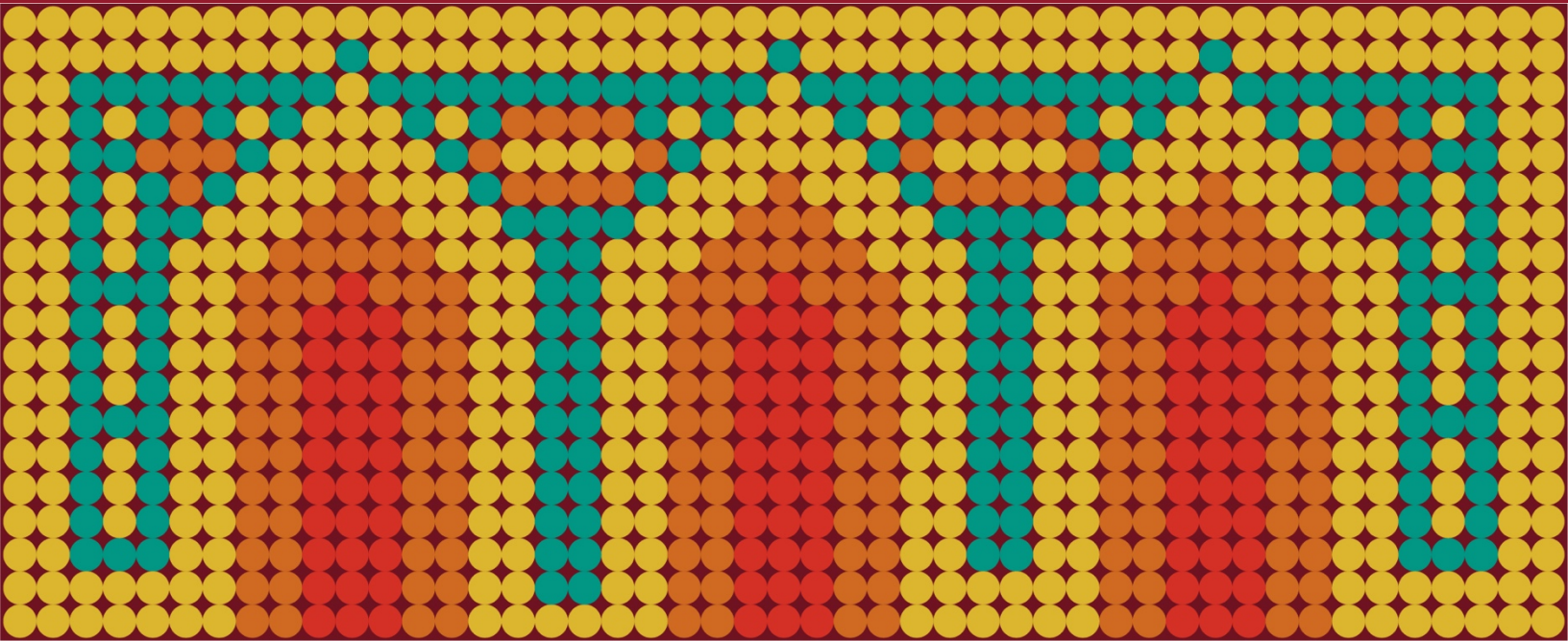


A Step Toward Justice

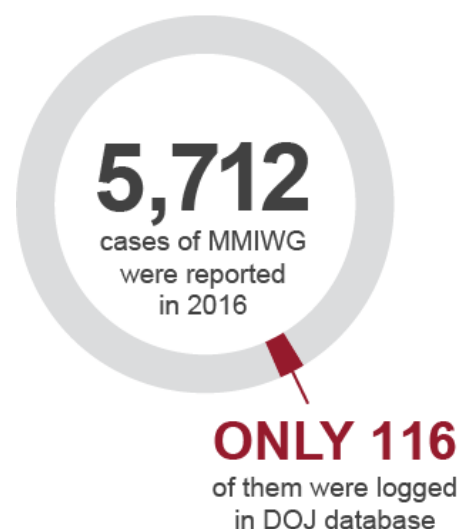
Examining the collaboration between Urban Indian Health Institute and the King County Prosecuting Attorney's Office and the lessons learned from this partnership



