

HOW WILL RURAL CALIFORNIA SHERIFF'S DEPARTMENTS
BE IMPACTED BY THE DEVELOPMENT OF TRIBAL POLICE
WITHIN THEIR COUNTIES BY THE YEAR 2006?

A project presented to
California Commission on
Peace Officer Standards and Training

By

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This Command College Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future; creating it, constraining it, adapting to it. A futures study points the way.

The view and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	iii
CHAPTER ONE: ISSUE IDENTIFICATION.....	1
Introduction.....	1
Statement of the Issue.....	2
Literature Review.....	3
Interviews	17
Summary	19
CHAPTER TWO: FUTURES FORECASTING.....	20
Nominal Group Technique.....	20
Trends.....	21
Events	27
Cross Impact Analysis.....	33
Future Scenarios.....	35
Optimistic Scenario.....	35
Pessimistic Scenario.....	37
Surprise Free Scenario.....	39
CHAPTER THREE: STRATEGIC PLAN.....	42
Introduction.....	42
Organizational Description.....	42
SWOT Analysis.....	43
Strengths.....	43
Weaknesses.....	44
Opportunities.....	45
Threats.....	46
Stakeholder Analysis.....	46
Strategy Development.....	48
Implementation Plan.....	49
Cost Analysis.....	50
CHAPTER FOUR: TRANSITION MANAGEMENT.....	52
Introduction.....	52
Commitment Plan.....	52
Transition Plan.....	53
Transition Management Structure.....	55

CHAPTER FIVE: CONCLUSION.....	57
Summary.....	57
Implications for Leadership.....	58
Budgeting Implications.....	59
Recommendations.....	60
APPENDICES.....	61
Appendix A- NGT Panel	61
Appendix B- NGT Trends.....	62
Appendix C- NGT Events	64
END NOTES.....	66
BIBLIOGRAPHY.....	67

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CHAPTER ONE
ISSUE IDENTIFICATION

Introduction

With unprecedented wealth flowing into Indian communities through proceeds from casinos, many California Native American tribes are contemplating forming their own tribal police forces. Of approximately one hundred California tribes, at least nine already have full-fledged police departments, while many others have security officers or rangers.¹ Tribes have found this necessary as once small resident communities now flourish in population and assets. Casinos on tribal lands bring thousands of people each week into an environment that only a short time ago was relatively quiet, with little need for a full time law enforcement presence.

California tribes have found numerous hurdles in attempting to establish their own police forces. Most notably, tribal officers' authority is limited to enforcing tribal laws on tribal lands. With reservation land, incidents dealing with non-tribal members or state penal code offenses, tribal members have no more authority than members of the public do. Tribal officers are forced to resort to make a private person's arrest, and depend on a response from sheriff's deputies to take over. "We can't chase these criminals off the reservation," said Cabazon Tribal Police Chief Paul Hare, "all we can do is advise other law enforcement agencies [of the crime]. So a lot of people commit these crimes and get away."²⁵ Professor Carole Goldberg of the UCLA School of Law made reference to Public Law 83-280 and its effects on tribes in a document presented at the Tribal and State Law Enforcement Summit 2000 in Rancho Mirage, California. The professor held that while PL-280 was intended to provide needed law enforcement for tribal lands, there is strong evidence that it actually contributed to lawlessness in Indian country, while sapping the growth of Indian nations' legal infrastructure.³

The impact of existing tribal police on rural California sheriff's departments varies. Common issues are the lack of tribal authority and jurisdiction as mentioned, as well as the lack of the sheriff's authority in certain cases on tribal lands that do not fall under the umbrella of Public Law 83-280. Indian tribes possess a sovereign or nationhood status and retain inherent powers of self-government.⁴

Statement of the Issue

With the current economic growth and the trend of Native Americans moving back onto tribal lands, it is anticipated that there will be a growth of tribal police forces over the next five years. This project will explore the impact of tribal police forces on rural California sheriff's departments by the year 2006.

To have an idea of what the future will bring the project examined closely what is taking place now. This project included research of historical information related to the issue. The literature review included early California law and recent Supreme Court decisions. Information used for the project was located by scanning the Internet and by reading conventional sources such as books and newspapers. An exercise for forecasting the future as related to the project issue was also utilized to identify possible trends and events that might have an impact on the issue. This exercise is known as the Nominal Group Technique and will be explained in detail, along with its results, in the next chapter of this document. In addition, subjects with knowledge of the issue, or who are shareholders in its outcome, were interviewed.

To provide a model for this project, a tribal nation and county sheriff's department were referenced to, but under fictitious names. The model was based on the Colusa County Sheriff's Department and the Cachil Dehe Band of Wintun Indians Tribe. This was done due to the issues that are currently affecting both entities that make them similar to other rural areas, as well as

significant to the project issue. The Colusa County Sheriff's Department is a small sheriff's department similar to many others in California's rural areas. The Cachil Dehe Band of Wintun Indians is a small Indian community which is experiencing relatively quick growth due to the economic success of its gaming casino.

Based on the information obtained from the literature review, the nominal group technique findings, and interviews, three separate future scenarios were considered and presented within this project. The scenario identified as the most probable to occur was utilized with the above model for the strategic planning portion of this project.

Also included within this project are a transition management plan that will be used to put the chosen strategies into action, and a project summary, which will include findings and recommendations for the future.

Literature Review

Before the impact of tribal police development on rural California sheriff's departments can be studied, forecast, and planned for, several issues must be addressed. First would be the environment of both of the involved entities as they have existed in the past and the relationship between the two. The environment in which Native American tribes have existed as sovereign nations goes back to colonial times when foreign nations, including England, recognized them as such, and with whom treaty-making was appropriate.⁵ When the United States adopted its Constitution, the sovereign status of the tribes was recognized and retained. The Constitution, which allocates powers of government between the state and federal governments, vested exclusive authority to address the affairs of Indians in Indian country. Indian country is defined by 18 USC section 1151 to include all areas within a reservation, trust allotments, and dependent

Indian communities. As a result, states lack authority over Indians in Indian country absent congressional authorization. Historically, this meant that the federal government and Indian tribes jointly exercised criminal jurisdiction over Indians in Indian country. In 1953, Congress perceived inadequate law enforcement in Indian country and enacted Public Law 83-280, known as PL-280, to address the problem. PL-280 conferred jurisdiction on certain states over most or all of Indian country within their borders. This effort to allow local law enforcement to address local criminal conditions was not intended to deprive tribal governments of their authority. As a result, the federal government and the vast majority of state and federal courts considering the issue agreed that tribes retain concurrent jurisdiction to enforce laws in Indian country.⁶

California is a PL-280 state, where criminal crimes can be and are investigated and referred through a county district attorney's office to the local court system, or referred to a state law enforcement agency. An issue that would have a great impact on California's Indian tribes and state law-makers was the case of the Cabazon Band of Mission Indians in 1987.⁷ In this case regarding Indian gaming, the Supreme Court held that PL-280 did not authorize California to enforce its gaming laws in Indian country. The Court distinguished between civil/regulatory laws and criminal/prohibitory laws, thus allowing states to enforce only the latter in Indian country. The distinction between the two hinges on whether a state completely forbids conduct, or simply regulates how it is enforced. Because of this distinction, states may not enforce regulatory laws against Indians in Indian country, even though state law might impose a criminal sanction for their violation. This decision was the turning point for what has now become a multi-million dollar industry for tribes who have since established gaming casinos. While this decision was a huge benefit for many California tribes, it also brought up issues of jurisdiction that hamper the tribes in establishing their own police forces. PL-280 makes no allowances for

tribal police to have authority or powers of arrest over non-tribal members for violation of tribal law.⁸ They also have no power regarding the enforcement of state or local law violations. This puts tribal police at a tremendous disadvantage when dealing with the thousands of non-tribal people who come onto tribal lands to gamble or for some other form of recreation such as concerts and sporting events. Tribal police agencies who are not authorized to act as peace officers off tribal lands face hurdles ranging from not being able to pursue beyond tribal boundaries to illegal operation of vehicles on public roadways as they do not qualify under the California Vehicle Code.⁹ If tribes have adopted a tribal court system and find tribal members guilty, there is no way to extradite a tribal member if they flee tribal lands.

The above examples signify the frustration of California tribes attempting to provide adequate police service for their people. The frustrations are not new. With the formation of the United States Bureau of Indian Affairs, the United States military was first charged with keeping the peace on tribal lands, as well as making sure the tribes stayed within those lands in the late 1800s.¹⁰ U.S. Marshals were then given the same task. During this period, tribal members were enlisted to aid in keeping of the peace, thus forming the roots of tribal police forces. Soon after, Indian agents assigned to different tribes began to form tribal police forces without waiting for congressional approval.¹¹ In 1877, the actions of the San Carlos Apache police bolstered the arguments for Indian police when they peacefully arrested Geronimo and his followers, who were accused of raiding several Arizona settlements. These police forces were not without opposition. This came from both non-tribal and tribal members alike. Congress then began funding these tribal police forces. In 1881, Indian Agent McGillicuddy noted in his report that the tribal police in his jurisdiction had maintained quiet for three years. He further stated that the Indians had chosen the Indian Police as a lesser evil than the military.¹²

With the murder of Indian Police Captain Sam Sixkiller in 1886, Congress passed a law making it a federal offense to kill an Indian police officer. That law is still in effect.¹³ In 1882, the Secretary of the Interior sent a memorandum to Commissioner Hiram Price that put into action the formation of a tribal court system consisting of tribal judges. Prior to that the Indian agents had served as judges in tribal matters.¹⁴ In 1885, Congress passed the Major Crimes Act, now codified as 18 U.S.C. 1153, which gave federal court jurisdiction over acts of murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny.¹⁵ The Major Crimes Act did not deal with the lesser crimes that were usually brought to the Court of Indian Offenses, which received sanction by Congress in 1888. This judicial system continued to evolve.

