

# South Dakota Sexual Violence Data Summary 2023



SOUTH DAKOTA  
DEPARTMENT OF HEALTH

Updated April 2025

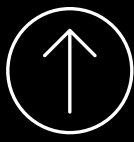
## KEY TAKEAWAYS



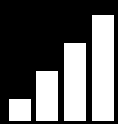
Almost half (48%) of rape victims in SD were under the age of 20



9 out of 10 SD rape victims were female



Native Americans make up 40.1% of rape victims in SD

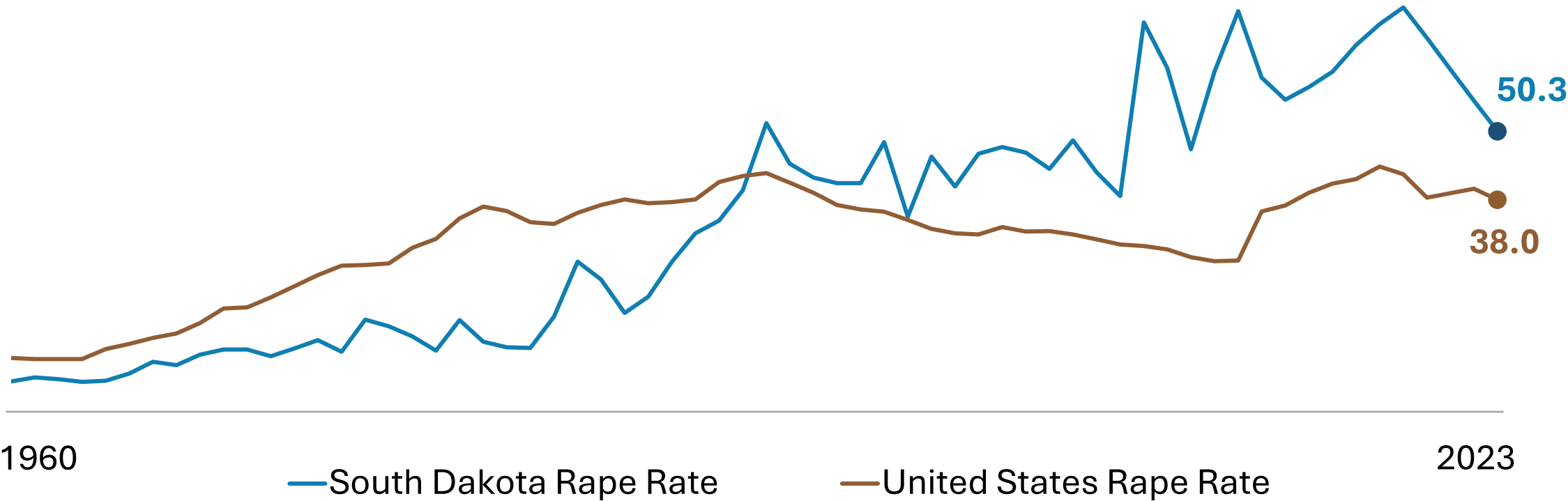


The 2023 SD rape rate was 50.3 per 100,000, the 10<sup>th</sup> highest state rape rate in the US



Rapid City has the 3<sup>rd</sup> highest rape rate in the US per metropolitan area, at 116.5 per 100,000

The national rape rate had steadily declined since 1992, until 2013 when the revised definition began, and the **US rates have remained elevated through 2019**. 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 2019**.<sup>11</sup>



