



HCR33 Report: Idaho's Missing & Murdered Indigenous Persons

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September 30, 2021

Melanie L. Fillmore, M.A.

Citizen of The Standing Rock Sioux Tribe of South Dakota

Public Policy & Administration, School of Public Service, Boise State University

and

Lane K. Gillespie, Ph.D.

Criminal Justice Program, School of Public Service, Boise State University

with

Assistance from Dr. Lisa M. Growette Bostaph and Dr. Laura L. King, *Criminal Justice Program, School of Public Service, Boise State University*, and Sheena L. Gilbert, *Citizen of the Stockbridge Munsee Tribe in Wisconsin, School of Criminology and Criminal Justice, University of Nebraska Omaha*

Cover art by Leah Van Pelt, Citizen of The Confederated Tribes of the Umatilla Indian Reservation in Oregon. Her family are long-time residents of the Treasure Valley.

Recommended Citation: Fillmore, M. L., Gillespie, L. K., Growette Bostaph, L. M., King, L. L., & Gilbert, S. L. (2021). HCR33 Report: Idaho's Missing & Murdered Indigenous Persons. Submitted to the Idaho Legislature, September 30, 2021.

Acknowledgements

We want to acknowledge and thank the fourteen individuals who participated in our stakeholder interviews, as well as the numerous people who spent time meeting with us to discuss their work and how it intersects with MMIP and/or assisting in our data collection efforts: Indigenous leaders, justice officials, and advocates across the state; the police chiefs and sheriffs that responded to our requests for assistance; the U.S. Attorney's Office for the District of Idaho; Department of Justice officials; the Idaho Missing Persons Clearinghouse manager, Tanea Parmenter; Thomas Strauss with the Idaho Statistical Analysis Center; the Idaho Counties Risk Management Program; and Gary Raney of the Law Enforcement Policy Center, LLC.

We thank Leah Van Pelt for creating beautiful original artwork for this report. We thank the Idaho Council on Domestic Violence and Victim Assistance for facilitating the opportunity to engage in this important work, and the Idaho State Legislature for funding this project.

Most importantly we want to honor those families, friends, and community members who have gone missing, have experienced a loved one go missing, and have experienced the loss of a loved one. We acknowledge that the numbers presented in the report are more than statistics – they represent the lives and stories of individuals, families, and communities.

Foreword

House Concurrent Resolution No. 33 (HCR33) was introduced in the Health and Welfare Committee, and passed by both houses of the Legislature in March 2020. HCR33 recognizes Missing and Murdered Indigenous Persons (MMIP) as a crisis in Idaho, designates May 5th as a day of awareness for MMIP, and supports efforts to further investigate incidence rates, underlying causes, and possible solutions through collaborative efforts. Public testimony in support of the resolution came from a diverse group of stakeholders, including legislative sponsors, the U.S. Attorney for the District of Idaho, tribal legal and justice practitioners, and Indigenous advocates. The following passages serve as a reminder of the central role of Idaho's tribes, and the opportunities and challenges in addressing MMIP.

“What Idaho did, under the leadership of the tribes, was determine that they would take the lead on this, I think that's appropriate. A lot of states have done legislation, they've done task forces, but I think this is an issue that we need to listen to the people that are most affected by it.”

House Representative, Public Testimony, HCR33, February 12, 2020

“Tribal law enforcement desperately needs help. The reality that Idaho does not recognize tribal law enforcement officers as law enforcement officers, relegates them to very limited abilities outside of what they can do collaboratively. That's something that the state should take a look at. I would appreciate it, if the state would at least look seriously at this very important issue that would help tribes [...] My experience teaches me that Public Law 280 is not your challenge, your challenge is the resolve and the commitment of the local communities to work collaboratively to problem solve. If they want to solve the problem, they don't need further statutory authority. It is helpful to have peace officer designation for tribal law enforcement, significantly. But if a local community or county is committed and wants to problem solve with tribal members, they can do it. And we have evidence of that going on in several locales.”

US Attorney, Public Testimony, HCR33, February 12, 2020

“As with any smaller jurisdiction, it is not uncommon for our police department to call on another state or federal agency to assist, our department may not have the resources or manpower to effectively respond to an incident, or it is a case where outside law enforcement assistance is mandated. There have been many incidents of this occurring. Many times, the collaboration of these incidents have been positive, with effective communication and collaboration and with successful prosecution through state, federal and/or tribal court.”

Tribal Prosecutor, Public Testimony, HCR33, February 12, 2020

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Summary of Key Findings

In response to needs identified in Idaho House Concurrent Resolution 33, this report presents quantitative missing persons data from four sources, homicide/violent death data from three sources, and qualitative MMIP stakeholder interview findings.

Missing Persons

- Missing persons cases are dynamic and missing persons data may represent individuals or incidents of missing persons. There are more incidents than individuals, as some individuals go missing more than once. Understanding this distinction is important to understanding the impact of MMIP in terms of people and resources.
- Idaho's average missing persons rate is approximately 10.59 per 100,000 persons. The average rate for Indigenous persons in Idaho is 18.99 per 100,000 persons.
- A disproportionate percentage of Idaho's missing persons are identified as Indigenous, as much as 2.1 times their proportion of the population.
- Approximately 63% of Idaho's Indigenous missing persons have been missing for more than 1 year.
- Most of Idaho's Indigenous missing persons are female (75%), in contrast with Idaho's non-indigenous missing persons of which 28.8% are female.
- Fifty percent of Idaho's Indigenous missing persons went missing as adults and 50% went missing as juveniles. Among non-indigenous missing persons, 61.5% went missing as adults and 33.5% as juveniles.
- On average in Idaho, there are 81.6 Indigenous missing persons entries in NCIC each year; and entries for Indigenous missing persons average 3.39% of annual missing persons entries in the state.
- In 2020, NCIC entries for Indigenous persons were 3.38% of total entries in Idaho, compared to 1.76% of total entries nationwide.

Homicide

- Indigenous persons are disproportionately represented in deaths attributable to assault (3.05 times their proportion of the population).
- There is variation across homicide data sources in counting potential Indigenous murder victims.
- Homicide cases involving Indigenous persons occur in tribal jurisdictions and non-tribal jurisdictions.

Stakeholder Interviews

Stakeholder interviews provide perceptions of the responses, challenges, and opportunities related to MMIP across multiple agencies, organizations, and offices located throughout Idaho and serving several communities.

- There is variation in missing persons response across the state. In some areas of the state inter-agency agreements are in place and community response plans are being discussed. In other areas the relationships are not as strong or established between tribal agencies and all relevant county or municipal agencies.
- Juvenile missing persons response is more standardized than adult missing persons response.
- There is no waiting period to report someone missing.
- Stakeholders identified several logistical challenges in responding to missing persons and/or homicide cases, including
 - “missing” is not a criminal offense
 - the influence of policies and policy variation across agencies
 - defining missing adult cases and applying a consistent policy for reports of missing adults
 - resource constraints
 - level of training
 - level of investigation/report detail
 - responding to repeat missing juveniles
 - jurisdictional challenges and confusion
 - communication and access to information when multiple jurisdictions are involved
- Stakeholders from tribal and non-tribal agencies expressed a desire to explore options for collaborative efforts moving forward.

Recommendations

The needs of one tribe or location may be different from then needs of another, though some recommendations apply or have impact statewide:

- Avenues for expanding the capacity of tribal law enforcement and enhancing access to case information between agencies should be pursued.
- Moving towards consistent polices and standard operating procedures (SOPs) in missing persons cases, and in homicide cases involving tribal and non-tribal jurisdiction.
- Enhancing data collection, data sharing, and data accuracy.
- Enhancing the capacity of Indigenous victim services.
- Enhancing the capacity of the Idaho Missing Persons Clearinghouse.
- Expanding community education and resource awareness.
- Engaging in research on causes of MMIP that can inform policy and response.

Introduction

This report is responsive to HCR33¹ and the need to better describe and understand the impact of Missing and Murdered Indigenous Persons (MMIP) in Idaho. Increasing and sustained attention on MMIP is occurring at the federal and state levels across the country. In November 2019, President Trump signed an Executive Order forming a Presidential Task Force on Missing and Murdered American Indians and Alaska Natives referred to as *Operation Lady Justice*. On a national level Operation Lady Justice is working to develop model protocols, procedures, and guidelines pertaining to missing and murdered persons cases among Indigenous communities. States have begun following suit, developing state-level task forces, legislation, and reports on issues relevant to MMIP. To date, eight states have developed reports in response to state legislation: Arizona, Nebraska, Montana, Minnesota, New Mexico, Oregon, Washington, and Wyoming. While Idaho now joins the list of states that have developed original research reports on MMIP, this report is not the first or only source of information on this issue. Partners across the state have engaged and continue to engage in collaborations aimed at informing, relationship building, and responding to MMIP. These efforts highlight the *will* and *commitment* of numerous agencies, organizations, and Tribes. This report serves as a complement to these on-going efforts.

This report intentionally combines quantitative (numerical) research methods with Indigenous qualitative research methods. This mixed-method approach is intended to speak to all audiences by providing an understanding of MMIP ‘by the numbers’, and MMIP through thematic analysis of Tribal and non-Tribal stakeholders’ perspectives and experiences. Missing persons data sources examined for this report include the Idaho Missing Persons Clearinghouse (Clearinghouse), the National Missing and Unidentified Persons System (NamUs), National Center for Missing and Exploited Children (NCMEC), and the National Crime Information Center (NCIC). Murder/violent death data sources examined include the Centers for Disease Control and Prevention’s (CDC) WONDER dataset, Idaho’s Uniform Crime Reporting (UCR) program, and the FBI’s UCR program. Stakeholder interviews provide contextual information relevant to HCR33 aims, aligning and expanding on public testimony on the resolution. Conclusions and recommendations are made based on both the quantitative and qualitative data that are presented.

A note on terminology: throughout this report several terms are used in referencing Indigenous peoples. Different data sources and entities use different terminology; for example, the U.S. Census and many crime data sources use “American Indian and Alaska Native”, the federal government uses “Indian/Indian Country”, and elsewhere “Native American” or “Indigenous” are most common. When a specific entity or data source is being referenced, we use the terminology of that entity or data source. Otherwise, this report uses the terms “Indigenous” and “Native”.

¹ House Concurrent Resolution No. 33, 65th Legis. 2nd Reg. Sess. (2020). <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/HCR033.pdf>

Idaho's Federally Recognized Tribes, Reservations, & Indigenous Peoples

There are five federally recognized tribes within the borders of Idaho: the Coeur d'Alene Tribe, the Kootenai Tribe, the Nez Perce Tribe, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribe. A brief description of each tribe and reservation in Idaho is provided below. There are many resources and opportunities to learn about each tribe's rich history and culture far exceeding what is presented here.

The Coeur d'Alene Tribe was given its modern name by French traders and trappers around the turn of the 19th century². In their own language, the tribe is called *Schitsu'umsh* meaning "those who were found here" or "the discovered people". The Coeur d'Alene Reservation today consists of 345,000 acres of land that crosses into Benewah and Kootenai Counties in the northern part of Idaho. Historically, the tribe's homeland spanned five million acres covering much of (what is today) northern Idaho, reaching into western Montana, and eastern Washington. There are more than 2,190 enrolled members of the Coeur d'Alene Tribe. The reservation has a total population of about 7,700 people, approximately 20% of whom are Indigenous³.

The Kootenai Tribe in Idaho is one of seven bands of Ktunaxa (Kootenai). The remaining bands historically spanned Canada and Montana. The Idaho band of the Kootenai Tribe, located in the very northern part of Idaho, crosses into Boundary County. The Idaho Kootenai Tribe is unique in that they never signed a treaty with the federal government. The Kootenai Tribe now own about 2,500 acres of land⁴. There are approximately 165 enrolled citizens of the Kootenai Tribe. Approximately 118 people reside on the reservation and of those more than 77% are Indigenous⁵.

The Nez Perce Tribe was also given its modern-day name by French traders in the 18th century⁶. In their own language, the Nez Perce call themselves *Niimi'ipuu* meaning "the people". The tribe was historically nomadic residing across 17 million acres spanning Idaho, Montana, Oregon, and Washington. The Nez Perce Reservation today consists of 750,000 acres located in the northern part of Idaho and crosses into Clearwater, Idaho, Lewis, and Nez Perce counties⁷. There are more than 3,500 enrolled tribal members. The reservation has a population of approximately 19,000, about 14-17% of whom are Indigenous⁸.

The Shoshone-Bannock Tribes of Fort Hall consist of eastern and western bands of the Northern Shoshone and Bannock, or Northern Paiute. The tribes are culturally related but with distinct

² Coeur d'Alene Tribe. (n.d.). History. <https://www.cdatribe-nsn.gov/our-tribe/history/>

³ United States Census Bureau. (2019). Coeur d'Alene Reservation, 2015-2019 American Community Survey 5-Year estimates [data set]. Retrieved from <https://www.census.gov/tribal/?st=16&aianihh=0705>

⁴ Upper Columbia United Tribes. (2021). Kootenai Tribe of Idaho. <https://ucut.org/members-tribes/kootenai-tribe-idaho/>

⁵ United States Census Bureau. (2019). Kootenai Reservation and off-reservation trust land, 2015-2019 American Community Survey 5-Year estimates [data set]. Retrieved from <https://www.census.gov/tribal/?aianihh=1800>

⁶ Nez Perce Tribe. (2018). History. <https://nezperce.org/about/history/>

⁷ Columbia River Inter-Tribal Fish Commission. (2021). Nez Perce Tribe. https://www.critfc.org/member_tribes_overview/nez-perce-tribe/

⁸ United States Census Bureau. (2019). Nez Perce Reservation, 2015-2019 American Community Survey 5-Year estimates [data set]. Retrieved from <https://www.census.gov/tribal/?aianihh=2445>

ethno-linguistic dialects⁹. The Northern Shoshone used many names but commonly referred to themselves as *Nemme sosoni'ihnee'e*, meaning “the people” or “us”¹⁰. The Bannock historically called themselves *Nimi'*, *Pan a'kwati*, or *Panaite*. The Fort Hall reservation is in southeast Idaho and shares borders with parts of Bannock, Bingham, Caribou, and Power Counties. The reservation comprises 544,000 acres of land, reduced from 1.8 million since the original 1868 treaty, and there are approximately 5,900 enrolled citizens of the Shoshone-Bannock tribes. There are about 5,850 people residing on the Fort Hall reservation and of those approximately 60% are Indigenous¹¹.

The Shoshone-Paiute Tribes of the Duck Valley Reservation hold a geographically unique space compared with Idaho's other tribes, as the reservation's borders reside in both the southern part of Idaho and the northern part of Nevada. The Western Shoshone and Northern Paiute originally inhabited lands spanning across Idaho, Nevada, and Oregon¹². The Duck Valley reservation is approximately 290,000 acres and crosses Owyhee County (Idaho) and Humboldt County (Nevada). There are a little over 2,000 enrolled citizens of the Shoshone-Paiute Tribes. There are approximately 1,312 people residing on the Duck Valley reservation, of which about 96% are Indigenous¹³.

In addition to the 8,500 plus Indigenous persons living on reservations in Idaho, approximately 78% of Idaho's Indigenous population resides elsewhere in the state. According to U.S. Census data, the total population of individuals identifying as American Indian and Alaska Native (AI/AN) alone (23,136) or in combination with other racial identities (18,993) is 42,129. This is approximately 2.5% of the state's population (1,717,750)¹⁴. When looking at the demographic categories for 'race alone or in combination with one or more other races,' American Indian and Alaska Natives make up the second largest racial minority group in Idaho (only second to the collective category 'some other race'). Trends in Census data indicate that the percentage of individuals identifying as AI/AN has steadily increased over the past decade.

Each of Idaho's tribes are unique in their language, culture, beliefs, and history. Federally recognized tribes retain sovereignty with the rights to establish their own forms of government, determine membership requirements, enact legislation, and establish justice systems¹⁵. Each of the five tribes has a governing body: the Coeur d'Alene Tribe have a seven-member Tribal Council elected by tribal membership; the Kootenai Tribe have a nine-member council; the Nez

⁹ Shoshone-Bannock Tribes of the Fort Hall Reservation. (2021). About. <http://www.sbtribes.com/about/>

¹⁰ Digital Atlas of Idaho. (n.d.). Original Tribal and Band Names of Idaho's Native Peoples. <https://digitalatlas.cose.isu.edu/geog/native/text/names.htm>

¹¹ United States Census Bureau. (2019). Fort Hall Reservation and off-reservation trust land, 2015-2019 American Community Survey 5-Year estimates [data set]. Retrieved from <https://www.census.gov/tribal/?aianihh=1185>

¹² Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. (2021). Our history. <https://www.shopaitribes.org/spculture/>

¹³ United States Census Bureau. (2019). Duck Valley Reservation, 2015-2019 American Community Survey 5-Year estimates [data set]. Retrieved from <https://www.census.gov/tribal/?aianihh=0965>

¹⁴ Based on the U.S. Census' American Community Survey (ACS) 5-year estimates for 2015-2019. 2020 Census data was released after estimates for this report were calculated.

¹⁵ National Conference of State Legislatures. (2013). An issue of sovereignty. <https://www.ncsl.org/legislators-staff/legislators/quad-caucus/an-issue-of-sovereignty.aspx>

Perce Tribe have a nine-member Tribal Executive committee who are elected by all voting age members of the tribe; the Shoshone-Bannock Tribes have a constitutional form of government with a seven-member Business Council who are elected by tribal members; and the Shoshone-Paiute Tribes have a constitutional government with a seven-member business council. Each council selects a member to serve on the Idaho Legislature's Council on Indian Affairs. The Council on Indian Affairs is intended to ensure that both governments cooperate and advise the governor, legislature, and state departments on policies, programs, and procedures that focus on the unique relationship between tribal and state government¹⁶.

