
19 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
20 Abinanti et al, *To'*, 2020.

This will require an investment in planning and an adaptation of material to account for the unique jurisdictional issues of Tribal land.[21]

3. Develop Sexual Assault Response Teams (SART) within Tribal communities and border towns, with special emphasis on Tribal cultural competency, to increase the support that survivors of sexual violence receive.[22]

4. Create and disseminate information kits for survivors and families with resources, service directories, and orientation to the legal system.[23]

5. The State of Arizona should call for an increase to federal funding for Arizona Tribal justice systems through the Tribal Justice Support Act, (Title 25 U.S.C. 3602 et seq.) and the Office of Tribal Justice Support, within the Bureau of Indian Affairs. The State of Arizona should work with Tribal leaders and ask Congress to appropriate equitable base increases for Tribal justice systems as contemplated under 25 U.S.C. Sections 3613 and 3621.

6. The State of Arizona should support and call for appropriations by the federal government to directly fund the design, development, and construction of Arizona Tribal courts, multi-purpose justice centers, Tribal correctional facilities, Tribal facilities for law enforcement, drug and alcohol treatment and programming space, public defender offices, and the expansion or renovation of Tribal courts and justice facilities that support alternatives to incarceration. Funding should also be set aside for federal and Tribal systems to support operations and programming.

## TRAINING AND EDUCATION RECOMMENDATIONS

1. Designate annual training for all professionals, especially police officers to include 60 hours of intermittent annual training that prioritizes training to all professionals for cultural responsiveness.

2. Train schools and teachers to increase awareness of children who are victimized, as well as the appropriate reporting mechanisms.[24]

3. Offer human trafficking training resources to Tribal law enforcement agencies, casinos, and hotels.[25] Expand efforts to address sex, labor, and human trafficking, and identify evidence-based practices for intervention to assist victims of trafficking, to include funding for research, technical assistance, training, prevention, and education.

4. Engage the U.S. Department of Health and Human Services, in collaboration with Tribes and the federal government, to ensure services regarding domestic violence, substance use, and mental health are meeting the needs of Tribal communities.[26]

5. Require all State departments to enforce their Tribal consultation policies regarding any work, activities, policies, etc. that can have impact on Tribes.

6. Increase public-engagement initiatives, with particular attention to the unique circumstances that can impact the participation of Indigenous Peoples, and allocate resources to ensure cultural safety and inclusion for Indigenous Peoples.[27]

7. Increase public education and advocacy to increase awareness of Indigenous history, rights and safety. Education and training may include non-violent conflict resolution, safety, Internet safety, consent and sexual exploitation prevention, human trafficking prevention, and on human rights.[28]

8. In partnership with Arizona's Tribal domestic and sexual violence coalitions, support the training for advocacy response and tailor the advocacy to the specific victimization experienced (missing persons, sexual assault, domestic violence, homicide, etc.).

9. Work with Tribes to facilitate NamUs and NCMEC training in their communities and encourage Tribal and non-Tribal law enforcement and family members to utilize.[29]

10. Encourage community-led prevention and advocacy to empower Indigenous Peoples to report family violence.

11. Organize and conduct education events on the National and State day of MMIWG awareness (May 5th) for prevention, awareness, to identify

21 Lucchesi and Echo-Hawk, *Missing*, 2018.
22 Abinanti et al, 2020.
23 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
24 Sutter et al., *LB 154,* 2020.
25 Sutter et al., *LB 154,* 2020.
26 Sutter et al., *LB 154*, 2020.
27 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
28 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
29 Sutter et al., *LB 154*, 2020.

risk factors, for analysis of plans for victim safety, trauma informed practices, responsiveness to gender/sexual orientation, sex trafficking, remembrance, and community organizing.

12. Create a State MMIWG website with resources, links, data dashboards, information, resources, and reporting links. Create a social media awareness campaign and implement a public-relations initiative to establish community confidence in and support for the justice system.

13. Design, develop, and implement prevention and intervention strategies for youth, men, and boys (e.g. Indivisible Tohono[30] and A Call to Men[31]).

14. Develop a "best practices guide" for inter-jurisdictional matters (e.g., contact information, how to report a missing persons or report a crime in each jurisdiction, court information, how to obtain and enforce orders of protection, basic jurisdictional information, how to identify and report suspected human trafficking, and a list of Arizona and Tribal resources).

## LAW ENFORCEMENT RECOMMENDATIONS

1. Develop approaches to close law enforcement gaps, delineate jurisdictional responsibility, and enforce accountability while respecting sovereignty, through inter-jurisdictional communication, intergovernmental agreements, and increased coordination.

2. Develop and implement a missing persons policy for both child and adult missing persons that is consistent statewide. The policy should illustrate step-by-step procedures and ensure that missing persons are documented by law enforcement.[32]

3. Facilitate cross-deputization (permission to cross-borders) for Tribal law enforcement departments and officers. This will aid in the formation of multi-agency teams to share information pertaining to investigations and case reviews.[33]

4. Encourage memorandums of understanding (MOUs) between Tribal and non-Tribal law enforcement agencies.[34]

5. Establish a law enforcement task force for missing persons and include Tribal law enforcement agencies on the task force.[35]

6. Increase the recruitment of Indigenous Peoples in all levels of law enforcement (Tribal, federal, state, county, municipal) agencies and allow Indigenous recruits to request being assigned to their home area, if jurisdiction allows.

7. Increase training and community orientations for law enforcement officers, including cultural awareness/competency, sensitivity to victims and their families, and communication with families and survivors.[36]

8. Provide training to law enforcement agencies and officers on Tribal sovereignty, PL 280 (if applicable),[37] and 638 (if applicable)[38] MMIWG, and violence against Indigenous Peoples.[39]

9. Provide cultural training to the federal prosecutors who charge and prosecute crimes reported by Tribal police.

10. Provide cultural sensitivity training to Arizona prosecutors and judiciary who will encounter crimes involving MMIWG. For example, The Arizona Bar hosts an annual Arizona Judicial Conference, and this would be an excellent venue to provide information about the cultural and sensitivity issues surrounding MMIWG.

11. Train cross-deputized departments on tribal jurisdiction considerations.

12. Require Tribal Nation data to be collected on every victim.

13. Train law enforcement officers to ask victims if they are Native American. Just because a victim looks a certain way, does not mean they are a particular race. Ethnicity is not measured by looks. There is no standard Indigenous "look."

14. Ensure that any sexual assault/rape kits submitted by Tribal Law Enforcement agencies to Arizona Department of Public Safety are being tested on a timely basis.

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30 Indivisible Tohono, https://www.facebook.com/indivisibletohono/
31 A Call to Men: The Next Generation of Manhood, 2020, http://www.acalltomen.org/
32 Sutter et al., *LB 154*, 2020.
33 Sutter et al., *LB 154*, 2020.; Abinanti et al., *To'*, 2020.
34 Sutter et al., *LB 154*, 2020.
35 Sutter et al., *LB 154*, 2020.
36 Sutter et al., *LB 154*, 2020; The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
37
38 Pub. L 93-638. https://www.bie.edu/sites/default/files/documents/idc2-087684.pdf.
39

## COLLABORATIVE RECOMMENDATIONS

1. Create an inter-agency case review team – and encourage each tribe to hold regular meetings with the team. The inter-agency case review team may include Tribal, local, county, state, and federal agencies that handle MMIWG cases, including law enforcement agencies, prosecutors, Tribal and non-Tribal courts, child protective services, direct service providers, medical examiners, Tribal coalitions, tasks forces, and families affected by MMIWG. This will reduce duplicative efforts, streamline service delivery, and minimize the need for survivors and families to recount their trauma repeatedly due to agencies being barred from communicating[40]
2. Designate a Tribal liaison or advocate with each individual Tribe so that families and survivors have an advocate from their own Nations that has a working relationship with those in the recommended inter-agency case review team (e.g., law enforcement agencies, prosecutors, Tribal and non-Tribal courts, child protective services, direct service providers, medical examiners, and families affected by MMIWG).[41]
3. Collaborate with Indigenous researchers to carry out studies with Tribal input and support, and ensure that non-Indigenous research partners have Indigenous staff or extensive experience working with Indigenous communities and include extensive networks of Indigenous collaborators.[42]
4. Promote meaningful collaborations between academics, front-line practitioners, families of MMIWG, survivors of violence, and grassroots organizations to inform policy and service delivery[43]
5. Develop multijurisdictional Endangered Missing Advisory (EMA) Systems/Plans, which enables collaboration among agencies to broadcast and search for missing persons who are in danger but do not fit AMBER Alert criteria.

## DATA IMPROVEMENT RECOMMENDATIONS

1. Conduct a comprehensive follow-up study to determine the scope of the MMIWG crisis by examining each of the factors that contribute to incidents of MMIWG, and to continue to uncover the prevalence of MMIWG in Arizona.
2. Establish methods and protocols for tracking, gathering, and collecting data on violence against Indigenous Peoples, including data on MMIWG, by Tribal affiliation, and enhance statewide efforts to prevent and end domestic violence and sexual violence.
3. Request that the federal government fully fund the Department of Justice (DOJ) Tribal Access Program (TAP) to provide access to federal crime databases, in order to enhance the safety of Indian Country, enable information sharing, and eliminate safe havens for criminals, pursuant to the Tribal Law and Order Act (TLOA) 25 U.S.C. §2810 (2010).
4. NamUs should include data points to publicly document historical missing persons, including solved cases. The data should also include information on the outcome of resolved missing persons cases (e.g., person found safe, trafficking, homicide). [44]
5. Data on MMIP should include, where possible, information on race and Tribal affiliations for victims and offenders.[45]
6. Law enforcement agencies need funding and resources to improve training on appropriate ways to avoid racially misclassifying victims.[46]
7. Invest in technological infrastructure and public records administration resources of all law enforcement agencies, including making records digital to expedite tracking.[47]
8. Increase access to local and national data and remove restrictions to enable the compilation of comprehensive case files.
9. Streamline and reduce the burdens of Freedom of Information Act (FOIA) requests, including reducing financial costs and time delays.

40 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.; Sutter et al., *LB 154*, 2020.
41 Abinanti et al., *To'*, 2020.
42 Abinanti et al., *To'*, 2020.
43 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
44 Abinanti et al., *To'*, 2020.
45 Sutter et al., *LB 154*, 2020.
46 Sutter et al., *LB 154*, 2020.; The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.; Abinanti et al., *To'*, 2020.
47 Abinanti et al., *To'*, 2020.

10. Allow Tribes to have full access and input to information available in currently-restricted databases, such as NamUs, Tribal Access Program (TAP),[48] National Crime Information Center (NCIC), and Criminal Justice Information Services (CJIS). Provide Tribes access to edit or add to the data on their citizens, as well as be notified when a Tribal member has been added to a database.[49]

## LEGISLATIVE RECOMMENDATIONS

1. The State of Arizona should support the full restoration of inherent Tribal civil and criminal jurisdiction to Tribal governments over all wrongdoers for Arizona federally recognized Indian tribes that wish to exercise such jurisdiction. The State of Arizona should work with Tribal Congressional representatives to reauthorize and amend the Violence Against Women Act (VAWA) to fully restore tribal inherent criminal and civil jurisdiction, through a full "Oliphant-Fix."
2. Expand the language of legislation pertaining to the safety and protection of all people to be inclusive of people of color, the LGBTQ+/2S community, and Indigenous Peoples.[50]
3. Mandate NamUs entry among law enforcement agencies within a designated time period to report missing and unidentified persons. Currently, several states mandate the use of NamUS (e.g., Oklahoma, New Mexico, Tennessee, New York, Michigan, and Illinois).[51]
4. Mandate reporting to NCMEC among police departments.
5. Require all law enforcement training to be co-developed with Tribal governments and Tribal organizations.[52]
6. Create legislation to ensure statewide consistency in the documentation of race, gender, and ethnicity.
7. Enact (or reauthorize) funded MMIWG and MMIP legislation.
8. Expand VAWA and Tribal Court jurisdiction where available.
9. Develop with the Arizona Legislature, and fund, a model state statute creating Special County Deputy Prosecutors. County Prosecutors may appoint attorneys to assist County prosecuting attorneys when the public interest requires, including the appointment of qualified Tribal prosecutors to assist in prosecuting and helping to coordinate the prosecution of state offenses committed in Indian Country.
10. Form an Arizona State Missing and Murdered Indigenous Persons Task Force.
11. Add Indigenous representatives to Arizona Boards or Commissions (e.g., Arizona Criminal Justice Commission and Arizona Department of Homeland Security Regional Advisory Councils).

## CONCLUSIONS AND NEXT STEPS TO REDUCE MMIWG

This study's 3 goals work together to collectively meet the overarching goal of shedding light on and reducing MMIWG to create safer communities in Arizona and across the nation and the globe. Our study investigated the barriers to tracking violence against Indigenous women and girls and reducing the incidences of violence and MMIWG. We provided an overview of the barriers to tracking MMIWG and conducted a statewide investigation into the ways that law enforcement agencies document Indigenous race (Goal 1). We also examined 3 national data sources to investigate the prevalence of MMIWG in Arizona. Improving knowledge about the scope and contextual characteristics of MMIWG has the potential impact of broadening Arizona's, and the nation's, understanding of the pervasiveness and seriousness of this problem (Goal 2). Based on our study and the groundbreaking work of others, we offered a number of practical, culturally-appropriate, and data-driven policy recommendations to reduce MMIWG (Goal 3). Taken together, this study is a comprehensive and in-depth first assessment of MMIWG in Arizona. Yet given the data limitations, this study offers an incomplete presentation of MMIWG. Data sources that completely and accurately portray MMIWG do not yet exist. Even so, the 3 data sources we examined in this study offer valuable insight into the known – albeit underrepresented – extent that MMIWG occurs.

Arizona's MMIWG legislation called for an ambitious number of objectives to be met within a single year. We have accomplished a great deal of progress without funding, under a compressed 1-year

48 Under TAP, the Department of Justice allows selected federally-recognized Tribes to exchange critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems. Department of Justice, Office of Public Affairs, "Attorney General Jeff Sessions Announces New Actions to Support Law Enforcement and Maintain Public Safety in Indian Country," The United States Department of Justice. Accessed September, 20, 2020. www.justice.gov/tribal

49 Abinanti et al., *To'*, 2020.

50 Abinanti et al., *To'*, 2020.

51 Abinanti et al., *To'*, 2020.; Lucchesi and Echo-Hawk, *Missing*, 2018.

52 Abinanti et al., *To'*, 2020.

timeframe, on a highly complex and sensitive topic, among a population that is underserved and hard-to-access, and in the chaos of a global pandemic. Of the 10 objectives called for by the legislation, we accomplished the following within our 3 project goals (given that some legislative objectives were overlapping):

1. Conducted a comprehensive study to determine how this state can reduce and end violence against indigenous women and girls in this state
2. Established methods for tracking and collecting data on violence against Indigenous women and girls, including data on MMIWG
3. Gathered data on violence against indigenous women and girls in Arizona
4. Determine the number of missing and murdered Indigenous women and girls in Arizona
5. Identified barriers to providing more state resources in tracking violence against Indigenous women and girls and reducing the incidences of violence
6. Proposed measures to ensure access to culturally appropriate victim services for Indigenous women and girls who have been victims of violence
7. Proposed legislation to address issues identified by the Study Committee
8. Submit a report regarding the Study Committee's activities and recommendations for administrative or legislative action on or before November 1, 2020 to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of this report to the Secretary of State.

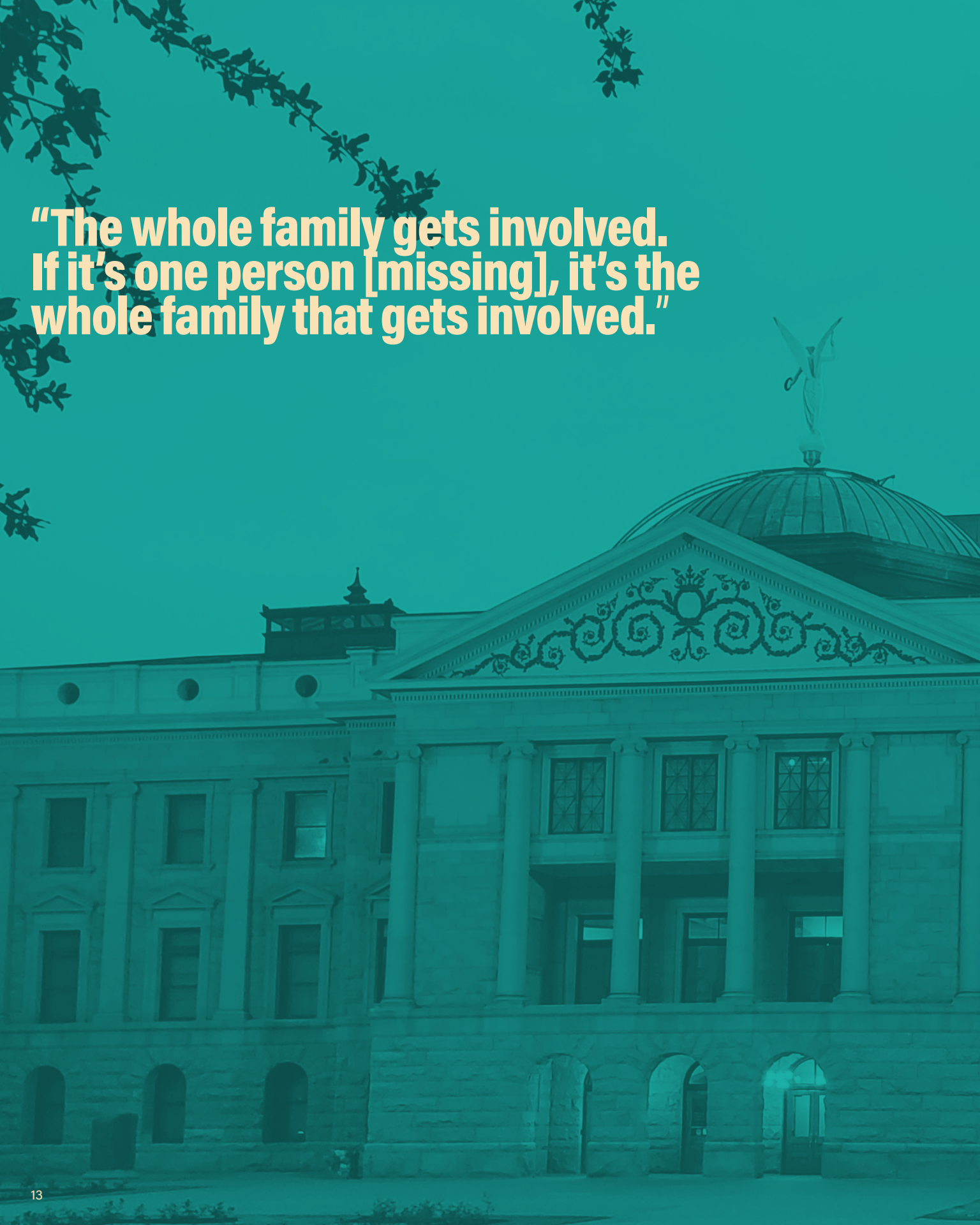
This study is the beginning of Arizona's statewide dedication to reduce violence against Indigenous People – particularly MMIWG – and a tremendous amount of work remains to improve the lives and safety of Indigenous Peoples. Arizona's MMIWG legislation called for the following objectives that we plan to meet in our future work:

1. Review policies and practices that impact violence against Indigenous women and girls, such as child welfare/foster care policies and practices, law enforcement protocols, housing policies, systemic racism, border patrol/immigration policies.
2. Review prosecutorial trends and practices relating to crimes of gender violence against Indigenous Peoples.

To expand this work, our future efforts will also include – but are not limited to – the following:

1. Indigenous-led community interviews with volunteers who wish to speak about their MMIWG stories. This is important for understanding the (a) contributing factors of MMIWG (b) community needs, (c) experiences with criminal justice systems, and (d) effectiveness of data systems to track and publicize MMIWG in urban, rural, and Reservation areas.
2. Incorporate additional state, local, and Tribal data sources (e.g., medical examiner)
3. Centralize a database of victim services among Tribal and non-Tribal entities
4. Indigenous-led partnerships with Tribes to include information and data to meet the needs of individual communities (e.g., criminal justice response, services, and needs of the community as a whole)

This study is in remembrance of all Stolen Sisters and Indigenous Peoples. Thank you.



**“The whole family gets involved. If it’s one person [missing], it’s the whole family that gets involved.”**

Reducing Missing and Murdered Indigenous Women and Girls (MMIWG):

# Arizona's Statewide Study in Partnership with the HB2570 Legislative Study Committee

Violence against indigenous peoples, including MMIWG

Background and history of violence against Indigenous peoples in Arizona

Early European encounters

Advent of the Americans

Assimilation through education and removal of ceremonial practices

Interpersonal violence against Indigenous women and girls

Indigenous women and girls are missing and murdered at high rates

# STATEMENT OF THE PROBLEM AND REVIEW OF THE LITERATURE

## VIOLENCE AGAINST INDIGENOUS PEOPLES, INCLUDING MMIWG

*The purpose of this study is to understand the scope of missing and murdered Indigenous women and girls (MMIWG) in Arizona and to identify culturally-accurate and appropriate recommendations to reduce MMIWG.* Missing and murdered Indigenous women and girls (MMIWG) is the catastrophic, sudden, and inexplicable disappearance of Indigenous women and girls. For generations, Indigenous communities have been all too familiar with the devastation, injustice, and heartbreak of losing family and community members.

*Missing and murdered Indigenous Peoples (MMIP) is an enduring national and international crisis.* Violence against Indigenous Peoples is recognized internationally as a human rights violation and is disproportionately experienced by some of the most vulnerable within Indigenous communities, including elders, youth, women, the LGBTQ+/2S community, and people with disabilities.[53] Human rights abuses against Indigenous Peoples persists globally and includes forced assimilation, marginalization, displacement, removal of sacred lands, denial of land,[54] and genocide.[55] Internationally, violence against Indigenous women includes sexual and domestic violence, sexual violence as a weapon of war,[56] conquest,[57] harassment by non-Indigenous people, labor exploitation, and trafficking.[58] Violence against Indigenous children includes the forcible removal from their family, forced placement in boarding schools, forced adoption into non-Indigenous families, abuse (physical, sexual, psychological, neglect), and recruitment into armed conflicts.[59] The totality of human rights abuses committed against Indigenous Peoples is catastrophic. In some cases, the culmination of violence against Indigenous Peoples results in the missing and murder of Indigenous Peoples (MMIP).

*Missing and Murdered Indigenous Peoples (MMIP) is comprised of two different, yet often connected events, (a) a missing person who either involuntarily or voluntarily vanishes; and (b) the intentional killing of another person.*[60] Early reports show Indigenous Peoples are murdered and become suddenly missing at rates that are alarmingly high compared to non-Indigenous people.[61] In some U.S. counties with large Indigenous communities, Native women are 10 times more likely to be murdered than the national average.[62] While the focus of this publication will be on the prevalence and experience of interpersonal and gender-based violence in the form of missing and murdered Indigenous women and girls (MMIWG), it is important to address that MMIP happens to individuals of all gender identities including men, women, and LGBTQ+/2Speople.[63] However, there has been very little inclusive research conducted to date. We will later discuss the limited research that is available shows Indigenous Peoples suffer from interpersonal violence at rates significantly higher than other people of color.[64] To ground this study, we next present the background and history of Arizona's Indigenous Tribes.

53 United Nations: Declaration on the Rights of Indigenous Peoples. (United Nations, 2008). https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

54 Amnesty International, Indigenous Peoples. Accessed July 2, 2020, https://www.amnesty.org/en/what-we-do/indigenous-peoples/

55 Jeff Benvenuto, Andrew Woolford, and Alexander Laban Hinton, Introduction, in Colonial Genocide in Indigenous North America 1. (Alexander Laban Hinton, Andrew Woolford, & Jeff Benvenuto eds., 2014).

