

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Crime and the New Mexico Reservation: An Analysis of Crime on Native American Land (1996-2002), Executive Summary

Author(s): Paul Steele, Nell Damon, Kristene Denman

Document No.: 212239

Date Received: December 2005

Award Number: N/A

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Crime and the New Mexico Reservation:
An Analysis of Crime on Native American Land
(1996-2002)

Executive Summary

Statistical Analysis Center
Institute for Social Research

October 2004

Introduction

In recent years, the federal government has broadened its focus on the status of Native Americans throughout the United States. Tribes have been recognized as sovereign entities since the formation of the union; over time, self-governance has increased on tribal lands. As such, tribal governments have operated in isolation. Data sharing is rare.¹ One issue in particular—crime on tribal lands—has garnered much attention. A 1996 Justice Department report indicated that existing statistics were unreliable and limited, thus unable to reveal much about the true extent of crime on tribal lands. In 2003 the New Mexico Pueblo Crime Data Project was created. The project aimed to improve tribal crime data management, integrate justice information systems, and foster crime data sharing between tribal, state, and federal agencies (Townsdin and Melton 2004). The BJS has undertaken efforts to improve the National Crime Victimization Survey (NCVS), in order to expand our knowledge of offending and victimization among American Indians (Greenfeld and Smith 1999). Tribal data traditionally suffer from underreporting due to the shame of certain types of crime and fear of retaliation from outside law enforcement authorities (Wakeling 2001:13). Ultimately, the goal of these efforts is to enhance data collection while at the same time maintaining respect for tribal traditions—in particular, the emphasis on restorative justice (Townsdin and Melton 2004).

There are twenty-two recognized Native American Communities in the state of New Mexico. This report is a preliminary step toward greater knowledge of the trends impacting crime on tribal lands. Here, we will examine trends among sixteen of the twenty-two New Mexico tribes. This report explores issues of offending and crime on New Mexico tribal lands, investigating trends and patterns. We contextualize the crime rates of the different reservations, comparing them to Albuquerque, the state of New Mexico, and to the United States as a whole.

Native Americans and Crime

Native Americans are not immune to the crime problems plaguing the United States. They experience crime—both as victims and offenders. Native Americans experience high rates of interracial violence. Over seventy percent of violent victimizations of Native Americans are committed by members of other races; this interracial violence rate is substantially higher than that for African Americans and whites (Greenfeld and Smith 1999). According to the Bureau of Justice Statistics, on any given day, one in twenty-five Native Americans 18 or older is under some form of criminal justice supervision. This is 2.4 times the per capita rate for Anglo Americans, 9.3 times the rate for Asian Americans. Native Americans are offending on and off tribal lands. According to a survey of tribal jails, city or county jails held over three times as

¹ One important issue related to Native Americans and crime involves alcohol and driving under the influence. In April 2003, the state passed HB 278, legislation encouraging tribes and the state to exchange traffic-citation data. But tribes are not required to share information about DWI arrests—information which may be vital to the safety of New Mexico roads. Though some pueblo leaders may be open to sharing this information, others are resistant. In a recent article in the Santa Fe New Mexican, Pojoaque tribal judge Frank Demolli indicated that the new information sharing arrangement might threaten tribal sovereignty, arguing that the tribe had stricter DWI law than the state (Naranjo 2004).

many Native Americans as tribal jails in 2001 (Minton 2002).² Also in 2001, the rate of incarceration for Native Americans was 19% higher than the overall national incarceration rate (Minton 2002) (849 per 100,000 vs. 690 per 100,000).

At a national level, here are some recent findings (for the years 1992-1996).³

- Between 1992 and 1996, Native Americans were often the victims of interracial violence: seven times out of ten the offender was of a different race (non-Native American)
- Each year approximately 150 Native Americans are murdered (about the per capita rate for the general population)
- The arrest rate for alcohol-related offenses among Native Americans (drunk driving, liquor law violations, public intoxication) was more than double that of the total population in 1996
- Almost four in ten Native Americans held in local jails were charged with public order offenses (most commonly driving while under the influence/intoxicated)
- When compared to other racial/ethnic groups, Native American victims of violence were more likely to indicate that the offender committed the offense while under the influence of alcohol

Native Americans and Alcohol Related Crime

Alcohol related offenses constitute a major offending category for Native Americans, both in New Mexico and nationally. Tribal police expend an inordinate amount of energy and resources dealing with alcohol related crime.

