

**An Analysis of Crimes on Tribal Land in Oklahoma:  
Using Incident-Based Reporting Data**



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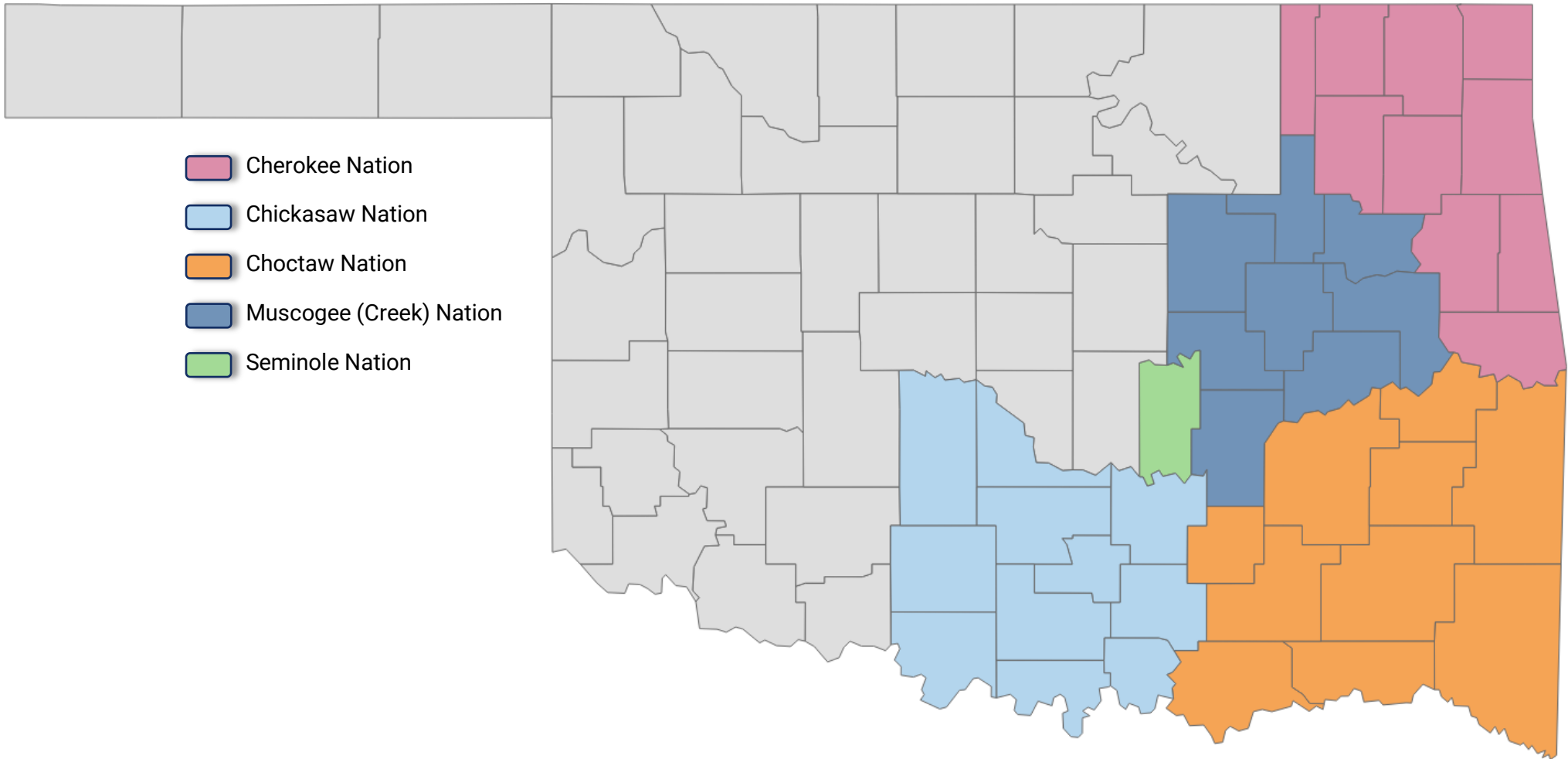
## Purpose of Study

In July 2020, the United States Supreme Court ruled in *McGirt v. Oklahoma*, 140 S.Ct. 2452, that the Muscogee (Creek) Nation's reservation, contained within Oklahoma, was never disestablished by Congress and as a result, the State of Oklahoma lacked criminal jurisdiction on reservation land. As a result of this ruling, major crimes committed within this region with a tribal offender(s) or victim(s) could not be prosecuted in state court. These crimes must be investigated and processed through federal or tribal jurisdictions (law enforcement and court systems). While this decision initially only affected the Muscogee (Creek) Nation, it was later expanded to four other Nations (Cherokee, Chickasaw, Choctaw, and Seminole) through rulings from the Oklahoma Court of Criminal Appeals; together, these five Nations are known as the Five Civilized Tribes (Figure 1). This area encompasses approximately 40 of Oklahoma's 77 counties (51.9%).

The McGirt ruling, as well as those that followed which addressed other tribes, has impacted all aspects of the criminal justice system in Oklahoma including but not limited to local (city and county), state, tribal, and federal law enforcement agencies and court systems. In the aftermath of these rulings, law enforcement agencies are required to assess not only if the reported crime took place within Indian Country but also if either the offender and/or victim was native. This evaluation is essential to the process as it determines jurisdiction to investigate and, if needed, prosecute the crime. This ruling significantly impacted the number of resources needed by the various local, state, tribal, and federal law enforcement and court entities to effectively investigate and prosecute crimes in Oklahoma.

Considering how this ruling impacts the resources of the criminal justice community in Oklahoma, the Statistical Analysis Center (SAC) identified an opportunity for further research. The SAC was interested in examining crimes reported in the geographic area of the Five Civilized Tribes as well as surveying the criminal justice community. The SAC analyzed reported crime to identify any changes in reporting practices whether it be the number of crimes or an increase/decrease in individuals reported as American Indian/Alaskan Native (AI/AN). When surveying law enforcement agencies and court systems, the SAC was interested in learning how these entities have responded to the *McGirt* decision, and how it impacted their agency.

**Figure 1. Five Civilized Tribes Geographic Area\***



\*Note: In the map above, boundaries were limited to the county lines. However, a Nation's boundary may extend over the county lines, or it may end before a county line.



## Background Research

### McGirt v. Oklahoma Decision

Jimcy McGirt was originally convicted of three sex crimes by a jury in Wagoner County District Court in 1997. He was sentenced to 500 years plus Life in prison without parole for his crimes. McGirt appealed his convictions, eventually reaching the U.S. Supreme Court, and argued that Oklahoma state courts lacked jurisdiction to hear his case because of his membership in the Seminole/Creek Nations and because the alleged crimes occurred within the bounds of Indian Country. He argued he should have been tried in federal/tribal court because the crimes he committed were on the Muscogee Creek Nation reservation. The State of Oklahoma argued that the Creek Nation was disestablished due to numerous treaties, the allotment of land to residents outside the tribes, and the transfer of cases from federal courts to state courts when Oklahoma became a state.

In their decision, the Supreme Court voted 5-4 in favor of McGirt. The majority agreed with McGirt's argument that Congress never officially disestablished the Muscogee Creek Nation reservation and that federal jurisdiction applied in this case. The majority continued that during the 1900s when the territory of Oklahoma was being created, Congress started to reduce the powers of the tribal reservations in Oklahoma by taking away their power to enforce laws and allotting land which could be later sold. While the measures Congress took worked towards disestablishing the Muscogee Creek Nation, they did not state that the Muscogee Creek Nation was disestablished and instead Congress then began to give power and responsibilities back to the tribes in the 1930s. When Oklahoma became a state with the Oklahoma Enabling Act, any case in federal court in the area governing Oklahoma transferred to the state courts. However, it did not transfer jurisdiction or authority over the areas.

The dissent argued that this decision would weaken Oklahoma's ability to prosecute crimes in the eastern half of Oklahoma. Furthermore, the dissent disagreed with the majority's interpretations of the numerous treaties, bills, and more that limited the tribes' ability to self-govern. According to the dissent, the totality of the treaties and bills is what disestablished the tribes and that is the clear intent that Congress had at the time. Additionally, as new treaties were drafted for the tribes, one condition included that the tribes' members would become United States citizens. The dissent argued that this added more to the totality of bills and treaties that

showed that the tribes in Oklahoma were disestablished. The dissent ended their argument by warning that this ruling would create chaos and problems for the state of Oklahoma.

After the *McGirt* decision was issued, questions started arising if other tribes in Oklahoma were disestablished or not. The Oklahoma Court of Criminal Appeals found that the other four Civilized Tribes (Cherokee, Chickasaw, Choctaw, and Seminole) were not disestablished by Congress and thus the same conclusion reached in *McGirt* applied to their respective areas. Collectively, the Five Civilized Tribes cover the entire eastern half of Oklahoma except for the northeast corner.

### Other Court Decisions

After the *McGirt* decision, the Oklahoma Court of Criminal Appeals (OCCA) received numerous appeal requests from offenders seeking to have their cases dismissed because Oklahoma lacked jurisdiction over them. One of the cases was the *State of Oklahoma v. Lawhorn*, 2021 OK CR 37. In *Lawhorn*, the Defendant, who is Native American, was charged with one count of lewd or incident acts with a child under the age of 16. The alleged offense occurred within the boundaries of the Quapaw Nation, and on appeal, Lawhorn asserted that the State lacked jurisdiction or prosecute him. The OCCA found that, like the Muscogee Creek reservation, the Quapaw reservation was not disestablished, thus the state did not have jurisdiction over the case.

The *Lawhorn* case is not the only case to be brought to the courts about a tribe's reservation status. Apart from the Five Civilized Tribes (Muscogee Creek Nation, Cherokee, Choctaw, Chickasaw, and Seminole), the reservation status of the Kiowa-Comanche-Apache tribes was addressed in *Martinez v. State*, 2021 OK CR 40. In *Martinez*, the appellee Martinez argued that because the crimes were committed on Kiowa-Comanche-Apache land, the case should fall under federal jurisdiction, thus Oklahoma did not have jurisdiction to charge him. On appeal, the OCCA found there was enough evidence to determine that the Kiowa-Comanche-Apache reservation was disestablished and that the matter could be prosecuted in state court.

The Oklahoma Court of Criminal Appeals took further steps to clarify the application of the *McGirt* decision in *State ex. rel Matloff v. Wallace*, 2021 OK CR 21. In *Matloff*, the Court considered whether the criminal conviction of Clifton Parish from 2012 should be vacated in light of the *McGirt* case and subsequent rulings. Parish was Indian and his crimes were committed within the boundaries of the Choctaw Nation. The Court reasoned that the rule established by *McGirt* was procedural in nature and therefore did not apply retroactively. As such, the Court held that any conviction which was final before the *McGirt* decision was a valid conviction.

In addition to the holding in *Matloff*, the United States Supreme Court has also clarified the application of the *McGirt* ruling. In *Oklahoma v. Castro-Huerta*, 142 S.Ct. 2486, the Court considered whether the state and federal government could have concurrent jurisdiction over criminal matters. In *Castro-Huerta*, the defendant was not Indian but the crimes took place in Indian Country and the victim was Indian. The Court found that in cases such as this, both the state and the federal government retained jurisdiction. This concurrent jurisdiction allows both entities to prosecute certain crimes occurring in Indian Country.

### **Tribal Registration**

Throughout the research process, staff made note of several documents and court decisions that mention blood quantum to determine whether someone's ancestors were Native American. Thus, staff researched the tribal registration process for the Five Civilized Tribes (Cherokee, Muscogee Creek, Seminole, Chickasaw, and Choctaw). The first practice that is shared by all tribes is requiring applicants to show documented proof of lineal or direct ancestry to a member on the "Dawes Rolls." The "Dawes Rolls," also known as the "Final Rolls," is a list of Native Americans who applied to the Dawes Commission and were approved. In addition to providing lineal ancestry, applicants must receive a Certificate of Degree of Indian Blood (CDIB) from the Bureau of Indian Affairs (BIA). The process to get a CDIB card is similar to the tribal registration process, where the applicant must prove lineal ancestry to a confirmed member of a federally recognized tribe. Once the applicant has a CDIB card and has submitted the lineal ancestry to the tribe, the tribe then reviews the documents.

## Methodology

### State Incident-Based Reporting System

For this project, staff used data from the State Incident-Based Reporting System (SIBRS). SIBRS is an incident-based reporting system that allows agencies to report crime data as incidents, which include victim and offender information, offense information, and property information if applicable. Currently, there are more than 400 agencies that submit crime data to SIBRS, and the data is then submitted to the FBI's National Incident-Based Reporting System (NIBRS).

Staff identified 231 local law enforcement agencies (including police departments, county sheriff's offices, campus police, and tribal police) in the area affected by the *McGirt* decision. From the 231 agencies, staff further limited law enforcement agencies to ones who have submitted data to SIBRS as of January 1<sup>st</sup>, 2019, or earlier, and as a result, 20 agencies were excluded from the SIBRS data analysis. This limitation was established to ensure data collection and analysis was for the full calendar years of 2019-2021.

In the *McGirt* Decision, the United States Supreme Court found that the Major Crimes Act (MCA) still applied to Oklahoma after its statehood in 1907. The MCA granted exclusive jurisdiction for major crimes (i.e., murder) to the federal courts over Native Americans who committed the crime whether the victim is Native American or not. Additionally, researchers reviewed the MCA and found 12 unique offenses. Researchers were able to equate the twelve MCA offenses to 23 unique SIBRS offense codes. Of the 23 offense codes, 12 were categorized as a Crime Against a Person, and 11 were categorized as Crime Against Property. Once the limitations were established, staff queried the SIBRS database for all incidents reported from 2019–2021 in the state of Oklahoma. After querying the data, staff limited incidents for analysis to the 211 agencies and incidents with at least 1 of the 23 offense codes.

With the dataset of incidents created, staff analyzed the number of crimes reported per year. Crime analysis included assessing if law enforcement agencies began utilizing the premise type of Tribal Land and if there were changes in the number of crimes reported. Due to the jurisdictional changes, the SAC theorized it could affect the number of crimes reported by local law enforcement agencies. In addition to analyzing crime trends in this region, staff analyzed the demographic makeup between victims and offenders for each incident.

In addition to collecting crime data compatible with NIBRS, a SIBRS report includes a narrative for each incident. Staff randomly selected 300 incidents per year where no individuals (victim or

offender) were reported as AI/AN. After selecting the 900 incidents, staff read each report to assess data quality and reporting practices in the narrative. Researchers read each narrative to determine if the agency began to note steps law enforcement took to determine jurisdiction before the *McGirt* decision (2019), during the *McGirt* decision (2020), and after the *McGirt* decision (2021). Steps an agency may have taken to establish jurisdiction regarding the *McGirt* decision could include: tribal affiliations of the victim/offender, if the victim or offender had a CDIB card, or if the incident occurred on tribal land.

## Law Enforcement and Court Surveys

The effects of the *McGirt* decision may vary depending on which agency or group one asks. After reading the amicus briefs from Oklahoma, the Cherokee Nation, and others, it is clear that there are two sides to this issue. One side indicates that the *McGirt* decision has caused the eastern half of Oklahoma to be in a state of chaos, while the other side indicates that everything is under control. To properly understand how agencies have responded and what is occurring in the eastern part of Oklahoma, staff created a survey to assess the effects the *McGirt* decision had on law enforcement agencies and court systems.

The Oklahoma SAC created two surveys, one for law enforcement agencies and one for the court systems. The Oklahoma SAC distributed the survey using two methods. The first method sent an email to agencies with a link to a digital survey on Survey123 and, as an alternative option, a PDF survey. For the second method, the survey was faxed to the law enforcement agency or court if an email could not be sent or was returned as undeliverable.

For the law enforcement agency survey, the SAC created questions about the agency's knowledge of the *McGirt* decision, if the agency experienced any confusion regarding the *McGirt* decision, staffing changes, and if the agency changed any policies or training standards. In total, staff distributed the survey to 262 law enforcement agencies. Of the 262 law enforcement agencies, there were 183 local police departments, 40 county sheriff's offices, 9 tribal police departments, 10 JAG Task Force commanders, 3 OSBI regional offices, 8 federal officers, and 9 Oklahoma Highway Patrol Troops.

For the judicial/court system survey, staff included questions about any increase/decrease in workload, any increase/decrease in staffing, and if the court experienced any confusion about the *McGirt* decision. This survey was distributed to local court systems (district attorneys), tribal court systems, and federal court systems. In total, 45 surveys were sent

to the various court systems, and of those, 40 were local court systems, 3 were tribal court systems, and 2 were federal court systems.

## Analysis of SIBRS Data

### Analysis of MCA Offenses

As mentioned in the [Methodology](#) section, there were 23 SIBRS offense types selected from the 13 offenses listed in the MCA. Of the 23 SIBRS offense types, 12 offense types were a Crime Against a Person, and 11 offense types were a Crime Against Property (Table 1). In total, there were 98,068 unique incidents that included at least one of the 23 SIBRS offense types.

