

Murdered and Missing Indigenous Women & Girls

MMIWG at the National Level

84% of AI/AN women have experienced violence in their lifetime.

- 56% experience **SEXUAL VIOLENCE**.
- 55% experience **PHYSICAL VIOLENCE** by an intimate partner.
- 48% experience **STALKING**.
- 66% experience **PSYCHOLOGICAL aggression** by an intimate partner.

AI/AN women are **1.2 times** more likely than non-Hispanic women to experience violence *in their lifetime*.

AI/AN women are **NEARLY 2 TIMES MORE LIKELY** to have experienced violence *in the past year*.



Number of AI/AN women entered as **MISSING** in the National Crime Information Center Data Base

5,711	in 2016.
5,646	in 2017.
2,758	in the first SIX MONTHS of 2018.

AI/AN peoples experience violence at more than **TWICE** the national average.

Rates of violence on reservations can be up to **10x** the national average

MURDER is the **THIRD** leading cause of death of AI/AN women.

MMIWG in New Mexico & the Southwest



According to the 2010 Census, New Mexico has the *fifth largest AI/AN population* in the US. Yet, New Mexico has the **highest number of MMIWG cases** in the country.

32% of sexual violence cases occur on the reservation.
57% occur in urban areas.

In the Southwest, 46% of Native American women surveyed reported that they had been the *victim of sexual assault or violence in their lifetime*.

- Average age of victims: **31 years old**.
- 25% of victims were **under the age of 18**.
- ONE THIRD** of victims had **NO** relation to the perpetrator.

Prepared by:



NATIVE AMERICAN
BUDGET & POLICY
INSTITUTE



CENTER FOR
SOCIAL POLICY

Legal Jurisdiction: A Major Challenge

>> In 1978, the U.S. Supreme Court held that Tribal Nations **DO NOT** have criminal jurisdiction of non-Indians for crimes committed on tribal lands.

Tribal governments can only exercise jurisdiction if a perpetrator is a *known* AI/AN person.

VIOLENCE AGAINST WOMEN ACT (VAWA)

The 2013 reauthorization of VAWA restored Tribal jurisdiction over non-Indians for domestic violence and dating violence within Tribal lands. This jurisdiction has not been extended for crimes such as murder or sex trafficking.

After expiring in 2019, the reauthorization of VAWA is still pending in the U.S. Senate.



For more information on this issue and to view a full list of sources and citations, see: "Missing and Murdered Indigenous Women & Girls: A Briefing Paper" Lead Author: K. Huyser UNM Native American Budget & Policy Institute nabpi.unm.edu/research



Missing and Murdered Indigenous Women & Girls

A Briefing Paper



NOTES & DISCLAIMER

This publication is a product of The University of New Mexico Native American Budget and Policy Institute in collaboration with the W.K. Kellogg Foundation. The views expressed in this report are those of the authors and do not necessarily represent those of The UNM Native American Budget and Policy Institute, The University of New Mexico, collaborating organizations, or funders. Finally, this report does not reflect the views or priorities of the Pueblos, Tribes, or Nations in New Mexico.

Editor In-Chief: Gabriel R. Sanchez, Ph.D.
Location: 1909 Las Lomas Road, Albuquerque, NM 87131
Phone: 505.277.0130
Email: center@unm.edu
Copyright @ University of New Mexico - June 2019.

June 2019

**Overview & Introduction:
Missing and Murdered Indigenous Women & Girls**

On December 3, 2018, the Associated Press reported that an Arizona woman, Amanda Webster, was found dead in a Kentucky hotel room. Jesse A. James was arrested and admitted to killing Webster.¹ In 2010, Terri Benally was beaten to death in Albuquerque, NM. In 2018, Roger Preston, already in prison for another near-fatal beating of a Native American man, was charged with a hate crime for Terri's death, with race being cited as a factor.² And, in 2017, Vanessa Tsosie was found dead in Farmington, NM of suspected foul play.³ Unfortunately, these acts of violence are not an anomaly and, instead, reflect the lived reality of many American Indian and Alaska Native (AI/AN) women in the U.S.

Until recently, the unparalleled rates of violence faced by Native American women has been essentially ignored by the mainstream press. This adds another layer of injustice to the issue addressed in this brief, which summarizes what we know about the violence experienced across Native American communities and the data limitations that make in-depth analysis difficult. Given that NABPI is housed in New Mexico and that the state is unfortunately over-represented across the data we identify, we highlight trends from New Mexico across the brief whenever possible.

