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On Assessing the Scope of Missing Native Americans in Nebraska: Results From a State-Wide Study and Recommendations for Future Research

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Abstract

Recent legislation in multiple states has called for studies on the scope of missing Native American persons. Here we report on one such study from Nebraska by first describing the practical and methodological issues for researchers to consider when examining data on missing Native persons. Then, using data from four point-in-time-counts in 2020, rates of Native American missing persons as well as case contexts over the study period are reported. Findings show that Native Americans are disproportionately represented among Nebraska's missing persons, that reports often involve minor boys, and that cases are dynamic and most are resolved quickly. Relatedly, most Native missing persons cases are only listed on the state clearinghouse, not the national missing persons lists. The paper is concluded with a discussion of specific directions for future research and policy regarding missing Native Americans.

Keywords

Native Americans, Indigenous persons, missing persons cases, missing and murdered

Missing persons cases involving Native American persons has gained significant attention. Since 2018, at least 10 states have passed legislation related to missing Native American women and/or children with several state legislatures mandating a statewide study of the scope of missing Native Americans (e.g., Washington, Nebraska, Arizona; National Indigenous Women's Resource Center, 2020). At the same time, studying the scope of missing Native American persons in a state cannot be completed in a vacuum, but instead requires the study of all missing persons in the state. Further, studying the scope of missing persons, or counting missing persons, is challenging for myriad reasons (see Biehal et al., 2003; Chakraborty, 2019; Newiss, 2005). The current study presents the work of one research team tasked with completing such a legislative study on missing Native American persons in the state of Nebraska.

Drawing from research on other "hidden populations," such as persons experiencing homelessness, we first outline our methodology for conducting a point-in-time count of all missing persons in Nebraska. Next, we present findings from four point-in-time counts over a nine-month period to assess the rates of missing Native American persons and the context of Native American missing persons cases. Finally, we discuss the implications of our findings, outline the limitations of the study design, and provide recommendations for other research teams completing this work and directions for policy change.

Missingness and Disparities in Native American Communities

Social disparities and experiences with violence may contribute to an environment where individuals 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 (Bonny et al., 2016; Sowerby & Thomas, 2017). A teen experiencing abuse in the home may runaway to escape the maltreatment (James et al., 2008; Sowerby & Thomas, 2017) or a youth in state care might leave their foster care placement (Hayden & Shalev-Greene, 2018). In other instances, a missing persons case may stem from a victim fleeing intimate partner violence (James et al., 2008). Given that Native Americans have been subjected to genocide, colonization, and racism since the country's inception (Deer, 2015), any study of Native American missing persons must be understood within this historical context, and on-going structural inequalities and disparities that may make them more vulnerable to going missing.

The perpetual legacy of colonization is a host of inter-related economic and social challenges. For example, Native American communities suffer higher rates of poverty and unemployment (Guzman, 2020), greater rates of alcohol induced deaths (Spillane et al., 2020), and higher suicide rates than other race/ethnicities or the national average (Centers for Disease Control and Prevention, 2021). Native American persons also experience crime victimization including violence against women and children at higher rates than non-Native persons (Rosay, 2016). Furthermore, Native American families

bear significant rates of disruption as Native children are placed into foster care at disparate rates (Woods & Summers, 2016) and experience lower rates of family reunification compared to children of other racial groups (Wildeman et al., 2020).

The concentration of social and economic disparities and violent victimizations in Native American communities has been connected to the problem of missing and murdered Native women and children in the United States. In 2019, the federal government convened the “Operation Lady Justice Task Force on Missing and Murdered American Indian and Alaska Natives” to “improve data coordination, enhance collaboration among various law enforcement entities, create cold case offices, and elevate support for victims and their families” (United States [U.S.] Department of Justice, 2020b, para 6). Similarly, in 2019, the Nebraska State Legislature mandated an examination of the scope of missing Native American persons in Nebraska in order to improve state responses to this problem (see Nebraska Legislative Bill 154). Below, we discuss the challenges of assessing the number of missing persons, the available data on missing persons, and our process of counting the number of missing Native American persons in Nebraska.

Challenges of Counting Missing Persons

Accurately counting the number of missing persons – Native or non-Native – is no easy task. It is also important not to confound the two issues of going missing and being murdered, as this study focused on missing persons only. One primary challenge to counting missing persons is that going missing 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 (Chakraborty, 2019). By extension, not all missing persons are missing unintentionally and not all missing persons cases are related to criminal activity (Bonny et al., 2016). At the same time, law enforcement officers are responsible for responding to reports of missing persons, and so the data on missing persons is largely collected by law enforcement agencies. Law enforcement departments’ missing persons data may vary in reliability as there are no standardized definitions of a missing person nor are their standardized protocols and/or policies for reporting and investigating cases (Chakraborty, 2019). As such, law enforcement officers may use their discretion when deciding whether or not to take a report of a missing person and enter it into the national law enforcement database: The National Crime Information Center, and/or to report a missing persons case to one or both of the national missing persons databases: The National Missing and Unidentified Persons System and The National Center for Missing and Exploited Children.

