



# Oregon State Police Report on Missing and Murdered Native American Women

LISTENING AND UNDERSTANDING TOUR HOUSE BILL 2625

September 2020

## Introduction

In 2019, the Oregon State Legislature passed House Bill (HB) 2625, which directed the Oregon State Police to conduct a study focused on increasing and improving the reporting, investigation, and response to incidents involving Missing and Murdered Native American Women. A multi-disciplinary Missing and Murdered Native American Women Work Group was established with representatives from the Oregon State Legislature, federal, state, local, and tribal partners.

A number of factors make it difficult to gauge the scale of this problem. Themes that surfaced in the data analysis and listening and understanding events included inconsistent data sharing and reporting of crime statistics, confusing and inconsistent access to law enforcement resources, and under or non-reporting of missing persons in the Native American community.

Through listening and conversation with tribal partners and community members, the Work Group gathered information on the scope of the problem, identified barriers to effective use of the current system, and examined ways to create partnerships to increase reporting, identification, investigation, and rapid response to both future and past cases of Missing and Murdered Native American Women in this state.

The Missing and Murdered Native American Women Work Group identified barriers to reporting of missing Native American women including:

- Crime data and information sharing between some tribal governments and local, state and federal partners/governments is not consistent and, in some instances, is not occurring.
- Confusing processes, communication breakdowns, and historical distrust of government have led many in the Native American community to hold negative perceptions and emotions toward law enforcement and the outcomes of criminal investigations in tribal communities and urban areas.
- Native American communities in Oregon indicated there is a lack of trust between their communities and government, including law enforcement.

Participants in each of the listening and understanding events expressed these barriers have impacted Native American communities negatively. When crime or missing persons reports were made, participants reported, based on their experience, they did not:

- *expect police to act*
- *expect to be believed or to be taken seriously*
- *always know where to report*
- *expect prosecutors to prosecute offenders (tribal or non-tribal members)*
- *receive communication or follow-up from police*
- *get the opportunity for involvement in plea negotiations from prosecutors*

As a result of the listening and understanding events, there are indications the number of missing Native American women from tribal lands and from urban areas of Oregon may be under-reported. Considering the information gleaned from the listening and understanding events, the Missing and Murdered Native American Women Work Group determined there are many areas where improvement, change, investment and focus could be directed with the goal of creating lasting positive impact for the Tribal Nations located within Oregon. The Work Group has the following four recommendations aimed at increasing the reporting of missing people to law enforcement, reducing the number of victims of violent crime, and increasing the knowledge and skills of law enforcement in navigating complexities between tribal and state laws:

- Establish a partnership between Oregon Law Enforcement and the new federal task force, Operation Lady Justice, toward solving open and cold case missing persons investigations.
- Develop collaborative efforts, partnerships, and protocols to work across local, tribal and state borders to identify patterns and links between missing persons from tribal and non-tribal lands.
- Strengthen and create partnerships between law enforcement and Native American communities and continue outreach to all Native American communities in Oregon on the issue of Missing and Murdered Native American Women.
- Develop and provide education for Oregon's law enforcement officers covering cultural awareness, the history of Native Americans in Oregon and the complexities between tribal and state law.

## The Kirk-Greeley Family

In investigating the issue of Missing and Murdered Native American Women in the State of Oregon, one cannot help but see the impact on communities and families. During the study, work group members met members of the Kirk-Greeley family, who shared the stories of the ways they have been impacted by the loss of women in their family. The Kirk-Greeley family has experienced and lived with the deaths and disappearance of family members. While this family is not the only family impacted by the death or disappearance of a loved one, their experiences include many of the aspects the Missing and Murdered Native American Women Work Group set out to understand.

The Kirk-Greeley family is a very large Native American family with members living in Warm Springs, Umatilla, and Yakima, and in urban areas of Oregon and Washington. They are a regular presence at events for missing and murdered Native American women, wearing red t-shirts, and pins designed by Merle Kirk-Greeley, both depicting Mavis Kirk-Greeley who was killed on the Warm Springs Reservation



*Beadwork by Merle Kirk-Greeley (Cover Artwork)*

in 2009. Mavis's grandmother, Mavis Josephine McKay, was murdered in 1957 on the Yakama reservation when her mother was very young. Mavis McKay was a member of the Confederated Tribes of the Umatilla Indian Reservation.