Criminal Jurisdiction and Reservations in Idaho

In Idaho, depending on the crime, location, and racial identities of those involved, tribal law enforcement, municipal police, county sheriffs, ISP, and/or the BIA or FBI may have jurisdiction. Idaho does not recognize tribal police officers as 'peace officers' without deputization by a sheriff or police chief¹⁷. Tribal police codes require non-tribal officers to be cross-deputized to have authority on reservation land¹⁸. Unless agreements are in place, jurisdictional problems can arise when (1) a crime is committed by a non-tribal person on the reservation and tribal police are the first to respond, or (2) a tribal member commits a crime on the reservation and a non-tribal officer is the first to respond¹⁹. In both situations, the responding officer would not be able to arrest without an existing inter-agency agreement or cross-deputization. On several of Idaho's reservations, there is a high likelihood of crime involving non-tribal persons given the high percentage of non-tribal citizens who live on reservation land (for Coeur d'Alene and Nez Perce most residents are not Indigenous, see the previous section for percentages across reservations). The Kootenai Reservation serves as an example of inter-agency agreements where tribal police, the county sheriff, border patrol, and forest service are all cross-deputized²⁰. The Kootenai Tribe is not the only tribe with agreements in place with municipal or county agencies, but these agreements are not universal across all relevant jurisdictions. To further complicate matters turnover among chiefs of police and sheriffs can impact consistency in inter-agency agreements.

The FBI and the U.S. Attorney's Office for the District of Idaho (USAO) play a significant role in criminal justice response on reservations. Public Law 280 (1953) gave jurisdiction over criminal offenses involving Indigenous people on reservations to certain states and allowed others to assume jurisdiction. In 1973, Idaho assumed Public Law 280 jurisdiction in seven areas (including 'juvenile delinquency and youth rehabilitation', 'dependent, neglected, and abused children', and 'operation and management of motor vehicles upon highways and roads

¹⁶ State-Tribal Relations Act, Id. Stat. § 67-4006 (1999).

<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH40/SECT67-4006/>

¹⁷ Peace Officer Standards and Training Council, Id. Stat. §19-5101 (1981 & Am. 2017).

<https://legislature.idaho.gov/statutesrules/idstat/title19/t19ch51/sect19-5101/>

¹⁸ Whelan, T. J. (2020). Practical realities of criminal enforcement in Indian Country. ISB Indian Law Section.

<https://isb.idaho.gov/wp-content/uploads/IND-Section-Meeting-Material-May-1-2020.pdf>

¹⁹ Ibid

²⁰ Ibid

maintained by the county or state or their political subdivisions²¹), but not for general crimes²². Idaho's partial adoption of PL 280 combined with the longstanding General Crimes Act and Major Crimes Act²³ (extending certain federal laws to Indian Country and granting federal jurisdiction over Indians who commit major felonies), results in the USAO holding jurisdiction over major crimes committed on reservations²⁴. The USAO has published (in 2011) and updated (in 2018) their Indian Country Community Safety Strategy outlining six core elements: effective communication between the office and each tribe; efficient and speedy collaboration on investigations and prosecutions; meaningful victim services; informative training and outreach; prioritized focus on violence against women, children and human trafficking; and accountability²⁵.

While most major crimes are handled by the federal government, the tribes do have their own justice systems. The Coeur d'Alene, Kootenai, Nez Perce, and Fort Hall Reservations have their own tribal police departments funded through the tribes, Department of Justice (DOJ) grants, and Public Law 638²⁶ contracts with the Bureau of Indian Affairs (BIA). Duck Valley contracts with the BIA for law enforcement services. All five tribes operate tribal courts with jurisdiction over misdemeanors, civil infractions, and offenses perpetrated by tribal residents with a maximum penalty of 1 year in prison and/or \$5,000 fine. The passage of the Tribal Law and Order Act (TLOA) in 2010 does allow for expanded prosecution, including over non-indigenous persons who commit crimes on reservations, for tribal courts that satisfy certain requirements. Idaho's tribal courts (like many in the nation) have not enacted TLOA provisions at this time²⁷.

Violent Victimization and MMIP

Historically, when research on crime and victimization considered race, it most commonly did so by examining Whites compared to 'non-Whites', or Whites compared to Blacks. This led to a lack of research that spoke to the impact of crime and victimization among Indigenous peoples (and others). Recent research at the national, state, and local levels has begun to build our understanding of racial disparities in victimization as they pertain to Indigenous persons. Studies have found that Indigenous persons suffer from the highest rate of victimization compared to any

²¹ Jurisdiction in Indian Country, Id. Stat. § 67-5101 (1963).

<https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch51/sect67-5101/>

²² For an in-depth examination of PL 280 in Idaho see: Office of Performance Evaluations. (2017). State jurisdiction in Indian Country. <https://legislature.idaho.gov/wp-content/uploads/OPE/Reports/r1702.pdf>

²³ The General Crimes Act, 18 U.S.C. § 1152 (1948) <https://www.justice.gov/archives/jm/criminal-resource-manual-678-general-crimes-act-18-usc-1152>; The Major Crimes Act, 18 U.S.C. § 1153 (1948 Am. 2013)

<https://www.justice.gov/archives/jm/criminal-resource-manual-679-major-crimes-act-18-usc-1153>

²⁴ United States Attorney's Office District of Idaho (2018). Indian Country community safety strategy 2018 update. <https://www.justice.gov/usao-id/file/1376071/download>

²⁵ Ibid

²⁶ The Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93-638 (2004)

<https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc017333.pdf>

²⁷ United States Attorney's Office District of Idaho (2018). Indian Country community safety strategy 2018 update. <https://www.justice.gov/usao-id/file/1376071/download>

other race/ethnicity²⁸, with victimization rates higher than state and national averages²⁹. Victimization is prevalent for both Indigenous men and women: more than 4 in 5 have experienced violence in their lifetime and more than 1 in 3 in past year measures³⁰. Data from the 2010 National Intimate Partner and Sexual Violence Survey (NISVS) indicate that 81.6% of Indigenous men and 84.3% of Indigenous women have experience violence in their lifetime³¹. Furthermore, compared to non-Hispanic White women, Indigenous women are 1.2 times more likely to be victimized in their lifetime; and compared to non-Hispanic White men, Indigenous men are 1.3 times more likely to be victimized in their lifetime.

Indigenous women may also be at an increased risk of intimate partner homicide compared to other race/ethnicities. Research in New Mexico found that the rate of intimate partner homicide for Indigenous women was 4.9 per 100,000, more than double the rate for Hispanic and non-Hispanic White women³². Indigenous children also experience child abuse at a higher rate compared to other races. The per capita rate of substantiated child abuse has been reported as 1 in 30 for Indigenous children compared to 1 in 58 for the general population³³.

Violent victimization is relevant to understanding MMIP as often there are links between experiences of abuse, neglect, and/or manipulation and risk of going missing or experiencing lethal violence. State reports on MMIP have found the rate of homicide for Indigenous people to be eight times higher than the rate for White people³⁴, that a disproportionate number of female homicide victims are Indigenous (8 times their proportion in the population)³⁵, that Indigenous people may stay missing longer than their White counterparts, and that a disproportionate

²⁸ Rosay, A. B. (2016). Violence against American Indian and Alaska Native women and men: 2010 findings from the National Intimate Partner and Sexual Violence Survey. National Institute of Justice.

<https://www.ojp.gov/pdffiles1/nij/249736.pdf>

²⁹ Bubar, R., & Thurman, P. J. (2004). Violence against Native Women. *Social Justice*, 31(4(98)), 70–86.

<http://www.jstor.org/stable/29768276>

³⁰ Rosay, A. B. (2016). Violence against American Indian and Alaska Native women and men: 2010 findings from the National Intimate Partner and Sexual Violence Survey. National Institute of Justice.

<https://www.ojp.gov/pdffiles1/nij/249736.pdf>

³¹ Ibid

³² Arbuckle, J., Olson, L., Howard, M., Brillman, J., Anctil, C., Sklar, D. (1996). Safe at home? Domestic violence and other homicides among women in New Mexico. *Annals of Emergency Medicine*, 27(2), 210-5.

doi:10.1016/s0196-0644(96)70325-6

³³ Fox, K. A. (2003). Collecting data on the abuse and neglect of American Indian children. *Child Welfare*, 82(6), 707-726.

³⁴ Grant, E. A., Dechert, L., Wimbish, L., & Blackwood, A. (2021). *Missing & murdered Indigenous people: Wyoming statewide report*. <https://wysac.uwyo.edu/wysac/reports/View/7713>

³⁵ MartinRogers, A., & Pendleton, V. (2020). *A report to the Minnesota Legislature*. Missing and Murdered Indigenous Women Task Force.

<https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/oljmissingwomenreport.pdf>

number of reported missing persons are Indigenous (3.1³⁶ to 3.9 times³⁷ their proportion in the population).

Because identifying and describing a problem often results in a deficit-only focus – highlighting risk factors and challenges – it is important to acknowledge the *resiliency* and *strength* in Indigenous communities and among Indigenous peoples. Tribes in Idaho and across the country have been actively involved in responding to these problems, creating community response plans, providing support groups, organizing community awareness campaigns, engaging in traditional healing practices, and collaborating with state and federal agencies.

Missing Persons and Missing Persons Policies

In the context of criminal justice, missing persons cases are unique. Going missing is not a crime on its own, however when someone is suspected to have gone missing, a family member, friend or loved one can report them missing to police. The level of police involvement and the procedures that are followed will depend on the circumstances of the case (including age of the missing person), and the department’s policies or procedures for response. People may go missing in a variety of circumstances including (but not limited to): voluntarily choosing to begin their life anew without past ties; going missing in the aftermath of an accident or natural disaster; going missing because they are victimized or lured into victimization (e.g., human trafficking, domestic violence, kidnapping); going missing as a result of wandering or “elopement” (e.g., individuals with dementia); and going missing in the context of running away (juveniles).

One avenue for understanding missing persons response is through institutional policies. Many police agencies and sheriff’s offices have policy manuals to guide their response to a wide range of cases. Whether an agency has a policy manual, and the content of those manuals, can vary agency to agency. In Idaho, there are 107 non-tribal law enforcement entities³⁸, plus five federally recognized tribes with police/law enforcement departments. Approximately five years ago, the Law Enforcement Policy Center developed the *Idaho Policing Policy* manual which was adopted by 52 agencies. This policy manual includes policies for missing juveniles and missing adults³⁹. A few years prior to the development of the *Idaho Policing Policy* manual the Idaho Counties Risk Management Program (ICRMP) facilitated the development of policy manuals through Lexipol with some agencies⁴⁰. Lexipol policy manuals also include policies for missing persons. Remaining agencies may have developed their own policy manual or may not have a

³⁶ Sutter, M., gaiashkibos, J., Shafer, S., Weidner, E., Richards, T. N., Wright, E., & Nystrom, A. (2020). LB 154 Report: Prevalence of missing and murdered women and children in Nebraska; Barriers to reporting and investigating; and opportunities for partnerships.

<https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/lb154report.pdf>

³⁷ Montana Department of Justice. (2020). Looping in Native communities: Report to the State-Tribal Relations Interim Committee.

https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/Montana_LINC_Report.pdf

³⁸ Idaho State Police, Bureau of Criminal Identification, Uniform Crime Reporting (UCR) Section. (2021). Crime in Idaho 2020. <https://nibrs.isp.idaho.gov/CrimeInIdaho/Publication/Active/Crime%20in%20Idaho%202020.pdf>

³⁹ G. Raney, personal communication, May 5, 2021

⁴⁰ Ibid; Idaho Counties Risk Management Program, personal communication, May 18, 2021

policy manual⁴¹. Policy manuals developed through external organizations typically have associated costs and require maintenance to keep them up to date. These factors may pose a challenge for smaller or lower resource agencies, resulting in some agencies developing a manual internally or not having one. The Clearinghouse and the International Association of Chiefs of Police (IACP) serve as resources for missing person policy development, response, and model policies. Missing persons policies, when shared with the public, are one avenue for helping families of missing persons understand what the steps in the process may be and what actions they can expect.

Research Description & Findings

Missing and Murdered Persons Data

There are several existing databases that capture missing persons records and homicide data. One of the challenges in describing MMIP numerically is that administrative data are often decentralized, inconsistent, and/or challenging to access. The data may not accurately reflect the true nature of the issue, with concerns about accurate racial identification in administrative datasets and the unknown number of cases that are not reported or that do not get entered in national policing databases. Jurisdiction can also contribute to complicated data, e.g., tribal police may report crime statistics to the BIA or FBI while non-tribal police may participate in state crime data collection efforts that are centralized.

Tribes may engage in their own data collection and monitoring, and tribal data sovereignty must be acknowledged as foundational to Indigenous–non-Indigenous collaborations. Tribes may also want to institute consistent data collection practices but lack the resources to do so (a challenge shared with many non-Indigenous local and state institutions, particularly rural ones). With these considerations in mind, several data sources were explored to provide initial evidence for the occurrence of MMIP in Idaho. The sources of missing persons data and findings are presented first, followed by sources of homicide data and findings.

Missing Persons Databases

National Crime Information Center (NCIC)

NCIC is a computerized database accessible to criminal justice agencies, available 24 hours a day 365 days a year, containing criminal justice information regarding criminal record history, fugitives, stolen properties, and missing persons⁴². The NCIC system defines six categories of missing persons:

⁴¹ Ibid

⁴² Department of Justice. (2008). National Crime Information Center (NCIC). <http://www.fas.org/irp/agency/doj/fbi/is/ncic.htm>

1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting that person or others to personal and immediate danger (Disability Records)
2. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary (Involuntary Records)
3. A person of any age who is missing under circumstances indicating that that person's physical safety may be in danger (Endangered Records)
4. A person of any age who is missing after a catastrophe (Catastrophe Records)
5. A person under the age of 21 that does not meet any of the above criteria (Juvenile Records)
6. A person who is 21 or older and does not meet any of the criteria above but there is reasonable concern for their safety (Other Records)

The NCIC is accessible by federal, state, and local law enforcement; and in Idaho is also accessible by tribal police. National summary reports on the missing and unidentified persons files are published annually per the Crime Control Act of 1990.

Per federal law, when a child is reported missing to police that child must be entered into the NCIC system within two hours. Once entered, that record is assigned a unique identification number. There is not a similar time requirement for missing adults, and thus agencies have discretion in developing their own policies for inputting reports of missing adults.

Idaho Missing Persons Clearinghouse (Clearinghouse)

The Missing Persons Clearinghouse was established in Idaho statute §18-4512⁴³. This statute directs the Idaho State Police (ISP) to develop a missing person clearinghouse as a resource center to collect and maintain computerized data; establish access to NCIC; distribute information to assist in missing persons cases; operate a toll-free hotline; publish a directory of missing persons; and conduct training and compile statistics on missing persons in the state. In 1999, ISP established the Clearinghouse to provide a central location of resources to help identify and assist state and national entities locate missing persons in Idaho. The Clearinghouse emphasizes there is **no waiting period to report someone as missing**, which can be done by contacting the local police department or sheriff's office. The Clearinghouse maintains statistical data on Idaho's missing; develops and provides training to law enforcement on topics relevant to missing persons; creates and provides forms for law enforcement and members of the public to use; as well as maintains available resources to assist during a missing person event. The Clearinghouse manager verifies the entry of Idaho missing persons in NCIC and liaises with the National Center for Missing and Exploited Children (NCMEC) and the National Missing and Unidentified Persons System (NamUs). The Clearinghouse categorizes missing persons based on

⁴³ Kidnapping, Id. Stat. §18-4512 (1996 & Am. 2000).
<https://legislature.idaho.gov/statutesrules/idstat/title18/t18ch45/sect18-4512/>

the NCIC definitions. The Clearinghouse is run by a single manager who is responsible for all of the above outlined activities.

National Center for Missing and Exploited Children (NCMEC)

NCMEC is a non-profit corporation that works with justice agencies, families, victims, private industry, and the public to “assist with preventing child abductions, recovering missing children, and providing services to combat child sexual exploitation”⁴⁴. The mission of NCMEC is to serve as a national clearinghouse and resource center. NCMEC operates a national toll-free hotline, as well as offers services and support to the families of missing children. NCMEC will take reports of missing children through their hotline from family/loved ones, state clearinghouse liaisons, and law enforcement. Depending on the circumstances, NCMEC case management teams will provide a range of services and resources, including creating and disseminating posters, communicating with federal agencies, and providing families with referrals for counseling needs.

National Missing and Unidentified Persons System (NamUs)

The National Missing and Unidentified Persons System (NamUs) database is owned by the U.S. Department of Justice and managed by the University of North Texas Health Science Center’s Center for Human Identification⁴⁵. NamUs was originally launched as two separate systems (unidentified persons and missing persons) in sequential years and connected as one system in 2009 (NamUs, 2021). NamUs operates as a nationwide clearinghouse, provides free-of-charge forensics services to assist with identification, provides investigative support, and offers training and outreach services. NamUs has two categories of users: professional and public. Professional users include criminal justice professionals whose employment status and credentials are vetted by NamUs Regional Program Specialists. Public users may include families of missing persons, missing persons advocates, and the general public. Both sets of users can enter a case, but public user case entries are only published after being vetted with the investigating agency for that case. Anyone can search the database, however secure case information, such as biometric data, are only accessible to professional users. NamUs has Regional Program Specialists who can be contacted for assistance with case entries, trainings, and resources. Idaho is part of Region 2 along with eight other states.

NamUs provides free database technology, forensic services, victim services, and investigative support for Indigenous missing persons cases specifically⁴⁶. NamUs is involved in outreach to tribal communities and participates in conferences and summits related to Indigenous missing persons. In addition to fields for race and ethnicity, NamUs also includes fields for tribal enrollment, tribe recognition, tribe state, and tribe; as well as fields for indicating if the person went missing from tribal land and if the missing person’s residence was on tribal land.

⁴⁴ National Center for Missing & Exploited Children. (2021). *About us*. <https://www.missingkids.org/footer/about>

⁴⁵ National Missing and Unidentified Persons System. (n.d.) *About*. <https://namus.nij.ojp.gov/about>

⁴⁶ National Missing and Unidentified Persons System. (n.d.). *NamUs support for missing Indigenous person cases*. <https://namus.nij.ojp.gov/missing-indigenous-persons>

Idaho Missing Persons Data: Clearinghouse, NCMEC, & NamUs

As described above missing persons records can be accessed via four primary sources, three of which are accessible to the public (Clearinghouse, NCMEC, NamUs), and one of which is restricted access (NCIC) for which only summary statistics are made publicly available. Given access differences, differences in the level of detail in the data, and differences in the unit of analysis, the three publicly available missing persons lists were used in combination (findings presented first) and NCIC summary data are described separately as a complement (findings presented second).

