

LB 154 Report

LB154 Report: Prevalence of Missing Native American Women and Children in Nebraska; Barriers to Reporting and Investigating; and Opportunities for Partnerships

May 21, 2020

Captain Matthew Sutter, *Nebraska State Patrol*

with

Judi gaiashkibos, Scott Shafer, and Elizabeth Weidner, *Nebraska Commission on Indian Affairs*

Research and Writing Assistance from Dr. Tara N. Richards, Dr. Emily Wright, and Alyssa Nystrom, *School of Criminology and Criminal Justice, University of Nebraska Omaha* and Kirby Williams, *Legal Aid of Nebraska*

Cover art from Valery Killscrow Copeland, an enrolled member of the Oglala Lakota Tribe.

Recommended Citation: 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. Submitted to the Nebraska Legislature, May 21, 2020.

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Acknowledgements

We would like to thank the Ponca Tribe of Nebraska, Nebraska Indian Community College Santee Campus, Nebraska Indian Community College Macy Campus, and Little Priest Tribal College for hosting listening sessions, and the tribal and non-tribal community members, tribal and non-tribal law enforcement officers, tribal leadership, and representatives from victim services and non-profits who attended the listening sessions and shared valuable information for this report. We would also like to thank Judge William Thorne for serving as the facilitator.

Many thanks to Audrey Meyer at Nebraska State Patrol for her insight regarding the Nebraska Missing Persons List. Thank you to Taylor Claxton, doctoral student in the School of Criminology and Criminal Justice at UNO, for her assistance coding data, and to Dr. Justin Nix for developing a heat map for this report. We also thank the sponsors of LB 154 for charging us with this important work. Finally, we would like to acknowledge Nebraska's missing Native American persons and their loved ones; we truly hope the recommendations presented here result in meaningful change regarding reporting and investigating missing persons in the state.

Executive Summary

Legislative Bill (LB) 154 mandates that the Nebraska State Patrol (NSP), in collaboration with the Nebraska Commission on Indian Affairs (NCIA), “conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women and children in Nebraska,” - Per LB 154, this study has three specific aims:

- (1) to determine the scope of missing Native American women and children in Nebraska,
- (2) to identify barriers to reporting and investigating missing Native American women and children in Nebraska, and
- (3) to find ways to create partnerships to increase reporting and investigating missing Native American women and children in Nebraska.

Data and Methodology:

Several sources of data were used for this report, including three missing persons databases, listening sessions with four Native communities, and missing persons policies from 51 law enforcement agencies across Nebraska. First, quantitative data on Nebraska’s missing persons were obtained from existing missing persons databases: Nebraska’s Missing Persons List (NMPL), National Missing and Unidentified Persons System (NamUS), and the National Center for Missing and Exploited Children (NCMEC). In addition, qualitative data was collected from four listening sessions in Omaha, Santee, Macy, and Winnebago, Nebraska. Listening sessions included tribal and non-tribal community members, tribal and non-tribal law enforcement, tribal leadership, and representatives from victim services and non-profit organizations. In an attempt to gather information on any unreported missing persons cases, at each listening session (1) Nebraska State Patrol personnel identified themselves to attendees and indicated that they were available to assist with reporting any currently unreported cases and (2) the Nebraska Commission on Indian Affairs’ project coordinator announced that she was available to assist with reporting missing persons cases. Finally, data were collected regarding the use and content of missing persons policies from 51 law enforcement agencies across Nebraska.

Results:

Scope of missing Native American women and children in Nebraska

A total of 498 missing persons cases were identified in a point-in-time count on 3/31/2020 – cases spanned from 6/8/1940 to 3/31/2020. Using 2019 Census population estimates for Nebraska (e.g., population estimate of 1,934,408 persons)ⁱ, **Nebraska’s missing person rate on 3/31/20 was 25.7 per 100,000 persons.** A majority of Nebraska’s missing persons are White ($n = 333$; 66.9 %) compared to Black ($n = 98$; 19.7%), Native American ($n = 23$; 4.6%), or Asian or Pacific Islander ($n = 4$; 0.8%); 8.0% ($n = 40$) of the entries for missing persons list the race as “unknown.” In comparison, 88.3% of Nebraska’s population is White, 5.1% is Black, 1.5% is Native American, and 2.8% is Asian or Pacific Islander (U.S. Census Bureau, 2019; see Table 1) – thus, a **disproportionate number of Nebraska’s reported missing persons are Black (3.9 times their population) or Native American (3.1 times their population).** Additionally, we found:

- The Nebraska Missing Persons List (NMPL) is highly comprehensive and accurately tracks missing persons cases: **the majority of reported missing persons cases stem from the NMPL only ($n = 486$, 98%).**
- **All Native American missing persons were identified from the NMPL.** A greater proportion of Native American missing persons cases (21.3%) than total cases (14%) were also listed in the National Missing and Unidentified Persons System (NamUS).
- No Native American missing persons cases were listed on the National Center for Missing and Exploited Children list (NCMEC), while 6% of total cases were listed on NCMEC.

- **The majority of missing Native Americans are males under the age of 17 years old:** nearly two thirds (73.3%) of the Native American missing persons are boys (age 17 years old or younger).
- More Native American missing persons are minors and Native American missing persons cases are open (unsolved) longer when compared to Nebraska’s total missing persons.
- **Requests by both Nebraska State Patrol and the Nebraska Commission on Indian Affairs (NCIA) at community listening sessions as well as research by the NCIA project coordinator did not uncover any unreported cases of Native American missing persons.**

Community listening sessions included questions about potential causal factors related to the scope of missing persons in Nebraska’s Native American communities. A range of factors were identified and are reviewed in detail in the narrative of the report; however, several issues were identified as underlying factors in missing persons cases involving Native American women and children across the four listening sessions:

- (1) domestic violence,
- (2) substance use,
- (3) mental health challenges,
- (4) a lack of affordable housing/homelessness, and
- (5) poverty.

Barriers to reporting and investigating missing Native American women and children in Nebraska

Missing person cases present many challenges to law enforcement agencies across the country, regardless of whether the person is Native American. These challenges include: (1) the right to go missing among adults, (2) whether “going missing” is a result of criminal or noncriminal behavior, (3) lack of policies mandating the entry of missing persons into national data systems, (4) lack of standardized definitions of missing persons, and (5) variation in the age of what constitutes adult status across states and jurisdictions.

However, the challenges of reporting and investigating missing persons cases may be exacerbated among Native Americans missing persons primarily due to:

- (1) **jurisdictional issues between tribal and non-tribal law enforcement agencies,**
- (2) **a lack of policies, coordination, and relationships between tribal and non-tribal law enforcement agencies; and**
- (3) **racial (mis)classification when entering the cases into databases.**

Community listening sessions addressed barriers to reporting and investigating missing Native American women and children in Nebraska. A range of barriers to reporting and investigating were uncovered and are reviewed in detail in the narrative of this report; however, data from the Native community listening sessions identified these prominent barriers to reporting and investigating Native missing persons cases:

- (1) an absence of relationships between law enforcement and tribal communities;
- (2) a lack of communication between federal, state, local, and tribal law enforcement as well as between law enforcement and tribal communities;
- (3) perceptions by community members that nothing will be done if they report and/or that reporting will have negative consequences (e.g., involvement of child protective services);
- (4) that substance/drug use, domestic violence, and/or human trafficking are believed to be underlying causes of “going missing”, either intentionally or unintentionally;
- (5) a lack of understanding regarding how and when to report a missing person, or that community members could access national missing persons databases (i.e., NamUs, NCEMC) directly without contacting law enforcement.

In addition, data from Nebraska’s law enforcement agencies revealed that not all agencies have a missing persons policy, and that among agencies which do have a policy, there is wide variability in regard to the:

- (1) policy’s application to juveniles versus adults,
- (2) timeline for law enforcement to take an incident report, and
- (3) the collection of demographic information.

Further, law enforcement departments use divergent strategies for entering missing persons information into the national law enforcement database (i.e., National Crime Information Center) as well as national missing persons databases (i.e., NamUs and the NCMEC); thus, all Nebraskans including Native American community members, may experience different law enforcement protocols when reporting missing persons in different Nebraska jurisdictions and across different reservation communities.

Partnerships to increase reporting and investigating missing Native American women and children in Nebraska

Community listening sessions also focused on identifying partnerships to increase reporting and investigating missing Native American women and children in Nebraska. A range of ideas for partnerships were uncovered and are reviewed in detail in the narrative of this report; however, prominent themes focused on:

- (1) Developing new partnerships between tribal and non-tribal law enforcement departments, as well as law enforcement and “non-traditional” allies such as tattoo artists, casinos, and convenience stores,
- (2) community education regarding how to report missing persons to law enforcement,
- (3) education regarding how to use NamUs, and
- (4) strengthening partnerships with Department of Health and Human Services, tribal and non-tribal victim services, and legal aid to address the underlying social challenges related to missing persons cases (e.g., domestic violence).

Recommendations

The results from the quantitative and qualitative data point to three main areas which could improve the response to missing Native women and children within the state. We provide them in order of priority, with law enforcement activities being the most actionable activities in the short-term and by the lead agency on this report (i.e., Nebraska State Patrol) (**bolded activities have already been adopted**):

Nebraska State Patrol (NSP) and Tribal and Non-Tribal Law Enforcement Cooperation:

- (1) Develop and implement a missing persons policy for both juvenile and adult missing persons in each of Nebraska’s law enforcement agencies. Develop and provide a Standard Operating Procedure (SOP) illustrating a step-by-step process for handling missing persons cases.
- (2) Whenever possible, include information on the race of the missing person in a missing persons report.
- (3) Whenever possible, include information on the tribal affiliation of the missing person in a missing persons report.
- (4) Increase the capacity of tribal law enforcement departments through the cross-deputization of Nebraska State Patrol officers.**
- (5) Encourage Memorandums of Understanding (MOUs) between tribal and non-tribal law enforcement agencies.
- (6) Develop and implement Native American cultural awareness training for Nebraska State Patrol officers.**
- (7) Establish a Law Enforcement Task Force for Missing Persons and include tribal law enforcement

agencies on the task force.

- (8) Implement a Nebraska State Patrol Tribal Liaison program.
- (9) Increase the recruitment of Native American persons to the Nebraska State Patrol; allow recruits to stay in their home area upon request.**

Enhance Awareness of Reporting Options and Mechanisms to Native Communities:

- (1) Facilitate NamUs training in tribal communities, and encourage both tribal and non-tribal law enforcement as well as family members to utilize.
- (2) Work with Department of Health and Human Services and Department of Education to provide schools/teachers with a better awareness of children who are being victimized, as well as the appropriate reporting mechanisms.
- (3) Encourage each tribe to hold regular law enforcement meetings with tribal, local, county, state, and federal law enforcement partners.

Be Aware of the Potential Interrelatedness of Missing Persons to Human Trafficking and Other Social Challenges:

- (1) Extend Nebraska State Patrol human trafficking training resources to tribal law enforcement agencies.**
- (2) Extend Nebraska State Patrol human trafficking training resources to tribal casinos and hotels.**
- (3) Engage the Department of Health and Human Services regarding domestic violence, substance use, and mental health needs in tribal communities.
- (4) Engage victim services agencies regarding the needs of the family members of missing persons.

