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Rez Realities: Exploring the Perceptions of Crime and Justice Among Tribal Police Officers in Indian Country

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REZ REALITIES: EXPLORING THE PERCEPTIONS OF CRIME AND JUSTICE

AMONG TRIBAL POLICE OFFICERS IN INDIAN COUNTRY

by

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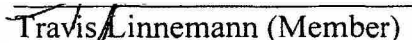Requirements for the Degree of
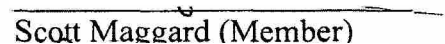
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ABSTRACT

REZ REALITIES: EXPLORING THE PERCEPTIONS OF CRIME AND JUSTICE AMONG TRIBAL POLICE OFFICERS IN INDIAN COUNTRY

Favian Alejandro Martín
Old Dominion University, 2013
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Although American Indians and Alaskan Natives (AI/NA) compose just over 1% of the general population in the U.S., they experience higher rates of crime and violence than the total population and are dramatically over-represented in the criminal justice system. In light of these realities, the paucity of research on AI/NA crime, violence, and justice problems is appalling. What research does exist suggests that AI/NA crime and victimization is correlated with social problems such as poverty and illegal drug use which are linked to the social ills of colonialism. Drawing on the work of Loader (1997), this dissertation examines the perceptions of crime and justice among tribal police officers in Indian Country.

Police officers are charged by the state with the responsibility to maintain social control and seen as the authoritative discourse of crime and justice in society. Within their position, they have the ability to "diagnose" all crime related problems (Loader 1993). Given their unique position in society, the police also have the power to frame the discourse on crime and justice and their experiences influence public opinion and policy. Throughout Indian Country, tribal police officers possess unique knowledge about all crime-related problems and offer a discourse on crime and justice on reservations.

This dissertation uses in-depth interview methods to address the research question: What are the perceptions of crime and justice in Indian Country among tribal police officers? Interviews with 27 tribal police officers on a southeastern Indian reservation were conducted to explore the tribal police officers perceptions about crime and justice. The tribal police officers' perceptions revealed a tribal community suffering from high rates of prescription drug use that were correlated with property crimes and high levels of domestic violence and assaults. This is substantiated by the current crime data: as creators of discourse and community perceptions, the view of the criminal justice personal are reified in the community. The participants spoke about the tribal court system as dysfunctional due to inter-tribal politics, federal restrictions, and lenient tribal judges. Tribal police officers also portray the federal government as too often failing to prosecute serious crimes on the reservation. As a result, they believed that both the tribal and federal criminal justice systems did not adequately address crime on the reservation.

This dissertation is dedicated to my parents Jennie and Carlos Martin

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CHAPTER I

THE PROBLEM OF CRIME AND JUSTICE IN INDIAN COUNTRY

American Indian and Alaskan Natives (AI/NA) living on reservation communities

are surrounded by the natural beauty of the landscape and the richness of their ancestral

culture and heritage. Sadly, these idyllic realities stand in sharp contrast to the crime

commonly found on those same lands. Simply put, AI/NAs experience some of the

highest rates of crime and violence of any group in the nation and violent crime rates

among these individuals remain high, despite a decrease in the violent crime in the U.S.

generally (Perry 2004). Crime and violence among AI/NAs is even more pervasive in

reservation communities, as reported by Williams (2012a:1): "Indian reservations across

the United States have grappled for years with chronic rates of crime higher than all but a

handful of the nation's most violent cities." Other journalists have characterized

reservation communities as "war zones" to describe the high rates of crime, violence, and

victimization that occur in Indian Country (Moore 1990). Scholars would argue that the

hegemonic use of this metaphor serves as a propaganda tool to serve political interests.

As Steinert suggest (2003:265-266):

> Methaphors of war have longed plagued thinking about crime – in the USA
> predominantly, but now that the "Fifty Years Peace" is over, Europe is fast
> catching up. The metaphor of war has acquired a solid place in hegemonic
> thought – perhaps akin to it role during the first half of the 20th century. It has
> invaded (!) the public discourse in economics, international relations, sport, even
> some medical specialties – and, of course, crime policy and policing.

Indeed, the reservation war zone analogy "feeds on dramatizations and the creation of

events that can be dramatized" (Steinert 2003:266). That is to say, that this

characterization suggests that reservation communities are similar to cities and towns in

war torn countries such as Syria, Egypt, and Afghanistan. One newspaper article

compared several Indian reservations' crime-fighting initiative to the Iraq war military

"surge" strategy. As Williams (2012c:1) notes:

> Nicknamed "the surge," it was modeled after the military's Iraq war strategy,
> circa 2007, which helped changed the course of the conflict. Hundreds of officers
> from the National Park Service and other federal agencies swarmed the
> reservations, and crime was reduced at three of the four reservations – including a
> 69 percent decline at Mescalero Apache in New Mexico, officials said. Wind
> River, as has been true for much of its turbulent history, bucked the trend: violent
> crime there increased by 7 percent during the surge, according to the Department
> of Justice.

Returning to the "war zone" characterization, many commentators on Native social

problems have used this term to describe the high rates of violence against American

Indian women. As Chief Elk (2012:1) argues, "those of us in the Native American

community know we are being targeted—and as I read about sexualized violence against

civilians in war zones, I can't help but draw parallels to the brutality against Native

women." Similarly, Sarah Deer (2006:1), an attorney for the Tribal Law and Policy

Institute states, "American Indian and Alaska Native women are living in a virtual war

zone, where rape, abuse, and murder are commonplace and sexual predators prey with

impunity." Further, media headlines such as "Brutal Crimes Grip an Indian

Reservation," "Death Toll Increases in Indian Reservation Rampage" and "Mass Murder

on Indian Reservation in North Dakota, Victims Includes Children" conjure images of

American Indians living in war zones. Equally alarming are narratives of a failed criminal

justice system in Indian Country. The Denver Post reported that law enforcement in

Indian Country is "dysfunctional" (Riley 2006a:1) and the failure of the system has

contributed to "lawless lands" where violence and victimization is part of everyday life

on the reservation. Terms such as "war zones" and "the surge" also invoke images of

American Indians as being savages wreaking havoc and destruction within their communities. Further, it gives the impression that reservation communities are on the verge of, if not already experiencing, total anarchy. Seemingly, Indian reservations and war-like violence appeared to be inseparable concepts in the media. Despite these realities, AI/NA's crime problems "remain among the least studied" in the field of criminology (Morris, Wood, and Dunaway 2006 2006:573).

In her address upon receiving the American Society of Criminology's 2011 Sutherland award, Peterson (2012) argued for the need to examine race and crime issues. Citing several studies that show the criminalization of minorities, she illustrated the ways that racialized policies within the criminal justice system have contributed to their high incarceration rates. In her critique Peterson focused on African-Americans and Latinos within the criminal justice system. Indeed, African-Americans and Latinos experience high rates of crime, violence, and incarceration, but the AI/NA population is increasingly experiencing even higher levels of these social problems than other minority groups. Despite their high rates, criminology continues to overlook these problems. As Perry (2009:3) asserts:

> The paucity of research on Native American issues is more than simple perplexing. It is disturbing. Native Americans represent the most disproportionately over-represented population both in terms of victimization, and arrest and incarceration rates.

AI/NAs are increasingly involved in the criminal justice system. As Greenfeld and Smith (1999:26) note:

> The estimated 62,600 American Indians with a correctional status accounted for just over 4% of the American Indian adult population. By comparison, an estimated 2% of white adults, 10% of black adults, and less than a half of 1% of Asian adults were under correctional supervision.

Recent figures suggest that on average 1 in 25 AI/NAs are under the auspices of the criminal justice system (Perry 2004). They are also subjected to over-policing which contributes to high levels of incarceration (Perry 2009). AI/NA arrest rates are substantial because on average they are first arrested at the age of 14 and can have on average an additional 19 arrests during their lifetime (Grobsmith 1994). The high level of involvement in the criminal justice system among AI/NAs is correlated to un- or underemployment, drug and alcohol use, lack of education attainment, poor parenting, and child abuse (Bonta 1989; Grobsmith 1994; National Institute for Justice (NIJ) 2005).

AI/NAs are more likely to be involved in crime as both the offender and/or the victim than are the general U.S. population (Nielson and Silverman 1996; Greenfeld and Smith 1999; Perry 2004). More importantly, while the national violent crime rate declined in the 1990s, violent crime rates among AI/NA remained high even when compared to other racial/ethnic groups in the U.S. (Greenfeld and Smith 1999; Perry 2004; Toth, Crews and Burton 2007; Feagin and Feagin 2008). Given the extraordinary rate of crime, violence, and victimization among AI/NAs, several scholars argue that these issues are a race and crime problem which can be traced to the effects of colonialism (Gabbidon and Greene 2005).

Blauner (1972:53) defines colonialism as, "nations [that] incorporate new territories or peoples through processes that are essentially involuntary, such as war, conquest, capture, and other forms of manipulation." The mechanisms of colonialism preserve the belief that minority groups are more predisposed to crime behaviors than their white counterparts and represent the foundation of policies that are directed towards minorities in order to address their "criminal behavior." Some criminologists utilize the

colonel model to explain the high rates of crime and criminalization among minorities. Fanon (1963) asserts that the colonization process impacts the cultural and structural status of minority groups and that the process occurs when the dominant group forcefully takes over the territory of an indigenous group. He claims that in colonial societies European whites are economically and politically dominant, which allows them to maintain their culture and values, and impose them on minority groups. During the colonization process, the minority group's culture is reduced to a lower status or destroyed, thus forcing the group to adhere to the culture, beliefs, norms, and rules of the colonizer. The minority group has no other option but to assimilate into the dominant culture.

The colonial process also establishes a caste-like system. Fanon (1963) argues that the colonizers maintain control over the resources in terms of economic, political, and social benefits, thus limiting the resources available to minority groups. Colonizers utilize the social construct of race to delineate the minority group to a low-class status. In order to maintain a system of subordination, the dominant group establishes "representatives of the power structure," such as police and other law enforcement officers who reinforce the status of minority groups and protect the assets of the dominant group. The structural relationships in colonial societies impact the behavior of minority individuals, and lead to feelings of alienation among them. In turn, alienation from one's self, racial group and culture may produce assimilation resistance, or violence among individuals. When violence does occur it is more likely intra-group, rather than inter-group.

Fanon (1963), Blauner (1994) and Staples (1987) suggest that minority groups in the U.S. are internal colonies that are controlled and exploited systematically by whites who are the majority group. Additionally, they argue that there is an unequal structural relationship between majority and minority groups in terms of economic, political, and social power. This unequal structural relationship leads to frustration and alienation among minority individuals, thus causing them to engage in criminal behaviors (Tatum 2000). The colonial model holds that racial inequality in the criminal justice system is created by whites (the colonizers) who target minority groups (the colonized); the structural conditions result in those colonized experiencing high rates of arrest and imprisonment. Due to these disparities, minorities recognize that they are less likely to receive equal justice. The colonial model holds that whites systematically control and exploit minorities through the criminal justice system to ensure white power over valued resources. Minority criminal behavior is seen as a threat to the status quo of white control. AI/NAs have been subjected to anti-Native governmental policies that subjugate them to the lower fringes of society, in order to maintain white superiority and power, and that result in significant social problems including geographical isolation, substance abuse, and mental health problems, among others.

AI/NA crime and violence are correlated with social problems such as poverty (Bachmann 1991a, 199b, 1992; Fitzgerald and Carrington 2008; Lanier and Huff-Corzine 2006; Painter-Davis 2012) and illegal drug use (Winfree, Griffiths, and Sellers 1989; Silverman 1996; Whitbeck, Hoyt, McMorris, Chen, and Stubben, 2001; Bohn 2003; Wahub and Olson 2004; Morris et al., 2006; Yuan, Koss, Polacca, and Goldman 2006; Bachman Zaykowski, Lanier, Poteyeva, and Kallmyer 2010). In turn, these

problems are linked to the effects of colonialism (Snipp 1992). Several scholars argue

that substance abuse serves as the impetus for a majority of crimes that occur in

reservation communities (Greenfeld and Smith 1999; Perry 2004), and Indigenous

activist Noel Pearson (2001) acknowledges that substance abuse is a leading facilitator in

Native violence and crime. Further, Native substance, violence, and crime are traced to

historical trauma and cultural oppression. As Pearson (2001:4) notes:

> We must understand that trauma, dispossession et cetera make our communities
> susceptible to grog and drug epidemics, they do not automatically cause abusive
> behavior...when abusive behaviors is deeply entrenched in our communities it is
> not the material destitution, the social ills and historical legacy that fuel the
> abusive epidemics. It is the epidemics themselves.

In response to high rates of crime and violence in reservation communities, many

tribal governments implemented their own judicial system to address these problems.

Tribal courts are public and formal sites where generational conflicts may occur with

respect to ideas about crime, violence, and tribal culture. Historically, AI/NAs have

administered justice and resolved conflict via ancestral customs, traditions and laws.

While a majority of the 560 federally recognized American Indian tribes utilize

traditional methods of resolution to address conflicts and disputes, many tribal

governments have adopted Anglo-American judicial systems to address criminal and

deviant behaviors. Tribal courts have limited jurisdictional powers and may only hear

misdemeanor cases, protection orders, and cases involving juvenile offenders, in contrast

to the federal government's unlimited jurisdiction to prosecute crimes that occur on tribal

lands (Pevar 2004). As a result, many serious offenders are hardly prosecuted for their

crimes, which instills a sense of vulnerability among tribal members (National Victim

Assistance Academy 1999). Despite having a tribal justice system, many communities

are unable to effectively address crime and victimization due to federal laws. Unfortunately, the violent and dysfunctional predicaments experienced within reservation communities are not widely discussed and the needs of AI/NAs are often neglected.

This dissertation examines the perceptions of crime and justice among tribal police officers. Within their occupation, tribal police officers are able to provide insight about crime, violence, and justice in their reservation community. Loader (1997) and Loader and Mulcahy (2003) illustrate the cultural processes which allow the police to speak on all crime related matters within society. Referred to as the "symbolic power of policing," these authors suggest that police officers are the "experts" and able to "diagnose, classify, authorize and represent both individuals and the world" (Loader 1997:3). Similar to their mainstream counterparts, tribal police officers have "ownership and framing of relevant issues, and whose individual and collective utterances circulate meanings that contribute in potentially telling way to the formation of opinion and belief" (Loader and Mulcahy 2001:42). In this research, the tribal police officers offer an "diagnosis" on all crime related matters taking place within their reservation community. This dissertation research draws on the works of Loader (1997) and Loader and Mulcahy (2003), to explore the dynamics of crime, and justice on the Eastern Band of Cherokee Indian Reservation in North Carolina. An in-depth interview method was used to address the research question: What are the perceptions of crime and justice in Indian Country among tribal police officers?

SUMMARY OF CHAPTERS

The following chapters will provide the frame of understanding in investigating the perceptions of crime and violence among tribal police officers in Indian Country. Chapter II provides a socio-historical analysis of the treatment of American Indians, with specific attention to the role of colonialism. The colonial legacy and its social ills have been detrimental to the Indigenous population historically and continue to be a source of contemporary social problems for them. Due to colonialism, American Indians experience a myriad of social problems such as poverty, suicide, and substance abuse, all of which are strongly correlated to their high rate of crime and victimization. This chapter will also provide a discussion on the frequency and characteristics of AI/NA crime and victimization. In addition to these statistics, the chapter provides an overview of the tribal judicial system. Chapter III provides a literature review on past research on police perceptions. Chapter IV offers a review of Loader's (1997) the symbolic power of policing perspective as it relates to the research question: What are the perceptions of crime and justice in Indian Country among tribal police officers? Chapter V provides an overview of the methodological design of in-depth interviews that was utilized to address the research question. Chapter VI presents the analysis including major themes that emerged from data and Chapter VII contains a summary of the dissertation research as well as a consideration of the contributions and implications of the project.

CHAPTER II

COLONIALISM - THE STORY OF CONFLICT

American Indian/Native Alaskan (AI/NA) social problems have their origins in

colonialism. As Ross and Gould (2006:3) note, "the study of law, justice, and criminal

justice issues in Indian Country is complex and laden with cultural, economical, political,

and social undertones that are bound in a deeply rooted historical context." Social,

political, and economic institutions subjugate AI/NA to the lower fringes of society, and

as a result allow these individuals to experience crime and violence as well as

victimization. To understand how these mechanisms evolved, this chapter examines the

role of colonialism as it relates to the current state of AI/NAs because the realities and

perception of crime and justice are shaped by the effects of colonialism.

COLONIALISM

Prior to the European conquest of the Americas, an estimated 15 million AI/NAs

inhabited North America (Sale 1990); four centuries later, by the late 1800s, this

population was substantially reduced to just 250,000 (Healey 2003). During the

colonization period and thereafter, the AI/NA people experienced an array of

victimizations at the hands of Anglo Whites, ranging from acts of genocide to forced

relocation which contributed to the decline of the population (Salisbury 1996; Churchill

1997; Smith 2005). Not only did the effects of colonization decimate the indigenous

population, it also shifted the cultural and structural status of these individuals, which

allowed the dominant Anglo group to forcefully take over their ancestral lands. In

colonial societies, European Anglos were economically and politically dominant, affording them opportunities to maintain their group's culture, beliefs, and values, while simultaneously imposing these attributes on the minority population (Fanon 1963). The colonization process afforded Anglo Whites an opportunity to destroy the minority group's culture and coerce them to adopt and adhere to their cultural system (Blauner 1972, 1994; Staples 1987).

The colonization process affords the colonizer an opportunity to establish a caste-system to ensure white dominance over economic, political, and social resources, which continues into the present by limiting minority groups' access to valued resources such as education and employment (Fanon 1963, 1967; Pencak and Richter 2004). This mechanism uses race to relegate minority groups to the outer fringes of society (Fanon 1963, 1967; Massey 2007), it is a system of subordination based on race. Additionally, colonialism is a systematic method of social stratification. Massey (2007:242) argues that the social stratification system hinges on three factors: a social structure that categorizes individuals based on a combination of their achieved and ascribed traits, the stereotyping of exploited groups into a lower-class status, and the restriction of socially valued resources to the colonizers. As Massey (2007:243) notes:

> Social groups can be classified along two fundamental dimensions that define the conceptual space of social cognition: warmth and competence. People naturally frame themselves and other like them as both warm (likable, approachable, trustworthy) and competent (efficacious, capable, astute). People perceived in this way are seen as in-group members, or at least as members of groups that are very similar to the in-group. People who are framed as lacking either warmth or competence are socially defined as members of the out-group – as others who are not perceived as "people like us."

In conjunction with placement of individuals based on warmth and competence characteristics, the in-group also implements social mechanisms to ensure the protection

of resources for themselves, while resources are extracted from the out-group without compensation. For Massey, there are two mechanisms that enforce and reproduce stratification to benefit dominant groups: opportunity hoarding and exploitation. Massey (2007:244) refers to opportunity hoarding as, "the monopolization by in-group members of access to a resource so as to keep it for themselves." This mechanism allows the in-group (whites) to dominate valued resources such as educational and employment opportunities so that they are not in competition with out-group (minorities). Massey (2007:244) suggests that exploitation "is the expropriation of resources from an out-group by members of an in-group such that out-group members receive less than full value for the resources they give." This mechanism permits whites to pay members of the out-group lower wages, for instance. Massey's theory of social stratification is especially evident in the historical and current oppression of the AI/NA population. Throughout the history of the United States the AI/NA population has been subjected to mechanisms of exploitation and opportunity hoarding. Conflicting views of human nature between AI/NAs and Anglo Whites contributed to the conflict.

The conflicting views between Anglo Whites and AI/NAs "has to do with the deeply rooted religious and spiritual underpinnings on which the various European and native cultures are based" (Ross and Gould 2006:4). While Anglo Whites were deeply patriarchal, practiced Christianity, and abided by individual property rights (Washburn 1971; Flint 1971; King 1999; Ross and Gould 2006), the American Indian population was matrilineal, viewed the land as being sacred, and did not understand the concept of landownership (Washburn 1971; Snipp 1992; Churchill 1997, 2004). With such conflicting and opposing ideologies and beliefs, and in the face of superior Anglo

firepower, the AI/NA population experienced social disruption and ethnic violence (Perry 2006).

As a result of colonization, AI/NAs experienced the most severe forms violence and ethnocide at the hands of Anglo Whites (Perry 2002), such acts included genocide (Snipp 1992; Churchill 1997), government sponsored warfare (King 1999), enslavement (Calloway 2006), and forced relocation (Perdue 1985). However, the most detrimental factor in the decline of the AI/NA population was transmission of European diseases (Snow and Lanphear 1988; Snipp 1992; King 1999; Calloway 2006). AI/NAs were not immune to diseases such as smallpox and measles, and in some cases entire tribes were lost to these infections. For example, from 1618 to 1619, a small pox epidemic killed nearly 90% of Mohawk Indians in Massachusetts. Realizing the destructiveness of European diseases upon the indigenous population, the federal government actively engaged in biological warfare to exterminate these individuals (Churchill 1997). While AI/NAs suffered from these diseases, Anglo Whites organized to gain landownership of tribal lands. Many of the social ills within reservation communities can be traced to government policies and initiatives that led to the development of Indian reservations.

Although the United States created treaties with American Indian tribes to establish land boundaries (Ponnersheim 1995), many of these agreements were violated in order to accommodate a growing white and immigrant population in the country. For instance, in the 1840s the United States operated under the belief of "Manifest Destiny" that it was America's right to move into the western territories of the country, which provided a justification for western expansion (King 1999). In order to circumvent existing treaties with Native tribes, the federal government created many Indian removal

policies such as the Indian Removal Act of 1830, which oversaw the relocation of 100,000 Natives (Perdue 1985; McEwan 2000; Perdue and Green 2005; Conley 2005). Under the Act, the President had the authority to negotiate treaties with Indian tribes for their relocation to west of the Mississippi River. While some tribes voluntarily relocated, others were pressured or deceived into entering an agreement (Conley 2005). The relocation of the Cherokee Nation, for instance, occurred when federal agents duped a dissident group of Cherokee Indians, none of whom were tribal leaders, into signing the Treaty of New Echota (Perdue 1989). As a result, the treaty forced the relocation of over 17,000 Cherokee Indians in the southeast to an Indian reservation located in the Oklahoma territory (Perdue and Green 2005). Nearly 5,000 Cherokee Indians died from exposure, exhaustion, and disease from this forced relocation, now referred to as the "Trail of Tears" (Carter 1976; Perdue and Green 2005). The federal government's relocation policies still did not quell the thirst for more land to support a growing U.S. population.

By the 1800s, many mid-western American Indian tribes found their ancestral lands encroached by an influx of white settlers. To accommodate the influx of settlers, companies and corporations established railroads and telegraph poles on tribal lands (Banner 2005). Similar to their eastern American Indian counterparts, western Native peoples found themselves increasingly forced off their lands. Perhaps more detrimental was that many Anglo Whites actively hunted and nearly wiped out buffalo, an important source of food and clothing for AI/NAs. Although many tribes were engaged in several skirmishes with Anglo Whites, it was not until after the American Civil War that the federal government directed its full attention to diminishing Indian resistance in the

Plains. By the end of the 1800s, the federal government and many Indian tribes found

themselves engulfed in the "Indian Wars," which included notable battles such as the

Sioux Uprising (1862), the Sand Creek Massacre (1864), the Battle of Little Big Horn

(1876), and Wounded Knee (1890). Fearing a long war, the federal government engaged

in a series of genocidal practices as Wellman (1934:8) notes:

> The Indian [was thought] as less human and worthy only of extermination. We
> did shoot down defenseless men, and women and children at places like Camp
> Grant, Sand Creek, and Wounded Knee. We did feed strychnine to red warriors.
> We did set whole villages of people out naked to freeze in the iron cold of
> Montana winters. And we did confine thousands in what amounted to
> concentration camps.

After their defeat in the "Indian Wars," the AI/NA peoples were relocated to Indian

reservations.

The federal government passed numerous laws that greatly reduced their rights

and severely restricted Native access to resources. In 1871, Congress passed the Indian

Appropriations Act which ended the government's recognition of AI/NA tribes as

sovereign nations and banned additional Indian treaties. In years to follow, the federal

government passed aggressive assimilation policies in hopes of "transforming" Indians

into farmers. For instance, Congress passed the Dawes Act of 1887, which divided tribal

lands into allotments and distributed them to Native families (Haas 1957) to encourage

farming (Healey 2003). The Act was a failure because the Native population did not

have a history of farming, the government did not prepare Natives for the transition, and

the land was inadequate for agriculture (Carlson 1978). In reality, the underlying

intention of the Act was to restrict Native access to their ancestral lands while making

these areas available to Anglo Whites. As a result of the Act, nearly 900,000 Natives

were displaced and lost an estimated 90 million acres of land, most of which were later

sold to White settlers (Feagin and Feagin 2008). As such, the Dawes Act served as a mechanism of exploitation of AI/NAs.

In 1928 the Miriam Report noted the severe abuses that were caused by the Dawes Act, and led to further investigations of fraud and corruption. In one state, tribal lands were reduced from 138 million acres to 47 million acres after the passage of the Act. The Miriam report served as the impetus for the Indian Reorganization Act of 1934, which attempted to correct and stabilize Native communities. Under this Act, the federal government appropriated funds to recover lands that were sold under the Dawes Act and provided federal protection (Haas 1957). For the first time, the government realized that "federal policy had failed because it was based upon the false premise that all Americans should conform to a single, uniform cultural standard" (Kelly 1975:291). By the 1950s, many tribal communities faced a series of setbacks as the federal government reduced the "special treatment because of their status" (Walch 1983:1188) including reducing tribal authority over their members, social service funding, and land holdings. The vagaries of US government policies towards AI/NAs are perhaps best represented by subjugation of Native youth to Indian boarding schools.

Indian boarding schools have been used extensively since the colonization of the Americas. In 1723, the College of William and Mary created one of the first Indian boarding schools in the US (Swem 1928). With the financial backing of Sir Robert Boyle, the College initiated a program that promoted Christian beliefs among the Native juveniles. In addition, the school taught these juveniles the English language and other Anglo cultural norms. The Royal Governor of Virginia, Francis Nicholson, supported the College's goal of educating Native juveniles. In fact, the Governor went as far as to

encourage local Indian tribes to send their tribal youth to be educated at boarding school in hopes that they would go back to their ancestral homes and educate their people of the "English ways." Despite the intention of the school, the program failed to assimilate Natives into the Anglo culture as many Native juveniles abandoned Christian beliefs and resumed their tribal customs and rituals upon reentering their tribal communities. While the College of William and Mary's Indian boarding school might have been viewed as a failure, the idea of educating Native juveniles did not lose momentum until years later.

During the late 19th and into the 20th centuries, many Indian boarding schools were established in the U.S. to educate Native juveniles. Initially, Christian missionaries constructed boarding schools on several Indian reservations for juveniles who were unable to receive an education due to the geographical isolation of their tribal community (Churchill 1997; Smith 2005). Years later, the U.S. government saw the usefulness of the Indian boarding schools and allocated resources to these institutions (Noriega 1992). For instance, the government approved the construction of the Carlisle Indian Industrial Boarding school on the grounds of the Carlisle War Barracks in south central Pennsylvania (Witmer 1993). Founded in 1879, the school was one of the first boarding schools to operate outside of Indian reservation lands. The institution's main goal was to assimilate Native juveniles into the dominant Anglo culture. The school's overseer, Captain Richard Henry Pratt, believed it was the mission of the school to remove Native juveniles from their tribal culture, customs, language and rituals (Witmer 1993). He openly admitted that it was the school's goal "to civilize the Indian, get him into civilization. To keep him civilized, let him stay" (Pratt 1964: 283). By 1894, the Carlisle Indian Industrial School had 818 students who represented 53 tribes such as the

Chippewa, Oneida, Sioux, Apache, Seneca, Ottawa, Cherokee, and Nez Perce (Reyhner and Eder 2004). Pratt (1910:856) also set the tone for Indian Boarding Schools for decades to come, by stating:

> We shall not succeed in Americanizing the Indian until we work on him exactly the same way...By means of the public school, Native Americans would take their place in the mainstream of American culture.

As a result, the Carlisle Indian boarding school served as a model for other schools in an attempt to assimilate Native juveniles into the Anglo culture.

Following the Carlisle Indian boarding school, the Federal Board of Indian Commissioners provided a rationale for more schools:

> As a savage, we cannot tolerate him any more than as a half-civilized parasite, wanderer or vagabond. The only alternative left is to fit him by education for civilized life. The Indian, though a simple child of nature with mental facilities dwarfed and shriveled, while groping his way for generations in the darkness of barbarism, already sees the importance of education (Prucha 1986:194).