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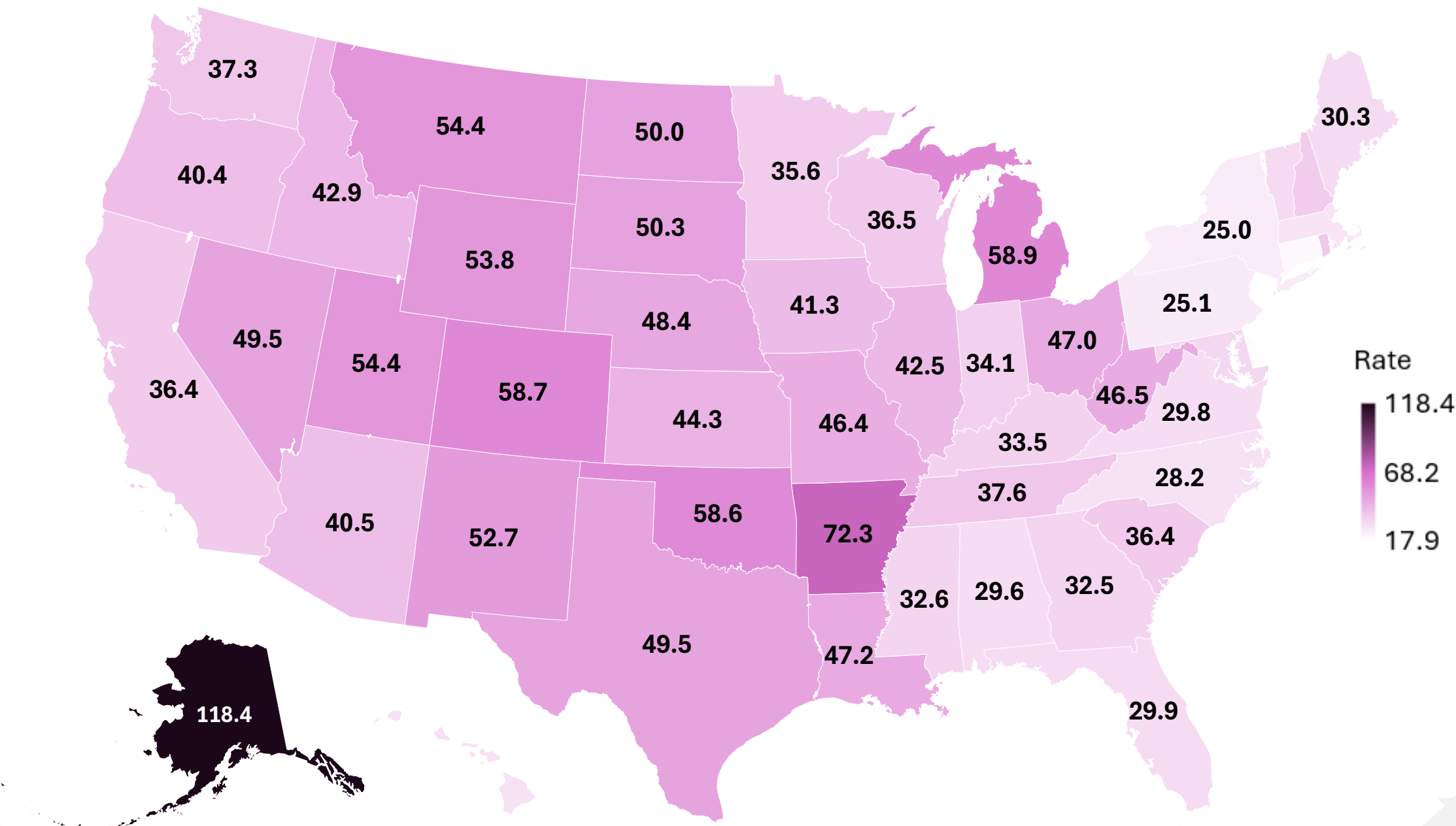


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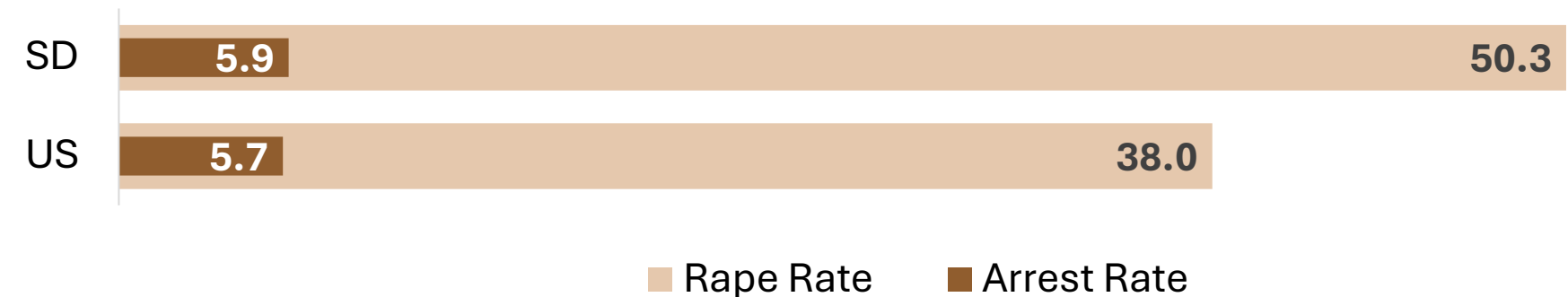
## State Rape Rates<sup>11</sup>

