



# Sexual Violence in South Dakota 2022 Data Report



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## Acknowledgements

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# TABLE OF CONTENTS

<b>Introduction</b>	<b>1</b>
Sexual Violence in the United States	1
Sexual Violence in South Dakota	1
Crime Data Accuracy	1
Data Use Considerations	1
<b>Terminology</b>	<b>2</b>
<b>Sexual Violence Laws and Strategies</b>	<b>2</b>
South Dakota Laws	2
Federal Laws Impacting Sexual Violence Reporting in Indian Country	3
<b>Sexual Violence Statistics</b>	<b>4</b>
South Dakota Attorney General Data	4
Description of Data Source	4
Data Source Considerations & limitations	4
State Data: 2013-2022	4
Federal Bureau of Investigation (FBI): Uniform Crime Reporting (UCR) Program Data	9
Description of Data Source	9
Data Source Considerations & Limitations	9
State and Data: 2022	10
Tribal Data: 2018-2022	14
Post-Secondary Education Data: Campus Safety Reports	17
Description of Data Source	17
Definitions	17
Data Source Considerations & Limitations	17
Post-Secondary Education Data: 2019-2021	18
Youth Risk Behavior Survey	19
Description of Data Source	19
Data Source Considerations & limitations	19
State and National Data: 2013-2021	19
<b>Human Trafficking Statistics</b>	<b>20</b>
National Human Trafficking Hotline	20
Description of Data Source	20
Data Source Considerations & Limitations	20
National and State Data: 2021	20
<b>References</b>	<b>22</b>

# INTRODUCTION

## SEXUAL VIOLENCE IN THE UNITED STATES

Sexual violence is a serious public health concern affecting millions of people in the United States each year, a problem that disproportionately affects women, youth and young adults, and Native Americans. Over half of women (54.3%) and about a third of men (30.7%) experience some form of contact sexual violence in their lifetime.<sup>5</sup> Contact sexual violence includes rape, being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact.<sup>5</sup> Roughly four out of five rape survivors (83.4%) report the first occurrence taking place prior to age 25.<sup>5</sup> Of these, about half (49%) were under the age of 18.<sup>5</sup> Native Americans have the highest lifetime prevalence of sexual violence victimization of any race in the U.S. (excluding those who identify with more than one race).<sup>6</sup> More than one in three (43.7%) Native American women are raped in her lifetime and over half (58.1%) reported unwanted sexual contact in their lifetime.<sup>5</sup>

## SEXUAL VIOLENCE IN SOUTH DAKOTA

While the national rape rate has steadily declined since 1992, The national rape rate shows a steady increase since 2013, with a slight decrease occurring in 2020 and small increase in 2022. The rape rate in South Dakota (SD) has steadily increased since the 1960s, and has remained higher than the national rate since 1992.<sup>1,2,4</sup> In 2022, South Dakota's rape rate was 55.8 per 100,000, considerably higher than the national annual rape rate of 40 per 100,000.<sup>1,2,25</sup> Over half of the 2022 rape victims in SD were under the age of 20 (51.2%), about nine in ten were female (92%), and while close to half were White (49.4%), Native Americans were markedly overrepresented among rape victims (40.4% of victims and 8.3% of population).<sup>2,25</sup> About half of the 2022 rape offenders in SD were under the age of 30 (49.4%), more than nine out of ten were male (98.1%), close to half were White (48.6%), and like rape victims, Native Americans were overrepresented among rape offenders (37% of offenders and 8.3% of population).<sup>2</sup>

## CRIME DATA ACCURACY

Various data sources present differing, sometimes even conflicting crime statistics due to differences in crime definitions and jurisdictional coverage areas.

Underreporting of violent crimes is a serious concern, with the U.S. Department of Justice estimating that just 33.9% of rapes or sexual assaults are reported through the justice system.<sup>8</sup> Therefore, the rates included in this report are likely the minimum rates of violence, with the true number of incidents much higher than those provided in this report.

### Data Sources

- South Dakota Office of the Attorney General: Crime in SD
- Federal Bureau of Investigation Uniform Crime Reporting Program
- Campus Safety Reports
- Youth Behavior Risk Survey
- National Human Trafficking Hotline

## DATA USE CONSIDERATIONS

This report was a compilation of the available data on rape and other acts of sexual violence in South Dakota (SD). However, the data included in this report have limitations. The number of sexual offenses committed in any given year can vary greatly depending on the source consulted, and even with the best data sources, estimating the actual number of sexual offenses committed was extremely difficult due to low levels of reporting. Given that data limitations vary by source, data from differing sources should not be combined. The limitations of each data source are summarized at the beginning of the section to provide information for choosing the dataset that best addresses a question. The primary consideration when selecting a data source should be the populations served. General considerations for the data are also presented at the beginning of each section for the data sources.

## TERMINOLOGY

<b>Sexual Violence</b>	“A sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse.” <sup>10</sup>
<b>Sexual Assault</b>	Sexual contact or behavior that occurs without explicit consent of the victim and includes attempted rape, fondling/unwanted sexual touching, forcing a victim to perform sexual acts, and rape. <sup>11</sup>
<b>Rape</b>	Often used as a legal definition to specifically include sexual penetration without consent and is defined as, “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” <sup>12</sup> Rape is a form of sexual assault, but not all sexual assault is rape.
<b>Victim*</b>	“Someone who has recently been affected by sexual violence, when discussing a particular crime, or when referring to aspects of the criminal justice system.” <sup>13</sup>
<b>Survivor*</b>	“Someone who has gone through the recovery process, or when discussing the short- or long-term effects of sexual violence.” <sup>13</sup>

*\*The SD Rape Prevention Education program strives to use terminology which respects the wishes of the individuals concerned. Some people identify as a “victim” of sexual violence, while others prefer the term “survivor.” The best way to be respectful is to ask for their preference. For the purposes of this report, the terminology used was consistent with that used by the Rape, Abuse, & Incest National Network (RAINN).<sup>13</sup>*

For more information on the terminology used in this report, please see the 2019 Sexual Violence in South Dakota Report ([https://doh.sd.gov/media/juvfrj3q/2019\\_sd\\_sexualviolencereport.pdf](https://doh.sd.gov/media/juvfrj3q/2019_sd_sexualviolencereport.pdf)).

## SEXUAL VIOLENCE LAWS AND STRATEGIES

### South Dakota Laws

In SD, sexual assault is referred to as “sexual battery” and is defined as, “oral, anal, or vaginal penetration by the sexual organ of another, or the anal or vaginal penetration of another by any object.”<sup>17</sup> Sexual battery does not include an act done for a legitimate medical purpose. Rape is an act of sexual battery inflicted upon someone under any of the following circumstances:<sup>17</sup>

- 1) If the victim was less than 13 years old
- 2) Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or against another person within the victim's presence, accompanied by the apparent power of execution
- 3) If the victim was incapable (because of physical or mental incapacity) of consenting to such an act
- 4) If the victim was incapable of consenting to the act because of an intoxicant, narcotic, anesthetic agent, or hypnosis, or
- 5) If the victim was at least 13 years old, but was less than 16 years old, and the offender was at least three years older than the victim

## FEDERAL LAWS IMPACTING SEXUAL VIOLENCE REPORTING IN INDIAN COUNTRY

The governmental status of tribal nations is at the heart of nearly every issue that touches Indian Country.<sup>15</sup> The essence of tribal sovereignty is the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory.<sup>15</sup> Tribal governments maintain the power to determine their own governance structures and enforce laws. However, the legal relationship between the federal government and tribal governments is complex and can result in sexual assault perpetrators going free.<sup>32</sup> Four laws have had a particularly significant impact on tribal self-governance: The Major Crimes Act (1885), Public Law 280 (1953), the Indian Civil Rights Act (1968), and the case law of *Oliphant v. Suquamish* (1978). More information about these laws and their significance can be found at the following websites:

<b>Major Crimes Act<sup>19</sup></b>	The United States Department of Justice Archives. (2020). <i>The Major Crimes Act</i> . Retrieved from <a href="https://www.justice.gov/archives/jm/criminal-resource-manual-679-major-crimes-act-18-usc-1153">https://www.justice.gov/archives/jm/criminal-resource-manual-679-major-crimes-act-18-usc-1153</a>
<b>Public Law 280<sup>20</sup></b>	U.S. Department of Health & Human Services. (n.d.). <i>American Indians and Alaska Natives – Public Law 280 Tribes Fact Sheet</i> . Retrieved from <a href="https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-public-law-280-tribes#:~:text=In%201953%2C%20Congress%20enacted%20Public,be%20handled%20by%20state%20courts">https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-public-law-280-tribes#:~:text=In%201953%2C%20Congress%20enacted%20Public,be%20handled%20by%20state%20courts</a>
<b>Indian Civil Rights Act<sup>18</sup></b>	U.S. Department of Justice Office of Justice Programs. (n.d.). <i>The Indian Civil Rights Act of 1968, as amended, 25 U.S.C. 1301-1304</i> . Retrieved from <a href="https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/a2-the-indian-civil-rights-act-of-1968-as-amended-25-usc-1301-1304.pdf">https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/a2-the-indian-civil-rights-act-of-1968-as-amended-25-usc-1301-1304.pdf</a>
<b>Oliphant v. Suquamish Tribe<sup>16</sup></b>	U.S. Department of Justice Archives. (2020). <i>Tribal Court Jurisdiction</i> . <a href="https://www.justice.gov/archives/jm/criminal-resource-manual-687-tribal-court-jurisdiction">https://www.justice.gov/archives/jm/criminal-resource-manual-687-tribal-court-jurisdiction</a>

Progress has been made in recent years to enhance sentencing and increase tribal court authority. The **Tribal Law and Order Act of 2010** amended the Indian Civil Rights Act of 1968, increasing the maximum prison sentence to three years per offense and a fine of up to \$15,000.<sup>7</sup> Within recent years, other U.S. Supreme Court case decisions have positively impacted tribal jurisdiction, with the **Case of McGirt v. Oklahoma** and the **Case of United States v. Cooley**.<sup>42,43</sup> Promoting tribal jurisdiction can indirectly affect sexual violence reporting with clearer guidelines and processes accepted by state, tribal, and federal entities.

