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URBAN INDIANS, PEOPLE OF COLOR AND
THE ALBUQUERQUE POLICE DEPARTMENT

by
Adrienne Jean King

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STATEMENT BY AUTHOR

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This thesis has been approved on the date shown below:

Eileen Luna  Apr. 28, 1998
Assistant Professor of American Indian Studies
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ABSTRACT

This thesis is a study of the perceptions urban American Indians and people of color have toward the Albuquerque Police Department, focusing on the citizen complaint process. Analyzing these perceptions and hearing their experiences provides insight to how these peoples view their local law enforcement similarly and differently from each other and Anglos. While the needs of other peoples of color may be addressed, the needs of the Indian community are not. Without visibility and advocacy, American Indians are not represented and the issues important to them cannot be heard. Since little has been written on Indian and police relations it is possible to extrapolate from the experiences of other urban communities of color. To better understand the experiences of people of color with the Albuquerque Police Department three research methods are used: citizen complainant satisfaction surveys, interviews with citizen organizations, and an individual case study.
INTRODUCTION

Little has been written about the relationship between urban American Indians and the police. It is, however, possible to extrapolate from the experiences of urban communities of color. A recent and highly publicized event of police brutality was the beating of Rodney King in 1991 when "(h)e was struck and kicked more than 60 times, suffering a fractured eye socket, broken cheek bone, broken leg, facial nerve damage, a severe concussion and burns from a Taser stun gun" (Seper El 11). This cruel and barbaric attack was videotaped and shown around the world. Nonetheless, the four police officers who committed this assault were acquitted of their crimes. In response, the black community in Los Angeles rioted and the world then saw the videotape of Reginald Denny's beating. For most Americans, these events were thought of as being exceptions. People of color, who have long complained of police abuse, thought otherwise. Finally, their experiences and needs were about to be heard.

The following thesis developed from the research for A Report on the Oversight Mechanisms of the Albuquerque Police Department prepared for the Albuquerque City Council, written by Eileen Luna from The University of Arizona and Samuel Walker from The University of Nebraska at Omaha. The report, compiled at the beginning of 1997, evaluated the Albuquerque Police Department's tripartite system of oversight.

The purpose of this thesis is to analyze the treatment of the Albuquerque Police Department toward people of color, with a special focus on urban American Indians. In the history of the United States, there is evidence that law enforcement has been used against people of color and today continues to mistreat them. During the initial report it became clear to the research consultants and the author that problems exist between the American Indian community and the Albuquerque Police Department most notable among the problems, the area of civilian satisfaction. The experiences of other peoples of color will be addressed in this thesis because they endure mistreatment as well.
The author is interested in why citizens of color have complaints about the police. Law enforcement exists to protect the citizenry and maintain order through enforcing laws, as well as to prevent and detect crime. Some citizens, and especially citizens of color, do not feel protected. Rather, they feel mistreated and victimized. Unfortunately, law enforcement reflects the state of society. People of color continue to be treated differently both by members of our society and by law enforcers as well. They are mistreated by police through neglect, the dismissal of complaints, differential treatment, and physical force.

People of color share certain characteristics. The first is the darker pigmentation of their skin, which allows them to be categorized together and to be treated as if their color makes them all the same. The other characteristic they share, which can sometimes lead to solidarity among them, is they all have experienced racism in one form or another. The particular form of racism to be discussed here is the mistreatment people of color may experience when they encounter the police.

While discussing the police treatment of people of color, different terms will be used to reference them. Throughout this paper the terms people of color, non-whites, and minorities will be used interchangeably. American Indian, Indian, and Native American will also be used interchangeably when discussing individuals and indigenous peoples of North America. However, one must remember that the term American Indian and other terms generally referring to Indians are originally misnomers and are often used incorrectly. Ideally, each tribe should be discussed individually. For this thesis, these general references are applicable because no single nation or tribe will be discussed. Additionally, both Latino and Hispanic Americans will be referred to as Hispanics. African Americans will also be referred to as black. Anglo and white will also be used to refer to people of non-color. The use of these terms will depend on which one is more appropriate for the discussion taking place.
When the general public thinks of people of color they usually think of African Americans first, then Latino and Hispanic Americans and, maybe, Asian Americans, or Arab Americans and others from the Middle East. American Indians rarely come to mind. When people write or talk about people of color and they remember American Indians exist, the remarks are brief and more often than not unknowledgeable. Acknowledging that American Indians still exist is enough for most people; they are unable to accept that American Indians represent over five hundred tribes. They think that if they and other people hear them say American Indian, Native American and even Indian, then they are aware.

American Indians are invisible to society. They are viewed as a part of the past. With invisibility there cannot be representation, nor can their needs and issues be heard and potentially influence change. Urban Indians are even more invisible than those living on reservations or in tribal communities because they are in the urban environment, away from their people, home and traditions. They may have other Indians to identify and share with, but do not have the support of the community, state or country.
LITERATURE REVIEW

Relations between the police and people of color are relationships based in history. For some people of color the relationship they have with law enforcement is newer and for others the relationship is older in history. For the purposes of this thesis, the last thirty years of the literature on the topic will be discussed, but the focus will be on the most recent decade. The literature examined will focus on minority and police interactions. Articles will be reviewed on a national scope in order for a clearer picture to come forth in understanding why citizens of color are complaining about police treatment. People of color and the groups falling into that category will be introduced. The literature review will end with urban American Indian history and Albuquerque's people of color.

NATIONAL INCIDENTS OF MISCONDUCT

RACIST LANGUAGE OF POLICE

The following articles are about police misconduct and how citizens of color have been mistreated. In Los Angeles, the Christopher Commission investigated the Los Angeles Police Department in the wake of Rodney King's beating. The commission studied the working lives of police officers. The commission used internal police surveys, uncensored computer messages, and interviews to reveal the racist language some police officers use. "Over squad car computers, officers called black men 'buckwheat' and referred to arresting Latinos as 'mexercise' " (Braun, Hurst E2). Another officer stated, "If you encounter these Negroes, shoot first and ask questions later" while another message said it was "monkey slapping time" (Braun, Hurst E2).

A former officer said such references were common over police channels. This officer, black and female, left her division after being subjected to racist and sexist remarks by other officers. A week before Rodney King's beating she heard officers say "let's go on a monkey hunt." Also, a black family dispute was referred to as "gorillas in the mist." The commission concluded that a rogue element of officers existed. These officers were
repeatedly involved in excessive force cases but continued to receive praise in their performance evaluations. A computerized study showed that, over a four year period, forty-four officers had six or more allegations of excessive force or improper tactics (Braun, Hurst E4).

POLICE VIEWS
Multicultural Law Enforcement is a book designed to assist people at all levels of law enforcement about awareness, understanding and respect. It discusses the cultural needs of ethnic groups and provides knowledge for law enforcement. Unfortunately, some law enforcement officers do not always welcome learning about multiculturalism. Some officers stated that they participated in workshops addressing prejudice and discrimination and did not think it was necessary to do it again and again. However, “As with other training areas in law enforcement, such as self-defense and tactics, the area of prejudice needs to be reviewed on a regular basis” (Shusta et al. 23).

The authors then discuss why police officers use racist language. The authors explain “out-groups.” Out-groups are targeted by other groups, such as police, who develop and pass on prejudices against out-groups. Non-police, civilians, are often regarded by police as an out-group. “In addition to viewing citizens as the ‘other’ group (i.e., the ‘we/they’ syndrome), some officers view ethnic citizenry as very much ‘other’” (Shusta et al. 25). When police officers express prejudices, these views often go unchallenged by fellow officers because of the officers need to conform. “Officers claimed that even though not personally prejudiced, they tended to adopt such language and the views it implies because this was one way to be part of the group. This language was therefore presented as being merely one way of emphasizing the group solidarity of the police force” (Shusta et al. 25).

The authors also ask themselves if there is a particular problem with prejudice in law enforcement today. Their answer is yes and no. They first answer yes because there
is a problem in society with prejudice. Any group of officers or civilian employees reflect the attitudes of their society. The authors answer yes again because law enforcers have more power than average citizens, and the potential to abuse this power exists. Additionally, officers are brought into contact with people they do not like and situations where a high potential for failure is possible. In these situations it is easier for the officers to blame someone else for the failure. Also, police officers are often abused verbally and physically. Thus, the impulse to act on one’s prejudices is present more for police officers than others.

On the other hand, the authors also answer no to there being a problem with prejudice because law enforcement officers are held to a higher standard of conduct than most citizens. Additionally, professionalism is taking the place of older and more traditional attitudes when prejudice was more tolerated. More attention is also being given to prejudiced acts because of law suits, potential dismissal and increased community awareness.

Nonetheless, some officers do not realize the impact of racist language. These officers fail to understand that the use of derogatory terms alone is offensive to minority communities and to some white community members as well. Officers who do not grasp the seriousness of the matter may not realize that minority citizens feel unprotected knowing that those entrusted with their safety and protection are capable of using such hateful language. While the language is offensive, the problem is more with the attitude it conveys (Shusta et al. 28).

In addition to prejudicial attitudes displayed in speech, there are the acts of bias and discrimination. The authors share the experience of a large metropolitan police department that hired consultants to assess the problems between the community and police. The police chief asked the consultants to ride along with the highway patrol. The consultants
rode along every weekend for a month to appreciate the problems officers confront in the black ghetto. When the chief asked what the consultants had learned, they said, “If we were black, we would hate the police.” When the chief asked why; they continued, “Because we have personally witnessed black citizens experiencing a series of unjust, unwarranted intimidations, searches and series of harassments by unprofessional police” (Shusta et al. 28).

MISCONDUCT

In addition to the unwarranted searches, unjust intimidations, and harassment that fall under police misconduct there are also: racist remarks, unnecessary stops, differential treatment, false arrests, excessive physical force, high bail, police shootings, retaliation by officers and the dismissal of citizen complaints. The following examples illustrate that people of color are targeted by police and mistreated.

An article in the Los Angeles Times states that the greatest concern of 2,200 National Association for the Advancement of Colored People (NAACP) local chapter presidents is police brutality—not drug usage, teen pregnancy or unemployment. Representatives from the states of New Jersey and North Carolina said their local chapters received complaints about police abuse almost every day. Examples of abuse include “police officers taunting black arrestees with racial slurs, to the ‘body slamming’ of suspects to the ground and the detention of young African-American men for the ‘crime’ of ‘being out late at night with their friends’ ” (Tobar D14).

In Texas, two counties were accused of harassing and discriminating against Hispanic and African Americans. The Texas Civil Rights Project report included the following allegations: high numbers of false arrests and excessively high bail for African Americans and Latino/Hispanic Americans; retaliation, including arrests against citizens who complain about official misconduct; harassment of African Americans and Latino/Hispanic Americans by law enforcement; illegal demands that minorities were
routinely stopped by police to produce proof of citizenship, and local officials refusing to provide interpreters for Spanish speaking defendants or detainees. Additionally, minorities receive probation less often and are given more severe sentences in proportion to Anglos (Robison C7).

In Milwaukee, a mayoral commission found situations when the police discriminated against minorities by selectively enforcing laws, mistreating minorities, and dismissing citizen complaints. This commission studied the investigation of Jeffrey Dahmer's murder of a fourteen-year-old Laotian boy. It concluded the police officers dismissed minority complaints that the boy was endangered (Milwaukee B8).

In Boston, a report provided evidence that the police were illegally stopping and searching minority youths. The report also confirmed reports of police forcing African Americans into giving false testimony. These types of situations increased when an Anglo man, who shot his pregnant wife and later committed suicide, implicated an African American man in the commission of the crime (Butterfield B16). In Maryland, an American Civil Liberties Union (ACLU) study found state troopers were disproportionately conducting drug searches of African American motorists. “A whopping 75% of all cars stopped and searched by the troopers along I-95 between Baltimore and Delaware are operated by African Americans although 17% of all drivers on that stretch of highway are black” (Gregory 4). In Orange County, California the police were accused of beating migrant workers. In Philadelphia an investigation discovered a pattern of blacks who were being wrongfully arrested (Gregory 4).