Across all survey responses, for example, the constellation of crimes that were directly related to alcohol abuse (such as driving under the influence (DUI), the sale of alcohol to minors, and drunk and disorderly conduct) or were indirectly related to alcohol abuse (such as domestic violence, child abuse and neglect, and assault) constituted the leading category of calls for service, incident reports, and arrests (Wakeling 2001:19).

Among Native Americans across the United States, the arrest rate for all alcohol violations (DUI, liquor laws, public intoxication) was 2545 per 100,000 population, as compared to 1079 per 100,000 population for all races. Driving while intoxicated is the most costly of the alcohol related violations—in both human and economic terms. New Mexico's DWI rates are consistently amongst the highest in the nation. In 2001, the city of Albuquerque made 5175 DWI arrests; this resulted in a rate of 1153.6. In the year 2000, the New Mexico tribal DWI

² Some of these individuals may have been adjudicated on tribal lands, and then housed in non-tribal jails.

³ Data drawn from Bureau of Justice Statistics 1999 Report: "American Indians and Crime." See <http://www.ojp.usdoj.gov/bjs/pub/pdf/aic.pdf>

arrest rate was 1698.6.⁴ This is considerably higher than the national rate (for all races), which was 491.6 in 2001.⁵ The national DWI arrest rate for Native Americans, on the other hand, is quite similar to Albuquerque's, at 1069 arrests (for the years 1992-1996).⁶

Data

Tribal Data

We were provided with data for sixteen individual reservations within the state of New Mexico;⁷ these reservations are listed below:

Acoma
Isleta
Jicarilla
Laguna
Mescalero
Nambe
Navajo⁸
Picuris
Pojoaque
San Juan
Sandia
Santa Ana
Santa Clara
Taos
Tesuque
Zuni

The data analyzed here reflects incidents reported to tribal police at each reservation.⁹ The data includes all criminal acts committed on specified tribal lands (by tribal members or non-members): it does not include any criminal acts committed off of tribal lands (whether by tribal members or non-members). This data does not reflect *ethnicity* of the offender: it details criminal behavior by geographic area (reservation land). Thus, though we may be interested in *Native American offending*, we cannot specifically address that here.

⁴ This rate excludes the Navajo tribe, San Felipe Pueblo, Santo Domingo Pueblo, Jemez Pueblo, San Ildefonso Pueblo, Zia Pueblo, and Ute Mountain. We do not have data for the year 2001 for any of the reservations.

⁵ Data obtained from the National Highway Traffic Safety Association—2000 data not available. <http://www-md.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSF2002-2002alcfacts.pdf>

⁶ <http://www.ojp.usdoj.gov/bjs/pub/pdf/aic.pdf>

⁷ For the raw and rate data tables, see Appendix. We were not provided with data for the following reservations: San Felipe Pueblo, Santo Domingo Pueblo, Jemez Pueblo, San Ildefonso Pueblo, Zia Pueblo, Ute Mountain. Thus, these reservations geographic areas are not referenced in this report.

⁸ The discussion of Navajo crime in this report covers the entire Navajo nation (New Mexico, Arizona, and Utah). We were not given data that separated out New Mexico. We originally received Navajo population estimates for only the New Mexico portion of the Navajo nation and criminal statistics for the entire Navajo nation. We corrected for this by obtaining the population estimate for the entire Navajo nation.

⁹ While we were also given other data from the BIA, we only utilized the tribal police data because it appeared to be most inclusive.

Unfortunately, the data provided to us was somewhat inconsistent. Although we have data for the years 1996 through 2002, we do not have data for each of those years for each of the reservations. Additionally, in many cases, there was a great deal of fluctuation in the number of offenses reported over the years for which we had data. For example, for one reservation, there were no alcohol related offenses reported in 1997 and 1998, but a substantial amount was reported in the other two years. Some fluctuation may be a true variation in the amount of criminal activity, but it could be due to reporting changes or some other factors of which we are not aware.

Other data utilized

In our analysis, we've utilized 2000 Census redistricting data for reservation population information.¹⁰ The Census bureau itself does not collect information on individual tribes. Thus, we have no population information for the years between 1990 and 2000. Our redistricting data was tallied by the Bureau of Business and Economic Research (BBER), with information obtained from the United States Census Bureau. We cannot compare 1990 populations to 2000 populations because the 1990 totals were never updated after the redistricting of the reservation land was conducted. Consequently, we are using the 2000 redistricting data.