Tribal police were drastically underpaid, and did not have the equipment needed to perform their duties- in some cases being supplied with revolvers whose cylinders did not revolve.¹⁶ Shortly after the turn of the century, the first woman tribal police officer was hired in Montana. With the prohibition of liquor beginning in 1932, the tribal police officers of the early 1900s were no match for the bootleggers.

Many of the tribal police died in their efforts to arrest the bootleggers, the majority being non-Indians. Due to bootlegging and the difficulty Indian police had in enforcing the law, more federal funding and resources were made available. National Prohibition led to a steady decline in the liquor suppression budget. With this came a reduction in the Bureau of Indian Affairs law enforcement funding. It did not again reach the level of 1917 until 1955. The funding trend was also down in Indian police, a trend that continued.

Additional offenses were added over the years to the Major Crimes Act. In 1934, Commissioner John Collier presented a plan for a national Indian judicial system. The proposal was strongly criticized and then dropped.¹⁷ With World War II came a continued decline in

Indian law enforcement staffing. Tribes attempted to make up for the loss of federal funds by using their own funding. By 1950, the cuts became so drastic that law enforcement no longer existed on many tribal lands. Finally, forty-eight special officers of the Bureau of Indian Affairs were funded, with forty being assigned to reservations. This law enforcement prevailed until 1953, when Congress enacted Public Law 83-280, which conferred criminal and civil jurisdiction over Indian country to the States of California, Minnesota, Nebraska, Oregon and Wisconsin. The same act gave consent to other states to assume jurisdiction over Indian country by state constitutional amendment or legislative action. Jurisdiction was conferred on Alaska when it became a state. Several other states enacted some form of jurisdiction under PL-280.

In 1961, the Bureau of Indian Affairs was providing approximately one-third of the police officers assigned to Indian law enforcement, but the tribes were finding it difficult to provide the needed resources.¹⁸ In 1963, the Bureau of Indian Affairs began a program to take over law enforcement programs operated by tribes. The funding was allocated, and more than one hundred additional Bureau police officers were added. The Bureau continued to obtain funding to take over the burden of law enforcement the tribes had been carrying. In 1969, a police academy was established in Roswell, New Mexico. The academy offered basic police training courses for bureau and tribal officers. In 1973, the Indian Police Academy was relocated to Brigham City, Utah and assigned as a unit of the newly established U.S. Indian Police Training and Research Center.

The Indian Civil Rights Act of 1968 extended most of the protections of the Bill of Rights to tribal members, vis-à-vis their tribal governments.¹⁹ The act was passed because the Constitution does not limit tribal self-government by imposing the Bill of Rights on Indian tribes. This legislation was of note because it contained provisions for states that had acquired

jurisdiction under PL-280 to transfer that jurisdiction back to the tribes or federal government. While individual Indians have long had the same rights related to state and federal governments as other citizens, several court decisions held that the restrictions found in the Bill of Rights and the Fourteenth Amendment did not apply to tribal governments. The Indian Civil Rights Act assured that the federal courts would review the actions of tribal police and courts when suit is brought alleging that rights protected by the act had been violated.

The stance of California tribes as to the effects of PL-280 on their police services varies, but many feel it had a diminishing effect for the following reason. States not utilizing PL-280 have seen Bureau of Indian Affairs support continue to grow, yet California Indians have been largely excluded from this support.²⁰ After the enactment of PL-280, bureau funding disappeared almost entirely, since California tribes were under the jurisdiction of the state and federal justice systems. What funding California tribes did receive from the bureau was normally used for other critical programs such as education. Due to this lack of funding, tribal police and courts have been exceedingly rare among the more than one hundred tribes within the state, even as these institutions have taken root and flourished on reservations elsewhere in the country.

This brings the issue of the development of California tribal police to the present. With financial resources now available through proceeds from tribal casinos, tribes that believe PL-280 does not give adequate police and court services are developing their own. As stated earlier, there are only a few in place at this time. As will be explained later through futures forecasting, more will most certainly follow.

The impacts of tribes seeking their own police forces have become a concern to rural California sheriff's departments for a variety of reasons. First, and foremost, is the issue of

jurisdiction. As mentioned before, with the passing of PL-280, certain states, including California, took over jurisdiction of the enforcement of major crimes on tribal lands. This reduced the funding of resources from the Bureau of Indian Affairs and also took away much of the authority of existing tribal police. Indians soon claimed that the very law enacted to provide better services was actually responsible for a reduction in those same services. Tribes also resented the fact that state jurisdiction was thrust upon them without their consent. State governments also were unhappy with the enactment as it gave them additional law enforcement responsibilities without the means to pay for it.²¹ Congress neither appropriated funds for that purpose nor rendered Indian lands taxable by the states.

The jurisdictional issues are two-fold. The first has existed since PL-280 was enacted, and continues to hamper law enforcement. PL-280 basically defines which laws state or local agencies may enforce on tribal lands, and there continues to be confusion. An example mentioned before was the State of California's attempt to enforce gambling restrictions on Indian lands. In tribes who have no form of their own police services, local law enforcement often finds its hands tied when called by tribal members to enforce some laws. An example would be the call from tribal members to enforce the Vehicle Code on tribal lands. As this does not fall within the criminal or prohibitory laws under PL-280, there is no provision for local agencies to provide this type of enforcement. Drinking and disturbing the peace are other frequent problems that local officers must handle by having the tribal member making the complaint perform a private person's arrest. This is normally met with great reluctance, as the tribal members do not wish to be the ones responsible for bringing in local law enforcement. Indian culture, which varies with each tribe, also makes local law enforcement officers' duties difficult, as the officers are normally ignorant of those cultures and customs. In a recent law enforcement training seminar,

Keith Taylor, a Native American educator, explained that not knowing the culture of the tribe could make one's efforts ineffective. A lack of understanding in the difference of values, attitudes and beliefs can affect an officer's perception of the situation. In many tribes, culture and custom may dictate that a matter, even if criminal, is handled at the tribal level, and those involved shall never speak of it again. Law enforcement investigators initially called in regarding the matter may now find that the victim and witnesses will no longer talk to them.²² These are the types of jurisdictional issues that plague local agencies in dealing with Indian lands that have no tribal police services.

The second jurisdictional issue hampering law enforcement that is emerging with the increasing development or plans to develop California tribal police forces is their lack of enforcement authority. Under PI-280, tribes have concurrent jurisdiction on tribal lands, but are very limited in their scope of enforcement. As mentioned previously, they may only enforce tribal laws on tribal members, and only on tribal lands. This makes their duties extremely difficult and gives them not much more authority than private security guards. They must make a private person's arrest for all other violators and rely on the local sheriff's department to respond. With the large amount of public entering Indian country to gamble or recreate, this makes the tribal police less effective, and puts a burden on the sheriff's department. Pursuits initiated by tribal police must be terminated if the suspect vehicle leaves tribal land, as some tribal officers cannot by law operate an emergency vehicle on public roadways. Also, the inability to advise local law enforcement of a pursuit becomes a safety factor once the vehicle flees tribal land.

Some tribes in California have requested concurrent jurisdiction within the counties in which they are located, which would give them the powers that are needed to be effective.

While this would seem to be a clear solution to the jurisdiction issue, many California sheriff's departments have been reluctant to consider this. These departments are concerned for a number of reasons, one being the lack of training standards for tribal police. Tribal police are not required to attend the Basic Law Enforcement Academy as is required to obtain peace officer status for state and local officers. The sheriff of each county, as the chief law enforcement officer, must give tribal police jurisdiction to act as peace officers off Indian lands. The concern is that the tribal officers should be trained to the same levels as California peace officers standards. The California State Sheriff's Association (CSSA) Tribal Issues Committee identified the state of Minnesota as having much in common with California concerning tribal police. Also noted was Minnesota's pioneering efforts to authorize statewide peace officer status for tribal officers within departments that qualify.²³ At the direction of the CSSA Executive Board, members of the Tribal Issues Committee traveled to Minnesota to further study the effectiveness of that state's approach to granting statewide peace officer authority to tribal police officers. The findings indicated that Minnesota's first approach to reaching their objectives was to respond to the individual request of tribes for statewide peace officer status for its tribal officers. They did this by drafting unique enabling legislation for each tribe. It soon became apparent after a number of tribes made individual requests, that a better approach would be to draft general enabling legislation for all future tribes seeking qualification for statewide peace officer authority.²⁴ This was passed in 1999. When Minnesota considered the first legislation, four groups with distinct points of view emerged. The first were those strongly supporting state licensed tribal police, Indians and non-Indians alike; those who gave qualified support based on resolving issues of concern, like sheriffs and mostly non-Indians; those against the proposition;

and the fourth group from the tribal community itself, who opposed giving up any sovereignty to obtain peace officer status for its tribal officers.

The committee also learned that there was a lack of confidence by the public as to the qualifications of Indian officers and tribal police departments. Ultimately Minnesota did pass legislation that gave state peace officer powers to a tribe in 1991. The requirements imposed and agreed upon by all parties concerned were that tribal officers meet all the requirements imposed by the State of any other state licensed peace officer. A major issue was the liability of the police departments and its officers. There was, at the time, no recourse for civil action against a tribe due to its sovereign nation status. The tribes agreed to waive their sovereign immunity with respect to claims arising from this liability. The tribes also agreed to have their governing body authorize its peace officers to enforce criminal laws within the boundaries of the tribe's reservation and be subject to the various laws of the state relating to data practices of law enforcement agencies. Data practices refer to the access and use of confidential and other law enforcement related information, such as criminal history databases, crime reporting, and other statistics. After the state requirements were met, the tribe would have concurrent jurisdictional authority with the local sheriff to enforce state criminal law as follows:

1. Over all persons within the jurisdictional boundaries of the tribal trust property;
2. Over all tribal members as described by existing treaties; and
3. Over any person that commits or attempts to commit a crime in the presence of an appointed tribal police officer.²⁵

The Tribal Issues Committee received recommendations from Minnesota officials regarding the issue of California passing similar legislation. These recommendations included:

1. That law enforcement maintains an unwavering position as to the requirement of a limited waiver of sovereignty for the actions of tribal police officers.
2. That tribal law enforcement agencies be considered the same as any municipality in terms of police operations and that cooperative agreements between county governments and tribes be voluntary, to cover mutual aid, funding for shared services, rules/requirements for use of county services, and not required in the legislative language.
3. That care is taken to ensure that the bill's language does not get into the area of gaming enforcement.
4. That the State of California deal with tribal court issues and jurisdiction in separate legislation, for instance, shifting jurisdiction-adjudication of tribal and state laws.
5. That law enforcement be careful to ensure that the legislative language does nothing to conflict with the sheriff of the county remaining the chief law enforcement officer in the county, retaining the ability to enforce state laws on tribal land.
6. That the bill contain language addressing the issue of corruption were it to arise within tribal police departments to be investigated by the California Attorney General or by the U.S. Department of Justice.

