
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 2695 **Hearing Date:** June 25, 2024
Author: Ramos
Version: May 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Law enforcement: criminal statistics*

HISTORY

Source: Department of Justice

Prior Legislation: AB 44 (Ramos, Ch. 638, Stats. of 2023)
AB 1314 (Ramos, Ch. 476, Stats. of 2022)
AB 3099 (Ramos, Ch. 170, Stats. of 2020)
AB 1854 (Frazier, 2020), not heard in Assembly Public Safety
AB 1653 (Frazier, 2019), held in Assembly Appropriations

Support: Unknown

Opposition: None known

Assembly Floor Vote: 73 - 0

PURPOSE

The purpose of this bill is to require specified data collected by law enforcement and reported to the DOJ to be disaggregated by whether an incident occurred in Indian Country, as defined.

Existing federal law defines “Indian country” as all land within the limits of any Indian reservation under the jurisdiction of the United States Government. (18 U.S.C. § 1151.)

Existing federal law provides that California has jurisdiction over offenses committed by or against Indians in Indian Country to the same extent that the State has jurisdiction over offenses committed elsewhere in the State. (18 U.S.C. § 1162.)

Existing federal law provides that the criminal laws of California shall have the same force and effect within Indian country as they have elsewhere within the State. (18 U.S.C. § 1162.)

Existing California law establishes the Tribal Assistance Program, requiring the DOJ to provide technical assistance to local law enforcement agencies that have Indian lands within or abutting their jurisdictions and to tribal governments with Indian lands, including those with and without tribal law enforcement agencies, as specified. (Pen. Code § 11070, subd. (a).)

Existing law requires the DOJ, subject to an appropriations by the Legislature, to conduct a study to determine how to increase state criminal justice protective and investigative resources

for reporting and identifying missing Native Americans in California, particularly women and girls. (Pen. Code § 11070, subd. (b).)

Existing law authorizes a law enforcement agency or a court of a tribe to apply to the Attorney General for access to the California Law Enforcement Telecommunications System (CLETS), as specified, and provides that CLETS may connect and exchange traffic with the compatible systems of a tribal government, as provided. (Gov. Code, §15168.)

Existing law requires the Department of Justice (DOJ) to do the following:

- Collect all data necessary for the work of the department from all persons and agencies;
- Prepare and distribute to all those persons and agencies cards, forms, or electronic means used in reporting data, and in addition include items of information needed by federal bureaus or departments;
- Recommend the form and content of records that must be kept by those persons and agencies;
- Instruct those persons and agencies in the installation, maintenance, and use of those records;
- Process, tabulate, analyze, and interpret the data collected;
- Supply federal bureaus or departments engaged in the collection of national criminal statistic data at their request;
- Make available to the public, through the department's OpenJustice Web portal, information relating to criminal statistics, to be updated at least once a year; the Attorney General may approve reports on special aspects of criminal statistics;
- Periodically review the requirements of units government using criminal justice statistics, and to make recommendations for changes; and,
- Evaluate, on an annual basis, the progress of California's transition from summary crime reporting to incident based reporting. (Pen. Code, § 13010.)

Existing law requires every city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Health and Welfare Agency, Department of Corrections, Department of Youth Authority, Youthful Offender Parole Board, Board of Prison Terms, State Department of Health, Department of Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

- To install and maintain records needed for the correct reporting of statistical data as required.

- To report statistical data to the department at those times and in the manner that the AG prescribes.
- To give to the AG, or their agent, access to such statistical data. (Pen. Code, § 13020.)

This bill provides that records and data reported in alignment with the federal National Incident-Based Reporting system, as specified, shall be disaggregated by whether an incident occurred in Indian Country.

This bill specifies that the term “Indian Country” has the same meaning as specified in federal law.

This bill sets forth various findings and declarations related to the operative provisions of the bill.

