

Operation Lady Justice, Choctaw Nation (used with permission)



# Presidential Task Force on Missing and Murdered American Indians and Alaska Natives

Operation Lady Justice



## Written Comments Received for the Federal Data Discussion & Listening Session (7/27/2021)

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Online: [OperationLadyJustice.usdoj.gov](https://OperationLadyJustice.usdoj.gov)  
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**Seattle Indian Health Board**

*For the Love of Native People*

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September 14th, 2021

Re: Operation Lady Justice Federal Data Discussion and Listening Session

*Submitted electronically via e-mail to [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)*

Dear Co-Chair Haaland and Co-Chair Garland,

We appreciate the opportunity to submit the following comments for the Operation Lady Justice (OLJ) Federal Data Discussion and Listening Session on behalf of the Seattle Indian Health Board (SIHB).

**Understanding and Addressing Data Barriers that Perpetuate Violence**

The SIHB and our research division, Urban Indian Health Institute (UIHI), have brought nationwide attention to the institutional and structural barriers in the collection, reporting, and analysis of data on violence against American Indian and Alaska Native people.<sup>1</sup> As an Indian Health Service (IHS)-designated Tribal Epidemiology Center (TEC), UIHI supports the data, evaluation, and research needs of 62 Urban Indian Organizations (UIO) and has produced reports and resources to address prevention and response of gender-based violence in tribal and urban Indian communities nationwide.

UIHI has identified common harmful practices in data collection that perpetuate Indigenous erasure around the crisis of Missing and Murdered Indigenous Women and Girls (MMIWG).<sup>2</sup> When combined across systems, these institutional practices become structural barriers that disproportionately impact American Indian and Alaska Native people in tribal and urban areas which lead to gaps in resources needed to prevent and respond to the MMIWG crisis.

The following sections outline our recommendations for improving the collection, analysis, use, and communication of public health and public safety data about Missing and Murdered Indigenous People.

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<sup>1</sup> Tehee, Melissa., Straits, Kee. 2020. Missing and Murdered: Act now for comprehensive protection of indigenous women and girls. Retrieved from: <https://thehill.com/blogs/congress-blog/politics/484201-missing-and-murdered-act-now-for-comprehensive-protection-of>.

<sup>2</sup> Seattle Indian Health Board. 2020. Systemic Inequities in Indigenous Data Governance. Retrieved from: [https://www.sihb.org/wp-content/uploads/MMIWG\\_20201118.pdf](https://www.sihb.org/wp-content/uploads/MMIWG_20201118.pdf)

## **Overarching Recommendation**

- **Utilize an Indigenous Data Sovereignty framework.**<sup>3</sup> To support best practices developed by the OLJ under Executive Order (E.O.) 13898, we recommend the taskforce utilize an Indigenous Data Sovereignty framework to ensure tribal sovereignty is upheld in data governance structures and processes. Tribal nations can exercise sovereignty over the governance of data collection, ownership, and application of data to support the dissemination of data to tribal communities. By extension, UIOs work to ensure American Indian and Alaska Native data are appropriately and analyzed collected thus upholding the principles of Indigenous Data Sovereignty. OLJ best practices must develop this framework through tribal consultation and urban confer to ensure that all public health and public safety data on American Indian and Alaska Native people are appropriately collected, evaluated, and analyzed with tribes, tribal organizations, and UIOs.

## **Capturing a more Accurate Depiction of the MMIWG Issue**

Our collective response to the MMIWG crisis is dependent on our ability to accurately depict the prevalence and influencing factors surrounding gender-based violence targeted at American Indian and Alaska Native people. To improve the quality, and accuracy of public health and public safety data related to the MMIWG crisis, we recommend that the OLJ taskforce:

- **Conduct a study to determine factors influencing the MMIWG crisis.** Current OLJ reporting is limited to activities and accomplishments of the taskforce, thereby neglecting a meaningful analysis of the social determinants of health contributing to gender-based violence. Federal agencies participating in OLJ should conduct a study exploring the social determinants of health and contributing incidents of gender-based violence to expose the prevailing activities<sup>4</sup> including underlying historical, social, economic, institutional, and cultural factors which may contribute to acts of violence<sup>5</sup> that occur against American Indian and Alaska Native people using various public health and public safety datasets and qualitative information collected through OLJ Listening Sessions.
- **Improve the collection of gender identity data.** OLJ's best practices for federal agencies and guide for law enforcement agencies must encourage the development and requirement of a standardized collection of gender identity data. Without accurate gender data collection by law enforcement and public health entities, the quality of data on violence experienced by LGBTQ2S+ identities will remain limited.
- **Increase trainings for community-inputted data.** The OLJ should provide regularly scheduled trainings to tribes, UIOs, and Native communities on how to input missing persons information into NamUs and other databases in partnership with trusted messengers from tribes, tribal organizations, and UIOs.<sup>6</sup> UIHI's community days of action toolkit,<sup>7</sup> supplemented by collaborative DOJ materials, educates and engages communities in NamUs data entry. Specialized culturally attuned trainings like this will encourage greater input of data by community members and improve data accuracy overall.

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<sup>3</sup> United States Indigenous Data Sovereignty Network. 2021. Retrieved from: <https://usindigenousdata.org/policy-briefs>

<sup>4</sup> Kathleen A. Fox, et al. (2020). Reducing Missing and Murdered Indigenous Women and Girls: Arizona's Statewide Study in Partnership with the HB2570 Legislative Study Committee. p 29. Accessed 2021. Retrieved from: [https://ccj.asu.edu/sites/default/files/rowv-lab/files/ASU\\_MMIWG\\_report\\_November\\_2020.pdf](https://ccj.asu.edu/sites/default/files/rowv-lab/files/ASU_MMIWG_report_November_2020.pdf).

<sup>5</sup> Ibid.

<sup>6</sup> Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, United States House, One Hundred Sixteenth Congress, Frist Session, "Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women: Exploring Solutions to End the Cycle of Violence," March 14, 2019. Sutter, M., gaiashkibos, J., Shafer, S., Weidner, E., Richards, 83 T.N., Wright, E., and Nystrom, A., LB 154 Report: prevalence of Missing and Murdered Women and Children in Nebraska; Barriers to Reporting and Investigating; and Opportunities for Partnerships. Submitted to the Nebraska Legislature May 21, 2020.

<sup>7</sup> Urban Indian Health Institute. Community Days of Action Toolkit. Retrieved from: <https://www.uihi.org/resources/community-days-of-action-toolkit/>.

- **Address public safety data gaps in partnership with Native communities.** UIHI is working on a law enforcement toolkit modeled on a working relationship between UIHI, King County Prosecuting Attorney's Office (KCPAO), and a local tribal nation to improve the accuracy of data collected on Native people, strengthen data sharing between tribes and law enforcement agencies, and to ultimately bring justice to survivors and families. UIHI and KCPAO released a first-of-its-kind data dashboard that provides public access to violent crime data referred to KCPAO and filed in King County, Washington.<sup>8</sup> This partnership demonstrates how tribes, tribal organizations, UIOs, and TECs are well positioned to inform innovative and culturally responsiveness best practices for law enforcement and criminal legal agencies that address longstanding data gaps. A full law enforcement toolkit born from this partnership will be released in September 2021.
- **Include data sharing agreements (DSAs) as a best practice for law enforcement agencies.** DSAs increase collaboration across jurisdictions to allow for a more comprehensive large-scale data sharing that can be monitored and managed under the agreements. DSAs with tribal public health authorities- both tribes and TECs- have ripple effects of improvements to data-related skills and greater community engagement among law enforcement agencies. DSAs can be modified for jurisdictional regions and include different levels of data access to serve the best interest of tribal public health authorities and non-Native government entities that work with public health and public safety data. OLJ can encourage DSAs in their best practices for collecting and sharing data among jurisdictions and law enforcements as required under E.O. 13989.
- **Support increased accessibility to Freedom of Information Act (FOIA) requests.** Native leaders and community members at the OLJ Federal Data Discussion on July 27<sup>th</sup>, 2021 shared concerns on the financial costs and extensive time to acquire a FOIA request. In UIHI's initial MMIWG report, UIHI filed FOIA requests with municipal police departments in 71 cities. Within 9 cities there was a data accessing fee totaling \$4,464 when UIHI had a budget of \$68. Of the submitted FOIA requests, 18 cities did not respond to the FOIA requests within the time limit set by local statute, and 12 agencies failed to respond. We ask OLJ to advocate for reducing financial costs and time delays in a federal agencies best practices guide as outlined in E.O. 13989 to ensure data accessibility and transparency.