Additional problems may arise in regard to law enforcement data on Native American missing persons specifically. First, in Indian Country – the land set aside by the U.S. Government for Indigenous people (e.g., Indian Reservations, Indian Allotments; see 18 U.S. Code § 1151) – there are complicated jurisdictional relationships between tribal and non-tribal law enforcement agencies (i.e., local, state, and federal agencies) (Castillo, 2015). This “jurisdictional maze” (Castillo, 2015, p. 314) may leave

Native community members unclear about the agency to which they should report a missing persons case. Further, tribal and non-tribal law enforcement agencies may not agree on which agency holds jurisdiction for taking a report and investigating a case. For example, an agency's jurisdiction might depend on whether: (1) the missing person is a member of a tribe, (2) the reporter is a member of a tribe, (3) the missing person was living on tribal lands, or (4) the missing person is suspected to be on or off of tribal lands (see Castillo, 2015). Reporters may be sent to multiple agencies or give up out of frustration or a sense that nothing can or will be done to help (Urban Indian Health Institute, 2018).

In addition, among reported cases, these jurisdictional complications may result in a report "falling through the cracks" whereby important information on the missing person is not collected and reported in the missing persons databases. Furthermore, if the reporter or the officer taking the report is unclear about the missing persons' race or tribal affiliation a Native missing person case may be misclassified using the wrong race and/or listed as "unknown" leading to an undercounting of Native American missing persons in these databases (Urban Indian Health Institute, 2018). Given the potential undercounting of Native American missing persons in any given missing persons database, triangulation of these data – or using multiple datasets to cross-check missing persons – is likely to lead to a better estimate of the true number of Native American missing persons and more accurate identification of who is missing at any given point-in-time.

Sources of Missing Persons Data

There are several databases where missing persons case information may be entered and subsequently viewed by law enforcement officers, other "authorized users" (e.g., coroners), and even the public (e.g., friends, family of missing persons): the National Crime Information Center, the National Missing and Unidentified Persons System, the National Center for Missing and Exploited Children and state clearing- houses, herein, the Nebraska Missing Persons List. We describe each data source below.

National Crime Information Center

The National Crime Information Center (NCIC) is a national database of crime data that is accessible to state, local, and some tribal law enforcement agencies (NCIC, 2020). The NCIC also collects missing person cases, which are not crimes. The NCIC is administered by the Federal Bureau of Investigation (FBI) and allows law enforcement to query multiple state and federal databases. Law enforcement officers are able to submit inquiries in the NCIC and get a response immediately (NCIC, 2020). When a child is reported missing to law enforcement, federal law (Missing Children Act, 1982) and state law – in Nebraska, Nebraska Revised Statute § 43-2003 – requires that the child's case be entered into the NCIC.

Germane to this study, tribal law enforcement access to the NCIC is fairly new and not yet afforded to every tribe. In August 2015, the U.S. Department of Justice initiated the Tribal Access Program (TAP) for National

Crime Information to provide selected federally recognized tribes access to crime information systems including the NCIC (U.S. Department of Justice, 2019). The program has expanded every year, providing access to additional tribes annually. At the time of this data collection, three of Nebraska's four federally recognized tribes – the Omaha Tribe of Nebraska, Winnebago Tribe of Nebraska, and Santee Sioux Nation – were identified as tribes that were in progress regarding the implementation of the TAP (U.S. Department of Justice, 2020a).

National Missing and Unidentified Persons System

The National Missing and Unidentified Persons System (NamUs) database serves as a national information clearinghouse for missing, unidentified, and unclaimed person case information (NamUs, 2020). NamUS is a Department of Justice asset that is funded and administered by the National Institute of Justice and managed through a cooperative agreement between the National Institute of Justice and the University of North Texas Center for Human Identification (B.J. Spamer, personal communication, August, 25 2020). The database is searchable by anyone, including the public; however, sensitive case information is accessible only to registered, vetted professional users, which includes law enforcement officers, medicolegal death investigators, and allied forensic professionals (B.J. Spamer, personal communication, August, 25 2020). Anyone can enter a new missing person case into NamUs, including family members of the missing, but all cases are verified with the jurisdictional criminal justice agencies prior to publication in the system to protect the safety and privacy of individuals reported missing to NamUs (B.J. Spamer, personal communication, August, 25 2020). Unidentified and unclaimed person cases are entered only by medical examiner/ coroner offices or their designees. At the present time, no data sharing occurs between the NamUs and National NCIC systems (B.J. Spamer, personal communication, August, 25 2020).

National Center for Missing and Exploited Children

The National Center for Missing and 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, 2020). 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 (NCMEC, 2020). 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, 2020).

Nebraska Missing Persons List

The Nebraska Missing Persons List (NMPL) is Nebraska's state 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, sex, race, and age.

Current Study

The Nebraska Commission on Indian Affairs¹ (NCIA) identified the study of missing Native women and children in Nebraska as a priority problem. In its role as the liaison between Nebraska's Native American persons and the state government, NCIA shared this priority issue with Nebraska legislators. In the 2019 session of the Nebraska legislature, Legislative Bill (LB) 154 was introduced by Nebraska's only Native American Senator, Tom Brewer, and eight other Senators. LB-154 mandated that the Nebraska State Patrol (NSP), in collaboration with the 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" (2019, para 1). LB-154 was signed into law on March 6, 2019. The present manuscript reports on one aim of that study: to determine the scope of missing Native American women and children in Nebraska (see Sutter et al., 2020 for full report).

