

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fifth Legislature - Second Regular Session

HOUSE AD HOC COMMITTEE ON MISSING AND MURDERED INDIGENOUS
PEOPLES

Report of Interim Meeting
Thursday, December 15, 2022
House Hearing Room 1 -- 1:00 P.M.

Convened 1:11 P.M.
Recessed 2:20 P.M.
Reconvened 2:52 P.M.
Adjourned 3:46 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

12-16-22

Members Present

Representative Jermaine, Chairman
Representative Blackwater-Nygren, Vice-
Chairman
Senator Hatathlie-Delmar
Ms. Antone
Ms. Begay-Kroupa
Mr. Etnire
Lt. Hechavarria
Ms. Ignacio
Ms. Nez-Manuel
Ms. Russell
Mr. Urbina

Members Absent

Agenda

Original Agenda – Attachment 1

Committee Attendance

Report – Attachment 2

Request to Speak

Report – Attachment 3

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Valaura Imus- Nahsonhoya	Honwungsi Consulting	4

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u>
Adopt Committee recommendations		11-0-0-0	5, 6


Andrea Allen, Committee Secretary
December 16, 2022

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON MISSING AND MURDERED INDIGENOUS PEOPLES

Date: Thursday, December 15, 2022

Time: 1:00 P.M.

Place: HHR 1

*Convened 1:13p
recessed 2:20p
reconvened 2:52p
adjourned 3:47p*

Members of the public may access a livestream of the meeting ~~here~~.
<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022121010>

AGENDA

1. Call to Order
2. Traditional Blessing
3. Purpose
4. Speakers:
 - Valaura Imus-Nahsonhoya, Hopi Tribe, Honwungsi Missing Persons
5. Public Testimony/Comments
6. Discuss, Review and Adopt Committee Recommendations
7. Final Comments from Committee Members
8. Adjournment

*The committee may go into an executive session to receive testimony or documents pursuant to House and Senate Rules.

Members:

Representative Jennifer Jermaine, Chair
Representative Jasmine Blackwater-Nygren, Vice Chair
Senator Theresa Hatathlie-Delmar
Monica Antone
Jolyana Begay-Kroupa
Paul Etnire

Lt. Christopher Hechavarria
April Ignacio
Debbie Nez-Manuel
Kim Russell
Alfred Urbina

12/07/2022
RA

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

ARIZONA STATE LEGISLATURE
Fifty-fifth Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON AD HOC COMMITTEE ON MISSING AND MURDERED INDIGENOUS PEOPLES

CHAIRMAN: Jennifer Jermaine VICE-CHAIRMAN: Jasmine Blackwater-Nygren

DATE	12/15/22	1/22	1/22	1/22	1/22
CONVENED	1:13pm	m	m	m	m
RECESSED	2:20pm				
RECONVENED	2:52pm				
ADJOURNED	3:47p				
MEMBERS					
Antone	✓				
Begay-Kroupa	✓				
Etnire	✓				
Hechavarria	✓				
Ignacio	✓				
Nez-Manuel	✓				
Russell	✓				
Urbina	✓				
Senator Hatathlie-Delmar	✓				
Blackwater-Nygren, Vice-Chairman	✓				
Jermaine, Chairman	✓				

✓ Present --- Absent exc Excused

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Ad hoc on missing & murdered indigenous peoples Bill Number _____

Date 12/15/2022 Support Oppose Neutral

Name Victoria Gonzales Need to Speak? Yes No

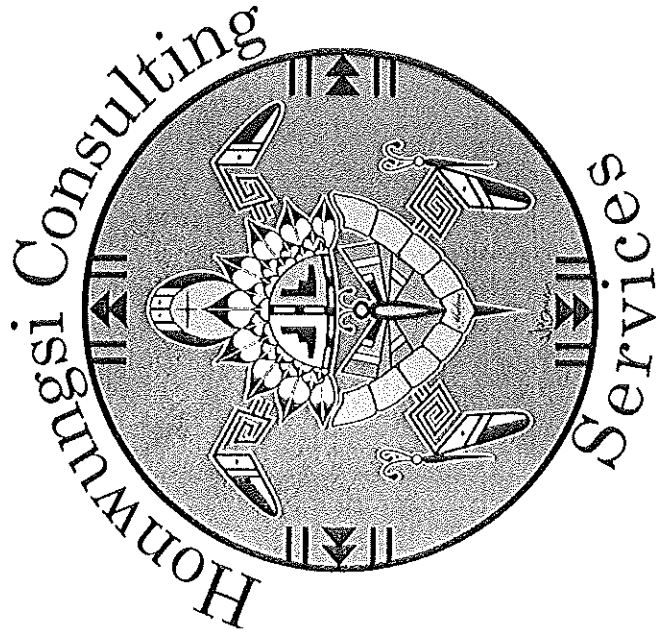
Representing _____ Are you a registered lobbyist? _____

