

## **Ending Violence Against Native Women: Moving to Action**

Jessie Welton, CICD Project Manager

Many Native<sup>1</sup> families in the United States suffer the painful reality of losing loved ones from violent encounters and unexplained disappearances. Their stories are emerging and are being shared across the country. With this growing attention, they now know that they are not alone.<sup>2</sup>

On Valentine's Day this past February, united through red shawls, hundreds marched to raise awareness of the many missing and murdered Native women, and to promote solutions to protect Native women. Marches spanned urban cities and rural communities from Seattle to Rapid City. Community leaders and policy makers convened stakeholder conversations and are calling for more data and analysis. All agree that better information, deeper awareness, and concerted action are essential to prevent more of their mothers, daughters, sisters, and friends from being victims of violence.

Until communities have adequate data to conduct in-depth research, it is difficult to find and implement solutions to reduce violence against Native women.

### **Native Women Suffer from High Mortality Rates**

Dr. Dick Todd, Economist and Senior Advisor to the [Center for Indian Country Development](#) (CICD), previously raised the specter of this issue in a blog about the unexplained [high rates of Native women mortality rates in the Great Plains](#). He discovered mortality rates for Native women were much higher compared to other populations in the Northern Plains and Midwest regions, particularly in counties with a high share of residents who are American Indian or Alaska Native (AI/AN) and who live on American Indian reservations.<sup>3</sup>

Quite startling is the statistic for American Indian-dominated Menominee County, Wisc. For four decades since the late 1960s, the age-adjusted mortality rate for women (of all races) in Menominee County has ranged between the highest and fourth-highest among all counties in the lower 48 states.

Equally alarming are the Canadian First Nations statistics. Dr. Donna Feir and Dr. Randall Akee have shown that Indigenous young women and older girls in Canada have mortality rates four to five times higher than their White counterparts.<sup>4</sup>

Several factors likely contribute to these alarming statistics. One cause of the higher mortality rates could be disproportionate homicide rates for Native women. According to research using the National Violent Death Reporting System (NVDRS), Native women have the second highest homicide rates after African American women.<sup>5</sup> The NVDRS uses death certificates, medical examiner reports, and law enforcement to monitor violent deaths. Non-Hispanic black women had the highest rate of homicide (4.4 per 100,000), closely followed by AI/AN women (4.3 per 100,000). Hispanic, White, and Asian/Pacific Islander women had much lower rates of

homicides (1.8, 1.5, and 1.2 per 100,000 respectively).<sup>6</sup> These findings use NVDRS homicide data from 10,018 adult women in 18 states between the years of 2003 and 2014.

A study using National Center for Health Statistics death certificate data from 1999 to 2009 linked to patient registration data from Indian Health Services found the homicide rate is much higher for AI/AN females compared to White females. Homicide rates for AI/AN females were 5 per 100,000 compared to 1.9 per 100,000 for White females. Homicides were highest for AI/AN females in Alaska at 10.3 per 100,000 compared to 2.4 per 100,000 for White females.<sup>7</sup>

### **Native Women Suffer from High Rates of Violence**

More generally, Native women in the United States also suffer from disproportionate levels of violence.

The 2010 National Intimate Partner and Sexual Violence Survey (NISVS) developed by the Center for Disease Control found Native women are 1.2 times as likely to experience violence and 1.6 times more likely to experience physical violence by intimate partners in their lifetime compared to White women.<sup>8</sup> The NISVS is an ongoing survey that uses a general population sample and an oversample of Native Americans.

The National Crime Victimization Survey (NCVS) from 1992 to 2005 found Native women were more likely to sustain injuries (70%) and require medical care (56%) from an assault compared to White (60%/38%), African American (63%/49%), and Asian American (53%/53%) women. Native women also were more likely to experience sexual assault (40%) compared to White (36%), African American (38%), and Asian American (30%) women. The NCVS surveyed a nationally representative sample of an average of 80,000 teenagers and adults annually between 1992 and 2005.<sup>9</sup>

Adding to the problem is the difficulty in collecting accurate data on violence. Aside from serious under-reporting concerns, multiple jurisdictions often are involved in these matters – tribal, county, state, and federal – and they use different reporting requirements and investigation processes. This patchwork of jurisdiction in Indian Country also makes it tough to track violence data. Even with data, it is challenging and sometimes impossible to pinpoint the exact cause of the violence without extensive inquiry at the individual and community level.