Also in Pennsylvania, state trooper Kevin Cousins, an African American, experienced injustice at the hands of Anglo police officers. “These cops pointed a gun at trooper Cousins, ordered him to lay face down on the ground and attempted to handcuff him despite the fact that Cousins had already produced his badge, identification card and was on duty driving a state police car” (Washington 2-A). In California, another police
officer, Sgt. David Smith, also African American, was unlawfully pulled over on his way home from work by a Carmel Police cruiser. After being pulled over, Smith approached the cruiser in full uniform as he observed the surprise of officer Hobson. Officer Hobson told Smith that he pulled him over because Smith had three antennas in the rear of his car and then Hobson left the scene. Smith, who never wanted to believe the many stories he had heard against the police, now wonders about his case and says, “I did not want to believe the allegations until it happened to me” (Britt A1).

SHOOTINGS

In addition to the above incidents of police misconduct there are police shootings. The author recaps incidents of police misconduct, including two police shootings of African American males during traffic stops. “The complaints of police misconduct has not been limited to African Americans or minorities. Veteran nationally syndicated columnist Robert Novak was recently stopped and subjected to a very tense encounter with a police officer over a trivial traffic offense and noted in his syndicated column ‘If this is how they treat white men in suits, what will they do to African Americans?’ ” (Gregory 4)

In St. Petersburg, Florida rioting erupted after an Anglo police officer shot and killed African American motorist Tyron Lewis. Officer Jim Knight stopped Lewis and shot him after the car allegedly lurched forward. This shooting was the sixth police shooting of the year (Roberts 1-A). The African American community rioted when the officer was not indicted on any charge. In Pittsburgh, an all-white jury did not indict an Anglo officer of involuntary manslaughter in the death of Jonny Gammage, a black motorist (Price A11). “Mrs. Gammage said she was slow to believe racism played a role in her son’s death last October, but Vojtas’ acquittal has changed her mind” (Haynes A-1).

The president of the National Urban League, Hugh Price, asked President Clinton to convene a summit on police misconduct. Jonny Gammage, thirty-one-years-old, was a choke-hold victim. The father of the victim said, ”We need to ask President Clinton about
the code of silence . . . Why did it take five white officers to suffocate my 164-lb. son? Even the good cops won't talk about bad cops” (Clinton 3).

U. S. Attorney General Janet Reno recommitted the effort of the Justice Department to enforce civil rights laws. Reno laid out four areas where the Justice Department will focus on building a greater community and continuing the battle against discrimination. The areas include: fair housing and lending, including business lending; employment and affirmative action; education; and building trust between law enforcement and the minority community. Reno states, “Another area we really want to focus on is with building better relationships between the police and the minority communities. We hope to do this through community policing initiatives and police integrity programs that we now have in place, which should be especially helpful in addressing problems of the use of excessive force” (Leary 1-A).

CITIZENS’ VIEWS AND COMPLAINTS

In 1969, *Minorities and the Police* was published by David Bayley and Harold Mendelsohn. The aim of this book is to explore the texture of relations between the police and the community, focusing on minorities. In 1966, the authors gathered their data through public opinion surveys in Denver, Colorado. When discussing minorities the authors are talking about African Americans and Latino and Hispanic Americans. “There are also Jews and some American Indians in the community, but they do not present serious problems for police-community relations” (IV-V).

The authors discuss citizen complaints. Even though a significant amount of the minority population said they experienced mistreatment by police, few of them made complaints. The authors state that minorities are not more reluctant to complain. They deduce that regardless of ethnicity people do not complain when they feel aggrieved (Bayley, Mendelsohn 129). Citizens who did not file complaints stated they thought no one would listen. When minorities were asked where they would direct someone to voice a
complaint, they “overwhelmingly indicated they would advise someone to appeal outside
the police establishment” (Bayley, Mendelsohn 133). When the police were asked about
their views regarding citizen complaints the authors share that many of the police officers
thought the criticisms were not justified. When the officers were asked about what
proportion of brutality and harassment charges against them were true, almost all of them
said only a minute amount.

In their chapter, “Minorities Confront the Police,” the authors state that minorities in
Denver, compared to Anglos, view the police less favorably. The authors add that their
survey produced evidence that minorities may be more disenchanted with other areas of the
criminal justice system than Anglos. Furthermore, “Minority people may very well be
alienated from the entire system of legal adjudication” (Bayley, Mendelsohn 114).

More recently in Los Angeles, “Citizens often say they are discouraged from filing
complaints by police officials and that, if they do file complaints, they are too readily
dismissed. A recent computer analysis by the Los Angeles Times of 4,400 misconduct
complaints against Los Angeles officers found that only 7% of them were upheld” (Braun,
Hurst). Additionally, “No area of police operations received more adverse comment during
the commission’s public hearings than the department’s handling of citizen complaints . . .
the system is unfairly skewed against the complainant” (Braun, Hurst).

The following article compares the views of Anglos and people of color toward the
Minneapolis police. A poll of 616 adults revealed

that a large majority of whites believe that police officers show restraint
before using their guns. Most whites also disagree that police often use
excessive force when making arrests and believe that police can investigate
their own when allegations of misconduct crop up . . . But among
members of minority groups, significantly more say that police are too
tough in carrying out their duties. Less than half trust their local police
department to completely investigate the misdeeds of officers (Klauda G8).

However, a large portion of both whites and nonwhites agree that police officers in
Minnesota treat minority residents more harshly than white citizens. The minorities of the
Twin Cities clearly have a more negative view of the police than whites (Klauda G9).

The following article begins, “White residents’ complaints of misconduct by
Minneapolis police were sustained nearly twice as often as minorities’ complaints from
1987 to 1990” (Hodges E11). This study analyzed 994 citizen complaints filed with the
Minneapolis Police Department (the author had to sue the city twice to gain access to the
records). Of the four years studied, the complaints by whites were sustained more often
than those by people of color except for 1988 when white complaints were sustained less
than minority complaints. This study also provides findings in the area of age. The largest
disparity exists between minority and white women under the age of thirty. Thirty-three
percent of the complaints filed by Anglo women were sustained whereas only two percent
of complaints by minority women were sustained. When comparing internal and external
complaints, the former were sustained over four times more often than the latter. The
treasurer of the Twin Cities Coalition for Police Accountability stated, “It’s a racist society;
it’s a racist police force” (Hodges E11). The authors of *Multicultural Law Enforcement*
discuss citizen complaints briefly. “Agencies that analyze citizen complaints against
officers usually find that this is the arena which receives the most negative feedback,
especially from minorities” (Shusta et al. 386).

**POLICE PROSECUTION**

In Texas, “White Texas law officers historically have avoided prosecution in many
cases for killing and assaulting minorities entrusted to their care, say scholars, civil rights
advocates and legal analysts” (Crawford D11). However, two convictions a week apart
have allowed these same people to speculate on the possibility of change. A former
Houston police officer was convicted of fatally shooting Ida Delaney, an African American janitor on her way to work. A few days later, an all white jury convicted three white former law enforcement officers of murder in the beating death of Loyal Garner Jr., a black man who was in jail. One person attributed the convictions to the organization of the minority community. Another person attributed the convictions to minorities being elected to local office and included on juries. The actions helped to strengthen the oversight process of the police departments.

The minority community is more familiar with officer acquittal. Three officers were acquitted in the deaths of three black youths who drowned in a capsized boat while in custody and handcuffed as the officers swam to safety. Another incident involved a white officer who responded to a burglary call from Ms. Etta Collins, seventy-years-old and African American. The officer found Ms. Collins on her porch with a gun. Thinking the gun was aimed at him he shot her. The officer accused of the fatal shooting of Ms. Collins was not indicted. Another officer had three fatal incidents in seven years while on the force. This officer was not indicted in the fatal shooting of twenty-four-year-old black security guard Byron Gillum during a traffic stop. “Richard Dockery, regional director of the NAACP, says that although there have been individual improvements in race relations, there is an overall atmosphere of prejudice in Texas” (Crawford D11).

Joe Feagin, a University of Florida sociology professor who has researched America’s race relations for thirty years says, “We whites are in denial. Our top political leaders, scholars and commentators all tell themselves and the general public racism dead or dying, and it’s a great white lie. Racism is very much alive as studies demonstrate” (Racism 2).

ALBUQUERQUE

In 1996, the Statistical Analysis Center at the University of New Mexico surveyed Albuquerque residents regarding their attitudes towards the Albuquerque Police Department
The study revealed that more than three quarters of residents who had recently contacted the police found the police to be somewhat helpful or very helpful. Of these residents, twice as many would be more, rather than less, likely to contact the police.

When asked how good a job the APD was doing in helping victims of crime, most respondents thought the APD was doing a “fair,” “poor” or “very poor” job. Few residents thought the APD was doing a “good” job. The study concludes that these responses “reflect a growing concern about the treatment victims receive in the criminal justice system” (Statistical Analysis Center June 1996).

The APD was rated higher for crime-fighting abilities than its treatment of crime victims. Nearly sixty percent of those surveyed thought the APD was doing a “very good” or “good job” preventing crime. Only ten percent thought the APD was doing a “poor” or “very poor” job. Moreover, the percentage of respondents in 1996 who thought the APD was doing a “very good” or “good job” was substantially higher than the 1990, 1992, and 1993 survey respondents (Statistical Analysis Center June 1996).

The 1993 survey found a difference in attitudes toward the police with respect to ethnicity. Hispanic respondents were less likely than Anglo respondents to agree with the statement that the APD “treats suspects in custody firmly but fairly.” Hispanics were even less likely to agree with the statement that the APD “treats minorities the same as they treat others.” Moreover, this report stated that “the gap between Anglos and Hispanics on this issue has been widening in the past three years.” These issues, however, did not appear in the 1996 survey (Statistical Analysis Center June 1993 7-8).

AMERICAN INDIAN LITERATURE REVIEW

Literature is lacking on American Indian and police relations. Since American Indians are people of color, it is possible to better understand their relations with the police when couched in the experiences of other peoples of color. The following are incidents of
mistreatment towards American Indians. Theory in the area of mistreatment will also be reviewed.

INCIDENTS

In 1995, it was reported that the rights of two American Indian men were violated when they were loaded into the trunk of a police squad car. "The suit contended the officers treated the men roughly during the trip and acted out of racial bigotry and contempt for their alcoholism. It also alleged police supervisors failed to adequately train, supervise and discipline the officers—especially Shumer, who twice received three-day suspensions for mistreating African American men in the 1980's" (Lien B2). The jury, who awarded each man $75,000, decided that the officers did not assault the men and were not motivated by a racial bias. A year earlier the Minnesota Human Rights Department stated "the [police] department had long had an atmosphere tolerating mistreatment of minorities" (Lien B2).

In 1994, over two hundred American Indians, police and city officials gathered for a peace rally in Oakland. The American Indian community shared its frustrations when dealing with the police. Examples of frustrations included the mother of a murder victim (of a triple homicide) who was not allowed to put on her shoes before being taken to station to be questioned. The mother also complained about the difficulty of obtaining information about the case. "Family members said they were rejected by police or their calls were unreturned when they tried to learn the progress of the investigation" (Charny D1).

In 1990, 150 people from Minneapolis' Indian community held an emergency meeting. They demanded more action from police. Three American Indian teen-agers had been shot earlier in the month. Two mothers of the shooting victims said they were not given the support they expected by police. One mother said she was living in fear because she was receiving threats. When she called 911 about a suspicious man outside, 911 did not answer her call. Another mother said four days after the shooting the police still had not called. She later learned that the case (her son was shot four times) was a low priority.
The mothers said "... police unresponsiveness was undercutting the willingness of people to call them" (Suzukamo G10).

In Minneapolis, Minnesota, the Phillips neighborhood's biggest problem is crime and no longer poverty. This neighborhood is the home to the city's largest American Indian population. Recently, Indian residents have been moving because of the increase in crime. They have complained about their children being assaulted and the increase in gang activity. Residents complained about the slow response of the police. One resident said, "They don't come right away because the people who call are poor" (Blair Crime 1). Also in Minneapolis, the reporter writes about a wet/dry facility opening for the American Indian chronic alcoholics. A photo exhibit showed former homeless American Indians, but, "... missing were the pictures of Indian people who continue to be beaten by certain members of the Minneapolis Police Department just because they're Indian and drunk" (Blair New 1). In South Dakota, an American Indian man refused to allow police to enter his home. "Kevin Peniska says what happened to him is just another episode in an ongoing story of rights violations and discrimination against American Indians in Rapid City" (Hagel B-2).

