

# MMIWG: WE DEMAND MORE

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*A corrected research study of missing and murdered Indigenous women & girls in Washington State.*

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



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*Urban Indian Health Institute is a division of the Seattle Indian Health Board.  
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**DUE TO URBAN INDIAN  
HEALTH INSTITUTE'S LIMITED  
RESOURCES AND THE POOR  
DATA COLLECTION BY THE  
STATE OF WASHINGTON,  
THE DATA IDENTIFIED IN  
THIS REPORT ARE LIKELY  
AN UNDERCOUNT OF  
MISSING AND MURDERED  
INDIGENOUS WOMEN & GIRLS  
IN WASHINGTON STATE.**

# LETTER FROM ABIGAIL ECHO-HAWK

*Missing and murdered Indigenous women and girls (MMIWG) is not a new crisis in the United States. This continuous and pervasive assault on our matriarchs has existed since colonizers set foot on this land. Decades of advocacy and activism fell on deaf ears, while more and more of our women went missing and were murdered. And while their families sought justice, they were shown at every turn by police and government agencies that Indian women and girls don't count.\**

Since the release of Urban Indian Health Institute's (UIHI) report titled *Missing and Murdered Indigenous Women & Girls: A snapshot of data from 71 urban cities in the United States*, the attention around the MMIWG crisis has grown tremendously. Legislators, government agencies, and media have been forced to pay attention because of the relentless work by the families of MMIWG victims, grassroots activists, tribes, and Native organizations across the country.

As of September 2019, for the first time, several states across the country passed legislation meant to address this crisis in their communities including developing and investing in resources that will improve the safety of Indigenous women. Each of these states will likely be measuring the quality of their work against their peers. If that first one is not done well, which we just witnessed with Washington State Patrol's recent MMIWG report, history shows us we see these subpar efforts mimicked throughout the country. This will lead to the same situation our women have been in for centuries—one fueled by institutional racism, causing Native women to be invisible.

## **THE CURRENT MMIWG POLICY LANDSCAPE**

At the time of this report's publication, there are four federal bills and twelve state bills (in 10 different states)—including two in Washington—all seeking to address various issues ranging from the collaboration with various levels of police to improved data tracking of MMIWG cases.



**Abigail Echo-Hawk (Pawnee)**  
Director, Urban Indian Health Institute  
Chief Research Officer, Seattle Indian Health Board

\* We use the terms Native, Native American, and American Indian/Alaska Native interchangeably in this report to acknowledge the varying ways that North American Indigenous peoples are forced to identify within the American racial structure and English language.

Washington State passed the first of such legislation, Substitute House Bill 2951, acknowledging the MMIWG crisis in Washington and seeking to establish strategic partnerships with tribes and urban Indian communities to address the high numbers of missing women in the state.

The legislation specifically directed Washington State Patrol to “work with the Governor’s Office of Indian Affairs to convene meetings with tribal law enforcement partners to determine the scope of the problem, identify barriers, find ways to create partnerships to increase reporting and investigation, and compile and analyze available data of missing Native American women.”<sup>1</sup>

On June 1, 2019, Washington State Patrol submitted its “study”—authored by Captain Monica Alexander (retired) and titled *Missing and Murdered Native American Women Report*—to the Washington State Legislature.

### **WHY WE ARE DEMANDING MORE**

Despite this direct mandate from the Washington State Legislature, the report was woefully incomplete and did not fully, if at all, answer this mandate put forth in Substitute House Bill 2951. The report is an imprecise recounting of the 10 meetings held with tribal nations and community members across the state with no meaningful or scientifically based analysis of the knowledge shared in those meetings.

In addition, Bill 2951 mandated the analysis of quantitative data related to the number of missing American Indian/Alaska Native women and girls in Washington State, yet the data contained in Washington State Patrol’s report were simple counts and did not include any meaningful analysis. It also did not address the rampant racial misclassification of American Indian/Alaska Native victims that results in an undercount of those missing despite this being a leading concern expressed across the community meetings.

As a result of the incomplete report issued by Washington State Patrol—that offers no meaningful contribution to addressing missing Indigenous women and girls—the authors of this report recognize that it was imperative to respond and to fulfill the legislative mandate as originally directed by the Washington State Legislature.

We will not sit by and watch our loved ones disappear.



### **SUBSTITUTE HOUSE BILL 2951**

**Ordering a study to  
determine how to  
increase reporting  
and investigation  
of missing Native  
American women.**

## MORE EFFORT IS NEEDED AND DEMANDED

UIHI recognizes research, data, and evaluation as Indigenous values. By doing so, we have a responsibility to our community, tribal leaders, elders, and youth to use our expertise in these areas to hold systems and bureaucracies accountable in the fulfillment of their mandated responsibilities to Indigenous people.

Washington had the opportunity to lead the nation in addressing MMIWG. Instead, this report showed minimal efforts that have little to no effect on addressing this crisis. It is our duty to ensure our communities are protected, and not just in the data. Washington State Patrol's report does not show the effort needed to ensure that protection.

Our missing and murdered loved ones have been invisible for way too long, and we will not stand aside and let it continue. We will not let the lives of Native women be a checkbox that meets minimum requirements.

Our community has worked tirelessly to get where we are today. We are moving beyond raising awareness and are demanding action. We are demanding more effort by others and will hold them accountable.

To do this, I gathered individuals who donated their time to ensure justice for our women and girls for this unfunded report. The co-authors and I bring experience in our respective fields of federal Indian law, qualitative and quantitative data analysis, and research. We also bring a deep personal understanding of the issues in Indian Country that inform the culturally attuned approaches that are required to do this work effectively with urban and rural Native communities.

It's going to take this type of experience to truly address the MMIWG crisis—experience that was not part of the Washington State Patrol report.

## THE LONGER IT TAKES ...

As politics and government processes run their course, we will continue to hear new stories of Native women and girls being found dead and reported missing. More families will be seeking answers and wondering why this is happening to their daughters, their granddaughters, their mothers, their grandmothers, their cousins, their aunties, and their friends.

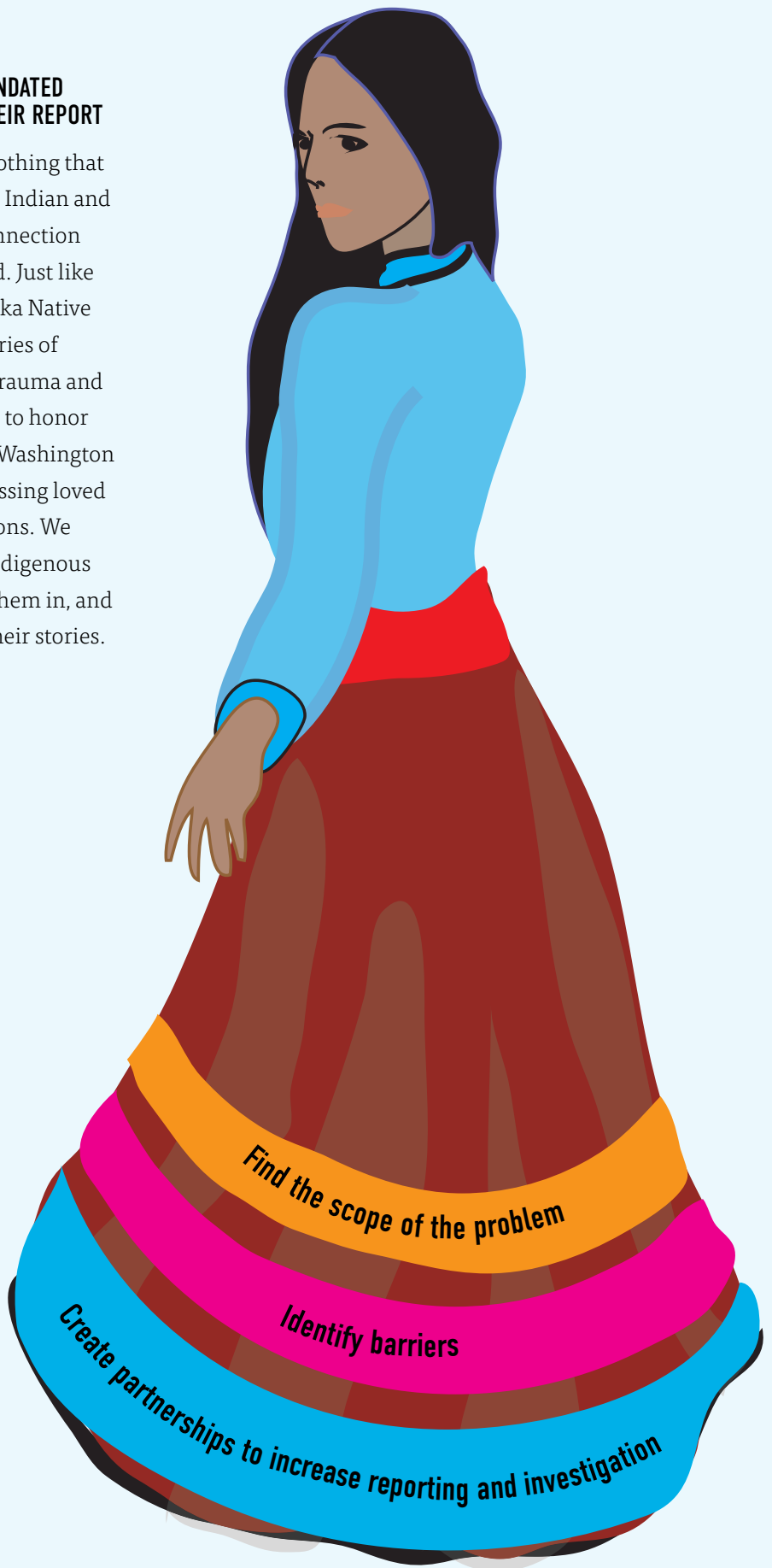
And they will continue to ask who is responsible, and why is nothing being done?



