



*Research Article*

## **Missing and Murdered Indigenous Women in the US: A Case Study Examining Police Jurisdictional Issues**

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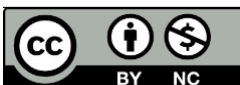
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### **Abstract:**

This article examines police jurisdictional challenges pertaining to the epidemic of missing and murdered Native American women in the United States. Research suggests that Indigenous women in the US go missing at disproportionate rates in terms of total state populations. This elevated representation is further concerning when connected to public mistrust of police that is exemplified in cooperation issues rooted in law enforcement jurisdictional issues. Recently, the United States government has attempted to ameliorate responses to missing and murdered Indigenous women cases through legislation that includes Savanna's Act, but the need for addressing inequities remains. To illustrate the jurisdictional difficulties for authorities involved in the disappearances of Native women, three death investigations were examined employing a case study approach. Findings revealed that interagency jurisdictional complications created animosity between police and the families involved in two of the cases. The article concludes with a discussion of police jurisdiction in Missing and Murdered Indigenous Women cases, and the broader implications for future investigations.

**Keywords:** missing and murdered indigenous women; criminal investigation; law enforcement; missing persons; United States



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## Introduction

The scope of Missing and Murdered Indigenous Women (MMIW) in the United States represents a neglected crisis. Though understudied, research supports that Native women go missing at disproportionate rates as compared to persons of other races and ethnicities.<sup>1</sup> As concerning, Indigenous populations report elevated levels of distrust in authorities.<sup>2</sup> Further, researchers have found Indigenous populations lack confidence in police when reporting incidents.<sup>3</sup> This lack of faith contributes to what researchers have referred to as the “missing missing” phenomenon in that persons who go missing may never be reported to authorities.<sup>4</sup>

Recently, grassroots efforts to improve investigations involving Indigenous missing persons resulted in several key government actions. In 2018, the US government extended the Amber Alert program to Tribal lands, ensuring emergency notifications are issued during child abductions.<sup>5</sup> The following year, a missing persons task force was established through an executive order known as Operation Lady Justice.<sup>6</sup> Finally, Savanna’s Act was passed to improve federal coordination with local, state and Tribal agencies during these investigations.<sup>7</sup> Specifically, Savanna’s Act instructed U.S. attorneys to develop appropriate regional guidelines for investigating missing and murdered Native Americans, improved Tribal access to criminal information databases for more effective responses, and mandated data collection within this population. From this, the US Bureau of Indian Affairs’ Missing and Murdered Unit was formed, and in 2023, the unit received over 800 referrals, mostly from non-law enforcement sources.<sup>8</sup>

In general, challenges with crime in and around Native lands can be complicated in that Tribal, local, state, or federal authorities may have jurisdiction. If a non-Native is responsible for crimes on Tribal lands the FBI can have jurisdiction but may be selective in pursuing charges.<sup>9</sup> In 2017, federal authorities declined to prosecute 37% of the referred cases in Indian Country.<sup>10</sup> For certain cases, this leaves local police to often act as lead investigators.

Information on law enforcement jurisdictional difficulties during MMIW investigations is scant. In one study, seven out of ten victim advocates reported jurisdictional issues as a significant barrier with missing persons.<sup>11</sup> Another report indicated that more than 350 missing person cases referred to federal authorities were closed due mostly to jurisdictional issues that limit federal investigators from working outside Tribal lands without invitations from local or state authorities.<sup>12</sup> One accomplished Native missing person advisor argued how this creates a frustrating atmosphere of waiting for MMIW family members. Specifically, the advisor asserted that police commonly either wait for the person to return, wait for the person to be located in custody, or wait for a body to be found.<sup>13</sup>

## Methods

The present research employed a case study approach to understand police jurisdictional complications for MMIW. Three MMIW investigations were selected for comprehensive examination. Data compiled and reviewed included primary and secondary sources ranging from investigative reports to news articles that contained statements from authorities, family members, and Tribal professionals who provide victim support and advocacy. For validity, criteria inclusion was incorporated by verifying details through multiple sources. Purposeful sampling was utilized as the approach is exploratory, acknowledges small sample limitations, and is commonly used for qualitative research.<sup>14</sup> Subsequently, the MMIW cases selected for assessment offered a wealth of information. Key characteristics are listed in Table 1: MMIW Case Comparisons.

The following research question guided this study: What evidence exists of law enforcement jurisdictional complications during MMIW investigations?

*Case #1: Olivia Lone Bear*

Olivia Lone Bear of the Mandan, Hidatsa, and Arikara Nation was reported missing in October of 2017 from New Town, North Dakota. Local police led the investigation, but the case soon stalled. In July of 2018, volunteers using a boat equipped with sonar discovered a submerged vehicle in a lake south of the missing woman's last known location. Responding authorities found the woman's body inside a truck. The decedent was recovered from the passenger seat, with the seat belt still fastened. The FBI then took control of the case and continues to investigate.<sup>15</sup>

*Case #2: Kaysera Stops Pretty Places*

In August of 2019, eighteen-year-old Kaysera Stops Pretty Places of the Crow Nation was found deceased by a jogger in a residential section of Hardin, Montana. Prior to death, local authorities stated that the decedent was involved in an argument after leaving a party in that same neighborhood. The coroner estimated that the decedent's remains were outside for days, and exposed to high temperatures. Positive identification via dental records occurred weeks later after Stops Pretty Places' aunt heard about a body's discovery and met with authorities. The coroner listed the cause of death as undetermined, and the case remains open.<sup>16</sup>