As a result, U.S. Congress passed the Compulsory Indian Education Act of 1887 and allocated funds to build more Indian boarding schools (Child 1993). At these schools Native juveniles were coerced to assimilate into the Anglo culture, including adopting new traditional European names, speaking English instead of their native language, wearing European/American style clothing or uniforms, getting haircuts, and accepting Christianity as their sole religion (Churchill 1997; Smith 2005). They were told by their school teachers that their ancestors were evil and hedonistic and their schoolbooks depicted their ancestors as demonic and responsible for the murder of white women and children (Churchill 1997; Smith 2005). The hostile depictions of American Indians were an attempt to persuade Native juveniles to adhere to the dominant culture and norms

(Henson Taylor, Curtis, Cornell, Grant, Jorgensen, Kalt, and Lee 2007), as well as convey the idea that AI/NA peoples were inferior to the Anglo society.

The popularity of Indian boarding schools grew and by 1909 the Bureau of Indian Affairs (BIA) established twenty-five non-reservation Indian boarding schools with a total of 6,000 students enrolled at these institutions (Adams 1995). Indian boarding school enrollment peaked in the 1970s, when 60,000 Native juveniles attended these institutions. Despite the wide perception that these schools had a positive impact on these juveniles, there were also reports of abuse.

By all accounts the experiences at these schools were harsh. In some Indian boarding schools, the Native youth were trained to do manual labor or farming. Many Native female juveniles were leased to white home owners to do housework (i.e. cleaning, sewing and washing). However, several reports found that Native juveniles experienced a myriad of abuses in these institutions that ranged from neglect to sexual abuse (Smith 2005, 2007). The Meriam Report (1928) documented the problems within these schools including high levels of infectious diseases due to lack of nutritious meals, inadequate funding for medical supplies, poor sanitary conditions, and overcrowding problems in these institutions. The report also found that the death rate for Native students was six times higher than for non-Native students. Despite the awareness of abuses occurring within these schools, many Native juveniles continued to experience physical, emotional, and sexual abuse. In some cases, Indian students were sexually abused school by officials (Smith 2005) and in other cases older Indian students were forced to physically or sexually abuse younger students (Churchill 1997, 2004; Smith 2005).

Although school officials and the BIA were aware of these abuses, they largely ignored the complaints coming from students and parents. Federal Bureau of Investigation (FBI) investigations found that a small number of Indian boarding school teachers were responsible for sexually abusing hundreds of students (Smith 2005). For example, in 1987 a school teacher at the Hopi Indian boarding school in Arizona was found to have sexually abused over 140 male students. In another case, a school official working at the Navajo Reservation School was investigated amid reports that he molested twelve students. It was not until the passage of the Indian Child Protection Act of 1990 that the BIA and the Indian Health Service (IHS) put in place accountability measures to ensure that Native juveniles were protected from abuse. Perry (2002: 236) contends that the use of Indian boarding schools represents "a history of violence, intimidation, and repression." Other scholars argue that it was in these boarding schools, while alienated from their reservation communities and families, that Native juveniles learned abusive behaviors (Noriega 1992; Brave Heart-Jordan 1995). Upon returning to their reservation communities, they turned to alcohol and other vices to cope with feelings of isolation and despair. Indian boarding schools have negatively influenced generations of AI/NAs.

The historical anecdotal narratives and reports pertaining to the impact of colonialism among the AI/NAs demonstrated the disastrous results for the population. Aside from being victimized through extermination and forced assimilation policies, generations of AI/NAs witnessed a substantial decline in both their population and their people's participation in the ancestral culture. Colonialism continues to be a source of historical trauma and cultural oppression, and is reflected in the current state of the AI/NA population.

THE CURRENT STATE OF AMERICAN INDIANS IN THEIR COMMUNITIES

Census figures report that there are 5.2 million AI/NAs in the U.S. comprising about 1.7% of the total population (Norris, Vines, and Hoeffel 2012). Almost half of the total AI/NA population lives in one of the 562 Indian reservations located throughout the U.S. (Ogunwole 2006). Unfortunately, past federal policies of forced relocation and isolation continue to cause AI/NA peoples to experience economic deprivation and social exclusion.

Poverty

Recent poverty statistics paint a grim situation for many AI/NA families as this segment of the population experiences the highest rate of poverty in the U.S. (27.3%), almost two times higher than the national average (14.2%) (U.S. Department of Commerce 2009). Economic problems on the reservation are further exacerbated by the lack of employment opportunities available for the AI/NA population (Sandefur 1989). Employment figures reveal that only 36% of all American Indian males living in reservation communities are able to secure full-time employment. On a community level, the rates of poverty are equally high. The Blackfoot Reservation in Montana, for instance, experiences an unemployment rate of nearly 70%. In order to sustain themselves, nearly half of the AI/NA population relies on federal assistance in the form of food stamps and welfare checks (Feagin and Feagin 2008). Almost 40% of Native juveniles attending school live with poor families (Orfield and Lee 2005). Over 60% of all Native eighth graders receive free or reduce lunch (Moran and Rampey 2007). The impoverished conditions among Native peoples extend to the infrastructure of many tribal homes. For

instance, many reservation homes lack electricity and almost 12% of these buildings do not have adequate plumbing or sewage facilities (Pickering 2000). These realities are contrary to the popular belief that many reservation communities are wealthy due to Indian gaming casinos.

Indian Gaming

Indian gaming casinos grew popular during the Reagan administration. Initially, the federal government promoted the belief that Indian gaming casinos would allow reservation communities to become economically sufficient and enhance tribal sovereignty. There are nearly 400 Indian gaming casinos across the U.S. operated by 224 tribal governments in 28 states, according to the National Indian Gaming Commission (2004). While popular belief holds that Indian gaming casinos generate a substantial amount of funding for reservation communities, the reality is otherwise. According to the United States General Accounting Office (1998), the Indian gaming industry averages nearly $4.5 billion per year, but only eight tribes account for 40% of these gaming profits. Although the National Indian Gaming Commission projects that Indian gaming casinos will generate $18.5 billion per year, only 12% of all Indian gaming casinos will account for 65% of the projected rate. Thus, the majority of Indian gaming casinos are not sufficiently successful to help alleviate the impoverished conditions that plague many reservation communities. Research indicates that Indian gaming casinos have led to an increase in compulsive gambling among AI/NA peoples and exacerbated other health problems (Wardman, El-Guebaly, and Hodgins 2001).

Health Problems

A myriad of health problems among AI/NA people results in a lower life expectancy compared to the general U.S. population (Indian Health Service 2007). These health problems can be traced to the legacy of colonialism. Nearly 80% of the Native population died following exposure to European diseases such as tuberculosis, measles, smallpox and syphilis. Although the health status of the AI/NA population has improved, they continue to suffer significant health disparities. For instance, AI/NAs suffer from much higher rates of infant mortality, sudden infant death syndrome, diabetes, heart disease, and tuberculosis than the general population (Indian Health Service 2007). Diabetes emerges as one of the most prevalent diseases that inflict the Native population. David Satcher (2000), the Surgeon General of the United States, noted that "the diabetes rate for American Indians and Alaska Natives is more than twice that for whites. The Pima of Arizona have one of the highest rates of diabetes in the world." Similarly, diabetes inflicts nearly 15% of all AI/NA individuals who seek treatment from Indian Health Services (United States Renal Data System 2003). Although recently in decline, tuberculosis remains a serious health issue as the Native population is twice as likely to be inflicted by tuberculosis as the general population. These high rates largely stem from reservation homes that are typically overcrowded with poor ventilation.

The AI/NA population also experiences higher rates of mental health problems than the overall population. Native youth suffer from a wide array of problems including anxiety disorders, pathological gambling, mood disorders, conduct and oppositional defiant disorders, disruptive behavior disorders, and separation anxiety disorders (Walker, Lambert, Silk-Walker, Kivlahan, Donovan, and Howard 1993; Duclos, Beals,

Suicide

Suicide is a major health problem for AI/NAs who experience a suicide rate of 14.68 per 100,000, substantially higher than the national rate of 11.15, according to the Centers for Disease Control and Prevention (2011). Moreover, young males (20 – 24 years) have the highest rate of suicide among AI/NAs at 47.47 per 100,000; in fact, this rate is the highest for all groups in the United States. Among adults in the Northern Plain Indian tribe, 11% of males and 7% of females reported suicide attempts (Garroutte, Goldberg, Beals, Herrell, and Manson 2003). These high rates of attempted and completed suicides are also prevalent among Native youth. Suicide is so widespread among Native juveniles that it is the second leading cause of death for those 15 to 24 years (Centers for Disease Control & Prevention 2003) who experience suicide at a rate that is two times higher than their non-Native peers (Centers for Disease Control and Prevention 2005). Gender appears to influences suicide rates, with Native male juveniles experiencing a higher rate than their female counterparts (Indian Health Service 2008), while Native female juveniles have a higher rate of attempted suicide (Patel, Wallace, and Paulozzi 2005; Centers for Disease Control and Prevention 2007). Native juveniles living in urban areas are more likely to commit suicide than their reservation counterparts, perhaps because these youths are geographically removed from their ancestral communities. As Johnson and Tomren (1999:298) note:

> Risk factors for American Indian suicide including stress, rapid economic and cultural change, acculturation and loss of culture, isolation and lack of strong identity are increased among American Indian youth in urban areas.

The high rates of suicide for all Native juveniles stem from several factors including problems with family and friends and their own emotional health (Borowsky, Resnick, Ireland, and Blum 1999). These factors may also influence alcohol and illegal drug use.

Alcohol and Substance Abuse

Substance abuse problems can be traced to the introduction of alcohol to the Native population by European colonists during the 1600s and 1700s. Trading posts served as an avenue for Natives to trade their goods in exchange for alcohol, specifically brandy and rum. The fur trade of the 1700s also provided an opportunity for Natives to obtain alcohol because European traders would barter alcohol for furs. As a result, the Native population has a long history of alcohol abuse that continues to this day and AI/NA adults and juveniles experience higher rates of alcohol binges (and illegal drug use) than the general population (Substance Abuse and Mental Health Services Administration 2010). Native juveniles are over two times more likely to use alcohol than other non-Native juveniles (National Institute on Drug Abuse 2003) and they begin to consume alcohol at an earlier age than their peers (Barnes et al., 2002). Native juveniles also consume illegal drugs.

Inhalants are frequently used by AI/NA individuals, especially among Native youth (Beauvais, Oetting, Edwards 1985; Okwumabua and Duryea 1987; Howard, Walker, Silk Walker, Cottler, and Compton 1999). Recent years have seen an increase in illegal drug use such as marijuana, cocaine, non-prescription drugs, and methamphetamine (National Congress of American Indians 2006). According to the National Survey on Drug Use and Health Report (2011), Native juveniles (12 to 17 years)

have higher rates of marijuana use (13.8% vs. 6.9%) and non-prescribed prescription drug use (6.1% to 3.3%) than non-Native juveniles. Methamphetamine is also frequently used among AI/NAs. Over 70% of tribal police agencies reported that methamphetamine was highly prevalent in their reservation communities (United States Bureau of Indian Affairs 2006); the Navajo Nation reported a 100% increase in methamphetamine in recent years (Vigil 2006). This drug has devastated AI/NA families. Californian Indian Services reported that whenever a Native child is taken out of their home, either one or both parents are methamphetamine addicts (NCAI 2006). Alcohol and illegal drug consumption among AI/NAs have led to high rates of crime and recurring encounters with the criminal justice system (Perry 2004; Snipp 1992). The effects of colonialism are noticeably present in the AI/NA population generally. Poverty, substance abuse, and physical and mental health issues abound for the AI/NA population, especially those living in reservation communities. The following section delves further into the current conditions of many American Indians living in reservation communities ranging from crime to the 'lack' of 'justice.'

AMERICAN INDIAN CRIME AND VICTIMIZATION

Crime and victimization are among the most serious problems confronting American Indians and Native Alaskans (AI/NA). According to the Bureau of Justice Statistics, "the annual average violent crime rate among AI/NA was twice as high as that of blacks (50 per 1,000 persons), 2½ times higher than that for whites (41 per 1,000 persons), and 4½ times than for Asians (22 per 1,000 persons)" (Perry 2004:5). AI/NAs are more likely to experience violent crime victimization than any other group in the

United States and one in ten AI/NAs are likely to experience a violent crime in their lifetime (Perry 2004). AI/NAs between the ages of 18 and 24 experience higher rates of violent victimization per capita than all age groups in the total population; one in four will experience a violent crime in their lifetime. Contrary to the general population, AI/NAs are more likely to be victims of inter-racial violence. In fact, almost 70% of violent crimes suffered by AI/NAs are committed by a non-Native offender (Perry 2004), a significantly higher level of inter-racial violence than that experienced by Blacks or Whites (Greenfeld and Smith 1999).

Homicide

Reservation communities experience higher levels of homicide than any other community in the US. The Ute Mountain Indian reservation's homicide rate is almost 50 times higher than the national average (Burnett 2006), prompting state officials to label the reservation community as "the murder capital of Colorado." While the homicide rate among AI/NAs has decreased in recent years, they continue to experience higher levels of lethal violence than the general population (Perry 2004) and their homicide rate is two times higher than the national average. These acts of lethal violence also occur among Native juveniles who most often fall victim to other AI/NAs (Wallace, Calhoun, Powell, O'Neil, and James 1996): "from 1976 and 1999, 7 in 10 American Indian juvenile murder victims were killed by another American Indian" (Perry 2004:iv).

Native Women Victimization

Scholars suggest that the effects of colonialism have contributed to the high rates of violence against Native women (Chester, Robin, Koss, Lopez, and Goldman 1994; Neithammer 1997; Smith 2005); such victimizations range from domestic violence to homicide. Irrespective of whether colonialism is a contributor for violence, Native women experience higher rates of violent victimization than any other female group in the U.S. population (Greenfield and Smith 1999; Perry 2004; Simoni, Sehgal, and Walters 2004; Magen and Wood 2006; Saylors and Daliparthy 2006; Yuan, Koss, Polacca, and Goldman 2006). In fact, violence against Native women surpasses the rate of African-American male victimization by 50% (Greenfeld and Smith 1999).

Native women experience high rates of rape and sexual assault (Bohn 2003; Harwell, Moore, and Spence 2003; Wahub and Olson 2004); in fact, Native women are two and one-half times more likely to be a victim of rape or a sexual assault than are other women (Perry 2004). Nearly 35% of all Native women will experience rape in their lifetime, significantly higher than the 20% of non-American Indian women who will suffer from a rape occurrence (Tjaden and Thoennes 2000). The majority of AI/NA victims (86%) are raped by a non-American Indian, in sharp contrast to the general population which is more likely to experience intra-racial rather than inter-racial sexual assault (Perry 2004). Still, these high numbers may mask the true extent of these victimization as the official data "underestimate[s] the true number of rapes committed each year, because [it] excludes rapes of children and adolescents, as well as... anyone living in... households without telephones" (Tjaden and Thoennes 2006: iii). The typical AI/NA sexual assault victim is poor, receives government assistance (Fairchild, Fairchild,

and Stoner 1998; Malcoe, Duran, and Montgomery 2004), young (Fairchild et al., 1998), and in either a cohabitating relationship, separated, or divorced (Yuan et al., 2006).

Native women experience similar spousal abuse rates as the general population, but are more likely to be injured; 75% of these victims claim that their offender is a non-American Indian (Greenfeld and Smith 1999). Over 30% of Native women reported that they experience physical spousal abuse, compared to the national rate of 22% (Tjaden and Thoennes 2000). Community studies reveal the extent of the problem. Almost 50% of the San Carlos Apache Reservation residents reported that they experienced an intimate partner assault (Hamby and Skupien 1998). Similarly, 52.5% of women residing on the Navajo Indian Reservation claimed to experience at least one episode of intimate partner violence and 16.4% reported that their current partner physically abused them (Fairchild et al., 1998). In another study, researchers found that nearly 60% of American Indians in a southwest tribal community experienced physical or sexual violence (Malcoe et al., 2004). Unfortunately, high levels of violence and victimization also extend to Native juveniles.

Native Juvenile Delinquency & Victimization

Generally, AI/NA juveniles experiences higher rates of crime than the overall juvenile population (Greenfeld and Smith 1999; Perry 2004). Several reports have found that Native youths are responsible for committing a wide array of crimes that range from vandalism and vagrancy to aggravated assault and robbery (Greenfeld and Smith 1999; Wakeling, Jorgensen, Michaelson, and Begay 2001; Perry 2004; Arya and Rolnick 2008). More importantly, Native juveniles' violent crime rate is two and half times higher than

the national average (Perry 2004). Self-report data also suggest that Native youth's crime and delinquency rates are much higher than AI/NA adults (Wakeling et al., 2001; Frank and Lester 2002). These crime statistics overlook Native youth living in non-reservation communities who are at even a greater risk of engaging in delinquency (Peak and Spencer 1987; Grossman, Krieger, Sugarman, and Forquera 1994). While ambiguity exists about the actual extent of Native youth delinquency (Zatz, Chiago, and Snyder-Joy 1991; Armstrong, Guilfoyle, and Melton 1992), official and reservation data paint a grim situation for these young individuals. For instance, Warm Spring Reservation in Oregon experiences a delinquency rate that is nearly six times higher than the national average (O'Brien 1977).

Native youth also commit high rates of alcohol and illegal drug violations (Beauvais and LeBoueff 1985; Beauvais, Oetting, and Edwards 1985; Beauvais, Oetting, Wolf, and Edwards 1989; Snyder and Sickmund 2006). For instance, Native youth commit offenses such as liquor law violations at rates almost three times higher than do other non- Native youth groups (Snyder and Sickmund 2006). Over 30% of the arrests of Native youth during an eleven year period (1988-1998) were for alcohol violations (consumption and possession) (Bond-Maupin, GoodTracks, and Maupin 2006). Peak and Spencer (1987:401) examined crime and delinquency rates in over 200 reservation communities and found "69 percent of the actual offenses that were investigated in 1982 involved the use of alcohol or drugs."

The sexual abuse of Native youth is also pervasive, although the true extent is difficult to estimate (Malley-Morrison and Hines 2004). Nationally, about 14% of Native female and 2.4% male young individuals reported that they had experienced sexual abuse

(Pharris, Resnick, and Blum 1997). In Alaska, nearly half (45%) of all sexual abuse victims are Alaskan Native, although Alaskan Natives comprise just shy of 17% of the state's total population (Vernon and Bubar 2001). Retrospective studies paint a grim picture about child sexual abuse. For example, 56% of American Indian women in Montana reported to have been victims of child sexual abuse (Hobfoll, Jackson, Hobfoll, Pierce, and Young 2002). A study of child sexual abuse occurring on Indian reservations in New Mexico found that the majority of the victims were female juveniles (77%) between the ages of six and eleven, and the perpetrator in these crimes ranged from extended family member (43%) to parent/stepparent (22 %) (Steele, Damon, and Denman 2004). Despite these high rates of child abuse among American Indians, the offenders are seldom brought to justice. For example, from 2003 to 2006, the Federal Bureau of Investigation (FBI) responded to 1,658 child abuse cases that occurred within tribal communities but only made 537 arrests for these crimes (Burrus 2006). Realizing the lack of federal assistance, many tribal communities have established their own policing units.

POLICING AMERICAN INDIANS

The interaction between American Indians and law enforcement remains a difficult challenge in Indian Country. While policing is a universal concept in mainstream society, it is unfamiliar for many American Indians (Luna 1998; Perry 2009). As Luna-Firebaugh and Walker (2006:118) contend:

> The concept of professionalized policing, with its emphasis on technology, specialized police activities, and restricted use of police discretion, does not conform with the style of peacekeeping most commonly used in traditional or rural communities.

To understand the conflict between American Indians and law enforcement, it is important to examine the historical development of policing of Native peoples in the United States, which can be traced to colonialism. For the Anglo population, policing American Indians was essential in securing tribal lands. As Perry (2009:35) notes:

> Law enforcement bodies – in varied guises – supported and often facilitated the colonialist project of the state. The social and legal order defended by the police was also that of a colonial state, seeking to exclude or at least regulate native peoples who were in the way of "progress." Specifically, law enforcement became the key means by which to "police" racialized spaces, and by which to facilitate the assimilative process.

Initially, American Indians were policed by the U.S. military and were subjected to a myriad of abuses which were attempts "civilize" them (Peak 1989; Stannard 1992; Million 2000; Perry 2009). As years passed, policing units replaced the military's role of being an "agent of civilization" (Harring 1994). Again, as Perry (2009:39) points out:

> Where the military had served its purpose in restricting the Native American land base, the police would serve to similarly restrict their cultural base. Increasingly, police became a key authority in the project of assimilation.

The mission of tribal police was twofold: (1) segregate American Indians to reservation communities and (2) ensure they comply with assimilation policies (Peak 1989; Stannard 1992; Perry 2009).

In 1869, Thomas Lightfoot, Indian Agent to the Sac and Fox Tribes proclaimed, "I have appointed a police, whose duty it is to report to me if they know of anything that is wrong" (United States Indian Office 1869: 356). Thus, Lightfoot is credited for establishing the first formal law enforcement organization in Indian Country (Peak 1989; Perry 2009). This event marked a shift in policing American Indians. Initially, the colonial powers treated American Indian tribes as sovereign nations. During the late

1800s, the federal government altered its approach and began to view American Indians as individuals rather than sovereign nations. As a result, American Indians lost greater autonomy with respects to administering justice among themselves (Peak 1989; Stannard 1992). In fact, "Native sovereignty would by turns be contracted and expended over time, with the net result of a significant loss of autonomy in decision making and control with respect to issues of crime" (Perry 2009:35). In years to come, the federal government (as in all American Indian matters) adopted a paternalistic ideology in addressing crime and violence in Indian Country (Skoog 1996). Public concern about safety in U.S. western territories heightened when Commissioner of Indian Affairs Ezra Hayt testified before Congress that (Peak 1989:396):

> Civilization has loosened…evil continues unabated. Women are beaten and outraged, men are murdered in cold bold, children are molested on their way to school. It is a disgrace to out land…as long as by the absence of law Indian society is left without a base.

These imageries suggested that tribal lands experienced high rates of crime and violence. Following Lightfoot's lead, the federal government allocated funding to establish several policing organizations in Indian Country in 1878 and by 1880 there were over 480 police officers patrolling tribal lands (Peak 1989; Million 2000). However, it was the Crow Dog case that caused the government to create a more efficient and organized policing presence in Indian Country (Luna-Firebaugh and Walker 2006).

In 1881, Crow Dog, a Lakota Sioux, murdered principal chief Spotted Tail, also a Lakota Indian on the Rosebud Indian Reservation. Crow Dog was tried by his tribe and ordered to pay "Blood Money" (a form of restitution) to the victim's family. The federal government believed that this form of punishment was not satisfactory and arrested, tried for murder, and sentenced Crow Dog to death in Dakota Territorial court in Deadwood,

South Dakota (Luna-Firebaugh and Walker 2006). Crow Dog appealed his conviction to the Supreme Court on the grounds that the federal court system did not have the right to try him again for the crime because the offense was already settled by the Lakota tribal council. The Supreme Court sided with Crow Dog and stated that the federal court did not have jurisdiction to hear the case unless it was authorized by Congress (Peak 1989; Million 2000). The Supreme Court's decision led to a public outcry that an American Indian was able to escape a "suitable" punishment for murder (Luna-Firebaugh and Walker 2006). As a result, Congress passed the Major Crimes Act of 1885, which granted the federal government more jurisdictional powers to try serious crimes that occur on tribal lands. The Act also called on the federal government to allocate resources to establish a more professional law enforcement presence in Indian Country. Within decades of the Act's passage, over 100 law enforcement agencies provided assistance to reservation communities (Peak 1989).

The federal government later reduced funding and resources to adequately address crime and victimization within Indian Country. By the 1950s, frightened individuals voiced concerns about the lack of police officers in these areas (Peak 1989). To address these shortcomings, Congress increased funding for equipment and resources as well as hired more officers in tribal communities and authorized the establishment of a U.S. Indian Police Training and Research Center to properly train tribal police officers (Million 2000). During the 1970s, Congress passed Senate Bill 1228 which federally legitimized the arresting power of tribal police officers. Despite receiving recognition and funding, current tribal police officers struggle to protect American Indians living in Indian Country.

Current State of Tribal Law Enforcement

Tribal police officers perform various duties; "the most common functions [are] executing arrest warrants (95%), enforcing protection orders (92%), serving process (89%), apprehending fugitives (88%), and providing court security (75%)" (Reaves 2008:3). In the midst of fulfilling policing obligations, many tribal police departments are understaffed and over-stretched in Indian Country. According to the Department of Justice, in 2000 there were 3,462 tribal police officers in Indian Country (Reaves 2008); the number of tribal police officers dropped to 3,000 in 2012. These figures suggest that tribal police departments have lost a substantial number of officers in a ten year time span. Unfortunately, tribal police departments have consistently experienced problems in maintaining police officers. High turnover rates within tribal police departments are persistent in Native Alaskan Villages. For instance, "for every one hundred [Native Alaskan Village police officers] to have served in a calendar year, thirty-six either quit or were fired" (Wood 2002:197). During the 1970s, these communities experienced such an extreme high police turnover rate that it was suggested that "entire village populations may eventually be trained as village police officers in the continuing effort to keep trained officers in each village" (Angell 1978: 67). Explanations for the high rate of attrition included stress, poor wages, dissatisfaction with police training, and lack of support among reservation community members (Wood 2002).

Tribal Police Department Problems

Reservation communities are situated in large rural areas, where many tribal members can be reached "by unpaved and unmarked roads" (Luna-Firebaugh and Walker

2006:119), which proves to be difficult for the limited number of tribal officers to adequately patrol these reservation communities. Recent statistics suggest that "11 of the 25 largest tribal law enforcement agencies serve jurisdictions covering more than 1,000 square miles" (Reaves 2008:2). The federal government is fully aware of this predicament. During a Senate committee hearing on Tribal Law Enforcement, Tracy Toulou, the Director of the Office of Tribal Justice, stated that "the typical [tribal police] department serves an area the size of Delaware, but with a population of only 10,000, that is patrolled by no more than three police officers and as few as one officer at any one time" (United State Senate Committee on Indian Affairs 2002). For example, the Fort Apache Indian Reservation in Arizona has a population of 12,500 individuals and a land area consisting of 2,600 acres, but its police department consists of only 30 officers, which proves difficult to meet the needs of tribal members (United State Senate Committee on Indian Affairs 2002). The Pine Ridge Indian Reservation in South Dakota also experiences understaffing problems. As Williams (2012a:1) notes:

> Despite growth in both population and crime [in the Pine Ridge Indian Reservation], the number [of tribal police officers] had fallen to 49. F.B.I. agents have told officers on Pine Ridge that the reservation needs at least 140 officers to handle an epidemic of violence that includes 3,000 child abuse cases and more than 20,000 arrests each year — nearly one arrest for every other resident.

Given these realities, many individuals (including government officials) suggest that the lack of tribal police officers allows opportunities for crime and violence to occur in Indian Country. Similarly, Senator Al Franken (2010:3) in a Senate Committee Hearing on Tribal Police asserted:

> Crime on Indian reservations is an enormous problem in so many states, certainly in Minnesota. For example, on the Red Lake Reservation, which I recently visited, the crime rate is eight times higher than the national rate. There are so many different reasons for this, but one is the simple lack of police officers at Red

> Lake and in Indian Country. To obtain minimal officer safety standards as determined by the BIA, Red Lake would need a minimum of 32 officers. However, currently they have 15, less than half of what they need.

American Indians in some reservation communities rely on state and local police departments for assistance, but these services are extremely limited. In a recent study, American Indians had unfavorable view about these law enforcement agencies (Goldberg and Champagne 2007). Many of these individuals cited slow response times and lack of police responses. Tribal police departments also lack the funds needed to hire officers and acquire equipment.

Tribal Police Budgets

The federal government has reduced the size of the police force in Indian Country by decreasing funds for law enforcement "even as rates of murder and rape there have increased to more than 20 times the national average" (Williams 2012b:1). Although President Obama referred to violence in Indian Country as "an affront to our shared humanity" (Williams 2012b:1), his administration has reduced the budget for the BIA and funding for tribal law enforcement. In fact, "the federal government allocates far less money for public safety on Indian lands than what cities of similar size devote to fighting crime" (Williams 2012b:1). While the BIA oversees the safety for over 1.6 million American Indians living in over 56 million acres in Indian Country, the agency has a $322 million budget for public safety in the 2012 FY (Williams 2012b). By comparison, the city of Philadelphia with a similar population of 1.5 million and covering 142.6 square miles of land has a $540 million budget to support a police department of 6,400 officers.