On March 7, 2013, the **Violence Against Women Reauthorization Act of 2013** (VAWA 2013) was signed into law. VAWA 2013 recognized and reaffirmed the inherent sovereign authority of tribes to exercise criminal jurisdiction over non-Indians who commit crimes in Indian Country.<sup>21</sup> However, VAWA 2013 only applied to cases involving domestic violence, dating violence, and criminal violations of protection orders.<sup>21</sup> On April 4, 2019, the House of Representatives passed the **Violence Against Women Reauthorization Act of 2019** (H.R. 1585).<sup>22</sup> The VAWA 2019 added child abuse, sexual assault, stalking, trafficking, obstruction of justice, and assaults against law enforcement officers to the crimes that tribes can prosecute against non-Indians and expanded tribal access to federal criminal databases.<sup>23</sup> The VAWA Reauthorization Act of 2022 was signed into law in March 2022.<sup>29</sup> VAWA 2022 would take effect from 2023-2027, reauthorizing previous programs and activities outlined, and, “...authorizes new programs, makes changes to federal criminal laws, and establishes new protections to promote housing stability and economic security for victims of domestic violence, sexual assault, dating violence, and stalking.”<sup>36</sup>

# SEXUAL VIOLENCE STATISTICS

## SOUTH DAKOTA ATTORNEY GENERAL DATA

### DESCRIPTION OF DATA SOURCE

The SD Office of the Attorney General (AG) compiles crime data reported by sheriff offices, police departments, Highway Patrol, and the Division of Criminal Investigation in SD. This data is made available to the public through an annual *Crime in South Dakota* publication accessible at <https://sdcrime.nibrs.com/CrimePublication/CrimePublicationReports> Crime numbers are provided overall and individually by each reporting office or department. The AG data provided crime estimates at the state and county level from 1983 to the most recent year available (2022), including incidents by crime type, victim and offender demographic data, and characteristics of the offense (e.g., use of weapons, multiple linked offenses). The *Crime in South Dakota* publication is typically used for county comparisons and to monitor trends of violent crime at the county or city level. The 2022 crime data compiled numbers from 97 reporting agencies, covering 90.7% of the SD population.

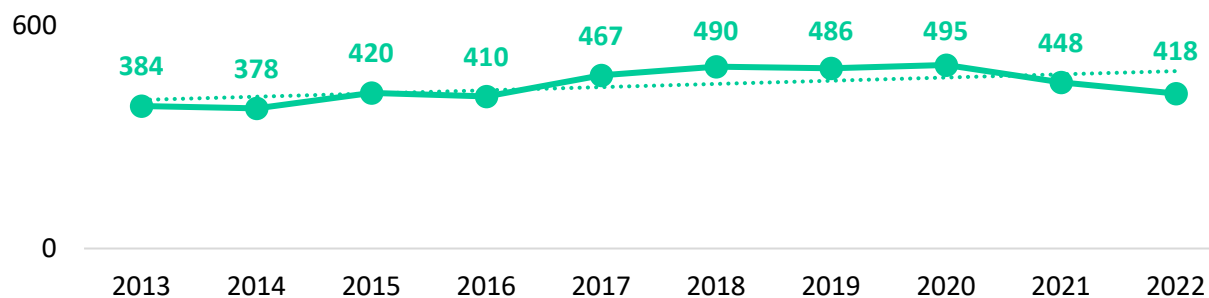
### DATA SOURCE CONSIDERATIONS & LIMITATIONS

The data in this report are collected and submitted using the FBI’s Uniform Crime Reporting Program methodology at the state level. The data provided in this publication cannot be compared to data released by the FBI, as the FBI uses estimations for non-reported data. The *Crime in South Dakota* publication does not include crimes committed on tribal lands, as the data for crimes committed on tribal lands is reported directly to the FBI. Given the small population of many counties in SD and the small number of reported rape incidents in some areas, use of multiple years of data is recommended. Data limitations of the FBI’s Uniform Crime Reporting (UCR) system (outlined on pages 9-10 of this report) also apply to this data source. Finally, the data in the *Crime in South Dakota* report represented a “snapshot” of the SD repository data as of December 2023, based on statistics that were analyzed for the twelve-month period of January 1, 2022 to December 31, 2022. SD law enforcement agencies update their data as new information becomes available, and the data reported was only as accurate as the data provided by each reporting agency.<sup>3</sup> Finally, the 2022 American Community Survey five-year estimate was used as the most recent population source for SD.<sup>25</sup>

### STATE DATA: 2013-2022

The *Crime in South Dakota* report showed 418 rape offenses in 2022 (excludes rape offenses reported on tribal lands) at a rate of 52.4 per 100,000 inhabitants, a decrease of 30 total rapes or 6.7% from the previous year.<sup>3,25</sup> This rate was lower than the official state rate reported by the FBI of 55.8 per 100,000 due to reporting differences outlined previously.<sup>24</sup> Although rape cases increased from 2016-2020, rape cases from 2021-2022 trend lower than the 10-year trendline (Figure 1).

**Figure 1.** Rape offenses in SD, 2013-2022<sup>3</sup>



Other sexual offenses included in the *Crime in South Dakota* report relevant to sexual violence and violence prevention work are shown in Table 1.

**Table 1.** Other sexual offenses in SD<sup>3</sup>

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>Incest</b>	19	14	18	15	14	15	15	15	17	15
<b>Statutory Rape</b>	147	121	133	120	112	105	150	148	161	150
<b>Pornography/ Obscene Material</b>	128	157	185	192	208	195	243	232	257	259
<b>Prostitution<sup>a</sup></b>	79	85	81	79	97	62	62	33	34	46
<b>Human Trafficking<sup>b</sup></b>	0	0	0	0	3	1	2	2	7	4
<b>Peeping Tom</b>	5	5	6	2	2	3	5	3	1	2

<sup>a</sup>Prostitution also includes assisting or promoting prostitution and purchasing prostitution.

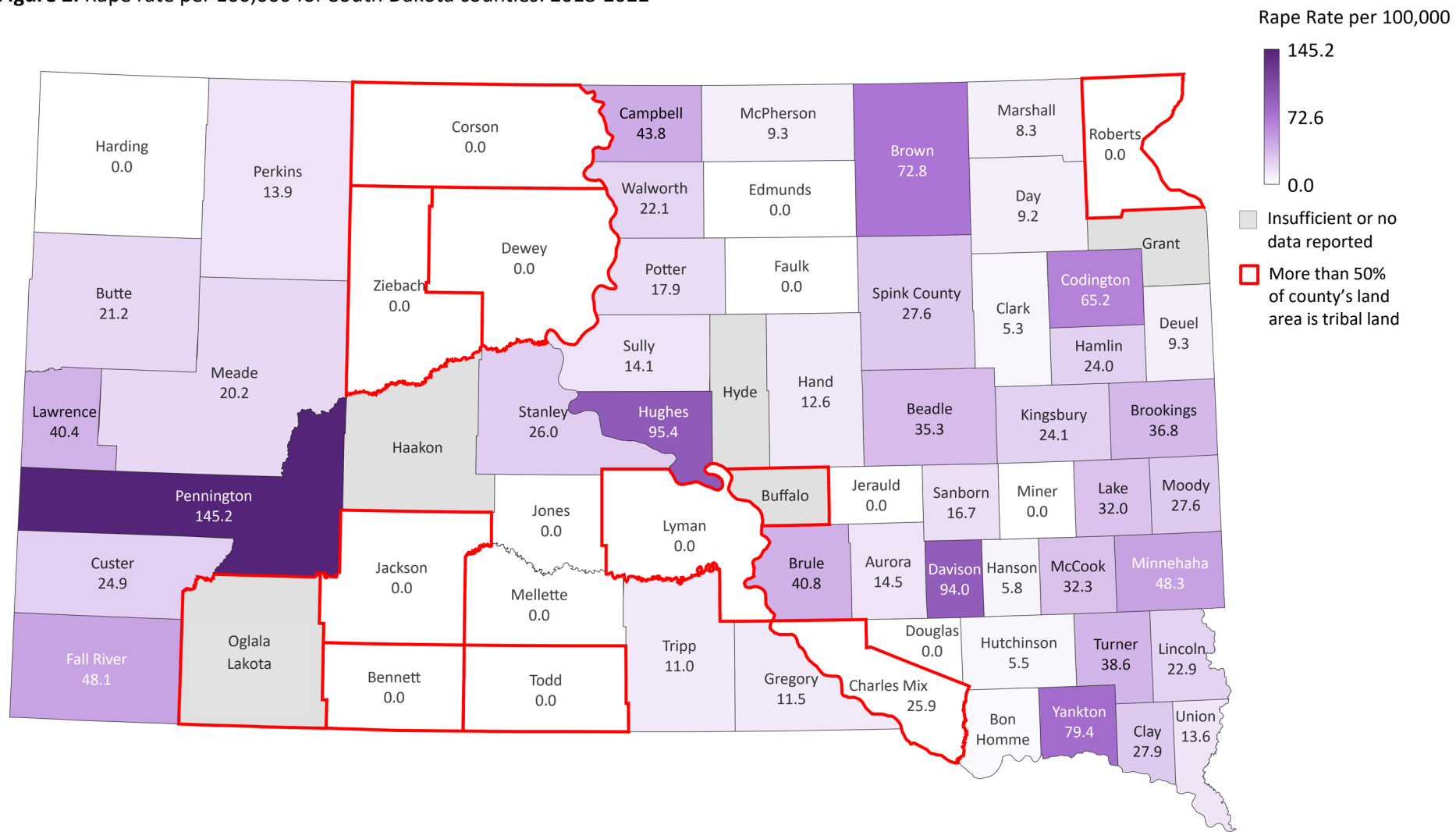
<sup>b</sup>Human trafficking is defined as the inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion.

Figure 2 displays the rape rate per 100,000 in SD counties, which does not include data for reservation and off-reservation tribal trust lands. Due to the small population size of many SD counties and the limited number of offenses reported annually, rape rates were calculated for county-level data by aggregating offenses reported over a five-year period from 2018-2022. For 2016-2019, the county-level rape rates were calculated using the populations reported by the county sheriff's office in the *Crime in South Dakota* report. In 2020, the population reported by sheriff offices were reconfigured to only include populations that were not already covered by police departments in the counties. Therefore, rape rates calculated for the county-level in 2022 combined the populations reported by police departments and sheriff offices. Additionally, those counties with two or fewer years of reported data in the five-year period were excluded.