Further, the *Nebraska Commission on Indian Affairs* will:

- (1) Seek legislation to mandate the use of NamUs by Nebraska's law enforcement agencies. At present, only law enforcement agencies in Arkansas, Illinois, Michigan, New Mexico, New York, Oklahoma, and Tennessee are required by law to use NamUs (Chakraborty, 2019).
- (2) Work to establish a Task Force focused on the underlying issues in Native communities associated with "going missing" such as economic challenges, substance abuse, suicide, child abuse and neglect, poverty and pervasive hopelessness.
- (3) Seek funding for a new, full-time staff position to manage the Task Force operations. This staffer will report to the Executive Director of the Nebraska Commission on Indian Affairs.

Background

Disparities in Native American Communities

Native American communities suffer from a host of inter-related economic, health, and social challenges. For example, Native American communities experience high rates of poverty and unemployment. Native American students have lower reading and math proficiency than their non-Native peers and Native American youth drop out of high school at disproportionately high rates (The Annie E. Casey Foundation, 2019). Native American adults report significant levels of psychological distress and are more likely to have poorer overall physical and mental health compared to persons of other races/ethnicities (Barnes, Adams, & Powell-Griner, 2010). Only about half of Native American children have access to health insurance (The Annie E. Casey Foundation, 2019) suggesting that many Native American children may have unmet physical, mental, and behavioral healthcare needs.

Data from the National Survey on Drug Use and Health indicates that Native American persons report disproportionate rates of binge drinking and problem drinking behaviors, as well as alcohol use disorders (SAMSA, 2019) and suicide is the second leading cause of death for Native American persons ages 10–24 years old (Suicide Prevention Resource Center, 2013). Further, Native persons are incarcerated at rates nearly 40% greater than the national average (Bureau Justice Statistics, 1999).

Violence Against Native Women and Children

Research indicates that Native American persons experience crime victimization at higher rates than non-native people (Rosay, 2016; Catalano, 2007) and that violence against Native women and children is of particular concern. For example, data from the National Intimate Partner and Sexual Violence Survey (NISVS) (2010) indicate that 84.3% of AI/AN women report experiencing violence in their lifetime compared to 71.0% of Non-Hispanic White women (Rosay, 2016). Native American women are also murdered at an extraordinarily high rate – more than ten times the national average on some reservations (Bachman, Zaykowski, Kallmyer, Poteyeva, & Lanier, 2008). Native youth experience violent crime rates up to ten times the national average, with violence serving as a causal factor in three-quarters of deaths of Native American adolescents and young adults between ages of 12 and 20 (U.S. Senate, 2015). And, Native American children experience disproportionate rates of child maltreatment (Children’s Bureau, 2018) and foster care placement (Woods & Summers, 2016).

Challenges of Counting Missing Persons

Economic, health, and social disparities as well as experiences with violence contribute to an environment where individuals may either intentionally or unintentionally “go missing.” For example, someone with an untreated substance use disorder or mental health challenge may leave home without notifying family or friends while a teen experiencing abuse in the home may runaway to escape the maltreatment. In rare instances, a missing persons case may stem from an abuser killing their intimate partner or abducting their child.

As noted above, such disparities and violent victimizations are concentrated in Native American communities. In light of these concerning numbers, national attention has recently focused on the problem of missing and murdered Native women and children in the United States. Accurately counting the number of “missing and murdered” people – Native or non-Native – is no easy task, and this issue is made even more difficult when Native American persons are involved. However, it is important not to convolute the two issues of going missing and being murdered, as *this report focuses on missing Native persons in Nebraska only*. Not every person who is missing has been or will be murdered. In fact, most persons who are reported as missing are missing for a short period of time and found alive (Chakraborty, 2019). Further, *missing persons cases are dynamic* and thus the number of missing persons cases in any jurisdiction may change on a daily basis. Therefore, any count of missing

persons cases must be understood as a point-in-time count that is likely only accurate on the date that the count is conducted.

Ascertaining an accurate picture of the number of missing persons in the United States is also riddled by challenges in reporting, policies, and definitions. A recent National Institute of Justice whitepaper by Chakraborty (2019) suggests that missing persons cases present many challenges to law enforcement agencies across the country, regardless of whether the person is Native American or non-Native American. **These challenges include: (1) the right to go missing among adults, (2) whether “going missing” is a result of criminal or noncriminal behavior, (3) a lack of policies mandating the entry of missing persons into national data systems, (4) a lack of standardized definitions of missing persons, and (5) variation in the age of what constitutes adult status across states and jurisdictions.** Chakraborty (2019) indicates that, first, going missing (among adults) is not a crime. In fact, doing so is a right established by the 1995 U.S. Supreme Court decision *McIntyre v. Ohio Elections Commission*, whereby adults can remain anonymous by “going missing,” and this right extends from the freedom of the press right which allows an individual to remain anonymous when writing (Chakraborty, 2019). Thus, not all missing persons are missing *unintentionally*, nor are all missing persons cases – even unintentionally missing persons cases – related to criminal activity and/or death. In fact, Chakraborty (2019) notes that persons can go missing due to fatal accidents or dementia, among other things: while these missing persons are missing unintentionally, they are not missing because of their involvement in nefarious activities, such as kidnapping, trafficking, and so forth.

Accurately counting the number of missing persons in the United States is very difficult and relies largely on reporting to law enforcement agencies and accurate data entry by these agencies. However, some law enforcement agents may not enter a case into various data systems because they believe the case will be resolved, they believe the case does not constitute a “missing persons” case for some reason, or they are unaware or unmandated to enter a missing persons case (especially adults) into certain data systems (Chakraborty, 2019). Further, the lack of standardization in the definition of a “missing person,” lack of protocols or policies in reporting and investigating these cases, and the lack of standardization regarding who is considered a “youth” (and thus federally mandated to report) or “adult” varies across states.

Importantly for the current report, **the challenges discussed above regarding reporting and investigating missing persons may be exacerbated among Native American missing persons, primarily due to (1) jurisdictional issues, (2) a lack of coordination and relationships between tribal and non-tribal law enforcement agencies, and (3) racial (mis)classification when entering the cases into databases.** First, jurisdictional issues between tribal and non-tribal law enforcement agencies may convolute the reporting process, where Native American community members must decide to whom they should report the case. As our data below suggests, there is much confusion from Native American community members about which agency is the appropriate reporting agency. This issue is strongly tied to a second problem, which is that tribal and non-tribal law enforcement agencies may not agree on which agency should investigate the missing person case. This might be complicated by several issues, including: (1) whether the missing person is a member of a tribe, (2) whether the reporter is a member of a tribe, (3) whether the missing person was living on tribal lands, and (4) where the missing person is suspected to be, particularly whether they are suspected to be on or off of tribal lands. In many cases, it may be that tribal and non-tribal law enforcement agencies need to jointly coordinate the case investigation, but the informal or formal relationships (e.g., Memorandums of Understanding, etc.) are not in place to facilitate the communication and coordination that is needed to accomplish this collaboration. Finally, the race (and/or tribal affiliation) of the missing person may be unclear, leading to potential underreporting or misclassification of Native missing persons (e.g., if a Native person was classified as “Hispanic” or “Caucasian” in the data system).

Nebraska’s Native American Persons

According to the 2010 U.S. Census, there are nearly 30,000 Native American persons living in Nebraska. And per the Nebraska Commission on Indian Affairs, Nebraska is home to four federally recognized tribes: Omaha Tribe of Nebraska, Winnebago Tribe of Nebraska, Santee Sioux Nation, and Ponca Tribe of Nebraska. The Omaha Reservation, Winnebago Reservation, and the Santee Sioux Nation’s Niobrara Reservation totals nearly 25,300 acres.

Other Nebraska resident tribes include the Pawnee Nation of Oklahoma, Oglala Sioux Tribe, Iowa Tribe of Kansas and Nebraska, and Sac and Fox Tribes, and there are many Native persons – from the aforementioned Tribes as well as other Tribes – living on, and off tribal lands (often referred to as urban Indians).

As in the United States generally, in Nebraska, Native American persons face significant economic, health, and social challenges. More than 40% of Native American Nebraskans live in poverty, less than a quarter report having a high school education, and unemployment is more than four-times greater for Native Americans than for Whites (Nebraska Department of Health and Human Services, 2017). Relatedly, a disproportionate number of Nebraska’s Native American children live below the poverty line and nearly half of Native American children live in “high poverty areas” (The Annie E. Casey Foundation, 2019). Native American Nebraskans report significant unmet physical health and mental health needs such as high rates of liver and/or kidney disease, diabetes, and depression. And the rates of drug induced death and alcohol induced death are two-times and seven-times greater for Native American Nebraskans than for White Nebraskans, respectively (Nebraska Department of Health and Human Services, 2017).

In Nebraska, Native American children experience the highest rate of child maltreatment – 40% per 1,000 children – more than any other racial group, and 10 times the rate of their White peers (U.S. Department of Health & Human Services, 2020). Relatedly, Native American children are placed into foster care at a rate 2.5 times greater than their proportion in the Nebraska population (State of Nebraska Foster Care Review, 2017-2018) and their family reunification rate (47.1 %) is lower than that of White, Black, Asian, or Hispanic children (Children Bureau, 2017). Furthermore, from 2010 to 2014 Native American Nebraskans experienced homicide at five-times the rate of White Nebraskans (Nebraska Department of Health and Human Services, 2017).

In 2018 the Urban Indian Health Institute (UIHI) published a report that aimed to present data on “cases of missing and murdered indigenous women” (MMIGW) across 71 cities in 29 states. The report indicates that their sample of cities was selected “because they either have (1) an urban Indian health center that is affiliated with UIHI, (2) a significant population of urban Indians, or (3) were found to have a large number of MMIGW cases in a preliminary consultation with key community leaders” (Urban Indian Health Institute, 2019, p.5). The report further specifies that cases were identified using five sources, “(1) Freedom of Information Act (FOIA) requests to law enforcement agencies, (2) state and national missing persons databases, (3) searches of local and regional news media online archives, (4) public social media posts, and (5) direct contact with family and community members who volunteered information on missing or murdered loved ones” (Urban Indian Health Institute, 2019, p. 4).

Both Omaha and Lincoln, Nebraska were included in the UIHI report. The report’s findings identify 2 missing persons cases (as well as 5 murdered and 2 unknown cases) stemming from Lincoln and 11 missing persons cases (as well as 3 murdered and 10 unknown cases) from Omaha (Urban Indian Health Institute, 2019). The report does not specify which data sources were used to identify these cases or the specific timeframe for data collection (the oldest case in the entire sample was from 1943), so we could not replicate this data. The Nebraska Commission on Indian Affairs requested the data for the Nebraska missing persons cases uncovered by the Urban Indian Health Institute, but the UIHI declined to share the data.

Nebraska Commission on Indian Affairs

The Nebraska Commission on Indian Affairs (NCIA) was established in 1971 and consists of 14 Indian Commissioners appointed by the Governor. The Commission’s statutory mission is “to do all things which it may determine to enhance the cause of Indian rights and to develop solutions to challenges common to all Nebraska Indians.” It is the state liaison between Nebraska’s four federally recognized tribes, and it helps ensure that the sovereignty of both tribal and state governments is recognized and acted upon in a true government-to-government relationship. The NCIA also serves off-reservation Indian communities by helping assure they are afforded the right to equitable opportunities in the areas of housing, employment, education, health care, economic development and human/civil rights within Nebraska. All goals of the NCIA are accomplished through advocacy, education and promotion of legislation. A priority problem identified by the NCIA is the study of missing Native women and

children in Nebraska and the development of policies and partnerships that will advance reporting, investigation, and resolution of these violent crimes; this priority issue was shared with Nebraska legislators by the NCIA.

