

**State Data on Domestic Violence and Sexual Assault  
Directed Against Tribal Women**

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## **Background**

In the fall of 2009, JRSA began working with the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ) on a project to improve the collection of tribal data in the states. The project was part of a Congressional mandate to NIJ to identify incidents of domestic violence and sexual assault directed against tribal women. JRSA agreed to conduct an informal survey of state Statistical Analysis Center (SAC) directors and other state and local contacts maintained by JRSA for the Domestic Violence and Sexual Assault Data Resource Center. JRSA also reviewed the state-specific data maintained in the Resource Center for information related to Indian Country, and searched its Infobase of State Activities and Research and its SAC Publication Digest for relevant activities and publications. This report summarizes the results of those efforts.

## **State SAC Survey**

JRSA developed a survey for SAC directors in the 32 states that have Federally-recognized tribes. A total of 27 SACs responded to the survey. Responses to selected questions that are most directly related to NIJ's interests are summarized below.

One of the questions asked whether state databases include data reported by tribes; the responses are summarized below. Only 12 of the SACs indicated that their state criminal justice databases included data reported by tribes. These most often included crime databases from law enforcement agencies (six states) and service provider databases (five states). The Montana SAC has data from the Bureau of Indian Affairs for tribes in their state. The Florida SAC indicated that tribes submit data to the state's criminal history records repository. Of the 12 states, only two (Massachusetts and Wyoming) indicated that their state service provider databases allowed for the specific identification of tribal members.

Do state databases include data reported by tribes?

<b>Data Source</b>	<b>States</b>
Courts/Prosecution	AK OK
Corrections	AK
Probation/Parole	AK
Service Provider (DV or SA)	MA ME ND OK WY
Data from Victimization Surveys	AK
UCR/Law Enforcement	AK AL AZ FL NC WA
Other	
BIA	MT
CHR	FL

Another question asked SACs whether they or their parent agencies work with tribes. The Arizona SAC uses multiple sources of data on tribal lands to assess tribal crime and improve tribal crime data collection. The Oregon SAC is working with tribes and creating a brochure using BIA crime data. The Utah SAC indicated that data on services provided are collected from a domestic violence shelter located near the Navajo reservation, and that the agency has also worked with tribes on Adam Walsh Act compliance. The Wisconsin SAC is working on an interstate initiative between Wisconsin and Minnesota to develop ways to share tribal justice information. The SAC is assisting tribes to participate in the state’s IBR system, while WIJIS (Wisconsin Justice Information Sharing) is helping tribes participate in a justice gateway tool where they can search for and share real-time justice data.

Another question asked about research projects underway that are related to tribes. Arizona, Oregon, Montana and Wyoming all reported ongoing projects, but none was specifically related to domestic violence or sexual assault. The South Dakota SAC is finishing a special research report on forcible rape that includes cases in Indian Country prosecuted by the U.S. Attorney’s Office.

Finally, we asked the SACs about their interest in participating in a project to collect data on domestic violence and sexual assault in Indian country. Seven SACs (Alabama, Alaska, Arizona, Idaho, Montana, Oklahoma, and Wyoming) indicated that they were interested in participating. Nine additional SACs (Florida, Nebraska, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin) said that they might be interested in participating, depending on resources and willingness of the tribes to cooperate.

### **SAC Reports Related to Native Americans<sup>1</sup>**

#### Alaska

The Alaska SAC published a report in 2007 that examined stalking and included Alaska Natives as a category. Based on data reported to Alaska State Troopers, the report found that stalking is underreported in general, and among Alaska natives in particular. Reports published in 2008 on domestic violence and sexual assaults also include some information on Alaska natives.

[Stalking in Alaska](#)

[Assaults in Domestic Violence Incidents Reported to Alaska State Troopers](#)

[Sexual Assaults Reported to Alaska State Troopers](#)

#### Arizona

The SAC has produced crime profiles for all of the state's tribes, as well as an aggregate profile of crime among all 22 federally-recognized tribes. The profiles use crime data from BIA and the state's criminal history records file; self-report youth data from the Arizona Youth

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<sup>1</sup> The Utah SAC recently released a report on domestic violence homicides ([www.justice.utah.gov//Research/DomesticViolenceHomicideReport.pdf](http://www.justice.utah.gov//Research/DomesticViolenceHomicideReport.pdf)), but the report does not include information on race.

Survey; and gang information collected from the Arizona Criminal Justice Commission's 2008 gang threat assessment.

### [Tribal Crime Data: Arizona Tribes](#)

#### Montana

The SAC has produced tribal brochures with details of crime data, demographics, and a general tribal profile, and an aggregated report on all tribes that includes some data from 2004 and 2005 on domestic violence, sexual assault, child abuse and elder abuse. The state is also producing a report based on a conference held last June on violence against native women. The report, entitled *The Empty Shawl: Honoring Native American Women by Stopping Violence Against Them*, includes data from BIA, as well as from the state database of victim service providers. The report is scheduled for release this month.

