Policing Native Americans Off The Rez

Jeffrey Ian Ross, Ph.D.
15. The 1980 U.S. Census figures revealed that only 43 percent of American Indians over the age of twenty-five who resided on reservations were high school graduates, as compared with 67 percent of all Americans.


17. The COPS (Community-Oriented Policing Services) programe contends that there are five elements necessary for law enforcement to become culturally competent: (1) valuing diversity; (2) having the capacity for cultural self-assessment; (3) being conscious of dynamics inherent when cultures intersect; (4) gaining cultural knowledge; and (5) adapting to diversity. These elements are provided to law enforcement agencies as part of the COPS information kit.

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Jeffrey Ian Ross

In many U.S. cities, particularly those in the western United States, among the homeless and down-and-out are a sizable number of Native Americans. The more visible can be found sitting on park benches, hanging out on "skid row," drinking alcohol from paper bags, sprawled out on sidewalks sleeping, or hidden in doorways at night (e.g., Kuttner and Lottner, 1970). They have typically made their way to an urban location from the reservation and are either finding it difficult to go back or do not want to return. Alternatively, these individuals may have lost their marginal jobs and are now caught in a downward economic spiral.

Eventually, they may be picked up by police and will appear in front of a commissioner or judge, usually much more frequently than members of comparable groups of "down and out" individuals. Typically they are charged with petty crimes or misdemeanors such as driving without a license, driving with an expired license, public intoxication, or possession of small amounts of street drugs. For the police, conducting these types of arrests is relatively routine and easy. Offenders are typically well known to the officers, court personnel, and people who work in the local lockup; they are often repeat offenders, day in and day out (Hagan, 1966; Harring, 1982).

Unfortunately, little scholarly research has been conducted on the relationship between Native Americans and municipal police in border towns or metropolitan areas with moderate to large populations of indigenous peoples. In this chapter, I attempt to rectify this shortcoming by outlining the problem, reviewing the
research, and presenting some potential areas for future investigation. Although in some parts of the United States, native reservations about municipalities (including big city jurisdictions) (Fogelson, 1977) and natives are just as likely to have contact with park or housing police, the focus of this chapter is on municipal policing in large urban centers. Understandably, policing Native Americans may be more of a problem for small town police forces (e.g., Gallier, Donovan, and Adams, 1975; Royster and Faust, 1988), the focus of the chapter is on the big city environment.

**The Problem**

In order to convey the importance of the problem, I examine the number of Native Americans living in major metropolitan areas, the statistics on Native American crime and arrests, and finally the possibility of recruitment of Native Americans onto large municipal police forces.

**The Distribution of Native Americans in Cities**

Perhaps demographics have an impact on the importance of Native Americans in cities? In order to determine the distribution of natives in the United States, I looked at the most recent national census (2000). Although this type of analysis does not uncouple the categories of American Indian and Alaska Native, it gives us a reasonable guide to those locations (other than reservations) where Native Americans live. And even though cities are major focal points since the suburbanization of the United States, a considerable number of native people live in the neighboring suburbs or counties. According to the 2000 census, three counties are identified as having the largest number of Native Americans or Alaska Natives: Los Angeles County, California (108,700); Maricopa County, Arizona (75,800); and McKinley County, New Mexico (57,100). These locations should come as no surprise, because each is relatively close to native reservations.

Alternatively, narrowing the focus to cities, New York City, Los Angeles, and Phoenix have the highest populations of native peoples: New York perhaps because it is the largest city in the United States and Los Angeles and Phoenix because they are close to nearby reservations. For example, just south of Phoenix is the Gila River Indian Community, a reservation consisting of the Pima and Maricopa tribes. Phoenix is also the location of more than one Indian school and is bordered on the south by the Gila and on the east by various Apache reservations. It also attracts Navajo, Yavapai, White Mountain Apache, Seminole (but not marly) Hopi, Pima, Tonto Oodham and other tribes because of the demand for unskilled labor. Once again using census figures and understanding that people are quite often multiracial or multilingual, I can further break down the categories into two types: those individuals reporting that they are Native American and Alaska Native alone or in combination with one or more other races and those individuals who claim to be American Indian and Alaska Native alone. The figures are as follows: New York City: 87,200/41,300; Los Angeles: 53,100/29,400; and Phoenix: 35,100/26,700.

Although these numbers may seem high, when you calculate the numbers as a percentage of the total population living in these cities to provide a proxy measure of the importance, you get a very different picture. They are, respectively using American Indian and Alaska Native figures combined: New York City (0.01 percent), Los Angeles (0.02 percent), and Phoenix (0.04 percent).