Nebraska State Patrol

The Nebraska State Patrol (NSP) is Nebraska's only statewide full-service law enforcement agency. Serving Nebraska since 1937, NSP officers perform a wide variety of duties. Those duties include working with communities to improve public safety; enforcing traffic, criminal and drug laws; investigating crimes, as well as enforcing the laws and federal regulations pertaining to commercial motor carriers. During its history, the Nebraska State Patrol has accepted additional duties and responsibilities and has become an internationally accredited law enforcement agency dedicated to serving the citizens of Nebraska.

The Nebraska State Patrol has six Troop Area Headquarters located in Lincoln, Omaha, Norfolk, Grand Island, North Platte and Scottsbluff. The State Headquarters, housing NSP Command and support staff, is also located in Lincoln. Across the state, more than 700 sworn and civilian employees provide patrol, investigative, administrative and support services.

Legislative Bill 154

Legislative Bill (LB)154 was introduced by Senators Brewer, 43; Gragert, 40; Pansing Brooks, 28; Cavanaugh, 6; DeBoer, 10; Slama, 1; Erdman, 47; Hunt, 8; and McCollister, 20; it was signed into law by Governor Pete Ricketts on March 6, 2019. LB-154 mandates that the Nebraska State Patrol (NSP), in collaboration with the Nebraska Commission on Indian Affairs (NCIA), “conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women and children in Nebraska”. Per LB 154, this study has three specific aims:

- (1) to determine the scope of missing Native American women and children in Nebraska,
- (2) to identify barriers to reporting and investigating missing Native American women and children in Nebraska, and
- (3) to find ways to create partnerships to increase reporting and investigating missing Native American women and children in Nebraska.

Missing Persons Databases

National Crime Information Center

The National Crime Information Center (NCIC) is a national database of crime data that is accessible to nearly every state, local, and tribal law enforcement agency. NCIC also collects missing person cases, which are not crimes. NCIC is administered by the Federal Bureau of Investigation and allows law enforcement to query multiple state and federal databases. Law enforcement officers are able to submit inquiries in NCIC and get a response immediately. When a child is reported missing to law enforcement, federal law (Missing Children's Act, 1982) and Nebraska state statute (Nebraska Revised Statute § 43-2003) requires that child be entered into NCIC.

National Missing and Unidentified Persons System

The National Missing and Unidentified Persons System (NamUs) aims to “bring people, information, forensic science, and technology together to help resolve missing, unidentified, and unclaimed person cases nationwide, and provide support to victims and their families.” NamUs is comprised of a national missing and unidentified persons clearinghouse, forensic services, and investigative support, training, and victim services. NamUs is supported by the National Institute of Justice and managed by the University of North Texas Health Sciences Center. The NamUs data clearinghouse has two separate but related functions for the public and law enforcement. First, it includes a data “portal” where family and friends can search for a missing person or can post information about a missing person (before a case is uploaded to the NamUs database, the information is verified and a NCIC number from law enforcement must be connected to it). The searchable NamUs database is quite robust in that users can search for individuals by characteristics such as name, city, state, year missing, race, gender, and age and the database allows for cross-comparisons of information for missing and unidentified persons. Second, it is a website where law enforcement agencies and medical examiners can upload information about an unidentified decedent. The information can include: photographs, the date the body was found, estimated age, probable year of death, where the body was found distinctive features like tattoos, fingerprints, clothing, a DNA sample's status and the case manager's contact information. NamUS also employs an Analytical Division to assist law enforcement agencies in locating missing persons, locating potential family members for DNA sample collection/matching and next-of-kin death notifications, and compiling tips and leads. In addition, the Federal Bureau of Investigation's Criminal Justice Information Services Division transfers information from NCIC into NamUs and vice versa. Other NamUs services include Regional Program Specialists who can facilitate free trainings on NamUs resources for law enforcement agencies and communities, and a Victim Services Division which is devoted to supporting friends and families with missing loved ones.

National Center for Missing and Exploited Children

The National Center for Missing & Exploited Children (NCMEC) was founded by child advocates as a private, non-profit organization dedicated to finding missing children, reducing child sexual exploitation, and preventing child victimization. NCMEC is intended to serve as a national clearinghouse for information regarding missing children and to provide a coordinated national response to issues regarding missing and exploited children. Like NamUs, NCMEC allows family and friends to both enter information on missing children as well as to search for missing children. The online data portal allows users to search for missing children by name, city, state, and year missing as well as by characteristics such as gender, age, race, height, and eye color. Law enforcement agencies can also submit cases of missing children from NCIC into NCMEC as well as information on suspected child abductors (as long as a felony warrant has been issued for the individual). NCMEC also supports a national toll-free hotline (1-800-THE-LOST®); facilitates training for law enforcement, criminal/juvenile justice and healthcare professionals; and organizes volunteers to provide resources and emotional support to families of missing and exploited children.

Nebraska State Patrol Missing Persons List

The Nebraska Missing Persons List (NMPL) is Nebraska's clearinghouse for missing persons cases in the state (see Nebraska Revised Statute § 29-214). The NMPL is centrally administered by the Nebraska State Patrol, however, every law enforcement agency in the state may submit information on missing persons cases. The NMPL is accessible online to everyone, and can be searched by name, reporting agency, gender, race, and age.

Methodology

The purpose of this study was “to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women and children in Nebraska” (LB 154). LB 154 specifies that the report:

- (1) include data and analysis of the number of missing Native American women and children in Nebraska,
- (2) identify barriers in providing state resources to address the issue, and
- (3) provide recommendations, including any proposed legislation, to improve the reporting and identification of missing Native American women and children in Nebraska.

LB-154 states that, “the Nebraska State Patrol shall work with the Commission on Indian Affairs to convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations” in service to these goals. **To do this, quantitative data regarding the number of missing persons cases in Nebraska were collected, and qualitative data from listening sessions with tribal communities and Nebraska law enforcement agencies’ policies on missing persons were collected for this report.**

Quantitative Data

Missing Persons Databases. Data were drawn from (1) the Nebraska Missing Persons List (NMPL), (2) the National Missing and Unidentified Persons System (NamUs), and (3) the National Center for Missing and Exploited Children's (NCMEC) missing persons list on 3/31/2020. More specifically, a dataset including all the cases from the NMPL was developed ($n = 486$), and these cases were cross-checked against the lists from NamUs and NCMEC. An additional $n = 11$ cases not listed on the NMPL were identified from NamUs, and $n = 1$ case was identified from NCMEC. After developing a combined list of missing persons from these three missing persons databases, several duplicate entries (i.e., cases with the same name, age, sex, race, and reporting agency OR with some combination of these factors and the same picture stemming from different dates) were identified. In order to develop an accurate count of missing persons in Nebraska, these 6 duplicate entries were deleted, and the most recent entry for the individual was retained (see Appendix A for details of deleted cases). After deleting duplicate entries, on 3/31/2020 $n = 498$ missing persons cases in the state of Nebraska were identified; the oldest identified case was from 6/8/1940 so cases spanned from 6/8/1940 to 3/31/2020.

Qualitative Data

Listening Sessions. Four listening sessions were held in tribal communities in Omaha ($n=38$), Santee ($n=18$), Macy ($n=15$), and Winnebago ($n=39$), Nebraska. Listening sessions included tribal and non-tribal community members, tribal and non-tribal law enforcement, tribal leadership, and representatives from victim services and non-profits. Listening sessions were hosted by the Commission on Indian Affairs in collaboration with the respective Tribe; a Captain and Lieutenant from Nebraska State Patrol, a representative from Legal Aid of Nebraska, and researchers from the University of Nebraska, Omaha (UNO) were also in attendance. Retired Judge William Thorne, a member of the Pomo and Coast Miwok Tribes, facilitated each listening session.

Listening sessions aimed to engage Native American community members in the hopes of soliciting information regarding the three areas of the study: the scope of missing Native American women and children in Nebraska, (2) barriers to reporting and investigating missing Native American women and children in Nebraska, and (3) the identification of potential partnerships to increase reporting and investigating missing Native American women and children in Nebraska. Researcher partners from UNO took notes at each listening session.

Listening session notes were coded independently by 3 coders from the UNO's School of Criminology and Criminal Justice; coders included a master's level graduate student, a doctoral level graduate student, and a full-time tenure track faculty member. Coders used an inductive coding strategy whereby they read each transcript and identified and recorded each unique theme from each listening session. Themes were organized under the three focal points of the listening sessions (i.e., scope, barriers, and potential partnerships). Specifically, each coder recorded their themes in separate excel sheets for each listening session, and then collapsed these codes into a collective "master" excel sheet. These three "master" excel sheets were then compared to ensure that each unique theme, for each of the three focal points of the listening sessions were captured.

At each listening session, in an attempt to gather information on any unreported missing persons cases, (1) Nebraska State Patrol personnel identified themselves to attendees and indicated that they were available to assist with reporting any currently unreported cases and (2) the Nebraska Commission on Indian Affairs project coordinator announced that she was also available to assist with reporting missing persons cases. **No unique unreported missing persons cases were reported to either NSP or NCIA through these requests.**

Missing Persons Policies. Missing persons policies were solicited from law enforcement agencies across the state (n=212). Agencies were identified by doing a county by county search of municipal police departments and sheriff departments and then cross checking this list with the FBI's Uniform Crime Reports (UCR) reporting data to identify any special agencies (e.g., University police departments, tribal law enforcement). This list of agencies was cross-checked against our missing persons list to ensure that all of the agencies who had reported a missing person were included. Where possible, an email address was collected for the Chief/Sheriff; for agencies where no email address could be located, phone numbers were collected.

Email language was developed that included a brief description of LB 154 and a request that agencies respond as to (1) whether or not they had a written missing persons policy and, for agencies that had a missing persons policy, (2) include a copy of the policy with their response. Beginning on February 7, 2020, personalized emails were sent to the agencies for which we were able to locate an email address (n = 179); 26 emails "bounced back" due to non-working email addresses. Beginning on February 21, 2020, we began contacting agencies by phone for which no email address could be located (n= 33) as well as for which an email bounced back (n = 26). Phone solicitations were consistent with the email solicitations. A total of 51 agencies responded to our request for information (24% response rate; see Appendix E for list of agencies).

Policies were coded independently by 3 coders from UNO's School of Criminology and Criminal Justice; coders included a master's level graduate student, a doctoral level graduate student, and a full-time tenure track faculty member.

Results

Nebraska's Missing Persons

In order to understand the scope of the problem of missing Native American persons in Nebraska, we needed to first establish a count of the overall number of missing persons in the state. Data included all missing persons from Nebraska who were listed on (1) the Nebraska Missing Persons List (NMPL), (2) the National Missing and Unidentified Persons System (NamUs), and/or (3) the National Center for Missing and Exploited Children's (NCMEC) missing persons list on 3/31/20; given the dynamic nature of missing persons cases, this data must be understood as a point-in-time count of missing persons cases on 3/31/2020. That is, because missing persons can be found and cases can be cleared, a "point in time" count of cases means that the number of missing cases may change depending on when the data are accessed. Our estimate is not a culmination of "all" missing person cases "ever" in the state – instead, it reflects the current number of missing persons cases that were available in these datasets on 3/31/20.