COMMENTS

1. Need for This Bill

According to the Author:

The Missing and Murdered Indigenous Persons is an epidemic that has plagued Indian Country for generations. Native families have constantly faced disappearances of loved ones, followed by trauma from law enforcement inaction and under-reporting. My previous legislation, AB 3099, was an attempt to initiate a dialog to address this crisis, however, it is clear that more information is needed to being the work behind this monumental task. AB 2695 crucial step in providing the Justice Department with more accurate data regarding crimes committed on native lands, so that they can began to paint a better picture of where these crimes of being perpetrated.

2. Murdered and Missing Indigenous Persons (MMIP)

For Native Americans and Alaska Natives, rates of murder, rape, and violent crime are all higher than the national averages. This crisis is especially acute among Native American and Alaska Native women and girls. A 2016 study by the National Institute of Justice (NIJ) found that more than four in five American Indian and Alaska Native women (84.3%) have experienced violence in their lifetime, including 56.1 percent who have experienced sexual violence. That year, the National Crime Information Center reported that there were 5,712 reports of missing American Indian and Alaska Native women and girls, though only 116 cases were logged into the federal DOJ’s missing person’s database.¹ Research indicates that one in 130 Native American Children are likely to go missing each year, and indigenous women go missing and are murdered at rates higher than most other ethnic groups in the United States.²

¹ [Missing and Murdered Indigenous People Crisis | Indian Affairs \(bia.gov\)](https://www.bia.gov); <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

² <https://www.cnn.com/2019/04/09/us/native-american-murdered-missing-women/index.html> ; https://www.acf.hhs.gov/sites/default/files/documents/ana/ioas_signed_tab_a_final_acf_framework_10_27_20pdf_002.pdf

Efforts at the federal level to address the MMIP crisis are ongoing. On April 1, 2021, United States Interior Secretary Deb Haaland announced the formation of a new Missing & Murdered Unit (MMU) within the Bureau of Indian Affairs Office of Justice Services (BIA-OJS) to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives. In April of 2022, the U.S. Department of Justice launched the Missing or Murdered Indigenous Persons (MMIP) webpage as part of the Department's Tribal Justice and Safety website, which houses other Tribal initiatives at U.S. DOJ such as the Tribal Access Program, grant opportunities, consultations, and several other resources for tribes.³

California is not immune from this crisis, and as of 2023, California had the fifth largest caseload of missing and murdered Indigenous women and people. A report published in 2020 by the Sovereign Bodies Institute detailed the lack of scrutiny and data surrounding 105 cases involving missing and murdered Indigenous women and girls across northern California: the report found that of the cases classified as murders, law enforcement solved only 9%, meaning that murders of indigenous women were about 7 times less likely to be solved than homicides involving all other victims.⁴ In 2021, the California Department of Justice held a first-of-its-kind event entitled "Missing in California Indian Country" in an effort to elevate California's response to the murdered and missing indigenous person's crisis. Since then, the state's DOJ has continued to hold these events around the state, and describe them as follows:

They, in part, serve as critical public safety events for tribal communities and aim to elevate the state's response to the Missing Murdered Indigenous Persons crisis (MMIP). These events will allow for loved ones to report an individual missing, receive an update on an active missing person's case, and/or provide a DNA sample for inclusion in the DOJ's Unidentified Persons Database. These regional events will be developed and planned in collaboration with the tribal governments, within the respected regions, to be most responsive to the region's tribal community's needs. Together, local, state, tribal and federal justice partners will come together for these events to share critical information, resource availability, and partnership in addressing the MMIP crisis in California.⁵

3. Prior Legislation and Effect of This Bill

Recognizing the severity of the MMIP crisis in California, the Author has carried several measures aimed at improving law enforcement capabilities on tribal lands, primarily by facilitating cooperation between tribal and California law enforcement agencies. In 2020, the Governor signed AB 3099 (Ramos, Ch. 170, Stats. of 2020), which required the DOJ to provide technical assistance to local law enforcement agencies that have Indian lands within or abutting their jurisdictions, and to tribal governments with Indian lands, including those with and without law enforcement agencies. AB 3099 also required the DOJ to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native Americans in California, particularly women and girls. In 2022, AB 1314 (Ramos, Ch. 476, Stats. of 2022) established the "Feather Alert," an emergency alert system similar to the "Amber Alert" but designed specifically to help locate missing Indigenous

³ <https://www.justice.gov/tribal/mmip>.