THEORY

In the chapter "Discrimination Revisited", from Native Americans, Crime, and Justice, Nielsen and Silverman write about how conflict and labeling theory can be useful in analyzing how race affects the treatment defendants receive from the criminal justice system. Although the chapter focuses mainly on defendants and prisoners, certain ideas are applicable here:

Conflict theorists have generally emphasized the importance of economic, political and cultural power in the creation and maintenance of social order. In terms of legal system processing this has meant that criminal sanctions are used by the powerful as a mechanism through which those who threaten the interests of the status quo may be controlled. As power is distributed
along class and racial lines in American society, threats to the existing power structure are seen by conflict theorists as identified by class and racial group membership. Members of racial minorities, inasmuch as they are disproportionately members of the lower economic class, can be expected to be subject to more frequent and more severe treatment at all levels in the criminal justice system. (Nielsen, Silverman 228–29)

Conflict theorists expect racial disparity in the criminal justice system because of the powerlessness of minorities in society: "there is no doubt that nonwhites in the United States are more powerless than are whites to affect legal decisions or to resist their implementation" (Nielsen, Silverman 229). Conflict theorist Turk suggests minorities are more likely to receive harsh treatment because they lack sufficient resources and power in relation to norm enforcers. Hence, minorities are less able than whites to resist law enforcement. This inability occurs at all levels in the system including: on the street, in the bail process, and in access to counsel, as well as in sentencing and so forth (Nielsen, Silverman 229).

According to label theorists the powerless minority is viewed as a threat to social order by the powerful. Therefore, the greater the power disparity, the higher the likelihood of crime; as the disparity increases so does crime. Those in power decide how deviant an action is based on their perception of how they are harmed by the action. There is also interaction between those labeling and the ones being labeled. Negotiation and bargaining influences whether or not a label will be applied and if so, what kind. "In terms of negotiation and bargaining over the application of criminal labels, racial minorities, because of a lack of resources (competent legal counsel, bail money, etc.) are more likely to find themselves in a disadvantageous position, and so receive more harsh treatment" (Nielsen, Silverman 230).
The theorists then discuss where racial bias is more likely to occur. The "front stage," defined by them "as police-suspect-complainant interactions and criminal trials . . . are deliberately imbued with a spirit of legal equality" (Nielsen, Silverman 231). There is also, however, the "backstage" settings protected from public view and scrutiny. These are the places where only law enforcement is allowed and where bias is more likely occur. “Shielded from public scrutiny, the performance of actors ‘backstage’ may often violate official or public expectations . . . backstage events may deliberately contradict the impression created in the more visible front region” (Nielsen, Silverman 231).

After reviewing the national incidents of police misconduct the readership is more familiar with the treatment people of color, including American Indians endure during encounters with police. While the mistreatment some people of color experience is not widely published or known, the incidents American Indians endure are even less well known and barely published. However, as people of color, Americans Indians do have a skewed, if noticed, representation through the experiences of other minorities.

PEOPLE OF COLOR

When discussing people of color, it is important to know who people of color are. The authors of *Multicultural Law Enforcement* discuss the perceptions of police by Asian and Pacific Americans, African Americans, Latino and Hispanic Americans, Arab Americans and other Middle Eastern groups, and American Indians.

The first people of color to be discussed are Asian and Pacific Americans. They represent at least thirty-two distinct ethnic and cultural groups and also three percent of the total population. For some Asian and Pacific Americans, their presence in what is now called the United States has been perpetual or multigenerational and for others more recent. Native populations of the Pacific Islands, such as the Hawaiians and Samoans, have always been here. Chinese, Pilipino, Japanese, Asian Indian, Korean, Vietnamese,
Laotian, Thai, Cambodian and others are all Asian and Pacific Americans who have a more recent history.

The authors note that almost all immigration laws were written so the enforcement of them would make these immigrants feel unwelcome:

Early experiences of Asian and Pacific Islanders was that of the majority population wanting to keep them out of the United States and putting tremendous barriers in the way of those who were already here. It was the role of the law enforcement agencies and officers to be the vehicle to carry out these laws against Asian/Pacific American immigrants. From the beginning, the interactions of Asian/Pacific Americans with law enforcement officials were fraught with conflicts, difficulties and mixed messages (Shusta et al. 144).

An earlier example of American bias against Asian Americans was the Chinese Exclusion Act of 1882. This act banned Chinese immigration for ten years and later indefinitely until 1965. The United States has a history of new immigrants being the target of prejudice and discrimination. However, Asian and Pacific Americans were victimized by legal discrimination. Additionally, one must not forget the Japanese internment camps. In 1942 100,000 Japanese were pulled from their homes and incarcerated without committing any crime and without due process.

Regardless of the length of stay, many Asian and Pacific Americans have experienced anti-immigration laws, discrimination, differential treatment (including restaurant health and sanitation codes) and have perceived unresponsiveness by police. They are more reluctant to report crimes and seek help from police. This reluctance may be attributable to brutal experiences with police while in their home countries. Others are not familiar with the legal system and may avoid contact for that reason. In 1992, the U.S. Commission on Civil Rights reported on several areas where Asian and Pacific Americans
may have received differential treatment based on their culture or ethnic heritage. Other incidents include police misconduct and harassment. (Shusta et al. 161)

Shusta et al examine how, like Asian and Pacific Americans, but with a much longer history in this country, African Americans have experienced extensive legal discrimination. African Americans were forcibly brought to this country as slaves between the seventeenth and nineteenth centuries. The white society did everything in its power to control the African Americans as their subordinates and labor. In addition to treating them as chattel, selling them, separating families, and beating them into submission, they were segregated from the white population. When black individuals or groups questioned the non-blacks, the blacks were punished severely. Laws were enacted to maintain white control. Law enforcement was used to enforce discriminative laws and practices against blacks.

The fact that the legal order not only countenanced but sustained slavery, segregation and discrimination for most of our Nation's history—and the fact that the police were bound to uphold that order—set a pattern for police behavior and attitudes toward minority communities that has persisted until this present day. The pattern includes the idea that minorities have fewer civil rights, that the task of the police is to keep them under control, and that the police have little responsibility for protecting them from crime within their communities (Shusta et al. 169).

Even though slavery ended long ago, the racist views of some Americans continue to this day. "Because of a past history of prejudice and discrimination toward blacks, police officers have used techniques that indeed continue to create perceptions among many African Americans. In other words, while some officers no longer exhibit racist actions, the perceptions remain" (Shusta et al. 175). African Americans, who represent twelve percent of the population, believe police officers treat them differently because they are
singled out. They are unnecessarily stopped when in non-black neighborhoods or driving expensive cars. Excessive force has also often been used against them.

Shusta et al outline how Latino and Hispanic Americans have also experienced police mistreatment. They represent over twenty-five ethnic and cultural groups. Latino (a term used on the west coast and parts of the east and southeast) refers to people who identify with Latin American origins whereas Hispanic is mostly used by Puerto Ricans, Dominicans, and Cubans. La Raza (used on the west coast and southwest) is a term used “to refer to all peoples of the western hemisphere who share the cultural, historical, political, and social legacy of the Spanish and Portuguese colonists and the native Indian and African people (it has its origins in the notions of the political struggles and the mixing of the races, *el mestizaje*)” (Shusta et al. 195). Chicano is used to refer to Mexican Americans and is used on the west coast, southwest, midwest and in college communities.

Some Latino and Hispanic Americans are recent immigrants and others have a longer history in the United States. In 1848 the United States paid Mexico for what is now Texas, New Mexico, Arizona, and California. At that time the area was home to 100,000 people who are now sometimes called Mexican Americans. For some Latino and Hispanic Americans, their countries of origin used law enforcement against the citizens and law enforcement was also unresponsive to citizen needs. Because of these experiences some Latino and Hispanic Americans may be reluctant to report crimes or seek police assistance because they think the police will be unresponsive. Some people are also unfamiliar with criminal justice system of this country. A 1983 Texas study revealed “98.8 percent of Latino/Hispanic respondents cited inadequate police protection as the reason for their fear of crime” (Shusta et al. 208).

In the United States there are also Arab Americans and other Middle Eastern groups who represent one percent of the population. Those who are Arab speak Arabic whereas Iranians, Turks, and Israelis are non-Arabic. Overall, it appears that Arabs and non-Arabs
have had positive relations with the police compared to the treatment they received in their countries of origin. However, more recent immigrants do not understand the criminal justice system. Others may fear it because of their prior experiences in the countries from which they emigrated. They are more likely to reject help from the police.

American Indians also represent one percent of the population. They have the highest rates of poverty and little political representation. The historical relationships the multitudes of tribes have had with the federal, state and local governments have caused a general distrust of law enforcement. They view these systems as not supporting American Indian rights and communities. Overall, they have had negative contact with police. Like other minorities, they have been stopped for no reason which adds to the distrust they have of police. The relations American Indians had and have with law enforcement will be discussed in greater depth later in the paper.

**URBAN AMERICAN INDIANS**

**NATIONAL AMERICAN INDIAN CONDITION**

“Half of a millennium after Columbus misnamed them, American Indians are the poorest people in the United States” (Carlson W6). Nationally, there are 2.1 million American Indians. Of these, 400,000 live on reservations where there are the highest rates of poverty, unemployment and disease (Carlson W6).

Indians earn only a little more than half as much money as the average American—less money per capita than whites, blacks, Asian Americans and Hispanics. Nearly a third of Native Americans live in poverty, which is more than twice the rate for Americans in general. And Indians are far more liable to succumb to alcoholism, three times as likely to die of tuberculosis, nearly as likely to die from diabetes (Carlson W6).

Senator John McCain, a republican from Arizona said, “Any objective observer would say that our treatment of Native Americans is a national disgrace” (Carlson W6).
The poorest county in the United States is Shannon County, South Dakota, where the Pine Ridge tribal offices are located. Unemployment hovers around eighty percent and the per capita income is $3,417 a year (the lowest in the nation). Additionally, two out of three people live below the federal poverty level. There is also a ten year waiting list for federally subsidized housing. Out of a reservation population of 23,000, there are 1,200 families waiting for housing (Carlson W6).

In addition to poverty and poor housing, American Indians also have low graduation rates. “In 1989, 55 percent of natives completed 12 years of schooling compared with 69 percent for whites and 51 percent for blacks” (Nielsen, Silverman 300). Sam English, Chippewa and a resident of Albuquerque says, “A quarter of your children never graduate from high school, and of those who make it to college, eight out of 10 drop out after the first year. If you are male, you have one in three chance of dying before your 36th birthday” (Nielsen, Silverman 7).

URBAN INDIAN HISTORY

Native people have migrated to the city because they are pushed and pulled away from their homes. “Push factors include government relocation policies, lack of employment opportunities, political factionalism, and violence related to drug and alcohol abuse. Pull factors include attending an educational institution, joining the military, finding work, and joining family members” (Nielsen, Silverman 299). The urban Indian population is not a recent occurrence. American Indians have had relations with the new Americans since they stepped from the boat. Some indigenous peoples such as the Pueblos and Mississippian peoples have a long history of urban experience. They lived in densely populated urban centers. As relations began to change between the American Indians and the new Americans, living situations began to change as well. Beginning in the seventeenth century, as more Europeans came and settled, small pockets of Indians would
live near or in the colonial towns and cities for trade. Some American Indians would move to colonial towns because of religious conversion, churches, and mission schools.

As the population of non-Indians increased in the nineteenth century, the United States government adopted policies to forcibly remove American Indians from the urban areas and resettle them onto isolated reservations far away from the rapidly growing cities. The effect of this removal is a large rural American Indian population. In 1930, half of all Americans lived in cities, whereas less than ten percent of American Indians lived in the city (Hoxie 653). Many Americans affected by the Dust Bowl moved to Los Angeles. Like these Americans, American Indians also moved to Los Angeles to seek employment. Beginning in the twentieth century and especially after 1945 the urban American Indian population has been increasing.

World War I and World War II are major reasons why the contemporary urban American Indian population began to increase. These two wars had powerful impacts on the urbanization of American Indians. During World War I, eight to ten thousand American Indians served directly in the armed forces and others were involved in various ways (Hoxie 653). With this experience they gained familiarity with the urban environment and the expectations that came with it. World War II enabled the American Indians to increase their experience. Twenty-five thousand Indians participated in the World War II effort by joining the Army, Marine Corps, and Navy (Fixico 4). Women also offered their help by filling technical support positions. At home, more American Indians worked in defense plants and other related efforts. After their participation in the war at home and abroad, some American Indians did not return to their rural homes. Those who did return home brought back stories of their urban experience.