Pennington County had the highest rape rate in SD (145.2 per 100,000).<sup>3,25</sup> Hughes County had the second highest rape rate (95.4 per 100,000), followed by Davison (94.0 per 100,000) and Bennett (87.8 per 100,000).<sup>3,25</sup>



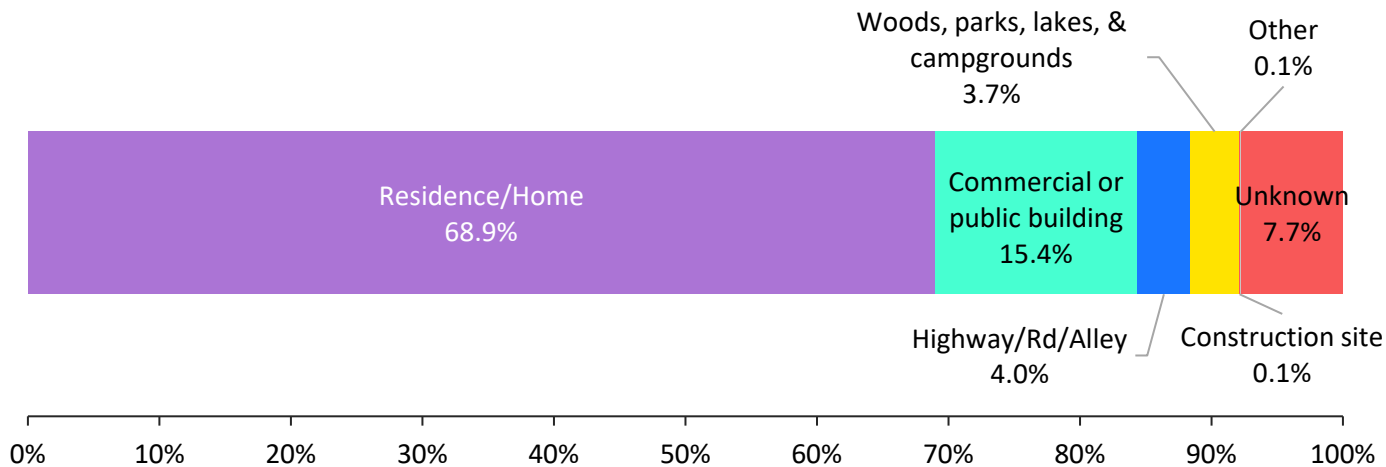
**Figure 2.** Rape rate per 100,000 for South Dakota counties: 2018-2022<sup>3,25</sup>



**Data Notes:** Rapes included from both Sheriff Offices (SO) and Police Departments (PD) reporting in each county. This data source does not include tribal law enforcement data. Population numbers are combined from the reporting PDs SOs within the county.

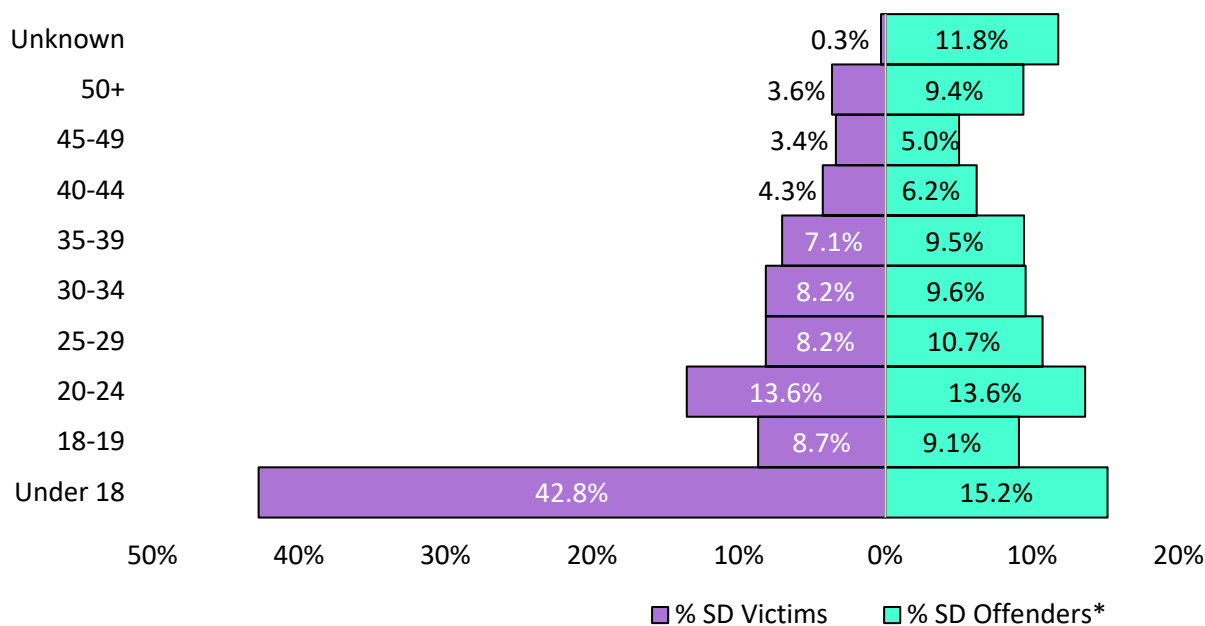
The *Crime in South Dakota* report also provided information on the location, use of weapons, and characteristics of the victim, offenders (individuals suspected of rape violations), and arrestees (individuals arrested for rape violations). Most rape offenses occurred at a residence (Figure 3). Use of a weapon was identified in 57.1% of the reported rape incidents from 2018-2022. Personal weapons (e.g., hands, fists, feet) were the most common type of weapon used (48.6% of all rape incidents), with other types of weapons less common: firearm (0.9%), knife (1%), drugs/narcotics/sleeping pills (0.9%), asphyxiation (0.8%), blunt object (0.3%), poison (0.04%), motor vehicle (0.04%), and other weapons (4.5%). Alcohol use was involved in 18.7% of SD rape incidents in 2018-2022. Drug use was involved in 6.3% of rape incidents and computer use in 0.2%.<sup>3</sup>

**Figure 3.** Location of rape offense, South Dakota: 2018-2022<sup>3</sup>



Rape victimization was most common among those under the age of 18, at 43% (Figure 4). Perpetration was more evenly dispersed among the designated age groups, with 37.9% age 24 and younger.<sup>3</sup>

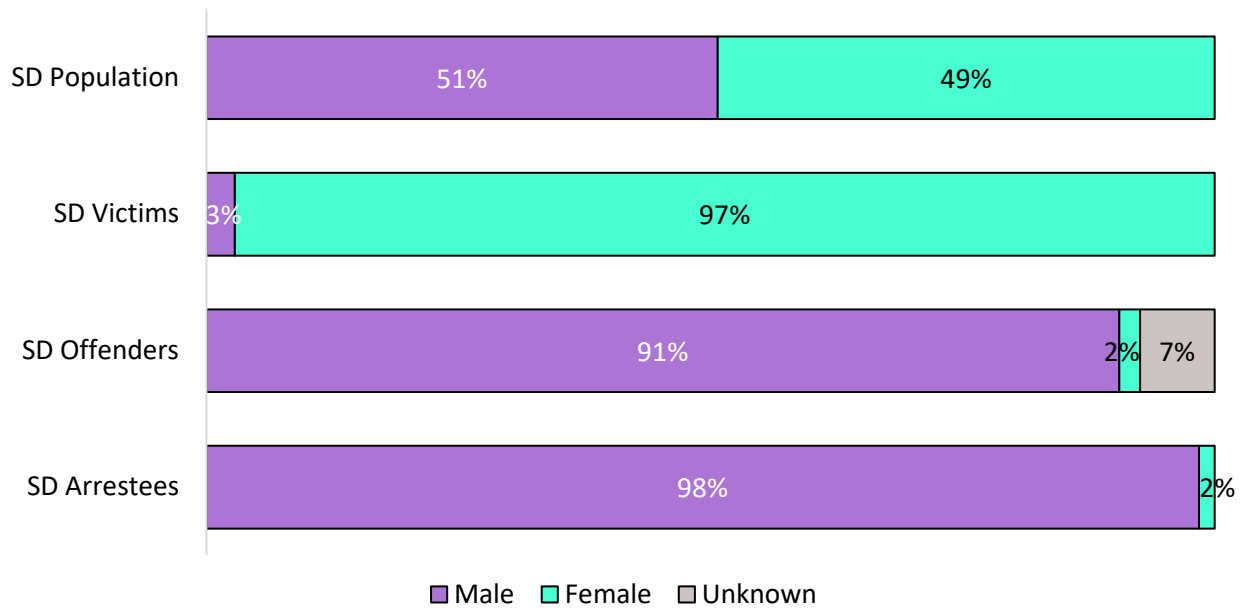
**Figure 4.** Age distribution of South Dakota rape victims and offenders: 2018-2022<sup>3</sup>



\*Age of offenders was not reported in 2018. Distribution was calculated using 2019-2022 data.

