

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

January 2012

Native American Statistical Abstract: Violence and Victimization

Introduction

The Tribal/State Programs of the Judicial Council’s Center for Families, Children & the Courts has developed a series of informational abstracts that bring together the available data from various sources on American Indians and Alaskan Natives (AI/AN) nationally, statewide, and tribally specific to California’s AI/AN population. The purpose of these abstracts is to develop and disseminate justice-related information and links to reports to ensure the highest quality of justice and service for California’s AI/AN population. This information is intended for the state judicial branch, tribal justice systems, tribal organizations, state agencies, and local agencies to support effective collaboration and tribal justice development.

Preface

It is worth noting at the outset that while there is a great deal of research related to domestic violence and violence against women, it is often difficult to obtain statistics related to the victimization of tribal women specifically.

Very little data is available regarding tribal populations in California, and less is of recent vintage. Due to the small size of the AI/AN population (less than 2 percent of the entire U.S. population), national studies tend to obscure intertribal diversity. Finally, a historic lack of trust of authorities may often result in underreporting to both law enforcement and social service agencies, making them less reliable sources of data.

Given these limitations, one must bear in mind that the information that is available likely underestimates the scope of the problems faced by tribal populations, especially those residing in Indian Country:

In addition to underestimating the scale of sexual violence against Indigenous women, the limited data available does not give a comprehensive picture. For example, no statistics exist specifically on sexual violence in Indian Country and available data is more likely to represent urban than rural areas.¹

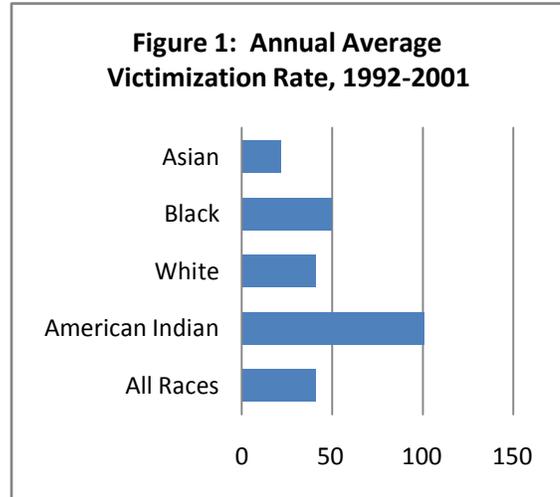
General Trends²

- Rates of violent victimization³ for both males and females are higher among American Indians than for any other race.

¹ Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (2007), p. 4, <http://www.amnesty.org/en/library/asset/AMR51/035/2007/en/cbd28fa9-d3ad-11dd-a329-2f46302a8cc6/amr510352007en.pdf> (as of Aug. 17, 2011).

² Unless otherwise noted, the tables and charts in this section were created using data from Steven W. Perry, Bureau of Justice Statistics, *American Indians and Crime: A BJS Statistical Profile, 1992–2002* (NCJ 203097, Dec. 2004).

- American Indians experienced a per capita rate of violence twice that of the U.S. resident population. On average, American Indians experienced an estimated 1 violent crime for every 10 AI/AN residents age 12 or older.
- The murder rate among American Indians is 7 per 100,000, a rate similar to that found among the general population, but significantly lower than that of the black population.
- The violent crime victimization rate in every age group below age 35 was significantly higher for American Indians than for all races combined.



Among American Indians age 25 to 34, the rate of violent crime victimizations was more than 2½ times the rate for persons of all races in the same age group.

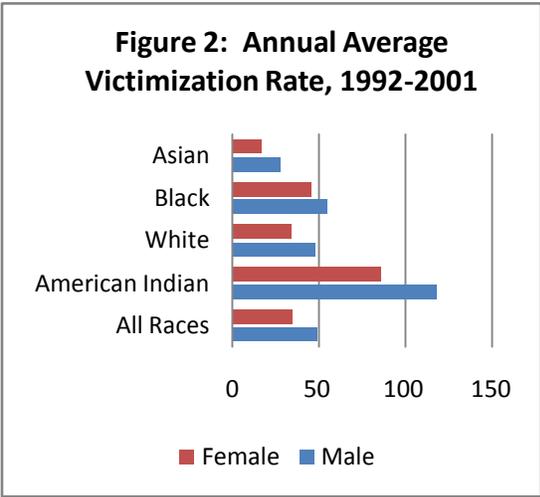
- Among persons in the 55 or older category, the American Indian victimization rate was 22 per 1,000, versus the overall rate of 8 per 1,000.
- Note that the average annual victimization rate reported through 2001 has decreased substantially in younger (12–44) age groups, but stayed the same or increased slightly among older groups, compared to the rates reported from 1992–1996. During the same period of time, these rates were decreasing across the board for all other groups.