56 United Nations, Permanent Forum on Indigenous Issues, Report on the fifteenth session (09-20 May 2016) (New York: United nations, 2016).

57 Amnesty International USA, Maze of Injustice (New York: Amnesty International USA, 2007)

58 United Nations Economic and Social Council, Commission on the Status of Women, Sixty-first session (13-24 March 2017).

59 United Nations, Permanent Forum on Indigenous issues, *Report on the fifteenth session*

60 Kathleen A. Fox, "The Murder and Missing of Indigenous Women and Girls: New Policies on an Enduring Crisis," *Criminal Law Bulletin* (2020).

61 Leah Mulligan, Marsha Axford, and Andre Soledki, Juristat: Homicide in Canada (Statistics Canada Catalogue No. 85-002-X 4 2015); U.S. Department of Justice, Bureau of Justice Statistics, American Indians and Crime,1992-2002.

62 Bachman, Violence, 2008

63 LGBTQ+/2S stands for Lesbian, Gay, Bisexual, Trans, Queer, plus other sexual and gender identities and Two-Spirit.

64 See: Lawrence A. Greendfeld, and Steven K. Smith, U.S. Department of Justice, American Indians and Crime (Washington, DC: U.S., 1999); Ronet Bachman, Heather Zaykowski, Christina Lanier, Margarita Poteyeva, and Rachel Kallmyer, "Estimating the Magnitude of Rape and Sexual Assault Against American Indian and Alaska Native (AIAM) Women," The Australian and New Zealand Journal of Criminology 43, no. 2 (2010): 199-222; Ronet Bachman, Heather Zaykowski, Christina Lanier, Margarita Poteyeva, and Rachel Kallmyer, Violence against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known (U.S. Department of Justice, August 2008); Andre B. Rosay, Violence Against American Indian and Alaska Native Women and Men, (National Institute of Justice Research, 2016)

# BACKGROUND AND HISTORY OF VIOLENCE AGAINST INDIGENOUS PEOPLES IN ARIZONA

*In order to get a sense of the "Tribal landscape" this section presents a brief and most certainly oversimplified description of the Tribes in Arizona*. Nevertheless, it is important for the readers to understand the diversity of the Tribes in the state, of which there are currently 22 federally recognized tribes making up 7.4% of Arizona's population.[65] Additionally, urban centers such as Phoenix and Tucson include residents and families from many of the 574 federally-recognized and 60+ state-recognized tribes within the United States. Tribal populations are growing with a 39% increase since 2000 and the median age is 29, as opposed to the national average of 38.[66] While the landscape is diverse, there were common experiences across all Tribes in their relations with explorers, immigrants, and colonizing forces.

*Within what is now known as Arizona, the various Tribes practiced ways of life based on the environmental resources available within their ancestral territories and organized themselves according to their lifeways and traditions such as clanship and lineage (matrilineal or patrilineal), which often were rooted in Origin Stories.* While some Tribes established sedentary and agrarian societies, the environment of the region necessitated other Tribes to engage in more migratory, nomadic patterns often based on the seasons.[67] Most Arizona Tribes engaged in combinations of agricultural, hunting, and gathering practices.

*The Tribes in the Southwest, generally known to include Arizona and New Mexico, have been linked to various "roots of Southwestern culture"*[68] *known as Anasazi, Mogollon, Sinagua, Hohokam, and Patayan Cultures*.[69] The Anasazi (now known as Ancestral Pueblo),[70] Sinagua, and Mogollon[71] cultures are linked to Pueblo tribes, including Hopi and Zuni Tribes both whom reside or have lands in Arizona.

The Hohokam culture has established linkages with the O'odham tribes in Arizona including Gila River Indian Community, Ak-Chin Indian Community, Tohono O'odham Nation, and Salt River Pima-Maricopa Indian Community.[72] Patayan culture has been linked to the River Yuman (Mohave, Quechan, Cocopah, Maricopa) and Pai Yuman (Hualapai, Havasupai, and Yavapai) Tribes,[73] all of which currently reside on Reservations in Western and Central Arizona.

*It should be noted that other Tribes of Arizona include the Athabaskan language Tribes of Navajo Nation and Apache Tribes, Paiute Tribes, and the Pascua Yaqui hold their own lineage to the ancient cultures*. In all, the Southwest has a dynamic area of multiple cultures, languages, and ways of life. For thousands of years the Tribes have engaged in inter-Tribal relations since before European arrival to Arizona. This history is important to acknowledge as it provides a glimpse into the depth and richness of Arizona in particular.

## EARLY EUROPEAN ENCOUNTERS

*Spanish explorers were the first Europeans to encounter the Indigenous Peoples of the Southwest*. In 1540, Francisco Coronado led an expedition through Arizona into what is now New Mexico and encountered Pueblo Tribes along the Rio Grande. Upon intrusion into Indigenous settlements the outsiders demanded food, shelter, and women.[74]

The Coronado expedition also entered Zuni territory and encountered the Hawikuh pueblo in present day Arizona.[75] A year prior, Estevan, a survivor of the Cabeza de Vaca expedition, also visited Hawikuh and was killed for "presumptuousness with Zuni women."[76]

*In 1598, Juan de Onate, led an invasion into Pueblo territories along the Rio Grande with the express purpose of subjugating Pueblo Peoples to the Spanish Crown and establishing the Spanish colony of New Mexico*.[77] The subjugation included banning Pueblo

65 NCAI, Tribal, 2019.

66 NCAI, Tribal, 2019.

67 Glen E. Duncan, Jack Goldberg, Dedra Buchwald, Yang Wen, Jeffrey A. Henderson, "Epidemiology of physical activity in American Indians in the Education and Research Towards Health cohort," American Journal of Preventative Medicine 37 no. 6 (2009): 488-494

68 Colton, H. S. "Names of the four culture roots in the Southwest". Science, 87 no.2268 (1938), 551-552.

69 Archaeology Southwest, Ancient Cultures. (Tucson: Archaeology Southwest, 2020) https://www.archaeologysouthwest.org/ancient-cultures/

70 Archaeology Southwest, Ancestral Pueblo. (Tucson: Archaeology Southwest, 2020).https://www.archaeologysouthwest.org/ancient-cultures/ancestral-pueblo/

71 Archaeology Southwest, Who or What is Mogollon? (Tucson: Archaeology Southwest, 2020). https://www.archaeologysouthwest.org/free-resources/fact-sheets/who-or-what-is-mogollon/

72 Teague, L.S. The Four Southern Tribes and the Hohokam of the Phoenix Basin. (Tempe, 2000).

73 Archaeology Southwest, Patayan. (Tucson: Archaeology Southwest, 2020). https://www.archaeologysouthwest.org/ancient-cultures/patayan/

74 David La Vere, "Facing Off: Indian-Spanish Rivalry in the Greater Southwest." In They Made Us Many Promises: The American Indian Experience 1524 to the Present, ed. Philip Weeks 1528-1821. Harlan Davidson Inc., 2002.

75 PBS Interactive, "Francisco Vazquez de Coronado: (5510-1554)," New Perspectives on the West, 2001. https://www.pbs.org/weta/thewest/people/a_c/coronado.htm

76 PBS, *Francisco*, 2001

77 La Vere, Facing, 2002

religion, building of Catholic churches in each pueblo, establishing the encomienda system of Spanish land ownership and conscripted Indigenous labor, and exacting cruel punishment against resistance. This system lasted for more than 80 years until the Indigenous groups – led by Pueblos along the Rio Grande but also including Arizona Tribes of Zuni, Hopi, Apache, and Navajo[78] – coordinated an uprising known as the Pueblo Revolt in 1680 and successfully expelled the Spanish colonizers.[79]

*After the Pueblo Revolt the Spanish returned to New Mexico and took a more diplomatic approach to relations with Indigenous Peoples*. In 1692 in present-day Arizona, Spanish missionary Father Eusebio Kino first entered the territory and initiated the establishment of Catholic missions on O'odham ancestral lands known by the Spaniards as Pimeria Alta (upper Pima lands), near present-day Tucson. One Catholic church, San Xavier del Bac, is still active within the San Xavier District of the Tohono O'odham Nation.[80] The missions were not always kind to the Indigenous O'odham. There were several documented revolts including the "Pima Revolt" in 1751 that began at Tubac Presidio and spread to other missions along the Santa Cruz and San Pedro Rivers, driving the Spanish out of the area for several years.[81]

*In 1699, Father Kino first visited the Quechan Tribe and made several visits until 1706.* The primary purpose of those visits was to establish relations and gain access to California at the Yuma Crossing. This was one of the only viable crossing points and controlled by the Quechan. Nearly 70 years later, in 1771, Father Francisco Garces visited the area to re-establish relations and over the course of a decade established trade in order to access the crossing point. A decade later, in 1781, during a Spanish expedition into California, the Quechan launched an attack in response to the Spanish. The attack allowed livestock to trample and destroy Indian crops and "molesting Quechan women" after being told by interpreters that the Spanish wanted to kill them.[82] Over the next two years the Spanish battled the Quechan and their allied Mohave warriors, but both Tribes were never driven to surrender or subject to Spanish colonization after that incident.

## ADVENT OF THE AMERICANS

*Between 1821 and 1848, the lands of present-day Arizona were considered to be under the territory of Mexico after its independence from Spain*. In 1848, the United States laid claim to a vast amount of territory ceded by Mexico per the Treaty of Guadalupe Hidalgo, including most of the land of Arizona north of the Gila River. In 1853, the U.S. purchased the lands below the Gila River south to the current border with Mexico.[83]

*Within a year, the gold rush of 1849 created an influx of American settlers and prospectors passing through the Arizona territory on the way to California*. The period between the acquisition of Arizona 1848 and the end of military conflict with Geronimo's band in 1886 was a brutal period of subjugation characterized by loss of life, conflict, seizure of ancestral lands and natural resources, and survival for the Indigenous Peoples of Arizona. All were subject to the pouring in of foreigners into their lands and many were subjected to forced removal onto Reservations. Some notable events are listed below, however each Tribe had its own instances of conflicts and disputes with the U.S. government and settlers:

- Apache Wars (1862-1886). Primarily aimed at the Chiricahua Band of the Apaches, the campaign by the U.S. aimed to subdue and subjugate Apache bands onto Reservations. Between 1872-1873, General George Crook engaged in a campaign in Central Arizona against Yavapais and Tonto Apaches in an effort to relocate them from ancestral territories to the San Carlos Reservation.[84] This era of conflict lasted 24 years, beginning in 1862 and ending in 1886 marked by the surrender of Geronimo.[85]
- Navajo Long Walk. Between 1863-1867 the U.S. Army, led by Colonel Kit Carson, engaged in a scorched-earth campaign against Navajo settlements in Arizona and New Mexico. An estimated 11,500 Navajo men, women, and children were corralled at Fort Defiance in Arizona and forcibly marched 400 miles to Fort Sumner, New Mexico.[86] Thousands did not survive the journey and some escaped along the way, with an estimated

78 Matthew Liebmann, Thomas J. Ferguson, and Robert W. Preucel. "Pueblo settlement, architecture, and social change in the Pueblo Revolt era, AD 1680 to 1696." Journal of Field Archaeology 30, no. 1 (2005): 45-60.

79 Joseph R. Aguilar, and Robert W. Preucel. "Sacred Mesas: Pueblo Time, Space, and History in the Aftermath of the Pueblo Revolt of 1680." The death of prehistory (2013): 267-289.

80 Robert J. Stokes, and Andrea Gregory. "Tradition and Trade Beads: The Early Sobaipuri O'odham–Spanish Contact Period at San Xavier Del Bac, Arizona.» kiva (2020): 1-21.

81 Stokes and Gregory, Tradition, 2020

82 Robert L. Bee, and Frank W. Porter. "Soldiers, Priests, and Colonial Intrigue." The Yuma, Chelsea House, 2014.

83 Arizona State Library, Archives, and Public Records, Arizona's Chronology (Phoenix: Arizona State Library).

84 Arizona State Library, Archives, and Public Records, Arizona's Chronology (Phoenix: Arizona State Library).

85 National Park Service, The Apache Wars Part I: Cochise. (Washington DC: U.S. Department of the Interior)

86 The Bosque Redondo Memorial, The Long Walk, (Fort Sumner, 2010). https://www.bosqueredondomemorial.com/long_walk.html

8,000[87] subjected to internment until the Treaty of Bosque Redondo was signed in 1868 establishing the Navajo Reservation in Arizona, Utah, and New Mexico.

- Hualapai La Paz Trail of Tears. The Hualapai Tribe were engaged in ongoing skirmishes with the U.S. military between 1866-1869,[88] but in later years served as scouts for the U.S. in the campaigns against the Yavapai and Apache bands. Despite their service to the U.S., in 1874 men, women, and children were marched from Hualapai ancestral lands to the La Paz lands on the southern edge of the Colorado River Indian Reservation. There they were interned for a year in deplorable conditions and after a year they fled back to their homelands until a Reservation was established in 1883.[89]

*The examples listed above are intended to illustrate the initial experiences that the Tribes had with colonization from the U.S*. There are many more examples of the challenges that Tribes faced, even for those that were cooperative with the newcomers. Arizona Tribes sacrificed a lot in their transition to Reservations from ancestral lands that included not only natural resources, but also spiritual ties to sacred sites. Embedded in those experiences are stories of survival and resilience. As the Arizona Tribes shifted to Reservation life, the efforts of the U.S. government shifted from military campaigns to efforts to assimilate Tribal people into a new way of life.

## ASSIMILATION THROUGH EDUCATION AND REMOVAL OF CEREMONIAL PRACTICES

*As the Federal Government took Tribal land, peoples were forced onto Reservations – some at gunpoint and others more willing but in response to threats of violence – the resources and policies of the federal government shifted from military campaigns to efforts to assimilate the Indigenous population*. This policy was implemented via targeted campaign toward education and assimilation of young children through forced removal and enrollment in boarding schools and Christianity. The overarching philosophy of boarding schools was, "To kill the Indian and save the man within,"[90] as articulated by Richard Henry Pratt who established the first federal, military-style boarding school in Carlisle, Pennsylvania in 1879.

*The policy of the schools was to separate children from their families, cultures and natural support systems that were now on Reservations*. In fact, parents, elders, family members, and "traditional Indian educational precepts"[91] were not allowed within the schools and would not receive their food rations if they did not send their children. The policy of the schools was to forbid children from speaking their Native languages and expressing any aspect of their Indigenous cultures. The intended outcome of the policies was to destroy Indigenous culture within those young minds, which at the time was viewed as the only way to integrate Indigenous Peoples into American society.[92] Little consideration was given as to the psychological damage this caused children, parents, families, and communities. Parents often objected to these practices and hid their children from government officials. In 1894, 19 Hopi men were imprisoned at the Alcatraz prison to oppose the U.S. governmental outlaw of traditional religious and cultural practices and forcible separation of children from their families to attend boarding school, eventually being released in 1895.[93]

*The Phoenix Indian School, established in 1891, was one of the federally-run boarding schools in Arizona*. By the time it opened its doors, boarding schools had already been established in Tucson, Sacaton, and Fort Mojave.[94] One of the hallmark programs of the boarding schools was the "outing system", which boys and girls could participate in but was primarily aimed at girls to teach them Victorian morality and Christian virtue through domestic labor in the homes of White residents near the school in order to become "good wives."[95]

*The outing system at Phoenix shifted the focus of the program from one that focused on student development to a system that provided cheap labor to nearby residents*.[96] Soon after establishment of the

87 Jessica R. Goodkind, Julia Meredith Hess, Beverly Gorman, and Danielle P. Parker. "We're Still in a Struggle" Diné Resilience, Survival, Historical Trauma, and Healing. Qualitative health research 22, no. 8 (2012): 1019-1036.

88 Henry F. Dobyns and Robert C. Euler. "The Nine Lives of Cherum, the Pai Tokumhet." American Indian Quarterly 22 (3) (1998): 363-385.

89 Dobyns and Euler, The Nine, 1998

90 Raymond Cross. American Indian Education: The Terror of History and the Nation's Debt to the Indian Peoples. University of Arkansas at Little Rock, L. Rev., 21, no. 4 (1999): 941-169.

91 Cross, American, 1999.

92 Robert A. Trennert. "Peaceably if they will, forcibly if they must: The Phoenix Indian School, 1890-1901." The Journal of Arizona History 20, no. 3 (1979): 297-322.

93 Troy R. Johnson. The occupation of Alcatraz Island: Indian self-determination and the rise of Indian activism. University of Illinois Press, 1996.

94 Trennert, Peaceably, 1979.

95 Robert A. Trennert. "Victorian Morality and the Supervision of Indian Women Working in Phoenix, 1906-1930." Journal of social history 22, no. 1 (October 1, 1988): 113–128.

96 Robert A. Trennert "From Carlisle to Phoenix: The Rise and Fall of the Indian Outing System, 1878-1930." Pacific Historical Review 52.3 (1983): 267-291.

program, Indigenous women became a major source of domestic labor and as many as 200 girls were providing labor in the surrounding community. The students were susceptible to abuse by the employers of their assigned household and also vulnerable to the community if they were not well supervised.[97]

The following section shifts focus to present information on what is currently known about violence against Indigenous women and girls.

## INTERPERSONAL VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

*Interpersonal violence defined.* Interpersonal violence is defined as "violence between individuals" and includes intimate partner violence, gender-based violence, family violence, stalking, and sex trafficking.[98] Intimate partner violence (IPV) includes physical, sexual, or emotional abuse, as well as sexual coercion and stalking by a current or former intimate partner.[99] Gender-based violence is violence inflicted because of a person's sex or gender identity,[100] and includes sexual assault, sexual abuse, rape, and other unwanted sexual contact.[101] Family violence is violence within a family and can include sexual abuse, sibling violence, child abuse, and witnessing intimate partner violence.[102] Stalking involves repeated, unwanted, and harassing behavior that is frightening or threatening.[103] Sex trafficking is a form of slavery in which a person is held captive and is forced to engage in sexual acts in exchange for money or other goods.[104]

*Indigenous women and girls are at the highest risk of victimization.* Few empirical studies have investigated the prevalence of Indigenous victimization generally, and MMIWG specifically. Yet the limited existing data clearly show that Indigenous women and girls face an alarmingly high rate of violence. In the U.S., 4 in 5 Indigenous women have experienced violence in their lifetime.[105] Compared to women of other ethnicities, Indigenous women and girls are at higher risk of experiencing violence, including sexual assault, domestic and family violence, and MMIWG.[106] In Canada, Aboriginal women have been found to experience violence at 3-5 times more than other women.[107] Aboriginal women are also more likely to experience life-threatening and more severe forms of family violence.[108] National studies consistently find that Indigenous women are victimized by interpersonal violence at much higher rates than non-Indigenous women. Table 1 shows that Indigenous women are more likely than all other racial and ethnic groups of women to be physically abused by an intimate partner, sexually assaulted, and stalked.[109]

Table 1. National rates of interpersonal victimization by race and ethnicity

| | Indigenous women | African American women | Hispanic women | White women |
|---|---|---|---|---|
| Physically abused by intimate partner | 46% | 41% | 35% | 32% |
| Sexually assaulted | 55% | 38% | 35% | 47% |
| Stalked | 25% | 14% | 14% | 16% |

Source: Breiding et al., 2014

*Indigenous women experience higher rates of intimate partner violence, sexual assault, and stalking.* Nearly half of Indigenous women (46%) are physically abused by an intimate partner in their lifetime, compared to 32% of white women, 41% of African American women, and 35% of Hispanic women.[110] More than half of Indigenous women experience sexual violence (55%), which is more than

97 Trennert, From, 1983.

98 World Health Organization, Violence Prevention Alliance, Definition and typology of violence. Accessed July 2, 2020. https://www.who.int/violenceprevention/approach/definition/en/

99 U.S. Department of Health and Human Services. Office on Women's Health. https://www.womenshealth.gov/relationships-and-safety/domestic-violence; L. Kevin Hamberger, Sadie E. Larsen, and Amy Lehmer. 2017. "Coercive Control in Intimate Partner Violence." Aggression and Violent Behavior. doi:10.1016/j.abv.2017.08.003

100 Megan Ott, "What Does That Mean? Gender-based Violence," Women for Women International (blog). November 21, 2017. Accessed July 2, 2020. https://www.womenforwomen.org/blogs/series-what-does-mean-gender-based-violence

101 Bonnie S. Fisher, Francis T. Cullen, and Michael G. Turner, The Sexual Victimization of College Women (U.S. Department of Justice, 2000). https://www.ncjrs.gov/pdffiles1/nij/182369.pdf

102 Murray A. Strauss, Richard J. Gelles, and Suzanne K. Steinmetz, Behind Closed Doors: Violence in the American Family (2017).

103 Kathleen A. Fox, Matt R. Nobles, and Bonnie S. Fisher, Method to the madness: An examination of stalking measurements. Aggression and Violent Behavior, 16, 74-84 (2011)

104 National Human Trafficking Hotline, "Sex Trafficking." Accessed July 2, 2020. humantraffickinghotline.org/type-trafficking/sex-trafficking

105 Rosay, *Violence*, 2016

106 Ronet Bachman, Death & violence on the reservation: Homicide, family violence, and suicide in American Indian populations (New York: Auburn House, 1992); Michelle C.Black, K.C. Basile, M.J. Breiding, S.G. Smith, M.L. Walters, M.T. Merrick, J. Chen, and M.R. Stevens, *National Center for Injury Prevention and Control, The National Intimate Partner and Sexual Violence Survey (NISVS): 2010,* Summary Report, 2011 2011

107 Native Women's Association of Canada (NWAC), *Fact Sheet: violence against Aboriginal women* (Ottawa: NWAC, 2015).

108 NWAC, Fact, 2015.

109 Matthew J. Breiding, Sharon G. Smith, Kathleen C. Basile, Mikel L. Walters, Jieru Chen, and Melisssa T. Merrick, U.S. Center for Disease Control and Prevention, Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Survey, 2011. Morbidity and Mortality Weekly, 2014. https://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf

110 Black et al., NISVS Survey, 2011

women who are white (47%), African American (38%), and Hispanic (35%).[111] In terms of stalking victimization, one-quarter of Indigenous women are stalked (25%) during their lifetime, which again is more than white women (16%), African American women (14%), and Hispanic women (14%).[112] Yet studies of local communities show that the victimization of Indigenous women is even higher. Between 75%[113] and 81% of Indigenous women are victims of IPV during their lifetime.[114] Additionally, every year American Indian and Alaska Native women are raped or sexually assaulted at a rate that is *double* that compared to Black and White women.[115]

*MMIWG in context of interpersonal violence.* There are many forms of interpersonal violence. Interpersonal violence can include intimate partner violence, stalking, sexual assault, and family violence. In reality, many of these forms of interpersonal violence co-exist along a spectrum of violence rooted in oppressions and perpetrated against Indigenous Peoples. In Arizona, the geography of rural and remote landscape in addition to significant delayed law enforcement response times creates one of the greatest risks for victims in need of help. Additionally, the lack of broadband services, technology, and modern resources for communication contribute to MMIWG.

*MMIWG is one of the most extreme forms of interpersonal and gender-based violence.* While the specific circumstances surrounding MMIWG are not completely known, a report by the Urban Indian Health Institute (UIHI) was able to identify sixty-six cases with direct links to interpersonal violence (13%; including IPV and domestic violence) and gender-based violence (including rape and sexual assault).[116] Of the 506 cases, 8% (n=42) were related to IPV, 6% (n=25) involved sexual assault, and 4% (n=18) were related to sex trafficking. In fact, women of all races are more likely to be victimized by their partner, followed by acquaintances, and least of all likely is strangers.[117] A study funded by the National Institute of Justice found American Indian and Alaska Native women were more likely to be murdered as a result of rape or sexual assault.[118] Interpersonal crimes go largely unreported[119] so the numbers presented above are most likely a severe underrepresentation.