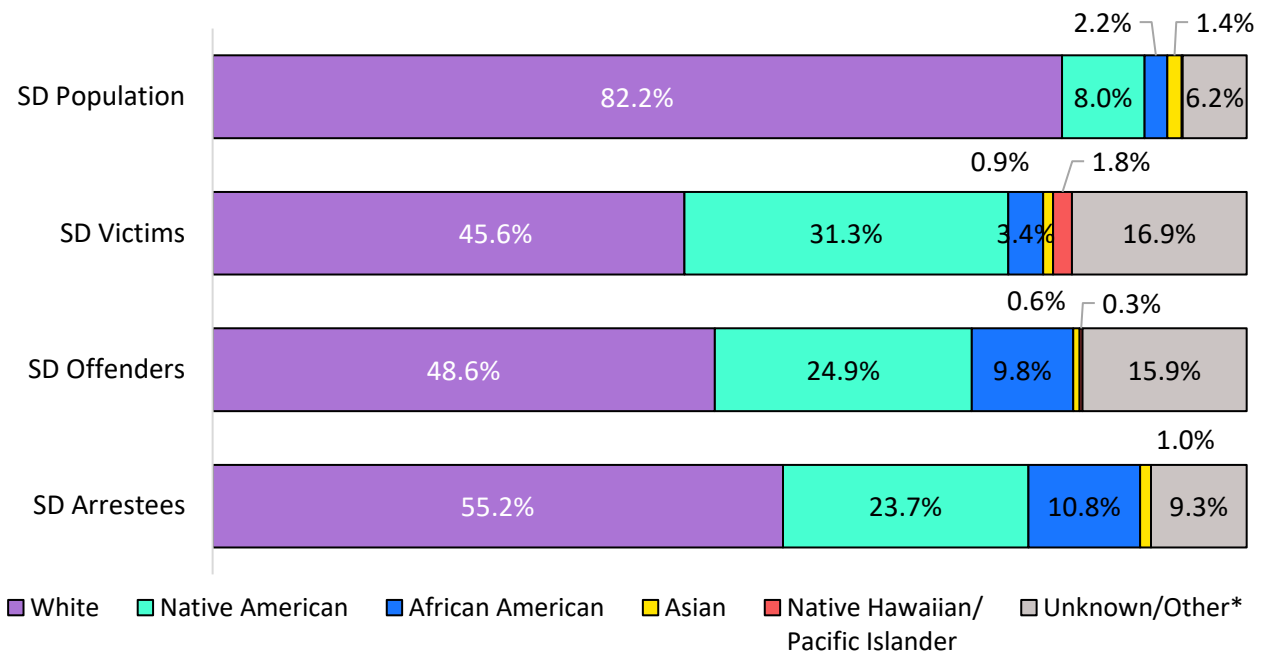
Figure 5 shows the vast majority of rape victims were reported as female and the vast majority of offenders and arrestees were male.<sup>3</sup>

**Figure 5.** Sex distribution of SD population, rape victims, rape offenders, and rape arrestees: 2018-2022<sup>3</sup>



In SD, minority races were overrepresented among both rape victims, offenders, and arrestees (Figure 6). While Native Americans make up 8% of the SD population,<sup>25</sup> 31% of rape victims, 25% of rape offenders, and 24% of arrestees were Native.<sup>3</sup> African Americans were also overrepresented among rape offenders and arrestees.<sup>3</sup>

**Figure 6.** Racial distribution of SD population, rape victims, rape offenders, and rape arrestees: 2018-2022<sup>3,25</sup>



\*SD Population: Unknown/Other race includes "Some Other Race" and "Two or More Races" from 2022 ACS 5-Year Estimates.

## Federal Bureau of Investigation (FBI): Uniform Crime Reporting (UCR) Program Data

### DESCRIPTION OF DATA SOURCE

The FBI gathered violent crime statistics, including rape and sexual assault, from law enforcement agencies throughout the United States through the Uniform Crime Reporting (UCR) Program. Previously, the UCR Program collected crime data through four reporting systems: The Summary Reporting System (SRS), the National Incident-Based Reporting System (NIBRS), the Law Enforcement Officers Killed and Assaulted (LEOKA), and the Hate Crime Statistics Program.<sup>26</sup> However, starting in January 2021, the UCR discontinued the use of the SRS.<sup>26</sup> For the purposes of this report and reporting period (January 1, 2022-December 31, 2022), only data from the NIBRS data reporting system were included.

- *National Incident-Based Reporting System (NIBRS)*

South Dakota was originally NIBRS certified by the FBI in early 2001 and became a NIBRS-only state in 2008. NIBRS is an incident-based crime reporting system designed to collect data on each crime occurrence and on each incident and arrest within each occurrence. NIBRS collected 24 crime categories made up of 52 specific crimes called Group A offenses. In addition to the Group A offenses, there were 10 Group B offense categories for which only arrest data were collected.<sup>26</sup> NIBRS was created to improve the quality and quantity of crime data collected through capturing more detailed information on the crimes reported to law enforcement. Additional information included in the NIBRS includes time and location of the crime; the circumstances of the incident; the characteristics of the victim and offender (such as age, sex, race, and ethnicity); the victim's relationship to the offender; involvement of weapons or drugs; property loss; and whether the crime was motivated by bias.<sup>1,2</sup>

Data collected through the NIBRS were compiled for the UCR Program and made available for public use through the FBI's *Crime Data Explorer (CDE)* tool at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home> and through an annual summary report, *Crime in the United States*. The CDE is an interactive tool that provides state and national estimates for crime data from the NIBRS.<sup>1,2</sup> Starting in 2020, the *Crime in the United States (CIUS)* report was reformatted as part of the CDE tool, including tables and resource pages available as individual files via the CDE website at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads>. The *CIUS* annual reports provide public access to the data from the UCR Program. Volume and rate of violent and property crime offenses at state and national levels are presented in the report, along with arrests, clearance, trends, and law enforcement employee data.<sup>4,24</sup>

### DATA SOURCE CONSIDERATIONS & LIMITATIONS

As previously mentioned, participation by law enforcement agencies in the UCR Program was voluntary. Although the FBI does its best to ensure the validity of the data received, the accuracy of the statistics depends primarily on the adherence of each contributing law enforcement agency to the established standards of reporting. Each state UCR Program or individual contributing law enforcement agency was responsible to submit accurate monthly statistics or correct existing data that are in error. In 2022, 110 law enforcement agencies submitted NIBRS data, covering 88% of the state's total population.<sup>2</sup>

The UCR Program amended the definition of rape in December 2013 to remove "forcible" from the title, with a revised definition: "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts or assaults to commit rape are also included... however, statutory rape and incest are excluded."<sup>4</sup> The new definition of rape is termed the "revised definition," and the former definition of rape, the "legacy definition," was discontinued in reporting documents in 2017. The definition change should be considered when viewing data before and after 2013.

Due to the low participation of law enforcement agencies submitting to the FBI’s UCR NIBRS only data collection system, a national comparison of data was not available for 2021.<sup>30</sup> Additionally, with all states switching from SRS to NIBRS reporting in 2021, a more comprehensive account of offenses was captured without the SRS Hierarchy Rule:

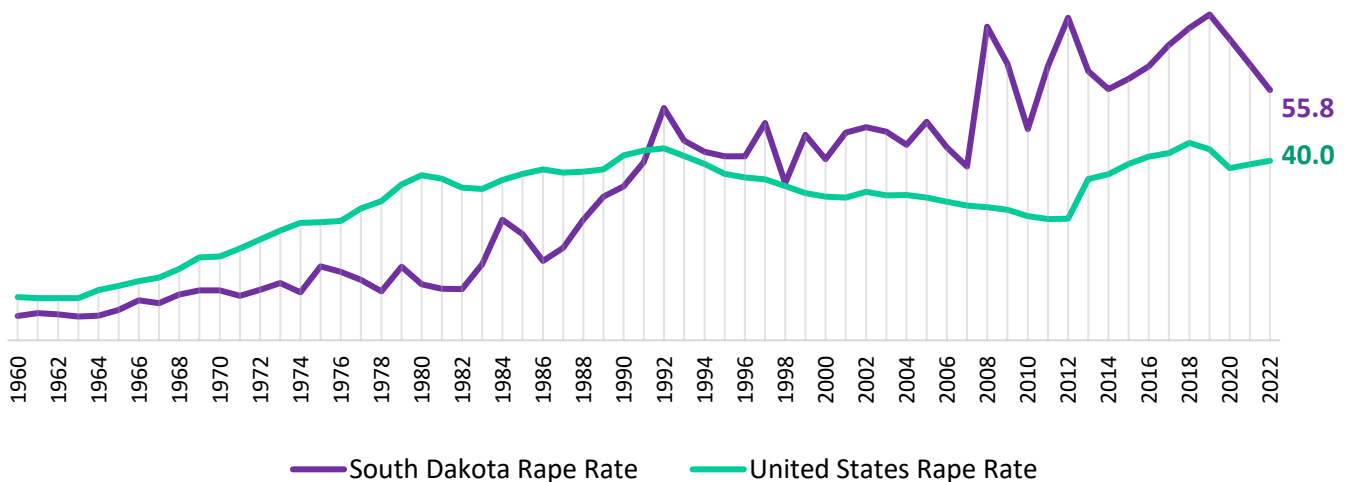
“The SRS Hierarchy Rule required law enforcement agencies to report only the most serious offense occurring within an incident. The reporting order of the Part I offenses under the SRS Hierarchy was as follows: murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.”<sup>28</sup>

For example, if a person was murdered and raped, under the SRS Hierarchy Rule, only the murder was reported. Under NIBRS reporting, law enforcement can report up to ten offenses within a criminal incident. Meaning if a person was murdered and raped, both offenses would be reported in NIBRS. Caution should be used when comparing nationwide data from previous years to the 2022 data, since the number of rapes reported likely increased with states still using SRS up until 2021.<sup>28</sup>

### STATE AND DATA: 2022

The national rape rate had steadily declined since 1992, until 2013 when the revised definition began, and rates have remained elevated through 2019. However, a slight decrease occurred in 2020, with a small increase in 2022. The SD rape rate has been steadily increasing since the 1960s, remaining higher than the national rate since 1992. However, the SD rape rate continues to decrease since 2018 (see Figure 7).

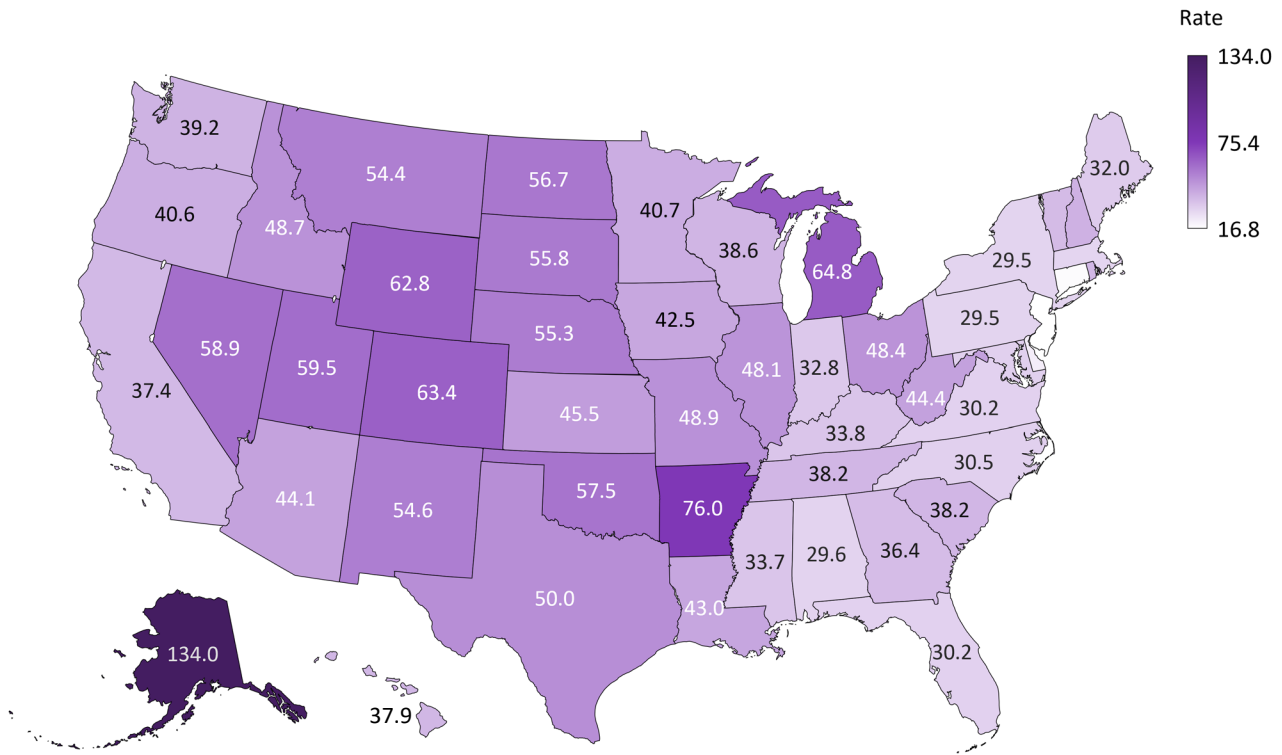
**Figure 7.** Rape rate per 100,000 in the U.S. and South Dakota: 1960-2022<sup>1,4,24</sup>