More specifically, based on 1997 data from the Bureau of Justice Statistics, collected through the Law Enforcement Management and Administrative Statistics (LEMAS) study, which every four years compiles information on almost all police departments in the United States, the following communities have the largest number of sworn native officers: Modesto, California (248) (0.04 percent); Tulsa, Oklahoma (800) (0.01 percent); Long Beach, California (838) (0.01 percent); Duluth, Minnesota (141) (0.03 percent); and Lawrence, Kansas (110) (0.04 percent) (Reaves and Goldberg, 1999). But these statistics should be treated cautiously, as will be demonstrated further in the chapter (see Table 9.1).

**The Thorny Issue of Crime and Arrest Rates**

Perhaps if we had a sense of the arrest rates or criminality among Native Americans, then we could get a handle on how much of an issue Native American crime is for local law enforcement. Although the paucity of this kind of analysis has been identified by others (Young, 1990), Native American arrest rates have ranged from a low of 1,099 per 100,000 in 1935 to a high of 15,123 in 1960. Since then, the rate has declined. Following this peak, American Indian arrest rates show a more gradual decrease, with the most recently published studies (based on 1985 data) indicating an American Indian arrest rate of between 7,859.2 and 8171.5 per 100,000, depending on whether the census figures were used to calculate the rate and whether they included Alaska Natives as well (Green, 1999: 184). Despite this statistical data, it has been noted that native criminality is higher on the reservation than off. And since the figures presented above do not disaggregate between Indian Country and cities, it is difficult to know with much confidence how much criminality there is by urban natives.

<table>
<thead>
<tr>
<th>Table 9.1 Top Five Local Police Departments with High Number of Native Americans, as Identified by LEMAS, 1997</th>
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<tbody>
<tr>
<td>Police Dept.</td>
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<tr>
<td>Tulsa, OK</td>
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<tr>
<td>Long Beach, CA</td>
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<td>Duluth, MN</td>
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<td>Lawrence, KS</td>
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<td>Modesto, CA</td>
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Recruitment of Native Americans on Police Forces

By logical extension, it would stand to reason that in jurisdictions with the highest number of Native Americans, there would be a greater proportional number of native police officers or of police, divisions, or units charged with providing policing services to Native Americans.

One way to understand this issue, once again, is through the LEMAS database. An examination of the numbers of Native Americans in police departments immediately shows their relative absence. For example, in the 2000 LEMAS survey of 17,784 police agencies (Hickman and Reaves, 2002: table 7), Asians, Native Hawaiians, or other Pacific Islanders, American Indians, and Alaska Natives comprised only 2.7 percent of the total. This figure contrasts sharply with the numbers of Black/African Americans and Hispanic/Latinos in police departments. Despite their numbers in the general population, Native Americans are rarely hired and trained to work for municipal police forces. That may be because of a shortage of appropriate applicants in the local labor market, or it may reflect a natural and historical antipathy between Native Americans and the dominant white police departments. It may also be that suitable trainees go somewhere else, like federal law enforcement, where they are paid better and possibly receive more prestige. Quite often, there are a limited number of Native American candidates in the pool of those interested in being police officers, and many of them work on reservations, leaving a very small number available for employment in urban areas.

In order to determine the contextual issues of native police officers on forces, I made several inquiries through the offices of chiefs of police and/or the chief information officer at several cities (including those previously mentioned) and in police departments where incidents of police insensitivity to Native Americans have been reported in the media or documented by investigative bodies (i.e., Seattle, Minnesota, and Oklahoma City). These inquiries were generally ignored, but I performed a series of follow-up contacts, and a handful of forces provided me with relevant information. (See chapter appendix for questionnaire and Table 9.2.)

Results from the Questionnaire

What became immediately clear was that there are considerable differences between the statistics reported in the 1997 LEMAS survey and those that I gathered. For many departments, the number of Native American police officers differs radically from those reported in 1997. Most importantly, I do not believe that this is simply a result of the six-year time lag.

Although most departments reported a low number of Native American police officers as a percentage of the total, one agency claimed to have one captain, four sergeants, and five corporals, all of whom are Native American. Another police force estimated the total number of native officers and then qualified the statement by saying, “but not all of those officers claim Native American affiliation.”

Most of the departments said that there were no special efforts to recruit Native Americans on their police department. Two suggested that they actively recruit all minorities. Another said: “The chief of police teaches a course at a university at the local reservation. They also participate in career fairs at the university/college on the reservation.”