## INDIGENOUS WOMEN AND GIRLS ARE MISSING AND MURDERED AT HIGH RATES

*In some U.S. counties, Indigenous women are 10 times more likely to be murdered than the national average.*[120] It is unknown whether Arizona is similar to or different from other states or countries. According to studies that have been conducted on MMIWG, American Indian, Alaska Native, and Aboriginal (Canada) women experience higher rates of murder than other races.[121] In the U.S., the Centers for Disease Control (CDC) found in 2017 that homicide was the 4th leading cause of death for Native American girls between the ages of 1-19 and the 6th leading cause of death for Native American women between the ages of 20-44.[122] National data helps to contextualize the MMIWG crisis, yet local studies provide a more in-depth review of how MMIWG and violence against Indigenous women and girls is experienced at the state and Tribal level. It is important to understand MMIWG in Canada given the proximity of Canada to the U.S., the overlap of some Tribal Nations between the countries, and Canada's pioneering research. Canadian Aboriginal women are three times more likely to be murdered by a stranger than non-Aboriginal women and to be murdered in an urban area.[123] Between 2000 and 2008, Canadian Aboriginal women and girls accounted for 10% of all female murder cases while only making up 3% of the Canadian population.[124] Of the MMIWG cases identified by the Native Women's

111 Breiding et al., Prevalence, 2011

112 Breiding et al., Prevalence, 2011.

113 Sherry L. Hamby and Mary Beth Skupien, Domestic Violence on the San Carlos Apache Indian Reservation: Rates, Associated Psychological Symptoms, and Current Beliefs, 23 Indian Health Serv. Provider 103 (1998).

114 Lorraine Halinka Malcoe & Bonnie M. Duran, Intimate Partner Violence and Injury in the Lives of Low-Income Native American Women, in Violence Against Women and Family Violence: Developments in Research, Practice, and Policy I-2-1, I-2-6 (Bonnie S. Fisher ed., 2004), https://www.ncjrs.gov/pdffiles1/nij/199701.pdf; see also Rosay, Violence, 2016.

115 Bachman et al., Estimating, 2010

116 Lucchesi and Echo-Hawk, Missing, 2018

117 Bachman, Violence, 2008

118 Bachman, Violence, 2008.

119 Heather M. Karjane, Bonnie S. Fisher, and Francis T. Cullen, Campus Sexual Assault: How America's Institution of Higher Education Respond (DC: U.S. Department of Justice, 2000). https://www.ncjrs.gov/pdffiles1/nij/grants/196676.pdf

120 Perrelli, T. (July 14, 2011). Statement of Associate Attorney General Perrelli before the Committee on Indian Affairs on Violence Against Native American Women [citing a National Institute of Justice-funded analysis of death certificates]. Washington, DC. Available from: www.justice.gov/iso/opa/asg/speeches/2011/asg-speech-110714.html; Bachman, Violence, 2008

121 Backman et al, Violence, 2008; John G. Hansen and Emeka E. Dim, "Canada's Missing and Murdered Indigenous People and the Imperative for a More Inclusive Perspective," The International Indigenous Policy Journal 10, no. 1 (2019).

122 Center for Disease Control and Prevention, Health Equity, Leading Causes of Death- Females- Non-Hispanic American Indian or Alaska Native, https://www.cdc.gov/women/lcod/2017/nonhispanic-native/index.htm

123 Hansen and Dim, Canada's, 2019

124 Native Women's Association of Canada (NWAC), *Fact*, 2015.

Association of Canada, 67% (n=390) of the women and girls were murdered, 20% (n=116) were missing women or girls, and 9% (n=52) died due to unknown causes.[125]

*Many MMIWG cases in Northern California go unreported to police.* In Northern California, the Sovereign Bodies Institute documented 105 cases of missing and murdered Indigenous women, girls, and Two-Spirit people since the year 1900.[126] An examination of data collected since 2015 reveals that approximately 14 cases of MMIWG have been documented each year in this region. According to the Sovereign Bodies Institute, if the trend of 14 cases a year is used as an estimate to predict the total number of MMIWG cases, this would mean that 1,704 girls, women, and Two Spirit people have been victims of MMIWG from 1900 to 2020. However, this is still likely an underrepresentation as cases would likely have increased during years that policies, such as boarding schools, were implemented. Notably, of the 105 documented cases of MMIWG, only 62% were reflected in official databases.[127]

*Indigenous women and girls go missing in Nebraska and the state of Washington at higher rates than should be observed based on their populations.* At the time this report was published, two other states with MMIWG legislation have published their reports. Washington was the first state to publish state-sanctioned research regarding MMIWG.[128] Given that Washington's report was limited in its research efforts, analysis, and presentation of the findings, the Urban Indian Health Institute (UIHI) conducted a reanalysis of MMIWG in the state of Washington in a poignant report titled "We Demand More."[129] According to UIHI's study, Native American women make up 7% of missing cases while only making up 1.9% of the female population.[130] Nebraska's state MMIWG legislative report also reveals that Native American women and girls go missing at a rate of three times higher than should be observed based on their population. For example, Native American's comprise 1.5% of Nebraska's population and 4.6% of missing persons in the state.

125 NWAC, Fact, 2015.

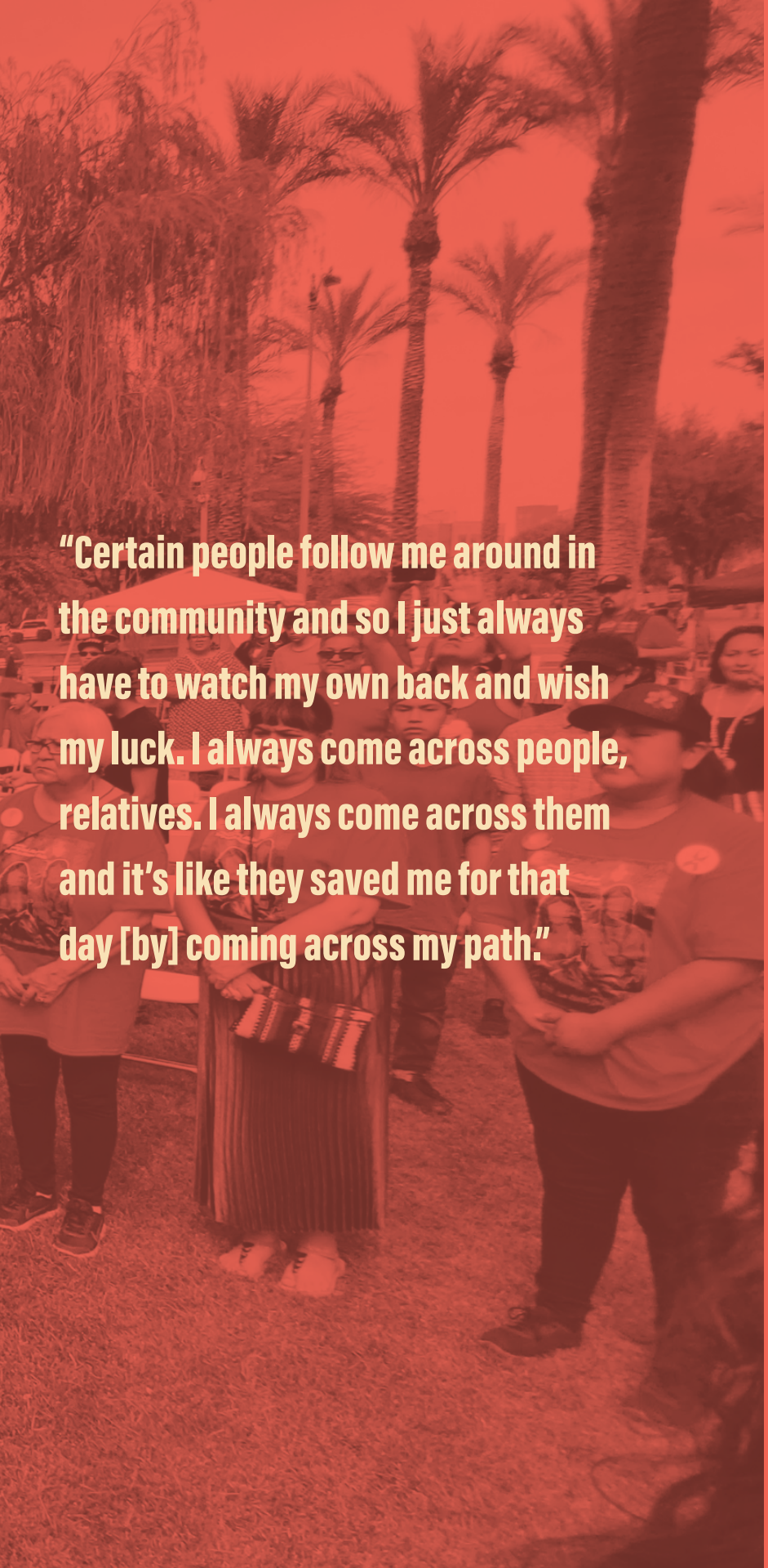
126 Abby Abinanti, Angi Cavaliere, Alanna Nulph, Blythe K. George, Annita Lucchesi, Michaela Madrid, Aryn Fisher, Taylor Ruecker, Viridiana Preciado, Jessica Smith, and Gabriella Balandran. (2020) To' Kee Skuy' Soo Ney-Wo-Chek' [I will see you again in a good way]: A year 1 project report on missing and murdered Indigenous women, girls, and Two Sprit people of Northern California. https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf

127 Abinanti et al., To', 2020.

128 Washington State Patrol, Missing and Murdered Native American Women Report (2019)

129 Abigail Echo-Hawk, Adrian Dominquez, and Leal Echo-Hawk, MMIW: We Demand More: A Corrected Research Study of Missing and Murdered Indigenous Women & Girls in Washington State (Urban Indian Health Institute, 2019)

130 Echo-Hawk et al., MMIW, 2019.



"Certain people follow me around in the community and so I just always have to watch my own back and wish my luck. I always come across people, relatives. I always come across them and it's like they saved me for that day [by] coming across my path."

# IMPACT OF MMIWG ON LIVES, FAMILIES, AND COMMUNITIES

- Impact of MMIWG on children
- Mental health effects of MMIWG
- Financial impacts of MMIWG
- Community and Tribal impacts of MMIWG
- Impact of MMIWG on border towns near Tribal reservations and on urban vs. Rural areas

# IMPACT OF MMIWG ON LIVES, FAMILIES, AND COMMUNITIES

*The history of oppression experienced by Indigenous Peoples is important to remember when understanding the impact of MMIWG on people, families, and communities.* As discussed earlier, violence against Indigenous women can be traced back in history to the point of initial contact between Indigenous Peoples and Europeans around the late 1400s. The devastating and brutal violence that past Indigenous generations endured resulted in historical trauma, and transgenerational sorrow that is still so impactful among Indigenous Peoples today. A systematic transmission of such trauma intergenerationally can lead to the emergence of numerous critical societal factors that adds to the daily hardships of an already marginalized community. Historical trauma stems from policies designed to dissolve Indigenous ways of life. Examples of these policies include forced relocation, the forced boarding school era, forced adoptions into non-Indigenous families, forced sterilizations of Indigenous women, and violent victimization.[131] These traumatic events can affect victims or their families in many ways, ranging from emotional and mental trauma resulting in physical and psychological abuse to economic loss leading to poverty.[132]

*Indigenous women and girls face many serious—and often long-term—consequences of MMIWG.* Survivors of violence in general often experience physical injuries, permanent disfigurement, posttraumatic stress disorder, and paranoia.[133] Indigenous survivors of violence have unique culturally specific needs, including needing help reconnecting with their Tribal Nation and maintaining access to their traditional ways of healing.[134] Yet violence among Indigenous women and girls has ripple-effects that reach far beyond the individual-level and across the life span. Indigenous victims' children, families, and entire communities are impacted by violence against women in profound ways. Indeed, the aftermath of violence are transfused throughout the family and community, often for generations. Victimized Indigenous women experience physical, mental, spiritual, and emotional problems that often impede education goals and create barriers to entering the workforce.[135]

## IMPACT OF MMIWG ON CHILDREN

*The impact of losing a mother, a sister, an aunt, or a grandmother, especially within a matrilineal community/ Tribe, impacts the entire community*. This is especially significant given that up to 85% of missing and murdered women are mothers.[136] The loss of a mother leaves an immense hole in a child's life that may result in the children entering into kinship care and/or the foster care system. When children lose their mother, grandmother, sister, cousins, and aunts to trafficking, disappearance, and death, this causes extreme trauma and cumulative impacts, such as chronic acute physical and/or mental health issues that increase the probability of the child being vulnerable to poverty, domestic violence, neglect, runaway, incarceration, substance abuse, suicide, and other types of violence.[137] Due to the trauma, children can also lose a sense of time from childhood through young adulthood, known as a state of blur or disassociation.[138]

*In addition to the loss of a key figure for lifelong ceremony and practices, when a family member goes missing, many emotions can arise, including blame, guilt, confusion, sadness, frustration, rage, and the inability and unwillingness to give up the search.* Coping with the loss of a loved one is often devastating, and children often do not have the ability to communicate and process trauma, thereby often becoming more vulnerable to victimization.[139]

131 Fox, *New*, 2020; The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Quebec, 2019), p. 21.

132 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019, p. 29.

133 Jacquelyn C. Campbell, "Health Consequences of Intimate Partner Violence," *The Lancet*, 359, no. 9314 (2002).

134 Kathleen A. Fox, Bonnie S. Fisher, and Scott H. Decker, "Identifying the Needs of American Indian Women Who Sought Shelter: A Practitioner-Researcher Partnership," *Family Violence*, 251 no. 254 (2018).

135 Fox et al., *Identifying*, 2018.

136 Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, United States House, One Hundred Sixteenth Congress, Frist Session, "Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women: Exploring Solutions to End the Cycle of Violence," March 14, 2019. P.2.

137 Sovereign Bodies Institute (SBI), *MMIWG2 & MMIP Organizing Toolkit*, 2019

138 Maaranen et al. Somatoform Disassociation and Adverse Childhood Experiences in the General Population, *Journal of Nervous and Mental Disease*, 192, no. 5 (2004): 337-342

139 Willis, Clarissa A. The grieving process in children: Strategies for understanding, educating, and reconciling children's perceptions of death. *Early Childhood Education Journal, 29,* 4, 221-226.

*Children whose mothers are missing or murdered may also be more likely to become involved with child welfare and juvenile justice systems*. The historical forced removal of children from their families resulted in the loss of culture, loss of language, physical abuse, sexual abuse, emotional abuse, and was traumatic for all. It is reported that thousands of children did not survive these boarding schools, either through neglect, inadequate medical care, inadequate food, or even in some cases murder and torture. Traumatic childhood experiences may result in domestic violence, alcoholism, suicide, abandonment of their own children, and/or poor parenting skills in adulthood. These experiences may result in an increased likelihood of sex trafficking or exploitation. And some children impacted by MMIWG are incarcerated or experience other forms of violence as adults, including being trafficked, going missing, or being murdered.[140]

## MENTAL HEALTH EFFECTS OF MMIWG

*Victims and families impacted by MMIWG often need the support of culturally-sensitive and trauma-informed victim advocates to assist with the coping and healing process.* Yet in many cases, victims and families have no place to turn for help, and the lack of resources can lead to heightened instances of self-harm, fear, or anxiety. Indigenous communities suffer from chronic underfunding and a lack of resources that can lead to further victimization and trauma. And untreated trauma often results in heightened emotional distress exacerbating physical and mental health problems.

## FINANCIAL IMPACTS OF MMIWG

*Financial costs created by violence and MMIWG can affect victims and their families in many ways*. For example, many Indigenous Peoples participate in sacred traditional ceremonies when grieving the loss of a loved one. These ceremonies are culturally meaningful and promote spiritual health.[141] Yet in some cases the financial resources to prepare and conduct a ceremony on Tribal lands may not be available in some areas and finding the most appropriate type of practitioner or another ceremony elsewhere may be not be possible or costly. In many instances, a specific geographic location found along mountains, mesas, rivers, canyons are an essential part of ceremony. Circumstances and families may not be able to make adjustments to customs or afford these costs or additional costs of moving the ceremony within the territory.

*The availability and costs of ceremonial healers is dependent on the healer*. Culturally, healers are expected to be available when they are called upon, yet if they are unable to tend to their patients at a given time often another day and time will be determined by the healer and family. Families often will not seek other healers unless they are open and trusting of another. Many families have developed trust and relationships with their healers through family lineage although may choose to go to another healer. The traditional form of payment of a healer usually is made by food, groceries, blankets, etc. Some Tribes, such as Hopi, still practice this form of payment. Other Tribes may use this form of traditional payment and also make monetary payments, which can be costly depending upon the healer and the work that is being done.

*An additional cost related to financial impact of MMIWG pertains to law enforcement fees for services, including printing police reports or accessing data*.[142] If law enforcement in several jurisdictions are involved, each agency may have their own set of costs for accessing records. In Arizona, some law enforcement agencies charge for copies of police reports whereas others do not charge. Often, requests for police reports are submitted through Freedom of Information Act (FOIA) requests, which is a lengthy process. This process often deters families and survivors from moving forward with their requests. Families are not prepared for this type of cost especially if they are searching for their loved one. Requests for police reports that are made through an attorney or Prosecutor's office can be provided at no cost. Most families are unaware of the free services, and make records requests directly to law enforcement.

*There may also be civil court-related costs that victims incur*. Tribal courts charge copying fees except for Tribal Protective Orders where there is no charge per the federal Violence Against Women Act (VAWA) for a petition of a protective order.[143] Law enforcement and private agencies are to provide petitions for protective orders through civil court at no charge. An additional expense that may incur is victim and families attending court hearings of the defendant. Attending court hearings often puts a financial burden on victims and families, including travel, lodging, lost time at work, and lost productivity at home. Families and survivors who

140 Abinanti et al., *To'*, 2020.

141 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019

142 Lucchesi and Echo-Hawk, *Missing*, 2018

143 Sarah Henry and Monica N. Player. *VAWA Prohibition on Fees for Service of Protection Orders: Implications for Law Enforcement Agencies.* National Center on Protection Orders and Full Faith and Credit. https://www.bwjp.org/assets/documents/pdfs/vawa_prohibition_on_fees_for_service_of_protection_orders.pdf

wish to attend hearings can do so, often at their own expense. However, in federal court, the Arizona U.S. Attorney General's office is obligated to assist victims or those who are testifying with financial assistance, such as per diem and lodging. Unfortunately, this only provides assistance to the victim and those who are testifying. As Indigenous people, families are also involved as a support to the victims but they are not provided the financial assistance, therefore, their expense is out of pocket.

*The economic impacts of MMIWG may be detrimental when a single-parent female head-of-household as the sole provider of her family becomes suddenly missing or murdered*. This loss of a caretaker and her household income has significant implications for children, who may be placed with immediate family members – who absorb this financial strain – as Tribal culture dictates to avoid any action taken by the foster care system at the Tribal or state government level. Children in this situation may be particularly at risk of sex trafficking, violent victimization, and being murdered themselves.[144]

*Other costs that families experience include crime scene clean up, funeral services, burial, or transporting a loved one out-of-state*. Tribal communities may assist families by offering financial rewards for information that leads to the discovery of missing persons, or organizing searches for missing loved ones. Volunteer search parties result in costs such as gas, water, food, and printed flyers to distribute.

## COMMUNITY AND TRIBAL IMPACTS OF MMIWG

*MMIWG impacts entire Indigenous communities in many ways*. Many Indigenous communities are matrilineal. When a matriarch is missing or murdered, this can result in a complete unraveling of community and family structure that may have devastating consequences impacting future generations. Entire communities often made up by several clan groups representing family members of all ages collectively grieve and support each other in a manner that is holistic and tied to kinship and cultural traditions. Additionally, Tribal community members seek ways to gather and organize to raise awareness such as hosting vigils, facilitate MMIWG gatherings, attending annual remembrance events, and conducting cultural ceremonies that allow them to heal and move forward. Some tribes may have rituals carried out after the loss of the victim that include the care of fire between the hour of the loss until the time of actual burial, overnight wakes with traditional singing, the process of sitting revenant until the burial, the cutting of one's hair or the dressing and preparation for the loved one to be "returned home." Depending on the Tribal region, some rituals involve cremation or the passing forward of ceremonial belongings to the next family member. After the rituals, meaningful discussion often takes place regarding who becomes responsible for care of ceremonial sites that women may have held in the community. Sometimes a ceremonial cleansing takes place once the phase of the new moon arrives.

*Due to centuries of cultural genocide and assimilation inflicted on Indigenous populations, many victims and surviving members may or may not have experienced a traditional upbringing and may not have cultural ties to their respective Tribal community*. A traditional upbringing or cultural ties to a Tribal community has the potential to allow the healing process to start much sooner for many victims and surviving family members. Cultural beliefs using traditional healing are found in every Tribe and are often important ways to promote healing and support to families.[145]

*There is a spiritual kinship among the world's Indigenous Peoples, whether through connections to their respective traditional homelands, cultural belief systems, or communal reverence to nature, regardless of whether they reside within cities, reserves, villages or Reservations.* In some Indigenous communities, families impacted by MMIWG assumed the role of advocates for each other.[146] Through the bond of shared experiences and the ability to assist others in need, families often unite through kinship on a journey of healing.[147] In supporting each other, families impacted by MMIWG provide sound advice on adjusting to life without their loved ones and in dealing with the aftermath of losing their loved ones.[148]

## IMPACT OF MMIWG ON BORDER TOWNS NEAR TRIBAL RESERVATIONS AND ON URBAN VS. RURAL AREAS

*Small towns or cities that border Tribal Reservations are referred to as border towns, and these places can contribute to MMIWG*. Residents of Reservations near border towns often frequent these towns for groceries, gas, and other

144 Abinanti et al., *To'*, 2020, p.47.
145 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
146 Abinanti et al., *To'*, (2020).
147 Abinanti et al., *To'*, (2020).
148 Abinanti et al., To', (2020).

necessities. Border towns can be hotspots for violence or racial tensions against Indigenous Peoples that are racially-motivated and that has led to MMIP. Border towns are also hotspots for illegal drugs,[149] which may increase violence and MMIWG. In 2006, the Navajo Nation Human Rights Commission was established in direct response to the murder of a Navajo man by a white police officer in the border town of Farmington, New Mexico.[150] Another incident occurred where a police officer claimed justification by stating self-defense in killing a Native American woman in the border town of Winslow, Arizona.[151] In a landmark study by the Centers for Disease Control and Prevention (CDC), medical examiner data from 47 states between 1999 and 2011 revealed that Native Americans were among the most likely to be killed by the police.[152] Borders are porous. Crime does not respect Reservation boundaries and it flows from jurisdiction to jurisdiction.

*Changes in residences (on and off Reservations) among Indigenous Peoples can introduce challenges to ensuring people's whereabouts and safety*. Historically, Indigenous societies have migrated seasonally and year-to-year based on resources of water, food, or necessity. Today it is also common for Arizona Tribal members to move to find employment, access healthcare, attend school, or to secure housing. The residence of some Indigenous Peoples is migrant due to educational or employment opportunities throughout the course of their lives. Some Indigenous Peoples live on-Reservation whereas others live off-Reservation. Others have lived on- and off-Reservation part-time, sometimes called "Cyclers."[153] Some people live in urban cities and others live in rural areas. Most Indigenous Peoples in the U.S. live in urban areas (71%)[154], and may – or may not – be connected to their Tribal communities. In some cases, these changes in living locations make it difficult to keep track of loved ones, creating a challenging situation in keeping them safe from violence. More research is needed to investigate the impacts of the international border and human trafficking on MMIWG.

