



# BACKGROUND AND SUMMARY OF THE MURDERED & MISSING INDIGENOUS PEOPLE CRISIS IN UTAH

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## BACKGROUND

In March of 2020, the Utah State Legislature passed House Bill 116<sup>1</sup>, “Murdered and Missing Indigenous Women and Girls Task Force.” The Governor subsequently signed the bill. In September, the Task Force was fully appointed. But why did Utah and 16 states and Tribal Nations take action to address the homicide and missing rates of Indigenous people?

In 2016, the U.S. Department of Justice’s National Institutes of Justice published a report revealing the following.

### *Violence Against American Indian And Alaska Native Women<sup>2</sup>*

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More than 4 in 5 American Indian and Alaska Native women (84.3 percent) have experienced violence in their lifetime. This includes –

- 56.1 percent who have experienced sexual violence.
- 55.5 percent who have experienced physical violence by an intimate partner.
- 48.8 percent who have experienced stalking.
- 66.4 percent who have experienced psychological aggression by an intimate partner.

Overall, more than 1.5 million American Indian and Alaska Native women have experienced violence in their lifetime.

More than 1 in 3 American Indian and Alaska Native women (39.8 percent) have experienced violence in the past year. This includes –

- 14.4 percent who have experienced sexual violence.
- 8.6 percent who have experienced physical violence by an intimate partner.
- 11.6 percent who have experienced stalking.
- 25.5 percent who have experienced psychological aggression by an intimate partner.

Overall, more than 730,000 American Indian and Alaska Native women have experienced violence in the past year.

### *Violence Against American Indian And Alaska Native Men<sup>3</sup>*

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More than 4 in 5 American Indian and Alaska Native men (81.6 percent) have experienced violence in their lifetime. This includes –

- 27.5 percent who have experienced sexual violence.

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<sup>1</sup> <https://le.utah.gov/~2020/bills/static/HB0116.html>

<sup>2</sup> This section copied from: Rosay, André B., “Violence Against American Indian and Alaska Native Women and Men,” NIJ Journal 277 (2016): 38-45, available at <http://nij.gov/journals/277/Pages/violence-againstamerican-indians-alaska-natives.aspx>.

<sup>3</sup> Ibid.



- 43.2 percent who have experienced physical violence by an intimate partner.
- 18.6 percent who have experienced stalking.
- 73.0 percent who have experienced psychological aggression by an intimate partner.

Overall, more than 1.4 million American Indian and Alaska Native men have experienced violence in their lifetime. More than 1 in 3 American Indian and Alaska Native men (34.6 percent) have experienced violence in the past year. This includes –

- 9.9 percent who have experienced sexual violence.
- 5.6 percent who have experienced physical violence by an intimate partner.
- 3.8 percent who have experienced stalking.
- 27.3 percent who have experienced psychological aggression by an intimate partner

Overall, more than 595,000 American Indian and Alaska Native men have experienced violence in the past year.

## *Homicide*

### NATIONAL

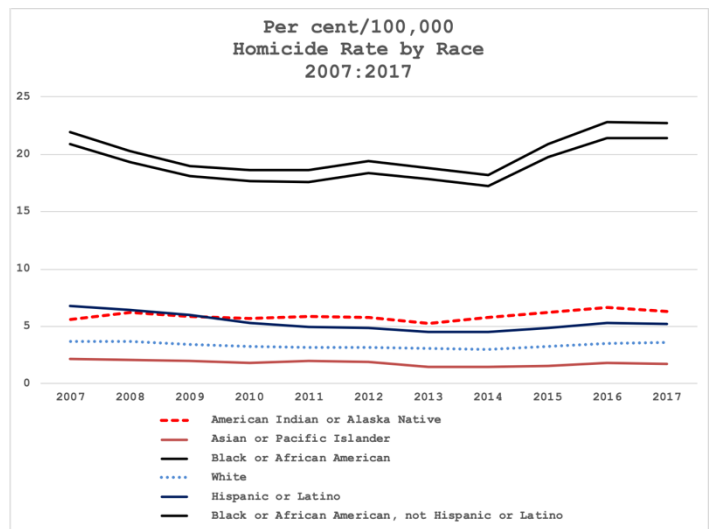
The Center for Disease Control’s (CDC) 2017 report, “Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence – United States, 2003–2014<sup>4</sup>,” found the following –