1992–1996 ⁴			1992–2001		
Age	All races	AI/AN	Age	All races	AI/AN
55/older	9	14	55/older	8	22
45–54	27	43	45–54	24	45
35–44	44	124	35–44	36	93
25–34	61	145	25–34	50	140
18–24	100	232	18–24	84	155
12–17	116	171	12–17	94	146

- The rate of violent victimization in each age group is higher among American Indians than that for all races combined. The victimization rate among American Indian males was 118 per 1,000 males age 12 or older, more than double that found among all males (49 per 1,000) ages 12 or older.

³ Victimization rates measure the occurrence of victimizations among a specified population group. For personal crimes, this is based on the number of victimizations per 1,000 residents age 12 or older.

⁴ Lawrence A. Greenfeld and Steven K. Smith, Bureau of Justice Statistics, *American Indians and Crime* (NCJ 173386, Feb. 1999).



- The violent victimization rate for American Indian females during this period (1992–2002) was 86 per 1,000 AI/AN females, a rate higher than that found among white females (34 per 1,000) or black females (46 per 1,000).
- Rates of violent victimization for both males and females are higher among American Indians than for any other race. The rate of violent crime experienced by American Indian women is nearly 50 percent higher than that reported by black males.

- At least 66 percent of the violent crimes experienced by American Indian victims are committed by persons not of the same race, a substantially higher rate of interracial violence than that experienced by white or black victims; 9 percent of offenders were described by the victim as black, 34 percent were described as American Indian, and the majority (57 percent) were described as white. This is similar to the experience of Asian/Pacific Islanders, who also suffer a substantially higher rate of interracial violence than white or black victims.
- American Indian victims of violence were more likely than all victims to report an offender who was under the influence of alcohol at the time of the crime. Overall, about 62 percent of American Indian victims experienced violence by an offender using alcohol, compared to the national average of 42 percent.
- Women of all races are more likely to be assaulted by a known person. American Indian/Alaskan Native women are more likely to be assaulted by intimate partners or family members, and less likely by strangers, than women of other races.

Table 2. Average Annual Percentage of Assault Victimization Against Females by Race and Perceived Relationship Status of Offender(s), NCVS 1992–2005⁵

	Intimate	Other Family	Other Known	Stranger
Total Population	26%	9%	34%	30%
AI/AN	28	14	35	23
White	26	9	35	30
African American	26	9	36	29
Asian American	17	11	25	47

⁵ Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, and Christina Lanier, U.S. Department of Justice, *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known* (Aug. 2008), p. 50. The –NCVSI (noted in the table heading) is the National Crime Victimization Survey. This report is an excellent review of the research regarding violence against AI/AN women and is highly recommended.

Rape and Sexual Assault

- Federal statistics show that AI/AN women are 2.5 times more likely to be raped or sexually assaulted than women in the U.S. in general and more than one in three will be raped during their lifetimes. In 86 percent of reported rapes or sexual assaults on Native women, the perpetrators are non-Native; this disparity is not typical of any other ethnicity since perpetrators are usually found to be the same race as the victim.⁶
- A U.S. Department of Justice study on violence against women concluded that 34 percent of American Indian and Alaska Native women—more than one in three—will be raped during their lifetimes; the comparable figure for women as a whole in the United States is less than one in five.⁷
- In a 2002 study researchers interviewed 110 American Indian women at two urban and three rural American Indian agencies in California. They found that 80 percent of respondents had experienced a sexual assault in their lifetimes—26 percent had experienced forced sex in their lifetimes and 32 percent had experienced either a physical and/or sexual victimization in the past year.⁸

Domestic Violence and Stalking

- Among violence victims of all races, about 11 percent of victims of intimate partners and 5 percent of victims of other family members report the offender to have been of a different race. However, among American Indian victims of violence, 75 percent of the intimate victimizations and 25 percent of the family victimizations involved an offender of a different race.⁹
- In a report published by the Centers for Disease Control (CDC) in 2008, 39% of American Indian women surveyed reported some form of intimate partner violence in their lifetimes. This rate is higher than the rate reported by any other race/ethnic group.¹⁰
- American Indian victims of intimate and family violence are more likely than victims of other racial groups to be seriously injured and require hospital care. Also (according to the June 2001 National Crime Victimization Survey (NCVS) on –Injuries from Violent Crime, 1992–1998), persons victimized by an intimate partner were more likely than those victimized by acquaintances or strangers to be injured (48 percent intimate partner, 32 percent family member, 20 percent stranger).

