

Indigenous women victimized at higher rates

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LAME DEER, Mont. — When a police officer walked into the Cheyenne Depot, a convenience store on the Northern Cheyenne Reservation in southeast Montana, Malinda Harris Limberhand knew this was her chance.

It was July 4, 2013, and Malinda hadn't heard from her 21-year-old daughter, Hanna Harris, since she'd left to watch fireworks the previous night. Malinda babied her "Hanna Bear" or "Hanna Banana," but her youngest daughter was now a mother herself. Her son, Jeremiah, was 10 months old, and wasn't taking his bottle. He was hungry, and Malinda was worried. It wasn't like Hanna not to come home to breastfeed him.

Leaving the counter where she worked, Malinda approached the Bureau of Indian Affairs officer. "My daughter is missing," she said. "When can I file a report?"

She said the officer told her she'd have to wait 72 hours.

Malinda didn't know at that time the officer was wrong. And she didn't know then that thousands of Indigenous women go missing and are murdered at disproportionately high rates compared with other ethnic groups. The FBI's National Crime Information Center reported 5,203 missing Indigenous females in 2021, disappearing at a rate equal to more than two and a half times their estimated share of the U.S. population.

The real rate is likely higher; the total was deemed an undercount in an October report to Congress because of a lack of comprehensive federal data.

In Oregon, the first official report on missing and murdered Indigenous people was released by the Oregon U.S. Attorney's Office in February 2021. The report listed 11 missing and eight murdered Indigenous people connected to the state.

Eleven of the 19 were women: Lisa Pearl Briseno, last seen in Portland in 1997. Heather Leann Cameron, last seen in 2012 outside of Redding, Ca. Shaydin Jones-Hoisington, missing since 2018. Leona Sharon Kinsey, last seen in La Grande in 1999. Sennia Pacheco, last seen in Pendleton in 2020. Leslie Shippen-tower's body was found Oct. 1, 1986 in the Umatilla River. Selena Shippen-tower's body was found Dec. 19, 2004 alongside Lynette Watchman's body. Sophia Rosenda Strong's remains were discovered July 4, 2019. The murder of Melissa Wilson remains unresolved since July 4, 1985.

And on Feb. 8, 2021, Tina Vel Spino's remains were identified on the Warm Springs reservation. She had been missing since July 2020.

But it's unclear how complete that report is. Oregon State Police reported a count of 13 missing Indigenous women and three murdered men in September. The National Crime Information Center database reported nine missing Indigenous people and three murdered men. The National Missing and Unidentified Persons Systems only tracks missing persons and unidentified or unclaimed remains. According to that database, there were eight missing Indigenous people in December 2020.

The inconsistencies point to the lack of comprehensive data on missing or murdered Indigenous women in the state and nationwide.

Nobody knows how many missing or murdered Indigenous women there are, but it's enough to have its own acronym: MMIW. Enough for President Joe Biden to describe it as an "epidemic," and for Secretary of the Interior Deb Haaland to label it a crisis while calling for more federal action.

Enough for a Native woman to take to social media last year to share how her teenage niece, alone after her car broke down on a desolate road, left a scribbled note on the back of an envelope. It provided her name, a description of what she wore and the time she'd left on foot to seek help.

"If I do not make it there and you do not hear from me idk (I don't know) someone probs took me," she wrote.

It is a crisis that Denise Harvey, Tribal Council member at the Confederated Tribes of Grand Ronde, has been speaking out against for years.

"I think people are rather shocked at how many Native American women and people are missing from the reservations. And there aren't these big investi-



Malinda Harris Limberhand talks about her daughter, Hanna Harris, who was murdered in Montana in 2013. RION SANDERS/GREAT FALLS TRIBUNE

gations, you know? It doesn't hit the news. There aren't multiple agencies doing these searches or investigating," Harvey said.

In seeking explanations for the problem, MMIW activists point to centuries of colonial trauma and prejudicial or ineffective government policies.

Chronic underfunding for tribal police forces and a quagmire of conflicting jurisdictions for agencies responding to calls in and around tribal lands add to the challenges.

And historical distrust of police may prevent some from ever reporting their loved one missing at all.

Growing up on "the rez," Malinda had always felt safe. It was the kind of place where she could leave her keys in the car and her door unlocked without concern. Now, she felt certain that something was wrong.

So she ignored the police officer's advice and began asking questions herself, on Facebook and of the customers who came to the store, a popular gathering point in Lame Deer, a tight-knit community of less than 2,000.

The next day, she filed a missing person report despite what she'd been told. And she didn't stop her own inquiries.

Over the next few days, Malinda drove to nearby towns asking people if they'd seen Hanna. She helped organize three searches. She obtained security camera footage from two places where people said Hanna had been. She even drove a suspect to the police station for an interview with investigators.