Complete Address _____

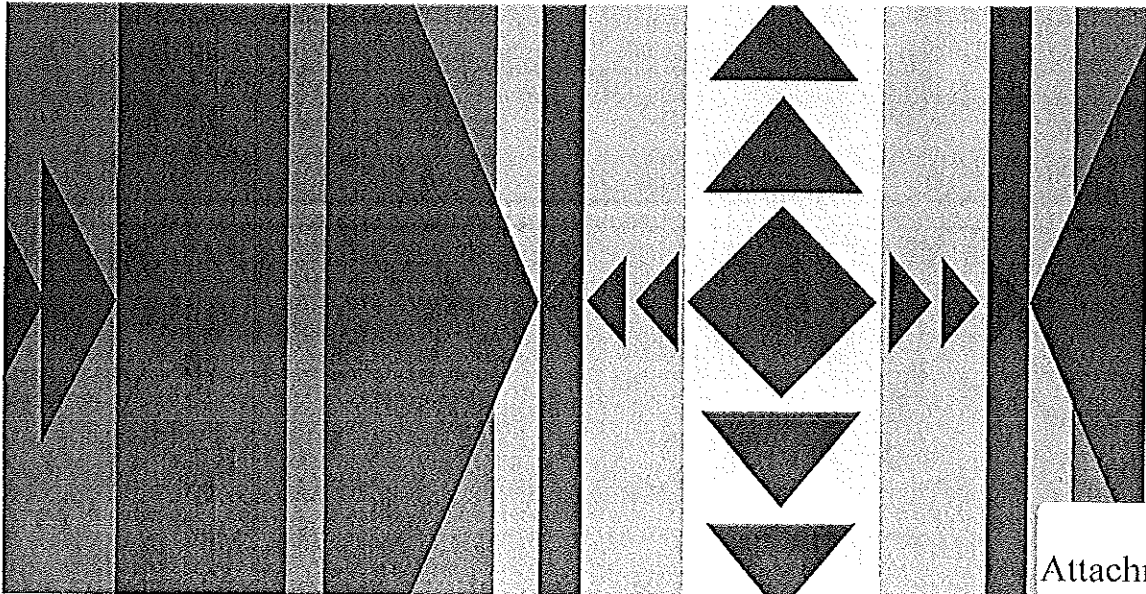
E-mail Address _____ Phone Number _____

Comments: Speak on the trauma Ect

FIVE-MINUTE SPEAKING LIMIT

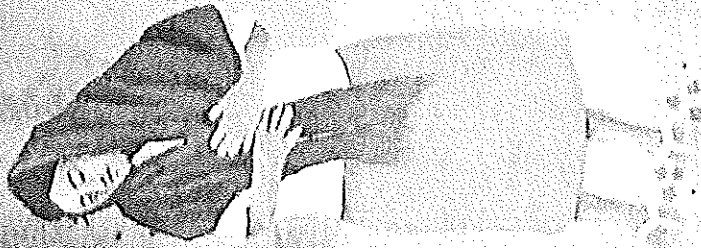


Valaura Imus-Nahsonhoya
Founder/Executive Director



Reducing and Missing and Murdered Indigenous Women and Girls

Arizona's Statewide Study in Partnership with
the HB2570 Legislative Study Committee



© 2014



Arizona Field Study of Missing & Murdered
Indigenous Women & Girls

October 2014



LeCroy & Milligan
ASSOCIATES, INC.

Key Field Study Recommendations

Provide additional law enforcement training specific to MMIWG

Implement law enforcement protocol, policy and system changes that support timely & consistent reporting

Continue to improve and enhance services provided by Victim Advocates

Ensure adequate tribal and law enforcement resources are in place for training, technology and awareness efforts related to MMIWG

Enhance communication and multiagency/multidisciplinary approaches to MMIWG cases

Continue to collect additional data and information on this issue to further decision-making.

Continue to hear from Tribal members to ensure their perspective and voice is heard as solutions for this issue are proposed.

I get angry, nothing was done, we had no justice. My kids will never see their mom, they will never know who killed their mother. How can we heal not knowing?

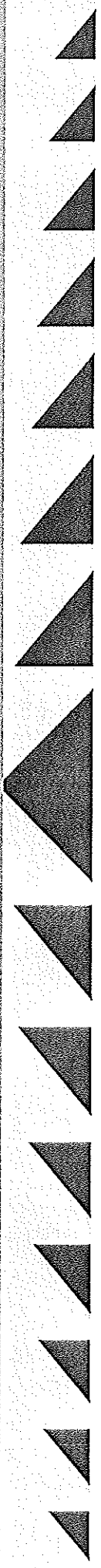
I cry for my children that they don't have a mother.
- Family Member

It feels like everyone wants to solve these types of cases.
- Tribal Law Enforcement Manager

Haverly, K., Imus-Nahsonhoye, V. (2020). Arizona Field Study of Missing & Murdered Indigenous Women & Girls. Lectroy & Milligan Associates Inc

Exhibit 15: Victim Compensation Fund: Reasons for Not Applying

	Family Members	Survivors
I did not know about the fund	21 (70%)	4 (50%)
I did not qualify for the fund	2 (7%)	
- Missing persons was not a crime		
It was too hard/confusing to apply	1 (3%)	
Incident occurred out of state	1 (3%)	
Waiting on a police report	1 (3%)	
Fear they will be found by their perpetrators if they apply for public benefits/funds		1 (13%)