Additionally, we included the Albuquerque, New Mexico and U.S. Part I Index Crime data for comparison: this data was extracted from the BJS website. It includes all offenses reported, whether an arrest was made or not. DWI data was extracted from two sources. First, Uniform Crime Report DWI arrest data in the U.S. was gathered from the FBI website.¹¹ Second, DWI arrests in New Mexico and Albuquerque was gathered from the DWI Resource Center.¹²

Methodology

This analysis is preliminary and exploratory. We focus primarily on Part One Index Crimes and DWI offenses on tribal lands. Our analytical approach is two-fold. First, we examine crime on tribal lands as a whole: that is, we treat the tribes as one homogenous unit. Second, we look at crimes reported by each tribe to discern any intertribal and intratribal differences. We focus on three broad questions:

- Is there a change in the amount of crime reported over time?
- How do crime rates on tribal lands compare to the rates in Albuquerque, New Mexico and the United States?
- Which crimes are most prevalent?

¹⁰ See "Census 2000 P.L. 94-171 Redistricting Data." <http://www.unm.edu/~bber/census/plindian2.htm>

¹¹ See <http://www.fbi.gov/ucr/ucr.htm>

¹² See <http://www.dwiresourcecenter.org/>. The UCR data on the FBI website does not include data from Albuquerque, New Mexico data was available from the FBI website, however, for most years it appeared to have fewer reported arrests than the DWI Resource Center data. Thus, we chose the latter presuming it to be the most comprehensive.

Throughout the three analytical subsections, statistical significance was determined using a proportional z-test, testing for the equality of proportions.¹³ When considering these analyses, it is important to realize that arrest and report patterns may be inconsistent across tribes, and any interpretation of the results are complicated by this fact.

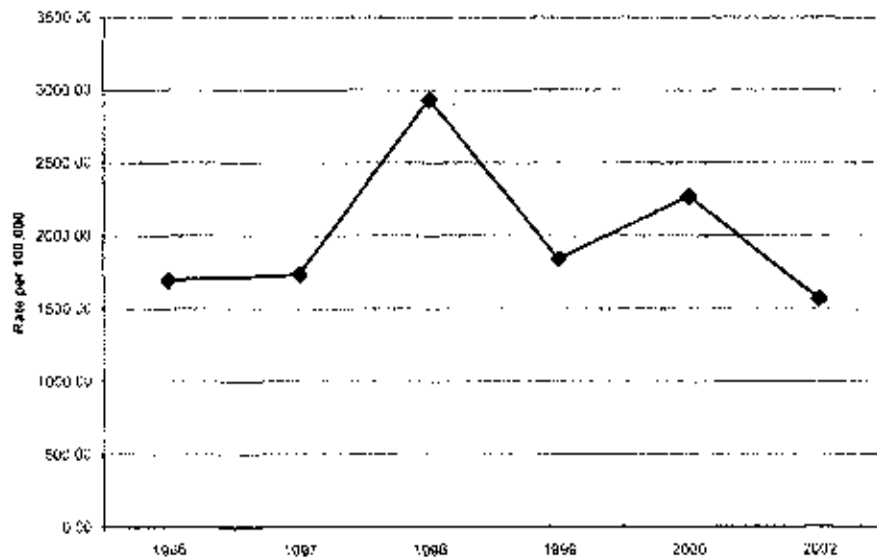
Results

We present some of the more global findings from our analyses below. For information about offending on particular reservations, please refer to our full report.

Change over time

As can be seen from the chart below, there is no particular pattern for Part One Crimes over time for all of the tribes. There was a peak in Part One Offenses in 1998, but this decreased the following year. By 2002, the Part One Offense rate had dropped to below the 1996 level.