AI/AN peoples experience violence at more than twice the rate of the U.S. resident population.⁴ A 2016 Department of Justice study, which used a nationally representative sample from the National Intimate Partner and Sexual Violence Survey, found that approximately 84% of AI/AN women have experienced violence in their lifetimes—this includes 56% who have experienced sexual violence; 55% who have experienced physical violence by an intimate partner; 48% who have experienced stalking; and 66% who have experienced psychological aggression by an intimate partner.⁵ Thus, AI/AN women are 1.2 times as likely as non-Hispanic white women to have experienced violence in their lifetimes and 1.7 times as likely to have experienced violence in the past year according to this national data.

Unfortunately, in addition to experiencing high rates of violence, there is a high number of AI/AN women reported missing each year, with 5,646 Native women entered as missing into the National Crime Information Center database in 2017 and 5,711 AI/AN women in 2016.

¹ <https://apnews.com/a1e3c1fefe5d4d96b33abceabf6990eb>; https://www.azfamily.com/news/arizona-woman-found-dead-in-kentucky-hotel-room-man-arrested/article_5b10c4e0-f6ea-11e8-99e2-c7dc81ff79f8.html?fbclid=IwAR0vviLhBg013UGDhUEsXjMts8hPcD_VAZmS4TVZXowKuc01nKZbPfwcbKA

² <https://www.abqjournal.com/1133165/suspect-indicted-in-cold-case-slaying-of-navajo-woman.html>

³ <https://www.abqjournal.com/1092385/woman-found-dead-in-farmington-park-identified.html>

⁴ Steven W Perry, American Indians and Crime- A BJS Statistical Profile 1992-2002, Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, December 2004.

⁵ André B. Rosay, Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, May 2016.

Furthermore, 2,758 women had been declared missing within the first six months of 2018.⁶ The Center for Disease Control and Prevention reports that murder is the third-leading cause of death among AI/AN women and that rates of violence on reservations can be up to ten times higher than the national average.⁷ In November 2018, the Urban Indian Health Institute (UIHI) released a report assessing the number of missing and murdered Indigenous women and girls (MMIWG) in urban areas, using data collected through the Freedom of Information Act, direct requests to law enforcement agencies, state and national missing person databases, searches of local and national media online archives, public social media posts, and direct contact with family members. UIHI identified 506 cases of MMIWG in 71 cities, which they consider to be a severe undercount of MMIWG as the report revealed the lack of data that local, state, and federal enforcement agencies collect on this topic. This undercount means that the rates of violence Native American women experience is even worse than the data suggests which is truly tragic.

The top ten cities with the highest number of MMIWG include two cities in New Mexico, Albuquerque, NM, with 37 cases and Gallup, NM, with 25 cases. The state of New Mexico has the highest number of MMIWG cases in the country.⁸ According to the 2010 Census, New Mexico has the fifth-largest AI/AN population in the United States⁹, meaning that the state is over-represented in missing MMIWG cases. In response to the UIHI findings, the Albuquerque Police Department indicated it had no record of request for records from UIHI and does not track the race of homicide victims.¹⁰ Given that New Mexico has the fifth-largest AI/AN population in the country and is in the top ten cities with the highest number of MMIWG, city police departments must collect the race of victims in order to understand accurately the depths of MMIWG.

The Sovereign Bodies Institute (SBI) has identified cases of sexual violence against Native women in the Southwest (Arizona, New Mexico, and Utah) which include sexual assault, domestic violence, and/or sex trafficking. Among the cases collected by SBI, the average age of victims was 31 years old, and 25% of the victims were girls under the age of 18.¹¹ Thirty-two percent of the sexual violence cases occurred on reservations, and 57% of the cases occurred in urban areas. Notably, one third of the victims had no relationship to the perpetrator. A recent survey conducted with a large sample of New Mexicans living in rural areas of the state provided an opportunity to explore experiences with sexual violence by race/ethnicity.¹²

⁶ <https://www.newsweek.com/doj-doubles-funding-combat-violence-against-indigenous-women-amid-staggering-1130449>

⁷ Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M & Lanier, C. (2008) Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>

⁸ Urban Indian Health Institute, Missing and Murdered Indigenous Women & Girls: A Snapshot of Data from 71 Urban Cities in the United States, November 2018, Retrieved from <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

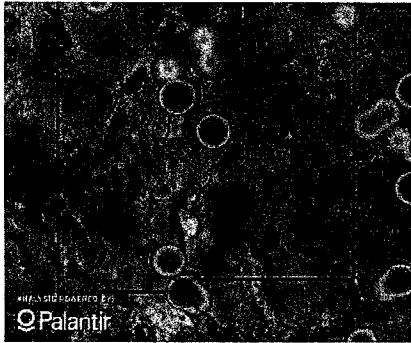
⁹ https://www.census.gov/newsroom/releases/archives/2010_census/cb12-cn06.html

¹⁰ https://www.abqjournal.com/1250434/tracking-the-violence-missing-murdered.html?fbclid=IwAR0nOnXtxOmkB4QvrV1THoI55Ficw7YBFFDJbf6OeF_peE4p_NI8L1wqcRk

¹¹ Annita Lucchesi, Executive Director of Sovereign Bodies Institute, presentation at the Missing and Murdered Indigenous Roundtable at the Southwestern Indian Polytechnic Institute on April 4, 2019.