As discussed above, accurately counting the number of missing people is no easy task, and this issue is made even more difficult when Native American persons are involved. Drawing from methodologies used to identify the number of persons within other hidden populations such as persons experiencing homelessness, we drew four point-in-time counts over a nine-month period in 2020. These data were used to determine the rates of missing Native American persons in Nebraska as well as the context of Native American missing persons cases over time. Findings are then discussed in relation to the inherent limitations of the study design and recommendations for future research are provided.

Methods

Point-in-Time Counts

Given the dynamic nature of missing persons cases, any count of missing persons must be understood as a "point-in-time" count on a given date. That is, because missing persons can be found and cases can be cleared, a point-in-time count means that the number of missing persons may change depending on when the data are accessed. The data presented here is not a culmination of all missing persons ever in the state of Nebraska, instead, it reflects the reported missing persons cases that were active on the date of each point-in-time count – Time 1: January 20, 2020; Time 2: March 31, 2020; Time 3: June 31, 2020; and Time 4: October 31, 2020.

Data Collection

In order to understand the scope of missing Native American persons in Nebraska, a count of the total number of all missing persons in the state needed to be established. Data were collected from three of the previously described data sources: (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. For each point-in-time count, the publicly available NMPL database was accessed and data for all persons missing from Nebraska on that point-in-time count date were recorded in a SPSS database. These data were then cross-checked against the national lists from NamUs and NCMEC and any additional persons missing from Nebraska that were not reflected on the NMPL were added to the dataset. After developing a combined list of missing person cases, 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 point-in-time count of unique missing persons in Nebraska, the most recent entry for the individual was retained for each point-in-time count. Finally, the NSP missing persons analyst crosschecked the dataset with NCIC data, which are only accessible to law enforcement, to confirm that there were no additional cases that were not available in the three publicly available data sources; the analyst confirmed that there were no additional missing persons cases not already reflected in the study dataset.

In addition to the review of the NMPL, NamUs, and NCMEC databases, several strategies were used in an attempt to identify any unreported cases of Native American missing persons. First, listening sessions were conducted in Nebraska's tribal communities (i.e., in Indian Country and at the Ponca Headquarters in Omaha) where (1) the Director of the NCIA asked tribal community members if there were unreported missing persons that should be included in the study. Community members were assured that this could be done privately with the project coordinator, a University of Nebraska Law student; the project coordinator also informed the community that she could help report cases to NamUs. In addition, (2) a Captain from NSP attended the listening sessions and spoke to community members about NSP's role in the LB-154 study and their commitment to making improvements in the reporting processes and investigations of missing persons cases among Native American Nebraskans. He informed community members that he was available to take any reports of missing persons and he conveyed that he would take any reports seriously. Further, the NCIA reached out to tribal leaders about unreported missing persons cases throughout the study period and the project coordinator did additional research using Indigenous message boards on social media platforms. Despite these efforts, no additional unreported cases of Native American missing persons were identified.

Data collection was conducted by three Ph.D. level graduate assistants. SPSS 21 was used for dataset development and analysis. The study design was reviewed by the University of Nebraska Institutional Review Board and

deemed not human subject's research.

Measures

For each case, the *first and last name*, *age at missing*, *sex* (male/female), *race* (UCR racial categories: American Indian/Alaska Native, White, Black, Asian or Pacific Islander, or Unknown), and *date of missingness* was recorded. Whether the case was retrieved from the *NMPL*, *NamUs*, and/or *NCMEC* databases was also identified. *Time missing* was calculated by subtracting the date the person went missing from the date of data collection (e.g., Time 1: January 20, 2020). A missing persons case was identified as *resolved* if a missing person identified at one time point had been removed from the missing persons list or lists from which they were identified at a previous time point. A missing person was identified as *repeatedly missing* if they were identified as missing at one time point, the case was resolved at a second time point, and then the person was reported missing again at a third time point. *Missing persons rates* were calculated using U.S. Census estimates for Nebraska's total population and population across racial groups (U.S. Census Bureau, 2019).

Results

The results of the point-in-time counts for Nebraska's missing persons are presented in Table 1; information from Time 1 is presented in the first column. Findings for the replication counts are presented in columns 3–5. At Time 1, a total of 641 unique missing persons from Nebraska were identified; cases spanned from 6/8/1940 to 1/20/2020. Using 2019 U.S. Census estimates for Nebraska, Nebraska's missing person rate was 3.3 per 10,000 persons at Time 1. It must be noted that the lowest missing persons rate (2.6 per 10,000 persons) was generated in March of 2020, when COVID-19 related health precautions had begun to limit Nebraskans' movement and the majority of schools and businesses were shuttered. In the absence of that time period, the state's missing persons rate was quite stable at each point-in-time count – from 3.3 to 3.6 per 10,000 Nebraskans.

At Time 1, the majority of Nebraska's missing persons were White ($n = 414$; 64.6%) compared to Black ($n = 143$; 22.3%), Native American ($n = 38$; 5.9%), or Asian or Pacific Islander ($n = 5$; 0.8%); 6.4% ($n = 41$) of the entries for missing persons listed the race as "not available." In comparison, 88.1% of Nebraska's population is White, 5.2% is Black, 1.5% is Native American, and 2.8% is Asian or Pacific Islander (U.S. Census Bureau, 2019). Thus, a disproportionate number of reported missing persons at Time 1 were Black (4.4 times their population) and Native American (3.9 times their population). This pattern held over the study periods: most of Nebraska's missing persons were White (from 61.2% to 66.8%), compared to Black (from 19.1% to 23.6%), Native American (from 4.3% to 5.9%), and Asian or Pacific Islander (from 0.6% to 0.9%); race was unavailable in 6.4% to 9.7% of cases. Taken together, Whites and Asian/Pacific Islanders were consistently underrepresented as missing persons in Nebraska, while Black and Native American Nebraskans were consistently overrepresented as missing persons – from about 3 to 4.5 times their representation in the state population.