*Case #3: Jamie Yazzie*

In July of 2019, the family of Jamie Yazzie contacted authorities and reported their adult daughter missing from Pinon, Arizona. Tribal police took the initial report, and contacted the FBI who assumed jurisdiction in the case. Authorities learned that Yazzie was last seen in the company of the woman's boyfriend. After years of an FBI investigation, the decedent's body was recovered on the Hopi Indian Reservation. In 2023, the decedent's boyfriend was convicted of murder.<sup>17</sup>

**Table 1: MMIW Case Comparisons**

Item	O. Lone Bear	K. Stops Pretty Places	J. Yazzie
Year Missing	2017	2019	2019
State	ND	MT	AZ
Initial Lead Agency	Tribal Police	Sheriff	FBI
Current Lead Agency	FBI	Sheriff	N/A
Jurisdictional Complications	Yes	Yes	No
Case Resolved	No	No	Yes

**Results**

Jamie Yazzie's disappearance was reported to Tribal police who then quickly requested FBI assistance. The FBI assumed the lead, which resulted in the decedent's discovery, as well as evidence used later to convict Yazzie's boyfriend. The family voiced appreciation for the FBI's work, and thanked the family's attorney for mediating between law enforcement agencies.<sup>18</sup> That attorney began working with the family a month into the investigation. This differed from the other two cases as the families did not initially have an attorney for mediation assistance.

Unlike Yazzie's investigation, Tribal and local police led the Olivia Lone Bear case. Four months into the disappearance, the FBI was invited to assist, but only in a supportive role. Almost a year after the disappearance, volunteer searchers notified police, who then used divers to retrieve Lone Bear's body from a submerged truck. After the recovery, the FBI assumed the investigation's lead. Also and in contrast to Yazzie's case, Lone Bear's family accused police of failing to adequately follow-up on leads and undermining volunteer search efforts.<sup>19</sup>

County authorities led the Kaysera Stops Pretty Places' case and interagency complications were evident. The local prosecutor stated the sheriff's department initially delayed the investigation for three weeks, and Stops Pretty Places had not been added to official missing person databases.<sup>20</sup> As the case progressed, sheriff's department investigators requested assistance from state authorities, but that appeal was initially declined due to limited resources.<sup>21</sup> Eventually, the Bureau of Indian

Affairs' Missing and Murdered Unit aided local authorities. Despite the incident occurring adjacent to Tribal lands, family members reported that the FBI declined to lead the investigation.<sup>22</sup>

As with Lone Bear's case, Stops Pretty Places' family expressed disappointment with police in that timely updates were lacking, and calls for an independent review were ignored.<sup>23</sup> The missing woman's mother accused the coroner of pressuring relatives to cremate Stops Pretty Places, against family wishes.<sup>24</sup> Recently, family members had to exhume the Stops Pretty Places' grave after the decedent's jaw bone was sent by authorities, with no clear explanation as to why that body part was retained for five years.<sup>25</sup>

## **Discussion**

Two of the examined cases provided evidence of jurisdictional complications that hamper MMIW investigations. Despite family hopes that the FBI would assume jurisdiction in the Lone Bear and Stops Pretty Places cases, local authorities served as leads, thereby limiting the role of federal investigators. This is consistent with previous findings in that the lack of cooperation between law enforcement could impact MMIW investigations.<sup>26</sup> In contrast, the FBI led the Yazzie investigation, and that case lacked the evidence of jurisdictional problems conspicuous in the other two cases.

Existing research has noted that tenuous relationships between police and Indigenous populations contribute to challenges with missing persons, and the use of Native advocates have been explored to improve relations.<sup>27</sup> Yazzie's case demonstrated attempts to establish and maintain a cooperative environment, as the family's attorney mediated with authorities during the process. Conversely, advocacy was noticeably absent in the Lone Bear and Stops Pretty Places cases until those investigations had progressed. Lone Bear's family reported that volunteers had even developed an adversarial relationship with police.<sup>28</sup> Similarly, the family of Stops Pretty Places was dissatisfied with the investigation's pace and thoroughness.<sup>29</sup>

Finally, the inconclusive autopsy hindered the Stops Pretty Places' investigation, and the body's cremation negated follow-up opportunities. The inability to ascertain cause of death was previously cited as problematic in examining the suspicious deaths of Indigenous women in Roberson County, North Carolina.<sup>30</sup> County coroners in Montana are elected, and expertise can vary as the minimum requirements are simply possessing a high school degree and passing the State's basic coroner course.<sup>31</sup> These surprisingly low standards are relevant in that determining cause of death is frequently a local decision.<sup>32</sup> Subsequently, police rely heavily on county coroner judgments, often without a second opinion from presumably more experienced state medical examiners.

In sum, jurisdictional issues were present in the small sample of MMIW cases examined, granted the limitations with case study validity. The FBI initially acted as the lead investigator in only one of the three cases, despite the desires of family members. Further research is necessary to assess the feasibility and effectiveness of potential improvements like employing Native advocates for mediation or expanding federal jurisdiction in these incidents. Presently, acknowledging police jurisdictional issues can help authorities develop mitigating strategies to better serve Native populations during MMIW investigations and prevent the erosion of public trust.

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