Part One Offenses for all tribes

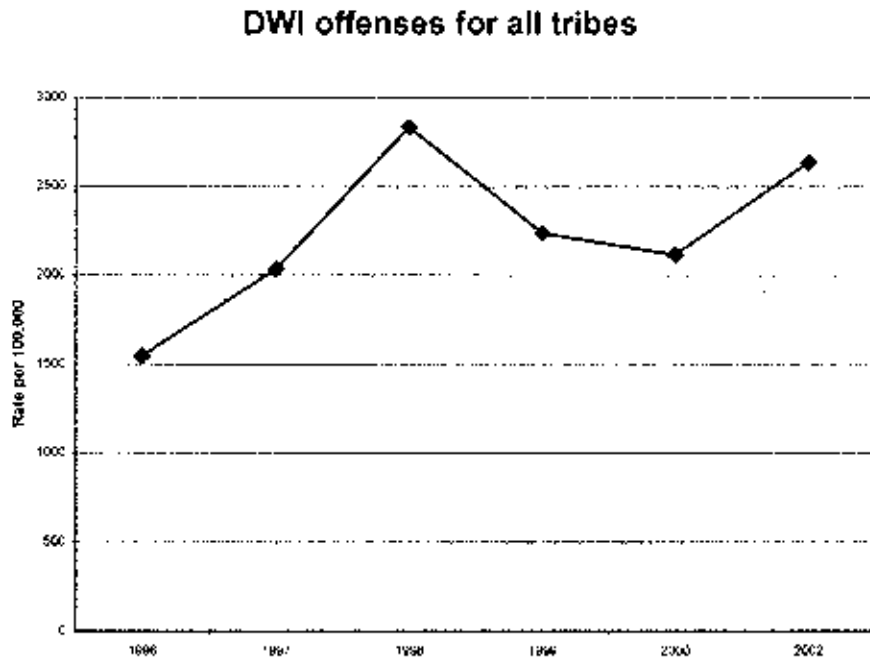


When we examined Part One Crime patterns over time for each reservation, we found that, in general, there was no particular pattern discerned. For most tribes, crime varied over time. This may have been an actual variation in criminal offending or could have been due to reporting changes over time. A few tribes did follow a pattern, especially with respect to Part I Index Crimes. Specifically, the Part I crime rate was stable over time for two of the reservations. One

¹³ Comparisons conducted here were done using the crime proportion so that the correct standard deviation for the confidence interval for the difference in the population proportions would be calculated according to the true population proportion (not the rate per 100,000 people). Note: Comparisons can only be conducted where at least five incidents occurred in a given year.

reservation showed an initial decrease, then remained low. There was an increase in the Part I crime rate noted for three of the tribes.

Among Part II crimes, particular attention was paid to DWI offending since the literature indicates that these offenses are particularly problematic. We found that when looking at the tribes as a group, there appears to be a rise in DWI offending. However, there is significant variation over time.



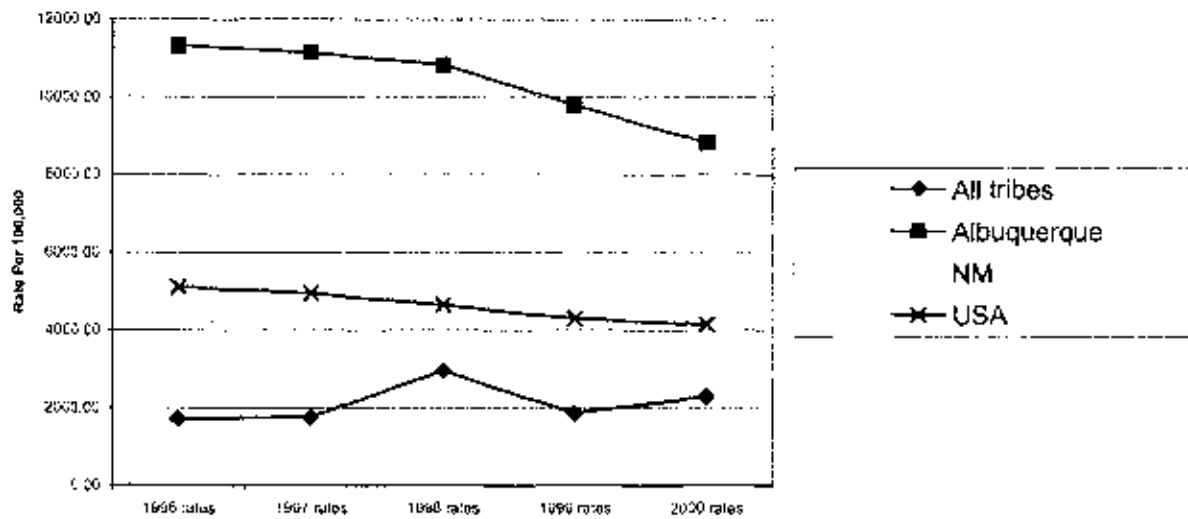
When we examined the individual tribes, we found that there were some patterns among the tribes. Five tribes remained stable in their rate of DWI offending over time. Three tribes showed an increase in DWI offenses over time. Another five showed a reduction in DWI over time. The remaining tribes did not show any particular pattern in DWI offending over time. This suggests that DWI offending is not the same for each tribe.