The Crime in The United States report shows the 2023 rape rate in SD was 50.3 per 100,000, considerably higher than the national rate of 38.0 per 100,000, and the 10<sup>th</sup> highest rate in the nation. 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 (116.5 per 100,000 versus 17.1 per 100,000, respectively). **In fact, compared to other metropolitan areas in the US, Rapid City had the third highest rape rate in the nation.**



## State & National Arrest Rates<sup>12,13</sup>

Of the 431 rape offenses (includes estimates for nonreporting and partially reporting agencies) reported in SD, only 53 rape offenders were arrested. The **SD rape arrest rate of 5.9 per 100,000 inhabitants** was about the same as the national arrest rate for rape (5.7 per 100,000). The graph below shows the differences in rape and arrest rates between SD and the US. South Dakota had a higher rape rate than the US, but rape arrest rates were almost the same for SD and the US.



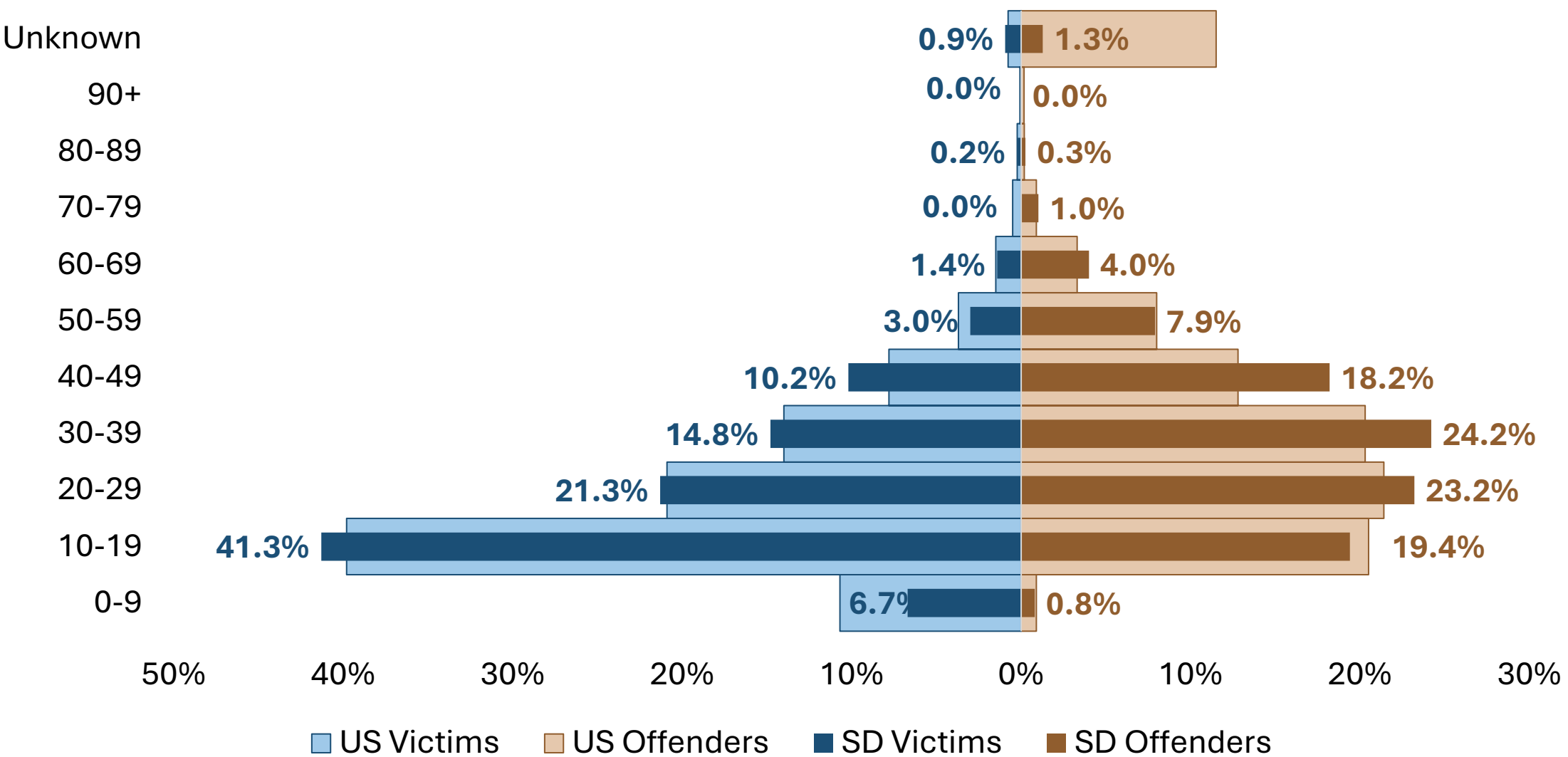
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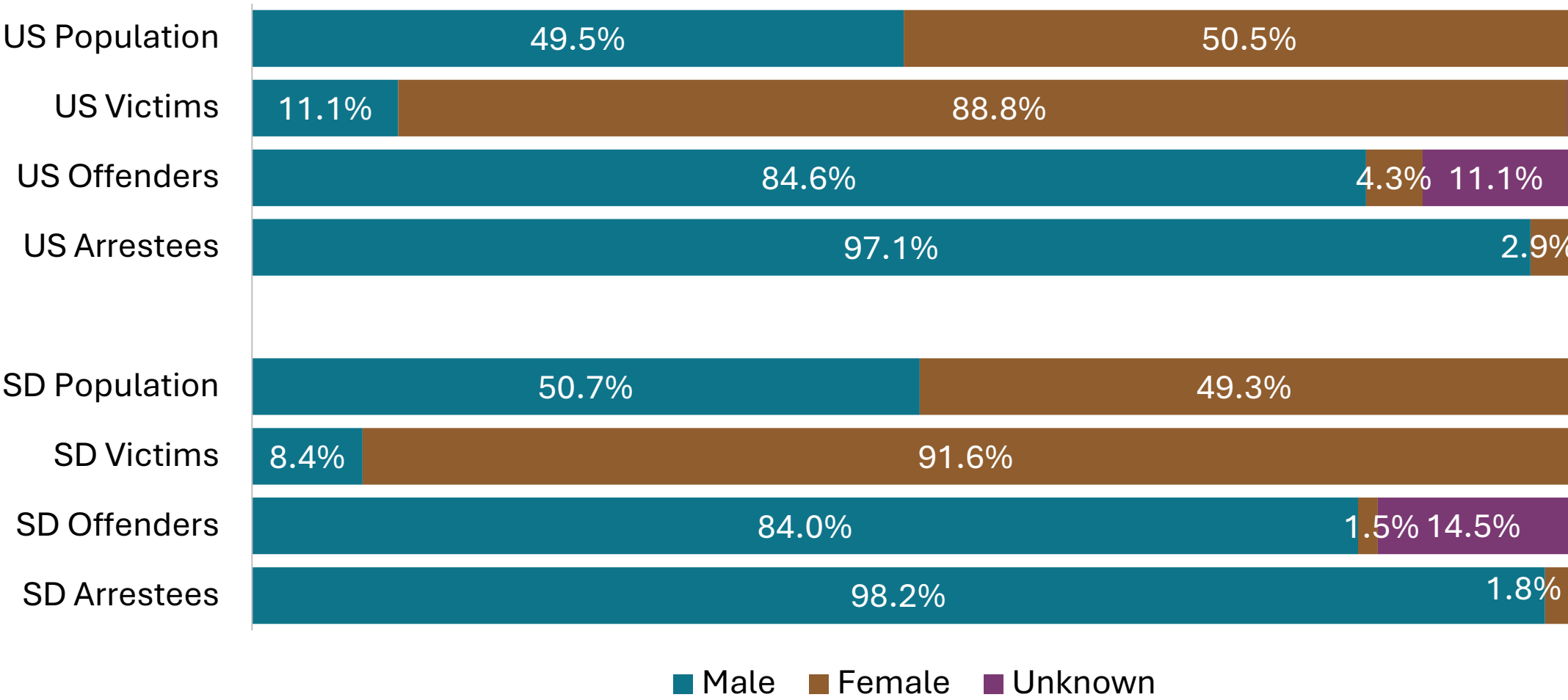
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## Age of Rape Victims & Offenders (SD & US)<sup>2</sup>



