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FISCAL IMPACT REPORT

SPONSOR Pinto ORIGINAL DATE 03/04/17
LAST UPDATED 03/06/17 HB _____

SHORT TITLE Native American Domestic Violence Shelter SB 525/SIACS

ANALYST Boerner

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
	\$200.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

Committee Substitute for Senate Bill 525 appropriates \$200 hundred thousand dollars (\$200,000) from the general fund to the Indian Affairs Department for operational funds for a new domestic violence shelter in Bernalillo County serving Native Americans and Alaska Natives.

FISCAL IMPLICATIONS

The appropriation of \$200 thousand contained in this bill is a recurring expense to the general fund. Any unexpended balance remaining at the end of fiscal year 2018 shall revert to the general fund.

SIGNIFICANT ISSUES

According to a 2013 National Congress of American Indians policy brief, Native women experience violence at a higher rate than one would expect given their representation in the US population and at a higher rate than any other group

(see

http://www.ncai.org/attachments/PolicyPaper_tWAjznFslemhAffZgNGzHUqIWMRPkCDjpFtxeKEUVKjubxfpGYK_Policy%20Insights%20Brief_VAWA_020613.pdf

IAD points out there are currently no shelters in the Bernalillo County area that specifically provide services for Native American families, women, and children; however, IAD also notes the appropriation amount is likely insufficient to establish a new shelter. IAD states it could use the appropriated funds to contract with existing providers to provide culturally sensitive services to Native Americans and Alaska Natives.

There are currently domestic violence resource and counseling centers in Bernalillo county available to anyone experiencing domestic violence.

ADMINISTRATIVE IMPLICATIONS

The Indian Affairs Department would be able to implement the provisions in this bill within existing resources.

CB/al/jle



Policy Insights Brief

Statistics on Violence Against Native Women

NCAI Policy Research Center

February 2013

In this Policy Insights Brief, the NCAI Policy Research Center synthesizes available data on violence against Native women to guide policy decision-making and media reporting. This brief stands alongside other materials in the [Violence Against Women Act Toolkit](#) by the National Congress of American Indians to demonstrate the need for a policy framework with funded, enforceable regulations and tribal authority to protect Native women. This brief aims to provide detail on previously reported statistics and original sources of data used often in policy discussions. NCAI and NCAI's Policy Research Center acknowledge the importance of regularly collecting more in depth and regular data for developing effective policy solutions.

As national policymakers consider legislation to reauthorize funding for critical domestic violence and sexual assault programs that aim to eliminate the pervasive violence against women, it is imperative that the context of disproportional violence against Native women remain in the forefront. As outlined in the data below, Native women experience violence at a higher rate than we would expect given their representation in the US population *and at a higher rate than any other group*.

From what we know about the high rates of intimate partner violence against Native women, about the fact that assaults against Native women tend to take place at private residences, about the reports from Native women of perceived perpetrator race, and about the high rates of interracial marriage and unmarried partners of Native women, it is clear that *violence against Native women tends to be perpetrated by non-Native men*. In other words, "while the majority of rapes and sexual assaults against other women were intra-racial, victimizations against American Indian and Alaska Native women were more likely to be interracial" (Bachman, et al., 2008).

While there is a great need for more and better data on where violence against Native women occurs, the information available suggests that *Native women on tribal lands lack the most government protections from the threat of violence against them*. Consider the data below about the fact that assaults against Native women tend to take place at private residences, that a significant number of Native women live on tribal lands (often with their non-Native partners), that the death rate of Native women on some reservations is ten times the national average, that in recent times US Attorneys have declined to prosecute a majority of violent crimes in Indian country, and that tribes do not have the authority to prosecute non-Natives who commit violent crimes on tribal lands.

Rates of Violence Against Native Women

- **American Indians and Alaska Natives are 2.5 times as likely to experience violent crimes – and at least 2 times more likely to experience rape or sexual assault crimes – compared to all other races.**

Sources:

Greenfeld, L. A., & Smith, S. K. (1999). *American Indians and crime* [NCJ 173386]. Washington, DC: US Department of Justice, Bureau of Justice Statistics. Available from: bjs.ojp.usdoj.gov/content/pub/pdf/aic.pdf.

Perry, S. W. (2004). *American Indians and crime: A BJS Statistical Profile, 1992-2002* [NCJ 203097]. Washington, DC: US Department of Justice, Bureau of Justice Statistics. Available from: bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf.

Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey* [NCJ 183781]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention. Available from: www.ncjrs.gov/textfiles/nij/183781.txt.

- **61 percent of American Indian and Alaska Native women (or 3 out of 5) have been assaulted in their lifetimes**, compared to 52 percent of African American women, 51 percent of White women, and 50 percent of Asian American women have been assaulted.