Comparison to Albuquerque, New Mexico, and the United States

In this section, we averaged all of the Part One offenses for all of the reservations each year and compared this to Part One offense rates in Albuquerque, New Mexico and the United States from 1996 through 2000.¹⁴ As can be seen in the graph below, the average rate of Part One Index crimes is lower each year among the reservations as compared to Albuquerque, New Mexico and the United States.

¹⁴ 2002 data was not available for New Mexico, thus, that year is excluded from this analysis

Part One Offenses

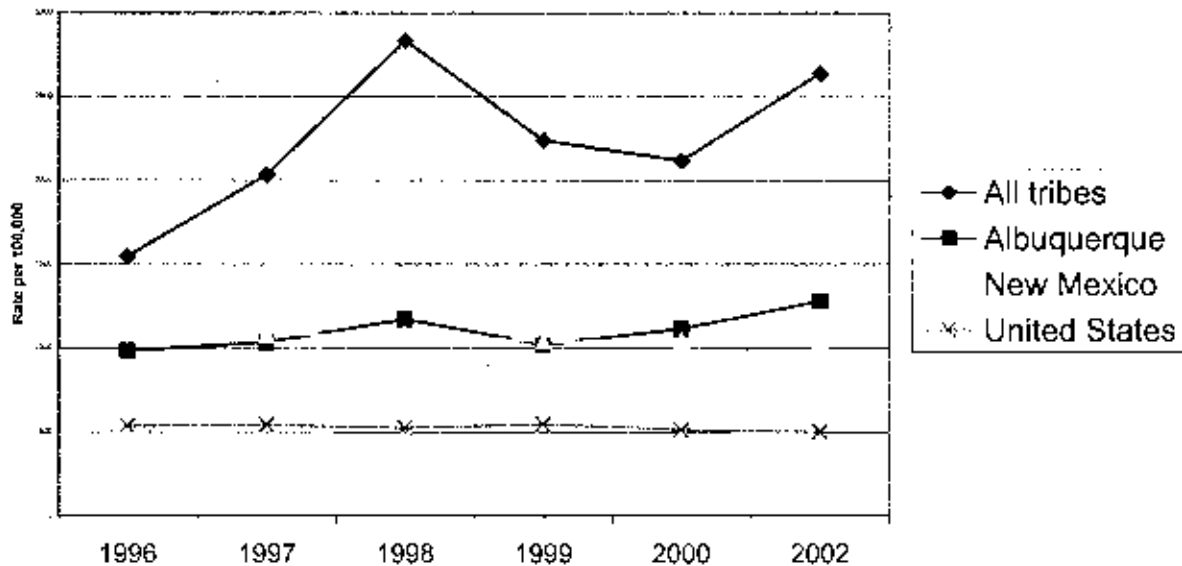


We also examined the Part I Index Crime rate on individual reservations over time. We found that while the majority of tribes tend to have Part I crime rates that are lower than, or similar to, that in Albuquerque, New Mexico or the United States, there are some exceptions. For example, one tribe's overall Part I Index Crime rate was significantly higher than that of Albuquerque's, New Mexico's or the United States' in 1998 and higher than New Mexico's and the United States' in 1997. Another tribe's overall Part I Index Crime rate was consistently higher than that of the United States over time, but lower than Albuquerque or New Mexico.

DWI offenses reported on the reservations were compared with DWI arrest rates in the United States, New Mexico and Albuquerque. We chose to compare only DWI offenses rather than all alcohol related offenses because the data available for comparison includes *arrests* rather than all reported offenses. Thus, we determined that it would be more accurate to compare DWI offenses since these are most likely to include an arrest, whereas the other alcohol offenses may or may not include an arrest. Additionally, arrest data for all alcohol offenses was only available for New Mexico and the United States, not for Albuquerque.

When the rates are averaged for each year, reported DWI on tribal lands is significantly greater than Albuquerque, New Mexico or the United States. However, this finding conceals the fact that many of the reservations have offense rates that are similar to or significantly lower than Albuquerque, New Mexico or the United States. Also recall that we do not know whether the offenders are Native American; we only know that these are offenses that occurred on tribal lands.

DWI offenses



The DWI offense rates vary tremendously from tribe to tribe. For example, in 1996 the DWI offense rate varies from a low of 11.1 per 100,000 at one tribe to a high of 4782 per 100,000 at another tribe. We found that compared to Albuquerque, New Mexico and the United States, the rate of offending on some reservations was significantly higher, some were the same and some were significantly lower. This suggests that when discussing DWI, this particular offense should be examined at the tribal level rather than treating the tribes as a similar group.