Given the impoverished conditions within Indian Country, many tribal police

departments lack the resources necessary to obtain policing equipment or technology to

address crime and violence (Wakeling et al., 2001). Some tribal police departments rely

on older equipment, while others do not have working patrol vehicles or access to police

radios. Some communities even lack 911 response systems which makes it difficult for

individuals to call for assistance (Luna-Firebaugh and Walker 2006). As a result of the

lack of resources and manpower, many tribal police departments are unable to properly

record all crimes that occur within reservation communities. As Wakeling et al (2001:14)

note:

> Because the small size of police departments in Indian Country places time
> constraints on staff, data collection is extremely expensive relative to the overall
> budget of the department. Police officers and other staff commented that the time
> needed for specialized administrative tasks competes with, and often loses out to,
> fighting crime and providing emergency services. When police officers also must
> serve as jail staff, as is the case in approximately 50 percent of all departments
> surveyed, their time is stretched even further. Simply put, because these small
> departments cannot afford to dedicate staff to any specialized function, the cost of
> data.

Several tribal police departments document crime and arrests through handwritten

records, many of which are seldom consistent or properly maintained making it difficult

to understand the actual extent of crime. Several organizations admit that the lack of

resources hinders the ability of tribal police departments to adequately address crime. For

instance, the International Association of Chiefs of Police (2001:12) note:

> In other words, resource limitations place direct constraints on the ability of law
> enforcement and justice agencies to protect the safety of Indian country residents
> and to prevent crime and victimization. Increased monetary resources – and the
> translation of these resources into manpower, training, facilities, equipment,
> program development, research and evaluation, and community outreach – are
> critical to improved safety in Indian country.

In addition to a lack of resources, tribal police departments experience a strained relationship with reservation community members.

Tribal Police and Community Relations

Historically, American Indians distrust tribal police officers. For many American Indians, the tribal police represent the state whose purpose was "to force the imposition of Western values and behaviors, and the suppression of traditional ways of living" (Perry 2009: 40). As agents of the state, tribal police officers enforced anti-Native laws that prohibited American Indians from practicing their religion, customs, and using their Native languages. As Perry (2009: 40) notes:

> The Americans were at least intelligent enough to know that in religion were to be found the foundations for a host of other societal norms. In the case of Native Americans, these norms were held to be a dangerous contrast to Western values, and thus a brake on assimilation.

Charged with the task of enforcing anti-Native laws, tribal police were responsible for ensuring that Indian cultural practices such as the ghost dance and smoking peyote were not celebrated among American Indians (Peak 1989; Skoog 1996). Ironically, "where many immigrant and ethnic groups have found their traditional life patterns despised and ignored in the United States, Indians are unique in that their traditions have been criminalized" (Bracey 2006:49). Luna-Firebaugh and Walker (2006) assert that the killing of Sitting Bull, a Sioux Medicine Man, continues to be a source of resentment towards tribal police officers. In 1890, Sitting Bull voluntarily surrendered himself to federal authorities for practicing in the Ghost Dance ritual and was later killed by Indian police officers during his imprisonment in an Indian jail. The federal government quickly painted Sitting Bull as a "troublemaker" and asserted that the tribal police fulfilled their

obligation in maintaining law and order in Indian Country. In the aftermath of the

killing, Massachusetts Senator Henry Dawes declared that tribal police are "the bulwark

of the Government in the administration of justice and in the preservation of order on the

reservation" (Hagan 1966:159). For many American Indians, Sitting Bull's death

symbolizes "bad policing" in reservation communities (Luna-Firebaugh and Walker

2006). Anti-police sentiments continue into the present as many American Indians are

unwilling to cooperate or provide information about criminal activity occurring within

reservation communities. In extreme cases, tribal police officers "themselves become

victims of violence crime in retaliation for their role" (Perry 2009:41). Some American

Indians viewed them as:

> Servants of the Great Father in Washington…Indian police officers not only gave
> up their braids and moccasins, but also campaigned against aspects of their own
> culture including ceremonial dancing, raiding for horses, and the influences of
> witches (Knepper and Pucket 1995:15).

American Indians have also experienced police brutality and racial profiling in

Indian Country. Perry (2009) found that American Indians living in or around

reservation communities are subjected to over and under-policing which often

perpetuates criminalization and victimization of these individuals. American Indians

reported that tribal police officers neglected to respond to the needs of victims. In other

cases, the participants reported that the tribal officers harassed and physically assaulted

them. These experiences may be part of tribal police departments' recruitment problems.

Tribal Police Recruitment

The federal government actively recruits American Indians to fulfill positions within tribal police departments, however in the past, this recruitment served as a means to control American Indians. As Perry (2009:41) notes:

> It was intended to reinforce the imposition of western jurisprudence over Native American values and strategies of social control, that is, to render social control more effective through the employment of "insiders" who knew intimately both the people and their life styles.

Thus, Native police officers were used to legitimize the law.

Despite animosity towards tribal police officers, many American Indian males believe that becoming an officer will fulfill Native cultural responsibilities. Washburn (1971:171) found that Native males enlist in the tribal police department to reclaim their "warrior status." While Indian males believe that they are regaining a cultural status, Indian females have also enjoyed promotional success within these police departments. Luna-Firebaugh (2002) found that tribal police departments had a greater representation of females than non-tribal police departments and that females were five times more likely to be elevated to command and supervisor positions in tribal police departments than non-tribal police departments. In addition, females within tribal police departments were less likely to experience gender-based hostility in their occupation. Despite positive advancements among females in tribal police departments, these institutions continue to experience hardships that impede their ability to provide assistance to reservation community members.

DiGregory and Manuel (1997) suggest that "there is a public safety crisis in Indian Country" pointing to several problems confronting tribal law enforcement such as being fragmented, lack of resources, and poorly coordinated in responding to crime.

Despite these weaknesses, tribal police departments are in position to meet the needs of the American Indians. As Luna-Firebaugh and Walker (2006: 133) suggest:

> They are close to their communities and generally reflect the diversity of those communities and are in the early stages of development...[and] bad habits and tolerance of misconduct have not yet had the opportunity to become deeply rooted in the departments.

Tribal police departments continue to provide security to American Indians living in reservation communities despite confronting many obstacles.

TRIBAL JUDICIAL SYSTEM

The federal government recognizes tribal governments as autonomous entities capable of "[making] their own laws and to be ruled by them" (Williams v. Lee, 358 U.S. 217, 1958). As a result, many tribal governments have implemented their own tribal justice system. Currently, there are 291 tribal courts in the United States (Saunooke 2008), staffed by over 500 tribal judges (American Bar Association 2001). Although the federal government acknowledges tribal governments as sovereign nations, they have severely limited the power of the tribal judicial system. While the federal government has unlimited jurisdiction to prosecute crimes occurring in Indian Country, tribal governments are limited in their jurisdictional powers. In *Duro v. Reina,* the Supreme Court ruled that tribal governments do not have the authority to prosecute the criminal conduct of non-AI/NAs. Thus, tribal courts are unable to hear cases involving non-AI/NAs, even if the victim is an AI/NA. In addition, although tribal governments are able to prosecute AI/NAs for crimes, this is limited as tribal courts are restricted to hearing misdemeanor cases. The federal government bears sole responsibility for prosecuting felony crimes occurring in Indian Country but fails to do so nearly 75% of

the time (Burrus 2006). The tribal government may prosecute those cases declined by the federal government as long as the perpetrator is an AI/NA, but the crime, regardless of its seriousness will be tried as a misdemeanor offense.

To address the shortcomings of the tribal criminal justice system, President Obama signed into law the Tribal Law and Order Act of 2010 which holds federal agencies responsible for investigating and prosecuting crimes in Indian Country. The Act includes several provisions to provide and maintain security in Indian Country such as creating and maintaining a database of crimes occurring on tribal lands, requiring federal prosecutors to share evidence for prosecution in the tribal judicial system, and mandating that federal agents testify in tribal courts. More importantly, the Act increased the sentencing powers of the tribal court system to include the ability to impose the maximum sentence of three year imprisonment and fines up to $15,000. Although many tribal courts have adopted Anglo-American philosophies of justice, others have implemented traditional AI/NA methods to settle disputes.

CONCLUSION

The AI/NA population experiences higher rates of crime and victimization than any other group in the United States yet are unable to receive adequate resources or social services address their victimization. In addition to inadequate treatment, many AI/NA victims of crime often find that justice is elusive due to the complexities of the tribal court system as it operates under the confines of the federal government. While these problems are well known, tribal police officers are able to provide an additional discourse

about crime and justice in Indian Country. The next chapter provides an overview on the

criminological literature on police perceptions.

CHAPTER III

THE LITERATURE ON POLICE PERCEPTIONS

From directing traffic to answering calls for assistance, the police have a

ubiquitous presence in society. Empowered by the state, they are required to enforce the

law, protect state and individual properties, and maintain civil obedience (Barak,

Leighton, and Flavin 2007). With that being said, the police have become symbols of

law, justice, order, and stability (Taylor 1999; Waddington 1999; Reiner 2000; Loader

and Mulcahy 2003). As Jackson and Brafford (2009:497) note:

> More prosaically the police present a highly visible instantiation of state power,
> with which it is nonetheless possible to interact on a face-to-face basis – a
> position which contrasts with that of many other representations of the state.

Some argue that the main focus of the police is crime prevention, which has been a

popular topic of criminological scholarship for the past 50 years. In fact, scholars have

investigated the effectiveness of preventive patrol (Kelling, Pate, Dieckman, and Brown

1974; Sherman 1990, 1995; Bayley 1994; Sherman and Weisburd 1995; Marvell and

Moody 1996), rapid responses (Isaacs 1967; Clawson and Chang 1977; Klockars and

Mastrofski, 1991; Bayley 1994; Sherman 1995), criminal investigations (Chaiken,

Crabill, Holliday, Jaquette, Lawless, and Quade 1977; Greenwood, Chaiken, and

Petersilia 1977; Bayley 1994), and reactive policing (Tittle and Rowe 1974; Logan 1975;

Brown 1984; Sherman and Berk 1984; Greenberg, Kessler, and Logan 1979; Chamlin

1988, 1991). Despite an overwhelming concentration on crime prevention strategies,

some criminologists argue that the police are symbolic representations of power and

authority (Loader 1997). The police wield considerable power in shaping feelings and

thoughts on crime and everyday life. This chapter provides a critical overview of policing in the United States, with special attention to research on police perceptions on crime. In addition, the chapter discusses the framework of Loader's (1997) symbolic power of policing as it relates to the current dissertation research.

THE POLICE

The police have multiple responsibilities. Michalowski (1985:182) recognizes these as "dramatizing state power, legitimizing state power, maintaining order, controlling crime, and labeling criminality." Above all else, the police are agents of the state. As Michalowski (1985:170) suggests, "policing is unique to state societies. In...non-state societies...rules and customs are enforced and order maintained by ordinary individuals in the process of conducting their daily lives, not by designated representatives of state power." State societies establish police forces to maintain the interests of the powerful and protect property rights. In essence, "policing arises when one group develops an interest in controlling other groups" (Lynch and Michalowski 2006: 218-219). While the concept of policing can be traced to ancient times, the police initiated during the industrial revolution and the rise of capitalism (Chambliss 1964).

In the United States, contemporary policing evolved during the 1960s, an era of great social and political upheaval generated from the civil rights movement, women's rights movement, the Vietnam War, human rights violations, and the questioning of power in Washington D.C. (Bernard et al., 2010; Williams and McShane 2010). Lynch and Michalowski (2006) recognize three factors that contributed to the development of modern policing: (1) social turmoil on college campuses and inner city communities, (2)

the advent of broadcast television which emerged as a primary news source for many Americans, and the most important, (3) a concerted conservative effort to fracture the political capital held by the Democratic Party. Following WWII, the Democratic Party embarked on a progressive political agenda to assist minorities, women, and the poor in achieving social equality (i.e. education, employment, and standards of living). Despite positive improvements, minority groups continued to be suppressed and took to the streets to vent their frustration in the form of marches and protests. In addition, students on college campuses were protesting against the Vietnam Conflict. Nightly, Americans were confronted with these images of disturbance on their televisions which portrayed an America "coming apart" (Lynch and Michalowski 2006:215). Conservatives used these social upheavals as an opportunity to regain political power (see Garland 1990, 2001; Tonry 1994). To achieve political dominance, conservatives demonized minority groups as criminals and argued for a return to law and order, which required a transformation of the criminal justice system and American policing (Lynch and Michalowski 2006).

Tonry (1994) agrees that the power of conservative politics weighs heavily on the criminal justice system. He argues (1994:496) that "conservative Republican politicians have, since the late 1960s, used welfare, especially Aid to Families with Dependent Children, and crime as symbolic issues to appeal to anti-Black sentiments and resentments of White voters." Tonry recognizes two developments that led to stringent policing policies and mass incarceration. Nixon and fellow Republicans ran on an anti-crime platform and used the "race card" to create an anti-Black sentiment to appeal to whites and attract them to the Republican Party, and both Democrat and Republican politicians constructed and implemented tougher crime control legislation. Take together

these factors "ultimately resulted in the transformation of urban police forces into militarized strike forces organized and trained according to national policies and national standards" (Lynch and Michalowski 2006:215). The social movements of the 1960s were seen as a threat to those with power and wealth. Moreover, Senator Samuel Huntington told Americans that there was "an excess of democracy and that what was needed was a greater degree of moderation in democracy" (Lynch and Michalowski 2006:216). Scholars argue that the criminal justice system was transformed to operates as a system of stratification to ensure that certain groups were regulated to the lower fringes of society.

Massey (2007) asserts that criminal justice system is a vehicle that maintains control over minorities. For Massey, the criminal justice system embodies two mechanisms that enforce and reproduce stratification to the benefit white males: opportunity hoarding and exploitation. Massey (2007:244) refers to opportunity hoarding as "the monopolization by in-group members of access to a resource so as to keep it for themselves." This mechanism allows the in-group (whites) to dominate resources such as social services and housing opportunities so that they are not in competition with minority groups and the poor. Exploitation, "is the expropriation of resources from an out-group by members of an in-group such that out-group members receive less than full value for the resources they give" Massey (2007:244). This mechanism permits whites to exploit the out-group (minorities) in terms of resources such as housing, employment, and money. The criminal justice system serves as a systematic mechanism of inequality, because it subjects members of the out-group to extraordinary policing that results in exclusion from opportunities to achieve resources; those resources then ultimately go to whites.

Historically in the U.S., the police have been used to maintain "unequal class structures by focusing on behaviors most likely to be engaged in by working-class and marginalized populations" (Lynch and Michalowski 2006: 222). During the 19th century, the police were used to suppress worker strikes who were protesting against economic and political exploitation (Harring 1981, 1983). Harring (1976:56) argues that "without real economic and political exploitation there would have been no riots, nor any need to create a police department to control them." That is, the police were created to maintain the social, political, and economic dominance of the powerful (Lynch and Michalowski 2006). In a similar vein, Gabbidon and Greene (2005) assert that antebellum slave patrols in the south serve as a precursor to the modern form of policing. These patrols were responsible for enforcing slave codes, apprehending runaway slaves, and providing punishment towards Blacks caught violating the law. Presently, many Blacks (similar to their ancestors) find themselves subjected to extraordinary policing. As Lynch and Michalowski (2006: 223) note, "police use of public-order arrest to control the lower classes has not disappeared in the modern world." Although research has provided a deep historical context on the use of the police in society, studies have also sought to understand police perceptions of crime, violence, and justice.

POLICE PERCEPTIONS

Police officers have a distinct view on crime, violence, and justice. As Fielding and Fielding (1991:39) note:

> Hardness and pragmatism mark the stereotype of police attitudes on crime and punishment; for many, police are the epitome of the 'law and order' mentality. Police are seen to subscribe to a harsh, narrow, and unforgiving view of human nature and to do so consistently.

These attributes contribute to the "police mind" (Colman and Gorman 1982), which often shapes the realities of crime and justice among police officers. Scholars have underscored the significance of examining the perceptions of the police. Fielding and Fielding (1991:40) assert that police perceptions can uncover their "working codes and conceptions of human nature." Indeed, the examination of police perceptions can provide an insight about the nature of policing and their response to crime. The inquiry of these perceptions has led to several studies examining police perceptions on different types of crime such as gangs (Quinn and Downs 1993), domestic violence (Friday, Metzgar, and Walters 1991; DeJong, Burgess-Proctor, and Elis 2008; Schafer and Giblin 2010), Stalking (Weller, Hope, and Sheridan 2013), intimate partner violence (Gracia, García, and Lila 2011), sexual assault (Campbell and Johnson 1997; Davies, Smith, and Rogers 2009; Wentz and Archbold 2012), computer crimes (Holt and Bossler 2012), and drug crimes (Gardiner 2012). Before exploring police perceptions of crime, it is important to understand the formation of these perceptions.

The Formation of Perceptions

Ikner, Ahmad, and del Carmen (2005:83) suggest that "police officers, like most people, are socialized in both personal and professional settings, which affects their decision-making." Indeed, the police are "hard-wired" to detect certain traits or characteristics that are perceived as criminal. However, some of these perceptions are based on prejudices and stereotypes. As Massey (2007:10) notes, "all human beings, whether they think of themselves as prejudiced or not, hold in their heads schemas that classify people into categories based on age, gender, race, and ethnicity." Several studies

have examined the psychological processes that contribute to prejudices of individual

groups (Taylor, Fiske, Etcoff, and Ruderman 1978; Stangor, Lynch, Duan, and

Glas,1992; Bargh 1996; Fiske 2004). Again as Massey (2007:9) asserts:

> Since human memory is finite and cannot be expanded, if the brain is to
> remember more things it must combine or "chunk" bits of information into larger
> conceptual categories (schemas), using common properties to classify a much
> larger number of people, objects, and experiences into a small number of readily
> identifiable categories for recall.

With respects to police officers, they rely on these prejudices and stereotypes to make

judgments. That is, their perceptions of crime and justice may reflect their own biases,

prejudices, and stereotypes. Aside from prejudices and stereotypes, other factors are

influential in the shaping of police perceptions.

The police sub-culture greatly impacts the police perceptions. Westley (1970:198)

defines police sub-culture as:

> The particular definitions of the public and of his conduct that the policeman
> develops out of this interaction assume a collective and cultural character because
> the police hold the experience in common, because of the strong consensual bond
> developed by the felt hostility of the public.

Research has examined the dynamics of the police subculture (Skolnick 1966; Westley

1970; Savitz 1971; Brown 1988). This culture is responsible for the transmission of a

distinct set of cultural norms among police officers. That is, it serves as a socialization

mechanism which provides individuals with "organizational cues and boundaries" (Britz

1997:128). More importantly, newly appointed police officers are "groomed" to think

and perceived differently than others. As Britz (1997:129) suggests:

> Across organizations, the osmosis of norms, ideals, and perceptions of
> organizational incumbents is essential to a newcomer's occupational longevity.
> Newcomers to all organizations must adhere to established modes of behavior or
> risk ostracism from the group.

Indeed, the police sub-culture plays a significant role in shaping their perceptions and realities about human nature. Several studies have examined the impact of the police sub-culture in the formation of police attitudes and behaviors (McNamara 1967; Westley 1970; Rubinstein 1973; Van Maanen 1974; Sparrow, Moore, and Kennedy 1990; Skolnick 1994; Manning 1995; Kappeler, Sluder, and Alpert 1998). More importantly, these police values and beliefs often contribute to "distrust and suspiciousness of citizens and a prescription to assess people and situations in terms of their potential threat" (Paoline 2004:207) and creates the "us vs. them" mentality among police officers. Other than the police sub-culture, individual differences such as race/ethnicity, age, gender and past experiences also impact police perceptions (Britz 1997). Education level also effects police perceptions on crime-related matters.

Research has examined the role of education on police perceptions (Smith, Locke, and Walker 1968; Smith, Locke, and Fenster 1970; Weiner 1976; Tyre and Braunstein 1992; Truxillo, Bennett, and Collins 1998). An earlier study found that college educated police officers were significantly more likely to understand social problems and shown to be more sympathetic towards minority groups (Weiner 1976). In a similar vein, educated police officers appeared to be more professional and less likely to engage in unethical behaviors (i.e. police brutality and corruption) (Tyre and Braunstein 1992; Truxillo et al 1998). Educated police officers appeared to be less authoritative than those with limited college education (Smith et al 1968; Smith et al 1970). More importantly, college educated police officers have been shown to adjust to the dynamics of society. That is, police officers with "college degrees had the most open belief systems and highest levels of job performance, indicating that college educated

officers were better able to adapt to the complex nature of the police role" (Roberg 1978:344). Other research suggests that environmental factors may also impact police perceptions.

Environmental Factors

Environmental factors can greatly impact perceptions of human behavior, more specifically in urbanized areas. As Massey (2007:7) note:

> Human interactions increasingly occur within urban environments of great size, density, and heterogeneity, and the ecological settings that individuals find themselves adapting to – psychologically, socially, culturally, and physiologically – vary greatly depending on whether the individuals are rich or poor, light or dark, male or female.

Indeed, the characteristics of an area can greatly impact police perceptions and attitudes. Sun and Triplett contend that criminological research on police perceptions of neighborhood crime is limited. However, the few studies available do suggest that the structural characteristics of a neighborhood may impact police perceptions on crime. For example, Hagan, Gillis, and Chan (1978) found that a neighborhood's socio-economic status effects police perceptions on crime and deviance. They found that poor neighborhoods were seen by the police as "offensible space" and perceived to be more prone to crime and violence. As a result, the police are more likely to aggressive force (Terrill and Reisig 2003) and make more arrests (Smith, Visher, and Davidson 1984) in these perceived "offensible spaces." Moving beyond space and location, research has also found that the characteristics of the individual such as race and gender are factors on police perceptions.

Race

Gabbidon and Greene (2012:1) note that "the notion of race seems to permeate almost every facet of American life." Unfortunately, individuals often rely on "race-based inferences" (Cosmides, Tooby, and Kurzban 2003:173) or stereotypes in the formation of their perceptions of human behavior (Massey 2007). Research has found that the police rely on the race of the individual in their decision making which contributes to the use of racial profiling, excessive force, and targeting racial/ethnic communities (Cohen 1996; Barlow and Hickman-Barlow 2000; Barlow and Hickman-Barlow 2002; Dowler 2005; Ioimo, Tears, Meadows, Becton, and Charles 2007). In an earlier study, Skolnick (1966) suggested that the police frequently target Black males because they are perceived as the "symbolic assailant." According to Skolnick, the police are trained to be vigilant and suspicious of individuals by their appearance (i.e. clothing, race, language, and body language). As Skolnick and Gray (1975:45) note:

> The policeman, because his work requires him to be occupied continually with potential violence, develops a perceptual shorthand to identify certain kinds of people as symbolic assailants, that is, as persons who use gesture, language, and attire that the police man has come to recognize as a prelude to violence. This does not mean that violence by the symbolic assailant is necessarily predictable. On the contrary, the policeman responds to the vague indication of danger suggested by appearance.

For Skolnick, police officers are trained to detect the attributes and characteristics of the "symbolic assailant." Research has also shown that the racial composition of a neighborhood greatly impacts police perceptions (Smith 1986). One study found that police officers are more likely to be more abusive and coercive towards criminal suspects in areas with high rates of heterogeneity (Smith 1986; Sung 2002). Given the recent war on terrorism, the police have been trained to detect "terrorists" by targeting individuals

who appear to be Arabic or Muslim (Onwudiwe 2005; Keeling and Hughes 2011;

Gabbidon and Greene 2012). That is, anyone who appears to be Arabic or Muslim is

perceived to be a terrorist and a threat to national security. That is, race is an important

variable in police perceptions, research also found that gender significantly impact these

views.

Gender

Perceptions of masculinity and femininity are established by dominant societal

groups (Fortier 1975) which "serve male interests" (Page 2008:399). For example,

characteristics of masculinity are aggressiveness, intelligence, and virility; however,

femininity traits are the opposite and often "reflect subjugation, docility, passivity, and

naiveté" (Page 2008:399 also see Johnson 1997). Given the patriarchal emphasis in the

United States, individuals are socialized to accept these gendered traits. Sociologists

turned to the concept of hegemonic masculinity to explain the social position of males

and the subordination of females (Connell 1987, 1995, 2002).

> [Hegemonic masculinity] is form of masculinity, emphasizing dominance,
> aggression, heterosexuality, and a lack of emotion. Hegemonic masculinity
> promotes but does not determine behavior that supports the traditional gender
> order... In other words, hegemonic masculinity acts as a script for how men
> should behave and or think in various situations (Page 2008:404).

Scholars argue that the police project hegemonic masculinity (Martin 1989; McNamara

1999). Fielding (1994:47) argues that the policing sub-culture "may be read as an almost

pure form of hegemonic masculinity." As result, police officers embrace heterosexist

attitudes which often leads to "patriarchal and misogynistic attitudes toward women"

(Fielding 1994:47). These attitudes often lead to negative police perceptions about

violence against women (Page 2007). Others contend that it may be situational factors that influence police perceptions of violence against women, more specifically domestic violence (Rigakos 1997; Sinden and Stephens 1999; Robinson and Chandek 2000). For example, police responses to these crimes often rely on their perceptions of the crime scene and other factors such as neighborhood characteristics, visible injuries, previous calls for assistance, illegal drug and alcohol use, and witnessing the crime (Belknap 1995; Rigakos, 1997; Buzawa and Buzawa 2003). DeJong, Burgess-Proctor, Elis (2008:692) found that "some officers expressed attitudes demonstrating negative or stereotypical perceptions of IPV; other officers exhibited a sophisticated understanding of the dynamics of abusive relationships." These attitudes may rely on the level of education an officer attains. For example, police officers with limited professional education were more likely to endorse "rape myths" (Page 2007). With respects to the characteristics of other sex crimes, prostitutes and male rape victims are perceived as not being "real victims" (Gilmartin-Zena 1988; Miller and Schwartz 1995; Mitchell, Hirschman, Nagayama-Hall 1999). More nuisance police perception research explores police perceptions on individuals with mental health problems.

Mental Health

Recent research sought to examine police perceptions of individuals suffering from mental illness issues (Ruiz and Miller 2004; Wells and Schafer 2006; Godfredson, Thomas, Ogloff, and Luebbers 2011). The value of this research lies in the fact that a disproportionate rate of those incarcerated suffers from mental health issues. During the 1970s, the U.S. government initiated the deinstitutionalization of mental health

institutions, which required the removal of individuals with mental health problems from state mental health facilities to community-based treatment facilities. This transfer to community-based facilities would allow "the greatest degree of freedom, self-determination, autonomy, dignity, and integrity of body, mind, and spirit" (Report to The President's Commission on Mental Health 1978). Unfortunately, many removed mental health patients never received treatment in these community-based facilities. As a result, a significant portion of these individuals found themselves under the auspices of the criminal justice system (Jemelka, Trupin, and Chiles 1989; Steinwachs, Kasper, and Skinner 1992; Lauriello, Bustillo, and Keith 2000; Stephan 2004). In fact, many correctional facilities turned into "mental health facilities" by default because of the high rate of prisoners with mental health problems. For these individuals, their initial encounter with the criminal justice is initiated by their confrontation with police officers. In a recent study, police officers appeared to be frustrated in addresses problems surrounding individuals with mental health issues (Cooper, Mclearen, and Zapf 2004). These feelings of frustration stems from the fact that the police have to devote more resources and time in dealing with the mentally ill, which also takes them away from other responsibilities (Godfredson, Thomas, Ogloff, and Luebbers 2011).

Police Perceptions of Crime

There is much research on public perception of the police (Bordua and Tifft 1971; Jacob 1971; Smith and Hawkins 1973; Albrecht and Green 1977; Manning 1977; Gaines, Kappeler, and, Vaughn 1994; Correia, Reisig, and Lovrich 1996; Huang and Vaughn 1996; Boni and Packer 1998; Dantzker and Kubin 1998; Perlmutter, 2000); however, the

research on police perceptions on crime is limited and they tend to focus on job

performance (Fry and Greenfield 1980; Greene 1989; Worden 1995; Kakar 2003; Vila

2006). A handful of studies seek to investigate police perceptions of crime. For example,

Paulsen (2004) examined whether crime statistic maps effected police perceptions of

crime. For this study, Paulsen distributed GIS and GPS daily crime maps to a control

group of police officers and the non-control group did not receive any crime level

information. After two months of reviewing the information, Paulsen found that the

influence of geospatial crime maps did not change the perceptions of crime among the

police officers.