Table 1. Descriptives for Nebraska's reported missing persons cases: comparison over four points-in-time.

	Time 1 (1/20/2020) N=641	Time 2 (3/31/2020) N=497	Time 3 (6/31/2020) N=691	Time 4 (10/31/2020) N=644
NE Missing Persons Rate ^a	3.3	2.6	3.6	3.3
Missing Persons Rate for Whites	2.4	2.0	2.5	2.5
Missing Persons Rate for Blacks	14.2	9.7	16.2	12.2
Missing Persons Rate for Native Americans	13.1	7.9	11.0	9.7
Missing Persons Rate for Asian or Pacific Islanders	0.9	0.7	1.1	0.7
On NMPL	97.8%	97.6%	98.4%	98.2%
NamUS only	1.6%	2.0%	1.6%	1.9%
NECMC only ^b	0.9%	0.3%	0.0%	0.2%
Cross-Listed on NamUS	10.9%	14.3%	10.4%	10.9%
Cross-Listed on NECMC ^b	5.5%	5.0%	4.4%	5.1%
Age at Missing	<i>M</i> = 23.1; <i>SD</i> = 15.2; Range = 1–90 years	<i>M</i> = 23.0; <i>SD</i> = 14.7; Range = 1–79 years	<i>M</i> = 22.0; <i>SD</i> = 13.7; Range = 0–79 years	<i>M</i> = 22.3; <i>SD</i> = 13.7; Range = 1–81 years
12 and younger	3.0%	3.8%	3.3%	2.8%
13 to 15 years old	25.0%	23.7%	25.3%	26.7%
16 to 18 years old	42.3%	41.9%	43.4%	41.1%
19 and older	29.8%	30.6%	27.9%	29.3%
Sex				
Female/Female minors ^c	45.1% / 34.6%	42.7% / 32.9%	44.5% / 35.2%	44.3% / 34.9%
Male/Male minors ^c	54.9% / 35.6%	57.1% / 36.3%	55.5% / 36.8%	55.7% / 35.7%

(continued)

Table 1. (continued)

	Time 1 (1/20/2020) <i>N</i> = 641	Time 2 (3/31/2020) <i>N</i> = 497	Time 3 (6/31/2020) <i>N</i> = 691	Time 4 (10/31/2020) <i>N</i> = 644
Years Missing	<i>M</i> = 3.3; <i>SD</i> = 8.3; Range = 0–79 years	<i>M</i> = 4.3; <i>SD</i> = 9.5; Range = 0–80 years	<i>M</i> = 3.0; <i>SD</i> = 8.1; Range = 0–80 years	<i>M</i> = 3.2; <i>SD</i> = 8.5; Range = 0–80 years
< 1	53.2%	46.6%	64.1%	61.8%
1–3	28.5%	30.1%	19.9%	20.7%
4–6	6.1%	7.5%	4.9%	5.4%
7–9	2.7%	3.1%	2.3%	2.5%
10 or more years	9.5%	12.6%	8.8%	9.6%
Cases Resolved	-	17.3%	1.6%	44.1%

Notes. ^a per 10,000 persons using 2019 US Census estimates; NMPL = Nebraska Missing Persons List, NamUS = National Missing and Unidentified Persons System, NCMC = National Center for Missing and Exploited Children; ^b Percentage of cases involving minors; ^c minors include persons 18 years and younger as the age of majority in Nebraska is 19 years old.

Table 2. Descriptives for Nebraska's reported missing persons cases involving Native American persons: comparison over four points-in-time.

	Time 1 (1/20/2020) <i>n</i> = 38	Time 2 (3/31/2020) <i>n</i> = 23	Time 3 (6/31/2020) <i>n</i> = 32	Time 4 (10/30/2020) <i>n</i> = 28
Missing Persons Rate ^a	13.1	7.9	11.0	9.7
On NMPL	97.4%	100.0%	100.0%	96.4%
NamUS only	2.6%	0.0%	0.0%	3.6%
NECMC only ^b	0.0%	0.0%	0.0%	0.0%
Cross-Listed on NamUS	13.2%	21.7%	15.6%	14.8%
Cross-Listed on NECMC ^b	7.9%	0	0	0
Age at Missing	<i>M</i> = 20.1; <i>SD</i> = 13.0; Range = 3–60 years	<i>M</i> = 22.7; <i>SD</i> = 15.8; Range = 3–60 years	<i>M</i> = 21.09; <i>SD</i> = 13.65; Range = 3–60 years	<i>M</i> = 23.2; <i>SD</i> = 15.6; Range = 3–60 years
12 and younger	5.3%	8.7%	6.3%	7.1%
13 to 15 years old	42.1%	34.8%	34.4%	28.6%
16 to 18 years old	36.8%	34.8%	40.6%	39.3%
19 and older	15.8%	21.7%	18.8%	25.0%
Sex				
Female/Female minors ^c	26.3% / 21.1%	34.8% / 30.4%	40.6% / 34.4%	46.4% / 35.7%
Male/Male minors ^c	73.7% / 63.2%	65.2% / 47.8%	59.4% / 46.9%	53.6% / 39.3%
Years Missing	<i>M</i> = 2.8; <i>SD</i> = 6.7; Range = 0–27 years	<i>M</i> = 4.0; <i>SD</i> = 8.3; Range = 0–27 years	<i>M</i> = 2.8; <i>SD</i> = 7.3; Range = 0–27 years	<i>M</i> = 3.2; <i>SD</i> = 8.0; Range = 0–28 years
< 1	60.5%	50.0%	68.8%	71.4%
1–3	18.4%	27.3%	15.6%	10.7%
4–6	10.5%	4.5%	3.1%	3.6%
7–9	2.6%	4.5%	3.1%	3.6%
10 or more years	7.9%	13.6%	9.4%	10.7%
Cases Resolved	-	68.4%	0.0%	50.0%