**Table 1. Crimes Against Persons and Property**

Offense Categories	Offense Types
Crimes Against Persons	Homicide Offenses*
	Assault Offenses*
	Forcible Sex Offenses*
	Non-Forcible Sex Offenses*
	Kidnapping/Abduction
Crimes Against Property	Larceny Offenses*
	Robbery
	Arson
	Burglary/Breaking and Entering

\*Homicide Offenses include: Murder and Non-Negligent Manslaughter and Negligent Manslaughter

\*Assault Offenses include: Aggravated Assault, Simple Assault, and Intimidation

\*Forcible Sex Offenses include: Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling

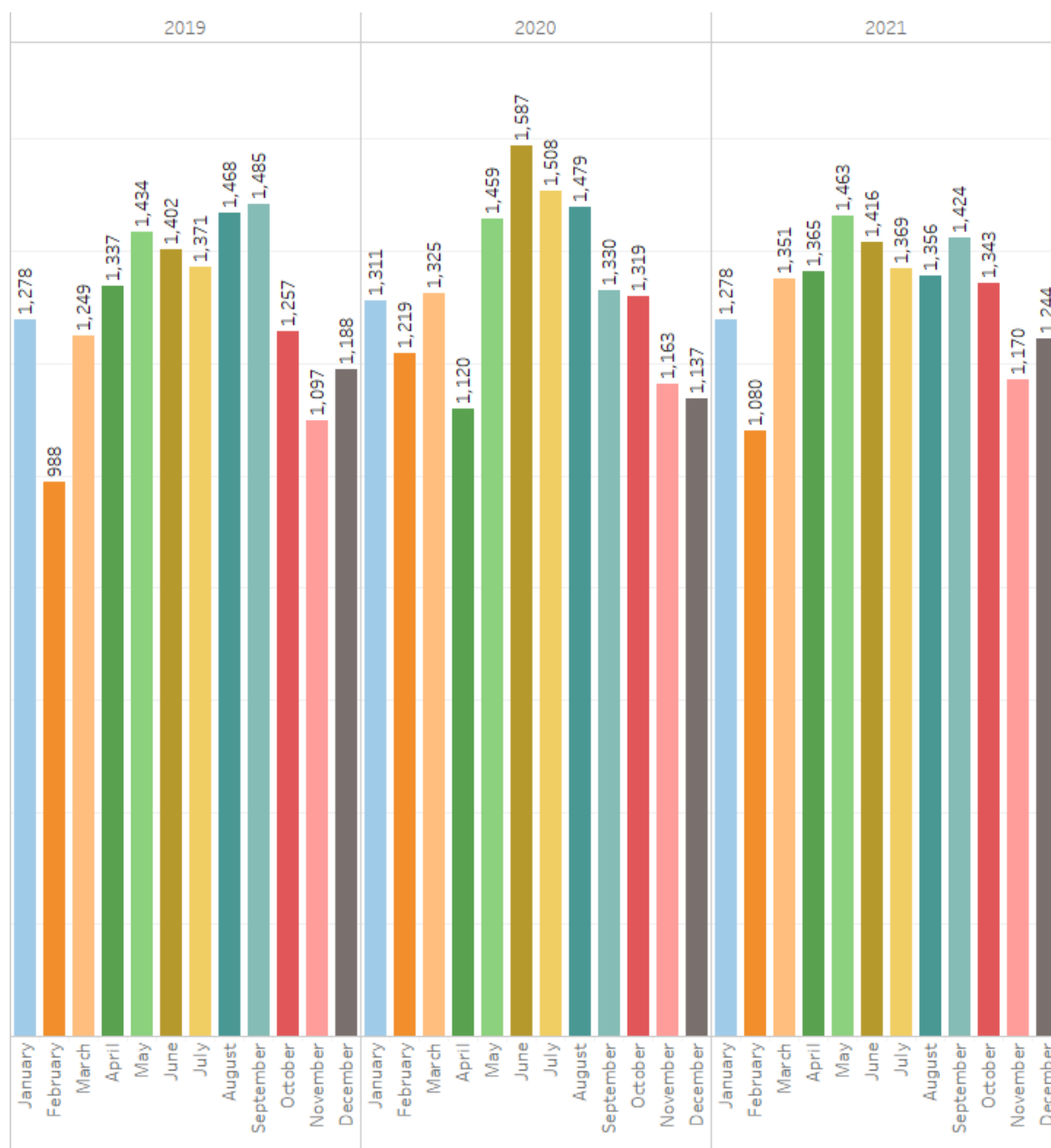
\*Non-Forcible Sex Offenses include: Incest and Statutory Rape

\*Larceny Offenses include: Pocket-Picking, Purse-Snatching, Shoplifting, Theft from Building, Theft from Coin-Operated Machine, Theft from Motor Vehicle, Theft of Motor Vehicle Parts and Accessories, and All Other Larceny

### Crimes Against Persons

Crimes Against Persons are counted by the number of unique victims per offense type, thus there were 47,370 unique victims of a Crime Against a Person. Of the three years, the highest number of Crimes Against Persons occurred in 2020, with 15,957 victims, followed by 2019 and 2021. There were marginal changes in the number of victims per year, with a 2.6% increase in 2020 and a 0.6% decrease in 2021.

**Figure 2. Number of Victims per Month, Crimes Against Persons**



The majority (avg. 91.1%) of victims were a victim of an Assault Offense, and an average of 6.7% of victims per year were a victim of a Forcible Sex Offenses (Table 2). Homicide Offenses and Non-Forcible Sex Crimes were the least reported Crimes Against Persons, representing an average of 0.4% and 0.5% of victims per year, respectively. From 2019–2020, each category of Crimes Against Persons, excluding Assault Offenses, decreased by 3.6–14.6% in 2020. However, in 2021, Homicide Offenses and Kidnapping/Abduction increased by 18.2% and 17.2%, respectively, while the remaining offense categories decreased by 0.7-13.0%.



**Table 2. Number of Victims per Offense Category for Crimes Against Persons**

Crimes Against Persons	2019		2020		2021	
	No. of Victims	% of Total	No. of Victims	% of Total	No. of Victims	% of Total
Homicide Offenses	60	0.4	55	0.3	65	0.4
Assault Offenses	14,024	90.2	14,624	91.6	14,523	91.6
Forcible Sex Offenses	1,189	7.6	1,015	6.4	986	6.2
Non-Forcible Sex Offenses	88	0.6	77	0.5	67	0.4
Kidnapping/Abduction	193	1.2	186	1.2	218	1.4
<b>Total</b>	<b>15,554</b>	<b>100.0</b>	<b>15,957</b>	<b>100.0</b>	<b>15,859</b>	<b>100.0</b>

\*Homicide Offenses include: Murder and Non-Negligent Manslaughter and Negligent Manslaughter

\*Assault Offenses include: Aggravated Assault, Simple Assault, and Intimidation

\*Forcible Sex Offenses include: Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling

\*Non-Forcible Sex Offenses include: Incest and Statutory Rape

For Crimes Against Persons, the 47,370 victims (Table 2) were the result of 40,931 unique offenses. When analyzing premise types, staff combined similar types into overall categories due to the number of premise types available for reporting. For each year, the most common premise type for a crime against person to occur was a Residence/Home, which accounted for 67.0-70.4% of all premise types (Table 3). In 2021, the number of offenses reported on Tribal Land increased to 22 after only 7 offenses were reported each year in 2019 and 2020. Additionally, staff observed a steady increase in the number of offenses occurring at a Commercial premise, Outdoors, and on Public Transportation/Roadways.

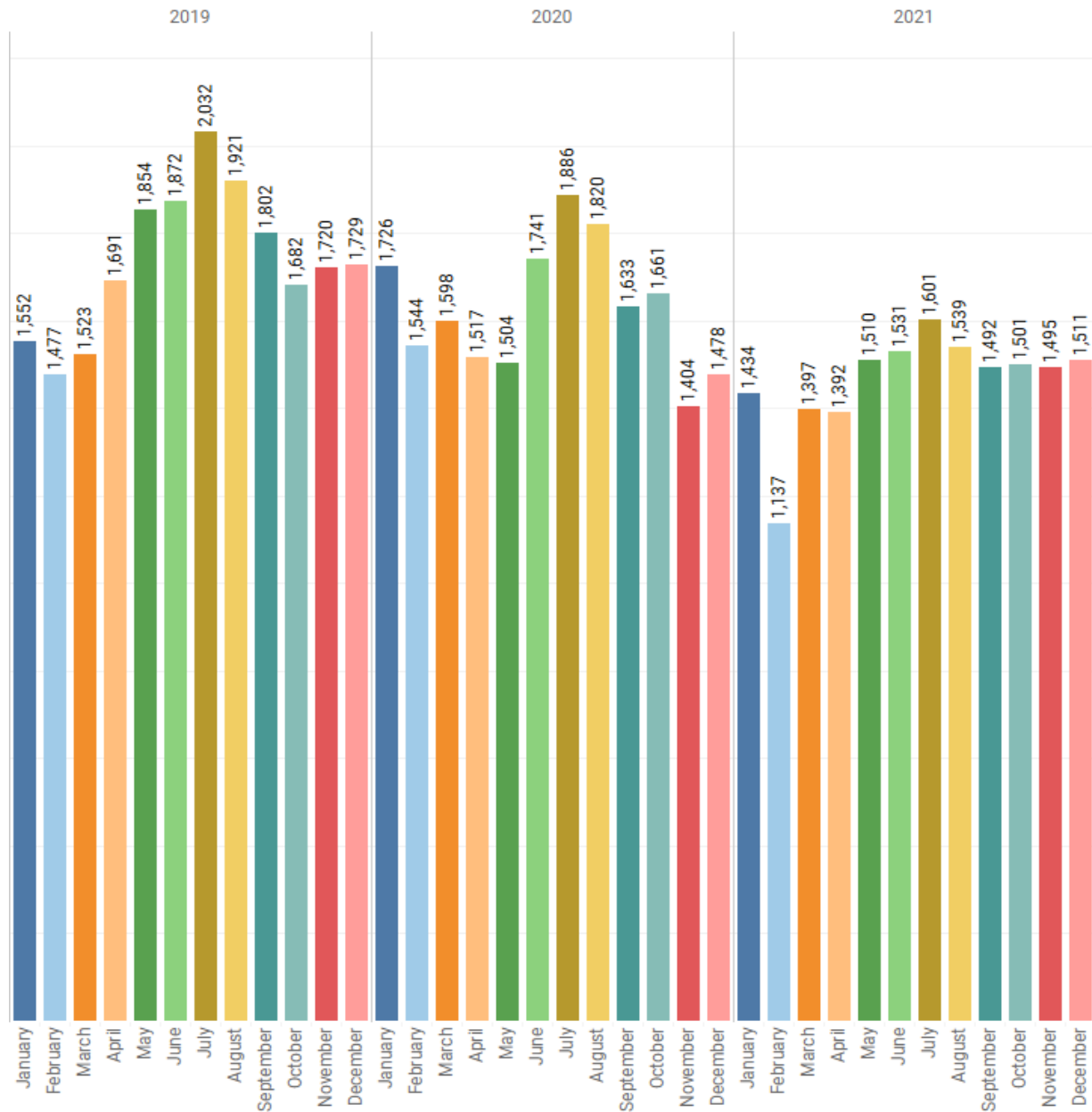
**Table 3. Crimes Against Persons by Premise Type**

Premise Category	Premise Type	2019		2020		2021	
		No. of Offenses	% of Total	No. of Offenses	% of Total	No. of Offenses	% of Total
Commercial		760	5.7	791	5.7	848	6.2
Entertainment		97	0.7	89	0.6	131	1.0
Financial Institutions		10	0.1	10	0.1	13	0.1
Gathering Places		44	0.3	28	0.2	40	0.3
Government		861	6.4	782	5.7	875	6.4
Industrial Zones		76	0.6	68	0.5	89	0.6
<b>Living Place</b>		<b>9,339</b>	<b>69.8</b>	<b>9,909</b>	<b>71.8</b>	<b>9,399</b>	<b>68.4</b>
	Hotel/Motel	128	1.0	180	1.3	191	1.4
	Residence/Home	9,205	68.8	9,725	70.4	9,203	67.0
	Shelter-Mission/Homeless	6	0.0	4	0.0	5	0.0
<b>Miscellaneous</b>		<b>322</b>	<b>2.4</b>	<b>298</b>	<b>2.2</b>	<b>318</b>	<b>2.3</b>
	Abandoned/Condemned Structure	6	0.0	2	0.0	3	0.0
	Cyberspace	39	0.3	56	0.4	46	0.3
	Other/Unknown	270	2.0	233	1.7	247	1.8
	Tribal Lands	7	0.1	7	0.1	22	0.2
Outdoors		200	1.5	201	1.5	223	1.6
Public Transportation/Roadways		1,246	9.3	1,386	10.0	1,429	10.4
School/College/Daycare		433	3.2	246	1.8	370	2.7
<b>Total</b>		<b>13,388</b>	<b>100.0</b>	<b>13,808</b>	<b>100.0</b>	<b>13,735</b>	<b>100.0</b>

### Crime Against Property

From 2019–2021, there were 57,907 unique offenses of Crimes Against Property. Of the three years, the highest number of offenses occurred in 2019, and the lowest number of offenses occurred in 2021. Unlike Crimes Against Persons, staff observed a continuous decrease for 2020 and 2021, by 6.4% and 10.1%, respectively. The highest number of Crimes Against Property occurred in July each year, and the lowest number occurred in February for 2019 and 2021, while May was the lowest in 2020.

**Figure 3. Crimes Against Property per Month**



Of the 57,907 offenses, an average of 68.4% of offenses per year were Larceny Offenses, and an average of 29.1% of offenses per year were Burglary/Breaking and Entering. The remaining offenses were Arson (avg. 1.4%) and Robbery (avg. 1.1%). In 2020 and 2021, Larceny Offenses and Burglary/Breaking and Entering offenses decreased each year by an average of 8.3% and 12.5% per year, respectively. Arson increased in 2020 and 2021 by 13.4% and 5.9%, respectively. Lastly, Robbery initially increased in 2020 by 1.3% but decreased by 36.3% in 2021 (Table 4).

**Table 4. Number of crimes per Offense Category for Crimes Against Property**

Offense Type	2019		2020		2021	
	No of Offenses	% of Total	No of Offenses	% of Total	No of Offenses	% of Total
Larceny*	14,086	67.5	13,248	67.9	12,286	70.0
Robbery	231	1.1	234	1.2	149	0.8
Arson	239	1.1	271	1.4	287	1.6
Burglary/Breaking and Entering	6,299	30.2	5,759	29.5	4,818	27.5
<b>Total</b>	<b>20,855</b>	<b>100.0</b>	<b>19,512</b>	<b>100.0</b>	<b>17,540</b>	<b>100.0</b>

\*Larceny Offenses include: Pocket-Picking, Purse-Snatching, Shoplifting, Theft from Building, Theft from Coin-Operated Machine, Theft from Motor Vehicle, Theft of Motor Vehicle Parts and Accessories, and All Other Larceny

Due to the numerous options of where an offense can occur, staff combined similar premise types into overall categories. Examples included Living Place (Residence/Home, Hotel/Motel), Entertainment (Amusement Park, Gambling Facility/Casino/Race Track), and Miscellaneous (Cyberspace, Other/Unknown, Tribal Lands). For Crimes Against Property, 50.6-55.7% of offenses occurred at a Living Place (i.e. Residence/Home, Hotel/Motel) each year (Table 5). Offenses reported on Tribal lands increased from 9 in 2019 to 14 in 2020 (55.6% increase) and 16 in 2021 (14.3% increase). Staff noted the use of the premise type of Gambling Facility/Casino initially decreased by 4.6% in 2020; however, it increased by 64.8% in 2021.

**Table 5. Crimes Against Property by Premise Type**

Premise Category	Premise Category	2019		2020		2021	
		No of Offenses	% of Total	No of Offenses	% of Total	No of Offenses	% of Total
Commercial		5,251	25.2	4,817	24.7	4,470	25.5
<b>Entertainment</b>		<b>185</b>	<b>0.9</b>	<b>164</b>	<b>0.8</b>	<b>247</b>	<b>1.4</b>
	Amusement Park	6	0.0	2	0.0	0	0.0
	Arena/Stadium/Fairgrounds/Coliseum	15	0.1	13	0.1	10	0.1
	Bar/Night Club	33	0.2	24	0.1	31	0.2
	Gambling Facility/Casino/Race Track	131	0.6	125	0.6	206	1.2
Financial Institutions		50	0.2	44	0.2	29	0.2
Gathering Places		166	0.8	204	1.0	185	1.1
Government		142	0.7	134	0.7	123	0.7
Industrial Zones		541	2.6	602	3.1	561	3.2
<b>Living Place</b>		<b>11,616</b>	<b>55.7</b>	<b>10,650</b>	<b>54.6</b>	<b>8,878</b>	<b>50.6</b>
	Hotel/Motel	264	1.3	248	1.3	205	1.2
	Residence/Home	11,350	54.4	10,401	53.3	8,671	49.4
	Shelter-Mission/Homeless	2	0.0	1	0.0	2	0.0
<b>Miscellaneous</b>		<b>802</b>	<b>3.8</b>	<b>795</b>	<b>4.1</b>	<b>815</b>	<b>4.6</b>
	Abandoned/Condemned Structure	19	0.1	19	0.1	29	0.2
	Cyberspace	3	0.0	0	0.0	0	0.0
	Other/Unknown	771	3.7	762	3.9	770	4.4
	Tribal Lands	9	0.0	14	0.1	16	0.1
Outdoors		496	2.4	491	2.5	549	3.1
Public Transportation/Road Ways		1,378	6.6	1,452	7.4	1,487	8.5
School/College/Daycare		228	1.1	159	0.8	196	1.1
<b>Total</b>		<b>20,855</b>	<b>100.0</b>	<b>19,512</b>	<b>100.0</b>	<b>17,540</b>	<b>100.0</b>

## Analysis of Victim and Offender Demographics

### Overall Findings

In addition to analyzing the number of MCA-related crimes reported in the McGirt region, the SAC analyzed the total number of incidents, victims, and offenders in the region (Table 6). Overall, there were 96,086 incidents over the three-year period, and the number of incidents decreased by 3.0% and 6.2% in 2020 and 2021, respectively. In addition to the decrease in the number of incidents, the total number of victims and offenders decreased. In 2020 and 2021, person victims (i.e., Individuals and Officers) decreased by 2.3% and 6.4% while non-person victims (i.e., Society/Public, Business, etc.) decreased by 3.2% and 2.1%, respectively. The number of offenders had similar decreases to person victims and decreased by 2.8% and 6.8% in 2020 and 2021. When examining the distribution of incidents per county from 2019-2020, there was little to no change in the distribution of incidents reported per county (Figure 4). The top five counties with the highest number of incidents for all three years included Tulsa County, Muskogee County, Stephens County, Pittsburg County, and Creek County. The incidents reported in these counties accounted for 37.3% of the 96,086 incidents included in the study.

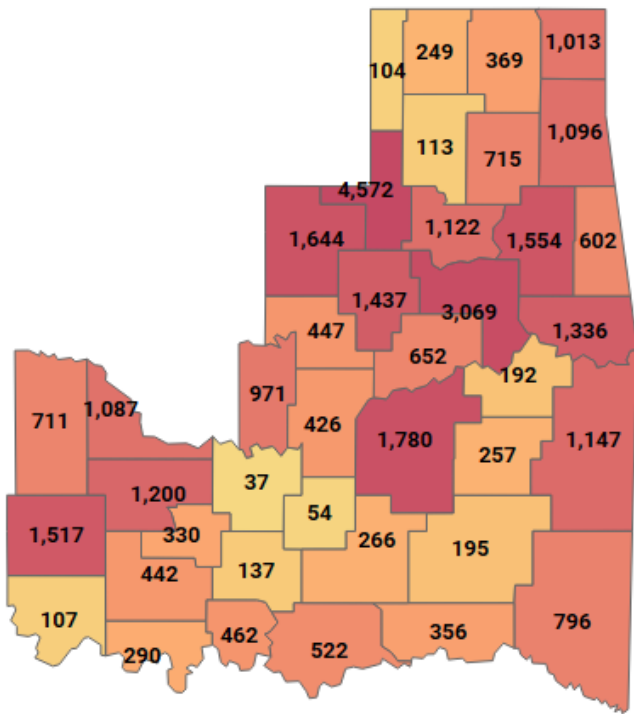
In addition to examining the overall change in the number of incidents, victims, and offenders, the SAC was interested in examining the demographic makeup of victims and offenders involved in the incidents. The following sections delve into the different victim-to-offender scenarios with all 96,086 incidents. Each section will highlight the number of unique incidents, victims, and offenders. For the purposes of this project, “multi-race” refers to the incident involving at least one individual (i.e., victim or offender) who was reported as AI/AN in the incident in addition to other individuals who were not reported as AI/AN. For example, if an incident had one victim reported as AI/AN and one victim reported as White, staff categorized the incident under the Multi-Race Victim Incidents category.