The wartime experience exposed American Indians to the urban American culture. Moreover, they learned about the industrial nation. This occurrence provided them with
work experience and therefore job skills that could be used in the urban environment rather than in the rural one. The new knowledge and opportunities enabled American Indians to leave their homes and communities temporarily and sometimes permanently for the city life. Additionally, World War II offered the GI Bill which provided American Indians with the opportunity to go to college, an option which was never available before. Many of those whose education benefited from the GI Bill stayed in the city for employment after graduation. There were few jobs, if any, available on the reservations.

After the impact the wars had on the American Indian move to the city, came the federal policies which moved more American Indians to the urban areas. Relocation and Termination are the two words most people think of when discussing this occurrence. Relocation has its roots in the 1940’s in Los Angeles, Denver and Salt Lake City when the Bureau of Indian Affairs (BIA) began to inquire about jobs for American Indians. In 1951, the Relocation services began. The purpose of Relocation was to relocate reservation Indians to urban areas such as Chicago, Denver, Detroit, Los Angeles, Seattle, St. Louis and Tulsa for economic opportunities. The government and also some Indians thought the program was necessary because there were no jobs on the reservation. The BIA offered individual Indians and Indian families packages of nice apartments, good jobs, schools and health benefits. The American Indians were vocationally trained in welding, plumbing, carpentry, pipe fitting, the assembly line and other types of trades. This training was not useful back on the reservation because employment for these vocations was only available in urban areas.

An effect of Relocation was 61,500 American Indians were vocationally trained between 1952 and 1967. Nonetheless, Native American unemployment averaged forty percent in the 1960’s (Fixico 190). “From the close of World War II to the end of 1957, approximately one hundred thousand Indians had left reservations. Interestingly, three-fourths of this number had relocated without federal assistance” (Fixico 148). The
outcomes of Relocation were devastating. The cultural and economic changes were
difficult and many Indians were unable and/or unwilling to adapt and change to the urban
life. The urban lifestyle was unfamiliar, uncomfortable, and sometimes scary. The new
urbanites were experiencing telephones, elevators, flashy lights, time zone changes, and
the fast-paced life for the first time. The urban Indians suffered from discrimination,
loneliness, depression, alcoholism, unemployment, crime, and police harassment.
Additionally, hopes of having good paying jobs and living in a nice home or apartment, as
promised by the government, ended. The jobs were actually low paying jobs and Indians
lived in slums. The suicide rate was high. Many individuals and families returned home
because they did not have their rituals, family, and a sense of place. Relocation programs
were reduced in the 1970's because of the controversial effects.

During Relocation, Termination became a federal policy. In 1953 House
Concurrent Resolution 108, the main Termination act, was adopted. It declared that at the
earliest time possible, all Indian tribes and individuals in certain states would be
emancipated from federal supervision. Termination is the idea of completely integrating
Indians into American society.

Termination occurred mostly in the 1950's and 1960's. The supporters of
Termination thought American Indians needed to be freed from the reservations and the
oppressive control of the BIA. Supporters believed Termination would end paternalism
and enable American Indians to successfully assimilate like non-Indians, to take their place
with the rest of society. Being freed from the reservation meant the severing of the
relationship between the nations and the federal government. The effect of this policy was
the termination of the federal trust relationship which ended health care, education,
educational benefits, land possession and tribal recognition.

In the end, Termination did not promote freedom. Rather, it ended the trust
relationship between some tribes and the federal government. The federal responsibilities
were transferred to the states. "Between 1945 and 1960 the government processed 109 cases of termination affecting 1,369,000 acres of Indian land and an estimated 12,000 Indians" (Fixico 183). No more than three percent of all federally recognized tribes were terminated. Termination had many effects which cannot be understood by simply stating the federal trust relationship ended. State and county agencies gained power over education, adoption, land use, alcoholism, and other areas of social and economic concern. State judicial authority was imposed, meaning tribal and federal courts no longer had jurisdiction. The states gained jurisdiction over terminated Indians. States have historically been and presently are the enemy of tribes. This action caused discrimination in the state court system. Also, health education and welfare programs were ended. Termination also accelerated the decline of traditional cultural practices.

The greatest impact of Termination was that terminated American Indians were no longer recognized as being Indian by the federal government. The psychological impacts of this policy were tragic and caused an identity crisis for some Indians. Compared to the ten percent urban American Indian population in 1930, the urban population increased to fifty-one percent in 1990 out of two million American Indians (Hoxie 653). Others report the urban Indian population as high as seventy percent during seasonal times (Stauss). According to the 1990 census, the cities with the largest urban Indian populations are Los Angeles (82,000), Oklahoma City (40,000), New York City (40,000), San Francisco (40,000), Tulsa (33,000), Phoenix (31,000), Seattle (29,000), and Minneapolis (23,000) (Richmond).

In addition to the wars, Relocation and Termination, Indians moved voluntarily to the urban environment. For the majority of this century, Americans have been moving away from rural areas and into the city. A large number of American Indians were unable to make the transition easily. Many elements of the urban lifestyle contradicted the ethics of tribal cultures. As stated above, the purposes Relocation and Termination were to
assimilate Indians into mainstream society. The urban move had the aforementioned disastrous effects which are still seen and experienced today.

However, American Indians have been able to somewhat transform the urban environment to better suit their cultural needs and tribal expression. In order to combat the new urban experience, various tribes have come together in the contemporary setting for cultural support. Places of social interaction and cultural expression include bars, powwows, Indian centers, and churches. Powwows, originally a tradition carried to the city from the reservations changed from ceremonial locations to take place in gyms or public arenas.

Pan-Indianism is a phenomenon that sprouted from the urban Indian environment. It is the coming together of many tribes and has been expanding since the 1950's. Pan-Indianism has been extremely important in the organization of tribes and in political activism. The phenomenon has enabled Indians to supersede individual tribal interest for the benefit of all Indians. Issues concerning all Indians include education and employment opportunities, health care, and various social matters. One outcome of pan-Indianism was the American Indian Movement. “In fact, one of the original purposes of the AIM group was to stop the terror tactics of the Minneapolis police force, where beating a drunk Indian was considered a sport” (Mitchell 8B). The urban Indians of Albuquerque share experiences and stories like those above.

URBAN INDIANS AND PEOPLE OF COLOR IN ALBUQUERQUE

According to the 1990 census, the city of Albuquerque, New Mexico had a population of 384,619. Last year, according to the city’s Planning Department, the population was 425,000 (Domrzalski A4). The Institute for Social Research of the University of New Mexico says the population is about 550,000. Also in 1990, Bernalillo County, which includes the city of Albuquerque, had a population of 480,577. This county was 55.8 percent Anglo, 37.1 percent Hispanic, 3 percent Native American, 2.5
percent African American, 1.4 percent Asian, and .3 percent other races. Total minorities were 44.2 percent of the population. Using the same county statistics, twelve percent of Native Americans were unemployed, twice the amount of the overall unemployment rate.

Albuquerque has been half-jokingly called New Mexico’s second largest reservation and is home to between 12,000 to 35,000 American Indian residents (Nielsen, Silverman 6). The first number is from the 1990 census and the second number is used by the Albuquerque Indian Center and other agencies and is based upon school population. Albuquerque’s urban Indians have a poverty rate of thirty percent (Albuquerque). "It’s a diverse population, representing more than 100 tribes, different socioeconomic backgrounds, different generations. There are American Indians who were born in the city and would be lost on a reservation, Indians who live in the city and work on the reservations and vice versa" (Nielsen, Silverman 8). According to the African American Political Empowerment Coalition, African Americans are between seven and thirteen percent of the city’s population and are three to four percent of the state population.
METHODS

As stated earlier, the idea for this thesis originated during the evaluation of the Albuquerque Police Department's oversight system. The background and executive summary of *A Report on the Oversight Mechanisms of the Albuquerque Police Department* will be presented. The citizen complaint process of the Albuquerque Police Department will then follow.

METHODOLOGY

This thesis will document citizen perceptions and complaints concerning the Albuquerque Police Department (APD) through the use of three methods. The first component of the study is the citizen satisfaction surveys. To understand citizen satisfaction and dissatisfaction with APD, these survey responses will be analyzed and reported. During the initial evaluation, citizens who filed complaints against the police department in the years 1994, 1995, and 1996 were each mailed a citizen satisfaction survey. There were 205 complainants during these years. The initial report had fifty-six surveys returned before the deadline and ten returned after the deadline. This review will include all of the surveys. There were sixty-six respondents, and therefore a thirty-two percent response rate. These surveys elicited responses to fourteen questions inquiring about citizen satisfaction with the complaint process. The survey asked complainants the following: were they satisfied with the citizen complaint process, provided with adequate filing information, treated fairly and with respect, discouraged from filing complaints, comfortable filing complaints, and notified of the outcome? Complainants were also asked if the process was easy, completed in a timely manner, and other questions about their experiences with the complaint process. (See Appendix for survey)

The second research method was interviews with citizen organizations. Citizen organizations were solicited for interviews during the initial evaluation to better understand the needs and experiences of the communities. During these interviews, the organization
members were asked if they had seen a brochure explaining the complaint process. The members were asked what type of relations they had with the police and about their familiarity with the complaint process. They were also asked if they had any suggestions. Those members who had complaints were asked if they went through Internal Affairs and about their experiences. The members' comments at these meetings were analyzed. The community organizations chosen for this review represent African Americans, American Indians and Hispanics.

The final research component was an individual case study of Ms. May Preston, an American Indian. This case study will provide understanding of the personal experience. Ms. Preston was selected for the case study because she was the only full-blooded American Indian respondent to the survey. She was present for organization interviews on two occasions. During the two organization interviews Ms. Preston replied to some of the questions and shared her personal experience. Additionally, two phone interviews provided more detailed information and follow-up.

During the first phone interview Ms. Preston was asked about what occurred when she was pulled over by the police, how and where she was mistreated, and her experience with the complaint process. Ms. Preston was asked where and from whom she obtained information. She was asked about her court proceedings and her opinions a year after she was originally interviewed. Ms. Preston was also asked how she thought she was treated throughout all of her events. During the second phone interview Ms. Preston was asked more detailed questions about the questions she was asked earlier. After the three research components are presented the conclusion will discuss the findings. Lastly, a look at police and American Indian community relations a year later will end the thesis. Phone calls were made to members of Albuquerque's Indian Center asking about their opinions a year after the initial report.
This thesis asks these questions: How can the experiences of other people of color help in understanding the police treatment of invisible American Indians? How do people of color view the Albuquerque Police Department differently and similarly from the society of non-color and each other? How do American Indians view the citizen complaint process and the Albuquerque Police Department?

INITIAL REPORT REVIEW

This study, *A Report on the Oversight Mechanisms of the Albuquerque Police Department* was prepared for the City Council of Albuquerque. The purpose of the study was to evaluate the effectiveness of the police department’s tripartite system of oversight, which included the Internal Affairs (IA) unit of the police department, the Independent Counsel (IC), and the Public Safety Advisory Board (PSAB). IA investigates citizen complaints against officers. The IC oversees IA and makes recommendations. The PSAB provides civilian oversight of the department’s policies and procedures. The evaluation was undertaken in the context of a serious and ongoing community crisis regarding the performance of the APD, particularly with reference to the fatal shootings of citizens.

The evaluation, conducted between December 1996 and March of 1997, included meetings with the police chief and the police command staff. Rank-and-file officers were also surveyed. Personnel from the Internal Affairs unit of the police department were interviewed and an in-depth evaluation of investigations was conducted. The mayor and the Independent Counsel were interviewed. Meetings were held with members of the PSAB, as well as City Council members. Moreover, personnel from other city offices such as the City Attorney, Risk Management, and Fiscal Management were interviewed. Meetings were held with representatives of various citizen organizations. The following are the findings and recommendations the consultants presented to the City Council. After the executive summary the citizen complaint process will be explained.
A Report on the Oversight Mechanisms of the Albuquerque Police Department

Executive Summary (emphasis as in original)

• The existing mechanisms for oversight of the Albuquerque Police Department (APD) are not functioning effectively.

• The City of Albuquerque suffers from serious problems related to fatal shootings by APD officers, extremely high annual payments for tort claims involving police officers, a citizen complaint system that is not adequately open to citizens, and a high level of tension between the APD and segments of the community.

• The Independent Counsel provides an important measure of citizen oversight of the APD. The Independent Counsel, however, has not fully utilized existing authority to review the policies and procedures of the APD and make recommendations for change. More seriously, the Independent Counsel plays no public role and, as a consequence, has undermined the positive contributions the office does make.