The Kirk-Greeley family has also lived with the unanswered questions and loss surrounding the disappearance of another

female family member. Lisa Pearl Briseno, Mavis's cousin, was living with her boyfriend in the Portland area when she disappeared. Lisa has been missing since 1997, leaving the family with no idea where she might be or what might have happened to her. The story of the Kirk-Greeley family is a very personal example of what Native American families are experiencing on tribal lands and in urban areas in Oregon, in the United States, and in Canada.

## HB 2625: About the Study

During the 2019 Oregon Legislative session, Representative Tawna Sanchez of the 43rd Oregon House District introduced House Bill (HB) 2625, directing the Oregon State Police to conduct a study focused on increasing and improving the reporting, investigation, and response to incidents involving Missing and Murdered Native American Women. HB 2625 passed the Oregon State Legislature, and after signature by Governor Brown, went into effect in July of 2019. In response, the Oregon State Police established the Missing and Murdered Native American Women



*Representative Tawna Sanchez at U of O, 1/14/20*

Work Group. This group included individuals from multiple disciplines in local, state, federal, and tribal systems. Members were charged with traveling the state on a listening and understanding tour to gather information needed to help grasp the breadth, and magnitude of this crisis in Oregon.

Members of the Missing and Murdered Native American Women Work Group traveled to Native American nations throughout Oregon and to urban locations in Corvallis and Eugene. Through listening and conversation with tribal partners and community members, the work group gathered information related to the scope of the problem, identified barriers, and examined ways to create partnerships to increase reporting, identification, investigation, and rapid response to both future and past cases of missing and murdered Native American women in this state.

## Methodology

To the extent that data exist on reported incidents of Missing and Murdered Native American Women and on proximity of Native Americans to law enforcement, these data are relatively easy to gather. To gather the data related to increasing and improving the reporting, investigation, and response to incidents involving missing and murdered Native American women as directed in HB 2625, members of the Oregon State Police constructed a working group of members representative of multiple disciplines at the local, state, federal, and tribal systems. The group planned a series of outreach events to present opportunities for Native Americans living in Indian Country, defined in 18 USC 1151 as reservations and other lands set aside for Indian use, such as Indian allotments, and lands held in trust for Indians

or Indian tribes. Outreach events were also scheduled in urban areas of the state to provide Native American people living in urban areas opportunity to describe in their own words the difficulties, barriers, and persistent obstacles encountered in reporting someone missing or navigating the criminal justice system when a family member is the victim of murder. The Work Group reached out to the tribal governments of all nine federally recognized tribes, as well as advocacy groups in urban areas to schedule events for the Work Group to listen to the experiences of Native American people, understand the obstacles from their perspective, and look for opportunities to better serve the Native American community in extremely important and sensitive investigative circumstances.

## **Data on Missing Native American Women in Oregon**

Studies of violence against women in the Native American community have resulted in increased attention to and study of incidents of missing and murdered Native American women. A 2016 National Institute of Justice study found that over 84% of Native American women had experienced some form of violence in their lifetime, and more than 55% of Native American women had suffered physical or sexual violence.

All Oregon law enforcement agencies (including tribal law enforcement) have access to record and exchange data via the Law Enforcement Data Systems (LEDS) database and the FBI National Crime Information Center (NCIC) database. Seven of the nine recognized tribes in Oregon have an active LEDS User Agreement to access LEDS and NCIC, including:

- Confederated Tribes of Warm Springs
- Burns Paiute Tribe
- Confederated Tribes of Umatilla
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- Confederated Tribes of Grand Ronde
- Confederated tribes of Siletz
- Coquille Indian Tribe

Not all nine recognized tribes have a police department.

Oregon Revised Statutes (146.181) require agencies to enter reported missing persons into LEDS and NCIC. These entries require mandatory personal demographic details for name, date of birth, gender, and race. There are five race codes for entries into LEDS and NCIC: (A) Asian, (B) Black, (I) American Indian/Native Alaskan, (U) Unknown, (W) White. LEDS/NCIC rules allow for the initiating agency to enter one of the five codes for the missing person record.