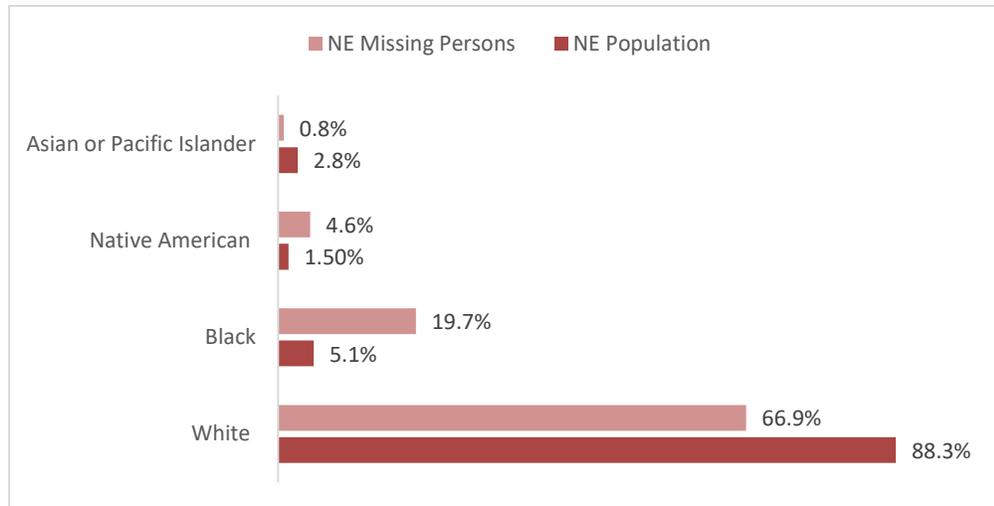
Specifically, a dataset including all the cases from the NMPL was developed, and these cases were cross-checked against the lists from NamUs and NCMEC. After developing a combined list of missing persons from these three missing persons databases, several duplicate entries (i.e., cases with the same name, age, sex, race, and reporting agency OR with some combination of these factors and the same picture stemming from different dates) were identified. In order to develop an accurate count of missing persons in Nebraska, these 6 duplicate entries were deleted, and the most recent entry for the individual was retained (see Appendix A for details of deleted cases). **The majority of reported missing persons cases stem from the NMPL only ($n = 486$, 98%) while another 11 unique cases were identified from NamUs (2%) and 1 unique case was identified from NCMEC.** Further examination across the three missing persons lists determined that 14% of all cases are listed on NamUs ($n = 71$) and 6% ($n = 20$) of the cases of missing minors (19 years old and younger) are listed on the NCMEC list.

After deleting duplicate entries, **$n = 498$ missing persons cases in the state of Nebraska were identified – the oldest active case was from 6/8/1940, so cases spanned from 6/8/1940 to 3/31/2020.** Using 2019 Census population estimates for the state (e.g., population estimate of 1,934,408 persons)ⁱⁱ, **Nebraska's missing person rate is 25.74 per 100,000 persons.**

Race

A majority of Nebraska's missing persons are White ($n = 333$; 66.9 %) compared to Black ($n = 98$; 19.7%), Native American ($n = 23$; 4.6%), or Asian or Pacific Islander ($n = 4$; 0.8%); 8.0% ($n = 40$) of the entries for missing persons list the race as "unknown." In comparison, 88.3% of Nebraska's population is White, 5.1% is Black, 1.5% is Native American, and 2.8% is Asian or Pacific Islander (U.S. Census Bureau, 2019; see Table 1) – **thus a disproportionate number of Nebraska's reported missing persons are Black (3.9 times their population) or Native American (3.1 times their population).**

Table 1. Comparison of Race Distribution for Nebraska's Missing Persons and Nebraska's Population



Sex

A little more than half of Nebraska's missing persons are male ($n = 285$; 57.2%) versus female ($n = 212$; 42.6%)ⁱⁱⁱ. The sex distribution of Nebraska's overall population is evenly split between males and females (U.S. Census Bureau, 2019) (See Figure 1). **Thus, males are slightly overrepresented among missing persons.**

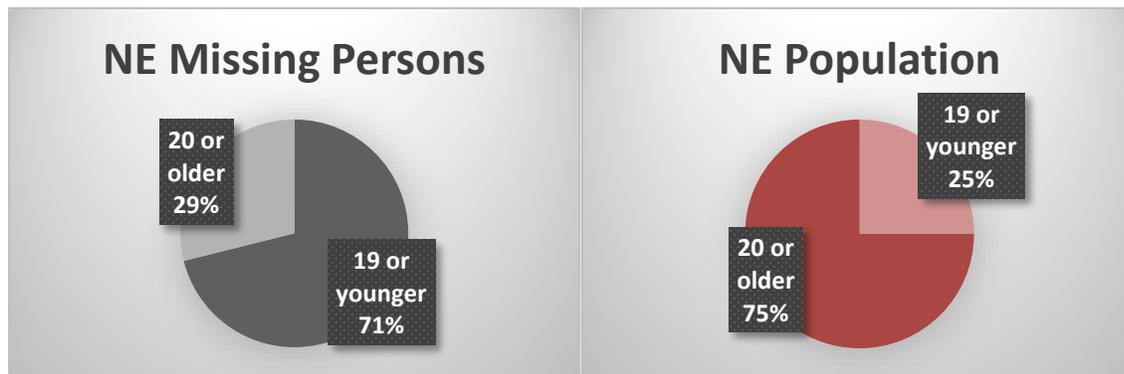
Figure 1. Comparison of Sex Distribution for Nebraska's Missing Persons and Nebraska's Population



Age

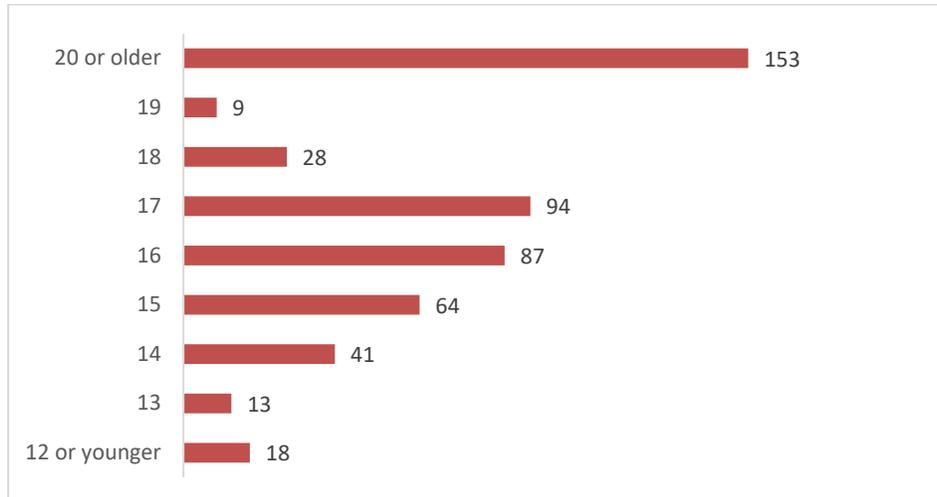
The average age of a missing person in Nebraska is 23 years old ($SD = 14.66$ years; range = 1-79 years); however, the majority of missing persons were 19 years or younger (i.e., defined as minors in Nebraska)^{iv} when they were reported missing (71.1%). **In comparison, minors make up 25% of the population of Nebraska – so the rate of missing minors is 2.84 times their population (See Figure 2).**

Figure 2. Comparison of Age Distribution for Nebraska’s Missing Persons and Nebraska’s Population



Furthermore, the greatest concentration of missing persons is between 14 and 17 years old (57.43% of all reported missing persons) (See Table 2).

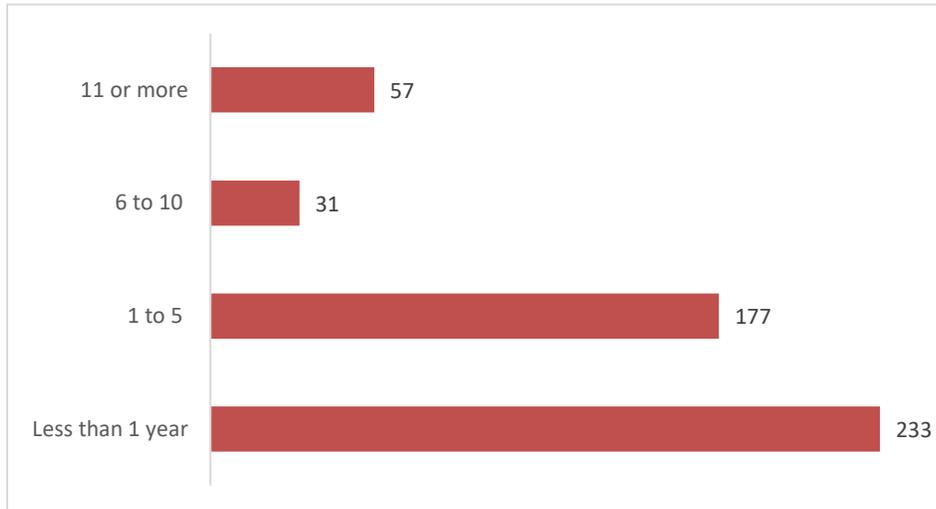
Table 2: Age Distribution of Nebraska’s Missing Persons



Time Missing

Almost half of reported missing persons have been missing for less than one year ($n = 233$; 46.8 %) (See Table 3); however, the number of years missing ranges from 0 to 80 ($M = 4.26$ years; $SD = 9.44$).

Table 3: Distribution of Number of Years Missing for Nebraska's Missing Persons Cases



Nebraska's Native American Missing Persons

All Native American missing persons cases were identified from the NMPL ($n = 23$); (however, 21.7% of Native American missing persons cases are also listed on NamUs ($n = 5$). None of the cases of missing Native American minors are listed on the NCMEC list.