The committee also met with five sheriffs who have Indian reservations within their counties. Four of the five were in agreement that the tribal police departments were working, and had become a benefit to their departments to various degrees. They stated that tribal officers handle most calls for service on tribal lands. Also indicated was the decrease in conflict with deputies enforcing laws on tribal lands due to the presence of tribal officers on any given incident. In addition, the deputies had become more aware of the cultural aspects of tribes who facilitated better relationships between non-Indians and Indians throughout

their counties. One impact obvious to the sheriffs was the increase in their jail populations due to the additional activity of tribal officers. In at least one of the counties, the tribe was charged a booking fee for each prisoner booked into the county jail. One tribe did its own dispatching during daylight hours, and the rest were dependent on the county sheriff's dispatch. All of the tribal police obtained their data services from the county sheriffs through cooperative agreements.

After extensive research and evaluation of Minnesota's efforts in building a successful process for authorizing statewide peace officer status for tribal officers, the committee made the following recommendation to the California State Sheriff's Association. It recommended proceeding with developing legislation to provide for statewide peace officer status for qualifying tribal police departments.²⁶

California State Senator Alarcon introduced a bill to the Senate on February 23, 2001. The Bill, SB 911,²⁷ contains language that enables tribes to form their own justice systems. That language recommends as follows:

1. Assist the sovereign tribes of the State of California to continue to develop their own independent systems of tribal justice within tribal lands if they so choose.
2. Ensure sovereign empowerment to expand public safety services in each tribal nation, while contributing additional public safety resources to the State of California as a whole.
3. Bring together tribal governments, state, and federal law enforcement agencies and justice systems in order to provide resources and foster the

growth of justice systems for those Indians tribes seeking to improve safety on tribal lands.

4. Have the State of California foster and arrange for increased tribal law enforcement on Indian lands, assist in the securing of federal funds to help pay for increased tribal justice systems, and act as a mediator and facilitator for the implementation of tribal justice systems between and among tribes and counties.

The bill contains language that the state would coordinate ways in which federally recognized tribes can increase law enforcement in cooperation with county sheriffs. The bill also called for arrangements and assistance for the tribes to engage in the following options, if they choose to:

1. Cross-deputization between tribal officers and county sheriffs.
2. Contracting between a tribe and county sheriff's departments to have sheriff's deputies assigned to the reservation.
3. The creation of tribal police departments with full POST training and access to the California Law Enforcement Telecommunication System (CLETS).
4. The creation of a Memorandum of Understanding between tribes and sheriffs in regard to assuring the safety of all Indians and non-Indians on tribal lands.
5. The creation of a tribal court system.
6. Work with local judicial entities to allow for special needs of Indian tribes.

The bill also contains language that calls for the state to consider the issue of retrocession.

The CSSA is taking a cautious approach as issues such as liability of tribal police, training and others are still very much unclear.²⁸ Sheriffs are also concerned with the proposed

access to CLETS and they would be ultimately responsible if the tribal police were to misuse their dispatch system. The Association voiced these concerns during the Tribal and State Law Enforcement Summit held in November 2000. On April 8, 2001, the California State Sheriff's Association adopted a position paper entitled Law Enforcement on Tribal Lands.²⁹ The document defined the Association's position, which follows in summary:

- The CSSA encourages all local governments and tribal governments in California seeking enhanced law enforcement services to consult and work with their local sheriff to form partnerships to effectively and efficiently provide needed services.
- CSSA does not oppose individual sheriffs from deputizing tribal officers as long as all persons deputized by the sheriff of a county are certified as peace officers in the State of California.
- CSSA does not oppose state peace officer status for tribal police officers as long as tribal police departments and officers strictly conform to all existing laws and POST regulations regarding peace officer eligibility, hiring and retention practices, training and educational certifications, and liability exposure to the same extent as state and local entities of government.

The CSSA also stated within the document, "that any attempt to establish other than existing standard criteria for the granting and exercise of police powers to any group or individual in the state would represent a callous disregard for the safety of the public, condone disparate treatment for one sector of the population and present a dangerous challenge to the delicate balance of public trust in the government."³⁰

Interviews

Along with the scanning of written and Internet materials, several personal and telephone interviews were conducted to further scan for information regarding the historical development of the project issue. It became evident that the perspective of individual sheriffs would be important, as they are most certainly represent major stakeholders for the issue of tribal policing. Interviews were conducted with sheriffs from the counties of Colusa, Lake, Humboldt, and Amador counties. Also interviewed were members of the Cachil Dehe Band of Wintun Indians, the largest tribe in Colusa County, who currently operate a gaming casino.

Colusa County Sheriff Jerry Shadinger said that, while the study done in Minnesota was informative, he felt that there were still many questions left unanswered, and he was not ready to endorse the current bill on the Senate floor. “The training issue is a big one. Tribal officers should undergo POST training the same as any other officer in the state.” Sheriff Shadinger was also concerned about liability issues regarding tribal police conduct, as well as giving tribal officers access to the California Law Enforcement Telecommunication System (CLETS). “It is a big responsibility for a sheriff to grant access to CLETS, and to share information.”³¹ Amador County Sheriff Mike Prizmich explained that his county has one casino in place, with a much larger one in the planning stage. The tribe has its own police department with its officers facing the same restrictions as explained earlier. The tribe is in favor of their police having full peace officer powers. Sheriff Prizmich had no opposition to them receiving these powers as long as they were held to the same standards as all other peace officers including liability issues.³²

Sheriff Rod Mitchell of Lake County said that he would prefer to provide the law enforcement to the tribes within his county through a contract agreement. He was concerned about the reluctance of the tribes to be proactive in providing his personnel with authority to

enforce tribal laws. He also stated that he was not opposed to tribal police having peace officer powers, but would not be supportive of that legislation unless there were guarantees that the officers would be held liable for their actions, and were subservient to the State Attorney General.³³

Humboldt County Sheriff Dennis Lewis has the unique responsibility of having within his county the only tribe that has its police officers deputized by the sheriff. The Hoopa Tribe of Humboldt County has its police officers deputized by the Humboldt County Sheriff, which gives them peace officer powers within the county. He explained that the Hoopa reservation, “ was not just a casino with a few houses around it, but a community.”³⁴ Humboldt has formed a memorandum of understanding with the tribe which provides that the tribal officers attend POST training, and both entities have a concurrent jurisdiction that allows Humboldt deputies to enforce tribal law on tribal lands.

A personal interview with two members of the Cachil Dehe Band of Wintun Indians revealed that both of the members, Tribal Chairman Wayne Mitchum and Vice-Chairman Nolan Gonzales, shared the same concerns. Both believed their tribe is too small at this time to make having their own police force practical. They were supportive of establishing some form of agreement with the Colusa County Sheriff to have his personnel provide additional services. They stated that the tribe would encourage, and even be willing to sponsor, Indian cultural awareness information to county law enforcement officers. “We believe that working with law enforcement, and teaching them about our ways, will make things better for us all,” Vice-Chairman Nolan Gonzales stated.³⁵

Summary

Through the literature reviews and interviews, a foundation was formed to frame the issue of tribal policing. The history of the issue was reviewed in some detail, as is necessary if the issue is to be clearly understood. It was clear from researching the issue that, while it is not new, it is one that will have an impact on the future of law enforcement.

It is clear that many Indian tribes in California are not happy with their current level of law enforcement services, and are becoming proactive in making changes. It is just as clear that California sheriffs, while not in opposition to the concept of tribal police, are not ready to endorse them unless their concerns are met. Interviews with representatives from both groups indicate that progress has been made not only with respect to the issue of tribal police, but in the overall relationships of both. Politics and turf issues still get in the way of progress, and will continue to be a matter to overcome if a truly effective cooperation is to ever be formed. The primary issue is that many tribes want better law enforcement, have the funding to provide it and are actively seeking to form their own police forces. The county sheriffs are concerned regarding the impact of these police forces due to a current lack of training standards and liability.

Now that the foundation of the issue has been completed, the next step in the project will be to identify trends and events that might have an impact on the issue in the future. The next chapter will use a forecasting process that will aid in providing information on what the future will hold.

CHAPTER TWO
FUTURES FORECASTING
Nominal Group Technique

Futures forecasting is a practical tool for planning for the future. This is accomplished by considering what may happen to influence an issue, and to what degree of probability it will occur. When future possibilities have been identified a proactive plan can be implemented that will produce a positive outcome for the issue in question. The Nominal Group Technique (NGT) is an exercise used to identify major trends and events that will impact an issue. The NGT panel is a group workshop made up of individuals who will, or can be, influenced by an issue. This group of diversified stakeholders, utilizing the NGT process, can be extremely effective in identifying items within the issue that may have been otherwise overlooked. To aid in forecasting the future impact of tribal police development to rural California sheriff's departments, an NGT panel took place in Colusa, California on February 28th 2001.

The seven-member panel consisted of a district attorney, a general crime investigator, county supervisor, a sheriff's chief deputy, a police lieutenant, a highway patrol commander, and an aid to a senator. (Appendix A.) Also slated for the panel were representatives of the local Indian tribe, and the manager of the county's Indian gaming casino. The tribal members and the casino manager were unable to attend at the last moment, and provisions were made to conduct a smaller version of the NGT with them at a later date.