### **Missing Native Women**

Significant gaps in data further hinder the ability to understand why Native women are missing. Limited data exist on who, where, and when Native women go missing. Disconnected reporting systems, misclassification, limited sample sizes, and under-reporting all make it exceedingly difficult to quantify the exact number of missing Native women. Law enforcement agencies do not consistently log information into national databases such as the [National Crime Information Center](#) and the US Department of Justice's [National Missing and Unidentified Persons System](#) (NamUs). Nor are law enforcement agencies required to use the same reporting databases. Even

if a database is available and reporting is required, the confusing maze of jurisdiction in Indian Country complicates efforts to collect and share data.

Arguably, the [most extensive database of missing and murdered Native women in the United States and Canada](#) was created and is maintained by Executive Director of Sovereign Bodies Institute, Annita Lucchesi. The database has logged information going back as far as 1900 on missing and murdered girls, women, and two spirit Natives. This year, the database has started tracking international cases.<sup>10</sup>

In 2018, the Urban Indian Health Institute released a first of its kind [report on missing Native women in urban areas](#). Using an outreach approach to law enforcement agencies, media archives, social media posts, community members, and various crime databases, the Urban Institute researchers found 506 unique cases of missing urban Native women with 80% of the cases occurring since 2000.<sup>11</sup>

### **The Intersection Between Violence and Economic Prosperity**

The CICD's mission reflects our aspiration to encourage conditions in Indian Country that create economic prosperity. High rates of violence and economic outcomes are not independent.

Violence against women has long lasting economic impacts. Analysis using data from the 2012 National Intimate Partner and Sexual Violence Survey finds intimate partner abuse, especially against women, has enormous economic consequences as a result of the medical, criminal, and productivity costs. The estimated intimate partner violence lifetime cost was found to be \$103,767 for women, compared to \$23,414 for men. The differences are largely due to physical and mental health costs, as well as lost productivity.<sup>12</sup> Communities interested in reducing medical and criminal costs, while also increasing productivity should be concerned about the costs of violence against women.

In many cases, economic hardship at the household level is connected to abusive behavior. According to the Fragile Families and Child Wellbeing Study and U.S. Bureau of Labor Statistics, intimate partner abuse rises when unemployment rates quickly rise in the community, even when controlling for individual and household income. The study estimates that abuse rises from 10% to 14% when the unemployment rate doubles within a 12 month period.<sup>13</sup> Other research from the 2010 National Intimate Partner and Sexual Violence Survey suggests women who experienced housing or food insecurity in the past year, were more likely to experience physical and sexual violence.<sup>14</sup>

Evidence also suggests that industrial structures are not independent from violence. A national study using 2000-2013 Uniform Crime Reporting Program data found an increase in all types of crime in energy boom regions, including assault and rape.<sup>15</sup> The North Dakota Bakken region experienced an increase in registered sex offenders during the oil boom, possibly due to increased employment opportunities.<sup>16</sup> Another study of counties in or near the New York and Pennsylvania Marcellus Shale region from 2004-2012 found that higher levels of fracking were associated with increased levels of violent crimes.<sup>17</sup> Aggravated assaults and sexual assaults were the main drivers of the higher levels of these violent crimes. Using data from the Colorado

oil and gas boom in the 2000s, a recent study found that an increase in oil and gas production was associated with increased violent crime.<sup>18</sup>

An estimated 2.1 million acres of Indian Country lands are used for energy development as of 2008,<sup>19</sup> and about 88% of Indian Country land has energy potential.<sup>20</sup> It therefore is important for community leaders to factor public safety concerns into economic development projects, particularly those for natural resource use. When community leaders have accurate data, they can implement protective policies and inform community members, while still deriving benefits from development projects.