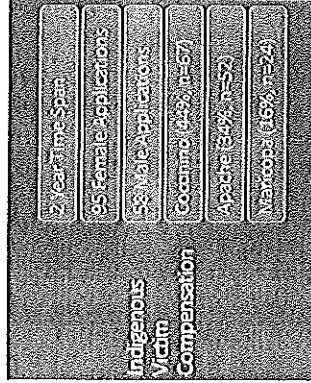
Indigenous Average Payments

Females (n=198)

- Average: \$780.46

Males (n=156)

- Average: \$1,067.05



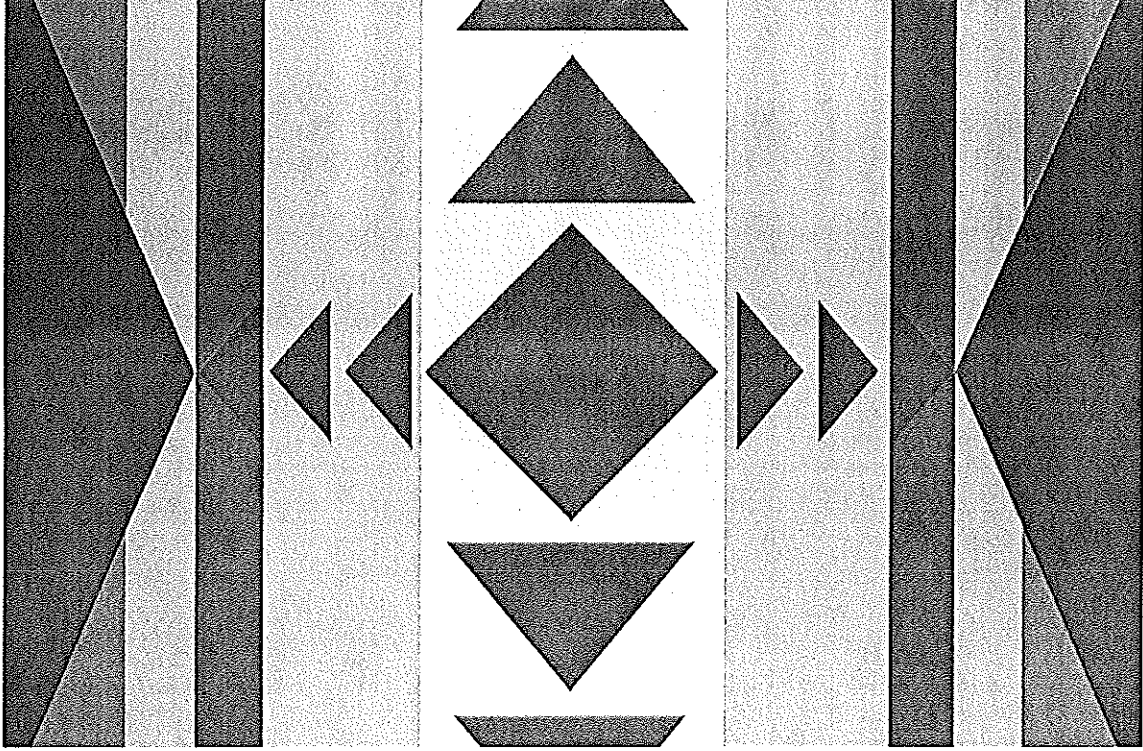
Indigenous Request Status

- Females (n=95)**
- 88% Approved
 - 9% Denied
 - 1% Pending
 - 1% Tabled

- Males (n=58)**
- 91% Approved
 - 7% Denied
 - 2% Tabled

Key Recommendations

1. Add a member to the ACJC that represents a Tribe in Arizona.
2. Establish an Arizona Missing Persons Assistance Fund that can assist family members and individuals to search for missing individuals.
3. Ensure Native American ceremony or burial are considered reasonable and customary funeral expenses and shall be included in a claim for a compensation award.
4. Conduct regular and ongoing tribal consultations with the 22 Tribes of Arizona regarding the program and how it can identify strategies to increase access to it.
5. Conduct regular and ongoing outreach and education about the Arizona Crime Victim Compensation Program and other programs within the ACJC to indigenous communities, both on and off reservation.