Each panel member had earlier been mailed an explanation of the project issue and NGT concept. Definitions of trends and events and the NGT process were reviewed to assure each member had a clear understanding of what was expected of them. Each was provided with a

written definition of trends and events, and the definitions were also posted on the conference room wall, along with the issue statement. The group was then requested to do a brainstorming session on trends and events that had a possibility of affecting the issue.

Trends

A trend was identified as a series of occurrences that, when viewed together, indicate a movement in a particular direction. The movement can be perceived as positive or negative. The group was advised to follow the guide of STEEP (Social, Technical, Environmental, Economical, Political) to identify trends as they pertained to the issue. Utilizing a structured process of direction the group first identified thirty-eight trends (Appendix B). Each trend was placed on a flip chart mounted to a wall. After this list was completed a group discussion was held to identify topics that were similar and could be combined. Once this was completed, a list of twenty-seven topics remained. The group was then provided with adhesive dots and instructed to rate the seven topics they felt were most important to the issue by placing a dot next to it. It was determined that there were actually eight trend topics that the panel strongly believed should be used for forecasting.

A discussion was held on each of these topics. Following this discussion, each panel member was then asked to privately forecast and then record their opinion regarding the direction and impact of each trend topic in the future. They were provided with a Trend Summary Table, and given an arbitrary current baseline value of one hundred. Using this as a reference they were then asked to make their forecast. They were asked to give a level of concern regarding each trend, using a scale of one to ten with ten being the greatest concern. The panel's forecasts were then given a mean score and placed in a Trend Summary Table. The

top eight trends and the high points of the discussion of each are as follows. The results from the second panel members are calculated in, and did not change the data.

Table 2.1
Trend Summary

	DESCRIPTION	- 5 YEARS	TODAY	+ 5 YEARS	+ 10 YEARS	CONCERN (1-10)
T-1	Tribal Political Influence	29	100	189	289	10
T-2	Jurisdictional issues	99	100	131	126	9
T-3	Cooperative Plan	101	100	131	116	8
T-4	Culture & Law	76	100	132	119	8
T-5	Economic Independence	93	100	171	286	7
T-6	Health & Ed Facilities	42	100	166	216	6
T-7	Level of Liability	97	100	166	239	8
T-8	Environmental Issues	77	100	166	221	8

T-1 Level of Tribal Political Influence

The number of tribal members on tribal lands is increasing, due to financial independence which in turn provides better living conditions and opportunities. Many tribal members who had left reservations are now returning. This growth will provide them with an influence that they

have not known. This trend was rated as the highest concern due the potential for political conflict.

In the future, Indian tribes will become a force in local government and politics. An example would be membership on city councils and county boards. Tribal organizations are becoming more organized and aware of the influence they can have on local governments.

Tribes will experience a reduction of in-fighting, working with each other to build a stronger organization.

T-2 Number of Jurisdictional Issues Relative to Tribal Police Forces

The primary issue that continues to cause conflict between Indian tribes and state and local governments is jurisdiction. Tribes who develop their own police forces face the obstacle that their officers hold only authority to enforce tribal laws on tribal lands. Local government agencies also face jurisdiction issues when dealing with matters on tribal lands. While Public Law 280 provides certain authority to California peace officers on public lands, that authority is limited. While there are several existing examples of concurrent jurisdiction agreements between tribes and California sheriffs, there is still reluctance by many sheriffs to grant concurrent jurisdiction to tribal police.

If tribes establish their own police force they must deal with the lack of process for extraditing persons charged with violations of tribal law, once that person has left tribal lands. Incarceration would also become a major issue.

With an absence of a cooperative agreement between tribes and law enforcement, criminal investigations under Public Law 280 would be impeded by tribal laws and customs regarding evidence collection, interviewing victims and witnesses, and dealing with deceased

subjects. The panel's projections indicate that the impact of this issue will continue to increase for the next five years before an improvement occurs brought on by the implementation of cooperative agreements.

T-3 Cooperative Plan

Cooperative planning between tribes and police has made some progress, but is far from being effective in most cases. Large scale emergency response plans to deal with disasters on tribal lands in most cases do not exist. The willingness of tribes and local government authorities to identify and remedy issues that affect us all appears to be slowly progressing.

T-4 Level of Conflict between Culture and Law

Within many Indian cultures are customs and practices that are in conflict with local and state laws. An example is laws pertaining to the protection of fish and wildlife. This brings in issues such as animal rights activism, and a negative reaction from non-tribal members who must abide by the law.

Child protective issues continue to be a conflict between local agencies and tribes, again often due to customs and beliefs. The panel felt that the Federal Bureau of Indian Affairs at times might place major hurdles by encouraging tribes not to cooperate with local authorities. Coroner cases also pose an on-going conflict due to mandated legal requirements and the religious beliefs of tribal members.

Indian artifact incidents continue to be an issue that, at times, can become extremely heated with law enforcement in the middle. Indian cultural rights, such as the right to possess eagle feathers, can become a nightmare for law enforcement officials if they are not aware of the

laws regarding such issues. There is a need for cultural awareness training for law enforcement members if they are to deal with tribal members in an effective way. The trend regarding this conflict is showing a slow improvement as more and more departments are implementing cultural awareness training.

T-5 Level of Tribal Economic Independence

Economic growth of tribes due largely to the revenues from Indian gaming is making them self-sufficient, with large cash reserves. This has produced both positive and negative results. In-fighting in some tribes over money issues has led to acts of violence and, in at least one case, an on-going gun battle necessitating a large scale response from many law enforcement agencies. Positive impacts include tribes making large donations to various public service groups. Many private businesses and public agencies have become dependent on funding from local tribes. An example would be the purchase of fire trucks, and in some cases funding local law enforcement for peace officer positions and equipment.

This economic independence has also carried into the arena of public perception in that tribes have made a major change in public opinion by being proactive in the local community with their charitable activities. An example of how successful they have been was the overwhelming support they received from California voters when Indian gaming was put on the ballot.

Tribes have formalized their business structure making them a viable part of the business community. Projections indicate a continued growth in tribal economic independence.

T-6 Number of Tribal Health and Education Facilities

Many tribes have established modern healthcare facilities that rival those found in the local community, making these facilities available to the general public as well as tribal members. These facilities and healthcare education provided to tribal members has eased the burden on public welfare agencies and their funding. These facilities often offer better services than those found within the local community. Healthcare programs that address drug and alcohol abuse will have an impact on law enforcement calls for service. The trend for increasing financial independence indicates a continued growth in healthcare programs and facilities.

T-7 Level of Liability

Tribal communities are basically immune from civil process, with no recourse from local courts to order payment from lawsuits. This lack of liability can affect several issues. Although many tribes employ a large amount of non-tribal members they are not required to provide workplace rights such as sexual harassment policies. Tribal police might not be held accountable for many acts of police misconduct by local or state courts. Also, malpractice incidents within tribal healthcare facilities would not come within the jurisdiction of courts outside of the tribal system.

The panel felt that there is a trend for even more of a liability in the above matters as the tribal organizations grows.

T-8 Concern Regarding Environmental Issues

Environmental issues continue to be a major conflict between some tribes and those government agencies tasked with enforcing environmental protection. Tribes are held to no local or state standards. An example would be the current proposals of a large landfill in a rural

county that will be sub-standard in environmental protective measures yet has the potential to contaminate domestic water supplies downstream of the tribal lands. This trend of ignoring local concerns and circumventing environmental standards will place law enforcement in the middle of conflicts between tribal members and the public. The panel's projections are that this trend will increase as more tribes seek ways to develop tribal lands for financial gain.

Events

An event was defined as a one time singular occurrence. The panel was directed to identify events that might have an effect on the project issue, using the same method of forecasting as the trends. The panel first listed forty-one possible events (Appendix C.) This list was reduced to thirty-eight after six were identified to be similar. After discussion, the group was asked to vote on the seven events they thought would most impact the issue. The dot system was again used for voting. After a discussion, the group was asked to privately forecast and record their opinions on an Event Summary Table provided to them. In this case, they were advised to make their forecast in terms of years, when they thought the probability of each event first occurring exceeded zero; in percentage the probability of each event at a future time, and; if the impact from each event would be positive or negative relating to the issue. Again, the mean scores of the panel forecast were placed in the summary table.

Table 2.2

Event Summary

	DESCRIPTION	YEAR >0	+ 5 YEARS	+ 10 YEARS	IMPACT (1-10)	+ OR -
E1	Supreme Court Decision	5	39	71	8	-
E2	Non-Cooperative Tribal Police	2	34	35	8	-
E3	Tribal Legal System	5	37	64	6	+
E4	Change in Political Climate	3	31	36	6	-
E5	Tribal Nation	4	17	58	6	-
E6	Tribal Disharmony	3	36	66	8	-
E7	Economic Recession	2	54	58	7	-

E-1 Supreme Court Ruling Bans Indian Gaming

State courts shut down all gaming casinos. All the positive aspects of Indian gaming disappear in time. This would result in the loss of tribal financial independence, and with it healthcare facilities, donations to community, decreased tourism, and loss of revenue to local businesses. Welfare roles would likely increase, along with an increase in unemployment of both tribal and non-tribal members. Tribal members would resist, causing conflicts with law enforcement. The panel’s projection was that there would be a negative impact by court decisions regarding Indian gaming.

E-2 Establishment of Non-Cooperative Tribal Police Force

A tribal police force formed with no cooperative agreement with local law enforcement agencies would have immediate negative impact. Officers would not be trained to state standards for peace officers. Tribal officers would have no authority to enforce other than tribal law on tribal lands. There would be no guarantee of civil rights protection for non-tribal members.

A vehicle pursuit initiated by tribal police would become illegal once off of tribal lands. Such a pursuit would have devastating ramifications if the end result were a collision with innocent motorists or bystanders.