Notes. ^a per 10,000 persons using 2019 US Census estimates; NMPL = Nebraska Missing Persons List, NamUS = National Missing and Unidentified Persons System, NECMC = National Center for Missing and Exploited Children; ^b Percentage of cases involving minors; ^c minors include persons 18 years and younger as the age of majority in Nebraska is 19 years old.

Missing Native American Persons in Nebraska

The results of the point-in-time counts for Nebraska's Native American missing persons are presented in Table 2; information from Time 1 is presented in the first column. Findings for the replication counts are presented in columns 3–5. At Time 1, the rate of Native American missing persons in Nebraska was 13.1 per 10,000 persons. Like the state's missing persons rate overall, the lowest rate of missing Native American persons (7.9 per 10,000 persons) was observed during the height of COVID precautions (i.e., Time 3). The overwhelming majority of Native American missing persons cases consistently stemmed from the NMPL compared to the national databases: only one unique case was identified from NamUs at Time 1 and Time 4, respectively. Additional examination across the missing persons lists determined that more Native American missing persons cases than Nebraska's missing persons cases overall were cross-listed on NamUs, from 13.2% to 21.7% compared to 10.4% to 14.3% of cases. Further, fewer Native American minors were listed on the NCMEC, compared to the state's overall missing persons: three cases were listed on NCMEC at Time 1 and were resolved by Time 2, and no other Native American missing persons cases were listed on NCMEC at Times 2, 3, or 4.

Findings showed that Native American missing persons on average were in their early twenties; the majority were minors ages 13 to 18 years old. These findings were observed at each time point. At Time 1, nearly two-thirds of Native American missing persons were male compared to female; however, over the three additional time periods, the percentage of females to males increased. Furthermore, when age and sex were examined together, the data showed that the majority of Native American missing minors were boys (i.e., 18 years and younger); however, the percentages of missing Native American minor boys decreased over time, from 62.2% of Native American missing persons cases at Time 1 to 39.3% of Native American missing persons cases at Time 4. Conversely, the percentages of missing Native American minor girls increased over time from 21.6% of Native American missing persons cases at Time 1 to 35.7% of Native American missing persons cases at Time 4.

At Time 1, slightly more than 60% of Native American missing persons had been missing for less than one year, and the average length of time of a Native American missing person case was 2.8 years ($SD = 6.7$). In comparison, at Time 1 53.2% of Nebraska's total missing persons cases had been missing for less than one year ($M = 3.3$ years; $SD = 8.3$ years). Across the point-in-time counts, the majority of Native American missing persons cases continued to be less than one year in length; a greater percentage of Native American missing persons cases compared to Nebraska's total missing persons cases were less than one year in length at each point-in-time count. An examination of whether cases were resolved from Times 1 to 4 showed that 68.4% of the Native American missing persons cases identified at Time 1 were no longer listed as missing at Time 2; no cases were resolved from Times 2 to 3 (during the height of COVID-19),

but 50% of the missing persons cases identified at Time 3 were resolved at Time 4. These resolution rates were higher than for Nebraska's overall missing persons with the exception of Time 2 (Time 1: 17.3%, Time 2: 1.6%, and Time 3: 44.1%).

In addition, 9.6% of Native American missing person cases ($n = 6$) were identified as *repeatedly* missing: they were reported missing at one point-in-time count, the case was not identified in the next 1 or 2 point-in-time counts, and then they were identified as missing again. All six cases involved a juvenile male ($Range = 13-17$; $M = 15.2$ years old). In comparison, 2.9% of Nebraska's overall missing persons were repeatedly missing ($n = 35$). Further, 14.1% Native American missing persons cases ($n = 9$) were identified as missing at Time 1 and continued to be missing at Time 4. Of these 9 cases, persons ranged in age from 3 to 60 years old at the time of missingness ($M = 35.9$); 66.7% of cases involved males and 33.3% involved females. In five of these cases, the missing person had been missing for one year or more ($Range = 4$ to 27 years; $M = 16.6$). Conversely, 24.2% ($n = 291$) of Nebraska's total missing persons were identified as missing at Time 1 and continued to be missing at Time 4.

