

SENATE BILL REPORT

2SHB 1713

As of June 11, 2019

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: House Committee on Appropriations (originally sponsored by 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: Passed House: 3/05/19, 98-0.

Committee Activity: State Government, Tribal Relations & Elections: 3/15/19, 3/20/19 [DP-WM].

Ways & Means: 3/25/19.

Brief Summary of Bill

- Establishes two liaison positions within the Washington State Patrol (WSP) for the purpose of building relationships between government and native communities.
- Requires the WSP 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 WSP with government-to-government training.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hasegawa, Hawkins and Takko.

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.

Staff: Melissa Van Gorkom (786-7491)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Claire Goodwin (786-7736)

Background: Washington State Patrol Missing and Unidentified Persons Unit. State law requires that when a person reported missing has not been found within 30 days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the agency conducting the investigation for the missing person must (1) file a missing person's report, (2) initiate the collection of DNA samples, and (3) ask the missing person's family or next of kin to give written consent to obtain the missing person's dental records. The WSP Missing and Unidentified Person Unit (MUPU) records and maintains a database of missing persons reports and dental data for missing persons in Washington State. The WSP MUPU also houses a missing children and endangered person clearinghouse that provides services for reporting and investigating missing children and endangered persons.

Missing Native American Women Study. State law requires WSP conduct a study to increase resources for reporting and identifying missing Native American women in the state and report to the Legislature by June 1, 2019. 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 must also work with the federal Department of Justice to increase information sharing and coordinate resources. The report must include:

- data on the number of missing Native American women in the state;
- identification of barriers to providing more state resources to the issue; and
- recommendations, including proposed legislation to address the problem.

Summary of Bill: Two liaison positions for missing and murdered indigenous women and other indigenous persons are established within the WSP to build relationships to increase trust between governmental organizations and native communities. One liaison must reside in Western Washington, and one liaison must reside in Eastern Washington.

The liaisons must have significant experience living in tribal or urban indigenous communities and 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 and 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.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (State Government, Tribal Relations & Elections):

PRO: This bill is about breaking silence. WSP did a tour last year after passage of HB 2951 which brought out hundreds of people with heartbreaking testimony for hours. During the tour there were three things that the stakeholders agreed upon (1) having two tribal liaisons at WSP, one on the East and West to serve as an extended hand to the tribes to be a resource, (2) different law enforcement agencies look for missing people differently, this bill requires the WSP to make a list that should be follow for missing persons, and (3) providing intergovernmental training for any person who gets the position at WSP so that they can do the job in a respectful manner.

Tribes want to work with the WSP and other law enforcement jurisdictions to be a part of the solution. The Centennial Accord provides the foundation and framework for establishing a specific agreement among parties, hopefully the WSP will engage through this process to draft protocols for law enforcement responses to missing persons reports for indigenous women and other indigenous persons.

This is not a Washington State problem, it is a national and global problem that is being addressed across other states, and in Canada. For family members the historical trauma that comes with the missing Native American woman carries from one generation to the other. Washington State as leaders can do a lot to protect Native American women. It is important to include representation of urban women and native women and also the inclusion of indigenous persons because we want to see all missing persons found. This bill is about fixing that problem and not waiting for another year to start the work.

Persons Testifying (State Government, Tribal Relations & Elections): PRO: Representative Gina Mosbrucker, Prime Sponsor; Representative Debra Lekanoff; Joel Boyd, Confederated Tribes of the Colville Reservation; Linda Malanchuk-Finnan, Washington State National Organization for Women; Leland Bill, Yakama Nation Tribal Council; Rodney Cawston, Confederated Tribes of the Colville Reservation.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections): PRO: Margie Hutchinson, Confederated Tribes of the Colville Reservation.

Staff Summary of Public Testimony (Ways & Means): PRO: The Yakima Nation is in full support of this bill. This will support the important next step to help find all those that go missing each year. The Yakima Nation's tribal police are ready to work with the Washington

State Patrol. There is a lot of healing that needs to occur, and this is one part of the healing. The Yakima Nation appreciates the efforts of the Legislature bringing forward this bill.

We would like one of the liaisons to be from the Yakima Nation.

When there is a missing or murdered indigenous person, the issue gets handed over to the federal government. Our younger sister, Daisy, went missing in 1987 with no answers on what happened to her. Statistics say that 85.3 percent of native women will experience violence in their lives. Murder is the third leading cause of death for native women.

Our missing and murdered family members deserve justice so they can rest in peace. Our reservations are vast and isolated and often there is not enough law enforcement to surveil the entire land. Yakima Nation tribal law enforcement is understaffed. Crimes go unattended. We need more funds to help our local law enforcement.

I am here today as a family member of a person who went missing. Among missing persons, Washington is ranked second highest in the country. Homicide is the leading cause of death for pregnant women. We are not getting DNA collected on our cases. 72 percent of our tribe is urban.

The link between missing persons and human trafficking is vulnerability. Often people come to Washington from Alaskan villages looking for a better life. Many of the missing and murdered women are victims of trafficking. We need resources. We need the liaisons. You should stand for the women, the two spirits—individuals who do not identify as male or female, and the men who have been killed. I was a missing person as a teenager. Law enforcement wanted to wait 48 hours while my kidnappers wanted to traffic me to Hawaii. Washington has over 200 open missing persons cases. I am a survivor who lost her mother to murder 30 years ago. We strongly support the bill. We are grateful for the revisions to the bill. We have discussed a potential summit to craft a comprehensive strategy for moving forward with the Governor's Office of Indian Affairs, the Washington State Patrol, and tribal councils. This is a good start to address missing and murdered indigenous persons in the state. My family are all urban Indians. One of my grandchildren is two spirit, and I am scared for their safety.

Nine states are passing the bill we passed last year and the current bill is the tangible result from last years' bill. This bill attempts to break the silence, and native children wonder, "am I next?" I ask that you fund this bill fully.

Persons Testifying (Ways & Means): PRO: Representative Gina Mosbrucker, Prime Sponsor; Lottie Sam, Yakama Nation Tribal Council; Charlene Tillequots, Yakama Nation Tribal Council; Esther Moses-Hyipeer, Yakama Nation Tribal Council; Patricia Whitefoot, citizen; Lila Whitefoot, citizen; Carolyn DeFord, Puyallup Tribal Member, Founder of Missing and Murdered Native Americans; Jeri Moomaw, Innovations Human Trafficking Collaborative; Earth-Feather Sovereign, Missing and Murdered Indigenous Women Washington; Eva Ingram, Missing and Murdered Indigenous Women Washington; Cheryl Wapes'a-Mayes, Urban Indians Northwest; Kyle Taylor Lucas, Urban Indians Northwest; Robert Wilson, Chief of Police, Sauk-Sauittle.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.