We will not let the lives of Native women be a checkbox that meets minimum requirements.

## WHAT SUBSTITUTE HOUSE BILL 2951 MANDATED WASHINGTON STATE PATROL TO DO IN THEIR REPORT

The ribbon skirt is a form of cultural clothing that represents the sacredness of American Indian and Alaska Native women and the deep connection their bodies and spirits have to the land. Just like a skirt, each American Indian and Alaska Native community has its own beauty and stories of resilience despite multiple ribbons of trauma and violence stacked upon them. We chose to honor their stories that were shared with the Washington State Patrol in an effort to find their missing loved ones as they answer these three questions. We honor the sacredness of our missing Indigenous women and girls, the prayers we hold them in, and the responsibility we have to care for their stories.



# METHODS

*In order to create a report that fulfills the intent and expectations enacted by the Washington State Legislature, the authors of this report (henceforth known as “the authors”) re-evaluated data collected by the Washington State Patrol using rigorous, Indigenous methods of quantitative and qualitative data analysis. Additionally, the authors utilized publicly available demographic and health data.*

## **QUANTITATIVE DATA**

A component of the legislation was to evaluate and provide data on the number of missing Indigenous women in the state of Washington. Washington State Patrol’s report included a count of the number of missing women in the state broken down by county and compared to other racial and ethnic groups of missing women. For this report, American Indian/Alaska Native is defined as self-identified American Indian/Alaska Native alone and in combination with other races for population data used in the analysis. For the quantitative data, comparison of American Indians/Alaska Natives was compared to non-Hispanic Whites because they are the dominant population in Washington State. The authors used the data on the numbers of missing women as presented in the Washington State Patrol report to conduct the analysis.

In order to understand the scope and impact of the crisis, the authors used population data for the state of Washington from the U.S. Census Bureau, 2018. For 2018, population by race data is an estimate of the population rather than an exact count of all the people, which only occurs every 10 years.

To show the disparities that exist between missing American Indian/Alaska Native women and missing non-Hispanic White women, calculations for the proportion of American Indian/Alaska Native females relative to the total female population, and calculations for the proportion of non-Hispanic White females relative to the total female population were identified. These proportions were then used as the thresholds for the expected proportion of missing women for each group. Once this was completed, proportions for missing American Indian/Alaska Native women and missing non-Hispanic White women were calculated relative to the total number of missing women. The proportions for missing women were then compared to the proportions used for thresholds. The differences between the threshold value and the proportion identified for missing women for each group determined the disparity between American Indian/Alaska Native women and non-Hispanic White women.



Rates for missing women in each racial category were calculated using the counts on missing women from the Washington State Patrol report as the numerator and using 2018 population estimates for the female population in Washington State from the 2018 U.S. Census Bureau as the denominator. Rates were calculated per 100,000 females for each population. Since the Washington State Patrol report did not specify a date range for the missing women data, and in order to illustrate the significant differences in missing and murdered women and girls among American Indian/Alaska Native females compared to non-Hispanic White females, the authors assumed Washington State Patrol's data was from 2018 and used this as a proxy to illustrate differences.

## QUALITATIVE DATA

The report published by Washington State Patrol contained notes from 10 community meetings held across the state. Approximately 428 individuals attended the meetings, including members of the Washington State Legislature, tribal liaisons from Washington State agencies, and representatives from tribal nations, urban Indian organizations, American Indian/Alaska Native-serving non-profits, community members, grassroots advocates, and more.

This report references the original Washington State Patrol-published notes along with notes and observations taken by UIHI staff who attended three of the 10 reported meetings. A qualitative analysis of the published and additional notes was conducted using grounded theory<sup>2</sup> and coded using the legislative mandates as the initial coding categories. As emerging themes were identified in these initial categories, sub-codes were created to capture common themes in the feedback from the meeting participants:

Participant feedback was grouped according to these codes and sub-codes. Dedoose,<sup>3</sup> an online qualitative analysis software, was used to conduct the qualitative analysis.



## CATEGORIES

1. Scope of the problem
  - a. Lack of proper data collection
  - b. No centralized resources for law enforcement, families, and tribes
  - c. Lack of coordination between jurisdictions
  - d. Human trafficking
2. Barriers
  - a. Jurisdiction
  - b. Lack of resources
  - c. Lack of tribal resources
  - d. Lack of awareness of the issue by the non-Native community
  - e. Data
  - f. Racism and bias from law enforcement
3. Partnerships to increase reporting and investigations
  - a. Collaboration
  - b. Communications
  - c. Community state-wide task force
  - d. Create, improve, and update state websites
  - e. Hire Native people in state/law enforcement
  - f. Increase community resources
  - g. Increase data collection
  - h. Respect for government-to-government relationships
  - i. Training for law enforcement
  - j. Increase resources

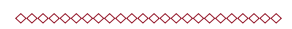
# LIMITATIONS

*There are numerous limitations to this analysis. The authors of this report did not have access to the underlying qualitative or quantitative data upon which the Washington State Patrol report was written. The data that was obtained from the published Washington State Patrol report included published meeting notes, letters, and reported numbers of missing women and girls.*

The Washington State Patrol report did not cite any referenced work, did not describe a uniform methodology of qualitative data collection across the community meetings, and did not detail any analysis of the quantitative data, making it difficult for the authors to verify the findings published. Where possible, the authors have identified and corrected uncited references in the Washington State Patrol report.

The Washington State Patrol report contained minimal data on the number of missing American Indian/Alaska Native women and girls in Washington State. The data came from an unidentified source and was listed as case counts by geography and race. In addition to not citing a source for the missing persons data presented in their report, Washington State Patrol also failed to provide a date range for the published data. Identifying the time frame in which any set of data occurred is fundamental to understanding the data. While certain graphs in the Washington State Patrol report contain a note of “as of May 2019,” this is insufficient as the starting point is unknown.

In the population data presented by Washington State Patrol, it stated that they drew 2018 population-by-race data from the U.S. Census Bureau, but, again, they failed to cite the specific data source. Their estimates for both the total population of Washington State and the American Indian/Alaska Native population were undercounts relative to the data presented in following sections of this corrected report. Further, the data presented by Washington State Patrol did not include demographic information such as age or whether those missing identified as LGBTQ or Two-Spirit individuals.<sup>4</sup> As such, UIHI was not able to distinguish transgender women or to correct for any mis-gendering that may have occurred.



The Washington State Patrol report did not cite any referenced work, did not describe a uniform methodology of qualitative data collection across the community meetings, and did not detail any analysis of the quantitative data making it difficult for the authors to verify the findings published.

The Washington State Patrol report gathered information on different reporting systems—primarily national databases such as NamUS. There was also a brief discussion of several state Revised Codes of Washington (RCWs). The report included a description of the systems and did not include how they are currently utilized by state and tribal law enforcement. For example, a lengthy description of NamUS and its gaps and opportunities was presented. Unfortunately, there was no discussion of how it has been utilized by State Patrol to report missing Indigenous women and girls. As such, the authors cannot offer any analyses and findings based on the information presented regarding reporting systems.

### **ANALYSIS OF THE WASHINGTON STATE PATROL REPORT'S QUANTITATIVE DATA**

Substitute House Bill 2951 mandated that the Washington State Patrol convene meetings with tribal law enforcement partners to determine the scope of the problem, identify barriers, and find ways to create partnerships. The Washington State Patrol was also tasked with including data and analysis of the number of missing Native American women in the state and include the analysis in their report.