- 55.4% of Indigenous women were victims of Intimate Partner Violence related homicide

#### *Compared to:*

- 56.8% of White women
- 51.3% of Black women
- 57.8% of Asian/Pacific Islander
- 61% of Hispanic women.

The total homicide rate for white women was 1.6 per 100,000 at the time. The rate for Native American women was 4.3 per 100,000 during this time period. In other words, nationally, Native American women were 2.8 times more likely to be victims of homicide during this time period.



<sup>4</sup> Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence – United States, 2003–2014. MMWR Morb Mortal Wkly Rep 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>.



However, these rates remain undercounted. A report from the Murder Accountability Project<sup>5</sup>, using the same data reported, using CDC data from 1999-2017, 4,821 homicide-related deaths of Native Americans, as determined by the medical examiner of each state. The Federal Bureau of Investigation (FBI) reported 2,406 homicide related deaths, leaving only 50.1% of homicide related deaths reports. 50% remain unexplained by law enforcement. This discrepancy emphasizes the systemic and structural concerns underlying the incomplete and imperfect data and measures, the use of culturally insensitive data collection methodologies, and simple random data entry errors. Unpacking why this discrepancy exists is essential to understand the scope and nature of the disproportionate rates of fatal violence experienced by Native Americans, in particular, women, girls, and Two-Spirit.

## UTAH

A 2008 NIJ report, using data from 1994 to 1998, documents the homicide rate of Native American women in two Utah counties: Iron and San Juan. The homicide rate in Iron County was 62.7 per 100,000; the rate in San Juan County was 9.67 per 100,000. The national average during this time was 7.54<sup>6</sup>. The national homicide rate for white women during this period was 1.72 per 100,000. When compared to the national rate for white women, Native American women were 36 and 5.6 times more likely to become victims of homicide in Iron and San Juan Counties, compared to the national average for white women.<sup>7</sup>

According to a Utah Division of Health, the homicide rate for that same period in Utah was 2.4 per 100,000 whites, and 6.6 per 100,000 Native Americans<sup>8</sup>. That is, from 1998 – 2003, Native Americans were 2.75 times more likely to be a victim of homicide in Utah than whites. A more recent report from the Utah Division of Health shows the homicide rate for Native Americans in Utah increased by 25% over the last 20 years<sup>9</sup>. The Native American homicide rate was 8.3 per 1000,000 from 2014-2018. This means that Native Americans are 4.15 times more likely than white people to victims of homicide in Utah<sup>10</sup>.

According to the Murder Accountability report<sup>11</sup>, only 21% of the homicides of Native Americans were reported by San Juan County and only 28.6% in Uintah County. This represents 70-80% of homicides of Native Americans in these counties remain unaccounted for.

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<sup>5</sup> <http://www.murderdata.org/2019/03/half-of-native-american-homicides-are.html>

<sup>6</sup> FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data

<sup>7</sup> <https://www.cdc.gov/nchs/data/statab/pop6097.pdf>; <https://ucr.fbi.gov/crime-in-the-u.s/1997/97sec2.pdf> accessed on October 19, 2020.

<sup>8</sup> [https://www.health.utah.gov/disparities/data/race-ethnicity-report/Race-Eth\\_Report.pdf](https://www.health.utah.gov/disparities/data/race-ethnicity-report/Race-Eth_Report.pdf)

<sup>9</sup> Utah Death Certificate Database, Office of Vital Records and Statistics, Utah Department of Health & Population Estimates by Age, Sex, Race, and Hispanic Origin for Counties in Utah, U.S. Bureau of the Census, IBIS Version 2018

<sup>10</sup> Ibid.