It is imperative to understand the time dimension of missing persons data because cases are *dynamic*: there is a difference between missing persons records at one point-in-time, missing persons as unique individuals (regardless of how long or how many times that person may go missing), and total missing persons entries over time. Across time, there tend to be more missing persons reports than unique missing persons because a portion of people go missing multiple times. Missing persons may change daily as many cases are resolved quickly, while others are prolonged. Prior studies have presented point-in-time data by identifying all reported missing persons cases on singular day(s) across missing persons data sources^{47,48,49}. With these considerations in mind, missing persons records from the Clearinghouse, NCMEC, and NamUs were captured on three days at two-month intervals during the study period, to represent three point-in-time missing persons estimates for 2021: February 24th (Time 1), April 24th (Time 2), and June 23rd (Time 3). Time 1 consisted of 184 missing persons reports, Time 2 consisted of 184 missing persons reports, and Time 3 consisted of 178 missing persons reports. The number of unique missing *persons* across the three time periods was 220, as many individuals appear at multiple time points (remain missing across time periods or go missing more than once).

According to 2019 U.S. Census ACS 5-year population estimates, Idaho's population was estimated at 1,717,750. **At Time 1 and Time 2 the active missing person report rate for Idaho was 10.71 per 100,000 persons. At Time 3 it was 10.36 per 100,000 persons.** The oldest case has a date of last contact as 6/6/1947, with cases spanning a range of less than 1 year to 74 years. Specific findings pertaining to demographic and case characteristics are presented below. Some findings are presented for each point-in-time to illustrate the range and dynamic nature of missing persons cases, while other findings are presented using averages across the three points-in-time or based on the total unique missing persons during the collective points-in-time

⁴⁷ Oregon State Police. (2020). *Report on missing and murdered Native American women*.

<https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/oljmissingwomen.pdf>

Richards, T. N., Wright, E. M., Nystrom, A., Gilbert, S. L., Branscum, C. (in press). On assessing the scope of missing Native Americans in Nebraska: Results from a state-wide study and recommendations for future research. <https://www.crimrxiv.com/pub/jhwsbez1/release/1>

⁴⁸Sutter, M., gaiashkibos, J., Shafer, S., Weidner, E., Richards, T. N., Wright, E., & Nystrom, A. (2020). *LB 154 Report: Prevalence of missing and murdered women and children in Nebraska; Barriers to reporting and investigating; and opportunities for partnerships*.

<https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/lb154report.pdf>

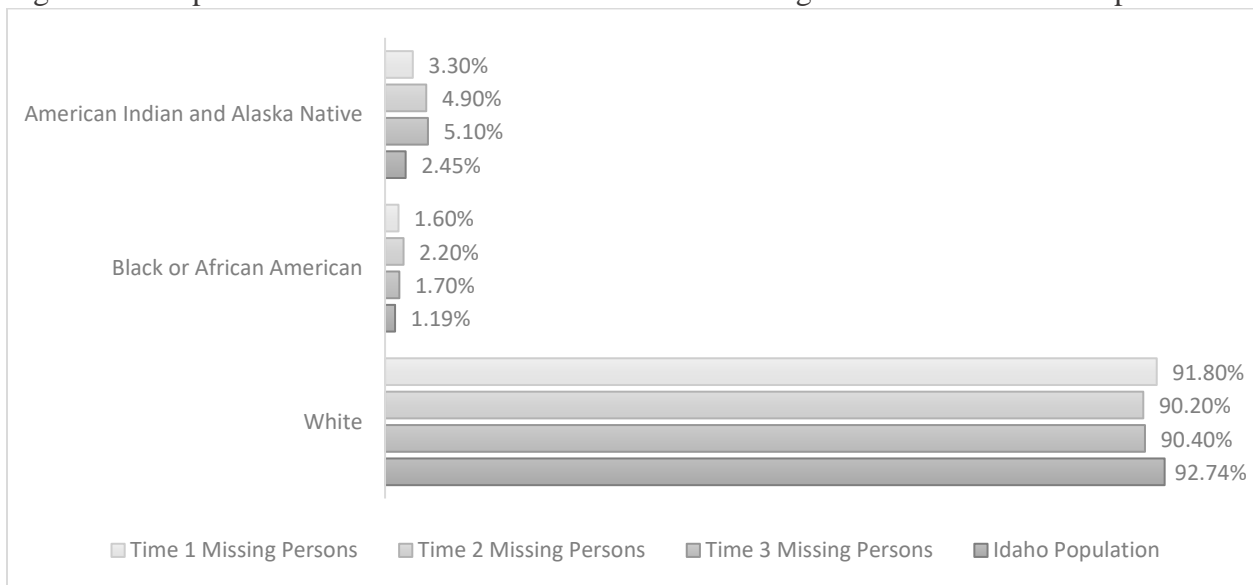
⁴⁹ Richards, T. N., Wright, E. M., Nystrom, A., Gilbert, S. L., Branscum, C. (in press). On assessing the scope of missing Native Americans in Nebraska: Results from a state-wide study and recommendations for future research. <https://www.crimrxiv.com/pub/jhwsbez1/release/1>

(N=220). A table summarizing these statistics at each point-in-time and for unique individuals is in Appendix A.

Race

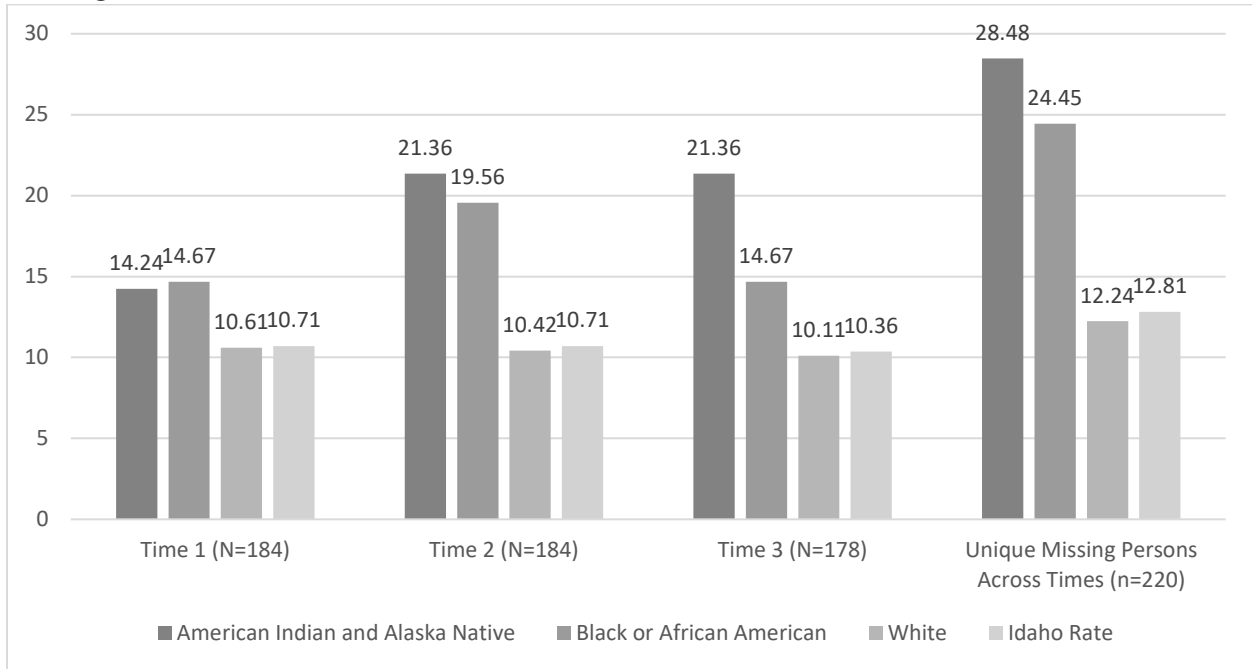
The majority of Idaho’s missing persons reports are for individuals identified as White (including those of Hispanic and non-Hispanic ethnicity), followed by those identified as American Indian and Alaska Native, and Black. For all three time points a portion of missing persons reports list the race as “unknown” (5-6 reports at each time point). **A disproportionate percentage of Idaho’s missing persons are American Indian and Alaska Native (as much as 2.1 times their proportion in the population) or Black (as much as 1.85 times their proportion in the population).**

Figure 1. Comparison of Race Distribution for Idaho's Missing Persons and Idaho's Population



The rate of missing persons by race (per 100,000 people) indicates that American Indian and Alaska Natives have a rate higher than the state’s overall rate and higher than the rate for other racial groups at two of the time points and when looking at unique individual missing persons across times.

Figure 2. Comparison of Missing Persons Rates by Race at each Time Point and for Unique Missing Persons Across Times



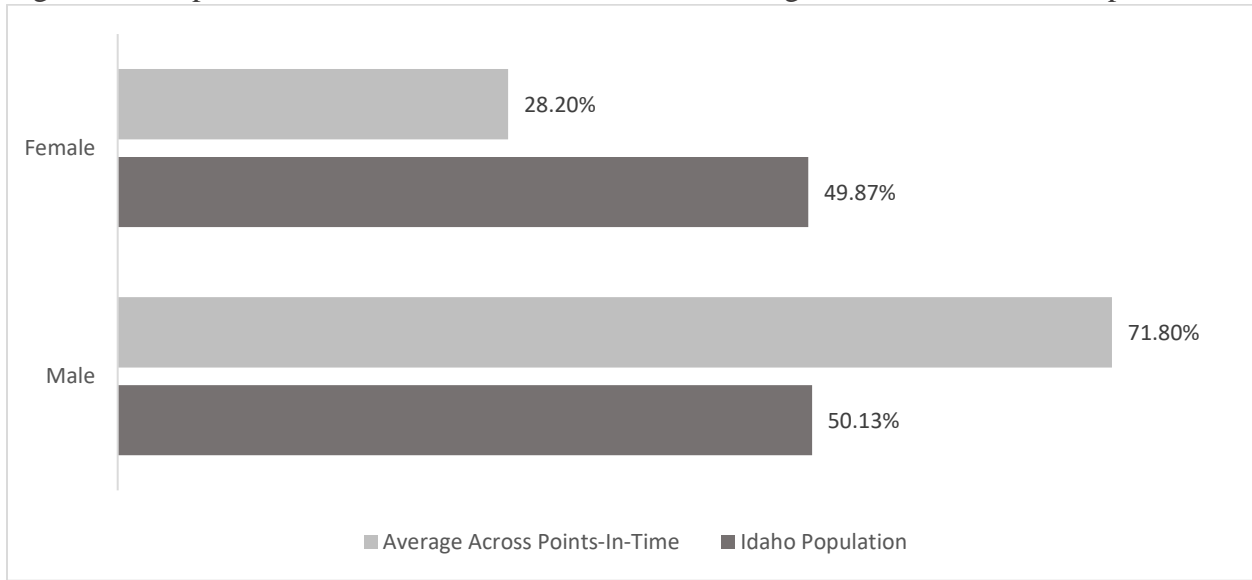
Sex

Across all three points-in-time, the majority of Idaho’s missing persons are male compared to female. The sex distribution for Idaho’s population is a near even split. A disproportionate percentage of Idaho’s missing persons are male (1.43 times their population). Studies in Nebraska and New Mexico also find a higher proportion of missing reports for males^{50,51}.

⁵⁰ Sutter, M., gaiashkibos, J., Shafer, S., Weidner, E., Richards, T. N., Wright, E., & Nystrom, A. (2020). LB 154 Report: Prevalence of missing and murdered women and children in Nebraska; Barriers to reporting and investigating; and opportunities for partnerships. <https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/lb154report.pdf>

⁵¹ New Mexico Missing and Murdered Indigenous Women & Relatives Task Force. (2020). Report to the Governor and Legislature on the task force findings and recommendations. https://www.iad.state.nm.us/wp-content/uploads/2020/12/NM_MMIWR_Report_FINAL_WEB_v120920.pdf

Figure 3. Comparison of Sex Distribution for Idaho’s Missing Persons and Idaho’s Population



Age

Federal requirements for mandatory missing person record entry were set at under 18 in the Crime Control Act of 1990 and revised to under 21 with Suzanne’s Law in 2003. To mirror NCIC’s missing person file, both definitions of juveniles are presented⁵².

Across the three points-in-time, the average age of missing persons and range of ages was consistent: the average age was 32.59 years (SD=18.64) at Time 1, 32.29 years (SD=18.64) at Time 2, and 32.79 years (SD=18.89) at Time 3; and the ages when missing ranged from 2 years old – 92 years old for all three dates. The majority of Idaho’s missing persons were adults (21 years or older) when they were reported missing. Idaho’s population is approximately 70% persons 21 and older and 30% under 21. Juveniles are overrepresented among missing persons reports at 1.12 times their representation in the population. It is also noteworthy that, while overrepresented compared to their proportion in the population, juveniles are a lower portion of the overall missing persons reports across time points in Idaho. This finding is in contrast with other states’ missing persons demographics and national missing person’s demographics that have more commonly shown the majority of reported missing persons to be juveniles. Idaho’s trend has also been publicly discussed by the Clearinghouse manager, describing this phenomenon as a post COVID-19 pandemic trend shift⁵³.

⁵² National Crime Information Center. (2020). 2020 Missing person and unidentified person statistics. <https://www.fbi.gov/file-repository/2020-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

⁵³ Thompson, L. (2021, August 9). The latest on missing persons in Idaho; Nearly 1/3 are juveniles. *Argus Observer*. https://www.argusobserver.com/news/the-latest-on-missing-persons-in-idaho-nearly-1-3-are-juveniles/article_d6bae3e2-f7bd-11eb-a18a-63b29fe76c0f.html

Figure 4. Comparison of Juvenile/Adult Distribution for Idaho’s Missing Persons (averaged) and Idaho’s Population

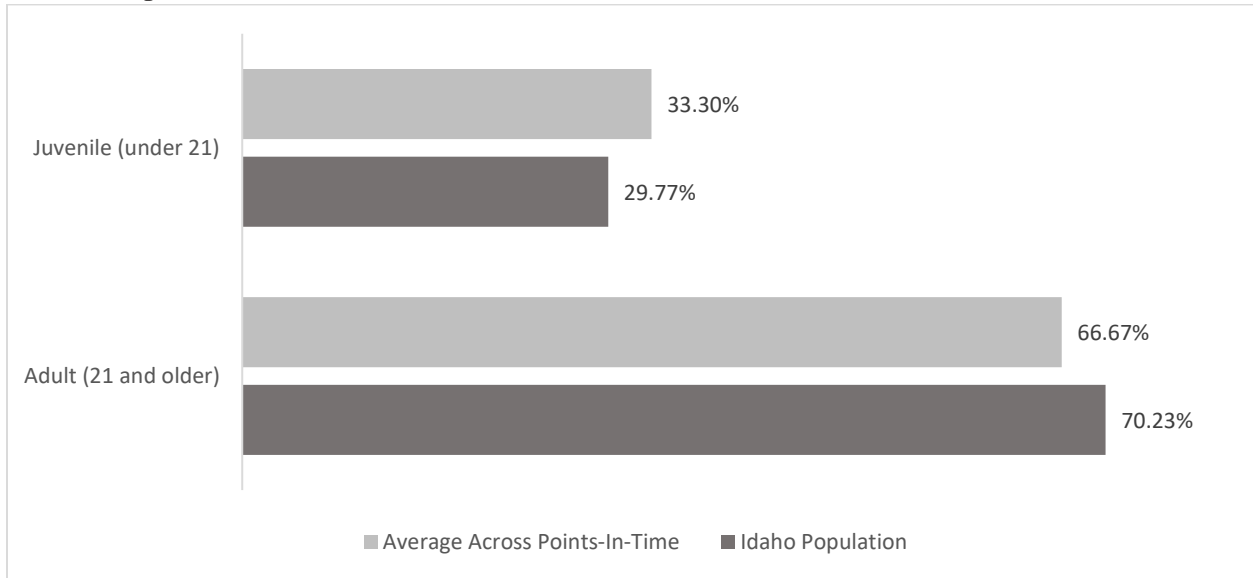


Figure 5 represents the age distribution focusing on adolescent juveniles. When examining all ages (not shown), the modal, or most frequently occurring, age was 17 years old at Time 1, 16 years old at Time 2, and 16 years old at Time 3.

Figure 5. Age Distribution of Idaho Missing Persons



Note: There were no 13-year-old missing persons at any of the points-in-time.

Time Missing

Across the three points-in-time, the average amount of time missing was approximately 16 years, with a range of less than 1 year to 74 years missing. The percent of missing persons reports where the person went missing within the past year averaged 44 (24.33%) (n=49 for Time 1, n=44 for Time 2, and n=40 for Time 3). Approximately one-quarter of missing persons reports pertain to individuals who went missing within the past year.