Washington State Patrol reported the total population of Washington State in 2018 to be 7,410,578, with 138,078 American Indian/Alaska Native individuals living in the state. However, as the source was not cited, we could not confirm these numbers. The authors of this report found the 2018 total state population to be 7,535,591 and the American Indian/Alaska Native population to be 144,450.<sup>5</sup>

In contrast to the Washington State Patrol report but important to understanding the MMIWG crisis is understanding the number and composition of women living in Washington. According to the 2018 U.S. Census Bureau figures, of the 3,765,680 women living in Washington in 2018, 71,208 were American Indian/Alaska Native—1.9% of the female population.<sup>6</sup>

### **LACK OF CONTEXT AND SCALE IS MISLEADING**

Using simple counts of unanalyzed data for missing women is misleading, as shown in the Washington State Patrol report. Based on the information provided in the report, it would appear that the racial group who is being more affected by this crisis is White females at 70%. Conversely, American Indian/Alaska Native women only account for 7% of the total cases of missing women in Washington State.<sup>7</sup>

Initial review of the Washington State Patrol report would lead some people to believe this crisis impacts White women 10 times more than American Indian/Alaska Native women. This is incorrect. It would be expected that White



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## LIMITATIONS

women would have a larger proportion of missing women because they are the dominant population in Washington State. However, what the Washington State Patrol report failed to recognize is that although American Indian/Alaska Native women account for 7% of missing women in Washington State, they only are 1.9% of the total female population. This highlights the deep disparity felt by urban and rural tribal people across the state.<sup>8</sup>

Another consideration for data analysis would be calculating rates for missing women by racial groups per 100,000 based on the number of cases and the population for each group. Rates are the number of events that occur in a defined period of time, divided by the average population at risk of that event—in this case women who are missing.

Rates are often used instead of counts because they allow comparison of the level of outcome or health event in two different populations. Unfortunately, this would be difficult to calculate since the Washington State Patrol report did not provide the date range for which data on missing women was collected.

Understanding this limitation—assuming the date range for the data collected on missing women for each racial group was from 2018—the rate of missing women for each racial group per 100,000 could be calculated using the population for 2018. The following table shows rates that were calculated by UIHI for missing women for each racial group identified in the Washington State Patrol report.



“Without questioning and challenging the information that has been presented, we limit our ability to understand the true impact of this problem, the degree to which populations are affected, and the gaps in outcomes between each racial group.”

-Adrian Dominguez  
Director of Informatics  
and Epidemiology,  
Urban Indian  
Health Institute

**Rate of Missing Women for Washington State by Racial group, 2018**

Racial Group	Count	2018 Estimated Population <sup>ix</sup>	Rate per 100,000
White	550	2,963,532	18.56
African American	117	149,291	78.37
AI/AN*	56	71,208	78.64
API**	43	400,757	10.73

\*American Indian/Alaska Native, \*\* Asian/Pacific Islander (also includes ... Native Hawaiians)

Acknowledging the limitations with how the data was collected and the inability to confirm the numbers of missing women in the Washington State Patrol report, it was found that the rate for missing American Indian/Alaska Native women is 4.2 times higher than that for White women. The Washington State Patrol report simply used counts as a way to present the data, misrepresenting and inaccurately portraying the data and its findings.



The rate for missing American Indian/Alaska Native women is 4.2 times higher than that for White women.

### **RACIAL MISCLASSIFICATION RESULTS IN UNDERESTIMATES OF AMERICAN INDIAN/ALASKA NATIVE POPULATIONS**

Racial misclassification occurs when someone's race is inaccurately captured for reasons including the subjective use of personal observation by the data collector, Spanish surnames being used to determine race, data collection tools that only allow for single race identification, uninformed individuals documenting race on a data collection tool, self-identification with multiple races, or even changing self-identification due to fear of racism.

As of the 2010 U.S. Census, just under 45% of American Indians/Alaska Natives self-identified as American Indian/Alaska Native in combination with another race, illustrating the need to capture multi-race individuals.<sup>10</sup> Inaccurate and incorrect identification of race undermines and diminishes the ability to understand the true scope of missing Native women in Washington State. This inhibits policymakers from making data-driven decisions on prevention strategies and programming, evaluation, and policy development.

While law enforcement has made some efforts to improve racial misclassification, they are still failing Native women and girls. In November 2018, *The Seattle Times* asked Seattle Police to check a specific case named in UIHI's MMIWG report for a story they were writing. The highly publicized case referenced was the 2012 deadly shooting in downtown Seattle of Nicole Westbrook, a Navajo woman who had recently relocated to the city. In much of the local media, Nicole's tribal affiliation was included in the coverage, but, when *The Seattle Times* asked the police to verify her race, she was listed as White. At the time of this publication, to our knowledge, she is still listed as a White woman in Seattle police data.<sup>11</sup> This is an example of the high prevalence of racial misclassification.

### **ANALYSIS OF THE WASHINGTON STATE PATROL REPORT'S QUALITATIVE DATA**

Substitute House Bill 2951 directed Washington State Patrol to convene meetings to determine the scope of the problem, identify barriers, create partnerships to increase reporting and investigation, and analyze missing person's data from Washington State. Washington State Patrol's report did not detail any standard methodology for conducting the meetings and gathering the information

## LIMITATIONS

mandated by Substitute House Bill 2951. The report also did not present an analysis of the qualitative data—the meeting notes—nor did they structure the report to identify common themes. In an effort to honor the stories and knowledge shared at these meetings, the authors have conducted an analysis of the meeting notes. The findings have been structured to match these categories.



**Inaccurate and incorrect identification of race undermines the ability to understand the true scope of missing Native women in Washington State.**

# 45%

of American Indian/Alaska Native self-identified as American Indian/Alaska Native in combination with another race.

# FINDINGS

## DETERMINING THE SCOPE OF THE PROBLEM

*Substitute House Bill 2951 mandated that the Washington State Patrol convene meetings with tribal law enforcement partners to determine the scope of the problem. In the 10 meetings held across the state, there was ample discussion and feedback regarding the widespread crisis of missing Native women and girls. There were four specific areas identified that comprised the scope of the problem:*

1. **Lack of proper data collection**
2. **No centralized resources for law enforcement, families, and tribes**
3. **Lack of coordination between jurisdictions**
4. **Human trafficking**

The table below shows an analysis of the meeting notes. Issues related to the scope of the problem were mentioned 50 times over the course of the 10 meetings. The four issues analyzed were mentioned multiple times while other issues were mentioned a single time. This analysis primarily focuses on areas that became common themes in these sub-categories.

### Qualitative Analysis: Scope of the problem

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Lack of data	16
No central resources to go to	4
Lack of coordination between jurisdictions	2
Human trafficking	7

## LACK OF PROPER DATA COLLECTION

Numerous meeting participants expressed lack of engagement and response from law enforcement when they attempted to report loved ones as missing. In a community meeting, a participant said, “Law enforcement agencies will not take the report because of [perceived] reputation of drug/alcohol issues, criminal history, or mental health. [We] have been told by law enforcement to wait 24–48 hours before reporting.”

Even if a report is taken, one participant said, “there is little to no follow up from law enforcement to the family members after a report is taken.” Other participants expressed concern with what the state and federal government do with the data when it is collected, including perspectives such as, “data has been misused or used in ways that are not shared with communities,” and being unsure of “the confidentiality and security of the data.”

In addition, as was shown by UIHI’s 2018 report *Missing and Murdered Indigenous Women & Girls* and was expressed through lived experience by the meeting participants, there is a “lack of adequate centralized processes and systems to collect data” on missing Indigenous women and girls in Washington State. These factors combine to directly impact the lack of data on missing Native women and girls.

UIHI’s first-of-its-kind report titled *Missing and Murdered Indigenous Women & Girls* showed rampant racial misclassification was found among police department records. UIHI’s MMIWG report included three cities (Seattle, Tacoma, Spokane) located in Washington. In Seattle, it was identified that the Seattle Police Department had used the letter N (Negro) to represent African Americans, and N (Native) to represent American Indians/Alaska Natives in their data into the early 1980s. This lack of proper data collection effectively skewed the data for both groups of women making it difficult to do a proper analysis of trends in missing African American and American Indian/Alaska Native women prior to the 1980s.<sup>12</sup>

## NO CENTRALIZED RESOURCES FOR LAW ENFORCEMENT, FAMILIES, AND TRIBES

Investigations of missing persons require a high level of coordination and resources. For missing persons located on reservation lands it can also include working across multiple jurisdictions. Participants expressed concern about the lack of centralized resources to facilitate this coordination and its contribution to lack of resources to assist families with tracking the case of their missing loved ones. One person used a Washington State Patrol website



### OUR VOICES

“Law enforcement agencies will not take the report because of [perceived] reputation of drug/alcohol issues, criminal history, or mental health. [We] have been told by law enforcement to wait 24-48 hours before reporting.”