¹² For more information about the 2017 Attitudes Toward Reproductive Healthcare in New Mexico survey see: http://www.latinodecisions.com/files/2215/4842/7895/Rural_Research_Slide_Deck.pdf

Nearly half (46%) of Native American women in the survey reported that they had been a victim of sexual assault or violence in their life. This is significantly higher than the 34% of white women and 31% of Hispanic women who have had these experiences in their lifetimes.



The image above is a heat map that reflects the cases reported to the National Human Trafficking Hotline in 2016. Areas in which greater numbers of cases were reported contain more red shading. There is significant red shading in the center and southern regions of New Mexico. This map only reflects cases in which the location of the potential trafficking was known. Some cases may involve more than one location.

Human Trafficking in New Mexico

There are no official estimates on the number of human trafficking victims in the U.S. The National Human Trafficking Hotline and Polaris BeFree Textline received more than 49,000 total cases of human trafficking in the last ten years and saw a 13% increase in cases from 2016 to 2017.¹³

Polaris has identified 25 distinct types of human trafficking in the U.S., and the top three types are sex trafficking (e.g. escort services), labor trafficking (e.g. domestic work and/or agriculture), and sex and labor trafficking, of which a common example is the illicit massage business. The top five sex trafficking venues are with an unknown venues accessed through online ads,

truck stops, commercial-front brothels, and hotels/motels. The top four labor trafficking settings are traveling sales crew, hospitality, domestic work, construction, and illicit activities.

The National Human Trafficking Hotline reports human trafficking in New Mexico. The image above is a heat map that reflects cases reported and their related locations of potential trafficking.¹⁴ In 2016, 132 cases reported 248 potential persons trafficked. Unfortunately, the National Human Trafficking Hotline did not report the race and ethnicity of potential persons trafficked. Of demographics reported, potential persons trafficked tend to be U.S. Citizen/Legal Permanent Resident adult females.

The Office of the New Mexico Attorney General Human Trafficking Task Force is a federally funded collaborative taskforce consisting of local, state, tribal, and federal law enforcement agencies, prosecutorial agencies, and service providers from around the state. The U.S. Attorneys District of New Mexico blog posts included many of its meeting summaries in 2017.¹⁵ It also has the New Mexico Tribal Task Force on Human Trafficking, where the last blog post of the meeting was February 16, 2017.¹⁶

Legal Jurisdiction for Violence Against AI/AN Women on Reservation Lands

One challenge to addressing violence in Tribal geographic areas and on reservation lands is legal jurisdiction. In cases of victimization of AI/AN women, establishing jurisdiction can be difficult. In 1978, the U.S. Supreme Court removed Tribal Nations' inherent criminal jurisdiction

¹³ <https://polarisproject.org/human-trafficking/facts>

¹⁴

https://www.acf.hhs.gov/sites/default/files/otip/new_mexico_profile_efforts_to_combat_human_trafficking.pdf

¹⁵ <https://www.nmag.gov/human-trafficking-task-force.aspx>

¹⁶ <https://www.justice.gov/usao-nm/blog/human-trafficking-3>

over non-Indians who commit crimes on Tribal lands.¹⁷ This means that Tribal governments cannot exercise any kind of punishment if an AI/AN woman goes missing or is victimized unless the perpetrator is a known AI/AN person. The 2013 reauthorization of the Violence Against Women Act (VAWA) restored jurisdiction over domestic violence and dating violence within Tribal territories, allowing Tribal Nations to prosecute non-AI/AN who commit domestic violence crime. However, this jurisdiction does not exist for crimes such as murder or sex trafficking. The VAWA expired in February 2019, but federal funding for programs to enforce VAWA protections continues through appropriations in spending bills separate from any reauthorization of the act.¹⁸ A VAWA reauthorization bill passed in the House of Representatives in April 2019 and is on the Senate Legislative Calendar under General Orders. In the Senate, Savanna's Act passed in December 2018 and has been held at the desk in the House; it directs the Department of Justice to review, revise, and develop law enforcement and justice protocols to address missing and murdered AI/AN peoples.

Collaboration Partners and Institutional Resources in These Areas

One of the goals of this effort for NABPI has been to identify potential collaboration partners already doing work in these areas who could be resources for those interested in tackling this issue. The organizations listed below organize around the type of work we perceive to address missing Native American women and domestic violence more broadly.