Figure 6. Percent of Idaho Missing Persons Reports by Year Missing

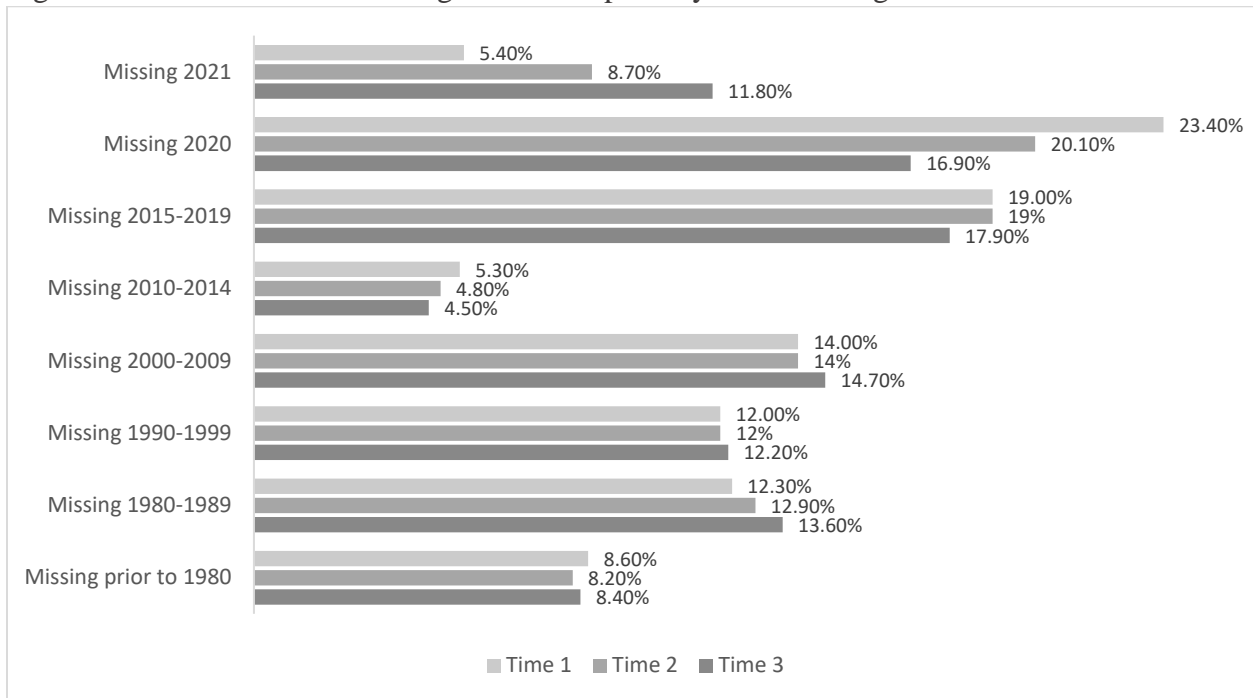
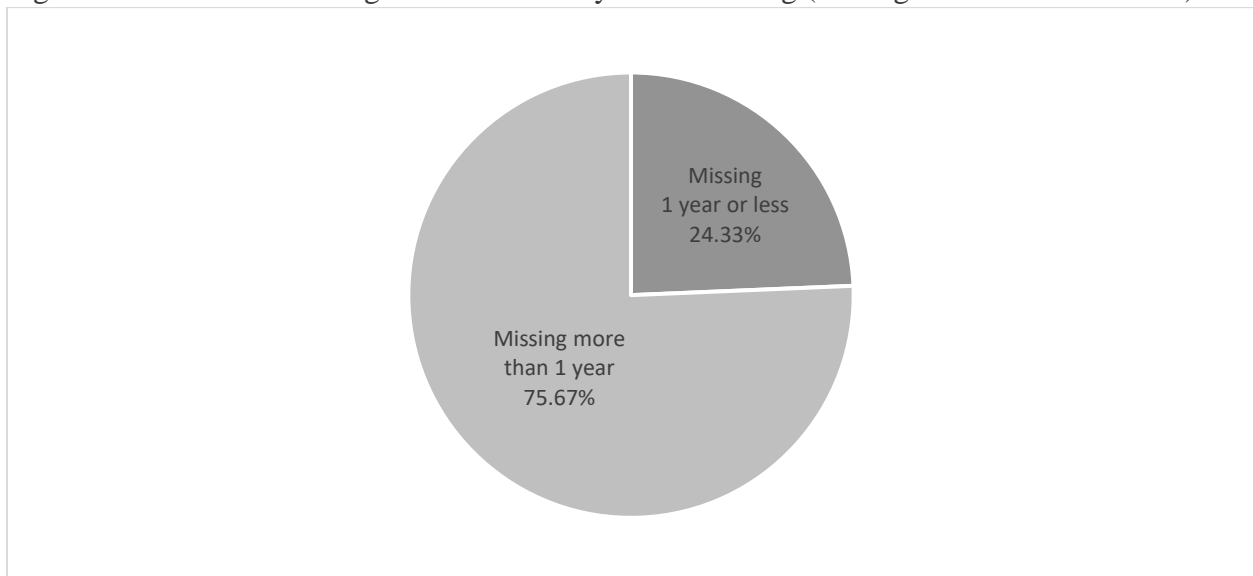


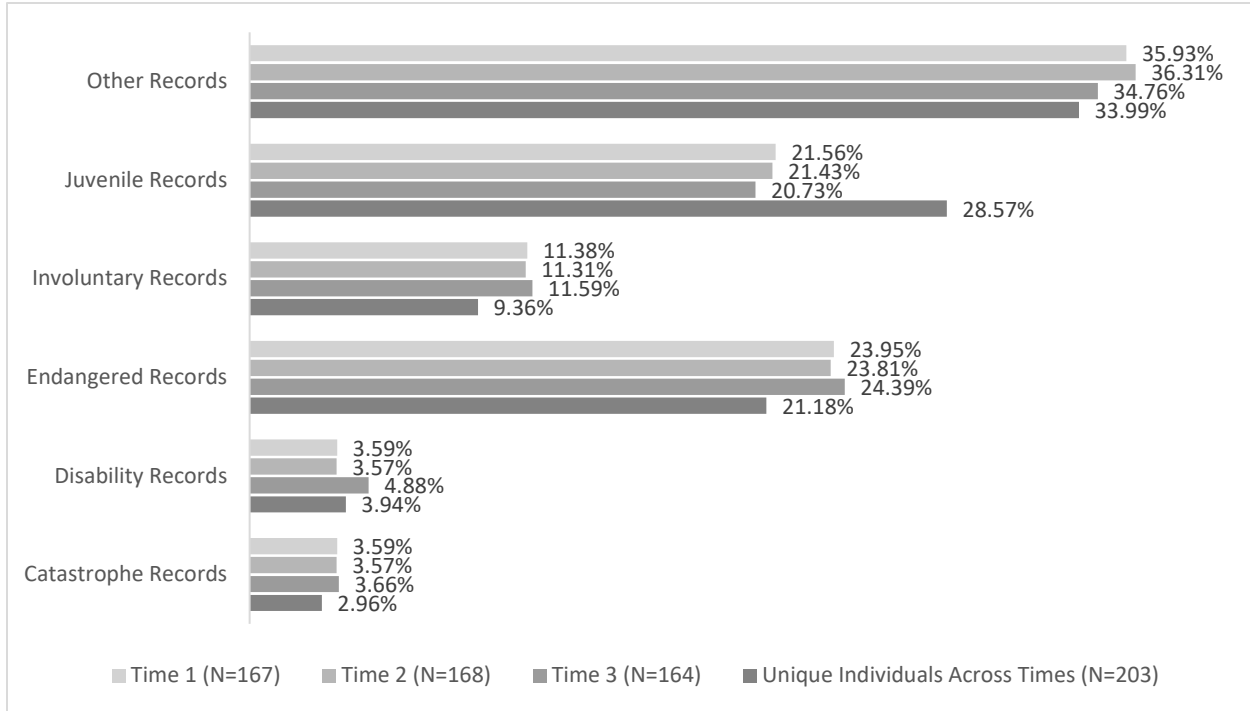
Figure 7. Percent of Missing Persons Cases by Time Missing (Average Across Time Points)



Record Categorization

As described previously, the Clearinghouse utilizes the NCIC’s record categorizations to share active missing persons reports with the public. Those reports appearing on the Clearinghouse have a known NCIC record categorization. The majority of cases appeared on the Clearinghouse (90.8% at Time 1, 90.8% at Time 2, 91.6% at Time 3). The categorization of ‘Other’ was the most common: persons who are 21 or older and do not meet criteria for any of the other categories, but there is reasonable concern for their safety.

Figure 8. Percent of Missing Persons Cases by NCIC Record Categorization



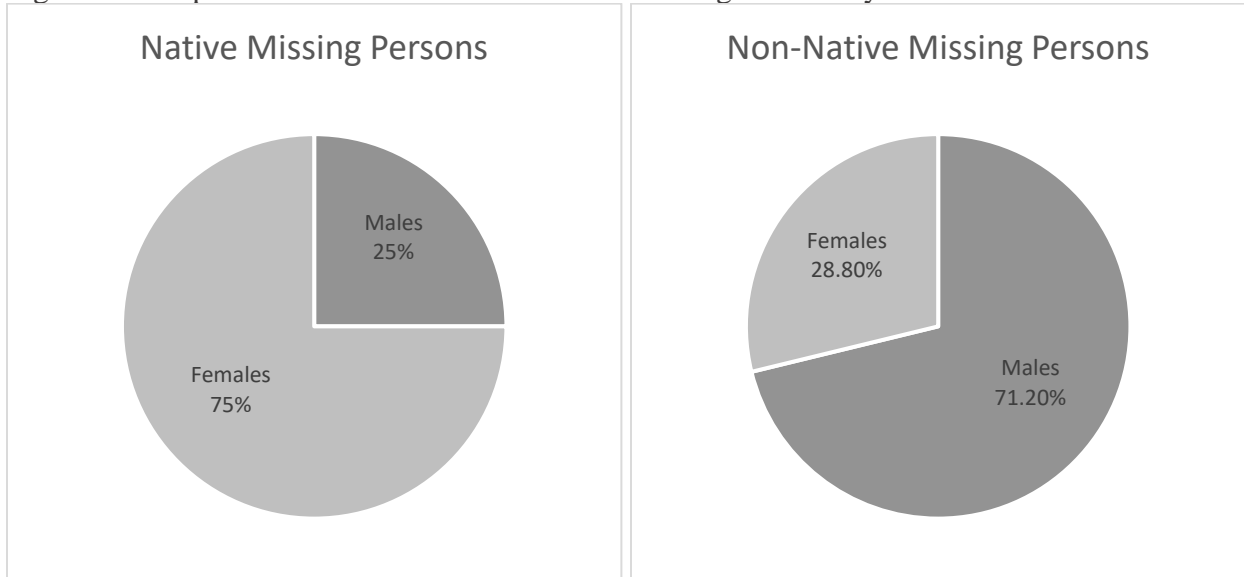
Idaho’s Indigenous Missing Persons

Individuals identified as American Indian and Alaska Native in missing persons reports are overrepresented compared to their representation in Idaho’s population. Across the three time points in 2021, there were 12 unique American Indian and Alaska Native (‘Native’) missing persons and 208 unique non-American Indian and Alaska Native (‘non-Native’) missing persons. All 12 Native missing persons appear(ed) on the Clearinghouse site, four of the 12 were on the NamUs site, and two appeared on NCMEC. Given restrictions/criteria for inclusion in NamUs and NCMEC, the Clearinghouse should provide the most comprehensive list of missing persons. Descriptive differences between Native missing persons and non-Native missing persons are presented below.

Sex

The majority of Idaho's Native missing persons are female (75%), in contrast with Idaho's non-Native missing persons (females=28.8%).

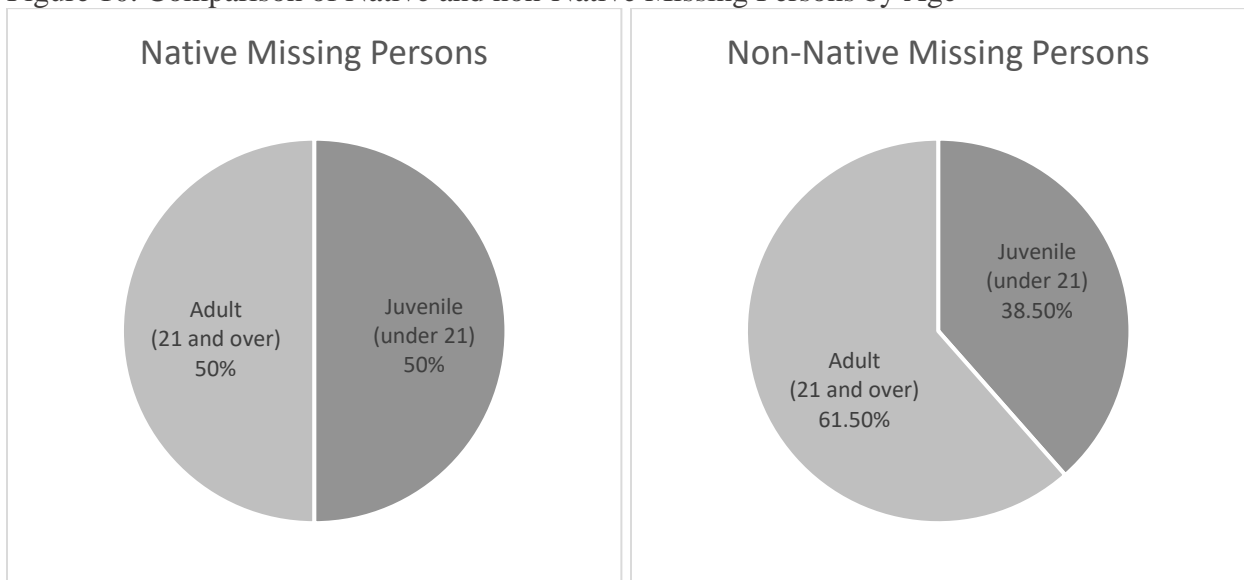
Figure 9. Comparison of Native and non-Native Missing Persons by Sex



Age

The average age of Idaho's Native missing persons at date of last contact was 23.25 years (SD=7.944), with a range of 14 years to 34 years (n=12). **Examining Native missing persons reports as a group indicates that 50% went missing as adults and 50% went missing as juveniles.** Among non-Native unique missing persons cases (cumulative across time periods, n=208), 61.5% went missing as adults and 33.5% as juveniles.

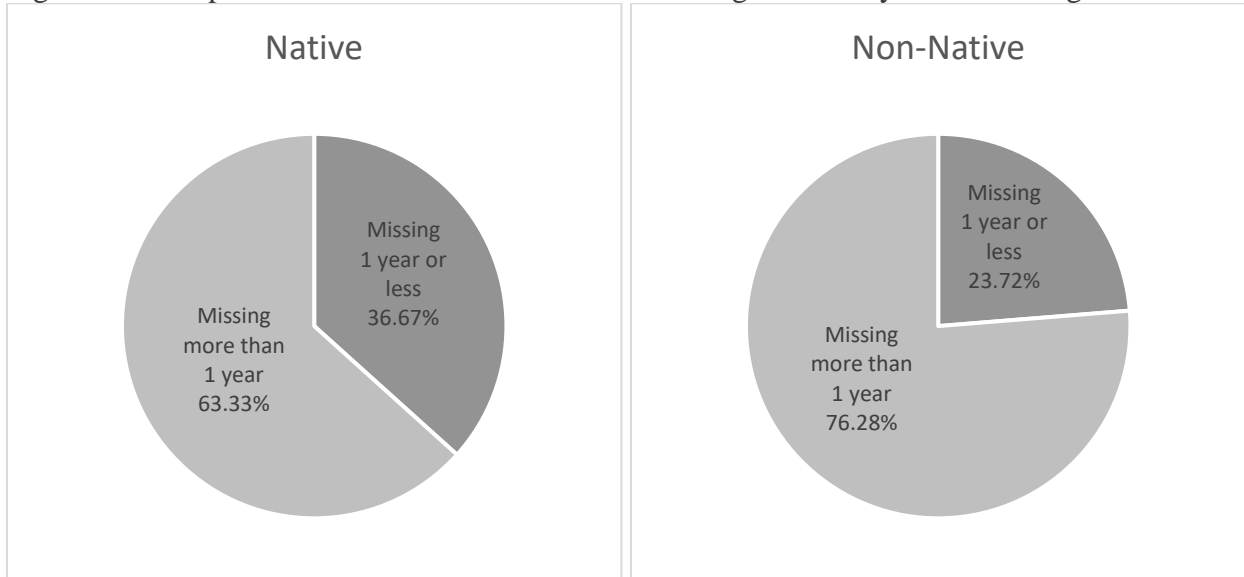
Figure 10. Comparison of Native and non-Native Missing Persons by Age



Time Missing

There is variation between Native and non-Native missing persons as a higher percentage of Native missing persons are more recently missing (within the year prior to data collection at each point-in-time) compared with non-Native missing persons.

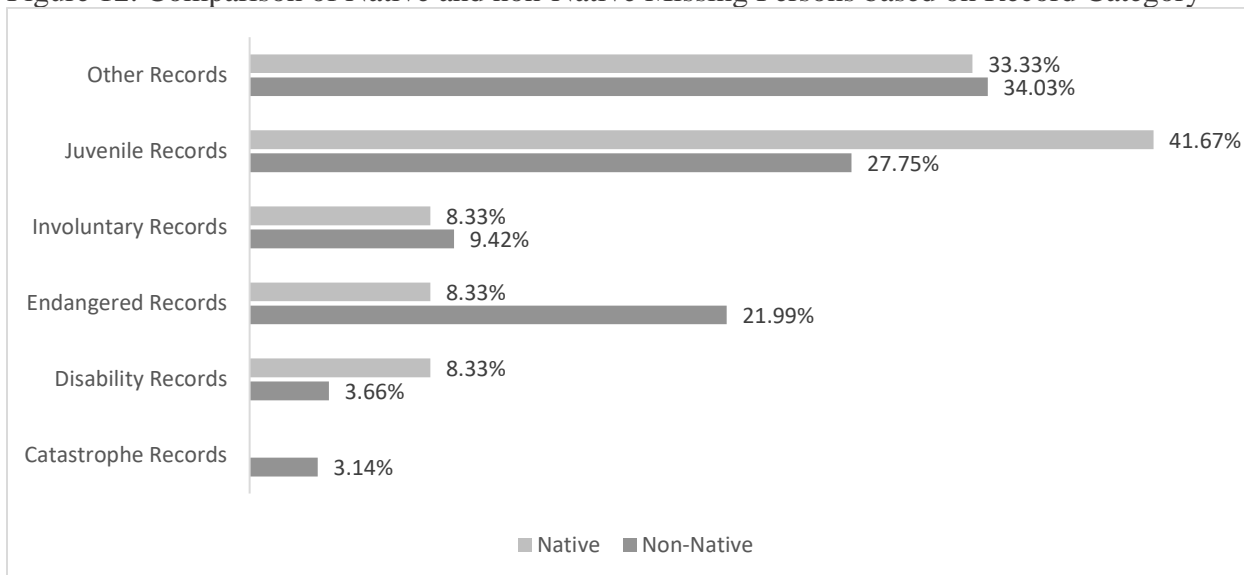
Figure 11. Comparison of Native and non-Native Missing Persons by Time Missing



Record Categorization

As described previously, the Clearinghouse utilizes the NCIC record categorizations to share active missing persons reports with the public. For the sample of unique individuals across time periods (n=220), 203 appeared on the Clearinghouse site and thus have a publicly known NCIC record categorization. A higher portion of Native missing persons appear on the Juvenile and Disability Records compared with non-Native missing persons.