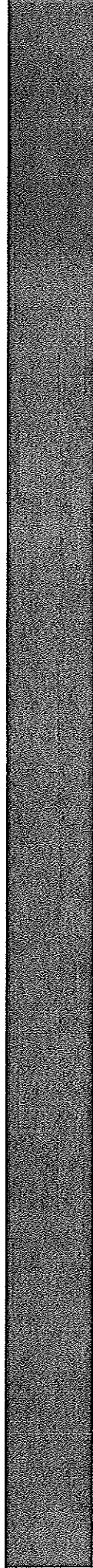
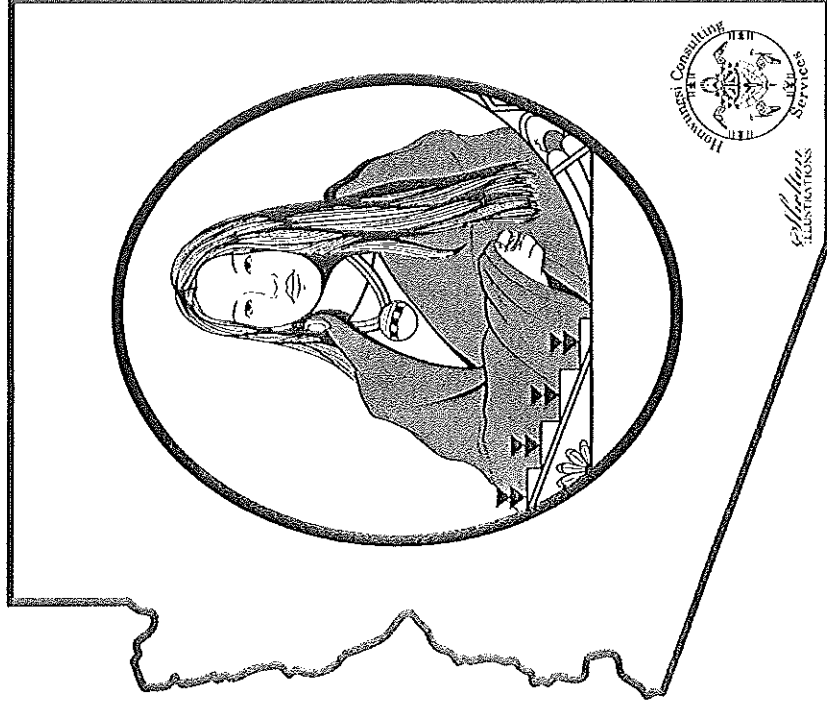


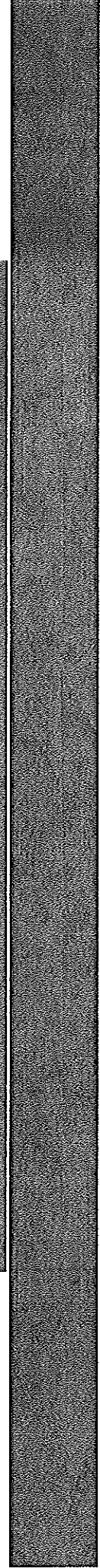
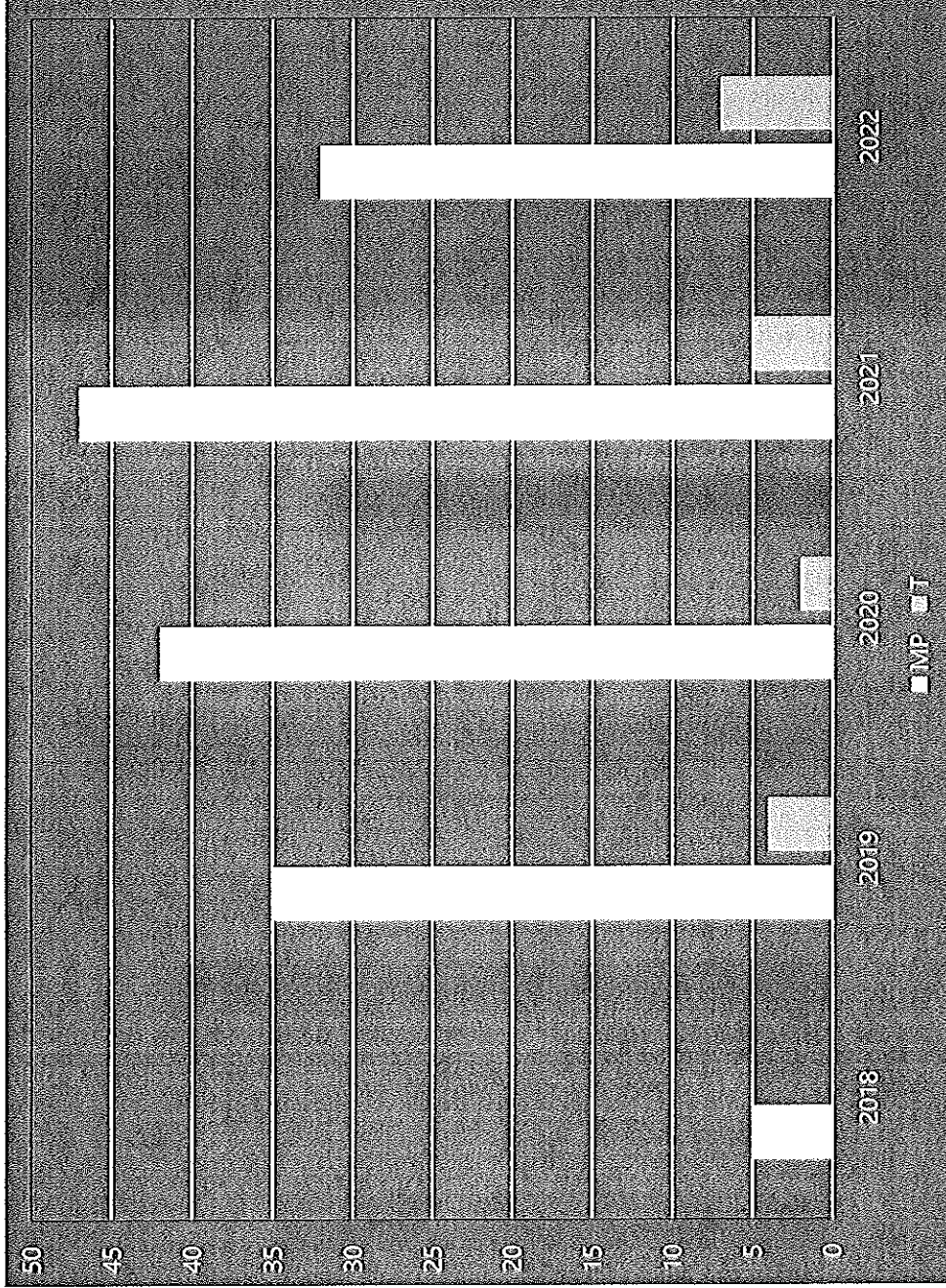
Family Recommendations

