



Murdered and
Missing Indigenous
Women and Girls
Task Force

Restoring Ancestral Winds, Inc.

Restoring Ancestral Winds

Restoring Ancestral Winds' mission is to support healing in our Indigenous communities. We will: advocate for healthy relationships; educate our communities on issues surrounding stalking, trafficking, domestic, sexual, dating and family violence; collaborate with Great Basin community members and stakeholders; honor and strengthen traditional values of all our relations.

Funded by the USDOJ Office of Violence Against Women.

EXPLORE **People**

Missing N.D. Mother Feared to Be Victim of Human Trafficking in North Texas

Kara Lynn Maua's family has been searching for her since Nov. 8

By **Harriet Sakmenser** | January 22, 2020 05:35 PM

f FB
Twitter
More



Weekend search planned for missing Standing Rock woman

Searchers found clothing of missing woman in Porcupine, N.D.

Written By: **Natasha Rausch / Forum News Service** | Jan 9th 2020 - 6am.

MISSING



LARAMIE LIVE At the Y of WYO 130/230 • 2471 Jackson St • @galwaylaramie 20 oz Polar Seltzer Water 2 for \$2.50 12 oz Bai Bubbles 2 for \$3 **LEARN MORE**

HOME | NEWS | EVENTS | ADVERTISE WITH US | LARAMIE LINKS | WEATHER | STAFF | WIN STUFF



FREMONT COUNTY WOMAN, 23, REPORTED MISSING; LAST SEEN JAN. 2

NICK LEARNED | January 21, 2020 Riverton Police Department

NEWS Body found near Montana rest area confirmed to be Selena Not Afraid, missing since New Year's Day SHARE THIS — f t e

NEWS

Body found near Montana rest area confirmed to be Selena Not Afraid, missing since New Year's Day

A U.S. Interior Department team found Selena's body Monday morning during a grid search southwest of an I-90 rest area.