### **Policy in Action**

Policymakers at the state, national, and international levels are essential in the effort to reduce violence against Native women. For example, within the Federal Reserve Bank of Minneapolis' Ninth District and the Midwest region, several states are considering legislation designed to protect Native women. If enacted, each of them will commission investigations or require enhanced law enforcement training on missing and murdered Native women.

In Minnesota, legislation ([HF 70](#)) has been introduced to create a task force to collect data on missing and murdered Native women throughout the state.<sup>21</sup> The task force also would research systemic reasons for the violence and help find ways to document and track missing and murdered Native women. "It's all so complicated," said State Representative Mary Kunesh-Podein, the author of the proposed legislation. "And it's not just one thing or one agency or one program that isn't working. It's all of it. For all of this time, there hasn't been an accurate count of where and who and why women go missing."<sup>22</sup> The Minnesota House of Representatives heard directly from those affected when several Native women shared their stories, some for the very first time through testimonies in support of creating the Minnesota Missing and Murdered Indigenous Taskforce.<sup>23</sup>

The Nebraska Legislature ([LB154](#)) recently passed a bill to commission the Nebraska State Patrol to "determine the scope of the problem, identify barriers, and find ways to create partnerships to increase reporting and investigation of missing Native American women and children." The bill requires a report on the study's findings and recommendations to the Executive Board of the Legislative Council by 2020. The chairman for the Ponca Tribe of Nebraska, Larry Wright Jr., believes the proximity to pipelines and oil fields may contribute to the violence against Native women in Nebraska.<sup>24</sup>

Two bills have been introduced in the North Dakota Legislature to help train law enforcement and collect better data on missing and murdered Indigenous women. Both bills ([HB 1311](#) and [HB 1313](#)) would require the collection and evaluation of data on North Dakota human trafficking. They also would promote training on victim services for those who may have frequent contact with victims. Lastly, it would promote training on human trafficking investigations and prosecutions for North Dakota law enforcement.

In South Dakota, a bill was recently introduced ([SB 164](#)) to direct the state's Division of Criminal Investigation to create guidelines on investigating and tracking missing and murdered

Indigenous women. The bill also would require law enforcement training on investigations of missing and murdered Indigenous women.<sup>25</sup>

The Montana legislature also is considering a bill ([HB 21](#)) to fund a position in the Montana Department of Justice to investigate missing people within the state. Legislatures, however, are currently debating the funding required for the position.<sup>26</sup>

Collectively, these legislative efforts are an important first step in appreciating the severity of the issue and addressing the dire need for more detailed and coordinated information on the activities giving rise to violence against Native women, including their disappearances, and for appropriate public safety responses within the community.

**Proposed State Legislation on Missing and Murdered Native Women in Midwest Region**

State	Proposed Legislation	Features	Status
Minnesota	A bill for an act relating to public safety; creating the Task Force on Missing and Murdered Indigenous Women; requiring an annual report on issues related to violence against indigenous women and girls; appropriating money for the Task Force on Missing and Murdered Indigenous Women ( <a href="#">HF 70</a> )	<ul style="list-style-type: none"> <li>- Creation of a task force to advise the commissioner and report to the legislature on recommendations to reduce and end violence against indigenous women and girls in Minnesota, including members of the two spirit community.</li> <li>- Appropriate \$100,000 in fiscal year 2020 and \$50,000 in fiscal year 2021 to implement the task force</li> </ul>	Currently in legislative process

Montana	An Act Establishing “Hanna’s Act”; Authorizing the Department of Justice to Assist with the investigation of all missing persons cases; requiring the employment of a missing persons specialist; providing duties; and providing an effective date. ( <a href="#">HB 21</a> )	-Creation of a missing persons specialist within the Montana Department of Justice responsible for working closely with local, state, federal, and tribal law enforcement authorities on missing persons cases.	Currently in legislative process
Nebraska	A bill for an act relating to the Nebraska State Patrol; to require a report on missing Native American women and children in Nebraska. ( <a href="#">LB154</a> )	- Creation of a study by the Nebraska State Patrol “to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women and children in Nebraska.” <sup>27</sup>	Approved by Governor on March 07, 2019
North Dakota	A bill for an Act to amend and reenact subsection 2 of section 54-12-33 of the North Dakota Century Code, relating to law enforcement training on missing and murdered indigenous People. ( <a href="#">HB 1311</a> )	<ul style="list-style-type: none"> <li>- Require the collection and evaluation of data on North Dakota human trafficking.</li> <li>- Promote training on human trafficking victim services those who may have frequent contact for victims.</li> <li>- Promote training on human trafficking</li> </ul>	Currently in legislative process