Discussion

The present study developed four point-in-time counts of missing persons in Nebraska to establish the rate of Native American missing persons, and to examine rates and case contexts over time. Findings show that at each time point, Native American Nebraskans are missing at rates that far outpace the state's missing persons rate and the missing persons rate for White and/or Asian Nebraskans; however, the missing persons rates for African American persons are higher than Native Americans at each time point. At the same time, consistent with prior research (e.g., Biehal et al., 2003; Newiss, 2005), results demonstrate that missingness is dynamic: the four point-in-time counts reveal that most Native American missing persons cases are resolved and resolved relatively quickly resulting in rapid changes regarding who is missing at any given time. This means that any research on this topic must be clear and transparent about the time frame and the data source(s) (e.g., a state clearinghouse, NamUs, etc.) used to develop a count of missing persons.

Further, results suggest that Native American youth, and boys between the ages of 13 and 18 years old specifically, represent a particularly vulnerable group in regard to risk for missingness. These findings are consistent with results from other recent legislative studies from Arizona and New Mexico which also found that a majority of reported missing Native Americans in their respective states were minor males (Fox et al., 2020; New Mexico Missing & Murdered Indigenous Women & Relatives Task Force, 2020).

Finally, the results indicate very little overlap between the state clearinghouse (i.e., NMPL) and the national missing persons lists: the majority of Native American missing persons cases are only available on the NMPL (as well as the NCIC for law enforcement users). As such, in the case of unidentified

persons or cases where a person's identity is being hidden or is unknown (e.g., a case of child abduction), non-law enforcement users would need to know that the person had been reported missing in Nebraska to access information about the missing person's identity. This is particularly important given the jurisdictional complexities of Indian Country and the probability that Native Americans may travel between reservations as well as between reservations and non-reservations. These findings have implications for most other states as only six states – Arkansas, Illinois, Michigan, New Mexico, New York, Oklahoma, and Tennessee – mandate that law enforcement agencies report missing persons and unidentified persons to NamUs (Chakraborty, 2019). Furthermore, given that law enforcement officers are not mandated to report to NamUs, it is likely that missing person reports provided to NamUs by loved ones do not reach law enforcement officers in most states as quickly as they could.

Although the current study provides novel information on Native missing persons, it is not without limitations. This research presents data on reported missing persons, and thus, missing persons cases that are unreported to law enforcement or were reported to law enforcement but not entered into the state or national missing persons databases were not captured here. While several strategies were used to elicit any unreported cases directly from tribal leaders and community members, none were uncovered. Thus, this “hidden figure” is simply unknown. In addition, race was unavailable for approximately 6% to 10% of cases; when, coupled with the probability of racial misclassification of Native Americans on missing persons lists, these counts of reported missing persons must be understood as conservative estimates. Further, while these data included whether or not the case was resolved (i.e., removed from the missing persons list or lists), information on how the case was resolved – whether the missing person returned safely or not – as well as the circumstances of their going missing was not available. As such, we consider the findings presented here to be a first step; more research is needed, and we provide some recommendations in this regard below.

Future Research and Policy Priorities

Additional data collection and basic research on this topic is needed. At present, four states have released reports on the scope of missing Native American persons – Washington, Arizona, New Mexico, and Nebraska. However, a point-in-time count using both the state *and* national missing persons databases is available for Nebraska only. Arizona provided an analysis of NamUs data (Fox et al., 2020), but the findings presented here demonstrate significant limitations in using NamUs to develop a count of missing persons cases, at least in Nebraska. Given that Arizona does not require law enforcement to report to NamUs, it is likely that relying solely on NamUs resulted in an undercounting of missing persons in Arizona, including Native American missing persons. In comparison, New Mexico's report drew on data from the state clearinghouse only, and included all missing persons from 2014–2019, not a point-in-time count of unique missing persons

cases (New Mexico Missing & Murdered Indigenous Women & Relatives Task Force, 2020). Given that New Mexico's study found that most missing persons cases in their sample had been resolved, it is likely that some of the missing persons in their sample were duplicate cases. Finally, Washington state's report presented missing persons data available in NCIC "as of May 2019" so it is unclear as to the timeline of the data included in their study (Alexander, 2019). Replications of the current study's methodology in other states is sorely needed so that data can be compared across multiple locations. While the present study examined multiple points in time, it does not offer a long-term trend analysis (e.g., over a full year); future longitudinal research examining points in time across multiple years is also needed to examine whether missing persons cases are subject to seasonal trends.

In addition, future research must examine the context of Native American missing persons cases including the scope and context of cases that are connected to criminal circumstances (e.g., domestic violence, homicide, human trafficking). Better understanding how these issues intersect with going missing – either intentionally or unintentionally – will shed light on potential prevention strategies for communities. In addition, future scholars should consider the context of missing Native youth and whether or if, for example, system-involved youth who go missing "slip through the cracks" due to policies or decisions by case workers or probation officers regarding reporting them as missing. Understanding whether and where these reporting gaps exist would not only enhance the accuracy of missing persons data, but would also identify areas to develop or improve reporting and training for staff.

