



# New Mexico Missing and Murdered Indigenous Women and Relatives TASK FORCE REPORT



*Report to the Governor and Legislature on the  
Task Force Findings and Recommendations*

In Partnership with the Native American Budget Policy Institute

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### More Work Ahead for the Task Force

Although there is a wealth of valuable information summarized in this report, the task force would like to acknowledge the countless hours of work that still needs to be done in the year ahead. This is an important and sensitive topic that must be approached with all appropriate care and respect for the communities facing challenges related to missing persons. This takes time, and data collection has been severely impacted by the coronavirus outbreak, which has limited our ability to meet and connect with the agencies and individuals we originally planned to interview in person. This report therefore reflects the major findings of our joint efforts since the formation and initial meetings of this task force. In our conclusion, we identify some of the goals we have for the next year, as the task force and our research partners are committed to continuing the important work we have started together.

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## INTRODUCTION



*“My sister, Dione Thomas, was found lifeless in a hotel room along Route 66 in Gallup. Five years later, the case is unsolved. The last call made was to 911 because she was bleeding and unconscious. They named a suspect but charges were never filed.”*

– Sister of Dione Thomas



*“My little cousin Tiffany Reid. Sixteen years old, she went missing. We haven’t seen her. We haven’t – we have no idea where she’s at. One of the biggest struggles my family is facing is trying to get communication between law enforcement agencies.”*

– Relative of Tiffany Reid

Narratives surrounding Dione and Tiffany’s disappearance and death provide a window into the experience of hundreds of Indigenous women and girls and their families in the state of New Mexico. Their experience begs several questions: Why are so many women going missing and found murdered? Why are women and girls in the state of New Mexico experiencing elevated rates of violence? And finally, why have these women and their families not received justice? These are the dominant questions that served as the foundation for the work summarized in this report.

Both Dione’s and Tiffany’s stories, summarized in more detail in Appendix B, demonstrate the systemic failure of public safety agencies charged with preventing the loss of life. These two case studies reflect what is occurring far too often in New Mexico. The inability for the state’s public safety and criminal justice systems to protect women who are from Indigenous communities continues to force grieving families and communities across the state to take on the role of investigators and advocates for their missing and murdered daughters, mothers and children. Families are forced to become investigators, detectives and advocates amid much grief and pain.

Violence against Native American women is a national crisis that has only recently reached the attention of the media and national policymakers. According to the National Crime Information Center, in 2017 there were more than 5,700 reports of missing and Murdered Indigenous Women and Girls (MMIWG), not even counting the cases that have yet to be entered into crime databases. In 2018, the Center for Disease and Control and Prevention reported homicide as one of the leading causes of death among American Indian and Alaska

Native women. In some areas, women and girls are murdered at a rate that is 10 times the national average.<sup>1</sup> Furthermore, MMIWG face physical and sexual violence at greater rates than women from all other racial and ethnic groups.<sup>2</sup>

Although this is a national crisis, the state of New Mexico provides an ideal case study for the broader challenges facing Native American communities across the country. Despite having the fifth-largest Indigenous population in the nation, the state of New Mexico has the highest number of MMIWG cases in the country.<sup>3</sup> This context motivated the foundation of the New Mexico Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force, which set out in 2019 to study the scope of this crisis in the state. Initial findings in this report represent the work of the MMIWR Task Force over the past year and demonstrate significant discrepancies in the data available for analysis by our research team; the findings also point to jurisdictional barriers that make addressing this issue challenging. The MMIWR Task Force has also identified a lack of awareness about the severity of this issue, which suggests the need for a major education campaign across the state of New Mexico.

This report is informed by the relatives of missing and murdered Indigenous women and girls, along with advocates, law enforcement, legislators, organizations and community members. Our goal is to share the words and experiences of families to expose gaps in our justice system and in the resources and services for families, victims and survivors. Our hope is that this report reflects the voices and experiences of our communities and every person who has been impacted or knows someone who has been impacted by this profound crisis in our state.

The MMIWR Task Force would like to recognize everyone who shared their experiences and contributed to this report and for efforts to bring awareness, justice, critical change and real solutions to the state of New Mexico. This report consists of four main sections, as outlined below:

- The first section provides an overview of the MMIWR legislation that serves as the foundation for the work of the task force and the research summarized in this report.
- The second section is an overview of the background and contextual considerations for MMIWR in New Mexico.
- The third section provides a summary of the findings of the research conducted for the state of New Mexico so far. This includes analysis of data provided by jurisdictions and case studies of information provided by families.
- The fourth section is an overview of the core findings from our research, and policy recommendations generated by this research and the wider community. We conclude this fourth section with a discussion of the next steps for the MMIWR Task Force and research partners.

## SECTION I

### Defining Missing and Murdered Indigenous Women and Relatives (MMIWR)

The Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force considers all genders, rather than focusing exclusively on women. The need to be comprehensive in our focus became clear as the task force initiated conversations with the wider community. The quote below reflects suggestions made by the community to broaden the work of the task force.



*“They – and I mean ‘they’ like boys, men and our LGBTQ – should have been included at the beginning...because this is not just a crisis with our women and girls. The more research we do, there are more men that are missing or murdered than there are women. But a lot of people are not talking about that.”*

– Community Member

For the purpose of this report, Missing and Murdered Indigenous Women and Relatives (MMIWR) refers to Indigenous women, men, children and all our relatives who are impacted by the high statistical rates of targeted violence in New Mexico. This acronym expands on the original scope provided for in House Bill 278, which created the MMIW task force. It is understood that the use of the MMIWR acronym throughout the report includes other impacted Indigenous populations and demographics. The task force recognizes the colonial origins of MMIWR and the colonial legacy of violence in New Mexico. Such violence began with the Spanish invasion of Indigenous communities and the subsequent promotion of human trafficking, slavery and violence on Indigenous bodies, all of which European Americans and settler colonialism further exacerbated.

As nongovernmental organization (NGO) initiatives and other awareness efforts have developed, the MMIW definition and social media hashtag has evolved into more inclusive adaptations, not limited to the following examples:

**MMIR** Missing and Murdered Indigenous Relatives

**MMDR** Missing and Murdered Diné Relatives

**MMIW2T** Missing and Murdered Indigenous Women Two Spirit and Trans

**MMIWG** Missing and Murdered Indigenous Women and Girls

## Historical Overview of the Legislation and Task Force Plan of Action House Bill 278: “Missing and Murdered Indigenous Women Task Force”

In 2019, House Bill 278 was passed by the New Mexico Legislature and signed by Gov. Michelle Lujan Grisham. This legislation created the “Missing and Murdered Indigenous Women Task Force” in New Mexico. The sponsors of the legislation – Representatives Andrea Romero, Derrick J. Lente (Sandia Pueblo), Melanie A. Stansbury and Wonda Johnson (Diné) – passed this bill with the intent of creating a task force to address jurisdictional gaps and resource gaps, and to bring attention to this crisis in New Mexico. In addition, the bill sponsors ensured that junior bill monies were appropriated to support the work of the task force.

The task force was mandated to study and provide recommendations to the Legislature, the Governor and all relevant partners regarding the MMIWR crisis in New Mexico and to research specific questions and perform certain tasks, which are listed below:

- Identify how the state can increase resources for reporting and identifying cases of MMIWR.
- Collaborate with tribal law enforcement agencies to determine the scope of the problem and identify barriers to address the problem.
- Create partnerships to improve reporting and investigations of MMIWR cases.
- Work with tribal governments and communities.
- Collaborate with the DOJ to improve information sharing processes and coordination of resources for reporting and investigating cases of MMIWR.

The legislation supporting the creation of the task force was introduced in response to a 2017 report published by the Urban Indian Health Institute (UIHI),<sup>4</sup> which spotlighted the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis across the country. New Mexico was named in this report because it has two cities included in the list of “Top Ten Cities with the Highest Number of MMIWG Cases.” The two cities were Albuquerque, which had 37 cases, and Gallup, which had 25 cases. This context motivated a request to both cities for more in-depth data for our team to analyze, which is included in our report. As a state, New Mexico had the highest number of MMIWG cases out of all the states studied, with 78 cases of MMIWG.

Particularly concerning lawmakers in New Mexico were the statistics highlighted in the report, noting 506 unique cases of missing and murdered American Indian and Alaska Native women and girls across 71 selected cities in the United States. Of the 506 cases:

Of the **506** cases:

**128 (25%)**

were missing persons cases.

**280 (56%)**

were murder cases.

**98 (19%)**

had an unknown status.

**29**

was the median of MMIWG victims.

The data included in these reports were collected from missing persons databases, searches of local and regional news media online archives, public social media posts and direct contact with families and community members who volunteered information on missing or murdered loved ones.

## Summary of Task Force Plan of Action

The MMIWR Task Force held several meetings over the last year, both in person and virtually. Each meeting had a defined objective and a specific focus based on the goals and objectives defined in House Bill 278. The task force's goal was to understand the current state of the MMIWR crisis in New Mexico and to learn from stakeholders, especially families and survivors, about how to improve prevention, reporting, investigating and support services for Indigenous Peoples in the state. The task force decided to narrow its goals and objectives to focus on what could be accomplished during the allotted time for its work. The goals and objectives that were identified are below.

### Goal 1

### Objectives

**To understand the scope of the MMIWR crisis in New Mexico.**

- Develop a shared vision and vocabulary for describing and addressing MMIWR.
- Identify how justice systems are coordinating investigations, prosecutions and reporting of MMIWR cases.
- Identify the number of open, closed and pending MMIWR cases across law enforcement agencies/news and media outlets and in community and family member accounts.
- Use mapping to identify where the MMIWR cases are occurring.
- Identify barriers as detailed in testimony of survivors, family members, advocates, experts and law enforcement.
- Identify the existing support services and resources for families impacted by MMIWR.



**Goal 2****Objectives**

**To create the foundations and foster partnerships to further address the issue.**

- Identify and build trust with core stakeholders to ensure inclusive and comprehensive input is being collected. Core stakeholders include survivors, family members, advocates, experts and law enforcement.
- Convene and gather input from core stakeholders through community hearings and surveys.
- Outline recommendations to further address the issue from core stakeholders.

**Data Collection Plan**

One of the first conclusions of the task force was that any recommendations we made needed to be data-driven. However, it became very clear quickly that two of the major challenges we would face were a lack of outcome data sorted by race and ethnicity, and data that was uneven across jurisdictions, which would require some original data collection. The table below outlines the task force's data collection plan that intended to fill some of these gaps in existing data. The table shows what the task force planned on accomplishing at the outset of this work, the tasks that have been completed so far, and work that is still in progress and remains a priority for the task force moving forward.

**Covid-19 Limitations**

As the table below reflects, our data goals and overall timeline required modification due to the significant challenges Covid-19 has presented for data collection. Due to the extremely sensitive nature surrounding MMIWR, all events were originally planned to take place in person, including listening sessions, outreach events, public forums, workshops and one-on-one meetings. The task force canceled in-person plans and quickly pivoted to manage all task force events safely online to meet state health requirements.

Not being able to meet personally with families, state, county and other criminal justice and public safety agencies has been daunting. Without the ability to conduct qualitative in-depth interviews and focus groups, our team shifted to less invasive approaches for data collection. As the state of New Mexico and tribal communities sheltered in place, the task force continued its attempts to gather data. However, limited broadband internet access and reliable cell coverage in rural New Mexico and throughout Native communities created communication and access issues for scheduled online events.

Although we have made substantial progress, we will remain focused on addressing the incomplete tasks identified below for as long as doing so takes. While most of the data collection activities were accomplished, the results were not as robust as they likely would have been had all planned events been held in person. We have secured the commitment from our research team and other stakeholders to collect all needed data, even if doing so takes us well beyond the end dates in our original scope of work.

<b>Law Enforcement Agencies &amp; Federal Partners</b>		<b>Completed</b>	<b>Incomplete</b>
<b>Inspection of Public Records Act (IPRA)/FOIA Request</b>	First: Aggregate data, protocols, and forms	✓	
	Second: Case files for Indigenous women and girls		✓
<b>Office of the Medical Investigator (OMI) Reports</b>	Evaluate OMI reports for the past five years (2014-2019) to determine the number of murder cases involving Indigenous women and girls.		✓
<b>Surveys</b>	Survey LEAs to identify barriers and develop recommendations to address this crisis.	✓	
<b>Tribal Community, Services, Advocates &amp; Experts</b>		<b>Completed</b>	<b>Incomplete</b>
<b>Community Hearings</b>	Convene six (6) community hearings.		✓
<b>Surveys</b>	Survivors and family members		✓
	Service providers	✓	
	Advocates and experts		✓
<b>Develop Definitions and Terms</b>	What language or terms are best to use or avoid when describing and talking about the MMIWR crisis?	✓	
	What are the appropriate trauma-informed and victim/survivor-centered language or terms to use when describing and talking about the MMIWR crisis?		✓

## Task Force Collaborations

Relationship building with community and local partners has been and continues to be something that the task force is working to improve. The simple fact that this is a state task force creates barriers to reaching tribal communities and establishing partnerships. Despite these challenges, the task force developed data collection tools with guidance from community partners who advised the task force.

In addition to building relationships with local organizations, the task force partnered with local research groups, law students, community members and experts who served on the Stakeholder Advisory Committee. Moreover, the work of the task force would not be possible without the guidance and support of our communities. It is clear there is much work remaining to be even more inclusive and to ensure that we expand our reach and elevate voices that are often left out.

## Introduction / Section I Notes

1. Ronet Bachman, *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*, National Institute of Justice (Jan. 2009) <https://nij.ojp.gov/library/publications/violence-against-american-indian-and-alaska-native-women-and-criminal-justice>.
2. Kimberly R. Huyser, *Missing and Murdered Indigenous Women & Girls A Briefing Report*, Native American Budget Policy Institute, Center for Social Policy (June 2019) <https://nabpi.unm.edu/assets/documents/mmiwg-briefing-paper.pdf>.
3. *Id.*
4. Annita Lucchesi, *Missing and Murdered Indigenous Women & Girls- A snapshot of data from 71 cities in the United States*, Urban Indian Health Institute (Nov. 2018) <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>.

## SECTION II

### Background/Contextual Considerations for Indian Country

The crisis of Missing and Murdered Indigenous Women and Relatives is not new. While much attention has been focused on this crisis in recent years, most considerations fail to connect the current acts of violence to those that have occurred throughout this nation's history. Women and children have always been at the center of violence between tribal nations and foreign governments. Indigenous Peoples have endured through the various stages of United States' federal Indian policies, which began with nation-to-nation treaty negotiations, recognizing tribes as sovereign nations. However, throughout history at each era of federal Indian policy, tribal sovereignty – the ability to self-govern – was diminished by laws and policies of the federal government. In many instances, each era of federal Indian policy cost tribes in the United States their land, culture, children and language.