**Table 6. Number of All Incidents, Victims, and Offenders**

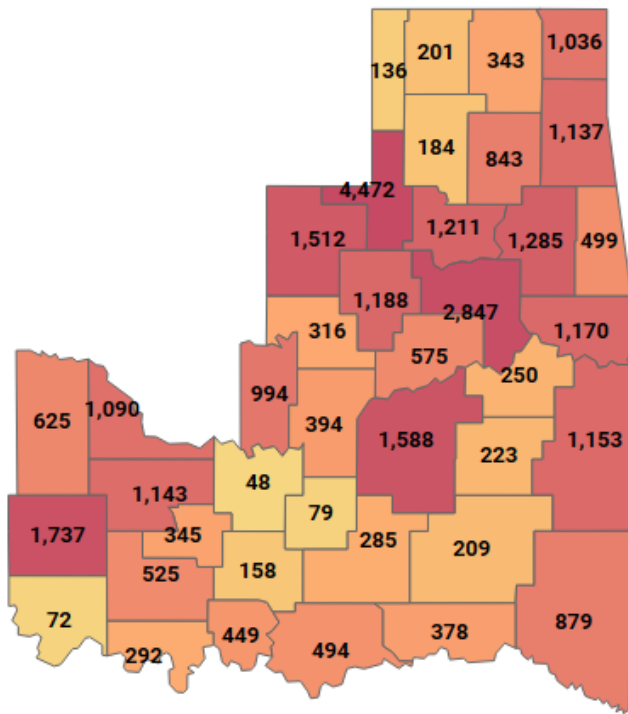
	2019				2020				2021			
	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total
<b>No. of Incidents</b>	1,854	361	31,161	<b>33,376</b>	2,002	372	29,991	<b>32,365</b>	2,203	399	27,743	<b>30,345</b>
<b>No. of Person Victims</b>	1,750	398	29,962	<b>32,110</b>	1,904	470	28,983	<b>31,357</b>	2,241	518	26,593	<b>29,352</b>
<b>No. of Non-Person Victims</b>	422	113	5,797	<b>6,332</b>	456	107	5,564	<b>6,127</b>	527	104	5,367	<b>5,998</b>
<b>No. of Offenders</b>	1,964	901	34,294	<b>37,159</b>	2,100	907	33,120	<b>36,127</b>	2,320	992	30,368	<b>33,680</b>

Figure 4. Number of Incidents per County

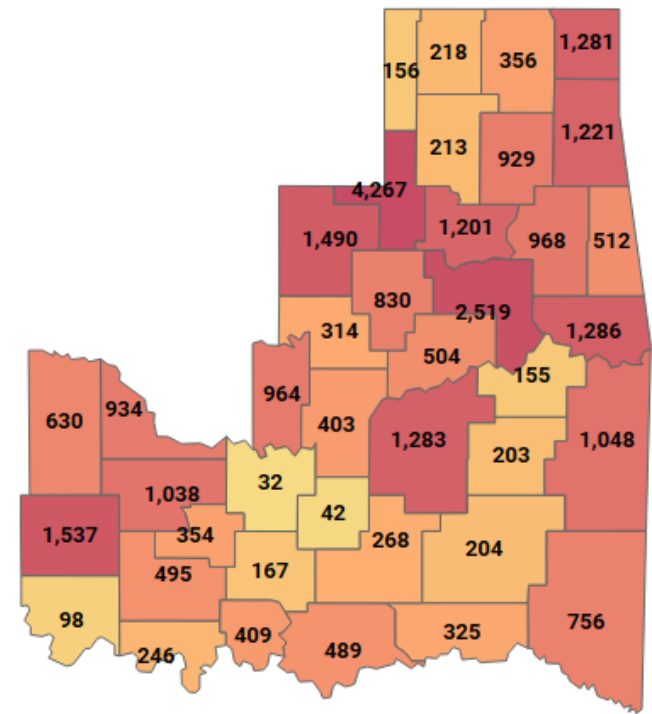
2019



2020



2021





### **American Indian/Alaskan Native Victims Only Incidents**

From 2019-2021, there were 5,724 unique incidents where all person victims were reported as AI/AN victims (Table 7). For incidents with only AI/AN victims, the number of incidents increased each year with the highest number occurring in 2021. For each year, Cherokee County had the highest number of incidents, and Jefferson County had the lowest number of incidents.

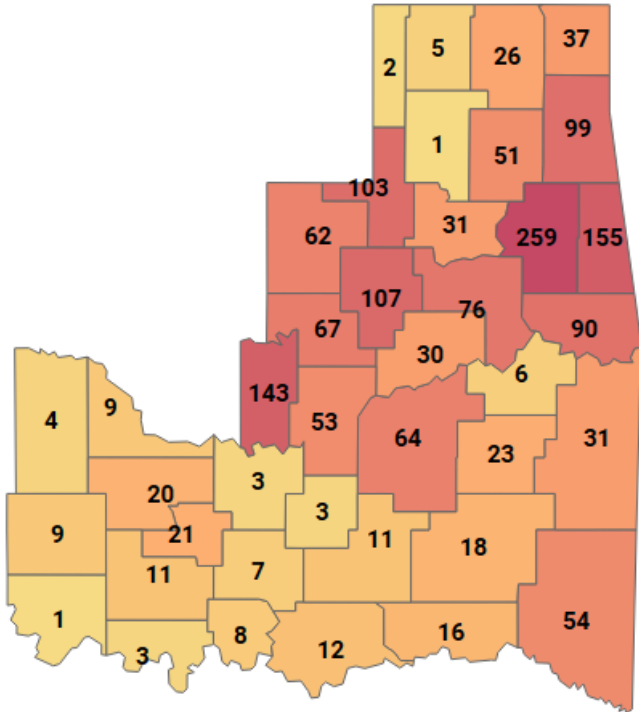
For the 5,724 incidents, there were 6,036 unique person victims, 217 unique non-persons (i.e., Society/Public), and 6,267 unique offenders (Table 7). Each category (incidents, person victims, non-person victims, and offenders) increased every year except the non-person victims category which decreased by 1.8% in 2020. The remaining categories increased by 3.9% for incidents, 4.9% for person victims, and 5.0% for offenders in 2020. While increases in 2020 were not significant, the increases that occurred in 2021 were more significant. In 2021, the number of incidents increased by 22.4%, person victims increased by 22.3%, non-person victims increased by 85.7%, and offenders increased by 19.5%.

**Table 7. Number of Incidents, Victims, and Offenders for Incidents with only AI/AN Victims**

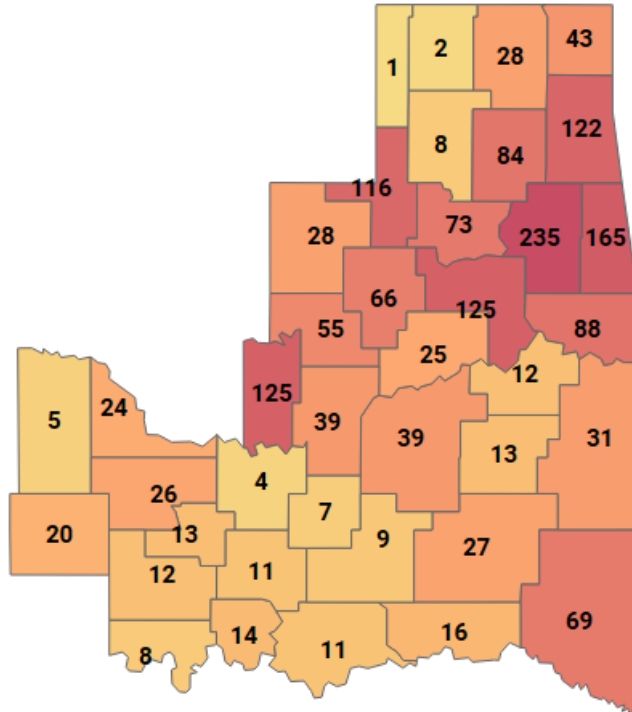
American Indian/Alaskan Native Victims	2019				2020				2021			
	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total
<b>No. of Incidents</b>	468	36	1,227	<b>1,731</b>	509	35	1,255	<b>1,799</b>	637	39	1,518	<b>2,194</b>
<b>No. of Person Victims</b>	510	40	1,261	<b>1,811</b>	562	40	1,298	<b>1,900</b>	704	44	1,577	<b>2,325</b>
<b>No. of Non-Person Victims</b>	18	3	36	<b>57</b>	20	4	32	<b>56</b>	54	6	44	<b>104</b>
<b>No. of Offenders</b>	515	92	1,290	<b>1,897</b>	550	85	1,356	<b>1,991</b>	684	92	1,603	<b>2,379</b>

**Figure 5. Number of Incidents per County with only AI/AN Victims**

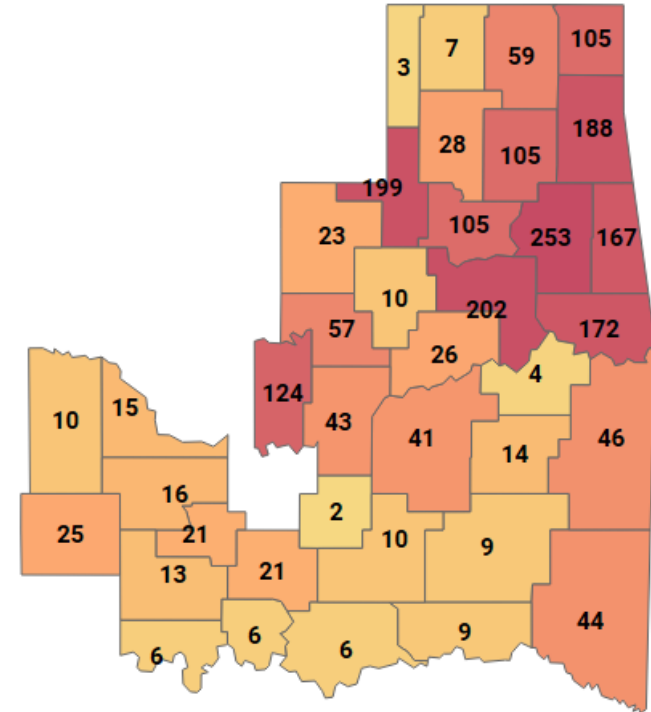
2019



2020



2021



## Victim Information and Demographics

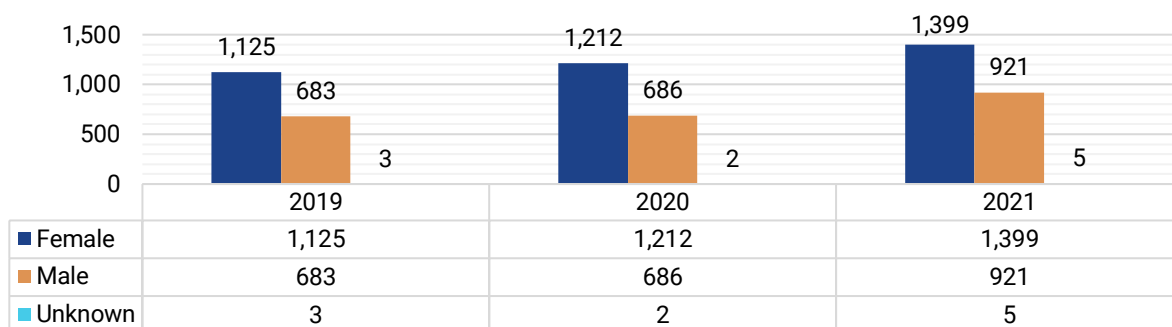
As previously mentioned, there were 6,253 person and non-person victims involved in these incidents. The majority, 95.3–97.0%, of victims each year were reported as Individuals, and less than 1.0% of person victims were reported as law enforcement officers. The remaining victims (217) were reported as non-person victim types. Of the non-person victim types, the most common were Society/Public, Business, and Government.

**Table 8. Number of Victims by Type for Only AI/AN Victims**

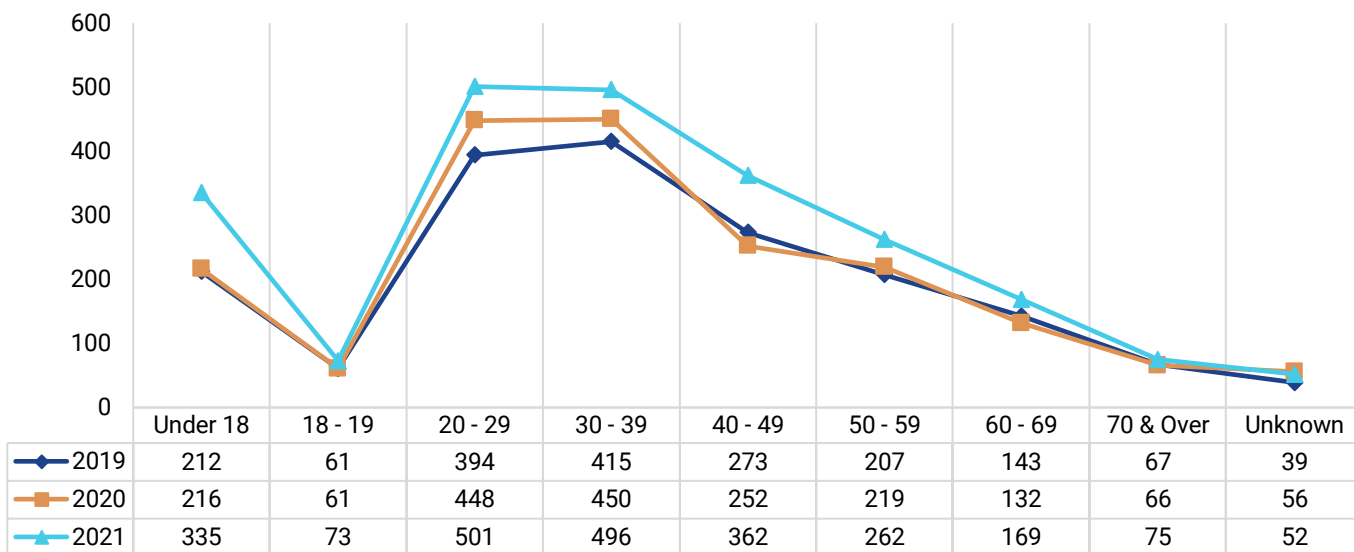
Type of Victim	2019	2020	2021
Business	5	17	11
Financial Institution	1	1	0
Government	8	1	4
Individual	1,808	1,897	2,316
Officer	3	3	9
Other	1	0	5
Religious Org.	2	0	0
Society/Public	40	37	83
Unknown	0	0	1
<b>Total</b>	<b>1,868</b>	<b>1,956</b>	<b>2,429</b>

Staff analyzed the demographics (sex, age range, and ethnicity) of person victims (Individual and Officer) who were reported as AI/AN. An average of 61.9% of person victims per year were reportedly Female, 37.9% (average) were Male, and for an average of 0.2% of victims the sex was Unknown (Figure 6). Between 58.5-60.5% of victims, each year were between the ages of 20 and 49 years old (Figure 7). More than 50.0% of victims each year were reportedly Non-Hispanic. The second most common ethnicity reported for victims was Unknown and represented 36.3–44.2% of victims (Figure 8). Lastly, 0.8-1.0% of victims were reportedly Hispanic.

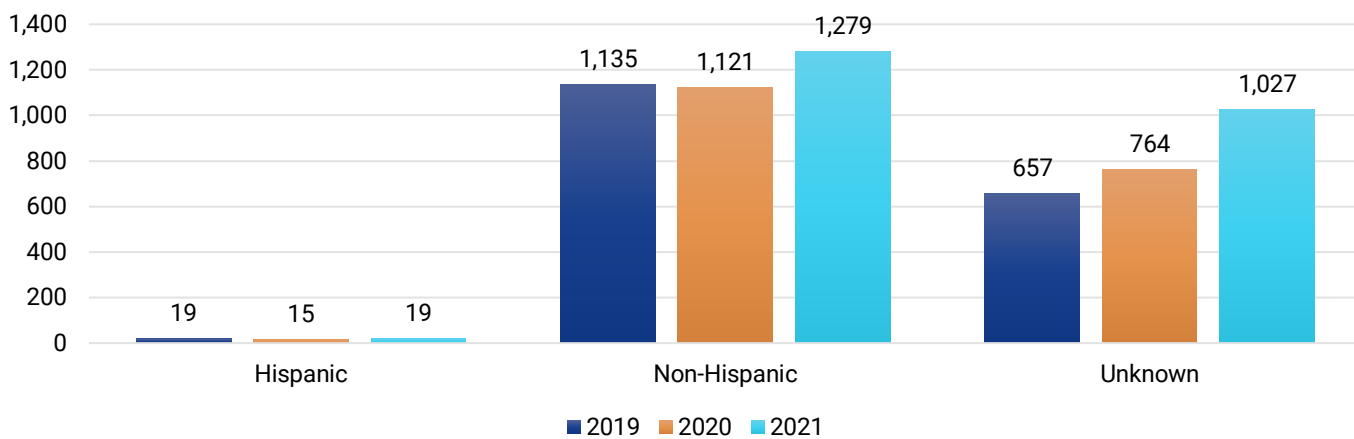
**Figure 6. Sex of AI/AN Victims**



**Figure 7. Age Range of AI/AN Victims**



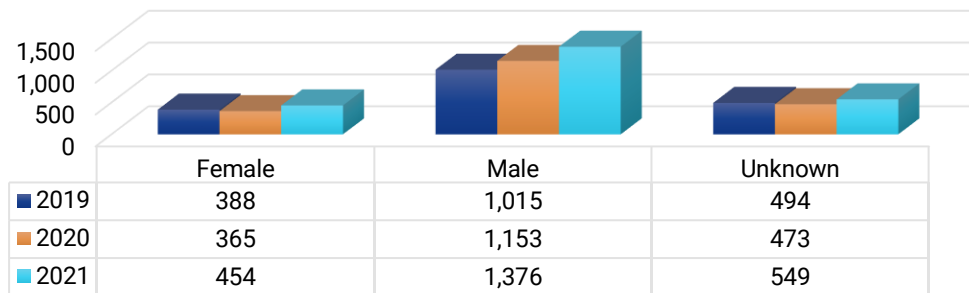
**Figure 8. Ethnicity of AI/AN Victims**



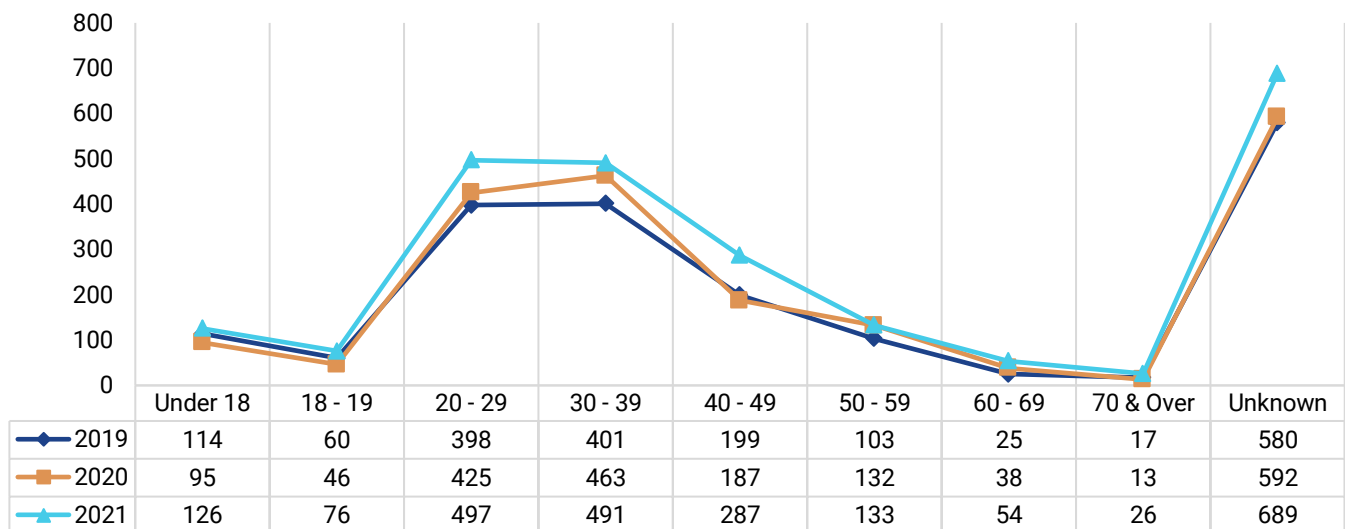
## Offender Demographics

Each year, over 50.0% (53.5–57.9%) of offenders were reportedly Male (Figure 9), and the remaining offenders were reported as either Female (18.3-20.5%) or Unknown sex (23.1-26.0%). In 2020, the number of offenders reported as Female and Unknown decreased by 5.9% and 4.3%, respectively, but in 2021, they increased by 24.4% and 16.1%. The majority (average of 29.7%) of offenders were reported as Unknown for age/age range; however, approximately 40% of offenders each year were between 20 and 39 years old (Figure 10). For these incidents, the most common races reported were White, Unknown, and AI/AN representing 93.4-93.9% of each year's offenders. An average of 53.5% of offenders were reported with an Unknown ethnicity each year, and the second most common ethnicity was Non-Hispanic, representing an average of 44.7% of offenders per year (Figure 11). Lastly, an average of 1.8% of offenders per year were reportedly Hispanic.