In another study, Craglia, Haining, and Signoretta (2005) interviewed several

police officers about their perceptions of crime and compared them to the official crime

rate in a U.K. city. The findings found a significant difference between the police

officer's perceptions of crime to the official crime rates. The researchers found that

neighborhoods characterized as being low levels of socio-economic areas were perceived

as having higher rates of crime. While crime statistic maps were found not be a factor,

police calls for assistance appear to be a significant in police perceptions of crime. Lopez

and Lukinbeal (2010) found that the police officer's perception of crime were

significantly influence by the amount of reported crimes. Sun and Triplett (2008)

compared police and community member perceptions of social problems occurring in

mid-western neighborhoods. Findings found that the police perceived that there were

more serious problems occurring within the neighborhoods than the residents. The

researchers believe that the police's perception may rest on two assumptions: 1) the

police are exposed directly to the neighborhoods' social problems, and 2) the "police may

over-rate neighborhood problems to justify the need for police presence and to seek more resources" (Sun and Triplett 2008:450). Indeed, police perceptions of crime can be questioned; however, society has also taken for word their thoughts about crime, violence, and justice (Erikson 1994; Loader 1997). For better words, they are "cultural producers" with respects to framing the narratives on crime and violence (Loader 1997).

Within their position, the police regulate political and social order, reiterate the state's right to control its members (Habermas 1979), and motivate them to obey the law (Hough 2007). Given their powerful position, sociologists investigate the cultural significance of policing (Ericson and Banton 1964; Skolnick 1966; Bittner 1970; Cain 1973; Haggerty 1997; Loader 1997; Manning 1997; Waddington 1999; Reiner 2000; Freiberg 2001; Loader and Mulcahy 2003; Innes 2004; Goldsmith 2005). As agents of social control, the police enforce law and social norms to maintain the status quo of society. That is, "we need laws to govern human behavior; and we need state force to ensure compliance with those laws" (Jackson and Bradford 2009:494 see also Hough 2003, 2004).

CONCLUSION

Given the above literature, the question remains as to how the police and police perceptions can come to be reified as realities for the criminality within the community. Indeed, the police are key actors in maintaining law and order, and as a result, they provide a discourse on all crime-related issues. The following chapter provides an overview of the theoretical frameworks drawn on here to explain the phenomenon of police perceptions, the carceral state and symbolic power of policing.

CHAPTER IV

THE THEORETICAL FRAME – THE SYMPOLIC POWER OF POLICING

Criminologists argue that the police are symbols of authority and social order

(Manning 1997; Freiberg 2001; Loader 1997; Loader and Mulcahy 2003). However,

society's view of the police appears to be a mixture of contradictions. Indeed, "the

police protect us from crime but they also intrude into our lives. We want the police to

target others – those we hold responsible for crime and disorder – and we clamour for

more visible deterrent patrolling and a style of policing more responsible to local needs"

(Jackson and Bradford 2009:494 see also Hough, Joseph, and Qureshi 2002).

Irrespective of these attitudes, the police are formal agents of social control and are a

fixture in society to ensure that individuals comply with the law that governs their

behavior (Hough 2003, 2004). Above all else, the police hold a symbolic position within

society.

The nexus between the symbols and human behavior have long been a topic of

discussion among scholars. Some sociologists believe that symbols can send subtle

unconscious messages throughout society that directs human behavior. To understand

human behavior requires scholars to think beyond the position of individuals within

society. As Durkheim (1970:250) notes "that social life must be explained, not by the

conception of those who participate in it, but by deep causes which lie outside of

consciousness." Realizing this, Bourdieu (1991) seeks to understand the power of

symbols on human behavior. For Bourdieu, symbols can hold substantial power which

can impact an individual's daily routine. To explain this, he develops the idea of

symbolic power. Bourdieu (1991:170) defines symbolic power as:

> A power of constituting the given through utterances, of making people see and
> believe, of confirming or transforming the vision of the world and, thereby, action
> on the world and thus the world itself, and almost magical power which enables
> one to obtain the equivalent of what is obtained through force (whether physical
> or economic), by virtue of the specific effect of mobilization.

By its virtue, symbolic power can shape individuals' behaviors and realities about life in

society. Similar to other institutions within society, the police exemplify symbolic

power.

Drawing on the work of Bourdieu (1991), Loader (1997:2) attempts to "illustrate

the symbolic power" of policing. Loader argues that the police possess both coercive and

symbolic power. While police coercive power is seen through the use of arrest and

physical restraint, the display of symbolic power is different. Loader (1997:3) views

"symbolic power as an invisible power, inculcated through instruction, habit and routine,

as power misrecognized as such, even exercised by those who are subject to it." For

Loader (1997:3), symbolic power grants police the "a power to diagnose, classify,

authorize, and represent both individuals and the world, and to have this power of

'legitimate naming' not just taken seriously, but taken-for-granted." It is within this

capacity, the police are entitled to discuss crime related problems. More importantly,

their ideas about crime are rarely challenged (Loader 1997:3). These uncontested

thoughts about crime are related to the display of police symbols.

Police Symbols

Recall that Bourdieu (1991) argues that symbolic power illustrates the unconscious methods of cultural and social control over individuals. With respect to the police, images of power extend beyond policing ceremonies to include tangible items such as police uniforms, equipment, and weapons. As Loader (1997:4) notes:

> The iconography of policing - the handcuffs, fingerprints, cop shows, uniforms, photo fits, picture postcards, memoirs, cars, sirens, helicopters, riot shields and so forth - connect with and re-articulated is positions towards, and fantasies of, policing that already pertain within the wider culture.

These police icons project the symbolic power of the police towards societal members. The mere presence of the police reminds individuals about the dangers of criminal victimization and the need for their protection (Loader 1997). Also, the power to intervene (with force) functions as a reminder that the police have the authority to resolve conflict. Loader (1997:9) notes:

> The craft skills and coercive powers that police officers deploy on a daily basis are not just goal-oriented. They serve too to communicate meaning, not only about the police and their role, but also about power and authority in society. Similarly, the symbols and signs within which police work is encoded are not merely decorative, an epiphenomenal gloss on the material practices of policing. They too have a practical effect and are mobilized for instrumental purposes.

While coercive skills are necessary to convey images of power and authority, the police also rely on subtle methods to ensure control.

Police Voice and Legitimate Namers

Coercive tactics to control society is not enough, instead police rely on the "police voice" (Loader 1997). To further understand the cultural significance of policing, Loader also draws on the work of Turner (1974), more specifically his ideas on "condensation

symbol." According to Turner, condensation symbols combine the diverging cultural

meanings of a subject. Simply put, condensation symbols "condense many references,

unifying them in a single cognitive and affective field" (Turner 1974:55). With respects

to policing, Loader (1997:8) contends that the police "evoke – at a paleo-symbolic level –

some deeply felt fears and anxieties, and some equaling compelling hopes and fantasies."

That is, the police serve as cultural produce agents with the mission of producing,

reinforcing, and circulating cultural and societal norms. More importantly, the police

enjoy "a privileged place in constructing representations of crime events" (Loader

1997:10), which is frequently utilized by the media to present crime and justice news.

Ericson (1994) refers the police as "knowledge workers" as they are able to produce and

circulate information about crime and security. Loader (1997:10) contends that "as a

body possessing an aura of authority and knowledge ability, the police are well-placed to

'name' contemporary problems and diagnose their causes." Also within their role, the

police are able to frame individuals as criminals or the "other."

Loader (1997:5) argues that the police enjoy the "power of legitimate naming."

In fact, the police are a "constant reminder[s] of the existence of the undesirable, criminal

other" (Loader 1997:8). The "other" are characterized as the indigents living in poor

areas and are often perceived to have norms and cultural attributes that are immoral and

defective (Young 2003:395). Such labels often serve as a mechanism to ensure that these

individuals are unable to participate in cultural values or norms (Massey 2007). For

instance, the Reagan administration constructed racist ideologies to legislate

discriminatory drug policies (Culverson 1998). In their quest to pass stringent drug

policies, conservative politicians demonized crack cocaine users who were typically

African-American. Walker (2011) argued that the number of crack babies being born was grossly exaggerated by politicians and the media to scare the public and justify drug policies directed towards African-Americans. For example, the Narcotics Penalties and Enforcement Act of 1986 and the Omnibus Anti-Drug Abuse Act of 1988 established harsher penalties for the possession and trafficking of drugs used by African-Americans (Mahan 1996; Bush-Baskette 2000). As a result, the police targeted black communities in inner city areas based on these racial stereotypes, which reinforced the negative beliefs about African-Americans and drug use. Given their quest to win the war on drugs and crime, the police have served as a barometer in detecting the characteristics of illegal drug users. In fact, Loader (1997) would argue they have become the legitimate namers within the war on drugs. Just as African Americans have been subjected to racist stereotypes, American Indians also suffered from negative labeling which is used to relegate them to the lower fringes of society.

The perpetuation of negative stereotypes about American Indians and Native Alaskans (AI/NA) has its origins in the early founding of the United States. In fact, Anglo perceptions of American Indians evolved to suit the needs the dominant societal group or provide a rationale for anti-Native policies (Churchill 2004; O'Brien 2011). Early colonists needed assistance from the Indigenous population for survival purposes (i.e. trade, learning fishing and hunting techniques or farming) and often depicted American Indians as being "brave" and "noble savages" (Churchill 2004). Then, during the "Manifest Destiny" period, many whites viewed American Indians as being an obstacle in the acquisition of tribal lands, and as a result, the Native population was negatively stereotyped as being "blood thirsty savages" and "animalistic." Other negative

stereotypes of American Indians include "drunken Indians" who are receiving free money from the government and are wealthy from revenue generated from Indian gaming casinos. Negative American Indian stereotypes contribute to their increased involvement in the criminal justice system. Given the long history of negative Native stereotypes portrayed by the public and media, Leonard Peltier (2001) suggested that these perceptions contribute to the criminalization of American Indians and that American Indians are increasingly criminalized for their participation in their culture and ancestral traditions; therefore, the criminal justice operates as a mechanism that criminalizes individuals for simply being "Indian." In conjunction with the criminal justice system, the media and society perpetuates the "Other" effect on AI/NA population by promoting negative stereotypes such as "drunken Indians" and "savages" which makes them appear to be subhuman and prone to criminality. These negative minority stereotypes serve as a constant reminder of the "other" and the need for the police to subdue these individuals.

Policing and Revealing "Stories"

Loader (1997:2) suggests that the actions and policies of the police can reveal "stories" about society. By understanding the nature of policing within society, sociologists can learn about the condition of society as well as the placement of individual groups. As Loader (2006:211) notes:

> Every stop, every search, every arrest, every group of youths moved on, every abuse of due process, every failure to respond to call or complaint, every racist ... sexist ...homophobic, every diagnosis of the crime problem, every depiction of criminals – all these send small, routine, authoritative signals about societies conflicts, cleavages and hierarchies about whose claims are considered legitimate within it, about whose status identity is to be affirmed or denied as part of it.

That is, the police enforce "structures of feeling" as they are the focal point in the "production and reproduction of order and security" (Loader 1997:3). For instance, Loader (1997:7) states that "the way we police, represent policing ourselves, and position it within an overall sense of order, makes a difference to both the construction of individual subjectivities and the quality and character of social relations." In the U.S., the over and under-policing of women and minorities suggest that there are gender and racial inequalities. That is, these policing strategies tell "stories" of society's treatment of women and minorities.

From unequal employment opportunities to the lack of accessible healthcare, gender inequality is pervasive in society. Although women have made great strides in gaining equality, the patriarchal social structure continues to oppress women (Barak, Leighton, and Flavin 2010). Given the ubiquitous nature of patriarchy, it is not surprising that many women within the criminal justice system experience gender inequality. Indeed, gender plays a significant role in the criminal justice system's response to women (Ferraro 1996; Chesney-Lind 2002; Belknap and Potter 2005; Humphries 2005; Peterson and Dixon 2005; Belknap 2007; Gruber 2007. For instance, many sexual assault and intimate partner violence (IPV) victims are subjected to under-policing (Pagelow 1987; Bowker 1982; Oppenlander 1982; Brown 1984; Ferraro 1989; Websdale 1995; Websdale and Johnson 1997).

Loader (1997) would suggest that the lack of adequate police responses to women victims of crime illustrate the placement of individuals within society based upon their gender. That is, the under-policing of women depicts a society heavily under the influence of patriarchal social structures. Loader (1997) views the police as agents of the

state with the purpose of producing, circulating, and reinforcing gender inequalities.

From the hesitation of enforcing protection orders to dismissing claims of sexual abuse,

the lack of police protection for women is troubling. Indeed, the criminal justice system

and policing strategies are forms of patriarchal social control directed towards women.

Although females experience issues with policing, minorities are subjected to

extraordinary policing through the use of racial profiling.

Despite the passage of Civil Rights Legislation in the 1960s, minorities continue

to experience unequal treatment within the criminal justice system. As previously

mentioned, the criminal justice system operates as system of social stratification that

frequently captures minorities (see Massey 2007). Unfortunately, minorities are

increasing targeted by the police (Gabbidon 2003; Russell-Brown 2004; Gabbidon &

Higgins 2007; Gabbidon & Higgins 2008; Khoury 2009). As a result of being subjected

to extraordinary policing, minorities are disproportionately represented in the criminal

justice system (Khoury 2009). Loader (1997) would argue that the over-policing of

minorities reveals racial inequalities. Indeed, the police and their strategies serve as a

mechanism to ensure the oppression of minorities. Racial profiling allows police officers

to use race as a component of criminality (Meehan and Ponder 2002; Russell-Brown

2004; Welch 2007).

For Loader (1997), the police use of racial profiling serves as a tool of exclusion.

As Loader (2006:212) notes:

> Police utterances and practices can operate to communicate powerful exclusion
> signals, practices that indicate that particular groups – teenage boys, or Black
> males, or Muslims – are not considered full members of society. The patterns of
> oversuspicion and overprotection that long marked police relations with
> disadvantaged groups send an oblique signal of this kind.

Additionally, the use of racial profiling relegates minorities to lower status in society. These policing strategies operate as a mechanism of social stratification. Moreover, the use of racial profiling allows police to label individuals as criminal based first and foremost on their race/ethnicity.

SYMBOLIC POWER OF THE POLICE ON THE REZ

Given the nature of their occupation, tribal police officers are in position to provide insight about crime and justice related problems in Indian Country. As previously mentioned, this dissertation investigates the perceptions of crime and justice among tribal police officers. Similar to inner cities, reservation communities experience high rates of crime and violence. As one journalist reported, "as far as criminality, this is the pinnacle [describing the rate of violence on the Wind River Indian Reservation]" (Williams 2012c:3). As a result, tribal police officers are on the "frontlines" when dealing with crime and violence in Indian Country. More importantly, tribal police also serve as guardians for American Indians living in reservation communities. Loader (1997:8) notes the significance of the "guardians" moniker with respects to policing:

> The police, in their omnipotence and potential 'everywhereness' are imagined as 'guardians.' This may take a number of forms. It may be embodied, for instance, in the dramatic appeal of bandit-catching as a form of policing, where the police are enacted as immediately and actively apprehending the 'other.'

The "guardian" label may serve as a twofold purpose for tribal police officers. First, the police are the "bandit-catchers" in Indian Country and a constant reminder of the presence of the "other." Second, the tribal police may also serve as protector of the Native culture. That is, the tribal police are responsible for defending and protecting

individuals and their way of life within tribal communities scattered across Indian Country. That is, tribal police officers are seen as a powerful condensing symbol.

Loader notes (1997:16) "the police – like the monarchy, a powerful condensing symbol – provide an enduring and affectively appealing means by which a certain strata of English society is able to imagine 'England' as a community." Although Loader's reflections focus on English society, his observation may have usefulness in examining the dynamics of life within Indian Country. It could be argued that tribal police officers serve as condensation symbols of law and order as well as establishing parameters of tribal sovereignty. That is, the tribal police are symbols of tribal sovereignty by allowing American Indians to police themselves within their own communities.

Additionally, tribal police officers are seen as the "experts" and have the ability to "diagnose, classify, authorize and represent both individuals and the world" (Loader 1997:3). It is within this capacity that tribal police officers have "ownership and framing of relevant issues, and whose individual and collective utterances circulate meanings that contribute in potentially telling was to the formation of opinion and belief" (Loader and Mulcahy 2001:42). Irrespective of these cautions, the perceptions and opinions among tribal police officers can offer an insight about life on reservation communities. As Loader (1997:2) suggests, the way a society polices its people can "tell stories about itself." Drawing this concept to the present study, the manner in which policing on the reservation occurs can reveal "stories" about life and social problems in Indian Country. It is with this understanding that Loader's policing perspective may help to understand the perceptions of crime and justice among tribal officers working within a southeastern reservation community.

CHAPTER V

METHODS

This chapter discusses the method utilized in the present dissertation research. This study draws on multiple in-depth interviews of tribal police officers working within the Eastern Band of Cherokee Indians' police department to address the research question: What are the perceptions of crime and justice in Indian Country among tribal officers? The chapter first provides a brief description of the participants, then proceeds to explain the nature of focus group and in-depth interviews as well as the rationale for utilizing this method. Lastly, the chapter discusses the research plan.

RESEARCH PARTICIPANTS

Participants for this dissertation research were recruited from the Eastern Band of Cherokee Indians Police Department. This police agency provides the tribal community with various services that range from patrolling reservation roads to providing security to the tribal courthouse. The police department is responsible for providing assistance to 15,000 tribal residents scattered across 82.6 square miles of tribal lands. The department is headed by a police chief who oversees 60 tribal police officers. Unlike many tribal police departments, this department is able to establish specialized units focusing on specific crimes such as illegal drugs, child abuse, and serious crimes. For the purposes of this study, all policing personnel were invited to participate. Before discussing the research plan, it is important to provide a historical overview on the tribe.

THE EASTERN BAND OF CHEROKEE INDIANS

The Eastern Band of Cherokee Indians (EBCI) is a federally recognized American Indian tribe in the United States located in Western North Carolina. This tribe is part of the Cherokee people and closely related to the Cherokee Nation and United Keetoowah Band of Cherokee Indians in Oklahoma. Similar to other AI/NA tribes, the EBCIs have deep historical and cultural roots. Archeologists found artifacts associated with the Cherokee Indians that date over 11,000 years ago - at the end of the last ice age - and they believe that by 1500 B.C. the Cherokee Indians developed their language (Perdue 1985). However, historians believe it was not until 200 A.D. that the tribe evolved into establishing their own distinctive culture in the southeastern United States (O'Brien 2001). For instance, the Cherokee culture established working roles based on gender. Cherokee women tended to crops – beans, corn, and squash also known as "the three sisters" (Perdue 1989) - while males carried out hunting and fishing duties. The tribe maintained a matrilineal societal structure in which the women served as head of the house and elected tribal chiefs (Perdue and Green 2005). Similar to other AI/NA tribes, the Cherokee practiced ceremonies, festivals, and rituals to honor their gods, tribal people, and the seasons (Perdue 1989, Perdue and Green 2005); some of these activities are still practiced by the EBCI. At the height of their power, the Cherokee were one of the dominant tribes in the southeastern United States, to the extent that the tribe inhabited over 140,000 square miles stretching from Virginia to Alabama (Perdue 1985; Perdue and Green 2005). Cherokee Indians lived in "towns" or villages that were comprised of 30 to 60 homes and a council house. The council house served as a government and ceremonial building and also the site for the scared fire where ceremonies and rituals

were preformed. Although the Cherokees commanded extraordinary power in the southern region of the United States, their power greatly diminished with the arrival of European settlers.

In 1540, Spanish explorer Hernando De Soto was one of the first Europeans to interact with the Cherokee, but it was not until the 1690s that the tribe began to trade with the colonists. The fur trade of the 1700s and 1800s greatly increased the Cherokee's interaction with the colonists. As O'Brien (2011:113) notes:

> Europeans traveled to Indian villages to obtain fur and created companies to manage the immense fur trade that became crucial to the colonial economies...Indian people adapted easily to the new demand for animals that they already hunted on a limited scale, and the trade enabled them to acquire a wide arrange of European-made merchandise.

The Cherokee traded deerskin with local settlers in exchange for tools and other goods (Perdue 2005). Deer were an important source for food for the Cherokee and the animal "provided as much as a third of the annual diet for most Indians" (O'Brien 2011:115). The Cherokee Indians also used the various part of the animal for clothing, tools, and ritual objects. Unfortunately, relations between the Cherokee Indians and Europeans deteriorated, leading to conflict among the two groups as well as inter-tribal fighting. As a result of tensions, the Cherokee tribe splintered into several groups. Historians assert that the building tension between the colonists and Cherokee Indians led to the Tuscarora War of 1711 and the Yamassee War of 1715 (Powell 2006; O'Brien 2011). Although the Cherokees sustained substantial losses during these wars, European diseases proved to be more responsible for the decline in their population than warfare (Perdue 1985; Perdue and Green 2005; Calloway 2006). Between 1738 and 1739, nearly half of the Cherokee population succumbed to smallpox (Calloway 2006). In another setback, the

Cherokee people were forced to concede over 50,000 square miles of land to colonial governments to appease white settlers following the French and Indian War (Perdue and Green 2005). During the American Indian Revolutionary War, the British government approached the Cherokees to wage war against the colonies in exchange for loss tribal land. In retaliation, the colonists destroyed over 50 Cherokee villages during the summer of 1776, and the Indians had to concede even more land to the colonists. In the face of adversity, the Cherokees were able to initiate several progressive initiatives.

To maintain their political autonomy, the Cherokee entered into several government treaties; however, a stipulation for their ability to self-govern was to concede more land to the government (Perdue and Green 2005). The 1820s is characterized as a "Cherokee renaissance" (Powell 2006: 209) which saw the advent the Cherokee written language by Sequoyah in 1821. The development of a written language allowed the entire Cherokee population to become literate, which also lead to *The Phoenix* a Cherokee newspaper which was published in their native language as well as English. The Cherokees also adopted their own constitution based on the U.S. Constitution. Interestingly, the Cherokee constitution made tribal land sales illegal (O'Brien 2001). The Cherokees embraced other American traits such as implementing school and government systems, owning African slaves, and adopting the latest advances in agriculture. As a result of these developments, the tribe nearly assimilated into the white Anglo culture. Their quiet existence in the Appalachian Mountains made it possible for them to actively trade with White settlers (Perdue 1989). The tribe's cohesion with the dominant culture was reflective in the numerous inter-marriages between the two groups (Perdue 1989; Finger 1981). Although the Cherokees were assimilating into the Anglo

culture, they were not immune to the takeover of their ancestral lands. As O'Brien (2001:164) suggests, "such expressions of civilization ironically made them more vulnerable to removal because Americans wanted their productive land." The 1828 election of Andrew Jackson changed the lives of many Cherokee Indians.

President Jackson and other leading politicians wanted to remove American Indian tribes from the eastern United States largely for agricultural and mining purposes. In 1830, the U.S. Congress passed the Indian Removal Act which forcefully removed the Cherokee Indians and other tribes to Oklahoma. This passage of this Act led to the Trail of Tears of 1838 to 1839 which was responsible for the deaths of numerous Cherokee Indians and "the loss of property at the hands of rapacious whites" (O'Brien 2001:166). However, a group of 400 Cherokee Indians remained in the mountainous region of Western North Carolina. While attempts were made to remove this small group of Indians from the Appalachian Mountains, the band was able to circumvent the federal government's Indian removal policies for a while. The band of Indians were successful enough to maintain their ancestral lands through the help of Principal Chief Yonaguska and William Holland Thomas (Finger 1981) by lobbying government officials to allow them to live on their lands (Perdue 1985). Thomas and the Cherokees were able buy land, which is referred to as the Qualla Boundary, thus establishing the Eastern Band of Cherokee Indians tribe. The tribe was recognized by the state of North Carolina in 1866 and received federal recognition in 1868 (Perdue and Green 2005).

Currently, the EBCI live on a 56,500 acre reservation located in the western portion of North Carolina. The reservation area is mountainous; in fact, a substantial amount of the reservation land borders the Great Smoky Mountain National Park.

Presently, there are over 13,000 enrolled tribal members (Perdue and Green 2005).

Although the tribe receives funding from both the federal and state governments, a

substantial amount of funds comes from tourism. During the summer months, thousands

of tourists descend onto the reservation community to visit attractions such as the

Museum of the Cherokee Indian and an outdoor drama titled "Unto These Hills" which

recounts the tribe's history. However, the most notable attraction in the community is

Harrah's Cherokee Casino and Hotel which generates a substantial amount of revenue for

the tribal community. Funds generated from the casino are used to improve the

reservation community's infrastructure. Remarkably, the tribe used in the current study

has a long historical legacy. The following sections will discuss the methods that were

drawn upon to investigate the research question.

IN-DEPTH INTERVIEWS

This dissertation research relied on in-depth interviews to understand the factors

that contribute to the perceptions of crime, violence, and justice. In-depth interviewing

involves conducting an intense conversation with a participant in order to understand

their perceptions, opinions and thoughts about a subject (Creswell 1998, 2007). This

qualitative approach provides a glimpse into the realities experienced by the participant.

The participant is considered to be the expert about the problem being studied and the

interviewer is seen as the student (Berg 2007; Creswell 2007). The typical format of in-

depth interview is as follows: (1) the interviewer poses a question to the participant, (2)

the observer listens intently to the participant's responses and records the response, (3)

and the interviewer can ask follow up questions based on the participant responses (Berg

2007; Creswell 2007). This type of interview requires a face-to-face conversation and involves one interviewer and one interviewee. Typically, these interviews can last a couple minutes to several hours in length.

There are several benefits associated with in-depth interviewing. It provides participants an opportunity to express their thoughts, opinions, and reflections about themselves or about a particular social issue (Creswell 2007). Additionally, many individuals participating in an interview often find it cathartic to discuss their life experiences and thoughts and have their views shared with an individual (Berg 2007). Another benefit of in-depth interview methodology is that the data are much more detailed compared to other data collection methods (i.e. survey research) (Berg 2007; Creswell 2007). Aside from these benefits, there are also some limitations with this approach. Critics of in-depth interviewing argue that this technique does not yield generalizable data and findings cannot be inferred to that of the general population (Berg 2007). This method can also be time consuming because it takes a considerable amount of time to conduct interviews, transcribe the dialogue, and analyze the data. Lastly, this technique requires the interviewer to be trained in interviewing techniques including to avoid relying on leading questions, appear interested in the participant's responses, and keep their personal thoughts and opinions to themselves during the course of the interview. Forgoing these limitations, this technique is appropriate in exploring tribal police officers' perceptions of crime and justice.

RESEARCH PLAN

To understand the perceptions of criminal justice officials on crime, violence, and justice among American Indians, a series of in-depth interviews was conducted among tribal police officers. This dissertation research relied on convenience sampling – a non-probability sampling technique – where participants were recruited based solely on the convenient accessibility of the researcher (Creswell 2007). Simply put, "this category of sample relies on available subjects – those who are close at hand or easily accessible" (Berg 2007: 43). Moreover, "this strategy is an excellent means of obtaining preliminary information about some research question quickly and inexpensively" (Berg 2007:43). The participants will share insight about their thoughts on problems confronting their tribal community.

The goal was to conduct at least 20 in-depth interviews among tribal police officers. A couple of weeks prior to the interviews, the participants were asked if they were willing to participate in the study. In order to recruit these participants, the researcher asked the tribal police chief to notify potential participants about the interviews and encourage them to participate. Interviews lasted up to an hour. Additionally, the participants were informed about the nature of the study as well as their rights and that they could remove themselves at any point during the interview. Prior to the interview, the researcher introduced himself and provided participants with a brief overview about the interview process, such as establishing rules and encouraging their involvement. Once the participants agreed to the interview, the interview began. The interview schedule can be found on Appendix A. These interviews were audio recorded and later transcribed. Once all of the data were transcribed, the researcher checked the

transcriptions with the audio recording to ensure reliability. In agreement with the Eastern Band of Cherokee Indian Tribe, a final report will be given to the tribal community.

PROTECTION OF SUBJECTS

Old Dominion University and the Eastern Band of Cherokee Indian's Tribal Cultural Resource Center reviewed and approved this dissertation research project in the summer of 2012. Judge J. Mathew Martin (tribal court justice) and Dr. Mona Danner (dissertation advisor) provided letters of support and Dr. Danner served as the co-investigator. The research was conducted ensuring that all IRB rules and regulations will be enforced.

During the data collection, participants were notified about the nature of the study. In compliance with ethical research protocol, they were also be informed of their rights in the study, including their option to abstain from answering any questions and/or that they may remove themselves from the study at any time. The researcher also informed the participants that the interviews were to be recorded and upon completion of the research, the data will be destroyed to enhance anonymity. To enhance the anonymity of the participants, pseudonyms were used during the transcription process as well as in the final report.

CHAPTER VI

FINDINGS

This study explores the perceptions of crime and justice among tribal police

officers in one reservation community. The following chapter presents the findings from

the field interviews. First, the demographics of the participants are introduced, followed

by a presentation about life on the reservation community. The chapter then provides a

thematic overview on the police officers' perceptions of crime and justice.