Tribal courts would have no form of support outside of their jurisdiction. There would be no process for the extradition of offenders of tribal law once they left tribal land. With no cooperative agreement or concurrent jurisdiction, local law enforcement would be limited on what actions they could take on tribal lands. An analysis of the data produced by the panel indicates a low likelihood of this event occurring.

E-3 Establishment of Tribal Judicial System

If done properly, the formation of tribal judicial systems could be an asset to both tribes and local law enforcement. There is a need for clear-cut guidelines if a tribal court is to be effective.

Tribal courts would need to distinguish between misdemeanors and infractions, and turn over felony suspects and violent crime offenders to local law enforcement. A sharing of information on crimes, criminal histories, and wanted suspects would be essential if the tribal court system is to work. If an agreement were reached with the local sheriff's department for

incarceration of tribal law offenders, a payment system for that service would have to be established. The panel believed that there was a strong probability of this event occurring and that it would impact the issue in a positive way.

E-4 Environmental Disturbance Results in Sudden Negative Change in Political Climate

A sudden negative change in the political climate or attitude of government as to its stance on Indian gaming would have an immediate impact. No longer would exist the general support tribes have enjoyed over recent years. This would most likely affect the cooperation between tribes and law enforcement that currently exists in many counties.

If one branch of government views Indian gaming as an absolute negative, it could cause conflict between other levels of government. Political issues could also cause inter-tribal conflict. A recent example is of a tribe proposing a landfill on tribal lands with many tribal members in opposition. A single event such as an environmental disaster brought on by tribal activity could instantly turn public support away from the tribe. The panel believed that there was a relatively low probability of this occurring, however if it did, it would have a negative impact on the issue.

E-5 Establishment of Tribal Unified Nation

While many tribes are currently working together on various issues, a total organized union between all tribes would place them a position of power not previously known. This event would most certainly have a positive impact on many tribal issues, but in turn might adversely impact government at all levels, including law enforcement.

As mentioned in earlier discussions regarding financial independence, tribes are becoming or have the potential to become a major force in politics. Tribal populations are considerably lower than the demographics of other minority groups. A unified effort by a “nation” of tribes would most certainly add to their political power. With this new found power tribes could influence issues that would affect local law enforcement. Also, public perception of tribes as being persecuted over the years can lend to a “sympathy factor,” adding to their strength. The panel believed that there was more of a likelihood of this event occurring than not and believed that if it were to occur, it would have a negative impact on local government including law enforcement.

E-6 Tribal Disharmony- Coup

Conflict within tribes reaches a point that current forms of tribal government are overthrown. A new generation of non-traditional members could cause a tremendous impact. A part of this impact might be the deterioration of the cooperation efforts between tribes and local government. While tribes and law enforcement have made great progress in the last several years regarding law enforcement issues on tribal lands, many tribes have a younger generation that resents non-tribal authority. There was a moderate projection that this event would occur and would have a negative impact on the issue.

E-7 Economic Recession

This event was identified as an overall recession, not just within tribes. Casinos may continue to flourish or fail. If casinos were impacted negatively, then not only the tribes but also the local economy would suffer due to the loss of jobs by non-tribal members and tourism. If

they continue to be successful while other businesses fail, resentment could build within the community.

Many tribes are also expanding into non-gambling businesses such as shopping centers, golf courses, and hotels. These operations might have an adverse effect on local businesses that must pay taxes and local fees, by drawing customers away. If casinos and other tribal business ventures continue to thrive during a recession, the local community would become more dependent on tribal contributions, making them even more powerful. The panel felt that within the next five to ten years the probability of this occurring was slightly higher than fifty percent. If the event occurred, the impact to tribes and local government would be negative.

Follow Up With Tribal Members

Due to the fact that the tribal representatives were not able to attend the NGT panel, a meeting later took place with them. Present were the Chairman and Vice-Chairman of the local tribal council and the manager of the local casino, also a Native American. The NGT process was explained to them, and a brainstorming session took place following the NGT format. When asked to identify the trends and events that they believed would impact the project issue, it was found that their concerns were basically the same as the rest of the group. The group's voting results were reviewed with them. Chairman Wayne Mitchum said that from the results it appeared that a consensus of their tribe had been present at the actual NGT, and they were in agreement with its findings, opting to make no changes.

Cross Impact Analysis

After the formal NGT process was complete, a smaller group was used to determine if, and to what degree, each event forecasted might impact each individual trend. The group’s consensus of whether the impact, if any, would be positive or negative, and to what extent that impact would measure on a scale of 1 to 5, 5 being the highest, were documented in the following cross impact analysis table:

Table 2.3
Cross Impact Analysis

	TREND							
EVENT	T-1	T-2	T-3	T-4	T-5	T-6	T-7	T-8
E-1	-5	0	0	-2	-5	-5	0	-4
E-2	-4	-4	-5	-1	-1	0	0	-1
E-3	+3	+3	+4	+4	+2	0	0	+2
E-4	-5	-2	-3	-4	-1	0	0	+2
E-5	+2	+1	+2	+2	+2	+4	+1	+1
E-6	-5	-4	-5	-2	-3	-4	0	-5
E-7	-3	0	+2	0	+4	+4	0	-2

In reviewing the results of the cross impact analysis, the trends which would be most impacted by the forecasted events were identified. They were Tribal Political Influence (T-1) and Cooperative Plan (T-3). Those which would be the least affected were Jurisdictional Issues

(T-2) and Level of Liability (T-7). No single event had repercussions on all of the trends. Two of the more extreme impacts are noted. A Supreme Court Ruling Bans Indian Gaming (E-1) event would greatly impact Tribal Political Influence (T-1), as without the financial independence brought on by proceeds from gaming, many tribes would no longer be looked upon as a political power. Non-Cooperative Police Force (E-2) would also have a strong negative impact (T-1), as local government would be in conflict with tribal police. Tribal disharmony (E-6) would weaken the tribe's ability to present a strong image to the public. Next, the impact of Non-Cooperative Tribal Police (E-2) would obviously have a high negative impact on Cooperative Plan (T-3) in that without the cooperation of the tribal police department, no practical cooperation plan could be put into effect. Tribal disharmony (E-6) would also prevent a cooperative agreement between tribes and local law enforcement in that if the tribal members could not agree on issues, they could not as a whole work cooperatively with outside entities.

The NGT process was used as a way to identify a number of trends and events that might have an influence on the issue of how rural California sheriff's departments will be impacted by the development of tribal police within their counties. The results of this exercise will be used to develop future scenarios that will be outlined in the next section.

Future Scenarios

Using the information gathered in the literature review, the interviews, and the nominal group technique futures forecasting exercise, three separate and alternative scenarios relating to the same issue were developed. Each considers a possible future.

Optimistic Scenario

January 1, 2006 finds tribal police officer Joseph Rivers on patrol of the tribal lands of the Summit Valley Reservation. As he listens to the chatter on the police frequency shared by the tribe's police and county law enforcement agencies, he remembers back three years ago. There was a time when it did not look as though the dream of a police department for his tribe would ever become a reality. His tribe was not happy with the level of police service provided by the county under Public Law-280, and had begun to consider forming their own police department. There were many hurdles facing them, from the provisions of PL-280 itself, to reluctance by some tribe members to change the "old ways". The old ways had been all they had when they were reliant on federal funding, and whatever the Foothill County Sheriff could spare for their police services. It all changed when the tribe, like many others in the State of California, built their gambling casino. It seemed like almost overnight at the tribe was flourishing and financially independent. Tribe members came back to the reservation; new housing and even a healthcare center were built. What had once been a small run-down housing area, was now a community. With the growth came problems like those found in any other community. As the population grew so did the crime rate. The sheriff's deputies could enforce some laws but not others. This frustrated the tribe members wanting more law enforcement as well as the deputies that were called but many times were powerless to take care of the problem.

The tribe eventually brought the idea of creating their own police department to the sheriff. They asked the sheriff to deputize their officers so that they would have the authority to perform as peace officers. The sheriff turned them down citing the lack of training, liability and a number of other issues. During this same period, the State of California had been long considering the issue of giving tribal police state peace officer powers. The California State

Sheriff's Association had been resisting this issue, lobbying to defeat senate bills as they were proposed. Finally, a compromise was reached that satisfied the sheriffs and still gave the tribe its sovereignty with exceptions including dealing with liability and recognizing that the sheriff of each county remained the chief law enforcement official. As was part of the agreement, tribal officers were required to undergo the same standards of training through POST as any other California peace officer. Cooperative agreements were forged pertaining to dispatching, jail services and even tribal ordinances that gave sheriff's deputies the power to enforce some tribal laws.

The last three years had been a growing and learning experience for both the sheriff's department and the tribe. Early on, an issue that affected the relationship between the two was the lack of awareness of Indian culture and traditions by the county deputies. Through a proactive training program, deputies were educated regarding these, and the results were immediate. While some of the younger members of the tribe resisted the cooperative relationship, the rest of the tribe had finally realized their dream of having adequate police services.

Officer Rivers heard the sheriff's dispatcher calling him to advise of a fight at the reservation's convenience store. As he started that way, he heard two sheriff's deputies call to advise they were rolling as back up. He thought to himself, "This is the way it should be."

Pessimistic Scenario

Tribal police officer Joseph Rivers drove his patrol car through the night as he patrolled the land of the Summit Valley Indian Reservation. It was January 1st, 2006, and another day of frustration for him. He looked down at his radio, and thought, "A lot of good that does, there is no one to hear me." The part-time dispatcher worked only during the day, and sometimes not at

all. He took pride in his job, but knew that he was basically a security guard with no real peace officer powers.

The tribe's gaming casino had brought a wealth to his people that they had never known. The reservation community had grown as members returned to a better way of life. The tribe now was actually having an influence on the county as a whole. With the financial independence, came recognition from the private sector and local government. At first there had been resentment from the non-tribal members, as they at first had resented the casino itself, and perhaps even more the fact that the tribe was not subject to local taxes or licensing fees. As the first years went by, the county community had slowly realized that the casino was not having the negative effect they had anticipated. The tribe also made numerous donations to the local community and was now thought of as an asset.