Tribes across the United States have fought to preserve their way of life. Still today, external threats target Indigenous values, culture, identity and relationships. Moreover, many tribal people are coping with layers of trauma resulting from this painful history, which most of our society fails to understand or acknowledge. The federal government, which has a trust responsibility with tribes based on this historical relationship, is failing to meet its treaty obligations of providing health care, education, public safety, housing and rural development to tribes.

The unmet needs and failures of our government are still very evident today. This is especially true when it comes to the well-being and safety of Native women, children and relatives. The effort by our government to address the brutality and wrongs of the past is minimal and fails to meet the glaring inequities that exist today. For instance, the U.S. Commission on Civil Rights reported<sup>5</sup> that in 2009, the BIA found that then-current funding met only 42 percent of need for law enforcement personnel in Indian Country. Moreover, Federal Indian Law and policies have created a jurisdictional maze that limits tribal courts from being able to prosecute non-Indians and, in some cases, tribal members who violate tribal laws.



## New Mexico Tribes

New Mexico is home to 23 sovereign nations – 19 Pueblos and four Tribes – each with its own land base bordering either state or federal lands. In addition to our sovereign nations, the state also has a mixture of different communities that include urban population hubs and border towns, and much of our state is rural. Each of these areas is unique. Each has its own history, race relations, political dynamics and jurisdiction.

When law enforcement is asked to respond about a possible missing or murdered person, sometimes confusion may arise about which agency should respond, depending on jurisdiction, especially when jurisdiction is not clear – for instance, in areas

of the state where land status varies mile to mile. Different land holdings across New Mexico impact law enforcement response time, investigation and prosecution. These issues become further complicated in certain areas of the state where tribal lands adjoin towns and cities. In some cases, good working relationships between law enforcement agencies minimizes these challenges; while this is the goal, it is not the reality across the state.

Checkerboarded lands across the state impact law enforcement response. This is especially true when the relationship with surrounding jurisdictions is strained, making collaboration and coordination difficult.

## Pueblo Lands in New Mexico

New Mexico has a unique history that differs greatly from any other state. Unlike other tribes across the country, the Pueblo Nations of New Mexico had their property rights recognized by Spain, Mexico and the United States. Following the ratification of the Treaty of Guadalupe Hidalgo, which ceded New Mexico and Arizona to the United States, uncertainty remained about whether Pueblo lands were considered a part of Indian Country. Following conflicting court rulings over the applicability of the Non-Intercourse Act on the Pueblos, the court in *United States v. Sandoval*<sup>6</sup> held that Pueblos maintained a different Legislative and Executive relationship with the U.S. government because they owned their land in fee simple title, due to their previous relationship with the Spanish

government. This was a relationship that differed from tribes, whose land is held in trust by the federal government. With respect to jurisdiction, the Federal District Court has determined that when an Indian commits a crime on a parcel of land owned by a non-Indian, that crime falls within the exterior boundaries of a Pueblo and that federal jurisdiction is proper. However, when a non-Indian commits a crime in the same location, state jurisdiction is proper.<sup>7</sup> Pueblo lands include an extensive history shaped by complex case law that is unique to New Mexico. Despite a clearer picture of who has jurisdiction over crimes occurring within Pueblos, the issue of funding and resources for those responding to crimes remains.

## Navajo Lands in New Mexico

New Mexico's largest tribe is the Navajo Nation; it is also the largest land-based tribe in the United States, spanning more than 27,427 square miles across three states (Arizona, New Mexico and Utah), with more than 350,000 enrolled members.<sup>8</sup> The Nation is comprised of 110 Chapters, or local governments, within the Navajo Nation.<sup>9</sup> In New Mexico, an additional 80,000 enrolled members, reside in dependent Navajo communities, allotments and border towns.<sup>10</sup>

Another land issue, not unique to New Mexico, but particularly challenging in the state, is jurisdictional confusion associated with allotted lands. The eastern portion of the Navajo Nation is “checkerboarded,”

which means that not only are there tribal trust lands, but similar to the Pueblos, parcels of land that are privately held by individual Navajo Nation tribal members and some non-Indians.<sup>11</sup>

To decrease “jurisdictional impediments,” the Navajo Nation has chosen to form partnerships with state and county police through cross-commissioning agreements. Despite the mix of territorial boundaries, cross-commissioned officers can enforce both Navajo and state law accordingly.

## Border Towns in New Mexico

Border towns are towns and cities that are located near or adjacent to reservations, and these towns see economic gains from the neighboring Indigenous Peoples who shop there. The history of border towns typically includes racial tensions, and some towns may see increased rates of crime against Native Americans. More research must be done in this area to better inform the state about how the dynamics around border towns contribute to cases of MMIWR in the state.

Border towns are geographically located on state land where responding law enforcement is normally city and/or county agencies. Thus, jurisdiction is non-tribal. The investigation and prosecution processes follow local municipal and/or county requirements. Although jurisdiction falls on city or county law enforcement, the close proximity to tribal lands can create barriers and limit investigations. Should a witness, suspect or person of interest reside on tribal lands, law enforcement would need to engage with tribal law enforcement to complete a full investigation. The section below on the Role of Law Enforcement further details these complexities. Crimes that occur in border towns will be tracked and reported by city or county law enforcement. Therefore, it is of extreme importance that data is reported and collected accurately to fully understand the scope of MMIWR.

A critical need recognized by the task force is gathering information to understand barriers and challenges in New Mexico's border towns more

fully. Organizations that have voiced these concerns for years now must have a seat at the table to fully express their concerns and recommendations to help improve current conditions. More studies are needed to help capture the experiences and current conditions of racial issues, race relations, inequities and to identify recommendations for justice.

Although this task force did not have the ability to further develop and study the relationships of all border towns in New Mexico and MMIWR, we know that the environments that exist in these towns have long been a factor in the cases of missing and murdered relatives. This is evident when we look at the case studies of border towns summarized in this report.

The previously cited study from the Urban Indian Health Institute (UIHI) lists two border towns in New Mexico that are of particular importance due to their designation of having the highest number of MMIWG cases nationally: Gallup and Albuquerque.

Although we summarize the data we have been provided from both urban areas in the next section of this report, we highlight significant concerns about how that data is recorded and its overall accuracy due to the potential that not all cases are being documented in reporting systems.

## Tribal Crime in New Mexico

When crimes occur in Indian Country, tribes and the federal government have concurrent jurisdiction. In New Mexico, the wide variety of land ownership status, often referred to as the “checkerboard,” creates difficulties in determining whether federal, tribe or state law enforcement has jurisdiction to respond, investigate and prosecute a crime. Unfortunately, MMIWR victims suffer significantly from this jurisdictional maze.

In addition to jurisdictional complexities, limited funding creates further challenges.

According to Congressional findings, only 43 percent of the total estimated need for law enforcement officers was met as of May 6, 2019.<sup>12</sup> Consequently, Indian Country is currently under-policed by 57 percent, and jurisdictional gaps continue to perpetuate violent crime against women, children and men.

According to Navajo Nation Council Delegate Amber Crotty, the Navajo Nation only has 0.85 police

officers per 1,000 individuals living in the Nation.<sup>13</sup> Significantly, the Federal Bureau of Investigation (FBI) has reported that violent crime has fallen by 48 percent nationwide; however, the same data reflects an inverse trend on the Navajo Nation with an increase of violent crime occurring over that same period of time.<sup>14</sup> Should Congress appropriate additional funding to meet the needs of tribal justice systems and for the hiring of additional tribal law enforcement, we could see a decrease in violent crime and MMIWR; however, jurisdictional gaps may still outweigh the possibility of any significant decrease.

In some states, suspects have learned more about the types of crimes they can and cannot get away with. For example, in 2017, a non-Indian male reported himself to tribal police after beating his girlfriend. The non-Indian taunted tribal police by stating, “[you] can’t do anything to me anyway.”<sup>15</sup> Typically, when crimes occur outside the exterior boundaries of a reservation, federalism serves as the dominant theme to distinguish state and federal jurisdiction. In most cases, states have jurisdiction since federal laws are limited in scope.

## Indian Law and Criminal Jurisdiction in New Mexico

Cases involving missing and murdered Indigenous women often fall into a perfect storm of federal, tribal and state jurisdiction – often referred to as the “multi-jurisdictional maze.”



Qualitative data gathered at public task force meetings included concerns of how information and data was shared when an individual's case involved multiple jurisdictions. Jurisdictional complexities between tribal, state and federal law enforcement pose the biggest challenge in determining who has legal authority to proceed over a criminal case. Simply determining who retains jurisdiction over a crime requires a multi-faceted analysis, beginning with identifying where a crime occurred and whether a victim or perpetrator is an Indian.

The Supreme Court initially acknowledged federally recognized tribes as sovereign nations having inherent jurisdiction over everything that occurred within tribal boundaries – including criminal acts.<sup>16</sup> Over time, the federal government has diminished tribal sovereignty. Congress enacted laws that provided limited jurisdictional authority to the federal government by enacting the General Crimes Act<sup>17</sup> and Major Crimes Act.<sup>18</sup>

The passage of the Major Crimes Act by Congress, which was prompted by the case *Ex parte Crow Dog*,<sup>19</sup> allows federal jurisdiction over “major crimes” committed by Indians within Indian Country.<sup>20</sup> The seven enumerated major crimes listed are: murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny.<sup>21</sup>

Tribal governments' sovereignty was further diminished in *Oliphant v. Suquamish Indian Tribe*.<sup>22</sup> This case stated that tribal governments do not have inherent jurisdiction to prosecute non-Indians

for crimes committed on the reservation without a clear statement from Congress.<sup>23</sup> While *Oliphant* has created jurisdictional gaps that still exist today, Congress has passed legislation with hopes of reviving tribal sovereignty to prosecute crimes committed by non-Indians on tribal lands. Since *Oliphant*, Congress has responded legislatively by enacting the Tribal Law and Order Act of 2010 (“TLOA”)<sup>24</sup> and Violence Against Women Act of 2013 (“VAWA”).<sup>25</sup>

More recently, after much work and support from Congressional legislators from both sides of the aisle, President Trump signed both Savanna's Act and the Not Invisible Act into law on October 10, 2020.<sup>26</sup> Savanna's Act is dedicated to improving coordination among law enforcement agencies and allows tribal agencies to access law enforcement databases to help solve cases involving MMIWR. The Not Invisible Act is dedicated to improving coordination among federal agencies by establishing a tribal and federal stakeholder commission to address and recommend solutions to the Department of Interior and Department of Justice (USDOJ) on how to combat the MMIWR crisis. Currently, no national database or collaboration exists between federal agencies to track the MMIWR cases.

## The Role of Law Enforcement

In New Mexico, multiple governments exercise jurisdiction over criminal conduct in Indian Country, including tribes, the state and the federal government. As discussed earlier, jurisdiction depends on the type of criminal conduct alleged and the Indian or non-Indian status of the alleged perpetrator and victim. This complex maze of jurisdiction often slows and hampers an effective response to the MMIWR crisis. Commission agreements, cross-commissions and memorandums of understanding (MOU) are all tools that must be explored and implemented across the state to more effectively respond to criminal conduct that occurs in areas where jurisdiction is unclear and results in a delayed police response.

There are three possible avenues for commissioning tribal law enforcement. Commissions may occur by a county sheriff's grant of their traditional authority, by the Mutual Aid Act or by following the requirements under NMSA § 29-1-11 (2005). Under the historic authority of a county sheriff, formal commission agreements, minimum training certification and articulation of the division of liability between the sheriff and the tribe is not required. Commissioning may also occur under the Mutual Aid Act, which authorizes state law enforcement agencies to enter into mutual aid agreements<sup>27</sup> with tribes when "assistance from city and county law enforcement agencies [is necessary] to enforce . . . regulations."<sup>28</sup> These written agreements must be approved by the state agency, tribe and the Governor of New Mexico.<sup>29</sup> Finally, commissioning may also occur by following

the requirements under NMSA § 29-1-11 (2005).

Under this statute, formal commission agreements require tribes to submit public liability and property damage insurance for vehicles and professional liability insurance from a company licensed to sell insurance in the state. In addition, tribes are required to complete 400 hours of basic police training and maintain certification requirements.

Agreements between state and tribal law enforcement are limited by the cost of required insurance, agreeing to the scope of the commission, the area that the agreement will apply, required procedures for determining how off-reservation and on-reservation pursuits will be handled, supervising authority and questions of waivers of sovereign immunity. Additionally, the ever-changing nature of tribal government where leadership may only serve one-year terms poses challenges with consistency; for instance, agreements reached can change when a new tribal leader is elected or appointed. Layered over all these considerations are the political tensions that exist in some areas of the state. Despite the New Mexico Supreme Court explicitly affirming the authority of tribal law enforcement to issue civil traffic citations to non-Indians,<sup>30</sup> non-Indian law enforcement authorities view tribal police enforcing citations on non-Indians as "a shakedown of non-native citizens."<sup>31</sup> These historic racial tensions prevent law enforcement from working cohesively to protect New Mexicans.

## Section II Notes

5. U.S. Commission on Civil Rights. Broken Promises: Continuing Federal Funding Shortfall for Native Americans, p.48 (December 2018) Available at <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.
6. 231 U.S. 28 (1913).
7. *United States v. Antonio*, 936 F.3d 1117 (10th Cir. 2019) (determining offense occurred in Indian Country, so that jurisdiction was proper).
8. *Missing and Murdered: Confronting the Silent Crisis in Indian Country: Hearing Before the U.S. Senate Committee on Indian Affairs Oversight Hearing* (2018) (statement of Honorable Amber Kanazbah Crotty 23rd Navajo Nation Council Delegate).
9. *Id.*
10. *Id.*
11. Paul Spruhan, *Standard Clauses in State-Tribal Agreements: The Navajo Nation Experience*, 47 TULSA L. REV. 503 (2012).
12. Tribal Law and Order Reauthorization and Amendments Act of 2019, S.210, 116th Cong. (1st Sess. 2019).
13. *Missing and Murdered: Confronting the Silent Crisis in Indian Country: Hearing Before Senate Committee on Indian Affairs*, 115th Cong. (2018) (statement of Honorable Amber K. Crotty, 23rd Navajo Nation Council).
14. *Id.*
15. Angela Riley, *Crime and Governance in Indian Country*, 63 UCLA L. Rev. 1564, 1603 (2016).
16. *Id.*
17. 18 U.S.C. §1152.
18. 18 U.S.C. §1153.
19. 109 U.S. 556 (1883).
20. *Supra* at note 18.
21. *Id.*
22. 435 U.S. 191 (1978).
23. *Id.*
24. Pub. L. No. 111-211, 124 Stat. 2258 (2010).
25. Pub. L. No. 113-4, 127 Stat. 54 (2013).
26. A fuller discussion of these two acts is available here: [https://indianlaw.org/swsn/savanna\\_not\\_invisible\\_laws](https://indianlaw.org/swsn/savanna_not_invisible_laws)
27. Office of the Attorney General, N.M.A.G. Op. No. 87-48 (Aug. 24, 1987).
28. NMSA § 29-8-3 (1971).
29. *Id.* See also *Loya*, 2015-NMSC-017, 24.
30. *Loya v. Gutierrez*, 2015-NMSC-017, 5 (citing *Duro v. Reina*, 495 U.S. 676, 696–97, 110 S.Ct. 2053, 109 L.Ed.2d 693 (1990));
31. *Sheriff Challenges Tribal Police: James Lujan believes non-natives are being ‘shaken down’ on State Road 68 and U.S. 84/285*, Barron Jones and Wheeler Cowperthwaite, Rio Grande Sun, August 27, 2015, [http://www.riograndesun.com/news/sheriff-challenges-tribal-police/article\\_ba00fad7-aba1-5fa2-81fe-fa56a20391d8.html](http://www.riograndesun.com/news/sheriff-challenges-tribal-police/article_ba00fad7-aba1-5fa2-81fe-fa56a20391d8.html) (last accessed Nov. 22, 2020).