**Notes:** Data reported from 1960 to 2011 reflects the legacy definition of rape. There was no data reported in 2021 due to the FBI’s switch to NIBRS reporting and lack of data available. Data starting in 2022 reflects the full NIBRS reporting system.

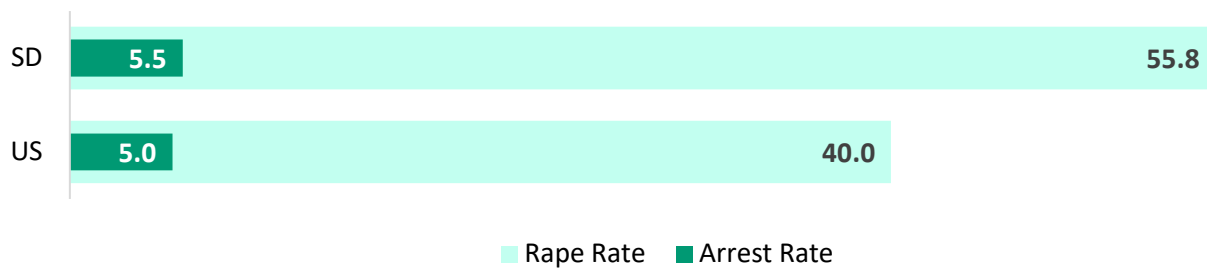
The *Crime in the United States* report shows 508 rape offenses in SD in 2022, a 15.2% decrease from 2020 (599 rape offenses).<sup>24</sup> The 2022 rape rate in SD was 55.8 per 100,000, considerably higher than the national rate of 40.0 per 100,000, and the 10<sup>th</sup> highest rate in the nation (Figure 8).<sup>24</sup> There are only two metropolitan areas in SD, Rapid City and Sioux Falls. According to the FBI, Rapid City had a higher rape rate than Sioux Falls (107.1 per 100,000 versus 33.6 per 100,000, respectively).<sup>24</sup> In fact, compared to other metropolitan areas in the U.S., **Rapid City had the seventh highest rape rate in the nation.**<sup>24</sup>

**Figure 8.** Rape rate per 100,000 by state: 2022<sup>24</sup>



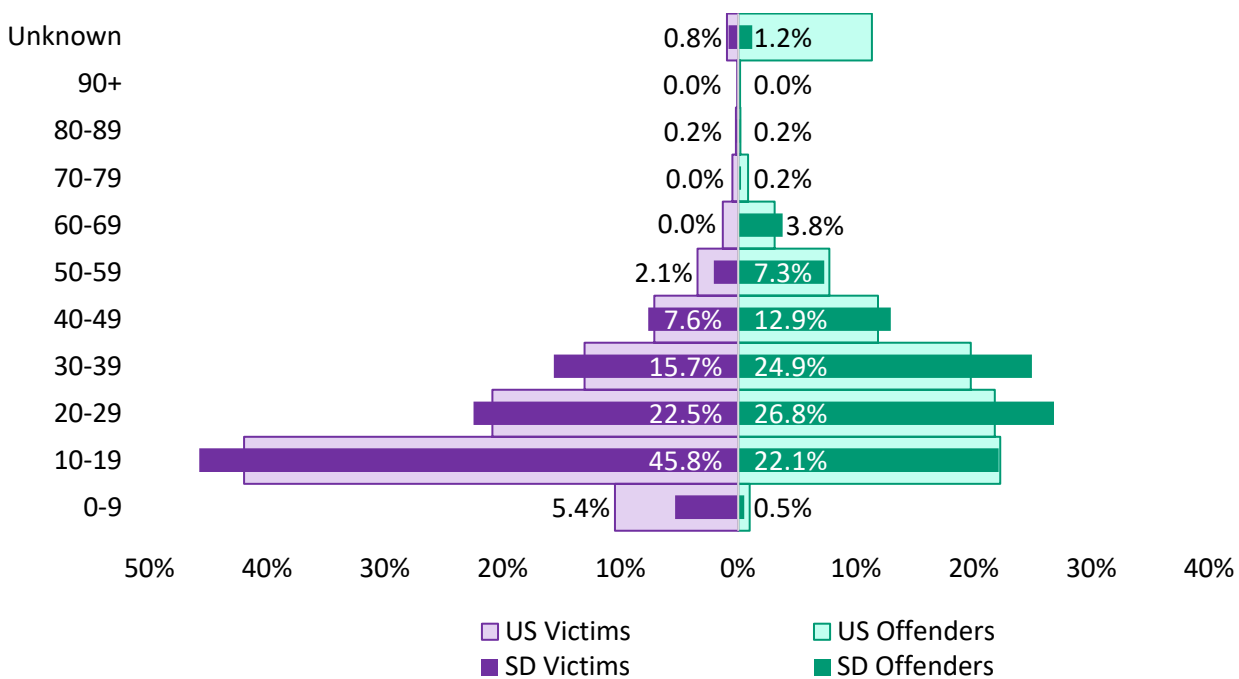
Of the 508 rape offenses (includes estimates for nonreporting and partially reporting agencies)<sup>24</sup> reported in SD, only 50 rape offenders were arrested.<sup>24</sup> The SD rape arrest rate of 5.5 per 100,000 inhabitants<sup>24</sup> was about the same the national arrest rate for rape (5.0 per 100,000).<sup>24</sup> Figure 9 shows the differences in rape and arrest rates between SD and the US. South Dakota had a higher rape rate than the U.S., but similar arrest rate for rapes when compared to national data.

**Figure 9.** S.D. and U.S. rape rates and arrest rates<sup>1,2,24,25</sup>



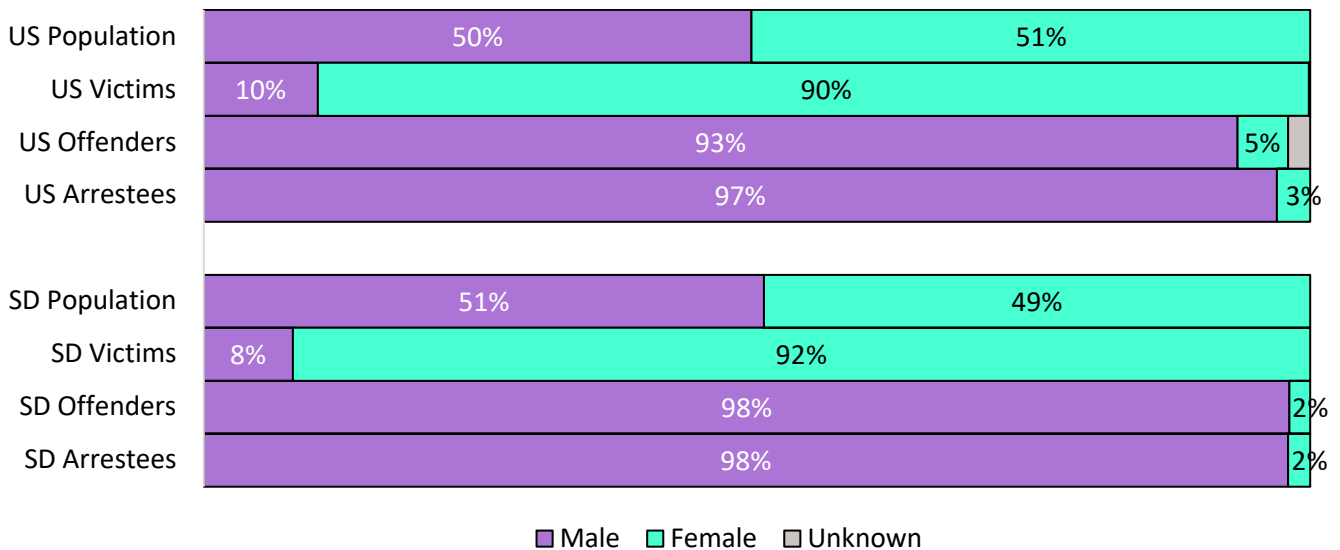
In SD, most rape victims and offenders were quite young, with 51.2% of SD victims and 22.6% of offenders being under the age of 20 (Figure 10). Similarly, in the U.S., 52.5% of victims and 23.2% of offenders were under the age of 20 (Figure 9).<sup>1,2</sup>