He remembered back to when his tribe had decided that they were not receiving adequate police service and had moved forward to improve. The law that governed the law enforcement issues of the tribe had been in place since 1953. His history lessons had taught him that the law originally had been passed by the United States Government to help the tribes with police services, but as time went on it was viewed to have just the opposite effect. The Foothill County Sheriff was charged with the enforcement of many major crimes, but not those of lesser degree. Tribal officers could enforce tribal law on tribal members, but had to make a private person's arrest on all others and wait for a deputy to arrive.

When his tribal council members had approached the Sheriff a few years back to ask him to deputize their officers, they were turned down. In fairness, Rivers did not blame him because he had some valid concerns. The tribal officers were not trained to the degree of other officers in the state. The tribe refused to waiver in their insistence for total sovereignty, which brought up

issues of liability and jurisdiction that the Sheriff could not ignore. While the tribe wanted the Sheriff to grant them authority, they were reluctant to address his issues. The tribe had gone ahead and formed its own police department, hiring its officers from members of its community. They had been provided with the best equipment and paid a good wage. This did not make up for the feeling of not having the powers to get the job done right. When he had to call a deputy for assistance they seemed annoyed that they had to take over for him. He once even heard one say, "If you want this guy arrested, why don't you do it yourself?" They did not understand that he would give anything to have the authority they seemed to take for granted. The state had been working on legislation for years to give tribal police peace officer powers, but each bill was rejected due to the tribe's unwillingness to give up certain things and the sheriffs in the state hard-line stance.

Rivers also knew that a major roadblock in relations with local law enforcement was the lack of awareness by non-Indians regarding Indian culture and traditions. Plans had been made to have sheriff's deputies undergo training for this but it had never happened. He knew that Indians also strained the relations with non-Indians with some of their practices. Another tribe in the county had opened a large landfill site as a way to bring them financial independence. While this benefited that tribe, the fact that they were not forced to comply with environmental standards had caused bad feelings from non-Indians, who lumped the tribes all together. Another issue that put Indians in a bad light was the conflict between the tribe's young people and its elders. The infighting had led to several incidents where sheriff's deputies had been forced to intercede.

Rivers knew that the tribal police force was a good idea and would have worked if all involved would have tried harder to make it happen. As he pulled up to the reservation's

convenience store he saw a large group of young tribal members fighting. He looked down at his radio knowing it did no good to call for help. He thought, "This is not the way it should be," as he climbed out his car to confront them.

Surprise Free Scenario

It is January 1st, 2006. New Year's Eve at the Summit Valley Indian Reservation had been a wild one. The casino had a concert that was attended by a large crowd and the party had lasted all night. Security Supervisor Joseph Rivers and his shift of officers had been very busy handling the crowd at the casino. In the housing area of the tribal community there had been several incidents including a large fight. The Foothill County Sheriff's Department had responded and made several arrests. Rivers heard over the police scanner when the deputies had called for additional help. Other units had arrived shortly after and the deputies gained control. Rivers would have gladly assisted the deputies, but was confined to the casino area. Rivers knew that in many other counties in the state, the tribal police force for the reservation would have handled that call. His tribe was too small to have its own force and relied on the county sheriff to provide law enforcement services.

About two years ago, the State of California, after long consideration, made provisions that tribes could form their own police forces, with the officers having state peace officer authority. The tribes and the state's county sheriffs had finally reached an agreement that met the concerns of each group. The tribal officers in those tribes who wished to have them were trained at the same level as all other peace officers in the state. In essence, the Indian reservations with police forces were now given the same considerations as any other municipality.

For the tribes not large enough to have their own force, or for some other reason it was deemed impractical, the county sheriffs were still responsible for enforcement. They were now much more effective in their duties as most of the tribes had enacted ordinances that gave the sheriffs authority to enforce those violations not covered under Public Law-280. A proactive effort to give the non-Indian deputy sheriffs cultural training had proved very successful, leading to a much better relationship between law enforcement and Rivers' tribe. The tribe had actually reached an agreement with the sheriff to partially fund a deputy position that would spend part of each shift dedicated to patrolling the reservation.

While Rivers would have liked to have been a member of the tribe's own police force, he was content to work as a security guard while he attended classes in law enforcement. His intentions were to next put himself through the Basic POST Academy, and then seek a job with the Foothill County Sheriff's Department. His next goal would be to be assigned to patrol the reservation where he was born and raised. He thought to himself, "Things could be better, but they are not bad."

Each scenario was written utilizing the information gathered in the literature review, interviews with stakeholders, and the NGT futures forecasting exercise. Valuable insight can be gained from these scenarios that can assist rural California sheriff's departments in dealing with this issue. In selecting an alternate future that seems the most probable, a department has the foundation to formulate a plan that can help bring the desired future to reality.

A plan on how to deal with the issue of the future impact of tribal police development on rural California sheriff's departments will be addressed in Chapter Three.

CHAPTER THREE

STRATEGIC PLAN

Introduction

Through the process used in Chapter Two, scenarios were developed to reveal what rural California sheriff's departments might face by the development of tribal police within their counties by the year 2006. While any one the three could happen, the Surprise Free Scenario was deemed the one with the greatest likelihood of occurring. The following strategic plan will bring us to the Surprise Free Scenario. The model for the plan will be the Foothill County Sheriff's Department, a rural Northern California sheriff's department which serves a county population of twenty thousand. The plan will consider the present situation of the department, as well as an examination of the department's strengths and weaknesses and the external opportunities and threats (SWOT) that the department must deal with. Also considered for strategic planning is the identification of stakeholders.

Organizational Description

The county has a population of approximately twenty thousand, and is situated near the foothills of the Coastal Range of Northern California. The county is sparsely populated with only two incorporated cities, and the rest of the population spread out over its one thousand square miles. The county financial base is primarily agriculture, with some tourism from outdoor recreation. The county also has an interstate highway and a state highway running through it that accounts for additional tourism revenue. With agriculture as its primary industry, the county's work force and employment rate fluctuates with the growing seasons. Unemployment runs at high levels for the state average. With no real increase in different types

of industry, the county economic base remains static. The ethnic makeup is primarily White and Hispanic. The county is considered to be extremely conservative and traditional in its outlook. A Board of Supervisors governs the county, with each member representing one of five districts.

The county Sheriff's Department is responsible for providing law enforcement services to the unincorporated areas, which accounts for nearly two-thirds of the population. This includes six townships. The department consists of thirty-seven sworn, and thirty-nine civilian personnel. The department is broken into three divisions including Field Services, Corrections, and Support. Field Services consist of Patrol, Investigations, Coroner, and Crime Prevention Sections. Corrections consist of Jail Operations and Transport. The Support Division consists of the Dispatch, Bailiff, and Animal Control Sections. While small in size, the department is considered to be progressive in its operational tactics and training.

As California is a Public Law-280 state, the Foothill County Sheriff is responsible for law enforcement services on Indian lands within the county. Currently, the Foothill County Sheriff's Department is conducting these services without any additional funding sources, with a department that is understaffed. There is current legislation pending that could see tribal police in California gain full peace officer status. While this may be seen as a positive or negative possibility by those affected, there are those counties that have tribes not large enough to warrant their own forces. Currently Foothill County would fall into that category.

SWOT Analysis

A Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis regarding the Foothill County Sheriff's Department was conducted by members of the Sheriff's command staff. The reason for conducting such an analysis is to identify the department's strengths and

weaknesses, as well as external opportunities or threats that might impact the strategic plan. The results are as follows:

Strengths

- The Foothill County Sheriff's Department (FCSD) is progressive for its size.
- FCSD sworn and civilian personnel alike, receive advanced, proactive training at levels often exceeding those of larger law enforcement agencies.
- Because of the large Hispanic population within the county, sheriff's personnel are aware of the need for cultural understanding when dealing with different ethnic groups.
- FCSD personnel maintain high professional standards.
- FCSD maintains high level of success when working with allied law enforcement agencies, local government, or the public sector.
- FCSD continues to have an excellent reputation for its involvement in the county community, through programs such as COPPS, and resident deputies.
- FCSD has developed a proactive relationship with the local Indian tribes, with both parties realizing that this is a necessity.
- The FCSD has learned to do more with less in dealing with necessary, yet unfunded programs.
- The FCSD currently utilizes a three-year planning program to identify future needs.
- The Current FCSD Command Staff consists of personnel with over twenty years of experience, and a high degree of training.

Weaknesses

- The FCSD continues to face staffing shortages due to losing personnel to larger agencies, and the lack of a pool of qualified applicants to replace them.

- The FCSD, while realizing there is a need for additional cultural awareness in dealing with the local Indian tribes, has been slow to make that training available.
- The FCSD has a majority of sworn personnel with less than ten years of experience; this group has been slow to accept the need for cultural awareness training.
- While striving to address public relations issues, the FCSD, because of its small size, must sometimes give these issues a low priority.
- The FCSD supervisor level personnel are, for the most part, inexperienced (less than five years), and many do not have the desire to advance to command level positions.

Opportunities

- Grants are readily available to law enforcement, providing opportunities to small agencies not seen in the past.
- More cultural awareness training is available than ever before.
- The department has an outstanding relationship with the local media.
- Currently, the department is seeing an excellent effort by the largest Indian tribe to improve relations and to form some sort of cooperative plan to improve law enforcement services on tribal land.
- Through the efforts of the Youth Safety Officer program, the FCSD is experiencing an all time high in relations with each school district.
- The community as a whole has been very receptive to additional crime prevention and public safety programs.
- The public in general has shown excellent support for the FCSD in all its endeavors.

Threats

- A Senate Bill currently being considered would enable tribal police to acquire peace officer status, while the sheriffs of the state have not agreed to all of its provisions.
- Federal and state funding sources, such as grants, are in jeopardy as surpluses are being expended.
- Some of the grants available are competitive in nature and smaller agencies cannot compete with agencies with larger crime indexes, populations, etc.
- While most non-Indians within the county have come to view the Indian gaming casino as an asset, there are those who remain very opposed to it, and will not support the commitment of additional county resources, regardless of the funding source.
- There are young members of the Indian community who have resisted efforts between the tribe and law enforcement to form better working relationships.
- While progress has been made in law enforcement issues, other issues such as environmental concerns may cause conflict between tribes and non-Indians.