**Urban Indian
Health Institute**
A Division of the Seattle Indian Health Board

INTRODUCTION

Violence against Native women and girls—missing and murdered Indigenous women and girls (MMIWG), intimate partner violence (IPV), domestic violence (DV), and sexual violence (SV)—is a crisis American Indian and Alaska Native communities are all too familiar with. In 2018, Urban Indian Health Institute (UIHI) found that, according to a survey of Native women living in Seattle, 94% of respondents had been raped or coerced into sex at some point in their lives.¹ In a 2018 report about the MMIWG crisis in urban cities across the United States, UIHI discovered that there were 5,712 cases of MMIWG reported in 2016 and only 116 of them were logged in the Department of Justice database. UIHI also independently found 506 cases of MMIWG in 71 cities across the United States, and, out of those 506 cases, 153 were not found in any law enforcement databases.² This illustrates that the crisis of violence against Indigenous people is underreported in the data, which may be part of exasperating and perpetuating inaction.



UIHI has made addressing these forms of violence a critical area of focus in the work they do. These are complex issues involving significant overlap between local, state, national, and tribal governments and agencies. Addressing this violence requires partnerships between multiple agencies and communities. This case study details the collaboration and continued partnership UIHI has with the King County Prosecuting Attorney's Office (KCPAO) in King County, Washington, in the effort to address the violence and data crises in urban Native communities.

UIHI's goal is to assist King County in addressing the data crisis by making race and ethnicity less invisible in order to understand the scope and impact on Native victims and communities. Through this partnership, UIHI has assisted KCPAO in efforts to update their databases with new fields for race, ethnicity, tribal affiliation, and tribal land information that is collected during interactions with Native individuals. The ultimate goal is to train law enforcement agencies across the country on these new data collection and reporting practices to reduce, and eventually eliminate, racial disparities in collection of law enforcement victim data. KCPAO's efforts to update their data collection practices exemplify the kind of systemic change that must occur to help address the crisis of violence affecting Indian Country. Data alone won't solve the problem but having a more detailed picture of the true scope of the issue helps all involved agencies—local, state, federal, and tribal—make better, more informed decisions.

Who is Urban Indian Health Institute?

UIHI, a division of Seattle Indian Health Board, is one of 12 Tribal Epidemiology Centers and the only one that serves Urban Indian Health Programs across the country. UIHI conducts research and evaluation, collects and analyzes data, and provides disease surveillance to strengthen the health of urban Native communities nationwide.

UIHI focuses on the strengths of Native communities while addressing the health disparities they face. They utilize the best of western science but are rooted in Indigenous practices. Their mission is to decolonize data, for Indigenous people, by Indigenous people.

Who is the King County Prosecuting Attorney's Office?

The King County Prosecuting Attorney's Office (KCPAO) prosecutes all felony crimes—as well as misdemeanors in unincorporated areas and those brought by state law enforcement agencies—that occur within King County, Washington. Their mission is to do justice while exercising the power given to them by the people with fairness and humility. They ensure criminal justice and community justice go hand-in-hand. They prioritize public safety and stand up for the victims of crime in King County, Washington, the 13th largest county in the United States.^{3,4}

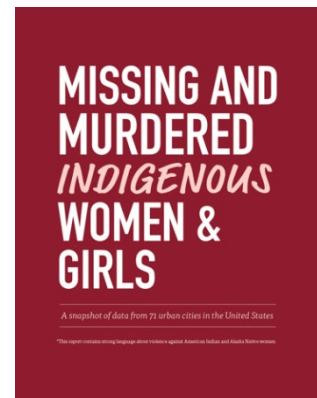
The KCPAO uses prosecutorial discretion and strong partnerships to keep young people in school and away from the criminal justice system. They seek innovative methods to find help for people with drug addictions and also relief for the neighborhoods impacted by drugs.³