POLICE DEPARTMENT DEMOGRAPHICS

Data collection for the research occurred in the fall of 2012. The field interviews

took place at the tribal police department and courthouse. The actual time spent for the

interviews ranged from nine minutes to over an hour. In an agreement with the tribal

government, the participants for this study were restricted to tribal employees. The

recruitment procedure yielded 27 tribal police officers who held various ranks from

police chief to patrol officers. Four employees of the tribal justice system provided

additional contextual insight and their perspectives are also included where appropriate

but their responses are not tallied in any of the quantitative results. The age of the 27

police officers ranged from 20 to 62 years old (mean 35.75, median 33) and the gender

composition of the group was 24 males and 3 females. Twenty-three of the participants

were enrolled members of the tribe and five were non-tribal members who worked within

the police department. The years of service among the participants ranged from one

month to over 20 years (mean 8.80, median 8).

The interviews were conducted at the convenience of the participants. The researcher noted personal reactions of the participants as they responded to the interview questions, and recorded the full interview. Following data collection, the interviews were transcribed and coded. Strauss and Corbin (1990:61) define coding as "the process of breaking down, examining, comparing, conceptualizing, and categorizing data." With this technique, the researcher identified themes and patterns. For coding purposes, the research identified concepts by key words (i.e. crime, violence, justice etc.) and grouped them into major categories and subcategories. To ensure confidentiality, the names and identifying characteristics of the participants are not included. Because the majority of participants are male, the male pronoun is used in all cases.

COMMUNITY LIFE

To build a relationship between the participant and researcher, the interviews initiated with several background questions, which Hill, Thompson, and Williams (1997) suggest can allow the participant to become comfortable with the interviewing process and help in gathering demographic information. After asking the participants questions about the tribal community, the interviews focused on crime, violence, and justice within the reservation community.

The participants were asked whether they would raise children within the reservation community, in order to allow the participant to describe the characteristics of the community. Several themes emerged from this question. First, an overwhelming majority of officers deemed the community a good place to raise children (n=22). These individuals provided several positive attributes of the reservation that made it conducive

to child rearing such as the rich ancestral history (n=6), close relationships and family ties

(n=4), low rates of crime (n=4), "it's home" (n=3), the beautiful landscape of the area

(n=2), and/or adequate schools (n=1). Several tribal police officers shared their

justifications for decisions to raise their children on the reservation.

> There's a lot of good qualities [reservation community]. As far as close-knit community, everybody knows everybody here, we kind of look after each other, a lot of people here are related, you know…but it's not like an urban setting or a mid-sized town or whatnot… I like to think we're in our own world. You know what I'm saying? (Police Officer #12)

> It's a real pretty tight community here, everybody knows everybody and somewhere down the line you're related to one another. It's like, it goes back to tradition. You know, like the clan system, the culture, that kind of thing. (Police Officer #2)

These descriptions portray a tight-knit tribal community. In addition, they suggest that

there is a sense of willingness among the tribal members to work together towards

helping their community strive. A small group of officers thought it was safer to raise a

child on the reservation than in the neighboring communities (n=4). As one police officer

pointed out:

> Well, I consider it like, pretty much, a low crime rate and you know… but I think overall this is a good place. Because, [I was] in the service, I been all over the place, and I still say [name of reservation] is the best place to raise kids … got … everything they need here from our own school system, like I said the crime isn't bad around here. (Police Officer #1)

While this officer had traveled extensively, he believed that the tribal community is an

exceptional place to raise children. Likewise, another officer suggested that the well-

staffed tribal police department was a good quality. He posited, "I think it's a better

place to raise children because there's more law enforcement presence in [reservation's

name] than anywhere else in [part of the state]" (Police Officer #12). While a majority of

the participants thought the reservation was a good place to raise children, a group of

police officers suggested otherwise.

A small number of police officers thought that the tribal community was not a

good place to raise children (n=5). All of these individuals cited the reservation's high

rate of crime as the primary reason for their decision. One police officer observed:

> Well I would say it's safe but really it's not all that safe. There's a lot more that
> goes on here than people know about. If you're not a cop you don't really know
> that much. I don't know…it's hard to answer that one. I would say family values
> but it's getting worse. I mean, everywhere is worse. (Police Officer #15)

Coupled with high rates of crime and the lack of family values, this police officer

believed that the reservation was not a safe environment to raise children. Mirroring the

previous statement, another individual thought that the inconsistency of the tribal

criminal justice system created an unsafe community for his children. For this reason, he

remarked "that's why I wouldn't send my kids up here for nothing" (Police Officer #13).

Finally, another individual felt that his position as a police officer could expose his

children to victimization. He conveyed his concerns:

> I wouldn't necessarily say it's a good place [reservation community], I'd actually
> like to live where I don't enforce the law. So I'd like to live, not, I don't wanna
> say the real world, but in non-native territory… it's because I don't want [to]. I
> don't even shop locally [on the reservation]. I shop at Food Lion [off the
> reservation]… Um, I don't want my children associated with me because I don't'
> want them victimized or perped on because I am what I am. (Police Officer #22)

Without a doubt, being a police officer exposes family members to unintended risks. The

initial question on the characteristics of the community yielded several interesting

findings. First, all of the non-Native police officers believed that the tribal community

was a good place to raise children. While there were several positive and negative

attributes about the tribal community, the interviews also provided an insight about crime and violence on the reservation.

CRIME

To gauge the extent of crime and violence within the reservation, the researcher asked the participants whether it was a fair characterization to label all of Indian Country as a "war zone" to describe the high rates of crime and violence. An overwhelming majority of the participants thought the analogy was an unfair characterization for all tribal communities in Indian Country. This question elicited several passionate responses from the participants. A police officer denounced this analogy:

> I think that's an UN-fair assessment. You know, it's not a war zone here, we got problems that everybody else, you know, every city off the reservation has. You have your breaking and entering, you have your assault. We don't have that many assaults, we don't have really... And usually it's just regular intoxicated person, you know, type deal. Everybody deals with that. Person gets drunk and... so it's no different. I mean, people act the same... (Police Officer #6)

This participant contested the analogy equating his tribal community as a "war zone." Indeed, the tribal officer pushed back the notion that his reservation was in a state of anarchy and believed the tribal community's crime rate was similar to the neighboring outside communities. For this participant, the analogy portrayed American Indians as "savages" and appears as subhuman. That is, the analogy framed his fellow tribal members as the "other," whose transgressions wreaked havoc within the confines of the reservation. However, the tribal officer argued that the people in his community acted and behaved similar to those living anywhere in the country. Although the participant revealed that crimes do occur on the reservation, these events are also similar to one occurring in small town across the United States. Indeed, the tribal officer's narrative

portrayed a community that was similar to the fictional town of Mayberry with respects

to the local town drunk causing a nuisance within the community. Another officer

suggested that the analogy was "harsh" and thought it invoked images of war torn areas

of the world. He replied:

> No, I don't think so. I mean, that's [like] Afghanistan or something because we're
> no... I've been here pretty much all my life...A lot of tourists I've talked to enjoy
> being in this area, we have a low crime rate, and as far as law enforcement, we
> take care of what needs to be taken care of when it needs to be taken care of. I
> don't... I wouldn't consider this a war zone. (Police Officer #12)

Again, this narrative rebukes the "war zone" analogy. For this participant, the analogy

invoked images of war-torn communities in Afghanistan. The tribal officer suggested

that this was not the case in his community. By pointing out that tourists enjoy visiting

the community, he tried refute the claims that his tribal community was plagued by high

rates of crime and violence. Moreover, this officer felt the tribal police department is

equipped to address any problem on the reservation. Indeed, it appeared that many

officers were appalled by the analogy. While a majority of the participants felt the "war

zone" comparison was unfair to their tribal community, a small group of police officers

thought it was a reasonable assessment of their reservation.

Only four police officers believed that the "war zone" analogy described the level

of crime and violence in their community. Upon being asked, an officer revealed that

outside law enforcement agencies receive fewer calls for assistance than the tribal police

department. He stated, "I've got buddies that are state cops, sheriffs, they can go a week,

have maybe five calls. I usually average eight a night" (Police Officer #9). In this

statement, the tribal officer believed that the war zone analogy captures the level of crime

in his tribal community. The participant revealed that the tribal police department

receives a high volume of calls for assistance than his law enforcement colleagues working in neighboring jurisdiction outside of Indian Country. The high call volume exemplifies the war zone analogy as these "frontline soldiers" are on call to protect the people on the reservation from crime and violence. In his analysis of the usage of war-like metaphors, Steinert (2003:271) asserts that the service the police afford is "understood to be in the common service of defending 'us' against an enemy: crime and criminals." Indeed, the calls for assistance can be symbolized as the tribal need for police protection to defend them from crime and violence. In a separate conversation, a tribal officer draws on another war-like metaphor to describe the manner of policing on the reservation. A ranking officer mentioned that his patrol officers often complete a tour of duty (patrolling for seven consecutive days) and experience a high call volume. He noted, "we could be on call, we could do seven days, which is one tour of duty, we can do seven days of our tour and in that seven days charge only three people, but we've dealt with a hundred and fifty calls" (Police Officer #22). For this narrative, it is important to note the military idiom "tour of duty," is reminiscent of the "war zone" that suggests the community experiences high levels of crime and violence. Additionally, these participants believed the reservation has a crime rate substantially higher than the neighboring communities. Perhaps one of the most fervent responses to this question did not come from a tribal police officer, but from one of the tribal judicial personnel. The participant appeared aghast by the comparison of his community to worn torn areas in Afghanistan and Iraq. He claimed that such comparisons perpetuate negative American Indian stereotypes. The participant recalled an event where he had to "correct" a non-Native about his view of the community.

> Because it happens (crime) on white man's land too. And buddy, I put one person who used to work here in his place. He was from [neighboring community], he was a non-Indian, he walked here (tribal courthouse) and said, "Oh today's Indian love court." Oh my god. Oh my god. I, excuse my language, but I said, "What the fuck did you just say?" I said, "Get in here and close that damn door." And I said, "Don't you ever let me hear you say that again. Because let me tell you something, white people fight and beat up each other just like Indians do .... Don't you ever fucking say that again." And I'll tell anybody that. Hell no. It ain't just Indians, white people, Mexicans, blacks, they all fight, drink, and do everything and Indian does, but we just get tagged. (Tribal Judicial Personnel #1)

For this participant, crime and violence transcends all race and ethnic groups and not solely experienced among one group. The participant tried to rebuke the stereotype that American Indians are more violent than other racial/ethnic groups in the United States. As previously mentioned, American Indians are stereotyped as the "drunken Indian" and "blood thirsty savages," which makes American Indians appear as subhuman (Churchill 2004; Lujan 2006). Taken together these stereotypes are "absurd and damaging because they perpetuate a distorted image of American Indians" (Lujan 2006:131). Quintero (2001:58) notes that social constructs through these stereotypes "are systematically utilized in specific contexts to disempower the colonized by characterizing Indian people as dysfunctional, pathological, or weak, thereby reinforcing the power of the colonizer." Unfortunately, these stereotypes continue to be perpetuated through the media, which propagates into the general population into thinking that American Indians are violent. With that being said, American Indians continue to overcome negative stereotypes that demonize and cast them as the "other." The participant felt compelled to "set the record straight" with the "outsider" who had a false perception about the people living in her community. Although a majority believed their community did not suffer from extraordinary high rates of crime, they admitted the tribe did have an illegal drug problem.

ILLEGAL DRUG USE

Perhaps one of the most striking patterns to emerge from the interviews was the high rate of illegal drug activity within the reservation community. The police officers identified several illegal drugs that were being abused among the tribal members: prescription drugs (n=22) methamphetamines (n=13), marijuana (n=7), cocaine (n=4), heroin (n=1) and bath salts (n=1). According to the participants, the pervasiveness of illegal drug use has reached epidemic levels. In fact, the officers believed a substantial part of their time is devoted towards addressing illegal drug activities in their community. As one individual noted "we're doing a lot of car stops and they're [tribal police officers] finding syringes and, you know, just drug paraphernalia...where we might not find drugs on them [suspects]...they had the paraphernalia where they'd been using it" (Police Officer #1). Much of the illegal drug activity within the tribal community involved illegal prescription drug use.

Illegal prescription drug use emerged as a major theme among the police officers. As previously mentioned, 22 officers thought illegal prescription drug consumption was a dire problem in the tribal community. Upon being asked about illegal drug use, a participant simply quipped, "we have a lot of pill[s], prescription abuse... prescription pills" (Police Officer #1). Indeed, many officers simply replied that "pills" were being abused among the tribal members. An officer thought that much of the daily activities of the police department centered on reducing illegal prescription drug use. The participants identified several prescription drugs that were being abused such as morphine, codeine, oxycodone, oxycotin, and Vicodin. Although illegal drug use emerged as a major

problem, the officers were divided on which age group abused this form of drug frequently.

Over half of the police officers believed illegal prescription drug use was commonly abused by both young and old tribal members (n=15). One of these individuals suggested this form of illegal drug was abused by "sixth graders to sixty or seventy years old" (Police Officer #15). However, another half of the participants thought illegal prescription drug use was solely abused by the Native youth (n=11). Some of these officers blamed "pill parties" for the high level of Native youth consumption of illegal prescription drug (n=5). For many participants, peer pressure served as an impetus for the consumption of this form of illegal drug. A tribal judicial personal admitted that his son heavily abused prescription drugs and he recounted to him about a "pill party."

> When my son was on them pills...One day he's talking to me. He said, "let me tell you how bad it was, I'd get invited to a party and it was bring your own pill instead of bring your own beer, bring your own pill." They had a big bowl. Everybody threw whatever, they didn't know what... they'd crush them, they'd snort them. They never shot up, he always snorted the pills, but who's to say that could have been a blood thinner or, you know, a heart pill. He just said that he'd get invited to pill parties. "Whatever kind of pills we had, we took them. We'd crush them all, we'd crush every one of them together and we'd start snorting them..." I said, "You're stupid." He went, "yeah, I was." I can tell now in his speech, it has affected his speech and you can tell him something and he don't (snaps fingers) grasp it like we do. It about ate his damn brain up. (Tribal Judicial Personnel #1)

"Pill parties" consists of obtaining copious amounts of prescription drugs and crushing pills into a powder in a bowl, which is snorted among individuals. Unfortunately, a tribal justice personnel disclosed that his son suffers from brain damage due to an addiction to prescription drugs. Being geographically isolated, Native youth struggle to find activities to overcome the monotony of living in a rural community. All too often, they find

themselves attending "pill parties" for entertainment purposes. Aside from the combination of peer pressure and boredom, the police officers noted that tribal members sold prescription drugs within the tribal community for financial gain.

Tribal members selling prescription drugs were discussed among a group of police officers (n=5). Given the recent economic turmoil, many tribal members resorted to selling their prescription drugs. As one participant pointed out, "they're [tribal members] not working. Plus...you know, [the] recession puts a lot of [people out of work]... and I'm thinking the high price of gas has triggered a lot of it" (Police Officer #6). For many, selling prescription drug provided tribal members with "fast and easy money" (Police Officer #5), which afforded them an opportunity to obtain food and other necessities. Another attraction to selling prescription drugs was that it could yield a substantial sum of money.

> The pills, you know, they pay a dollar a milligram, so if you've got a 35 milligram Oxycodone, one pill, 35 milligrams, you can sell that on the street for 35 dollars. Now if somebody's got 200 pills that are 35 milligrams each... Now you figure the math on that; $35 a pill. And they can sell those within, well within an hour if they wanted to. (Police Officer #3)

Given the figures, a tribal member has an opportunity to earn $7,000, which is highly profitable considering they have free access to healthcare and medication. Several participants suggested that tribal members are exploiting their access to free healthcare by obtaining prescription drugs to sell for monetary profit. Unlike other reservations, this tribal community has an Indian health clinic which is available to all enrolled members of the tribe. Some tribal members view the clinic as an opportunity to obtain prescription drugs to sell to others. Realizing that the tribal healthcare system is being abused, the tribal government has implemented initiatives to reduce the distribution of medication to

tribal members. In addition to obtaining prescription drugs from other tribal members, some individuals have resorted to property crimes to obtain illegal drugs.

Another theme that emerged is that tribal members were stealing prescription drugs (n=7). An officer revealed, "they don't steal, rob, and cheat for pot, but they do for the pills" (Police Officer #9). The participants admitted prescription drug addicts were stealing narcotics out of tribal members' homes. An officer reported "we have reports of people's medicine getting stolen from the medicine cabinets [and] their homes" (Police Officer #3). Given that older tribal members rely on medication to overcome their ailments, illegal drug users see this as an opportunity to obtain prescription drugs. Additionally, tribal members have used their care-taker position to exploit these individuals for their medication. Although some tribal members rely on theft to secure prescription drugs, others have utilized innovative methods such as doctor shopping.

Doctor shopping emerged as a theme in these illegal prescription drug use discussions. At least nine police officers suggested that tribal members relied on doctor shopping to obtain prescription drugs. Doctor shopping is the practice of seeking care from multiple physicians in order to acquire prescription drugs. An officer provided his definition on this technique.

> Where you go from one doctor to another doctor to another doctor and you tell every doctor, "My back's hurt, I hurt my back..." And so this doctor gives you a prescription, and then you go to another doctor that's in another town and say, "Hey, you know, I tried to get in with the doctor where I live, and it's gonna be two weeks before I can get an appointment." So then that doctor gives you another prescription. You start doctor shopping different counties, or even different states. And so there's actually no test that's, you know... so if I was to go to the doctor and say I hurt my back mowing, there's no test to show how much pain I'm in for them to say, "okay, with these x-rays..." but if it looks normal, I just say, "but I'm really hurting," they give you oxycontin. (Police Officer #13)

According to the participants, it was common among tribal drug addicts to rely on doctor shopping to fulfill their addictions. The heighten need for prescription drugs also lured drug traffickers to the tribal community to distribute illegal drugs.

Only a small group of police officers mentioned the role of drug traffickers in the tribal community (n=5). Drug traffickers view the reservation as an opportunity to sell their illegal goods. The enticement stems from the "per cap" check, which is a stipend given to enrolled tribal members which can range from $4,000 to $6,000. Tribal members receive a "per cap" check twice a year, typically in June and December. The funds for the "per cap" check come from the revenue that is generated from the Indian gaming casino. With respects to drug traffickers, they are drawn to the reservation community in June and December because it is when the "per cap" checks are released.

> Opportunity is more because, like I said, somebody's spreading the word that there's per cap [stipend] and things like that. And they know that there's money available up here, so we're actually being targeted as far as bringing the pills here. Why not sell the pills here? Oxycodone right now... a 30 mg Oxycodone can sell for $45 a pill. (Police Officer #21)

Indeed, there is an opportunity to generate a substantial amount of money from selling narcotics on the reservation. A police officer stated that "in the month of June we arrested 21 people for drugs. For pills...it was after per cap and... so between June first to July first we arrested 21 people for pills" (Police Officer #21). The "per cap" check impacts the distribution of illegal drugs to the tribal community.

A couple of the participants provided details about illegal drug trafficking in the community. The frequency of drug trafficking reached a fevered pitch. As one participant noted, "every week we'll catch somebody ... with [about] 200-300 pills coming up here to sell" (Police Officer #21). The same participant also recalled an event

related to drug trafficking. He stated "a guy came from Albuquerque on a motorcycle with 36 pounds of marijuana and delivered it to me and my partner in a barn" (Police Officer #21). Interestingly, a week prior to the field interviews, the tribal police department intercepted a substantial amount of narcotics coming into the tribal community. A participant reported that tribal police officers seized nearly 8,000 prescription pills a week before the field interviews. Combined with convenience and product demand, many traffickers are distributing prescription drugs. The tribal officers also shared their thoughts about the negative consequences of illegal drug use among tribal members.

The harmful effects of substance abuse within the tribal community abounds. The participants identified several negative consequences of illegal drug use such as restructuring tribal families (n=11), destroying opportunities (n=5), and health problems (n=2). Some of the participants voiced their frustrations about the use of illegal drugs among tribal members. The tribal community offers numerous resources for tribal members which include free college education, vocational training, employment opportunities within the tribal government and Indian gaming casino, and access to healthcare. However, a substantial portion of the Native youth refuses to participate in these entitlements. A police officer remarked how substance abuse is a socialized process. He explained that Native children observe their parents engaging in substance abuse, and later as adults these children adopt such behaviors.

> It's a learning process. My children know that alcohol's not okay, but I had to teach them that. I had to not use alcohol, and... so in turn my children know that there's a different way. But if I was an alcoholic parent and taught my children, "hey, you know, I drink an 18 pack a day or a 24 pack a day, you know, it's okay, I'm all right, you know, what's wrong with it?" then that child learns [it]. (Police Officer #22)

For this participant, American Indian substance abuse is a cycle that is instilled among Native youth and later acted upon as adults. The next line of questions focused on crime within the reservation community.

COMMUNITY CRIME

Before going in-depth about the dynamics of crime on the reservation, the researcher asked the participants if they believed that the tribal community's crime was similar to the neighboring communities. This question revealed several themes. First, the majority of the police officers thought that their tribal community's crime rate was similar to neighboring communities (n=16). An officer stated that "there's any more or any less crime on the reservation than there is in the city population or a county" (Police Officer #7). Similarly, participants believed the reservation's crime rate appeared parallel to other communities across the country. While the crime was similar to other communities, the police officers acknowledged crimes occurred within their community.

PROPERTY CRIMES

Property crimes abound within the reservation. Upon being asked the types of crimes that occur within his community, an officer replied, "what types of crime DON'T I see on the reservation (laughs). We see everything" (Police Officer #22). Indeed, the police officers identified several property crimes such as breaking and entering (n=15), larceny (n= 8), theft (n=7), and burglary (n=1). A substantial number of police officers believed that these crimes are drug related (n=17). As one participant put it "there are crimes here, just little piddy stuff...stealing weed eaters, lawn mowers, something to

pawn [to obtain] drugs. Meth, pills, whatever they can get their hands on" (Police Officer #26). Similar to the previous statement, another officer offered his thoughts about the connection between property crime and illegal drugs:

> When we conduct our interviews, usually, it's because they need a fix. You know, they might steal somebody's $1800 TV or $2000 TV and for exchange, it might be for 3 pills. Which is, in my mind, to a working person who has spent that money wisely to live the way they choose to, then when somebody takes advantage of them, and... I don't know. It's the pill. Like I said, in our interviews they'll usually say it's for a quick sale or a trade. (Police Officer #4)

This narrative is important for several reasons. First, it captures the police's virulent populism surrounding the use of illegal drugs. Loader would argue that the tribal officer's narrative is producing, reinforcing, and circulating the war on drugs rhetoric through the use of fear. That is, the participant believed that "hard working people" are being victimized through the theft of their personal property by drug addicts. Similar to the Bennett and colleagues (1997) assessment on drug use and crime, the tribal officer suggested that drug addicts are preying on these "hard working" individuals in order to obtain illegal drugs. Also within this narrative, the police officer frames drug addicts as the "other," whose addiction and behavior causes problems on the reservation. Recall that Loader (1997) contends that the police frame the individuals as the criminal of the "other." The tribal officer's tone in this conversation revealed feelings of frustration, which is consistent with previous research on police officer (Gardiner 2012). Moreover, this narrative suggest that perpetrators are willing to break into homes, which shows the power of addiction with respects to committing crimes to obtain illegal drugs.

Breaking and entering emerged as a theme in these conversations. Several police officers admitted that the majority of their calls involve breaking and entering crimes (n=8). A participant claimed that whenever he turns on a police scanner the majority of

calls are breaking and entering. As he said, "it's B&E, B&E, B&E. You know. All the time" (Tribal Judicial Personnel #2). While several participants voiced frustration about the frequency of breaking and entering crimes within the community, they appeared concerned about the loss of the tribal community's ancestral heirlooms and crafts.

The reservation community has a long artisan history which continues into the present. Many tribal members make baskets, wood and stone craving crafts, and pottery to sell to tourists. Additionally, tribal members possess century old family heirlooms, which chronicle the history of the tribe. These artisan crafts are worth hundreds, if not thousands of dollars. One police officer suggested that a deceased craftmaker's crafts can be worth a substantial sum of money (Police Officer #4). Aside from home invasions, reservation craft dealer shops have been targeted by perpetrators.

> Here in town we've got a gentleman that owns [Native craft shop], I'll use that for an example. He deals with a lot of Native American type handmade crafts. And probably within the year he had been hit twice. A lot of valuable stuff had been taken. (Police Officer #4)

Some of the participants have taken steps to protect ancestral heirlooms within their family. As one participant revealed, "we got a security system because…me and my husband bought a bunch of baskets from two people. Bought them for what, a couple years or so… we spent a lot of money" (Tribal Judicial Personnel #1). Similar to other stolen items on the reservation, Native ancestral heirlooms and crafts are pawned to obtain illegal drugs. The conversations with the tribal officers suggest that there is a nexus between property crimes and illegal drug use. The tribal officers also provided their perceptions about violence within their reservation community.

VIOLENT CRIMES

Participants revealed different perceptions about the extent of violence within the reservation community. A majority of the non-enrolled tribal police officers (n=4) thought that the level of violence in the tribal community is not as extensive as in neighboring communities. An officer recalled "I don't think it's as violent as most people think it was, like when I started here, they're like, 'Oh, you're gonna have a hard time with this'...and it's not been that, I don't think it's that bad" (Police Officer #21). The officer revealed that his friends cautioned him about being a tribal police officer because they thought the community experienced high levels of violence. However, other officers suggested the there is a substantial rate of violence within the reservation community. As one tribal officer pointed out "yeah, there's definitely crimes of violence that occur here" (Tribal Judicial Personnel #2). Similar to the previous statement, another participant reflected back on his previous occupation as a dispatcher and realized the extent of violence in his community.

> I mean, there's things that happen here that you just don't know about. And I never really seen it before I was in [here]. It was like this quiet little town, but then I worked in [here] and really seen how much everything happens all the time. And now I have a completely different outlook. It's really hard to see it. Like for you, you come in, you stay a week or two and it's really hard to see. And it was really hard for me to see even though I lived here for twenty years. But...you can't leave, like... where I live, you know, we have built security systems because somebody will come to your house and steal your TV while you're home. That's pretty much the way it is. (Tribal Judicial Personnel #2)

In this narrative, the participant revealed that people working in the criminal justice system have a greater understanding about the frequency and the characteristics of crime taking place within the community. The officers identified several violent acts that are common within the reservation community: domestic violence (n=17), assaults (n=11)

murder (n=5), child abuse (n=4), gang activities (n=4) rape (n=2), armed robbery (n=2), and shootings (n=2). Although tribal members claim that violence occurred in the tribal community, many of the officers failed to provide details about these events within the tribal community.

Domestic Violence

The police officers identified domestic violence as the most frequently committed violence act within the reservation. An officer suggested, "oh yeah. There's a lot... but it's not as bad as it is out on them reservations out west... But yes, it is pretty bad" (Police Officer #2). The participants claimed the acts of domestic violence included physical assaults (i.e. hitting, kicking, and shoving), sexual and emotional abuse. Additionally, the officers thought that domestic violence was triggered by alcohol and financial hardship.

Given the violent nature of many domestic cases, the police department takes extra precaution when dealing with these incidents. As Police Officer #22 reported "when we deal with a domestic violence situation, we all go in there, four man, three man, five man strong or whatever." These precautions are for good reason as one individual revealed, "there's been domestic violence murders that have occurred here" (Tribal Courthouse official #1). Two participants admitted that domestic violence cases resulted in the victim's death. During the time of the interviews, tribal police officers wore purple ribbons on their uniforms to support domestic violence awareness month. Several police officers acknowledged the tribal community implemented programs for domestic violence victims as well as awareness campaigns to address the issue. A group of participants also suggested that domestic violence extends beyond females to include male victims.

Three individuals said that tribal females were the aggressors in many domestic

violence cases in the tribal community. An individual noted "you have [Native] women

that will fight back" (Tribal Judicial Personnel #1). At least two participants provided a

discussion on domestic violence in their community.

> Tribal Judicial Personnel #2: There's probably more men filing DV against
> women...

> Tribal Judicial Personnel #1: You know who started that? My son. There was
> hardly no man... because they felt like they would be tagged as wusses. But my
> son got all his front teeth knocked out by his baby's momma, with a baseball
> bat...And she [the perpetrator] runs and tries to do charges. Well, the investigator
> comes to me and says, "I can't find [Ned], where's he at?" I said, "I don't know."
> And they said, "Well, she's in there doing charges." I said, "She's in there doing
> charges? Why?" And he said, "She says that she's been beat up." And I said,
> "Well, does she have any marks?" And he was like, "No." And I said, "Go to their
> apartment... and find him." He found [Ned] lying there bleeding out. So [Ned]
> was the first one, I said, "[Ned], you're gonna do this." And he just looked at me,
> and from that time on, even the judges will tell you that. My son was the first real
> guy that stepped forward and wasn't ashamed to come to court and say, "She
> done this to me."