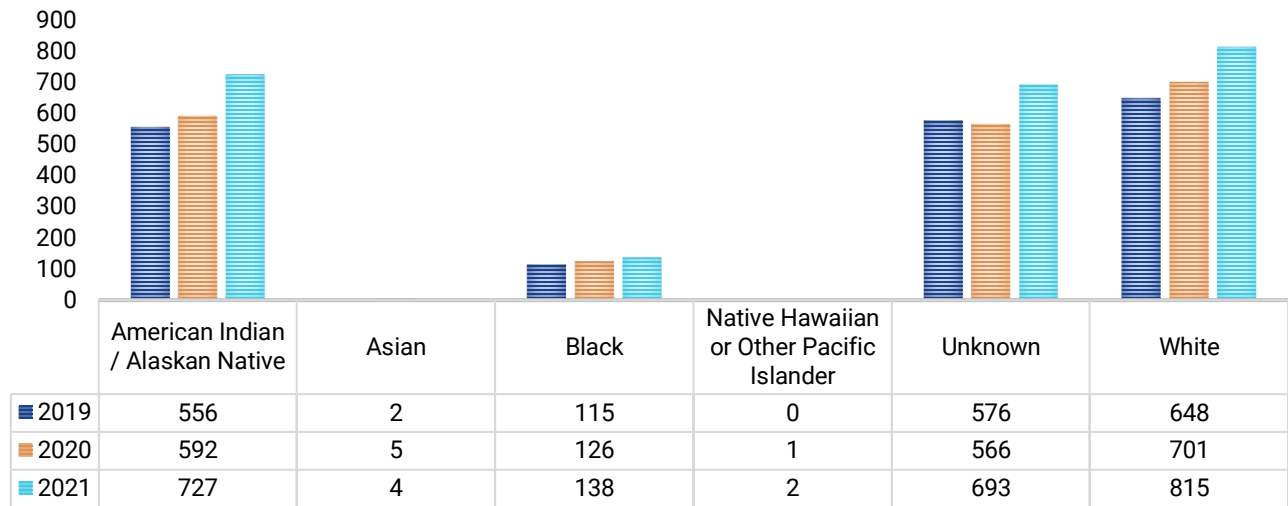
**Figure 9. Sex of Offenders with Only AI/AN Victims**



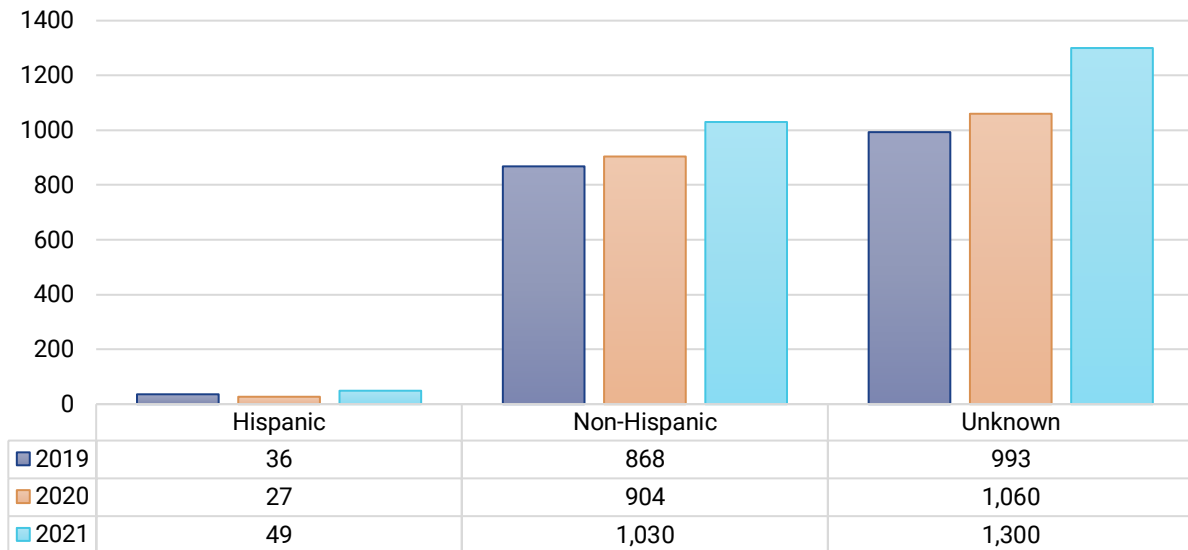
**Figure 10. Age Range of Offenders with only AI/AN Victims**



**Figure 11. Race of Offenders with only AI/AN Victims**



**Figure 12. Ethnicity of Offenders with only AI/AN Victims**



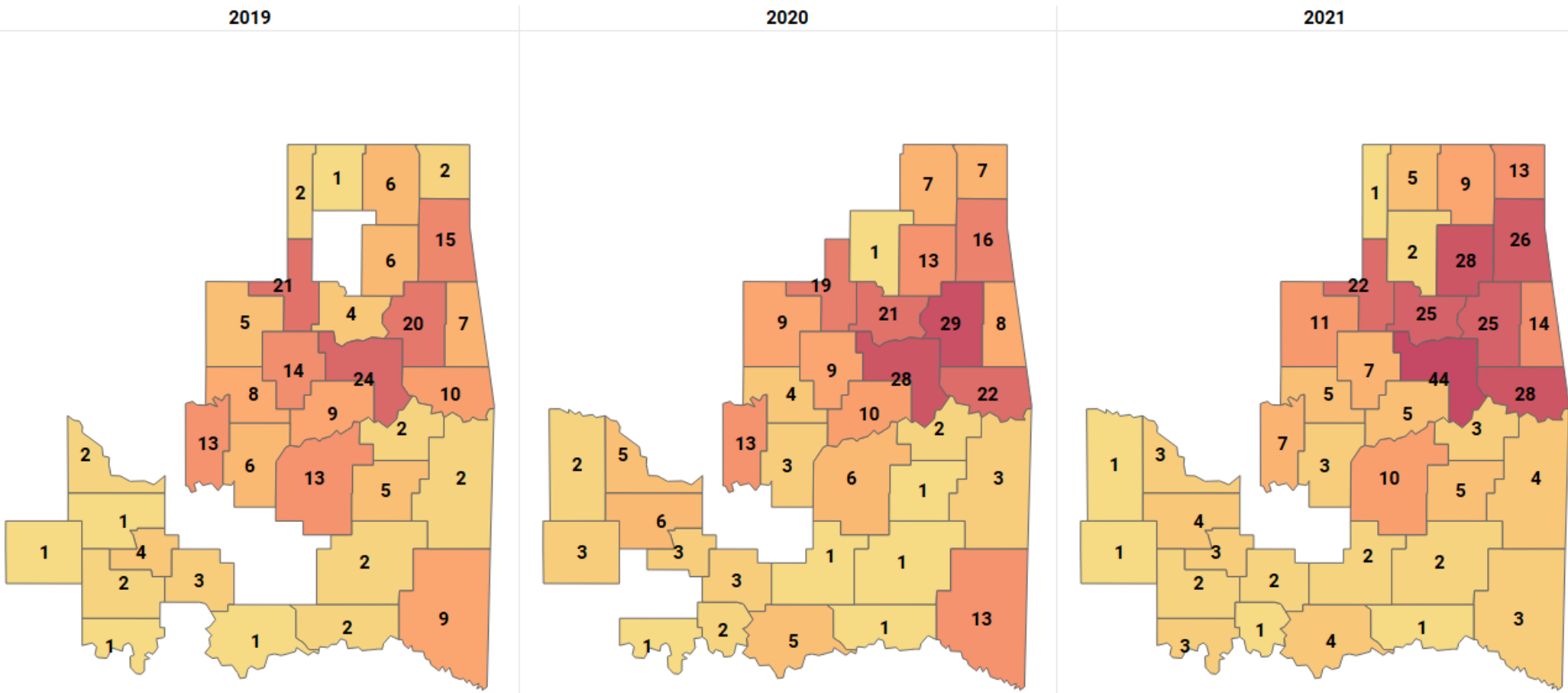
### Multi-Race Victim Incidents

From 2019-2021, there were 834 incidents reported where at least one victim in the incident was reported as AI/AN and the other victim(s) were reported as a different race (i.e., White, Black, Asian, etc.). Of those incidents, there were 2,134 unique person victims, 94 unique non-person victims (i.e., Business), and 1,190 unique offenders (Table 9). Overall, in 2020 and 2021, the number of incidents where there were multiple victims with multiple races reported increased over the three-year period by 24.2% and 20.6% per year. During this reporting period, the county that reported the highest number of incidents with multi-race victims was Muskogee County followed by Cherokee County and Tulsa County.

In addition to the increase in incidents, the number of victims and offenders increased each year. The number of unique person victims increased in 2020 and 2021 by 29.8% and 14.9%, respectively. In addition to person victims increasing, non-person victims increased by 37.5% and 12.1% per year. Lastly, the total number of offenders increased each year by 29.9% and 17.6%. The increase in offenders was not only observed in incidents with only Non-AI/AN offenders, but also in incidents where there were multiple offenders of different races and incidents with only AI/AN Offenders (Table 9).



**Figure 13. Number of Multi-Race Victim Incidents per County**



**Table 9. Number of Incidents, Victims, and Offenders with Multi-Race Victims**

Multi-Race	2019				2020				2021			
	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total
<b>No. of Incidents</b>	46	46	131	<b>223</b>	56	57	164	<b>277</b>	65	62	207	<b>334</b>
<b>No. of Person Victims</b>	112	108	343	<b>563</b>	126	152	453	<b>731</b>	166	157	517	<b>840</b>
<b>No. of Non-Person Victims</b>	8	2	14	<b>24</b>	7	2	24	<b>33</b>	12	4	21	<b>37</b>
<b>No. of Offenders</b>	47	110	154	<b>311</b>	61	143	200	<b>404</b>	70	156	249	<b>475</b>

## Victim Information and Demographics

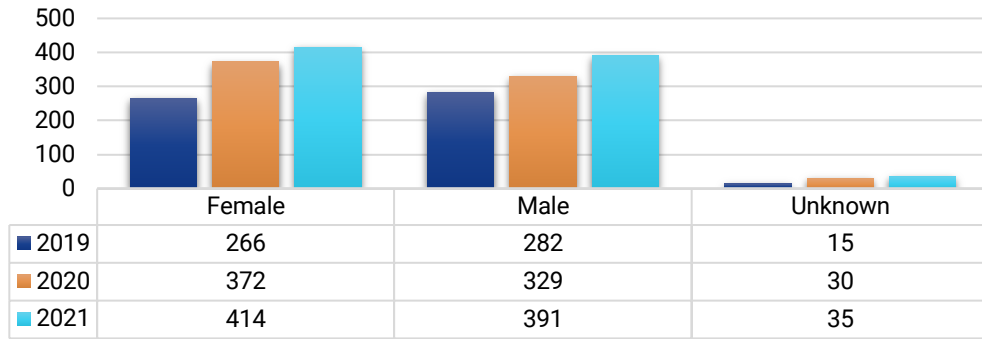
For the 834 unique incidents, there were 2,228 unique victims reported. Of those victims, over 90.0% were reported as a person (i.e., Individual and Officer) per year (Table 10). The remaining victims were non-person, which includes Business, Government, Other, and Society/Public. For victims reported as an Individual, the number reported increased in 2020 and 2021 by 30.2% and 14.0%, respectively.

**Table 10. Number of Victims by Type for Multi-Race Victim Incidents**

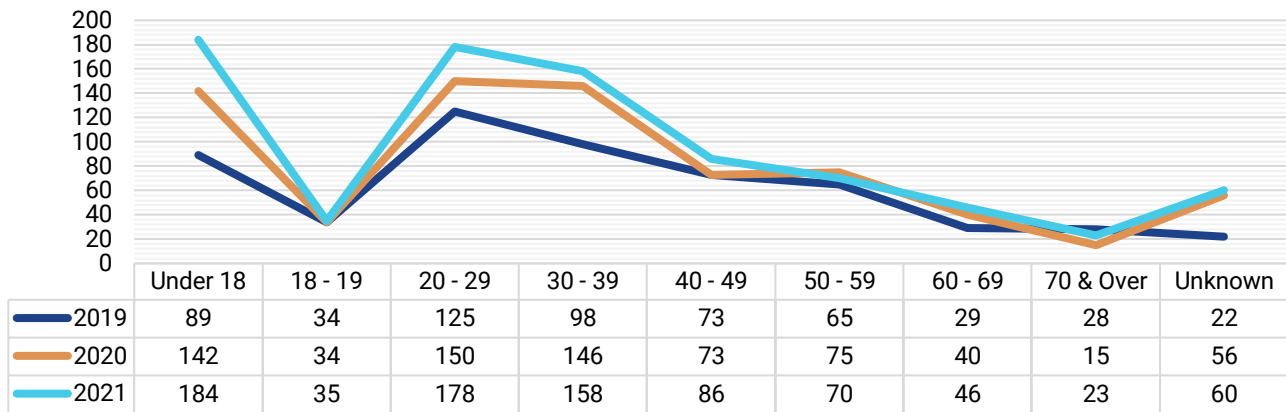
Type of Victim	2019	2020	2021
Business	3	6	4
Government	2	4	2
Individual	560	729	831
Officer	3	2	9
Other	1	0	1
Society / Public	18	23	30
<b>Total</b>	<b>587</b>	<b>764</b>	<b>877</b>

In addition to analyzing the type of victim reported, the SAC analyzed the demographic makeup for victims. Researchers found that the sex of victims was split nearly 50/50 each reporting year, with 40-50% reported as Male and Female and 4.2% or less reported as Unknown each year. Of these victims, approximately 20.0% of victims per year were between the ages of 20 to 29 years old (Figure 15). When examining the distribution of victims per age range, staff noted the number of victims who were reported as a juvenile (Under 18 years old) increased in 2020 and 2021 by 59.6% and 29.6%, respectively. Of the 2,134 victims, an average of 45.0% of victims each year were reported as AI/AN, and an average of 42.6% were reported as White (Figure 17). Staff noted that the total number of victims increased each year. When examining the distribution between races, the number reported as AI/AN accounted for a higher percentage while the number reported as White accounted for a lower percentage of victims. Lastly, an average of 51.0% of victims per year were reported as Non-Hispanic followed by an average of 47.4% per year who were reported as an Unknown ethnicity.

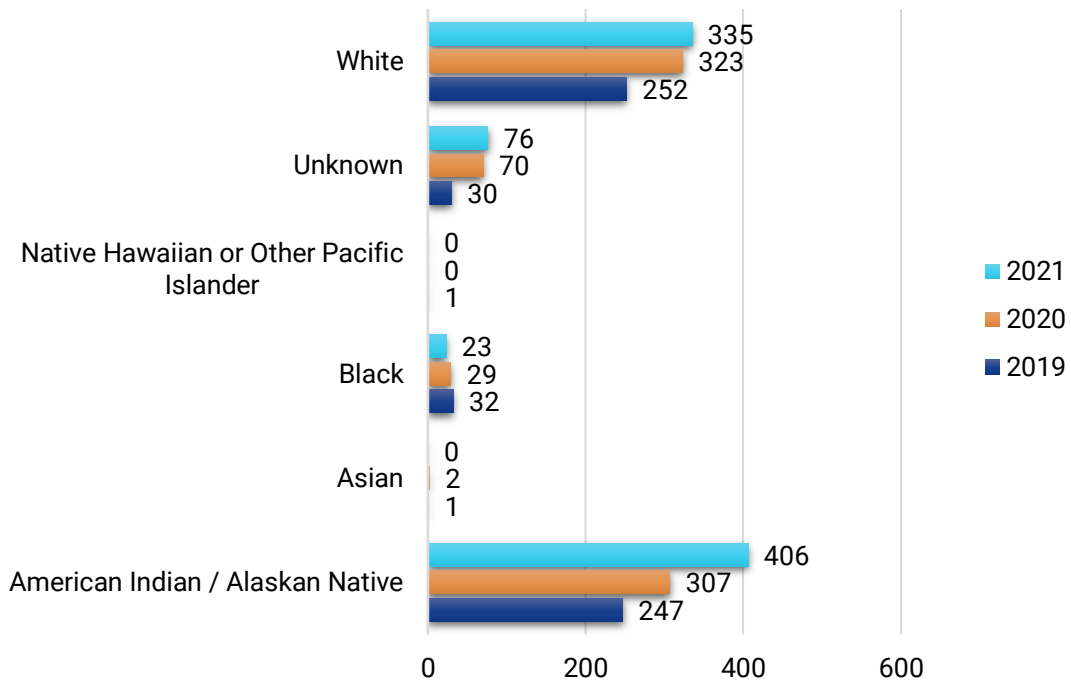
**Figure 14. Sex of Victims for Multi-Race Victims**



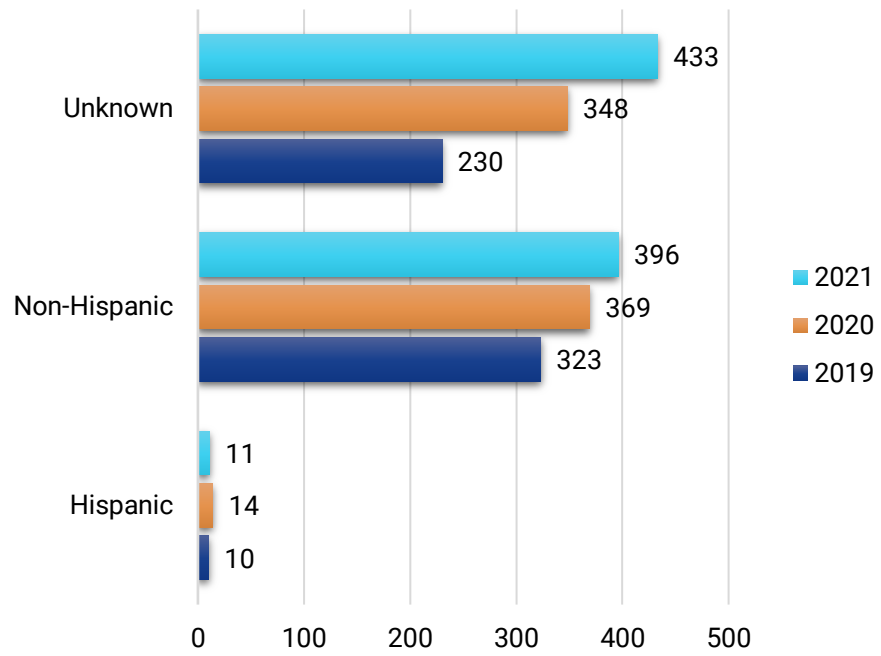
**Figure 15. Age Range of Victims for Multi-Race Victims**