**Figure 9.** Age distribution of U.S. and South Dakota rape victims and offenders: 2022<sup>1,2</sup>



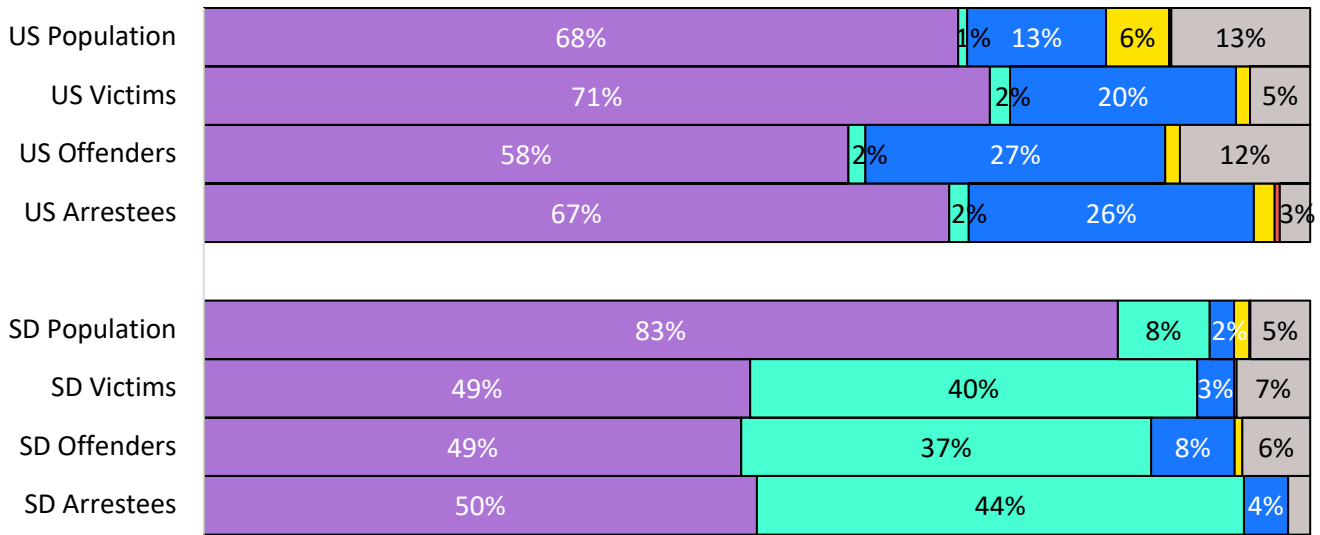
Similar gender characteristics of rape victims and offenders were observed at the national and state level, with the vast majority of victims reported as female and the vast majority of offenders and arrestees reported as male (see Figure 10).<sup>1,2</sup>

**Figure 10.** Gender of U.S and South Dakota rape offenders, victims, and arrestees: 2022<sup>1,2,25</sup>



Compared to the racial distribution of the U.S., minority races were overrepresented among rape victims, offenders, and arrestees (see Figure 11).<sup>1</sup> A similar disparity was observed in SD, with minority races overrepresented among rape victims and offenders. While Native Americans make up 8% of the SD population, 40% of rape victims and 37% of rape offenders were Native American.<sup>2</sup> African Americans were also overrepresented among rape victims and offenders.<sup>2</sup>

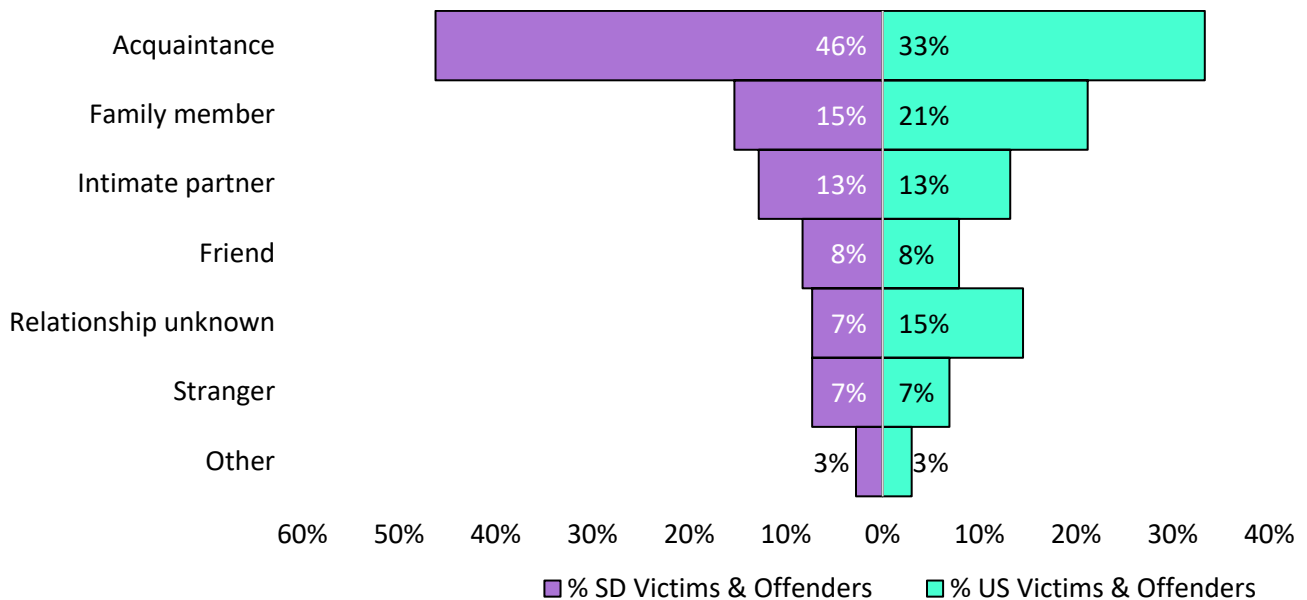
**Figure 11.** Racial distribution of U.S. and South Dakota population, rape victims, offenders, and arrestees: 2022<sup>1,2,25</sup>



■ White 
 ■ Native American 
 ■ African American 
 ■ Asian 
 ■ Native Hawaiian/Pacific Islander 
 ■ Unknown/Other

The relationship between victim and perpetrator was shown in Figure 12. Acquaintance was the most common relationship (184 of 398 incidents or 46%) followed by family member, intimate partner, friend, relationship unknown, stranger, and other.<sup>2</sup>

**Figure 12.** Victim relationship to offender, South Dakota, 2022<sup>1,2</sup>





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## TRIBAL DATA: 2018-2022

Crime incidents reported to tribal law enforcement are available on the CDE tool. However, given the small population size of reservation areas, crime rates are not provided, and no data was available for the Flandreau Santee Sioux Tribe. A lack of data for this tribe may be the result of an agency not participating, reporting zero incidents, changes in reporting, or being “covered by” another agency.<sup>1</sup> In 2020, the Oglala Sioux Tribe and Yankton Sioux Tribe both updated data for 2020 and some previous years, providing the opportunity to start calculating 5-year rape rates.

Rape rates per 100,000 were calculated for each tribe for the 2018-2022 period using populations from the ACS 5-year estimates.<sup>45</sup> Rape rates per 100,000 were calculated for each tribe using the number of rape offenses reported by the tribal agency to the FBI’s NIBRS system, and the Census Bureau’s My Tribal Area tool. The My Tribal Area tool uses the 2018-2022 ACS 5-Year Estimates.<sup>2, 45</sup>

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## CONSIDERATIONS

The data presented includes the number of rape offenses reported by tribal law enforcement. Therefore, the tribal data is a report of crimes committed on tribal land or off-reservation trust lands, not necessarily crimes committed solely against American Indian/Alaska Native peoples. The ACS 5-Year Estimates reported on the My Tribal Area includes individuals reporting a single race, with one category deemed as “Two or more races”. Individuals who are non-American Indian/Alaska Native are included in the denominator for calculating rape rates. The number of rape offenses reported by the FBI CDE tool includes individuals residing on and off-reservation tribal trust lands. Individuals who are non-American Indian/Alaska Native are included in the number of rape offense victim and offender data.

The tribal rape data provided by the FBI follows suit to other rape data in that the actual number of rape occurrences was likely higher than what was reported. Besides underreporting, additional reasons for lower rape rates from SD tribal lands may occur. Survivors or victims residing in reservations that border other states might travel to other states for healthcare services if that was the closest healthcare facility. Examples of this may include victims from the Rosebud Reservation traveling to the closest health center in Nebraska, or victims from the SD portion of Standing Rock seeking services in North Dakota.

## Native American vs. American Indian/Alaska Native

*Native American* and *American Indian/Alaska Native* are the most common terms used to identify the general population of Indigenous peoples in the U.S. However, these labels have not been without controversy, and no single term is universally accepted or preferred.<sup>14</sup> The terms used throughout this report alternate depending on the context. For example, the terms *Indian* and *Indian Country* are often used in U.S. legal discourses and have been retained in this report in sections dealing with federal legislation and court decisions. Whereas, the terms *Native American* (or *Native*) and *Indigenous peoples* (or *Indigenous*) are used to refer to the general population of Indigenous peoples. These choices in terminology are in no way intended to minimize or ignore the great diversity of Indigenous cultures, languages, and nationalities that exist, nor to generalize their experiences.

