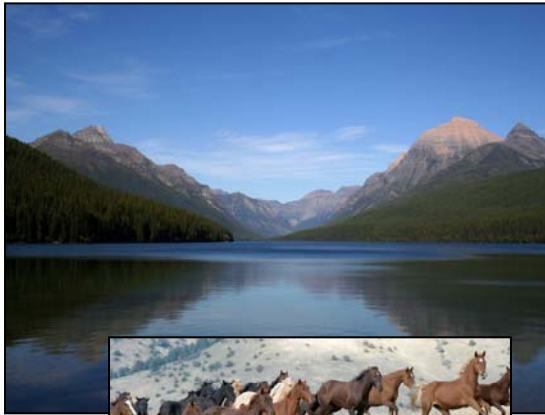


## Crime Data for Indian Country



## Key Partners



Montana Board of Crime Control



Bureau of Indian Affairs



Bureau of Justice Statistics



40 Tribal Law Enforcement Agencies in 6 States

## Project History

- Accessing tribal crime data is a major hurdle in most states and often the data does not exist.
- Spring 2005: the BIA, the Bureau of Justice Statistics (BJS) and the Montana Statistical Analysis Center of the MBCC began discussing the possibility of doing some analysis based on Montana Incident-based Reporting data for counties including BIA-administered native lands.
- MBCC collected data from hard copies sent to the Billings BIA office, compiled a database, analyzed the data and published the results.
- This original document is available online from NCJRS at: [www.ncjrs.gov/pdffiles1/bjs/grants/218937.pdf](http://www.ncjrs.gov/pdffiles1/bjs/grants/218937.pdf).

## A Few Demographics

At the time of the 2000 Census:

- American Indians and Alaska Natives (AIAN) accounted for about 1.5% (4.3 million people) of the U.S. population
- 43.5% resided on Federal reservations or tribal statistical areas
- The ratio of AIANs living below the official poverty level in 1999 to that of all people was more than 3:1.
- About 33% of the AIAN population was under age 18, compared with 26% of the total population.
- About 6% of the AIAN population, compared with 12% percent of the total population, was 65 and older.

Source: [www.census.gov](http://www.census.gov). *We the People: American Indians and Alaska Natives in the United States*. Census 2000 Special Reports. Released February 2006.

## Tribes as Sovereign Nations

- The relationship between the tribes and the United States is one of government to government. This principle has shaped the entire history of dealings between the federal government and the tribes, and is lodged in the Constitution of the United States
- The legal status of American Indian and Alaska Native Tribes is defined in Article 1, Section 8 of the Constitution of the United States, which vests the federal government with the authority to engage in relations with the tribes, and thereby, firmly places tribes in the Constitutional family of our nation.
- When the governmental authority of tribes was first challenged in the 1830's, Chief Justice John Marshall articulated the fundamental principle that has guided the evolution of federal Indian law to the present -- **tribes possess a nationhood status and retain inherent powers of self-government.**

(Source: Indians 101: Questions and Answers. [www.cdc.gov/omh/TCP/PDFs/Indian101FactSheet.pdf](http://www.cdc.gov/omh/TCP/PDFs/Indian101FactSheet.pdf))

## Capacity

- Participating reservations encompass 14,275,282 acres in 6 Western states.
- These 14.3 million acres of land are policed by 414 sworn law enforcement officers - On average, that means each officer polices 34,481 acres.
- Cumulatively, these officers responded to *at least* 188,483 offenses between 2005 – 2007.
- Not every tribal entity provided complete data for every year, so this number is probably low.

## Obstacles to Data Collection

- Data collection methods differ by Tribe
  - Data submitted through paper submissions
- No clarity relative to what is being collected under “*All Other Crimes*,” typically the largest category
- No two agencies interpret/do things the same way
- Because they are sovereign nations, the tribes are not bound to contribute anything they don’t want to
- History lends itself to a perception that the information will be used negatively: trust is deeply ingrained.

## Tribal Partners

- Information was available for 40 tribal law enforcement agencies in 6 states.
  - Alaska - 1
  - Idaho - 3
  - Montana - 7
  - Oregon - 5
  - Washington - 23
  - Wyoming - 1



## Index Crimes

- Index offenses include the eight most serious crimes: aggravated assault, arson, burglary, forcible rape, homicide (including non-negligent manslaughter), larceny-theft, motor vehicle theft and robbery.
- Index offense rates reflect the rate per 100,000 population.