*Limited resources for Indigenous Peoples, on and off Tribal land, increase their risk of victimization and reduce their ability to access help*. Yet those who live on Reservations often have fewer resources (e.g., medical, legal, counseling) due to severe funding disparity of Tribal communities by the failure of the U.S. government to uphold their federal trust responsibility. Indigenous Peoples are nearly twice as likely to live in poverty and have higher rates of overcrowding compared to non-Indigenous people.[155] Victims of violence, including Indigenous women and girls living on a Reservation, most often experience long wait times before receiving services from a medical practitioner and no or delayed response from law enforcement. There is also inadequate support and resources to address underserved groups of the Tribal Reservations. For instance, LGBTQ+/2S individuals can become isolated due to social stigma which, coupled with the lack of security on Reservations, can lead to dangerous situations. In some situations, LGBTQ+/2S are often faced with a lack of acceptance of friends and family or their own community and also experience cultural discrimination when cultural ceremonies preclude one from participating in gendered activities. One of the complications faced by Tribal law enforcement in Arizona is the lack of cell, analog, and Internet service on Reservations. These technological issues impact the ability of victims to call for help and for loved ones to check on their family members.

149 U.S. Department of the Interior. *Drugs in Indian Country,* (March 20, 2019), https://www.doi.gov/ocl/drugs-indian-country
150 Jennifer Denetdale (2019), Denetdale, 2019a, 20:44
151 Denetdale, 2019a, 46:00.
152 Denetdale, 2019, 48:30.
153 Diane K. Levy et al., *Housing needs,* (January 2017) https://www.huduser.gov/portal/sites/default/files/pdf/NAHSG-UrbanStudy.pdf
154 Urban Indian Health Institute, *Urban Indian Health,* https://www.uihi.org/urban-indian-health/data-dashboard/
155 Diane K. Levy et al., *Housing needs,* (January 2017).

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"Empath" mixed media 24"x 30" canvas.

# GRASSROOTS MOVEMENT LEADING TO THE CURRENT LEGISLATIVE PROGRESS TO UNDERSTAND AND REDUCE MMIWG

"You don't heal if you don't have an answer."

Grassroots efforts mobilized MMIWG legislation

Arizona's legislatively-mandated MMIWG study committee

Impact of coronavirus (covid-19) on MMIWG and the victimization of Indigenous women and girls

# GRASSROOTS MOVEMENT LEADING TO THE CURRENT LEGISLATIVE PROGRESS TO UNDERSTAND AND REDUCE MMIWG

## GRASSROOTS EFFORTS MOBILIZED MMIWG LEGISLATION

*After more than five centuries, non-Indigenous people are finally beginning to learn of and acknowledge this crisis*. MMIWG has only recently begun to receive widespread attention outside of Indigenous communities. One reason for this is the lack of media attention on victimized Indigenous women.[156] Indeed, the Urban Indian Health Institute points out that Indigenous women disappear three times: in life, in the media, and in the data.[157] Yet, grassroots organizations led by Indigenous Peoples who have experienced MMIWG within their community have been vocal about this issue for decades.[158]

*The murder of Ashlynne Mike brought about a huge outcry to MMIWG in AZ.* Ashlynne Mike was an 11-year old Navajo girl who was abducted, raped, and murdered on the Navajo Nation on May 2, 2016. Her 9-year old brother was also abducted at the time and escaped – an escape which is presumed by some within the Indigenous community to have been attributed to Ashlynne's hard-fought assistance to help her younger brother. Ashlynne's brother walked for miles before locating a motorist who was unable to call 911 due to limited cell phone reception on the Reservation, and an AMBER alert was issued for Ashlynne Mike the following day. This tragedy inspired the recently enacted *Ashlynne Mike AMBER Alert in Indian Country Act (2018)* to provide grant funding to tribes for the development and enhancement of AMBER Alert activities on tribal land. Ashlynne Mike's murder shook the hearts of all who heard about her case. It was pivotal in jarring the movement and creating the momentum needed to push MMIWG to the forefront.

*The following year, in 2017, the murder of a Hannah Harris, a 21-year old Northern Cheyenne Tribal member, resulted in Montana designating May 5 (Hannah's birthday) as the Day of Awareness for Missing and Murdered Native Women and Girls – and now this day is recognized nationally*.[159] On May 5, 2019, Arizona Governor Doug Ducey issued a Proclamation marking May 5th as the Arizona Day of Awareness for Missing and Murdered Indigenous Women and Girls. This national day of awareness provides forums for Tribal communities and urban areas to collectively unite and bring awareness and support for MMIWG.

*In 2018, Canada conducted a national inquiry into MMIWG,[160] and this had a widespread ripple effect within the U.S., which contributed to propelling the ongoing grassroots movement into the public sphere.* As one example, Rosalie Fish, a state of Washington high school track-and-field star, attended a track meet on May 25, 2019 with a red handprint painted over her mouth – the national symbol of MMIWG – and the letters "MMIW" painted down her right leg. The images of her running in support of the MMIWG movement went viral.[161]

*The MMIWG grassroots efforts led to the recently enacted state and federal legislation to address the problem of MMIWG*. The dedicated work of organizations such as the Urban Indian Health Institute, the Global Indigenous Council, the National Congress of American Indians, the National Indigenous Women's Resource Center, Sovereign Bodies Institute, Justice for Native Women, and the grassroots efforts led by Tribal domestic violence and sexual assault coalitions across Indian country, as well as countless others have motivated state-sanctioned research and national policies to be implemented. The U.S. initiated an unprecedented burst of federal and state legislation in late 2019 concerning violence against Indigenous Peoples,

156 Indigenous women are underrepresented in the media compared to their non-Indigenous counterparts, especially White women. See, e.g., Sarah Stillman, "The Missing White Girl Syndrome": Disappeared Women and Media Activism, 15 Gender & Dev. 491 (2007).

157 Lucchesi and Echo-Hawk, Missing, 2018.

158 Echo-Hawk et al., MMIW, 2019.

159 National Indigenous Women's Resource Center, May 5th, (April 15, 2020), www.niwrc.org/news/join-national-day-awareness-commemorate-missing-and-murdered-native-women-and-girls-may-5th

160 The National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming, 2018, p. 5.

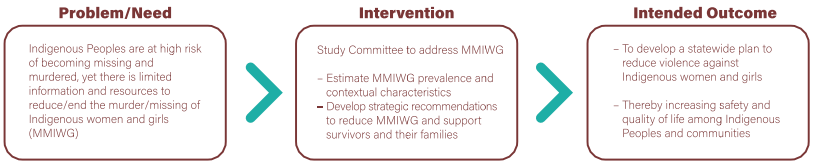
161 Dave Zirin, Rosalie Fish Runs for the Murdered and Missing, Nation (June 7, 2019), https://www.thenation.com/article/archive/rosalie-fish-canada-indigenous-women/.

with a particular focus on reducing MMIWG.[162] This legislation includes efforts to expand data sharing,[163] a bill to enhance law enforcement protocols,[164] and a presidential executive order to improve protocols and procedures for investigations and prosecutions.[165] Legislative efforts at the state level have also occurred with 14 states passing bills to study and reduce MMIWG.[166] These 14 states vary in four distinct ways – the creation of a task force, community outreach and education, data collection and analysis, and policy recommendations.[167] Importantly, Savanna's Act and the Not Invisible Act were enacted on October 10, 2020, which are vital pieces of legislation designed to address and reduce violence against Indigenous Peoples.[168]

## ARIZONA'S LEGISLATIVELY MANDATED MMIWG STUDY COMMITTEE

*Arizona's MMIWG legislation.* In the summer of 2019 Arizona enacted HB2570, which established a Study Committee with the purpose of investigating the nature and extent of MMIWG throughout the state and to develop a statewide plan to reduce MMIWG (see Appendix A). The intended outcome of the MMIWG legislation is to improve the safety of Indigenous women, girls, and communities (See Figure 2). The Study Committee is comprised of 23 members which includes Tribal members, legislators, prosecutors, and law enforcement officers located throughout the state of Arizona. The committee includes a wide variety of people with expertise on Tribal governance, political science, law enforcement, and social work. Arizona State Representative Jennifer Jermaine (White Earth Ojibwe, D18) and Arizona State Senator Victoria Steele (Seneca Nation of Indians, D9) introduced the legislation, and Jermaine serves as the Study Committee's Chairperson.

Figure 2: Arizona's MMIWG Legislative Impact




Source: Authors in consultation with the study committee

**In photo from Left to Right:** Representative Myron Tsosie, Navajo Nation Council Delegate Amber Crotty, Representative Arlando Teller, Kathleen A. Fox, Debbie Nez Manuel, Kim Russell, Senator Sally Ann Gonzales, and Representative Jennifer Jermaine

162 Fox, New, 2020

163 U.S. Department of Justice, Attorney General William P. Barr Launches National Strategy to Address Missing and Murdered Indigenous Persons, (DC: DOJ, 2019); U.S. Department of Justice, Tribal Access Program (TAP): For National Crime Information, Ensuring the Exchange of Critical Data, https://www.justice.gov/Tribal/Tribal-access-program-tap.

164 S. 228, 116th Cong. (as passed by Senate Mar. 11, 2020), https://www.congress.gov/bill/116th-congress/senate-bill/227; see also H.R. 2733, 116th Cong. (2019), https://www.congress.gov/bill/116th-congress/house-bill/2733.

165 Office of Press Secretary, Executive Order on Establishing a Task Force on Missing and Murdered American Indians and Alaskan Natives, (Nov.26, 2019), https://www.whitehouse.gov/presidential-actions/executive-order-establishing-task-force-missing-murdered-american-indians-alaska-natives/.

166 Fox, New, 2020.

167 Fox, New, 2020.

168 Office of Press Secretary. Statement from the Press Secretary Regarding the Signing of Savanna's Act and the Not Invisible Act. (Oct. 10, 2020). https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-signing-savannas-act-not-invisible-act/

In Arizona following the Governor's signing of HB2570, was a gathering on May 5, 2019, called Turn the Capital Red, where several Tribal Nations from around the state gathered in prayer, dance, shared songs and a spiritual run on the perimeter or path around the House and Senate to honor the initial efforts of MMIWG.

## IMPACT OF CORONAVIRUS (COVID-19) ON MMIWG AND THE VICTIMIZATION OF INDIGENOUS WOMEN AND GIRLS

*Coronavirus (COVID-19)*[169] *spread across the world rapidly in early 2020, and the pandemic has had – and continues to have – profound impacts particularly within Indigenous communities and among Indigenous Peoples*. COVID-19 is a new coronavirus that spreads quickly and often results in severe symptoms, including death.[170] COVID-19 has caused the abrupt and brutal disruption of government and non-governmental organizations' (NGOs) service delivery. Many public services have been forced to close, causing employees to work remotely, and has restricted or delayed services. Many Tribal Nations throughout Arizona implemented prevention efforts in an attempt to minimize the spread of COVID-19 within their communities. These prevention efforts included curfews, stay-at-home orders which are often called quarantine lockdowns, and limited access to Tribal lands for non-Tribal members. To reduce the spread of COVID-19, national and international public health experts and political leaders have promoted varying degrees of "social distancing." In other words, staying away from people will naturally reduce one's risk of contracting coronavirus. A full discussion on the effects of the coronavirus within the Indigenous community is beyond the scope of this study.[171] However, given the impacts of coronavirus (COVID-19) on Indigenous Peoples, it is important to acknowledge the ways in which the pandemic increases victimization of Indigenous women and girls, including MMIWG.

*While social distancing may decrease one's risk of exposure to COVID-19, for some people their exposure to violence has increased – especially in terms of intimate partner violence*. Among the people most vulnerable to increased violence at home during the pandemic are women, children, people from the disability community, and those who identify as LGBTQ+/2S.[172] Some factors that may lead to an increase of domestic violence due to COVID-19 includes the shutdown of community services, increased stress, frustration, anxiety, financial hardship, and confined living conditions.[173] And while little research is available at this time due to the recency of the pandemic, limited evidence shows there has been an increase in domestic violence cases around the world. In Palestine, women's organizations have reported a 10% increase in gender-based violence calls.[174] Yet the rates of intimate partner violence are much higher in Argentina (25% increase), France (30% increase), and Singapore (33% increase).[175] Spain witnessed its first domestic violence murder during quarantine on March 19, 2020[176] and Peru has seen nearly 900 women go missing since quarantining began.[177] Domestic violence calls for service have been increasing since the pandemic began in the U.S.[178] and in Phoenix.[179]

*The increased rates of intimate partner violence across the globe has resulted in a "second pandemic" for which resources are scarce*.[180] COVID-19 quarantining and social distancing has resulted in fewer services and limited capacity for shelters.[181] On some Reservations,

169 The timing of the virus began during Arizona's MMIWG legislation.

170 Centers for Disease Control and Prevention. (2020). Coronavirus disease 2019 (COVID-19). https://www.cdc.gov/coronavirus/2019-ncov/faq.html

171 Some Native American communities are experiencing extremely high cases of COVID-19, such as the Navajo Nation, this is due to lack of adequate funding, resources, multi-generational households, vulnerability due to chronic stress and historical trauma. For more information: https://www.un.org/development/desa/indigenouspeoples/covid-19.html

172 Caroline Bettinger-Lopez, "A Double Pandemic: Domestic Violence in the Age of COVID-19," Council on Foreign Relations, May 13, 2020. https://www.cfr.org/in-brief/double-pandemic-domestic-violence-age-covid-19

173 Human Rights Watch, Human Rights Dimensions of COVID-19 Response, (2020). https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response#_Toc35446584

174 United Nations, The Question of Palestine, "COVID-19 Risks Creating and Exacerbating Women's Vulnerabilities and Gender Inequalities in Palestine, Warns UN Women – Press Release," (2020). https://www.un.org/unispal/document/covid-19-risks-creating-and-exacerbating-womens-vulnerabilities-and-gender-inequalities-in-palestine-warns-un-women-press-release/.

175 United Nations Women, COVID-19 and Ending Violence Against Women and Girls, (2020). https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006.

176 Emma Graham-Harrison, Angela Giuffrida, Helena Smith, and Liz Ford, "Lockdowns around the world bring risk in domestic violence," The Guardian, March 28, 2020. https://www.theguardian.com/society/2020/mar/28/lockdowns-world-rise-domestic-violence,

177 France 24, "Peru says over 900 girls, women feared dead since pandemic began," accessed Aug 2, 2020. https://www.france24.com/en/20200727-peru-says-over-900-girls-women-feared-dead-since-pandemic-began.

178 New York Times, Domestic Violence Calls, (May 15, 2020), https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html.

179 The Associated Press, Domestic violence on rise in Phoenix amid coronavirus pandemic, (April 2020), https://www.azfamily.com/news/continuing_coverage/coronavirus_coverage/domestic-violence-on-rise-in-phoenix-amid-coronavirus-pandemic/article_52dcf808-7a9b-11ea-ab03-5728b08d47a8.html

180 United Nations, *COVID-19*, 2020.

181 United Nations, *COVID-19*, 2020.

hotels were used to house women when shelters were full, yet because the hotels are connected to the casinos, the hotels have closed as a result of casino closures.[182] These closures and reduced services means that many women have no other option but to stay in their home, in constant contact with their abuser.[183] To the degree that intimate partner violence is associated with MMIWG – a link that has not been extensively researched at this time – given the dynamics of power and control in IPV it can be surmised that the pandemic has the potential to increase rates of MMIWG.

*There are increased barriers and unique challenges for women on Reservations due to COVID-19*. Tribal social services are already severely underfunded compared to non-Native social services.[184] For example, there are fewer than 60 Tribal domestic violence shelters for the 574 federally recognized tribes.[185] Even before the pandemic, shelters struggled to keep their doors open and alternate shelters were difficult to access.[186] During COVID-19, there have been temporary closures and suspensions of programs that serve Tribal communities.[187] Online access to resources is often unavailable for rural communities due to lack of internet and cell phone service.[188] Due to travel restrictions and border closures, many Indigenous survivors of violence cannot access shelters located off Reservations.[189]

**In photo from Left to RIght:** Debbie Nez Manuel, Wenona Benally Baldenegro, Elayne Gregg and daughter, Representative Jennifer Jermaine, April Ignacio, Senator Victoria Steele, Valaura Imus-Nahsonhoya, Rosetta Walker, and Navajo Nation Council Delegate Amber Crotty

182 Deborah Bush, Keely Linton, Charlene Casimir, Webinar: Providing Safety for Domestic Violence Survivors in the Time of a Pandemic, (National Indigenous Women's Resource Center, July 8, 2020). https://www.niwrc.org/resources/webinar-providing-safety-domestic-violence-survivors-time-pandemic.

183 Ashley Abramson, "How COVID-19 may increase domestic violence and child abuse," American Psychological Association, accessed August 2, 2020. https://www.apa.org/topics/covid-19/domestic-violence-child-abuse.

184 National Congress of American Indians (NCAI), Testimony of the National Congress of American Indians "Addressing the Need for Victim Services in Indian Country," Accessed August, 2, 2020. http://www.ncai.org/resources/testimony/ncai-testimony-on-addressing-the-need-for-victim-services-in-indian-country.

185 NCAI House letter re Tribal DV.

186 NCAI, *Testimony*, 2020.

187 Mallory Adamski, "Going Virtual: Adapting Advocacy Amid COVID-19," Restoration of Native Sovereignty and Safety for Native Women, 17 no. 2 (2020): 16-19 https://www.niwrc.org/sites/default/files/restoration.17.2.pdf.

188 NCAI House letter.

189 NCAI House letter.

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui)
"MMYW" 18"x 24" canvas, acrylics.

# PROJECT GOALS AND RESEARCH QUESTIONS

**“No one seeks answers in those murders and if the authorities investigate, they don’t share what they know, or nobody comes to tell [us] what they’ve discovered. Even if there is not a conclusion, there’s no ongoing updates. At this time, [I] don’t know if [my] granddaughter will ever come home. We are still waiting.”**

# PROJECT GOALS AND RESEARCH QUESTIONS

## GOALS AND IMPORTANCE OF THIS STUDY

*The overarching project goal is to create safer Arizona communities by reducing MMIWG to inform the formulation of effective strategies to best prevent and respond to MMIWG*. This will be the first known study to reveal the documented prevalence of MMIWG in the state of Arizona. Although this prevalence will likely be an underrepresentation of MMIWG, consistent with other recent studies,[190] this study is important for contextualizing the nature and extent of MMIWG. Understanding the prevalence of MMIWG is vital for developing and implementing policy recommendations aimed at reducing its prevalence. This study will also identify culturally-appropriate recommendations for reducing MMIWG and violence against Indigenous Peoples and communities.

*Arizona is now the first known state to have articulated a definition of MMIWG*. Arizona defines MMIWG as:

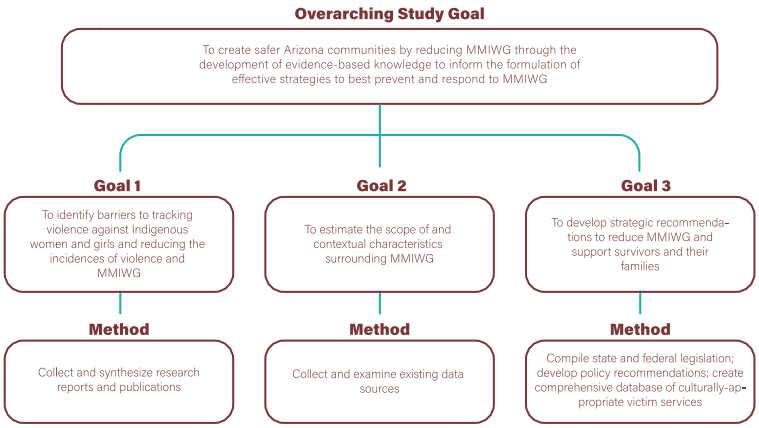
> **"Indigenous women and girls or persons who identify as female, who are missing, or have lost their lives from violence caused by another person."**

This definition of MMIWG was approved unanimously by the Study Committee on December 13, 2019. Specifying a definition of MMIWG was a critically important step for framing the scope of the study and research design.

*In partnership with Arizona's MMIWG Study Committee, we address several gaps in knowledge and examine three distinct project goals*. Figure 3 visually shows this study's three goals:

- ***Goal 1***: To identify barriers to tracking violence against Indigenous women and girls and reducing the incidences of violence and MMIWG;
- ***Goal 2***: To examine the prevalence and contextual characteristics surrounding MMIWG;
- ***Goal 3***: To develop practical, culturally-appropriate, and data-driven policy recommendations to reduce MMIWG and support survivors and their communities.

Figure 3: Project goals and methodology plan




Source: Authors in consultation with study committee

Understanding the prevalence of MMIWG in Arizona will require a multi-pronged approach to triangulate data from numerous existing sources. The specific objectives – and methods for operationalizing each objective – is featured for each goal.

## RESEARCH QUESTIONS

### GOAL 1 RESEARCH QUESTIONS

1. What is known about the barriers to tracking violence against Indigenous women and girls and reducing the incidences of violence and MMIWG
2. How do law enforcement agencies in Arizona document Indigenous Peoples on intake forms?

### GOAL 2 RESEARCH QUESTIONS

3. How prevalent is MMIWG in Arizona?

190 Lucchesi and Echo-Hawk, *Missing*, 2018.

4. What are the contextual characteristics surrounding MMIWG in Arizona?
    a. What is the demographic information (age and sex) of the MMIWG victims and offenders?
    b. What are the incident characteristics (type of weapon and offender characteristics) of MMIWG?
5. What are the situational characteristics (e.g., related to human trafficking, sexual assault, domestic or family violence; victim-offender relationship) of MMIWG?
6. What is the geographical distribution of MMIWG?

**GOAL 3 RESEARCH QUESTION**

7. What specific recommendations may reduce MMIWG?

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui)
"New beginnings" mixed media 24"x 30" canvas.

# PROJECT DESIGN AND IMPLEMENTATION

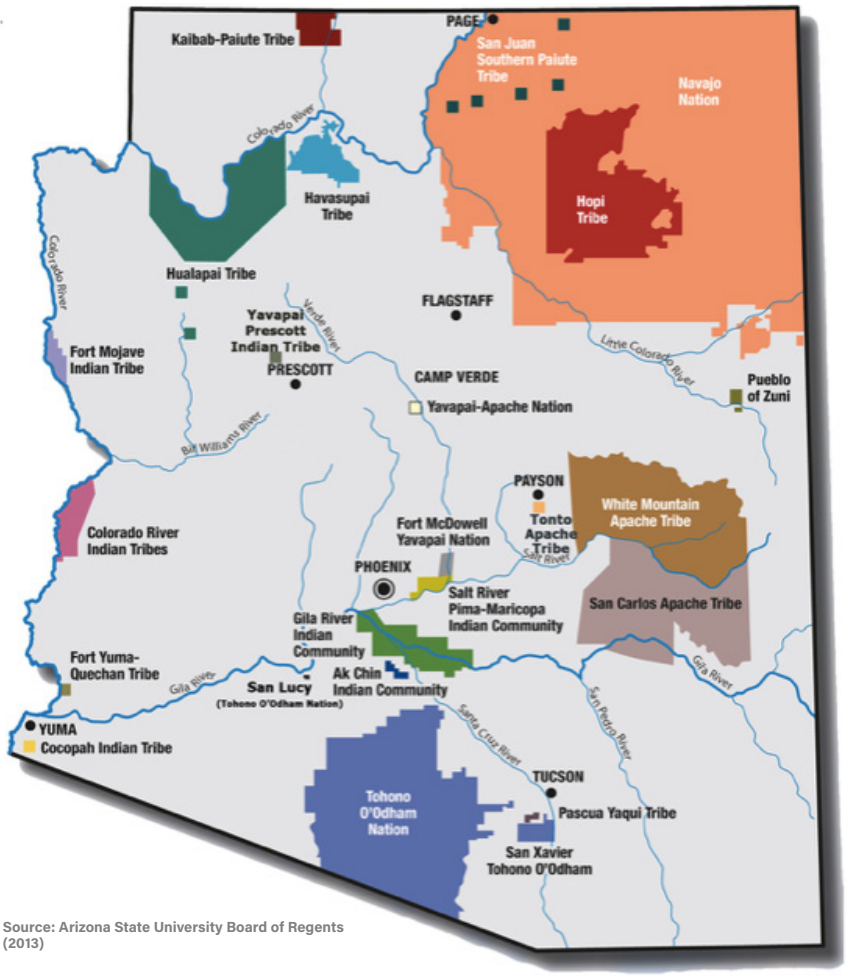
"Every day I just pray. Pray that, you know, things will be okay with me again."

