

Draft Legislation Request to Address the Crisis of Missing and Murdered Indigenous Women, Girls and Two-Spirit Relatives (MMIWG2S)

A bill to improve law enforcement response for Missing and Murdered Indigenous Women, Girls and Two-spirit Relatives (MMIWG2S); ordering a study to determine how to increase reporting and investigation on MMIWG2S; requiring improvements to law enforcement responses and requiring a report on investigative resources; establish procedures for investigations for cases of MMIWG2S; establishing government-to-government relationships with Tribes; creating an MMIWG2S Fatality Review Commission; requiring trainings for all public safety officials on racial equity, culture and tribal government relations; establishing a Tribal Grant program for MMIWG2S

- Require the Department of Public Safety to write best practices for how to investigate those crimes. Mandate that all public safety organizations throughout the state have the same protocols and have developed working relationships with their local Tribes.
- Establish at least two positions to work on cases of MMIWG2S. They will work as liaisons between law enforcement and the tribal community, with each liaison positioned in different parts of the state.
- Require training for all public safety officials – troopers, local police, village public safety officers - in government relations with Tribes, racial equity and culture. The training should be developed in partnership with Tribes, BIPOC organizations and seek input from those communities.
- Require the Department of Public Safety to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying MMIWG2S in the state.
- Require Department of Public Safety to work with the governor's office to convene meetings with tribal and local law enforcement partners, federally recognized Tribes, and Alaska Native organizations to determine the scope of the problem, identify barriers, and find ways to create partnerships to increase reporting and investigation of MMIWG2S.
- Consultation and collaboration with federally recognized tribes must be conducted in respect for government-to-government relations. The Department of Public Safety must also work with the federal department of justice to increase information sharing and coordinating resources that can focus on reporting and investigating MMIWG2S cases in the state.
- Establish an on-going grant program for Tribes that allows for direct funding for communities to address MMIWG2S for self-determined local needs. This program should be available to all Tribes without a complicated system to access funds and provide grant support, ensure local control so communities can determine what is best suited for their community, and needs to demonstrate correlation to addressing the MMIWG2S crisis.

- Requirements for interagency cooperation to establish state protocols for missing persons. This includes Tribal Governments and communication with families that have lost a loved one.
- Audits and reporting on law enforcement doing thorough investigations.
- Review of case management by law enforcement.
- Review of prosecution/judicial outcomes of homicides

Other changes that should be reviewed and looked into that could be included in a separate bill that will help with data collection for MMIWG2S and other issues in Alaska.

The Urban Indian Health Institute identified multiple barriers to collecting information and data in Alaska that need to be addressed in either MMIWG2S bill or in another bill.

Updates to the Freedom of Information Action (FOIA)

Throughout the process UIHI encountered multiple hurdles that impeded the collection of data in Alaska. UIHI's FOIA request was originally rejected by the Alaska State Troopers for being too burdensome, and an appeal was denied by the Department of Public Safety because they estimated there were between 800 and 1,200 homicides of Alaska Native women since 1940 and it would require too many work hours to complete the request. The author of the study reached out to a personal connection in Alaska, after which UIHI received assistance from a prominent Alaska Native tribal leader. The agency then offered to provide some data, but only from 2013 to 2018 because those records had been digitized and were searchable. However, UIHI still had not received the data at the time the report was released.

The FOIA process required intensive follow up from UIHI staff. For example, a representative from Juneau Police Department (JPD) explained to UIHI staff that they received their initial request at the same time as an unaffiliated institution filed a request for data on sexual assault on Alaska Native women. They assumed the two requests were related since the request in nature was similar, so, when JPD filled the other institution's request, they closed out UIHI's.

Of all the requests made by UIHI, thirteen percent of all agencies surveyed charged a fee for accessing data: Fairbanks, Flagstaff, Juneau, Sitka, Kansas City, Ketchikan, Portland, Salt Lake City, Tucson, and Utqiagvik. If UIHI had paid every invoice received, it would have cost \$4,464.48 (not including the cost of the paid service for the FOIA requests). Alaska agencies comprised 93% of the total costs of invoices. The invoices UIHI paid totaled \$68, and, in turn, UIHI received data from three cities, resulting in an additional 51 cases logged.

Lacking records and racial misclassification

UIHI found racial categories that held misclassifications. Nine cities (13% of total) of the UIHI study reported the inability to search for American Indian, Native American, or Alaska Native in their data reporting systems despite the common and expected practice of classifying victims by race in data systems. Testimony in the Tribal Affairs Committee from Ms. Echohawk stated that often times classification was automatically marked as white. The Anchorage Police Dept. was one of the few who compared their records with what UIHI provided and actually updated their own records with the correct racial classifications.

Other misclassifications included mislabeling deaths suicide rather than homicide, and mislabeling the origin location of the crime. Examples include: one death was classified as a suicide (despite the case having been reopened as a homicide), one was classified as an overdose when her body had been moved and disposed of suspiciously, and one was not considered as having happened within the city because she had been kidnapped from a bar within the city but killed just outside of it.