"We took on the role of being the investigating police officer," she said, crediting the dozens of community members who turned out to scour the banks of a creek and surrounding hills where Hanna's car had been found.

No waiting period for missing persons

Malinda had been told wrong. Bureau of Indian Affairs protocols for cases involving a missing Indigenous woman inside Indian Country say officers should accept a missing person report at any time, regardless of whether the woman has only been missing for a short time. BIA officials did not respond to requests for interviews about the incident nine years ago.

Even if Malinda had gotten immediate assistance, she faced a quandary unlike any other in American law enforcement.

Crimes that occur on or near a reservation are subject to a patchwork of laws establishing criminal jurisdiction among federal, state and tribal law enforcement agencies. Who's in charge of an investigation depends on the severity and location of the crime, and even whether the victims or perpetrators are Native.

In Oregon, the location a person goes missing from can similarly complicate an investigation.

Different tribes across the state have different treaties with the government, explained Cord Wood, a captain with Oregon State Police. Oregon was one of six states where Congress established a transfer of federal law enforcement authority within certain tribes. Public Law 280 was also enacted in California, Minnesota, Nebraska, Wisconsin and later Alaska.

Under the act, criminal jurisdiction in the state was transferred to state governments, meaning federal criminal jurisdiction is limited in the six states while state jurisdiction was expanded.

dren by state social services, foster care agencies and adoption agencies.

"We will not stop advocating until the United States fully accounts for the genocide committed against Native children," Parker said.

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But in non-PL 280 tribes within Oregon, which include the Warm Springs Reservation, the Burns-Paiute Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, Oregon does not have jurisdiction within their lands.

"As a state law enforcement officer, I am not a police officer on the Warm Springs reservation," explained Wood. "It's very complicated."

The knot of policies becomes even harder to untangle when the location of the crime is uncertain or the identity of the perpetrator is unknown.

When Malinda filed the missing person report for Hanna, neither she nor the authorities could know yet who would ultimately be responsible for investigating the case. That can lead to something like a never-ending round of pass the buck, explained Monte Mills, professor and co-director of an Indian law clinic at the University of Montana.

"So what happens at the beginning of these cases," Mills said, "you have law enforcement agencies saying, 'Well, that's not our responsibility. We don't have jurisdiction. So call the sheriff.' And then they call the sheriff and the sheriff says, 'Well, that's not our responsibility. Call the Bureau of Indian Affairs.' And they call the Bureau of Indian Affairs, and they say, 'Well, that's not our responsibility. Call the FBI.' The FBI says, 'That's not our responsibility. Call the tribe.'"

The laws also challenge investigators, who can be stymied by limits on

whom they can question and where. And while jurisdictional issues can crop up in cases anywhere governmental borders abut, tribal cases are complicated by vast spaces patrolled by understaffed agencies.

There are nine federally-recognized tribes in Oregon:

- The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians represent a five-county service area made up of Coos, Curry, Lincoln, Douglas, and Lane counties.

- The Confederated Tribes of Grand Ronde have a reservation in Yamhill and Polk counties.

- The Confederated Tribes of Siletz Indians manage a reservation in Lincoln County.

- The Coquille Indian Tribe has members living in Coos County but its service area covers Coos, Curry, Douglas, Jackson and Lane Counties.

- The Cow Creek Band of Umpqua Tribe of Indians is also known as the Upper Umpqua and has a government based in Roseburg.

- The Klamath Tribes consist of three tribes with a government based in Chiloquin.

- The Confederated Tribes of Warm Springs represent three tribes who live and govern the Warm Springs Indian Reservation in parts of Wasco and Jefferson counties. It is 105 miles southeast of Portland.

- Further east is the Confederated Tribes of the Umatilla Indian Reservation, where three tribes share a nearly 300-square-mile reservation in Umatilla County.

- The ninth federally recognized tribe is the Burns Paiute Tribe located north of Burns in Harney County.

Annita Lucchesi — founder and executive director of Sovereign Bodies Institute, an organization that collects and analyzes data on MMIW — said the system doesn't work because it was never designed to protect Native people in the first place.

"It doesn't reflect our value systems, it does not create a safe environment for Native victims of violence to come forward, and it does nothing to address the roots of violence in Indigenous communities," said Lucchesi, who is of Cheyenne descent. "So it's a system that's pretty useless in terms of addressing crises like missing and murdered Indigenous people or gender and sexual violence in our communities."

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Legacy

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schools.

The bill, the Truth and Healing Commission on Indian Boarding School Policies Act, would further the Interior Department's work to investigate the boarding schools and the policies that created them. It would also develop recommendations to protect students' graves, support repatriation of the children interred in graveyards and discontinue the removal of Indigenous chil-