**Figure 16. Race of Victims for Multi-Race Victims**



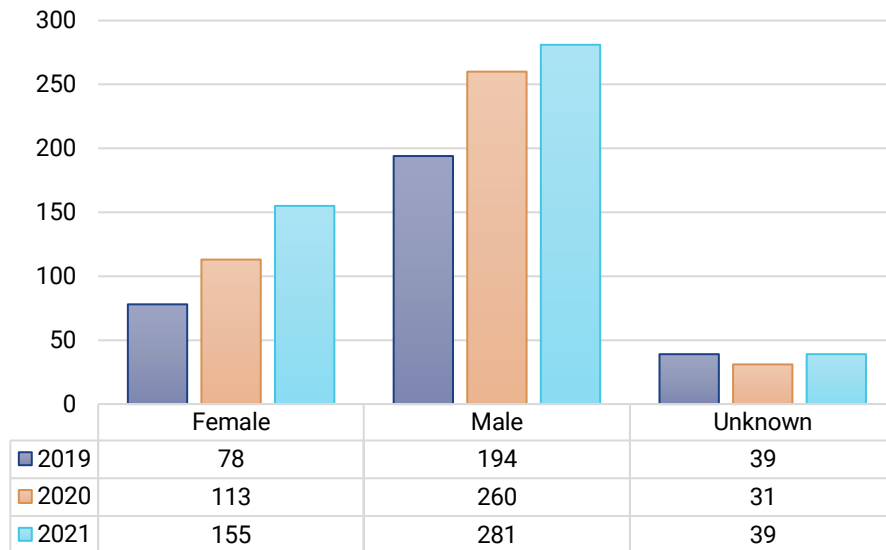
**Figure 17. Ethnicity of Victims for Multi-Race Victims**



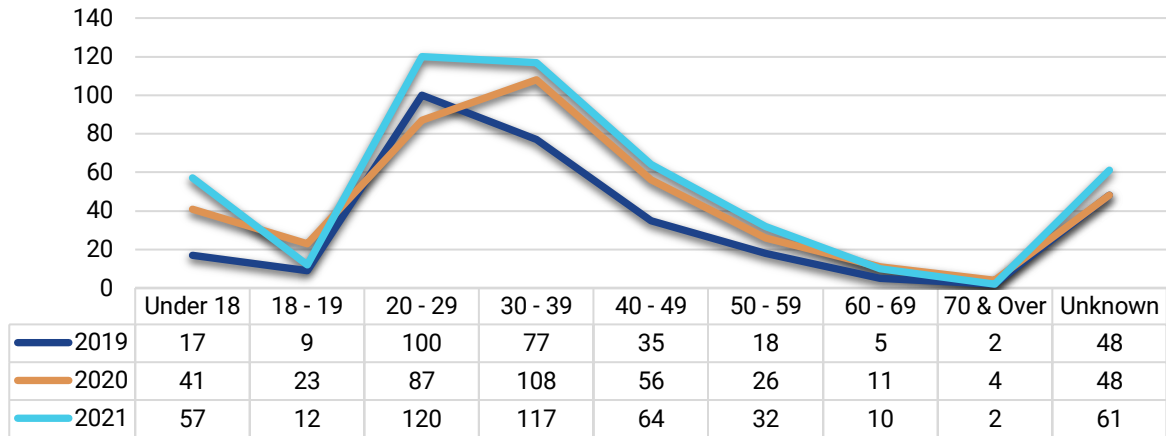
## Offender Demographics

As shown previously, 1,190 offenders were associated with the 834 incidents where there were victims of multiple races. Similar to trends observed with the number of incidents and the number of victims, the number of offenders increased each year. Staff found an average of 61.8% per year of offenders were reportedly Male (Figure 19). The remaining individuals were reported as Female (avg. of 29.1% per year) or Unknown (avg. of 9.6% per year). Forty-eight percent or more of offenders per year were between the ages of 20 to 39 years old (Figure 20). Additionally, staff observed an increase in the number of individuals reported as Under 18 years old. When analyzing the distribution of race amongst offenders, staff observed a similar trend of victims. Offenders were primarily reported as either AI/AN (29.7-30.9%) or as White (45.3-49.8%). While the total number of offenders increased each year, the distribution of individuals between races remained relatively the same. For ethnicity, the majority (avg. of 57.4% per year) of offenders were reported as Non-Hispanic while the remaining individuals were reported as Unknown (avg. of 40.3% per year) or as Hispanic (avg. of 2.3% per year).

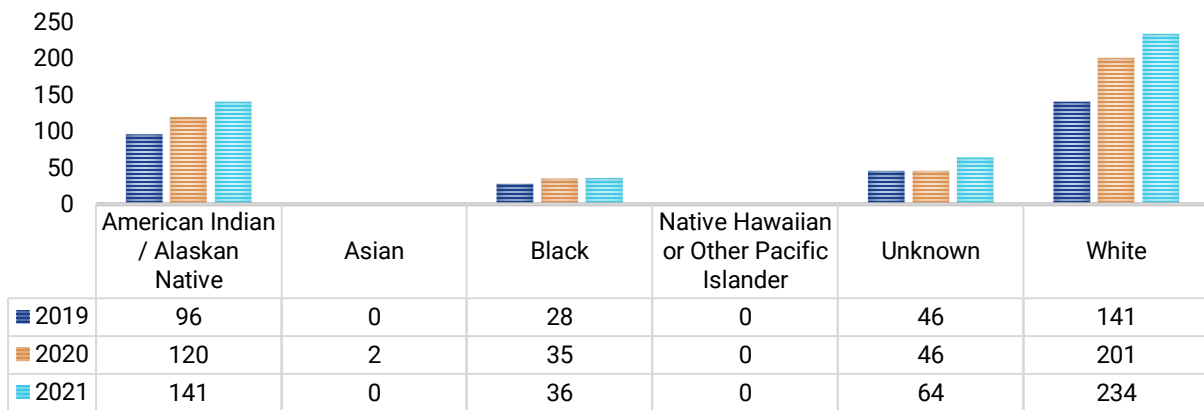
**Figure 18. Sex of Offenders for Multi-Race Victims**



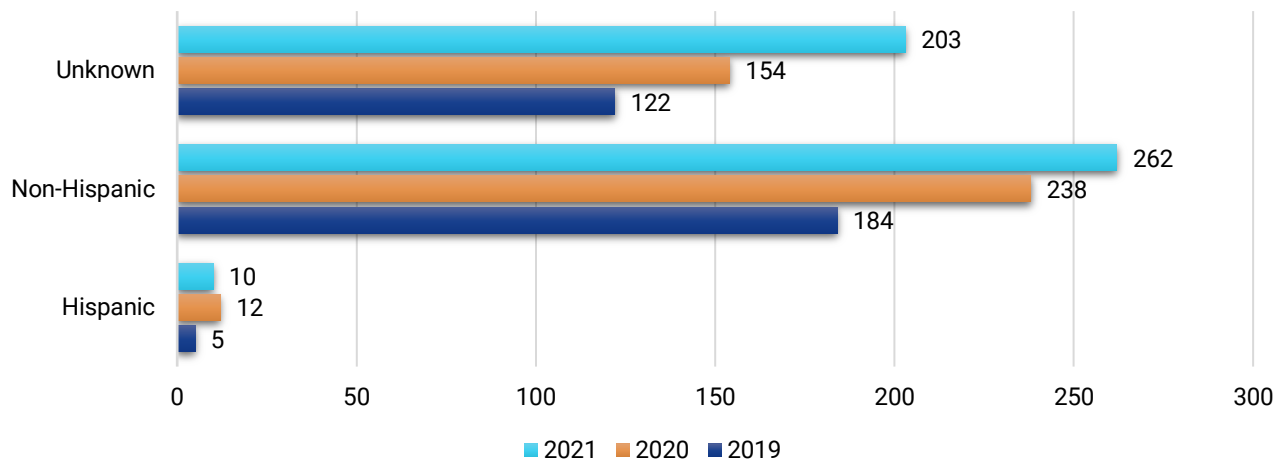
**Figure 19. Age Range of Offenders for Multi-Race Victims**



**Figure 20. Race of Offenders for Multi-Race Victims**



**Figure 21. Ethnicity of Offenders for Multi-Race Victims**



### **No American Indian/Alaskan Native Victims Only Incidents**

From 2019–2021 there were 75,283 unique incidents where the victim’s race was not reported as AI/AN. Of the three years, 2019 had the highest number of incidents, and 2021 had the lowest number of incidents (Table 11). There was a gradual decrease in the number of incidents each year, with a 3.2% decrease in 2020 and an 8.5% decrease in 2021. For these incidents, there were: 84,649 unique person victims, 3,056 unique non-person victims, and 83,315 unique offenders. Each year, the highest number of incidents occurred in Tulsa County, and the lowest number of incidents occurred in Pontotoc County.

Unlike the previous two sections, the number of person victims decreased in 2020 and 2021 by 3.4% and 8.8%, respectively. In contrast, the non-person victim category had a continuous increase in 2020 and 2021 by 10.5% and 8.8%, respectively. For offenders, the total number reported decreased each year by 2.8% and 8.8%. Interestingly, the number of incidents, victims, and offenders with at least one AI/AN offender increased each year while the number of incidents, victims, and offenders with no AI/AN offenders decreased each year (Table 11).

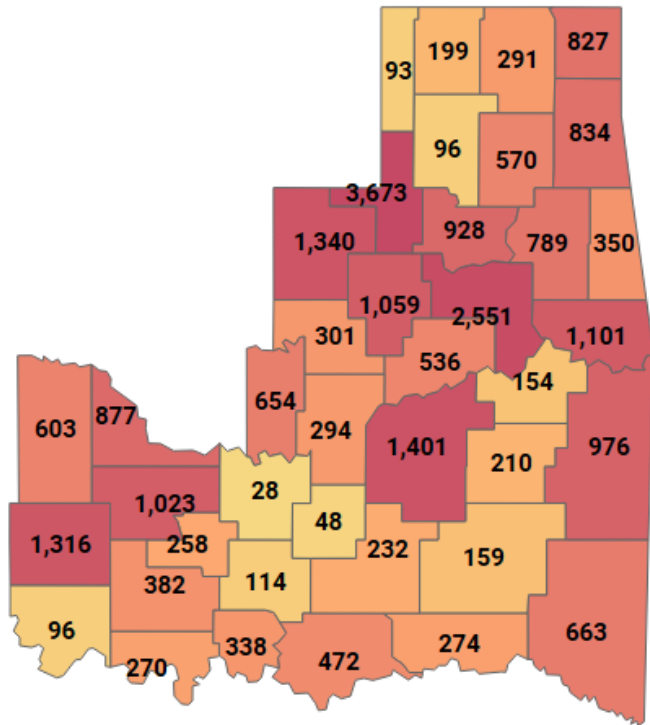


**Table 11. Number of Incidents, Victims, and Offenders for No AI/AN Victims**

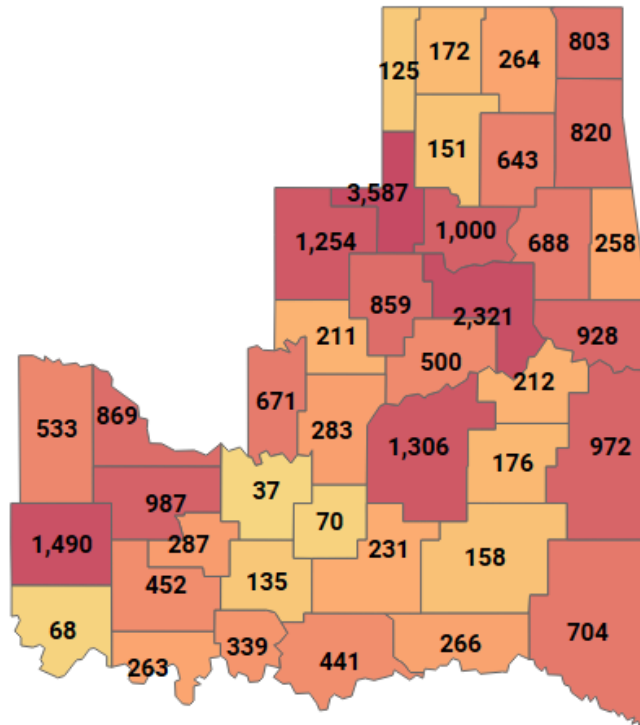
No American Indian/Alaskan Native Victims	2019				2020				2021			
	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total
<b>No. of Incidents</b>	1,017	204	25,159	<b>26,380</b>	1,112	216	24,206	<b>25,534</b>	1,196	250	21,923	<b>23,369</b>
<b>No. of Person Victims</b>	1,128	250	28,358	<b>29,736</b>	1,216	278	27,232	<b>28,726</b>	1,371	317	24,499	<b>26,187</b>
<b>No. of Non-Person Victims</b>	54	30	840	<b>924</b>	72	32	917	<b>1,021</b>	102	33	976	<b>1,111</b>
<b>No. of Offenders</b>	1,049	517	27,583	<b>29,149</b>	1,151	528	26,646	<b>28,325</b>	1,235	628	23,978	<b>25,841</b>

Figure 22. Number of Incidents with No AI/AN Victims per County

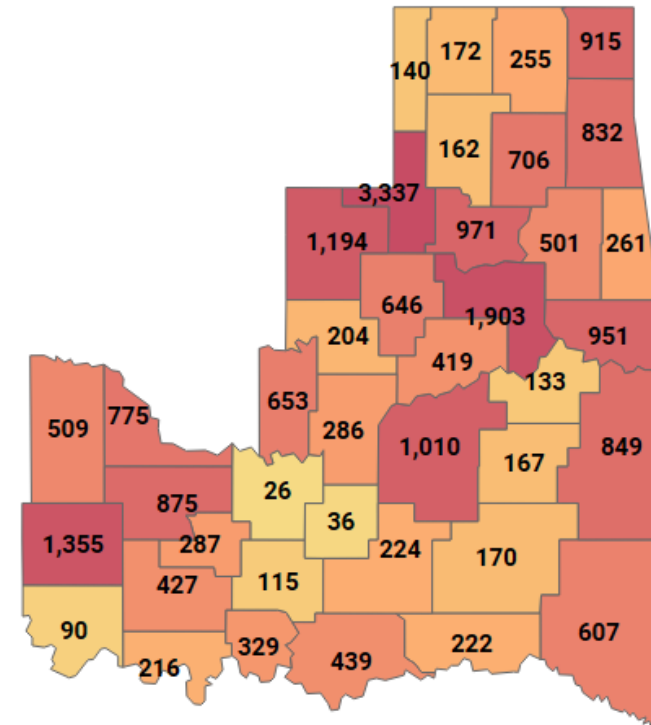
2019



2020



2021



## Victim Information and Demographics

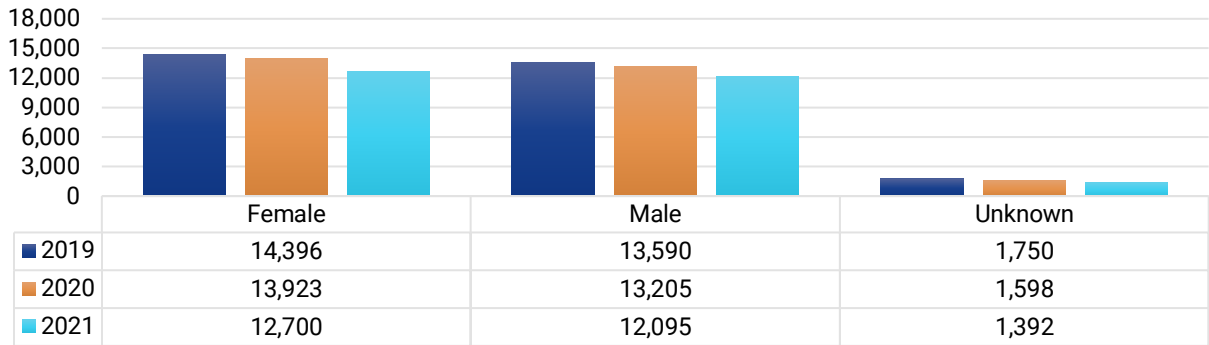
As previously mentioned, for these incidents, there were 84,649 unique victims reported. Of those victims, 94.8–96.2% were reported as Individual, and for 1.0% or less, the victim was reported as an Officer. The remaining victims were non-person victims such as Business, Financial Institution, etc. (Table 12).

**Table 12. Number of Victims by Type for Non-AI/AN Victims**

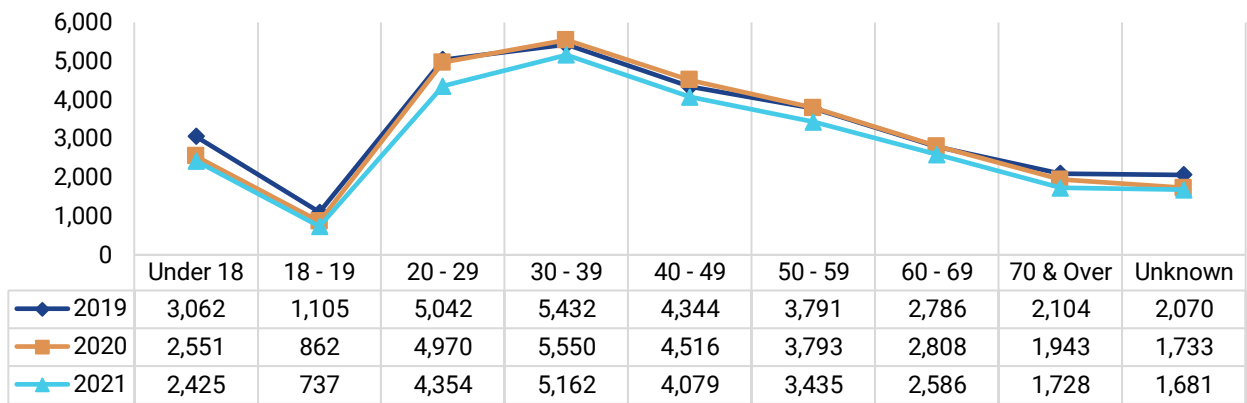
Type of Victim	2019	2020	2021
Business	285	283	295
Financial Institution	7	11	5
Government	75	64	79
Individual	29,488	28,427	25,887
Officer	248	299	300
Other	14	12	10
Religious Org.	5	2	7
Society / Public	538	648	714
Unknown	0	1	1
<b>Total</b>	<b>30,660</b>	<b>29,747</b>	<b>27,298</b>

In addition to examining the type of victims reported, researchers analyzed the demographic makeup for person victims (Individuals and Officers). Male and Female victims make up 94.0– 95.0% of victims; the sex of the remaining 5.0–6.0% was Unknown (Figure 24). In addition to analyzing the reported sex of victims, researchers analyzed the reported age range of victims and found that the most common age range was 30–39 years old for each year (Figure 25). The most common races reported each year were White (~84.0%), Unknown (~9.0%), and Black (~6.0%). The three most common races previously mentioned all decreased in 2020 and 2021, while Asian and Native Hawaiian or Other Pacific Islander decreased in 2020 and increased in 2021 (Figure 26). Similar to the sexes of victims, the ethnicity of victims was split 40 – 50% of each year as either Non-Hispanic or Unknown (Figure 27). The Hispanic ethnicity made up 2.3 – 2.6% of a year’s victims.