Sex

The majority of Native American missing persons are male ($n = 15$; 65.2%) compared to female ($n = 8$; 34.8%); the state's overall missing persons population is approximately 57% male and 43% female (See Figure 3 below). Thus, **Native American males are overrepresented among missing persons in Nebraska.**

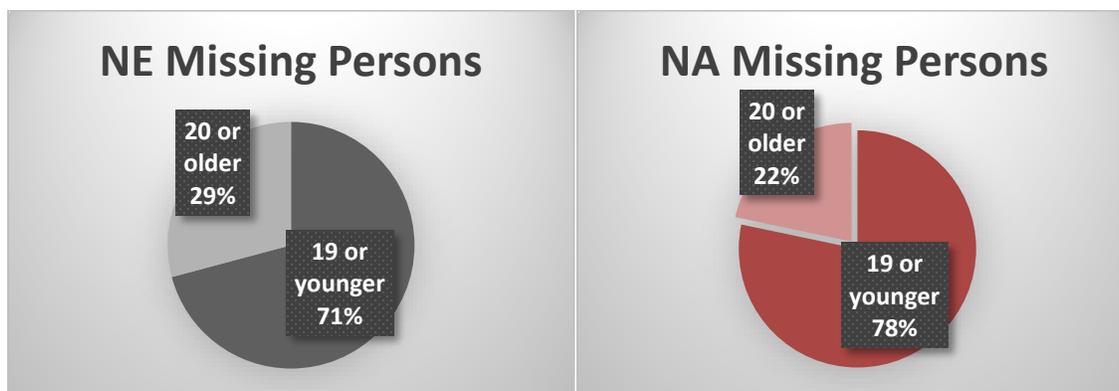
Figure 4. Comparison of Sex Distribution for Nebraska's Total Missing Persons and Nebraska's Native American Missing Persons



Age

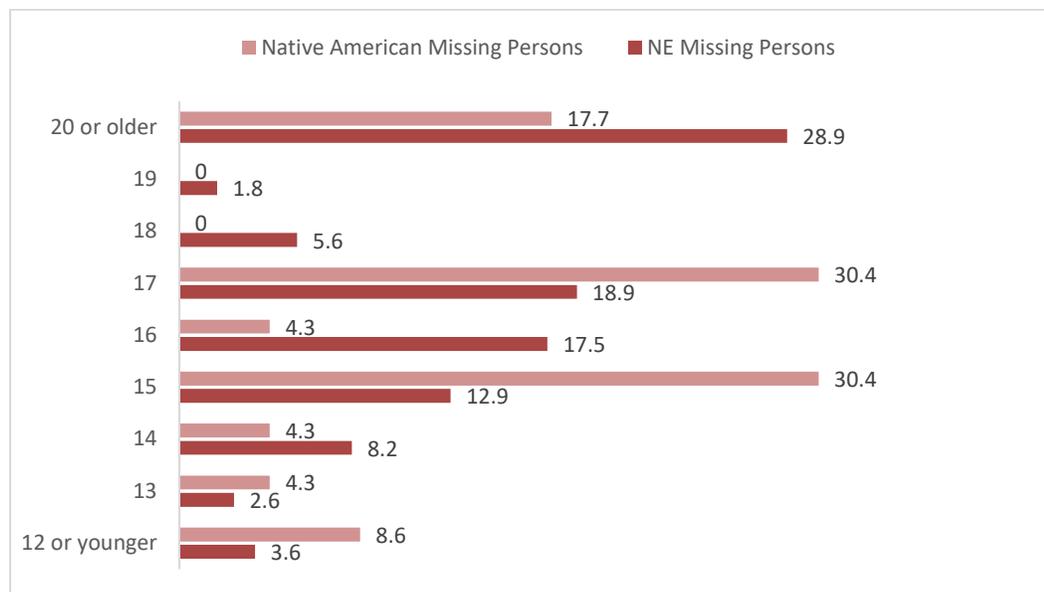
The average age of a Native American missing person is slightly younger than for the state as a whole: 22.65 years old ($SD = 15.80$) compared to 23 years old ($SD = 14.66$) for the state overall and **slightly more reported Native American missing persons are minors** than for the state as a whole (78.3% versus 71.1%) (See Figure 4).

Figure 5. Comparison of Age Distribution for Nebraska's Total Missing Persons and Nebraska's Native American Missing Persons



Similar to Nebraska's total missing persons, the greatest concentration of Native American missing persons is between the ages of 13 and 17 years old; however, the proportion of Native American missing persons ages 13 to 17 years is greater than for the state overall (73.7% compared to 57.4%). In addition, the percentage of Native American missing persons that are very young children, age 12 years old and younger, is more than double that of the state overall (8.6% compared to 3.6%) (See Table 5). Furthermore, when age and sex are examined together, the data show that **nearly two thirds (73.3%) of Native American missing persons are boys (age 17 years old or younger)**; 59.6% of the states' total missing persons are boys age 17 years old or younger.

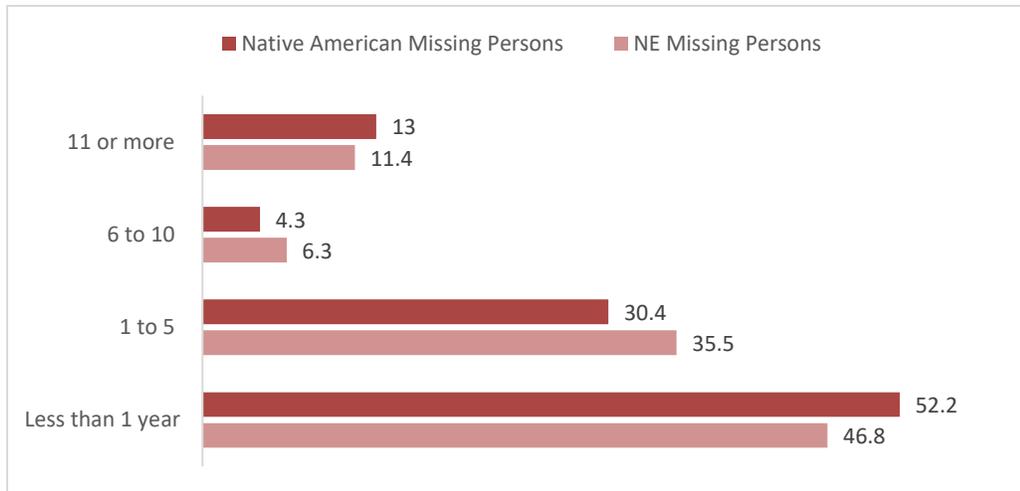
Table 5: Percent of Nebraska's Total Missing Persons and Nebraska's Native American Missing Persons by Age



Time Missing

More than half (52.2%) of Native American missing persons have been missing for less than 1 year; the average length of time of a Native American missing person case is 4.09 years ($SD = 8.47$; range = 0-28). While a smaller proportion of Native American missing persons have been missing for 1 to 10 years, a **slightly greater proportion of Native American missing persons have been missing for 11 or more years when compared to Nebraska's total missing persons.**

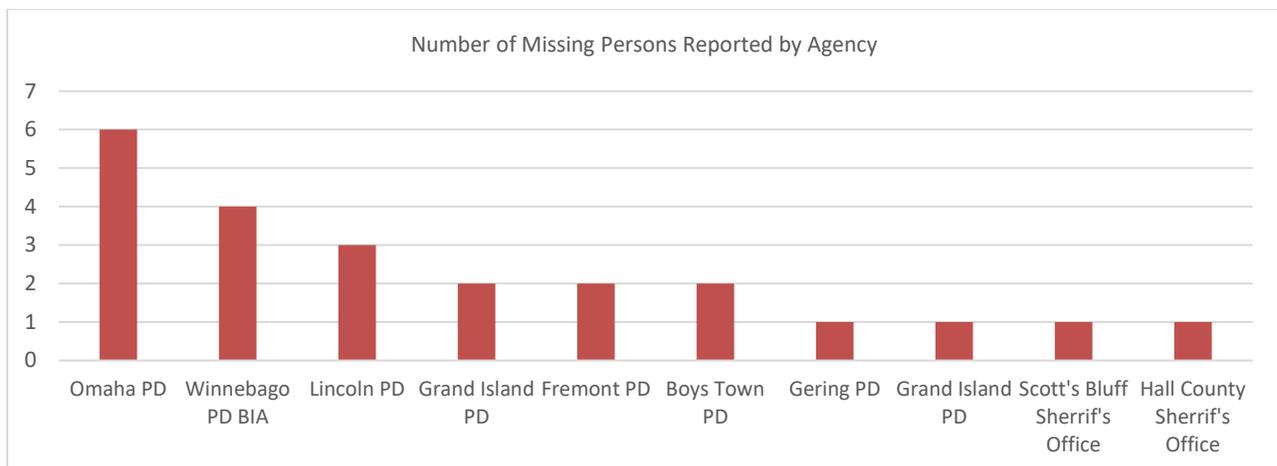
Table 6: Distribution of Number of Years Missing for Nebraska's Total Missing Persons and Nebraska's Native American Missing Persons



Reporting Source

Native American missing persons cases derive from 10 law enforcement agencies. Most Native American missing persons were reported to Omaha Police Department ($n = 6$), Winnebago Police Department Bureau of Indian Affairs ($n = 4$), and Lincoln Police Department ($n = 3$). Grand Island, Fremont, and Boys Town Police Departments each reported 2 cases, respectively (See Table 7).

Table 7: Distribution of Number of Nebraska's Native American Missing Persons across Reporting Sources



Understanding Data Errors and Duplicate Entries in Missing Persons Data

After compiling the point-in-time count of missing persons cases, we sent the list of Native American missing persons to the Nebraska State Patrol (NSP) Missing Persons Analyst so that she could cross-check the number and identity of Native American missing persons listed on the Nebraska Missing Persons List (NMPL) with the National Crime Information Center (NCIC) information; we also included the list of duplicate entries for her review. First, we found that some of the Native American missing persons listed on the NMPL could not be found in NCIC. The NSP Analyst indicated that most of these discrepancies were due to entry errors, which could be attributed to (1) a training issue, given that most often missing persons cases are entered into NCIC by dispatchers or other agency office personnel who may not have a complete understanding of NCIC codes and/or abbreviations (e.g., racial classifications); or (2) incorrect information about the missing person being entered into NCIC without being reviewed/verified before final submission. This might include misspelling of names, misidentifying race/ethnicity, or entering the incorrect age, among other errors. When incorrect information is included in the original NCIC entry, it causes a mismatch between the original entry and any subsequent updates/modifications, or cancellations, creating additional errors within a single report or regarding a single person. Further, incorrect information in the original entry may make it difficult for the entering agency to cancel entries in the NMPL (or in NCIC) if a missing person is found, which may result in duplicate entries or erroneously retaining entries for persons who are no longer missing.

In addition, with older cases, the reporting agency might decide to cancel the entry in the NMPL, but not the NCIC entry. If they opt to do this, any law enforcement agency that searches for the name, will still get a 'hit' indicating that the person is listed as missing. An agency may do this in a situation where they have reason to believe the person is ok but without further confirmation they cannot close the case, or they may have reason to believe the person is deceased, but without confirmation, they do not completely close the case (and delete the NCIC entry).

Finally, Nebraska state statute requires all missing juveniles be entered into NCIC (see Nebraska Revised Statute § 43-2003), however this is not required with missing adults. If the reporting agency chooses, they could report a missing adult using the NMPL, but not enter the case into NCIC, therefore, causing there to be a difference between the NMPL and the NCIC. It is also possible that some agencies do not have the ability to enter information into NCIC. The NSP Missing Persons Analyst understood that in these instances, these agencies may have an agreement with another nearby agency to create the NCIC entry for them, but not always. These same cases, while not always entered into NCIC, could still be entered into NamUs, either by the reporting agency, an advocate, or even a family member (as previously noted, any case entered by someone other than law enforcement is vetted with the reporting agency before being published on the website).

In sum, the potential reasons for duplicate cases and/or data entry errors regarding missing persons cases include:

- (1) Lack of training for officers and/or dispatchers/office personnel who enter the data.
- (2) Lack of understanding of NCIC codes and/or abbreviations (e.g., racial classifications).
- (3) Incorrect information about the missing person being entered into NCIC without being reviewed/verified before final submission.
- (4) Incomplete information prohibiting cases to be closed or removed from missing persons database.
- (5) No formal requirements regarding entry of adults into missing persons systems.

Why Aren't Missing Minors entered into NCMEC?