The Criminal Division is the largest of four divisions in the KCPAO and is organized into several different units, all of which are impacted by the MMIWG crisis. The Criminal Division represents the state and the county in criminal matters in the King County District and Superior Courts, the state and federal courts of appeal, and the Washington and U.S. Supreme Courts.³

URBAN INDIAN HEALTH INSTITUTE'S WORK ON VIOLENCE IN NATIVE COMMUNITIES

Sexual violence and missing and murdered Indigenous women and girls

In August 2018, Urban Indian Health Institute (UIHI) published a report detailing the results of a survey of 148 Native women living in Seattle about their experiences with sexual violence in their lifetimes. A staggering 94% of women surveyed had been raped or coerced into sex at some point in their lives. Only 8% of cases reported saw a conviction.¹



In November 2018, UIHI released a first-of-its-kind report on the nationwide missing and murdered Indigenous women and girls (MMIWG) crisis while highlighting the difficulties in obtaining data on and for urban Native communities. This report, *Missing and Murdered Indigenous Women & Girls*, looked at data from 71 cities across the United States and found 506 MMIWG cases, 153 of which were not found in any law enforcement databases. Another issue that arose when doing research for this report was police departments not having accurate or complete race and ethnicity data or them simply not responding to UIHI's request for their MMIWG data. Nine cities (13%) did not have the ability to search for American Indian, Native American, or Alaska Native in their databases. Of the 71 cities, 59% either did not provide data or provided partial data with significant compromises.²

Substitute House Bill 2951 and Washington State Patrol study

In 2018, the Washington State Legislature passed Substitute House Bill 2951, which intended "to find ways to connect state, tribal, and federal resources to create partnerships in finding ways to solve [the MMIWG] crisis facing Native American women in our state." In addition, the bill mandated that "the Washington State Patrol must conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state...[they] must work with the governor's Office of Indian Affairs to convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations to determine the scope of the problem, identify barriers, and find ways to create partnerships to

Racial misclassification happens when someone's race/ethnicity is not recorded or coded correctly.

This problem happens too often in law enforcement databases, which is one of the causes of the severe undercount of MMIWG and IPV cases across the country. Racial misclassification can happen for many reasons—use of surnames to determine race, lack of reporting options for multi-race individuals, subjective observation by data collector, and more.²

increase reporting and investigations of missing Native American women.”⁵

On June 1, 2019, the Washington State Patrol (WSP) released their study in response to the mandate put forth in Substitute House Bill 2951. While the report covered the 10 meetings held with tribal nations and urban Indian community members across the state and provided a count of missing Native women, WSP did not provide meaningful analysis of its Tribal Consultations, and they did not address the rampant racial misclassification that happens in Native communities.⁶

Urban Indian Health Institute's response to Washington State Patrol study

As a Native data, research, and evaluation organization; public health authority; and leader in work on violence in urban Native communities, UIHI felt it was their responsibility to the community to finish what WSP started and complete the report as mandated by Substitute House Bill 2951. In September 2020, UIHI released *MMIWG: We Demand More*, a corrected research study of missing and murdered Indigenous women and girls in Washington State.



A significant part of *MMIWG: We Demand More* covered the rampant problem of racial misclassification of Native people in law enforcement data, which results in undercounts of missing people and victims of crime and was a leading point of discussion during the community meetings WSP held. After the release of this report, Aubony Burns (Choctaw Nation of Oklahoma), a Senior Deputy Prosecuting Attorney for the Sexually Violent Predator Unit at the King County Prosecuting Attorney's Office (KCPAO) reached out to UIHI's director, Abigail Echo-Hawk (Pawnee) to discuss what KCPAO could do. They looked specifically at the data law enforcement agencies collected around MMIWG and considered how identifying and improving inadequate collection practices could be a part of addressing the crisis.