		investigations and prosecutions for North Dakota law enforcement.	
North Dakota	A bill for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons. ( <a href="#">HB 1313</a> )	<ul style="list-style-type: none"> <li>- Require the collection and evaluation of data on North Dakota human trafficking.</li> <li>- Promote training on human trafficking victim services those who may have frequent contact for victims.</li> <li>- Promote training on human trafficking investigations and prosecutions for North Dakota law enforcement.</li> </ul>	Currently in legislative process
South Dakota	An Act to establish procedures for the investigation of certain missing and murdered indigenous persons. ( <a href="#">SB 164</a> )	Creation of guidelines and uniform procedures by the South Dakota Division of Criminal Investigation for the reporting and investigation of missing persons, including missing and murdered indigenous women and children, and runaways.	Delivered to the Governor for signature on March 11, 2019

At the national level, Alaska Senator Lisa Murkowski and Nevada Senator Catherine Cortez Masto recently reintroduced Savanna's Act. Originally introduced in 2017 by North Dakota Senator Heidi Heitkamp, Savanna's Act is intended to increase coordination between law enforcement data collection processes for tracking missing and murdered Indigenous women. The legislation is named after Savanna LaFontaine-Greywind, a 22-year-old pregnant woman from the Turtle Mountain Indian Reservation who was murdered in Fargo, North Dakota.<sup>28</sup>

The Violence Against Women Act (VAWA) continues to be the primary federal law intended to protect women from an array of violent crimes. First enacted in 1994, VAWA is an important

funding source for programs and services aimed at preventing violence against women, such as support centers, legal services, and data collection.

Although VAWA expired in mid-February, efforts to re-authorize the bill are underway (for now, there is no funding impact on programs supported by VAWA.<sup>29</sup> The U.S. House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security recently held hearings on VAWA reauthorization. Legal experts and the National Congress of American Indians (NCAI) testified on the need to improve the response to missing and murdered Native women cases by increasing victim services, coordinating jurisdictions, and developing protocols.<sup>30</sup>

The Tribal Law and Order Act (TLOA) of 2010 is another piece of national legislation designed to protect Native women against violence.<sup>31</sup> The TLOA is intended to increase safety in tribal communities by expanding the authority of tribal law enforcement, encouraging more law enforcement in Indian Country, and providing tribal law enforcement better access to criminal databases. It appears that the TLOA is making a positive impact. According to the U.S. Attorney for the Northern District of Oklahoma, “Since the passage of the Tribal Law and Order Act of 2010 we are making progress in ensuring that Tribes are able to access law enforcement databases, which is critical to meeting public safety needs.”<sup>32</sup>

At an international level, Canada recently launched a mandated national inquiry to investigate and report on violence against Indigenous women and girls.<sup>33</sup> The mandate requires the newly formed commission to investigate all types of violence including women who went missing, were murdered, or died of suspicious circumstances. For greater awareness and better research, policymakers in the United States may consider launching a national effort similar to Canada’s [“National Inquiry into Missing and Murdered Indigenous Women and Girls.”](#)

### **Need for Community Engagement and Research**

Systematic data collection and coordinating inter-jurisdictional reporting are challenging undertakings, but absolutely necessary. Also essential, and immensely more difficult to do, is researching why so many Native women are abused, murdered, and missing.

To find lasting community-based solutions, policy makers need to have a strong understanding of the structural issues generating violence and act in partnership and conversation with affected communities. This must include the interrelated criminal justice, legislative, and socioeconomic systems. It is counterproductive to make assumptions about the causes of violence without connecting with those most affected by these traumatic experiences.