# PROJECT DESIGN AND IMPLEMENTATION

## STUDY SETTING

*State of Arizona*. With more than one-quarter of Tribal land in the state (27%), Arizona is home to 22 of the 574 federally-recognized Tribal Nations across the U.S (see Figure 4).[191] Arizona's Indigenous population is four times higher than the national average (e.g., 5.3% versus 1.2%).[192] Arizona was selected as the study site given that the state's MMIWG legislation is the focus of the project. Phoenix, Arizona was also one of the six major settlement sites for the Indian Relocation Act of 1956, which paid Indigenous families to move off the Reservation and assimilate into urban society.[193]

Figure 4: Map of Arizona's federally-recognized Tribes



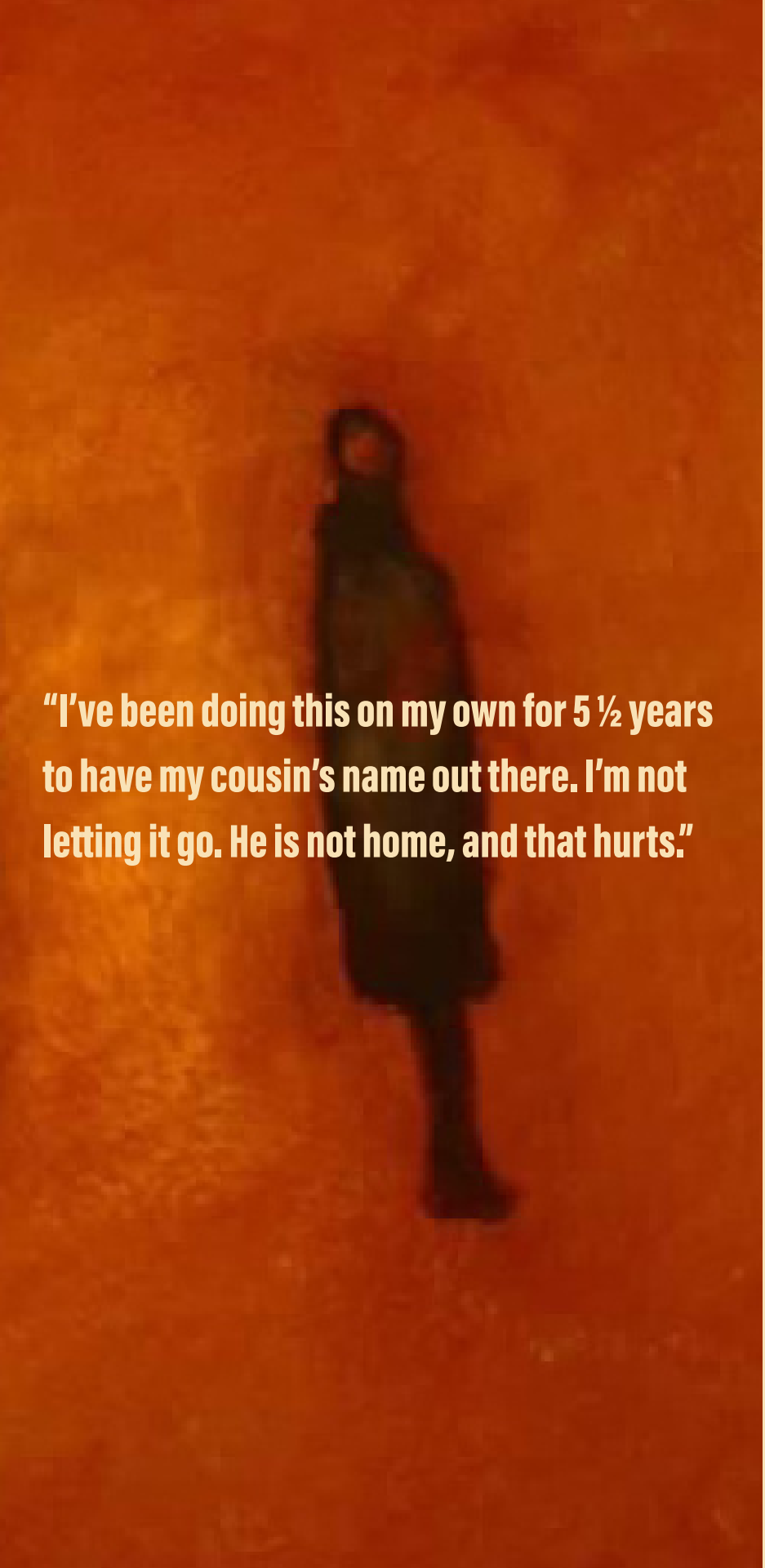

Source: Arizona State University Board of Regents (2013)

191 Arizona Indian Gaming Association, Tribal Land and Casinos, 2019. https://www.azindiangaming.org/member-tribes/tribal-land-casinos/.

192 U.S. Census, Quick Facts, (Washington DC: U.S. Census, 2019) https://www.census.gov/quickfacts/AZ#qf-headnote-a.

193 U.S. National Archives and Records Administration, American Indian Urban Relocation, 2016. https://www.archives.gov/education/lessons/indian-relocation.html.

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui)
"The journey"




# DATA AND METHOD

Goal 1: Identify barriers to tracking violence against Indigenous women and girls and reducing the incidences of violence and MMIWG

Goal 2: MMIWG scope and characteristics

Goal 3: MMIWG recommendations and resources

# DATA AND METHOD

## GOAL 1:

### IDENTIFY BARRIERS TO TRACKING VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS AND REDUCING THE INCIDENCES OF VIOLENCE AND MMIWG

We conducted a series of searches for reports and publications on the barriers to tracking violence against Indigenous women and girls, including MMIWG. We read and synthesized the major barriers as identified in existing publications. We also conducted a statewide investigation into the way law enforcement agencies throughout Arizona document Indigenous victims on intake forms.

## GOAL 2:

### MMIWG SCOPE AND CHARACTERISTICS

Our study examines data from 3 data sources: (1) Federal Bureau of Investigation's (FBI) Supplemental Homicide Reports (SHR), which includes homicide data, (2) National Missing and Unidentified Persons System (NamUs), which features missing person data, and (3) Justice For Native Women data (JFNW), which includes data on both missing and murdered Indigenous females. All three data sources are publicly available and Arizona State University Institutional Review Board approval was obtained to examine the data sources.

The Federal Bureau of Investigation's (FBI) Supplemental Homicide Reports (SHR) was obtained from the Interuniversity Consortium for Political and Social Research's (ICPSR) National Criminal Justice Data Archive (for data years 1976-2018). The SHR data contains incident-level data for homicides in the U.S. as reported by local law enforcement agencies.

The National Missing and Unidentified Persons System (NamUs) established a national online database in 2007 with the goal of improving access to information that would help solve missing and unidentified person cases. NamUs data is publicly available and contains cases reported to the police and those entered by the general public. The data used in this study is the publicly available Indigenous missing persons data in Arizona.

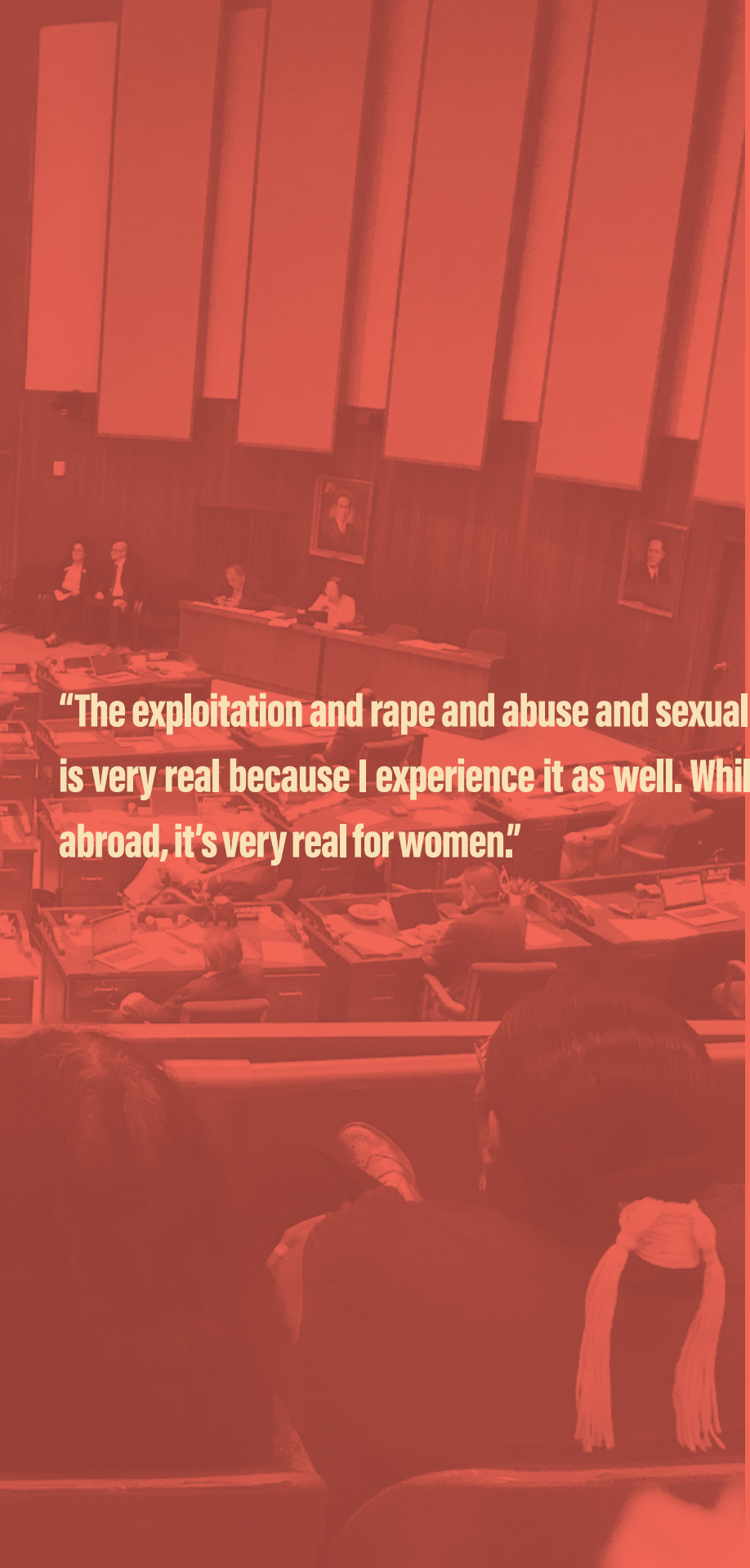
Justice for Native Women (JFNW) is a public blog that was created in December of 2015 with the purpose of documenting MMIWG nationwide. Mak Mars started the blog as an effort to raise awareness for murdered, missing, and unidentified Indigenous women in the U.S. and Canada through the creation of a master-list of cases. Although the majority of information provided by JFNW is publicly available on their website and Facebook pages, we received written permission from JFNW to incorporate their data into this study.

## GOAL 3:

# MMIWG RECOMMENDATIONS AND RESOURCES

This study presents culturally-appropriate data-driven policy recommendations. Our recommendations, in consultation with the Study Committee, focuses on the following: service provision, resources, training/education, law enforcement, collaborations, data, and legislation.


Arizona House of Representatives



# THE STUDY'S FINDINGS

**"The exploitation and rape and abuse and sexual abuse in our communities is very real because I experience it as well. While out in the community or abroad, it's very real for women."**

Known barriers to understanding the scope of MMIWG (goal 1)

Scope of MMIWG in Arizona (goal 2)

Policy recommendations to reduce MMIWG in Arizona (goal 3)

# THE STUDY'S FINDINGS

## KNOWN BARRIERS TO UNDERSTANDING THE SCOPE OF MMIWG (GOAL 1)

Problems with data collection obscure the true amount of violence committed against Indigenous Peoples. The following section outlines some of the known barriers in determining the true scope of MMIWG, as documented in other studies that we located and synthesized based on the themes below:

*MMIWG among rural and remote communities*. The lack of reporting of interpersonal crimes (e.g., domestic violence, sexual assault, stalking) can significantly obscure circumstances surrounding crimes related to MMIWG. This is especially true for women living on Reservations. Women on Reservations experience unique barriers to reporting victimization, including geographical and technological barriers.[194] Despite cell phone providers' claim that signal service coverage is adequate, phone users on Tribal Nations know otherwise. Broadband challenges are only a start to the array of issues and can expand into un-inventoried primitive roads generally used by locals for seasonal activities like winter wood hauling, pinon picking, or medicinal herb gathering and often not found on maps or online mapping systems. Additionally, many Tribal communities lack the public transportation infrastructure for day-to-day travels. According to the National Institute of Justice (NIJ), in 2001, Indigenous Peoples on Reservations were less likely than the majority of Americans to have access to phones.[195] Geographical isolation makes reporting crime and accessing services challenging. Women and girls who live far from a hospital may not be able to access medical treatment or examinations (e.g., sexual assault forensic exams).[196] Many Indigenous victims may be particularly isolated from needed services. Only half of Arizona's federally-recognized tribes have victim services (12 of 22). Even if victim services are available on the victims' Tribal land, there are many barriers to accessing those services, including the challenges in maintaining confidentiality, shame, mistrust of providers, lack of shelter or safe house alternatives, long distances to travel, and lack of transportation.[197]

*MMIWG among urban communities*. Those residing in urban areas may not be aware of victim services or may not want to access victim services because of a lack of cultural understanding, language, comprehension, and sensitivity. The Arizona State Victim Compensation Fund provides financial compensation for victims or their families. However, in order to be eligible for compensation, a police report is required to document that a crime has occurred. Yet, police often do not issue police reports for missing adults because "being missing" is not in and of itself a crime. This means that many families of missing adults are not eligible for state victim compensation.

*Because federal victim compensation funds are administered by the state of Arizona and then distributed through the counties, Tribes are at a significant disadvantage in accessing these funds*. Additionally, survivors and families must apply for victim compensation from the county in which the crime occurred – not the county in which the survivor or family resides, which presents barriers to access.

*There are challenges that Tribal Nations face that complicate their ability to implement an AMBER Alert, Silver Alert, and Ashlynn Mike AMBER Alert in Indian Country systems*. Many Tribes in Arizona (except Navajo Nation) do not have a fully functioning AMBER Alert system.[198] Some Tribes have recently obtained a resolution[199] in support of participating in an alert system, but no actual system are in place yet. Challenges with infrastructure include: (1) lack of signs/billboards on the roadways in Indian Country, (2) radio

194 Stewart Wakeling, Miriam Jorgensen, Susan Michaelson, and Manly Begay, *Policing on American Indian Reservations* (DC: U.S. Department of Justice, 2001).

195 Wakeling et al., *Policing*, 2001.

196 Bachman et al., *Violence*, 2008.

197 Bachman et al., *Violence*, 2008.

198 Missing persons under age 21 fall under the purview of AMBER Alert Statutes. Missing persons over 65 and individuals in danger who are diagnosed with a developmental disability, Alzheimer's disease, and dementia, fall under the Senior/Silver Alert Statutes for vulnerable populations 36 A.R.S. § 36-551 (2016).

199 A resolution is the Tribal Resolution that approves an action, often through Tribal Council.

and television stations may not broadcast in remote areas, (3) Tribal cell phone carriers may not provide cell phone alerts, (4) language barriers when radio and television are broadcast in English rather than the Native language, and (5) jurisdictional boundaries must often be navigated across Tribal, state, county, and countries (e.g., Mexico). Training and educational challenges to implementing AMBER and Silver alert systems include: (1) lack of awareness among Tribal Nations about how to contact the State of Arizona for AMBER Alert, (2) only 7 of 22 Arizona Tribes have received AMBER Alert training, (3) there are no memorandum of understanding or intergovernmental agreements between Tribes and the state to participate in the AMBER Alert system, although some Tribes are requiring these agreements, (4) Tribes often do not know how to access the state plan, (5) Tribes often do not have training or polices in place to respond to an abduction, (6) the state lacks knowledge on Indian Child Welfare Act (ICWA) and how it applies off reservation.

*Regardless of whether Indigenous crime victims live on Reservations or urban settings, there are barriers to reporting crime and seeking services faced by all victims*.[200] These reasons include shame and humiliation,[201] fear of the offender and retaliation,[202] fear of lack of privacy,[203] feeling as though the law will not be enforced,[204] and, many times, love for the perpetrator.[205]

*Racial misclassification*. Data are limited due to the inaccurate recording of Indigenous Peoples' race. Many Indigenous Peoples are often racially misclassified as Hispanic, White, or Asian.[206] Racial misclassification occurs when criminal justice personnel attribute an incorrect racial classification to crime victims based on an incorrect best-guess.[207] This erasure of Indigeneity cannot be overemphasized. This is a challenging limitation to overcome given the longstanding systemic factors that contribute to this problem (e.g., many law enforcement agencies in Arizona and nationwide still do not feature Tribal affiliation(s) – on police reports). This problem plagues all existing data sources. There are also inconsistencies among racial and ethnic codes within law enforcement databases.[208] For example, in the 1960s and 1970s the Seattle police department found a code of "N" was used to identify Black or African American people and also used to identify people who were Native American.[209] The Sacramento police department used "Indian American" to identify Native Americans, resulting in combined data of those who were Indian American (Asian) with Native American.[210] The unavailability of a Native American classification, let alone Tribal affiliation(s), adds to the erasure of Indigenous Peoples in data collection.

*Distrust of law enforcement*. Indigenous communities' distrust of law enforcement may also lead to incomplete reporting of MMIWG. Distrust of law enforcement is deeply engrained within Tribal communities. Distrust stems from decades and centuries of governing bodies attempting to control Indigenous Peoples,[211] the knowledge that law enforcement is an arm of the state,[212] the racist foundation from which law enforcement agencies began,[213] and the racial discrimination that persists within law enforcement today. A study of 278 Native Americans across 7 states found that Native

200 Bachman et al., Violence, 2008.

201 Wakeling, et al., Policing, 2001; Magen, R.H. and Wood, D.S. Intimate partner violence against Ahtna (Alaskan Native) women in the Copper River Basin Final Report, (DC: National Institute of Justice, 2006); Karjane et al., Campus, 2000.

202 Wakeling et al., *Policing*, 2001.

203 Bachman, *Violence*, 2008; Amnesty Intl., *Maze*, 2001.

204 Radon, A., "Tribal jurisdiction and domestic violence: The need for non-Indian accountability on the reservation," (University of Michigan Journal of Law Reform, 37, 2004, pg. 1275-1312).

205 Rachel E. Morgan and Barabara A. Oudekerk, Criminal Victimization (Bureau of Justice Statistics, 2018), https://www.bjs.gov/content/pub/pdf/cv18.pdf; Fox, New, 2020.

206 Lucchessi and Echo-Hawk, Missing, 2018.

207 Lucchessi and Echo-Hawk, Missing, 2018.

208 Lucchessi and Echo-Hawk, Missing, 2018.

209 Lucchessi and Echo-Hawk, Missing, 2018.

210 Lucchessi and Echo-Hawk, Missing, 2018.

211 Barbara Perry, "Impacts of disparate policing in Indian Country," Policing and Society, 19 no. 3 (2009):263-281.

212 Barbara Perry, "Nobody trusts them! Under – and overpolicing Native American communities, Critical Criminology, 14, (2007).

213 Policing began as a tactic to capture runaway slaves. See: Bass, S., "Out of place: petit apartheid and the police," 2001.

Americans' lived experience reflected both an over- and under-policing of the Native community.[214] Indeed. Native Americans are victims of crime at twice the rate of the general population and are more likely to be the victims of interracial crimes.[215] Additionally, many Native Americans perceive that police enabled the racial violence and harassment against them. This contributes to the distrust of law enforcement and people's unwillingness to report crime.[216] Yet, it is important to note that different law enforcement agencies have jurisdiction on Tribal lands. Citizens' trust, or distrust, of law enforcement may vary based on whether the police are from within the Tribal Nation, from the Bureau of Indian Affairs, or city/county.

*Law enforcement agencies in Arizona Tribal communities are severely underfunded and understaffed*. Due to understaffing, one single Tribal law enforcement officer may cover many square miles, and this can create long delays in officer response time. Sometimes officers are unable to respond to calls. The underfunding of Tribal law enforcement means that some police equipment and vehicles are outdated or underserviced, which creates unsafe situations for officers especially when covering large territories and responding to domestic violence situations. There is also a great need for Tribal law enforcement training, yet understaffing and underfunding means that officers may be unable to travel to attend trainings. These challenges make it difficult, or impossible, for some Tribal law enforcement officers to perform their job effectively. Yet it should be acknowledged that some Tribal law enforcement understand the dynamics of power and control and work well with their local domestic and sexual violence advocates.

*Jurisdictional issues.* Jurisdictional issues significantly exacerbate the under-reporting of crime due to the complex overlapping levels of Tribal, county, state, and federal governments, known as a the "jurisdictional maze."[217] This maze is due to the myriad of statutes and U.S. Supreme Court decisions to determine criminal jurisdiction in Indian Country. As sovereign nations, in general, state laws do not apply in Indian Country. Tribal Nations are subject to federal jurisdiction in certain criminal instances. The Major Crimes Act of 1885 (with modification via other laws and Supreme Court cases) gives federal courts jurisdiction exclusively over offenses that occur on Tribal lands. Criminal jurisdiction in Indian County is determined by (1) the status of the offender as Indian or non-Indian, (2) the status of the victim is an Indian or non-Indian, (3) the type of crime, and (4) if the location of the offense is on or off trust land.[218] Public Law 280[219] created an exception of state jurisdiction over Indians in Indian Country in six states, and Arizona is not among them. Since Arizona is not a Public Law 280 state, and absent the sharing of jurisdictional authority by a Tribe, non-federal and non-Tribal law enforcement agencies in Arizona lack criminal jurisdiction over Indians for crimes committed in Indian country. The maze results in a "ring of referrals"[220] experienced by Indigenous victims of crime where they are referred from one law enforcement agency to another due to confusion as to who has jurisdiction. This can be especially challenging for crimes that span multiple jurisdictions, or for tribes that border multiple states (e.g. Navajo Nation in Arizona, New Mexico, and Utah). Issues of jurisdiction cause a delay in investigation, prosecution, and justice.

*Arizona Indian Country jurisdictional challenges are punctuated by poverty, a lack of housing, unemployment, substance abuse, and unrestrained violent criminal cases.* As a result of a series of federal statutes and federal court decisions, tribes lack the territorial, criminal, and civil jurisdiction states possess. Instead, criminal jurisdiction in Indian country is divided between three jurisdictions. A three-pronged "jurisdictional maze" that lacks proper coordination, communication, and accountability is the primary reason for victims being neglected, criminals escaping punishment, and for the human rights crisis of MMIWG. Fractured authority creates a great deal of confusion and requires extensive coordination between police departments, prosecutors' offices, court systems, probation and parole offices, and victim services providers. This confusion helps to perpetuate a lawless atmosphere where marginalized Indigenous women and children must flee their communities, displacing them from their own homelands. They often move away seeking safety and shelter in surrounding cities where support services are not aware of this problem, and where systems may not comprehend the suffering that comes with decades of abuse, racism, and historical trauma, where victims may be targeted for human trafficking, drug trafficking, and may be sexually and economically exploited.

214 Perry, Nobody, 2007.
215 Perry, Nobody, 2007.
216 Perry, Nobody, 2007.
217 The National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming, 2019
218 18 USC § 1151.
219 Pub. L. 83-280.
220 Fox, New, 2020.