⁴ [Unsolved cases: California's missing indigenous women - CalMatters](#)

⁵ [Missing in California Indian Country - Regional Events | State of California - Department of Justice - Office of the Attorney General](#)

people. And last year, The Author of this measure authored AB 44 (Ramos, 638, Stats. of 2023), which granted tribal courts and law enforcement agencies access to the California Law Enforcement Telecommunications System (CLETS).

Existing law requires the DOJ to collect data necessary for the departments work from local agencies to prescribe the content, manner and form by which those agencies may report that data. Existing law includes a related requirement that local law enforcement agencies install and maintain records needed for the correct reporting of statistical data to the DOJ.⁶ However, according to the Author, because law enforcement does not adequately record crimes that happen on Indian reservations, DOJ does not have a clear picture of the true size of the MMIP crisis, “which has made it an impossible task for the development of concrete and effective solutions to combat issue.” Moreover, the lack of more specific data, particularly with regard to crimes that occur in tribal jurisdictions, precludes the DOJ from conducting the report required under AB 3099, which is required to include a determination of the scope of the issue of missing and murdered Native Americans in California. Accordingly, this bill requires that records and data reporting pursuant to the requirements described above be disaggregated by whether an incident occurred in Indian country, as defined.

4. Related Legislation

AB 2279 (Cervantes) establishes the Missing and Murdered Indigenous Persons Justice Program within the Department of Justice, and sets forth the program’s responsibilities, which include publishing data on the number of and facts about cases involving murdered and missing indigenous persons. At the time this analysis was finalized, that bill was set to be heard in this committee on June 18.

AB 2138 (Ramos) establishes the Tribal Police Pilot Program under the DOJ and the Commission on Peace Officer Standards and Training (POST), which would give qualified officers at specified tribal law enforcement agencies the powers of a peace officer of the State of California in specified circumstances. That bill is set to be heard along with this bill on June 25.

5. Argument in Support

According to the Department of Justice, the bill’s sponsor:

Assembly Bill 2695 [...] will provide a valuable tool to understanding the Missing Murdered Indigenous Persons (MMIP) crisis in California. Specifically, the bill will require law enforcement agencies to collect data on crimes occurring on Indian lands and report that information to the California Department of Justice (DOJ) as part of its efforts to address the MMIP crisis and improve public safety on Indian lands.

The DOJ proudly houses the Office of Native American Affairs (ONAA), which serves as a liaison between the DOJ and California’s tribes to address justice-related issues for the overall improvement of the health, safety, and welfare of tribal citizens. As part of its goal to improve justice for tribal citizens, the DOJ is tasked with providing technical assistance relating to tribal issues to local law enforcement agencies, and tribal governments with Indian lands. Existing law also requires DOJ to study and report on how to increase state criminal justice protective and investigative

⁶ Pen. Code §§ 13010, 13020.

resources for reporting and identifying missing Native Americans in California, particularly women and girls.

Moreover, California is a mandatory Public Law 83-280 state and as such, shares criminal jurisdiction over Indian lands with the sovereign tribal governments of those lands. However, there are currently no specific requirements that criminal justice reporting agencies provide information about crimes being committed in California Indian Country, which is comprised of approximately 103 reservations and rancherias located within 34 of California's 58 counties. Unfortunately, indigenous people, particularly women and girls, are affected by domestic violence, human trafficking, and violent crimes at disproportionately higher rates, and are statistically more likely to become missing. Knowing the scope and type of incidents occurring on Indian lands is a crucial component to understanding the MMIP crisis and developing data-driven strategies to end it.

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