## SECTION III • PRELIMINARY RESULTS FROM DATA ANALYSIS

### MMIWR Task Force Data Findings from IPRA/FOIA Requests and Data Collection Procedures

To conduct data and research analysis, the task force utilized several approaches to be as comprehensive as possible in our effort to better understand MMIWR issues in New Mexico. The task force's first approach was to gather data from state law enforcement agencies through aggregate data compilation. The data collection process started with Inspection of Public Records Act (IPRA) and Freedom of Information Act (FOIA) requests to gather data by race and ethnicity on missing persons, homicides, suspicious deaths and deaths in custody in the State of New Mexico and within local law enforcement. The task force focused on New Mexico counties with tribal lands and/or counties that had greater than 4 percent of the population who identified as American Indian or Alaska Native (AI/AN) alone, according to 2010 Census data from the American Community Survey. Each request made by the task force asked for:

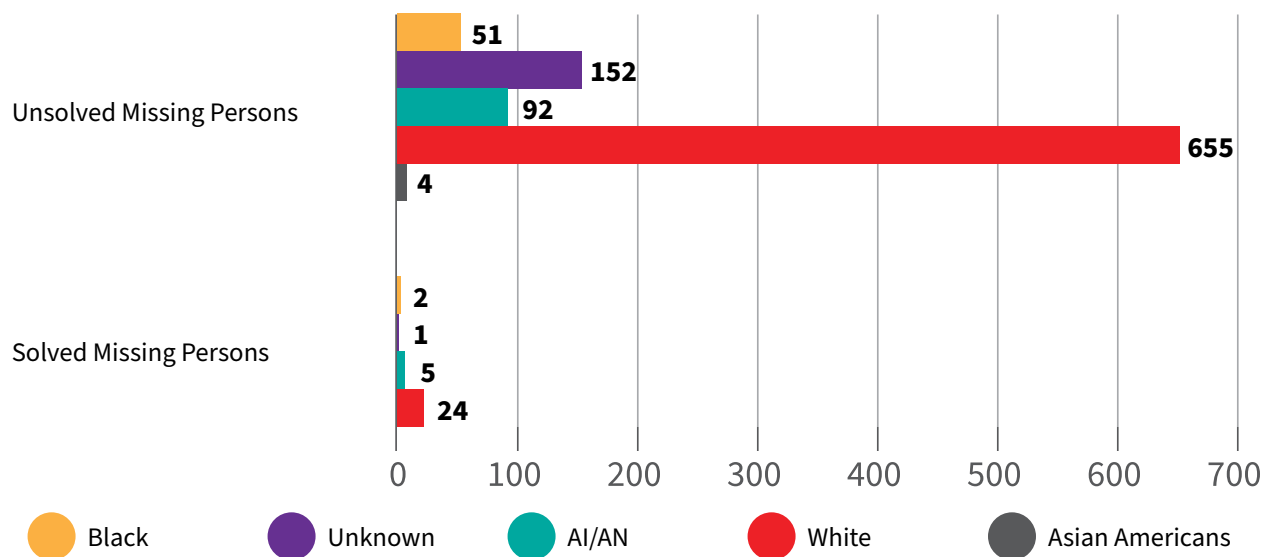
- Department or agency policies and guidelines for handling incidents or cases of missing persons, homicides and/or suspicious deaths.
- Blank copies of incident report forms and incident intake forms to help our team understand how this data is compiled and tracked by agencies.
- Data counts from 2014-2019 of solved and unsolved cases of missing persons, homicides, suspicious deaths and deaths in custody. This included a request for detailed information including race, ethnicity and sex, if identified in the report or data set.

The requests were submitted on March 30, 2020, with requests sent to 23 agencies throughout the state. To date, the task force has received responses from 20 of the 23 agencies. Unfortunately, the dominant response by law enforcement agencies was that the request was “excessively burdensome or broad” or that the agency was unable to create the report. This obviously has limited our ability to come to any broad conclusions drawn from all agencies in the state.

- Eight of the agencies provided the task force with their policies and procedures. Agencies that were contacted are represented in Table 2 in Appendix E.
- Ten agencies were able to provide aggregate numbers based on our request, however not all data could be analyzed based on how the data was collected by the agency.

- Two county law enforcement agencies (McKinley County and San Juan County) provided detailed information that the task force was able to analyze and compare for this report. The characteristics from San Juan and McKinley counties are not representative of the state trends. However, they provide some insight to the trends and frequency of case types.
- We have also received data from three municipal police departments – Gallup, Farmington and Albuquerque – which are included in our report.
- Only one county law enforcement agency (McKinley County) provided data on unattended/attended death and suicide case characteristics.

Figure 1: Missing Persons Cases from New Mexico Person Clearing House (Year 2014 – 2019)



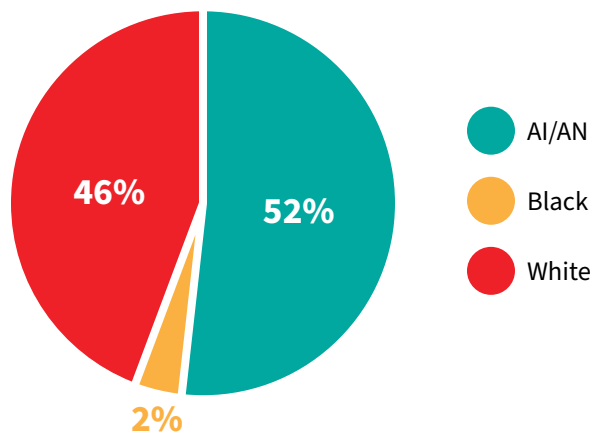
As presented in Figure 1, the New Mexico Missing Persons Information Clearinghouse (2014-2019) has reported 986 missing person cases from 2014-2019. Of this total, only 32 cases (3%) were classified as solved and 954 cases were unsolved (97%). When we look at the missing persons cases by race, we see important racial inequalities across New Mexico. For example, among the total solved cases in the state during this period, 75% were white (24 cases), 16% were American Indian/Alaskan Native (5 cases), 6% were Black/African American (2 cases) and 3% were unknown (1 case). Twenty-three of the solved missing cases were male (72%) and nine were female (28%).

Of the much larger number of unsolved cases, 655 (69%) of unsolved cases were white, 92 or 9.5% are American Indian/Alaskan Native, and 51 (5.3%) are Black/African American. A large number of missing cases (152 cases) are unknown in regard to their race, which reflects roughly 16% of all cases. This could mean that the percentage of Native American missing cases is larger than the data for this period reflects.

The percentage of unsolved cases is therefore likely higher for Native American residents of New Mexico than their overall share of the population in the state. Reinforcing the task force’s decision to focus not just on women in the efforts to identify missing persons, among the 954 unsolved missing person cases, 508 were male (53%) and 446 were female (47%).

As presented in Figure 2, “Missing Persons by Race Among Two NM Counties,” the data from McKinley County and San Juan County suggest that inequalities facing Native Americans are much greater when we look deeper than the state’s overall data. More specifically, across these two counties, overall half (52%) of the cases were from American Indian/Native American, 46% were white and 2% were Black/African American.<sup>32</sup> As of October 23, 2020, there are 38 American Indian/Alaska Native reported cases from New Mexico published in the National Missing and Unidentified Persons System (NamUs), representing seven different counties.<sup>33</sup> According to this report, San Juan County has the highest number of missing persons cases reported.

Figure 2: Missing Persons by Race in Two NM Counties (Year 2014 – 2019)



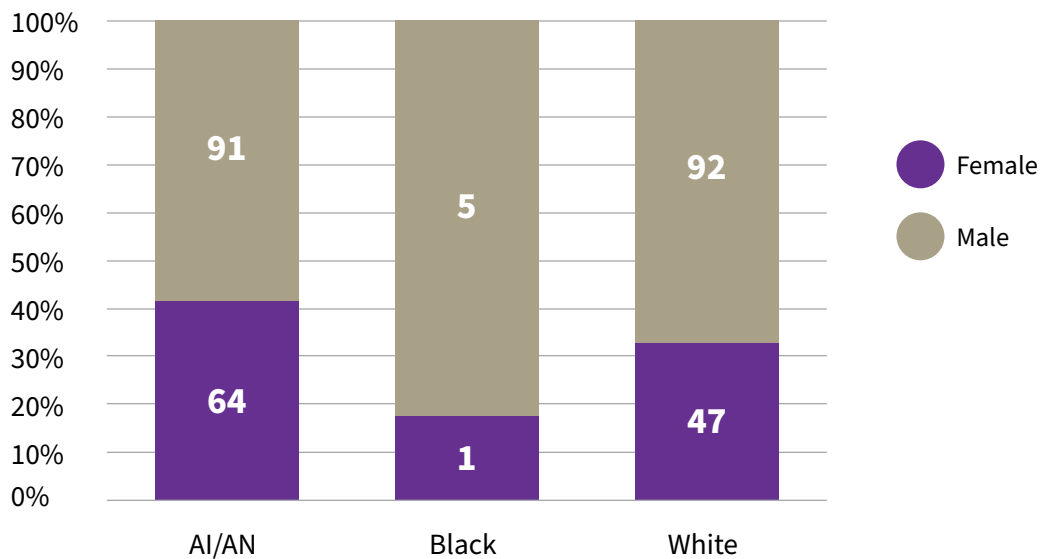
The age breakdown for these two counties is presented in Table 3 below. Consistent with the data presented in Table 1, female missing persons were younger than male missing persons in these two specific counties. Also, American Indian/Alaskan Native missing persons tend to be younger than missing persons from other racial and ethnic groups. More specifically, the median age for Native American females in McKinley County and San Juan County indicates that half of all missing Native American women are younger than 27 years of age.

Table 3: Age Characteristics of Missing Persons in Two New Mexico Counties (Year 2014 – 2019)

	All Persons	Male	Female	White		AI/AN		Black	
				Male	Female	Male	Female	Male	Female
Age									
Mean	32.59	35.38	28.12	35.27	31.64	37.67	26.7	22.8	64
Median	28	30	24	30	30	33	20	14	64
Mode	15	16	15	23	15	16	15	14	64
N	315	194	121	92	47	90	63	5	1

Figure 3 below presents the missing person cases by race and sex in McKinley County and San Juan County. This intersectional approach helps clarify the combined effect of race and gender in these two specific counties. Among American Indian/Alaskan Native cases, 41.3% of the cases were identified as female, compared to 16.7% of Black/African American who were identified as female, and 33.8% of white cases. It is therefore clear that for Native Americans, women are more likely to be missing than men when we compare race and gender to other communities in these counties.

Table 3: Age Characteristics of Missing Persons in Two New Mexico Counties (Year 2014 – 2019)



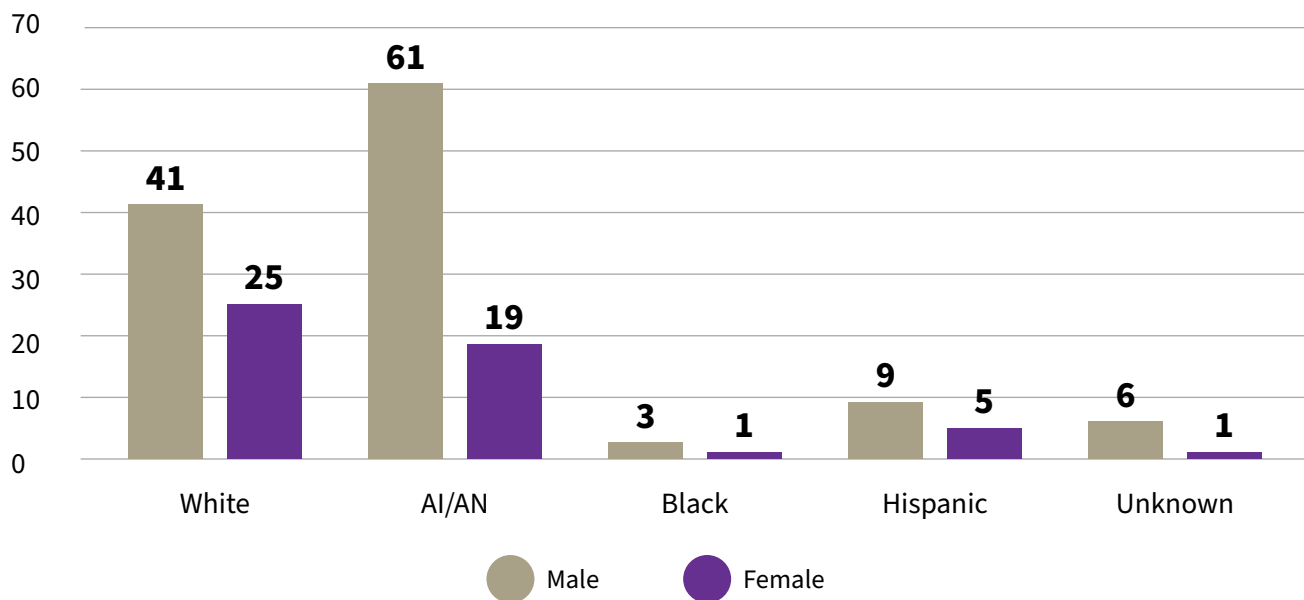
Only one county provided the task force with characteristics of the unattended/attended death and suicide cases. Table 4 and Figure 4 below present the trends from McKinley County. It must be noted that this data is obviously not representative of cases in New Mexico.<sup>34</sup> Table 4 identifies that American Indian/Alaskan Native unattended/attended death and suicide cases are among younger individuals than the rest of the population in that county.

Approximately 45% of the unattended/attended death and suicide cases are AI/AN. Among the AI/AN cases, 23.8% were female. Approximately 7% of the unattended/attended death and suicide cases were unknown race, sex and age.