Finally, the current project highlighted how data on missing persons could be strengthened by providing data sharing opportunities between NCIC and NamUS among authorized users (Government Accountability Office [GAO], 2016). As previously noted, no data sharing occurs between the NamUs and the NCIC systems (B.J. Spamer, personal communication, August, 25 2020). NCIC is restricted to a limited group of authorized users who have an Originating Agency Identifier (ORI) under federal law (e.g., law enforcement, examiner/coroner agencies) (GAO, 2016). NamUs does not have authorization under federal law, so NCIC does not share any information with NamUs (B.J. Spamer, personal communication, August, 25 2020). This disconnect means valuable information on missing persons, reported by family members initially to NamUs, are not necessarily being viewed by law enforcement organizations in a timely manner (GAO, 2016). In addition, law enforcement organizations that are registered users of both systems must populate the same case information separately into each system, search for information on each system separately, and compare information manually. Sharing of information between databases could streamline this process and decrease the chances of outdated, duplicated/overlapping, and fragmented information (GAO, 2016). Congress attempted—but ultimately failed—to pass the "Help Find the Missing Act" or "Billy's Law" in 2011, which if passed, would have mandated that information stored in NCIC be shared in NamUs. Legislation of this type should be prioritized for reconsideration.

Conclusions

The findings reported here reinforce the calls from Indigenous organizations and community members (e.g., Urban Indian Health Institute, 2018): going missing among Native Americans is a significant problem. These results further show that Native American boys (and men) make up a significant portion of Native American missing persons and deserve focused attention. As other legislatively mandated task forces and working groups conduct similar studies in additional states (e.g., Idaho), making use of researcher-practitioner partnerships can strengthen data collection and analysis, and in turn, the findings of such studies. Likewise, quantitative findings should be augmented by qualitative data from community listening sessions and reviews of state and local missing persons policies to triangulate data sources and strengthen the research building this nascent body of work (see Sutter et al., 2020). At the same time, non-Indigenous researchers, legislators, and service providers must recognize that Native persons are the *key stakeholders* in the study of Native American missing persons and thus, tribes and tribal organizations must lead these efforts.

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Note

1. The NCIA was established in 1971 and consists of 14 Indian Commissioners appointed by the Governor. It is the state liaison between Nebraska's four federally recognized tribes, and it serves off-reservation Indian communities by helping ensure they are afforded the right to equitable opportunities within Nebraska. All goals of the NCIA are accomplished through advocacy, education and promotion of legislation (Nebraska Commission on Indian Affairs, 2020, para 1).

References

- Alexander, M. (2019). *Washington State Patrol missing & murdered Native American women report*. http://www.wsp.wa.gov/wp-content/uploads/2019/06/WSP_2951-SHB-Report.pdf.
- Biehal, N., Mitchell, F., & Wade, J. (2003). *Lost from view: A study of missing people in the Bristol*. The Policy Press. <https://www.york.ac.uk/inst/spru/research/pdf/lostFromView.pdf>
- Bonny, E., Almond, L., & Woolnough, P. (2016). Adult missing persons: Can investigative framework be generated using behavioral themes? *Journal of Investigative Psychology and Offending Profiling*, 13(13), 296–312. <https://doi.org/10.1002/jip.1459>
- Castillo, C. (2015). Tribal courts, non-Indians, and the right to an impartial jury after the 2013 reauthorization of VAWA. *American Indian Law Review*, 39(1), 311–336.
- Centers for Disease Control and Prevention. (2021). 1999–2019 Wide Ranging Online Data for Epidemiological Research (WONDER), Multiple Cause of Death files [Data file]. <http://wonder.cdc.gov/ucd-icd10.html>
- Chakraborty, T. (2019). *Reporting & investigating missing persons: A background paper on how to frame the issue* (Report 255934). U.S. Department of Justice, National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/255934.pdf>
- Deer, S. (2015). *The beginning and ending of rape: Confronting sexual violence in native america*. University of Minnesota Press.
- Fox, K. A., Sharp, C., Devereaux, T., Stanek, K., Julian, S., Hovel, M., Dalangyawma, C., Imus-Nahsonhoya, V., Morris, T., Moore, J., White, H. B., Roe-Sepowitz, D., Mars, M., Edwards, H., & Eaton, M. (2020). *Reducing missing and murdered Indigenous women and girls: Arizona's statewide study in partnership with the HB2570 legislative study committee*. https://law.asu.edu/sites/default/files/faculty-research/centers/a4j/asu_mmiwg_report_for_distribution_november_2020.pdf
- Government Accountability Office (2016). Missing persons and unidentified remains: Opportunities may exist to share information more efficiently (GAO-16-515). <https://www.gao.gov/assets/680/677717.pdf>
- Guzman, G. (2020). *Household income by race and Hispanic origin: 2005–2009 and 2015–2019*. U.S. Department of Commerce, U.S. Census Bureau. <https://www.census.gov/content/dam/Census/library/publications/2020/acs/acsbr19-07.pdf>
- Hayden, C., & Shalev-Greene, K. (2018). The blue light social services? Responding to repeat reports to the police of people missing from institutional locations. *Policing and Society*, 28(1), 45–61. <https://doi.org/10.1080/10439463.2016.1138475>
- Help Find the Missing Act or Billy's Law, H. R. Rep. No. 111-416 (2010). <https://www.congress.gov/111/crpt/hrpt416/CRPT-111hrpt416.pdf>

Indian Country Defined, 18 U.S.C. § 1151 (1948 & rev. 1949).