<sup>11</sup> <http://www.murderdata.org/2019/03/half-of-native-american-homicides-are.html>



## *Missing*

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### NATIONAL

According to the National Crime Information Center (NCIC), in 2019, Native Americans were approximately 1.7 times more likely than whites to be reported as missing. In 2018, the Urban Indian Health Institute reported, “The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls, though the US Department of Justice’s federal missing persons database, NamUs, only logged 116 cases.”<sup>12</sup>

NCIC reported a total of 609,275 missing person reports. Of that, 607,104 were cleared. Of all reports, 95.23% were runaways and 0.11% were abducted by a stranger. The Bureau of Indian Affairs (BIA) collects monthly crime statistics from Tribal and BIA law enforcement programs and submits the information to the Federal Bureau of Investigation (FBI) each quarter. The information collected is specific to the data required for the FBI Uniform Crime Report (UCR), which currently does not track missing persons or domestic violence statistics.<sup>13</sup>

As the UCR does not collect missing persons data, BIA has partnered with DOJ’s National Missing and Unidentified Persons System (NamUs), a program of the National Institute of Justice, to create new data fields in their system to specifically capture tribal affiliation data.<sup>14</sup> The new fields were implemented and went live in late February 2019.<sup>15</sup> This additional data will assist law enforcement agencies across jurisdictions with tracking and investigating missing persons throughout the country.<sup>16</sup> Since then, 47 out of 573 federally recognized have participated in NamUs.<sup>17</sup>

Sarah Deer, professor at University of Kansas, testified before Congress describing the database at The Sovereign Bodies Institute (SBI), stating that it “has over 1870 MMIW names in the United States. Most of the database is recent; approximately 75% of the names of MMIW are cases from the year 2000 or later.”<sup>18</sup>

Deer continues, “Demographics: The average age is 26, but over one-third are 18 years old and under. Over 436 different tribal nations are represented in the database. Categories: Within the database, approximately 50% are murder cases, 40% are unsolved missing cases, and the status of 10% are unknown. Foster Care: The database tracks Native girls who go missing or are killed while in foster care. Of those girls, over 75% of them were experiencing abuse in their foster home Mothers as Victims: The database reveals that over 85% of the MMIW are mothers. This means countless numbers of youth are growing up without a mother. Vulnerability: 29 of the 1870 entries of MMIW have another MMIW in their family. Police Violence: There are nearly 40 cases of deaths caused by police brutality or deaths in custody in the database.”<sup>19</sup>

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<sup>12</sup> <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

<sup>13</sup> <https://www.doi.gov/ocl/mmiw-crisis>

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> <https://www.coloradoindependent.com/2020/02/18/missing-murdered-native-american-women-congress/>

<sup>18</sup> <https://www.congress.gov/event/116th-congress/house-event/109101?s=1&r=4>

<sup>19</sup> *Ibid.*



## UTAH

According to the NCIC (October 2020), there were 28 active Native American female and 43 active Native American male cases, this represents approximately 14 and 16%, respectively, of all active missing cases in Utah (455). NCIC also reported, 6 unresolved cases: 3 from St. George, 2 from Salt Lake City, and 1 from the Duchene region. Sovereign Bodies Institute notes there are currently 34 cases in Utah of either homicide or missing in the last decade.

### *Two Spirit/LGBTQI*

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Three different reports reflect a diverse set of statistics about violence experienced by the Two Spirit community. A Diné Policy Institute<sup>20</sup> study, noted that in 2015, 18% of Navajo LGBTQI experienced physical violence within a 6-month period. Additionally, the Transgender Survey from 2015<sup>21</sup> reported 49% of Trans Native youth (K-12) were physically attacked. Lastly, the NCVAP 2016 study<sup>22</sup>, reported 15 IPV-related Native Two-Spirit homicides from the 2,032 reports IPV, and 19% experienced physical violence.