*Federally-recognized Tribal Nations are sovereign nations; however, via The Major Crimes Act, the federal government has jurisdictions over major crimes in Indian Country, placing significant limitations on Tribal sovereignty*. The majority of tribes in Arizona are prohibited from exercising criminal jurisdiction over non-Indian perpetrators.[221] Currently, two Tribes in Arizona (the Pascua Yaqui Tribe and the Gila River Indian Community) exercise Special Domestic Violence Criminal Jurisdiction over non-Indians under the 2013 Violence Against Women's Act. The legal inability to prosecute some non-Indigenous perpetrators can limit reports of sexual violence and MMIWG when the perpetrators are non-Indigenous.[222] This results in a miscarriage of justice on behalf of victims, especially given evidence that two-thirds of sexual assaults against Indigenous women are committed by non-Indigenous offenders.[223] The extent to which Indigenous women and girls are victimized by Indigenous vs. non-Indigenous perpetrators in Arizona is unclear.

*Definition of missingness.* Finally, there are issues related to understanding "missingness." A state-wide investigation into Missing Native American women and children conducted by Nebraska identified five challenges in missing persons cases. These challenges are – the legal right for adults to be missing, the circumstances that lead to the missingness (criminal or non-criminal), a lack of entry of missing persons into national databases, different definitions of missingness, and the legal age of adulthood in different jurisdictions.[224] There are additional circumstances that complicate missing data such as accidents in rural or remote areas, mental health issues, such as dementia or depression, and intentional missing to escape present circumstances.[225] All of these circumstances lead to an inaccurate representation of Indigenous women and girls who are missing.

## HOW LAW ENFORCEMENT AGENCIES IN ARIZONA CLASSIFY INDIGENOUS PEOPLES

*Related to our goal to understand the barriers to understanding the scope of MMIWG, we examined how Arizona law enforcement agencies document Indigenous women and girls who are missing or murdered*. We conducted a statewide study of law enforcement agency intake forms to assess how each agency documents Indigenous race. We identified 109 law enforcement agencies in the state of Arizona including Sheriff Departments, Municipal Police Departments, Tribal law enforcement agencies, and the Bureau of Indian Affairs. Of the 109 agencies, we attempted to contact all 92 non-Tribal law enforcement agencies (Sheriff and Municipal Police Departments) by phone or email in May and June of 2020 requesting information about their race and ethnic categories on intake forms.

*As of July 2020, 36 agencies (39% of the non-Tribal agencies) participated by providing information about their race and ethnic categories on intake forms via (a) phone, (b) email, or (c) screenshots of their electronic records management system*. An additional 19 agencies (21%) were contacted and pending for requested information. Other agencies were contacted but have not responded to voicemails or emails (n=27, 29%), had non-working phone numbers or incorrect contact information on department websites (n=6, 7%), required fees or information to be mailed to process our request (n=2, 2%), or were unable to participate due to limited staffing to respond to such inquiries due to the COVID-19 pandemic and recent area wildfires (n=2, 2%). Two Tribal agencies were contacted but required information requests to be submitted by postal mail and had to be approved by Tribal council or department supervisor. As this project continues, follow-ups will be conducted with agencies that have not responded or if additional information is needed. Our primary method of communication with agencies was by phone. Prior to calling, we visited each agencies' website to identify records clerks/supervisors, community relations officers, or public information officers as our primary point of contact. Contacting agencies by phone provided the opportunity to better explain the purpose of the project and request specific information that may be misunderstood through email. It also allowed us to be directed to proper personnel when agencies did not have a department directory, official website, or used a social media platform. After the initial phone contact, communication with agencies continued through email which provided a direct contact with proper personnel.

*Of the 36 participating law enforcement agencies, we determined that all but one agency documented*

221 Oliphant v. Suquamish, 435 U.S. 191 (1978).

222 Steven Perry, American Indians and Crime: A BJS Statistical Profile, 1992-2002, (DC: U.S. Department of Justice), found that American Indians were more likely to assaulted and raped/sexually assaulted by a stranger or acquaintance and 60% reported the offender to be white.

223 Bachman et al., Violence, 2008

224 Matthew Stutter, Judi Gaiashkibos, Scott Shafer, Elizabeth Weidner, Tara N. Richards, Emily Wright, and Alyssa Nystrom, LB 154 Report: Prevalence of Missing and Murdered Native American Women and Children in Nebraska; Barriers to Reporting and Investigating; and Opportunities for Partnerships, 2020

225 Stutter et al., *LB 154*, 2020.

*Indigenous race and ethnicity in compliance with the Uniform Crime Reporting (UCR) program.* Although the UCR does not specifically mandate that Age, Sex, Race, and Ethnicity (ASRE) is required, documentation of race/ethnicity was not consistent throughout the state of Arizona. Another problem with the UCR data is that some law enforcement agencies may not report their data or may not provide all their data.[226] The Mammoth Police Department (MPD) in Pinal County was the only law enforcement agency that we determined did not document race and ethnicity in their reports by leaving these fields blank. In addition to inconsistent documentation, currently this project has documented that there are at least 11 different records management systems being used in the state of Arizona. However, law enforcement agencies will be transitioning from UCR to the National Incident-Based Reporting System (NIBRS) by January 1, 2021.

*Consistent with UCR and NIBRS, law enforcement agencies in Arizona aggregates American Indians and Alaskan Natives into one single category*. This measure does not differentiate between the 574 federally-recognized Tribes in the U.S. or provide additional guidance in documenting Tribal affiliation(s). This means that law enforcement in Arizona do not collect information on victims' Tribal affiliation. This is problematic for Tribal Nations because no data at the Tribal level is reported to them. This impacts Nations in many ways. For example, without Tribe-specific data on victims from state law enforcement, Tribes are unable to apply for federal grants because they do not have accurate data. In Arizona, there are 22 federally-recognized tribes. Of the participating 36 agencies, Prescott Valley Police Department (PVPD) is the only agency that has the option for law enforcement officers to manually input Tribal affiliation. According to the PVPD Records Supervisor,[227] documenting Tribal affiliation is not mandatory for UCR and is not required by the department for investigating officers to document. Information about race and ethnicity relies upon citizens to self-disclose to law enforcement.

*This report does not address the significant, long standing challenges Tribal courts and law enforcement agencies have with input and access to national and state databases that significantly impact MMIWG*. Lack of input and access to criminal databases hamstrings interjurisdictional efforts to identify and recover MMIWG and to hold perpetrators accountable. For example, most Tribes do not submit data to FBI's Uniform Crime Reports (UCR), the National Incident-Based Reporting System (NIMBRS), or the NIJ's National Missing and Unidentified Persons System (NamUs).

## SCOPE OF MMIWG IN ARIZONA (GOAL 2)

Findings below about MMIWG in Arizona are listed first for missing women and girls and then for murdered women and girls based on our analysis of The Federal Bureau of Investigation's (FBI) Supplemental Homicide Reports (SHR), National Missing and Unidentified Persons System (NamUs), and Justice For Native Women (JFNW).

*A note about missing person data*. NamUs is a national resource center for missing, unidentified, and unclaimed person cases throughout the U.S.[228] This database provides information at low or no cost to law enforcement, medical examiners, and families of the victims in order to help resolve these cases. The data is reported by multiple sources including family members and coroners and are verified by the law enforcement agency with jurisdiction over the reported missing person. The majority of the information provided by NamUs is publicly available on their website for cases throughout the U.S. However, it is important to note that Arizona does not require that missing persons data be reported to NamUs and currently only the Phoenix Police Department and the Navajo Nation report cases on a regular basis. Given that we do not have Arizona missing person data, a comparison was not possible between the population of Indigenous women and girls vs. the number of missing Indigenous women and girls.

As of July 25, 2020, in the state of Arizona, NamUs has 924 open cases listed, 824 resolved cases, and has aided in the resolution of 154 missing persons cases.[229] As for Indigenous missing persons, NamUs has a record of 46 active open missing person cases for Indigenous persons in Arizona. Of these 46 cases, 12 are female and the remaining 34 are males. It is important to note that this data represents a "point in time" count of Indigenous missing person cases in Arizona on July 25, 2020. Due to the dynamic nature of missing person cases (i.e., the ability for the person to be found and the case resolved at any point), this data is by no means a comprehensive list of every Indigenous missing person in Arizona ever, but simply a representation of the missing persons at the time of collection (July 25,

226 Michael D. Maltz, Analysis of missingness in UCR crime data. Columbus: Criminal Justice Research Center, Ohio State University, 2006.
227 Personal communication, June 22, 2020.
228 National Missing and Unidentified Persons System (NamUs), *About NamUs*. https://www.namus.gov/About
229 NamUs, *About*.

2020). This study utilizes NamUs missing persons data and does not include NamUs unidentified (n=4) and unclaimed (n=0) persons data due to low numbers and difficulty establishing the information of interest in this study (e.g., unknown gender or race/ethnicity). Additionally, this study does not include data from the National Center for Missing and Exploited Children (NCMEC) due to a low number of cases of Indigenous females (n=5).

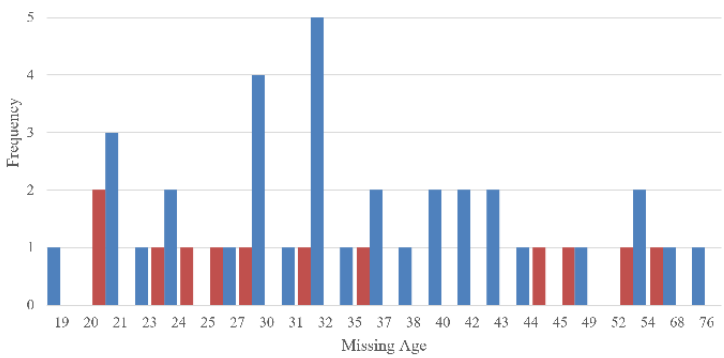
## MISSING INDIGENOUS WOMEN AND GIRLS IN ARIZONA

Data was gleaned from the National Missing and Unidentified Persons System (NamUs) and the Justice For Native Women (JFNW) related to missing Indigenous females in the state of Arizona.

## AGE OF MISSING INDIGENOUS FEMALES AND MALES

NamUs does not yet show the true number of missing Indigenous Peoples. Therefore, the data and figures do not provide the true picture of the scope of the problem of MMIWG. Instead, NamUs shows us a "snapshot" of Indigenous Peoples who were entered into the database and verified by law enforcement as missing on July 25, 2020. "Missing age" refers to the age the person was at the time they went missing (see Figure 5). In Arizona, the average age of an Indigenous person being reported missing was 33 for females and 36 for males. The youngest missing Indigenous person listed in NamUs as of July 25, 2020 was 20 years old (female) and 19 years old (male) whereas the oldest missing Indigenous person was 54 years old (female) and 76 years old (male).

Figure 5. Age distribution of Indigenous missing persons in Arizona




Source: NamUs Missing Persons (1950-2020)

## NUMBER OF YEARS MISSING

NamUs data allows for the calculation of years that the person has gone missing based on the date that the missing person was last seen and the current date. Figure 6 shows the number of years that the person has gone missing for both male and female Indigenous Peoples in Arizona. For males and females, the amount of time missing ranged from under 1 year (i.e., a few months) to 64 years.

Indigenous females were missing for an average of two decades (over 21 years). That is almost twice as long as Indigenous males, who were missing for an average of over 12 years.

Figure 6. Number of years missing for Indigenous missing persons in Arizona (females=12; males=34)


Source: NamUs Missing Persons (1950-2020)

## ARIZONA COUNTIES WHERE INDIGENOUS PEOPLES GO MISSING

The counties in Arizona that appear to have the highest cases of missing Indigenous Peoples are Maricopa (n=10) and Navajo (n=10) counties (See Table 2). Missing Indigenous Peoples are documented across 9 of the 15 Arizona counties, with the highest concentration of female missing persons in Apache (n=3), Coconino (n=3), and Navajo (n=3), followed by Maricopa (n=2) and Pinal (n=1) counties. Indigenous men and boys are reported missing from many of the same Arizona counties as women and girls. Yet missing Indigenous males are more spread out across the state, with the exception of a few counties not reporting any cases. The county of Maricopa (n = 8) had the largest concentration of missing Indigenous males followed by Navajo (n=7) and Apache (n=6) counties. There

were also Indigenous missing person cases reported in Coconino (n=5), Pinal (n=3), Pima (n=2), Gila (n=1), Greenlee (n=1), and Yavapai (n=1) counties.

Table 2. Missing person cases in Arizona by county (females: n=12; males: n=34)

| Arizona County | Sex of Indigenous Victim | | |
|---|---|---|---|
| | Females | Males | |
| Apache | 3 | 6 | 9 |
| Cochise | 0 | 0 | 0 |
| Coconino | 3 | 5 | 8 |
| Gila | 0 | 1 | 1 |
| Graham | 0 | 0 | 0 |
| Greenlee | 0 | 1 | 1 |
| La Paz | 0 | 0 | 0 |
| Maricopa | 2 | 8 | 10 |
| Mohave | 0 | 0 | 0 |
| Navajo | 3 | 7 | 10 |
| Pima | 0 | 2 | 2 |
| Pinal | 1 | 3 | 4 |
| Santa Cruz | 0 | 0 | 0 |
| Yavapai | 0 | 1 | 1 |
| Yuma | 0 | 0 | 0 |
| **TOTAL** | **12** | **34** | **46** |

Source: NamUs Missing Persons (1950-2020)

## ARIZONA CITIES WHERE INDIGENOUS PEOPLES GO MISSING

Not only is it important to understand the counties in which Indigenous Peoples go missing, knowing which cities they go missing from may help identify potential hotspots for missing persons. Table 3 features the number of missing persons according to the metropolitan statistical area (MSA) categorization. The U.S. Office of Management and Budget creates the MSA which categorizes cities and surrounding areas into groups and regions that are linked by social and economic factors and typically have a population over 50,000.[230]

Most Indigenous females (n=10; 83%) and males (n=23, 68%) were reported missing from rural areas. Rural Arizona includes all other areas and cities with either a population under 50,000 or without surrounding cities that are closely linked by social or economic factors.[231] Rural Arizona often includes Tribal lands that span across Arizona. The remaining female missing persons went missing from the Phoenix metro area representing the other 17%. For Indigenous male missing persons, the next largest city was the Phoenix metro (n=8; 24%), followed by Flagstaff (n=2; 6%), and Tucson (n=1; 3%).

Table 3. Indigenous male and female missing persons across Arizona cities

| Arizona City | Sex of Indigenous Victim | |
|---|---|---|
| | Female | Male |
| Flagstaff | 0 | 2 |
| Phoenix-Mesa-Scottsdale | 2 | 8 |
| Prescott | 0 | 0 |
| Tucson | 0 | 1 |
| Yuma | 0 | 0 |
| Rural Arizona | 10 | 23 |
| **TOTAL** | **12** | **34** |

Source: NamUs Missing Persons (1950-2020)

## TRIBAL AFFILIATION/ENROLLMENT OF MISSING INDIGENOUS FEMALES AND MALES

The NamUs database provides two unique characteristics especially relevant to studying MMIWG, including missing person Tribal affiliation and whether or not the missing person went missing from Tribal land. Of the 46 missing Indigenous Peoples in Arizona, a little more than a third (n=17, 37%) were enrolled in a Tribal Nation, while a little under half (n=22, 48%) were not enrolled. A smaller percentage (n=7; 15%) of missing persons did not have any information regarding their Tribal enrollment. Specifically, for female missing persons, only one was recorded as being enrolled/affiliated with a specific tribe, 10 were not affiliated/enrolled, and one female missing person case had an unknown Tribal affiliation/enrollment (see Table 4).

230 Office of Management and Budget, Alternative Approaches to Defining Metropolitan and Nonmetropolitan Areas. (Washington DC, 1998).

231 Economic Research Service, What is Rural? (Washington DC: United States Department of Agriculture). https://www.ers.usda.gov/topics/rural-economy-population/rural-classifications/what-is-rural/

Table 4. Tribal enrollment/affiliation of missing persons in Arizona by sex (females=12; males=34)

| Tribal Enrollment/ Affiliation | Sex of Indigenous Victim | | Total |
|---|---|---|---|
| | Males | Females | |
| Yes | 16 | 1 | 17 |
| No | 12 | 10 | 22 |
| Unknown | 6 | 1 | 7 |
| **TOTAL** | **34** | **12** | **46** |

Source: NamUs Missing Persons (1950-2020)

## MISSING PERSONS FROM TRIBAL LAND

The second characteristic uniquely relevant to MMIWG provided by the NamUs data is whether the person went missing from Tribal land. Knowing this can help provide more information as to where these victims are going missing. Although about half of the missing persons cases did not have information about whether they went missing from Tribal land (n=25; 54%), cases that had Tribal information showed that a large number of Indigenous missing persons went missing from Tribal land (n=16; 35%). For female missing persons, 3 went missing from Tribal land, with 8 being unknown, and one person who went missing was not on Tribal land (see Table 5).

Table 5. Number of Indigenous victims missing from Tribal lands by sex (females=12; males=34)

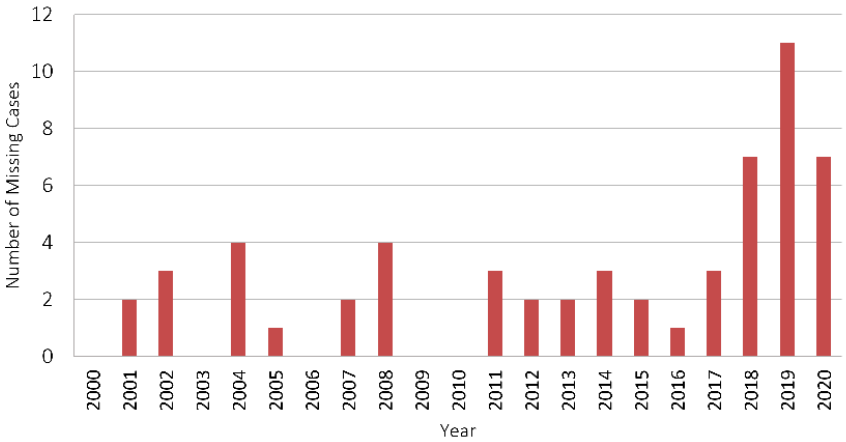
| Missing from Tribal Land | Sex of Indigenous Victim | | Total |
|---|---|---|---|
| | Females | Males | |
| Yes | 3 | 13 | 16 |
| No | 1 | 4 | 5 |
| Unknown | 8 | 17 | 25 |
| **TOTAL** | **12** | **34** | **46** |

Source: NamUs Missing Persons (1950-2020)

## MISSING PERSONS RESULTS FROM JUSTICE FOR NATIVE WOMEN DATA

Justice For Native Women (JFNW) has collected data on 58 missing Indigenous females in Arizona from 2000 to 2020. To date, none of the cases have been considered officially solved. As Figure 7 shows, 2019 had the most reported cases (n=11; 19%). Domestic violence was known to be associated with 5% (n=3) of cases, alcohol/drugs were known to be involved in 3% (n=2) of cases, the victims were homeless in 9% (n=5) of cases, and suspected foul play[232] was associated with 3% (n=2) of missing persons cases.

Figure 7. Reported cases of missing Indigenous females in Arizona by year (2000-2020)




Source: Justice For Native Women

Note: One case was excluded from the graph due to unknown year. Given that the excluded case is categorized in the data as a current case, it either from 2019 or 2020.

## MURDERED INDIGENOUS WOMEN AND GIRLS IN ARIZONA

Data was gleaned from the Federal Bureau of Investigation's Supplemental Homicide Reports (1976-2018) and the Justice For Native Women (JFNW) related to murdered Indigenous females in the state of Arizona.

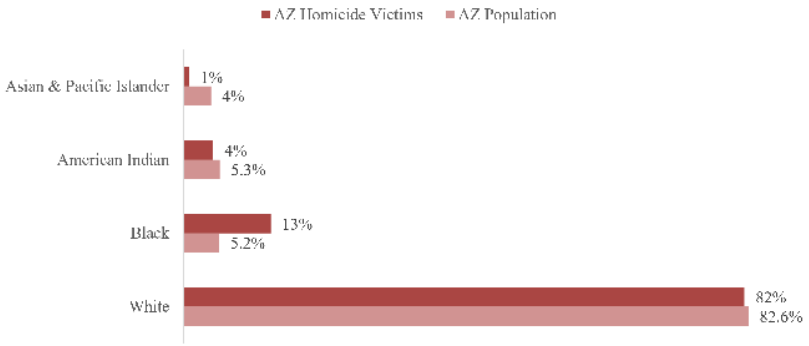
## ARIZONA'S INDIGENOUS POPULATION VERSUS KNOWN HOMICIDES

Arizona has one of the highest state populations of Indigenous Peoples, with over 385,000 people.[233] Official data shows that Indigenous Peoples represent 5.3% of the state's population and 4% of homicide victims (see Figure 8). Yet the rate of homicide for this population is certain to be substantially higher than the data shows given racial misclassification and unreported missing persons that are actual homicide victims. Importantly, Figure 8 is incomplete because it only shows known Indigenous homicides. Over the span of 40 years (1976-2018), the FBI SHR data includes 634 Indigenous homicides, of which 160 are female and 474 are male.

232 This is for cases in which the investigating agencies officially reported a suspicion of foul play.

233 U.S. Census Bureau, *Quick, 2019.*

Figure 8. Arizona's population and homicide, by race

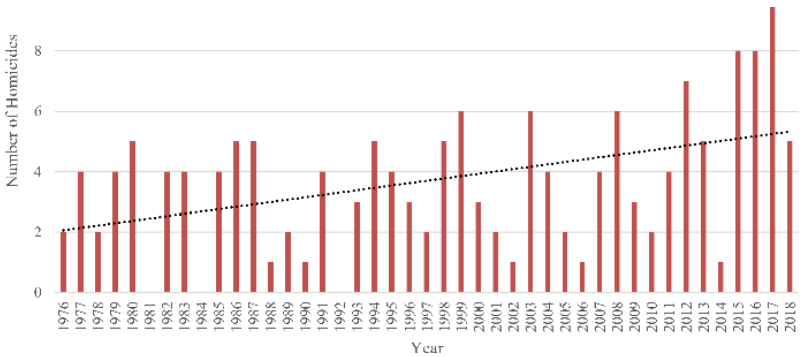



Sources: FBI SHR (1976-2018); U.S. Census Bureau (2018)

## MURDERS OF INDIGENOUS FEMALES AND MALES ARE INCREASING IN ARIZONA

Murders of Indigenous women and girls have been steadily increasing over the past 40 years (see Figure 9). This alarming trend may reflect increased community acknowledgement and reporting of MMIWG, better law enforcement tracking systems, or the reality that MMIWG is happening more often now than ever before. It is important to remember that these numbers are most likely a gross underrepresentation of the actual number of homicides committed against Indigenous Peoples. One notable difference in the murder rate of Indigenous women and girls occurred recently in 2017 when there was a noticeable increase in MMIWG. The reason for this increase in 2017 is unknown. It will be critical to continue to closely document whether the homicide of Indigenous females continues to rise or begins to fall, especially after the media attention and anti-MMIWG federal and state legislation that was implemented in late 2019.