• The Public Safety Advisory Board has failed to effectively utilize its authority to conduct studies and make recommendations regarding policies and procedures of the APD. In certain respects the PSAB has become dysfunctional.

• The Internal Affairs Unit of the APD has failed to adequately publicize the complaint process. In addition, there are problems related to the quality of complaint investigations.

• The City Attorney and the Risk Management office have failed to exercise needed oversight of the APD. Payments for tort claims involving APD officers are unacceptably high. The City Attorney’s office does not provide feedback to APD command officers about serious and/or recurring problems.
• Over the years, a succession of City Council members and mayors have failed to address adequately the continuing problems associated with the APD.

• We recommend that the Independent Counsel utilize its authority more than it has in the past. We also recommend that the Independent Counsel play a more active role, in order to inform the public about the oversight process and receive input from the public.

• We recommend that the Public Safety Advisory Board utilize its authority to conduct studies and make recommendations regarding APD.

• We also recommend that the Public Safety Advisory Board be given direct authority over the Independent Counsel. This will help increase the public visibility and accountability of the Independent Counsel.

• We recommend that the Albuquerque Police Department immediately undertake an outreach program to publicize the complaint process.

• We recommend that the City Attorney, in conjunction with Risk Management, develop a formal program to reduce tort claim payments involving police officers, and to provide feedback to the APD regarding police problems.

• We recommend that the City Council and the Mayor take a more active interest in problems associated with the APD, particularly fatal shootings, tort claims, and the openness of the complaint process.

• We recommend that public officials examine both the provision of mental health services in the City and the County and APD policies regarding the response to mentally ill persons.
CITIZEN COMPLAINT PROCESS

The following is the citizen complaint process. In Albuquerque, the Internal Affairs unit of the Albuquerque Police Department investigates citizen complaints. There are two types of complaints, official and unofficial. An official complaint is made by a citizen who provides her or his name, address, phone number, and a signed written statement. Another type of official complaint is made by a citizen who does not complete a signed statement, but the charge is still serious enough to investigate or is of criminal nature. A unofficial complaint is unofficial when a citizen refuses to complete a statement and the complaint is of a non-criminal nature.

Once a complaint form is completed, the case is assigned to an IA investigator and is investigated within a ten day period. The case is then sent to the area commander of the officer(s) involved to recommend discipline. Following that, the case is reviewed by the Independent Counsel. If the IC agrees with the area commander’s discipline finding the case is sent to the captain for discipline. The case ends when it is sent to the Deputy Chief. If the IC does not concur with the suggestion of discipline from the area commander, the IC and the police chief have a non-concurrence meeting. If the issue is resolved the case goes to the captain. If the case is unresolved, it is sent to the Chief Administrative Officer of the city for resolution. The most important component of the citizen complaint process is the citizen. The following survey results reflect the effectiveness of the complaint process as experienced by these citizen complainants.
FINDINGS

CITIZEN COMPLAINANT SURVEY RESPONSES

The citizen satisfaction survey respondents were asked their age, ethnicity, and gender. Thirty-eight (38) percent of respondents were over the age of forty. Those between the ages of thirty and forty accounted for 39 percent. Eighteen (18) percent of respondents were under the age of thirty and 5 percent did not answer the question. The ethnicity of the respondents were as follows: 45 percent Anglo, 36 percent Latino and Hispanic American, 3 percent African American, 3 percent American Indian, 3 percent other and 9 percent did not indicate. There were no Asian respondents. The author chose to include those respondents who identified as being both of color and Anglo as respondents in the group of those who identified themselves of color. Of respondents, 54 percent were male, 42 percent female and 4 percent did not reply.

When asked if they were satisfied with the complaint process, 78 percent of all respondents identified themselves as unsatisfied. African Americans, American Indians and others were all unsatisfied. Eighty-three (83) percent of Anglos and 70 percent of Latino and Hispanic Americans were not satisfied.

When asked if they were given a brochure explaining the complaint process, 70 percent of respondents stated they were not. Half of American Indians responded that they were given a brochure. Latino and Hispanic Americans were given brochures 35 percent of the time and 28 percent of Anglos were provided brochures. No African Americans or others were provided a brochure.

The majority of respondents, 80 percent, obtained their complaint forms from Internal Affairs. Seventeen (17) percent obtained the form at a police substation. Three (3) percent obtained the form from their lawyers. When asked if the complaint forms were obtained easily, 77 percent of all respondents replied yes. Anglos respondents stated the forms were easily obtained; only 8 percent said they were not. However, 32 percent of
Latino and Hispanic Americans, half of American Indians, and all African Americans and others did not think the forms were easily obtained.

The respondents stated that 56 percent of them were provided with clear and adequate information about filing their complaint. Latino and Hispanic Americans responded that they were not provided adequate information 57 percent of the time. American Indians, African Americans and others responded that they were given adequate information half of the time. Anglos replied that they were not provided adequate information 39 percent of the time.

When the respondents were asked if they felt comfortable filing their complaints, 54 percent said yes. American Indians were not comfortable at all and Latino and Hispanic Americans were not comfortable 54 percent of the time. African Americans and others were comfortable half the time while 45 percent of Anglos said they were not comfortable.

Sixty-three (63) percent of respondents said the police did not try to discourage them from filing their complaints. The police did try to discourage American Indians. Half of African Americans and others were discouraged. Latino and Hispanic Americans were discouraged by police 43 percent of the time and 38 percent of Anglos were discouraged.

When asked if IA tried to discourage them from filing, 77 percent of all respondents said no. Half of African Americans, American Indians and others responded that IA tried to discourage them. Whereas, 26 percent of Latino and Hispanic Americans and 17 percent of Anglos said they were discouraged by IA. Of all respondents, 62 percent said they were treated fairly and with respect by IA. Those people who identified themselves as other reported that they were not treated fairly and with respect. Half of African Americans and 52 percent of Latino and Hispanic Americans were treated fairly and with respect. Seventy-one (71) percent of Anglos and the American Indians were treated fairly and with respect.
Seventy-eight (78) percent of respondents had witnesses to the incidents they were complaining about. Of those respondents who had witnesses, half of the respondents said the witnesses were contacted by investigators and 38 percent said witnesses were not contacted. Twelve (12) percent did not know if their witnesses were contacted.

Latino and Hispanic Americans who had witnesses stated 65 percent of their witnesses were contacted. Half of the witnesses to incidents reported by American Indians and those identifying themselves as other were contacted. For Anglos, 45 percent of their witnesses were contacted and no witnesses to African American incidents were contacted.

When asked if their complaints were completed in a timely manner, 61 percent of all respondents said they were not. No African Americans, American Indians or others said the investigations into their complaints were timely. Fifty-eight (58) percent of Latino and Hispanic Americans and 57 percent of Anglos reported their investigations were timely.

Seventy-three (73) percent of all respondents were notified of the outcome of their complaint. All African Americans and others were notified while 76 percent of Anglos were notified. Latino and Hispanic Americans were notified 58 percent of the time and American Indians half the time.

After receiving notification, 17 percent of all respondents appealed the decision of the complaint disposition. Three (3) percent said they were in the process and another 3 percent stated that they were going to appeal. When those who appealed were asked if they were satisfied, 80 percent said no and the other 20 percent were still in the process. Half of the others group appealed and were not satisfied. Of Latino and Hispanic Americans, 23 percent appealed. When they were asked if they were satisfied with the appeal, 80 percent said no and 20 percent were still in the process. Eleven (11) percent of Anglos appealed, with 67 percent dissatisfaction and 33 percent in the process. No African Americans or American Indians appealed the complaint disposition.
The final question asked was whether the respondents were informed of the Independent Counsel. The respondents shared that 79 percent of them were not informed of the IC. No African Americans, American Indians, or others were informed. Twenty-nine (29) percent of Latino and Hispanic Americans and 17 percent of Anglos said they were informed of the Independent Counsel.

CITIZEN ORGANIZATIONS

In addition to surveying complainants, meetings with citizen organizations were held. The members discussed their familiarity with the complaint process and what experiences they may have had with the process. The following organizations have American Indian, Latino and Hispanic, and African American members. The groups shared their experiences as complainants and non-complainants and also the relationships they had and have with the APD.

AFRICAN AMERICAN POLITICAL EMPOWERMENT COALITION

The coalition represents about two hundred middle class individuals and businesses. The organization advocates political empowerment at all levels. The coalition trains social workers, corrections, probation, and parole officers, as well as people who work with children. It is not involved with police oversight mechanisms. An administrator stated that the constituents have not had problems with police. However, he said that when there is a black suspect that blacks are pulled over. The administrator also said the police have been responsive to the small businesses.

The administrator did not know anything about the Public Safety Advisory Board or the Independent Counsel and had not seen a brochure. He has heard that there is a tendency for the APD to overreact and have more officers than one would think necessary at events in the black community. He would suggest to a complainant that he or she contact the chief for a complaint and go to the City Council for oversight. He stated that the police have not had outreach in the black community. His experience is that the chief is sincere
and open and the officers are professional. The organization was called by the police department, chief’s office, to participate in two town hall meetings.

ALBUQUERQUE INDIAN CENTER

There are high levels of tension between the APD and the American Indian community. One person stated that the American Indian Center (AIC) is the only place for Indians because there is no Indian advocacy in the city government. The past mayor had an Indian commission that has been called nonfunctioning. Also, the APD has not done any outreach in the Indian community. While representatives from the Navajo and Pueblo police departments came to the AIC to recruit, the APD has never done so. The AIC did commend the department for improving its response to domestic violence calls.

The meeting at the center with members of the American Indian community revealed that they are unfamiliar with the citizen complaint process. Moreover, they did not think that the citizen complaint system was open to citizens. When asked about the Independent Counsel, no one at the meeting had any knowledge of the IC. Additionally, none of them had seen a brochure.

Even those people who were involved with the city did not have any knowledge about the complaint system. One person was on the mayor’s Indian commission for a year. This commission was created because of the lack of interest in Indian issues and lack of Indian representation. The commission consists of five appointees who meet with the heads of city departments to promote Indian sensitivity and increase Indian employment in the higher ranking positions. The commissioner was appointed by the mayor and had heard of IA and the IC, but not of the PSAB. While he was on the commission, the police chief came and representatives from the APD came to recruit on two separate occasions. Neither time did they discuss IA, the IC, or the PSAB. Also, when the commission met with the mayor, the mayor did not want to discuss police brutality. The commissioner remembered that in October 1994 there was a brief discussion of police brutality and in
June 1993 there was a mayor’s symposium on Indian affairs. A year after the symposium, he stated, there were no results.

The American Indian community stated that the APD is ineffective, not trustworthy and needs to take responsibility. They shared that the police do not respect American Indians and American Indians do not respect the police. There is fundamental distrust and hostility between the APD’s administration, including the rank and file, and the Indian community. The department has engendered fear. Experiences shared included young men from the Pueblos who were arrested in the city at night and not allowed to call their parents. A man who was pulled over for having a “bad” car, was beaten and not ticketed. An out of town Indian couple was also beaten by the APD. During a sweat lodge the fire department was called, by whom is unknown. The police who came were intimidating. When the people at the sweat lodge went to the police department to complain, they were told to go to the fire department. They were never told about the complaint process.

Another situation involved a witnessed confrontation between an American Indian mother and daughter and a Hispanic mother and daughter. The Hispanic police officers called to the scene sided with the Hispanic mother and daughter, even though witnesses said they were at fault. It was said that relations involving Indians and non-Indians were worse ten to fifteen years ago when Indians would automatically go to jail. Indians at the meeting contend that when alcohol and an Indian is involved the Indian always goes to jail.

Additionally, there have been conflicts between American Indians, Anglos, and Hispanics. The Indian community has been generationally disenfranchised and sees racism as being more subtle because Indians are not represented on committees.

Some members of the AIC tried to make their complaints known. One person also said most situations go unreported. One man said he was physically and verbally abused by police and has been unable to find recourse. He has been going through the city’s legal department. Another person called the PSAB and had contact with IA, but said he got the
run around and gave up. He then sought a lawyer and filed a lawsuit. The person who was a liaison to the mayor stated that if he had a complaint that he would go to the chief. Other people at the meeting shared that when they have complaints against the police department they do not use Internal Affairs. Instead, they choose to seek legal remedies. Another person said that there is no procedure and said people should see a lawyer.