Because of this initial conversation, Abigail brought in UIHI's scientific director, Adrian Dominguez, and proposed this collaboration, which became an integral part of UIHI's project, *Protecting the Sacred: Addressing Intimate Partner Violence and Gender-based Violence Against Natives during the COVID-19 Pandemic*. Having Aubony, a Native woman, champion this work and fully support and be part of the efforts to change the way law enforcement agencies collect data and address missing and murdered Indigenous women and girls was key to getting updated systems in place to ensure Indigenous women and girls get the attention they deserve.

KCPAO was interested in and enthusiastic about doing the work needed to address the disparities in law enforcement data and be a model for other agencies. When working on *MMIWG: We Demand More*, UIHI recognized that law enforcement agencies prefer to listen and learn from other law enforcement agencies above all else.⁶ Having KCPAO as a champion for these necessary data improvements was an invaluable development.

Protecting the Sacred: Addressing Intimate Partner Violence and Gender-based Violence Against Natives during the COVID-19 Pandemic

This project builds on UIHI's previous MMIWG work and focuses on correcting racial misclassification in law enforcement databases and updating data collection practices so that urban Native people are not erased in the data.

THE KEY PEOPLE

Protecting the Sacred: Addressing Intimate Partner Violence and Gender-based Violence Against Natives during the COVID-19 Pandemic was unfunded and understaffed when it began in October 2019, but Urban Indian Health Institute (UIHI) knew the importance of working with law enforcement to correct race and ethnicity data, so the work continued anyway. UIHI was fortunate to receive one year of funding for this project from the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention in July 2020. Full-time project staff were able to dedicate themselves completely to this work for the first time.

Katrina May (Diné/Laguna Pueblo)

Katrina was one of the staff brought onto the project because of her work with Abigail Echo-Hawk (Pawnee) on MMIWG. She started as a volunteer with UIHI in the Fall of 2019 with her initial tasks including compiling background information on MMIWG and law enforcement databases in an annotated bibliography and conducting a literature review on best practices for collecting race and ethnicity from American Indian and Alaska Native families. After joining UIHI full time as a project associate primarily under UIHI's HIV grant, she continued providing administrative support for this project by coordinating with UIHI leadership and the King County Prosecuting Attorney's Office (KCPAO) partners and tracking project progress. With Abigail's support and guidance, Katrina learned about the strengths community partners can bring to the MMIWG crisis and how to serve as an informed advocate for urban Indian women and girls. After receiving funding for this project, Katrina shifted into this work full time, working with the team to develop training materials, facilitating project meetings and activities like the Muckleshoot Tribal Consultation, and engaging with additional partners to build out the rest of the law enforcement toolkit.

Aubony Burns (Choctaw Nation of Oklahoma)

Aubony is the champion that helped UIHI bring this work to KCPAO. Aubony is currently a Senior Deputy Prosecuting Attorney in the Sexually Violent Predator Unit. When UIHI's report *MMIWG: We Demand More* was released, she was a prosecutor in the Special Assault Unit, the unit that prosecutes sex crimes and child abuse. As an urban Indigenous woman, she feels the pain of the crises of violence and lacking data. When she first read *Our Bodies, Our Stories* and saw that only 8% of the reported cases saw a conviction, it was difficult: "...it was a gut punch. This is what's happening to women and girls here—where I work. We are not getting justice for them. We are not even logging

"...it was a gut punch. This is what's happening to women and girls here—where I work. We are not getting justice for them. We are not even logging or tracking them. It hurts. I feel it as a member of this system and a Native woman."

Aubony Burns (Choctaw)

or tracking them. It hurts. I feel it as a member of this system and a Native woman.”

Aubony joined fellow Senior Prosecuting Attorneys David Baker and David Martin on the KCPAO Victim Data Working Group. After *Our Bodies, Our Stories* and UIHI’s MMIWG report, the group started looking into KCPAO’s data systems and prioritizing listening to Native experts in the public health field: Native data and research professionals like Abigail Echo-Hawk (Pawnee) and Adrian Dominguez. KCPAO realized they had an issue but did not know how to address it. At the time, a large percentage of KCPAO’s records had no race and ethnicity data for victims, so they reached out to UIHI for help. “It’s not just Native women that are affected by this, and these tools will be able to help so many other communities.”