“There is little to no follow up from law enforcement to the family members after a report is taken.”

“Data has been misused or used in ways that are not shared with communities.”



as an example: “WSP website currently lacks coverage of all missing person cases in Washington,” highlighting frustrations with state resources that appear to not be fulfilling their purpose.

It also brings to light the inequity of what cases are entered. It is often the communities of color—in this case Native people—who do not receive the full benefits of the limited resources the state does have available. One participant expressed, “law enforcement agencies are uneducated about resources or they don’t seem to care.”

This continued lack of coordination can contribute to the chronic stress and frustration families and communities experience when attempting to find their missing loved ones. In addition, participants recommended that the state mandate NamUS entry for all active missing persons cases.<sup>13</sup>

### **LACK OF COORDINATION BETWEEN JURISDICTIONS**

Extreme frustration was expressed by participants related to the lack of coordination between jurisdictions. Tribal lands are considered sovereign nations, and there was a perception expressed from the participants that law enforcement at the tribal, state, and federal levels often do not coordinate their efforts to provide public safety for those living on reservation lands. As one participant said, it creates “jurisdictional concerns regarding who will handle investigations.” Another participant expressed the need for respect of the “government-to-government relationship” that is mandated responsibility of Washington State in their interactions with tribal governments.

Most notably were the families being passed off from one agency to another as they attempted to report a missing loved one on tribal lands. One participant said, “Families contact tribal law enforcement agencies to report [a] missing family member, then they are transferred to city/county law enforcement agencies.” For the victims of human trafficking who are taken across state lines and U.S. borders, there is an additional perceived lack of coordination between the state, the tribe, and the FBI, all of whom hold responsibility to ensure the victim is returned to her community.

Underlying all of these concerns was the consistently expressed racial tension between law enforcement and the families, tribes, and community. As a direct result of colonialism and the ongoing oppression of Indigenous peoples throughout the United States, institutional and structural racism<sup>15,16</sup> are embedded in government systems that do not protect and serve Indigenous women and girls. In addition, there were stories of individual-level racism



### **WHAT IS TRIBAL SOVEREIGNTY?**

Tribal sovereignty is the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory.<sup>14</sup>



**Institutional Racism** is the process of purposely discriminating against certain groups of people through the use of biased laws or practices. Often, institutional racism is subtle and manifests itself in seemingly innocuous ways, but its effects are anything but subtle.<sup>15,16</sup>

## FINDINGS

expressed by law enforcement. The participants indicated that racism on both of these levels was directly impacting whether or not law enforcement takes a missing persons report. This is significant as an active missing persons report influences the type and amount of resources that can be dedicated to cases.

### HUMAN TRAFFICKING

Monetary value has been assigned to the bodies of Native women and girls since colonization. This current monetization is expressed through the high rates of human trafficking—for sex and labor—in rural and urban Native communities. Washington had 17 active criminal cases of human trafficking in 2017 and was ranked number 13 among states and territories for having active cases. The national average was 14.24 cases per state/territory in 2017.<sup>17</sup> Washington convicted eight defendants in human trafficking cases in 2018 and the majority (87.7%) of active criminal cases involved sex trafficking.<sup>18</sup>

However, as a result of the exploitative nature of human trafficking, many incidences are never reported and victims never recovered, resulting in an undercount of human trafficking in Washington. Participants in the community meetings identified human trafficking as a key problem in regard to missing Native women in Washington. It was expressed at one meeting that, “many believe most of their missing Native American women are being shipped to Canada.” Another participant said, “Human trafficking [of Native women] is a significant problem through the Port of Seattle.”

The use of the Port as means to traffic women is an important ongoing conversation in Washington, and Indigenous communities must be included in discussions and efforts to halt this atrocity. Currently, there is a lack of reliable data on the rates of human trafficking of Native women and girls in Washington. However, just because the data has not been collected does not mean it is not happening. The lack of data contributes to the scope of the problem. In addition, while human trafficking is a contributing factor to the high rates of missing Indigenous women, not all women who are trafficked are missing persons.



Monetary value has been assigned to the bodies of Native women and girls since colonization, resulting in high rates of human trafficking.

# IDENTIFYING BARRIERS

Substitute House Bill 2951 mandated that The Washington State Patrol convene meetings with tribal law enforcement partners to identify barriers experienced by urban and rural tribal communities. These barriers inhibit the communities from timely reporting of a missing loved one to experiences of racism from members of law enforcement resulting in a lack of resources invested in finding the missing individual. Several key barriers were identified:

1. Jurisdiction
2. Lack of resources
3. Lack of tribal resources
4. Lack of awareness of the issue by the non-Native community
5. Data
6. Racism and bias from law enforcement

The table below shows an analysis of the meeting notes. Issues related to barriers were mentioned 80 times over the course of the 10 meetings. The six issues analyzed were mentioned multiple times while other issues were mentioned a single time.

## Qualitative Analysis: Barriers

Jurisdiction issues	5
Lack of resources	6
Lack of tribal resources	7
Awareness of issue by outside communities/people	2
Data	32
Racism and bias in law enforcement	22

**JURISDICTION**

Meeting participants adamantly expressed that the state was not fulfilling the obligation to tribal nations despite the federal and state law meant to ensure public safety on reservation lands. In 1989, the state of Washington and the federally recognized tribes in the state executed an Accord establishing the framework for government-to-government relationship and implementation procedures to assure execution of that relationship. Building on the 1989 Centennial Accord, in 1999, Washington State officials met for three days with leaders of the federally recognized tribes located in the state. What emerged from that Summit was the Centennial Accord Millennium Agreement (“CAMA”). In the CAMA the Governor and tribal leadership committed to:

- 1. “Developing a consultation process, protocols, and action plans that will move us forward on the Centennial Accord’s promise that, ‘The parties will continue to strive for complete institutionalization of the government-to-government relationship by seeking an accord among all the tribes and all elements of state government.’”
- 2. “Working in collaboration to engender mutual understanding and respect and to fight discrimination and racial prejudice.”<sup>19</sup>

As part of the implementation of the CAMA, each state agency was required to “establish a documented plan of accountability.” This “documented plan of accountability” and obligation to consult with tribes is even more important in agencies like the Washington State Patrol, which is responsible for implementing P.L. 280 and exercising criminal jurisdiction—including investigatory and data gathering—in most of the tribal reservations located within Washington State.<sup>20</sup>

In fact, in May 2019, Attorney General Bob Ferguson announced the implementation of a tribal consultation policy for the Attorney General’s office that requires the Attorney General to obtain free, prior, and informed consent before initiating a program or project that directly and tangibly affects tribes, tribal rights, tribal lands, and sacred sites.<sup>21</sup> In the community meetings conducted by the Washington State Patrol, one participant suggested that Washington State Patrol needed to conduct government-to-government training for members of law enforcement to educate them on the unique relationship that tribes have with the state and federal government.

This suggestion was meant to address the misunderstandings and misconceptions at the law enforcement level on their responsibilities on tribal lands. It would also address the sentiment of other participants who expressed



“The incomprehensible chaos of crisscrossing jurisdiction and enforcement authority contributes to the apathy imbedded in those law enforcement agencies—each appearing to trust that another is responsible for public safety on reservations. This confusion and apathy is a significant barrier to solving the MMIWG epidemic.”

-Lael Echo-Hawk  
Principal,  
MThirtySix PLLC

that the lack of understanding contributed to the racial tensions that were inhibiting law enforcement from properly taking missing persons reports and conducting investigations. There were comments that indicated these jurisdictional issues were used as an excuse for the lack of accountability by the state and federal agencies—such as Washington State Patrol and the FBI—to actually report and investigate Native missing persons. One participant said, “[The] FBI should be held responsible for their lack of action on missing persons cases on tribal land.”

### **LACK OF RESOURCES FOR EVERYONE**

In the instance of a missing loved one, there is a considerable lack of resources for the families, communities, and tribes. As discussed previously, participants expressed dissatisfaction with the Washington State Patrol missing persons website as it did not contain all of the missing persons reported in Washington. Participants expressed that there was a “lack of knowledge of resources,” indicating that if resources are available, they are unknown and underutilized by both the Native community and law enforcement agencies.

This lack of resources, in some instances, can disproportionately affect urban dwelling American Indians/Alaska Natives who are living off tribal lands. According to the U.S. Census, approximately 70% of American Indians/Alaska Natives live off tribal lands in urban areas.<sup>22</sup> As they are not living on their federally defined homelands, they often do not have access to any tribal resources that may be available to assist with locating their missing loved one. However, it must be known that resources vary tribe to tribe. Some tribes do not have access to any resources, and the experiences of those seeking assistance in tribes can parallel those living in urban areas.