Stakeholder Analysis

Stakeholders were identified who would play a part in the impact of the issue. First the sheriff's department, with the perspective of internal analysis considered. Within the internal perspective, three groups were identified as being the most affected by the project issue: administration, supervisors and line personnel.

The sheriff's administration will play the major role in adopting a plan that will deal with the issue and its effects on the rest of the department, as well as the county itself. As one of the stakeholders who will experience the greatest effects of the issue, the sheriff's department must

take the lead in preparing for and obtaining the desired outcome of a working, educated law enforcement presence between the two entities. The administration must give clear direction, defining what the desired outcome is, and allowing those assigned to the task to perform those duties.

Front line supervisors must be sold on not only the plan, but also the need for the plan in the first place. If line supervisors are resistant to the plan, which is, in essence, change, they will not sell it to line personnel. Failure to have the supervisors back the plan will result in its failure before it is implemented.

Line personnel at first will most likely be reluctant to change the way they do things, even if it's to their benefit. Some have deep-seated resentment on the way law enforcement service has been conducted on Indian land in the past. Many have adopted an attitude of feeling helpless at times when responding to calls on Indian lands, due to current law. Most realize that the current way of doing business when dealing with tribal calls for enforcement needs improvement. As with most employees subjected to new working methods, line officers will have to see results if they are to endorse the change.

The second perspective of stakeholders is that of those external to the sheriff's department. The county Indian community would be the most impacted of these, followed by local government and the public itself.

Tribal leaders will find themselves much in the same position as the sheriff's administration. They will have to sell any change to the tribal community. This can be even more difficult because of Indian culture and tradition. As tribes have become more influential some members have increased their sense of sovereignty, with a reluctance to be influenced by those outside of the tribe. Increasing also has been the resistance of younger tribal members to

follow the wishes of tribal council members and elders. Because of the history of negative influence to the tribes by non-Indians, tribal leaders may have a hard time selling a cooperative plan with county law enforcement. As with law enforcement line personnel, they will have to prove to their community not only that the plan will work, but that it will also be a benefit to them.

Local government and its officials will have to also be sold on the plan by the sheriff, and must play a proactive role in its implementation. The county's Board of Supervisors will have to be educated on the problem before they can play a part in a solution to it. Old attitudes will have to be put aside. The board will be tasked with selling the plan to their constituents throughout the county.

The general public is, for the most part, uneducated about the problems faced by both the Sheriff and the local Indian tribes regarding law enforcement services. The perception the public currently has about the tribal community differs greatly. Some see the financial independence of the tribe through gambling proceeds as a boon to the county, while others see it as a negative influence. As with each entity below the administrative level, the public will have to be sold on the need for change, and then see positive results once that change has been made.

Strategy Development

Taking into consideration the description of the situation, the SWOT analysis, and the analysis of the stakeholders, strategies were developed that will bring the project model to the desired future state. The strategies are:

1. Promote the need for an improved Sheriff's Office role in providing law enforcement on tribal lands. This issue needs to be sold to department personnel, tribal members and the general public.
2. Encourage better understanding of both the culture of the tribe and the needs of law enforcement.
3. Develop Community Oriented Policing type programs, placing deputies on tribal land versus just responding to calls for service.
4. Adopt a concept of working a program that benefits all concerned.

Implementation Plan

Considering the strategies formed above, a plan was then developed to implement the tasks to make these strategies a reality. The steps of the implementation plan follow:

1. Sheriff's Department administration and tribal leaders reach an agreement that enables the Sheriff to provide law enforcement services to a degree that will best serve each faction.
2. Sheriff's Department will initiate an Indian cultural awareness-training program that will include input from the local tribe.
3. The Indian tribe will pursue the passing of ordinances that will empower the Sheriff's personnel to have additional authority on tribal lands.
4. The Sheriff will commit additional resources for police service on tribal lands, utilizing the community-policing concept.
5. The Indian tribe will contract through the county to reimburse the Sheriff for the additional resources needed.

6. The Indian tribe will actually contract with the Sheriff's Department for law enforcement services.
7. The Sheriff's administration and tribal officials will meet regularly to address the needs of the program.

Current circumstances, strengths, weaknesses, opportunities, and threats, as well as the identification of stakeholders must be a part of the plans to deal with a future issue. These components were all used to make strategies and ultimately plans that will hopefully have the desired effect on the issue of tribal police development and its effects on rural California sheriff's departments in the next five years.

Cost Analysis

The cost of implementing the above plan should not be so significant as to make it impractical. The cost would be shared between the sheriff and the tribe, with the tribe taking on the larger burden due to the services it would receive. While the local government of many rural California counties continues to encounter fiscal hardships, many local tribes have abundant funding resources. If a cooperative agreement can be reached between the two entities, the sheriff would supply the services, with the tribe paying for those services.

The Sheriff would see little impact on his/her operational budget as he/she is already responsible for providing law enforcement services to tribal land, and any additional services would be reimbursed. If funding were not available from the tribes, the Sheriff would have the option of pursuing grant funding such as the COPPS program.

Now that a strategic plan has been developed to address the issue of the impact of tribal police development on rural California, a program to implement it must take place. In Chapter Four, transition management will be addressed.

CHAPTER FOUR

TRANSITION MANAGEMENT

Introduction

In order for strategies dealing with the impact of the development of tribal police on rural California sheriff's departments in the next five years to succeed, an implementation program must be developed. After strategies have been identified for implementation, it will become necessary to anticipate any roadblocks in getting the program started. A plan to deal with implementation issues will aid in its success, and help produce the future desired.

Commitment Plan

To implement a successful program it will be necessary to deal with issues that will be of concern to the different stakeholders. While it is not essential that all the stakeholders reach an agreement on each issue, the program will move along much more efficiently if some form of agreement is reached on most of the issues. All of the stakeholders identified have an interest in the issue, but not all of them will agree with the planned program. It will be beneficial to identify those stakeholders who may be opposed to the program. Preparation should be made to deal with this opposition. The smaller the group of stakeholders involved in implementing the program, the better, as long as the other stakeholders are still in support of it.

The following were identified as stakeholders critical to the success of the program: the County Sheriff, the Indian Tribal Council, and the County Board of Supervisors. Those stakeholders are further discussed below.

County Sheriff

As the chief law enforcement officer in the county, the Sheriff has the responsibility to provide law enforcement services to Indian tribes. The Sheriff also has the right to grant or deny peace officer powers to tribal police. The Sheriff's support is critical to planned strategies and the program itself, as his/her office will generate those plans. In California's current PL-280 status, the county Sheriff must be willing to take the lead in bringing about changes that will benefit all those affected by the issue, for without the Sheriff's approval there can be no change.

Indian Tribal Council

The Tribal Council will have a critical role nearly equal to that of the County Sheriff. While currently the sheriff has the ultimate say on this issue, without the tribe's willingness to work for a solution to the issue, any plans or strategies would result in failure. The Council will have the task of selling the plan to tribal members, as well as non-Indians.

County Board of Supervisors

While the Board of Supervisors may not take an active role in planning the program, they must approve it. Without their support and commitment, the sheriff will not be allowed to implement the plan. The Board also serves as a link or liaison to the non-Indian public, and will play a crucial role in making any plan or program acceptable.

Transition Plan

The Sheriff will be tasked with forming a transition that will be smooth and effective. To add to the difficulty of this task is the fact that there will be multiple transitions occurring at the

same time. By using the tasks identified in the implementation plan of reaching an agreement with the local Indian tribe to seek a solution to the issue, the Foothill County Sheriff's Department will make a positive move to transition to the future. Those tasks are: initiating cultural awareness training to Sheriff's Department personnel; encouraging the Tribal Council to pursue ordinances allowing deputies more enforcement power on tribal lands; committing additional resources; seeking reimbursement for those resources; and regular meetings between the two groups.

The first strategy is the most critical as without an agreement to work together to find a solution to the issue the other strategies will fail. The Sheriff must be willing to move away from the old methods and think outside of the box. The tribe must be also willing to move away from traditions and overcome issues that may be in conflict with their culture. As mentioned before, almost all people are resistant to change. The Sheriff and the Tribal Council must make those under them understand that the change will benefit them.

The Sheriff must take a proactive step in training department personnel in Indian cultural awareness. This will not only make the deputies more effective in their dealings with tribal members, but will also send the message to the tribe that law enforcement cares enough to learn their ways. The Sheriff should make the local tribes partners in this training, soliciting their input.

The issue of the tribe pursuing ordinances that would allow sheriff's deputies to enforce some tribal laws may or may not be difficult to achieve. While tribal members may resist additional influence by non-Indians, they may also be weary of not having those laws enforced previously. The way the sheriff approaches the Tribal Council and how they in turn approach the tribal members will play a critical part in whether it is accepted.

Perhaps the easiest strategy to obtain is the Sheriff committing more resources for law enforcement services on tribal lands. While this issue may provide a fiscal hardship, there would not be a great impact on the way that business is currently being done. One solution to the funding problem might be seeking a grant such as the COPPS Program. The Sheriff could also fulfill the commitment to increase law enforcement services by simply instructing patrol supervisors to assure that their deputies treat Indian lands like any other part of their assigned beats, instead of waiting for calls for service.

The next strategy would make the above much easier to implement. If an agreement between the Sheriff and Tribal Council were reached where there was a contract in place for reimbursement for law enforcement services, it would serve several purposes. The first would reduce the fiscal impact of providing additional resources. The next would be that in providing the funding for these services the tribe would have a vested interest or ownership in those resources, such as the tax paying public does off of tribal lands. Another benefit would be that the deputies assigned to patrolling tribal lands would know their services were desired, where in the past they have felt that they were not welcomed.

The last would simply be a way of maintaining the program, by assuring that an open flow of information sharing always exists.