DATA

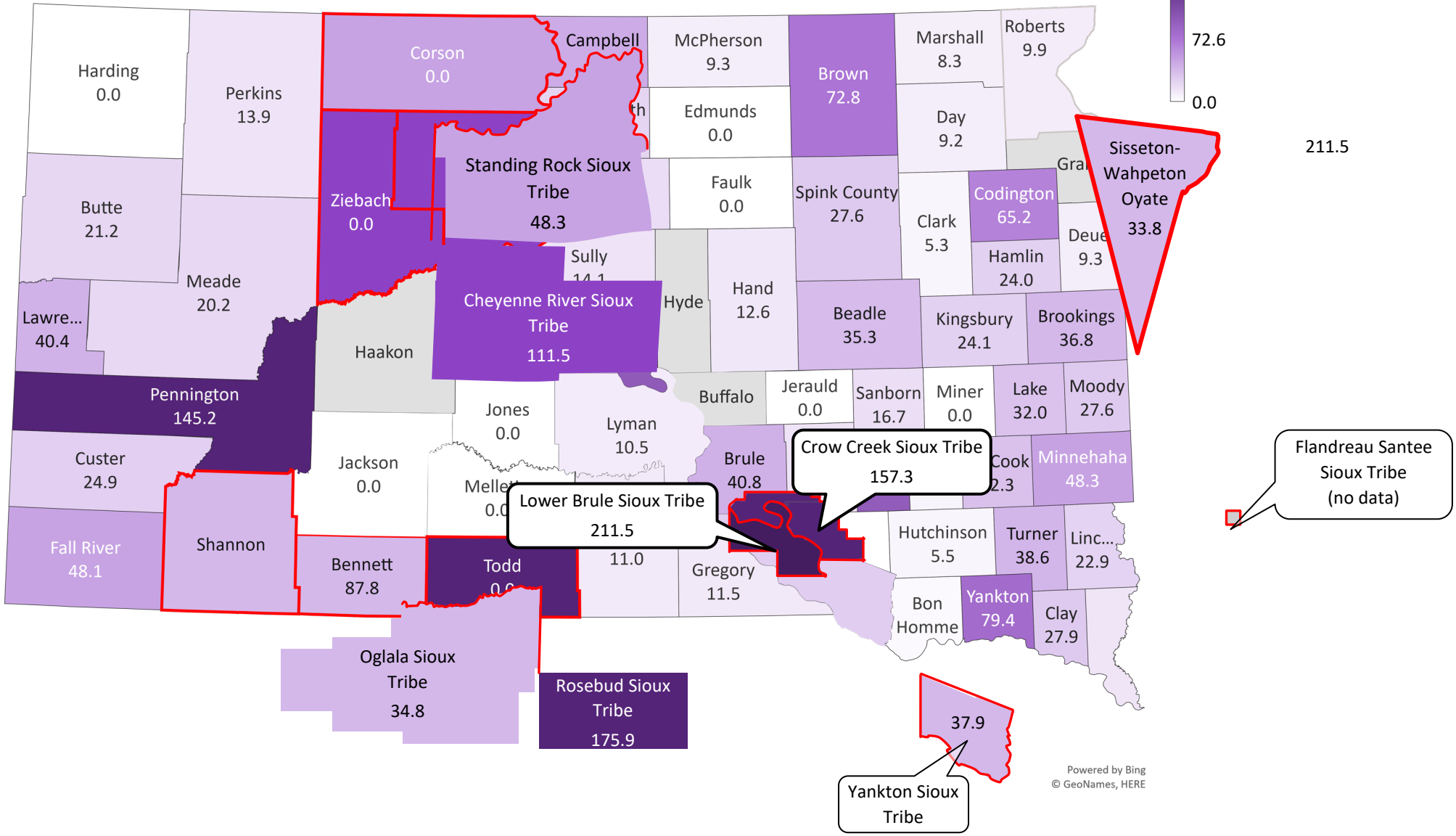
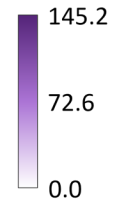
Five tribes reported a higher rape rate than the state rape rate (55.8 per 100,000). These included Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, and Rosebud Sioux Tribe (Table 2).<sup>2</sup> Figure 13 also displays **reported rape rates on and off-reservation tribal trust lands** for the 2018-2022 time period.

**Table 2.** Rapes reported on and off-reservation tribal trust lands: 2018-2022.<sup>2,45</sup>

	2018	2019	2020	2021	2022	2018-2022 Rate per 100,000
Lower Brule Sioux Tribe	4	1	7	5	1	211.5
Rosebud Sioux Tribe	7	8	6	34	38	175.9
Crow Creek Sioux Tribe	3	3	6	3	1	157.3
Cheyenne River Sioux Tribe	9	11	4	12	10	111.5
Standing Rock Sioux Tribe	5	6	4	4	1	48.3 <sup>a</sup>
Yankton Sioux Tribe	—	2	4	6	1	37.9 <sup>b</sup>
Oglala Sioux Tribe	8	7	4	7	8	34.8
Sisseton-Wahpeton Oyate	4	3	5	3	4	33.8
Flandreau Santee Sioux Tribe	—	—	—	—	—	—

<sup>a</sup>Rapes reported for Standing Rock Sioux Tribe include rapes reported in North Dakota (ND) and SD as some of the Standing Rock tribal land is located in ND.

<sup>b</sup>Rape rate for Yankton Sioux Tribe was calculated only using four years of data (2019, 2020, 2021, 2022).



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## POST-SECONDARY EDUCATION DATA: CAMPUS SAFETY REPORTS

### DESCRIPTION OF DATA SOURCE

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990), post-secondary institutions receiving federal funding must provide criminal data in an annual safety report. Each institution publishes a report with criminal statistics for the reporting year and two years prior. The data included in safety reports are obtained through individuals and organizations associated with the institution, such as campus security authorities. A crime was considered reported when brought to the attention of a campus security authority, meaning the reported incident does not have to be investigated. Therefore, alleged criminal incidents are included in the campus safety reports.

South Dakota has 24 post-secondary institutions, including six state universities, four technical institutes, six private colleges, four tribal colleges, and three public higher education centers.<sup>41</sup> The three public higher education centers are considered non-campus buildings or properties (see definitions below) for multiple institutions utilizing space at those sites. Therefore, the public higher education centers do not submit individual safety reports. Crime offenses associated at these sites would be included in parent institutions' reports. Additionally, one institution reports their crime statistics as part of a larger, affiliated institution. A total of 23 institutions were identified, but due to the outlined exceptions and no 2022 report provided by some institutions at the time of this report, 15 Campus Safety reports were used for the compiled data in Table 3.

### DEFINITIONS

The Handbook for Campus Safety and Security Reporting defines **sexual assault (sex offenses)** as “any sexual act directed against another person, without consent of the victim, including instances where the victim was incapable of giving consent”.<sup>31</sup> Sex offenses are then further classified into two sub-categories, forcible and non-forcible. **Forcible sex offenses** include rape and fondling; **non-forcible sex offenses** include incest and statutory rape.

According to the handbook, **on-campus** refers to “any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and ... that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor)”.<sup>31</sup> **Public property** was defined as “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus,” however private homes and businesses are not included in this definition.<sup>31</sup> **Non-campus buildings or properties** refer to “any building or property owned or controlled by a student organization that was officially recognized by the institution; or any building or property owned or controlled by an institution that was used in direct support of, or in relation to, the institution’s educational purposes, was frequently used by students, and was not within the same reasonably contiguous geographic area of the institution.”<sup>31</sup> **Unfounded** crimes are declared if “sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.”<sup>31</sup> For the purposes of this report, if an unfounded offense was declared in the reported information under a specific offense type, it was excluded from this report.

### DATA SOURCE CONSIDERATIONS & LIMITATIONS

Campus Safety Report data is typically used to monitor crime data specific to higher education institutions. However, various data limitations existed for the post-secondary institution safety reports. First, if multiple offenses occur to one victim, those offenses are counted as one offense.<sup>31</sup> For example, if an individual reports multiple fondling occurrences by the same perpetrator over a period of time, the offense was only counted once

in the report. Inconsistencies in dissemination of reports (e.g., not easily found on the institution’s website or other publicly available sources) prevented the inclusion of some institution’s crime statistics in this report. Inconsistencies with data descriptions and explanations between reports also posed a limitation, as some institutions clearly identify and explain data discrepancies, while others do not. For example, an institution states an unfounded crime was included in the data but does not specify the offense type of the unfounded data. Additionally, reports of crime offenses may not be included in the statistics for the year they occurred. If the year the offense occurred was specified, that data was included in the specified year’s total. An example of this might include a rape that occurred in 2018 but was not reported until 2020. The offense would then be included in the 2018 data. However, not all institutions specified if an offense occurred in a different year than was reported. Along with the limitations noted, underreporting and jurisdictional limitations might have prevented accurate crime statistics reporting for higher education institutions, similar to other data sources in this report.

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### POST-SECONDARY EDUCATION DATA: 2019-2021

Crime statistics for SD post-secondary institutions were collected via institutions’ websites and aggregated from 23 institutions (Table 3). However, 2022 data was only found in 15 Campus Safety Reports. In 2022, a total of 26 forcible sex offenses were reported by SD higher education institutions. According to the information available, 18 of those forcible sex offenses were rape, and eight were fondling. There was an increase in total forcible sex offenses and Violence Against Women Act (VAWA) offenses in 2022. This may be partially due to the shut-down of colleges and universities during the COVID-19 pandemic, as students were remote learning for half of the spring 2020 semester. Overall, the number of non-forcible sex offenses was much lower than forcible sex offenses. Additionally, stalking and dating violence are reported at higher occurrences than domestic violence offenses.

In 2022, the total forcible sex offense rate for SD post-secondary institutions that reported data in 2022 (5.9 per 10,000)<sup>27,44</sup> was lower than the latest (2020) national rate of 6.6 per 10,000.<sup>40</sup> However, considerations should be made when comparing these rates. The 2022 SD rate was calculated using estimated enrollment data from 2022, and the number of total forcible sex offenses included on-campus, non-campus, and public property locations. The publicly released national rate of total sex offenses for post-secondary institutions only included on-campus reported offenses, and the latest available rate was from 2020.

**Table 3.** SD post-secondary education crime statistics<sup>27</sup>

	On-Campus, Non-Campus, & Public Property			
	2019	2020	2021	2022
<b>Total Sex Offenses (Forcible)<sup>a</sup></b>	32	15	20	26
<i>Rape<sup>b</sup></i>	16	6	4	18
<i>Fondling<sup>b</sup></i>	9	4	9	8
<b>Total Sex Offenses (Non-Forcible)<sup>c</sup></b>	3	0	0	0
<b>Total VAWA Offenses<sup>d</sup></b>	28	13	32	36
<i>Stalking</i>	16	8	21	21
<i>Domestic Violence</i>	4	2	9	3
<i>Dating Violence</i>	8	3	1	12

<sup>a</sup> Total sex offense (forcible) are the combined number of rape and fondling offenses.

<sup>b</sup> Rape and fondling were not reported separately at three institutions in 2022 but would be included in the total sex offenses (forcible).

<sup>c</sup> Total sex offenses (non-forcible) are the combined number of incest and statutory rape offenses.

<sup>d</sup> Stalking, domestic violence, and dating violence were not reported separately at one institution in 2022 but would be included in total VAWA Offenses.

