

# HOUSE BILL REPORT

## HB 1713

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to improving law enforcement response to missing and murdered Native American women.

**Brief Description:** Improving law enforcement response to missing and murdered Native American women.

**Sponsors:** Representatives Mosbrucker, Gregerson, Caldier, Dye, Barkis, Corry, Sells, Lekanoff, Schmick, Orwall, Chandler, Hudgins, Ryu, Frame, Jinkins, Ortiz-Self, Peterson, Stanford, Van Werven, Tarleton, Valdez, Macri, Pollet and Leavitt.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/12/19, 2/19/19 [DPS].

#### **Brief Summary of Substitute Bill**

- Establishes two liaison positions within the Washington State Patrol for the purpose of building relationships between government and native communities.
- Requires the Washington State Patrol to develop a best practices protocol for law enforcement response to missing persons reports for Indigenous women and other Indigenous people.
- Requires the Governor's Office of Indian Affairs to provide the Washington State Patrol with government-to-government training.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

**Staff:** Omeara Harrington (786-7136).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

The Washington State Patrol (WSP) Missing and Unidentified Persons Unit provides services for reporting and investigating missing persons. Such services include a 24-hour telephone service for reporting missing persons, poster distribution and research assistance to local law enforcement and family members, and coordination of investigative resources with state, local, and federal law enforcement agencies.

Pursuant to legislation enacted in 2018, the WSP is required to conduct a study on increasing state resources for reporting and identifying missing Native American women in the state. The WSP and the Governor's Office of Indian Affairs must convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations to determine the scope of the problem, identify barriers, and explore ways of creating partnerships for improved reporting and investigation. The WSP also must work with the federal Department of Justice to increase information sharing and coordinate resources.

The WSP must report the results of the study to the Legislature by June 1, 2019. The study must include: data on the number of missing Native American women in the state; any barriers to providing more state resources to the issue of missing Native American women; and recommendations, including proposed legislation to address the problem.

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## **Summary of Substitute Bill:**

Two liaison positions for missing and murdered Indigenous women and other Indigenous persons are established within the WSP. One liaison must reside in Western Washington, and one liaison must reside in Eastern Washington. To be eligible for hire as a liaison, an applicant must have significant experience living in tribal or urban Indigenous communities.

The liaisons must work to build relationships to increase trust between governmental organizations and native communities. Specifically, the liaisons must facilitate communications among:

- Indian tribes and tribal organizations and communities;
- urban Indian organizations and communities;
- tribal liaisons in other state agencies;
- law enforcement agencies at the federal, state, local, and tribal level; and
- nongovernmental entities that provide services to Native American women.

The WSP must develop a best practices protocol for law enforcement response to missing persons reports for Indigenous women and other Indigenous persons. The protocol must include steps that law enforcement should take upon receiving a missing persons report for an Indigenous woman or other Indigenous person.

The Governor's Office of Indian Affairs must provide the WSP with government-to-government training.

## **Substitute Bill Compared to Original Bill:**

References to "Native American women" are changed to "Indigenous women" in the provisions establishing liaisons within the WSP and requiring creation of a best practices protocol. The liaison positions created within the WSP are expanded to apply to missing and murdered Indigenous persons generally, in addition to missing and murdered Indigenous women.

The Joint Legislative Task Force on Missing and Murdered Native American Women is removed, as are associated duties, including creation of a database of nonprofit or nongovernmental organizations that provide aid or support in locating missing Native American women. The duty to create a best practices protocol for law enforcement response to missing persons reports for missing Indigenous women is reassigned from the task force to the WSP, and the scope of the protocol is expanded to apply to missing Indigenous persons generally, in addition to missing Indigenous women.

The Governor's Office of Indian Affairs is required to provide the WSP with government-to-government training.

The emergency clause is removed and provisions are codified.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 20, 2019.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) A bill passed last year that addressed the fact that, across the state and the nation, no databases account for missing and murdered Native American women. Following the passage of that legislation, the WSP made stops across the state and heard from people whose family members are missing. Not wanting to wait until June for the report required by the previous legislation, four action items were taken from those meetings and turned into this bill. Families feel helpless, and a liaison could help them and ensure these cases do not get lost. Placing the liaisons within the WSP will raise awareness of these issues. The bill also includes an emergency clause, demonstrating that these issues should go on the front burner.