Table 4: Age Characteristics of Unattended/Attended Death & Suicide Cases in McKinley County (Year 2014 – 2019)

Age	All Persons	Male	Female	White		AI/AN		Black		Hispanic	
				Male	Female	Male	Female	Male	Female	Male	Female
Mean	52.37	52.17	52.84	63.40	66.28	45.41	40.63	41	38	46.89	35
Median	55	55	61	64	69	41	32	38	38	57	30
Mode	30	30	66	77	66	30	26	26	38	14	23
N	165	115	50	41	25	59	19	3	1	9	5

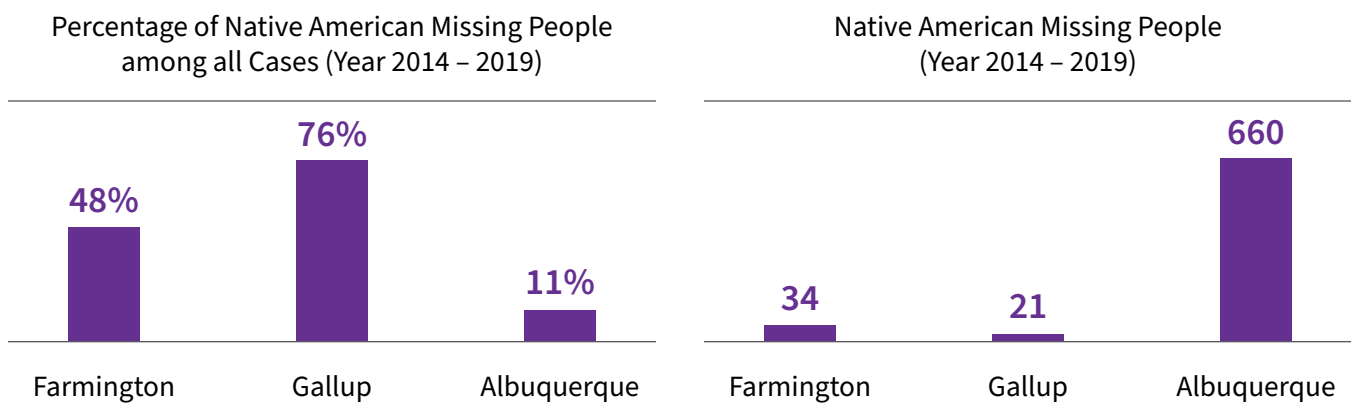
Figure 4: Unattended/Attended Death and Suicide Cases by Race & Sex in McKinley County





## Analysis of Police Department Data

We requested data from police departments across the state and were successful in obtaining data from three police departments: Farmington Police Department, Gallup Police Department and Albuquerque Police Department. When we analyze all three departments collectively, we find that Native Americans are highly over-represented among missing persons in Farmington and Gallup, but not in the major urban core of Albuquerque, where their representation of missing person cases is roughly equivalent to their share of the overall population. However, given the high population in Albuquerque, the raw number of Native American people missing during these five years is much higher than in the other two cities combined. The results of our analysis of the data for each specific police department are below. Women were more likely to be missing among Native American in Gallup and Farmington, but not in Albuquerque.



### Farmington Police Department

Farmington Police Department pulled data from its records management system for 2014-2019. The data shows a total of seventy-three (73) missing persons during this five-year period. Nearly half of the cases were Native American (48.5%), and 66% of the Native American cases were missing females. The Farmington Police Department has had high levels of success in solving those missing person cases, with 70 of 73 being resolved in 2014-2019. Of the three missing person cases that are still active, one is a Native American male.

The Farmington Police Department also provided its homicide data, which shows 17 homicides during this period. Of the solved homicide cases (14 of 17 total), Native Americans represent 43% of cases. All three of the active homicide cases are Native American males.

## Gallup Police Department

The City of Gallup's Police Department also provided data that we were able to include in our report. This is a key city for our analysis, as it represents a border town whose overall population is just over 44% Native American. According to the Gallup Police Department's missing person cases report from 2014-2019, there were 675 missing persons, 53% of whom were women. When we analyze the missing person cases by race, we find that Native Americans comprise a robust 76% of all of the missing person cases in Gallup over this five-year period. The high proportion of Native Americans among the missing person cases is consistent across all years in our analysis.

The Gallup police department data indicates that in 2014-2019, there were 15 homicide cases in Gallup; among those 15 cases, 13 were Native American. This means a robust 87% of all homicide cases in Gallup during this period were Native American.

## Albuquerque Police Department

The City of Albuquerque's Police Department provided data categorized by race and ethnicity. The number of reported missing persons is indicated in the chart below. The agency is in Albuquerque, an urban center that houses one of largest urban tribal populations in the United States. The agency data indicates that between the years 2014-2019, there were 6,280 missing people in the state's largest city. When we analyze the missing cases by race and ethnicity, Native Americans represent 10.5% of cases. This is a considerably smaller ratio than Native American representation in missing cases in Farmington and Gallup. Of the total Native American missing persons (660), 287 missing cases are women,

which represents 43% of all Native American missing persons over this period. The higher proportion of men among Native American missing persons (57%) supports the goal of the task force to include men in the focus of the work. In 2019, the agency reported 145 new cases, 63 of which were women.

The Albuquerque Police Department also provided our team with data on murdered persons in 2018-2019. There were nine Native Americans who were murdered over this time period whose cases were solved; eight of those nine victims were men. There were five unsolved murder cases between 2018-19 and 80% of those cases were males.

**Missing American Indian and Alaska Native Women and Men (Albuquerque Police Department)**

	2014	2015	2016	2017	2018	2019	Total
<b>Female</b>	46	47	45	58	28	63	287
<b>Male</b>	57	63	65	67	39	82	373

## Limitations and Concerns with Data Quality and Accuracy

Although we believe that the data analysis provided in this report identifies some important findings that can help the task force devise recommendations for interventions, it is important to note the data limitations and challenges we have faced. Most importantly, our data is restricted to jurisdictions that had the capacity to respond to our request and that collected data by race and ethnicity. Given that the majority of entities we requested information from noted that the data we have asked for was beyond their current capacity, with others responding that they unfortunately do not have data that would allow for Native American individuals to be pulled out of the larger database, one of our major recommendations is to push entities to improve their data collection efforts. This is consistent with NABPI's prior brief on MMIWR, which included the need for more and better data collection to allow researchers to identify more clear patterns to inform policy recommendations.<sup>35</sup>

The task force had also intended to include the extent to which Native American men and women have homicide rates higher than other racial and ethnic groups in New Mexico. However, we were not able to acquire the race or age for the majority of the 71 homicides that were reported by the law enforcement agencies that responded to our request for information from 2014 to 2019.

Finally, there are significant discrepancies in the reported number of missing persons across the data sets that we were able to access. For example, the data from NamUs does not align with the data compiled by the state's Missing Persons Information Clearinghouse. NamUs reported 38 total cases for the entire state, with 4 cases reported in Bernalillo County (including Albuquerque) as of October 23, 2020. This statewide total is lower than the 44 cases in Albuquerque alone that the Missing Persons Information Clearinghouse reported as of November 12, 2020. These totals are also much lower than data from the City of Albuquerque, which shows 63 new cases of missing American Indian and Alaska Native Women and 82 Native American men in 2019 (the data does not indicate how many of these cases were resolved). The task force will continue its efforts to identify areas in which data can be collected more uniformly and accurately. The task force also recognizes that there are individuals and cases not yet identified as a missing person or murder case in data counts and tracking systems. In our public meetings, we heard repeated testimonies from families and advocates on behalf of their loved ones who are either missing or murdered but have yet to be entered into data systems. We acknowledge that the data provided here does not account for those persons whose cases have not been investigated and handled justly so that they may be counted as a missing person or murder case.

## Jurisdiction Challenges in the Process of Classifying and Investigating Missing Persons

At its meeting in February 2020, the task force brought together law enforcement from all parts of the state. The task force heard from the Navajo Nation Police Department, the Navajo Nation Criminal Investigations Department, the Gallup Police Department, the Southern Pueblo Agency for the Bureau of Indian Affairs, and tribal law enforcement for the Pueblo of Isleta.

During the discussion, law enforcement officers reported that no matter where a person goes missing, they will always take a report and input it into the National Crime Information Center (NCIC). With respect to investigating the missing person case, the response from law enforcement varied. While law enforcement can report missing persons regardless of jurisdiction, where the person went missing impacts who can investigate the case. For instance, if someone went missing on the Navajo Nation and the family made the report in Gallup, the Gallup Police Department should take that report and input the missing person into the NCIC. While the Gallup Police Department cannot send officers to the Navajo Nation to investigate the case, they can contact the Navajo Nation Police and provide them with the information that they have collected.

Law enforcement barriers discussed at this meeting included staffing and not having enough workforce to complete investigations.

In addition to the lack of resources, reporting can pose challenges because the NCIC's forms do not have dedicated fields requiring tribal affiliation to be entered into a missing person report.

Moreover, law enforcement may not be trained to appreciate the significance of each reporting field and the impact that each field has on the state's collective data; this is especially significant when it comes to Native Americans, who have a smaller population and often get misclassified or are merged into an ambiguous "other" category.

## NM Missing Persons Clearinghouse & Missing Person Alerts

The New Mexico Department of Public Safety is statutorily mandated (NMSA § 29-15-3) to manage the New Mexico Missing Persons Clearinghouse. The sole purpose of the clearinghouse is to serve as a statistical repository for all missing persons. In addition, the clearinghouse must collect, process, maintain and disseminate records on missing persons. The clearinghouse also provides training to law enforcement agencies and supports families by serving as a liaison between law enforcement and families. In addition, it helps families access resources such as therapy and counseling.

The Missing Persons Clearinghouse also manages the state's Amber Alert system. The system notifies and disseminates information as rapidly as possible about a child abduction so that law enforcement, agencies and citizens are made aware when a child under the age of 18 is reported to have been abducted, is in imminent danger, and there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction. The procedures for initiating an Amber alert pursuant to the Amber Alert Law are available to all law enforcement agencies in New Mexico.

### Amber Alert Procedure:

1. Immediately request entry into the NCIC and NM's Missing Persons Clearinghouse.
2. Notify the requester of Amber Alert System.
3. The authorized requester (State Police) will determine if the request meets stringent criteria. Based on this, an Amber Alert may or may not be approved.
4. Amber Alert is sent out region-wide following existing protocol.

### Other missing person alerts that community members and law enforcement must be aware of:

- Silver Alerts are issued when an individual is over the age of 50 and presents clear indications of irreversible deterioration of intellectual faculties (Alzheimer's, dementia, other degenerative brain disorder or brain injury).
- Brittany Alerts are issued when someone is missing and has a clear indication of a developmental disability and there is concern that a person's health or safety is at risk.
- Missing Persons Alerts are issued for endangered persons. They are triggered when someone is missing and there is a potential of foul play, sexual exploitation, a life-threatening situation, absence from the home for 24 hours or the missing person was with others who are considered dangerous.

To assist in the effort to locate and identify missing and unidentified persons in the state, the Department of Public Safety is now required under House Bill 16 (2019) to share all information in its missing persons information clearinghouse with the National Missing and Unidentified Persons System (NamUs). This database was created by the United States Department of Justice's National Institute of Justice. In addition, pursuant to the 2019 amendments to the Missing Persons Information and Reporting Act, public notice is now required when a "silver alert" has been issued.

The NamUs database offers law enforcement agencies, medical examiners, coroners, family members and victim advocates powerful tools for reporting and resolving missing and unidentified persons cases. The task force learned from the Missing Person Clearinghouse that in response

to House Bill 16, they have been working with NamUs to integrate New Mexico's data system of missing persons into the NamUs database. NamUs and New Mexico now have an agreement that any information supplemented into the NamUs database will be shared with New Mexico's Missing Persons Clearinghouse.

It is critical that all missing persons in the state are included in the NamUs database;

NamUs can match individuals with other states' reports of unidentified remains and can help provide closure to many families who are still seeking lost loved ones. For this same reason, no matter how long it has been since a family member may have gone missing, it is never too late to make a report to the Missing Persons Clearinghouse.

## Human Trafficking

For centuries and throughout colonization, the trafficking of Indigenous Peoples has taken place, resulting in intergenerational trauma and the many issues that follow, which are felt by Native communities today. A community member from the Navajo Nation made a statement at a public meeting of the task force in Gallup (December 2019) about the history of trafficking:



*"This has been happening since our people were incarcerated in Ft. Sumner. The cavalry used to steal the Navajo women. On the trail (long walk) they murdered kids, they murdered the Navajo women."*

Participants at public meetings shared testimony about their experiences and concerns. This grounded the task force's initial gathering of qualitative data on the intersections of crime, human trafficking and MMIWR. Participants who shared their personal experiences stated that current policies can be a disservice

to Native victims and families when it comes to jurisdiction, impeding investigation and prosecution. Tribal communities must create policies that address the crime of sex trafficking, even VAWA jurisdiction does not include sex trafficking as a crime that can be prosecuted.

According to the Attorney General’s Human Trafficking Task Force, human trafficking often occurs in plain sight. Traffickers use public services and can rely on the transportation industry to recruit, move and control their victims. New Mexico has two major interstate roads – Interstate 40, a west-east corridor, and Interstate 25, a south-north corridor. These trucking routes have several stops on Indian lands and communities at gas stations, casino and hotel properties. The National Drug Intelligence Center notes that practically every highway and interstate in the United States is used for trafficking and transporting drugs from distribution centers. In February 2020, Jana Pfeiffer from the New Mexico Attorney General’s Office, Special Investigations Division, Human Trafficking Unit, presented to the task force and noted “When you have a casino, you

definitely have activity that’s going to be coming from outside of your community that’s going to be coming onto Indian land.”

While the task force did not host a public meeting specific to human trafficking, it was continuously identified as a contributing issue to and factor within MMIWR. The task force recognizes a need for prevention and treatment services that include human trafficking.

Lack of missing persons data that includes Indigenous women in New Mexico is problematic. Future studies, data gathering and policy development must include trafficking crimes.

## Homicide and Violence Case Findings

Indigenous Peoples experience violence at rates higher than the national average. According to the Bureau of Justice Statistics (2003), the average annual number of violent victimizations for Native Americans was 214 violent crimes per 1,000 persons, which was more than four times the national average (50 per 1,000 persons).

In New Mexico, homicide is the leading cause of death among children ages 10-14; it is also the third-leading cause of death among teens and adults 15-34 years of age.<sup>36</sup> Homicide, or death caused by intentional assault, is a crisis among Native Americans in the state of New Mexico. Recorded homicide trends from 1999 to 2017 demonstrate that Native Americans in the state have been subjected to elevated rates of violence and premature death for decades.<sup>37</sup> Between 2013 and 2017, Native Americans had significantly higher homicide rates compared to Hispanics and whites.<sup>38</sup> Native Americans between the ages 25-34 are victims of homicide at a rate of 26.6 per 100,000, doubling that of their Hispanic (15.9 per 100,000) and white (10.2 per 100,000) counterparts.<sup>39</sup>

Native American women in New Mexico have the highest rate of homicide among all racial and ethnic groups.