Sources:

Tjaden, P., & Thoennes, N. (1998a). *Prevalence, incidence, and consequences of violence against women: Findings from the National Violence against Women Survey* [Research in Brief (NCJ 172837)]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention. Available from: www.ncjrs.gov/pdffiles/172837.pdf.

Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey* [NCJ 183781]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention. Available from: www.ncjrs.gov/textfiles/nij/183781.txt.

- **34 percent of American Indian and Alaska Native women will be raped in their lifetimes**, compared to 19 percent of African American women, 18 percent of White women, and seven percent of Asian and Pacific Islander women.

Sources:

Tjaden, P., & Thoennes, N. (1998a). *Prevalence, incidence, and consequences of violence against women: Findings from the National Violence against Women Survey* [Research in Brief (NCJ 172837)]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention. Available from: www.ncjrs.gov/pdffiles/172837.pdf.

Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey* [NCJ 183781]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention. Available from www.ncjrs.gov/textfiles/nij/183781.txt.

- **39 percent of American Indian and Alaska Native women will be subjected to violence by an intimate partner in their lifetimes**, compared to 29 percent of African American women, 27 percent of White women, 21 percent of Hispanic women, and 10 percent of Asian women.

Source:

Centers for Disease Control and Prevention. (February 8, 2008). Adverse health conditions and health risk behaviors associated with intimate partner violence --- United States, 2005. *Morbidity and Mortality Weekly Report (MMWR)* 57(05): 113-117. Available from: www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm#tab1.

- **17 percent of American Indian and Alaska Native women reported being stalked during their lifetimes**, compared to eight percent of White women, seven percent of African American women, and five percent of Asian women.

Source:

Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Available from: www.ncjrs.gov/pdffiles/nij/grants/223691.pdf.

Perpetrators of Violence Against Native Women

- **Among Native women victims of rape or sexual assault, an average of 67 percent describe the offender as non-Native. [1]**

**Violent victimization of American Indian and Alaska Native women,
by race of offender and type of victimization, 1992-2005**

Type of Violence	White	Black	Other**
Rape/sexual assault	57%	10%	33%

* Other includes AIAN and Asians.

Source:

Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Available from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

Technical Note:

[1] A previously reported statistic that, “Among [American Indian and Alaska Native] victims of rape or sexual assault, 86 percent described the offender as non-Indian” is accurate according to Perry’s analysis (2004) in *American Indians and Crime: A BJS Statistical Profile, 1992-2002*. However, Perry’s analysis includes reports by *both Native men and women victims* of rape or sexual assault. Given this brief’s focus on violence against Native women, we include the updated rate of 67 percent reported by Native women victims of rape or sexual assault indicated in Bachman, et al., (2008).

- **Among Native women victims of assault, an average of 63 percent describe the offender as non-Native.**

**Violent victimization of American Indian and Alaska Native women,
by race of offender and type of victimization, 1992-2005**

Type of Violence	White	Black	Other**
Assault	55%	8%	36%

* Other includes AIAN and Asians.

Source:

Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Available from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

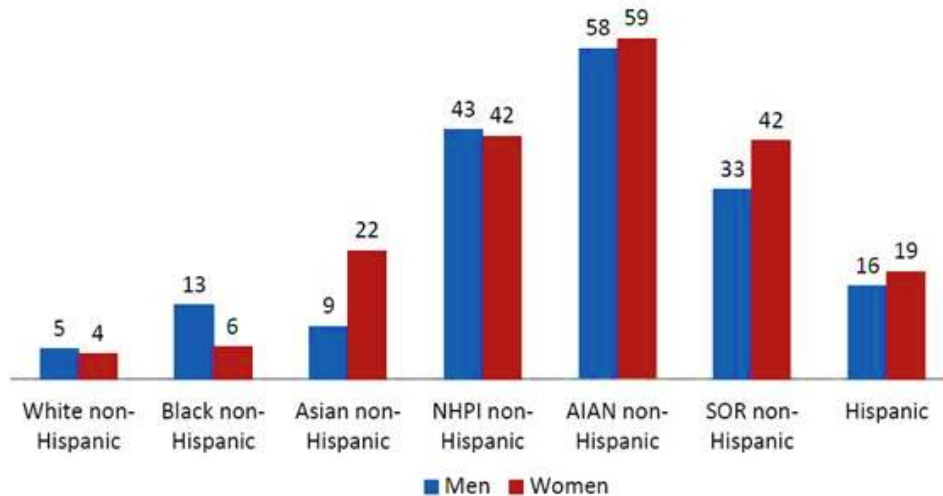
- **In an average of 71 percent of rape and sexual assault victimizations against Native women, the perpetrator is reported to be known by the victim** (with 38 percent as intimate partners; 33 as “other known”, including acquaintances; and zero percent as family).

Source:

Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Available from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

- **In 2010, 59 percent of Native women were in relationships with non-AIAN men**, compared to the 23 percent rate of interracial marriage for non-Native women in 2010.

Percent Intermarried by Race and Sex: 2010 Census



NOTE: Includes only householders and their spouses.