This narrative is of interest for several reasons. Historically, on this reservation, few

tribal men have been willing to press domestic violence charges against a female in the

tribal community due to gender stereotypes. This hesitation is consistent with previous

research suggesting that male domestic violence victims are reluctant to notify authorities

about their victimization (Felson and Paré 2005; Belknap 2001; Dobash and Dobash

1998). Due to masculine cultural influences, male victims may feel they are not "less of

a man" or "less masculine" if they came forward about their victimization (Felson and

Paré 2005; Dobash and Dobash 1998). For American Indian males, they have a tendency

to embrace masculine cultural values (Brown 1997), which may serve as a barrier in

reporting the offense. Although reservation communities are physically and socially

isolated from dominant society, masculinity cultural values and traits are present for

many American Indians living in these areas. As a result, American Indian male victims are reluctant to hold their perpetrator responsible for the crime. Only recently, has male domestic violence victims began to come forward about their victimization. Irrespective of these challenges, domestic violence continues to remain a problem within the community. Unfortunately, these crimes are relatively unreported to the tribal police department because they often occur within intimate relationship and the victim is reluctant to come forward about their victimization. Aside from domestic violence, the police officers also suggested that the tribal community experiences assaults.

While the participants believed that domestic violence occurred frequently on the reservation, they failed to provide a meaningful in-depth discussion about the nature of these crimes. In fact, some tribal officers briefly mentioned domestic violence and switched the conversation to another topic. Research suggests that police embrace hegemonic masculinity attitudes (Martin 1989; McNamara 1999), which may impact police perceptions about violence against women. Fielding (1994) notes that the police hold misogynistic attitudes (Fielding 1994), which may explain their hesitance in discussing domestic violence within these conversations. Another explanation for the lack of discourse on this subject may rests on the gender of the assailant. It could be argued that the tribal police do not see domestic violence as a crime when the victim is a male, this too is consistent in previous research (Mitchell et al. 1999; Gilmartin-Zena 1988). Aside from domestic violence, the tribal police officers thought that assaults also occurred frequently within the reservation community.

Assaults

Almost half of the tribal police officers mentioned assaults in the discussions (n=11). At least four of these officers believed that these acts were fueled by alcohol. Two of these officers thought these assaults were more violent on the reservation than outside non-tribal communities. At least one participant acknowledged that assault victims require medical attention due to their injuries. In another conversation, an officer thought that assaults were facilitated by alcohol.

> It's a high level of assault- with or without a weapon. But here's the kicker though: if we're cousins or we Indian people, we can get in a fight, I can cut you, you can cut me, we're mad at each other for that ten or fifteen hours until we sober up. God dang, we cut each other? But we'll be right back at it the very next night, we'll be drinking side by side, "Oh I got you good." "I got you good." And then sometimes you don't have that, but a great majority of the time that's how it works out. So victims refuse to cooperate because they believe in that "I'll get him back" or "naw, we were just drunk. (Police Officer #22)

The above narrative is consistent with past research on the correlation between alcohol and assaults (Livingston 2008; Gruenewald, Freisthler, Remer, LaScala, and Treno 2005; Brecklin 2002). Given that American Indians experience high rates of alcoholism (Duran, Oetzel, Lucero, Jiang, Novins, Manson, and Beals, 2005; Beauvais 1998; May 1986), it is not surprising that assaults occur frequently on the reservation. Scholars argue that the high rate of alcoholism is contributed to the legacy of cultural oppression and historical trauma that is experienced among American Indians (Brave Heart and Debruyn 1998). That is, American Indians indulge in alcohol to settle unresolved grief from the social ills of colonialism (Quintero 2001; Brave Heart and Debruyn 1998). With that being said, it is not surprising that the tribal police officer revealed that assaults on this reservation are part of the tribal norm. All too often, the victim is reluctant to report the event to the tribal police department. As a consequence, the police department is

unaware about the true extent of these crimes. The police officers also shared their thoughts about the causes of crime in the reservation community.

CRIME CAUSATION

Several police officers offered their thoughts on the causes of crime in their tribal community. The participants identified substance abuse (n=17), poor parenting (n=6), and mental health (n=1) problems as main contributors to crime on the reservation. The social problems that were mentioned within these discussions are correlated with the historical legacy of colonialism. As previously mentioned, a majority of tribal police officers thought illegal drugs and alcohol facilitated criminal activity on the reservation. In addition to substance abuse, several of the police officers thought that poor parenting contributed to crime and violence in their community (n=7). For many participants, poor home environment is conducive to socializing Native youth to non-conforming norms and expectation, and as a result, these individuals engage in criminality and deviance. The police narratives on the nexus between broken homes and crime supports criminological research that suggests that negative family and home environment may impact an adolescent's propensity to commit crime or abuse illegal drugs (Gibson 1969; Wells and Rankin 1986; Petrosino, Derzon, and Lavenberg, 2005; Boutwell and Beaver 2010; Theobald, Farrington, and Piquero 2013). However, research also suggests that Indian boarding schools greatly impacted the dynamics of many Native families for generations (Smith 2005). It could be argued that Native families in this tribal community are still negatively affected from the social ills of colonialism. Another police officer thought that there is a persistent pattern of behavior within Native families

that are related to future crime behavior. In fact, one of the tribal officers conveyed his

thoughts about the historical trauma that was experienced in these institutions.

> We are a very violent people. And I don't know if that's because of the historical
> trauma, what we've endured... that's why the Indian Welfare Act, I saw that on
> Dr. Phil...drove me crazy. They were talking about Indians being placed in Indian
> homes because it's so important...but what they seem to forget back in the day is,
> when we were trying to be Christianized, or to be whitenized, our children were
> taken. Were forcibly taken from families and homes and put in boarding schools
> where they experienced severe sexual abuse, severe physical abuse, starvation,
> mutilation, you name it. That's what happened to these kids. And as they aged
> out, some of these kids went on and didn't return back to the reservation, but a lot
> of them did. So they brought that with them with the trauma they experienced,
> plus the trauma that their parents experienced, feeling helpless because they
> couldn't protect their children. That's your divine right as a parent, is to protect
> your children. They couldn't do neither. So you have this angry, and it just kind of
> evolves. And you can kind of see it in abuse. They were abused, they were
> neglected, their parents were alcoholics, they were sexually molested... (Police
> Officer #22)

The above narrative supports prior research that suggests that Indian boarding schools are

responsible for anti-social behaviors and mental health problems among American

Indians (Henderson, Kunitz, Gabriel, McCright, and Levy 1998). Indeed, the historical

trauma that was experienced among former Indian boarding students manifests through

alcoholism (Henderson et al 1998), depression (Manson, Ackerson, Dick, Wiegman,

Baron, and Fleming 1990), suicide (Dinges and Duong-Tran 1992) and domestic and

family violence (Smith 2005). For this participant, the horrors of Indian boarding

continue to impact the members of his community. Realizing the historical legacy of

colonialism, the researcher inquired whether contemporary sources of colonialism impact

the behaviors of people within this reservation community.

The researcher asked the police officers whether outside influences (mainstream

culture and the media) impacted crime on the reservation. Scholars argue that the media

does have an impact on human behavior and their tendency to engage in transgressions

(Kidd-Hewitt 1995; Dotter 2002; Kort-Butler 2012). Given the magnitude of social media followers and the internet, it could be possible that tribal members adopt outside cultural traits rather than their native cultural values. That is, tribal members could be exposed to media depictions of pro-deviance traits and attitudes that may impact their behavior. In the current research, an overwhelming majority of the participants thought that outside influences was not a factor in crimes occurring on the reservation (n=18). However, some participants felt that outside influences were present in the reservation.

A small group of police officers believed that outside influences were responsible for deviant and criminal behaviors occurring on the reservation (n=5). The narratives offered from these tribal officers suggested that "outsiders" and their culture have seeped into the reservation community. These police officers thought that elements of urban culture were being embraced by some tribal members. For these individuals, they were disheartened that tribal members were accepting outside influences. One tribal officer suggested that American Indians were losing their cultural identity as many of them accepted outside cultural values rather than embrace Native ancestral traits. Some of these officers felt that the Native youth try to mimic culture styles of outside groups.

> We have a, like everywhere else, we have that certain element that wants to be gangsters running around with their red bandanas and things like that, so I'm sure that probably comes from TV and music. (Police Officer #21)

This narrative suggests that the Native youth adopt cultural norms that are conveyed through the media. Ironically, in midst of data collection, the tribal police department initiated a task force to provide security to the Indian gaming casino for the upcoming concert of an American rapper.

A well-known American rapper was performing at the Indian gaming casino during the data collection for this research project. Upon questioning the tribal officers about their perceptions about the upcoming concert, they revealed several interesting thoughts. First, some of the participants revealed their disappointment in tribal members adopting elements of urban culture that is connected to rap music. Symbolically, the rapper represented the antithesis of the tribal culture for some of the participants. Indeed, it could be argued that the rapper represented a contemporary form of colonialism as he promoted urban culture and glamorized organized crime lifestyles. Indeed, there has been considerable research on examining the nexus between rap music and social identity (Bennett 1999; Kubrin 2005). The tribal officers demonized urban culture in their discussion about outside influences. A participant remarked that the presence of a rap music artist in the tribal community will cause tribal member to "wanting to dress like black people. Walk around showing the crack of their ass, that type of stuff… well, when they have the rappers come in, all the kids show up, wanna be rappers." (Police Officer #9). As this narrative suggests, tribal members adopted clothing styles that is associated with urban culture and rap music. Although not as critical in the last statement, other tribal officers shared their thoughts on elements of urban culture emerging in the tribal community.

> They see so much stuff on the TV, I mean, the saggy pants and the long hair… [the rapper] He's a rapper, you know. And just that type of concert will bring that type of people. Pants down to their…There's a bunch that does that, that was what I was getting at. You know, they see all this on TV, you know, Hollywood, and everywhere, in the cities and they got their hat crooked and they got big old long baseball looking jersey and pants down to their knees and some kind of big fancy looking tennis shoes. I mean, they see that, so that's the way they wanna dress. (Police Officer #1)

Once again, this narrative suggests that the rapper and media influence the behaviors and appearance of tribal members in this tribal community. Simply put, outside cultural influences symbolize an intrusion of outside groups into the reservation. While these participants were critical about the rapper and unban culture, one tribal officer offered an explanation for these negative views toward "outsiders" and their culture.

During a conversation with a tribal officer, he revealed that American Indians distrust all groups within society. He stated:

> Police Officer #15: We have, I don't know if you've heard, but we have a way high crime rate than any of the surrounding counties because all of the surrounding counties are a lot bigger than here and the populations are a lot higher...You can tell once you cross that line...the county line to the reservation. You just know it. People have different attitudes and mentalities. They're just more, I won't say aggressive, but they just have more hatred towards people for some reason. I don't know why.

> Researcher: Hatred towards who?

> Police Officer #15: Towards each other. And other races. My opinion, Native Americans are more racist than any people in America...See, they're racist against...if you're Cherokee, you're racist against...I don't know if it'd be considered racist because you're from the same race... They don't like different Indians, they don't like black people, they don't like Mexicans, they don't like white people. I don't know why. Most Indians that I know think that they're above everybody, I don't know why. It's just my experience.

This officer suggests that American Indians are ethnocentric and detest other groups. It could be argued that American Indians continue to feel threaten by "outsider" encroachment and that this "invasion" jeopardizes the legacy of their Native ancestry and culture. Another possible reason for these perceptions may rest on "historical unresolved grief." Brave Horse and Debruyn (1999:60) suggest that "historical unresolved grief, contributes to the current social pathology, originating from the loss of lives, land, and vital aspects of Native culture promulgated by the European conquest." It could be that

this deep seated hatred towards "outsiders" by some American Indians rest on the idea that there is still unresolved grief due to the legacy of colonialism. As a result, some of the tribal members and officers demonize these "outsiders." While none of the participants revealed any hatred towards outside groups, some did appear apprehensive towards other racial groups on the reservation.

Within these conversations, the tribal officers discussed the appearance of a particular racial group - Latinos. Some of the participants appeared concerned about the influx of Latinos in the community (n=6). One officer suggested that Latinos were exploiting American Indian women to obtain U.S. citizenship. Indeed, Latinos represented as a threat to tribal members as they are increasingly entering into relationships with tribal women. At least two of the participants voiced their concerns about inter-racial marriages and the legacy of tribal familial lineage. Several of the tribal officers thought that Latinos were responsible for crimes such as prostitution and drug trafficking. In three interviews the participants inquired the ethnicity of the researcher, which is Latino. Indeed, other racial/ethnic groups represent a cultural and economic threat to tribal members. Perhaps this deep seated animosity towards other groups may impact negative perceptions about the upcoming rapper concert. For some officers, outside influences contribute to deviant behaviors. The participants also offered their predictions on the future crime and violence rates.

CRIME PREDICTIONS

Following the discussion on crime and violence, the police officers were asked to predict the future rate of crime for their tribal community. Several themes emerged from

this question. First, a majority of police officers thought the crime rate on the reservation would gradually increase over time (n=17). An officer suggested "it's gonna out the roof" (Police Officer #22). The officers identified several factors that may contribute to increases in the crime rate: tourism (n=11), illegal drug use (n=5), and the economy (n=2).

Tourism

A majority of police officers believed that tourism would greatly impact the reservation's crime rate. Police Officer #28 suggested:

> If we continue to develop and commercialize, [crime is] gonna go up. That's just a given, it's doesn't have anything to do with being an Indian reservation. Just like I said earlier; anytime there's more people, there's gonna be more crime.

Indeed, the tribal government has steadily improved the community's infrastructure by repaving roads and rebuilding bridges as well as constructing new buildings to attract more tourists. Moreover, the tribal government approved the construction of a nearly $100 million adventure park which is expected to draw families to the reservation. The adventure park will include a hotel, restaurants, retail shops, and a water park. In addition, the Indian gaming casino underwent remodeling and now includes a hotel with over 1,000 rooms (making it largest in the state), a several thousand seat concert venue, and popular restaurant chains. The casino itself boasts hundreds of video slot machines and live card tables. The combination of gambling and Native heritage sites makes the reservation community a major tourist destination. With these expansions, many police officers thought the reservation's crime rate will increase over time as millions of

individuals will visit the tribal community to enjoy the recreational activities. One

participant believed the casino will be a major source for criminality and victimization.

> And of course now, our casino always seems to keep growing, which, that's a
> good thing. We just recently got approved and implemented the live dealers in our
> casino, so again, that's gonna bring a bigger group of people, different group of
> people. Because at one point people didn't like coming to our casino because we
> strictly had video gaming, now it's live so it's bringing a whole 'nother group of
> people and not only that, as far as marketing within the casino, they are bringing
> people to our casino to conduct their tournaments, you know, that, I'm saying
> there's people coming from all over. (Police Officer #4)

For this participant, the introduction of live dealers to the casino will cause a "different

group of people" to the reservation community which may impact the crime rate. Once

again, the narrative suggests that outsiders are responsible for crime and problems

occurring on the reservation. Interestingly, the casino serves as a double-edged sword, on

one hand the casino offers a source of income for tribal members; however, on the other,

it also brings in "outsiders" with their problems and propensity to commit crimes. The

police officers fear that the recent expansions to the casino will only draw more criminal

activity to the area. Although the majority of tribal officers believed that the Indian

gaming casino would significantly impact future rates of crime, the criminological

research remains inconclusive about correlation between gaming casinos and crime rates

(Hakim and Buck 1989; Chang 1996; Stitt, Nichols, and Giacopassi 2003). However,

research does suggest that areas with higher levels of population density are more likely

to experience high rates of crime (Shichor, Decker, and O'Brien 1979; Browning, Byron,

Calder, Krivo, Kwan, Lee, and Peterson 2010). Simply put, the officers believed that

more people visiting the reservation community would increase the rate of crime.

The reservation community is in short driving distance of a major national park

and several major U.S. cities. As a result, the community experiences a heightened level

of tourism during the summer months. Over three million people visit the reservation annually. Unfortunately, some of these individuals also bring "their problems" to the tribal community such as alcoholism, gambling, substance abuse problems just to name a few. Unfortunately, these problems also contribute to crime. Taken together, the officers believed that there is a nexus between tourism and crime. More importantly, the majority of officers suggested that the crime rates will increase as the reservation community becomes more commercialized and heterogeneous. Although the tribal officers offered their perceptions about crime, they also provided a discussion on achieving justice within their reservation community.

TRIBAL JUSTICE

The next line of questions explored the officer's perceptions about the tribal court system. To initiate a conversation focusing on tribal justice, the researcher asked the officers to describe their tribal court system. A group of officers described their community's court system as "unique" because it incorporated both Anglo and American Indian philosophies of justice (n=8). Many participants acknowledged that the tribal court system is improving in order to address crime and victimization. With this in mind, the participants were asked whether they thought the tribal court system was functional or dysfunctional. Interestingly, the responses from the police officers were nearly split: 12 police officers thought the court system was functional, 11 believed it was dysfunctional, and 3 suggested that it was both functional and dysfunctional. It is worth mentioning that the majority of non-enrolled police officers described the tribal court system as functional (n=4). The following provides a thematic analysis about the police officer's perceptions about the state of justice within their tribal community.

Functional Efficacy of the Tribal Court

While half of the police officers suggested the tribal court system was functional,

they struggled to articulate their reasoning for this decision. One officer simply

responded, "Well, I think it's functional. If it was dysfunctional we wouldn't have

anybody in jail. (laughs) I mean, that's the way I look at it" (Police Officer #3). Another

officer reasoned that the court was effective because of the high level of incarceration

sentences.

> [I] think that it works. I've seen more people be put in jail and stay in jail. I
> mean you... have your...everywhere you go you still have your occasional people
> who come back through the system. (Police Officer #20)

From this narrative, the officer believed that the tribal court system was fulfilling its duty

by incarcerating offenders. Several police officers thought the tribal court was

progressive than mainstream courts in addressing crime and victimization (n=4). An

officer observed, "they're doing things that other, some other Indian reservation tribal

courts are not doing, and I think that they're progressive in some ways" (Police Officer

#28). Similarly, another participant felt the tribal court offered offenders a "second

chance" which does not occur often in mainstream court systems. For this tribal officer,

the tribal court relied on other methods of punishment rather than incarceration.

An innovative feature of the reservation's tribal court is its ability to have

jurisdiction over non-enrolled members, which is uncommon for many tribal court

systems in Indian Country. Through a legal procedure called the St. Cloud Test, non-

enrolled tribal members have an opportunity to submit themselves to tribal jurisdiction,

but only for misdemeanor offenses. A participant explained the process.

> [The Tribal Court does] take non-enrolled members. They have the right to, we do
> what we call a "Saint Cloud Test" and that's one thing magistrates are responsible

for is that we have to read the questions to them and they have to answer yes or no to the questions. If we have determined that they're non-enrolled then at that point then they have the right to say whether or not they want to come to our court or go through a state court or a different court. (Tribal Judicial Personnel #3)

While this is an innovative feature, others admit that the tribal court system has the ability to improve.

At least two police officers claimed that the tribal court can be improved to effectively address crime and victimization within the community. One participant said, "it works… Yeah, it works. I mean, anywhere you go has got its own hiccups, I mean… It could come out to do better" (Police Officer #26). Similarly, another officer maintained, "our court system does the best that they can. I mean, I myself wouldn't have too much faith in our court system" (Police Officer #4). These officers raised some concerns about the tribal court system; however, they failed to explain the shortcomings of the court. The weaknesses and problems of the tribal court were discussed among participants who described the court system as being dysfunctional.

Eleven police officers thought that the tribal court system was dysfunctional. The basis of these beliefs rested on three primary themes: ineffective tribal judges (n=10), political influence (n=5), and federal restrictions (n=5). The failure of the tribal court system in addressing crime and victimization brought shame for one of the officers.

If I can prosecute outside of it, I will every single time…It's a failure. And I hate to say that about my own court system, it's in my jurisdiction, it should be a pride thing. I should be able to say, "it's the best, I would go there, I would prosecute somebody there," I would be in there and say if it works, but it doesn't. It doesn't. (Police Officer #22)

This statement captures the frustration that many tribal officers felt about the court system. Although the court system represents tribal sovereignty, its inability to effectively address crime within the reservation was seen as a failure. In fact, the

ineffectiveness of the tribal court had some participants referring it as a "joke" (n=4).

Several police officers provided vignettes that explained their rationale for this

characterization.

> Honest, it's a joke. It's like a... I don't know...well, you just have to go to court and you'll see what I mean. Court's supposed to start at 9:30, judge comes in at 11, ask you how you feel about being there, if you committed the crime, and... I saw a guy come in there one time. I'll give you an example. He didn't show up for court, so they issued a warrant for him. He comes into court and is sitting in there, they had to get a warrant for him, he posted bond, got out, came to court. Well, when they got to court the judge said, "Well, we're gonna continue it one more time." And he looked and he got up and he says, "This ain't nothing but a kangaroo court." And turns around and walks out. (Police Officer #10)

> Everybody knows how the court system is. They call it, you know, a circus court. Because you go there and it's just...it's a circus. You go there and it's a joke. Everybody looks at it as a joke. Even the people that are going there. Rarely do you see them nervous or, you know, they just don't have no respect for the court system. They don't have any respect for the judge or anything because they know they're going home that evening...Even the repeat offenders, you know, they know. They know what to say and how to get out. (Police Officer #15)

The above narratives illustrate the leniency of the tribal court system, which they felt did

not deter tribal member from committing crimes on the reservation. The statements

revealed that tribal offenders have a nonchalant attitude about being tried in tribal court

system. The participants revealed that tribal offenders anticipate a lenient sentence as the

tribal court usually relies on probation, fines, and/or rehabilitation and offenders are

usually allowed to return to their homes. The officers expressed that this persistent

pattern of justice administered by the tribal court does little to address crime within their

community and does little to deter individuals from committing crimes on the

reservation. The participants thought the tribal court system is plagued with many

shortcomings. Several officers suggested that the faults of the tribal court rest with the

tribal judges.

Tribal Court Judges

The perceived ineptness of the tribal judges emerged as a theme among the police

officers (n=11). The participants characterized the tribal judges as being "liberal," "too

lenient," "too emotional," and "scared." An officer claimed "I think some of them need

to be more stricter than what they are" (Police Officer #6). During a conversation, Police

Officer #6 maintained that the judges afforded offenders too many "breaks" which

proved to be ineffective in deterring them from committing future offenses. As a

consequence of these lenient sentences, offenders repeatedly confront the tribal criminal

justice system. For this police officer, the tribal judges contribute to the proverbial

"revolving door" with respects to repeat offenders. In these discussions, the participants

thought the judges just "slap people on the wrist" for crimes committed on the

reservation.

> Well, they're too lenient and I think that they, a lot of times, get too emotional
> and wrapped up with too many people of not wanting to be mean to them or send
> them to jail because they're afraid of the... what people in the community are
> going to think about sending someone to jail or... There's a lot of times that
> they'll be there during a trial and the judge will just stop and say, "I don't think it
> happened this way. I'm going to let him go." Or just, you know, just "don't do
> this no more." And slap them on the wrist for the fifth time. (Police Officer #15)

The descriptive narrative illustrated the frustration about the perceived leniency of the

tribal judges in rendering punishments. Another participant felt that public opinion

largely influences court decisions (Police Officer #13). That is, the judges do not want to

experience negative tribal opinion and choose to rely on lenient sentences for tribal

members. Likewise, another tribal officer voiced his frustration that the judges would

sometimes arbitrarily dismiss cases or change the facts of a case which results in an

acquittal or lenient sentence for the offender (Police Officer #15). Similarly, a police

officer suggested that the tribal court system is inconsistent as the tribal judges "make

rules up as they go." Indeed, the inconsistency of the court could potentially impede the tribe's ability to administer justice. These reflections are consistent with the general consensus that the police have negative views on courtroom judges (Goldstein 1968). During this portion of the discussions, a couple of police officers appeared to be irritated towards one judge.

At least four participants centered their criticism of the tribal court system on one of the judges.

> One's weak... He's not from here. He's a ... guy outta [nearby city]. They hired his daddy and his daddy got him the job here. Now his daddy's retired and we're stuck with him. And we need somebody with a set of balls, and he don't have them. (Police Officer #9)

This narrative centered on both nepotism and outside status in judicial appointments. Another interesting point about this statement is the negative connotation of being an "outsider." Indeed, the tribal judge was not an enrolled member, and some of the tribal police officers question his integrity and self-interests. For example, a participant believed the judge was more concerned about receiving a pay check rather than the impact of his decisions on the tribal community. The source of these negative attitudes about the tribal judge may rest on his Caucasian status. Perhaps being tried before a Caucasian in a tribal court invokes feelings of colonial domination and oppression for some of these participants. That is, the "white man" continues to dictate their lives even under their auspices of their own court system. Another factor that contributes to the ineffectiveness of the tribal court system is political influence.

Political Influence

Another theme that emerged in these discussions was the impact of political

influence on the tribal court. At least five police officers thought that political influence

jeopardizes the integrity of the tribal court. For these individuals, tribal leaders often

interfere with the workings of the tribal court system to secure their position within the

tribal government.

> Police Officer #9: [It is] tribal politics. If you get old so-and-so's buddy, "oh hell, we'll make a phone call, we'll get it took care of." It gets took care of. I've saw a boy get a DUI and get it PJC'd – prior for judgment continuance- and turn right around and get another DUI and that one gets prior for judgment continuance. Nothing happens... Nothing. Fuck, you gotta be kidding me...It's politics, man. As soon as it goes tribal, the chief's over the judge; he hires and fires, so they're gonna do what he wants.
>
> Researcher: There's a lot of politics involved?
>
> Police Officer #9: Yeah. "If you want me to vote for you, help my boy out here." "Alright, we'll get him probation."

Tribal government leaders influence tribal court judges to dismiss cases, reduce charges,

or render lenient sentences for their constituents. According to this participant, tribal

leaders wield considerable power as they have the ability to dismiss people working

within the tribal government. In a non-recorded interview, a participant revealed that

tribal employees have been demoted because they disagreed with these tribal leaders.

Political influence extends among tribal leaders.

> The biggest thing is take the politics out of the court, where the chief of the tribe has no influence over the courts, council has no influence over the court, now they always say, "Well, we don't have no influence." But they do. There's been numerous times that officers, including me, has wrote either a council member's son or somebody tickets, they never even... it never even gets to court. So, I mean, we know it happens, we can't never prove it...just because who they are don't make them no better than nobody else. (Police Officer #13)

Within this narrative, the participant believed that the major problem confronting the tribal court is political influence that leads to corruption of the tribal justice system. The tribal officer suggested that traffic violation tickets are not upheld in tribal court because of tribal politics. A couple of the tribal officers also revealed how court proceedings are delayed months at a time due to political influences. Participants also recounted the impact of politics on the functions of the tribal police department.

A tribal officer thought that the tribal government distorted police department information to suit their political needs. That is, tribal leaders fabricate and circulate falsehoods about a particular crime or event for political purposes. Another police officer recounted that tribal leaders would make suggestions to him on how to charge tribal members for their crimes. Indeed, tribal leaders try to exert their influence on the tribal police department. In fact, due to political influence the tribal police department had to change some of their policies. For example, the tribal police department initiated a policy of banishment, which forces individuals off the reservation for engaging in destructive behaviors. Although the police department used banishment on enrolled tribal members for their destructive behaviors, the tribal government ended the policy due to political objectives. For tribal government leaders, the banishment of tribal members equates to the loss of votes in future tribal elections.

Perhaps the influence of politics was most tangible in the recent tribal elections. In another non-recorded interview, two individuals reported that one of the candidates provided tribal members with gifts such as washers and dryers and offered to pave driveways to secure votes. Given the close-knit nature of this tribal community, it is not surprising that political power is influential in the disposition of tribal offenders. Indeed,

tribal leaders have monopolized the tribal justice system to maintain their political power within the reservation community. That is, tribal leaders circumvent tribal and state law to sustain their political power. Without a doubt, political influence interferes with the tribal court system, but federal restrictions also impede its ability to address crime and victimization.

Federal Restrictions

A small group of participants thought that federal restrictions obstructed the tribal court's ability to prosecute offenders for crimes committed on the reservation (n=5). As previously mentioned, tribal courts are restricted to trying misdemeanor offenses and tribal judges possess limited sentencing powers. Moreover, the race of the perpetrator also dictates which jurisdiction assumes control of the crime.