Very little research exists about the Indigenous LGBTQI Two Spirit community. Extant evidence, however, suggests there are incredibly high rates of violence perpetrated against this community. We know very little about this community as it relates to this crisis in Utah.

### *Perpetrators*

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89% of physical intimate partner violence, including homicide, is perpetrated by white females against Native American males. 90% of physical intimate partner violence, including homicide, is perpetrated by white males against Native American females.<sup>23</sup> Of this, 55.4% ends in homicide for Native American females. According to USDOJ, from 2008 to 2017, whites were the largest homicide offenders. Data on race offender for some crimes in Utah listed as “race unknown” is as high as 61%<sup>24</sup>. The cases tribes report of interracial intimate partner violence is likely not fatal, but still physically harmful.<sup>25</sup> Sufficient data is unavailable to estimate the race and characteristics of the perpetrators of violence in Indigenous nations and communities. 71% of Native Americans now live in urban areas<sup>26</sup>.

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<sup>20</sup> Nadleehi: Survey Results from 2015 DPI Study. Diné Policy Institute.

<sup>21</sup> James, S. E., Jackson, T., & Jim, M. (2017). 2015 U.S. Transgender Survey: Report on the Experiences of American Indian and Alaska Native Respondents. Washington, DC: National Center for Transgender Equality.

<sup>22</sup> National Coalition of Anti-Violence Programs (NCAVP). (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016. New York, NY: Emily Waters.

<sup>23</sup> Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746.

DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>.

<sup>24</sup> 2017 Utah Division of Public Safety Report

<sup>25</sup> Rosay, André B., “Violence Against American Indian and Alaska Native Women and Men,” *NIJ Journal* 277 (2016): 38-45, available at <http://nij.gov/journals/277/Pages/violence-againstamerican-indians-alaska-natives.aspx>.