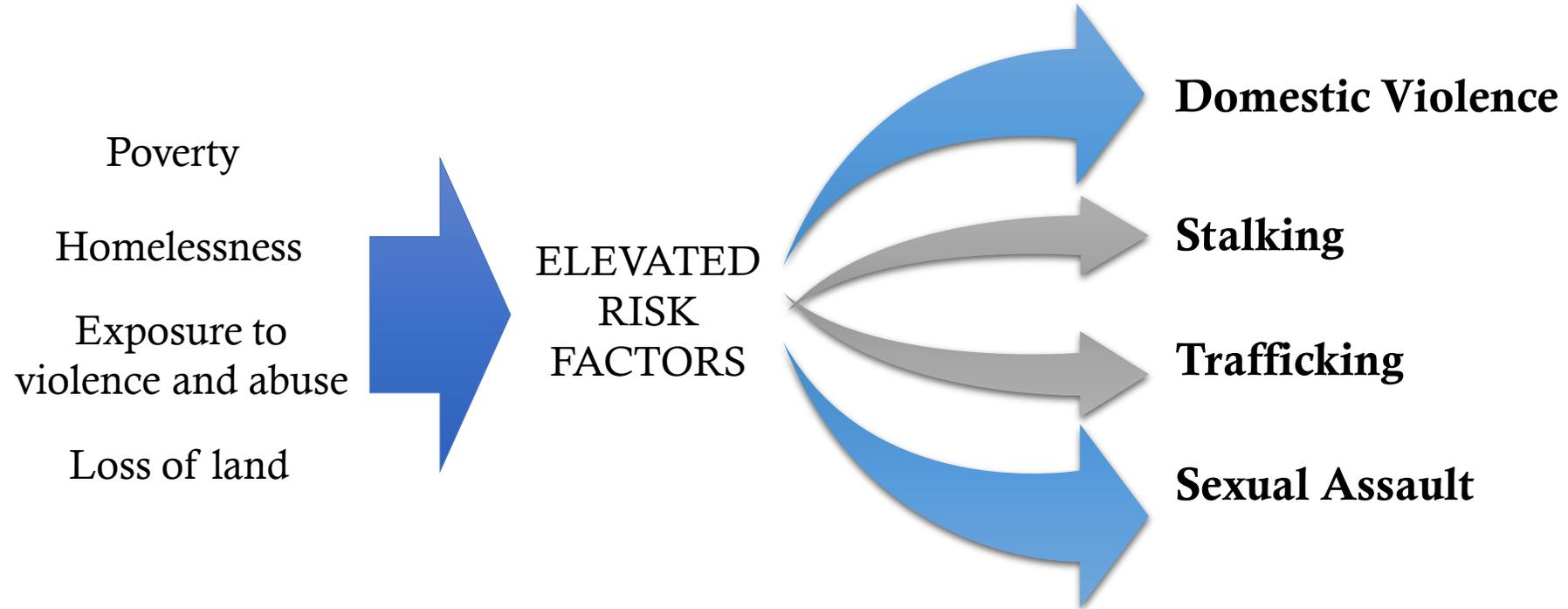
5,712

**The number of known
incidents of missing &
murdered Native American
women in 2016.**

SOURCE: National Crime Information Center

#NotVisible

Pathways to Murdered and Missing



National Trends

The National
Intimate
Partner and
Sexual Violence
Survey (NISVS):
2010-2012
State Report:

“With few exceptions, racial/ethnic minority women and men bear the greatest burden of victimization of sexual violence, stalking and intimate partner violence, making targeted public health prevention programming critical.

Specifically, patterns indicate...American Indian/Alaska Native...women and men tend to have elevated prevalence estimates compared to other racial/ethnic groups. Racial and ethnic minority communities may be exposed to a number of stressors such as low income, less access to education, employment, and community resources that likely contribute to their risk for experiencing violence.” (p. 198)

Overview of Indian Country

	Female	Male
Experienced Violence in their lifetime	84.3%	81.6%
Sexual Violence	56.1%	27.5%
Physical Violence	55.5%	43.2%
Stalking	48.8%	18.6%
Psychological Aggression	66.4%	73%
Experienced sexual violence by an INTERracial perpetrator	96%	89%

Relative to white women, Native women are 1.2 times as likely to experience violence in their lifetime

Relative to white men, Native men are 1.3 times as likely to experience violence in their lifetime *

Native men are “more likely to have experienced violence by and INTERracial perpetrator and significantly Less likely to have experienced violence by and INTRAracial perpetrator.”

Physical Violence

- “...**55.5 percent** of American Indian and Alaska Native women and **43.2 percent** of American Indian and Alaska Native men have experienced physical violence by an intimate partner.”



Lifetime Physical Violence

Native American Victims	Female	Male
Slapped	59.8%	66.4%
Pushed or shoved	83.2%	64.0%
Hit with a fist or something hard	53.6%	43.9%
Kicked	28.3%	22.0%
Hurt by having hair pulled	27.3%	18.6%
Slammed against something	53.8%	18.0%
Hurt by being choked or suffocated	37.6%	6.3%
Beaten	45.9%	17.5%
Burned on purpose	9.1%	0.2%
Had knife or gun used on them	27.1%	11.3%

Physical Violence by Intimate Partner/Perpetrators

	Native American		White	
	Female	Male	Female	Male
INTERracial	90%	85%	18%	17%
INTRARacial	18%	21%	89%	90%

A large orange circle on the left side of the slide, partially cut off by the edge.

Indigiqueer: Two-Spirit, LGBTQI

NCVAP 2016 study:

- 15 IPV homicides and 2,032 reports of IPV.
- 19% experience physical violence

Transgender Survey 2015:

K-12

- 49% physically attacked

Diné Policy Institute 2015:

- 18% experienced physical violence in the last 6 months





Sexual Violence

Sexual Violence in Lifetime	Native American		White	
	Female	Male	Female	Male
Sexual Violence with Penetration	35%	10.8%	20.1%	5.1%
Completed Forced Penetration	29.5%	2.7%	13.6%	1.6%
Completed Alcohol – or – Drug Facilitated Penetration	16.7%	7.9%	9.0%	3.7%
Attempted Forced Penetration	12.2%	2.4%	5.3%	1.2%
Other Sexual Violence	52.1%	23.8%	46.8%	19.6%
Sexual Coercion	24.5%	10.1%	13.7%	5.4%
Unwanted Sexual Contact	42.5%	13.0%	30.5%	12.3%
Non-Contact Unwanted Sexual Experiences	38.4%	11.8%	31.0%	9.7%
Any Sexual Violence	56.1%	27.5%	49.7%	20.9%

SOURCE: 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.