One of the things that helped Aubony get buy-in from KCPAO was the data presented showed the lack of race, ethnicity, and other data being collected from victims: “I didn’t have to do a lot of pressuring [to get the office on board] because they are prosecutors and felt the same kind of pain with the 8% number [from *Our Bodies, Our Stories*].”

For other justice departments around the United States, Aubony says it is vital to find a champion—someone who will advocate for the Native community and will not back down if those in charge are not on board right away. “They need to know that [implementing these kinds of changes] will allow them to access and help their communities in different ways like building relationships, finding out where violence is happening most in their communities, seeing where funds need to go, figuring out where the biggest needs are, and more.”

This work is not easy, and Aubony is an example of the strength and resilience it takes to make change. When asked how she finds the strength to persist with this work being that she has had experience with MMIWG and violence against Native women, she said, “If we don’t do it, who else is going to?” She had many personal interactions with victims when she started her career as a police officer, so she remembers those women and does it for them—they were the ultimate reason she went to law school and is where she is today: fighting for justice for Native people and King County residents.

Because of this partnership, KCPAO is reaching out to other diverse communities in King County to build relationships to extend this work and eventually change the way data is collected for all people.

RECOMMENDATIONS GIVEN TO THE KING COUNTY PROSECUTING ATTORNEY’S OFFICE

As part of the collaboration, Urban Indian Health Institute (UIHI) developed recommendations for the King County Prosecuting Attorney’s Office (KCPAO) on data fields to add to or update in their system. Table 1 details the recommended updates.

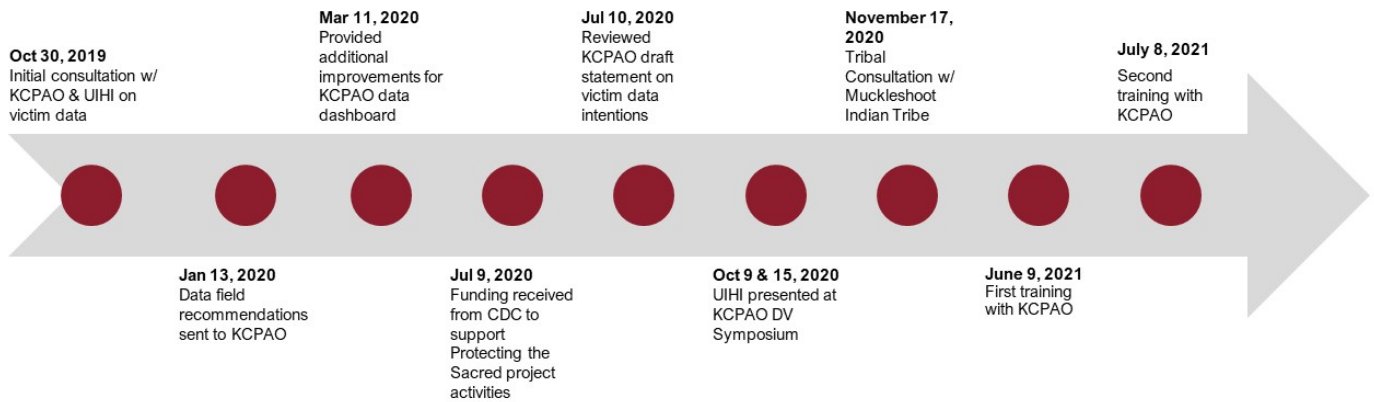
Table 1. Data field recommendations

Variable	Description	Required	Data Type	Numeric Codes		Branching Logic
				Value	Label	
Race	Self-identified race	Yes	Numeric	1	White/Caucasian	
				2	Black/African American	
				3	Asian	
				4	American Indian/Alaska Native	If selected, ask for tribal affiliation
				5	Hawaiian/Pacific Islander	
				6	Other Race	If selected, ask for race
				999	Unknown	
				Ethnicity	Self-identified ethnicity	Yes
2	Not Hispanic/Latino					
999	Unknown					
Tribal Affiliation	Self-identified tribal affiliation	Yes, if race= AI/AN	Numeric			
				577	Other tribe	If selected, ask for other tribe
				888	State-recognized tribe	If selected, ask for state-recognized tribe