Data surrounding missing persons changes continuously, as reported missing persons are located and removed from the system and new people are reported missing and entered. Even with the changeability of the numbers of missing persons at any specific point in time, it is still an important piece of data to understand the scope of *reported* missing Native American women in Oregon. As the Work Group began study efforts for HB 2625, statistical data reported to LEDS for missing people was examined on January 23, 2020.

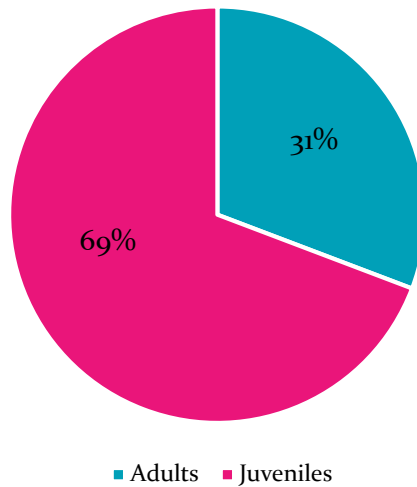
On that date:

- There was a total of 1213 (men, women and juveniles of all races) Oregon missing person entries in LEDS.
- Of the 1213 missing person entries, 13 of those entries were for Native American or Alaska Native females.
- In addition to the 13 Native American/Alaska Native females there were 22 additional entries for missing females that have “unknown” listed as the race. It is conceivable that some could be Native American.
- The Oregon State Medical Examiner’s Office had 33 unidentified female human remains at the Oregon State Medical Examiner facility.
- Of the 33 sets of female human remains, 20 of those are listed with an ethnicity of “American Indian/Alaska Native”, “Hawaiian/Pacific Islander”, “Uncertain”, “Other”, or a combination of those specific ethnicities. There are NO unidentified remains that are listed solely as “American Indian/Alaska Native”, because this determination is extremely difficult with decomposed or skeletal remains.

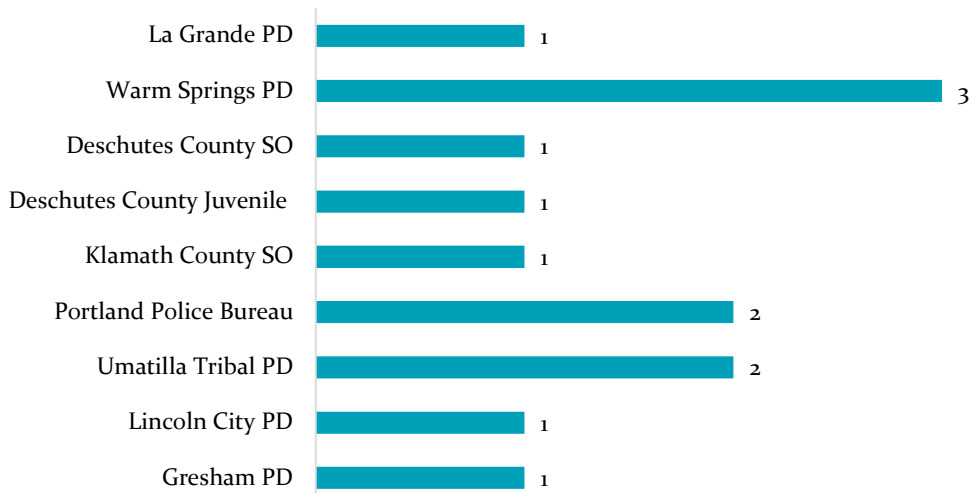
Examination of the data for the 13 reported missing Native American women revealed many of them were juveniles (under age 18). 69% of the reported missing Native American women were under 18, and the overall average age on the date of the data snapshot was 20.8 years old.

During the 2019 Oregon Legislative Session, the Oregon Legislature granted funding and position authority to the Oregon State Police to establish a Forensic Anthropologist position located within the Oregon State Medical Examiner’s Office. Oregon’s Forensic Anthropologist, Doctor Nici Vance, has been conducting re-analysis on all human remains in the custody of the Medical Examiner’s Office. Following the initial re-analysis, Doctor Vance will continue to conduct investigatory follow-up and utilize all scientific means available with a goal of achieving positive identification.