Many people have personal experiences with one or more missing or murdered family members. Murder is the third leading cause of death for certain age brackets of Native American men and women. Washington is second in the nation in unsolved cases. Often the charges and the justice served are not fair. In one case, a woman had to fight to have law enforcement accept a missing persons report for her sister, and it took six months to get a case number. The case never went into any database and took much longer to solve than it needed to. It may have been different if there had been someone to help. There are statistics

demonstrating that Native American women experience domestic violence at staggering rates. Trafficking is also an issue. Even though only 2 percent of the population lives on reservations, there is a much higher rate of sexual assault among those populations. Many have experienced violence committed by non-Indians. Alaska Natives come to Washington and find themselves in positions of vulnerability and disproportionate risk.

The liaison positions are needed, and liaisons should be experienced in trauma-informed care and understand the reasons that people go missing. It carries cultural significance to bring loved ones home. These issues can be difficult to discuss in a public setting, and some tribes have started their own groups. The task force is an important forum for people to share data, monitor these issues, and improve communication and response. The task force should be amended to include the Tlingit and Haida tribes. Prosecutors, coroners, and medical examiners should also be added to the task force. Additional tools and resources would be helpful, like poster creation and distribution. Efforts should be made to ensure that tribal and urban Indians are heard. Traditionally, Native Americans do not recognize gender. Addressing missing and murdered Native American people necessarily includes Native American men, as Native American men are also subject to violence.

This bill acknowledges that actions and decisions have consequences and leave a legacy. There is a long history in this country of keeping the race chasm wide. The faith community supported last year's bill and is in support of this bill as a continuation of last year's work. Adding resources and experienced people toward this critical issue will further the healing for generations of brokenness with our native neighbors. This is not just an American Indian issue, it is an American issue. All need to be protected. Helping this most affected group will help the nation as a whole.

(Opposed) Last year's bill left out Alaska Indian Natives, and it took all session to get them added. This is a human rights issue that goes beyond the government-to-government relationship with tribes. There is good intention here, but many people were left out of the process of creating it. As a result, there is a lot left unsaid and undone in this bill. This proposal is premature, as last year's report has not even been completed. Instead, there should be a work session on this. This bill should also not be supported because it leaves out men. Sixty-five percent of the missing and murdered are men. It is good to have tribal liaisons, but there should be more liaisons that are unbiased tribal voices. These need to be people who understand the communities they are working with. Coroners, prosecutors, and the state law enforcement training academy should be included on the task force. In one case, a person's family member was murdered and the perpetrator was let go because the coroner changed the cause of death. Even those in support of the bill think changes are needed. There are serious loopholes in the bill that need to be tightened, and too many changes are needed at this point.

Nothing was out of balance until new people came. The reason so many have missing and murdered family members is colonialism, which is cruel, unjust, and violent toward the people. People from Native American communities need to be involved in working on these issues and not have others trying to resolve issues for them. If a bill is passed, it needs to be inclusive of all key players. The genocide continues; do not continue this pattern by neglecting requests for inclusion of the right people and the needed changes to the bill. It is hard for a victim of crime to get assistance even when they have an advocate, and is much

harder without any assistance. The incidence of missing and murdered Indigenous people is a real crisis, and it is an outrage that Indigenous people continue to get no justice. There should be more representation for urban Indigenous women and men, otherwise there will not be justice for those the bill is supposed to be advocating for. There is a need for justice, but also a need for everyone to be counted and heard in this process.

**Persons Testifying:** (In support) Representative Mosbrucker, prime sponsor; Carolyn DeFord Eden, Puyallup Tribe; Kayla Crocker Stell; Lorie Thomas; Earth-Feather Sovereign, Colville Tribe and Missing and Murdered Indigenous Women Washington; Pamela Stearns, Tlingit and Haida of Washington; Dawn Vyvyan, Yakima Nation and Sauk-Suiattle Tribe; and Paul Benz, Faith Action Network.

(Opposed) Kyle Taylor Lucas, Urban Indians Northwest; Paul Wagner and Pamela Schlalakem Bond (Fighting Woman), Protectors of the Salish Sea; Cheryl Wapes'a-Mayes, National Organization for Women; Shelly Robbins; and Vanessa Malapote.

**Persons Signed In To Testify But Not Testifying:** None.