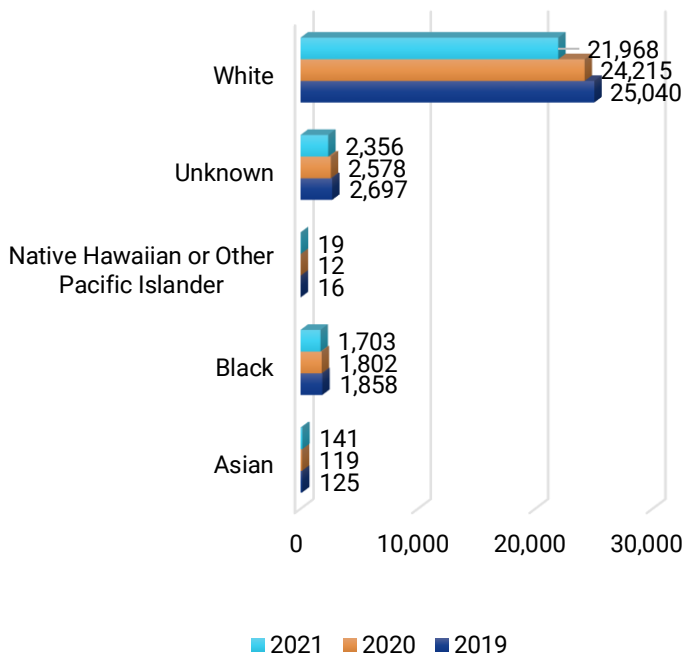
**Figure 23. Sex of Non-AI/AN Victims**



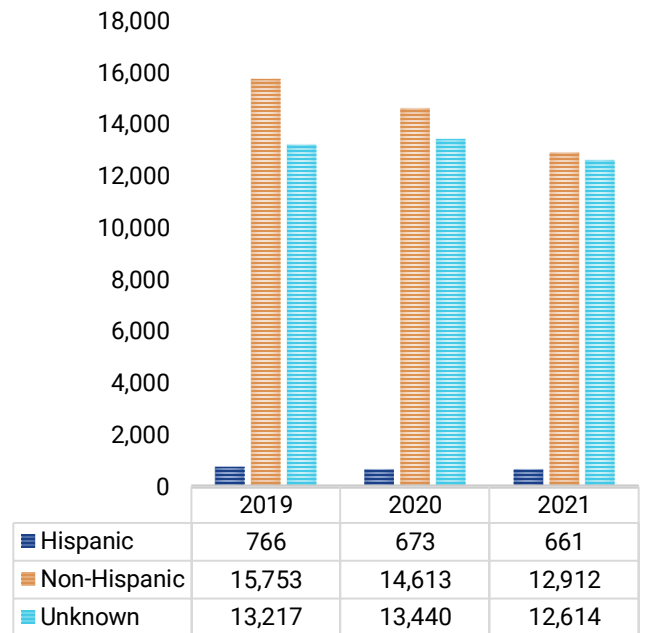
**Figure 24. Age Range of Non-AI/AN Victims**



**Figure 25. Race of Non-AI/AN Victims**



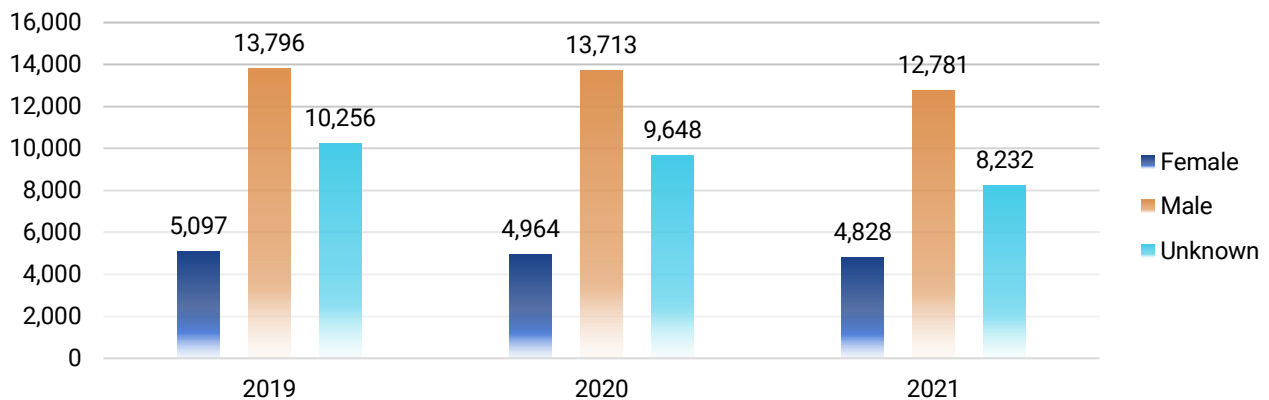
**Figure 26. Ethnicity of Non-AI/AN Victims**



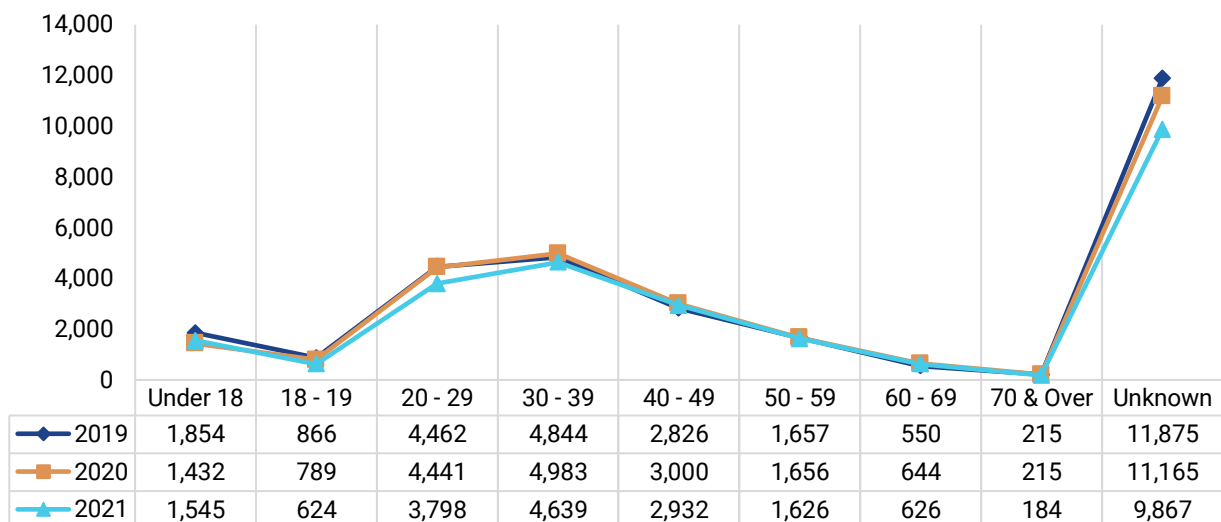
## Offender Demographics

Researchers analyzed the demographics for the 83,315 unique offenders involved in these incidents. The majority of offenders were reportedly Male, representing 47.3–49.5% of offenders (Figure 28). For an average of 39.4% of offenders per year, law enforcement reported the age/age range as Unknown. After Unknown, the most common age range for offenders was 30–39 years old (Figure 29). White and Unknown were the most common races reported for offenders, accounting for an average of 49.7% and 34.9% of offenders, respectively. The number of offenders reported as White, Unknown, and Black decreased each year, while Asian, Native Hawaiian, or other Pacific Islander, and AI/AN increased each year (Figure 30). Lastly, the majority (avg. of 60.1% per year) of offenders were reported with an Unknown ethnicity; the remaining individuals were reportedly Non-Hispanic (avg. of 37.9%) or Hispanic (avg. of 2.0%) (Figure 31).

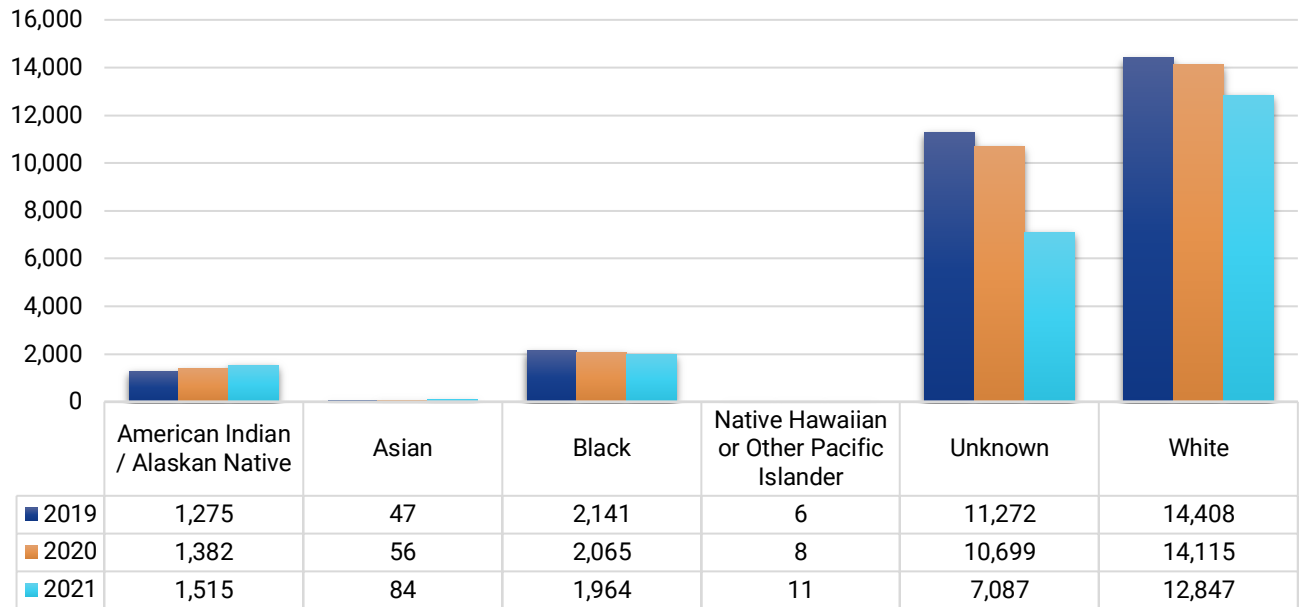
**Figure 27. Sex of Offenders with no AI/AN Victims**



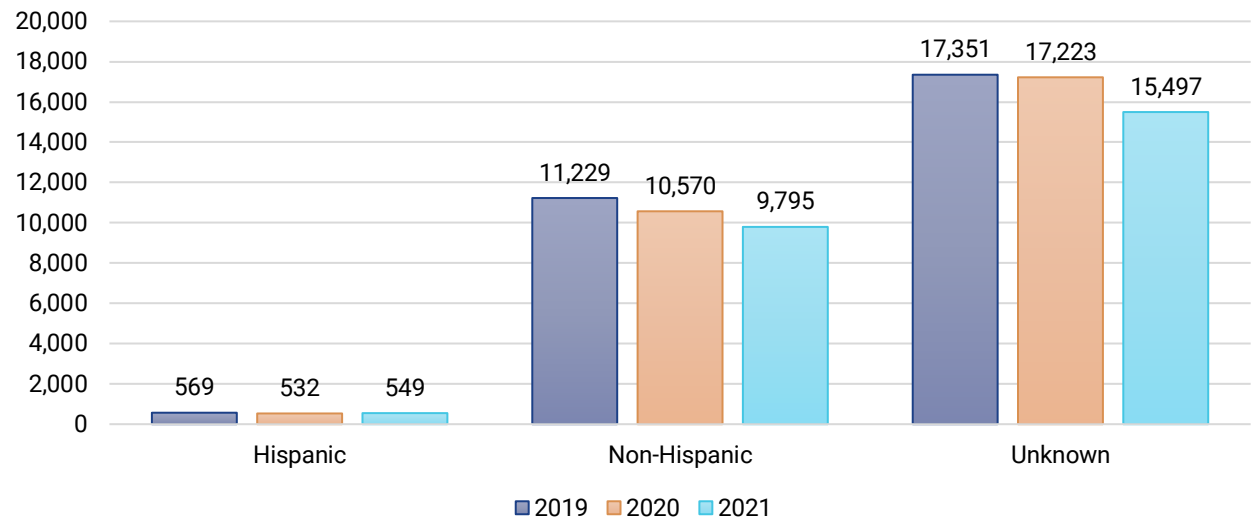
**Figure 28. Age Range of Offenders with no AI/AN Victims**



**Figure 29. Race of Offenders with no AI/AN Victims**



**Figure 30. Ethnicity of Offenders with no AI/AN Victims**



### Non-Persons Incidents

From 2019–2021, there were 14,245 unique incidents where all victims reported were not a person (i.e., Government). As observed with the other sections, the highest number of incidents occurred in 2019, 5,042 incidents, and the lowest number occurred in 2021, 4,448 incidents. There was a consistent decrease in incidents each year, with a 5.7% decrease in 2020 and a 6.5% decrease in 2021.

There were 15,090 unique non-person victims (i.e., Government), and 16,194 unique offenders (Table 13). For the victims and offenders, each had a consistent decrease in 2020 and 2021. The number of non-person victims decreased by 5.8% in 2020 and 5.4% in 2021 while the number of offenders decreased by 6.8% in 2020 and 7.8% in 2021.

**Table 13. Number of Incidents, Victims, and Offenders with Non-Person Victims**

No Person Victims	2019				2020				2021			
	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total	AI/AN Offenders	Multi-Race Offenders	No AI/AN Offenders	Total
<b>No. of Incidents</b>	323	75	4,644	<b>5,042</b>	325	64	4,366	<b>4,755</b>	305	48	4,095	<b>4,448</b>
<b>No. of Non-Person Victims</b>	342	78	4,907	<b>5,327</b>	357	69	4,591	<b>5,017</b>	359	61	4,326	<b>4,746</b>
<b>No. of Offenders</b>	353	182	5,267	<b>5,802</b>	338	151	4,918	<b>5,407</b>	331	116	4,538	<b>4,985</b>

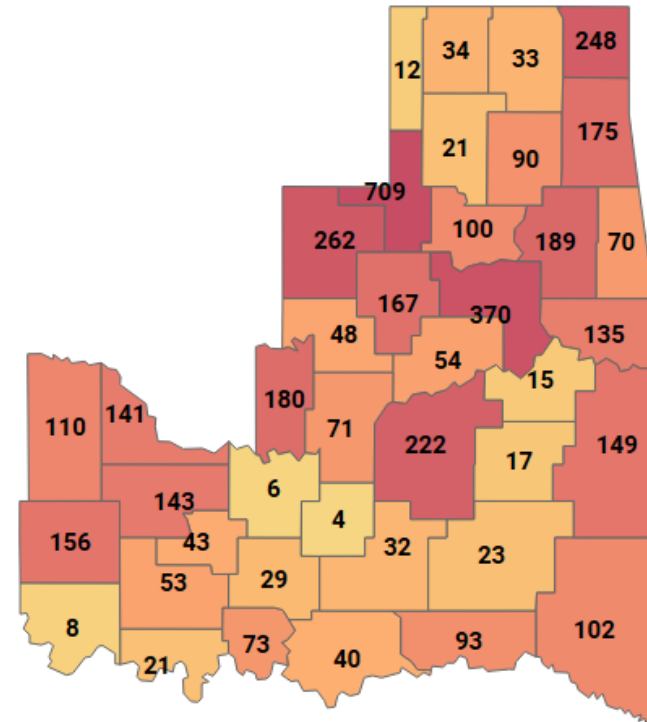
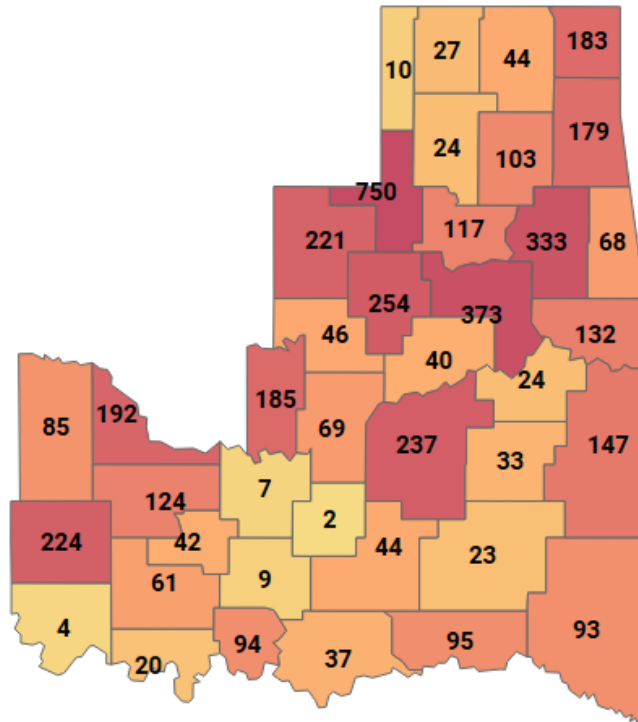
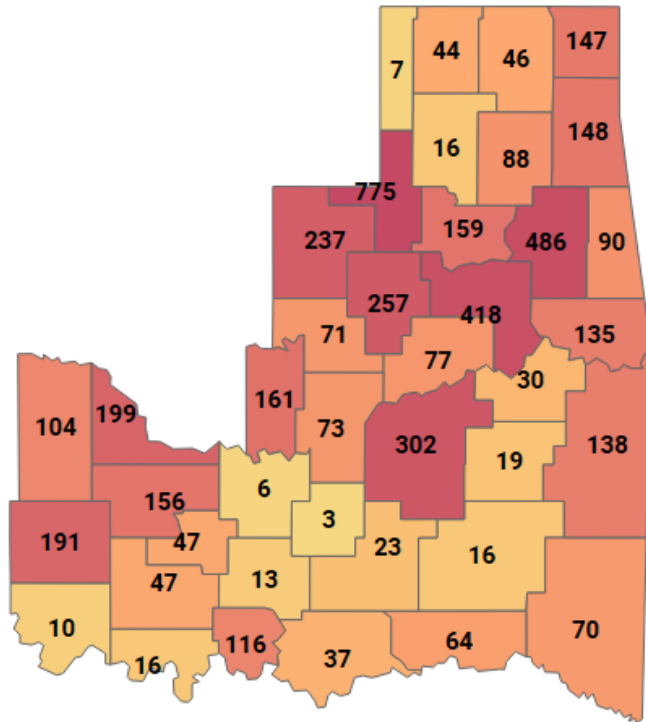


**Figure 31. Number of Incidents with Non-Person Victims per County**

2019

2020

2021



## Victim Information and Demographics

Researchers analyzed the victim types reported for the 15,090 non-person victims. Each year, the victim type of Business accounted for 85.5% or more of victim types (Table 14). Staff observed an increase of 59.5% in 2020 and 4.2% in 2021 in the number of victims reported as a Religious Organization. The victim types of Business, Financial Institution, and Other decreased in 2020 and 2021 by 6.4-27.4% each year.