### **LACK OF RESOURCES FOR TRIBES**

Resources available in tribal nations vary from tribe to tribe and are directly related to factors such as economic development, tribal government structures, size of reservation, checkerboarded reservations, and physical location. The community meetings were attended by tribal members from multiple reservations across Washington, so the provided feedback specifically related to tribal resources cannot be applied broadly.

An example of this is communication between the state and tribal law enforcement. During the November 8, 2018 meeting held at Little Creek Casino in Shelton, Wash., it was stated that, “the Nisqually Police Department has a good relationship with the local law enforcement agencies and has developed policies on human trafficking and missing person reporting.” However, in the same

## IDENTIFYING BARRIERS

meeting, another participant stated, “FBI should be held responsible for their lack of action on missing persons cases on tribal land.” One piece of feedback does not negate the other. Instead, it speaks to the diversity of experiences and highlights that it is the collective law enforcement community that needs to work with tribes individually.

For tribal members with missing loved ones living on tribal lands at the time of their disappearance, several participants expressed frustration with the lack of resources available to them and the tribe. One participant highlighted that some tribes “may lack systemic capability to collect data” on missing persons. Another said, “Some tribes have paper files, no electronic copies [available].” However, this lack of resources is the direct result of the ongoing U.S. policies that created the geographic boundaries of the federally defined reservations and actively continue to work to inhibit them from achieving socio-economic success.

As a direct result of this lack of resources and centralized systems, it becomes difficult, and in many instances cost prohibitive, for tribal agencies to work cohesively with outside agencies. One participant said, “Tribes often receive multiple requests for data from federal agencies. This can be time consuming [for them].”

### LACK OF AWARENESS OF THE ISSUE FROM THE NON-NATIVE COMMUNITY

The MMIWG issue is well known within urban and rural tribal communities. As the direct result of the activism of grassroots organizers and organizations, this issue has become elevated to national levels of awareness. However, this is a new development. Many community members and tribal communities have spent decades attempting to push this issue into the general public awareness.

As one participant said, “Media does not acknowledge when tribal members go missing,” highlighting the inequity in media coverage that was a key point in UIHI’s 2018 MMIWG report. In that report, it was found that of the articles surveyed that covered MMIWG, 83% were focused on murder cases.<sup>23</sup> Media coverage of missing Indigenous women and girls is severely lacking and actively contributes to rendering them invisible.

The popular narrative of Indigenous peoples as relics of the past has served to make Indigenous communities invisible and has deeply impacted the public awareness of MMIWG. In a recent study titled *Reclaiming Native Truth*, Tulalip tribal member Dr. Stephanie Fryberg said, “Invisibility is the modern form of racism against Native Americans.”<sup>24</sup> As a result of this invisibility, this crisis has continued to grow, and the much-needed resources to address it never materialize.

70%

of American Indians and Alaska Natives live off tribal lands in urban areas.

## DATA

Data was a top priority identified across the meetings held by Washington State Patrol. As identified by UIHI’s 2018 MMIWG report, there is a gross undercount of missing and murdered Indigenous women and girls not only in Washington but across the nation.<sup>25</sup> For what data does exist, one participant brought up an important issue: there is a “data sharing barrier between tribal law enforcement and feds.” This translates into varied access by tribal law enforcement to the data on missing persons on the reservation depending on whether they have been granted access to data on their own tribal members. Even when this access has been granted, it can be inhibited by tribal capacity and training. However, simply granting access to data systems does not mean that the data is correct.

Racial misclassification of Native people is rampant. As discussed previously, this results in undercounts of race and ethnicity within data systems. One participant said, “Native Americans are often mistaken for Hispanic, Asian, or Pacific Islander.” Another said they were concerned there is “data out there that will never be correct.” Another expressed that there was a “lack of adequate centralized processes and systems to collect data.”

This is continuously illustrated in the racial misclassification of Native people in data systems. When race and ethnicity is not properly captured, it contributes to skewing the data, which then translates into improper counts of those who have gone missing. There is a national emphasis on “data informed decision making” when making local, state, and federal policy, programming, and intervention investments.

However, it is currently not possible to make these decisions with the available data without taking into consideration racial misclassification. The American Indian/Alaska Native population is more likely to be misclassified than any other racial group. Because they are misclassified, it appears MMIWG numbers/rates are low so there is a lack of resources dedicated to this population because of misclassification.<sup>26,27</sup> This contributes to the ongoing “mistrust of data collection and federal government agencies” expressed at the meetings.

In addition, there were concerns regarding data use. A participant said, “Data has been misused or used in ways that are not shared with communities.” Ironically, this misuse was illustrated by the June 1, 2019 report by Washington State Patrol from which this quote was derived. The meeting notes, which are qualitative data, were released without a meaningful analysis, effectively distracting readers from the fact that the Bill mandates them to conduct a “study,” which implies an analysis of the data, not simply publishing meeting notes.



**“Racial misclassification is perpetuating the ongoing genocide of Native people by eliminating us through the data.”**

-Abigail Echo-Hawk

## RACISM AND BIAS IN LAW ENFORCEMENT

Nationally, communities of color have been calling for justice regarding racism and bias in law enforcement actions. While much of this activism is focused on police violence, it is also evident in how they respond to missing persons reports and investigations. This type of discrimination was a topic of discussion across the community meetings with one participant saying, “We were told many Native Americans were not taken seriously when they tried to report a loved one missing. They were either told to come back after the person was missing for 48–72 hours or simply turned away.” For many community members, this has resulted in a “serious mistrust for the police and government.”

Numerous stories were told in the meetings of law enforcement “lacking in compassion,” “not taking reports seriously,” “cases not being investigated,” and “little to no follow-up from law enforcement ... after a report is taken.” This issue is amplified as families interact over long periods of time with civilian staff in law enforcement agencies who participants felt “lack training” in understanding the unique relationships between the state and tribes.

Additional obstacles emerged as participants discussed the impact of stereotypes on filing missing persons reports. Like previously mentioned, one participant said, “Law enforcement agencies will not take the report because of [a] reputation of drug/alcohol issues, criminal history, or mental health. [We] have been told by law enforcement to wait 24–48 hours before reporting.” Another said they “believed Native Americans have a ‘reputation’ of having alcohol/drug abuse and prostitution,” and this impacts the way law enforcement responds to family members attempting to make a missing persons report. And, if a report is taken, it impacts the way the investigation is carried out.

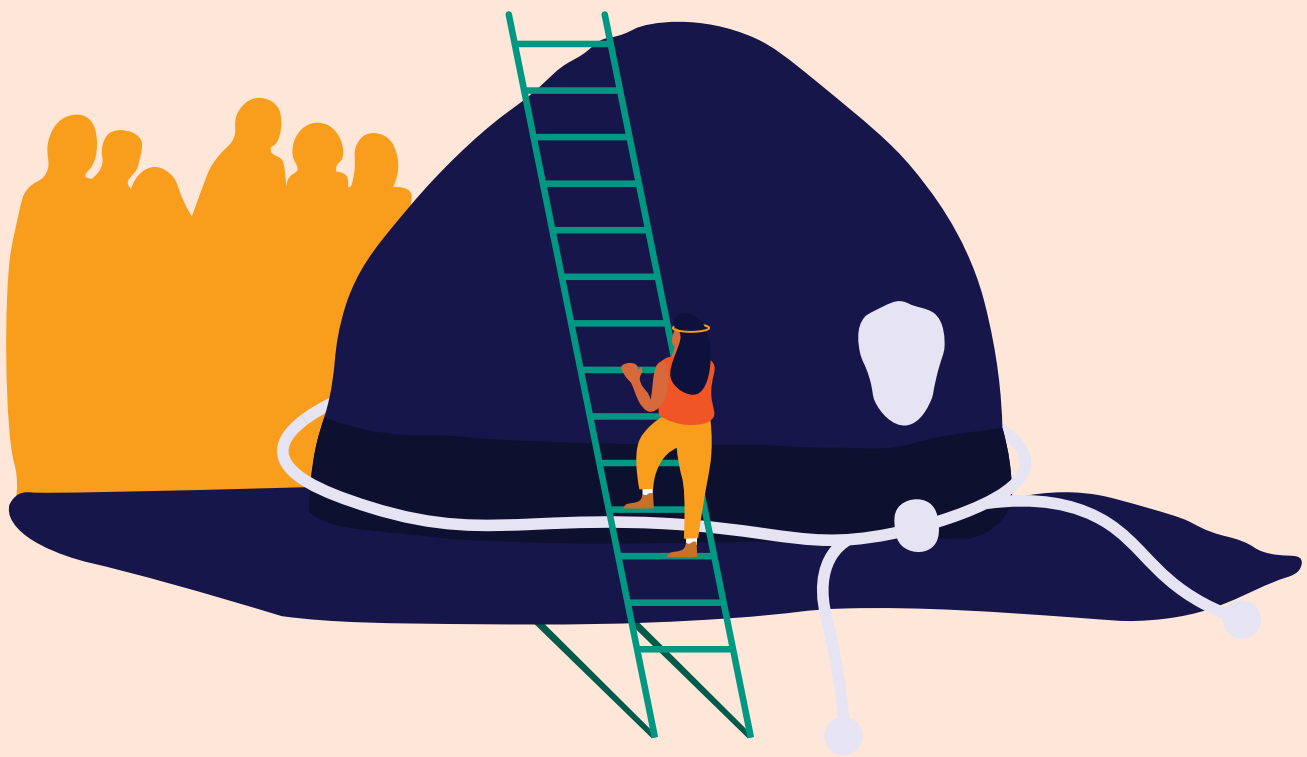
This narrative of widespread substance misuse, criminal history, and mental health conditions is part of the institutional and structural racism that permeates this country. It was created and continues to be perpetuated to justify the continued mistreatment of Indigenous peoples when, in reality, the data actually tells a different story. In an analysis of data from the National Survey of Drug Use and Health it was found that urban Indians had statistically significantly lower self-reported alcohol use than non-Hispanic Whites (44.2% vs. 59.5%).<sup>28</sup>



“[We] have been told by law enforcement to wait 24–48 hours before reporting.”