Figure 12. Comparison of Native and non-Native Missing Persons based on Record Category

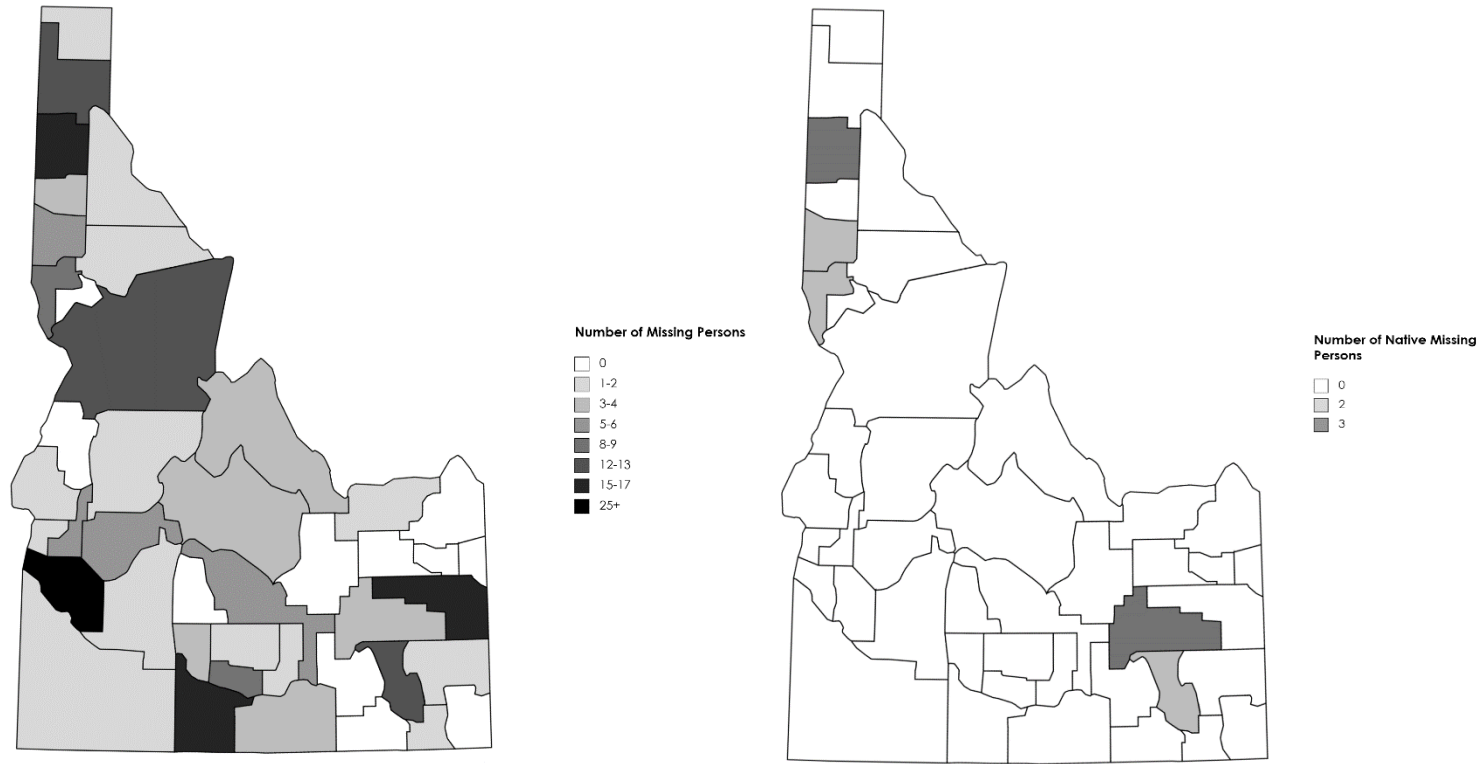


Location Missing

The Idaho Clearinghouse system does not currently have a field for last known location, however the law enforcement agency handling the report is provided, serving as a proxy for location (city, county, or reservation). NamUs records include fields for last known location including city, county, and whether missing from a tribal land. NCMEC includes a field for “missing from” which indicates city, state. Based on last known location and/or contact agency jurisdiction, the maps below depict county-based locations of missing persons reports for the state and for Native missing persons in the state (Figure 13)⁵⁴. Among the 12 Native missing persons, the contact agency was a Tribal police department for 7, and a city or county agency for 5. This indicates that not all Native missing persons are missing from Tribal jurisdictions, as well as indicating that Native persons who go missing in Idaho may not all be members of one of Idaho’s federally recognized tribes.

⁵⁴ Maps created using MapChart.net

Figure 13. Comparison of Missing Persons in Idaho (n=220) and Missing Native Persons in Idaho (n=12) by County

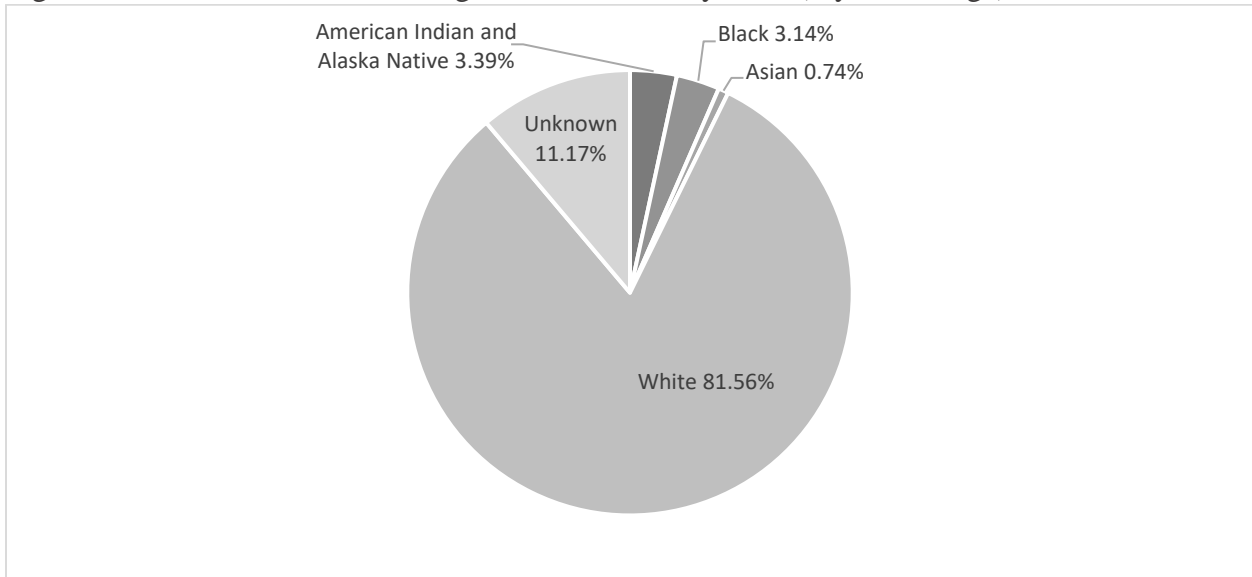


Idaho Missing Persons Data: NCIC Summary Data

The NCIC summary data presented here reflect the number of missing persons **entries** during 2016, 2017, 2018, 2019, and 2020⁵⁵. These data provide information on race, sex, and juvenile/adult age categories for missing persons entries in the state. The number of entries do not correspond with individual people, as a portion of missing persons entries over time pertain to singular individuals who go missing more than once (i.e., three entries may be for one person). These data are not directly comparable with the point-in-time data presented above because they are measuring different things and at different time periods (2016-2020 totals compared to three days in 2021). A table summarizing these statistics for each year is in Appendix A.

On average in Idaho, there are 81.6 entries for American Indian and Alaska Native missing persons each year (average 3.39% of annual missing persons entries); 75.4 entries for Black missing persons each year (average 3.14% of annual missing persons entries); 17.8 entries for Asian missing persons each year (average 0.74% of annual missing persons entries); and 1,960.4 entries for White missing persons each year (average 81.56% of annual missing persons entries). Importantly, there is an average 268.4 missing persons entries for which race is ‘unknown’ each year (average 11.17% of annual missing persons entries). Idaho averaged a total of 2,404.8 missing persons entries between 2016-2020.

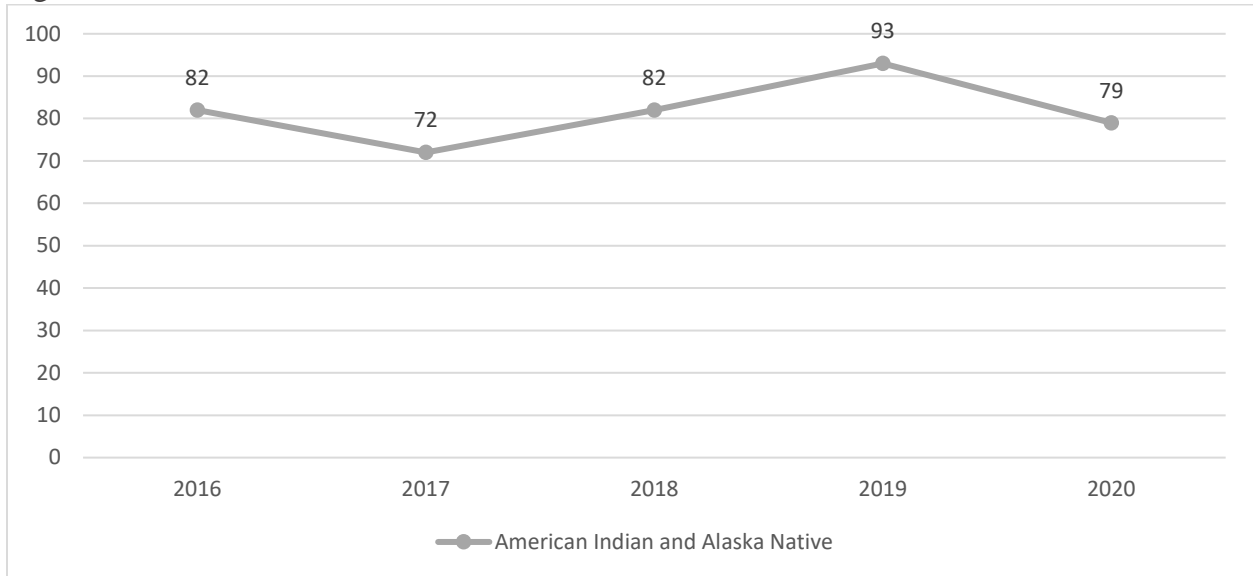
Figure 14. Percent of NCIC Missing Persons Entries by Race (5-year average)



⁵⁵ Summary statistics were provided by the Idaho Missing Persons Clearinghouse through a public records request.

The range of entries for American Indian and Alaska Native across the five years is 72-93, with the highest number of entries in 2019.

Figure 15. NCIC Entries for American Indian and Alaska Natives, 2016-2020



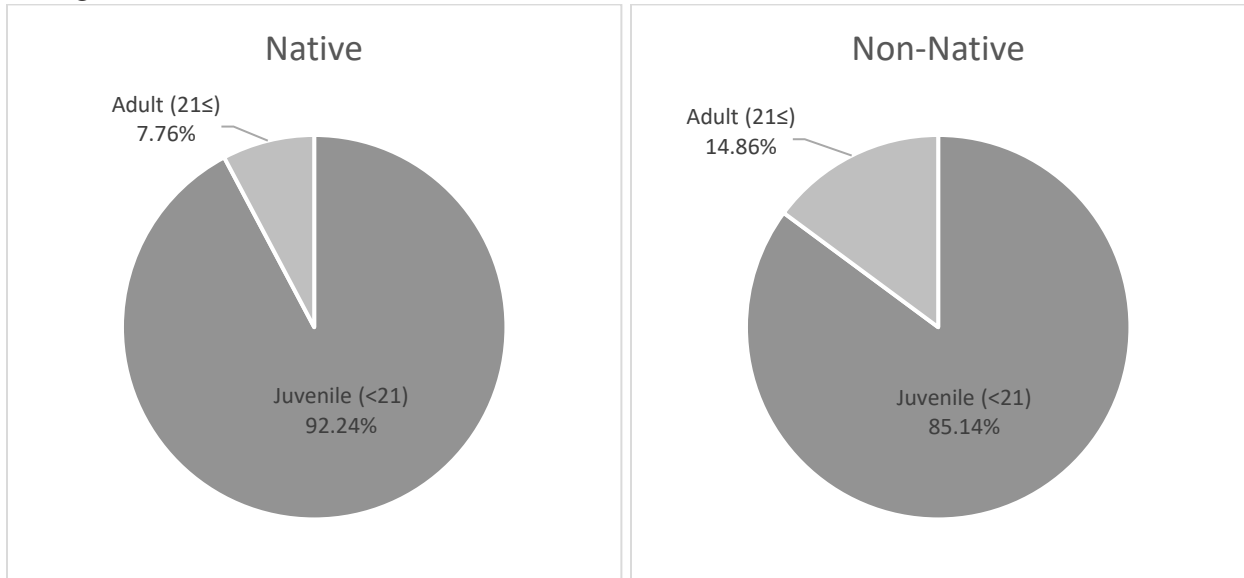
The number of entries for female and male American Indian and Alaska Natives ('Native') varies across years, with most years having a higher portion of entries for females. In comparison, entries for all other races, including 'unknown', alternate between slightly higher portions of females and slightly higher portions of males.

Figure 16. Comparison of Native and Non-Native Missing Persons Entries by Sex (5-year average)



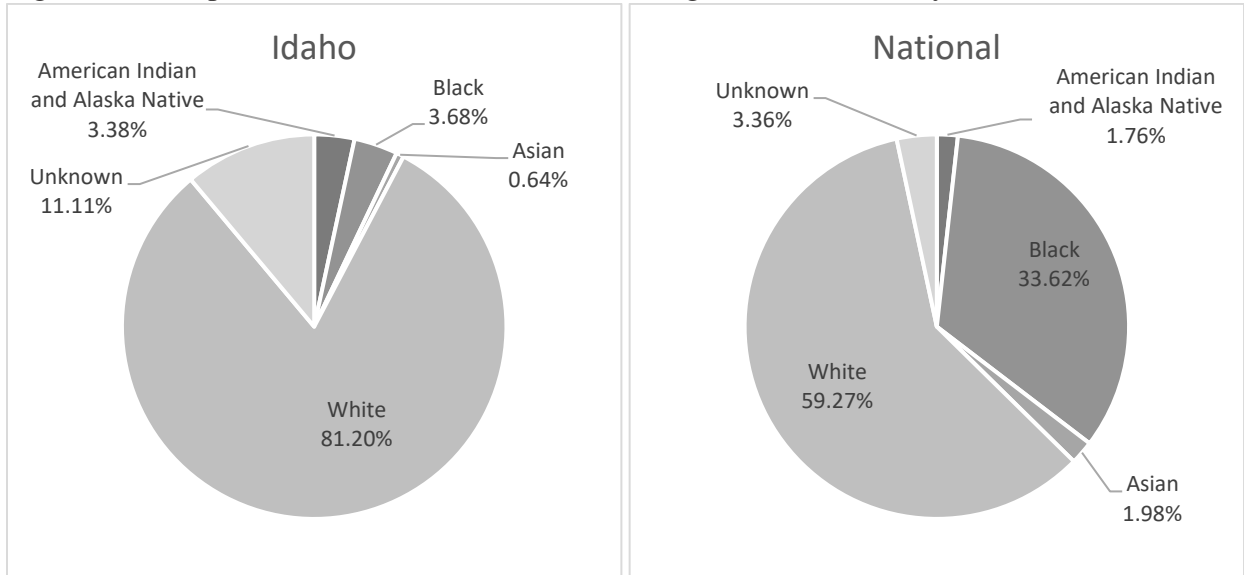
Averaging across years, entries for Natives and non-Natives both have a higher portion of juveniles compared to adults. This is even more pronounced for Native entries.

Figure 17. Comparison of Native and non-Native Missing Persons Entries by Age (5-year average)



NCIC missing persons data (nationwide) is published annually by the U.S. Attorney General and is accessible through the Federal Bureau of Investigation’s (FBI) website⁵⁶. This allows for comparisons between entries for Idaho with entries for the country. **In 2020, American Indian and Alaska Natives were 3.38% of total entries in Idaho, compared to 1.76% of total entries nationwide.** Idaho also has a higher portion of entries for White and ‘unknown’ race missing persons.

Figure 18. Comparison of Idaho and National Missing Persons Entries by Race in 2020



⁵⁶ National Crime Information Center. (2020). 2020 Missing person and unidentified person statistics. <https://www.fbi.gov/file-repository/2020-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

Idaho Murder/Homicide Data

To provide a preliminary assessment of homicides involving Indigenous victims in the state, three sources of data were explored: the Centers for Disease Control and Prevention's (CDC) Wide-ranging OnLine Data for Epidemiologic Research (WONDER) database, the Idaho Uniform Crime Reporting (UCR) program, and the FBI's UCR program. Due to 2020 data not yet being released for the CDC WONDER program and the FBI UCR Program at the time of analyses, all analyses presented below include years 2010 through 2019. A range of years is utilized because homicide is a statistically rare event, especially in lower population states.

The variations in murders/homicides across data sources are indicative of variations in how and from where data are collected as well as of the challenges of collecting centralized and accurate statistics on Indigenous homicides. Challenges with accurate racial identification impact homicide data just as in missing persons data. Homicide data, like missing person's data, include a portion of race 'unknown' cases; and individuals' racial identity may be inaccurately identified. This may be particularly influential in cases involving an Indigenous victim who is not on a reservation. Additionally, UCR data reporting is not mandatory, meaning that all participating agencies are doing so on a voluntary basis and may elect to report directly to the FBI or through the state's program (managed by the Idaho State Police). For these reasons, homicide data are more likely to be underestimates than overestimates.

CDC WONDER Data

The CDC's WONDER data include Underlying Cause of Death data based on death certificates for U.S. residents⁵⁷. Sub-national data representing 0-9 deaths are suppressed for privacy purposes, and as such only data for Whites and American Indians and Alaska Natives are presented in this report (data for Blacks and Asian or Pacific Islanders are suppressed)⁵⁸. Deaths are classified using the Tenth Revision of the International Classification of Disease (ICD-10) for the dates 2010-2019. The cause of death classification used is *ICD-10 Code X85-Y09 Deaths Attributable to Assault*. Information regarding race of the decedent is reported by the funeral director as provided by an informant, usually next of kin. The CDC dataset documentation cautions "studies have shown that persons self-reported as American Indian, Asian, or Hispanic on Census and survey records may sometimes be reported as White or non-Hispanic on the death certificate, resulting in an underestimation of deaths and death rates for the American Indian, Asian, and Hispanic groups,"⁵⁹. Thus, the numbers for American Indians and Alaska Natives may well be undercounts. The population estimates used for calculating rates in WONDER data

⁵⁷ Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Causes of Death 1999-2019 on CDC Wonder Online Database, released 2020. Data are from the Multiple Causes of Death Files, 1999-2019, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Sep 6, 2021.