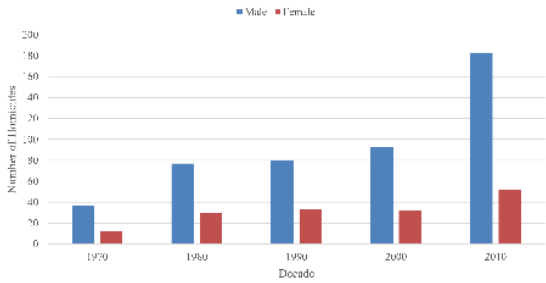
Figure 9. Indigenous female homicide victims in Arizona (1976-2018)




Source: FBI SHR (1976-2018)

Murders of Indigenous men have also been continually increasing over the past 40 years (see Figure 10). While this study focuses on females, it is important to understand MMIWG as it relates to the larger existence of homicide among all Indigenous Peoples in Arizona. Indigenous males are murdered at higher rates than females, which is consistent with data from Canada.[234]

Figure 10. Indigenous male and female homicides in Arizona, by decade

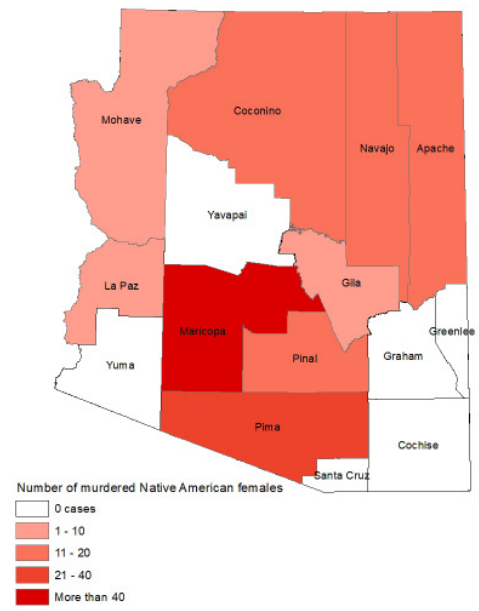



Source: FBI SHR (1976-2018)

## LOCATION OF INDIGENOUS HOMICIDES IN ARIZONA

Murders of Indigenous women and girls over the past 40 years (1978-2018) are documented across nine Arizona counties, with the highest concentrations of female homicides in Maricopa (n = 76), Pima (n = 21), Pinal (n = 15), Apache (n =14), Navajo (n = 14), and Coconino (n = 11) counties. There were also cases located in Gila (n = 4), Mohave (n =3), and La Paz (n = 1) counties (see Figure 11).

Figure 11. Location of Indigenous female homicides, by Arizona county

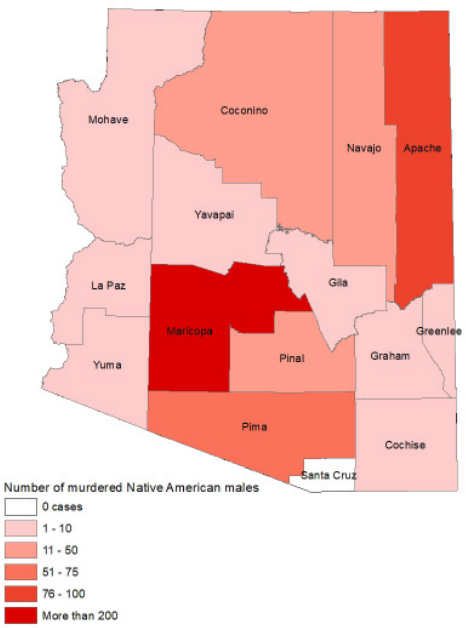



Credit: Dr. Alyssa Chamberlain

234 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.

Indigenous men and boys are murdered in many of the same Arizona counties as women and girls (see Figure 12). Yet homicides of Indigenous males are more spread out across the state, with each county except Santa Cruz having at least one homicide. Similar to the female data, the county of Maricopa (n = 210) had the largest concentration of Indigenous male homicides over the past 40 years (1978-2018) followed by Apache (n = 79) and Pima (n = 59) counties. There were also Indigenous homicide cases reported in Pinal (n = 33), Coconino (n = 32), Navajo (n = 32), Yuma (n = 10), Yavapai (n = 4), Mohave (n = 4), La Paz (n = 3), Graham (n = 3), Gila (n =3), Greenlee (n =1), and Cochise (n = 1).

Figure 12. Location of Indigenous male homicides, by Arizona county




Credit: Dr. Alyssa Chamberlain

Identification of the cities within Arizona counties where most homicides of Indigenous persons are committed can reveal important geographical hotspots (see Table 6). The FBI SHR data allows for the study of male and female homicides according to the metropolitan statistical area (MSA) categorization.

Most of Indigenous female and male homicides occur in the Phoenix-Mesa-Scottsdale area (e.g., Phoenix metro area). More than half of Indigenous females (n=91; 57%) and males (n = 243; 51%) are murdered in the Phoenix metro area. About one-quarter of Indigenous females (n=36; 23%) and males are murdered in rural Arizona (n=126; 27%). Rural Arizona includes all other areas and cities with either a population under 50,000 or without surrounding cities that are closely linked by social or economic factors.[235] Rural Arizona often includes the Tribal lands that span across Arizona. The city of Tucson had next highest number of homicides for both females (n=59; 12%) and males (n=21; 13%). This was closely followed by Flagstaff, (n=11; 7% females and n=32; 7% males).

Table 6. Indigenous male and female homicides across Arizona cities

| Arizona City | Sex of Indigenous Victim | |
|---|---|---|
| | Female | Male |
| Flagstaff | 11 | 32 |
| Phoenix-Mesa-Scottsdale | 91 | 243 |
| Prescott | 0 | 4 |
| Tucson | 21 | 59 |
| Yuma | 0 | 10 |
| Rural Arizona | 36 | 126 |
| Total | 159 | 474 |

Source: FBI SHR (1976-2018)

*Note.* One case was omitted from the above table due to unknown gender/sex.

Rural Arizona are cities with either a population under 50,000 or without surrounding cities that are closely linked by social or economic factors.

## JURISDICTION OF LAW ENFORCEMENT AGENCIES OVER INDIGENOUS HOMICIDE CASES

Identifying the type of law enforcement agency that handles homicides of Indigenous Peoples is an additional important factor in understanding how these cases are handled. The SHR data includes data on the management of homicide cases among four different law enforcement agency types, including: sheriffs, municipal police, special police, and Tribal police.

Most cases were handled by municipal police agencies (see Table 7). About three-fourths of Indigenous female homicides (n=119; 74%) and male homicides (n=321; 68%) were handled by municipal police. Sherriff's offices handled 13% (n=21) of female homicides and 12% (n=59) of male homicides. Tribal police handled 12% (n=20) of female homicides and 20% (n=94) of male homicides. The different law enforcement agencies that handle homicide cases with an Indigenous victim in Arizona may contribute to variations in procedures and reporting.

235 U.S. Census Bureau, *Quick*, 2019

Table 7. Jurisdiction of Indigenous homicide cases involving an Indigenous victim handled by each Arizona law enforcement agency

| Law enforcement agency type | Sex of Indigenous Victim | |
|---|---|---|
| | Female | Male |
| Sheriff | 21 | 59 |
| Municipal Police | 119 | 321 |
| Tribal Police | 20 | 94 |
| **Total** | **160** | **474** |

Source: FBI SHR (1976-2018)

Note: One case was not included in the above table due to unknown gender/sex.

Sheriff reflects county-level jurisdiction; Municipal represents city-level jurisdiction; Tribal police are law enforcement on Tribal land (initially, Gila River Indian Community law enforcement was included in the special police but is featured here in the Tribal police category).

## THE NUMBER OF VICTIMS AND OFFENDERS IN INDIGENOUS HOMICIDES

Just over half of homicides against Indigenous Peoples in the state involved a single victim and single offender. Fifty-eight percent (n=93) of Indigenous females and 53% (n=251) of Indigenous males were the only person murdered during the incident and were killed by single offenders (as opposed to multiple offenders).

Fewer Indigenous Peoples were killed by multiple offenders. Seven percent of Indigenous females (n=11) and 10% of Indigenous males (n=49) were killed by multiple offenders.

The number of murderers of Indigenous Peoples were known in the majority of cases (see Table 8). Among murders of Indigenous females, the number of offenders were known in 72% of cases (n=116). Among perpetrators of homicide against Indigenous males, the number of offenders were known in 66% of cases (n=313).

This still leaves a high number of homicide cases where Indigenous victims were killed by an unknown numbers of offenders. Over one-quarter of Indigenous females (n=45; 28%) and males (n=162; 34%) were killed by an unknown number of offenders.

Table 8. Number of male victims, female victims, and offenders in crimes involving homicide of Indigenous Peoples in Arizona

| Situation of Offense | Sex of Victim | |
|---|---|---|
| | Female | Male |
| Single Victim/ Single Offender | 93 | 251 |
| Single Victim/ Unknown Offender | 40 | 144 |
| Single Victim/ Multiple Offenders | 11 | 41 |
| Multiple Victims/ Single Offender | 12 | 13 |
| Multiple Victims/ Multiple Offenders | 0 | 8 |
| Multiple Victims/ Unknown Offender | 5 | 18 |
| **Total** | **161** | **475** |

Source: FBI SHR (1976-2018)

Note. One case was not included in the above table due to unknown gender/sex.

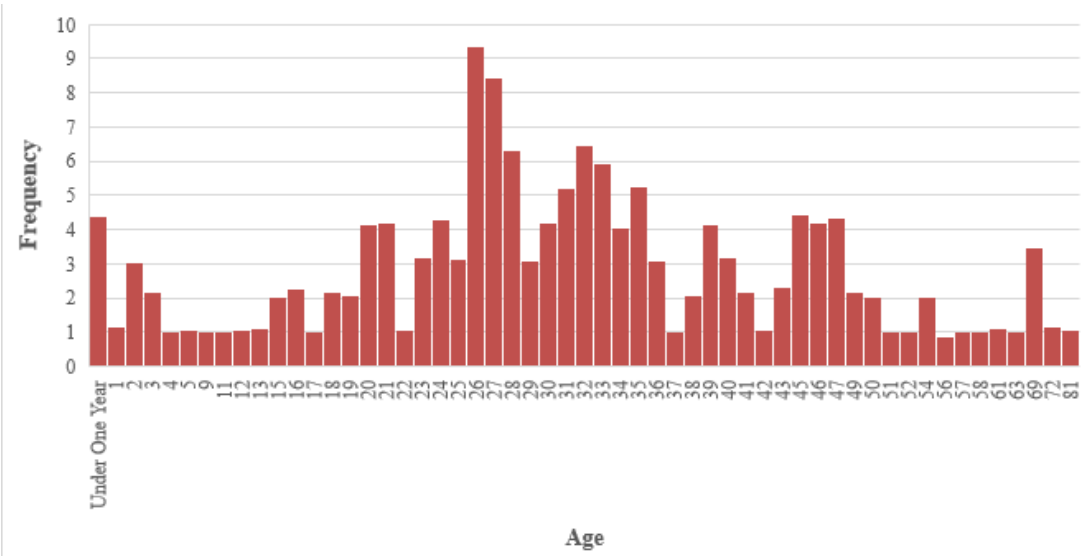
Single = one person; Multiple = two or more people; Unknown = law enforcement did not know the number of people.

## AGE OF INDIGENOUS HOMICIDE VICTIMS

MMIWG impacts Indigenous females of all ages. The youngest Indigenous females killed in Arizona were infants less than 1 year old and the oldest was 81 years old (see Figure 13). Indigenous women in their 20s to 40s are at the highest risk of being killed. The average age of Indigenous murdered females is 31 years old.

Although women are at higher risk of being killed, the number of Indigenous girls who are murdered cannot be overlooked. During the past 40 years in Arizona, 14% of homicides committed against Indigenous Peoples were documented to be girls aged 17 and younger (n=22).

Figure 13. Age distribution of Indigenous female victims of homicide in Arizona.

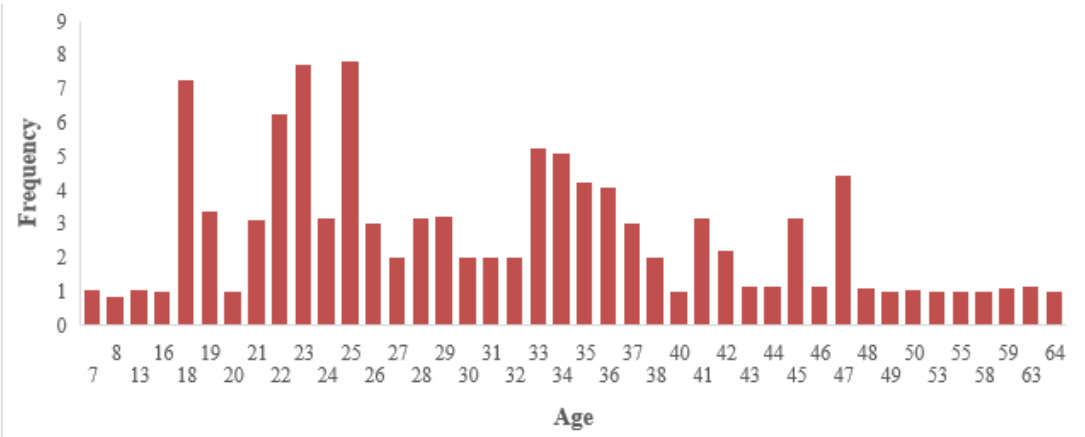



Source: FBI SHR (1976-2018)

# CHARACTERISTICS OF INDIGENOUS MURDERERS

*Offender Age*. Most of those who kill Indigenous females are between the ages of 18 to 40, with an average age of 31 (see Figure 14).

Figure 14. Age distribution of offenders who killed Indigenous females in Arizona




Source: FBI SHR (1976-2018)

*Offender sex*. Indigenous women and girls are most likely to be killed by men. Nearly 90% of offenders who kill Indigenous women and girls are male (n=102; 89%) (see Table 9).

*Offender race*. Of the cases in which the race of the offender was documented, 63% of those who killed Indigenous females were also Indigenous (n=73). One-quarter of those who killed Indigenous females were white (n=25; 25%) (see Table 9).

Table 9. Sex and race of offenders who killed Indigenous females in Arizona

| Race of Offender | Sex of Offender | | |
|---|---|---|---|
| | Male | Female | Total |
| White | 25 | 0 | 25 |
| Black | 15 | 1 | 16 |
| Indigenous | 61 | 12 | 73 |
| Asian/Pacific Islander | 1 | 0 | 1 |
| **Total** | **102** | **13** | **115** |

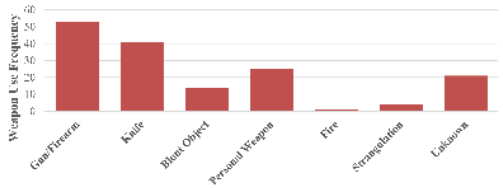
Source: FBI SHR (1976-2018)

*Note.* Forty-five cases were not included in the above table due to unknown offender race and/or sex. The number of offenders in total can be higher than the number of Indigenous homicide victims because of multiple offenders in some cases.

## WEAPON USED IN INDIGENOUS FEMALE HOMICIDES

The most commonly used weapon used in homicides against Indigenous females were guns/firearms (n=53; 33%). One-quarter of Indigenous females were killed with knives (n=41; 26%). The remaining Indigenous homicides involved a personal weapon (e.g., hands, fists, and feet; n=25; 16%), an unknown weapon (n=21; 13%), a blunt object (n=14; 9%), strangulation (n=4; 3%), and fire (n=1; 1%) (see Figure 15).

Figure 15. Weapon used to kill Indigenous females




Source: FBI SHR (1976-2018)

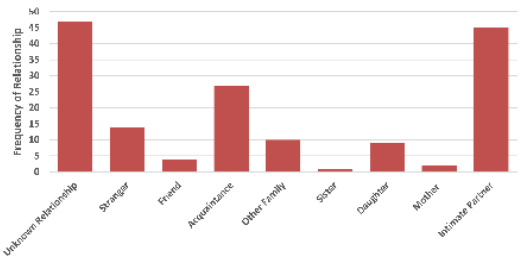
## VICTIM-OFFENDER RELATIONSHIP

It is important to understand the relationship between victims and offenders in order to identify the source of the violence (see Figure 16). Alarmingly, much remains unknown about the relationship between Indigenous females and those who murder them. The relationship is unknown among 30% (n=47) of murdered Indigenous females and their murderers.

Over a quarter of Indigenous females were killed by an intimate partner (n=45; 28%). Murders of Indigenous females by intimate partners comprise the largest known class of victim-offender relationships. Indigenous females are also killed by family members other than intimate partners. In some cases in Arizona, Indigenous females were killed by their parents (n=9; 6%), children (n=2; 1%), siblings (n=1; 1%), or other family members (n=10; 6%).

The victim-offender relationship among homicides of Indigenous females also includes murders by acquaintances (n=27; 17%), strangers (n=14; 9%), and – to a much smaller degree – friends (n=4; 3%).

Figure 16. Female Indigenous homicide victim's relationship with their offender



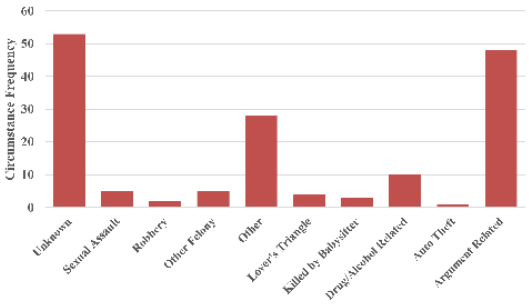

Source: FBI SHR (1976-2018)

*Note.* One case was not included in the above table representing other known relationship. Wife, common-law-wife, and girlfriend categories were all combined to create the "intimate partner" category. Daughter and stepdaughter were combined into one "daughter" category.

## CIRCUMSTANCES SURROUNDING MMIWG

The SHR data provides information regarding the circumstances of each homicide allowing us to better understand what may contribute to the murder of Indigenous women in Arizona (see Figure 17). While many circumstances of homicides against Indigenous females are unknown (n=53; 33%), the largest known precipitating factor involved an argument (n=48; 30%). The next largest category was other (n=28; 18%) which included circumstances such as gang-related homicides or a suspected felony. This category also included cases of justifiable homicide, where a felon was killed by a citizen, or where a felon was killed by police. Drugs or alcohol were known to have been related to 6% (n=10) of homicides of Indigenous females. Other circumstances surrounding the murder of Indigenous females included sexual assault (n=5; 3%), "lover's triangle" (n=4; 3%), murder by a babysitter (n=3; 2%), robbery (n=2; 1%), and auto theft (n=1; 1%).

Figure 17. Circumstances surrounding MMIWG




Source: FBI SHR (1976-2018)

*Note.* "Rape" was combined with other sex offenses to create the sexual assault category. The brawl under the influence of alcohol and brawl under the influence of drugs categories were combined to create drug/alcohol related. Arguments over money and other arguments were combined to create argument related category. "A lovers' triangle" (term used by the FBI SHR) involves infidelity in a romantic relationship. Gang-related and suspected felony categories were combined into other.

## HOMICIDE RESULTS FROM JUSTICE FOR NATIVE WOMEN DATA

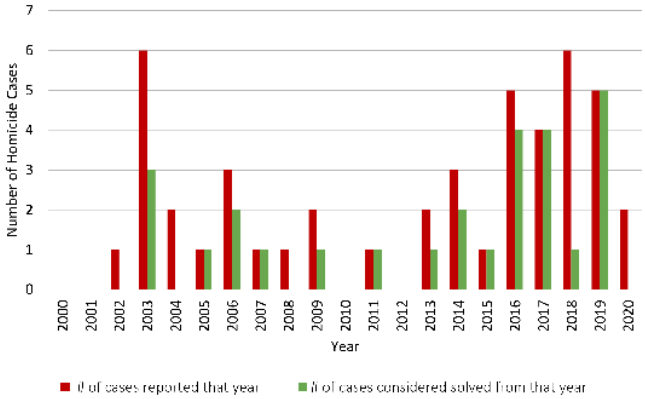
As of August 19, 2020, there have been 46 reports of Indigenous female homicide cases in Arizona from 2000-2019 (see Figure 18). There are likely far more cases than this data shows. However, this is the data that Justice For Native Women (JFNW) has been able to compile since their start in 2015.

JFNW data shows that there is more data available regarding recent cases compared to older cases. This is likely due to increases in technology that have allowed more recent cases to be accessed electronically and, therefore, easier to find. Of the 46 Indigenous homicide cases that have been reported after the year 2000, 59% (n=27) have been considered solved, 32% (n=15) are unsolved, and 11% (n=4) of cases are unknown if solved at this point. Of the 46 homicide cases, only 6 of the victims' ages were known at the time they were murdered. The youngest age reported was 18 and the oldest age reported was 53, with an average of age 31.

Although information about the circumstances surrounding the homicides are limited, it was determined that alcohol/drugs were associated with 9% (n=5) of cases, domestic violence was a factor in 11% (n=6) of cases, foul play was suspected in 9% (n=5) of cases, and sexual assault occurred in 4% (n=2) of cases.

Figure 18. Reported cases compared to solved cases of Indigenous female homicide victims in Arizona by year (2000-2020)

Source: Justice For Native Women




*Note.* One case was excluded in the above table due to unknown year.

## POLICY RECOMMENDATIONS TO REDUCE MMIWG IN ARIZONA (GOAL 3)

In partnership with the Study Committee, and in consideration of our extensive research on MMIWG, we present the following policy recommendations with the goal of reducing violence against Indigenous Peoples, including MMIWG.

While respecting the sovereignty and political integrity of Tribal governments, and the values and culture represented by each Tribal Nation, Arizona's response should reflect a full and cooperative relationship in regard to data collection and mutual information sharing, which will enhance the enforcement of laws and court orders on Reservations by Tribal governments and enhance the enforcement of the same laws outside of Indian Country by states, municipalities, and the federal government, which will serve to improve the safety and security of all Indigenous Peoples, on or off Tribal land.

*Engage in consultation with Arizona Tribes to work together to determine the best permanent institutional approach and structure to collectively take action to reduce MMIWG.* For instance, one possibility may be a permanent state office, run by Indigenous Peoples, that partners with all 22 Arizona Tribes is necessary to ensure the coordination of training, services, resource allocation, relationship building, collaboration, and data fidelity. Or, perhaps cross-disciplinary and cross-departmental collaborations approach is important among Trial Liaisons and the state of Arizona entities (e.g., Department of Economic Security, Department of Child Safety, Department of Public Safety, Office of Faith, Youth, and Family, etc.). Either the creation of a state office, or the collaboration among Tribal liaisons

among state departments, would be poised to ensure that appropriate considerations are made regarding (1) Tribal sovereignty and the federal trust responsibility (a relationship that supersedes the state for funding and services), and (2) complexities surrounding any recommendations regarding the safety of Indigenous Peoples, including how these recommendations would be carried out, whom would be responsible for ensuring their completion, securing source of permanent funding, and how these recommendations will impact current programs that are providing direct services to avoid unintentional harm. Some of the suggested recommendations are for victim services, law enforcement, and legislation – on and off Tribal land.

*For all recommendations, it is essential to consult with Tribal Nations to review, modify, approve, implement, and periodically re-assess the effectiveness of policies that impact Indigenous Peoples.* As the State of Arizona works to address crime and violence associated with MMIWG, it should do so through a civil rights protection approach. The State should develop training requirements, transparent protocols, and develop models for solutions to address domestic violence, victim and family safety, victim notification, data collection, and testing and evaluating evidence, by using a trauma informed, human rights framework that respects Tribal sovereignty and the rights of victims and families. The State should do so by consultation, informed consent, and by communicating any new process or reform to and through Tribal communities and leaders.

The State of Arizona should work with Arizona's Tribal communities and leaders, and MMIWG experts on the following recommendations:

## VICTIM SERVICE RECOMMENDATIONS

1. Provide funding opportunities (and increase current funding) for Tribes and non-profit agencies that serve Indigenous victims within rural, urban, and Tribal communities.
2. Offer survivors and family members of MMIWG wrap-around services from a network of agencies and centralize the service provision where possible to streamline services.[236] However, it should be acknowledged that not all services need to be centralized/wrap-around given that each Tribe is different in their level of capacity.
3. Increase access to shelters/safe houses for survivors fleeing violence in urban areas and in Tribal communities through increased funding.[237]
4. Increase access to Indigenous legal advocates to help orient survivors and families within the legal system and to accompany survivors in court proceedings, in urban, rural, remote, and Reservations.[238]
5. Provide a centralized reporting site for MMIWG to report missing and murdered persons that honors the unique nature of all of the 22 Tribes and provides an accurate account of MMIWG in Arizona.
6. Establish a 24-hour crisis hotline for MMIWG and related needs (e.g., domestic violence shelters and safe homes, legal assistance, medical care, financial assistance, and housing advocacy referrals).