Indigiqueer:
Two-Spirit,
LGBTQI

NCVAP 2016 study:

- 7% experienced sexual violence in 2016

Transgender Survey 2015:

- 24% of k-12 sexually assaulted
- 65% sexually assaulted

Diné Policy Institute 2015:

- 20% experienced sexual assault in the last 6 months
- 

Stalking

- 48.8% of Native women
- and
- 18.6% Native men
- experienced stalking in their lifetime



Experienced Stalking in Lifetime

Native American Victims	Female	Male
Received unwanted phone calls	82.1%	75.3%
Received unwanted emails or messages	19.0%	13.7%
Received unwanted cards, flowers, or gifts	35.0%	12.7%
Was watched or followed from a distance	29.1%	37.6%
Was approached at home, work, or school	53.6%	61.0%
Found strange or threatening items	10.8%	4.4%
Had home or car intruded	27.6%	23.2%

Stalking by Intimate Partner/Perpetrators

	Native American		White	
	Female	Male	Female	Male
INTERracial	89%	91%	26%	20%
INTRAracial	30%	23%	87%	90%



Indigiqueer:
Two-Spirit,
LGBTQI

NCVAP 2016 study:

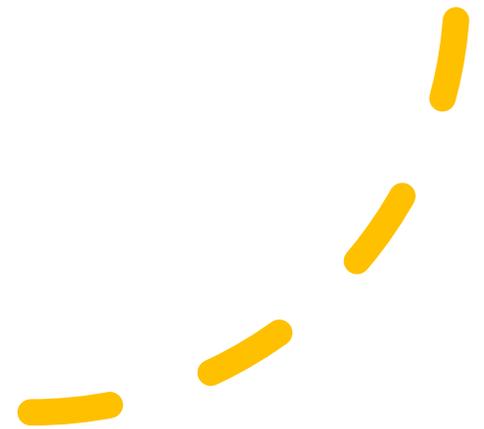
- Trans are 2.5 times more likely to be stalked compared to Native survivors who are not trans
- Trans are 2 times more like to experience online harassment
- 2% online harassment

Diné Policy Institute 2015:

- 24% followed or chased in the last six months
- 

Psychological Aggression

- Among American Indian and Alaska **Native women**, **66.4 percent** have experienced psychological aggression by an intimate partner in their lifetime, and 25.5 percent have experienced it in the past year. Among American Indian and Alaska **Native men**, **73.0 percent** have experienced psychological aggression by an intimate partner in their lifetime, and 27.3 percent have experienced it in the past year.



Psychological Aggression by Intimate Partner	Native American		White	
	Female	Male	Female	Male
Expressive Aggression	56.9%	43.6%	44.2%	35.3%
Coercive Control	61.5%	67.4%	42.7%	44.4%
Control of Reproductive or Sexual Health	19.9%	7.9%	8.0%	10.0%

Psychological Aggression by Intimate Partner/Perpetrators				
	Native American		White	
	Female	Male	Female	Male
INTERracial	91%	88%	22%	23%
INTRARacial	25%	28%	93%	92%

Indigiqueer: Two-Spirit, LGBTQI

NCVAP 2016 study:

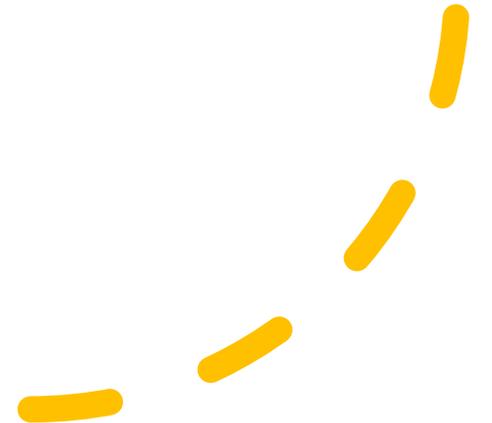
- 18% verbal harassment
- 11% Intimidation
- 9% isolation
- Trans are 2.5 times more likely to experience financial violence

Transgender Survey 2015:

- 69% of k-12 verbally harassed
- 46% experienced serious psychological threats

Diné Policy Institute 2015:

- 71% experienced verbal abuse/harassment in last 6 months
- 39% experienced threats of physical violence
- 43% Bullied or harassed by other students
- 22% Bullied or harassed by teachers



	Female	Male
Experienced stalking at some point in their lives	28%	--
Rape (completed or attempted)	28.9%	--
Contact sexual violence	45.6%	23.1%
Non-contact unwanted sexual experiences	41%	15.6%
Made to penetrate	--	12.9%

Utah



Population

Utah Population: 3.2 million

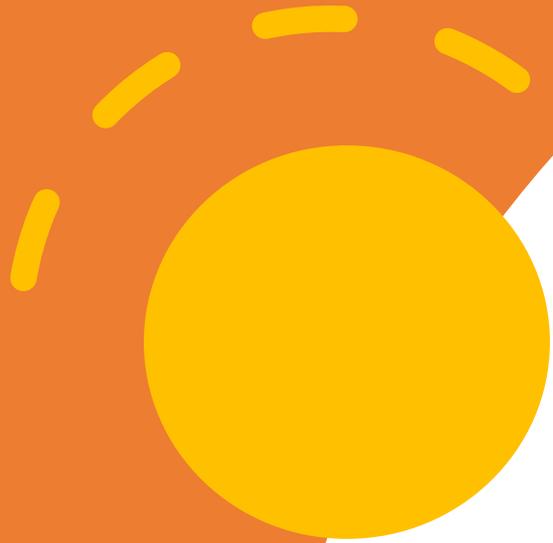
Indigenous: 1.5% ~50,000

African American: 1.4%

Asian: 2.7%

Native Hawaiian/Pacific Islander: 1.1%

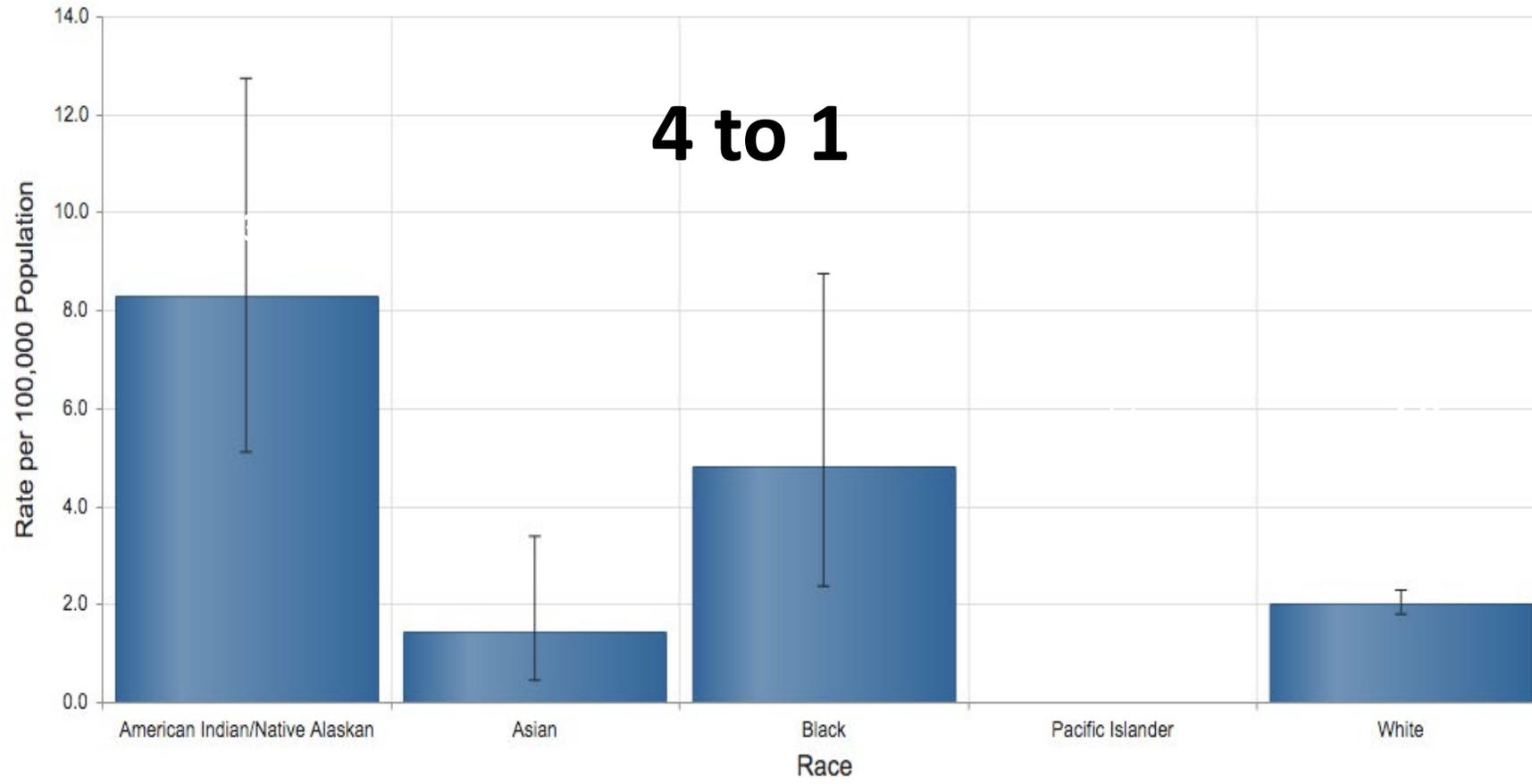
Hispanic: 14.2%



Disproportionate violence

Utah

Homicide by Race, Utah, 2014-2018



1.5%

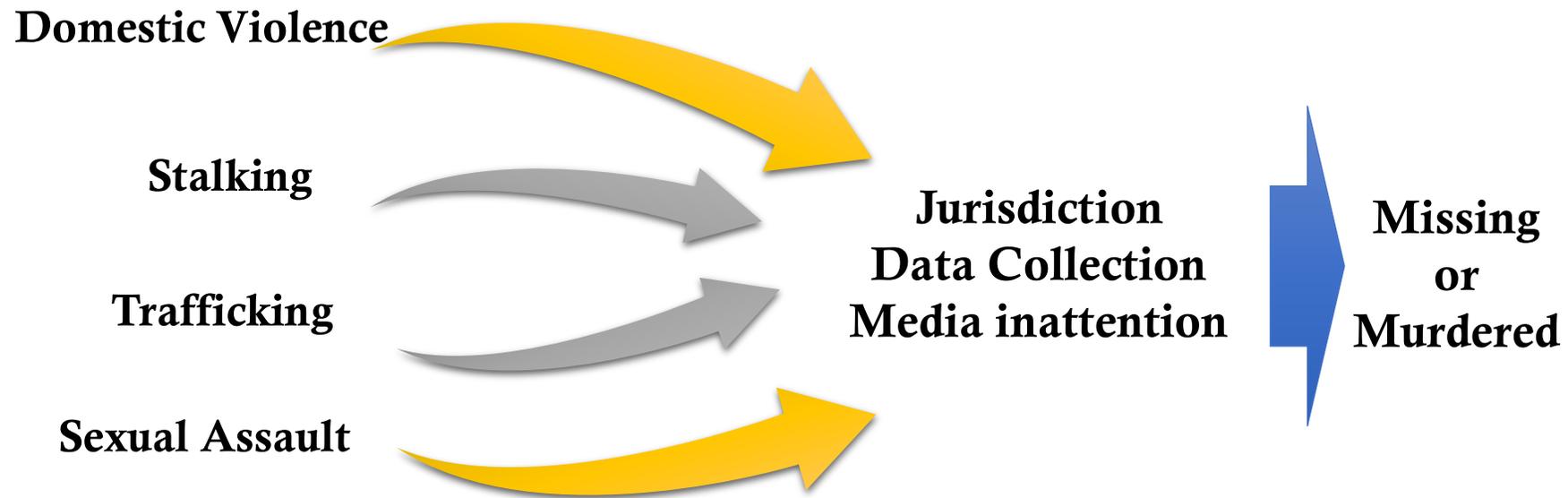
2.7%

1.4%

1.1%

78%

Pathways



Perpetrators:

Physical Violence by Intimate Partner/Perpetrators				
	Native American		White	
	Female	Male	Female	Male
INTERracial	90%	85%	18%	17%
INTRARacial	18%	21%	89%	90%

Stalking by Intimate Partner/Perpetrators				
	Native American		White	
	Female	Male	Female	Male
INTERracial	89%	91%	26%	20%
INTRARacial	30%	23%	87%	90%

Psychological Aggression by Intimate Partner/Perpetrators				
	Native American		White	
	Female	Male	Female	Male
INTERracial	91%	88%	22%	23%
INTRARacial	25%	28%	93%	92%

Jurisdiction

United States Supreme Court

Tribal Police Officers. Held: A tribal police officer has authority to detain temporarily and to search non-Indian persons traveling on public rights-of-way running through a reservation for potential violations of state or federal law.

[United States v. Cooley](#), No. 19-1414 (Jun. 1, 2021).

Tribal Law & Order Act – TLOA

Historic legislation

- Recognizes that domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions.
- 34 percent of American Indian and Alaska Native women will be raped in their lifetimes.

Acknowledges complicated jurisdictional issues

- collaborations with their state and federal counterparts

Current jurisdictional scheme:

- significant negative impact on ability to provide public safety to tribes,
- has been increasingly exploited by criminals,
- requires high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials.

TLOA and Sharing of Information Across Jurisdictions

- Clarify responsibilities and increase coordination and communication.
 - Empower tribal governments with authority, resources, and information necessary provide public safety in Indian country.
 - Reduce prevalence of violent crime in Indian Country, and to combat sexual and domestic violence against native women.
 - Increase and standardize collection of criminal data and the sharing of criminal history information.
 - Collect crime data as a fundamental tool of law enforcement.
- 

Are we in Indian Country?

- Not In Indian Country

No Tribal Criminal Jurisdiction
No Federal Criminal Jurisdiction,
UNLESS
Crime of General Applicability

- In Indian Country

There might be Tribal Criminal
Jurisdiction
There might be Federal Criminal
Jurisdiction
There might be State Criminal
Jurisdiction
Need to answer more questions

Always ask
these 4
questions,
in this
order:

Where did the crime occur?

- Is it Indian Country or not? What is the jurisdiction framework?

Who is the suspect?

- Indian or Non-Indian?

Who is the victim?

- Indian or Non-Indian?

What did they do?

- Is it a Major Crime?

Major Crimes Act – 18 USC § 1153

Enumerated offenses:

- Murder
- Manslaughter
- Kidnapping
- Maiming
- Sexual abuse offenses under chapter 109A
- Incest
- Felony assault under section 113
- Assault against a child under 16
- Felony child abuse and neglect
- Arson
- Burglary
- Robbery
- Felony theft under section 661

Federal Jurisdiction in Indian Country

	Indian Victim	Non-Indian Victim
Indian Suspect	Federal – Major Crimes Act	Federal – Major Crimes Act or General Crimes/ Assimilated Crimes
Non-Indian Suspect	Federal – General Crimes Act/ Assimilated Crimes Act	State

WITHOUT A
GOOD
INVESTIGATION

JURISDICTION AND
PROSECUTION DO NOT
MATTER

An investigation that enables a prosecution

The investigation required depends on the type of case

- Complete victim interview – not just the facts of the incident
- Corroboration, corroboration, corroboration
- Evidence to support a victim
- Evidence to proceed without a victim