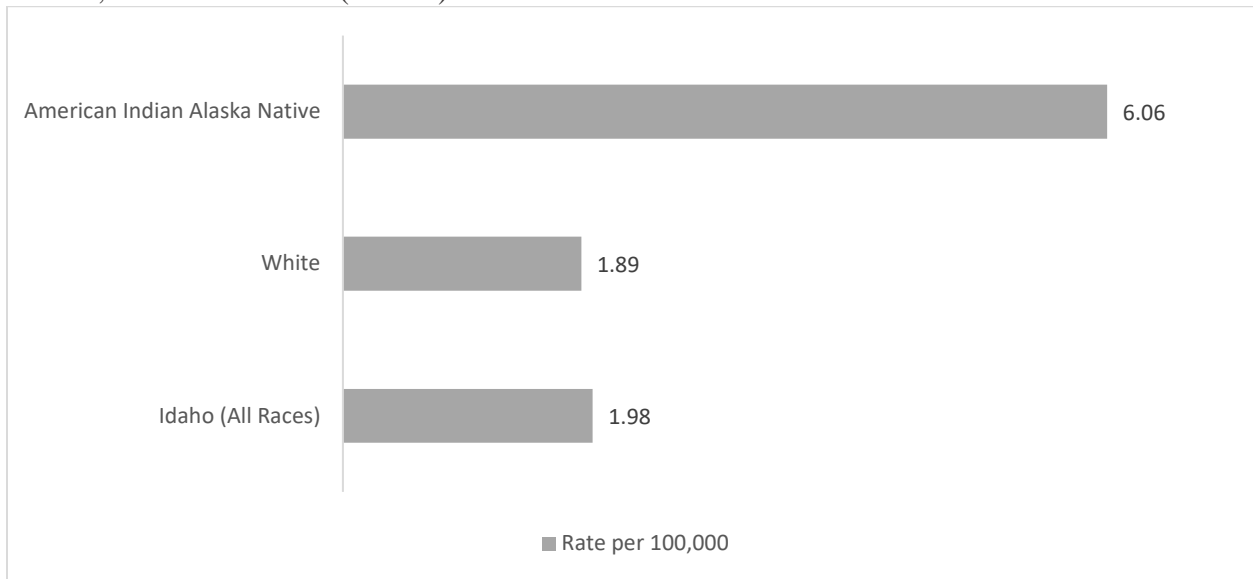
⁵⁸ Suppression is also why there is no presentation of deaths by year, as individual years would contain less than 10 deaths and are not accessible as such.

⁵⁹ Centers for Disease Control and Prevention. (2021). Underlying causes of death 1999-2019. <https://wonder.cdc.gov/wonder/help/ucd.html>

are bridged-race estimates based on U.S. Census Bureau data of total U.S., State, and county resident populations⁶⁰.

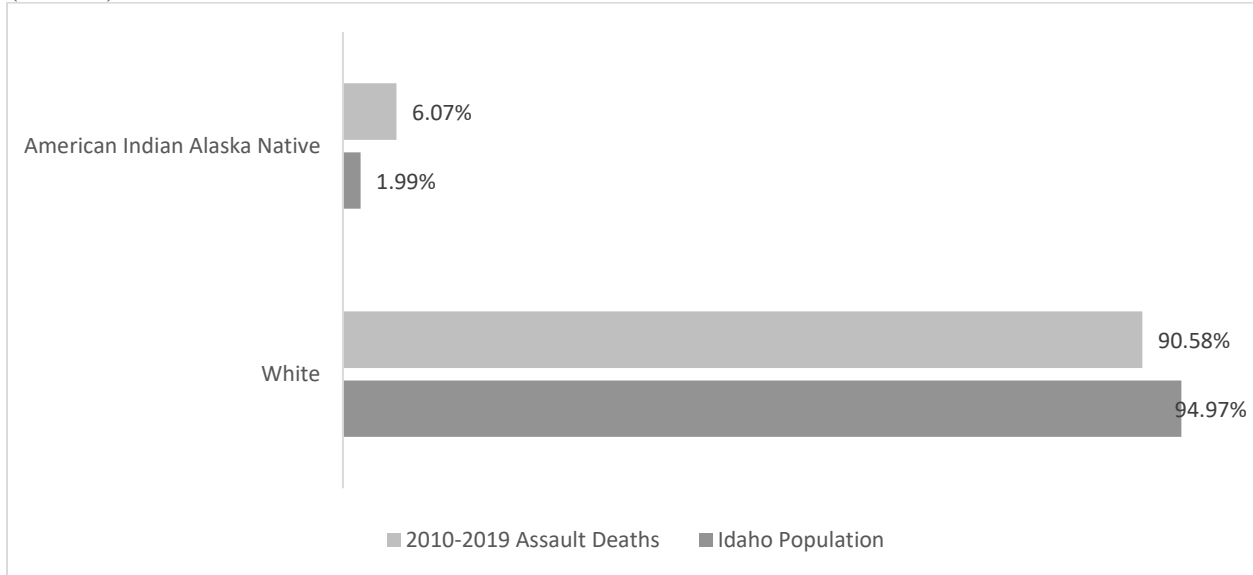
The rate of deaths attributable to assault for American Indian and Alaska Native for 2010-2019 was 6.06 per 100,000 persons (N=20). In comparison, the rate for Whites was 1.89 (N=298). The statewide rate was 1.98 per 100,000 persons. **American Indian and Alaska Natives are disproportionately represented in deaths attributable to assault (3.05 times their proportion in the population).**

Figure 19. Comparison of Assault Death Rates Among American Indian and Alaska Natives, Whites, and Idaho's Rate (N=329)



⁶⁰ Ibid

Figure 20. Comparison of the Percentage of Assault Deaths with Idaho’s Population by Race (N=318)



Idaho UCR Program Data

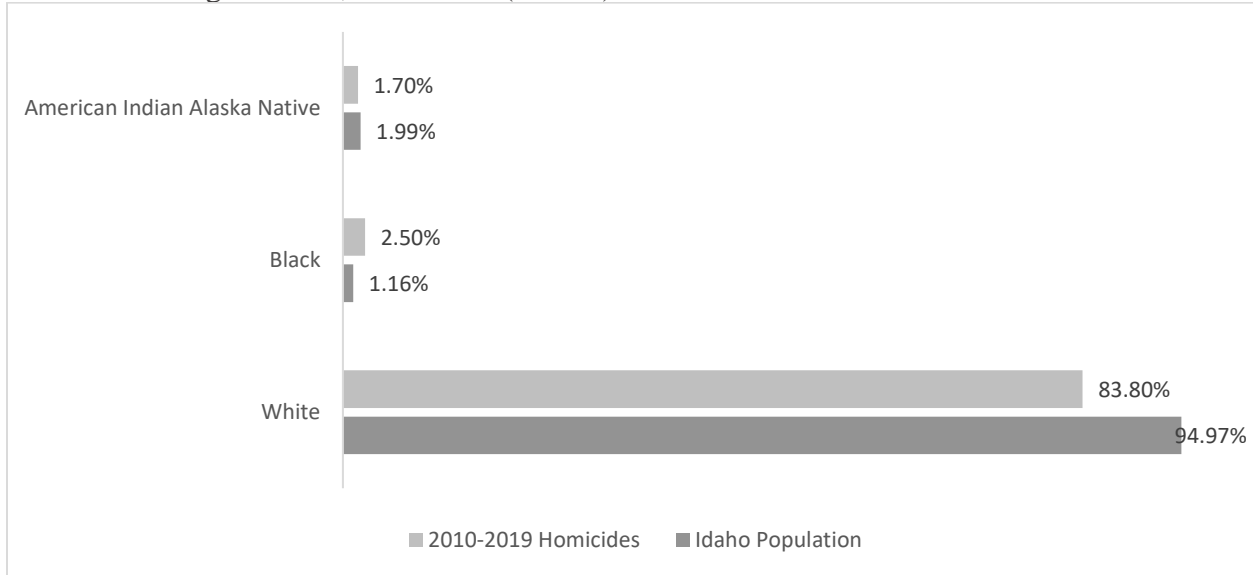
The Idaho UCR program serves as the state’s repository for the collection of crime statistics. As with the Clearinghouse, the program is managed by Idaho State Police. The Idaho UCR program began in 1974 as part of a nationwide crime data collection effort and was one of the first statewide adopters of the National Incident Based Reporting System (NIBRS) in 1991. One of the benefits of NIBRS is that data are collected on the victim, in addition to the offender. Thus, Idaho’s adoption of this system allows for the examination of crime victim data, for crimes that come to the attention of police. In compliance with Idaho statutes § 67-3006 and §67-2915, the Idaho State Police and fellow law enforcement agencies throughout Idaho submit crime data under the Idaho Uniform Crime Reporting Program⁶¹. Nearly all policing agencies in the state participate in submitting incident-based reporting data to Idaho’s UCR program on an annual basis. ISP then compiles the data submitting it to the FBI’s UCR program for the state and making it publicly available through data query tools on their website⁶² and in an annual report.

Tribal police agencies in Idaho have elected to submit data directly to the FBI’s program. Thus, the data presented below *do not* include tribal police reports relating to murder/manslaughter (tribal police reporting to the FBI’s UCR program is presented subsequently). **Based on these data the murder/manslaughter rate per 100,000 persons across 2010-2019 was 1.82 (N=6) for American Indian and Alaska Natives, 4.69 (N=9) for Blacks, and 1.90 (N=299) for Whites.** The population bases used for rate calculations mirror the CDC WONDER data.

⁶¹ Idaho State Police, Bureau of Criminal Identification, Uniform Crime Reporting (UCR) Section. (2021). Crime in Idaho 2020. <https://nibrs.isp.idaho.gov/CrimeInIdaho/Publication/Active/Crime%20in%20Idaho%202020.pdf>

⁶² Idaho Official Government Website. (2020). *Uniform Crime Reporting program*. <https://isp.idaho.gov/bci/ucr/>

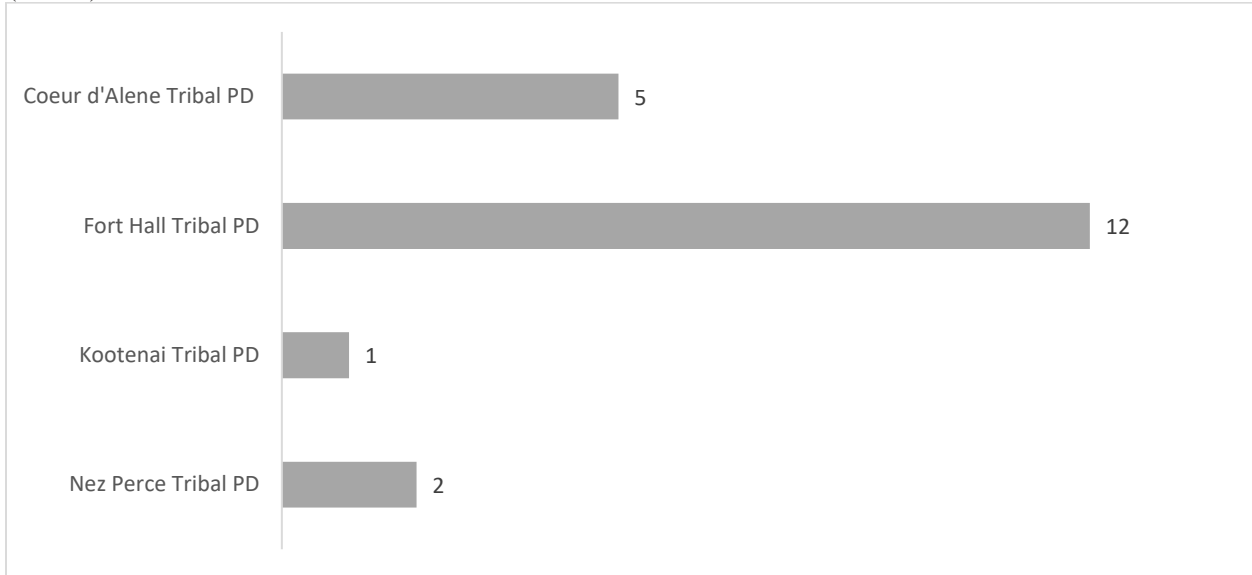
Figure 21. Comparison of Race Distribution Among Homicides and Idaho’s Population Using Idaho UCR Program Data, 2010-2019 (N=314)



FBI UCR Program Data

Though not represented in the Idaho UCR data, the FBI UCR Program contains data from some of Idaho’s tribal police departments. Not all departments have submitted data every year so there is some variation in which tribal police jurisdictions are represented year-to-year. Coeur d’Alene Tribal Police reported in years 2010-2019, Fort Hall Tribal Police reported in 2010-2019, Kootenai Tribal Police reported data in years 2014-2015 and 2017-2019, and Nez Perce Tribal Police reported data in years 2010-2018. Another important distinction between these data and the Idaho UCR Program data above is that these data represent reported murders/manslaughters, rather than murder *victims* specifically. Only one of the 20 homicide records included expanded homicide data specifically indicating the victim’s race (American Indian Alaska Native). Given tribal police jurisdiction, these homicide events would involve an Indigenous offender and/or Indigenous victim. Although racial classification is not confirmed, the numbers represented here parallel the numbers in the CDC data.

Figure 22. Homicides Reported by Tribal Police Departments in FBI UCR Program, 2010-2019 (N=20)



Given that tribal police department reports are not in Idaho UCR data, and that the FBI UCR data do not have data on victim race specifically, the CDC data (though potentially still an undercount) provides a good foundation for examining rates of homicide among Idaho's Indigenous population. Comparisons of Idaho's UCR program data and the FBI's UCR program data for Idaho tribal policing agencies does indicate that Indigenous persons are murdered in tribal and non-tribal jurisdictions. These two data sources indicate that there were as few as 7 and as many as 26 Indigenous homicide victims between 2010 and 2019. Considering the CDC data, the number of violent deaths is likely (at a minimum) between 20 and 26.

Stakeholder Interviews

This report combines quantitative administrative data on missing persons with qualitative interviews to provide context and perceptions of the current response to missing and murdered Indigenous persons (MMIP) in Idaho. The qualitative findings presented here come directly from interviews with relevant stakeholders and public legislative testimony. Based on the enumerated emphases in HCR33 the interviews focused on exploring themes related to three topical areas:

- Definitions, policies, and procedures
- Cross-jurisdictional collaborations and challenges
- Needs and recommendations

Methods

Given the emphasis on data, definitions, resource needs, jurisdictional considerations, and law enforcement recommendations in HCR33, stakeholder interviews were determined to be an important and necessary means of gathering data about these topics from those involved (or potentially involved) in aspects of MMIP response. In other words, individuals were interviewed as representatives of their agency, organization, office, or community. The categories of relevant stakeholders included tribal victim service providers and/or advocates, tribal community leaders, tribal police, tribal prosecutors, and tribal judges, as well as non-tribal victim service providers/advocates, law enforcement (local, county, state and federal), prosecutors, and judges. Once stakeholder groups were identified, interview questions were developed based on (1) relevant lines of inquiry derived from the language in HCR33 and the resolution's public testimony, and (2) review of the methodologies and findings of other statewide reports related to MMIP⁶³. Questions centered on several key topical areas including how criminal jurisdiction is determined, what the response procedures for homicide and missing persons cases are, barriers or issues in responding to Indigenous homicide or missing persons cases, relationships among key stakeholders, and opportunities for improving response.

Stakeholder interview proposals were sent to the governing committees of Idaho's five tribes. Subsequent council hearings were granted with three of the tribes, resulting in approval. The study design and methodology were subsequently approved by Boise State's Institutional Review Board (IRB)⁶⁴. Tribal council resolutions identified a point of contact for stakeholder interviews. Non-tribal participants were identified through their positions and publicly available contact information. All interviewees provided informed consent, with tribal participants' informed consent containing reference to approval of both Boise State's IRB and Tribal Council. Using a combination of purposive and snowball sampling, fourteen participant stakeholders were interviewed. Represented among stakeholders were:

- Community leaders, police/law enforcement, prosecutors, and victim service providers
- Three of Idaho's five federally recognized Tribes
- Half (n=7) of the stakeholders are affiliated with Tribal agencies/organizations/offices

⁶³ In particular, Richards, T.N., & Wright, E. (2019). Descriptive analysis of missing and murdered Native women and children in Nebraska. NIJ project 75-CX-0014

⁶⁴ IRB Protocol Number 000-SB21-028

- Half (n=7) with non-Tribal agencies/organizations/offices
- Two stakeholders were located in Southwest Idaho, five stakeholders in southeast Idaho, five in North Idaho, and two work for agencies that are not regionally specific

Due to the COVID-19 pandemic, all interviews took place remotely through the Boise State Zoom platform with data stored on a secure server. Each of the interviews lasted approximately 1 hour and was transcribed by a single researcher taking the lead in the qualitative study. Thematic coding was applied to both stakeholder interviews and public legislative testimony based on the topical areas identified above. An additional layer of process tracing analysis was applied to the descriptive findings from the interview data. This allows for study of individual actions taken by stakeholders working in agencies responding to missing persons cases. Process tracing highlights critical scenarios that require problem solving or additional resources to aid in collective response to MMIP in Idaho.

Results

Topical Area 1: Definitions, Policies, and Procedures

Stakeholder interviews suggest definitions and response protocols for missing *juveniles* are fairly uniform across agencies. This is in part due to federal requirements pertaining to reports of missing juveniles. However, interview responses revealed definitions and subsequent procedures for missing *adults* vary across agencies in Idaho.

Nearly all stakeholders identified missing minors or juveniles as under 18 years of age. Some stakeholders also identified changing mentality over time in responding to young missing adults (ages 18-21) as similarly at-risk should they go missing. Stakeholders noted additional classifications may be available upon meeting specified criteria. If a missing juvenile meets abduction criteria, an Amber Alert may be issued through the Clearinghouse⁶⁵. Internal agency or regional alerts can be made when criteria are met for labeling a missing juvenile case as ‘endangered’ due to a documented medical or mental health conditions requiring medication or disability status. Stakeholders, including those representing victim services, are aware that federal law requires law enforcement agencies to enter missing juveniles into NCIC within two hours.