## YOUTH RISK BEHAVIOR SURVEY

### DESCRIPTION OF DATA SOURCE

The Youth Risk Behavior Survey (YRBS) was developed by the CDC in collaboration with state and local health and education departments to monitor six priority health behaviors of high school students in SD. The YRBS was conducted in odd-numbered years by the SD Department of Education (1991-2013) and the SD Department of Health (2015-2021). One of the priorities involves behaviors that contribute to unintentional injuries and violence, including questions regarding students' experiences of sexual violence and sexual dating violence. Through monitoring the six priorities, the YRBS assesses how health risk behaviors change over time and progress toward program goals set forth to reduce these behaviors.<sup>9</sup>

### DATA SOURCE CONSIDERATIONS & LIMITATIONS

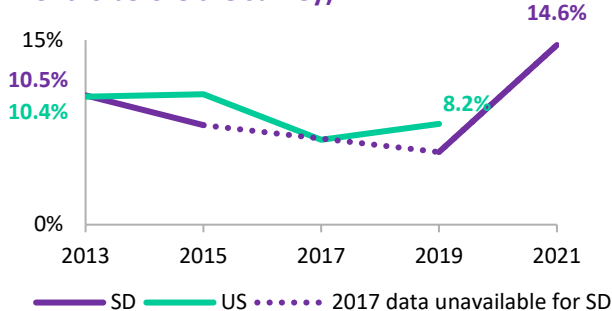
The YRBS is a self-report survey. Population coverage was limited to students in grades 9-12 who attend a public or tribal school. Each survey cycle will produce either weighted or unweighted results. Weighted results can be generalized to the entire population of 9-12 graders in South Dakota who attend a public or tribal school, while unweighted results are only representative of the students who actually participated in the survey. As such, unweighted results cannot be publicly reported. Unweighted data was obtained in 2017.<sup>33</sup> The data can be used to make comparisons at the state level and monitor trends over time.

### STATE AND NATIONAL DATA: 2013-2021

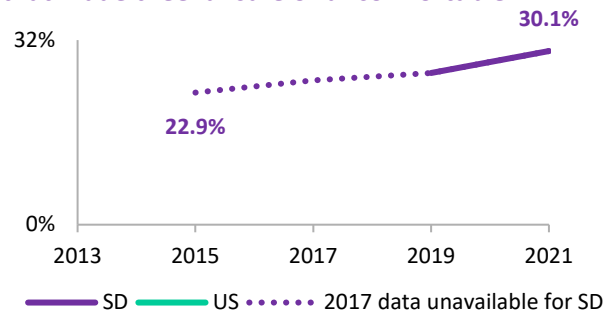
The 2021 YRBS had two questions on experiences of sexual violence, with these questions asked at least two years of the survey in SD. Figure 14 shows that rates of sexual dating violence declined from 2013 to 2019 but increased from 2019 to 2021. From 2015 to 2021, the rate of adolescents reporting ever being touched, grabbed, or pinched in a sexual way that made them feel uncomfortable also increased. 2017 YRBS data was not available for SD due to a low response rate.<sup>9</sup>

**Figure 14.** Percentage of SD high school students who experienced sexual violence, 2013-2021<sup>9</sup>

#### Experienced sexual dating violence (in the past 12 months before the survey)



#### Ever touched, grabbed, or pinched in a sexual way that made theel unsafe or uncomfortable



## HUMAN TRAFFICKING STATISTICS

Human trafficking involves the use of force, fraud, or coercion to control another individual to engage in commercial sex acts or solicit labor against the person's will.<sup>34</sup> Many human trafficking victims are also victims of sexual assault, physical violence, abuse, and neglect.<sup>35</sup> The National Human Trafficking Hotline provides further insight into human trafficking data.

### NATIONAL HUMAN TRAFFICKING HOTLINE

#### DESCRIPTION OF DATA SOURCE

The National Human Trafficking Hotline serves to help connect human trafficking victims and survivors to support and services, receive tips on potential incidents of human trafficking, and facilitate reporting tips to the appropriate authorities. While not a government or law enforcement entity, the hotline is funded by the U.S. Department of Health and Human Services and other private donors. National and state-level data collected through the National Human Trafficking Hotline includes human trafficking statistics based on the contacts (phone calls, texts, online chats, emails, and online tip reports) received by the hotline. State specific data was sorted by contacts that reference SD. The data was presented as 'cases', which represents specific situations of trafficking reported to the hotline and was not an indication of law enforcement involvement. A single case may include multiple victims.<sup>37</sup>

#### DATA SOURCE CONSIDERATIONS & LIMITATIONS

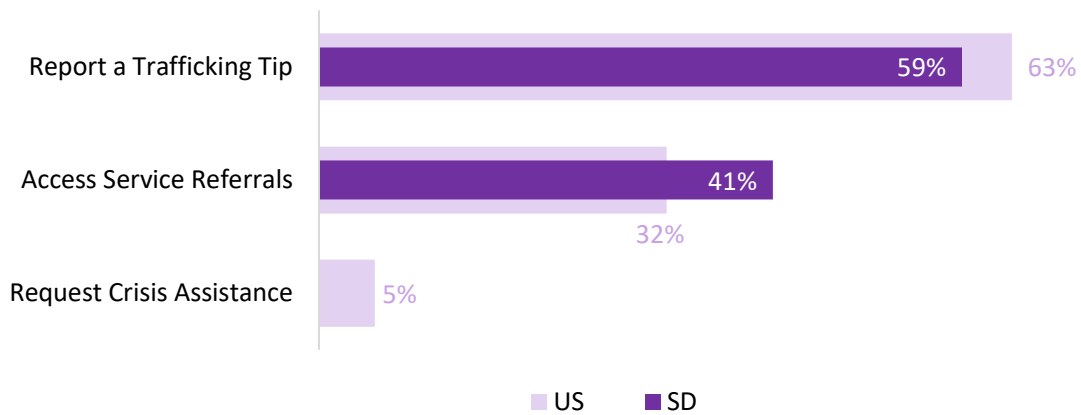
**Due to delays in data cleanup, 2022 statistics are not readily available at the time of this report.** The most recent data available is for the calendar year 2021. 2022 data will be updated once available. The data presented does not represent the totality of human trafficking in each geographic area. Data was collected through the contacts made to the hotline, limiting the completeness of information obtained, such as the person not always providing demographic information. When reporting cases, a single case may include multiple victims, male and female victims, and various aged victims.<sup>38</sup> Additionally, state-level data was limited to the contact referencing SD in some capacity to count towards SD statistics.<sup>39</sup> Data from the hotline can be used to monitor and compare national and state reported human trafficking incidents.

#### NATIONAL AND STATE DATA: 2021

A total of 100 contacts (phone calls, texts, online chats, emails, and online tip reports) were made to the hotline referencing SD, with 26% of these (26 contacts) being reports of human trafficking cases.<sup>39</sup> At the national level, 51,073 contacts were made in 2021 and 26% of these (13,277 contacts) were reported as human trafficking cases.<sup>38</sup> Besides human trafficking cases, the data source does not clarify the type of case or reason for other contacts to the hotline. The data source also does not provide any kind of demographic or geographical characteristics of cases.

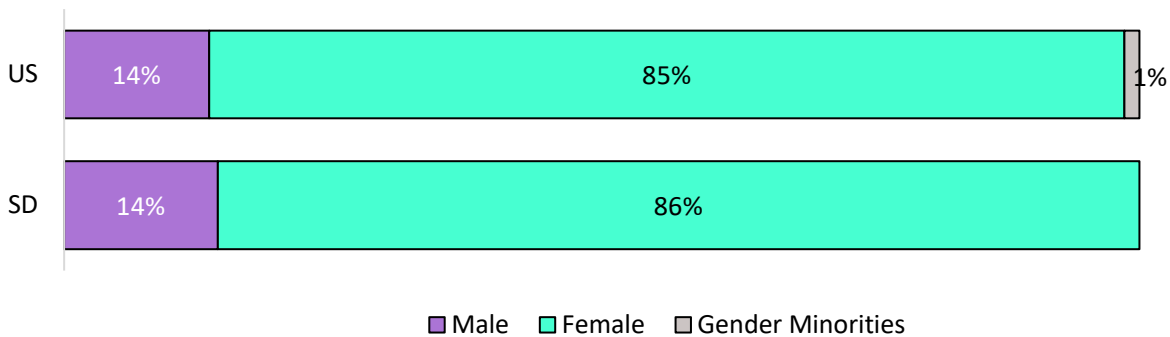
Figure 15 shows the breakdown of requests made to the hotline regarding human trafficking cases for SD and the US. Cases referencing SD included either reports of a trafficking tip or requests for service referrals. Service referrals include requests for services for a potential victim, referrals for anti-trafficking organizations in their area, or contact information for individuals involved with certain anti-trafficking organizations.<sup>38</sup> Nationally and state-level, most human trafficking case contacts involved reporting a trafficking tip, followed by accessing service referrals and requests for crisis assistance.

**Figure 15.** Breakdown of requests on human trafficking cases from National Hotline<sup>38,39</sup>

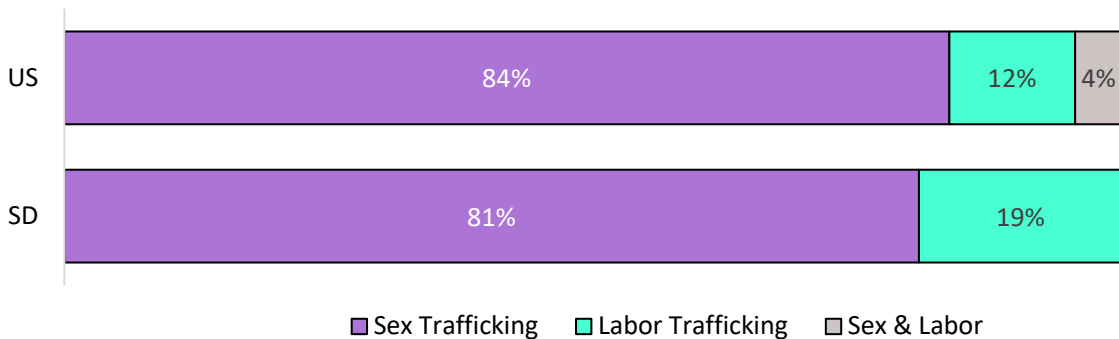


Venues for sex trafficking were also documented in 21 SD cases. Residence-based commercial sex was reported in 24% of SD cases and 7% of the documented national cases. Additionally, of the 21 SD cases, 76% reported “other” as the only other venue for sex trafficking, with the US data reporting none for “other”. Females made up the majority of human trafficking cases reported to the hotline at the state and national levels (Figure 16). At the state and national levels, sex trafficking was the highest reported type of trafficking case, followed by labor trafficking (Figure 17). The data source did not include a breakdown of contacts’ race, ethnicity, or age group.

**Figure 16.** Sex of U.S. and S.D. human trafficking cases<sup>38,39</sup>



**Figure 17.** Type of trafficking cases reported, U.S. and S.D.<sup>38,39</sup>





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