As evidenced by the feedback from participants, the “relationships between law enforcement and the Native community need continued work and trust building.” This relationship building must be continuous—recognizing that Native community members reside in urban cities and in rural areas that may or may not be federally defined tribal lands—and built on a respect for tribal sovereignty that recognizes their unique political status as tribal nations and a federal trust obligation assumed by states such as Washington. And in the words of one participant, “[Law enforcement] stop stereotyping.”



# CREATING PARTNERSHIPS TO INCREASE REPORTING AND INVESTIGATION

*Substitute House Bill 2951 mandated that the Washington State Patrol convene meetings with tribal law enforcement partners to find ways to create partnerships to increase reporting and investigation of missing Native American women. In the 10 meetings held across the state, there was ample discussion and feedback regarding the widespread crisis of missing Native women and girls.*

The table below shows an analysis of the meeting notes. Issues related to community-defined solutions were mentioned 97 times over the course of the 10 meetings. Ten common areas were mentioned multiple times as illustrated by the below chart.

## Qualitative Analysis: Community-defined solutions

Collaboration	15
Communications	7
Community statewide task force	7
Create, improve, and update state websites	2
Hire native people in state/law enforcement	10
Increase community resources	10
Increase data collection	10
Respect government-to-government relationship	11
Training for law enforcement	14
Increase resources	11

## COLLABORATION

Across the meetings analyzed, there was the continued theme of building collaborations. While there was ample discussion regarding the lack of strong relationships and perceived racism with law enforcement in rural and urban settings, the participants consistently expressed a willingness to “discuss the wrongs, concerns, and healing between law enforcement, government, and community.” One participant called for a “truth and reconciliation process” as a means to facilitate building these strong partnerships and collaborations. Other participants suggested more formal agreements.

In the meeting held in Spokane, Wash., it was suggested to establish a “Memorandum of Understanding” between the local urban Indian community and the local police department. As expressed in another meeting, one participant said “Building successful relationships is being done long-term and consistent with community members. This helps with fostering trust.” Another participant expressed the need to build “bridges between law enforcement agency and tribes to build trust.” Another participant offered a way to build these bridges through “one-on-one meetings between law enforcement and community members.”

Overall it was expressed this community collaboration would be a long process but integral to addressing the barriers experienced by rural and urban Indigenous communities.

As expressed in a previous section, the maze of jurisdictions for missing persons living on reservations has resulted in a lack of coordination between federal, state, and tribal agencies. Participants expressed the need for efforts specific to building “better coordination and cooperation between law enforcement agencies” to overcome this barrier. This will require what one participant termed as “more involvement and cooperation by outside law enforcement [with tribes].” There was a generally expressed sentiment that this cooperation was integral to building the collaborations necessary to begin to address missing Indigenous women.

## COMMUNICATIONS

Participants expressed a lack of communication from city, county, and state agencies. As a result, many of the state resources that do exist are not disseminated well, if at all, to urban and rural tribal communities. To combat this, one participant suggested “more community outreach within the tribes.” This lack of communication of resources and efforts to addressing missing Indigenous women also has deep impacts on the urban Indian community. One participant said it was necessary to do “community outreach (not just with the tribes).”



As expressed in another meeting, one participant said “building successful relationships is being long term and consistent with community members. This helps with fostering trust.”

The last several years has seen increased use of social media to bring awareness of missing Indigenous women and girls. However, this is predominately the work of their families and communities. One participant said it was important for agencies to “work with social media platforms” as a way to push awareness of individual cases in addition to raising overall awareness on the issue as a whole.

### COMMUNITY STATEWIDE TASK FORCE

As illustrated by the community meetings held across the state, there are knowledgeable individuals, tribes, and tribal/urban Indian organizations who could be informing the state on how to address the problem, break down the barriers, and assist in building partnerships. Participants suggested that one way to ensure their input was correctly represented was through “establish[ing a] community task force.”

Another participant “expressed the desire to set up an advisory committee after the study is done to keep the discussion going. This would entail different organizations from different locations, such as Urban Indian Health Institute, small advocacy groups, Tribal Health Care, Tribal Members, etc. [to] discuss barriers, ways to discuss prevention, awareness, education, [and] create policy or even law changes.” There was also a suggestion to target specific barriers and “establish [a] task force to audit law enforcement agency records.” It must be strongly noted that these suggestions centered community members as the lead on potential efforts related to establishing a task force.

### CREATE, IMPROVE, AND UPDATE STATE WEBSITES

As discussed in a previous section, the website for missing persons was lacking current information and was not seen as useful for family members of missing persons. Participants suggested efforts to “improve WSP missing person website to have resources such as missing poster templates, checklists of follow-up items, [and] resources for missing families.” The website has the potential to be a useful source of information if designed and updated to ensure meaningful use by law enforcement and community.

### HIRE NATIVE PEOPLE IN LAW ENFORCEMENT

There is currently a lack of representation of American Indians and Alaska Natives in law enforcement in Washington. As one participant said, “[We need] more Native Americans in law enforcement agencies.” This sentiment was echoed across the meetings, and specific feedback was given regarding why this was so important. One of the participants said, “By hiring Native people, we all learn. We all grow and theoretically we honor each other’s differences.”



It must be strongly noted that these suggestions centered community members as the lead on potential efforts related to establishing a task force.



“By hiring Native people, we all learn. We all grow and theoretically we honor each other’s differences.”

This again illustrates the community willingness to engage law enforcement in a positive manner to bring a halt to this crisis of missing and murdered Indigenous women and girls. The participants indicated this was an additional way to address the racial tension experienced by families when reporting a loved one missing—having law enforcement officers that understood the cultural considerations would create a level of understanding necessary while going through a time of crisis.

Specific feedback was given by participants regarding the need for new positions in the Washington State Patrol. One participant said, “[they] would like to see Native tribal liaison within WSP. This could assist with building relationships to increase trust between governmental organizations and tribal communities.” To her credit, in recognition of this feedback, the author of the Washington State Patrol Report, Captain Monica Alexander (retired), worked with state Representative Gina Mosbrucker (R), who was the original sponsor of Substitute House Bill 2951 and sponsored and passed Second Substitute House Bill 1713 in 2019.

The bill specifically created two tribal liaison positions in the Washington State Patrol, requires State Patrol to establish best practices protocol for law enforcement response to missing persons reports for Indigenous women and other Indigenous people, and requires government-to-government training to be conducted with Washington State Patrol by the Governor’s Office on Indian Affairs. However, a Washington State law, RCW 43.376.020, enacted in 2012 has required all state agencies to designate a tribal liaison. While this additional legislation has the opportunity to assist with the MMIWG crisis, it must be acknowledged that it is a much-delayed first step.

### **INCREASE COMMUNITY RESOURCES**

Participants across the meetings were very vocal as they shared the barriers that they and/or their community members had in attempting to file a missing persons report and knowing what to do after a report was taken. One participant indicated it was important to allocate financial resources to be able to “assign an advocate for the families.” Another said, “Create a family advocacy group to provide assistance to the families.” If funded, these advocates would need in-depth training on serving urban and rural tribal communities—in particular to understand the concepts of tribal sovereignty and multiple jurisdictions when working on reservation lands.

As discussed previously, barriers identified included interactions with law enforcement—they rarely shared what resources were available for families and community members. And when families did look for information online,



Having law enforcement officers that understood the cultural considerations would create a level of understanding necessary while going through a time of crisis.