- **Take missing cases more serious for adults**
- **See more effort and quicker response to cases**
- **More empathy, compassion, and communication**
- **Address racism, sexism, and LGBTQ2S phobia**
- **Victim service referral at the time of investigation**
- **Extensive training for law enforcement and investigators in handling adult missing persons**
- **Work to solve the jurisdictional maze**

Missing Persons Program

- Missing Person & Trafficking Recovery Program created in 2018
- Identified gaps of service from tribal to federal jurisdiction.
 - Especially adult missing persons.
- Trafficking Recovery Program is Survivor Led



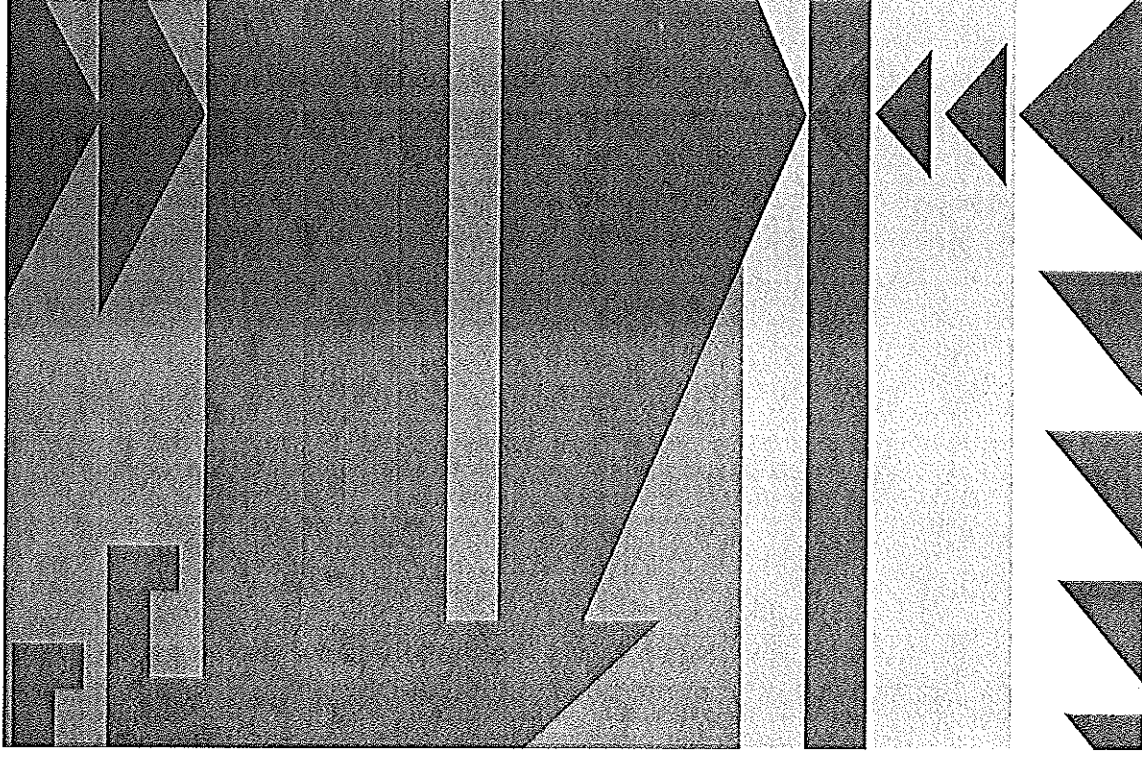




VOLUNTEERS

Recommendations

- Continued support and advocacy for MMIP
- Being present at community events
- Funding opportunity
- Collaboration and communication to enhance services
- Maintain experts in discussions who working with MMIP families and survivors



OPENING

January 2023

Honwungsi Missing Persons
&
New Destiny Healing Arts Center

Askwali - Thank you

Our work does

not stop,

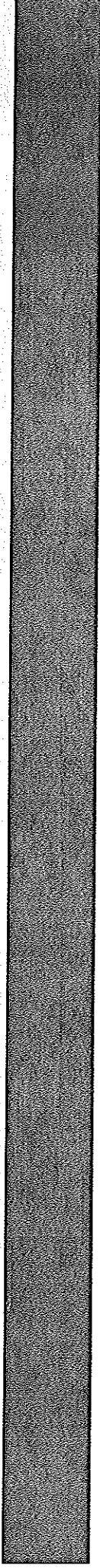
we continue working

for our

families & survivors!