<sup>26</sup> <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

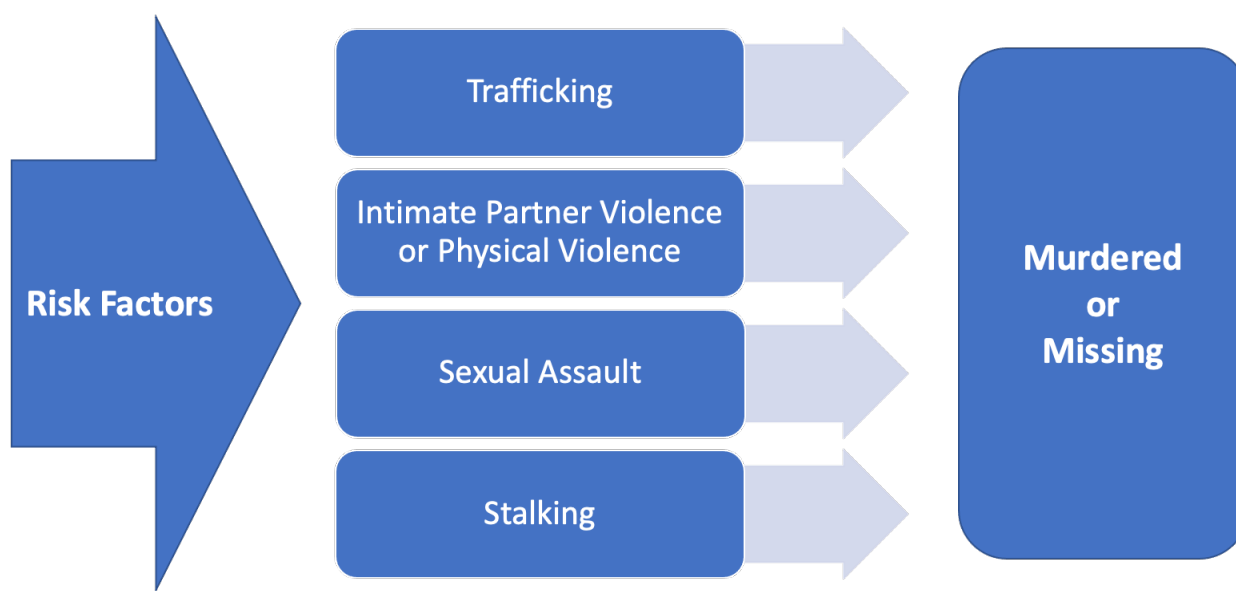


## *Multiple Pathways*

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There are multiple pathways to becoming a victim of homicide or going missing. Multiple intersections of trauma, identity, socio-economic status, genetics, history, health and so on fuel, in various ways, the current crisis. Racial and ethnic minorities bear a disproportionate burden of violence, in particular Black/African American. However, the unique relationship Indigenous people have with the land creates an additional layer of trauma to the relatively comparative disproportionate trauma already experienced as a racial and ethnic minority in the United States.<sup>27</sup>

This cumulative trauma increases the propensity for Indigenous people to engage in behaviors that would place them at risk of being targeted for violence – leading to homicide – or for being disappeared.<sup>28</sup> The following diagram theorizes four primary pathways structuring the perpetuation of violence against Indigenous people.



## **TRAFFICKING**

According to the 2017 National Strategy to Combat Human Trafficking, “American Indian and Alaskan Native (AI/AN) communities are exceptionally susceptible to exploitation by human traffickers. Risk factors for human trafficking in AI/AN communities include high rates of poverty, exposure to violence and abuse, unstable living conditions, and homelessness. In some AI/AN communities, additional risk

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<sup>27</sup> Our Voice: Implementation Results of Healthy Diné Nation Act 2016 – 2018, <https://www.nec.navajo-nsn.gov/Portals/0/Reports/HDNA%20Report%20July%202018%20FINAL.pdf>

<sup>28</sup> Catherine Elizabeth Burnette, Charles R. Figley, Historical Oppression, Resilience, and Transcendence: Can a Holistic Framework Help Explain Violence Experienced by Indigenous People?, *Social Work*, Volume 62, Issue 1, 1 January 2017, Pages 37–44, <https://doi.org/10.1093/sw/sww065>





factors include a lack of sufficient law enforcement resources over large land areas and the unlawful trespass of drug traffickers and human smugglers on tribal lands.”<sup>29</sup>

The Garden of Truth (2011)<sup>30</sup> reported that 80% of those trafficked experienced sexual abuse as a child; two-thirds had a family attend a state run boarding school for Native Americans; 92% had been raped; 98% had experienced homelessness; 52% had a PTSD diagnosis; and, 80% had received some substance abuse treatment. In 2009, Koepplinger and Pierce<sup>31</sup> reported that 40% of Native American women in Minnesota had reported some involvement in sexual exploitation; and, 27% reported some involvement in what was defined as sex trafficking by the state of Minnesota.

## INTIMATE PARTNER VIOLENCE

As noted in the start, 55.5% of Native women and 43.2 percent of Native men experienced physical violence in an intimate relationship<sup>32</sup>. Additionally, 55.4% of Native women are victims of IPV-related homicides. Of which some 90% of perpetrators are white men<sup>33</sup>.

## SEXUAL ASSAULT

56.1% of Native American women experienced sexual violence at least once in their lifetimes, 27.5% of Native American report the same. 65% of Native Trans report being sexually assaulted, and the Diné Policy Institute reports 20% of the LGBTQTI Navajo community experienced a sexual assault at least once in the last 6 months. Understanding the connection between sexual assault and the crisis is critical to both training needs and to other forms of intervention.