## Violent Crime Rates per 100,000

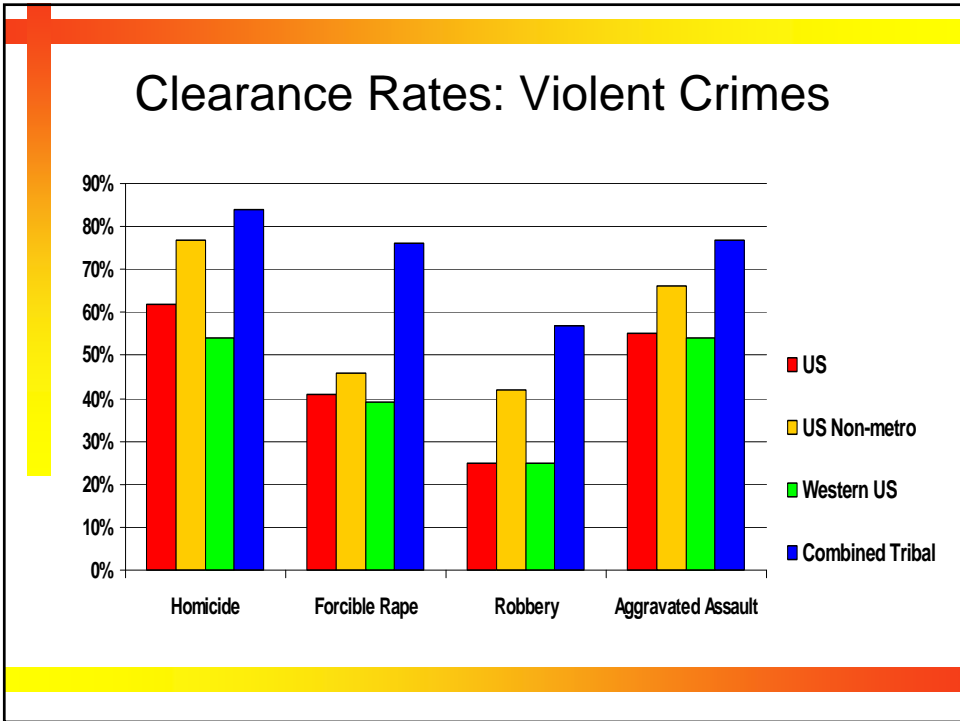
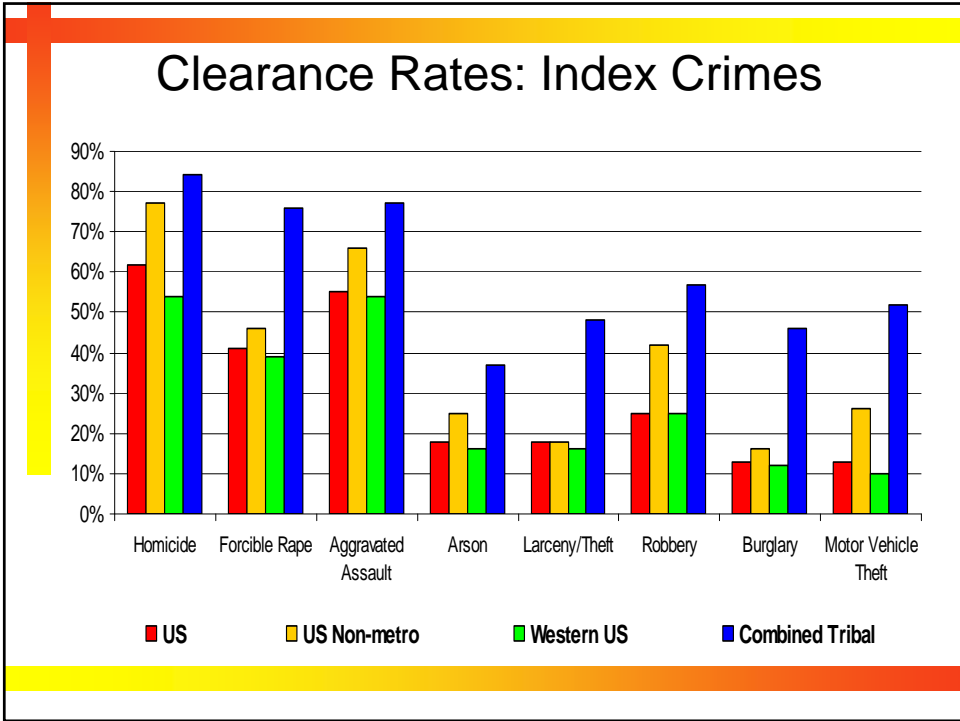
- The category *Violent Crime* is comprised of four offenses: murder and nonnegligent manslaughter; forcible rape; robbery; and aggravated assault.
- According to the Uniform Crime Report (UCR) definition, violent crimes involve force or the threat of force.