> If the incident happened here (on the reservation), if it's a non-Indian involved, if an Indian's involved, it has to go federal. Because an Indian can't charge a non-enrolled member in our court system, they can't charge them in the state, so it has to go federal. And then as far as state, as long as it's non-Indian, non-Indian, we can charge them in state all day long. Now if its' Indian Indian, we can do tribal court all day long. That's the only problem we have is when it's a non-Indian Indian match up thing. And if the non-Indian is the aggressor in this matter, it has to go to federal court. (Police Officer #6)

The above narrative explains the levels of government that have jurisdiction in Indian Country. Within this statement, the tribal officer revealed that jurisdiction relies on race of the victim and offender. Indeed, it is a complex web of various jurisdictions that continue to puzzle many within the tribal community. While a majority of tribal courts do not have jurisdiction over non-American Indians for misdemeanor offenses, this tribal community has that power. As mentioned earlier, the tribal court has jurisdictional power over non-American Indians through the St. Cloud Test. While this appeared to be

an innovative trait of the tribal court, a group of tribal police officers admitted the

practice draws offenders to the reservation because the tribal court system is limited with

respect to sentencing. Under the Indian Civil Rights Act of 1968, tribal courts were

restricted from imprisoning an individual for no more than a year and a fine of $5,000

(Pevar 2004). However, the recent Tribal Law and Order Act of 2010 increased these

penalties to three years imprisonment and $15,000 fines. The recent modifications still

limit their sentencing options in comparison to mainstream courts. In fact, the

restrictions of the tribal court are another reminder that American Indians continue to

suffer from colonial domination. While the tribal court is seen as an avenue to enhance

tribal sovereignty (Washburn 1971; Lester 1991), the federal government has severely

restricted the powers of the court system (Pevar 2006). Unfortunately, non-American

Indians take advantage of the limited powers of the tribal court.

A small group of police officers believed that non-enrolled tribal members realize

the limited powers of the tribal court and view the reservation as an opportunity to

engage in criminal activities (n=4). That is, non-enrolled individuals exploit the

weaknesses of the tribal court. An officer remarked that "non-enrolled people, if they get

caught on the reservation, they can submit to tribal jurisdiction, which they'd be a fool

not to. Because nothing happens" (Police Officer #9). Although President Obama

authorized the New Tribal Law and Order Act of 2010, the tribal court system has yet to

take advantage of the new sentencing powers. That is to say, offenders confronting the

tribal court system can be incarcerated up to a year in prison or a $5,000 fine. Another

police officer provided another incentive to commit crimes on the reservation.

> We have a misdemeanor court which means no felonies can go there, however
> what you construe as a felony in regular country, in non-native country it would

actually dwindle down to a misdemeanor here. So when they ask, "do you want to be under our jurisdiction" if it's somebody that's not enrolled or not a descendant, then it's good for them to say, "yeah I submit." Because basically that felony for possession of that meth that you have in your pocket won't be a felony on you, it goes to misdemeanor court, which our tribal court is. (Police Officer #9)

For some tribal officers, they perceived that the biggest problem for this court system is that felony crimes are reduced to misdemeanor offenses in the tribal court. The participants realize that drug traffickers realize the limited powers of the tribal court system and continue to distribute illegal drugs on the reservation. For some these individuals, they would rather be caught on tribal land than local or state jurisdiction because the penalties for trafficking narcotics are much lower in the tribal court system. Ultimately, the disjunction between tribal and federal law allows drug traffickers and serious offenders to evade justice by accepting tribal jurisdiction where the penalties are less severe. While the St. Cloud Test appears to enhance the sovereignty of the tribe by allowing their court to have jurisdiction over non-enrolled members, it is creating a safe haven for offenders to engage in criminal activities without fearing any real repercussions for their actions. Another problem with the administration justice in Indian Country is the federal government's refusal to prosecute serious crimes that occur on the reservation.

Two police officers suggested that the failure to achieve justice rests with federal prosecutors. Recall that serious tribal crimes (i.e. murder, rape, and aggravated assaults) are prosecuted by federal prosecutors in U.S. District Courts (with the exception of both parties being non-Indian which are tried in state court). Unfortunately, federal prosecutors do not always try these crimes in the federal system. The police officers believed that the refusal to try these crimes in court stem from racist beliefs.

In general, whenever an Indian gets... Two Indians shoot and kill each other, or let's say, two brothers or family members or... it doesn't even have to be family

> members...But if you've got two enrolled members that got into a fight and one of killed the other one, you know, it's like the government don't look at that as being... I don't know what I'm trying to say here, but there was a term that people use around here and that would go like something like, "It's just an Indian killed another Indian, it's not like the federal government's gonna worry about that." And that's been pretty much true. I guess what I'm trying to say is that the government don't look at it like as it being a major issue for them, you know? The way Indians have been treated in the past...Historically. But, now if that Indian was to go and kill a white person, then they're gonna nail...the government's gonna nail that Indian person. I don't know what you could call that, but that's just an example I'm using, you know? (Police Officer #2)

The above narrative is consistent with previous research on the lack of federal prosecution for serious crimes taking place in Indian Country (Riley 2007a, 2007b; Eid and Doyle 2011). It also supports criminological research on the over-prosecution of American Indians involved in serious crimes, especially if the victim was white (Baker 2007). For many of these participants, they felt frustrated that serious reservation crimes are not treated with the same urgency as those occurring outside of Indian Country. In fact, one of the tribal officers suggested that the federal government has adopted a casual attitude about prosecuting serious crimes involving American Indians in the federal court system. Another officer recounted his experience with a child abuse case.

> Police Officer #22: I used to be a detective...We had a man that could have been sentenced to seventy-five years and he was allowed to plea to three [in federal court]. To me, you know, and that was an Indian victim and a non-Indian perpetrator. To me, that's not okay. If I would have prosecuted that man in state court... he woulda got the full blown seventy-five years, and would not have got to plead. There was forensic evidence, he confessed.
>
> Researcher: But he went through the tribal court?
>
> Police Officer #22: He went through federal court...Mm hmm. And the US DA allowed him to plead to three years when he shoulda went for seventy-five. You see what I'm saying?

The above narrative illustrates the lack of justice that is achieved from American Indians when their cases are heard in federal courts. Although evidence suggests that the offender

committed the crime, the federal court still rendered a lenient sentence for a serious offense. This police officer appeared frustrated that non-American Indians evaded punishment for abusing an enrolled member of the tribe. In addition, he revealed that the federal prosecutor is selective about cases to try in federal court in that he only takes "slam dunk" cases that will result in a conviction. For many American Indian victims, justice remains elusive, but for American Indian offenders who receive harsh treatment under the auspices of the federal court system

The ill treatment of American Indians in the federal court system was revealed by non-tribal police officers. In fact, two participants provided a discussion about American Indians who have been tried in the federal court system. They revealed a federal court system that infringes on the rights of American Indians. One of them suggested "when I was growing up they treated Indian bad in courts. Bad." (Tribal Judicial Personnel #1), but he maintained that the federal courts are still racist towards American Indians. According to the participant, people in the neighboring communities are resentful towards American Indians, because of the money that is generated by the Indian gaming casino and other entitlements that are given to them. These negative feelings towards American Indians impact their fate within the federal court system. Due to the inception of Indian gaming casinos, "outsiders" have the perception that American Indians are "rich Indians" meaning that they are wealthy from the income that is generated at these facilities (Churchill 2004; Lujan 2006). Unfortunately, this negative stereotype contributes to feelings of resentment towards American Indians which may be an influential factor in their disposition in the federal court system, especially for criminal trials with juries. For many tribal officers, the federal court system does not afford

American Indians equal rights. The combination of a restricted tribal court system and an ineffective federal prosecutor, the participants suggested that many tribal members are frustrated by the lack of justice in their community.

Frustration with Tribal Justice

A group of police officers revealed that tribal community members were frustrated and discouraged about the lack of justice for enrolled tribal members (n=7). As police officers, they often hear complaints about the ineffectiveness of the tribal and federal court systems. An officer noted that "I've heard a few people say stuff, wanting to know why it's not done, and then you have to sit down and explain to them" (Police Officer # 18). Another officer said, "Yeah, you hear it in the community… we hear the frustration…mothers and grandparents seeing sons and daughters, grandchildren who are repeatedly going through there and they're not doing nothing to them" (Police Officer #9). At community-police meetings, the officers are frequently asked about the lack of justice in their community. Criticism of the tribal criminal justice system also extends to the police department.

Some of the officers revealed that the tribal police department receives criticism about the lack of justice within the community (n=4). Police Officer #18 stated "they blame the PD for them not doing anything, and it's not the PD." Tribal police officers represent the tribal criminal justice system. Although they are responsible for enforcing the law and arresting perpetrators, they receive criticism over the failures of both the tribal and federal criminal justice system in addressing crime and victimization within

their community. Upon being asked about whether the criticisms impacted his job, one

officer replied:

> It did at first. But now, I mean, that's...I do my job and I charge them and I do all
> my case files and do as much as I can. So I know I did my job. It is frustrating
> because it's a waste of my time a lot of the time. But as long as I can get them off
> the street for that night for whatever they're doing I know I've done my job. So
> I'm not frustrated with them. (Police Officer #15)

This police officer felt that he performs his policing duties to the best of his ability.

Although the tribal court system is ineffective in reducing crime, he maintained that his

tasked is to ensure the safety of the people in the community. This perception of the lack

of justice within the tribal community has led tribal members to informally resolve

conflicts.

INFORMAL RESOLUTIONS

The lack of faith in both the tribal and federal court systems has led to informal

conflict resolutions, which sometimes result in bodily harm or the loss of property. Only

three police officers reported that tribal members engage in vigilante justice to avenge the

actions of a perpetrator. A police officer remarked about the use of vigilante justice in

his community;

> Police Officer #13: I think the response of the systems that are set up to assist fail
> here than they do in other areas. So, with that failure comes a response of a tidal
> wave, like the Hatfield and McCoy's sometimes. "You beat up my daughter, I'm
> gonna beat you up." So it's kind of a, it's a... you'd be amazed, you'd just be
> simply amazed... you can walk up on a DV situation between two sisters, you go
> to arrest one of the sisters, that sister turns on you for assisting her, who was
> previously the victim, but then becomes the perpetrator against law enforcement
> because you're taking her sister to jail. So, it's kind of... it's... it's a delicate
> situation and...Very more family oriented. Almost like the Hispanic race. They
> have that whole tight-knit family community thing?

Researcher: So it's common to see somebody walking around with a black and blue eye because...

Police Officer #13: Oh yeah, that's common.

For this officer, there is a strong bond within Native families which facilitates the use of informal conflict resolutions. Another police officer noted that perpetrators not tried in court for their crimes will receive an "ass whipping" which is seen as a "little paycheck" (Police Officer #9). The officers also noted that the perpetrator who received the "ass whipping" declines to file a report about his victimization. The problem of the tribal court system perpetuates the use of this type of resolution to solve disputes among tribal members. Despite discussing crime and justice problems, the participants provided their ideas and thoughts about addressing and responding to crime and violence within the reservation community.

FACTORS PERCIEVED AS HINDERING POLICE EFFECTIVENESS

The tribal officers provided recommendations to improve the tribal criminal justice system and quality of life within the reservation community based on what they perceived to be a hindrance to their effectiveness and community success. To elicit suggestions from the tribal officers, the researcher asked the question; "if money was no object, how would you improve the lives of the people in the community." The participants offered several suggestions such as providing the tribal police department with more resources (n=7), establishing more substance abuse programs (n=4), restricting entitlements to tribal members (n=4), creating family oriented programs (n= 3), restructuring the tribal court system (n=3), and improving the tribal education system (n=1). The majority of tribal officers envisioned a tribal community with more police

officers and equipment. The participants suggested that the police department is understaffed and lack the resources needed to address crime and violence. A couple of participants revealed that there could be one or two tribal officers on patrol at any time on the reservation – this police department services a population of 15,000 across over 80 square miles of tribal land. As a result, they argued for more police department resources. Interestingly, a couple of tribal officer believed that the police department has a considerable amount of policing equipment compared to the neighboring municipality police departments. In fact, these neighboring police departments often call upon the tribal police department for assistance or the use of their policing equipment. During data collection, the researcher took note of the relatively new fleet of Dodge Charger police cars, a patrol Segway, and an armored S.W.A.T team vehicle. Several participants also noted that the majority of the tribal officers are trained to use taser weaponry. Indeed, the policing equipment illustrates the militarization of tribal police department to address crime and violence. Since the "war on drugs" and even the current "war on terrorism," domestic policing in the United States have become more militarized (Andreas and Price 2001; Kraska 2007). That is to say, the police rely on military equipment, strategies, and tactics to subdue real and perceived "enemies" (Kraska and Cubellis 1997; Kraska and Kappeler 1997; Falcone, Wells, and Weisheit 2002). Despite the militarization of this tribal police department, the quality of policing equipment was lauded among the participants. As one participant pointed out:

> We have the best equipment, we have the best uniforms, we have the best patrol cars, we have the best of everything. And then, I mean, what our sheriff's department's got... some officers here have never had to work for a county office. And I mean, it's a whole different issue. (Police Officer #26)

Despite having many resources and equipment, several tribal officers thought that more resources and police personnel were needed to adequately address crime and violence. Other participants thought the tribal community should focus their energies in addressing substance abuse problems.

Given that a substantial amount of reservation crimes are drug-related, four of the tribal officers advocated for more substance abuse treatment programs. As previously mentioned, a majority of the tribal officers felt that illegal prescription drug use was largely responsible for property crimes. As a result, some of the participants suggested that substance abuse programs should be implemented to reduce the prevalence of crime in their community. Another participant revealed that the tribal school's Drug Awareness Resistance Education (D.A.R.E.) program is ineffective and does not adequately address substance abuse problems. While a couple of participants believed that the tribal government implement substance abuse programs, other tribal officers thought that there should be more family orientated programs in the community.

At least three participants felt that the tribal community did not offer enough family orientated programs or initiatives to offset the everyday mundane life of living in a rural community. Indeed, a geographically isolated community typically lacks activities that are found in large urban areas. As a result, tribal members are left to their own devices to address the monotony of living in a reservation community. Although the tribal community has an Indian gaming casino, a tribal police officer believed that it was not adequate for many tribal families. In fact, the individual advocated the implementation of culturally sensitive programs. Another participant suggested that the tribal community should establish parenting classes which may reduce delinquency and

criminal activities. Although some participants thought that family orientated programs would improve the lives of tribal members, some argued that the tribal court system needs to be restructured to meet the needs of tribal members.

Recall that nearly half of the participants believed that the tribal court system was dysfunctional and did not adequately address crime and violence within the reservation. At least two tribal officers conveyed their thoughts about restructuring the tribal court system. An officer stated that "we [tribal police department] need more help from the court. I mean...the court is our weak link" (Police Officer #1). Another tribal officer suggested that the tribal court should be "put back to CFR Court [Courts of Federal Regulations], get federal judges coming back in here, federal prosecutors" (Police Officer #9). This participant felt that CFR courts are more reliable than the current tribal court system. The Department of Interior established CFR Courts in 1883 to resolve less serious crimes and disputes among tribal members. Typically, federal judges preside over CFR courts. CFR courts were criticized on two principles: 1) the lack of American Indian judges, and 2) the court was viewed as an extension of the federal government American Indian assimilation policies. As a result, many tribal governments established their own court system to represent the traditions and cultures of their tribe. Given the pervasiveness of tribal politics, CFR courts can be seen as a remedy to diminish the influence of politics. However, critics would argue that these courts fail to represent the interests of American Indians.

SUMMARY OF FINDINGS

In sum, the tribal officers suggested that the general rate of crime in their community was comparable to the neighboring communities. However, the participants revealed the tribal community suffered from high rates of illegal prescription drug use, which they thought was responsible for crime and violence, especially property crimes. The tribal officers also discussed violent crimes that occur in their community such as domestic violence and assault. The majority of the participants felt that domestic violence was the most common type of violence to take place on the reservation. Unfortunately, many of the participants thought that the reservation's crime rate will increase due to the recent expansion of the Indian gaming casino and tribal infrastructure because it will draw more tourists to the community.

Several major themes emerged within these conversations with tribal officers. First, the majority of tribal officers believed that their reservation community's crime rate was similar to neighboring communities. Indeed, the participants believed that their reservation community was similar to the small towns in rural America. More importantly, they felt that their community's problems were also similar to mainstream communities too. While they rejected any thoughts equating their reservation community to a "war zone," the participants suggested that the analogy was reflective of other reservation communities' experiences crime and violence.

Illegal prescription drug use emerged as a major theme among the tribal officers. Given the recent national illegal drug use trend in the U.S., it is not surprising that this form of substance abuse had filtered into the tribal community. Participants believed that all age groups were abusing this drug and that tribal members frequently attended "pill

parties" where they consumed copious amounts of illegal prescription drugs. Also, tribal members obtain these drugs through drug traffickers and/or resort to property crimes to secure prescription drugs. In addition to illegal drug use, breaking and entering crimes emerged as a dominant theme among the tribal officers that they occur frequently in the community, and that these crimes were in response to individuals suffering from prescription drug addiction. The participants also appeared disheartened over the theft of Native crafts and ancestral heirlooms which are often sold to tourists to garner funds for illegal drugs. The tribal officers also acknowledged the many forms of violence that occur in their community.

Domestic violence, which is frequently triggered by alcohol and financial hardship, surfaced as the most common type of violence on the reservation. Because of the pervasiveness of domestic violence in the community, the tribal government established several programs to assist victims and educate tribal members about this type of violence. A small group of participants admitted that there is a high rate of male domestic violence victims because "[Native] women that will fight back" (Tribal Judicial Personnel #1). As a result, more male victims have recently filed domestic violence charges against female perpetrators in the tribal court system. Assaults also emerged as a common type of violence that often takes place within the community. According to the participants, these crimes are alcohol related and tend to be more violent than assaults occurring in non-tribal communities. For some participants, assaults are part of the "tribal norm," which causes reluctance among the victims to report assaults and the police department is unable to gauge the actual extent of these crimes. Although the

participants provided a discussion about the characteristics of crime and violence, they also revealed their beliefs on crime causations.

The participants were split about the functional efficacy of the tribal court system. Although half of the participants felt that the tribal court system was functional, they were unable to articulate the reasons for their decision. On the other hand, tribal officers who thought that the tribal court system was dysfunctional provided several reasons for their assessment. These individuals cited issues with the tribal judges, political influence, and federal restrictions as hindrances in achieving justice within the tribal community. In addition, the tribal officers believed that tribal members had lost faith in the tribal court system and sometimes tribal members have resorted informal conflict resolutions which often result in bodily injury.

CHAPTER VII

DISCUSSION

This study investigates the perceptions of crime and justice among tribal police officers. Similar to their mainstream counterparts, tribal police officers are on the "frontlines" when addressing crime and violence in Indian Country. They are the 'experts' with the ability to diagnose" all crime related issues (Loader 1997:3). Drawing on these concepts, the study explores the dynamics of crime and justice within a southeastern reservation community. In-depth interviews with 27 tribal police officers were conducted to answer the research question: What are the perceptions of crime and justice in Indian Country among tribal police officers? This chapter provides an analysis of the findings that is grounded within the theoretical frameworks of Loader's (1997) symbolic power of policing.

RELEVANCE OF THEORETICAL FRAMES

As Loader (1997:3) observed, the police have the "power to diagnose, classify, authorize, and represent both individuals and the world." Given their position on the reservation, tribal officers are official the "street level" experts on all crime and justice related matters within the community and have unique insight to and opinions about the dynamics of crime and justice on the reservation.

The conversations with the tribal police officers revealed a couple of overarching theoretical assumptions: colonialism and Loader's (1997) symbolic power of policing. First, colonialism remains intact for individuals living in Indian Country. That is,

American Indians continue to have the misfortune of being socially, politically, and economically oppressed. Although this study did not explicitly investigate the role of colonialism in relation to crime and justice in Indian Country, it emerged as a significant factor for those interviewed. From these discussions, the narratives revealed that colonialism continues to impact every aspect of life on the reservation from substance abuse problems to the federal restrictions placed upon the tribal court.

COLONIALISM

Scholars argue that colonialism subjects American Indians to "internalized oppression" (Freire 1968), which may explain their high rates of substance abuse, homicide, child abuse, and domestic violence (May 1987; Bachman 1992). That is, the historical legacy of colonialism in the form of historical trauma and cultural oppression contributes to "historical unresolved grief" (Brave Heart and Debruyn 1998), which explains their destructive behaviors. Indeed, tribal police officers revealed the tribal community suffered from high rates of prescription drug use and domestic violence. With respects to domestic violence, Smith (2005) suggests that the historical marginalization of American Indians in the form of economic deprivation and substance are also the leading factors that perpetuate domestic violence among Native women. With respects to the current research, tribal police officers felt that domestic violence on their reservation stem from alcohol abuse and financial hardship. Colonialism also emerged in the context of tourism and the Indian gaming casino.

Tourism

The reservation community thrives on the tourism industry. Indeed, the tribal government has made great strides to lure tourists to the reservation by improving the tribal infrastructure, expanding the Indian gaming casino, and allocating funding for the construction of a water park. While these initiatives are seen as methods to generate funding for the reservation, it also proves to be a source of contemporary colonialism. During data collection, the researcher noted that many tribal members adhere to stereotypical American Indian depictions that are propagated through the media. In some cases, tribal members manipulate and reinforce Indian stereotypes for tourism and commercialism. For instance, some tribal members would perform ceremonial dances and rituals for the tourists with the hopes of making "donations" or tips for their performance. Upon being asked about these performances, a tribal officer noted that these rituals and dances were not part of the ancestral history of the tribe.   Unbeknownst to the tourists, the performance they were observing was not part of the ancestral history or culture of the tribe. For these tourists, they believed that the event was authentic because it "looked Indian." Arguably, many Americans are ignorant about the American Indian culture. Given that American Indians are isolated – socially and geographically – from mainstream society, general knowledge about them is often derived from the media and popular culture. In several unrecorded conversations, the tribal police officers revealed that they often direct tourists to authentic Native artisan crafts shops on the reservation, because several other stores within the community sell fake crafts that are manufactured off the reservation, more specifically China. Unfortunately, many tourists are frequently "too ignorant to recognize real Indian culture when they stumble across it"

(Evans-Pritchard 1989:91). Although tourism is openly embraced within the tribal community, several of the tribal police officers felt that the future dynamics of crime on the reservation is contingent on the rate of tourism. For these participants, the rate of crime will increase over time due to the new tribal initiatives to boast the rate of tourism. Another contemporary source of colonialism that materialized in the findings centered on the Indian gaming casino and its problems.

Indian Gaming Casino

The Indian gaming casino emerged as an influential force for many people living on the reservation. During the interviews, the tribal officers revealed that the casino was a source of income for the tribal community from the bi-yearly "per cap" checks to funding the daily operations of the tribe. For some, the Indian gaming casino symbolically represents colonialism (Porter 2001; Cramer 2006). During the 1980s, the Reagan administration urged tribes to become more self-efficient, and suggested that they turn to the private sector to generate funds to address their social problems - poverty and health problems - that were occurring in Indian Country. As Oakley (2001:139) notes, "Reagan encouraged Native Americans to pull themselves up by their bootstraps, as the federal government started dismantling many Indian programs." Facing limited resources, many tribes turned to the gaming industry to generate revenue to address budget shortages. Although Indian gaming casinos are viewed as enhancing tribal sovereignty (Cornell and Kalt 1998), scholars argue that these enterprises are eroding tribal culture, customs and norms (Cramer 2006) and diminishing tribal sovereignty (Mezey 1996; Cramer 2006; Fenelon 2006). While the participants thought the Indian

gaming casino was affording several benefits to the tribal community, they did reveal

some problems associated with it. For example, the tribal officers revealed that tribal

members squander their "per cap" checks on illegal drugs and alcohol as well as on other

materialistic goods, rather than improving their standards of living within the community.

That is, tribal members rely on the stipends to fulfill their fetishes of consumerism and

materialism, which is projected through the dominant society. Additionally, the tribal

officers also believed that the casino was responsible for some crimes taking place in

their community. Through their "police voice," the tribal officers suggested that the

Indian gaming casino attracted individuals suffering from addiction or with the

propensity to commit crimes to the reservation. With the recent expansion to the casino,

the tribal officers felt that the crime rate will gradually increase over time. Another form

of intrusion also emerged within the context of the tribal court system.

Tribal Court System

The tribal court system can be seen as symbolical form of tribal sovereignty;

however, the federal restrictions placed upon the court are viewed as another form of

colonial domination. Lester (1991:133) observes the agreement between tribal

governments and the federal government:

> Since American Indians have a special legal relationship with the American
> government, the federal government can prevent state jurisdictional
> encroachments. On the other hand, the federal government can also intervene and
> undermine tribal authority.

This agreement was captured during the conversations with the tribal police officers.

They revealed that their tribal criminal justice system operates on different levels: tribal,

state, and federal. Although the federal government protects tribes and their members

from state jurisdiction, the government has the authority to dictate how tribes can operate their court system (Pevar 2006). Through a paternalistic approach, the federal government has limited the powers of the tribal courts. In fact, these courts are restricted to hear misdemeanor offense and limited sentencing powers. As a result, tribal communities are unable to adequately address crime and secure justice for American Indian victims in Indian Country. In this study, several tribal police officers reported that their tribal court was ineffective due to federal limitations. While tribal courts struggled to administer justice through these limitations, the participants also believed that the federal government also fails to address crime and victimization in Indian Country.

Federal Court System

In a broader context, the tribal officers also revealed that American Indians continue to suffer from colonial domination. The participants provided anecdotal accounts of injustice experienced by tribal members under the auspices of the federal court system. The tribal officers spoke about the failure of the federal government to investigate and prosecute serious crimes occurring on the reservation. On one hand the federal government has taken a nonchalant attitude towards assisting tribal victims, on the other, they aggressively prosecute crimes when it involves an American Indian offender. Thus, the treatment of tribal members in the federal court system illustrates the subjugation of American Indians. As Eid and Doyle (2011) note, the federal government has consistently administered a "separate but unequal" style of justice among American Indians. Unfortunately, the government's role in administering justice often infringes on Equal Protection rights of American Indians. For Eid and Doyle, the criminal justice

system systematically discriminates both American Indian victims and offenders as they are not afforded their constitutional rights. In fact, the establishment of federal jurisdiction in Indian Country was critical in the government's effort to assimilate American Indians into the Anglo culture (Eid and Doyle 2011). The under and over of prosecution of American Indians in the federal court system suggests that American Indians continue to be socially marginalized and victims of colonial domination. Colonialism continues to impact American Indians in Indian Country. The results of this research also illustrates Loader's (1997) concept of the symbolic power of policing by positioning themselves within the discourse pertaining to crime and justice.

SYMBOLIC POWER OF POLICING

The tribal officers provided in-depth discussions about the dynamics of crime and justice within their reservation community. During these conversations, the participants "legitimately named" individuals as being criminal and also demonstrated how policing on the reservation reveals "stories" about the tribal community. Loader (1997) in his attempt to "illustrate the symbolic power" of policing, asserts that the police enjoy coercive and symbolic powers, that allow them to shape ideas and perceptions about crime related issues. It is within their position, that police have the "power to diagnose, classify, authorize, and represent both individuals and the world, and to have this power of 'legitimate naming' not just taken seriously, but taken-for-granted" (Loader 1997:3). More importantly, he contends that the police serve as cultural producers who are able to produce, reinforce, and circulate societal norms and expectations. With respects to crime, the police are "experts" on all matters related to crime and justice. In conjunction with

coercive tactics, the police also rely on the "police voice," which grants the privilege to "in constructing representations of crime events" (Loader 1997:10). For Loader, the police wield considerable influential power as they are able to control the discourse on crime. The tribal officers' comments illustrated several aspects of Loader's symbolic power of policing. Indeed, the tribal police officers revealed themselves as cultural producers in their quest to address crime and violence in their community.

Cultural Producers

Drawing on the work of Turner (1974), Loader (1997) argues that the police are condensation symbols. That is, they are "cultural producers" whose position allows them to produce, reinforce, and circulate social meanings within society. In the current study, the tribal police officers manufactured and distributed their narratives about their struggle to win the "war on drugs." The participants revealed that their community was suffering from substance abuse in the form of prescription drug use. Indeed, the tribal police officers provided "war stories" about intercepting trafficked drugs, arresting illegal drug users, and reiterating the harmful effects of substance abuse. To transform the term "street-level bureaucrats" within the present study, the findings suggest that tribal police officers are "rez-level bureaucrats" with the mission to produce, reinforce, and circulate the anti-drug message to individuals living in Indian Country. For many of the participants, their conversations focused exclusively on the frequency and intensity of illegal drug use within the tribal community. Unfortunately, many of the individuals overlooked the structural or social factors that may contribute to substance abuse. In fact, some of the participants suggested that substance abuse was conducive to individual-level

factors such being unemployed. Loader would argue that the tribal police officers used the interviews as a platform to discuss the emerging threat of illegal drugs among American Indians. That is, the participants provided a discourse about the current state of the war on drugs in Indian Country. More importantly, they used the occasion to galvanize the need for tribal police and more policing equipment to fight drugs and crime on the reservation. It is within these discussions that the tribal police officers were able to frame individuals as criminal or the "other." The tribal police officers' perceptions on illegal drug in their community is consistent with previous American Indian substance abuse research. As previously mentioned, the AI/NA suffer from extraordinary rates of illegal drug use and alcoholism (Snipp 1992; National Institute on Drug Abuse 2003; Substance Abuse and Mental Health Services Administration 2010). Recent figures also suggest that the AI/NA population has experienced a gradual increase in the consumption of non-prescription drugs (National Congress of American Indians 2006). Accordingly, the majority of tribal police officers believed that the reservation community suffers high rates of non-prescription drug use.