Crime type prevalence

The crime rate for each crime type was averaged for each year for all tribes. We found that among Part One crimes, aggravated assault was most prevalent, followed by larceny. Robbery, homicide and rape were the least frequent. Among Part Two Crimes, "all other offenses" was most common followed by drunkenness, disorderly conduct and DWI. The least common offense was prostitution. The table below summarizes our findings. The crimes are sorted from least to most prevalent within Part One and Part Two crimes.

Crime type prevalence for all tribes over time

| Crime type | Average rate per 100,000 |
|------------------------|---------------------------------|
| Part One Crimes | |
| Robbery | 15 |
| Homicide | 19 |
| Forcible Rape | 36 |
| Arson | 63 |
| Motor Vehicle Theft | 286 |
| Burglary | 619 |
| Larceny | 855 |
| Aggravated Assault | 902 |
| Part Two Crimes | |
| Prostitution | 3 |
| ARPA Violations | 11 |
| Embezzlement | 24 |
| Fraud | 49 |
| Gambling | 64 |
| Forgery | 82 |
| Sex Offenses | 169 |
| Runaways | 223 |
| Stolen Property | 238 |
| Curfew Law Violations | 252 |
| Weapons | 296 |
| Drug Abuse | 674 |
| Suspicion | 1507 |
| Liquor Law Violations | 1535 |
| Vandalism | 1535 |
| Assault | 1770 |
| DWI | 2664 |
| Disorderly Conduct | 3323 |
| Drunkenness | 6622 |
| All Other Offenses | 19809 |

Conclusion and Questions for Further Research

Reported Part One Crime rates on tribal lands overall tends to be relatively low compared to Albuquerque, New Mexico and the United States. DWI as a whole tends to be substantially higher on tribal lands. However, this may be due to just a few tribes with especially high DWI offense rates.

Certain tribal areas were found to have higher crime rates for certain offenses as compared to both other tribal areas and Albuquerque, New Mexico and the United States. This varies over time and occurs only for specific offenses. In general, reported crime on tribal lands appears to be relatively low. This is inconsistent with the literature indicating that incarceration rates among Native Americans is high. There could be several reasons for the lack of criminal offenses on tribal lands. One reason could be that potential offenders leave the reservation and commit crimes in surrounding urban areas. It might be that tribal lands simply present fewer opportunities to offend (e.g. fewer cars to steal, alcohol is not available for sale, the presence of capable and familiar guardians). Additionally, informal social controls on tribal lands may be

stronger; small, homogeneous communities tend to have stronger interdependency among members, resulting in stronger informal social controls. Deviants or criminals in these communities may migrate to nearby urban areas—areas in which population heterogeneity and residential turnover contribute to weak informal social controls. Thus, Native Americans with the greatest tendency to offend may leave tribal lands. Another potential explanation again ties into the strength of informal social controls on tribal land. It may be the case that criminal infractions are handled informally rather than formally. That is, the criminal justice professionals may not be called in to handle cases that would be handled formally on non-tribal lands. In this case, official data would certainly reflect lower offense and arrest rates. Similarly, where tribal police are understaffed or underfunded, community members may be forced to rely on informal social control mechanisms—again impacting crime rates.

This research is preliminary and exploratory in nature. Future research might investigate specific issues or themes impacting New Mexico Native Americans. Potential areas of interest might include the following:

- How has Indian Gaming impacted New Mexico Native American crime rates?
- How did the closing of drive-up liquor windows impact New Mexico Native American crime rates (in particular, DWI and liquor law violations)?
- How are women and children impacted by victimization on New Mexico tribal lands?
- Do tribes which skirt New Mexico's urban areas appear to have higher rates of offending?
- Are similar offenses being committed on different tribal lands?
- How do New Mexico tribes compare to other regional Southwestern tribes in terms of crime rates? To tribes from other regions of the United States?
- Do reservations have different weapons violation rates than Albuquerque, the state of New Mexico, or the United States as a whole?
- Are offenses committed on tribal lands committed primarily by the residents or by non-residents? Do the offense patterns differ by residence status? Are Native Americans more likely to offend when they live off of the reservation?
- Do offending patterns vary by the poverty level of the reservation?

This short list of issues may lead to other fruitful areas of inquiry. There most certainly is a need for greater research into the victimization and offending patterns of New Mexico Native Americans.