In SD, most rape victims and offenders were quite young, with 48% of SD victims and 20.2% of offenders being under the age of 20. Similarly, in the US, 50.5% of victims and 21.4% of offenders were under the age of 20.

## Sex of Rape Victims & Offenders (SD & US)<sup>2,13</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.

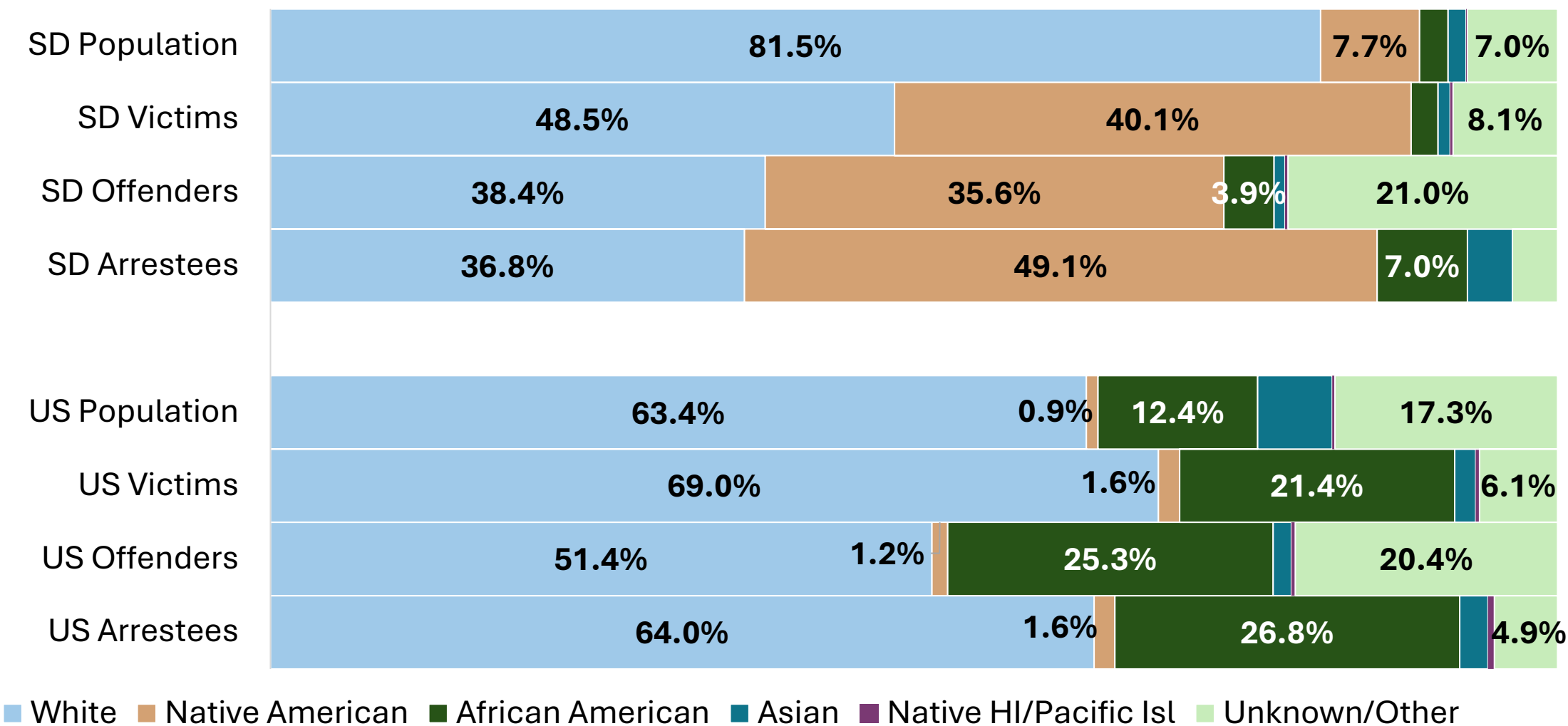
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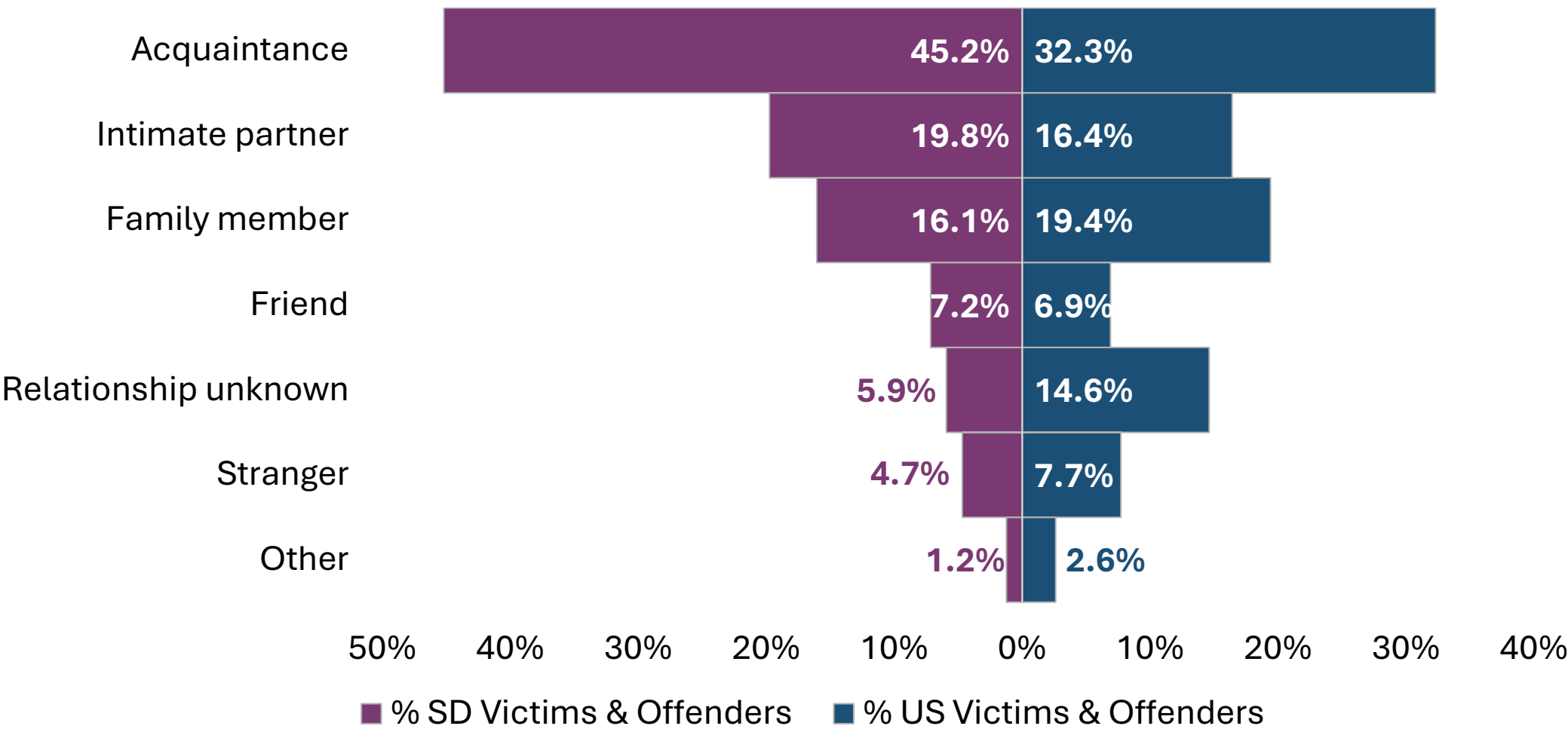
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## Race of Rape Victims & Offenders (SD & US)<sup>2,13</sup>



In SD, Native Americans are overrepresented among rape victims, offenders, and arrestees. While Native Americans make up about 8% of the SD population, 40.1% of rape victims and 35.6% of rape offenders were Native American. African Americans were also overrepresented among rape victims and offenders in SD and the US.