Stakeholder agencies indicated that defining and responding to adult cases can be more nuanced. When an adult is reported missing, stakeholders explained that the circumstances surrounding the missing person may lead to a prioritized response. These circumstances may include known medical or mental health diagnosis, known threat or former threat of self-harm, or evidence of domestic violence. Stakeholders also repeatedly noted adults can go missing of their own free will. As such, policing stakeholders in particular spoke to the challenge of balancing Fourth Amendment rights (protection against search and seizure) with the need to determine if a crime

⁶⁵ Recent updates to the Amber Alert system allow officers to select a check box to request an Alert when entering a case in NCIC. The Clearinghouse manager receives the request and, if approved, initiates the Alert; see The Amber Advocate. (2021). *Faces of the AMBER Alert network: Idaho*. <https://www.amberadvocate.org/amber-speaks/idaho-aa40/>

has occurred or if a missing adult is at heightened risk for negative outcomes for other reasons. Some agencies have policies or procedures to help strike this balance. If an adult reported missing is located by police and determined to be safe, police may confirm to the person who made the report that the missing individual may not want to be found and/or may confirm they have been in contact with that person and are not concerned for their well-being. Unlike missing juveniles, stakeholders explained there is no specific time requirement for entering missing adults into NCIC. Some stakeholders indicated department practices regarding expeditious NCIC entries for adults – mirroring the time requirements for entering juveniles – but these practices are not universal.

Tribal stakeholders, acknowledging policy or law enforcement definitions of ‘missing persons’ also spoke to a more cultural and communal definition of missing:

“I think in English, the definition of missing is any extended period of time [...] where a person goes without their family or community knowing their whereabouts. And I say family and community, because that's important, right? We are the embodiment of our own, of our people, and it's not just singular relationships that we have to determine who is and who isn't missing. The community knows when somebody is and isn't missing.”
Stakeholder #13

Policing stakeholders described the following typical response process for missing persons reports: dispatch receives a missing persons call, dispatch routes the call to a patrol officer, the officer takes an initial report, then (depending on circumstances) the report details may be entered into NCIC by dispatch or an officer and/or investigation occurs. In larger agencies, reports are viewed by the policing agency supervisor to ensure consistent investigation of cases. Cases may be assigned to different officers or investigators within the agency over time. Rural agencies, which are typically smaller, may not have the capacity to undertake the same level of investigative work, and thus may request assistance or support from larger jurisdictions. Tribal stakeholders who could speak to this described a similar process: an initial report is taken by a Tribal patrol officer, with report data potentially being given back to dispatch for NCIC entry. Tribal or federal investigators may continue the investigation. Stakeholders agreed that the initial report of a missing juvenile or adult is critical in assessing the circumstances surrounding their case and their missing status.

“We have what we call our missing person packet, and in it has a checklist on it to remind the officer of what [...] we need to collect. But then there's a portion of it that we sit down and fill out with the family. That lists, I mean, it's 20 pages long that we try and get as much information up front of it as we possibly can [...] All of our dispatchers are certified to enter that information and so our policy states that will be done immediately upon receiving a missing person report. And so that's taken to a dispatcher to enter. A second dispatcher will [...] then put eyes on it to make sure everything is correct, and then it's entered into NCIC.”
Stakeholder #9

For cases that may result in the identification of a suspect (missing persons cases or murder cases), which agency retains jurisdiction depends in large part on the nature of the crime and the identities of the suspect and victim. If both the suspect and victim are tribal members, and the offense is not a major crime, tribal prosecutors may take the case. If it is a major crime, the case gets moved up to the federal court system. Stakeholders indicated having less access to case information when crimes occur between non-tribal perpetrators and tribal victims on either county land or tribal land.

Stakeholders identified several logistical challenges in responding to missing persons cases, including the role of policies, level of training and investigative detail, and resource constraints. Our sample of policing stakeholders represented agencies with a range of policies: agencies with policies for juveniles *and* adults, agencies with policies only for juveniles, and agencies with no written policies. Some stakeholders noted concerns with adoption of formal missing persons policies (particularly for adult cases) as they felt adopting a formal policy limits potentially necessary discretion in investigating the circumstances of the missing adult and/or would be so vague as to lose its utility.

“I think that would be hard to define in policy as well. Part of the reason is that I'm sure that the reason it's not a mandated policy is that wide spectrum, right? You would have to write a policy so vague that it becomes- what value is very vague policy?”
Stakeholder #3

On the other hand, other stakeholders felt it important to have clear and detailed policies to standardize responses, reduce the burden of risk management, and to avoid mistakes or fill gaps in response processes. Several stakeholders expressed frustration with outdated and inaccurate narratives regarding required wait times of 24-48 hours to file a missing person's report. Stakeholders sometimes read through parts of their missing persons policy in interviews to clarify their agency response is immediate. Multiple policing stakeholders indicated the importance of treating every missing person case with the same urgency as juvenile cases, regardless of the circumstances. These stakeholders reiterated the necessity of timely reporting while simultaneously noting potential confusion among agencies over who has responsibility for entering a case into NCIC (e.g., last known location jurisdiction or residence jurisdiction).

“We will take a report, we don't care where it's at. If you're calling from California and you're wanting to report someone missing and we're not sure what jurisdiction's responsible, we take the report and we start our process. And then, at the same time that we're trying to do our investigation, we determine who is the agency responsible. Then we coordinate with getting that information to the agency that is responsible so these people don't have to try and, you know, find other agencies, or being told that they don't need to contact us they need to go contact somebody else. We just try, we wanted to eliminate that whole thing and get the ball rolling and time is of the essence on some of these cases.”
Stakeholder #11

Several stakeholders perceived that differences in training and/or department policy can influence the level of detail in a missing person's report or investigation. Stakeholders noted

initial missing persons reports take basic information, enough to enter in data that indicates missing person status. But trained investigators use more honed techniques and can capture details, such as risk for various forms of victimization, that provide a more complete understanding of why a juvenile or adult may have gone missing. Stakeholders noted awareness of the value of trained investigators, and those representing smaller agencies pointed to examples of times an outside agency was invited to assist with an investigation because they needed specialized experience. Training was also described as beneficial in responding to juveniles who repeatedly go missing. Because juveniles learn investigative techniques, they can become increasingly difficult to locate extending the amount of time they are missing. Investigative training can assist in effectively responding to repeat cases, in part by trying to determine the causes for going missing.

Tribal stakeholders described that some tribes have their own dispatchers and can respond to cases quickly on reservation land, whereas others contract out-of-area for dispatch services and may have to wait longer for response, especially if they are in a remote area. Thus, for Indigenous communities, distance, resources, and weather (impacting accessibility) are important factors in missing persons response.

Topical Area 2: Cross-Jurisdictional Collaborations & Challenges

Nearly all stakeholders discussed cross-jurisdictional public safety challenges faced by their agencies. Stakeholders indicated that effective policing under Idaho's partial adoption of PL-280 relies on the strength of collaborations between tribal police and non-tribal police. PL-280 allows county agencies provisional jurisdiction on federally recognized tribal land and gives counties authority to respond to issues involving juveniles and in some instances of crime, such as crimes on highways⁶⁶. In addition, Idaho's partial adoption⁶⁶ means the federal government has jurisdiction in many instances of crime on tribal land or involving natives and non-natives. Jurisdiction is complicated and confusing, and stakeholders remarked that potential offenders can take advantage of this.

“Tribes were havens for crimes, they were havens for drug trafficking, they were havens for crimes for murdered individuals, for domestic violence and sexual assault, because tribes were not equipped; and not just financially, but they didn't have the means either, or the infrastructure to hold other non-natives accountable for the crimes that were committed. And that was certainly something that criminals knew. That if they wanted to get away with something, and certainly with Native American women, they could do it right in front of the court's eyes and not be held accountable for their actions.”

Stakeholder #1

Stakeholders noted informal and formal agreements have both guided the ways tribal and county agencies (in particular) have historically negotiated the role each agency takes on when responding to missing persons or criminal cases that involve non-native persons on federally recognized tribal land. Stakeholders from tribal and non-tribal agencies expressed a desire to

⁶⁶ ISP is also responsible for state criminal traffic law enforcement.

explore options for collaborative efforts and to have a better sense of standard operating procedures.

“I think that right now, the process determining who has jurisdiction is really informal. I don't know that our police have policies about how that happens or you know like a decision-making tree or anything to help guide how that's supposed to happen, which results in us just losing data and not being aware of what's even happening to our people a lot of times.”
Stakeholder #7

Stakeholders, and public testimony, identified current and past initiatives incorporating ‘memorandums of agreement’ (MOAs) or ‘memorandums of understanding’ (MOUs) between tribal, city, and county agencies, but also indicated that not all jurisdictions have agreements in place. Under these agreements, tribal officers who are POST (Peace Officer Standards and Training) certified⁶⁷ are recognized as having extended jurisdiction with a neighboring agency, per the language in the agreement. Cross deputization, or ‘deputation’ allows tribal officers to respond to incidents when a non-native individual perpetrates a crime on federally recognized tribal land. These agreements may allow a tribal officer to apprehend, hold and/or transport non-Native perpetrator to a county jail, to initiate a report, for a tribal police supervisor to be included on the report, and for the report to be shared with a tribal prosecutor and a county prosecutor. Stakeholders highlighted that MOU/MOAs and cross-deputation agreements decrease the likelihood of lost or inaccurate reporting. These agreements are seen as tools in preventing the loss of evidence in cases where both tribal and county agencies are involved.

“It shouldn't matter which agency ends up prosecuting the person. If that person has committed a crime, and needs to be arrested, they should just be arrested, and it shouldn't matter who does it. We can sort out the jurisdictional issues later, which parallels what the Department of Justice has been saying for a long time.”
Stakeholder #14

Stakeholders identified that, in addition to locales where MOAs/MOUs are in place, cooperation does occur in emergencies or situations where urgency necessitates collaboration. On the other hand, several stakeholders also expressed the need for more effective collaboration to efficiently solve cross-jurisdictional issues. In other words, when inter-agency agreements are not in place remaining informed on case developments is an issue for police, prosecutors, and families. Applying process tracing to stakeholder scenarios led to the identification of jurisdictional challenges with case processing: when a perpetrator is non-native and the victim is native, the tribal justice system may not have access - or ongoing access - to the police report and ensuing case developments. If the victim is a tribal member, a report may be taken by tribal police, but it is unclear what the role of the tribal agency is without access to ongoing case information (e.g., how do they keep the victim informed of case developments?). Interviewees expressed it is not always clear when cases are escalated to tribal supervisors or tribal prosecutors, or what cases

⁶⁷ see Idaho Official Government Website. (n.d.) *Welcome to Idaho peace officer standards and training (POST)*. <https://post.idaho.gov/>

may exist that the tribal prosecutor never learns of. In these situations, it is difficult to know if tribal victims can hold agencies or perpetrators accountable. Similarly, in homicide cases, if a native homicide victim is recovered in a city or county jurisdiction, the processes for how tribal agencies or the victim's family are notified of events or investigation progress is unclear and/or lacking consistency.

Interviewed stakeholders and public testimony on HCR33 expressed concern and challenges some tribal communities face being near major highways and the implications for jurisdiction and accessibility for potential criminal offenders. Stakeholders from both law enforcement and victim services agencies expressed the perception that because of highway proximity, missing persons from their communities will be more likely to cross multiple jurisdictions, including crossing state lines. Under these circumstances, the perception is cases take longer to investigate and are more likely to become long-term missing cases.

“Let's say, somebody goes missing off of the [reservation]. The tribal police, you know, would be heavily engaged in conducting that investigation. But once the investigation leaves the [reservation], then the question becomes what kind of collaborative cooperative working relationships does the tribal police department have with, you know, the [county sheriff's office] or you know, wherever that may lead. And as soon as that leads to another state, it becomes further complicated because [...] literally every day we are inundated with new problems and new things that require our immediate response. And so how seriously is the jurisdiction off of the reservation going to take that request? What steps are they going to take? And the tribal police has no ability to force them to investigate and the tribal police has no jurisdiction to go to their county or city and conduct their own investigation off of the reservation and so jurisdiction becomes important.”

Stakeholder #4

Topical Area 3: Needs and Recommendations

Stakeholders were asked to identify needs they or their agency have relevant to MMIP; processes that were working well to increase the likelihood of successful outcomes for missing persons cases and/or criminal investigations; and to make recommendations moving forward. Responses are grouped into four categories: collaboration, jurisdiction, causes, and culturally relevant healing.

Regarding collaboration, these themes emerged across multiple stakeholders:

- Collaboration and communication between dispatch, patrol officers, and investigators is needed to close gaps between officers assigned as point of contacts on individual cases, especially as cases escalate in complexity or move forward to a different agency.
- Collaboration between police and prosecutors can enhance satisfactory report detail relevant to prosecutorial decision-making, making it less likely prosecutors will have to backtrack to address incomplete reports with tribal and non-tribal policing agencies.
- Enhanced collaboration between police, prosecutors, and victim witness coordinators and/or domestic violence service providers. Stakeholders identified this as a means of

preventing cases from falling through the cracks as cases proceed through the criminal justice process. Enhanced collaboration also increases access to services for persons impacted by MMIP and offenses associated with MMIP (e.g., domestic violence, trafficking). Examples include identifying tribal liaisons, tribal victim services specialists, and/or tribal victim-witness coordinators. There are examples in the state of these types of relationships and positions in cities (not tribal specific), within some tribal jurisdictions, and in the U.S. Attorney's Office.

“I feel the relationship with the prosecutor has really helped my program grow. Help my staff. I tried to get like, CCR meetings: coordinated community response meetings going. He's more successful than I am. He actually has meetings to where they go through domestic violence cases.”

Stakeholder #6

- Leveraging collaboration to develop creative solutions and expand resources.

“One of the things that we do in the drug world, is we have, what's called, OCDETF cases, which is an organized crime drug enforcement task force and if we've opened an OCDETF case, then our city and county partners will pay their overtime out of federal money. So it enables them and it frees them up to do extra work because the federal government is paying for that over time. Now if you have an MMIP or MMIW issue, is there a potential to create a similar pot of money, that's a good question because, you know, a lot of law enforcement officers are more than happy to work overtime. But they are not going to do it just, you know, for free and they're also utilizing you know, department resources when they're doing that. But there are multiple mechanisms in place to provide overtime funds.

In like the drug and narcotics world and maybe that's a similar template in terms of a resource question that could be brought to bear and these types of cases.”

Stakeholder #4

Regarding jurisdiction, stakeholders provided the following recommendations and considerations:

- Cross-deputation/inter-agency agreements to (a) increase tribal partners access to information related to crimes on tribal land involving non-tribal suspects, (b) to increase the ability of tribal police to detain or arrest non-tribal suspects on tribal land, and (c) increase the likelihood, in cross-jurisdiction cases, for all partners to track the case and for tribal prosecutors to have better data on crimes involving tribal suspects and/or victims.

“We need that cooperation with our neighbors. We need that collaboration to determine how many are actually, what our numbers are. We don't have a clue. Nobody has a clue what our numbers are. We need that. We need it on a tribal level, the community level, a state level, a federal level interagency, we need everybody to do that.”

Stakeholder #1

- Because more than one jurisdiction is often involved in cases related to MMIP, the impact of agency-to-agency variation in policies and procedures for responding to, for example, missing persons cases, needs to be addressed. Developing similar policies and procedures would assist in developing a standard operating procedure (SOP) for relevant cases and assist agencies in knowing what to expect.

Regarding causes, stakeholders were asked about any connections they saw between MMIP issues and other types of offenses or risk factors. Nearly all interviewed stakeholders shared informed opinions on causal factors or predictors for missing persons cases, including mental health, domestic violence, substance abuse, childhood sexual abuse, sexual assault, and human trafficking. Stakeholders described that a portion of cases are directly related forms of victimization or pre-existing risk factors, yet the connection between missing status and other social problems is not always a part of the public discussion of ‘missing’.

- Consideration of risk factors has relevance for definitions and for understanding (and reducing) the problem of missing persons cases more broadly. Some stakeholders pointed to the value of training in missing persons response as valuable for learning how to identify various risk factors and determine their relationship to a case.

“I think people go missing for a reason. So if we're talking about juveniles, was it an abduction? Was it a parental abduction? Or is this child, when we get into our, I guess, my philosophy on runaways, is they're running to something or away from something. So do we have domestic violence and sex abuse going [...] on in the home? So they're trying to get away from that or are they using drugs and going to that? Does that make sense? They're running to something or away from something. I will try to look at it that way.”

Stakeholder #12

- Discussions of causes also overlapped with jurisdictional challenges illustrating a need for increased service accessibility and coordination, especially as it relates to mental health.

“We have people who are, I worry about getting trafficked, because they are not mentally stable and I go back into our Public Law 280 to where the states retain jurisdiction over mental health. And so we don't have our own capability right now to deal with mental health issues, we have to rely on the state to commit people that need to be committed.”

Stakeholder #7

“Right now it's mental health issues. Mental health, due to drug, drug induced mental health issues. We can't get a grasp on that. We can't, I don't know it's like if there's a victim who's using, you know, our officers can't transport. We can't transport. Our behavioral health can't transport them, you know, to the to the hospital. So they can't get like, you know, help. We're not allowed to do that.”

Stakeholder #6

Regarding culturally specific healing, stakeholders engaging with victims, or the families of victims

- Expressed a need for resources specific to missing persons cases and supporting families of missing persons; and in a context that preserves dignity and respects privacy.

“We can, you know, create spaces for healing with one another also. And so I think that, that’s cornerstone to my work. Not only addressing this issue with my people but giving my people the language to navigate the trauma, the loss, the grief, the shock, the violence, and naming it in a way that keeps the community intact but is also very honest and very difficult.”

Stakeholder #13

“If I could wave a wand, I would like to have our office in a location where it wasn’t so visible to individuals. Where we could provide cultural events and activities.”

Stakeholder #2

- Stakeholders described tribal victim service providers as needing more resources to address being short-staffed and feeling limited by grant funding requirements that often do not encompass ‘missing’ as a form of victimization.
- Stakeholders explained the necessity of offering and/or expanding culturally appropriate service to Native victims of crime and families of missing persons.