RECOMMENDATIONS GIVEN TO KCPAO

				999	Unknown	
Did the incident occur on tribal land?	Incident occurred on tribal land	Yes	Numeric	Key	Value	
				1	Yes	If yes, ask to "Specify which reservation in King County"
				2	No	
				999	Unknown	
Was the person found deceased on tribal land?	Deceased person on tribal land	Yes	Numeric	Key	Value	
				1	Yes	If yes, ask to "Specify which reservation in King County"
				2	No	
				999	Unknown	
Was the missing person last seen on tribal land?	Missing person last seen on tribal land	Yes	Numeric	Key	Value	
				1	Yes	If yes, ask to "Specify which reservation in King County"
				2	No	
				999	Unknown	
Was the victim's primary residence on tribal land?	Victim's primary residence is on tribal land	Yes	Numeric	Key	Value	
				1	Yes	If yes, ask to "Specify which reservation in King County"
				2	No	
				999	Unknown	

HIGHLIGHTS OF THIS COLLABORATION



2

The King County Prosecuting Attorney’s Office’s willingness to listen and learn

After the release of the *MMIWG: We Demand More* report, the King County Prosecuting Attorney’s Office (KCPAO) reached out to Urban Indian Health Institute (UIHI) wanting to further the discussion and understand how they could update their systems to stop these data collection problems from happening. They were eager to listen and follow UIHI’s guidance as the experts on data collection best practices in Native communities.

KCPAO was receptive to recommendations for updating their databases to make it easy to report race/ethnicity data, Native identity, tribal affiliation, and tribal land data. KCPAO has worked to update their databases to include these recommendations, and they continue to collaborate with UIHI on training law enforcement officers to record data accurately and thoroughly. There will be multiple trainings for King County law enforcement in the future, and UIHI has begun fielding interest from other counties looking to update their systems as well.

Finding a champion in the Prosecuting Attorney's Office

The success of this collaboration would not have been possible without Aubony Burns, King County Deputy Prosecuting Attorney for the Sexually Violent Predator Unit. As a citizen of the Choctaw Nation of Oklahoma, Aubony has been an advocate of this change since before UIHI became involved. She understands what Native communities see every day and is in a position to help change the way the system works. She has been instrumental in promoting these recommendations and champions these changes in King County and across the nation.

Tribal Consultation

In the beginning of the collaboration, UIHI facilitated a Tribal Consultation between KCPAO and the Muckleshoot Indian Tribe so they could establish a relationship that would benefit both parties and assist on the implementation of the changes to KCPAO's database. As the largest of two federally recognized tribes in King County, Muckleshoot Indian Tribe's involvement throughout the process was critical.

Tribes are sovereign nations meaning they can govern, protect, and enhance the health, safety, and welfare of tribal citizens within their tribal territory.⁶ Because of this, tribes also have Indigenous Data Sovereignty which is "the right of a nation to govern the collection, ownership, and application of its own data."⁸ This means that Muckleshoot Indian Tribe owns the data that is collected on their citizens and has the right to decide what happens to that data.

During the Tribal Consultation, KCPAO and Muckleshoot Indian Tribe discussed current data collection practices for members of the Tribe, how data is shared between the two, and the changes KCPAO had begun implementing. This Tribal Consultation was the beginning of many conversations that will happen between KCPAO and Muckleshoot. For instance, a memorandum of understanding (MOU) and data sharing agreement (DSA) are being created to ensure continued collaboration and that Muckleshoot Indian Tribes' Indigenous Data Sovereignty is respected.