Native American women experienced a rate of 6.1 per 100,000, compared to Hispanics (3.9 per 100,000) and whites (2.5 per 100,000). Females in the state are most likely to be murdered with a firearm or sharp instrument.

### Racial Misclassification of Homicide Data

The racial misclassification of Native Americans may impact injury and homicide data and often skews the numbers, resulting in an undercount of actual murders.<sup>40</sup> Native Americans are often classified as Hispanic or “other,” depending on where the homicide takes place and on the law enforcement agencies that handle the crime.

The Hispanic surnames of Native Americans in the state make this plausible and raise questions regarding classification procedures that law enforcement implements.

The racial misclassification of Native Americans in New Mexico may impact numbers by presenting a reduced number of actual crimes committed against Indigenous Peoples in the state.

### Justice for Violent Crimes and Murder on Tribal Lands

At each stage, the successful investigation, prosecution and sentencing of violent perpetrators who commit violent crimes on tribal lands requires flawless coordination and communication between tribal police, tribal detectives, federal officers and in some situations, state law enforcement. Moreover, rapid response, efficient collection of evidence and witness testimony, along with proper documentation and proper chain of custody all must be executed perfectly to guarantee a case will be accepted for prosecution by the United States Attorney’s Office (USAO).



As mentioned earlier in this report, the ability of tribes to incarcerate, charge and sentence violent perpetrators who commit acts of violence on tribal lands is severely impacted by the history of criminal jurisdiction in Indian Country. Jurisdictional limitations placed on tribes limit the ability to prosecute and sentence Indians and non-Indians. Since tribes are unable to prosecute non-Indians for crimes committed in Indian Country, this places a significant burden on federal law enforcement to pursue non-Indian prosecutions. Major crimes<sup>41</sup> that occur on tribal lands are also prosecuted federally. However, the federal government may decline cases that are submitted for federal prosecution. A federal declination means that the United States Attorney declines to prosecute a case. This results in a full dismissal, resulting in no justice for that survivor, family or community. After a case is declined, it will be sent back to the tribe to be prosecuted under tribal law, assuming that the tribe has a law in place that addresses the specific offenses.

While a tribe retains control over the case, limitations may impede the tribe's ability to prosecute the case. Depending on the tribe or pueblo, a lack of resources available to dedicate to a single case can hinder prosecution, as can time limitations. Tribes may not have enough time to file charges due to statute of limitations issues; in cases where the United States Department of Justice declined a case, the tribe may have little time remaining to prepare a case for trial in tribal court. Each one of these circumstances impacts the ability of survivors, families and communities to receive justice.

### **FBI Reasons for Declining a Case**

The 2017 U.S. Department of Justice (USDOJ): Indian Country Investigations and Prosecutions Report noted that approximately 79.5% (1,511 out of 1,900) of the Indian Country criminal investigations opened by the FBI were referred for prosecution.<sup>42</sup> The FBI closed 699 Indian Country investigations; 21% of them were closed because the case “did not meet statutory definitions of a crime or USAO prosecution guidelines.”<sup>43</sup> Reasons for the non-prosecutions were due to lack of evidence that a crime was committed, and because the deaths being investigated were a result of an “accident, suicide, or natural causes (i.e., non-homicides).”<sup>44</sup> This is also consistent with the reason why 84% (141 out 167) of the death investigations were closed by the FBI in 2017.<sup>45</sup> In 2017, 37% (891) of all (2,390) Indian Country matters resolved were declined.

The most common reason the USAOs declined to take a case was insufficient evidence.<sup>46</sup>

## USAO Reasons for Declining a Case

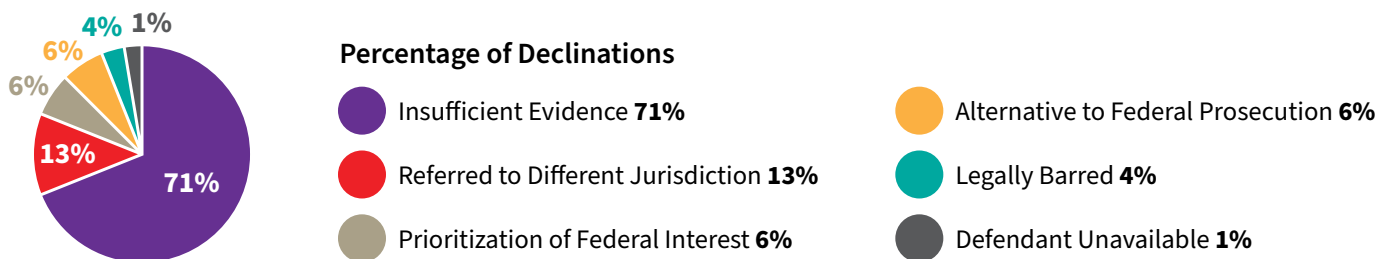
The United States Attorney’s Office (USAO) prosecutes crimes in Indian Country that are included in the General Crimes Act and the Major Crimes Act.<sup>47</sup> There are two primary reasons why the U.S. Attorney’s Office decides not to take a case: an immediate declination and a later declination.<sup>48</sup> An immediate declination is when the USAO does “not open a file on a referral and does not pursue prosecution of the referral.” Examples of the types of cases that are immediately declined:

- A crime that was thought to have been committed on Indian lands, which upon further examination, turned out to have been committed on state land. The state – not the Federal Government – would have jurisdiction to prosecute.
- A crime that involves a Native American victim and defendant but that does not violate the Major Crimes Act. The tribal court would have exclusive jurisdiction to prosecute in this instance.
- A crime committed on tribal lands that involves two non-Indians. In this case, the state ordinarily would have exclusive jurisdiction to prosecute.<sup>50</sup>

Other examples of immediately declined cases include sexual assault referrals, such as if Native juveniles are involved and the assault occurred in Indian Country.<sup>51</sup> The reason for this is because the USDOJ believes that tribal systems have the resources to deal with the case more effectively than the federal government.<sup>52</sup>

Later declinations occur when the “USAO opens a file on the referral, conducts a more significant amount of work on the matter, but ultimately does not pursue prosecution of the referral.”<sup>53</sup> Both types of declinations must be entered into CaseView, the OUSA’s case management system.<sup>54</sup> CaseView allows the person inputting the data to choose from six reasons when recording a declination.<sup>55</sup>

2017 US DOJ Indian Country Investigations and Prosecutions Executive Summary<sup>56</sup>



Categories for declining a case include: (1) Legally Barred; (2) Defendant Unavailable; (3) Matter Referred to Another Jurisdiction; (4) Alternative to Federal Prosecution Appropriate; and (5) Prioritization of Federal Resources and Interests.<sup>57</sup> The chart above shows that a large percentage of cases (71%) are declined due to insufficient evidence.

## The United States Attorney's Office District of New Mexico

The USAO's main office is in Albuquerque with branches in Las Cruces and Santa Fe. The District of New Mexico Office has a Victim-Witness Assistance Unit that supports and assists victims and witnesses by providing court proceeding information, case status, crisis intervention, access to other federal services and financial assistance with travel and lodging for witnesses in a case.<sup>58</sup> It also offers a Public Safety in Indian Country program, which focuses on the "prosecution of violent crime and the reduction of violence against women and children."<sup>59</sup>

Some of the more recent efforts of the USAO-NM include appointing both a Special Assistant United States Attorney (SAUSA) and a Missing and Murdered Indigenous Persons (MMIP) Coordinator. Both efforts may help improve investigations and prosecution by designating an expert to begin addressing the jurisdictional gaps that hamper investigations and training tribal prosecutors so they have the expertise to prosecute violent offenses that occur on tribal lands in tribal or federal court, or both.

On September 17, 2020, John C. Anderson, U.S. Attorney for the District of New Mexico, announced that the Laguna Pueblo received a \$450,000 award

through the Office of Violence Against Women (OVW) to appoint a SAUSA.<sup>60</sup> The SAUSA will be appointed by the tribe and the USAO, working collaboratively with both the USAO and tribal prosecutor's office.<sup>61</sup> The SAUSA will be trained as a federal prosecutor and will dedicate 50 percent of their time prosecuting domestic violence, dating violence, sexual assault and stalking cases.<sup>62</sup> One of their goals is to promote "higher quality investigations and better inter-governmental communication."<sup>63</sup>

On November 22, 2019, the USDOJ announced the creation of the MMIP Initiative, which invested \$1.5 million in hiring MMIP coordinators to work in the U.S. Attorney's Office in 11 states, which includes New Mexico.<sup>64</sup> Denise Billy was appointed by U.S. Attorney John Anderson to be the first MMIP Coordinator in New Mexico.<sup>65</sup> Ms. Billy's duties consist of outreach to tribal communities, assisting in creating and implementing community action plans, and coordinating with state, tribal, local and federal law enforcement to "develop protocols and procedures for responding to and addressing MMIP cases, and improve data collection as well as assist tribal partners and advocacy groups."<sup>66</sup>

## Existing Support Services and Limited Resources

Programs that provide support services are a key component in addressing the MMIWR crisis. Programs throughout the state provide an array of services such as behavioral health services, domestic violence prevention and education, sexual assault prevention and education, counseling and legal services. A list of service providers can be found in Appendix A.

The lack of dedicated funding for victim services and programs, combined with a limited understanding of the needs of MMIWR survivors and impacted family members across communities, were identified as key contributing factors that have widened the gap between the demand for services and the capabilities of existing programs to provide those services. By understanding the service gaps and unmet needs of survivors, communities may begin to develop coordinated community responses to address the needs of impacted survivors and families.

## Program Service Gaps

### HOUSING

Programmatic service gaps consist of the lack of available and accessible housing, safe houses, transitional housing and longer-term housing, along with mental health and substance abuse counseling and treatment services. Despite being in significant demand by MMIWR survivors and their families, these programs were described as being highly inaccessible and unavailable because they are either non-existent in rural communities or are always at capacity. Shelters and safe houses in urban and rural areas are not able to meet the needs for emergency shelter; the programs that do exist are frequently inappropriate for addressing the healing and safety needs of younger and older survivors. Supportive and safe long-term housing is essential to victims who are fleeing from unsafe situations and who are recovering from their victimization and trauma.

### MENTAL HEALTH AND SUBSTANCE ABUSE

Task force members and community members expressed frustration about the lack of available and accessible mental health and substance abuse treatment services. Mental health and substance abuse treatment services with improved crisis response capabilities operate at capacity, with long waiting lists for appointments. Additionally, urban and rural communities lack specialized mental health care services and mental health professionals who are trained to work with the MMIWR populations, including youth. Available and accessible mental health and substance abuse treatment services are key to ensuring the victims' safety and security and to support survivors' recovery and the healing from their victimization experiences. A testimonial from a parent who attended a public meeting of the task force commented on the lack of available services for survivors:



*“I’m hearing a lot of stories about the missing, but my daughter was missing, and one of the stories I haven’t heard is what happens when you come home. I’m sorry. My daughter came home – my daughter came home, and we didn’t bury her. That’s all you pray for. You’re not ready for*

*how they were when they come home. The one thing I found since she's been home, there's no support. It was a struggle to find her, and what we went through to bring her home, it never came up. You never hear anything about what happens after."*

## Geographic Service Gaps

Identified geographic services gaps in rural areas of New Mexico consisted of the lack of specialized medical, mental health, and legal services, limited crisis prevention, limited substance use prevention, and inadequate family shelters/housing programs. Victim service providers in rural communities experience major challenges in addressing fundamental and presenting victim needs, including safety, survival and security. Tribal law enforcement programs identified major gaps in data collection due to IT infrastructure needs and the lack of sharing of best practices when conducting investigations.

### YOUTH SERVICES

Youth key stakeholders identified several service gaps. Major service gaps include the lack of networks to support youth who experience mental health, substance use and suicidality in both rural and urban areas; these youth are at great risk for suicide and becoming MMIWR. The lack of youth-focused services that promote cultural safety, a sense of belonging and unconditional acceptance, as well as physical safety with wrap-around support services, is extremely problematic in both rural and urban communities.

### LGBQ TRANS/2S+ SERVICE GAPS

Key stakeholders from the LGBQ Trans/2S+ community identified major service gaps as the lack of advocacy services, the need for safe resources, the lack of coordination of services and the need for sensitivity training. Members expressed feeling invisible and overlooked in existing policies, legislation and advocacy, and in broader discussions about MMIWR which is, in part, due to communities' exclusive emphasis on binary views of gender. Many LGBQ Trans/2S+ community members lack access to needed health care and other services. Resources must be available and effective to allow tracking of sexual violence rates among Trans/2S LGBQ community members to continuously create opportunities to identify and address barriers and unmet needs.

## Section III Notes

32. Hispanic ethnicity was not collected in similar ways in the two counties; thus, the cases were dropped from our analysis.

33. The Missing Persons Report for NM was provided by NamUs Operations on October 26, 2020; this data reflects current cases as of October 23, 2020.

34. In this county, Hispanic identification was entered as a racial category.

35. Kimberly R. Huyser, *Missing and Murdered Indigenous Women & Girls A Briefing Report*, Native American Budget Policy Institute, Center for Social Policy (June 2019) <https://nabpi.unm.edu/assets/documents/mmiwg-briefing-paper.pdf>.

36. New Mexico Homicide Data. Retrieved November 2020 from New Mexico Department of Health, Indicator-Based Information System for Public Health Website: <http://ibis.health.state.nm.us/>

37. Native American Homicide Data. Retrieved November 2020 from New Mexico Department of Health, Indicator-Based Information System for Public Health Website: <http://ibis.health.state.nm.us/>

38. *Id.*

39. *Id.*

40. J R Sugarman, R Soderberg, *Racial misclassification of American Indians: its effect on injury rates in Oregon, 1989 through 1990*, American Journal of Public Health, 681 (1993). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1694695/?page=1> (last visited Nov. 25, 2020).

41. Murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny.

42. U.S. Department of Justice, Indian Country Investigations and Prosecutions (2017) <https://www.justice.gov/tribal/page/file/1113091/download> (last visited Nov. 18, 2020).

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. The U.S. Attorney's Office District of New Mexico, *Public Safety in Indian Country* (July 8, 2019), <https://www.justice.gov/usao-nm/public-safety-indian-country>; See also 18 U.S.C. § 1152, 18 U.S.C. § 1153.

48. U.S. Department of Justice, *supra* note 42.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.* at 20

54. *Id.* at 24

55. *Id.* at 26

56. *Id.* at 32. (Percentages have been rounded up)

## Section III Notes, Continued

57. *Id.*

58. U.S. Department of Justice, District of New Mexico Programs. <https://www.justice.gov/usao-nm/programs> (last visited Nov. 25, 2020).

59. U.S. Department of Justice, Public Safety in Indian Country. <https://www.justice.gov/usao-nm/public-safety-indian-country> (last visited Nov. 25, 2020).