“Families actually came forward. Because what we did is we had shadow people, of the names of the missing and murdered that we had. And the families were surprised that they were remembered. You know, they were saying, “Oh, that’s my brother. I thought everyone forgot about my brother”.”

Stakeholder #6

Recommendations

The following recommendations are based on the findings in this report. While some recommendations may apply statewide, tribes and relevant city, county, state, and federal entities should be consulted in planning next steps. Each tribe is unique, with their own culture, history, resources, institutions, membership, and in their relationships with surrounding jurisdictions. In addition, many Indigenous people live outside of reservations across the state, so inclusion of tribal and non-tribal stakeholders is important. There is past and on-going work among many groups in the state related to MMIP and tribal-non-tribal criminal jurisdiction more broadly. Aspects of these recommendations may already be underway in some locations.

- Avenues for expanding the capacity of tribal law enforcement and enhancing access to case information between agencies, particularly when more than one jurisdiction is involved, should be pursued.
 - Testimony on HCR33, interviewed stakeholders, previous Idaho legislative reports⁶⁸, and multi-jurisdictional conferences in the state⁶⁹ have recommend moving toward legislative action relating to the accessibility or expansion of ‘peace officer’ status for POST certified tribal law enforcement officers.
 - Inter-agency agreements are another avenue for enhancing capacity, and several agencies in the state have agreements in place. A challenge to inter-agency agreements, referenced by stakeholders, is that they may not provide continuity in jurisdictional authority because changes in leadership can result in changes to agreements.
 - Federal Special Law Enforcement Commissions (SLECs) permit tribal, municipal, and county officers to assist in federal investigations occurring within the jurisdiction of a tribe⁷⁰. Certification can be earned through training followed by satisfactory completion of an examination⁷¹. The benefit of cross-commissioning is that it “closes loopholes and allows police to focus on investigating the crime instead of sorting out jurisdictional details, which can be done later with the assistance of legal counsel”⁷².
- Multi-agency engagement can be pursued as an avenue for enhancing collaboration, resource sharing, and developing consistent policies and standard operating procedures.

⁶⁸ Office of Performance Evaluation. (2017). *State jurisdiction in Indian country*. <https://legislature.idaho.gov/wp-content/uploads/OPE/Reports/r1702.pdf>

⁶⁹ Rogers, D. J. (2014). Nez Perce Tribal Police hosts first multi-jurisdictional conference. *Community Policing Dispatch*, 7(8), https://cops.usdoj.gov/html/dispatch/08-2014/Nez_Perce_Tribal_Police_Conference.asp

⁷⁰ Special Law Enforcement Commissions, 76 Fed. Reg. 4369 (January 25, 2011). <https://www.govinfo.gov/content/pkg/FR-2011-01-25/pdf/2011-1588.pdf>

⁷¹ U.S. Attorney’s Office District of New Mexico. (2016, April 27). *Indian Country law enforcement coordination – BIA special law enforcement commission (SLEC) training*. <https://www.justice.gov/archives/usao-nm/blog/indian-country-law-enforcement-coordination-bia-special-law-enforcement-commission-slec>

⁷² *Law and order in Indian Country: Full committee oversight hearing on a draft bill to address law and order in Indian country*, 110th Cong. (2008) (statement for the record of Carl Artman, Assistant Secretary Indian Affairs). https://www.doi.gov/oc/ hearings/110/LawAndOrderInIndianCountry_031708

- Multi-agency training and conferences relating to missing persons, criminal jurisdiction, and tribal culture. Resource burdens (cost or access to training, for example) may be reduced when agencies partner to access resources. Inclusion of a wide range of agencies and stakeholders can enhance communication and collaboration.
- Interviewed stakeholders expressed a desire to engage in multi-agency work with tangible outcomes.
- Multi-agency engagement can also lead to the identification of creative solutions for MMIP response, for example, one stakeholder’s suggestion of looking at existing federal-local task forces as a potential avenue for expanding resources (see page 39). Multi-agency engagement is also needed to successfully develop community response plans. There are Child Abduction Response Teams (CARTs) being developed within ISP patrol districts, and an Amber Alert in Indian Country Task Force – both are examples of multi-agency work.
- The development of community response plans for MMIP can be a means of enhancing communication, information sharing, and response expectations. The first Tribal Community Response Plan (TCRP) was adopted this year in Alaska by two tribal communities. The TCRP “is a guide for how a tribal community will build response capacity, collaborate with law enforcement and provide other support in response to a report of a new missing or murdered person. The TCRP is individualized and tailored to the needs, resources and culture of each local community”⁷³. Idaho stakeholders spoke to interest and early discussions – in some locales – related to developing community response plans for MMIP.
- Moving towards consistent policies and standard operating procedures (SOPs) in missing persons cases, and in homicide cases involving tribal and non-tribal jurisdiction.
 - The development of consistent policies and SOPs has several potential benefits including cohesive response in cases that may span two or more jurisdiction, reducing confusion and time spent identifying jurisdiction rather than investigating, reducing agencies’ risk of lawsuits, and clarity for families and the public regarding what to expect in MMIP cases.
 - Some agencies do not have policy manuals because of the ongoing costs and required maintenance resources. Moving towards sustainable solutions for policy manuals for agencies with limited resources is recommended. Other agencies may be concerned with policies being too broad to be meaningful or limiting necessary discretion, particularly for adult missing persons cases. The range of concerns surrounding policies should be addressed.
 - In addition to companies that develop policy manuals for police, the Idaho Missing Persons Clearinghouse and the International Association of Chiefs of Police (IACP) serve as resources for *missing person* policy development, response, and model policies.

⁷³ U.S. Attorney’s Office District of Alaska. (2021, June 11). *First Tribal community response plans adopted in Alaska*. <https://www.justice.gov/usao-ak/pr/first-tribal-community-response-plans-adopted-alaska>

- Enhancing data collection, data sharing, and data accuracy.
 - Wherever possible, enhancing accurate racial identification, including reducing the occurrence of ‘unknown’ race designations in homicide and missing persons data.
 - Exploring the use of NCIC and NIBRS data collection among Idaho’s tribes. If challenges or concerns about data systems exist these should be addressed and alleviated to the extent possible.
 - Updating the Idaho Clearinghouse system to expand data fields on missing persons cases, including ethnicity and tribal affiliation.
 - Eleven states have passed legislation that supports or mandates that longer-term missing cases, and unidentified persons, be entered into the NamUs system⁷⁴. NamUs is viewed as “a cold case repository” intended to assist with investigations that do not result in recovery or identification relatively quickly⁷⁵. Examining options for policy or legislation related to the use of NamUs in the state is recommended.
- Enhancing the capacity of the Idaho Missing Persons Clearinghouse. The Clearinghouse and its responsibilities have been defined in statute since 1999. The Clearinghouse is an important resource in the state, with its responsibilities overlapping with many of the recommendations here. State funding and enhanced support for the Clearinghouse is critical for expanding its capacity to meet statutory requirements.
 - The Clearinghouse manager is the only dedicated staff member and, though effective given the responsibilities, additional personnel resources would extend the capabilities and impact of the Clearinghouse.
 - The current system requires the manager to manually enter (and remove) missing persons records *on a daily basis* through comparison with NCIC. This process could be made more efficient with updated systems.
 - Updated systems technology would also provide an opportunity to update some of the data fields, such as adding ethnicity and tribal affiliation.
 - Allocating funding to enhance the Clearinghouse’s capacity to fulfill its statutory duties could have positive downstream impacts on (1) enhancing missing persons training facilitated by the Clearinghouse, (2) enhancing data accuracy and specificity through updating the Clearinghouse’s management system to allow for additional data fields (ethnicity, tribal affiliation), (3) enhancing the Clearinghouse’s ability to assist with missing persons policy recommendations and response procedures, (4) enhancing community outreach and engagement with media, including liaising with tribes.

⁷⁴ Spencer, C. (2021, April 29). *Is NamUs reporting required in your state? Here’s a look at state legislation on the missing & unidentified persons clearinghouse*. https://www.biometrica.com/is-namus-reporting-required-in-your-state?utm_source=rss&utm_medium=rss&utm_campaign=is-namus-reporting-required-in-your-state-heres-a-look-at-state-legislation-on-the-missing-unidentified-persons-clearinghouse

⁷⁵ McCale, C. (2017, June 24). Learning to pass missing persons legislation: An interview with Todd Matthews. *Justice Clearinghouse*. <https://www.justiceclearinghouse.com/resource/learning-pass-missing-persons-legislation-interview-todd-matthews/>

- Enhancing the capacity of tribal victim service providers and victim services for Indigenous people.
 - Enhancing access to resources and training related to supporting families of missing persons.
 - Identification of funding that can be used to serve families of missing persons and/or recovered missing persons who may have experienced victimization.
 - Expansion of culturally specific services for Indigenous victims and families, for tribal and non-tribal victim service providers. This may include identifying spaces where culturally specific services can be provided in a way that offers privacy to those seeking services.
 - Education and training for victim service providers that are not Indigenous would also be beneficial for the many Indigenous persons that do not live on a reservation.
- Expanding community education and resource awareness.
 - Community education related to risk factors for MMIP should be developed.
 - Community education and accessibility to information on relevant social media outlets and apps for missing persons in Idaho (e.g., AMBER alerts, CodeRED, resource Facebook pages).
 - Open forums with police, prosecutors, other justice officials, service providers, and community members where people can learn about response to missing persons cases and homicide investigations. Improving understanding of what information police can and cannot share, as well as prosecutorial decision making may be beneficial⁷⁶.
- Centralization of certain information, resources, and points-of-contact should be considered.
 - In recent years the number of meetings and conferences involving various entities in the state on the topic of MMIP has increased. Some events are facilitated by the tribes and tribal partners and others are in response to Federal legislation and mandates. Several stakeholders are key participants in all such events. Creating a centralized location for planned events to enhance coordination, increase awareness of events, reduce duplication, and reduce burden on common participants.
 - Engage tribes in determining the value and feasibility of a liaison position for MMIP issues. A liaison could serve stakeholder recommendations including acting as a common point of contact to enhance communication and facilitate access to information. In other states, liaison positions have been recommended for state police, in a state office or as part of a state task force, or as part of a state-level inter-agency MMIP team.

⁷⁶ MMIP conferences in the state have begun engaging in this work, see Simpson, T. (2019). Idaho summit on missing & murdered Indigenous people report 2019. <https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/idsummitmmipreport.pdf> and Idaho Coalition Against Sexual & Domestic Violence. (2021). *Ti Novitawi Kocheukaakwe virtual conference honoring missing & murdered Indigenous people*. <https://idvsa.org/mmip/>

- Continued research related to MMIP.
 - Stakeholders expressed concern about the inter-connectedness of mental health, substance use, human trafficking, and domestic abuse and neglect in understanding MMIP. Resource allocation to better understand these risk factors as well as identifying protective factors that reduce the likelihood of negative outcomes would be beneficial for intervention and prevention goals.
 - Ongoing examination of administrative data relating to missing persons and homicide.

Conclusion

The findings presented in this report provide initial evidence for the scope of MMIP in Idaho; identify data sources, data limitations, and data needs; provide relevant definitions; and provide recommendations pertaining to increasing coordination, collaboration, and communication across relevant agencies, increasing victim services for Indigenous persons, increasing community awareness and education, and enhancing the capacity of existing services in the state. The recommendations are based on what was learned from the administrative data and what tribal and non-tribal stakeholders view as challenges and opportunities in responding to cases of missing and murdered Indigenous people.

Idaho's Indigenous people are disproportionately represented in data on missing persons and deaths attributable to assault. Tribal and non-tribal stakeholders acknowledged that there are many challenges in responding to these cases, and jurisdiction is often central among challenges. Stakeholders also identified ways to respond to challenges, and expressed a desire to improve criminal justice and victim services responses. These findings and recommendations should serve as a complement to prior relevant reports and on-going efforts relating to MMIP and criminal jurisdiction in Indian Country more broadly.

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Appendices

Appendix A: Tables Displaying Missing Persons and Homicide Data Used in Report

Table 1. Descriptive Statistics for Idaho's Reported Missing Persons Cases Across Three Points-In-Time Using Clearinghouse, NamUs, and NCMEC Data

	Time 1 (2/24/21)	Time 2 (4/24/21)	Time 3 (6/23/21)	Unique Missing Persons Across Times 1, 2, & 3
	N=184	N=184	N=178	N=220
ID Missing Persons Rate (per 100,000 persons)	10.71	10.71	10.36	12.81
American Indian Alaska Native	14.24	21.36	21.36	28.48
Black or African American	14.67	19.56	14.67	24.45
White	10.61	10.42	10.11	12.24
Race Identified in Report				
American Indian Alaska Native	6 (3.3%)	9 (4.9%)	9 (5.1%)	12(5.5%)
Black or African American	3 (1.6%)	4 (2.2%)	3 (1.7%)	5 (2.3%)
White	169 (91.8%)	166 (90.2%)	161 (90.4%)	195 (88.6%)
Race 'Unknown'	6 (3.3%)	5 (2.7%)	5 (2.8%)	8 (3.6%)
Age at Missing	M=32.59; SD=18.64; Range=2-92 years	M=32.29; SD=18.64; Range= 2-92 years	M=32.79; SD=18.89; Range=2-92 years	M=31.01; SD=18.419; Range=2-92 years
17 and younger	27.70%	27.20%	25.80%	33.20%
18-20 years old	6%	6%	7.20%	5.90%
21 and older	66.30%	66.80%	66.90%	60.90%
Sex				
Female	53 (28.80%)	53 (28.8%)	48 (27%)	69 (31.4%)
Female Under 21/Female Adult	47.17%/ 52.83%	43.40%/ 56.60%	41.67%/ 58.33%	50.72%/ 49.28%
Male	131 (71.2%)	131 (71.2%)	130 (73%)	151 (68.6%)
Male Under 21/Male Adult	28.24%/ 71.76%	29.01%/ 70.99%	30%/70%	33.77%/ 66.23%
Time Missing in Years	M=15.8; SD=16.879; Range=0-74 years	M=15.91; SD=16.958; Range=0-74 years	M=16.30; SD=17.1; Range=0-74 years	M=13.39; SD=16.531; Range=0-74 years
Date Missing 2021	5.40%	8.70%	11.80%	18.60%

Date Missing 2020	23.40%	20.10%	16.90%	21.40%
Date Missing 2015-2019	19.00%	19%	17.90%	15.90%
Date Missing 2010-2014	5.30%	4.80%	4.50%	4.70%
Date Missing 2000-2009	14.00%	14%	14.70%	12.00%
Date Missing 1990-1999	12.00%	12%	12.20%	10.00%
Date Missing 1980-1989	12.30%	12.90%	13.60%	11.10%
Date Missing prior to 1980	8.60%	8.20%	8.40%	7.30%
NCIC Record Categorization				
Catastrophe Records	6 (3.3%)	6 (3.3%)	6 (3.4%)	6 (2.7%)
Disability Records	6 (3.3%)	6 (3.3%)	8 (4.5%)	8 (3.6%)
Endangered Records	40 (21.7%)	40 (21.7%)	40 (22.5%)	43 (19.5%)
Involuntary Records	19 (10.3%)	19 (10.3%)	19 (10.7%)	19 (8.6%)
Juvenile Records	36 (19.6%)	36 (19.6%)	34 (19.1%)	58 (26.4%)
Other Records	60 (32.6%)	60 (32.6%)	56 (31.5%)	69 (31.4%)
Record Categorization Unknown	17 (9.2%)	17 (9.2%)	15 (8.4%)	17 (7.7%)

Table 2. NCIC Missing Persons Entries by Race, Age, and Sex, 2016-2020 (N=12,024)

	2016	2017	2018	2019	2020
Race					
American Indian Alaska Native	82 (3.28%)	72 (3.12%)	82 (3.36%)	93 (3.82%)	79 (3.38%)
Black	77 (3.08%)	60 (2.60%)	81 (3.32%)	73 (3.00%)	86 (3.68%)
Asian	11 (0.44%)	18 (0.78%)	19 (0.78%)	26 (1.07%)	15 (0.64%)
White	1969 (78.82%)	1934 (83.69%)	2033 (83.35%)	1970 (80.87%)	1900 (81.20%)
Unknown	359 (14.37%)	227 (9.82%)	224 (9.18%)	274 (11.25%)	260 (11.11%)
Age					
Juvenile (0-20)	2174 (87.03%)	1970 (85.24%)	2086 (85.53%)	2027 (83.21%)	2005 (85.68%)
Adult (21+)	324 (12.97%)	338 (14.63%)	352 (14.43%)	407 (16.71%)	335 (14.32%)
Unknown	0 (0.0%)	3 (0.13%)	1 (0.04%)	2 (0.08%)	0 (0.0%)
Sex					
Female	1212 (48.52%)	1162 (50.28%)	1185 (48.59%)	1240 (50.90%)	1117 (47.74%)
Male	1286 (51.48%)	1149 (49.72%)	1254 (51.41%)	1196 (49.10%)	1223 (52.26%)

Table 3. Deaths with Assault as Underlying Cause (2010-2019) in CDC WONDER Database, 2010-2019 (N=329)

	N (%)	Population	Rate per 100,000
American Indian Alaska Native	20 (6.08)	330,130	6.06
Asian or Pacific Islander	Suppressed	312,245	Suppressed
Black	Suppressed	192,029	Suppressed
White	298 (90.58)	15,756,777	1.89
Total	329	16,591,181	1.98

Table 4. Murder, Non-negligent Manslaughter, & Negligent Manslaughter Victims by Race Using Idaho UCR Program Data, 2010-2019 (N=357)

	N (%)	Population	Rate per 100,000
American Indian Alaska Native	6 (1.7)	330,130	1.82
Asian or Pacific Islander	3 (.80)	312,245	0.96
Black	9 (2.5)	192,029	4.69
Unknown	40 (11.2)	--	--
White	299 (83.80)	15,756,777	1.9
Total	357	16,591,181	2.15

Table 5. Reported Homicides by Tribal Police in FBI's UCR Program, 2010-2019 (N=20)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Coeur d'Alene Reported	0	2	1	0	0	0	0	1	1	0	5
Fort Hall Reported	0	1	2	0	2	2	2	2	1	0	12
Kootenai Reported	--	--	--	--	0	0	--	1	0	0	1
Nez Perce Reported	0	0	1	1	0	0	0	0	0	--	2