### **Addressing Data Context and Limitations**

As the OLJ taskforce develops best practices for data collection and sharing, it should review UIHI's Best Practices for American Indian and Alaska Native Data Collection.<sup>9</sup> We recommend the following activities and practices for advancing a common understanding of data context and limitations:

- **Provide trainings on best practices for collecting demographic data.** The OLJ best practices for law enforcement must include training plans and technical assistance to tribes and law enforcement agencies for standardizing the collection of demographic data. Too often, practices like individual discretion, default demographic categorizes, and incomplete demographic categorizes lead to racial misclassification and undercounts of American Indian and Alaska Native people.
- **Engage TECs in the development of best practices and toolkits.** The law enforcement toolkit developed by UIHI is a collaborative effort that has resulted in systemic data reforms in one of the largest U.S. counties and a first-of-its-kind data dashboard to improve data

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<sup>8</sup>King County Prosecuting Attorney's Office. 2021. King County Prosecuting Attorney's Office Releases Public Data Dashboard After Input from community Groups. Retrieved from: <https://kcprosecutor.medium.com/king-county-prosecuting-attorneys-office-releases-public-data-dashboard-after-input-from-31462270df1c>.

<sup>9</sup> Urban Indian Health Institute. Best Practices for American Indian and Alaska Native Data Collection. Retrieved from: <https://www.uihi.org/resources/best-practices-for-american-indian-and-alaska-native-data-collection/>.

collection across KCPAO departments.<sup>10</sup> TECs are uniquely positioned to advocate for the needs of Native communities in the development of data collection methods and practices and improve the national understanding of MMIWG data and data limitations.

**Develop common standards of practice for working with American Indian and Alaska Native data.** The following data practices are essential to improving data quality and ensuring that national data is more representative of the experience of tribal and urban Indian communities:

- **Aggregate data across time and/or geography.** Analyze data across three-to-five years to build larger samples. Another consideration for aggregating data is to combine several adjacent counties into one group, or present data at the state level to reflect demographics and outcomes of American Indian and Alaska Native people.
- **Use weighted sampling for American Indian and Alaska Native populations.** Weighted sampling is the statistical practice that allows for the population being analyzed to accurately reflect how its proportion in the total population is being represented from which it is being abstracted from.
- **Oversample the American Indian and Alaska Native population.** Oversampling is an intentional sampling process designed to incorporate typically low prevalence members of a certain community. Oversampling helps adjust population distribution of the dataset.
- **Conduct mixed-methods research (quantitative and qualitative).** Mixed-methods research gives voice to participants and can include storytelling, focus groups, and key informant interviews. Often, epidemiologists have quantitative research findings that are not statistically significant when working with small populations, but that does not mean the data is not important or indicative of change or disparity.
- **Report limitations of data collection and analysis.** When releasing a report, it is important to list, explain, and discuss study limitations to allow considerations to be accounted for in evaluating the results and outcomes and allow future studies to improve upon limitations.

We thank you for your consideration of these comments and recommendations. We look forward to our continued and collaborative work to interrupt this cycle of violence.

Sincerely,



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<sup>10</sup> King County Prosecuting Attorney's Office. 2021. King County Prosecuting Attorney's Office Releases Public Data Dashboard After Input from community Groups. Retrieved from: <https://kcprosecutor.medium.com/king-county-prosecuting-attorneys-office-releases-public-data-dashboard-after-input-from-31462270df1c>.