## STALKING

48.8% of Native women and 18.6% of Native men report having been stalked in their lifetime. 90% of the perpetrators of this type of stalking are white men and women. The NVCAP Study, reported that Native Trans are 2.5 times more likely to be stalked than Natives who are not trans. Additionally, the Diné Policy Institute Reports states 24% of the LGBTQTI Navajo community was followed or chased within the last 6 months.

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<sup>29</sup> <https://www.justice.gov/humantrafficking/page/file/922791/download>

<sup>30</sup> Melissa Farley, Nicole Matthews, Sarah Deer, Gualupe Lopez, Christine Stark, Eileen Hudon, Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota. 2011.

<sup>31</sup> Koepplin, Suzanne and Pierce, Alexandra (Sandi), "Commercial sexual exploitation of American Indian women and girls" (2009). First Annual Interdisciplinary Conference on Human Trafficking, 2009. 14. <https://digitalcommons.unl.edu/humtraffconf/14>

<sup>32</sup> Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>.

<sup>33</sup> Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010–2012 State Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.





## *Explaining the Disproportionality*

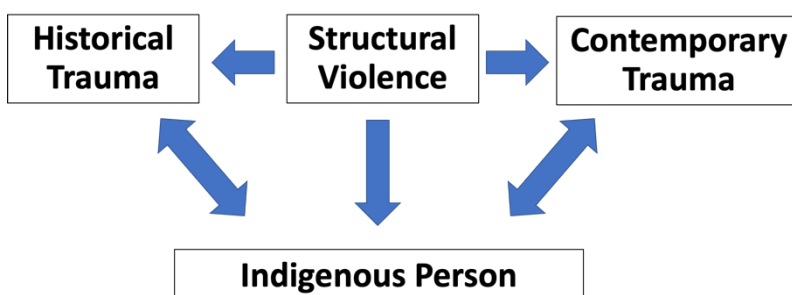
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Burnette posits, “Historical oppression describes the chronic, pervasive, and intergenerational experiences of oppression that, over time, may be normalized, imposed, and internalized into the daily lives of many indigenous people (including individuals, families, and communities). Although historical oppression is inclusive of historical traumas, it is distinct in that it is localized to specific contexts and is inclusive of the proximal factors that continue to perpetuate oppression, including discrimination, microaggressions (that is, everyday injustices and demeaning messages that marginalized populations experience), poverty, and marginalization.”

Indigenous communities have observed that often the therapies and behavioral interventions for Indigenous people are premised on systems incongruent with their collective history and trauma. Consequently, these foreign interventions, emphasizing entirely different sets of values, morals, meanings of self, and structure and moral valence of relationships, tend to be ineffective as tools in reconstituting, rebuilding, and maintaining Indigenous peoplehood through relationality (community). Rather, they tend to address behavioral interventions that focus on all but the unique – and most critical – Indigenous historical trauma. Sovereign Bodies Institute explains, “Since first contact, subsequent generations of violence and assimilation resulted in significant intergenerational trauma such that most Indigenous women are victims of violence in some form or another in their lives, especially those who are missing or murdered. The extreme frequency by which Indigenous women are taken or killed is an alarming trend that spans multiple geographies, yet receives little media attention or public interest outside of the communities those taken call home.”<sup>34</sup>

One contemporary expression of this trauma is the disproportionate rates of family violence, domestic or intimate partner violence, rates of missing, and so on in Indigenous communities<sup>35</sup>. Sovereign Bodies Institutes notes, “domestic violence, incarceration, and substance use are particularly salient contextual manifestations of intergenerational trauma to contemporary violence against Indigenous women, and to MMIWG2 in particular.”<sup>36</sup>

The diagram visualizes this framework:



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<sup>34</sup> To’ Kee Skuy’ Soo Ney-Wo-Chek’ Report. [https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7\\_c7031acf738f4f05a0bd46bf96486e58.pdf](https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf)

<sup>35</sup> Burnette, Catherine. 2015. "Historical Oppression and Intimate Partner Violence Experienced by Indigenous Women in the United States: Understanding Connections." *The Social Service Review*. Volume 89 (3): 531-31. Burnette, Catherine E., and Timothy S. Hefflinger. 2017. "Identifying Community Risk Factors for Violence against Indigenous Women: A Framework of Historical Oppression and Resilience." *Journal of Community Psychology*. Volume 45 (5): 587- 600.