60. U.S. Attorney's Office, U.S. Attorney John C. Anderson Announces \$450,000 Award to Laguna Pueblo. <https://www.justice.gov/usao-nm/pr/us-attorney-john-c-anderson-announces-450000-award-laguna-pueblo> (last visited Nov. 25, 2020)

61. *Id.*

62. *Id.*

63. *Id.*

64. The United States Attorney's Office District of New Mexico, *U.S. Attorney John Anderson Appoints Denise Billy as the Missing and Murdered Indigenous Persons Coordinator for the District of New Mexico* (July 28, 2020), <https://www.justice.gov/usao-nm/pr/us-attorney-john-anderson-appoints-denise-billy-missing-and-murdered-indigenous-persons> (last visited Nov. 18, 2020).

65. *Id.*

66. *Id.*

## SECTION IV • TASK FORCE RECOMMENDATIONS

### Task Force Recommendations to Address MMIWR in New Mexico

The following recommendations were created by the New Mexico MMIWR Task Force based on information and testimony gathered at public task force meetings. In addition to quantitative data gathered, the task force staff tracked qualitative data during meetings with stakeholders, families and others about the MMIWR crisis in New Mexico.

#### Data Must be Reported and Documented Accurately

Public testimony and quantitative data that the taskforce collected has indicated discrepancies in reporting of missing persons and murder cases throughout tribal communities. Task force recommendations are as follows:

- Support increased data-gathering capacity across law enforcement agencies (LEAs) to increase accountability and ability to understand frequency, type and location of crimes. In order to support changes to data gathering, policies and legislation need to be created or adjusted to include more information.
- Establish a data institute to track and study cases of Missing and Murdered Indigenous Women, Girls, Trans/2S+ and LGBTQ community members that also documents tribal-specific data.
- Tribal governments need to pass laws and policies that require reporting of all missing persons cases to the State Missing Persons Clearinghouse.
- The state needs to consistently report missing persons cases to NamUs as required by House Bill 16 (2019).
- Enact federal legislation requiring NCIC to track tribal affiliation and ethnicity data in the missing persons reporting forms.
- Include tribal affiliation when documenting missing persons, trafficking, and cases of homicide to improve data gathering and policy development.
- Initiate in-depth data collection by examining case files to help document gaps in the investigation and prosecution processes. The task force has identified the individual cases that it recommends for review.



## Support Services for Survivors and Families

There is a need for shelters and programs for people seeking protection from domestic violence, who also need safety and support services. Task force recommendations are as follows:

- Establish secure and confidential shelters within tribal communities and border towns for individuals, families and youth in crisis.
- Expand support services to include housing support, mental health, substance abuse and trafficking aftercare (e.g., The Life Link in Santa Fe).
- Provide more victim-centered resources and availability of victim advocates and/or a family liaison.
- Increase state and local funding to provide resources and programs that can support survivors and families.
- Inclusive service programs need to include community members from youth, LGBTQ Trans/2S and rural locations.
- Strengthen services provided for long- and short-term housing to improve crisis response and increase access to mental health and substance abuse treatment.

## Support Tribal Justice Systems with Resources

Tribal justice systems face severe funding shortages that prevent implementation of federal laws such as TLOA and VAWA and the continued development of tribal codes to support successful prosecution of crimes. Task force recommendations are as follows:

- Address the extreme underfunding of tribal justice systems and related infrastructure that is needed to adequately respond to crime in Indian Country. Doing so means TLOA and VAWA can be fully enacted.
- Support actions to increase funding for tribal courts (safety, equipment, and technology) and expand resources to strengthen tribal courts and laws.
- Tribal governments need to pass laws and policies that prohibit human trafficking on tribal land.
- Advocate for additional New Mexico grant opportunities that fund additional Special Assistant United States Attorney (SAUSA) positions in tribal courts.
- Improve coordination and collaboration between tribal, state, city, county and federal agencies by establishing liaison positions, meeting regularly to address challenges, and developing agreements to streamline processes.

## Education and Outreach, and Other Preventative Measures Are Needed

Task force recommendations are as follows:

- Invest money for scholarship opportunities to increase student and Native youth participation in criminal justice and rehabilitation programs to ensure that tribes and the state build expertise and expand the future workforce.
- Expand youth programs and community education to raise awareness and prevention of sexual violence and domestic violence.
- Raise awareness of MMIWR with informational materials and media campaigns that will be posted in public places and businesses.
- Secure updated equipment and implement training for investigations and crime scene documentation.
- Request training for agencies from the New Mexico MMIWR task force and from the human trafficking task force.
- Develop education, outreach and training for community members and law enforcement to identify signs of human trafficking and domestic violence.

## Identified Law Enforcement Recommendations

Task force recommendations are as follows:

- Create law enforcement MOUs. Develop tribal law enforcement agreements between state/county/city agencies and tribal agencies to help fill the gap between agencies and increase communication and collaboration.
- Tribal nations should meet with the Department of Public Safety to review successful commissioning and cross-commissioning models and identify solutions to jurisdictional gaps that prevent rapid response.
- Establish a permanent MMIWR task force, including a cold case review team composed of BIA and state cold case investigators.
- Pass legislation that provides tribal law enforcement officers who meet New Mexico training standards with similar law enforcement powers of New Mexico law enforcement officers. This would eliminate the need for NMSA § 29-1-11 because every tribal officer who graduates from the Federal Law Enforcement Training Center (FLETC) would also be recognized to have New Mexico law enforcement powers.
- Pass legislation that mandates BIA or tribal police to be included in the New Mexico Department of Homeland Security Emergency Management Fusion Center. This will provide better collaboration between state and tribal

entities for murdered and missing persons investigations and will include New Mexico tribes in a comprehensive, consolidated and coordinated program of mitigating and collaborating for these types of incidents. Tribes should also have the ability to post or send info out via the New Mexico Fusion Center that will be viewed by all New Mexico law enforcement entities when needed for better response and collaboration, especially when timing is critical.

- Establish agreements with New Mexico's tribal nations to include tribal members in a registry with the state so tribal affiliation can be determined.
- Require mandatory MMIWR reporting to the state from all law enforcement agencies.
- Support all New Mexico tribes' participation in the 2013 VAWA act, which will give their law enforcement officers criminal jurisdiction over non-Indians in domestic violence cases, dating violence and criminal violations of protection orders.
- Streamline the process to commission state police officers with the Special Law Enforcement Commission (SLEC), which allows state police to act as FBI or BIA officers who can more often quickly increase manpower and response times in rural areas. The current application process is tedious and all paperwork must be sent to Washington, D.C. before the officer is approved for the commission. Even then, once the officer takes the course and passes the class, it takes several months to a year for that officer to receive his SLEC commission from Washington (BIA). The current SLEC, once issued, is also only valid for five years and there is no renewal or recertification class. The officer must complete the entire process again every five years.
- Implement an agreement between the BIA and NMDPS to provide the SLEC training to all NMSP recruits during their initial training.
- Establish a mandatory protection order sharing between tribes and New Mexico Law Enforcement officers via NCIC.

## Develop Community Resources for Strong Responses

Task force recommendations are as follows:

- Identify trusted community members who can be trained to serve as facilitators for grief and loss support groups.
- Educate youth about MMIWR, emphasizing prevention.
- Develop Multi-Disciplinary Teams (MDTs) within tribal communities to spread awareness about MMIWR, focused on prevention. Educate the community about available resources, including the following partners: schools, Indian Health Services, behavioral health services and law enforcement.

- Create a strong community response, including youth prevention and education programs that are based in culture and healthy relationships.
- Provide healing options for victims and reentry programs to ensure reintegration and healing.
- Develop community aid and response to check on vulnerable people (youth, people with disabilities and elders) during pandemic isolation.

## Next Steps and Considerations for MMIW Task Force – Phase 2 Goals

Task force recommendations are as follows:

- Secure funding for MMIWR task force.
- Establish a permanent position within the state (ex: MMIWR Director/Tribal Liaison).
- Complete a MMIWR clearinghouse with task force work products.
- Enhance qualitative and quantitative data collection.
- Create a MMIWR data institute.
- Establish a network with agencies and organizations, nationally and locally.
- Help develop and steer policy guidance.
- Conduct tribal consultation.
- Develop manual for law enforcement.
- Develop outreach and education material.
- Strengthen evaluation of crime against Indigenous Peoples in border towns.

## Conclusion

In conclusion, this report is the first step to gather information surrounding the MMIWR crisis in New Mexico. Since the formal appointment of the task force, between October 2019 and November 2020, we spent time listening to stories and creating safe spaces by centering gatherings and acknowledging the pain and love of families and survivors. This was a difficult but necessary part of the first phase and will serve as an important part of the work as it continues. We learned that families and survivors must be centered and must continue guiding this work moving forward as knowledgeable resources on all areas of MMIWR. The willingness and participation of these brave voices guided the work of this task force.

The intentions of the task force and this report are to recognize that this is not a final report but instead, an ongoing work in progress. During the last 13 months as an official task force, we identified barriers, best practices and future recommendations that we can learn from as we continue expanding this work. The task

force would like to thank the New Mexico Legislature for supporting this work; moving forward, we hope for further opportunities to build on the momentum gained to address this crisis in the state. We see possibilities for continued collaboration and fiscal support. We hope that this work can serve as a starting point to further understand the scope and severity of MMIWR.

The task force was able to hold several meetings, both in person and virtually. We navigated limitations of the Covid-19 pandemic while continuing to gather data and meet objectives outlined in House Bill 278. The task force's goal was to understand the current state of the MMIWR crisis in New Mexico and to learn from stakeholders, especially families and survivors. As a task force, members wanted to identify how to improve reporting, prevention, investigations and support services. The task force identified two main goals: to understand the scope of the MMIWR crisis in New Mexico, and to create foundations and foster partnerships to further address the issue. Each of these goals had objectives, which shaped the data collection, community meetings and other activities over the last several months. We coordinated with members of the task force, the U.S. Attorney's Office, tribal leaders, non-government organizations, law enforcement, concerned citizens, advocates, legal experts, grassroots organizations, and survivors and families of MMIWR. The work of the task force strived – above all else – to build trust with core stakeholders to ensure that we collected inclusive and comprehensive input.

The task force took significant strides to address the state's MMIWR crisis. Its data collection efforts revealed major gaps in the law enforcement data collection protocols at the city, county and state levels. Its efforts also laid the foundation for future studies and policy efforts. One of the task force's major findings brought to light major discrepancies in the number of MMIWR across agencies and highlighted the need for further examination in urban centers such as Albuquerque, Farmington and Gallup. According to the Albuquerque Police Department (2020), a total of 287 Native American women were reported missing between 2014 and 2019; these and other findings merit further investigation and illustrate the need for a comprehensive analysis of reported cases as well as the underreporting by agencies across the state.

We recognize the deep love and respect that was conveyed for all the missing and murdered persons, women, girls and two spirit relatives. They were mothers, sisters, daughters, aunties, cousins, grandmothers, siblings and so many other important roles in our families and communities. Their lives mattered and they were highly valued by their loved ones. Our gratitude is best stated in the words of a community member:



“

*“And for all my sisters, my mother, my aunties, my daughters here, be strong. Thank you for taking care of us. Thank you for cooking for us. Thank you for holding us, hugging us and forgiving us.”*

## APPENDIX A

### MMIWR Existing Support Services

#### Albuquerque Healthcare for the Homeless

Chief Executive Officer, Jennifer Metzler  
505-766-5197 • [www.abqhch.org](http://www.abqhch.org)

#### Albuquerque Indian Center

505-268-1751 • [www.abqindiancenter.org](http://www.abqindiancenter.org)

#### Albuquerque SANE Collaborative

Director, Susan Green  
[Suzanne.greene@abqsane.org](mailto:Suzanne.greene@abqsane.org)  
505-883-8720 • [www.abqsane.org](http://www.abqsane.org)

#### Barrett Foundation Inc.

Executive Director, Connie Chavez  
[cchavez@barrettfoundation.org](mailto:cchavez@barrettfoundation.org)  
505-246-9244, ext. 117 • [barrettfoundation.org](http://barrettfoundation.org)

#### Coalition to Stop Violence Against Native Women

Executive Director, Angel Charley  
[info@csvganw.org](mailto:info@csvganw.org)  
505-243-9199 • [www.csvganw.org](http://www.csvganw.org)

#### Crime Victims Reparation Commission

Director, Frank Zubia  
505-222-6449 • [www.cvrc.state.nm.us](http://www.cvrc.state.nm.us)

#### Eight Northern Indian Pueblos Council, Inc.

**PEACEKEEPERS**  
Director, Charlene Tsoodle-Marcus  
505-753-4790, 800-400-8694 • [www.enipc.org](http://www.enipc.org)

#### Enlace Comunitario

Executive Director, Claudia Medina  
[info@enlacenm.org](mailto:info@enlacenm.org)  
505-246-8972 • [www.enlacenm.org](http://www.enlacenm.org)

#### Domestic Violence Resource Center

[dvrc@dvrcnm.org](mailto:dvrc@dvrcnm.org)  
505-843-9123 • [www.dvrcnm.org](http://www.dvrcnm.org)

#### Esperanza Shelter

Executive Director, Anji Estrellas  
[info@esperanzashelter.org](mailto:info@esperanzashelter.org)  
505-474-5536 • [www.esperanzashelter.org](http://www.esperanzashelter.org)

#### Family Advocacy Center

FAC Coordinator, Bev McMillan  
505-975-7484 • [www.uwcnm.org/FAC](http://www.uwcnm.org/FAC)

#### First Nations Community Healthsource

505-262-2481 • [www.fnch.org](http://www.fnch.org)

#### Five Sandoval Indian Pueblos, Inc.

505-867-3351 • [www.fsipinc.org](http://www.fsipinc.org)  
[https://docs.wixstatic.com/ugd/ca1672\\_25f9e182fbfb44aaa1d1b7197e0060ba.pdf](https://docs.wixstatic.com/ugd/ca1672_25f9e182fbfb44aaa1d1b7197e0060ba.pdf)

#### Haven House, Inc.

Executive Director, Roberta Radosevich  
505-404-9365 • [www.havenhouseinc.org](http://www.havenhouseinc.org)

#### Heading Home

Female and Family Dorm Supervisor  
505-595-6547 (shelter) 505-344-2323 (main)  
[info@headinghome.org](mailto:info@headinghome.org) • [www.headinghome.org](http://www.headinghome.org)

#### HEAL and the Nest

Director of Operations, Sue Francis  
575-378-6378 • [www.helpendabuseforlife.org](http://www.helpendabuseforlife.org)

#### Hopeworks NM

Executive Director, Greg Morris  
[gmmorris@hopeworksnm.org](mailto:gmmorris@hopeworksnm.org)  
505-242-4399 • [www.hopeworksnm.org](http://www.hopeworksnm.org)

#### Joy Junction

CEO, Elma Reynolds  
[Info@JoyJunction.org](mailto:Info@JoyJunction.org)  
505-877-6967 • [www.joyjunction.org](http://www.joyjunction.org)