Legitimate Namers

Loader (1997:5) asserts that the police have the power to legitimately name individuals or groups of people as criminal or deviant. The tribal officers in this research identified two groups that were responsible for the majority of crimes within the tribal community: prescription drug addicts/youth and "outsiders." A majority of tribal officers believed that illegal prescription drug users were responsible for a substantial amount of crimes on the reservation. The participants strongly suggested there is a direct correlation

between illegal drug addiction and criminality. For these participants, young tribal drug addicts commit predatory crimes (i.e. breaking and entering, shoplifting, and larceny) to fulfill their addiction needs. Some of the officers framed these individuals as a serious threat to the reservation.

The officers' narratives are reminiscent of Bennet et al's (1996) concept of the "superpredator." Bennet and colleagues (1996: 43) assert that "America is now home to thickening ranks of juvenile 'superpredators' -- radically impulsive, brutally remorseless youngsters, including ever more preteenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders." Several participants identify the tribal community as "home to thickening ranks of juvenile superpredators" (Bennet et al 1996: 43), whose destructive behaviors are contributing to crime and violence. Indeed, tribal officers framed younger members and drug addicts as "troublemakers" who engage in crimes. These perceptions are consistent with research focusing on youth involvement in Indian gangs in Indian country. Indeed, Indian gang related activities has emerged as pressing problem on many reservations. Within the last twenty years, many Indian reservation communities witnessed an increasing rate of Native youth joining Indian gangs (Hailer and Hart 1999; Joseph and Taylor 2003; Pridemore 2004). There are nearly 400 gangs with over 4,500 members operating in or in close proximity to reservation communities (Pridemore 2004). Statistics also suggest that Native youth are more heavily involved in gang involvement than their non-AI/NA peers; 15% of all Native young individuals are involved in gangs while only 6% of African-American and 8% of Latino youth participate in such organizations (Donnermeyer, Edwards, Chavez, and Beauvais 2000;

Glesmann, Krisberg, and Marchionna 2009). Native adolescent males between the ages of 11 and 18 comprise most Indian gang members (Hailer and Hart 1999). While many non-Indian gangs are motivated by economic interests, Indian gangs are less likely to have economic goals (Joseph and Taylor 2003). Rather, boredom and monotony fuels their involvement in crimes that range from aggravated assault to drive-by shootings. The high level of Native youth gang involvement has also impacted crime rates on Indian reservations. According to the Department of Justice, "anecdotal reports and official records from juvenile justice officials (i.e. tribal courts and probation and/or law enforcement officers) in a number of Indian country communities indicate increased levels of crime associated with youth gangs" (Major, Egley, Howell, Mendenhall, and Armstrong 2004). In the same study, over 20% of American Indians reported that their community had experienced youth gang activity although much of it centered on property offenses such as vandalism and graffiti. Aside from Native youth delinquency, the tribal police officers provided their perceptions about non-American Indians and their involvement in criminal activities within the reservation.

Many tribal officers also believed that "outsiders" were responsible for crimes and acts of violence within the community. In several conversations, the participants appeared to be apprehensive towards Blacks and Latinos. Perhaps this observation can best be explained under racial threat theory. As Breunig and Rose Ernst (2011:235) note, "this theory posits that the presence of a racialized 'other' in a population increases fear and/or hostility among White Americans toward this other group which, in turn, provokes support for social control policies." The presence of non-American Indians within or in the area surrounding the reservation caused some participants to feel panic and/or anger.

It could be possible that these feelings contributed to the tribal officers' framing of "outsiders" as being criminal or "troublemakers."

Although tribal officers felt that outsider influences such as cultural influences and the media did not impact the behaviors of community members, they were critical about the upcoming rap concert on the reservation and expressed disappointment that tribal members adopting elements of urban culture. These participants demonized urban culture in their discussion about outside influences and suggested that urban culture greatly impacts the appearance, attitudes, and behaviors of tribal members. The tribal officers equated urban culture to criminal behaviors such as gang membership and abusing illegal drugs. As a result, the participants framed tribal members as being criminal and/or deviant who adopted elements of urban culture. Perhaps this framing is in response to a perceived threat among tribal officers. That is, the participants felt that a substantial number of tribal members were adopting outside cultural values over Native ancestral cultural traits and failing to preserve and maintain the ancestral heritage of the tribe.

Many tribal officers also appeared apprehensive towards the presence of Latinos on the reservation. The tribal community underwent a massive infrastructure improvement project, which ushered in new reservation roads, the construction of new tribal government buildings and expanded the Indian gaming casino. These improvements used outside Latino labor and occurred during the recent economic recession, which negatively impacted the economic status of tribal members. Several of the tribal officers conveyed their negative perceptions about the influx of Latinos working on the reservation. Like many non-American Indians, they blamed migrant

workers or immigrants for periods of economic recessions. Americans who suffered from financial burdens often looked for scapegoats, and blame immigrants (Sanchez 1993), for the lack of employment opportunities and the degradation of wages. Anger and distrust of immigrants increased as limited resources was available for White citizens. As Massey (2007:135) suggests "[Americans] have found it convenient to demonize immigrants during periods of social upheaval and economic insecurity." Tribal officers believed Latinos were responsible for economic problems within the tribal community. Indeed, the participants demonized and shared their dismay about the presence of Latinos in the community and a couple of the participants framed these individuals as being criminal or "troublemakers." In fact, some of the tribal officers suggested that Latinos were responsible for drug trafficking, assaults, and property crimes on the reservation. These tribal officers felt that Latinos were exploiting tribal members for their "per cap" check. Some of the participants suggested that Latinos were taking advantage of tribal women to obtain citizenship and voiced concerns about the impact of these inter-racial relationships on tribal families' lineage. Similar to their assessment of the urban culture, the tribal officers viewed Latinos as a threat to the community and their Native culture. The fear of Latinos was so extensive that a couple of the participants inquired about the ethnicity of the researcher, who is Latino. Once again, the tribal officers framed Latinos as the "other" who frequently engage in criminal behaviors or as a threat to the tribal community.

Policing and Stories

In addition to legitimately naming criminals, policing on the reservation also revealed stories about the tribal community. Loader (1997:2) suggests that policing can reveal "stories" about society. As he states:

> Every abuse of due process, every failure to respond to call or complaint, every racist ... sexist ...homophobic, every diagnosis of the crime problem, every depiction of criminals – all these send small, routine, authoritative signals about societies conflicts, cleavages and hierarchies about whose claims are considered legitimate within it, about whose status identity is to be affirmed or denied as part of it. (Loader 2006:211)

The conversations with tribal officers revealed "stories" about the tribal community. Indeed, the nature of policing on the reservation provided a glimpse into the daily life in the community. Unfortunately, that glimpse was of a tribal community gripped by inter-tribal politics. From disappearing traffic violation tickets to the demotion of ranking police officers, the ubiquitous nature of tribal politics greatly impacts the tribal police department and reservation community. As a result, many participants believed that their tribal criminal justice is broken. Indeed, the tribal officers felt that politics greatly diminishes their capacity to perform their policing duties. More importantly, they felt that tribal politics jeopardizes the integrity of the tribal court system as offenders are not held accountable for their crimes. The tribal officers' frustrations about their broken criminal justice system were evident in several discussions. Many tribal officers stated that they carried out their policing duties as best as they can despite the overwhelming influence of tribal politics. The power of tribal politics transcends throughout the community. In a non-recorded interview, a participant revealed that the tribal government refused to financially assist his family to help pay a medical debt. The participant felt that politics was a factor in the tribal government's decision, because he did not vote for one

of the tribal leaders in a previous election. Similarly, other participants revealed that

tribal members were given gifts (e.g. home appliances and home repairs) for their

political support. Through their "police voice" (Loader and Mulcahy 2001), the

participants revealed a tribal community plagued with inter-tribal politics. The tribal

officers believed that political influence hinders their ability to effectively police the

reservation. Drawing on the proverbial "all bark and no bite," the police found

themselves as symbols of law and order; but with little political power at times to enforce

the law.

The tribal police officers also experienced challenges to their legitimacy as being

enforcers of the law. A couple of participants felt that "outsiders" do not recognize the

legitimacy of the tribal police department. In essence, their role as tribal officers is not

respected. Simple procedures such as enforcing traffic codes are met with skepticism

among non-enrolled tribal members. From questioning their policing powers to

allegations of racism, tribal officers confront many barriers in enforcing the law on the

reservation. The combination of a racially biased federal court system and a broken tribal

justice system may lead some to find that justice is virtually non-existent in this tribal

community. Although the research found overarching themes pertaining to colonialism

and Loader's (1997) symbolic power of policing, the findings were also consistent with

past criminological research on police perceptions.

POLICE PERCEPTIONS

The findings from this research are consistent with previous criminological

research on police perceptions. First, the police were reluctant to discuss domestic

violence occurring within the reservation. Given the hegemonic masculine nature of the police, scholars argue that they have a negative attitudes or views about domestic violence (Martin 1989; Fielding 1994; McNamara 1999), which may explain the reluctance among the participants to discuss these crimes. Additionally, some of the participants revealed that there are more male than female victims of domestic violence. This too might explain the lack of discourse among the participants. Past research found that male domestic violence victims are not seen as victims (Gilmartin-Zena 1988; Mitchell et al. 1999). That is, some tribal police officers may perceive that reservation domestic violence crimes with male victims are not actual crimes. Aside from the role of gender influencing the perceptions of tribal police officers, race and ethnicity also proved to a consistent finding in prior research.

Tribal police perceptions of crime with respects to race/ethnicity appeared to be consistent with past criminological research. As previously mentioned, Skolnick (1966) argued that the police rely on their image of the "symbolic assailant" to determine whether an individual has engaged in criminal behavior. The concept of the "symbolic assailant continues to be a topic of discussion within criminology. As Jones-Brown (2007:103) note:

> Forty years and many policing innovations later, evidence continues to mount that, in the minds of police agents and civilians, being black and male is inextricably coupled with beliefs about criminality and dangerousness producing a conditioned reflex of suspicion and fear that then leads to over-policing.

With respects to the current study, the tribal police officers provided their description of the "symbolic assailant." For some tribal police officers, the reservation's "symbolic assailant" are those tribal members who embrace elements of the urban culture. Indeed, the participants thought that the urban culture promoted illegal drug use and property

crimes. More importantly, these tribal members also disrespected the Native culture by adopting these outside values. Previous research suggests that violations of Indian cultural values are viewed as a more serious issue than street-level crimes among American Indians (Abril 2007). The participants in this study identified individuals with specific clothes styles and music as people who have the propensity to commit crimes and engage in illegal drug use. In fact, scholars would argue that the use of an individual's appearance constitutes a form of racial profiling (Meehan and Ponder 2002; Weitzer and Tuch 2002; Bjerk 2007; Welch 2007). Aside their perception on nexus between race and crime among the participants, tribal police officers also held views about key actors in the tribal court system.

The tribal police views of the tribal court judges were also consistent with the literature on police perceptions. In the current study, the tribal police officers held negative attitudes about the tribal court judges. This finding is supportive of past research showing that police officers generally have negative attitudes and perceptions towards courtroom judges (Goldstein 1968; LaFave and Remington 1968). For this study, the tribal officers felt that the tribal judges were "too lenient" or "too emotional." The participants also believed that tribal judges rendered lenient sentences which contributed to high rates of recidivism in the tribal criminal justice system. The participants' perceptions about crime and justice are consistent with previous criminological research. It appears from the data and theoretical frame that there is a dialectic process occurring between police symbolic use of power, the carceral state, and the historical legacies of colonialism. Based on this, the following section addresses potential policy implications.

POLICY IMPLICATIONS

     The perceptions among the tribal police officers reveal social problems that

extend beyond the reservation community. As Jackson and Bradford (2009:514) note:

> Some crimes are signals not only of criminality, but also provide messages about
> a broader set of social problems, it is possible that these are driving perceptions of
> disorder and lack of informal social control and in turn affecting confidence in the
> police.

Indeed, the participants' perceptions exposed a wide array of social problems that plague

their reservation community. These problems could be alleviated in a collaborative

partnership with both the federal and tribal government. First, given the magnitude of

substance abuse within the community, the tribal government should establish substance

abuse programs to educate and rehabilitate tribal members suffering from illegal drug and

alcohol addictions. As revealed by the participants, substance abuse problems were

strongly correlated to crime and violence within their reservation community. To

overcome substance abuse problems, the tribal government and social service providers

should draw on evidence-based treatment programs which are culturally sensitive to

American Indian cultural values. The implementation of these treatment programs could

substantially reduce illegal drug related crimes.

     Family and parenting programs emerge as another possibility to address tribal

crime and violence. Indeed, the participants recounted the impact of poor parenting on

the tribal community. Due to the effects of colonialism, the structure and dynamics of

Native families shifted dramatically. As a result, Native families experience an

unprecedented rate of familial disruption, which is correlated to crime and violence. To

overcome familial problems, the tribal government should establish family orientated and

parenting programs directed towards tribal members. These programs ought to teach

tribal members positive parenting and conflict resolution techniques, which may reduce the prevalence of anti-social behaviors among tribal youth. Once again, these programs should also be sensitive to the cultural needs of tribal members. With respects to childcare, tribal child-welfare services should proactively respond to the needs of troubled tribal children. As revealed in the discussions, tribal victims of child abuse and neglect seldom receive inadequate treatment from social services for their victimization.

Next, the tribal government should expand on existing preventative domestic violence to include male victims of domestic violence. A couple of participants revealed that the reservation community has more male victims of domestic violence than outside neighboring communities. To overcome gender stigmas associated with male victims, preventive domestic programs should raise awareness that domestic violence is not restricted to any gender and males can also find themselves victims of this crime. In addition to these programs, the tribe should establish a shelter for domestic violence victims.

Aside from establishing programs to alleviate some of the social problems within the reservation community. The tribal community should enact policies and organizations to address the ubiquitous nature of inter-tribal politics on the reservation. The tribal police officers revealed that tribal leaders greatly influence the criminal justice system to appease their constituents which jeopardizes the integrity of the tribal court system. There are several ideas to diminish the influence of tribal politics within the tribal court system. First, tribal judges should be elected by the tribal community, which could reduce the political influence of tribal leaders who appoint these individuals to the tribal bench. Also, policies should be enacted that hold individuals accountable for

abusing their position or tribal government office which may also diminish political

influence within the tribal criminal justice system.

The federal government has considerable power in addressing crime and justice

problem in Indian Country. For instance, the government can substantially increase

funding for reservation communities. Nielsen (1996:299) argues that many reservation

communities suffer from "developmental needs."

> Developmental needs" refers to the lack of resources that exist in Native
> communities and hinder the development of criminal justice services.
> Developmental needs are closely related to the lack of sovereignty. Because
> Native Peoples have been prevented from governing their own affairs and
> operating their own services until very recently, they have often not done well
> when experimental programs were thrust on them "from above," that is, by the
> federal government.

While the federal government promotes the idea of tribal sovereignty, they continue to

decrease monetary appropriations for American Indian initiatives (Gould and Ross 2006).

Indeed, for tribal communities to be self-efficient they must be economically stable.

Given the geographical isolation of a substantial number of reservation communities,

many Americans Indian in Indian Country are unable to secure employment as one might

find in larger urban areas, which contributes to high rates of poverty and unemployment

within these areas. With assistance from the federal government, policies could be

created to promote economic success within these communities. As Bachman (1992:124)

suggests, "creating policies that permit all American Indian communities to have the

opportunity to become economically viable seems to be an urgent priority." Aside for a

need of federally sponsored economic initiatives, the government should provide

resources to address crime and justice in Indian Country.

In light of the war on terrorism, crime and violence in Indian Country remains a non-essential priority of the federal government. In his reporting about the lack of federal assistance, Riley (2007b:1) found that these problems remain at the bottom of the government's list:

> The FBI would always say that Indian Country was the agency's second-highest priority, and our running joke was that there is everything else and then there is Indian Country, said James Kilbourne, tribal prosecutor for the Eastern Band of Cherokee in the mountains of North Carolina. Then, after 9/11 and terrorism, we became the third- highest priority - terrorism, everything else and then Indian Country.

Indeed, following the 9/11 attacks, the federal government dramatically directed its attention to funding national security initiatives. As Gould and Ross (2006:240) point out:

> In post-9/11 America, resources are tight, and the focus is on new external problems rather than on long-term, internal difficulties. There will be a tendency to spend money on such things as the border patrol.

With the federal government's focus on enhancing national security measures, tribal governments receive fewer resources than are needed to address crime. For example, the U.S. Department of Justice reduced the number of U.S. Attorneys responsible for prosecuting serious crimes occurring on tribal lands (Riley 2007b). The lack of resources for tribal communities greatly hinders their ability to address crime and violence as well as administer justice in Indian Country.

More importantly, the government should increase the tribal sovereignty and self-determination for all reservation communities. By granting American Indians and tribal governments more powers they are in position to control their fate within society. For instance, the federal government should lessen the restrictions placed on tribal courts so that these institutions can adequately respond to crime and violence within reservation

communities. As previously mentioned, tribal courts are restricted to hearing misdemeanor cases and can impose no more than a three-year imprisonment sentence and up to $15,000 in fines. The participants revealed that perpetrators realize the court's limitations and often exploit the weaknesses of the court and habitually commit crimes on the reservation because they do not fear serious repercussions. To remedy this situation, the federal government should grant tribal courts similar powers to those found in traditional court systems. In addition, the federal government should grant tribal courts full jurisdiction to handle all crimes and parties (irrespective of enrollment status of either party), such powers will inevitably enhance tribal sovereignty and heighten self-determination of the American Indian population.

Another idea to improve the lives of American Indians requires a social and cultural changes with respects to public attitudes towards Native populations. For centuries, indigenous populations have suffered from negative labels and stigmas to marginalize them. Unfortunately, these stereotypes continue to haunt American Indians to the extent that many individuals believe these negative attributes to be true. In doing so:

> We humiliate someone – either individually or as a member of a larger collective – we make subsequent cruelty to that person easier, for ourselves and for others. If a person or a group of persons is routinely referred to, thought of, and treated as demons, objects, machines, animals, or otherwise subhuman, physical cruelty is a short leap away. (Levy 2000:25)

With respects to the present study, it could be argued that negative public perceptions about American Indians are responsible for the high levels of illegal drug use and violence among these individuals. For these problems to be addressed, requires a

transformation about attitudes, opinions, and perceptions of American Indians in a positive light. However, this change should also take place among tribal police officers.

The tribal police officers' perceptions reinforce negative stereotypes and beliefs about criminality. The participants recognized individual-level factors, rather than structural factors that contribute to crime and delinquency on the reservation. In doing so, they reinforced popular stereotypes and fallacies about crime and violence. As a result, individuals suffer from insecurity and clamor for police protection. As Loader (2006:212) notes:

> Policing can enact or support forms of cultural domination, nonrecognition, and disrespect in ways that conduce to both objective and subjective insecurity. They demonstrate that certain 'tough' styles of ambient policing can appear to reduce crime or produce order while contributing to public insecurity through unfair practices.

Indeed, the tribal police officers otherized and demonized drug addicts and fellow tribal members. This in itself contributes to cultural domination through the criminalization of certain groups of individuals. As a result, it facilitates insecurity among tribal members in the community and breeds fear among individuals, which can impact the quality of life on the reservation. For many tribal police officers, they spoke about controlling and preventing crime through more policing personnel and equipment rather than social programs designed to address the root causes of reservation crimes. As a result, they reified the need for policing within the reservation community. The tribal police officers should change their negative perceptions and beliefs about crime, instead of producing, reproducing, and circulating inaccuracies about criminality.

CONTRIBUTIONS AND FUTURE DIRECTIONS

This study contributed to the criminological literature by providing an overview about crime and justice as perceived by a group of tribal police officers. Indeed, the study offered a glimpse into the dynamics of crime and justice within a tribal community. The participants perceptions of a tribal community suffering from extraordinary rates of illegal prescription drug use that is strongly correlated with crime and violence as well as a tribal justice system that is plagued with federal restrictions and inter-tribal politics has indeed become a reality within the community. Loader's (1997) symbolic power of policing provides an adequate explanation about the role of tribal police in the discourse about crime and justice in Indian Country. That is, tribal police officers were able to discuss all crime-related matters given their "expertise" about these problems.

Upon data collection, the researcher noted the level of sophistication with respects to the policing equipment that was found within the tribal police department. Indeed, the police department possessed a wide array of policing equipment that may be found in typical mid-size U.S. cities. For example, the tribal police department had a SWAT vehicle, Segway, taser weaponry, and other policing equipment. Taken together, this suggests that there might be a militarization effect occurring in Indian Country which may them be manifested into a reality, based on Loader's (1997) ideas on the symbolic power of policing. Given the high rates of crime and violence, tribal police departments could be utilizing federal funds to purchase policing equipment to win the war on crime. Future research should explore the militarization dynamics that could be occurring within reservation communities. Other research should also compare crime rates between reservation and non-reservation communities.

The findings from this study may have implications for future research to further understand the dialectics of crime and justice in Indian Country and police perceptions. For instance, a majority of the participants believed that the reservation's crime rate was similar to neighboring communities. Future research should examine compare and contrast the crime rates between tribal and non-tribal communities to determine whether these rates are comparable. Although past studies have examined homicide rates between reservation and non-reservation communities (see Lanier & Huff-Corzine 2006; Bachman 1991), future research should examine other crimes (e.g. domestic violence, property crimes, and illegal drug consumption) between the two distinct communities. Another area to examine is the use of informal resolutions among tribal members living in reservation communities.

Given the inadequacies of the tribal and federal court systems in responding to American Indian victims and offenders, the participants revealed that tribal members rely on informal methods to resolve disputes between themselves. Many tribal members do not have faith in either the tribal or federal court system and resort to informal conflict resolutions to avenge their victimization. Future research should draw on Girling, Loader, and Sparks' (1998) work on "local talk" and individuals' perceptions on the fear of crime as it is related to the use of vigilante justice. American Indians living in Indian Country reside in close-knit communities that allows them to be fully aware of victimizations occurring in these areas. As a result, scholars should investigate the use of "local talk" within tribal communities in relation to the use of informal conflict resolutions.

While American Indians have made great strides to maintain their identity and culture, they, like everyone in the U.S., experience significant exposure to mass media and the promulgation of mainstream American values of consumerism and materialism. Their predicament illustrates Jock Young's (2007,2003) "bulimic society" perspective, which explains the transmission process of dominant cultural norms and values to lower class individuals at the same time that structural conditions prevent them from achieving those same cultural goals. American Indians, of whatever social class, exemplify this experience. Many American Indians who live in reservation communities are unable to participate in the "American Dream" cultural ethos of consumerism and materialism. As a result, they are forced to rely on illegitimate means not only to obtain these cultural goals, but also to meet basic survival needs, which ultimately lead to their involvement in the criminal justice system. More importantly, reservation communities can be characterized as an "epicenter" for culture conflict. While American Indians are attempting to maintain their cultural identity and ancestral traditions, they are simultaneously enticed to adopt mainstream American values. This theoretical framework can serve as the foundation for future research investigating the perceptions about crime, violence, and justice, and their connection to the tribal culture among American Indian adults and youth. Future research on American Indian criminality can also overcome some of the limitations of the current study.

Future research should expand on the number of participants to fully understand the dynamics of crime, violence, and justice in Indian country. For example, the current study relies on the perceptions of 27 police officers from one tribal police department, which means that the results are not representative to the general American Indian

population. As such, the perceptions of crime, violence, and justice among the participants could be considerably different from individuals in other tribal communities. In addition, the participants could have withheld or exaggerated their thoughts about crime, violence, and justice within their community, which could subject the findings to biases. Simply put, it is unknown whether the accounts provided by the participants are accurate although the fact that similar stories were frequently repeated suggests that they are accurate, at least in terms of "local talk." Additionally, data depended on the participant to volunteer information about crime, violence, and justice within their community. It could be possible that tribal officers may exclude experiences that may be embarrassing or that they have difficulty remembering events. Foregoing these limitations, the study does provide valuable insight about the dynamics of crime, violence, and justice in a reservation community.

CONCLUSION

This research offers a window into the problems experienced among American Indians living in Indian Country. Through their "police voice," the participants suggested that problems experienced in their reservation were similar to other rural communities outside of Indian Country. Although the tribal officers revealed that the tribal community suffers from illegal prescription drug use, property crimes, and domestic violence, they cautioned that these crimes were also occurring in non-tribal communities. Overwhelmingly, the tribal officers rebuked the "war zone" analogy in describing the rate of crime and violence. In fact, to equate an Indian reservation as a "war zone" further propagates negative American Indian stereotypes that longed have been used to

"otherize" this group of individuals. Although the tribal officers believed that their community is no different than other communities, they revealed sources of colonial domination that continue to subjugate American Indians to the lower fringes of society.

The tribal officers perceived that American Indians continue to suffer from the social ills of colonialism which has been substantiated by the data. Although American Indians have made great strides to achieve tribal sovereignty, the federal government has limited their tribal autonomy. The tribal officers felt that federal restrictions on the tribal court system obstruct their ability to achieve justice in their community. In addition, they also believed that inter-tribal politics negatively affects the tribe's ability to hold tribal members accountable for their transgressions. Additionally, the tribal officers also provided narratives of miscarriages of justice at the hands of the government through under-and-over prosecuting of American Indians in the federal court system. Achieving justice is further complicated by the disjunction between federal and tribal law. Indeed, the results indicated that justice remains elusive for American Indians living in Indian Country.

After 400 years of historical trauma and cultural oppressions, American Indians continue to cling to their traditions and ancestral culture. That is to say, in the face of adversity, American Indians continue to be resilient. In decades to come, we can only hope that American Indians continue to be tenacious and persistent in achieving greater tribal autonomy and social equality, which will only enhance their standing in society as well as improve the lives of people living in Indian Country.

APPENDIX

INTERVIEW SCHEDULE

Introduction: Hi, my name is Favian Martin and I am a Ph.D. student at Old Dominion University in Norfolk, VA. Thank you so much for coming today to help me with this research. Today we will be talking about your thoughts about crime, violence, and justice in your tribal community. Your participation is strictly confidential. That means that I will never tell anyone what any individual said here today. I may use what you say, but I will not identify that you were even here or that you said any specific thing.

I am recording our conversation so that I can focus on what you are saying instead of trying to take notes. I will listen to the recording to take notes later. I will also destroy the recording as soon as the notes are complete – your real names won't appear in my notes or any of my files. Again, I am recording so I can be really focused on you.

Our conversation is just one part of the research I am doing for my dissertation. When I am done, the tribe will get a copy. But again, no one here will be mentioned by name in the dissertation or in any way that you can be identified.

Does anyone have any questions? May we begin?

- What does it mean to be an American Indian?
  - o What do you mean?
- Is crime or violence as a problem here on the reservation?
  - o What makes you think that?
  - o Could you give me some examples?
- Do you think that crime and violence in your community is related to the tribal culture in anyway?
  - o Why do you think this is the case?
- What do you think about the tribal police and the tribal court?
  - o Why do you say that? (Straightforward reply)
  - o What do you mean by that? (If answer seems unclear)

- What type of media do most of the people here pay attention to the most?
  - o Do many people here have access to the internet? T.V.? (If these are not brought up)
- What messages do you think that people take from the media
- Do you think that the media has any influence on crime and violence here in the reservation?
  - o Why do you say that?
  - o Do you think that the youth's behavior is influenced by the media? (If they bring up the youth)
- Does the media have any influence on the tribal police or tribal court system?
  - o Could you tell me more about your thinking on that?

- Are there any stereotypes about American Indians, generally or about your tribe specifically?
    - How do they impact you?
- How do outside influences impact your connection to the American Indian culture?
- Do these stereotypes have any connection to crime and violence here?
    - Do you think that these stereotypes influence the tribal police or tribal court?

Conclusion of the interview:

Do you have questions for me?

Closing: I want to thank you for your time. I hope that you've found this time useful. You have really helped me and I appreciate it. As I mentioned at the beginning, this is for my dissertation research which the tribe will get a copy of. Remember that your names will not be included and I will never tell anyone what any of you as individuals said. Thanks again and have a great day.

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