Data

Although there is a lot of research establishing the magnitude of the problems of crime in Indian Country, much of this data is not collected in a community specific manner which allows it to be easily extracted for use in specific tribal grant applications. For California tribes the problem is compounded by PL-280, a federal law enacted by Congress in 1953, which transferred jurisdiction to prosecute most misdemeanor and felony crimes from the federal to the state governments. This federal statute was passed without tribal consultation and lacked the fiscal appropriation necessary for the affected state agencies to comply. In essence, the hope was that this jurisdictional transfer would ensure that the administration of public safety services and criminal justice administration in California's Indian Country would be equivalent to the same legal processes in the rest of the state. However, it is this jurisdictional transfer which has made it challenging to gather criminal justice statistical data specific to California's tribal communities.

California's law enforcement agencies are first responders to calls for assistance on tribal lands, and as such, report crime-related data to the state of California. However, when reporting crime data, including that from Indian Country, California law enforcement agencies report aggregate numbers, and are not required by statute to delineate data by ethnicity or to identify whether the calls come from Indian reservations or other Indian trust lands. There is no funded system in place within state agencies to separately track Native American crime and victimization, such an undertaking requires external funding.

This lack of reporting has caused federal agencies such as the Department of Justice and Bureau of Justice Statistics to call into question the information gap in PL-280 states when reporting national statistics for crimes. Further, this lack of information caused the Department of Justice to convene a national conference on tribal crime data collection and sharing in February 2006. The primary purpose of this event was to discuss the systemic issues contributing to this lack of information among PL-280 states. Additionally, the conference discussed how this lack of information is impacting the allocation of funding for services such as intervention and prevention programs. Within California, this systematic inability to obtain disaggregated data creates a further challenge for state, city, and community-based organizations addressing crime and justice issues of in tribal communities. Without this data it is difficult, if not impossible, to secure funding, and develop the programmatic and evaluative strategies necessary to secure and funnel necessary interventions to this under represented population.

In 2009 the California Administrative Office of the Courts conducted a project known as the Native American Communities Justice Project— Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen Dating Violence which involved bringing together a substantial cross section of the Native American community in California with the California court system to discuss issues of family violence – domestic violence, sexual assault, stalking, and teen dating violence. Throughout the first half of 2009 a historic and successful series of meetings brought together well over 500 Native Americans and California court personnel to hear the voices of Native American family violence victims and those who help them. The Final Report issued by this project confirms that:

State and local agencies do not collect data that is useful to tribal communities. There is no uniform method of collecting crime statistics, such as the location of the crime—whether it is on tribal lands and, if it is on tribal lands, the tribe's name. Data collected does not usually identify the tribal affiliation of the victim. Crime reports and investigations typically do not indicate if the victim is Native American, and when they do, they rarely indicate the person's Tribe. This is a significant problem for Native Americans for two reasons: (1) because sexual assault is an underreported crime, the lack of tribal-specific data means that the underreporting for this population is that much worse and (2) without tribal-specific data, tribal governments and organizations in California are at a disadvantage when applying for grants, because many grants require this level of data, tribal-specific data is not collected, and whatever tribal data is collected is typically not made available to tribal communities.