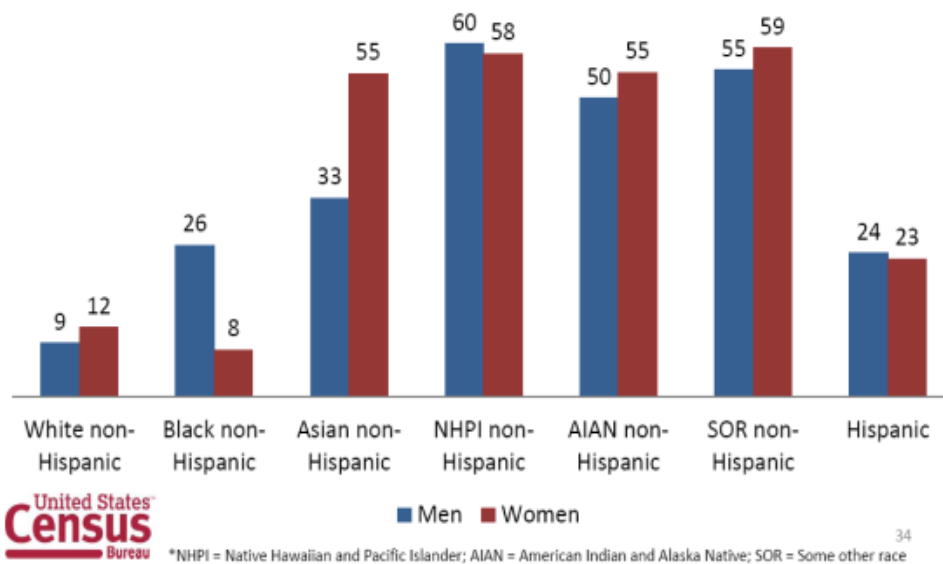
*NHPI = Native Hawaiian and Pacific Islander; AIAN = American Indian and Alaska Native; SOR = Some other race

Source:

US Census Bureau, 2010 Census, Summary File 1.

- **In 2010, 55 percent of Native unmarried partnered women were in interracial relationships**, compared to the 36 percent rate for non-Native, unmarried partnered women in interracial relationships in 2010.

Percent of Opposite-Sex Unmarried Partners who are Interracial or Interethnic: 2010 Census



Source:

US Census Bureau, 2010 Census, Summary File 1.

- **46 percent of people living on reservations in 2010 were non-Native (single race).**

Source:

US Census Bureau, 2010 Census, Summary File 1.

Locations Where Violence Against Native Women Occurs

- **59 percent of physical and sexual assaults against Native women occurred at or near a private residence, compared to public locations.**

Source:

Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Available from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

- While there is limited data available on where assaults against Native women take place, **the rate of violent victimization of Native people in suburban areas is 2.8 times higher than that of the average for all races in suburban areas; 2.6 times higher for Natives than for all races in rural areas; and 2.5 times higher for Natives than for all races in urban areas.**

Source:

Perry, S. W. (2004). *American Indians and crime: A BJS Statistical Profile, 1992-2002* [NCJ 203097]. Washington, DC: US Department of Justice, Bureau of Justice Statistics. Available from: bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf.

- **On some reservations, Native women are murdered at more than ten times the national average.**

Source:

Perrelli, T. (July 14, 2011). Statement of Associate Attorney General Perrelli before the Committee on Indian Affairs on Violence Against Native American Women [citing a National Institute of Justice-funded analysis of death certificates]. Washington, DC. Available from: www.justice.gov/iso/opa/asg/speeches/2011/asg-speech-110714.html.

Barriers to Prosecuting Violence Against Native Women

- **US Attorneys declined to prosecute nearly 52 percent of violent crimes that occur in Indian country; and 67 percent of cases declined were sexual abuse related cases.**

Source:

US Government Accountability Office. (2010). *US Department of Justice Declinations of Indian Country Criminal Matters* [GAO-11-167R]. Washington, DC: Author. Available from: www.gao.gov/new.items/d11167r.pdf.

Technical Note:

While there is more recent data provided about violence against Native women in *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report* published in 2011 by the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention (CDC), there are a range of limitations reported as part of the survey's methodology including a note that "the estimates reported here are likely to underestimate the prevalence of sexual violence, stalking, and intimate partner violence" (p. 85). For example, the 2011 CDC report provides a lower rate for lifetime rape victimization of Native women (27 percent) than we indicate from a 2008 CDC report in this brief (34 percent). Yet, even in this more recent CDC report, this rate for Native women is higher than that for all other single-race groups. Other data provided in this report include a statistic that Native women experience intimate partner violence at a rate of 46 percent over their lifetimes (higher than the 39 percent reported here as the 2011 CDC report includes rape, physical assault, and stalking violence by intimate partners where the 2008 CDC report only includes rape and physical assault by intimate partners).