Although most departments reported that calls for service and/or crimes by or against Native Americans were negligible problems for their department, one representative said that: “We don’t keep statistics on race of victims, so I can only say we have frequent contacts with Native American victims and suspects.”

Most of the police forces report that there are no special case workers in the department or community that can serve as a liaison to the department. One department qualified this answer by outlining the partnership they had with a local hospital through what they called Mental Health Evaluation Teams (MET). For example, if they were dealing with a Native American person, they might call on one of our sworn officers who is also Native American in an attempt to gain a better understanding of that person’s needs. Unlike the patrol officers, the MET Team has the time, resources, and experience to offer the quality service that is often required by people with special needs.

And finally, most respondents said that no contact was made with other large metropolitan police departments with respect to recruiting Native American police officers or sharing in expertise. Only one police force mentioned that it maintained contact with a Native American colleague who had moved on to another police department, but the quality of this relationship was not followed up on.

Reviewing the Research

To better understand this subject matter, I briefly review the research on Native Americans and policing. In the main, references to policing Indian peoples can be found in policing texts or in a number of tertiary subject areas.

Little scholarly research exists on the role of indigenous people in the criminal justice system. That should come as no surprise to most criminologists, as the absence of minorities’ perspectives in criminal justice sources, including introductory texts, has been previously noted (Mann, 1993; Walker and Brown, 1995). There is, however, sporadic research by federal government departments that is relatively useful in providing insights into the plight of native policing.
conducted by researchers who have been contracted by the government to review policing practices or by commissions of inquiry into some aspect of policing involving Native American peoples in the United States. Unfortunately for my purposes, the majority of research on the relationship between Native Americans and the criminal justice system looks at this subject matter in the context of Indian Country (e.g., Deloria and Lytle, 1983; MacLeod, 1987; Wachtel, 1982). Why? It only makes sense: The lion’s share of natives live on reservations carved out for them some two centuries ago by the federal government.

In recent years, largely through the financial sponsorship of the U.S. Department of Justice (National Institute of Justice or Office of Community-Oriented Policing), there has been increased professional (e.g., Ethridge, 1977) and scholarly interest on the plight of policing in Indian Country (e.g., Barbey, 1998; Feinman, 1986; Luna, 1997, 1999; Wakeling, Jorgensen, and Michaelson, 2001; Chapter 8 in this volume). This research, focusing particularly on native police officers and their work, has been conducted by a handful of academics and researchers working at universities. True research has been produced on the role of police officers in Alaskan villages, in particular the Village Safety Police Officers (VSOP) program (e.g., Angell, 1981; Marenin, 1992a, 1992b, 1994; Marenin and Copus, 1991; Renin, Marenin, and Copus, 1991), but it generally ignores large cities like Anchorage or Juneau, Alaska. Missing from this mix, however, is an extended discussion of the relationship between Native Americans and police in cities.

The Policing Texts

Several introductory texts on policing in the United States have been published. Since most are directed to municipal policing and natives are generally underrepresented in these contexts, rarely is there any mention of policing this subgroup of the dominant population. When they do mention policing of Native American communities or Native American police officers, it is usually in the context of policing in Indian Country.

If the subject matter of policing is not found in the dominant policing texts, then perhaps it will be included in the numerous edited books, readers, or anthologies that are frequently used in upper-division policing classes? The answer is a resounding “no.”

Tertiary Subject Areas

Some of the research and writing concerning Native Americans and policing can be found in the literature that deals with U.S. police and minority relations (Shutt et al., 1995). Although some of this information is present in Canadian texts (e.g., Fleras, Desroches, and Cytrynowicz, 1986; Jackewandene and Talbot, 1990; Lee, 1981; Ungereider and McGregor, 1991), U.S. textbooks seem to ignore this topic. Here too, however, Native Americans are treated in passing, or the geographical focus is on Indian Country.

CURRENT AND DEVELOPING POLICY AREAS

Prompted by periodic instances of insensitivity in police-native relations throughout the country, the U.S. public, policymakers, and police personnel realize that better solutions must be found to avert potential crises.

Four policy issues most relevant to the policing of Native Americans can be identified. These areas are: increasing police departments’ recruitment of Native Americans into police forces; the attitudes of Indians toward police and vice versa; violence against Indians by police; and the delivery of police services to Native Americans.