Honwungsi Consulting Services
honwungsi@gmail.com



MISSING AND MURDERED INDIGENOUS PEOPLES (MMIP) RECOMMENDATIONS

LEGISLATIVE RECOMMENDATIONS

1. Establish a permanent MMIP focused state office led by Indigenous Peoples that partners with all 22 Tribes and urban Indian centers to ensure the coordination of training, services, resource allocation, relationship building, collaboration, and data infidelity.
2. Introduce legislation (A.R.S. § 41-2404) to require that at least one member of the Arizona Criminal Justice Commission (ACJC) be a representative from an Arizona land-based Indian Tribe.
3. Increase funding to the Arizona Department of Health Services (ADHS) to increase inspections of sober living homes.
4. Increase funding for rural health care centers to train personnel and purchase software for the sexual assault nurse examiner program (SANE).
5. Establish an Arizona Missing Persons Assistance Fund.
6. Continue to work with Congressional delegation to amend the Violence Against Women Act (VAWA) to fully restore tribal inherent criminal and civil jurisdiction through a full "Oliphant-Fix."
7. Propose the expansion of legislative language pertaining to the safety and protection of all people to be inclusive of people of color, people with disabilities, the LGBTQ and Two-Spirit community, and Indigenous Peoples.
8. Require all law enforcement training around missing and murdered Indigenous Peoples be co-developed with tribal governments and tribal organizations utilizing subject matter experts.
9. Create legislation to ensure statewide documentation of race, gender, tribal enrollment/affiliation and ethnicity in all law enforcement reports and forms.
10. Introduce legislation reauthorizing and funding continued research on Missing and Murdered Indigenous People (MMIP), to include the history and connection of Arizona boarding schools and children deceased at such boarding schools.
11. Continue to work with federal partners to expand VAWA and Tribal Court jurisdiction.
12. Develop a model state statute creating Special County Deputy Prosecutors and provide necessary funding.
13. Establish and provide funding for an Arizona State Missing and Murdered Indigenous Persons Task force to partner and work with the Bureau of Indian Affairs, Office of Justice Services, and Missing & Murdered unit (MMU).
14. Add Indigenous representatives to Arizona Boards or Commissions (e.g., ACJC, AZPOST, and Arizona Department of Homeland Security Regional Advisory Councils).
15. Create a position within the Governor's Office of a Tribal MMIP Liaison.
16. Ensure personal belongings are returned at the completion of an investigation and all related court proceedings, to include prosecutorial declinations.

ADMINISTRATIVE RECOMMENDATIONS

1. Ensure that ADHS has appropriate staffing levels to investigate and address complaints, within ten business days, concerning the welfare of Arizona Tribes and American Indian/Alaskan Native individuals that are receiving services from facility types such as Sober Living Homes, Behavioral Health, or Group Homes for individuals living with developmental disabilities or other health care institutions subject to licensing regulations.
2. Amend Arizona Administrative Code (A.A.C.) R9-12-107 to allow ADHS to deny an application or suspend or revoke a license to operate a sober living home if a sober living home is determined to

have been operating on tribal lands, without a tribal business license or formal approval from tribal government, including the operation of a business vehicle or recruitment of residents on tribal land.

3. Amend A.A.C. R9-12-202 to require a manager to:
 - a. Notify a resident's representative, family member, or other emergency contact designated in rule, within one calendar day after a resident's admission to a Sober Living Home and seven calendar days prior to a resident's discharge from a Sober Living Home; and
 - b. Require a Sober Living Home to maintain proof of notification or proof of the resident declining notification regarding admission or discharge, for a period of no less than 3 years following the resident's discharge.

LAW ENFORCEMENT RECOMMENDATIONS

1. Develop approaches to close law enforcement gaps, delineate jurisdictional responsibility, and enforce accountability while respecting sovereignty, through inter-jurisdictional communication, intergovernmental agreements, and increased coordination.
2. Develop and implement a statewide missing persons policy for both children and adults that outlines step-by-step procedures.
3. Facilitate cross-deputization (permission to cross-borders) for tribal law enforcement departments and officers to share information pertaining to investigations and case reviews and train on tribal jurisdiction considerations.
4. Encourage memorandums of understanding (MOUs) between tribal and non-tribal law enforcement agencies.
5. Establish a law enforcement task force for missing persons that includes tribal law enforcement agencies with an emphasis on victims' rights and victim advocacy as part of the process.
6. Increase the recruitment of Indigenous Peoples in all levels of law enforcement agencies.
7. Increase training and community orientations for law enforcement officers, including cultural awareness and competency, sensitivity to victims and their families, communication with families and survivors, tribal sovereignty, and violence against Indigenous Peoples.
8. Provide cultural sensitivity training to Arizona prosecutors and judiciary who might encounter crimes involving MMIP.
9. Train law enforcement officers to ask victims if they are Native American and for their tribal affiliation.
10. Require tribal affiliation data be collected by law enforcement and/or prosecutors on every victim.
11. Ensure that sexual assault and rape kits submitted by a tribal law enforcement agency to a state agency that contracts to process forensic examination evidence be processed on a timely basis.
12. Develop a program and partnership with County Medical Examiners and Tribes to create a project that establishes a safe, humane, and effective process for families of MMIP such as the Colibri Center and in association with the 12 federally funded Regional Tribal Epidemiology Centers.
13. Urge the United States Department of Interior, Bureau of Indian Affairs (BIA) to issue The Special Law Enforcement Commission (SLEC) to non-tribal law enforcement working within the tribe's jurisdiction pursuant to Title 25, United States Code 2804 (PUB. L. 101-379), 25 C.F.R. Part 12, and The Tribal Law And Order Act (PUB. L. 111-211).
14. Encourage intergovernmental agreements between Tribes and Counties to authorize the appointment of qualified tribal prosecutors to assist in prosecuting state offenses committed in Arizona Indian Country and to help coordinate and clarify the responsibilities of Tribes and County governments for crimes committed on Reservations.