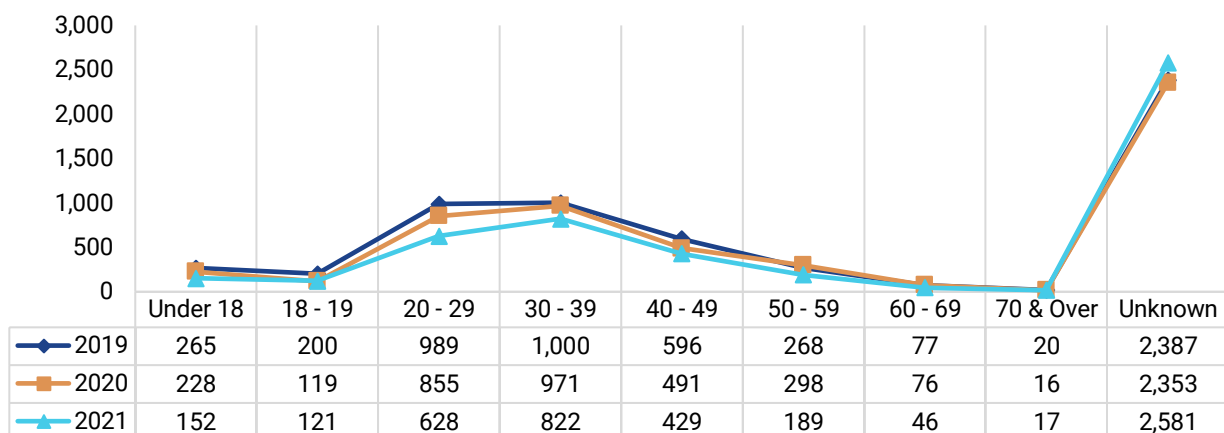
**Table 14. Number of Victims by Type for Non-Person Victims**

Type of Victim	2019	2020	2021
Business	4,649	4,351	4,057
Financial Institution	22	17	15
Government	267	242	260
Other	101	84	61
Religious Organizations	74	118	123
Society / Public	202	197	212
Unknown	12	8	18
<b>Total</b>	<b>5,327</b>	<b>5,017</b>	<b>4,746</b>

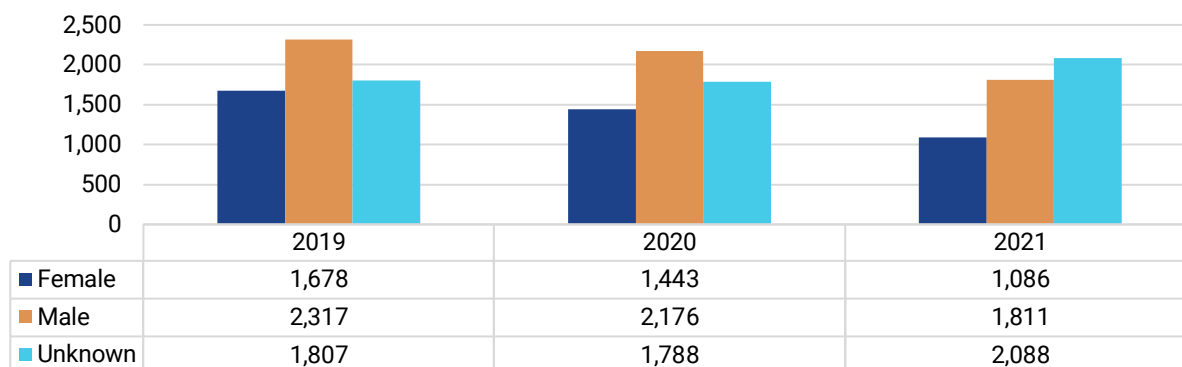
## Offender Demographic Information

Lastly, researchers analyzed the demographics of offenders of these incidents. Overall, an average of 38.9% of offenders per year were reportedly Male (Figure 34). The remaining offenders were reported as Unknown sex (avg. 35.1%) or Female (avg. 26.0%). Of these offenders, more than 40.0% were reported with an Unknown age range each year. When examining individuals with a reported age range, 29.1-34.3% of offenders were between the ages of 20 and 39 years old (Figure 33). Overall, White was the most common race for offenders; however, the number reported as White decreased each year. In contrast, the number of offenders reported with an Unknown race increased each year, by 0.5% in 2020 and 17.5% in 2021 (Figure 35). For this group of incidents, the distribution of offenders reported as AI/AN had little to no change compared to other races. For each year, the most common ethnicity of offenders was reported as Unknown and accounted for an average of 60.0% of offenders (Figure 36).

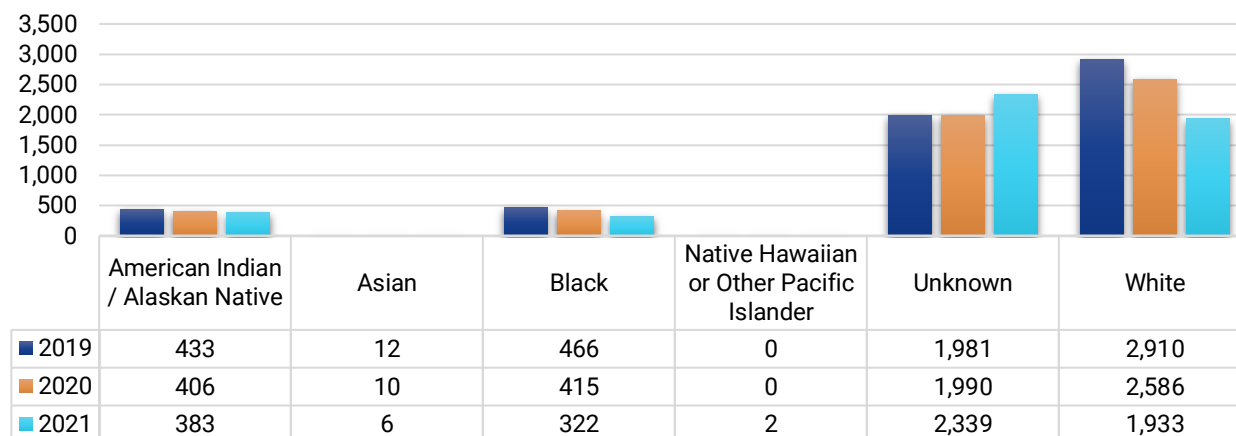
**Figure 32. Age Range of Offenders with Non-Persons Victims**



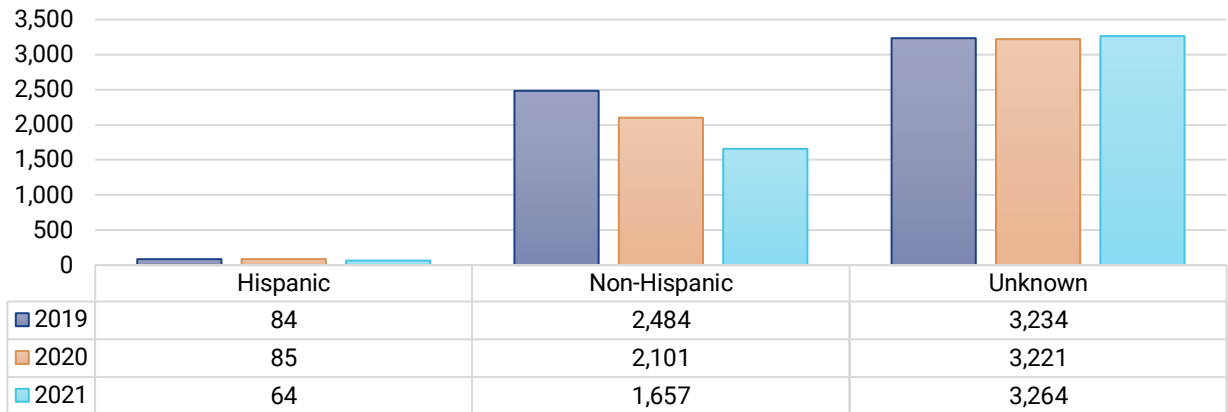
**Figure 33. Sex of Offenders with Non-Person Victims**



**Figure 34. Race of Offenders with Non-Person Victims**



**Figure 35. Ethnicity of Offenders with Non-Persons Victims**



## Data Quality Review of Incidents

In addition to analyzing crime trends and the demographics of individuals, researchers read incidents to perform a data quality review and assess reporting practices. Unlike NIBRS, SIBRS collects a narrative for each incident report. The Oklahoma SAC used these narratives to determine data quality and reporting practices. Of the 30,000 or more incidents reported each year, staff read 300 incidents per year for the incident review, which resulted in a total of 900 incidents reviewed. As mentioned in the [Methodology](#) section, each incident was randomly selected from the total number of incidents per year. When examining the incidents for data quality, staff observed that 57.7% or more of incidents per year did not contain a data entry error made by the reporting law enforcement agency (Table 15). The remaining incidents contained at least one data entry error made by the reporting law enforcement agency.

**Table 15. Number of Incidents with or without Data Entry Errors**

Incident with	2019	2020	2021
No Errors Recorded	177	190	173
One or More Errors	123	110	127
<b>Total</b>	<b>300</b>	<b>300</b>	<b>300</b>

For those incidents (360) where a data entry error was made, staff recorded the data element(s) that contained the error. In total, staff recorded 490 elements that were incorrectly coded by the reporting law enforcement agency based on information contained in the narrative (Table 16). An incorrect coding could range from an incorrect data value being used such as using Other for a property type instead of a more suitable property type or missing an entire property segment page. The most common error type, accounting for 12.2% of errors, reported was the Property Type. This error often occurred when an agency incorrectly coded the value. Other common errors included Offense Type (10.4%), Missing Property Segment pages (10.2%), and an incorrect Premise Type (9.8%). Additionally, staff observed instances where the narrative for the incident indicated there should be an Additional Offense(s) (4.9%), Additional Offender(s) (3.7%), and/or an Additional Victim(s) (2.9%).

**Table 16. Data Element Error Types**

<b>Element Error Type</b>	<b>Count</b>	<b>% of Total</b>
Property Type	60	12.2
Offense Type	51	10.4
Missing Property Pages	50	10.2
Premise Type	48	9.8
Victim-to-Offender Relationship	31	6.3
Additional Offense(s)	24	4.9
Known Offender	23	4.7
Offender Demographics	20	4.1
Additional Offender(s)	18	3.7
Additional Victim(s)	14	2.9
Property Code	14	2.9
Loss Type	14	2.9
Weapon Type	14	2.9
Victim Demographics	13	2.7
Additional Weapon Type	13	2.7
Arrest Type	13	2.7
Location	12	2.4
Offender Use	10	2.0
Suspect/Arrestee Type	8	1.6
Victim Under Influence	7	1.4
Exceptional Clearance	7	1.4
Property Value	5	1.0
Attempted/Completed Offense	4	0.8
Victim Type	3	0.6
Victim Handicap	3	0.6
Injury Type	3	0.6
Victim Additional Injury Type	2	0.4
Victim-to-Offender Ratio	1	0.2
LEOKA Activity	1	0.2
Circumstances	1	0.2
Duplicated Property Page	1	0.2
Number of Offenses	1	0.2
No Crime Occurred	1	0.2
<b>Total</b>	<b>490</b>	<b>100.0</b>

In addition to analyzing the data quality of the incidents, staff used the narrative to observe reporting practices of the law enforcement agencies. In particular, staff was interested in assessing if the reporting law enforcement agency changed practices to assess if individuals involved in an incident were affiliated with a Native American tribe. The SAC made note of incidents if the reporting agency specifically stated the incident would be referred to federal or tribal court due to lack of jurisdiction. For the majority of incidents (889), the reporting agency did not indicate in the provided narrative if the incident would be referred to federal/tribal court. However, staff found that for eight cases the reporting agency noted the incident would be referred to federal/tribal court due to McGirt, and the remaining incidents (three) were reported by a tribal agency.

While reading incidents, staff noted instances where the reporting agency made specific notes as to whether or not individuals were tribal members. For most incidents (814), it was Unknown to researchers if the law enforcement agency confirmed any tribal affiliations. However, for 12 incidents there was a possible tribal affiliation, and in 49 incidents the agency specifically noted there was no tribal affiliation. For the remaining incidents, staff found the agency confirmed tribal affiliation for 22, and 3, as stated above, were reported by a tribal agency (Table 17).

**Table 17. Narrative Indicated Tribal Affiliation**

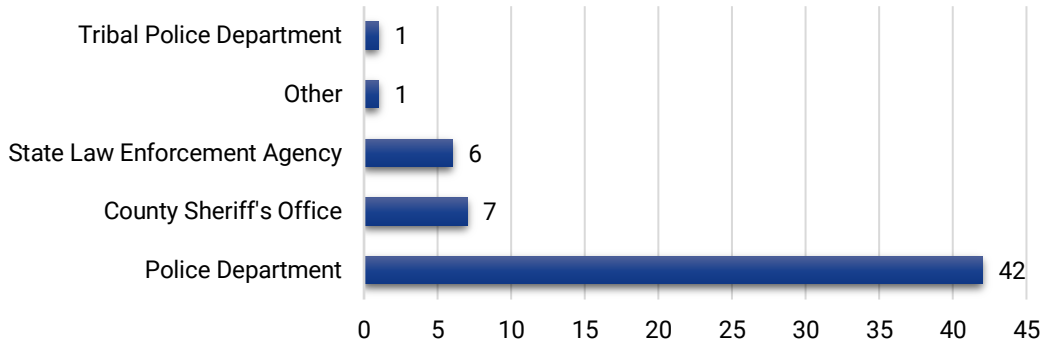
<b>Tribal Affiliation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Possible Tribal Affiliation	2	4	6
Stated No Tribal Affiliation	0	9	40
Tribal Agency	0	0	3
Unknown	297	279	238
Yes, Stated Tribal Affiliation	1	8	13
<b>Total</b>	<b>300</b>	<b>300</b>	<b>300</b>

## Analysis of Survey Responses

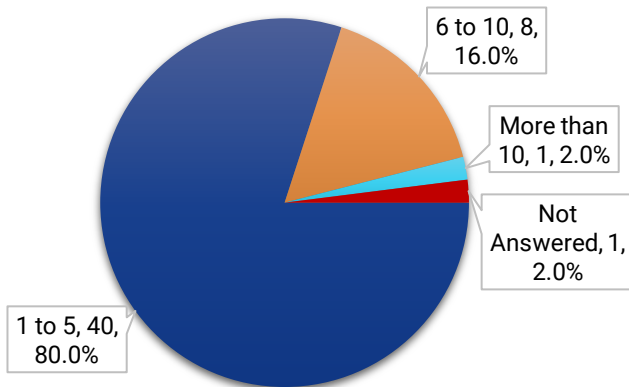
### Law Enforcement Agency Survey Results

As mentioned in the [Methodology](#) section, the SAC created a survey for law enforcement agencies in Oklahoma, and it was sent to 262 law enforcement agencies. Of those, the SAC received 57 responses from agencies resulting in a response rate of 21.8% (Figure 37). Most respondents (73.7%) were Police Departments, while the remaining respondents were County Sheriff’s Offices, State Law Enforcement Agencies, Other, and a Tribal Police Department. The agency that was classified as “Other” was a College/University police department.

**Figure 36. Type of Respondents for the Law Enforcement Agency Survey**



**Figure 37. Number of Cross-Deputation Agreements**



The SAC was interested in examining how many law enforcement agencies in the Five Civilized Tribes region had a cross-deputation agreement with other agencies. When asked if they had a cross-deputation agreement, 50 of the 57 respondents stated they did have a cross-deputation agreement. Of the 50 agencies, 80.0% stated they had an

agreement with 1 to 5 entities (Figure 38). The remaining respondents had an agreement with 6 to 10 agencies (16.0%), More than 10 agencies (2.0%), and one respondent did not provide an answer. When asked to list the entities they had a cross-deputation agreement with, staff found 23 of the 50, or 46%, had an agreement with a tribal and/or a federal agency.



Respondents, who answered yes to cross-deputation agreements, were then prompted to answer how many agencies outside of their agency were permitted to investigate crimes in their jurisdiction and how many inside their agency were permitted to investigate crimes in other jurisdictions. Twenty-two respondents stated 50 or More officers outside of their agency were permitted to investigate crimes (Table 18). Other common answers were 6 to 10 officers, 11 to 19, and 20 to 29. Most respondents answered there were either 5 or Less (34.0%) or 6 to 10 (36.0%) officers in their agency permitted to investigate crimes elsewhere (Table 19).

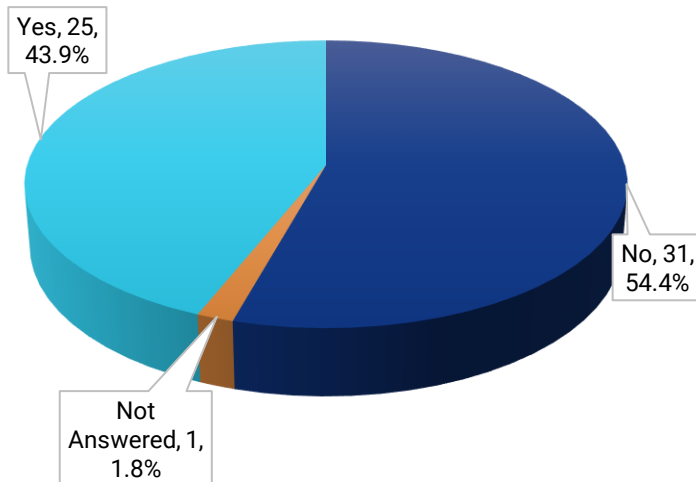
**Table 18. No. of Officers Outside of Agency**

No. of Officers Outside of Agency	Count	% of Total
5 or Less	4	8.0
6 to 10	7	14.0
11 to 19	5	10.0
20 to 29	5	10.0
30 to 39	2	4.0
40 to 49	1	2.0
50 or More	22	44.0
Not Answered	4	8.0
<b>Total</b>	<b>50</b>	<b>100.0</b>

**Table 19. No. of Officers within Agency**

No. of Officers in Agency	Count	% of Total
5 or Less	17	34.0
6 to 10	18	36.0
11 to 19	3	6.0
20 to 29	3	6.0
30 to 39	1	2.0
40 to 49	1	2.0
50 or More	7	14.0
<b>Total</b>	<b>50</b>	<b>100.0</b>

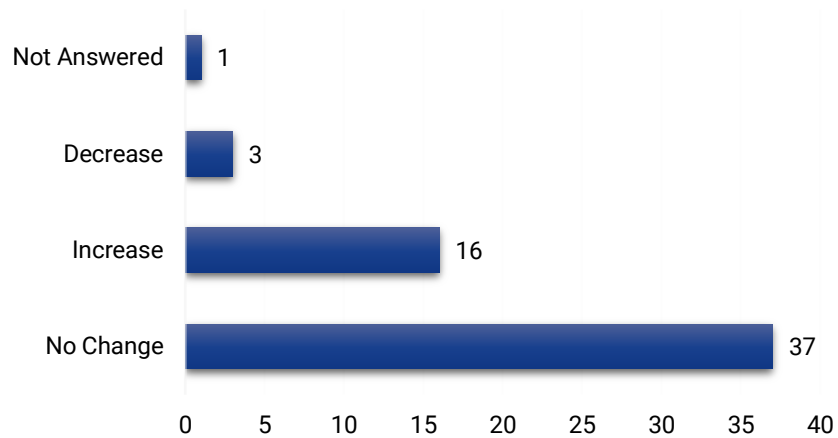
**Figure 38. Number of Respondents Who Experienced Confusion**



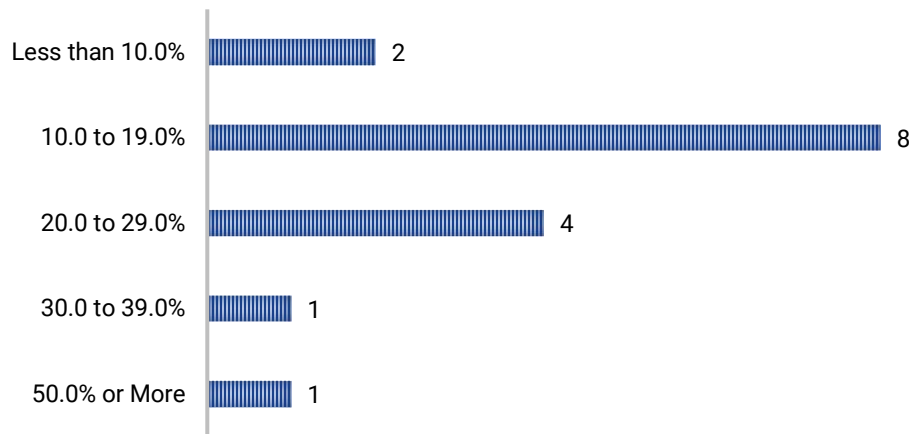
Researchers asked respondents if they have experienced confusion since the ruling. Of the 57 respondents, 43.9% answered there has been confusion, 54.4% answered there was no confusion, and one respondent did not respond (Figure 39). When asked if their agency has experienced an increase/ decrease in the number of requests and/or calls for service, the majority (64.9%) answered No Change, while 28.1% answered there was an increase in requests/calls for service (Figure 40).