One recommendation of the AIC was to have an independent citizens group. Another recommendation was to have a independent commission recognized by the APD and that has authority to look into police misconduct. They said an organization outside of the police department would be more trusted. Members stated that Indian representation needs to be present on the PSAB and that the PSAB needs to do more than look at policy and investigation.

The AIC’s recommendations for the police department included having more Indian officers. With more Indian officers and employees, the department would be more trusted. Also, officers need education in Indian history, diversity training, and sensitivity training. This education needs to be continuous because of the APD’s high turnover rate. Complaint forms should also be sent to Indian organizations where the community can aid with the completion of forms because some people may need help. They suggested a less personal complaint form that does not include social security or drivers license numbers. Another recommendation of the AIC was to interview Park Service, pueblo, and county law enforcement officers for police brutality.

HISPANIC CHAMBER OF COMMERCE

The director of the Hispanic Chamber of Commerce said that the APD has a good relationship and outreach with the Hispanic community. He mentioned only one complaint of police brutality in nine months. He stated that he rarely heard anything negative about the police, but that there is little support coming from the APD to the community. Civilians, he claimed, do not have a good relationship with the police because the police
make themselves distinct from the community and thus the community is not supportive of the police. He remembered a complainant who did not make an official complaint and went to the City Council. This complainant did not receive a call or a letter back from the police. He said the police chief’s office was verbally informative, but did not provide a brochure. When discussing the City Council, the director said that they are not involved and are incapable of making decisions. On a different topic, he also shared that the number of Indians in the city is very small.

**SOUTH BROADWAY NEIGHBORHOOD DEVELOPMENT CORP.**

The people living in this neighborhood are low income and multi-racial. More than half of the neighborhood is Latino and Hispanic American. African Americans are about ten percent, American Indians and Anglos are the remainder. The South Broadway Neighborhood Development Corporation has changed the community through pioneering community policing and environmental design. The neighborhood once had open air drug dealing then the community marched and closed or tore down drug houses.

The neighborhood has a good relationship with the police chief and the neighborhood commander. When having a complaint, the administrator stated, she does not go through Internal Affairs; rather she contacts the neighborhood commander or the police chief. The organization has given the area commander the names of troublesome officers. She had not seen a brochure and said they are not widely distributed. Additionally, the citizenry does not know the complaint process. The administrator was familiar with the Independent Counsel and also said that the people want more of a citizens’ approach. As far as she was concerned, the occurrences in the neighborhood have been resident driven, not police driven. The neighborhood collects information and then goes to the police. She said the relationship the neighborhood has with the police is favorable because it has been expressly built to be so.
VECINOS UNITED

The members of Vecinos United shared their experiences with Internal Affairs and offered solutions. One person stated that IA did not return their phone calls. Another person said that some people are afraid to go to IA because of bad police officers. They stated that most people do not know about IA or the Independent Counsel. Not one person at the meeting had seen a brochure. While at IA, one person asked for five complaint forms and was given one and told to make copies. They shared that the IC is known the least. Also, to them the IC is perceived as ineffective because of the constraints of the job. Additionally, when asked about the PSAB, they said they wanted time to talk at PSAB meetings. Even though reports were given at these meetings, there was no follow-up. Some even wanted the board ended.

One person reported that her daughter was beaten by police, and she herself was harassed. She called Internal Affairs for a phone interview and was not sent a disposition from her phone complaint, information, or a complaint form. Of the many officers involved in her complaint, only one officer was selected to be investigated. The officer was given a letter of reprimand which was rescinded because it was completed incorrectly. She filed a tort claim for harassment, and she suggested that people do not use IA.

Another person filed an official complaint and did not receive a disposition for eight months. One of the three officers' allegations was sustained. The other two officers were found not guilty of any charges. The man appealed the letter of disposition, but did not receive a letter back. He believed that in his situation IA overruled the IC who agreed with his complaint. He advises people in similar situations to go to a lawyer rather than IA. However, he said it is important to go to IA for the record. He would tell people about IA, but share his experience of alienation.

Another member had an incident with the same officers as another victim, but two years earlier. He said he was treated cordially at IA. He also received requests for time
extensions. His complaint was not sustained, and he did not receive a response for two and a half years. He is proceeding with a lawsuit. He ended with saying times have not changed and many cases do not go to court.

One member did not go to Internal Affairs and went to Vecinos United instead. This person was thought to have possessed a gun during an incident. He was shot with a bean bag rifle three times by the SWAT team. After he surrendered, he was handcuffed and maced. While handcuffed he was beaten. No charges were pressed against him. He is cynical and working with an attorney.

The recommendations of this organization, Vecinos United, include the following: a citizens review board vested with hiring, firing and determining policy that is separate from the political structure. If appointed, the board should not have to express loyalties. If the board is elected, there needs to be a conflict of interest clause. They also said the police need training in human and civil rights. A suggestion was to have a person other than the complainant be allowed to submit the complaint form.

INDIVIDUAL CASE STUDY: MS. MAY PRESTON

Out of 205 citizen complainants, one Indian and another half Indian responded to the citizen compliant survey which shows that American Indians were not represented in significant numbers as survey respondents. It is this one American Indian, Ms. May Preston, of the San Juan Southern Paiute, who shared her experiences concerning police officers, the complaint process, and the legal system. The following narrative was compiled from interviews conducted on four occasions by the researcher with Ms. Preston.

INCIDENT

On January 14, 1996, close to sundown, Ms. Preston allegedly ran a stop sign. Her two youngest children were in the truck with her. She was pulled over by two officers. She was ticketed for running a stop sign and not having insurance. There was
also a warrant for her arrest for outstanding parking tickets. However, these parking
tickets had been resolved. Moreover, Ms. Preston had not been notified of the warrant.
Due to the warrant, the officers told Ms. Preston that she had to go with them to the station.
The officers told her that she could park the truck at her nearby home and go with them, but
must wait in the truck until they arrived. When she returned home, it was dark. She
waited in her truck for forty-five minutes and realized that she was not wearing a bra nor
did she have needed personal supplies. In her review mirror she saw two police cruisers
pass by. She decided to go inside for her necessities.

Once inside her home, she began to cry about leaving her children alone and going
to jail. Until this time she was controlled. She did not want to leave her children alone,
including her teenage daughter who was old enough to care for the younger ones. After
taking her shoes off, she went upstairs to change. While changing, the police kicked the
door in and ordered Ms. Preston to come down. She came downstairs and saw three
officers (another officer arrived). She sat on the couch to put her shoes and was unable to
find one. While on the couch, one officer was in front of her, one to the left and another to
the right of her. The surrounding officers ordered Ms. Preston to stand up. At this time
she became very scared. Her daughter handed Ms. Preston the missing shoe and was hit
by one of the officers. Ms. Preston, seeing her daughter hit and realizing she and her
family were in a confrontation with three officers, went limp. While going limp, her hand
dropped and she touched an officer with her shoe, and he hit her. All three officers
attacked her. One officer hit her with a flashlight, and she flew back into the couch as he
grabbed her. Her daughter was hit a second time. The officers said her daughter was
being threatening when she took a step forward to help her mother.

After her daughter was hit for the second time, Ms. Preston told her to call 911.
The daughter told the 911 operator that police were beating her mom. A police officer went
after the daughter, grabbed and slammed the phone down, twisted the daughter’s arm
behind her back, and threw her into the staircase. Meanwhile, Ms. Preston was dragged outside by two officers. One of the officers was trying to push her down as the other officer held her up. Once outside her arms were twisted, shirt and sleeves were torn and her hair was pulled. She was called derogatory names and was picked up and half-dragged to the police car. While Ms. Preston waited in the police car, a sergeant arrived and stayed for about ten minutes. She was told later by her son that when 911 called back the police were laughing. While still inside, the daughter was handcuffed and thrown around some more. During this entire event the two younger children were also in the house.

Later, the officer who struck Ms. Preston with the flashlight laughed about it being broken. This flashlight was never seen again. According to Ms. Preston, two of the three officers were cruel and vicious during the incident. Of the two cruel officers, one was Anglo and the other Hispanic. It was the Anglo officer who seemed to be in control. The third officer who participated in the attack was helpful to Ms. Preston afterward by holding her up as the other officer tried to push her down. Ms. Preston believes this third officer, a rookie, participated in the attack out of fear of reprisal from the other officers. While in the police car, the Anglo officer told Ms. Preston that they were going to take her children and truck away and then laughed. Ms Preston’s daughter was taken to the station in another car. Her daughter reported that while in custody the officer told her to shut up, used profanity, and continued to threaten her.

While en route to the detention center, Ms. Preston tried to talk to the cruel officer and asked him why he became so angry. He said she would not listen and thought she was going to try to escape. She told both officers that they should be going after criminals and not women and children. After sharing her opinion, the cruel officer became very angry. She also thanked him for not taking her children and truck away. Ms. Preston adds that when she questioned the officer about his anger that the two officers did not like her being direct.
After arriving at the police station Ms. Preston felt safe. While still in the car, the Anglo officer asked Ms. Preston questions again and again. She told him she had already answered the questions, and he told her to shut up and used profanity. Again he told her to answer his questions. He was verbally harassing and also making fun of her. Since she felt safe, she did not answer his questions. After they entered the detention center, the other officers there laughed at the two officers because Ms. Preston was a mess. Ms. Preston reports that they lied about what happened and said they were just trying to help her. In the end, Ms. Preston was charged with running a stop sign, not having insurance, and assault and battery. Her daughter was charged with assault and battery, resisting arrest, and obstructing a police officer.

Additionally, Ms. Preston has experience of domestic abuse. She said when the officers surrounded her and told her stand that her action might have been interpreted as a threat. During the attack, the officers were careful of bruising and injuries. When Ms. Preston was dragged out of the house by the officer who was trying to push her down, she knew that if she fell down she would be hit more and probably kicked. She is thankful that the other officer held her up. She says the worst part of the attack on her and her daughter was that while they were crying and hurting, the officers were laughing and having fun at their expense.

COMPLAINT PROCESS

While at the detention center, Ms. Preston asked an employee at booking about police brutality. The employee said she did not have any forms and did not know who to call. The employee told Ms. Preston to call the police station when she was released. After release, Ms. Preston called the police department and was referred to Internal Affairs which told her to go to a substation to file a complaint. Ms. Preston went to a substation and said she was treated nicely until she asked for the complaint form. After Ms. Preston’s request, the employee became curt. The forms were not readily available and the employee had
difficulty finding them. Other employees became involved with the search for the complaint forms. Since no one was able to locate the forms, the sergeant had to be asked. Ms. Preston was then told that the sergeant wanted to talk to her.

Ms. Preston described to the sergeant her experience of how the police officers attacked her and daughter. The sergeant asked Ms. Preston what she did to provoke the attack. She showed her bruising to the sergeant who told her that some people bruise easily. He asked Ms. Preston to consider resolving her complaint through mediation. Ms. Preston considered mediation, but the more she talked to him the more she felt like she did not matter. She told the sergeant that she thought he was trying to prevent her from filing her complaint. She described the sergeant as mean and mocking. The situation became tense. Ms. Preston became and continued to become upset. She told the sergeant that she definitely wanted to make a formal complaint. He gave her the form. Throughout the time she was trying to obtain the complaint form, she was very uncomfortable. Ms. Preston added that she believes the sergeant who pulled up at her house and was laughing during her incident was the same sergeant who tried to discourage her from filing a complaint.

Also after her arrest, Ms. Preston went to talk to the woman whom she had spoken with months before while clearing her parking tickets. Prior to her arrest, Ms. Preston had taken care of her tickets and checked twice to make sure her record was cleared. This woman said she would go to court with Ms. Preston to say the tickets were cared for. During this time, Ms. Preston was working with Morning Star, a domestic violence task force for American Indian women. At a meeting, she asked what she could do and where to go for help. A person there referred her to the Southwest Indian Law Clinic. She called and was told that the clinic did not take cases like hers and was given the phone number for Vecinos United. Meanwhile, she asked a friend of hers who had also had an incident with the police what to do. Her friend also gave her the number of Vecinos United. Ms. Preston also spoke to an American Civil Liberties Union (ACLU) representative and was
told that the organization could not help her. After the case was resolved, she spoke to another person from ACLU who said Ms. Preston should have contacted them. When Ms. Preston shared the response she was given, the woman was shocked.