ARIZONA VICTIM COMPENSATION PROGRAM (AzCVCP) RECOMMENDATIONS

1. Permit the Arizona Crime Victim Compensation Program to include MMIP cases as being eligible to receive compensation.
2. Establish a Victim Compensation Board representative of tribal jurisdiction.
3. Conduct regular and ongoing consultations with the 22 Arizona land-based Tribes regarding the AzCVCP.
4. Conduct regular and ongoing outreach and education about the AzCVCP and other programs within the ACJC to Indigenous communities, both on and off the Reservations.
5. Ensure designation of Tribal affiliation by AzCVCP applicants.
6. Provide ongoing data analysis and information regarding Indigenous communities' access to the AzCVCP.

VICTIM SERVICE RECOMMENDATIONS

1. Provide funding opportunities and increase current funding opportunities for Tribes and tribal nonprofit agencies or those led by Indigenous People that serve Indigenous victims.
2. Offer survivors and family members of MMIP wrap-around services from a network of agencies and centralize the provisions of services where appropriate.
3. Increase access and funding to shelters and safe houses for survivors fleeing violence in urban areas and in tribal communities with a prioritization of shelters on tribal lands.
4. Increase access to Indigenous legal advocates to help survivors and families navigate the legal system and to accompany survivors to court proceedings.
5. Provide a centralized reporting site for missing and murdered persons that honors the unique nature of all the 22 Arizona land-based Tribes and urban Indian population that provides an accurate account of MMIP in Arizona.
6. Identify potential placements for a 24-hour MMIP crisis hotline, whether it be consolidated under an existing hotline or the creation of a new one.

DATA IMPROVEMENT RECOMMENDATIONS

1. Conduct a comprehensive follow-up study to determine the scope of the MMIP crisis by examining each of the factors that contribute to incidents of MMIP, and to determine the scope and impact of MMIP in Arizona.
2. Establish methods and protocols for tracking, gathering, and collecting data on violence against Indigenous Peoples, including data on MMIP, by tribal affiliation.
3. Request that the federal government fully fund the Department of Justice (DOJ) Tribal Access Program (TAP) to provide access to federal crime databases, in order to enhance the safety of Indian Country, enable information sharing, and eliminate safe havens for criminals, pursuant to the Tribal Law and Order Act of 2010 (TLOA), 25 U.S.C. §2810 (2010).
4. Include data points in the National Missing & Unidentified Persons System (NamUs) to publicly document historical missing persons, including solved cases. The data should also include information on the outcome of resolved missing persons cases.
5. Incorporate data on MMIP to include information on race and tribal affiliations for victims and offenders.

6. Add an additional field on Arizona Criminal Justice Information System (ACJIS) and National Crime Information Center (NCIC) Missing Person, Deceased and Endangered File to indicate tribal affiliation.
7. Provide funding to law enforcement agencies and provide resources to improve training on appropriate ways to classify victims.
8. Invest in technological infrastructure and public records administration resources of all law enforcement agencies, including the digitization of records.
9. Increase access to local and national law enforcement data and remove restrictions to enable the compilation of comprehensive case files.
10. Streamline and reduce the burdens of the Freedom of Information Act (FOIA) and the Arizona Public Records Law (A.R.S. § 39-121) requests, including reducing financial costs and time delays, as much as practicable.
11. Allow Arizona Tribes to have full access and input to information available in currently restricted databases, such as NamUs, Tribal Access Program (TAP), as much as practicable. Provide Tribes access to edit or add to the data on their citizens, and require notification to the Tribe when a Tribal member has been added to a database.

RESOURCE ALLOCATION RECOMMENDATIONS

1. Centralize and specify permanent funding and technical assistance available to Arizona land-based Tribes.
2. Strategically improve outreach and dissemination of available and up-to-date resources to Arizona tribal communities.
3. Develop Sexual Assault Response Teams (SART), with a special emphasis on tribal cultural competency, with tribal communities, organizations, and border towns.
4. Create and disseminate information kits for survivors and families of MMIP with resources, service directories, and orientation to the legal system. *(Reference back to VCF program)
5. Call for the increase of federal funding for Arizona tribal justice systems through the Tribal Justice Support Act, (Title 25 U.S.C. 3602 et seq.) and the Office of Tribal Justice Support, within the Bureau of Indian Affairs.
6. Support and call for appropriations by the federal government to directly fund the design, development, and construction of new Arizona tribal courts, multi-purpose justice centers, tribal correctional facilities, tribal facilities for law enforcement, drug and alcohol treatment and programming space, public defender offices, and the expansion or renovation of tribal courts and justice facilities that support alternatives to incarceration.