For those who stated there was an increase in requests/calls for service, 50.0%, or 16, responded there was a 10.0-19.0% increase, and 25.0% responded there was a 20.0-29.0% increase (Figure 41). Additionally, researchers asked if the law enforcement agencies have experienced any change in response time to incidents. Of those, 52.6% of respondents stated there was no change in response time, followed by 19.3% stating this was not tracked, and 10.5% answering it was Unknown if response time has changed (Figure 42).

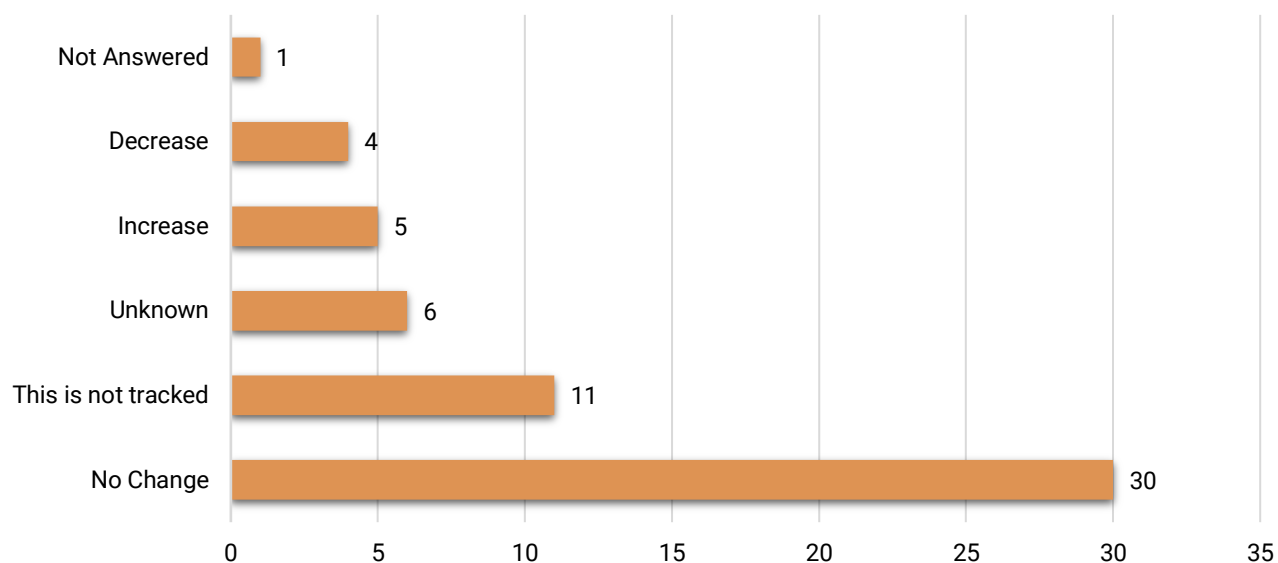
**Figure 39. Change in Requests/Calls for Service**



**Figure 40. Percent Increase in Requests/Calls for Service**



**Figure 41. Change in Response Time**



Due to the ruling potentially affecting an agency’s resources, staff asked respondents if they have experienced any changes in staffing (officers and/or support staff). On this question, respondents were capable of selecting more than one option. As a result, there were 58 responses to this question with one agency responding they experienced an increase and decrease in officers. When prompted for further explanation, the agency stated they lost officers to tribal agencies in the area, but are seeking funding to increase officers due to increased calls for service and the decrease in officers. When analyzing the 56 remaining respondents, 73.2% reported there was No Change in staffing for their agency (Table 20). The remaining respondents reported they have Increased Officers (16.1%), Decreased Officers (5.4%), Increased Officers and Support Staff (3.6%), and Decreased Support Staff (1.8%).

**Table 20. Change in Staffing Levels\***

Staffing Levels	Count	% of Total
Decreased Officers	3	5.4
Decreased Support Staff	1	1.8
Increased Both	2	3.6
Increased Officers	9	16.1
No Change	41	73.2
<b>Total</b>	<b>56</b>	<b>100.0</b>

\*Excludes the respondent who answered an increase and decrease in officers.

Staff asked respondents what steps they take to verify tribal affiliation prior to initiating an investigation with the ability to select all that apply for seven different response options. Three respondents did not provide a response to this question; however, the remaining 54 respondents provided at least one answer. Of the 54 respondents, 15 respondents selected all options for what they verified before initiating an investigation (Table 21). In total, the most common response from agencies was verifying Both Victim(s)/Suspect(s) are Native American (Table 21).

**Table 21. Verification Steps before Initiating Investigation**

Verification	Count	% of Total
Incident occurred on tribal land	25	10.6
Victim(s) is Native American	34	14.4
Suspect(s) is Native American	36	15.3
Both victim(s)/Suspect(s) are Native American	49	20.8
Victim(s) has a CDIB card	28	11.9
Suspect(s) has a CDIB card	29	12.3
Both victim(s)/Suspect(s) has a CDIB card	35	14.8
<b>Total</b>	<b>236</b>	<b>100.0</b>

For crime reporting purposes an agency should only report crimes that occur in their jurisdiction. If an incident occurred on tribal land and involved a Native American individual(s), the agency with original jurisdiction should report the crime. If agencies are incorrectly reporting crimes, it could affect crime statistics in Oklahoma. Due to this, staff was interested in assessing how local agencies are reporting crimes to OSBI.

Five of the 57 respondents did not respond to how they report crimes for their jurisdiction. For the 52 who did respond, three stated they “take a crime incident report coded to a Group A or B NIBRS crime code” and “they include the incident in their reporting with either a referral to a tribal agency or handling the incident by your agency.” For the respondents (49) who provided a single answer, the most common response (61.2%) to how they reported their crime data was: “Include the incident in your reporting, with either a referral to tribal police or handling the incident by your agency.” (Table 22) Eleven respondents reported they either exclude the incident from reporting, do not take a crime/information report and send/refer to the tribal agency, or take an information report not coded to a Group A or B offense.

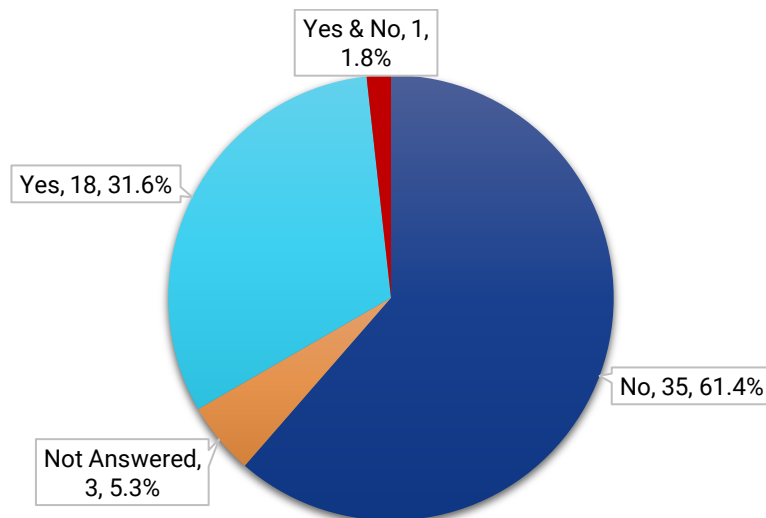
**Table 22. Crime Reporting Methods**

Crime Reporting Method	Count	% of Total
Exclude the crime incident from reporting for your jurisdiction and send the report to the tribal police.	3	6.1
Include the incident in your reporting, with either a referral to tribal police or handling the incident by your agency.	30	61.2
Not take a crime/information incident report and refer the reporting party to the tribal police.	7	14.3
Take a crime incident report coded to a Group A or B NIBRS crime code.	8	16.3
Take an information report that is not coded to a Group A or B NIBRS crime code.	1	2.0
<b>Total</b>	<b>49</b>	<b>100.0</b>

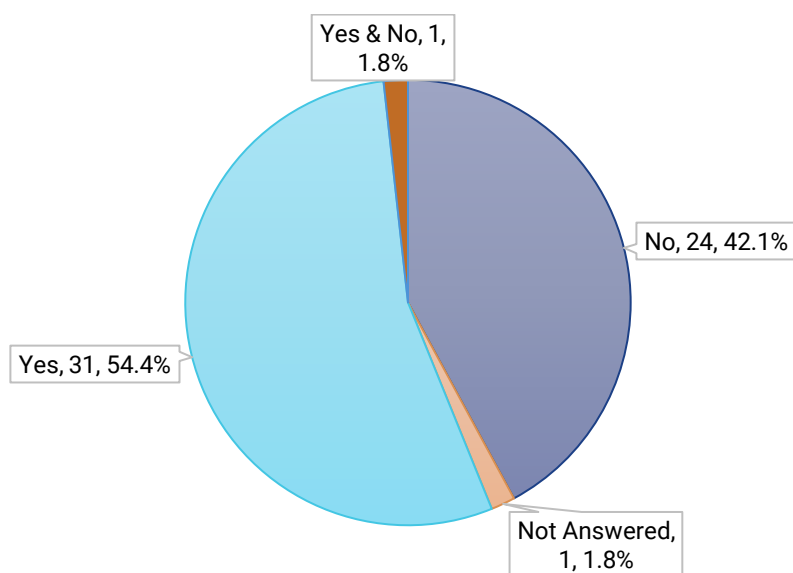
\*Excludes agencies who did not respond or had more than one response.

The SAC asked respondents if they were able to monitor cases that have been referred to a tribal or federal agency. The majority (61.4%) of respondents stated they did not have the ability to monitor the case (Figure 43). In contrast, 31.6% responded they did have the ability to monitor those cases. Of the 57 respondents, 54.4% stated they have been subpoenaed for a case referred to tribal/federal court, and 42.1% responded they have not been subpoenaed (Figure 44).

**Figure 42. Ability to Monitor Referred Incidents**



**Figure 43. Has Your Agency Been Subpoenaed?**



Lastly, the SAC asked respondents if they have changed any policies or procedures since the *McGirt* decision and if they provide additional training for current/onboarding officers/staff related to the decision. Of the 57 respondents, 36 stated they have changed policies/procedures, and 21 stated they have not changed policies/procedures. When asked about training, 44 responded they have provided additional training, 12 responded they have not provided additional information, and 1 respondent did not answer the question.

### **Court System Survey Results**

As previously mentioned, there were 45 surveys sent to judicial court systems (state, federal, and tribal) operating in Oklahoma. Of those surveys, seven court systems provided a response, resulting in a response rate of 15.6%. Most respondents (6) were reported as a District Attorney (State Court), and one respondent was from a federal court system. When asked if their courts track statistics for cases turned over to tribal or federal courts, five of the seven respondents answered yes, one respondent did not answer, and one respondent answered no. Additionally, respondents were asked, if, since the *McGirt* decision, their court system experienced a significant increase or decrease in cases requiring prosecution (Table 23). Of the seven respondents, two did not answer, one answered they experienced an increase, and the remaining respondents (4) answered they experienced a decrease. However, it should be noted that one respondent answered they have experienced an increase and decrease. They further explained felonies filed in their court have decreased, while juvenile case filings have increased.

**Table 23. Change in Cases Requiring Prosecution**

Type of Change	Count	% of Total
Decrease	4	50.0
Increase	2	25.0
Not Answered	2	25.0
<b>Total</b>	<b>8</b>	<b>100.0</b>

As asked on the law enforcement survey, the SAC asked court systems if staffing changed after the *McGirt* Decision (Table 24). Two respondents stated there have been no staffing changes since the *McGirt* decision. The remaining respondents provided a variety of responses ranging from a Decrease in Attorneys (one), Decrease in Attorneys and Support Staff (2), and an Increase in Attorneys and Support Staff (2). Lastly, when asked if their court has received assistance with overcoming issues that arose after the decision, only one respondent stated they have received assistance.

**Table 24. Change in Staffing after the McGirt Decision**

Staffing Changes	Count	% of Total
Decrease in Attorneys	1	14.3
Decrease in Support Staff	0	0.0
Decrease in Attorneys and Support Staff	2	28.6
Increase in Attorneys	0	0.0
Increase in Support Staff	0	0.0
Increase in Attorneys and Support Staff	2	28.6
No Change	2	28.6
<b>Total</b>	<b>7</b>	<b>100.0</b>

## Anecdotal Survey Information

In addition to structured questions, the SAC included several open-ended opportunities for agencies/courts to further explain their answers and/or include additional information. For these questions, the SAC received a variety of responses ranging from added information/context, positive feedback, and negative feedback. Below, the SAC has included some of the more noteworthy responses from law enforcement agencies and courts:

- “In the very early stages of the learning process Post-McGirt, there was confusion about who to contact and when. My department was early in getting our folks through the SLEC process as quickly as possible. I also quickly pushed to adopt/approve an MOU with the Chickasaw Nation to cross-commission with the Chickasaw Lighthorse Police Department...Not having a cross-commissioning and an SLEC is unthinkable. We have to be able to provide the necessary services to all our citizens, no matter who they are.”
- “Early on after the McGirt ruling, there was confusion. As we have progressed and communicated with each other, we have established methods for handling these cases.”
- “Shortly after the McGirt decision there was much confusion on what paperwork should be used to file charges and the proper procedures for investigations. This was due to the fact that most of this Agencies Officers had no previous experience working for or with Tribal agencies.”
- “It just takes time away from other duties. I have one officer on duty at a time if he has to go to tribal court to testify on a case I have to pay another officer overtime.”
- “We have had several Officers leave my agency to go to Tribal Police. It has increased my costs of outfitting and training new Officers. And I still have Officers, on staff now, that I know have applied to Tribal Police because of more pay, better benefits, and higher pay.”
- “Our crime scene requests have increased due to the FBI using our crime scene for cases that requesters would not have in the past. Previously most SO's or PD's would work sex crimes or battery scenes by themselves. The FBI tends to request us to work crime scenes on cases we would not have worked in the past.”
- “Nobody seems to be sure of who is supposed to do what and who draws jurisdiction. It has all been very confusing and often places unnecessary burden to tribal members.”
- “It has been an ever evolving cluster. We have chosen to take the high road and do what we need to in order to provide the best service possible for our citizens. It does not matter whether one is a Native American or a Non-Native American. All are treated equally.”



- “The issue we have within the criminal justice system, in our county, is that when a person is arrested for a crime their defense attorney files a jurisdictional issue for that crime and it puts the whole system on hold until the appeals court makes a ruling. This is only when our District Attorney decides to file charges. We have an issue with our DA's office filing charges if the suspect is Native American and the crime occurred within one of the tribal grounds still waiting to be decided on by the appeals court.”
- “There are several native suspects that continue to commit property crimes in our area with no fear of extended jail sentences. They have stolen multiple vehicles and several thousand dollars’ worth of property. Only to be arrested and released, multiple times. We have native and non-native victims that are not getting any justice for the crimes committed against them by native perpetrators.”
- “Too many to list, but some of them are: Defendants who get tribal cards after filings to avoid prosecution, defendants who assert tribal privilege while in treatment court after they are failing treatment...”
- “The increase in caseload requires the increase in staffing. Bound by budget for much of that. We have been very fortunate in the use of cross-commissioning. Agencies such as OSBI have stepped up to investigate cases that were previously state cases and continue those as federal TFO and SLEC. In addition, our law enforcement still uses the OSBI laboratory which has proven invaluable and helps with turn-around time.”
- “Case filings are down; court cost collections will decline...”

## Limitations

The primary limitation of this project was the limitations on the SIBRS data. As described in the [Methodology](#) section, the SAC utilized SIBRS data from agencies who were reporting via SIBRS on or before January 1, 2019. By setting this requirement, there were 20 agencies whose data were excluded. Those agencies ranged from campus police departments, and rural police departments, to large, metropolitan police departments. Together, these agencies reported 35,936 Index Crimes into UCR in 2019, which accounted for 59.1% of Index Crimes in the Five Civilized Tribe region. Without those agencies, the full picture of MCA-related SIBRS offenses reported cannot be shown. There is a second limitation to using SIBRS data. While SIBRS creates a more complete picture of crime in Oklahoma, it is a live database. Therefore, if an agency updated or entered a new incident report after staff queried the database, it would not be captured in the data analysis.

## Conclusion

Since the *McGirt* decision in 2020 and the subsequent additions, there have been differing opinions regarding the decision. The Oklahoma SAC set out to examine the potential impact this decision would have on reported crime and stakeholders in the criminal justice community. The SAC was able to collect and analyze crime data submitted to SIBRS by 211 law enforcement agencies in eastern Oklahoma. They were able to utilize the unique addition of narratives to assess reporting practices for law enforcement agencies in this region. With those narratives, the SAC was able to observe law enforcement adding policing practices to determine tribal affiliation and jurisdiction. In addition to assessing reporting practices, the Oklahoma SAC used the narratives provided to determine the quality of data elements entered into the report. Without SIBRS data and more specifically narratives, analysis of reporting practices and data quality would not be possible.

Simultaneously, the Oklahoma SAC surveyed the local, state, tribal, and federal criminal justice community to assess their response to the *McGirt* decision. The surveys provided assessed staffing changes, policy/training changes, and confusion experienced post-*McGirt v. Oklahoma*. These survey responses provided an added context to the operations of the community within this region. As observed with the various amicus briefs, the survey respondents provided positive and negative feedback.

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