After calling Vecinos United, she met with a man there who helped her with the completion of the complaint form. She took the form downtown where she was asked to reconsider filing the complaint. She asked to see an investigator who in turn asked her questions. Again, Ms. Preston began to feel scared. Another investigator came, replacing the first one, who was very helpful and treated Ms. Preston with respect. This investigator was also very nice to Ms. Preston's children. While at Vecinos United, this same man encouraged Ms. Preston to file a tort claim. Ms. Preston went to court for the tort and also to fight the charges against her and her daughter.

COURT

Originally, Ms. Preston's case was dismissed because one of the officers did not come to the hearing. After the dismissal the judge spoke to a field trip class about Ms. Preston's case. To Ms. Preston, the judge seemed unhappy about dismissing the case. The judge's comments made it seem like the judge thought Ms. Preston was guilty. However, the case was refiled by the third officer. Ms. Preston believes the two officers encouraged him to refile. Ms. Preston and her daughter went to court to deny guilt for the charges pressed against them. The daughter went to juvenile court. Towards the end of the court hearings the judge asked for the Internal Affairs decision. The judge was threatening contempt of court against IA for not providing the file. IA said they were working on it, and the file was never heard in court. The day following the judge's request was the date on the complaint disposition. IA decided that the two officers were guilty of excessive force and they were given a letter of reprimand. The third officer was not found guilty of any wrongdoing. The next day the district attorney dropped all charges against Ms. Preston. The two guilty officers each had three prior incidents of excessive force that
were sustained. The two officers committed one of these prior incidents together. Ms. Preston’s incident was the fourth for each officer and the second use of excessive force they committed together. Meanwhile, she and her daughter still had juvenile court hearings. Minutes before the last hearing was to occur, the daughter’s charges were also dropped. Ms. Preston says that time they waited for the decision was not necessary and also harassing. Situations that could have been easier for them were made more difficult.

During Ms. Preston’s and her daughter’s court hearings, Ms. Preston was asked repeatedly, by her public defender and others, that she and her daughter plead guilty or plea bargain. The daughter’s attorney told them that if they agreed to go to family counseling the judge would be lenient. After being asked many times to do so, Ms. Preston spoke to the director of public defense for help in being believed and not being pressured to plead guilty or to bargain. She told the director that she was not guilty and did not want to plea bargain. The director told her that the office was constrained by little funding and many cases. The director also said that it was not fair because mostly low income people go through public defenders. The director also asked her to plea bargain.

During Ms. Preston’s hearings, she did not think her attorneys or anyone else believed her. The public defender finally believed her when the assigned attorney to Ms. Preston questioned one of the officers and revealed the officer’s attitude and anger. This officer made derogatory statements to the attorney. This attorney became a witness. The public defender then contracted for an outside attorney to replace the witness attorney.

Ms. Preston and her daughter were offered settlements of $15,000 and $10,000 respectively for their tort claim. Ms. Preston did not want to settle. She wanted to go to court to expose the officers and the police department. She was encouraged to accept the settlement for her daughter and to go court for a judgment against the officers that could be used in the future. While she settled for her daughter, she was again offered $20,000 which was subsequently increased to $30,000. After she and her family grew tired and
frustrated with the case, Ms. Preston agreed to accept the settlement. After accepting she was told the settlement was for $25,000. She was also told that no attorneys were interested in her case because there was no money in it. Her two attorneys received a combined sum of $6,000.

RETROSPECT AND THE RACE ISSUE

During the entire experience, Ms. Preston felt undermined by everyone involved and thought that she was supposed to be quiet. Throughout all the court hearings, Ms. Preston was invisible to everyone and never said anything. She was spoken about and around, but was never spoken to. She thinks she was treated differently because she is an Indian and also a woman. She says her incident is not just about police brutality, but racism also. When she would talk about her incident being a hate crime and about racism, no one was interested. Additionally, all the attorneys she worked with were Anglo. The bottom line for Ms. Preston is that she was the victim of racism and also sexism. Ms. Preston said she was treated differently by police officers after seeing police officers treat others nicely and with respect in multiple situations.

Throughout her experience, Ms. Preston had many battles. The first battle was for trust and to be believed. These battles continued for each issue Ms. Preston and her family confronted. No one in the criminal justice system believed her. The public defender did not believe her until an attorney witnessed the behavior of one of the officers. However, her friends and people from her church believed her. It was a church elder who posted bond for her daughter and Ms. Preston. This elder was present at all the hearings along with Ms. Preston’s younger children. Vecinos United believed in her and also greatly supported her.

After her experiences Ms. Preston says that American Indians are not believed. She says that when people have complaints they should go anywhere than the APD. Also, she says those with experience will not go to the police. Ms. Preston adds that American
Indians do not know about IA and that there are language barriers and also cultural barriers. Overall, Indians do not have faith in the system. They are frustrated, see no remedy, feel lost and outside of the system. She also said that she did not know about crooked police officers before, but now realizes almost every family in the Indian community has a police horror story.

While going to court, Ms. Preston also attended Public Safety Advisory Board meetings to voice her experiences. While at a PSAB meeting, Ms. Preston was told to be quiet and sit down because the board did not want conflict at the table. Her opinion is that the PSAB is a facade and ineffective.

This case study of Ms. Preston’s experience with the police, citizen complaint process, and legal system illustrates how one American Indian woman was treated. By becoming familiar with the experience of one person it is easier to understand the experiences of other complainants. Moreover, it provides understanding of why American Indians do not complain in significant numbers even though they are almost a third of Albuquerque’s population.
CONCLUSION

To better understand the complaints of citizens, people of color, and American Indians, three types of research have been presented. First, the survey findings were reported. Secondly, the opinions and experiences of citizens involved with organizations were documented. Thirdly, the case study of Ms. Preston was presented. The survey findings will be further reviewed to compare the views of people of color compared to Anglos. Surveys of American Indians will also be compared to the surveys of other people of color. Further, the impact of citizen organizations and Ms. Preston’s experiences will be discussed. This thesis will conclude with a discussion of the three research components, reviewing how American Indians view the complaint process and the Albuquerque Police Department.

SURVEY FINDINGS

DEMOGRAPHICS

The survey responses of citizens of color and Anglos will be compared. People of color for these survey results include American Indians, Latino and Hispanic Americans, African Americans, and others. Of the citizen satisfaction survey respondents, there were twenty-four Latino and Hispanic Americans, by far the largest group, representing 80 percent of the total. African Americans, American Indians and others each numbered two, are the remaining 20 percent.

American Indians, who are twenty to thirty percent of the city’s population, were not well represented in survey responses. African Americans, who are between seven and thirteen percent of the Albuquerque population, were not well represented. According to Bernalillo County’s 1990 census, Latino and Hispanic Americans were well represented. Also according to this county census, Anglos were just under being adequately represented and other people of color were adequately represented in the survey.
PEOPLE OF COLOR SURVEYS COMPARED TO ANGLOS

• People of color were more satisfied than Anglos. However, African Americans, American Indians, and others were completely unsatisfied. Latino and Hispanic Americans were more satisfied than Anglos.

• People of color were provided a brochure more than Anglos, 30 percent to 24 percent.

• Most respondents obtained their complaint forms from Internal Affairs, but a few more Latino and Hispanic Americans as compared to other groups obtained them from police substations.

• People of color had four times more difficulty obtaining complaint forms than Anglos.

• People of color were not provided clear and adequate information about the complaint process as often as Anglos, 55 percent to 39 percent.

• More than half of people of color were not comfortable while less than half of Anglos were not comfortable.

• The police tried to discourage people of color from filing complaints more than Anglos, 48 percent to 38 percent.

• Internal Affairs tried to discourage people of color almost twice as often as Anglos, 31 percent to 17 percent.

• Anglos were treated fairly and with respect more than people of color, 48 percent to 29 percent.

• Witnesses of people of color were contacted more than the witnesses of Anglos, 50 percent to 45 percent.

• People of color thought the investigations of their complaints were not timely more than Anglos, 69 percent to 54 percent.
• People of color were notified of the outcomes of their complaints less than Anglos, 34 percent to 24 percent.

• People of color appealed their complaint dispositions twice as much as Anglos. Those who appealed and received the result were not satisfied.

• People of color were informed of the Independent Counsel more than Anglos, 24 percent to 17 percent.

ETHNICITIES: COMFORT, SATISFACTION AND TIMELINESS

This section compares the comfort, satisfaction and timeliness responses of all the groups. Additionally, it provides the responses of both genders. American Indians, both female, were not satisfied, not comfortable, and the investigations were not considered timely. No American Indian men were respondents. African Americans were not satisfied and thought the investigations were not timely. The woman was comfortable and the man was not. The people of color who identified themselves as other were also not satisfied and did not think the investigations were timely. The man was comfortable and the woman was not comfortable.

Of Latino and Hispanic Americans, 70 percent were not satisfied, over half (54%) were not comfortable and 61 percent thought the process was untimely. Hispanic women were two times more satisfied than Hispanic men. Hispanic women (63%) were also more comfortable than Hispanic men (43%). Half of the Hispanic women thought the investigations were timely and 70 percent of the men did not. Anglos were unsatisfied 83 percent of the time, 45 percent were uncomfortable and 54 percent said the investigations were untimely. Anglo men were three times as satisfied as the women, but were much less comfortable and thought the investigations were much less timely.
OTHER COMPARISONS

Women of color (27%) were more satisfied than men of color (18%). Anglo women (7%) were less satisfied than Anglo men (25%). Women of color were four times as satisfied as Anglo women. Yet, the Anglo women (69%) were far more comfortable and thought the process was more timely (54%) compared to women of color who were comfortable half the time and thought the process was much more untimely (67%). Anglo women thought the process was timely almost two times as often as women of color. Hispanic females were the most satisfied at 43 percent whereas 7 percent of Anglo women were satisfied. Anglo men, 25 percent, were more satisfied than Latino and Hispanic men, 21 percent.

When the numbers were analyzed for all ethnicities and sexes, there did not seem to be a correlation between respondents feeling comfortable and being satisfied. However, there is a correlation between satisfaction with the complaint process and the timeliness of investigations for all ethnicities except Anglos. When these findings were examined further, it seemed that there was a correlation between satisfaction and timeliness for Anglo men, but not for Anglo women.

AMERICAN INDIANS

When asked about the citizen complaint process, American Indians were unsatisfied. Both were uncomfortable. Internal Affairs tried to discourage one and the police department tried to discourage both of them. When asked if IA treated them fairly and with respect both said yes, but one underlined "during," suggesting that she was not treated fairly and with respect afterward. Both investigations were not timely and neither one was informed of the Independent Counsel. One American Indian was never notified of the complaint outcome. When compared with other people of color, American Indians were the only group to be completely unsatisfied and uncomfortable and who thought the investigations were not timely.
IMPACT OF CITIZEN ORGANIZATIONS

The citizen organizations interviewed all had people of color as their membership. Some of their stories shared were similar and others differed greatly. All the citizens of color in these organizations were unfamiliar with the complaint process. Most were unaware of Internal Affairs and the Independent Counsel. Some view the APD as ineffective and others fear it. Those who had experience with the process shared that they did not trust it and did not think it was open to citizens. They shared that IA was unhelpful and frustrating. IA did not return their phone calls. More importantly, information was extremely difficult to obtain. Some people never bothered going to IA. Many people, after their experiences, chose to seek legal remedies. For those who went to the PSAB, the board was unable to provide information, relief, or follow up.

The American Indian Center (AIC) stated that American Indians have a fundamental distrust and hostile view of the APD. American Indians and the APD have high tension between them like no other group. American Indians are not complainants. Not one person at the AIC meeting was satisfied with the APD. This fact is in complete opposition to the views shared by other citizen organizations consisting of other people of color. The Indian community and civic organizations are not involved with APD oversight or outreach, and are not represented in those efforts. The AIC is the only place for Indians to go. There is no Indian advocacy in the city bureaucracy. Even those people involved with local government say that the city does not care about Indians and Indians are not represented on committees, boards, and other governmental groups. Another difference of the AIC is that it is more service oriented while other groups are more focused on upward mobility.

The director of the African American Political Empowerment Coalition (AAPEC) did not view their relationship with the police department as being problematic. The department has been responsive to small businesses. The police chief and officers were
spoken about favorably. The director did mention African Americans being stopped if there is a black suspect. He said the police have not done any outreach, but the organization was contacted two times to participate in town hall meetings. After cancellations, the coalition was sent an apology letter by the chief. The relationship between the AAPEC and the police and the relationship between the police and the American Indian Center are completely opposite.