### Adults vs Juveniles - Missing Person Entries 1/23/20 Native American Females



### Missing People by Reporting Agency 1/23/20



The majority of the missing Native American women entered in LEDS as of January 2020 had been missing for short periods of time. Fifty-three percent had been missing for three month or less, and 84% had been missing less than 12 months. Two cases on the list involved women missing for a significant amount of time, with both having been missing more than 20 years.



The data surrounding murders of Native American women are much more difficult to grasp. Oregon law enforcement agencies report crime data to the state and to the FBI for a uniform crime report at the state and federal levels. The Oregon Uniform Crime Report has more recent data available than the FBI report.

However, in examining the reporting agencies, only two tribal policing organizations, Confederated Tribes of Siletz and Confederated Tribes of Grand Ronde, submitted data for the 2019 report. The same was true for the 2018 and 2017 reports. The other five recognized tribes with police departments submitted no crime data for the Oregon Uniform Crime Report. The FBI Uniform Crime Report showed no homicide data reported by tribal policing organizations in Oregon.

In 2020, the United States Attorney's Office conducted a preliminary analysis of cases with a missing or murdered Native American victim (men and women) in the District of Oregon. These instances were investigated/reviewed at the federal level, not at the local or state level. The US Attorney's Office analysis discovered eight incidents of a Native American person being missing. Four of the missing persons were female. Also discovered in the US Attorney's preliminary review were three unsolved homicide cases. All three homicide victims were male.

The Work Group was not tasked with, and did not examine, specific cases of Missing or Murdered Native American Women.

## **Access to Law Enforcement**

Member of Oregon's nine recognized tribes all have differing access to law enforcement services. Six of the nine recognized tribes within Oregon are considered Public Law 280 (PL280) tribes. PL280 gives state governments concurrent jurisdiction within certain tribal nations in six states including Oregon. Oregon PL280 tribes include:

- Klamath Tribes
- Coquille Indian Tribe
- Cow Creek Band of Lower Umpqua Indians
- Confederated Tribes of Siletz
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Of the Oregon PL280 tribes, the Klamath tribes have no tribal law enforcement organization and receive police services from county law enforcement. Historically, the Cow Creek Band of Lower Umpqua have had no tribal law enforcement, however, are currently in the process of developing a tribal police department. The other four tribal governments have tribal police organizations.

Three Oregon Tribes are exempt from PL280. City, county and state law enforcement organizations have no enforcement authority on tribal lands for the non-PL280 tribal governments of Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation, and Burns Paiute Tribe. Federal law enforcement agencies like the FBI have law enforcement authority working cooperatively with tribal police on non-PL280 tribal lands for major crimes such as sexual assault, kidnapping, and murder involving tribal members. As of August 2020, the Burns Paiute Tribe has disbanded its tribal police department. The dissolution of the tribal police department means the only law enforcement available to tribal members on tribal lands are those offered by federal law enforcement.

Accessing law enforcement services as a tribal member is confusing, particularly for individuals traveling between tribal and state governments. Making referrals to the proper organization is equally confusing for state, local and county law enforcement especially if the organization does not regularly interact with tribal policing agencies or commonly handle concerns involving tribal members.

## Listening and Understanding Tour

In December 2019, the Missing and Murdered Native American Women Work Group began a series of listening and understanding events. The group continued traveling to both urban areas and to tribal nations attending listening and understanding events until forced to discontinue due to the COVID-19 outbreak and subsequent state of emergency declaration. There was a very wide range of participation at the individual events, with one event drawing only three participants, and another drawing more than 100. Before the emergency declaration by Governor Brown, the Missing and Murdered Native American Women Work Group participated in events at:



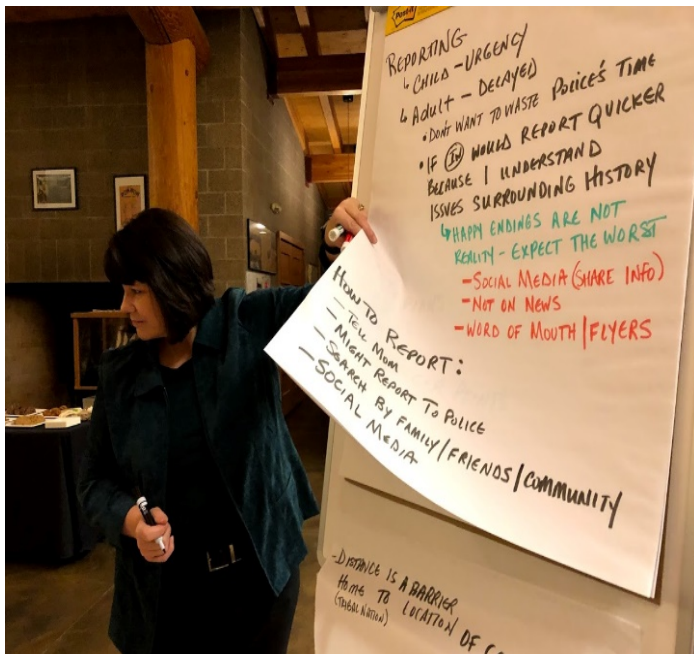
*Listening and Understanding Tour - 1/14/20*

- Confederated Tribes of Umatilla Indian Reservation, 12/17/19
- University of Oregon Many Nations Long House, 01/14/20
- Confederated Tribes of Warm Springs Indian Reservation, 01/28/20

- Oregon State University Native American Longhouse Eena Haws, 02/11/20
- Burns Paiute Indian Reservation, 02/27/20

A broad range of age groups, from teens to tribal elders, participated in these events. The range of participation from multiple generations gave not only current perspectives, but also the historical perspectives that have informed and influenced today's events, behaviors, and attitudes.

One of the first things discussed in each of the listening and understanding events was the community's feelings and emotions surrounding interaction with tribal and



non-tribal law enforcement. Many of the feelings and emotions expressed by participants came not only from personal experiences but from experiences lived across generations of interaction with police and other governmental entities. Participants at more than one of the events expressed the idea that outside communities do not hear and do not care when a Native American woman is missing. As one participant expressed it, they are “not being seen.”

*Listening and Understanding Tour - 1/14/20*

## Feelings and Emotions Identified by Participants Included:

- |                         |                    |
|-------------------------|--------------------|
| ○ Skepticism            | ○ Confusion        |
| ○ Racial Tension/Bias   | ○ Tired/Fatigue    |
| ○ Historical Trauma     | ○ Defeated         |
| ○ Systematic Oppression | ○ Collective Grief |
| ○ Frustration/Anger     | ○ Fear             |

## Community Perspective on Investigating Missing Native American Women

There are many factors that complicate the investigation of a missing person. One of the Work Group's observations is that reporting a Native American woman (or any person) as missing may be complicated. Participants told us that sometimes they hesitate to report a loved one as missing because they assume a loved one may



*Representative Tawna Sanchez at U of O, 1/14/20*

be traveling between relatives' homes, between communities, or between reservations. Therefore, participants told us that they often reach out to friends and family first and delay reaching out to police for days until they have exhausted less formal options. It was quite common for participants to tell the Work Group that friends and family of a potentially missing person would often check numerous hospitals and/or county jails for their loved one prior to calling police.

Since many Native people live between communities (e.g. being a resident of both a sovereign tribal nation and the State of Oregon) this can also mean that people either aren't clear on who to report the missing person to or believe that their loved one will fall through the cracks and no agency will step up to take charge of the search. One participant explained it by saying that the Native American community recognizes there is an epidemic of missing Native women and therefore, "we take an emergency action," and begin looking for their missing friend, family member, or neighbor without law enforcement assistance.

Fear and distrust of law enforcement and government also impacts people's decisions in reporting. One of the primary challenges to making a report to law enforcement comes from a historic distrust of government officials and law enforcement. This distrust comes from both negative historic and modern experiences. Participants told the Work Group there is still significant fear within the Native American community that interaction with law enforcement or the government can result in a family's children being taken from their home.

There were also several participants who hesitated to report people as missing because of fear the report would lead to the missing person being jailed for substance abuse or other lifestyle issues if located.