#### The Life Link

Michael DeBernardi, PsyD, MS  
505-438-0010 • [www.thelifelink.org](http://www.thelifelink.org)

#### Missing and Murdered Diné Relatives

Project Manager, Jolene Holgate  
[navajommdr@gmail.com](mailto:navajommdr@gmail.com) • [www.navajommdr.com](http://www.navajommdr.com)

**Navajo Nation- Strengthening Families Program**

Acting Supervisor, Michele Jones  
928-871-6851  
[www.nndss.navajo-nsn.gov/DSSPrograms/StrengtheningFamiliesProgram.aspx](http://www.nndss.navajo-nsn.gov/DSSPrograms/StrengtheningFamiliesProgram.aspx)

**Navajo Nation Missing Persons Updates**

Founder, Meskee Yatsayte  
[NavNatMisPerUp505@gmail.com](mailto:NavNatMisPerUp505@gmail.com)  
[www.facebook.com/NNMPPU](http://www.facebook.com/NNMPPU)

**New Day Youth and Family Services**

Executive Director, Steve Johnson  
[sjohnson@ndnm.org](mailto:sjohnson@ndnm.org)  
505-938-1060 • [www.ndnm.org](http://www.ndnm.org)

**New Mexico Coalition Against Domestic Violence**

Executive Director, Pam Wiseman  
[pwiseman@nmcadv.org](mailto:pwiseman@nmcadv.org)  
505-246-9240 • [www.nmcadv.org](http://www.nmcadv.org)

**New Mexico Coalition to End Homelessness**

Executive Director, Hank Hughes  
[info@nmceh.org](mailto:info@nmceh.org)  
505-982-9000

**New Mexico Dream Center**

[info@nmdreamcenter.org](mailto:info@nmdreamcenter.org)  
505-900-3833 • [www.nmdreamcenter.org](http://www.nmdreamcenter.org)

**Rape Crisis Center of Central NM**

[info@rapecrisiscnm.org](mailto:info@rapecrisiscnm.org)  
505-266-7712 • [www.rapecrisiscnm.org](http://www.rapecrisiscnm.org)

**S.A.F.E. House**

Executive Director, Patricia M. Gonzales  
[pgonzales@safehousenm.org](mailto:pgonzales@safehousenm.org)  
505-247-4219

**Saranam**

Executive Director, Tracy Sharp Weaver  
505-299-6154 x 102 • [www.saranamabq.org](http://www.saranamabq.org)

**Sexual Assault Services of Northwest New Mexico**

Executive Director, Eleana Butler  
505-325-2805 • [www.sasnwnm.org](http://www.sasnwnm.org)

**Steelbridge Ministries**

[info@mysteelbridge.org](mailto:info@mysteelbridge.org)  
505-346-4673 • [www.mysteelbridge.org](http://www.mysteelbridge.org)

**Street Safe New Mexico**

Associate Director, Kathleen Burke  
[streetsafenm@gmail.com](mailto:streetsafenm@gmail.com)  
[www.streetsafenewmexico.org](http://www.streetsafenewmexico.org)

**Tewa Women United**

Executive Director, Corrine Sanchez  
[info@tewawomenunited.org](mailto:info@tewawomenunited.org)  
505-747-3259 • [www.tewawomenunited.org](http://www.tewawomenunited.org)

**Transgender Resource Center of New Mexico**

CO-Directors, Adrien Lawyer & Zane Stephens  
505-200-9086 • [www.tgrcnm.org](http://www.tgrcnm.org)

**TWU's V.O.I.C.E.S. Program**

Program Manager, Nikki Bustos  
[nikki@tewawomenunited.org](mailto:nikki@tewawomenunited.org)  
505-747-3259 x1208  
[www.tewawomenunited.org/programs/our-voices-program](http://www.tewawomenunited.org/programs/our-voices-program)

**Valencia Shelter**

505-565-3100 • [valenciashelterservices.org](http://valenciashelterservices.org)

**Women's Housing Coalition**

505-884-8856 • [www.womenshousingcoalition.org](http://www.womenshousingcoalition.org)

**Zuni Pueblo – New Beginnings**

505-782-4600 • [www.ashiwi.org/Programs.html#iqiuwy](http://www.ashiwi.org/Programs.html#iqiuwy)

**NATIONAL ORGANIZATIONS**

**National Indigenous Women's Resource Center**

Executive Director, Lucy Rain Simpson  
TTA Specialist, Gwendolyn Packard  
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## APPENDIX B

### Missing and Murdered Indigenous Women and Relatives Narratives

Dione's story was the first story that the task force heard that graphically demonstrated the systemic failure of our justice system, resulting in a lost life and subsequent lack of justice. These failures forced the grieving family to become investigators, detectives and advocates amid much grief and pain.

#### Dione's Sister Tells the Story

I came to the New Mexico Missing and Murdered Indigenous Women's Task Force in October 2019, when I was desperate for help. My sister, Dione Thomas, had been gone for almost five years. In 2015, her life ended in a hotel room along Route 66 in Gallup, New Mexico. Circumstances surrounding the day were deemed suspicious and a possible homicide. Dione's murderer is yet to be charged.



Dione was a vibrant mother and relative. She was intelligent, family oriented with a positive outlook on life. She was the eldest of six children, and the mother of four beautiful daughters. Her parents, siblings, nieces and daughters all had a special and unique relationship with Dione. Over the 40 years of her life Dione had established relationships and roles; as a mother, sister, cousin, friend, niece and daughter. Her witty sense of humor and perspective on life is truly missed by her family and loved ones.

On Saturday April 25, 2015 Dione was found unconscious in a hotel room along Route 66 in Gallup, New Mexico. She had suffered life-threatening injuries. Prior to discovering Dione, the Gallup Police Department was called multiple times, as callers notified them of suspected signs of foul play and violence going on in the hotel room where Dione was staying. According to police reports there was yelling, fighting and all the signs of struggle and abuse.

On the day of my sister's death, the Gallup Police Department was called and responded three times. These multiple calls to the police reported yelling, fighting and suspected abuse. The last call was made to the 911 dispatcher because Dione was bleeding and unconscious. Reports and witnesses tell us there were only three people in the hotel room that day: my sister, a close friend and the man who violently abused her for years. As the day turned dark, hotel owners, guests and witnesses watched as the U-shaped parking lot off Route 66



came alive with lights, police and ambulance arriving. Some of the people there watching were the guests who had called police earlier in the day for help. That day, a police report was filed with charges against Dione's boyfriend for aggravated battery of a household member. The next morning, after being flown to the UNM Hospital's Trauma Center, Dione passed away. The cause was blunt force trauma to the head. Within the next few days, the hotel room – the crime scene – would be made available for rent, and her boyfriend would move doors down to another room, taking my sister's belongings with him. To us this seemed like grossly negligent behavior on the part of the property owners.

The death of my sister was devastating to a whole family. Her children's lives were greatly impacted in such difficult ways as they navigated the overwhelming grief and responsibilities of life. The damage from her life ending in such an awful way left us distraught, scrambling for answers and more information. We were beyond frustrated and devastated when no charges were filed and her boyfriend, the named suspect, was released. For months and years, we received little to no communication or progress on the open case. The investigation seemingly went nowhere. Our calls and meeting requests went unreturned, with no answers on charges or the investigation process.

Our family experienced years of cycling through the justice system seeking answers without support and little success. We reached out to the police department and multiple organizations for help. The truth was that in the years following Dione's death, I had lost trust in the justice system. Over the course of the last several years, we reached out to multiple offices and organizations for help. Each time, there was a report filed, a phone call, a screening, an advocate assigned; we hoped and prayed that this would be the right combination of resources needed for justice.

What if responding police officers had been properly trained to respond to an escalating domestic violence scene? What if they were equipped with a shelter and safe home to refer victims to? What if the judges, who repeatedly for years saw a violent offender, took action with appropriate charges rather than dismissing them? What if the hotel business owners and city of Gallup established and maintained a higher standard of operation for the community they serve?

I implore you to support the recommendations in this report. The reality is that for my one story, there are countless more victims and families broken by a cycle of our systems: victims and families desperately seeking healing, dignity, peace and justice. Thank you for your time, energy and compassion for our loved ones and for the hope we seek.

To date Dione's case has not been solved and her killer remains at large. Dione's case provides insight to the systemic failures of the criminal justice system and the experiences of hundreds of families in New Mexico. Her family implores that anyone reading this report take these recommendations seriously.

## Tiffany's Story

This testimony about Tiffany initiated the MMIWR task force's work in New Mexico. The task force has heard more stories of families with missing relatives – missing sons, daughters, sisters, brothers and other relatives.

Tiffany's case is an illustration of one of many cases reported missing that have not been entered into the NCIC. While searching for answers, Tiffany's cousin reached out to multiple agencies to try to get help. After several attempts without response from law enforcement, she began attending community meetings held by the Chief of Police in Shiprock, N.M. She spoke with criminal investigators about why Tiffany's name had not been entered into the missing persons database, only to find out that according to the investigator, all missing persons information had, at one time, been purged. Her cousin describes her experience below:

### Tiffany's Cousin Tells the Story

Tiffany Reid has been missing since May 17, 2004. She was last seen on her way to school in Shiprock, N.M. at 8:20 a.m., yet she never arrived and has never been heard from again. Years have passed, and Tiffany's family has yet to hear anything regarding her missing person's case. Tiffany's mother, Dedra Wheeler, spent over 14 years searching for her daughter until the time of her death in 2019. I have since picked up the case of Tiffany and began conducting my own search.



A few years ago while I was at work, I heard Tiffany's name over the police scanner. Someone was using her name and information with law enforcement. I drove to the area that I heard mentioned on the scanner and approached the female who was using Tiffany's information. The female would not talk to me when I asked her why she was using Tiffany's information. During this time, I learned Tiffany was not entered into the NCIC (National Crime Information Center) as a missing person. I was confused and did not understand why she was not entered into the NCIC, since she had been missing for so many years.

I have attempted to get help multiple times. I have been bounced back and forth from Criminal Investigations to the Police Department. More than 16 years after she disappeared, Tiffany is still not entered into the NCIC

as a missing person. I have tips from different people who have given us information regarding Tiffany and the case. These tips range from she is alive and living in Albuquerque, N.M., to she is in Colorado, to she was murdered and here are the names of people responsible. I have photos that were sent to us saying this is Tiffany. But I can't get anyone from law enforcement to listen. I have been told Criminal Investigations does not have any case files for Tiffany's case, so now we don't know if there is even a report. Tiffany's case is a cold case and from what I understand, the Navajo Nation does not have a cold case investigator. I explained to him that I had been trying to get someone to contact me but have yet to get a response from anyone. I asked if he could help me but again was told to contact Criminal Investigations and if I didn't get anywhere, to contact him once again. This was the first time I experienced being pushed off by law enforcement, receiving w no help. It was a frustrating and angering feeling.

It has been years, and yet we have no answers, and we have no way to get anyone's attention. Being bounced back and forth from one agency to another is frustrating. During my time advocating and attending meetings, I have learned my family is not alone and there are many other families experiencing the same issues.

I learned that Criminal Investigations and the Navajo Police are two separate departments, and that they don't get along and don't work together. We go unheard and no one within the Navajo Nation Law Enforcement division wants to listen.

Tiffany's case is not forgotten. Her memory and spirit live on in the lives of her family that continue to search for answers. Tiffany's family, like many families, has found solace by attending community meetings and knowing that many families are going through similar challenges.

## APPENDIX C

### Task Force Members

The following individuals served on the task force; some task force members were appointed by the Governor of New Mexico and others represented a state agency. We would like to extend our gratitude to the following individuals for their participation and commitment to this work.

Table 1

<b>Task Force Member</b>	<b>Representing</b>
Lynn Trujillo	Secretary of New Mexico Indian Affairs Department (Task Force Chair)
Beata Tsosie-Peña	Pueblo Nations Representative
Sharnen Velarde	Jicarilla Apache Nation Representative
Bernalyn Via	Mescalero Apache Tribe Representative
First Lady Phefelia Nez	Navajo Nation Representative
Matthew Strand and Rose Rushing	DNA People's Legal Services – Representing an organization that provides legal services to Indigenous women
Linda Son-Stone	First Nations Community HealthSource – Representing an organization that provides counseling services to Indigenous women
Elizabeth Gonzales	Representing the Office of the Medical Investigator
Becky Joy Johnson	Representing survivors of violence and families who have lost a loved one to violence
Captain Troy Velasquez	Representing the New Mexico Department of Public Safety
Brenda Gonzales and Kathy Howkumi	Representing the U.S. Bureau of Indian Affairs, Office of Justice Services

## APPENDIX D

### Project Timeline

	Public Meetings	Data Collection
<b>March – October 2019</b>	<p>House Bill 278 passed the House and Senate on March 14, and it was chaptered on March 28, 2019.</p> <p>Task force appointments took months to finalize. Staff at the Indian Affairs Department completed outreach to tribal leadership and requested nominations for representatives. Most of the representatives on the task force had to complete the appointment process.</p>	<p>Meeting with organizations, legislators and experts to start planning the approach to this work.</p> <p>Began seeking a project assistant to support the task force.</p> <p>Compiled research and other reports to help develop a foundation for understanding.</p>
<b>November 2019</b> <i>Albuquerque, NM</i>	<p>Introduce Task Force, review task force protocols, hear testimony from survivors, impacted family members and community members.</p>	<p>Literature review and Community Testimony.</p> <p>Missing &amp; Murdered Diné Relatives Forum #3.</p>
<b>December 2019</b> <i>Gallup, NM</i>	<p>Discuss goals and objectives, begin discussing data collection. Hear testimony from survivors, impacted family members and community members.</p>	<p>Literature review and Community Testimony.</p> <p>American Indian Justice Conference.</p>
<b>October – November 2020</b> <i>Santa Ana Pueblo, NM</i>	<p>Closed working session to establish a framework for the final report, establish subcommittees and create a data gathering plan for secondary data collection and original data collection.</p>	<p>Meet with research partners and develop scope of work.</p> <p>Finalize data collection plan and initiate collection.</p>
<b>February 2020</b> <i>Albuquerque, NM</i>	<p>Convene Law Enforcement Agencies (LEAs) within the State of New Mexico to understand the current response to missing persons and murder/homicide cases, which included reporting and investigating protocols and challenges across LEAs.</p>	<p>4th Annual New Mexico Human Trafficking Task Force Conference.</p>