<sup>36</sup> To’ Kee Skuy’ Soo Ney-Wo-Chek’ Report. [https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7\\_c7031acf738f4f05a0bd46bf96486e58.pdf](https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf)



The structural violence captures the external stressors unique to Indigenous peoples as a distinct legal identity. Structural violence often manifests itself in adverse risk factors for Black, Indigenous, and People of Color. Risk factors and their underlying connection to this historical trauma, tends to remain unaddressed and serves as the only explanatory device for the crisis. Not addressing this unique trauma equalizes the specific Indigenous oppressions with other groups by denying the impact of the violent collective past Indigenous people have with colonization. Consequently, any interventions must address this collective historical trauma.

Sovereign Bodies Institute explains, “Far too often these “vulnerabilities” are painted as the reason why MMIWG2 are taken or murdered, yet critical theorists instead assert the “multiple jeopardies” experienced by Indigenous women by virtue of their gender, ethnicity, and very Indigeneity. Linking back to the constant onslaught on Native lands and therefore Native bodies, MMIWG2 scholars underscore the connections between the violence experienced by Indigenous women to the continued subjugation of such bodies by the colonial state.”

Forms of structural violence singular to Indigenous communities include the repression of economic authority, the repression of political autonomy, indirect control of land, unfunded federal covenants for health, education, infrastructure, criminal justice, and so on. These manifest in the following ways: gaps in jurisdiction for violent crimes in Indigenous communities, high rates of adverse health, education, economic status, inability to prosecute perpetrators, invisible in data collection, invisible in high-level policy discussions, and so on.

Burnette cautions about the implications of the current problem focus “Disproportionate rates of violence and health disparities experienced by Indigenous people can overshadow the remarkable resilience and transcendence of oppression that have been demonstrated; moreover, there are concerns about the scarcity of research on protective factors relating to violence and health disparities. This problem focus can marginalize already oppressed groups and overlook the deep strengths of indigenous communities, families, and individuals, which have sustained them for centuries.”

In the last two years Tribes have formed organizations to address this crisis: The Navajo Nation, The Confederated Salish and Kootenai Tribes, the Yakima Nation, the Yurok Nation, and state-wide efforts led by Tribes in Idaho and Alaska. These Tribes have grounded their approach in addressing healing, specifically healing from trauma for one to learn or strengthen the meaning of Indigenous relationality, or the relationships they have with themselves and others. This manifests in precise questions about whether law enforcement or other forms of interventions lead to healing and not just punitive justice.

## *Challenges*

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This section is taken entirely from the a 2008 USDOJ report, “Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known.”<sup>37</sup> This report is especially salient as it identified the same challenges in properly assessing the scope and nature and second, for addressing the problem, that we face today.

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<sup>37</sup> <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>