The National Center for Missing and Exploited Children (NCMEC) tends to focus on cases where children are either known to be abducted, abused, or are being exploited. These cases are often tied to human trafficking, labor trafficking, sex trafficking and/or the use of children in pornography. In the majority of cases of missing minors,

there are no indicators of the aforementioned crimes, and thus cases are not entered into NCMEC. Importantly, federal law mandates, and all states have passed state statutes requiring, that cases of missing minors be entered into the National Crime Information Center (NCIC) (in Nebraska, see Nebraska Revised Statute § 43-2003).

Barriers to Reporting and Investigating Missing Native American Women and Children in Nebraska

Tribal Community Listening Sessions



Judge Bill Thorne served as mediator for four listening sessions with members of the Ponca, Santee Sioux, Winnebago and Omaha Tribes. Judge Thorne is Pomo and Coast Miwok Indian from northern California, and was appointed to the Utah Court of Appeals in May 2000 by Gov. Michael O. Leavitt. He retired in September of 2013. Judge Thorne received a B.A. from the University of Santa Clara in 1974 and a J.D. from Stanford Law School in 1977. Judge Thorne has served for over 34 years as a tribal court judge in Utah, Idaho, Montana, New Mexico, Colorado, Arizona, Wisconsin, South Dakota, Nevada, California, Nebraska, and Michigan.

In his account of those sessions, Judge Thorne voiced optimism and a need to continue the work (See Appendix C for details on his observations). *“All the communities want to know is that someone cares about what is happening to the women in their communities, but haven’t seen evidence of yet. The hearings were a wonderful first step, but those communities need to see follow up actions. If the state can demonstrate sincere interest by inviting the communities to begin partnering in seeking solutions, I think most communities would be ready to accept.”*

City of Omaha Listening Session at Ponca Tribal Offices

As described in the *Omaha World Herald*, at the Omaha listening session, the two major topics of discussion were domestic violence and human trafficking (Conley, 2020). Many people told stories of a daughter or friend who felt trapped in an abusive relationship and said getting access to resources is often difficult or time-consuming *“Some women distrust the system and don’t want to report violence because they fear their children will be taken away”*, said Nicole Tamayo-Benegas, a member of the Sicangu Lakota Tribe and the Youth and Family Program Director with the Nebraska Urban Indian Health Coalition. *“We work one on one with the youth, and we hear a lot of the issues that they’re running into. We also know there’s a lot of underlying issues in traumas that need to be addressed to really change what we’re seeing”* said Ms. Tamayo-Benegas (Conley, 2020). Additionally, Ponca Tribal Chairman Larry Wright Jr. noted that, *“Our tribal members experience generational poverty, higher unemployment, poor education and a variety of health disparities. We are four times more likely than whites to be below the poverty level. These and other disparities make us an especially vulnerable population to go missing, suffer*



violence and be at risk of being trafficked. Serving people from over 150 different tribes in the urban centers of Omaha and Lincoln presents another unique challenge as these people are often hidden in plain sight with their own unique challenges and needs.”

Santee Listening Session at Nebraska Indian Community College (West Campus)



Santee Councilman Derek LaPointe reflected, *“We live out in the middle of a corn field on a dead-end highway, our children are isolated and naïve and at risk from predation when they go out to the cities.”*

Winnebago Listening Session at Little Priest Tribal College



Macy Listening Session at Nebraska Indian Community College (South Campus)



Participants at the community listening sessions were asked about their experiences and/or perceptions of barriers to reporting and investigating missing Native American women and children in Nebraska. There was considerable overlap in participants' reports across listening sessions; however, some unique themes were also uncovered at each session. A comprehensive list of themes is presented below; repetitive themes across listening sessions are also identified and explained. Themes from each independent listening session are listed in Appendix B.

Several prominent themes were identified by comparing the themes identified for each listening session. In general, tribal community members voiced concerns over the following issues:

- (1) an absence of relationships between law enforcement and tribal communities;
- (2) a lack of communication between federal, state, local, and tribal law enforcement as well as between law enforcement and tribal communities;
- (3) perceptions by community members that nothing will be done if they report and/or that reporting will have negative consequences (e.g., involvement of child protective services);
- (4) that substance/drug use, domestic violence, and/or human trafficking may be linked to "going missing," either intentionally or unintentionally; and
- (5) a lack of understanding regarding how and when to report a missing person, or that community members could access national missing persons databases (i.e., NamUs, NCEMC) directly without contacting law enforcement.

The most prominent theme, reported at all four listening sessions, was that community members simply did not have a clear understanding of how and when to report a missing person. There was confusion from community members about whether they should report a missing person immediately, or wait for a certain period – usually 24 hours – before doing so. This was closely aligned with confusion regarding whether they should report the missing person to law enforcement – tribal or non-tribal – or a social service agency such as Department of Health and Human Services (DHHS).

In addition, at three of the four listening sessions, community members reported that there was a lack of communication between different law enforcement agencies as well as poor communication between law enforcement and tribal communities – particularly in regard to missing persons cases. Specifically, participants noted that tribal communities rarely received updates from law enforcement officers regarding ongoing missing persons cases. They expressed frustration at not receiving any forms of follow-up communication and therefore were unsure whether the case was continuing to receive any attention from law enforcement officials.

Participants at three of the four listening sessions reported fear that there would be negative consequences from reporting missing persons, in that, for example, a missing youth would be “entered in the system” or that child protective services would open an investigation into a missing youth’s family. This point was raised numerous times during these listening sessions, and reflects some degree of distrust in the justice and/or foster care systems. As noted earlier in this report, in Nebraska, Native American children are placed into foster care more often and are less often reunified with their families than youth of other races (Children Bureau, 2017; State of Nebraska Foster Care Review, 2017-2018). Native community members appear to be aware of this fact, and expressed concern that involving law enforcement would lead to more DHHS involvement in the community. This possibility of DHHS involvement may have a “chilling” effect on Native American persons’ willingness to report a missing person to law enforcement, as any “system” involvement is an unwanted outcome for many families in the communities we visited. Relatedly, community members reported that there are often “conflicts of interest” and “kinship issues” within their small, close-knit tribal communities – reporting a missing person might require involving tribal law enforcement or other community leaders who are the friends or family of a “suspect” in the missing persons case.

The listening sessions highlighted many “other” challenges that are occurring in Native American communities which may or may not be directly linked to missing persons (see Appendix D for list of themes). These issues are complicated and highly interrelated: many community members expressed concern that substance/drug use, domestic violence, and human trafficking were problems largely experienced by Natives and may be underlying causes of community member going missing, either intentionally or unintentionally. They noted that substance use is a factor that often results in violence occurring within families, which may lead to youth leaving the home (willingly), and/or adult women going missing (willingly or unwillingly) in order to escape the violence. Parents also noted that human trafficking was on the rise in Native communities because their communities are vulnerable to “outsiders:” predators know that reservations are not well secured by law enforcement, the communities are poor and under-resourced, and youth are tempted to leave to escape these conditions.

Other repetitive themes included a distrust in law enforcement and a lack of cultural competency regarding Native Americans by law enforcement officers. In addition, participants at each listening session were asked if they were aware of NamUs or how to access NamUs information. No participant reported knowledge about NamUs.

Comprehensive List of Themes	Listening Sessions Reporting Theme
Lack of information/ education about how and when to report	4
Lack of law enforcement communication between different agencies	3
Lack of law enforcement communication with community / no transparency or updates on past/ current reports	3
Lack of cultural competency by law enforcement	3
Conflicts of interest in tribal communities (small, closed communities)	3
Distrust in law enforcement by community members	3
Concerns about being punished for reporting, or there being negative consequences from reporting (e.g., juvenile runaways being “put into the system”)	3
Seeing no results from prior reports	1
Concerns about immigration status	1
Significant transient populations	1
Lack of manpower in small communities	1
No centralized system to house information on cases	1
Lack of communication between law enforcement and other agencies such as Department of Health and Human Services (i.e., for system involved youth who are missing)	1
Tribal government inaction or corruption	1
Lack of knowledge, training, and resources for tribal law enforcement officers	1
Disconnect between law enforcement and local courts	1
Lack of training among law enforcement dispatch staff and first responders	1

Law Enforcement Missing Persons Policies

In addition to soliciting community feedback regarding reporting and investigating missing persons cases, Nebraska’s law enforcement agencies were asked directly about (1) whether they had a missing persons policy for reports and investigations and (2) whether they would provide a copy of that policy. As previously described, 212 law enforcement agencies were contacted, and 51 agencies (24%) responded (see Appendix E for list of agencies). Of the 51 agencies that responded, 16 (31%) confirmed that they did not have a missing persons policy, while 35 (69%) reported that they did have a policy. **Overall, less than a quarter of law enforcement agencies in Nebraska responded to our request about their missing persons policy; of those who responded, the majority (69%) did have a policy regarding missing persons, while 31% did not have such a policy.**

We received a copy of the missing persons policy from 29 of these 35 departments. Below are common themes identified across these missing persons policies.

Common Themes in Missing Persons Policies
States that there is no waiting period for reporting a person missing/indicates that investigation should begin promptly after report
Explains any differences in procedures for juvenile and adult missing persons
Defines “missing person”, “critical missing person”, “runaway”, and “unusual circumstances”
Explains the procedure for taking a missing persons report and completing the investigation
Explains how to close a case of a returned or located missing person
Explains when an Amber Alert or Alert for an Endangered Person should be activated

Overall, data from Nebraska’s law enforcement agencies revealed that not all agencies have a missing persons policy, and that among agencies which do have a policy, there is wide variability in regard to the (1) policy’s application to juveniles versus adults, (2) the policy’s statement regarding the timeline for law enforcement to take an incident report, and (3) the collection of demographic information.

Among agencies that do have a missing persons policy, there is wide variability in regard to whether the policy specifies that it applies to juveniles only or both juveniles and adults. There are also differences in the specificity of information that should be collected when taking a report – some policies provide a list of demographics – sometimes this list includes race/ethnicity, but sometimes it does not, and some policies simply indicate that the officer should obtain “a physical description” of the missing person. Some policies specify that a picture or video should be obtained if possible. Further, law enforcement agencies’ policies include different strategies for entering missing persons information into the National Crime Information Center database (i.e., the national law enforcement database). For example, while all juvenile missing persons must be entered into NCIC (pursuant to Nebraska law), some agencies’ policies list “entry into NCIC” as a step in their procedure for all missing person reports, while other agencies specifically indicate that a NCIC entry for an adult missing person will not be made unless dictated by extenuating circumstances.

Taken together, it is clear that community members may experience different law enforcement protocols when reporting missing persons in different Nebraska jurisdictions as well as across different reservation communities.