TRAINING AND EDUCATION RECOMMENDATIONS

1. Designate annual training for all social services professionals and investigators who work on missing persons cases to include 40 hours of annual training that prioritizes training for cultural responsiveness.
2. Offer and fund additional training to schools and teachers on recognizing the warning signs of children who are victimized, as well as the appropriate reporting mechanisms.
3. Offer human trafficking training resources to Arizona land-based tribal law enforcement agencies, casinos, and hotels.
4. Engage the U.S. Department of Health and Human Services, in collaboration with Arizona land-based Tribes and the federal government, to ensure services regarding domestic violence, substance use, and mental health are meeting the needs of tribal communities.

5. Require all Arizona State departments to enforce their tribal consultation policies regarding any work, activities, policies, etc., that can have an impact on Arizona land-based Tribes.
6. Increase public outreach initiatives to engage the participation of Indigenous Peoples and allocate resources to ensure cultural safety and inclusion for Indigenous Peoples.
7. Increase public education and advocacy to heighten awareness of Indigenous history, rights and safety.
8. In partnership with Arizona's tribal domestic and sexual violence coalitions, support training, and technical assistance for advocacy response and tailor the advocacy to specific victimization experiences.
9. Work with Arizona land-based Tribes to facilitate NamUs and National Center for Missing and Exploited Children (NCMEC) training in their communities and encourage tribal and non-tribal law enforcement and family members to utilize the training.
10. Encourage community led prevention and advocacy to empower Indigenous Peoples to report family violence.
11. Organize and conduct education events on MMIP awareness day (May 5th) for MMIP prevention, awareness, identification of risk factors, analysis of plans for victim safety, trauma informed practices, responsiveness to gender and sexual orientation, sex trafficking, remembrance, and community organizing.
12. Create a State MMIP website with resources, links, data dashboards, information, and reporting links.
13. Create a social media awareness campaign and implement a public-relations initiative to establish community confidence in and support for the justice system.
14. Design, develop, and implement prevention and intervention strategies for youth, men, and boys (e.g. Indivisible Tohono and A Call to Men).
15. Develop a "best practices guide" for inter-jurisdictional matters (e.g., contact information, how to report a missing person or report a crime in each jurisdiction, court information, how to obtain and enforce orders of protection, basic jurisdictional information, how to identify and report suspected human trafficking, and a list of Arizona tribes and tribal resources).
16. Offer human trafficking training resources to all hospitals, emergency rooms, and medical centers.

COLLABORATIVE RECOMMENDATIONS

1. Create an inter-agency case review team that meets regularly with Arizona land-based tribes. The inter-agency case review team may include Tribal, local, county, state, and federal agencies that handle MMIP cases, including law enforcement agencies, prosecutors, tribal and non-tribal courts, child protective services, direct service providers, medical examiners, tribal coalitions, tasks forces, and families affected by MMIP.
2. Designate a tribal liaison or advocate within each individual Arizona land-based Tribe.
3. Collaborate with Indigenous researchers to carry out studies with tribal input and support and ensure that non-Indigenous research partners have Indigenous staff or extensive experience working with Indigenous communities and include extensive networks of Indigenous collaborators.
4. Promote meaningful collaborations between academics, front-line practitioners, families of MMIP, survivors of violence, and grassroots organizations to inform policy and service delivery.
5. Develop multijurisdictional Endangered Missing Advisory Systems and Plans, that enables collaboration among agencies to broadcast and search for missing persons that do not fit AMBER Alert criteria.

ARIZONA STATE LEGISLATURE
Fifty-sixth Legislature - First Regular Session

INTERIM COMMITTEE ROLL CALL VOTE

COMMITTEE: HOUSE AD HOC COMMITTEE ON MISSING AND MURDERED
INDIGENOUS PEOPLES

DATE: December 15, 2022 MOTION: Adopt committee recommendations

CHAIRMAN: Jennifer Jermaine VICE-CHAIRMAN: Jasmine Blackwater-Nygren

	PASS	AYE	NAY	PRESENT	ABSENT
Monica Antone		✓			
Jolyana Begay-Kroupa		✓			
Paul Etnire		✓			
Christopher Hechavarria		✓			
April Ignacio		✓			
Debbie Nez-Manuel		✓			
Kim Russell		✓			
Alfred Urbina		✓			
Senator Hatathlie-Delmar		✓			
Blackwater-Nygren, Vice-Chairman		✓			
Jermaine, Chairman		✓			
		11	0	0	0

Andree Allen
COMMITTEE SECRETARY

APPROVED:

Jennifer Jermaine

COMMITTEE CHAIRMAN

COMMITTEE VICE-CHAIRMAN

ATTACHMENT 6