CHALLENGES URBAN INDIAN HEALTH INSTITUTE FACES

The King County Prosecuting Attorney's Office and law enforcement officers

While the King County Prosecuting Attorney's Office (KCPAO) is a law enforcement agency, they are not on the front lines talking to victims and their family members like law enforcement officers are. KCPAO does not create the rules and procedures for officers and therefore cannot implement the changes to data collection practices when interacting with citizens.

The protocols and procedures of domestic violence (DV), intimate partner violence (IPV), and missing and murdered Indigenous women and girls (MMIWG) cases that are passed from police departments to prosecuting attorney's offices are complex and require careful cross-agency communication. However, this does not always happen. The information law enforcement officers gather is sent to the prosecuting attorney's office, but, if officers are not expected to collect race and ethnicity data, the prosecuting attorney will not have that information for their cases. This is no one agency's fault—existing data systems and collection protocols were set up poorly from the beginning.

Different law enforcement agencies have different priorities and operating procedures, so what works for one may not work for the other. The necessary changes that KCPAO made are a significant step in the right direction, but it is not the same as getting front-line police officers to make changes in the way they collect information on the ground. Individual law enforcement agency leadership will need to take part in trainings, and procedures will need to change for progress to be made in the fight against racial misclassification in law enforcement databases.

The time it takes to train

The collection of data has never been a priority for law enforcement agencies, and the lack of proper data collection systems has not helped in instituting universal or improving current data collection practices. Among law enforcement officers, there is a high degree of feeling "overworked" and adding this training and new data collection requirement to their jobs could be perceived as piling on the burden.⁹

It was important to find ways—both for Urban Indian Health Institute (UIHI) as an outside agency and for law enforcement agencies wanting to make a change—to demonstrate how the changes improve things for the people doing the work on the ground and, ultimately, make their jobs easier. For example, collecting race/ethnicity and tribal affiliation information during the initial contact with the person means not having to go back later to gather this information and not having to re-do initial trainings on the subject. Gathering data correctly the first time saves time later.

CHALLENGES UIHI FACES

Once trainings are implemented in King County, WA, there are thousands of other agencies across the country that will need the same training for this to make the impact Native communities need. There is tremendous potential for change in the way law enforcement collects and reports data, but it will take an extensive amount of work and collaboration.

POTENTIAL TO CHANGE AMERICAN INDIAN AND ALASKA NATIVE DATA

As Urban Indian Health Institute (UIHI) has demonstrated in multiple reports, the data collection practices for Native people are inadequate at best and damaging at worst. Native women and girls go missing and are murdered at alarming rates, but not all of the cases are entered into law enforcement databases. In UIHI's 2018 report, *Missing and Murdered Indigenous Women & Girls*, they found 153 cases of MMIWG that were not in law enforcement records at all; however, this data problem is not exclusive to MMIWG cases.¹

Implications of addressing racial misclassification

Native communities know that their race and ethnicity is severely misclassified not only in law enforcement databases but most other local, state, and federal agency databases as well. There are two major problems that cause this: multiple definitions of Native people found in data sources between different entities and methodologies for collection, analysis, and presentation of data are inconsistent in available datasets.¹⁰

Recording and presenting incorrect and insufficient data leads to an incomplete view of the violence perpetrated against Native communities and the level of health disparities they face. This led, in turn, to the communities not being allocated the funding and resources needed to address the issues. American Indian and Alaska Native communities and organizations—both urban and rural—are chronically underfunded and often left out of the conversation because of the problems with data collection.

This collaboration with the King County Prosecuting Attorney's Office (KCPAO) is a significant step in fixing those problems and ensuring the data is collected, analyzed, and presented correctly and consistently so Native communities can get the funding and resources they need. Understanding the full scope of what these communities face—violence, health disparities, erasure, etc.—and having correct data will lead to Native-serving organizations being better equipped to serve their people.