First, in former settler states (e.g., Canada, the United States, and Australia), there has been a movement toward indigenizing the police. During the last decade of the twentieth century, many justice officials believed that the policing of Indian peoples would be improved if it was done by natives themselves. It has been assumed that Native American police officers would be particularly sensitive to the needs of fellow Native Americans and Indian police would commit less violence toward Indian peoples. Unfortunately, there is considerable simplistic thinking concerning natives policing themselves. Scholars have simultaneously been cautious enough to point out that “changing who wears the uniform without simultaneously reducing risk, or providing alternative resources to deal with it, does nothing to change the ability of any type of policing service to meet the security needs of the community” (Landau, 1994: p. 26; Landau, 1996).

Hiring appropriate Native Americans to join municipal police forces has been difficult. According to several police personnel whom I have interviewed, one of the largest problems with recruiting natives into police forces is that since they are in such high demand, those who are relatively capable end up getting hired away from the forces from which they first started, hired by better pay, benefits, and working conditions.

Second, like many African Americans and Hispanics in the United States, Native Americans have a considerable amount of distrust and antipathy toward the police (Stooog, Roberts, and Boldt, 1980; Williams, Chadwick, and Barr, 1979). Missing is how the dominant settler communities feel about police-native relations, Native Americans as perpetrators of crime, and so on. This sort of information is necessary to convince the dominant white population, which ultimately holds the purse strings, that native-police relations need more resources. With occasional exceptions (Parnell, 1979), little is known about how the police feel toward Native Americans.

Third, although anecdotal information exists, little systematic research has been conducted on the problem of violence (and abuse) against Native Americans partly because this subject matter is rarely a cause of study. When studies are produced, they are usually in the context of governmental inquiries examining some sort of real or alleged abuse. Fourth, by far the greatest area of importance is the research and scholarship examining the provision of policing services to native communities, including such issues as response time and the ability to properly intervene when there is a case of domestic violence or intoxication.
CONCLUSION

Rigorous analysis is a necessary step in remedying unresolved difficulties in the understanding of social control in this subject and policy area. Two issues, however, are of particular concern. Perhaps one of the reasons why recruitment, selection, and training of Native American police is so difficult is because law enforcement in the United States is still heavily immersed in the European means of social control and values that do not work well or conflict with those of Native Americans.

Additionally, by far the dominant research has been on policing on the reservation or in Indian Country (e.g., Carter, 1976). This is true despite the fact that a considerable amount of research on the role of and difficulties faced by Native Americans in municipal contexts exists (e.g., Dosman, 1974). Meanwhile, the majority of research on policing in the United States concentrates on urban contexts. What is clearly missing is research on policing native peoples who live in the cities (Griffiths, 1994: 125). Hopefully this research will lead to well-informed policies and practices that are properly implemented. It would also mean that more Indian people would be trained and recruited by municipal forces and given a wide range of roles and responsibilities, instead of simply just working in their own communities.

APPENDIX: NATIVE AMERICANS IN MUNICIPAL POLICING QUESTIONNAIRE

1. What is the total number of sworn officers in your department?
2. How many Native American police officers do you currently employ?
3. Are there special efforts to recruit Native Americans onto the department?
4. To what extent are Native American calls for service and/or crimes by or against Native Americans a problem for this department?
5. Are there special case workers that the department uses in sections of the town or city that deal with the Native American community?
6. Do you have any contacts in other large metropolitan police departments that deal with similar issues with their Native American officers and community?

NOTES

Special thanks to Natasha J. Cabrera, Larry Gould, Matthew J. Hickman, and Catherine Leidemer for comments. I also want to extend my appreciation to Kim Presley and Mark Sherwood, Tuisa Police Department; Mike Patricks, Lawrence Police Department; W. Paul LeBaron, Long Beach Police Department; the Modesto Police Department; Cyndi Montgomery, Minneapolis Police Department; and Jim Wright, Duluth Police Department, for responding to my questionnaire.

Imprisonment and American Indian Medicine Ways

A Comparative Analysis of Conflicting Cultural Beliefs, Values, and Practices

William G. Archambault

Although each Native American culture was unique and the healing traditions of each were geographically different, all of these systems were holistic; they treated the body, the mind, and the spirit or soul together. Modern medicine is often criticized because of its failure to address the holistic nature of the human, despite the fact that spiritual and psychological systems of beliefs have long been recognized as being associated with patient recovery.

Surviving Seven Centuries of Ethnic Cleansing and Cultural Genocide

A great deal of indigenous healing knowledge was destroyed by the actions of white European and U.S. political powers. An understanding of this history places the struggles of Native peoples for their rights today. These actions included...