New Mexico-Based Coalitions and Organizations Raising Awareness:

- Albuquerque SANE Collaborative
- Coalition to Stop Violence Against Native Women
- Pueblo Action Alliance

National Coalitions and Organizations Raising Awareness:

- National Indigenous Women's Resource Center
- Sovereign Bodies Institute
- Urban Indian Health Institute

Challenges to National Data and Suggestions for Future Efforts

This section of our report identifies challenges our team and others faced in analyzing this issue with goals of providing recommendations for those interested in tackling the problem. The issues listed below make clear that the problem outlined in this brief is undoubtedly worse than we think, based on the available data.

- Less than half of violent victimizations against women are ever reported to police. Thus, estimates from data are undercounts of violent victimization.
- Race and ethnicity is not consistently collected in data and surveys used to generate data regarding missing women. As noted earlier, to our knowledge, this issue is particularly problematic in New Mexico and Albuquerque.
 - When race and ethnicity is collected, Tribal affiliation is rarely indicated.

¹⁷ *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)

¹⁸ <https://www.chicagotribune.com/lifestyles/ct-life-violence-against-women-act-expired-20190220-story.html>

- Racial misclassification often occurs because of lack of recognition.
 - Estimates from data are undercounts due to accurate capturing of race of the victims.
- Federal and National data is not currently capable of providing local trends for MMIWG.
 - National Intimate Partner and Sexual Violence Survey has an oversample of AI/AN peoples, and it is able to provide a sense of the lived experiences of AI/AN adult women and men. However, the survey is unable to provide local trends.
 - National Violence Against Women Survey and National Crime Victimization Survey do not have oversampling of AI/AN peoples, thus, the sample size and the potential for analysis are limited.
 - National Missing and Unidentified Person System (NamUs) is a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the U.S. On June 5, 2019, UIHI hosted a webinar on how to add missing loved ones to the NamUs database. This was an effort to increase reporting of missing AI/AN peoples and to give agency to community to input the correct data of their loved MMIWG.
- It appears as though New Mexico criminal justice agencies do not participate fully in national crime report systems such as the FBI Uniform Crime Reports and National Incident Based Reporting System.

Conclusion

The data we report in this brief makes clear that Native American women face severe inequalities regarding violence and sexual violence when compared to women of other racial groups in the U.S. and New Mexico. Given the data limitations we note in the brief, the situation is sadly worse than portrayed in the data to which we do have access. We hope that this brief helps sheds more light on this critically important yet often overlooked issue.

Finally, our report seeks to offer potential avenues to improve our collective ability to understand and analyze violent victimization for Native American women across New Mexico:

- Greater participation in national crime reporting systems, like FBI Uniform Crime Reports and National Incident Based Reporting System, would allow for increased opportunities to compare New Mexico outcomes with other states and national averages.
- Working collaboratively with Tribal communities and state agencies to develop a protocol to collect race and ethnicity data consistently
- Working collaboratively with Tribal communities and state agencies to conduct a state-wide study to determine how to increase reporting and investigation of missing Native American women. Two potential models to conduct a study are Washington State House Bill SHB 2951 and the Canadian National Inquiry into Missing and

Murdered Indigenous Women and Girls' Truth-Gathering Process.¹⁹

- Advocating a funding increase for Tribal law enforcement to increase number of full-time criminal investigators and the number of police officers. For example, the Navajo Nation has 11.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000.²⁰
- Develop Tribal law enforcement agreements between state and Tribal agencies to help fill the gap between state and Tribal legal jurisdictions and increase communication and collaboration across agencies.

About the Author Team

Kimberly R. Huyser, PhD (Navajo Nation) is an associate professor of sociology and is senior research personnel at the Native American Budget and Policy Institute at the University of New Mexico. Dr. Huyser's research focuses on the sociology and demography of Native American peoples. Her work is dedicated to deepening our understanding of the lives and opportunities of Indigenous peoples.

Sofia Locklear, MA (Lumbee) is a PhD candidate in sociology at the University of New Mexico and a Center for Social Policy Doctoral Fellow.

Gabriel R. Sanchez is a professor of political science at the University of New Mexico, director of the UNM Center for Social Policy, co-founder of the UNM Native American Budget and Policy Institute, and a principal at Latino Decisions.

¹⁹ <http://lawfilesexxt.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/2951-S%20HBR%20SA%2018.pdf>
<https://www.mmiwg-ffada.ca/how-to-participate/>

²⁰ <https://docs.house.gov/meetings/AP/AP06/20170516/105949/HHRG-115-AP06-Wstate-NezJ-20170516.pdf>