Benefits to the King County Prosecuting Attorney's Office

KCPAO—as the office that brings charges to perpetrators—benefits from data quality efforts because having quality data helps create an accurate picture of the relationship between race and ethnicity and crimes. This helps KCPAO advocate for other solutions law enforcement can use to prevent and respond to problems as they arise.

Building trust and rapport

While Native communities have a justified mistrust in law enforcement agencies, this partnership and the Tribal Consultation held have built better relationships with local tribes. On a more individual level with specific cases, asking for American Indian and Alaska Native-specific data from families in a respectful way builds trust and rapport so that more relevant information is shared and agencies engage with and solve more cases. Law enforcement agencies already engage in vast amounts of information and data sharing with local, national, and regional agencies through MOUs that can be lifesaving. Therefore, it is important to work together to create the meaningful procedures and relationships that protect the safety of American Indians and Alaska Natives.

WHAT COMES NEXT?

Correctly gathering and recording race/ethnicity data does not stop the violence against Native people, but better data helps Native communities and other agencies understand the scope of the problem and address it more effectively. The King County Prosecuting Attorney's Office (KCPAO) is one law enforcement agency among thousands in the United States, each with their own unique populations and circumstances, but the success of this collaboration need not be a unique experience. Simple changes to the way data are collected and recorded can have significant impacts for Native communities and improve the relationships between law enforcement agencies and local tribes.

How other agencies can do this work

It is vital to the safety and well-being of Native people that this work does not stay siloed in King County. Law enforcement agencies in every city across the country should prioritize the improvement of their data collection practices, not only for Native people but for all communities of color. Updating data collection practices is just one step in ending the systemic racism that Black, Indigenous, and people of color (BIPOC) people face every day.

The following discussion questions can be used when having conversations about implementing changes to address racial misclassification and inadequate data collection practices in law enforcement agencies.

1. How do we collect race data?
 - a. Are we relying on "officer observation" or asking people to identify themselves?
 - b. Do we allow for multiple race categories or only a single selection?
2. Who is missing from the current race categories in our data?
 - a. Do we serve those communities in our jurisdiction?
3. Who do we need to talk to in those communities to discuss improving data collection and data sharing?
4. What do we need to change in our policies, procedures, and software to collect race data in a better, more accurate and complete way?
5. How do our organizational values, vision, and mission statements align with equitable data collection practices?
 - a. Are members of our leadership aware of the relationship between these statements and data quality?
6. Have we sought input from BIPOC communities and ensured that we collect data using culturally attuned methods to attain high-quality data?
7. In our jurisdiction, what organizations, community groups, or individuals with knowledge of BIPOC data collection can we seek input from?
8. Where can we find funding opportunities for changes to our software system, personnel training, tribal consultation activities, and policy and procedure modifications?

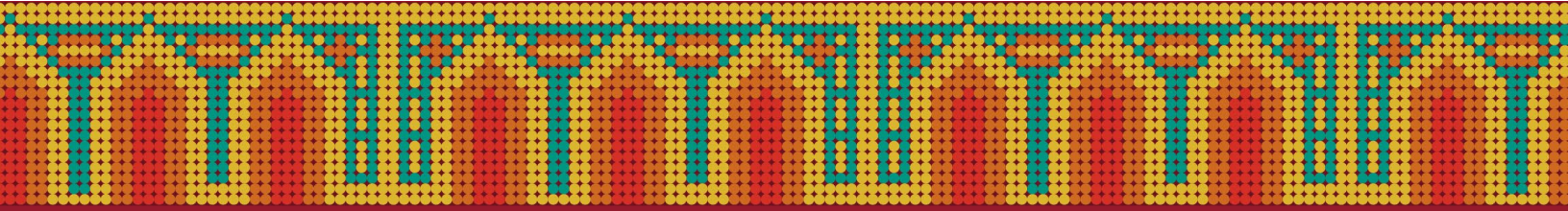
WHAT COMES NEXT?

9. Who will be the key staff member or team that maintains regular communication with community partners for reliable, respectful collaboration?



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