

UCLA

American Indian Culture and Research Journal

Title

Tribal Policing: Asserting Sovereignty, Seeking Justice. By Eileen Luna-Firebaugh.

Permalink

<https://escholarship.org/uc/item/9jf0v01k>

Journal

American Indian Culture and Research Journal , 31(4)

ISSN

0161-6463

Author

Meyer, Jon'a F.

Publication Date

2007-09-01

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

Tribal Policing: Asserting Sovereignty, Seeking Justice. By Eileen Luna-Firebaugh. Tucson: University of Arizona Press, 2007. 168 pages. \$29.95 paper.

I heard about this book at a conference a few years ago and eagerly awaited its publication because there is so little recent scholarship, especially book-length treatments, on Native American policing. Tribal policing has changed so much in the past couple of decades that it is rather unwise to rely on older writings for anything more than historical information. There have been a few articles and reports but nothing comprehensive that examines policing in depth. *Tribal Policing* seeks to remedy that paucity of information on this valuable topic.

My first clue that this might be a good addition to any scholar's library was the cover, which shows patches from eleven different contemporary tribal policing departments. Unlike many writings on tribal policing that focus on one nation's policing system or discuss multiple agencies in a purely historical context, *Tribal Policing* discusses a wide variety of contemporary tribal forces (and not just the eleven featured on the cover).

The first four chapters present overviews of tribal policing, legal constraints on tribal police, and jurisdictional issues. The third chapter in particular is useful; it is up to date and presents case law up to 2004. That chapter also has a good discussion about the typically confusing patchwork of federal criminal legislation as it applies to policing in Indian Country. All the early chapters are well organized, with ample subheadings so that readers can jump right to information they need or have read. The remaining chapters are based on findings from Luna-Firebaugh's thorough research into Native American criminal justice systems throughout Indian Country.

The fifth chapter is reprinted from an earlier writing but fits perfectly as a leadoff chapter for the second part of the book. Here, the author breaks tribal policing into five models, then discusses some issues that face police in Indian Country. This part's remaining chapters discuss training issues in Indian Country, infrastructure challenges, women in tribal policing, tribal police accountability (with a strong emphasis on civilian participation in oversight), tribal jails and corrections, and policing in Public Law 280 states. A few are reprints, but each chapter pairs statistics and information from research by others with findings from the author's own extensive research. The results are well-focused chapters that can stand alone if necessary (that is, readers interested in only one or a few chapters will be able to find some value in them without reading the prefatory chapters to gain context).

Each chapter concludes with a "reflections" section, which allows the author to move beyond the material and place it in a larger context. In this section Luna-Firebaugh makes meaningful suggestions for criminal justice practitioners, policy makers, and scholars. The suggestions are based on the author's exhaustive experiences as a Native expert, attorney and tribal judge, and researcher, including her work on several large grants that examined tribal criminal justice across Indian Country. Even the most seasoned scholar will find something of interest in this section.

Due to the focus of the majority of the author's research on agency-level data, it was difficult for her to discuss individual experiences of tribal police or those with whom they interact. To overcome that challenge, Luna-Firebaugh did some in-depth interviews with selected individuals to allow her to provide some individual-level information. The chapter on women in tribal policing, for example, contains information gained from interviews with three female police officers, three male supervisors, and a male patrolman. Though the interview sample sizes are small, they allow Luna-Firebaugh to add context and meaning to her findings. The author's next project could very well be a more in-depth look at policing based on an expanded sample of interviews.

One major thread throughout the book is how policing intersects with tribal sovereignty. The ability to design and implement a criminal justice system in general, but policing especially, is important because it demonstrates self-determination, a key element of sovereignty. Luna-Firebaugh notes that "one of the primary ways in which a tribal government can assert de facto sovereignty" is to operate its own policing agencies (47). Control of their criminal justice systems also allows tribes to rely on their own mores and standards rather than be subject to those imposed by foreign cultures. That policing agencies in general are the most visible form of government to most citizens means that tribes should not depend on outsiders to maintain the peace.