Challenges in MMIW Cases

Law Enforcement Coordination Challenges in Multi-Jurisdiction Cases

Distrust of Law Enforcement and Prosecution

Reluctant Victim

Lack of Corroboration

Delayed Report

Incomplete Report

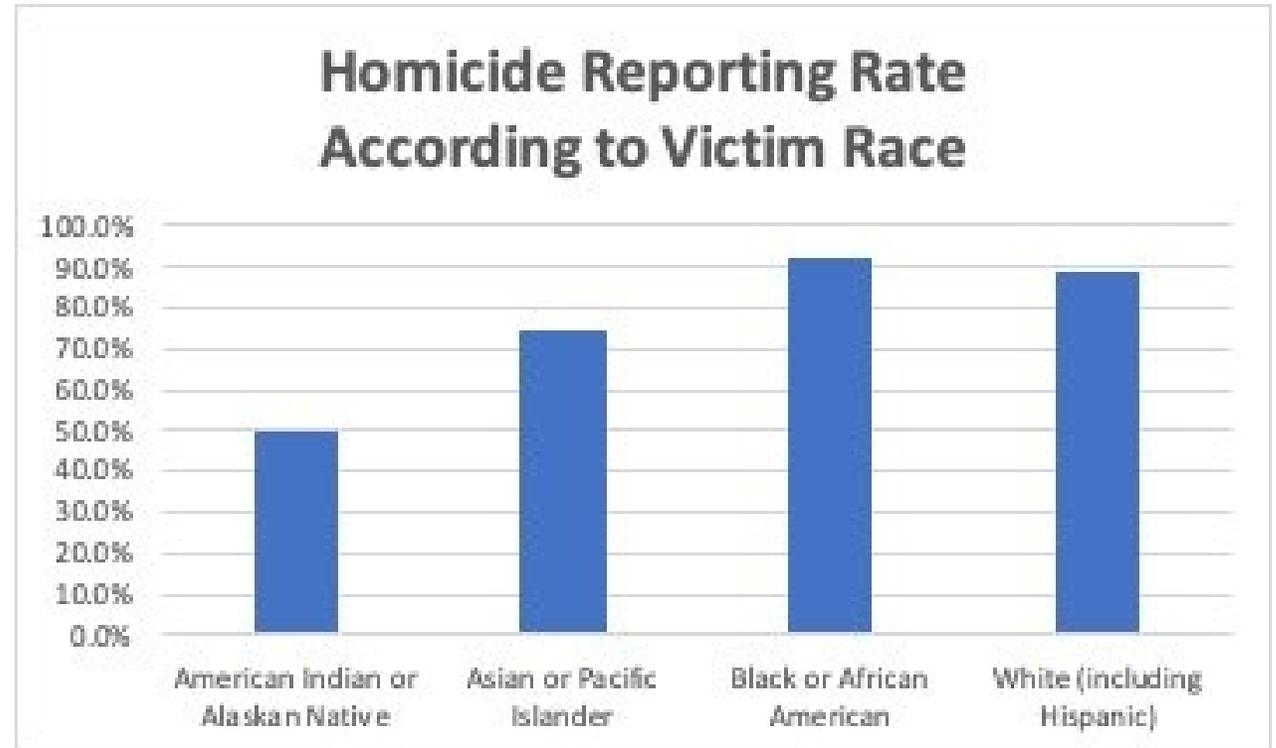
PROOF BEYOND A REASONABLE DOUBT (knowing and proving are two different standards)

Data errors



Murder Accountability Project

- Study commissioned by the U.S. Department of the Interior



Utah Reporting

Indian Homicides by State 1999-2017

<u>State</u>	<u>CDC</u>	<u>CDC Rate</u>	<u>FBI</u>	<u>Missing</u>	<u>Reporting Percentage</u>
Tennessee	14	NA	11	3	78.6%
Texas	49	1.1	35	14	71.4%
Utah	52	6.4	32	20	61.5%
Vermont	*	NA	0		
Virginia	12	NA	4	8	33.3%
Washington	199	7.5	101	98	50.8%
West Virginia	*	NA	4		

County Reporting

<u>County</u>	<u>CDC</u>	<u>CDC Rate</u>	<u>FBI</u>	<u>Missing</u>	<u>Reporting Percentage</u>
Salt Lake County, UT	16	6.1	20	-4	125.0%
San Juan County, UT	14	9.9	3	11	21.4%
Uintah County, UT	14	26.5	4	10	28.6%

Implications

- Lack of data is not absence of the crisis
- Those missing may be lost in trafficking
- Those trafficked have a high probability of being murdered
- Without better coordination between state/fed and tribes, little impact because of jurisdiction

Hozhoo/Balance



THOUGHTS
Ntsáhakees

THOUGHTS
Ntsáhakees



KÉ HWINDZIN
*The entire set of relationships
between humans, animals, earth, & sky*