Implications and Recommendations

Multiple recommendations follow from the results of this study. LB 154 required that this report provide recommendations regarding “how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women and children in Nebraska.” The results from the quantitative and qualitative data point to three main areas which could improve the response to missing Native women and children within the state. We provide them in order of priority, with law enforcement activities being the most actionable activities in the short-term (**bolded items have already been adopted**):

Nebraska State Patrol and Tribal and Non-Tribal Law Enforcement Cooperation:

- (1) Develop and implement a missing persons policy for both juvenile and adult missing persons in each of Nebraska’s law enforcement agencies. Develop and provide a Standard Operating Procedure (SOP) illustrating a step-by-step process for handling missing persons cases.
- (2) Whenever possible, include information on the race of the missing person in a missing persons report.
- (3) Whenever possible, include information on the tribal affiliation of the missing person in a missing persons report.
- (4) Increase the capacity of tribal law enforcement departments through the cross-deputization of Nebraska State Patrol officers.**
- (5) Encourage Memorandums of Understanding (MOUs) between tribal and non-tribal law enforcement agencies.
- (6) Develop and implement Native American cultural awareness training for Nebraska State Patrol officers.**
- (7) Establish a Law Enforcement Task Force for Missing Persons and include tribal law enforcement agencies on the task force.
- (8) Implement Nebraska State Patrol Tribal Liaison program.
- (9) Increase the recruitment of Native American persons to the Nebraska State Patrol; allow recruits to stay in their home area upon request.**

Enhance Awareness of Reporting Options and Mechanisms to Native Communities:

- (1) Facilitate NamUs training in tribal communities and encourage both tribal and non-tribal law enforcement as well as family members to utilize.
- (2) Work with Department of Health and Human Services and Department of Education to provide schools/teachers with a better awareness of children who are being victimized, as well as the appropriate reporting mechanisms.
- (3) Encourage each tribe to hold regular law enforcement meetings with tribal, local, county, state, and federal law enforcement partners.

Be Aware of the Potential Interrelatedness of Missing Persons to Human Trafficking and Other Social Challenges:

- (1) Extend human trafficking training resources to tribal law enforcement agencies.**
- (2) Extend human trafficking training resources to tribal casinos and hotels.**
- (3) Engage the Department of Health and Human Services regarding domestic violence, substance use, and mental health needs in tribal communities.
- (4) Engage victim services agencies regarding the needs of the family members of missing persons.

Further, the *Nebraska Commission on Indian Affairs* will:

- (1) Seek legislation to mandate the use of NamUs by Nebraska’s law enforcement agencies. At present, only law enforcement agencies in Arkansas, Illinois, Michigan, New Mexico, New York, Oklahoma, and Tennessee are required by law to use NamUs (Chakraborty, 2019).
- (2) Work to establish a Task Force focused on the underlying issues in Native communities associated with “going missing” such as economic challenges, substance abuse, suicide, child abuse and neglect, poverty and pervasive hopelessness.
- (3) Seek funding for a new, full-time staff position to manage the Task Force operations. This staffer will report to the Executive Director of the Nebraska Commission on Indian Affairs.

Limitations and Future Research

We acknowledge the limitations of this study and offer avenues for addressing them in the future. First and foremost, we believe it is vital to also hear the perspectives of both tribal and non-tribal law enforcement agents regarding the barriers to and recommendations for improving the response to missing Native Americans in Nebraska. Their voices were not adequately captured in our listening sessions, and we had hoped to conduct one-on-one interviews with a sample of tribal and non-tribal law enforcement officers to use in this report but were unable to do so given the impact of COVID-19. We recommend that a logical next step of this initiative is to interview and/or survey these officers to gain further insight into the barriers they face when reporting and investigating missing Native American persons in Nebraska.

Second, although the focus of this study was missing Native American women and children, the data uncovered for this report indicate that attention is warranted regarding missing Native American boys, given that nearly two-thirds of Native missing persons were boys ages 17 years and younger. These findings must be understood in the context of high rates of child maltreatment and foster care placement among Native children in Nebraska. It is possible that a portion of these missing boys have run away from abuse in their home of origin and/or from foster care placements to escape abuse or reunite with family.

Third, we suggest that research be conducted to assess the degree to which the recommendations in this report are implemented in the state. This is important because if the measures are not implemented, then outcomes (such as enhancing the reporting and investigation of missing Native persons in Nebraska) will not be affected. Before any outcomes are tracked, the state should assess how well measures have been implemented to improve the process. The Nebraska State Patrol has committed to regular meetings with tribal communities and tribal law enforcement and these meetings will serve as one avenue to assess implementation and outcomes of the recommendations presented here such as cross-deputization and increased training.

Finally, there is always a possibility that the research we conducted did not capture all missing Native persons in Nebraska; this “hidden figure” is simply unknown – it is possible that there are missing Native people who have not been reported to law enforcement, entered into any of the local and national databases we examined, or brought to our attention during the community listening sessions (as previously indicated, we did have team members available to talk with any community members who wanted to report a missing person – no new cases were reported that were not already in one of the data systems we searched). Still, we believe that our research is as comprehensive as possible at this point, and founded on strong mixed-methodology research approaches and transparency regarding how the data was collected. We nonetheless acknowledge the probable hidden figure of missing Native persons that we were unable to uncover, and therefore we support continued research on this problem.

Conclusions and Next Steps

This report and the recommendations presented here are first steps in advancing improved data collection, data sharing, and communication across tribal and non-tribal law enforcement agencies regarding reporting and investigating Native American missing persons cases in Nebraska. Over the course of this study, items that were actionable for Nebraska State Patrol – the development and implementation of a new cultural awareness training for Nebraska State Patrol officers; the extension of Nebraska State Patrol trainings and resources to tribal law enforcement officers, hotels, and casinos; and the reinstatement of a previously dormant cross-deputization program – were executed. Nebraska State Patrol has further committed to hold regular meetings with tribal law enforcement and tribal communities to continue to grow these renewed relationships and continue open communication. Other stakeholders such as the Nebraska Crime Commission, University of Nebraska system, Nebraska Tribal Governments, Nebraska Department of Health and Human Services, and the Nebraska Department of Economic Development, among others are encouraged to review the recommendations presented here and consider those under the purview of their organization.

With generous support from the National Institute of Justice, a tribal-researcher partnership between the Nebraska Commission on Indian Affairs and the University of Nebraska Omaha’s School of Criminology and Criminal Justice^v will continue beyond this report and bring targeted research effort to the problem of missing *and murdered* Native American women and children in Nebraska. This partnership will support continued data collection from tribal and non-tribal law enforcement agencies, victim service agencies, and other criminal justice and social service system personnel as well as Native community members. This sustained effort will ensure that the impact of the recommendations presented here can be examined and next steps can be identified and evaluated overtime.

Final Notes

“Awareness, communication, and wide-spectrum partnerships are the core tools needed to implement meaningful strategies to address the criminal justice and public safety response to missing Native women and children in Nebraska. The Commission on Law Enforcement and Criminal Justice is committed to collaborating with the Nebraska State Patrol and the Nebraska Commission on Indian Affairs to remove barriers, enhance practices, leverage resources, and drive the lasting change needed to protect these vulnerable women and children.”
Don Arp Jr., Executive Director, Nebraska Crime Commission

“The research to date has made it apparent that there are a number of root causes, underlying problems and vulnerabilities that sometimes directly, sometimes indirectly, lead to instances of missing/trafficked Native persons. In medicine, it’s easy to understand the difference between treating the symptoms and curing the underlying condition. Within the context of research of the issue of missing Native women and children, we have taken the first step in assessing the symptoms (how many are missing) and earlier in this report recommendations have been made on how to treat those symptoms. However, if we only fix the symptoms – what you see on the surface – the problem will almost certainly return, and need fixing over, and over again. To truly cure the affliction, we must delve deeper into the causes, understand them, and finally address those causes to the fullest extent possible with the goal of reducing the number of missing Native woman, men and children.” Judi gaiashkibos, Executive Director, Nebraska Commission on Indian Affairs

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About the Authors

Captain Matt Sutter commands the Office of Professional Standards of the Nebraska State Patrol (NSP), based in Lincoln. Sutter oversees NSP Internal Affairs, Executive Protection, Policy and Accreditation, Legal Division, Information Governance, and also serves as the agency's Legislative Liaison. Sutter joined NSP in 2007, beginning his career stationed in South Sioux City in the NSP Patrol Division. Sutter has also served in the Executive Protection Unit under two Governors, the Police Service Dog Division as an explosive's detection dog handler, and as a Patrol Division Lieutenant for Troop A in Omaha.

Judi gaiashkibos is an enrolled member of the Ponca Tribe of Nebraska and has served as the Executive Director of the Nebraska Commission on Indian Affairs since 1995. She is a national leader in Indian affairs, known for her focus on state and tribal relations, legislation, strategic planning, policy development, leadership and mentoring.

Scott Shafer has worked at the Nebraska Commission on Indian Affairs since 2008. He has played a key role with the Indian Commission in the development of Native youth leadership programs, Chief Standing Bear events, the Dr. Susan La Flesche restoration project and many other programs.

Elizabeth Widener joined the Nebraska Commission on Indian Affairs as the Missing Women and Children Coordinator through a JAG grant awarded to the Commission in 2019. She is a second-year student at the University of Nebraska College of Law. She previously served as a Communications Officer for the Buffalo County Sheriff's Office and the Kearney Police Department.

Dr. Tara N. Richards is an Associate Professor in the School of Criminology and Criminal Justice at the University of Nebraska Omaha and a faculty affiliate of the Nebraska Center for Justice Research at the University of Nebraska Omaha. Her research focuses on intimate partner violence, sexual assault, and the role of gender in criminal justice system processes. Richards serves on Douglas County's Sexual Assault Response Team (SART) and Domestic Violence Community Response Team (DV CRT).

Dr. Emily M. Wright is a Professor in the School of Criminology and Criminal Justice at the University of Nebraska Omaha, and the Associate Director of the Nebraska Center for Justice Research at the University of Nebraska Omaha. She is also a member of the Cherokee Nation. Her research focuses on victimization and exposure to violence across various contexts and across various populations.

Alyssa Nystrom is a Master's student and research assistant in the School of Criminology and Criminal Justice at the University of Nebraska Omaha.

Kirby Williams is a member of the Cherokee Nation and the Legal Aid of Nebraska's Native American Program outreach coordinator. In her role at Legal Aid Nebraska, she works to increase awareness of how domestic violence, sexual assault, trafficking, and stalking affect Native communities. She also serves as the Commissioner for the City of Omaha on the Nebraska Commission for Indian Affairs, and is the recipient of the Cherokee Phoenix Seven Feathers Community Award.



Nebraska Commission on Indian Affairs Special Postscript to LB 154 Report

What did we discover during this investigation that can help us address the problem of missing Native women and children and the underlying conditions that thwart solutions?

The collection and analysis of data by the UNO research team and Nebraska State Patrol and the four listening visits made by state officials to the headquarters of the Ponca, Omaha, Santee Sioux and Winnebago tribes were a positive first step towards understanding what we're dealing with.

The visits represented a gesture by the state demonstrating that the matter is being taken seriously. This was productive and can progress forward with a resolve to continued listening, studying and improving of conditions.

Gaps and barriers exist between law enforcement entities at state, local and tribal levels that hinder collection and sharing of information regarding missing persons.

Gaps and barriers exist between government entities at both state and tribal levels that hinder on a human level the essential relationships and the trust that must exist for things to improve.

Gaps and barriers exist between people.

The recurring theme in all the listening sessions was that the prevalence of missing women and children in tribal communities was traceable to underlying conditions such as poverty, domestic violence, substance abuse, mental health and human trafficking.

Taking this issue seriously equals addressing these underlying conditions.

Some preliminary thoughts from this investigative process *might* include:

- Make reporting missing persons easier for people in tribal communities.
- Make reporting of missing persons in tribal communities more effective by improving the lines of communication between state, local and tribal law enforcement.
- Create clearer pathways of communication and trust with tribal communities through partnerships and ongoing interactions.
- Develop an approach to address underlying causes that make missing persons in Native communities disproportionately high.

About the Report

The study begins with data for all racial and gender demographics in Nebraska over an eighty-year period in order to highlight the higher rates of missing person among Native Americans.