And when families did look for information online, it was incomplete or out of date as was discussed in previous sections.

it was incomplete or out of date as was discussed in previous sections. One participant said, “[We] need information on the resources that are available.” There were suggestions as to what these resources could include such as to “educate on prevention” and create culturally appropriate “toolkit(s) for families and law enforcement agencies.”

### INCREASE DATA COLLECTION

Data was a consistent theme across the meetings. This feedback was inclusive of ensuring databases include race and ethnicity, racial misclassification, gathering tribal identity, ownership, access, training, data gathering protocols for law enforcement, and dissemination. There was an emphasis on how to increase the collection of data to allow for data-driven decision making and community education of the crisis of missing Indigenous women and girls.

One participant mentioned including “tribal classification on missing report[s].” This would allow tribal nations to identify tribal members who had gone missing. If implemented, it would require tribal consultations with the Washington tribes and respect for tribal sovereignty as only individual tribal nations can determine who is an enrolled member of their tribe. It would also have to be inclusive of other tribal nations—in the urban areas there are hundreds of tribal affiliations represented. Similar work has been done in Washington in the K-12 school system, and this could be used as an example if efforts are made to move this recommendation forward.

As efforts have been made to understand the scope of this issue, the lack of quality data in Indigenous women and girls from law enforcement has been a glaring barrier to understanding the true scope of the crisis. To address this, one participant indicated there was a need for an “audit of law enforcement agency recordkeeping.” Another said the state needed to “immediately develop record keeping protocols for law enforcement agencies to properly respond to violent acts—no agency can adequately respond to violence it does not keep track of.”

In addition, it was discussed that there was a lack of understanding of what region in the state had disproportion impact, if any. To address this, one participant said, “[they] would like to see a geographic database.” Also, there is clear need for the state to formulate culturally appropriate ways on the “dissemination, publication, and disposition of data and material” related to missing Indigenous women and girls.



As efforts have been made to understand the scope of this issue, the lack of quality data in Indigenous women and girls from law enforcement has been a glaring barrier to understanding the true scope of the crisis.

While it is important to gather data on this crisis, it is also integral to acknowledge those who were found and brought back to their families—to always recognize the dedication of the families and communities who will never stop looking no matter the number of years that go by. One participant suggested, in addition to gathering data on who is missing, to also “develop data about strengths and resilience [of American Indians and Alaska Natives].”

## **RESPECT GOVERNMENT-TO-GOVERNMENT RELATIONSHIP**

Working in a manner that is respectful to the unique political rights of tribal nations through a government-to-government relationship is necessary to address the jurisdictional issues and more. One participant spoke to the need of tribes and stated that “they need access to the federal databases and criminal justice systems to solve crimes and to develop prevention strategies.” There is not consistent access to these systems across the tribes in Washington for a variety of reasons. It will require working with individual tribes to identify what access they need, if any. In addition, resources would likely be needed to assist in capacity building for this new access.

Across the meetings there were consistent comments regarding the lack of knowledge across law enforcement agencies of tribal sovereignty and how that impacts law enforcement. To address this gap, one participant said, “Government-to-government training should be required for all law enforcement.” As discussed in a previous section, Second Substitute House Bill 1713 was passed in 2019 and it includes this training requirement for Washington State Patrol to be conducted by the Governor’s Office on Indian Affairs.

## **TRAINING FOR LAW ENFORCEMENT**

The racially based tensions expressed by the participants was seen as a key barrier to both reporting and investigation of missing Indigenous women and girls. Despite these tensions, there was sincere sentiments expressed by the community to build reciprocal partnerships with law enforcement. Training was expressed as a way to begin this process.

One participant said, “Expanded law enforcement training on the missing person process and human emotions” is needed. Another participant was concerned with what was seen as a lack of empathy to Native people. Their suggestion was to conduct “education of Native American culture to first responders so they will be compassionate towards Native people.”

In addition, there was recognition that families and communities interact with civilian representatives of law enforcement and experience the same racial



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tensions seen with first responders. To address this, they “believe that training for civilian staff would assist in building stronger relationships and bridging some of the gaps that currently exist.” The participants recognized there were many layered agencies that intersect with a missing person, and, in the case of a resulting death, felt that “Coroners/Medical Examiners should be trained in Native American identity/ethnicity” to address the ongoing racial misclassification.

While not specific to just training, participants suggested to “create best practices for law enforcement response when receiving missing persons reports for Indigenous persons.” This suggestion was directly addressed in the passing of Second Substitute House Bill 1713. However, that Bill does not address how that will be done and who will be shaping these best practices.

It will be essential to do meaningful engagement of rural and urban tribal communities to ensure they are culturally attuned and address the barriers and scope of the problem as identified by the meeting participants. For example, if the best practices do not address the ongoing institutional racism and individual bias in law enforcement, it will be nothing more than a meaningless checklist.

### **INCREASE RESERVATION-BASED TRIBAL RESOURCES**

As indicated in the previous sections, there is a variety of reservation-based resource needs, and they vary from tribe to tribe. As a Public Law 280 state, Washington has primary responsibility for investigating and charging crimes committed on most of its reservations. Public Law 280 is a federal statute enacted in what has come to be called the “termination era” of the 1950s and early 1960s. During this time, hundreds of tribes were terminated; individual tribal members were “relocated” to urban centers under a federal relocation program and often never able to return to their reservations; and several states, including Washington, assumed most criminal jurisdiction over reservations within their boundaries under PL 280.

Further complicating the matter, most tribes contain “pockets” of non-tribal land over which tribal law enforcement have no jurisdiction, and it is often unclear which state or local law enforcement agency has the jurisdictional authority to investigate and prosecute—particularly when the crime occurs in these “pockets” and is against an American Indian/Alaska Native person. It is only in recent years and the passage of the Tribal Law and Order Act and the Violence Against Women Act that tribal law enforcement have gained limited authority to prosecute non-Native offenders of domestic violence and sexual assault against a Native woman. But there remain many gaps in jurisdictional authority and little in the way of resources to solve them.



**As a Public Law 280 state, Washington State has primary responsibility for investigating and charging crimes committed on most of its reservations.**



In addition to the confusion around jurisdictional authority, there are other logistical challenges such as access to high-speed internet and reliable cell phone service. One participant said, “resources such as media outlets, social media, search and rescue, etc.” were needed when a tribal member went missing. Some tribal representatives indicated that even working with the state and law enforcement agencies asking for information was difficult due to a lack of centralized systems and data collection. This indicates an area of investment for capacity building to increase tribal resources. As one participant put it, “[We need] more financial resources for law enforcement.”

**“MY GREATEST FEAR IS OTHER STATES USING WASHINGTON AS A MODEL TO ADDRESS MMIWG. IN THIS CASE, MEDIOCRE WORK IS BEING AFFIRMED, WHICH IS HOW STRUCTURAL RACISM EVOLVES AND INVISIBILITY OF MISSING AND MURDERED NATIVE WOMEN INCREASES.”**

-Abigail Echo-Hawk

# DISCUSSION

*In an effort to address the MMIWG crisis, the Washington State Legislature passed groundbreaking legislation specifically addressing missing Indigenous women and girls, meant to serve urban and rural tribal communities in Washington. However, a crucial mistake was made. The responsibility to conduct the work and identify the scope of the problem, barriers, and recommendations and conduct an analysis of the data was given to the Washington State Patrol, one of the agencies responsible for perpetuating the cycles of inequity, such as continuous racial misclassification, resulting in the undercounts of missing and murdered Indigenous women and girls.*

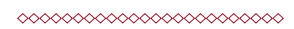
Washington State was the first state to enact this kind of legislation—positioning the State as a leader and an example that other states can look to. This is what makes Washington State Patrol’s report so disappointing. Despite the state legislature passing Second Substitute House Bill 1713 prior to the release of the mandated report, we believe Washington State Patrol failed to fulfill the mandate of Substitute House Bill 2951 by releasing a study that is lacking any scientific analysis, data, or meaningful information about the MMIWG crisis.

## **HOW IS CHANGE SUPPOSED TO HAPPEN IF THE DECISION-MAKERS HAVE INACCURATE DATA AND DO NOT HAVE RESOURCES THAT ADDRESS THE SYSTEMIC PROBLEMS?**

Because the Washington State Patrol only recounted notes from the 10 meetings they held and did not do an analysis of the raw data about missing Native women in Washington State, they misled readers and missed important details that were revealed through the authors’ analysis in this report.

The numbers presented in Washington State Patrol’s report do not factor in key components—such as racial misclassification—in their analysis meaning they do not show the full scope of the MMIWG crisis in Washington State. The lack of accurate data is providing misleading information that was intended to be used by the community, legislators, and police.

Washington State Patrol’s report offers no new insight into the scope of the problem and provides no information that the Native community did not already know. It does, however, illustrate the insidious nature of institutional and structural racism in government systems.