## Relationship between Victim & Offender (SD & US)<sup>2</sup>



The relationship between victim and perpetrator in SD is shown above. Acquaintance was the most common relationship (45.2%) followed by intimate partner, family member, friend, relationship unknown, stranger, and other.

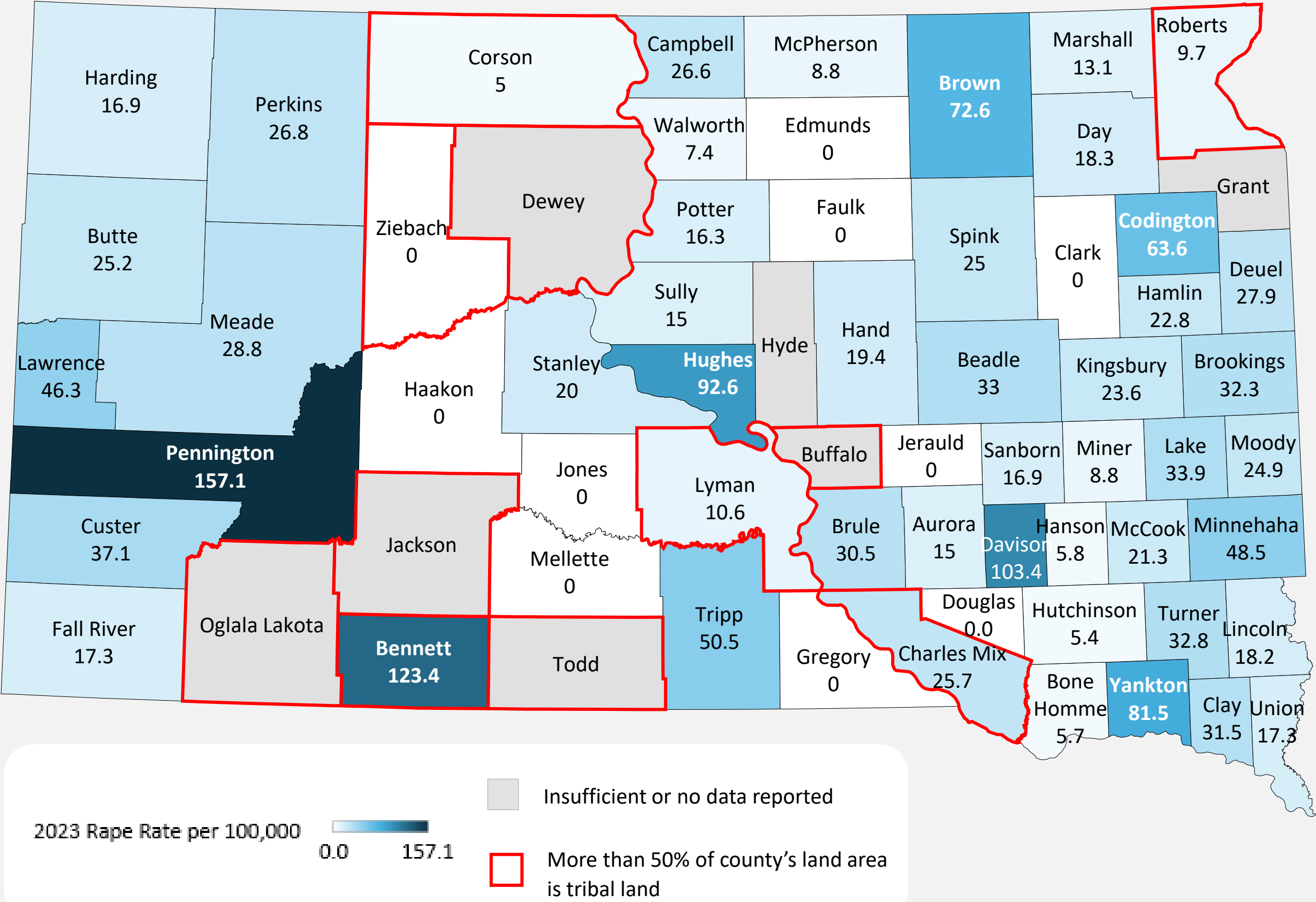
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## Rape Rate per 100,000 by County (2019-2023) <sup>2,13</sup>