## Property Crime Rates per 100,000

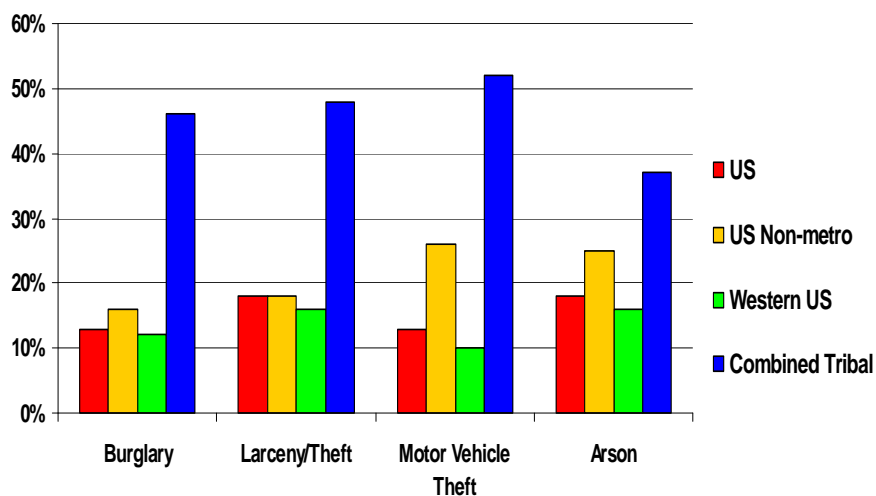
- In the Uniform Crime Reporting (UCR) program, the category of *Property Crime* includes the offenses of burglary, larceny-theft, motor vehicle theft and arson.
- The object of property offenses is taking money or property. There is no force or threat of force against the victims.

## What is *Clearance*?

- An offense is “cleared” or solved for crime-reporting purposes when at least one person is:
  - Arrested;
  - Charged with the commission of the offence; and
  - Turned over to the court for prosecution (whether following arrest, court summons, or police notice).
- An offense can also be cleared by *Exceptional Means* when circumstances beyond law enforcement’s control make it impossible to arrest and formally charge the offender. Examples of exceptional clearances include, but are not limited to, the offender’s death; the victim’s refusal to cooperate with the prosecution; and denial of extradition. Excerpted from: [http://www.fbi.gov/ucr/cius\\_04/offenses\\_cleared/index.html](http://www.fbi.gov/ucr/cius_04/offenses_cleared/index.html)



## Clearance Rates: Property Crimes



## Data Assessment: Concerns & Consistency

There is a lack of consistency in reporting methods

- individual agencies report data differently
- Need reports for all months for all agencies
- Monthly reporting (as compared to yearly summaries) would allow detection of missing information
- More attention to detail is needed in terms of alcohol, drug, juvenile, and clearance information. This may require creating new forms.

## Technical Assistance Needed

- Ensure that those who are collecting and reporting the data are aware of its value
- Training on collecting *and reporting* data in a consistent manner
- Training to establish clarity in definition of 'clearance'
- Establishment of clear protocols for reporting

## Training & Technical Assistance Needs

- Cultural competency
  - Promoting clear understanding of government-to-government interactions
  - Conscious use of language
  - Understanding of cultural norms in context with expectations
  - Awareness of a genuine lack of capacity and staff for activities such as grant writing and data collection
  - Awareness of potentially high turnover rates among staff charged with collection/reporting coupled with clear protocols, training and support mechanisms for new staff

## Costs to Indian Communities

- Costs are magnified when communities are already in poverty, have few resources, and limited capacity.
- Hopelessness sets in when there is little response and few consequences due to a lack of capacity.
- Historical trauma and substance abuse are linked.
- Substance abusers are more likely to experience traumatic events, including domestic abuse, which can bleed into subsequent generations.

## The Value of Data

- Promoting the ability for data-driven decision making at *all* levels
- Creating policy and providing training in addressing emerging issues
- Giving data back to tribes for use in capacity building at the local level

# Tools for Tribes: Crime Data Brochures



- MBCC used the crime data for 2004-05 to publish Crime Data Brochures for each tribe in Montana.
- The brochures synthesized the data provided and compared it with Montana as a whole.
- The draft brochures were respectfully distributed *only* to members of a specific tribe who attended 2-day trainings on data-driven grant writing
- The MBCC worked with the Governor's Office of Indian Affairs to promote and deliver the trainings on 3 of Montana's 7 reservations.

# Recommendations

- Promote proactive use of data
  - Help address tribal-specific concerns and issues
  - Assist tribes with using the data for generating resources and establishing policy
  - Offer additional grant writing workshops
  - Promote use of data at the local level
  - Identify the individuals responsible for collecting and reporting data, and bring them together for training.

## Critical Cultural Competency

- Break down access barriers to get the data
  - Identify reporting issues
  - Be aware of pervasive lack of trust
  - States have traditionally used Tribal data to acquire funds that do not trickle down to the tribes
- Cultural issues
  - Understand that no *one* speaks for *all*
  - Promote respect for Tribal hierarchies and consensus-based decision making

## Recommendations

- Establish 'hotline' for the persons collecting data can obtain information and ask questions
- Hold a Region V conference to develop a learning model for collection, reporting and use of the data
- Identify and collect additional data that meet specific needs of BIA and/or tribes

## In Conclusion...

- We must be respectful and mindful about how we gather and use potentially sensitive data.



*The fire of hope  
almost went  
out; we have  
to rekindle it.”*

– Red Cloud, Chief of the Oglala Sioux (1822-1909)

