



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659



Position statement

Prepared in Conjunction with Restoring Ancestral Winds, Inc.

Murdered and Missing Indigenous Women and Girls Task Force

October 21, 2020

Chairwoman Tamra Borchardt-Slayton

Hello, my name is Tamra Borchardt-Slayton and I am the Chairperson for the Paiute Indian Tribe of Utah.

Recently, the Utah legislature passed the Murdered and Missing Indigenous Women and Girls Task Force Legislation to understand the scope of the crisis in Utah. This is an incredible first step to addressing and trying to find solutions for this crisis.

There are 8 federally recognized Tribal Nations in Utah. Native Americans account for 1.5% of the state population but the homicide rate for Native Americans is 4.15 times that of Caucasians¹. In 2008 NIJ reported on a 4-year data collection from 1994-1998 that listed the homicide rate of Native women in two Utah counties of 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 7.54² The National homicide rate for Caucasian women during this time period was 1.72 per 100,000. When compared to the national rate for Caucasian 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.³ These statistics are alarming because the headquarters for the Paiute Indian Tribe of Utah is located in Iron County and San Juan County has multiple tribes located in their county.

¹ <http://www.murderdata.org/2019/03/half-of-native-american-homicides-are.html> accessed October 21, 2020

² FBI, Uniform Crime Report as prepared by the National Archive of Criminal Justice Data

³ <https://www.cdc.gov/nchs/data/statab/pop6097.pdf> accessed on October 21, 2020

The Murder Accountability Project reported only 21% of homicides of Native Americans were reported in San Juan County and only 28.6% in Uintah County. This indicates 70-80% of homicides of Native Americans in these counties remain unaccounted.⁴⁵

For more than a century, Indigenous people of this land have questioned the federal and state response to violence in Indian Country. Indigenous people have raised concerns about how Supreme Court cases have effectively constrained the authority of Tribal Nations to prosecute non-Indian perpetrators who commit crimes in Tribal Nations. Additionally, Indigenous nations have reported the homicide and missing of their own Tribal members to federal and state authorities; these pleas have not elicited a reasonable response from federal, state, and county authorities on homicide rates and cases of missing Indigenous persons.

Hundreds, even thousands, of Indigenous families all over the country mourn and grieve over the loss of loved ones. Justice failed these families for over a century. Presently, we've had to challenge the accuracy of data collected by Law Enforcement, this data did not reflect the reality experienced by thousands of Indigenous families in Utah. We have had to accept, in many instances, public safety policy formulated for – and implemented – in Indigenous communities based on incomplete, and sometimes, erroneous data. When we rely on data-driven policy and that data is either incomplete or wrong, what good does data-driven policy mean – and do – for Indigenous nations? It exacerbates the crisis of murdered and missing Indigenous women, girls, and two-spirit; it leads to one in ten Native women becoming a victim of homicide; it leads to thousands going missing each year; it leads to thousands of Indigenous families feeling rejected by justice.

In 2008 the United States Department of Justice reported the current challenges related to data methodologies and collection strategies from researchers, 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. We are experiencing an epidemic of homicide and missing Indigenous persons cases, for decades Indigenous scholars have offered prescriptive policy measures to address this crisis. These prescriptions include restructuring data collection methodology and infrastructure of state and federal law enforcement; increase training for state Law enforcement on tribal laws and concerns; create data-sharing mechanisms between states and tribes; and many others you've heard before.

⁴ <http://www.murderdata.org/2019/03/half-of-native-american-homicides-are.html> accessed October 21, 2020

Concerns

Data collection methodology

Often data categories for “Native American” or “Tribal affiliation” is not an option in law enforcement databases; consequently, in Utah more than 50% of perpetrators remain classified as race unknown. While some data categories may have an option for “Native American,” “Tribal affiliation,” however, is not an option. Having data on Tribal affiliation can help tribes better understand what is happening to their tribal members in urban areas. To understand the scope of this crisis, data on the tribal affiliation of victims is essential. At this time, this type of data is limited. Additionally, Utah mortality data shows that Native Americans are victims of homicide at four times the rate of Caucasians. Yet, this data can’t tell us the demographics we need to not only understand the scope of the crisis, but also recommend appropriate policy to bring this crisis to an end.

Health Indicators

While criminal justice and law enforcement data is important to the development of appropriate policy to curtail this crisis. Policy developed with law enforcement data, however, will likely not touch the systemic and underlying factors of the crisis. Understanding domestic violence, sexual assault, stalking, and trafficking as pathways of crisis requires engaging data on risky behavior that tends to frame individuals as targets of violence. Bringing an end to this crisis requires serious attention to the underlying factors that elevate risky behavior of some victims, these factors include addressing, among many other things, the endemic PTSD experienced by many tribal members.

Conclusion

The MMIWG crisis spans multiple policy domains, and jurisdictions the response must also be multi-pronged. Especially when it is apparent that there is an underreporting of homicide by 38.5% across the state. Uinta and San Juan Counties do not reflect what is reported in law enforcement data. These specific data collection strategies render Indigenous People invisible in criminal data thereby hiding disproportionate rates of murdered and missing Indigenous People.

For far too long our communities and nations have grieved and mourned for brothers, sisters, mothers, father, grandfathers, grandmothers, aunties, uncles, nieces and nephews. It is time for a clear commitment to understand this epidemic in its full scope to be able to provide services and utilizing the proper tools for law enforcement, shelters, domestic violence and sexual assault organizations, and to enact policy change that will bring justice to victims, families of victims, survivors, and families of survivors.

Thank You