## RESOURCE ALLOCATION RECOMMENDATIONS

1. Centralize and specify permanent funding and technical assistance that will be available to Tribes.[239]
2. Strategically improve outreach and dissemination of available and up-to-date resources (e.g., Tribal victim services) to urban, rural, and Tribal communities. This will require an investment in planning and an adaptation of material to account for the unique jurisdictional issues of Tribal land.[240]
3. Develop Sexual Assault Response Teams (SART) within Tribal communities and border towns, with special emphasis on Tribal cultural competency, to increase the support that survivors of sexual violence receive.[241]
4. Create and disseminate information kits for survivors and families with resources, service directories, and orientation to the legal system.[242]
5. The State of Arizona should call for an increase to federal funding for Arizona Tribal justice systems through the Tribal Justice Support Act, (Title 25 U.S.C. 3602 et seq.) and the Office of Tribal Justice Support, within the Bureau of Indian Affairs. The State of Arizona should work with Tribal leaders

236 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
237 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
238 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
239 Abinanti et al, *To'*, 2020.
240 Lucchesi and Echo-Hawk, *Missing*, 2018.
241 Abinanti et al, 2020.
242 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.

and ask Congress to appropriate equitable base increases for Tribal justice systems as contemplated under 25 U.S.C. Sections 3613 and 3621.

6. The State of Arizona should support and call for appropriations by the federal government to directly fund the design, development, and construction of Arizona Tribal courts, multi-purpose justice centers, Tribal correctional facilities, Tribal facilities for law enforcement, drug and alcohol treatment and programming space, public defender offices, and the expansion or renovation of Tribal courts and justice facilities that support alternatives to incarceration. Funding should also be set aside for federal and Tribal systems to support operations and programming.

## TRAINING AND EDUCATION RECOMMENDATIONS

1. Designate annual training for all professionals, especially police officers to include 60 hours of intermittent annual training that prioritizes training to all professionals for cultural responsiveness.
2. Train schools and teachers to increase awareness of children who are victimized, as well as the appropriate reporting mechanisms.[243]
3. Offer human trafficking training resources to Tribal law enforcement agencies, casinos, and hotels.[244] Expand efforts to address sex, labor, and human trafficking, and identify evidence-based practices for intervention to assist victims of trafficking, to include funding for research, technical assistance, training, prevention, and education.
4. Engage the U.S. Department of Health and Human Services, in collaboration with Tribes and the federal government, to ensure services regarding domestic violence, substance use, and mental health are meeting the needs of Tribal communities.[245]
5. Require all State departments to enforce their Tribal consultation policies regarding any work, activities, policies, etc. that can have impact on Tribes.
6. Increase public-engagement initiatives, with particular attention to the unique circumstances that can impact the participation of Indigenous Peoples, and allocate resources to ensure cultural safety and inclusion for Indigenous Peoples.[246]
7. Increase public education and advocacy to increase awareness of Indigenous history, rights and safety. Education and training may include non-violent conflict resolution, safety, Internet safety, consent and sexual exploitation prevention, human trafficking prevention, and on human rights.[247]
8. In partnership with Arizona's Tribal domestic and sexual violence coalitions, support the training for advocacy response and tailor the advocacy to the specific victimization experienced (missing persons, sexual assault, domestic violence, homicide, etc.).
9. Work with Tribes to facilitate NamUs and NCMEC training in their communities and encourage Tribal and non-Tribal law enforcement and family members to utilize.[248]
10. Encourage community-led prevention and advocacy to empower Indigenous Peoples to report family violence.
11. Organize and conduct education events on the National and State day of MMIWG awareness (May 5th) for prevention, awareness, to identify risk factors, for analysis of plans for victim safety, trauma informed practices, responsiveness to gender/sexual orientation, sex trafficking, remembrance, and community organizing.
12. Create a State MMIWG website with resources, links, data dashboards, information, resources, and reporting links. Create a social media awareness campaign and implement a public-relations initiative to establish community confidence in and support for the justice system.
13. Design, develop, and implement prevention and intervention strategies for youth, men, and boys (e.g. Indivisible Tohono[249] and A Call to Men[250]).
14. Develop a "best practices guide" for inter-jurisdictional matters (e.g., contact information, how to report a missing persons or report a crime in each jurisdiction, court information, how to obtain and enforce orders of protection, basic jurisdictional information, how to identify and report suspected human trafficking, and a list of Arizona and Tribal resources).

243 Sutter et al., *LB 154,* 2020.
244 Sutter et al., *LB 154*, 2020.
245 Sutter et al., *LB 154*, 2020.
246 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
247 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
248 Sutter et al., *LB 154*, 2020.
249 Indivisible Tohono, https://www.facebook.com/indivisibletohono/
250 A Call to Men: The Next Generation of Manhood, 2020, http://www.acalltomen.org/

## LAW ENFORCEMENT RECOMMENDATIONS

1. Develop approaches to close law enforcement gaps, delineate jurisdictional responsibility, and enforce accountability while respecting sovereignty, through inter-jurisdictional communication, intergovernmental agreements, and increased coordination.
2. Develop and implement a missing persons policy for both child and adult missing persons that is consistent statewide. The policy should illustrate step-by-step procedures and ensure that missing persons are documented by law enforcement.[251]
3. Facilitate cross-deputization (permission to cross-borders) for Tribal law enforcement departments and officers. This will aid in the formation of multi-agency teams to share information pertaining to investigations and case reviews.[252]
4. Encourage memorandums of understanding (MOUs) between Tribal and non-Tribal law enforcement agencies.[253]
5. Establish a law enforcement task force for missing persons and include Tribal law enforcement agencies on the task force.[254]
6. Increase the recruitment of Indigenous Peoples in all levels of law enforcement (Tribal, federal, state, county, municipal) agencies and allow Indigenous recruits to request being assigned to their home area, if jurisdiction allows.
7. Increase training and community orientations for law enforcement officers, including cultural awareness/competency, sensitivity to victims and their families, and communication with families and survivors.[255]
8. Provide training to law enforcement agencies and officers on Tribal sovereignty, PL 280 (if applicable),[256] and 638 (if applicable)[257] MMIWG, and violence against Indigenous Peoples.[258]
9. Provide cultural training to the federal prosecutors who charge and prosecute crimes reported by Tribal police.
10. Provide cultural sensitivity training to Arizona prosecutors and judiciary who will encounter crimes involving MMIWG. For example, The Arizona Bar hosts an annual Arizona Judicial Conference, and this would be an excellent venue to provide information about the cultural and sensitivity issues surrounding MMIWG.
11. Train cross-deputized departments on tribal jurisdiction considerations.
12. Require Tribal Nation data to be collected on every victim
13. Train law enforcement officers to ask victims if they are Native American. Just because a victim looks a certain way, does not mean they are a particular race. Ethnicity is not measured by looks. There is no standard Indigenous "look."
14. Ensure that any sexual assault/rape kits submitted by Tribal Law Enforcement agencies to Arizona Department of Public Safety are being tested on a timely basis.

## COLLABORATIVE RECOMMENDATIONS

1. Create an inter-agency case review team – and encourage each tribe to hold regular meetings with the team. The inter-agency case review team may include Tribal, local, county, state, and federal agencies that handle MMIWG cases, including law enforcement agencies, prosecutors, Tribal and non-Tribal courts, child protective services, direct service providers, medical examiners, Tribal coalitions, tasks forces, and families affected by MMIWG. This will reduce duplicative efforts, streamline service delivery, and minimize the need for survivors and families to recount their trauma repeatedly due to agencies being barred from communicating[259]
2. Designate a Tribal liaison or advocate with each individual Tribe so that families and survivors have an advocate from their own Nations that has a working relationship with those in the recommended inter-agency case review team (e.g., law enforcement agencies, prosecutors, Tribal and non-Tribal courts, child protective services, direct service providers, medical examiners, and families

251 Sutter et al., *LB 154*, 2020.
252 Sutter et al., *LB 154*, 2020.; Abinanti et al., *To'*, 2020.
253 Sutter et al., *LB 154*, 2020.
254 Sutter et al., *LB 154*, 2020.
255 Sutter et al., *LB 154*, 2020; The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.
256
257 Pub. L 93-638. https://www.bie.edu/sites/default/files/documents/idc2-087684.pdf.
258
259 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.; Sutter et al., *LB 154*, 2020.

affected by MMIWG).[260]

3. Collaborate with Indigenous researchers to carry out studies with Tribal input and support, and ensure that non-Indigenous research partners have Indigenous staff or extensive experience working with Indigenous communities and include extensive networks of Indigenous collaborators.[261]

4. Promote meaningful collaborations between academics, front-line practitioners, families of MMIWG, survivors of violence, and grassroots organizations to inform policy and service delivery[262]

5. Develop multijurisdictional Endangered Missing Advisory (EMA) Systems/Plans, which enables collaboration among agencies to broadcast and search for missing persons who are in danger but do not fit AMBER Alert criteria.

## DATA IMPROVEMENT RECOMMENDATIONS

1. Conduct a comprehensive follow-up study to determine the scope of the MMIWG crisis by examining each of the factors that contribute to incidents of MMIWG, and to continue to uncover the prevalence of MMIWG in Arizona.

2. Establish methods and protocols for tracking, gathering, and collecting data on violence against Indigenous Peoples, including data on MMIWG, by Tribal affiliation, and enhance statewide efforts to prevent and end domestic violence and sexual violence.

3. Request that the federal government fully fund the Department of Justice (DOJ) Tribal Access Program (TAP) to provide access to federal crime databases, in order to enhance the safety of Indian Country, enable information sharing, and eliminate safe havens for criminals, pursuant to the TLOA 25 U.S.C. §2810 (2010).

4. NamUs should include data points to publicly document historical missing persons, including solved cases. The data should also include information on the outcome of resolved missing persons cases (e.g., person found safe, trafficking, homicide). [263]

5. Data on MMIP should include, where possible, information on race and Tribal affiliations for victims and offenders.[264]

6. Law enforcement agencies need funding and resources to improve training on appropriate ways to avoid racially misclassifying victims.[265]

7. Invest in technological infrastructure and public records administration resources of all law enforcement agencies, including making records digital to expedite tracking.[266]

8. Increase access to local and national data and remove restrictions to enable the compilation of comprehensive case files.

9. Streamline and reduce the burdens of Freedom of Information Act (FOIA) requests, including reducing financial costs and time delays.

10. Allow Tribes to have full access and input to information available in currently-restricted databases, such as NamUs, Tribal Access Program (TAP),[267] National Crime Information Center (NCIC), and Criminal Justice Information Services (CJIS). Provide Tribes access to edit or add to the data on their citizens, as well as be notified when a Tribal member has been added to a database.[268]

## LEGISLATIVE RECOMMENDATIONS

1. The State of Arizona should support the full restoration of inherent Tribal civil and criminal jurisdiction to Tribal governments over all wrongdoers for Arizona federally recognized Indian tribes that wish to exercise such jurisdiction. The State of Arizona should work with Tribal Congressional representatives to reauthorize and amend the Violence Against Women Act (VAWA) to fully restore tribal inherent criminal and civil jurisdiction, through a full "Oliphant-Fix."

2. Expand the language of legislation pertaining to the safety and protection of all people to be inclusive

260 Abinanti et al., *To'*, 2020.

261 Abinanti et al., *To'*, 2020.

262 The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.

263 Abinanti et al., *To'*, 2020.

264 Sutter et al., *LB 154*, 2020.

265 Sutter et al., *LB 154*, 2020.; The National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming*, 2019.; Abinanti et al., *To'*, 2020.

266 Abinanti et al., *To'*, 2020.

267 Under TAP, the Department of Justice allows selected federally-recognized Tribes to exchange critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems. Department of Justice, Office of Public Affairs, "Attorney General Jeff Sessions Announces New Actions to Support Law Enforcement and Maintain Public Safety in Indian Country," The United States Department of Justice. Accessed September, 20, 2020. www.justice.gov/tribal

268 Abinanti et al., *To'*, 2020.

of people of color, the LGBTQ+/2S community, and Indigenous Peoples.[269]

3. Mandate NamUs entry among law enforcement agencies within a designated time period to report missing and unidentified persons. Currently, several states mandate the use of NamUS (e.g., Oklahoma, New Mexico, Tennessee, New York, Michigan, and Illinois).[270]
4. Mandate reporting to NCMEC among police departments.
5. Require all law enforcement training to be co-developed with Tribal governments and Tribal organizations.[271]
6. Create legislation to ensure statewide consistency in the documentation of race, gender, and ethnicity.
7. Enact (or reauthorize) funded MMIWG and MMIP legislation.
8. Expand VAWA and Tribal Court jurisdiction where available.
9. Develop with the Arizona Legislature, and fund, a model state statute creating Special County Deputy Prosecutors. County Prosecutors may appoint attorneys to assist County prosecuting attorneys when the public interest requires, including the appointment of qualified Tribal prosecutors to assist in prosecuting and helping to coordinate the prosecution of state offenses committed in Indian Country.
10. Form an Arizona State Missing and Murdered Indigenous Persons Task Force.
11. Add Indigenous representatives to Arizona Boards or Commissions (e.g., Arizona Criminal Justice Commission and Arizona Department of Homeland Security Regional Advisory Councils).

269 Abinanti et al., *To'*, 2020.
270 Abinanti et al., *To'*, 2020.; Lucchesi and Echo-Hawk, *Missing*, 2018.
271 Abinanti et al., *To'*, 2020.

**ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui)
"The journey home" 18"x 24" canvas, acrylics.

# CONCLUSIONS AND NEXT STEPS TO REDUCE MMIWG

"You don't heal if you don't have an answer."

# CONCLUSIONS AND NEXT STEPS TO REDUCE MMIWG

This study's 3 goals work together to collectively meet the overarching goal of shedding light on and reducing MMIWG to create safer communities in Arizona and across the nation and the globe. Our study investigated the barriers to tracking violence against Indigenous women and girls and reducing the incidences of violence and MMIWG. We provided an overview of the barriers to tracking MMIWG and conducted a statewide investigation into the ways that law enforcement agencies document Indigenous race (Goal 1). We also examined 3 national data sources to investigate the prevalence of MMIWG in Arizona. Improving knowledge about the scope and contextual characteristics of MMIWG has the potential impact of broadening Arizona's, and the nation's, understanding of the pervasiveness and seriousness of this problem (Goal 2). Based on our study and the groundbreaking work of others, we offered a number of practical, culturally-appropriate, and data-driven policy recommendations to reduce MMIWG (Goal 3). Taken together, this study is a comprehensive and in-depth first assessment of MMIWG in Arizona. Yet given the data limitations, this study offers an incomplete presentation of MMIWG. Data sources that completely and accurately portray MMIWG do not yet exist. Even so, the 3 data sources we examined in this study offer valuable insight into the known – albeit underrepresented – extent that MMIWG occurs.

Arizona's MMIWG legislation called for an ambitious number of objectives to be met within a single year. We have accomplished a great deal of progress without funding, under a compressed 1-year timeframe, on a highly complex and sensitive topic, among a population that is underserved and hard-to-access, and in the chaos of a global pandemic. Of the 10 objectives called for by the legislation, we accomplished the following within our 3 project goals (given that some legislative objectives were overlapping):

1. Conducted a comprehensive study to determine how this state can reduce and end violence against indigenous women and girls in this state
2. Established methods for tracking and collecting data on violence against Indigenous women and girls, including data on MMIWG
3. Gathered data on violence against indigenous women and girls in Arizona
4. Determine the number of missing and murdered Indigenous women and girls in Arizona
5. Identified barriers to providing more state resources in tracking violence against Indigenous women and girls and reducing the incidences of violence
6. Proposed measures to ensure access to culturally appropriate victim services for Indigenous women and girls who have been victims of violence
7. Proposed legislation to address issues identified by the Study Committee
8. Submit a report regarding the Study Committee's activities and recommendations for administrative or legislative action on or before November 1, 2020 to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of this report to the Secretary of State.

This study is the beginning of Arizona's statewide dedication to reduce violence against Indigenous People – particularly MMIWG – and a tremendous amount of work remains to improve the lives and safety of Indigenous Peoples. Arizona's MMIWG legislation called for the following objectives that we plan to meet in our future work:

1. Review policies and practices that impact violence against Indigenous women and girls, such as child welfare/foster care policies and practices, law enforcement protocols, housing policies, systemic racism, border patrol/immigration policies
2. Review prosecutorial trends and practices relating to crimes of gender violence against Indigenous Peoples

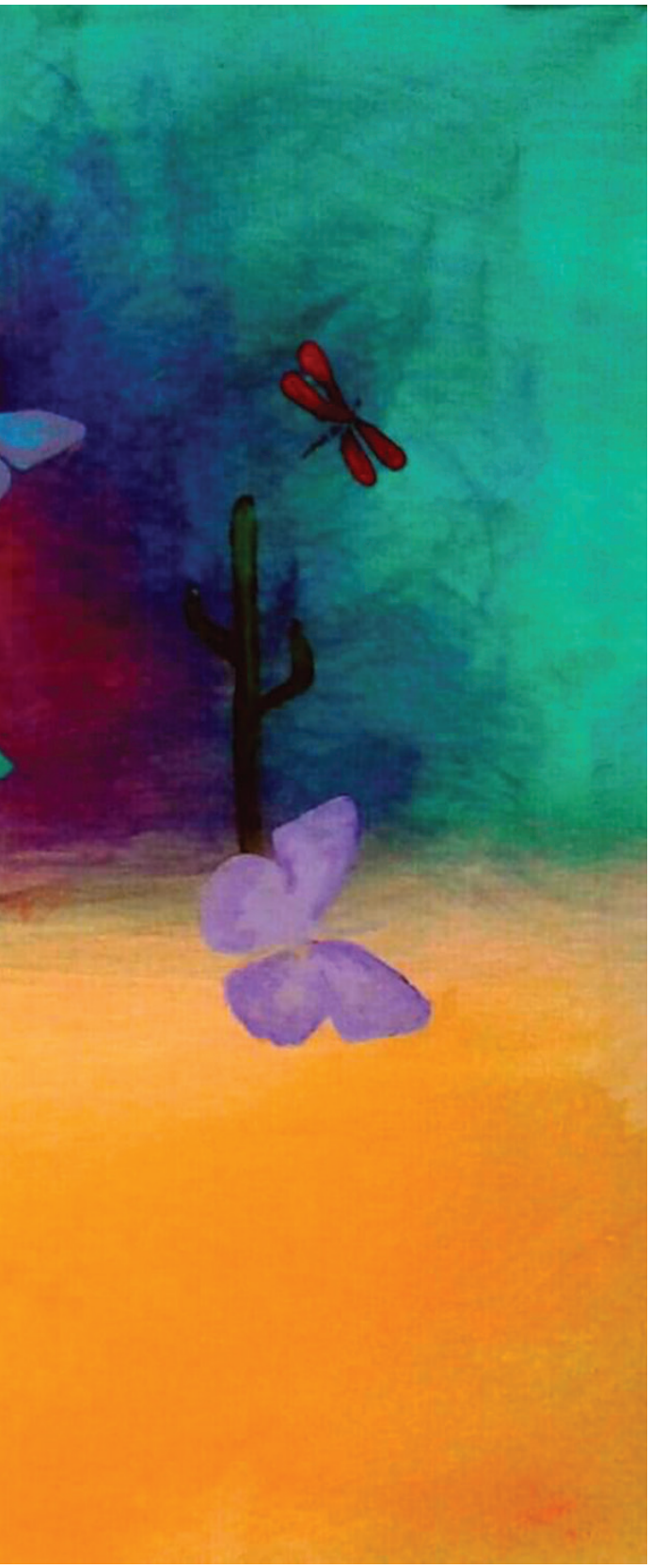
To expand this work, our future efforts will also include – but are not limited to – the following:

3. Indigenous-led community interviews with volunteers who wish to speak about their MMIWG stories. This is important for understanding the

(a) contributing factors of MMIWG (b) community needs, (c) experiences with criminal justice systems, and (d) effectiveness of data systems to track and publicize MMIWG in urban, rural, and Reservation areas.

4. Incorporate additional state, local, and Tribal data sources (e.g., medical examiner)
5. Centralize a database of victim services among Tribal and non-Tribal entities
6. Indigenous-led partnerships with Tribes to include information and data to meet the needs of individual communities (e.g., criminal justice response, services, and needs of the community as a whole)

**COVER ARTWORK CREDIT:**
Artist: Abel Ochoa (Pascua Yaqui), "Spirit flows"



This study is in remembrance of all Stolen Sisters and Indigenous Peoples.  Thank you.

# AUTHORS

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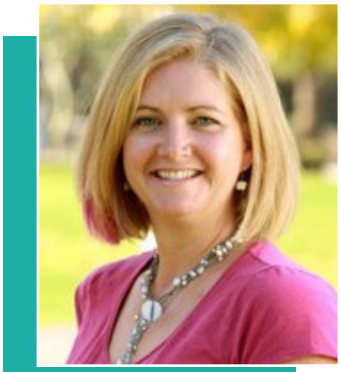

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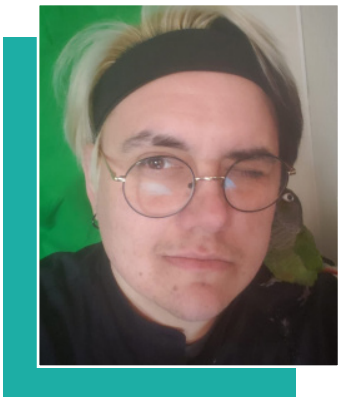
# AUTHORS



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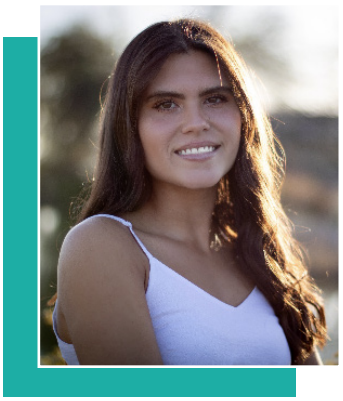

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# APPENDIX A

## ARIZONA MMIWG STUDY COMMITTEE MEMBERS

**JENNIFER JERMAINE**, Chairperson, White Earth Ojibwe (State House of Representatives, D18)

**JAMESCITA PESHLAKAI**, Vice Chairperson, Navajo Nation (State Senate, D7)

**ARLANDO TELLER**, Navajo Nation, (State House of Representatives, D7)

**MYRON TSOSIE**, Navajo Nation, (State House of Representatives, D7)

**WALTER BLACKMAN**, (State House of Representatives, D6)

**VICTORIA STEELE**, Seneca Nation of Indians (State Senate, D9)

**SALLY ANN GONZALES**, Pascua Yaqui Tribe (State Senate, D3)

**FRANK PRATT** (State Senate, D8)

**BLAINE GADOW**, Arizona Assistant Attorney General

**PAUL ETNIRE**, Hopi Tribe, Captain, Arizona Department of Public Safety

**BARBARA LAWALL**, Pima County Attorney

**DMITRI W. GONZALES**, Lieutenant, Maricopa County Sheriff's Office, Major Crimes Division

**APRIL IGNACIO**, Tohono O'odham Nation, Founder of Indivisible Tohono

**PAULA FLORES**, Salt River Pima-Maricopa Indian Community, Victim Advocate, Salt River Pima-Maricopa Indian Community Government

**LEANNE GUY**, Navajo Nation, Executive Director, Southwest Indigenous Women's Coalition

**KIM RUSSELL**, Navajo Nation, Executive Director, Arizona Advisory Council on Indian Health Care

**PATRICIA HIBBELER**, Salish/Kootenai, CEO, Phoenix Indian Center

**JON HUEY**, Yavapai Apache Nation, Tribal Chairman, Yavapai-Apache Nation

**MONICA ANTONE**, Gila River Indian Community, Tribal Council Member D4, Gila River Indian Community

**TIMOTHY CHAVEZ**, Chief of Police, Gila River Indian Community

**DEBBIE NEZ MANUEL**, Navajo Nation, Social Worker, resident of the Salt River Pima Maricopa Indian Community and Co-Founder of Morning Star Leaders, Inc.

**HONORABLE ALFRED URBINA**, Pascua Yaqui Tribe, Associate Justice, Pascua Yaqui Courts

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