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 2019-2023. Additionally, those counties with two or fewer years of reported data in the five-year period were excluded. The population estimates used for each county were derived from the Census Bureau's 2023 American Community Survey (ACS) 5-year estimates.

In 2023, Pennington County had the highest rape rate in SD (157.1 per 100,000), followed by Bennett (123.4 per 100,000), Davison (103.4 per 100,000), Hughes (92.6 per 100,000), and Yankton (81.5 per 100,000).

**Note:** Caution should be exercised when considering data from counties where more than 50% of the land area is tribal land, as crimes committed within tribal areas may fall under the exclusive jurisdiction of tribal agencies. A more comprehensive estimate of reported rapes on and off-reservation tribal trust lands can be found on the next page.



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## Tribal Data: 2019-2023 <sup>2,13</sup>

Rape rates per 100,000 were calculated for each tribe for the 2019-2023 period using populations from the ACS 5-year estimates. 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 2019-2023 ACS 5-Year Estimates.

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 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.

	2019	2020	2021	2022	2023	2019-2023 Rate per 100,000
Lower Brule Sioux Tribe	1	7	5	1	4	212.3
Rosebud Sioux Tribe	8	6	34	38	16	197.1
Crow Creek Sioux Tribe	3	6	3	1	3	166.1
Cheyenne River Sioux Tribe	11	4	12	10	7	109.1
Standing Rock Sioux Tribe	6	4	4	1	8	56.9 <sup>a</sup>
Oglala Sioux Tribe	7	4	7	8	15	42.4
Yankton Sioux Tribe	2	4	6	1	0	38.2
Sisseton-Wahpeton Oyate	3	5	3	4	5	35.6
Flandreau Santee Sioux Tribe	—	—	—	0	1	—

<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.

Five tribes reported a higher rape rate than the state rape rate (50.3 per 100,000). These included Lower Brule Sioux Tribe, Rosebud Sioux Tribe, Crow Creek Sioux Tribe, Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe.

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## FBI Data Source Considerations & Limitations

This summary is a compilation of the available data on rape in South Dakota (SD) and the United States (US) via the Federal Bureau of Investigation (FBI). 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>1</sup> However, starting in January 2021, the UCR discontinued the use of the SRS.<sup>1</sup> For the purposes of this report and reporting period (January 1, 2023-December 31, 2023), only data from the NIBRS data reporting system were included. 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*.

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. The 2023 crime data compiled numbers from 107 reporting agencies, covering 87.6% of the SD population.<sup>14</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>3</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>4</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 hierarchy rule in the SRS states when more than one offense occurs within an incident, only the most serious crime contributes to the agency's monthly crime totals. For example, an incident involving murder, robbery, and motor vehicle theft only counts the homicide for the monthly totals, as homicide is the highest offense on the hierarchy."<sup>5</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>5</sup>

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## 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>6</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>6</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

## Terminology

### Sexual Violence

"Sexual activity when consent is not obtained or freely given."<sup>7</sup>

### Sexual Assault

Sexual contact or behavior that occurs without explicit consent of the victim and includes attempted rape, fondling or unwanted sexual touching, forcing a victim to perform sexual acts, and rape.<sup>8</sup>

### Rape

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>9</sup> Rape is a form of sexual assault, but not all sexual assault is rape.

### Victim\*

"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>10</sup>

### Survivor\*

"Someone who has gone through the recovery process, or when discussing the short- or long-term effects of sexual violence."<sup>10</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>10</sup>*



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