The SAC also obtains and analyzes BIA data for District 5, which includes Alaska, Idaho, Montana, Oregon, Washington, and Wyoming. A report was published that summarizes data from 2004-2008, including data on forcible rape, other sexual offenses, and domestic violence offenses reported by tribal law enforcement agencies to BIA.

### [Montana's Reservations: Fast Facts](#)

### [Native American Crime in the Northwest: 2004-2008 – BIA Information from Alaska, Montana, Wyoming, Idaho, Oregon, and Washington](#)

#### **State Stakeholder Survey**

JRSA sent a separate survey to about 80 state stakeholders, including the state domestic violence and sexual assault coalitions. We received 24 survey responses from individuals in 16 states. The table below shows a breakdown of respondents' agencies.

<b>Agency</b>	<b>Count</b>
State DVSA Coalition	6
State Health Department	6
State Police	3
Local Service Provider	2
Tribe	1
Other	6

When asked whether their agency provides any services, or collect data from agencies that provide services, to tribal members, a total of 19 individuals responded affirmatively. The data sources identified by respondents included: law enforcement crime reporting, STOP grant reporting, hospital emergency department reporting, data reported to state coalitions by service providers, and data on domestic violence-related homicides submitted to Oklahoma’s Domestic Violence Fatality Review Board. When asked if tribal members could be identified in the data collected, only eight respondents indicated that they could. In most cases this could be accomplished because race/ethnicity was collected as part of the data. Specific tribal affiliations were not available in most cases.

When asked about organizations that provide services specifically to tribes, 14 respondents indicated that such organizations existed in their states. Only three respondents indicated that those organizations provided reports that include separate data on tribal members, again mostly based on race/ethnicity identifiers. One respondent indicated that the organizations report required information as part of funds they receive from the Violence Against Women Act and the Family Violence Prevention and Services Act administered by DHHS.

Of the 19 respondents who replied to the question regarding interest in participating in a project to identify numbers of domestic violence and sexual assault cases in Indian country, six

replied “yes” and the rest replied “maybe.” Many of the “maybe” respondents indicated that participation would depend on tribal interest and cooperation.

## **Summary**

There is no systematic data collection system that would allow states to accurately identify domestic violence, stalking and sexual assault incidents in Indian Country. States that have explored the issue have generally used either data provided to tribes by BIA, or data from service providers. The former data is collected manually on forms in categories similar to those used in UCR. The BIA forms include categories for forcible rape, attempted forcible rape, and domestic violence. As far as JRSA can determine, instructions and standardized definitions are not provided with the forms, the data are not checked for accuracy or consistency, and there is no way to verify the information provided. This is in addition to the other issues associated with law enforcement data; particularly, the underreporting of domestic violence and sexual assault incidents.

Similarly, not all states have information available from service providers. Those that do most often have summary information that usually includes number of incidents/offenses/contacts, and unduplicated victim counts. Summary data generally will not include information on race/ethnicity, which is usually how Native Americans are identified. Identifying incidents or victims that occurred on tribal lands requires appropriate coding of the reporting agency.

Our survey shows that there are a number of local agencies that provide services largely or exclusively to Native Americans. It would be possible to obtain from the states, or perhaps from the Office on Violence Against Women, a list of these local agencies. The agencies could

then be individually contacted via survey. However, data from service providers have their own difficulties, including double counting and requirements of confidentiality.

Information from JRSA's Domestic Violence and Sexual Assault Data Center and its Infobase of State Activities and Research show that only a handful of states with federally-recognized tribes conduct statewide victimization surveys on an ongoing basis: Idaho, Maine, Minnesota, Utah, and Wyoming (reports from these surveys are available on the SACs' websites, which can be accessed from [www.jrsa.org](http://www.jrsa.org)). These are telephone surveys of random samples of the state population, and none oversample tribal members for inclusion.<sup>2</sup> For example, the 2005 Idaho survey included 23 individuals (1% of the total sample) who identified themselves as American Indians, while in Utah's sexual violence survey, only 2 respondents indicated they were American Indian.

While SACs, state coalitions, and other state agencies in key states expressed a willingness to participate in data collection activities in Indian Country, some were skeptical of their ability to do so, noting that this was largely dependent on cooperation from the tribes. The situation is neatly summarized by two comments received in our surveys, one from a state domestic violence and sexual assault coalition, and the other from a central data repository.

“In order to better serve the needs of both urban and reservation Native women, it would be great to have statistics to back up the need for additional funding, training and advocacy skills.”

“[We] have been trying since 1999 and have yet to be successful. Many tribes do not have tribal codes for domestic violence and sexual assault. A couple that do, do not have standardized

definitions of data. Tribes will not participate in the statewide data with the Central Repository; nor do they collect it themselves and produce any reports or otherwise share it with the Central Repository or other state agency.”

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<sup>2</sup> See Bachman et.al’s report to NIJ, *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known*, August 2008, for a discussion of issues associated with victimization surveys in Indian Country.