Transition Management Structure

In this issue the Sheriff would best serve as the leader of the group charged with making the transition to the new program. He/she might well have the ultimate say regarding what services are provided and to what degree, yet the Sheriff must also serve as the middleman between the tribe and local government. The Sheriff must sell the program to two very different

entities, both of which will have their own concerns and reservations. Members of the sheriff's administration staff will be tasked with assuring that the implementation of the program goes forward once it is approved. The Tribal Council will also have to show a commitment to the program, making the extra effort to make the tribe's younger members realize they are a part of it. The Board of Supervisors must also show their commitment to their constituents, again sending the message that the program is a partnership with all involved benefiting from it.

The above transition management plan will put into motion the strategies developed to deal with the impact of tribal police development on rural California sheriff's departments by the year 2006.

CHAPTER FIVE

CONCLUSION

Summary

This project explored the issue of how rural California sheriff's departments will be impacted by the development of tribal police within their counties by the year 2006. Research indicates that there is a definite proactive effort by many tribes within the state to form their own police forces. There is currently a bill on the State Senate floor regarding this very issue. The California State Sheriff's Association has authored a position paper expressing their views and concerns regarding the state enabling tribal police to have full peace officer powers. While the passage of such a bill might give California Indian tribes the option to provide their own police services, some of them are too small to make that practical. These smaller tribes will still rely on the existing resources provided by the sheriff, or through a cooperative effort form a contract relationship for those services. In any of the above examples there are many issues that will need to be overcome before a sound solution is found.

The issue of tribes forming their own police forces continues to raise concerns from county sheriffs within California. While the sheriffs have no issue with the concept of tribes providing their own police, they are extremely concerned regarding the level of training they will have. Also is the issue of liability, as currently the tribes are immune from civil actions because of their status as sovereign nations. While wanting the authority to form their own police, the tribes are reluctant to give up any of their sovereign status.

This project has explored the issue by first examining the history of law enforcement and Indian tribes, and also what is happening now. By utilizing futures forecasting methods and model alternatives, futures were identified and strategies to make them happen were formed.

Through all the processes examined in this project, it is clear that law enforcement does have a way to influence the future.

Implications for Leadership

The leaders of California sheriff's departments and Indian tribes hold the future of law enforcement on tribal lands in their own hands. The tools are available to form a working relationship that will be beneficial to both concerns. County sheriffs will likely find resistance in putting these tools to use by at least a portion of all the players involved, including some within their own ranks. To make the future happen the way they want it to happen will take dedication and a willingness to change. If they are reluctant to initiate change, those under them will follow their example and it will not occur. Even if they are dedicated to bringing about change that will affect the future, they will have to sell the need for it to others. A clear plan, one that clearly shows its benefit to all concerned, must be the first step.

Once a plan to minimize the impact of tribal police on local law enforcement has been formed utilizing the tools described within this project, sheriffs must use strong leadership to gain the cooperation of those necessary to make it work. Their administrative staff must back the plan and pass it down the ranks. The county sheriff will also have to work closely with local tribal leaders to convince them that this is a plan where all concerned are winners. To gain the confidence and trust of tribal members, the sheriff and his personnel must be open to the unique cultural beliefs and traditions of each individual tribe within their county. Not taking the time to view the issue through the eyes of all involved will doom the success of any plan for change.

As mentioned before, the tribal leaders will also have to strongly believe in the need for change, and be willing to cooperate with local law enforcement. They will also be met with resistance from those tribal members reluctant to make any change to their ways and traditions.

The fact that the liability issues regarding tribal police conduct may necessitate some change in tribal sovereign status will be a major hurdle unless some form of compromise is found. Tribal leaders will also have the need and responsibility to understand the law as it pertains to California peace officers, as well as the workings of local government, if they are to work with the sheriff to accomplish change. Strong leadership from all involved will be necessary if the plan is to work.

Budgeting Implications

Sheriff's departments and local government budgets will certainly be impacted to some degree by the issue of tribal police force development. In the above Surprise Free scenario the model tribe had reached a cooperative agreement with the local sheriff to partially fund a sheriff's deputy to patrol tribal lands. In at least one Northern California county the local Indian tribe funds two deputies for this purpose, along with equipment. This type of agreement would allow the sheriff to provide increased services to tribal lands without having a negative impact on the department budget.

In the actual most common scenario where the sheriff provides limited services to tribal lands under PL-280, there has been an increase in calls for service on those lands experiencing economic growth. This has an adverse impact on the sheriff's budget as he/she is forced to provide those services without any additional funding.

Funding sources do exist either from the tribe receiving the services or from a number of grants, such as the COPPS program. Sheriff's departments, especially those with limited budgets, should be proactive in developing these funding sources, however there is reluctance by some to accept funding derived from gambling proceeds.

In the project's Optimistic Scenario, the tribe has developed its own police force meeting the concerns of the state's sheriffs, with the officers having full peace officer status. This would not only eliminate the need for sheriff's patrol funding, but would provide a source of back-up officers if needed.

Recommendations

The need for additional law enforcement services on California tribal lands is a reality. The current issue of tribal officers obtaining peace officer status is at a stalemate. While this issue may be resolved in the near future, there is an equal chance that it will not. This project has explored the issue in depth, identifying several options or scenarios for the future. The Surprise Free scenario at this time seems to be the best solution for rural counties. By developing a cooperative agreement for law enforcement services between the sheriff and local tribes, both will benefit. Cultural awareness training is provided by most law agencies for the diverse demographic make-up of California's population, yet Native American culture is, for the most part, ignored. For California sheriff's departments and its many tribes to work together, this must change. Pursuing a partnership that meets the needs of both law enforcement and Indian tribes will assure that adequate law enforcement is provided on Indian land, in a safe and economical manner.

This project has shown that county sheriffs do have choices in how the development of tribal police will impact their departments. If they choose to not think outside the box, the future will still happen. If they are proactive and willing to look beyond tomorrow they can play a major role in what the future brings.

Appendix A

NOMINAL GROUP TECHNIQUE PANEL

Kim Davis
Aid to Senator Maurice Johannessen
California State Senate
District Four

John Poyner
District Attorney
Colusa County

Gary Teragawa
Lieutenant
California Highway Patrol

Kevin Wheeler
Chief Deputy
Colusa County Sheriff's Department

Mark Marshall
Supervisor
Colusa County Board of Supervisors
District Three

Tim Voris
Lieutenant
Chico Police Department

Wayne Mitchum
Tribal Chairman
Cachil Dehe Band of Wintun Indians

Nolan Gonzales
Tribal Vice- Chairman
Cachil Dehe Band of Wintun Indians

Robert Bill
General Manager
Casino Indian Casino

Carlos Jauregui
Detective
Colusa County Sheriff's Department

Appendix B

Trends

1. Culture vs. Law
2. Tribal Political Influence
3. Reimbursement Service Contracts
4. Economic Influence of Tribe
5. Privacy Rights on Tribal Lands
6. Number of Residents on Tribal Lands
7. Tourism to Area
8. Local Media Effects
9. Change in Welfare Roles
10. Jurisdictional Issues
11. Political Changes Within Tribe
12. Lack of Liability
13. Legalization of Gaming Off of Tribal Lands
14. Development of Local Agreements
15. Responsibility for Environmental Impact
16. Purchasing of Real Property
17. Cooperation with Local Law Enforcement
18. Disposable Income of All
19. Child Protective Services Issues
20. General County Economy- Donation Funding of Programs
21. Alcohol Served at Casino

22. Non-Traditional Revenue Sources Established
23. Diversification of Existing Law Enforcement
24. Environmental Issues
25. Exemption from County Codes/Laws
26. Self-reliance
27. Public Perception of Native Americans
28. Lack of Gaming Oversight
29. Off-site Infrastructure , IE, Roads
30. Energy Issues
31. Cooperative Plan Between Local Law Enforcement and Tribes
32. Local Government Involvement by Indians
33. Cultural Awareness by Law Enforcement
34. Effect of Local Businesses, IE, Taxes
35. Drug Crime De-criminalization
36. Donations by Indian Community to County Community
37. Education & Healthcare Facilities on Tribal Lands
38. Public Acceptance

Appendix C

Events

1. Anti-Indian Political Figure in Office
2. Political Climate Changes in Regards to Indian/ Tribal Issues
3. Expansion of Indian Gaming Close to Metro Area
4. Economic Recession
5. Legalized State-Wide Gambling
6. Medicinal Marijuana Growing / Legalized Prostitution on Tribal Lands
7. Unwanted Development
8. Officer Involved Shooting
9. Protest /Demonstrations
10. Sudden Drastic Impact on County Infrastructure
11. War
12. Single Major Crime Event
13. Elian Gonzales Type Event
14. Act of Domestic Terrorism
15. Eco-Terrorism
16. Major Fire/ Disaster in Casino
17. Power Failure/ Mandatory Blackouts
18. Establishment of Non-cooperative Tribal Police
19. Private Schools Development
20. Establishment of Tribal Court
21. Establishment of Tribal Legal System

22. Establishment of Tribal Nations
23. “Jerk” Officer
24. Tribal Disharmony
25. Coup in Tribal Leadership
26. Establish National Holiday for Dennis Banks
27. Division of California
28. Sites Reservoir
29. The Day Tribal Landfill Decision is Made
30. Development of Additional Tribal Commercial Businesses
31. Change in Tribal Donations
32. Major Malpractice Event at Tribal Healthcare Center
33. Breakdown in Local Government
34. Supreme Court Ruling on Tribal Gaming, Pro or Con
35. Adverse Media Event Concerning High-Profile Public Figure
36. Anti-Indian Media Blitz due to Negative Event
37. Hate Crime Act
38. Discovery of Unfair Gaming Practices
39. Introduction of Toll Access to Gaming Sites
40. Discovery of Racketeering
41. Discovery of Rigged Slot Machines

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³⁵Sheriff Dennis Lewis, Humboldt County Sheriff's Department, telephone interview, May 9, 2001

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