⁶ Perry, *supra*.

⁷ Patricia Tjaden and Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey* (National Institute of Justice and the Centers for Disease Control and Prevention, NCJ 183781, Nov. 2000).

⁸ E. Zahnd, S. Holtby, D. Klein, and C. McCain, *American Indian Women: Preventing Violence and Drinking Project Final Report* (National Institute on Alcohol Abuse and Alcoholism and the Office for Research on Women's Health, 2002), cited in Bachman et al., *supra*, at p. 55.

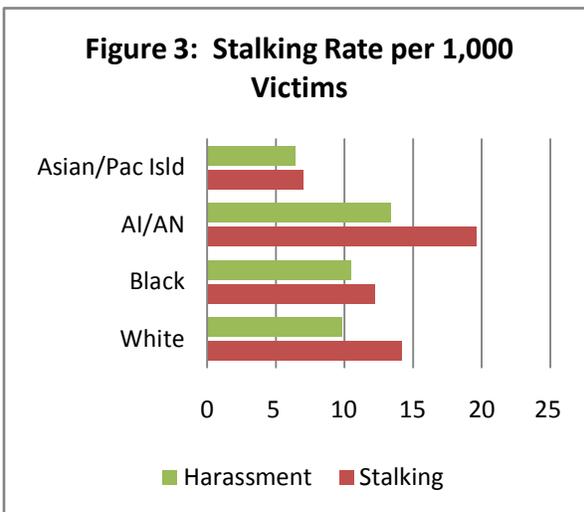
⁹ –Intimate victimizations and –intimate violence refer to victimizations involving current and former spouses, boyfriends, and girlfriends. –Family victimizations and –family violence refer to victimizations involving parents, siblings and other relatives.

¹⁰ U.S. Center for Disease Control, Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence — United States (2005) MMWR Weekly February 8, 2008 / 57(05);113-117.

Table 3. Average Annual Percentage of Assault Victimizations Against *Females* by Race, in Which the Victim Sustained Injuries, NCVS 1992–2005¹¹

	Percent of Victimizations in Which Victim Was Injured	Percent of Injuries Requiring Medical Care
Total Population	61%	41%
AI/AN	70%	56%
White	60%	38%
African American	63%	49%
Asian American	53%	53%

- Eighty-nine percent of Native American women who reported intimate violence had suffered injuries from the violence, and 73 percent reported moderate or severe injuries, with nearly one in four (22 percent) reporting more than 20 different injury incidents. The health-related costs of violent victimization by intimates have been calculated to exceed \$5.8 billion each year.¹²



- The historical context of relations with government agencies may make it far less likely that AI/AN women will report sexual or intimate violence, for fear of revictimization by justice agencies.¹³
- 17 percent of American Indian and Alaska Native women are stalked in their lifetimes, compared to 8.2 percent of white women, 6.5 percent of black women, and 4.5 percent of Asian/Pacific Islander women.¹⁴

- The Tribal Law and Order Act of 2010 includes a requirement that protective orders issued by tribal courts be given full faith and credit by state and local agencies. In California, however, significant barriers remain. For example, tribal orders are not entered into the California Courts Protective Order Registry (CCPOR), and must be registered as foreign orders in order to be entered in CLETS (the California Law Enforcement Telecommunications System).

¹¹ Bachman, et al, *supra*, p. 49.

¹² Costs of Intimate Partner Violence in the United States, U.S. Centers for Disease Control and Prevention, 2003. http://www.cdc.gov/violenceprevention/pub/IPV_cost.html (as of Sept. 28, 2011).

¹³ Amnesty International, *supra*, p. 49.

¹⁴ Patricia Tjaden and Nancy Thoennes, *Stalking in America: Findings from the National Violence Against Women Survey*, Research in Brief (National Institute of Justice and the Centers for Disease Control and Prevention, NCJ 169592, Apr. 1998), <http://www.ncjrs.gov/pdffiles/169592.pdf> (as of Aug. 18, 2011).

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The views in this research update are those of the author and do not necessarily represent the official positions or policies of the Judicial Council of California.

The staff names listed above have been updated as of October 2013; otherwise the content of this research update remains unchanged.