Luna-Firebaugh also discusses the recent trend away from federally and state-controlled tribal policing to systems in which tribes create and run their own policing agencies. In some cases, tribes fully fund their own independent agencies, but federal funds are available to tribes that want to operate their own police departments. Tribes across Indian Country take advantage of those funds and use grant monies to bolster their ability to establish independent police agencies.

Mainstream policing has changed tremendously in the past couple of decades; this is due in part to the move toward community-oriented policing from a model that emphasized "professionalism" and that insisted police maintain a certain distance from the community. Closeness to the community was once viewed as a weakness to be avoided, but current policing experts advocate police and communities to collaborate as a team on crime solving and other problems. The current policing environment, then, is ripe for tribes to establish agencies that are responsive to their unique communities and that are based on their traditional beliefs about the role of police and their particular definitions of justice. If and when mainstream policing changes focus, tribes may choose to resist the move and continue to maintain a community-oriented policing model.

Another major goal of this book is to examine the realities faced by the approximately 170 tribal police agencies in this country, issues that typically seem less important to their counterparts in non-Native society. Funding inequalities and differences in the danger level faced by officers are major issues (for example, Luna-Firebaugh notes that tribal police are often in more dangerous situations in terms of solo work without adequate radio contact with headquarters or encounters with individuals who are suicidal or under the influence of alcohol). Tribal policing agencies also tend to be

very small, which means they cannot have specialists, and each officer may be responsible for policing large geographic areas. Another issue is the quality of officers that tribal policing can attract. Luna-Firebaugh notes that training is more isolating for tribal officers because it is seldom local, which means that recruits sometimes must travel great distances. Some potentially good police officers may forego the occupation rather than be separated from loved ones for the months that are required for training. Some tribal police agencies also report that it is difficult to locate individuals who can pass the background investigations, and the reality of politics, favoritism, and nepotism are still alive and well in Indian Country and nefariously affect the hiring, retention, and promotion of police personnel. And, after many tribal agencies attract and train new recruits, they may lose their investments when the officers leave for other departments with higher pay or other benefits. These and other issues plague tribal police officers and their agencies.

The book's major drawbacks are the occasional misspelling ("W. F. M. Army" is presented as "W. F. M. Hall," for example) and possible contradictions in the writing. The lack of frequencies with many percentages means that the book's inconsistencies could not be untangled (for example, percentages that changed between chapters and sections may actually have been based on subsamples). I would also have appreciated a methods chapter or appendix that presented, in one location, all the studies discussed in the book. These drawbacks do not detract from the book's overall value, however.

Tribal Policing is written in a style that is accessible to students yet is useful for seasoned scholars in the policing and Native American studies fields. It could easily be incorporated into a course on Native American policing, mainstream policing, or Native American issues. It fills an important void and makes important contributions to the literature.

Jon'a F. Meyer

Rutgers University–Camden

Two Families: Treaties and Government. By Harold Johnson. Saskatoon, SK: Purich Publishing, 2007. 144 pages. \$20.00 paper.

Johnson offers a humbling yet altogether powerful lesson for non-Native Canadians on the rights, responsibilities, and necessity of honoring treaty relationships. *Two Families* humbles because Johnson approaches non-Native Canadians not in a position of anger because they have continuously eroded and refused to recognize treaties (namely Treaty No. 6 of 1876, adhesion of 1889), but because he consistently lives up to the book's namesake. To appreciate this sentiment fully, perhaps it is best to understand that Duncan Campbell Scott, the longest-serving minister of Indian affairs and residential school system's primary engineer in the twentieth century, once described treaties as a process that enacts "the cession of the Indian interest in consideration of land grants, educational facilities and so on" (Duncan Campbell Scott, "History of the Indians in Canada—Memoranda, speeches, papers