There were also a number of concerns expressed, especially by those living on the reservations visited, that working with the police or being a witness in a crime had negative consequences within their own communities from other tribal members. As it was described by one participant, “Everyone knows everyone else’s business,” in small communities on the reservation which can make anonymous reporting difficult. The person shared there is a real fear of retaliation from the family of a person being investigated, particularly if that individual’s family is politically powerful or connected within the tribe.

When a crime or missing persons reports was made, participants reported, based on their experience, they did not:

- *expect police to act*
- *expect to be believed or to be taken seriously*
- *always know where to report*
- *expect prosecutors to prosecute offenders (tribal or non-tribal members)*
- *receive communication or follow-up from police*
- *get the opportunity for involvement in plea negotiations from prosecutors*

Many participants shared experiences where they felt that police and prosecutors were not making any effort on cases due to the missing person/victim’s criminal past, mental health, addiction, or lifestyle choices. Vulnerable people in vulnerable situations are falling through the cracks. One particularly vulnerable population mentioned at two of the reservations visited were young women being trafficked. Casinos, hotels, and resorts on tribal lands have created the opportunities for criminals to traffic Native American women to individuals frequenting these establishments. These types of activities make the women involved particularly vulnerable to violence at the hands of traffickers and their clientele.

At least one participant at each event also voiced feelings of bias from the media. Many participants felt when Native American women go missing, media outlets pay little to no attention. Even when women are murdered, participants tell us, the death of a Native American woman does not receive the same attention or coverage. A participant at Warm Springs described it as “not being seen.” She felt that outside communities neither here nor care when a Native American woman is missing.

## Conclusions/Barriers

- Based on the data from LEDS/NCIC and the information gleaned from the listening and understanding events, there is a probability that the actual number of missing Native American Women is greater than what is known to law enforcement. Similar conclusions have been reached in other studies performed by the NIJ, Urban Indian Health Organization, and other entities researching similar situations in other states.
- Crime data and information sharing between some tribal governments and local, state and federal partners/governments is not consistent; and in some instances, is not occurring. The lack of data sharing makes understanding the scope of the Missing and Murdered Native American Women issue difficult to define.
- Confusing processes, communication breakdowns, and historical distrust of government, have led many in the Native American community to hold negative perceptions and emotions toward law enforcement and the outcomes of criminal investigations in tribal communities and urban areas.
- Native American communities in Oregon indicated there is a lack of trust between their communities and government, to include law enforcement. To increase reporting of missing persons and be effective in the investigation of missing and murdered persons, law enforcement must bridge the gap in trust with Native American communities.

## Recommendations

As a result of the listening and understanding events, there are indications the number of missing Native American women from tribal lands and from urban areas of Oregon may be under-reported. Considering the information gleaned from the listening and understanding events, the Missing and Murdered Native American Women Work Group determined there are many areas where improvement, change, investment and focus could be directed with the goal of creating lasting positive impact for the Tribal Nations located within Oregon. The Work Group has the following four recommendations aimed at increasing the reporting of missing people to law enforcement, reducing the number of victims of violent crime, and increasing the knowledge and skills of law enforcement in navigating complexities between tribal and state laws:

- Establish a partnership between Oregon law enforcement and the new federal task force, Operation Lady Justice, toward solving open and cold case missing persons investigations.

In January 2020, the Trump administration launched Operation Lady Justice, a joint task force on Missing and Murdered American Indians and Alaska Natives. This is a joint initiative with the Department of Justice, the Department of Health and Human Services and the Department of the Interior. The federal task force has also been tasked with the review of cold cases in Indian Country, potentially opening up additional resources to be applied towards investigations.

- Develop collaborative efforts and partnership to work across local, tribal and state borders to identify patterns and links between missing persons from tribal and non-tribal lands.

Local, state, federal, and tribal governments all have protocols and laws that govern their responses to criminal and missing person cases. These governments could consider developing or enhancing increased cooperation between jurisdictions. This cooperation would include more/better sharing of information, investigative resources, and personnel. Time is a critical factor in many missing person investigations and resolving investigations more quickly leads to more positive outcomes. Up front collaborations between partnering or neighboring agencies can also focus on resolving the jurisdictional uncertainties up-front. If feasible, jointly agreed-to protocols to streamline responses could be developed to ameliorate community concerns about loved ones falling through cracks in the system.