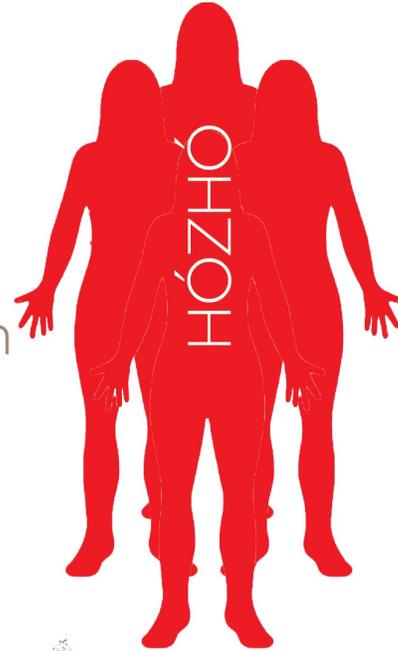
HOME
hooghan



BODY
Atsiis

HOLDILDZIN
Reverence for Creation

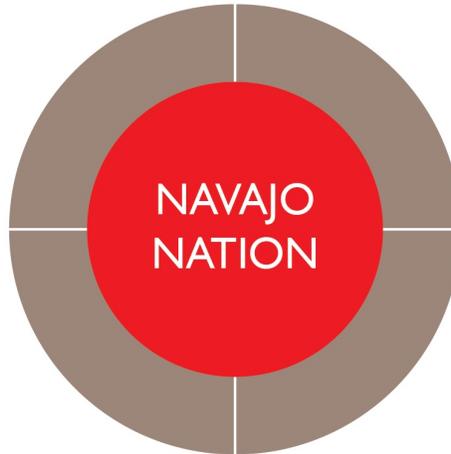
HOME
hooghan



BODIES
Atsiis

MIND
Aní

AHA ANA
OONIL
Gathering
of Family



BIKE'EHGO
DANÍÍNAAII
That Which
Guides Life

MINDS
Aní

NIGHAAL
Sustenance



BÍLA'ASHDLÁII BÓHOOHYA'

The Five-Fingered Earth Surface Relative who is
missing from Home.



**GOING MISSING OR BEING MURDERED SEVERS THESE RELATIONSHIPS
WHICH IMPACTS ALL AREAS**

THOUGHTS
Ntsáhakees

THOUGHTS
Ntsáhakees



KÉ HWINDZIN
*The entire set of relationships
between humans, animals, earth, & sky*

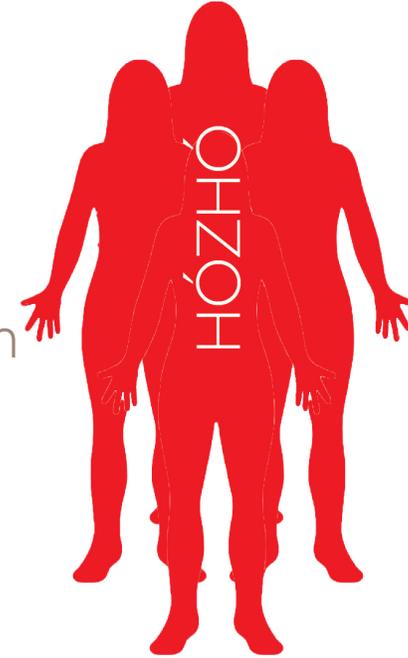
HOME
hooghan



BODY
Atsiis

HOLDILDZIN
Reverence for Creation

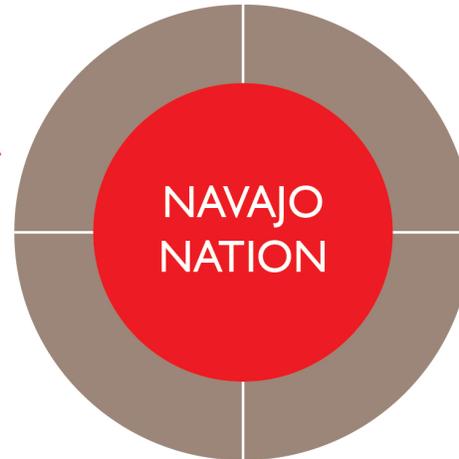
HOME
hooghan



BODIES
Atsiis

MIND
Aní

AHA ANA
OONIL
Gathering
of Family



BIKE'EHGO
DANÍ'NAAII
That Which
Guides Life

MINDS
Aní

NIGHAAL
Sustenance





Ahxé'héé