



THE PAIUTE INDIAN TRIBE OF UTAH

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Position statement

Prepared in Conjunction with Restoring Ancestral Winds

Murdered and Missing Indigenous Women Task Force

Operation Lady Justice Listening Session

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Hello, my name is Tamra Borchardt-Slayton and I am the Chairperson for the Paiute Indian Tribe of Utah.

There are 8 federally recognized Tribal Nations in Utah. Tribes in Utah account for just over 1% of the state population but the homicide rate for Native Americans is four times that of white people. Recently, the Utah legislature passed the Murdered and Missing Indigenous Women and Girls Task Force legislation to understand the scope of the crisis in Utah. This is an incredible first step to ending this crisis.

For more than a century, Indigenous people of this land have questioned the federal and state response to violence in Indian Country. Indigenous people have raised concerns about how Supreme Court cases have effectively constrained (removed) the authority of Tribal Nations to prosecute non-Indian perpetrators who commit crimes in Tribal Nations. Additionally, Indigenous nations have reported the homicide and missing of their own Tribal members to federal and state authorities; these pleas have not elicited a reasonable response from federal, state, and county authorities on homicide rates and cases of missing Indigenous persons.

Hundreds, even thousands, of Indigenous families all over the country mourn and grieve over the loss of loved ones. Justice failed these families for over a century. Presently, we've had to challenge the accuracy of data collected by Law Enforcement, this data did not reflect the reality experienced by thousands of Indigenous families in Utah. We have had to accept, in many instances, public safety policy formulated for – and implemented – in Indigenous communities based on incomplete, and sometimes, erroneous data. When we rely on data-driven policy and

that data is either incomplete or wrong, what good does data-driven policy mean – and do – for Indigenous nations? It exacerbates the crisis of murdered and missing Indigenous women, girls, and two-spirit; it leads to one in ten Native women becoming a victim of homicide; it leads to thousands going missing each year; it leads to thousands of Indigenous families feeling rejected by justice.

We are experiencing an epidemic of homicide and missing Indigenous persons cases, for decades Indigenous scholars have offered prescriptive policy measures to address this crisis. These prescriptions include restructuring data collection methodology (and infrastructure) of state and federal law enforcement; restore Indigenous nations authority to prosecute non-Indians removed by *Oliphant v. Suquamish Indian Tribe* (1978); fund tribal law enforcement; fund tribal courts; increase training for state Law enforcement on tribal laws and concerns; create data-sharing mechanisms between states and tribes; and many others you've heard before.

Concerns

Data collection methodology

Often data categories for “Native American” or “Tribal affiliation” is not an option in law enforcement databases; consequently, in Utah more than 50% of perpetrators remain classified as race unknown. While some data categories may have an option for “Native American,” “Tribal affiliation,” however, is not an option. Having data on Tribal affiliation can help tribes better understand what is happening to their tribal members in urban areas. To understand the scope of this crisis, data on the tribal affiliation of victims is essential. At this time, this type of data is limited. Additionally, Utah mortality data shows that Native Americans are victims of homicide at four times the rate of white people. Yet, this data can't tell us the demographics we need to not only understand the scope of the crisis, but also recommend appropriate policy to bring this crisis to an end.

Violence Against Women Act Full Faith and Credit Provisions

Tribal protection orders are often unwittingly dismissed because county, municipal, or state law enforcement have not had training on Tribal Protection Orders. We know from anecdotal evidence that state and city law enforcement have not recognized Protection Orders from tribal members as valid or even legitimate. Increased funding for municipal, county, and state law enforcement training on Tribal Protection Orders is important for those fleeing from harm.

Health Indicators

While criminal justice and law enforcement data is important to the development of appropriate policy to curtail this crisis. Policy developed with law enforcement data, however, will likely not touch the systemic and underlying factors of the crisis. Understanding domestic violence, sexual assault, stalking, and trafficking as pathways of crisis requires engaging data on risky behavior that tends to frame individuals as targets of violence. Bringing an end to this crisis requires serious attention to the underlying factors that elevate risky behavior of some victims, these factors include addressing, among many other things, the endemic PTSD experienced many tribal members.

Conclusion

Because the MMIWG crisis spans multiple policy domains, jurisdictions, and regions the response must also be multi-pronged. For far too long our communities and nations have grieved and mourned for brothers, sisters, mothers, father, grandfathers, grandmothers, aunties, uncles, and nieces and nephews. It is time for a clear federal commitment to fund tribal law enforcement, shelters, domestic violence and sexual assault organizations, and to enact policy change that will bring justice to victims, families of victims, survivors, and families of survivors.