By calling for increased inquiry and awareness, and for more extensive and accurate data, policymakers and communities can make better decisions and establish more supportive policies. Ensuring the safety of Native women is essential to growing prosperous and healthy communities throughout Indian Country.



## **Resources for Victims**

The National Domestic Violence Hotline provides highly trained advocates who are available 24/7/365 to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship: 1-800-799-7233, <https://www.thehotline.org/>

National Sexual Assault Hotline operates a partnership with more than 1,000 local sexual assault service providers across the nation. It is a safe, confidential service that provides callers information and access to a variety of services including health facilities, local resources, and legal information: 1-800-656-4673, <https://www.rainn.org/get-help>

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<sup>1</sup> In this paper, we use the terms “Native” and “Indigenous” somewhat interchangeably, although “Native” typically is used in a United States context, and “Indigenous” is used more in an international context.

<sup>2</sup> Camila Domonoske, “[Police In Many U.S. Cities Fail To Track Murdered, Missing Indigenous Women](#),” *National Public Radio* (November, 2018).

<sup>3</sup> Sam Schulhofer-Wohl and Richard M. Todd, “[High Death Rates on the High Plains](#),” *Center for Indian Country Development* (November 2015).

<sup>4</sup> Specifically, registered Indian women and girls. Donna Feir and Randall Akee, “First People Lost: Determine the State of Status First Nations Mortality in Canada using Administrative Data,” *Canadian Journal of Economics* 52, no. 2 (forthcoming May 2019).

<sup>5</sup> Emiko Petrosky, Janet M. Blair, Carter J. Betz, Katherine A. Fowler, Shane PD Jack, and Bridget H. Lyons, “[Racial and ethnic differences in homicides of adult women and the role of intimate partner violence—United States, 2003–2014](#),” *Morbidity and Mortality Weekly Report* 66, no. 28 (July 2017), p.741-746.

<sup>6</sup> Emiko Petrosky, Janet M. Blair, Carter J. Betz, Katherine A. Fowler, Shane PD Jack, and Bridget H. Lyons, “[Racial and ethnic differences in homicides of adult women and the role of intimate partner violence—United States, 2003–2014](#),” *Morbidity and Mortality Weekly Report* 66, no. 28 (July 2017), p.741-746.

<sup>7</sup> Mose A Herne, Alexandra C Maschino, and Anita L Graham-Phillips, “[Homicide Among American Indians/Alaska Natives, 1999–2009: Implications for Public Health Interventions](#),” *Public Health Reports* 131, no. 4 (July-August 2016), p. 597-604.

<sup>8</sup> André Rosay, “[Violence Against American Indian and Alaska Native Women and Men - 2010 Findings From the National Intimate Partner And Sexual Violence Survey](#),” *National Institute of Justice*. (May 2016).

<sup>9</sup> Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, and Christina Lanier, “[Violence against American Indian and Alaska Native women and the criminal justice response: What is known](#),” *National Institute of Justice* (August 2008).

<sup>10</sup> “[About MMIW](#),” Sovereign Bodies Institute (2019).

<sup>11</sup> Annita Lucchesi and Abigail Echo-Hawk, “[Missing and Murdered Indigenous Women & Girls](#),” *Urban Indian Health Institute*, (November 2018).