- Strengthen partnerships between law enforcement and Native American communities.

The participants in the listening and understanding events indicated a desire for a community policing relationship with the law enforcement departments that served them. This relationship could also extend to the local, county and state policing organizations that neighbor tribal communities. Community-based education, problem-oriented policing programs, and participative approaches to community crime problems could be a starting point for reducing the negative perceptions and expectations of law enforcement. Specifically speaking to the issue at hand, the Executive Director of the Legislative Commission on Indian Services could continue outreach to all Native American communities within Oregon on the issue of Missing and Murdered Native American Women. Outreach through written or online methods could occur to solicit input from the non-PL280 tribal organizations and communities the Missing and Murdered Native American Women Work Group was unable to meet with in person.

- Develop and provide education for Oregon’s law enforcement officers covering cultural awareness, the history of Native Americans in Oregon, and the complexities between tribal and state law.

The participants in the listening and understanding events specified the need for Oregon law enforcement officers to improve their cultural awareness, to increase their knowledge on the history of Native Americans in Oregon and that they have the skills and abilities to navigate the complexities that exist between tribal and state law. Specifically, tribal sovereignty, PL280 (Public Law), and the prevalence of violence against Indigenous women and youth.

## **COVID-19 Impacts on the Study**

The COVID-19 pandemic in Oregon significantly impacted the functions of the Work Group. The Oregon State Police began the listening and understanding tour with outreach to all nine tribal nations in Oregon. The Work Group also planned listening and understanding events in four urban centers of the state to gather input from Native people living in urban areas.

The Missing and Murdered Native American Women Work Group completed listening and understanding events in the following locations:

- Confederated Tribes of the Umatilla Indian Reservation, 12/17/19
- University of Oregon Many Nations Long House, 01/14/20
- Confederated Tribes of Warm Springs Indian Reservation, 01/28/20
- Oregon State University Native American Longhouse Eena Haws, 02/11/20
- Burns Paiute Indian Reservation, 02/27/20

After the Burns event, further events were not possible due to the Governor’s Executive Orders limiting public gatherings in response to COVID-19. Members of the Work Group were able to complete five of the eleven planned events.

## **Acknowledgement and Requests for Additional Research**

The Work Group sincerely appreciates each tribal member and participant that contributed in the sessions. As the actions completed by the Work Group are concluded, we are very cognizant of the fact that this report captures a limited amount of input from tribal communities in Oregon.

The Work Group recognizes this important work must be continued in hopes of creating constructive transformation. The Work Group recommends if similar work in Oregon is conducted, a professional research consultant is engaged to spearhead future endeavors on this complex and important subject.



# Work Group Members

- Tawna Sanchez, State Representative, District 43 (N & NE Portland)
- Adam Walsh, Legislative Director, for Representative Tawna Sanchez
- Mitch Sparks, Executive Director, Legislative Commission on Indian Services (Resigned 09/03/2020)
- Gillian Fischer, Legislative Counsel, Oregon State Legislature
- Mike Jones, Intelligence Analyst, FBI-Portland
- Tim Simmons, Assistant US Attorney, US Attorney's Office District of Oregon
- Johanna Costa, Tribal Victim Assistance Specialist, US Attorney's Office District of Oregon
- Timothy Addleman, Chief, Umatilla Tribal Police Department
- Desiree Coyote, Confederated Tribes of Umatilla Indian Reservation, Family Violence Services Program Manager
- Jim Adkins, Sheriff, Jefferson County Sheriff's Office
- Brian Ossenkop, Captain, Portland Police Bureau
- Michael Slason, Chief Counsel, Oregon Department of Justice
- Oregon State Police
  - Terri Davie, Deputy Superintendent
  - Joel Lujan, Major
  - Tim Fox, Captain
  - Cord Wood, Lieutenant
  - Mindy McCartt, Communication Director
  - Julie Willard, Program Analyst
- Oregon Medical Examiner's Office
  - Doctor Nici Vance
- Michaela Midrid, PSU Intern (Left Work Group May 2020)