<https://www.govinfo.gov/content/pkg/USCODE-2012-title18/pdf/USCODE-2012-title18-partI-chap53-sec1151.pdf>

James, M., Anderson, J., & Putt, J. (2008, March). Missing persons in Australia. *Trends & issues in crime and criminal justice*. Australian Government, Australian Institute of Criminology. <https://www.aic.gov.au/sites/default/files/2020-05/tandi353.pdf>

McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995).

<https://supreme.justia.com/cases/federal/us/514/334/#tab-opinion-1959673>

Missing Children Act of 1982, Pub. L. No. 97-292 (1982).

<https://www.congress.gov/97/statute/STATUTE-96/STATUTE-96-Pg1259.pdf>

Missing Children Identification Act, Neb. Statute, § 43 (2003 & Rev. 2012).

<https://nebraskalegislature.gov/laws/browse-chapters.php?chapter=43>

Missing Persons Information Clearinghouse, Neb. Statute § 29-214 (1985 & Rev. 2005). <https://nebraskalegislature.gov/laws/statutes.php?statute=29-214>

Murphy, S. L., Xu, J., Kochanek, K. D., Arias, E., & Tejada-Vera, B. (2021). Death: Final data for 2018. *National Vital Statistics Report*, 69(13), 1–83. Centers for Disease Control and Prevention.

<https://www.cdc.gov/nchs/data/nvsr/nvsr69/nvsr69-13-508.pdf>

National Center for Missing & Exploited Children (2020). *About us*.

<https://www.missingkids.org/footer/about/history>

National Crime Information Center (NCIC) (2020). *About NCIC*.

<https://fas.org/irp/agency/doj/fbi/is/ncic.htm>

National Indigenous Women's Resource Center (2020, February 24). *MMIW - monthly legislative summary update*. <https://www.niwrc.org/restoration-magazine/february-2020/mmiw-update-missing-and-murdered-indigenous-women-and-girls>.

National Missing and Unidentified Persons System (NamUs) (2020). *About NamUs*.

<https://www.namus.gov/About>

Nebraska Commission on Indian Affairs (2020). *About us*.

<http://indianaffairs.state.ne.us/about/> Nebraska Legislative Bill 154, Authorize a study to improve reporting and investigation of missing Native American women and children (2019). https://www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=37356

Newiss, G. (2005). A study of the characteristics of outstanding missing persons: Implications for the development of police risk assessment. *Policing and Society*, 15(2), 212–225. <https://doi.org/10.1080/10439460500071655>

New Mexico Missing and Murdered Indigenous Women and Relatives Task Force (2020). *Report to the governor and legislature of the task force findings and recommendations*. State of New Mexico Indian Affairs Department.

https://www.csvanw.org/wp-content/uploads/2020/12/NM_MMIWR_Report_FINAL_WEB_v120920.pdf

Rosay, A. B. (2016, May). *Violence against American Indian and Alaska Native women and men: 2010 findings from the National Intimate Partner and Sexual Violence Survey*. U.S. Department of Justice, National Institute of Justice.

<https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>

Sowerby, A., & Thomas, S. D. M. (2017). A mixed methods study of mental health histories of missing persons. *Police Practice and Research*, 18(1), 87–98.

<https://doi.org/10.1080/15614263.2016.1230062>

Spillane, S., Shiels, M. S., Best, A. F., Haozous, E. A., Withrow, D. R., Chen, Y.,

- Berrington de González, A., & Freedman, N. D. (2020). Trends in alcohol-induced deaths in the U.S., 2000-2016. *JAMA network open*, 3(2), e1921451. <https://doi.org/10.1001/jamanetworkopen.2019.21451>
- Sutter, M., Gaiashkibos, J., Shafer, S., Weidner, E., Richards, T. N., Wright, E., & Nystrom, A. (2020). May). *LB 154 Report: Prevalence of missing and murdered women and children in Nebraska; Barriers to reporting and investigating; and opportunities for partnerships*. https://statepatrol.nebraska.gov/sites/default/files/lb154_report_-_5.22.20_final.pdf
- Urban Indian Health Institute (2018). *Missing and murdered Indigenous women and girls: A Snapshot of data from 71 urban cities in the United States*. <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>
- U.S. Census Bureau (2019). *Quick facts Nebraska*. <https://www.census.gov/quickfacts/fact/table/NE>
- U.S. Department of Justice (2020a). *List of TAP-FULL, TAP-LIGHT, and BIA Tribes by deployment year*. Retrieved from <https://www.justice.gov/file/1001376/download>
- U.S. Department of Justice (2020b). *Presidential task force on missing and murdered American Indians and Alaska Natives releases status report*. <https://www.justice.gov/opa/pr/presidential-task-force-missing-and-murdered-american-indians-and-alaska-natives-releases>
- U.S. Department of Justice (2019). *Tribal access program for national crime information ensuring the exchange of critical data*. Retrieved from <https://www.justice.gov/tribal/file/796691/download>
- Wildeman, C., Edwards, F. R., & Wakefield, S. (2020). The cumulative prevalence of termination of parental rights for US children, 2000-2016. *Child Maltreatment*, 25(1), 32–42. <https://doi.org/10.1177%2F1077559519848499>
- Woods, S., & Summers, A. (2016). *Disproportionality rates for children of color in foster care: Fiscal Year 2014*. National Council of Juvenile and Family Court Judges. <https://www.ncjfcj.org/wp-content/uploads/2016/11/NCJFCJ-2014-Disproportionality-TAB-Final.pdf>