1. The unique position of American Indian and Alaska Native tribes as both sovereign and dependent creates problematic jurisdictional barriers that sometimes prohibit an effective criminal justice response to American Indian and Alaska Native victims of violence. Several federal laws have limited tribal government's power to prosecute offenders including the Major Crimes Act (1885), which mandated that virtually all violent crimes committed on tribal lands were to be prosecuted by the federal government. Although tribes have the power to concurrently prosecute cases of violence, the Indian Civil Rights Act (1968) mandates that tribal courts are not permitted to punish offenders with more than \$5,000 in fines, one year in jail or both. Importantly, tribal sovereignty in punishing offenders does not apply to non-American Indian and Alaska Natives (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 1978).
2. Complicating jurisdictional issues even more is Public Law 280 (1953), which gave state governments jurisdiction over offenses committed against American Indian and Alaska Natives on tribal land in six "mandatory" states including Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin, and some states that also assumed part or total jurisdiction over some tribes within state boundaries including Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington. Since Public Law 280 (PL-280), however, several states have retroceded authority to specific tribes making jurisdictional issues even more complicated.
3. Complicated jurisdictional issues still produce unique barriers to American Indian and Alaska Native women seeking help from a criminal justice authority on tribal lands. When an act of violence occurs on tribal lands, there are several possible law enforcement officials who may respond including tribal officers, Federal Bureau of Investigation officers, Bureau of Indian Affairs officers, and in PL-280 states, state police officers. Deciding who has jurisdictional authority is dependent on several factors including the crime that was committed, whether the offender or the victim was an American Indian and Alaska Native, and whether the crime was committed exclusively on tribal land. The jurisdictional confusion that may ensue when an act of violence occurs sometimes produces an inadequate and delayed response to female victims. Importantly, some tribes have worked out cross-deputization agreements with state police authorities, which serve to alleviate the jurisdictional confusion over authority.
4. Additional problems in law enforcement are exacerbated on many tribal lands by insufficient funding, inadequate training, and victims' lack of trust for outside authority.
5. Although tribal governments do not have jurisdiction to prosecute non-American Indian and Alaska Native offenders in criminal courts, they do have authority to enact civil orders against them, including Personal Protection Orders (PPOs). PPOs provide injunctive relief for petitioners who seek to use legal remedies to end threatening behavior, cease contact with another individual, or to alter custody arrangements. The Violence Against Women Act (VAWA) of 1994 established "Full Faith and Credit" for PPOs, which mandates jurisdictions to honor PPOs enacted in other jurisdictions. Importantly, this means that States and tribal governments must enforce the protection orders of other State and tribal jurisdictions. In reality, however, the variety of orders and accompanying legal punishments and the understanding of the intent of the order vary by each State and tribal government, creating significant barriers to the enforcement of "Full Faith and Credit."



6. In addition to legal barriers that may impede American Indian and Alaska Native women from obtaining justice, there are also other barriers including the social isolation of many tribal lands that precludes some American Indian and Alaska Native women from obtaining adequate medical care including the availability of rape kits being performed by trained medical staff to aid prosecution. Cultural barriers also prevent some American Indian and Alaska Native women from seeking assistance from those outside the community, while issues of privacy may also prevent others from seeking help inside close-knit tribal communities where “everyone knows everyone else’s business.”

The 2008 USDOJ report however does not discuss current challenges related to data methodologies and collection strategies from researchers, and federal, state, county, and municipal agencies that have proven to underestimate the empirical reality of Indigenous communities, rather the report itself was an attempt to address this critical gap. Further, jurisdiction complicates Issues related to data sharing, tracking, and monitoring.

### *Conclusion*

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There are eight federally recognized tribes in Utah. Indigenous people constitute 1.5% of the population in Utah. Indigenous people are overrepresented in data collected by the state in homicide, an Indigenous person is 4 times more likely to be a victim of homicide in Utah than a white person. Indigenous people are overrepresented in active cases of missing person reports in Utah, comprising 14% Native females and 16% Native males.

Additionally, the gaps in data reflect an underreporting of homicide by 38.5% across the state. For Uinta County and San Juan, 70 to 80% of homicides are not reflected in law enforcement data. These specific data collection strategies render Indigenous people invisible in criminal data, and thereby hiding disproportionate rates of murder and missing Indigenous people. Additionally, nearly all data strategies, including Tribal strategies struggle with or fail at legitimizing the precarious position of Two-Spirit and LGBTQI Indigenous people, who suffer disproportionately within the Indigenous communities, this tends to compound the trauma Indigenous communities already experience. The consequence of this lack of data, results in little to no policy movement to address structural and specific forms of gender-based violence experienced by Indigenous peoples.