The findings identify existing gaps and barriers that interfere with reporting and the flow of information between state, tribal and non-tribal law enforcement entities. Recommendations will be made to create pathways for

information to flow more efficiently between law enforcement state, local and tribal. This is essential to improving the tracing and reporting of missing persons.

Most importantly the listening sessions made clear that work needs to be done to acknowledge and correct the systemic causes that explain the prevalence of and poor tracking of missing persons in Native communities

Important Related Information

During the period of this investigation and since the passage of LB 154 there have been several tragic events involving young Native women in Nebraska: the cases of Ashlea Aldrich and Esther Wolfe. These alleged crimes against Native women make plain why LB 154 and its ongoing follow through are vitally important.

Comments by the Co-Sponsors of LB 154 Senators Patty Pansing Brooks and Tom Brewer

The comments below by State Senator Pansing Brooks, one of the co-sponsors of LB 154, demonstrate the intent of the bill to address the larger issues surrounding the cases of missing Native women and children.

"I know from my experiences talking to people impacted by the alcohol sales at Whiteclay that many Native American women and children are being exploited," said Senator Patty Pansing Brooks. "The confluence of poverty, alcohol, and indifference to Native suffering puts these women and children in extremely vulnerable situations. Many are victims of domestic violence and sexual abuse while others are forced into sex trafficking. LB 154 calls for transformative legal and social changes to resolve this crisis that has devastated Indigenous communities in Nebraska."

The comments below from State Senator Tom Brewer, another co-sponsor of LB 154 and the first Native American elected to the Nebraska State Legislature make clear why LB 154 is just the "tip of the iceberg" in addressing the endemic nature of the problem.

"The Esther Wolfe case was the perfect example of why we needed LB 154. The need, in many cases to coordinate between Federal Authorities, BIA, law enforcement in neighboring states and Nebraska is an immense challenge and as a result more Native women are being victimized often with tragic results. We need all law enforcement to communicate and work together to address the exploitation and victimization of Native women. We then need to look at causation and begin to take preventive actions to hopefully avert such tragic situations as Esther Wolfe in the future."

Postscript Conclusion

In the course of this investigation and the four visits to Nebraska tribal headquarters a wave of suicides among teenagers on the Omaha reservation came as in the aftermath of the tragic death of Ashlea Aldrich. This was a clear sign of the desperation that can rise up during times of tragedy in a profound and dangerous way in communities that feel isolated and hopeless.

This points emphatically to the underlying conditions of poverty, hopelessness, domestic violence, substance abuse, mental illness and human trafficking that contribute to the issue discussed in this report and to a myriad of equally distressing issues such as suicide and the sudden health threat posed by pandemics on isolated rural tribal communities.

The Nebraska Department of Health and Human Services, the Nebraska Commission on Indian Affairs, and the United States Indian Health Service, along with tribal leaders and council persons from the Omaha Nation and Omaha Nation Public Schools, have been addressing the very serious issues raised by the suicides of multiple tribal members.

This study reveals that persistent and deliberate human and Indigenous rights abuses are significant factors in Nebraska's staggering rates of violence against Indigenous women and children. There is a need for transformative legal and social change to resolve the crisis that has devastated Indigenous communities in this state.

This report comprises the truths of Native family members, survivors of violence, experts and Knowledge Keepers shared over numerous public listening sessions and various sources of evidence gathering. It is a call for justice directed at government, institutions, social service providers and citizens of Nebraska.

The evidence gathered for this report illustrates a surrounding context marked by multigenerational and intergenerational trauma and marginalization in the form of poverty, insecure housing or homelessness, and barriers to education, employment, health care and cultural support. Over the past century, actions and policies have displaced women from their traditional roles in communities and governance and diminished their status in society leaving them vulnerable to violence.

These are matters of grave concern and LB 154 has been a good first step towards more necessary steps forward.

Judi M. gaiashkibos
Executive Director, Nebraska Commission on Indian Affairs

Appendices

Appendix A: Duplicate entries in the Nebraska Missing Persons List

Decision-making regarding the deletion of duplicate entries was made in consultation with the NSP Missing Persons Analyst.

1. Jamar Adams, 17, male, Black, entered by Douglas Co Sheriff's Omaha: 11/16/2019 was deleted and 3/30/2020 was retained
2. Howard Henriquez-Moran, 15, male, White, entered by Fremont PD: 12/12/2019 was deleted and 3/29/2020 was retained.
3. Angie Lopez (also Lopez-Argueta), 15, female, missing race, entered by Grand Island, PD: 11/30/2019 was deleted and 12/10/2019 was retained.
4. Natalia Rodriguez (also Rodriguez-Galeas), 13, female, missing race, entered by Grand Island PD: 2/7/2020 was deleted and 2/26/2020 was retained.
5. Logan Uldrich-Argent, 17, male, White, entered by Hall Co Sherrif's Office Grand Island: 2/16/2020 was deleted and 3/12/2020 was retained.
6. Michael Watkins, 54, male, White, entered by Lincoln, PD: 11/6/1998 was deleted and 5/16/2004 was retained.

Appendix B: Themes associated with barriers to reporting and investigating missing Native American women and children from each independent listening session

Omaha Listening Session
Lack of information/education about how and when to report
Lack of law enforcement communication between different agencies
Lack of law enforcement communication with community / no transparency or updates on past/current reports
Lack of cultural competency by law enforcement
Conflicts of interest in tribal communities (small, closed communities)
Seeing no results from prior reports
Distrust in law enforcement by community members
Concerns about being punished for reporting, or there being negative consequences from reporting (e.g., juvenile runaways being "put into the system")
Concerns about immigration status
Santee Listening Session
Lack of information/education about how and when to report
Lack of law enforcement communication between different agencies
Lack of law enforcement communication with community / no transparency or updates on past/current reports
Conflicts of interest in tribal communities (small, closed communities)
Seeing no results from prior reports
Distrust in law enforcement by community members

Significant transient populations
Lack of manpower in small communities
No centralized system to house information on cases
Lack of communication between law enforcement and other agencies such as Department of Health and Human Services (i.e., for system involved youth who are missing)

Winnebago Listening Session
Lack of information/education about how and when to report
Lack of knowledge, training, and resources for tribal law enforcement officers
Concerns about being punished for reporting, or there being negative consequences from reporting (e.g., juvenile runaways being “put into the system”)
Disconnect between law enforcement and local courts
Lack of training among law enforcement dispatch staff and first responders
Lack of cultural competency by law enforcement/fear of stigma

Macy Listening Session
Lack of information/education about how and when to report
Lack of law enforcement communication between different agencies
Lack of law enforcement communication with community / no transparency or updates on past/current reports
Conflicts of interest in tribal communities (small, closed communities)
Lack of cultural competency by law enforcement
Lack of manpower in small communities
Tribal government inaction or corruption
Concerns about being punished for reporting, or there being negative consequences from reporting (e.g., juvenile runaways being “put into the system”)
Distrust in law enforcement by community members

Appendix C: Observations from Tribal community listening sessions from Judge William Thorne, Listening Session Facilitator

1. Confusion
 - a. Don't know where to report
 - i. Which jurisdiction?
 - ii. Which office?
 - b. Little coordination
 - i. Family going to multiple offices and jurisdictions
 - c. Little follow up to reports made
 - i. Perception that MMIW are not important to agencies
 1. No evidence of investigations
 2. No follow up with families
 3. No community perception of effort
2. Different communities with different primary concerns
 - a. DV
 - i. Tribal members
 - ii. Non-tribal members
 - iii. Inadequate Protective Order process
 1. Cross jurisdictional enforcement
 2. Availability
 3. Where to ask for help w/ enforcement
 - iv. Divides some communities
 1. Victim
 2. Perpetrator
 3. Law enforcement viewed as
 - a. Inadequate
 - b. Biased
 - v. Perception of being "un-welcome" in some off-reservation shelters
 - b. Commercial sexual trafficking
 - i. Unsure of scope of problem
 1. no publicly available numbers in communities
 2. communities and families unsure how to protect young people
 - a. [social media as a protective factor if done right?]
3. Different communities ready for different partnerships and help
 - a. Some ready for state patrol
 - b. Others work with local sheriffs.....or not
 - c. Not much perceived coordination
 - i. To keep communities safe
 - ii. To bring "ne'er do wells" to justice
 - d. Relationship building will be a key element of engagement
 - i. Law enforcement
 - ii. Political leaders
 - iii. Community perceptions
4. All communities perceive lack of resources to
 - a. Protect
 - b. Assist victims
5. Victims' families need support
 - i. Rx
 - ii. Information
 - iii. Know that someone cares

Appendix D: Themes associated with the underlying causes of missing Native American women and children from the listening sessions

Omaha, Santee, Winnebago, and Macy Listening Sessions
Domestic violence
Historical trauma (from state-run boarding schools)
Cycle of violence from parents to children
Inaction/corruption from tribal council
Inaction from tribal victim services
No follow-up from CPS when families move to tribal lands
No accountability for abusers
Lack of housing
Fear of repercussions in reporting
Fear of repercussions in leaving abuse
Fear of children being taken/put into foster care
Racism
Alcohol abuse
Mental health challenges
Public knowledge about the challenges policing tribal lands makes them a target
Falling away from traditional belief systems
Lack of treatment/services for men
Lack of services targeted at abusers/perpetrators
Potential issues enforcing protection orders

Appendix E: Law Enforcement Agencies included in the Policy Analysis

Law Enforcement Agencies	
Alliance Police Dept	Minden Police Dept
Ashland Police Dept	Nebraska City Police Dept
Aurora Police Dept	Nebraska State Patrol
Battle Creek Police Dept	Nemaha County Sheriff's Office
Boys Town Police Dept	Omaha Police Dept
Chadron Police Dept	O'Neill Police Dept
Colfax County Sheriff's Office	Papillion Police Dept
Dawes County Sheriff's Office	Perkins County Sheriff's Office
Dawson County Sheriff's Office	Plainview Police Dept
Douglas County Sheriff's Office	Platte County Sheriff's Office
Falls City Police Dept	Plattsmouth Police Dept
Fillmore County Sheriff's Office	Ralston Police Dept
Fremont Police Dept	Richardson County Sheriff's Office
Gage County Sheriff's Office	Saint Paul Police Dept
Garfield County Sheriff's Office	Scribner Police Dept
Gothenburg Police Dept	South Sioux City Police Dept
Hayes County Sheriff's Office	Tekamah Police Dept
Hitchcock County Sheriff's Office	University of Nebraska Police - Lincoln
Holdrege Police Dept	University of Nebraska Kearney Police
Hooker County Sheriff's Office	Valentine Police Dept
Hooper Police Dept	Valley Police Dept
Humphrey Police Dept	Washington County Sheriff's Office
La Vista Police Dept	Webster County Sheriff's Office
Lincoln County Sheriff's Office	Wheeler County Sheriff's Office
Lincoln Police Dept	Wymore Police Dept
McCook Police Dept	

ⁱ <https://www.census.gov/quickfacts/NE#qf-headnote-a>

ⁱⁱ <https://www.census.gov/quickfacts/NE#qf-headnote-a>

ⁱⁱⁱ Two (2) missing persons cases did not include the sex of the missing person.

^{iv} Nebraska's age of majority is 19 years old.

^v NIJ Award# 2019-75-CX-0014.