“Despite the mandate by the Washington State Legislature, WSP’s report only recommends the development of a tool that would gather consistent data. There is no recommendation for such things as constituent citizen review boards designed to hold law enforcement agencies accountable, recommendations for draft legislation providing additional resources to push data sharing, or to resolving any of the other issues we have identified in this report. This cannot possibly be what the Washington State Legislators intended.”

-Lael Echo-Hawk

As a result of under reporting and misclassification of race in law enforcement data, any data currently shown in Washington State Patrol's report is a gross undercount. While there has not been a comprehensive study on racial misclassification in Washington State law enforcement data, a study conducted in Pacific Northwest hospitals found a 44% incidence of racial misclassification of American Indian/Alaska Native patients Washington State.<sup>29</sup> Again, while this cannot be applied directly to the incidence of racial misclassification in Washington State Patrol data, it highlights the impact racial misclassification can have and is likely having in other data systems, including law enforcement data. Even though this rate has not been verified in law enforcement data, the findings of the aforementioned study can be used as a proxy to provide an example of what the possible impact could be of correcting racial misclassification.

On top of the issue of racial misclassification, Washington State Patrol's report could easily be used to mislead readers in the numbers of missing women they presented. If people just looked at the simple counts they released, their report could lead people to believe that this crisis impacts White women 10 times more than American Indian/Alaska Native women because they only used counts instead of calculating a rate. Although American Indian/Alaska Native women account for 7% of missing women in Washington State, which may seem like a small number, they only account for 1.9% of the total female population. Therefore, it is necessary to also calculate rates and not solely rely on counts. By calculating rates this tells us that the rate of missing American Indian/Alaska Native women is 4.2 times higher than that of White women in Washington.<sup>30</sup> This highlights the disparity that exists and urgency felt in the urban and rural tribal community to protect their women and girls.

It was through the continued activism of individuals, grassroots organizations, tribal leadership in urban and rural communities, and the families of missing and murdered loved ones that this issue has been brought to the forefront in Washington. In a published letter from the Yakama Tribal Council to the Washington State Patrol, "Yakama Nation did not create this problem but we are dedicated to partnering with local and federal agencies to continue identifying solutions to the multiple issues that contribute to the tragedy of losing our Native women and girls."

One of the meeting participants at the gathering at the Daybreak Star Cultural Center in Seattle said, "[I] would like to see legislative funding for a statewide research study using scientific methodologies to better understand the extent of the MMIW crisis and to gather data of the MMIW."



**"It is simply unacceptable that the Washington State Patrol only used counts of missing women in their report, not showing the crisis as it truly is. Native organizations need to be involved in this work because they know how to do it correctly."**

-Adrian Dominguez

This is what it will take to truly understand the extent, the impact, and the opportunities to interrupt this cycle of violence, but it must be community led or we will continue to see substandard outcomes.

## RECOMMENDATIONS

The community members who shared their knowledge, stories, and personal experience in the community meetings highlight the depth of dedication the Indigenous community has to end this crisis of missing women in Washington. They provided a wealth of qualitative data that can be used to shape the recommendations that were the intent of the legislation. While not an exhaustive list, the authors would like to offer these recommendations based on their analysis of the qualitative and quantitative data.

- **Mandate NamUS entry**—This is currently mandated in Oklahoma, New Mexico, Tennessee, New York, Michigan, and Illinois. Prior to building a new data system such as the one proposed in the Washington State Patrol report, start with using what is already available.
- **Forensic audit of Washington State Patrol data**—To address the rates of racial misclassification, an in-depth audit of the data and data collection practices must be conducted to identify policies, practices, and procedures that result in rampant data misclassification. In addition, this will identify areas of opportunity to gather data that is inclusive of American Indians/Alaska Natives.
- **Constituent citizen review boards**—It is necessary to hold law enforcement agencies accountable to interactions devoid of racism, individual bias, and stereotypes currently experienced. In addition, they must be held accountable to engaging with tribal governments on a government-to-government basis.
- **Establish best practices in data collection**—This must be based on the concept of Indigenous data sovereignty, which an adopted resolution that the National Congress Of American Indians defines as being derived from the inherent right of Native nations to govern their peoples, lands, and resources, which is acknowledged in treaties and other legal mechanisms.<sup>31</sup> Data for Indigenous people, by Indigenous people.
- **Dissemination of available resources**—Strategic outreach and dissemination of available and up-to-date resources made easily accessible to urban and rural tribal communities. This will require an investment in planning and adaptation of material to account for the unique jurisdictional issues experienced on reservations.
- **Community task force**—A task force should be convened with community members and tribal representatives making up a majority of the seats to inform the state on the best path forward.
- **Study to identify key resources needed to address the crisis**—As a result of incomplete and imprecise data collection, the authors were not able to fully identify the resources needed to address this crisis. It is necessary to go back to the communities and conduct this study again in a manner that includes best practices in qualitative and quantitative data collection, analysis, and dissemination for Indigenous communities.

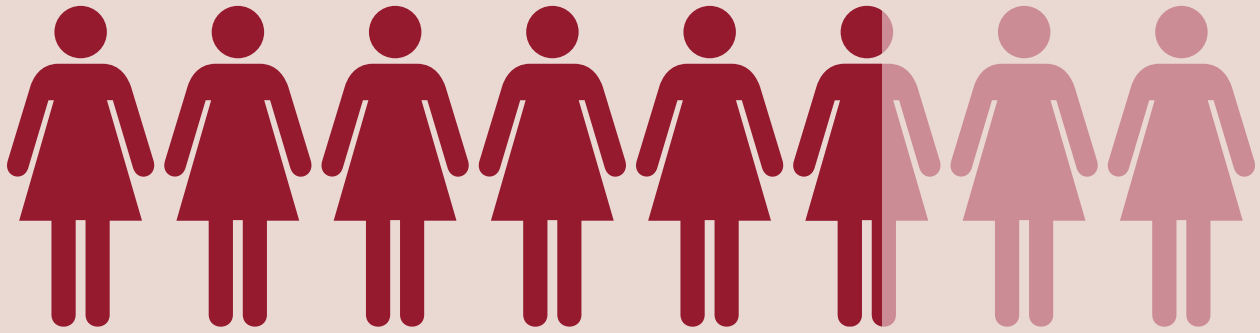
## IN CONCLUSION

The Washington State Patrol report was the first-of-its-kind conducted by an individual state. However, there were 10 state bills in nine different states passed who are now in the midst of conducting similar reports, convening task forces, and conducting trainings who are looking to Washington for guidance and to serve as an example for their studies and task forces. In their continuous promotion of this report in the media and in other public forums, Washington State Patrol has provided an example of how government entities expect gratefulness from urban and rural tribal communities for substandard work that does little more than tell us what we already know and does not fulfill the intent of the legislation.

They have shown other states how to get away with doing minimal work while providing themselves media newsbytes meant to pacify tribal communities while our women keep going missing. We refuse to accept this. In our previous report, *Missing and Murdered Indigenous Women & Girls*, co-author Annita Luccesi wrote “Missing and murdered Indigenous women disappeared not once, but three times, in life, in the media, and in the data.”<sup>32</sup> To this sentiment, we add they disappear a fourth time: in the government agencies, such as Washington State Patrol, that are meant to serve them.

**“WE WILL HOLD THEM  
ACCOUNTABLE FOR THE LIVES  
OF OUR MATRIARCHS. WITH  
THIS REPORT, WE REMIND  
THEM, WE ARE WATCHING.”**

-Abigail Echo-Hawk



This graphic shows the effect of racial misclassification on data. Washington State Patrol found 56 missing Native women in Washington State, but, estimating for the possibility of a 44% instance of racial misclassification, that number could be as high as 80.

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# APPENDIX

## ***Missing & Murdered Native American Women Report***

### **Washington State Patrol**

Substitute House Bill 2951 directed Washington State Patrol to conduct a study to increase state criminal justice and investigative resources for reporting and identifying missing Native American women in the state.

[Download the report by visiting \[uihi.org/wsp-shb-2951\]\(https://uihi.org/wsp-shb-2951\)](https://uihi.org/wsp-shb-2951)

## ***Missing and Murdered Indigenous Women & Girls***

### **Urban Indian Health Institute**

A report detailing the missing and murdered Indigenous women & girls (MMIWG) crisis in urban areas across the United States. The report not only identified a high number of cases in urban areas, and found undocumented cases, but it highlights the issues around obtaining MMIWG data and information regarding across the country.

[Download the report by visiting \[uihi.org/mmiwg\]\(https://uihi.org/mmiwg\)](https://uihi.org/mmiwg)



*Urban Indian Health Institute is a division of the Seattle Indian Health Board.  
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visiting [sihb.org/donate](http://sihb.org/donate)*



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