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- <sup>12</sup> Cora Peterson, Megan C. Kearns, Wendy LiKamWa McIntosh, Lianne Fuino Estefan, Christina Nicolaidis, Kathryn E. McCollister, Amy Gordon, and Curtis Florence, "[Lifetime Economic Burdens of Intimate Partner Violence Among U.S. Adults](#)," *American Journal of Preventive Medicine* 55, no. 5 (October 2018), p. 433-444.
- <sup>13</sup> Daniel Schneider, Kristen Harknett, and Sara McLanahan, "[Intimate Partner Violence in the Great Recession](#)," *Demography* 53, no. 2 (April 2016), p. 471-505.
- <sup>14</sup> Matthew J Breiding, Kathleen C Basile, Joanne Klevens, and Sharon G Smith, "[Economic Insecurity and Intimate Partner and Sexual Violence Victimization](#)," *American Journal of Preventive Medicine* 53, no. 4 (October 2017), p. 457-464.
- <sup>15</sup> Alexander James, and Brock Smith, "[There Will Be Blood: Crime Rates in Shale-rich U.S. Counties](#)," *Journal of Environmental Economics and Management* 84, (July 2017), p. 125-152.
- <sup>16</sup> Alexander James, and Brock Smith, "[There Will Be Blood: Crime Rates in Shale-rich U.S. Counties](#)," *Journal of Environmental Economics and Management* 84, (July 2017), p. 125-152.
- <sup>17</sup> Timothy Komarek, "[Crime and Natural Resource Booms: Evidence from Unconventional Natural Gas Production](#)," *The Annals of Regional Science* 61, no. 1 (July 2018), p. 113-137.
- <sup>18</sup> Patrick Gourley, and Greg Madonia, "[Resource Booms and Crime: Evidence from Oil and Gas Production in Colorado](#)," *Resource and Energy Economics* 54 (November 2018), p. 37-52.
- <sup>19</sup> "[Statement of Dr. Robert W. Middleton, Director, Office of Indian Energy and Economic Development Office of the Assistant Secretary-Indian Affairs, Department of the Interior Before the Senate Committee on Indian Affairs, August 28, 2008](#)," *Office of Congressional and Legislative Affairs*, (2008).
- <sup>20</sup> "[Statement of Dr. Robert W. Middleton, Director, Office of Indian Energy and Economic Development Office of the Assistant Secretary-Indian Affairs, Department of the Interior Before the Senate Committee on Indian Affairs, August 28, 2008](#)," *Office of Congressional and Legislative Affairs*, (2008).
- <sup>21</sup> "[HF 1212 Status in the House for the 91st Legislature \(2019 - 2020\)](#)", *Office of the Revisor of Statutes*.
- <sup>22</sup> Kevin Doran, "[Lawmakers to discuss creating Task Force on Missing and Murdered Indigenous Women](#)," *5 Eyewitness News*, (January 2019).
- <sup>23</sup> Tim Walker, "[Minnesota will not let indigenous women continue to vanish](#)," *Minnesota House of Representatives Session Daily*, (January 2019).
- <sup>24</sup> "[Bill Seeks Study on Murdered and Missing Native American Women](#)," *High Plains Public Radio*, (February 2019).
- <sup>25</sup> "[Senate Bill 164](#)", *South Dakota Legislature Legislative Research Council*, (2019).
- <sup>26</sup> Maxine Speier and Tim Pierce, "[Funding for Missing Persons Bill Remains in Limbo](#)," *Montana Public Radio*, (March 2019).
- <sup>27</sup> "[Legislative Bill 154 Final Reading](#)," *Legislature of Nebraska*, (2019).
- <sup>28</sup> "[Summary: S.1942 – 115<sup>th</sup> Congress \(2017-2018\)](#)," *Congress.Gov*.
- <sup>29</sup> Sophie Tatum, Phil Mattingly, and Ashley Killough, "[Funding bill leaves out Violence Against Women Act extension](#)," *CNN Politics*, (February 2019).
- <sup>30</sup> "[Testimony of the National Congress of American Indians House Judiciary Committee Subcommittee on Crime, Terrorism and Homeland Security Hearing on the Reauthorization of the Violence Against Women Act](#)," *National Congress of American Indians*, (March 2019).
- <sup>31</sup> "[Tribal Law and Order Act](#)," *The United States Department of Justice*, (November 2018).
- <sup>32</sup> R. Trent Shores, "[U.S. Attorney for the Northern District of Oklahoma and Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Committee, in Testimony Before the Senate Committee on Indian Affairs](#)", *The United States Department of Justice*, (October 2017)

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<sup>33</sup> [“Our Mandate, Our Vision, Our Mission”](#), *National Inquiry into Missing and Murdered Indigenous Women and Girls*.