	<b>Public Meetings</b>	<b>Data Collection</b>
<b>February 2020</b> <i>Albuquerque, NM</i>	<p>Convene Law Enforcement Agencies (LEAs) within the State of New Mexico to understand the current response to missing persons and murder/homicide cases, which included reporting and investigating protocols and challenges across LEAs.</p>	<p>Begin developing IPRA requests, identify scope of request.</p> <p>Gather law enforcement contact information for requests.</p> <p>Begin developing survey tools.</p>
<b>March 2020</b> <i>Virtual Meeting</i>	<p>Convene tribal community organizations, grassroots groups, to gain additional insight, to identify existing efforts and to foster collaboration among critical stakeholders.</p>	<p>Submit IPRA Requests to LEAs.</p> <p>Meeting with MMIW Task Force Core Stakeholder Group.</p> <p>Start Hiring Process for DV/Community Advocates to support data collection.</p>
<b>April 2020</b> <i>Virtual Meeting</i>	<p>Convene urban Native victim service providers, law enforcement Chaplain, and community members to provide testimony on the MMIWR crisis, existing barriers and recommendations to provide healing and support services to survivors and impacted family members.</p>	<p>Monitor IPRA Responses, respond to requests for more information.</p> <p>Reassess community testimony.</p>
<b>May 2020</b> <i>Virtual Meeting</i>	<p>Understanding national missing person databases and advocacy through presentations from National Missing and Unidentified Persons System (NamUs) and National Center for Missing and Exploited Children (NCMEC).</p>	<p>Subcommittee meetings held to draft sections of the final report.</p>
<b>June – July 2020</b> <i>No meetings held.</i>	<p>Data Analysis and Report Drafting.</p> <p>Closed Task Force Meeting to revise and approve the draft report.</p> <p>Ensure continued funding for task force activities during the 2020 Special Session.</p>	<p>Collection of IPRA responses &amp; data analysis.</p> <p>Report drafting.</p> <p>Request support from All Pueblo Council of Governors (APCG) to allow survey distribution in tribal communities.</p>



	<b>Public Meetings</b>	<b>Data Collection</b>
<p><b>August – September 2020</b> <i>No meetings held.</i></p>	<p>Contracting to bring on additional staff.</p> <p>Reviewing the draft report.</p> <p>Public outreach events.</p> <p>Introductions to new federal partners: Operation Lady Justice &amp; MMIP Coordinator for New Mexico.</p>	<p>Review of draft report.</p> <p>Analysis of IPRA responses collected.</p> <p>Attend meetings &amp; presentations for further data collection.</p>
<p><b>October – November 2020</b> <i>Virtual Meeting</i></p>	<p>Convene youth and members of the Trans/2S+ and LGBQ2S community to discuss barriers that exist when accessing services and how the crisis of MMIR affects them and their communities.</p> <p>Finalize draft memorandum and continue data gathering for final report.</p>	<p>Submitted data sharing agreements to tribal leaders for approval of survey distribution.</p> <p>Distribute and collect surveys from tribal service providers and tribal LEAs.</p>



























## APPENDIX E

### IPRA/FOIA Request Law Enforcement Agency Responses

Table 2: Law Enforcement Agency Response to IPRA/FOIA Request

	Send Acknowledgment of Request to Fask Force	Responded that the Request – Excessively Burdensome/Broad or Unable to Create Response	Sent Policies and Procedures	Sent Case Numbers by Race/Sex
Albuquerque Police Department				
Bernalillo County Sheriff				
Bureau of Indian Affairs				
Cibola County Sheriff				
Crownpoint District – Navajo Police				
Farmington Police Department				
Gallup Police Department				
NM Law Enforcement Records Bureau				
Lincoln County Sheriff				
Luna County Sheriff				
McKinley County Sheriff				



	Send Acknowledgment of Request to Fask Force	Responded that the Request – Excessively Burdensome/Broad or Unable to Create Response	Sent Policies and Procedures	Sent Case Numbers by Race/Sex
Otero County Sheriff				
Rio Arriba County Sheriff				
Ruidoso Police Department				
San Juan County Sheriff				
Sandoval County Sheriff				
Santa Fe Police Department				
Santa Fe County Sheriff				
Shiprock Police Department				
Socorro County Sheriff				
Taos County Sheriff				
Torrance County Sheriff				
Valencia County Sheriff				

## APPENDIX F

### Community Perspective

*Disclaimer: This Community Perspective does not serve to speak for any individual, or respective tribal community, task force members or law enforcement, and is the opinions and personal truths of Pueblo and Diné women, based on lived experience.*

Un'bi'agin'di.

As we write this introduction, our tribal communities have been directly impacted by Covid-19 and many have lost family members. The Navajo Nation has been particularly affected, as have several of our state's Pueblos. During this pandemic, tribal rights to designated emergency funding were withheld until recently, and according to crisis response organizations addressing violence, sexual assault and domestic violence cases have risen alarmingly.

Recent deaths of Black Americans from state-enacted violence are only a continuation of the untimely deaths of Black, Transgender, and Indigenous Peoples whose lives are routinely cut short by police brutality and systemic racism. Like the violence directed at our Native/Indigenous women, girls and relatives, Black lives lack value by the White, cis-hetero-patriarchal, capitalist American system. It must be stated that law enforcement is a Western construct that did not previously exist in our Indigenous Communities. The first organized policing systems in America began in the South with *slave patrols* whose sole purpose was to uphold the power and profit of the slaveholders. These self-elected patrols were armed and had broad powers to arrest, search and detain slaves, guard against rebellions and search for runaway slaves.

There is a plethora of statistical information available that shows Black and Indigenous people are twice more likely to be killed by police violence than their White counterparts and experience various types of physical violence in encounters with police. The systemic racism embedded in colonial society does not center or protect the lives of Black, Brown and Indigenous people; rather it provides a structural institution for White supremacists or those with internalized oppression, posing as police officers, to enact violence. Racial misclassification, in and near, Native and Alaska Native communities results in underreporting and continued tensions between law enforcement and Indigenous people.

Spanish conquistadors once enacted unspeakable violence against Pueblo Peoples in the name of their religion and desire for gold and material wealth. The colonial values that enable patriarchal male and state violence against Native women, girls, relatives and LGBTQ2S+ are the same that attempt to separate Peoples

from the land and perpetuate the policies and structures of environmental racism that exist today. Our ancestors stood up for Native women in our communities and did not tolerate any violence against those most vulnerable. We are still fighting for justice today.

The movement in New Mexico to protect missing and murdered Indigenous women began with the brutality of Spanish colonialism. In 1540 and 1598, settler and mercenary expeditions arrived to conquer the region under the Crown of Spain, with the backing of the Catholic Church. Validated by a genocidal papal bull declaring a “Doctrine of Discovery,” they massacred, raped, and dehumanized First Peoples. This policy whose very premise is White supremacy is still being used against First Nations Peoples to deny the return of stolen lands in U.S. Supreme Court cases.

In our state, detribalized mixed blood Indigenous Peoples, known today as “Genizaros,” were stolen from their Pueblos and surrounding tribes and over time settled in small communities throughout the state. These ancestors were comprised of the first missing and murdered Indigenous relatives because of post-colonial human trafficking. This was part of an extended period of land theft which has contributed to current issues of poverty, division and continued exploitation in both land grant and Native communities.

Border violence in New Mexico against southern Indigenous Peoples is another example of state violence that has resulted in chronic abuse of families and children. Thousands of Indigenous children are unaccounted for and essentially disappeared in U.S. custody. When Indigenous people die while incarcerated, at the hands of police, or die or are disappeared in an immigrant detention facility, this constitutes being classified as Missing and Murdered Indigenous Relatives, according to community definition. The combination of militarization, racism, poverty and environmental violence as a direct result of ongoing colonization all contribute to the high rates of MMIW in our state.

The National Crime Information Center reports that, in 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls. The Department of Justice’s federal missing persons database, NamUs, only logged 116 cases that same year. The Center for Disease Control and Prevention reports that murder is the third-leading cause of death among American Indian and Alaska Native women and the Native Youth Sexual Health Network’s report, “Violence on the Land, Violence on our Bodies” (2016) directly correlates extractive industry with the rise in missing and murdered relatives. With New Mexico being dependent on oil and gas for state revenue, it is no surprise that New Mexico currently has the highest rate of MMIWR cases in the nation and Albuquerque is the city with the second highest. Additionally, seventy-one percent of American Indian and Alaska Natives live in urban areas, yet there is currently no formalized process for data collection about violence among this critical demographic.

On reservation and tribal lands, issues around MMIWR are complex due to jurisdictional barriers, routine lack of prosecution, mis-categorization of cause of death and limited data collection. Understanding the history of colonization on Native women is fundamental because federal law is based on policies that continue to undermine tribal efforts from realizing the full sovereignty to protect our relatives. Self-determination can uproot the systemic oppression that we have had to assimilate to as tribal peoples to survive colonialism. It no longer serves our peoples to continue to enable and uphold a set of values that are not Indigenous to this place.

The high rates of violence against Native Peoples and lack of accountability for these acts are tied to federal intrusion that continues to render our communities vulnerable. This pattern continues and is reflected in the lack of prosecutions and found relatives. There is still little, if any, consequence against violence by non-Native perpetrators.

Taking into account the lasting effects of generational trauma due to: the eras of Indigenous genocide, removal policies, forced western education through boarding schools, termination policies, forced sterilization, broken treaties, laws that continue to dehumanize Indigenous Peoples – specifically women and girls – and the ongoing degradation of the earth in the name of greed and progress, all perpetuate the ongoing MMIWR crisis. Our people's intergenerational strengths have provided us with the resiliency to resist and adapt despite colonial impacts and ongoing harm. There is much to be gained through Black, POC and Indigenous solidarity across the nations.

The continued policing of Indigenous bodies through medicalized, institutional racism, as seen in the recent racial profiling of Native American mothers and families being investigated at Lovelace Women's Hospital in Albuquerque, is yet another example of ongoing racial profiling and dehumanization. It is concerning that this backwards step has been taken, despite Indigenous Peoples having endured decades of forced sterilization.

Prior to first contact, Pueblos were matrilineal societies who birthed in our own homes with the assistance of traditional midwives and assistants. We had ceremonies upon birth that defined one's role in the community and recognized our children as members. Up until the implementation of blood quantum policy forced on our peoples, matrilineal lineage superseded colonial, federal membership into a tribe. By abolishing blood quantum and working to eradicate prejudice against our LGBTQ2S+ relatives, we will no longer be marginalizing our own children, making them vulnerable to lateral violence and becoming victims of crime. It's time to restore traditional birthing practices and ensure that our families have the full range of reproductive choices and birthing options.

We must discuss the issue of assimilated toxic patriarchy in our tribal communities. Women and LGBTQ2S+ are trying to survive while raising awareness and advocating publicly. We need the active support of the men and protectors in our communities. Based on public testimony from Pueblo Peoples during New Mexico MMIWR Task Force meetings, the following must begin to be addressed: men in positions of power being protected from prosecution, the suppression of publicly outing violent and abusive community members, victims being expected to live with the harm rather than speak out in fear of community retribution, spiritual leaders who have used their role to enact harm under the guise of healing, and men suppressing female leadership. We also recognize that the lateral violence and intergenerational trauma in our communities is a direct result of U.S. federal assimilation policies, including five generations forced to attend boarding schools run by perpetrators. It will also take several generations to undo this harm and remember our original instructions of love, care, and respect.

We can no longer afford to be apologetic for violence towards women, children and our LGBTQ2S+ relatives. We must uplift and support the voices of survivors to end the culture of violence that is not of our making or our tradition. Restoring matrilineal society means a restoration to balance, and not any one demographic having unequal power over another. We already have the collective strength of our peoples to heal our communities.

## **A Community Response from Missing and Murdered Diné Relatives**

The Navajo Nation comprises twelve counties and expands into three different states. Missing and Murdered Diné Relatives Working Group (MMDR) was established in 2019, through the leadership of Council Delegate Amber Kanazbah Crotty, to begin addressing the ongoing crisis of missing and murdered relatives on the Navajo Nation. MMDR is actively working to assist and empower Diné community members in the process of seeking justice for their missing and murdered loved ones. They seek to elevate voices of impacted families and listen to their truths wholeheartedly.

MMDR is made up of a dynamic, interdisciplinary team and network that is developing a framework for: establishing an MMDR database, mobilizing community action, developing a missing persons community action toolkit, creating and providing prevention awareness, leading on the ground efforts to recover missing relatives and providing direct support to families of MMDR.

MMDR's Jolene Holgate asserts that when in dialogue with state and federal partners, they often claim that victims "never reported it to us" and that is because of the inherent distrust in the current justice system and

law enforcement. Tribal community members do not want to share their most sensitive information with the systems that have oppressed them. Survivors are more willing to speak with trained community members, leaders and grassroots organizers, thereby creating opportunities for collection of firsthand accounts. There is a strong need for funding to support the training of victim advocates, like Meskee Yatsayte, who do the tireless work on the ground.

MMDR expresses the importance of creating an awareness and prevention curriculum that is community driven. Tribal communities must further invoke sovereignty to take ownership of the process of collecting and retaining their own data. There also needs to be ongoing opportunities to have safe, brave spaces within our communities to have critical conversations that are supported by tribal council and spiritual leaders. There is a need for more victim services and healing and recovery care for perpetrators and impacted families, as well as community support. Traditionally, our people dealt swiftly with threats against our wholeness, whereas now we wait for colonized legal systems to punish and enact trauma.

Finally, when relatives are recovered from missing status, more support is needed. A majority of relatives that go missing suffer from mental health issues. We need wrap-around mental health care, improved crisis response and education for families on how to identify and address “at risk behaviors” and “at risk youth.” According to the National Association of Missing Persons, eighty percent of missing person cases are underage. We must apply innovative thinking from our own Peoples, establish better relations with community members and supportive agencies and transition from our dependency on IHS and federal institutions.

With minimal support from law enforcement or tribal leadership, MMDR has been able to have a significant impact on the Navajo Nation. They are able to gather important information from families because they are already vested in the community and people know they can come to them for support, providing opportunities to build bridges of trust. When it comes to victim advocacy, the top-down approach simply will not work. Upon building their capacity, MMDR intends to assist other tribes with their MMIR efforts.

In closing, there must be more Indigenous ways of knowing to respond to the variety of needs that arise amongst our Peoples. We can no longer wait for bureaucratic responses from federal or state entities that do not prioritize love and care for our communities. Only then will we see more of our relatives being named as “Found and Loved” instead of “Missing and Murdered.”

Contributors to this Community Introduction are Dr. Christina M. Castro, New Mexico MMIWR Task Force Project Assistant; Beata Tsosie Peña, New Mexico MMIWR Task Force Pueblo Representative; and Jolene Holgate, Missing & Murdered Dine Relatives (MMDR).

Sources:

*Otate was no hero; tear down the statue*, Serrano A., Medium.com

*Rise of the Warrior Cop: The Militarization of America's Police Forces*, Balko. R.

*Missing and Murdered Indigenous Women & Girls*, Urban Indian Health Institute.

*MMIW: Understand the Missing and Murdered Indigenous Women's Crisis Beyond Individual Acts of Violence*, A Statement Prepared by NIWRC Policy Team Members Jacqueline Agtuca, Elizabeth Carr, Brenda Hill, Paula Julian, and Rose Quilt.