The South Broadway Neighborhood Development Corporation (SBNDC) has a strong relationship with the area commander. Their problems with the department are solved informally through this commander. The corporation representative also said she might go to the chief for a complaint. Even though the director said that American Indians live in the neighborhood, she did not know how many there were and was unable to provide any information about American Indians. Unlike the SBNDC, the AIC does not have a strong relationship with their area commander and does not solve complaints informally through such relations.

The director of the Hispanic Chamber of Commerce did not say anything negative about the police. The chamber has a good relationship with the police department. However, the director shared that citizens in general do not have a good relationship with the police. The director also believed American Indians are a small number of the city’s population, contrary to cited statistics. Again, the relationship between the Hispanic Chamber of Commerce and the APD is good, unlike the relationship between the American Indian Center and the police.

Vecinos United does not view the APD positively. Some members of the group said they were afraid to go to Internal Affairs. Their experiences, as mostly Hispanics, differ greatly from the relationship the Hispanic Chamber of Commerce has with the police. Vecinos United is a well known group. At almost every interview with other organizations and their administrative representatives, Vecinos United was mentioned. Although Ms.
Preston was at the Vecinos United meeting, she seemed to be the only American Indian there. Unlike Vecinos United, the American Indian Center was never mentioned during the initial evaluation interviews.

**INDIVIDUAL CASE STUDY FINDINGS**

Ms. Preston’s experiences with the police, complaint process, and the legal system provide disturbing knowledge of how this American Indian woman and her daughter were treated. She was targeted and attacked by police officers. Ms. Preston and her daughter were verbally and physically assaulted. Threats were made to have Ms. Preston’s children and property taken away. After the incident, she was discouraged from filing a complaint by a police sergeant and an Internal Affairs investigator. After filing, she did not receive a disposition for many months.

Ms. Preston, a respondent to the survey, did not wait to appeal her complaint disposition. Rather, she filed a lawsuit at the same time she filed her complaint. During Ms. Preston’s hearings, Internal Affairs did not provide the requested files to the court. Officers also withheld information and lied. Throughout her entire experience she was not believed and was undermined. Multiple times she was encouraged to plead guilty and plea bargain. All the while, she battled against language and cultural barriers. At Public Safety Advisory Board meetings she was told the board did not want to hear what she had to say. Moreover, the two officers, who had multiple sustained incidents of excessive force, were only given letters of reprimand.

**LITERATURE REVIEW FINDINGS**

The following discussion is directly related to the literature review. When the authors of *Multicultural Law Enforcement* Shusta et al., asked themselves if there was a problem with prejudice in law enforcement today they answered yes and no. They stated that there is a problem with prejudice in society which is reflected in law enforcement. Many people of color interviewed during this study said the police acted with prejudice.
Ms. Preston wholeheartedly agrees. Additionally, the authors state that law enforcement officers have more power than average citizens and the potential to abuse this power exists. This thesis has provided examples of officers who have abused their power.

Another article quoted a father who said that the president needs to address the issue of good police officers not talking about bad officers. In Ms. Preston's incident the third officer, who seemed reluctant to participate in the abuse, also did not try to stop it. Moreover, he was the officer who refiled the case against Ms. Preston. During the court hearings, the officers also lied.

Bayley and Mendelsohn's research concluded that minorities are not more reluctant to complain. This research proved otherwise when citizens, especially American Indians, shared they would not go to Internal Affairs. However, this study agreed with these researchers' conclusion that the reason why citizens did not file was because they thought nothing would come of it. Additionally, Bayley and Mendelsohn's work found minorities would advise others to appeal outside of the police. This research concurs with their earlier finding. Later, the authors shared that minorities may be alienated from the entire system. This finding is confirmed here to be accurate for American Indians and other segments of people of color.

A study in Los Angeles reported that citizens were discouraged by police from filing complaints. The citizen satisfaction survey findings agree and documented that citizens of color were discouraged more than Anglo complainants. Another study found that less than half of minorities trusted the police department to investigate the misconduct of officers. The American Indian population definitely agrees. In Minneapolis, minorities have a more negative view of police than Anglos. The urban Indians in Albuquerque have a more negative view of police compared to Anglos and other citizens of color.

When discussing police prosecution for mistreatment of minorities, officers were very rarely found guilty of allegations. Even when the allegations were sustained, the
punishment was not severe. Such was the case for Ms. Preston. The two officers were found guilty of excessive force in three prior incidents and were only given a letter of reprimand for this incident. The 1993 survey of police relations with Albuquerque residents found Hispanics were less likely than Anglos to say minorities were treated as fairly as others. This study shows that people of color were not treated fairly and with as much respect as Anglos. To end, conflict theorists expect racial disparity in the criminal justice system because people of color are less powerful than whites. People of color lack legal resources. The theorists stated that racial minorities, who are disproportionately members of the lower economic class, are subject to more frequent and severe treatment in the justice system. Ms. Preston’s experience demonstrates that the conflict theorists are correct.

A YEAR LATER

The immediate response of the community was favorable to the initial report of A Report on the Oversight Mechanisms of the Albuquerque Police Department. The mayor and the police chief endorsed all of the recommendations. However, with the mayoral election in January, the city elected Jim Baca to replace Martin Chavez. Mayor Baca has shown his support of the original study. Moreover, as soon as the new mayor was elected, he fired the police chief. A cartoon appeared in the newspaper showing the new mayor telling the past police chief to leave and to take everything including his plaque stating “shoot first, talk later.” (Preston March 5) The new mayor is also supportive of a civilian review board. Currently, there is an interim police chief.

Ms. Preston said that the citizenry is more attentive and aware. The citizens are talking about the police more and taking a stand. The police have been more visible and the officers are more on guard. Also, during the mayoral election, the police department came to the Albuquerque Indian Center. Ms. Preston has not heard anything negative about the interim police chief. Additionally, Internal Affairs has made efforts to publicize the
complaint process to make it more available. There is also constant media attention. In April 1997, Albuquerque residents saw a video taped by a local station showing a city policeman who appeared to punch a handcuffed shoplifting suspect in the groin and slam him on the hood of a squad car. The man fell off the car and onto his face groaning (Price A11).

Ms. Preston adds that the American Indian community continues to be discriminated against the most. Also, when she has gone to meetings, like one on community policing, that she and the chairman of the mayor’s Indian commission went to, they were the only Indians there. Representation is still lacking. However, a past appointee on the commission said the (past) mayor’s Indian commission helped with publicizing Indian issues.

Ms. Preston is now looked up to by people at the American Indian Center for being a single American Indian mother who fought against the police department and won. Ms. Preston’s actions have benefited the Indian community and shown that when American Indians are mistreated there is relief for them. She continues to refer people to Vecinos United. In the end, Ms. Preston and her children are unable to trust the police even after their victory.

The chairman of the mayor’s Indian commission, who has been on the commission for two and a half years, said nothing has happened in the last year as the transition between mayors is currently happening. The new mayor told the chairman that he would like to see the Indian center grow. Yet, since January, when the mayor was elected, there has been no productivity. Furthermore, when a seat on the commission became vacant, the mayor ignored the recommendation of the commission and appointed someone else. He adds that the relationship the commission had with the past mayor made gains in interfacing with department heads. For example, out of about forty boards and commissions there are
twenty-seven American Indians members. The commission has not met with the interim police chief; they are waiting to meet with the permanent police chief.

There is also an employment task force that is working on policies and procedures for the inclusion of American Indians. In the 1970’s the National Indian Youth Council sued the city for its employment practices. There was a settlement agreement which may be the driving force for increasing the employment of Indians. The employment goal set to increase the number of Indian city employees, to be completed by the end of March 1998, will most likely not be met. The city has not kept records of ethnicity employment which, makes the changes slower to occur.

SUMMARY

Nationally, police mistreatment is a multi-ethnic problem, but is only addressed in terms of African Americans and sometimes Hispanics, not American Indians. The experiences of other people of color can gauge the treatment of invisible American Indians because some people of color are more visible and their stories are reported. People of color perceive the Albuquerque Police Department differently than Anglos because of their treatment by the police, as this study shows. In Albuquerque, Hispanics are of significant numbers. Some have good relations with the police department and others do not. American Indians are also of significant numbers, but do not have positive relations with the department. African Americans appear to be represented and have their needs heard to an extent that exceeds their representation in the community. The representation of other people of color is unknown.

American Indians are between twenty to thirty percent of the city’s population. Yet, they are invisible. With such a large Indian population one would think the Indians would be more visible. It is simply not true. The only Indians seen during the evaluation were those at the American Indian Center and Ms. Preston at Vecinos United. During the many meetings with city, county, and police officials no Indians were visible.
“UNM has never had an Indian on its Board of Regents, there’s never been an Indian on the County Commission or on the City Council,” said Sam English, a Chippewa who has his own art gallery in Old Town. “Yet in terms of the dollars we bring to the city, the taxes we pay, we get nothing in return. We talk about equality in our country, about democracy and jobs and we are not getting it.” If you are Indian and you live in Albuquerque, you are three times as likely to be refused a bank loan. You are twice as likely to be unemployed as anyone else in the county and more likely to be living in poverty (Silverman and Nielsen, 7).

The presence of American Indians in Albuquerque is almost always unacknowledged and when acknowledged it is ignored. Those on surrounding reservations and pueblos are rarely thought of by the general public and especially by the local government. The urban Indians of Albuquerque are also very rarely thought of, if at all, by the APD except in the area of mistreatment. With this invisibility, they are not represented. Thus, their needs are not heard and social change cannot occur. They do not have representation on boards. When their input has been solicited, it has not been followed. During interviews Indians were rarely mentioned; when they were, they were made to sound insignificant. When the Independent Counsel was asked how many Americans Indians were in the city, he said eight to ten percent. The director of the Hispanic Chamber of Commerce also said there are few Indians in the city. Both were clearly in error.

Throughout the generations in this region of the United States there has been conflict between American Indians and Anglos as well as Hispanics. Historically, with urban Indian migration, there have been problems with Indians and law enforcement. The APD has exacerbated these problems by excluding American Indians from the complaint process and police oversight. American Indians view the police department with distrust.
American Indians are not involved with police oversight. The invisible Indians need to appear to the police through representation and police outreach. The department needs to solicit Indian input. Until American Indians are involved, the police will not be trusted, for Indian input cannot be heard. American Indians are also not employed in representative numbers on the police department; there are only sixteen Indian police officers out of 860. Indians have been mistreated and disenfranchised, unable to find recourse.

Researchers interested in this area could ask where incidents of mistreatment are more likely to occur. Additionally, researchers could ask which cities have American Indian representation and involvement with police relations. This research may be able to provide models and suggestions to other urban Indian communities enabling them to organize and increase their visibility. Moreover, a study could analyze what types of complaints Indians file and what percentage of American Indian complaints are sustained.

American Indians continue to move to the urban environment from reservations and other rural locations. They experience racism at different levels by being targeted as Indians. In addition to blatant racism they are the victims of ignorance and classism. American Indians have high rates of poverty, and in areas of poverty there is more crime. Additionally, American Indians encounter cultural and language barriers. The problems reported in this thesis can be addressed through representation, interaction, and education.
## APPENDIX

### COMPLAINANT SATISFACTION SURVEY

<table>
<thead>
<tr>
<th>Age</th>
<th>Ethnicity</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 24</td>
<td>Native American</td>
<td>Male</td>
</tr>
<tr>
<td>25-29</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>30-34</td>
<td>Caucasian/White</td>
<td></td>
</tr>
<tr>
<td>35-39</td>
<td>Mexican American/Hispanic</td>
<td></td>
</tr>
<tr>
<td>40-44</td>
<td>Asian</td>
<td></td>
</tr>
<tr>
<td>45-49</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>50+</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. I was satisfied with the citizen complaint process. **Yes**  **No**
2. I was given a brochure explaining the complaint process. **Yes**  **No**
3. I obtained the complaint form at: **Substation**  **Chief’s Office**  **Internal Affairs**  **Mayor’s Office**
4. The complaint forms were easily obtained. **Yes**  **No**
5. I was provided clear and adequate information about filing my complaint. **Yes**  **No**
6. I felt comfortable filing my complaint. **Yes**  **No**
7. The police department tried to discourage me from filing my complaint. **Yes**  **No**
8. Internal Affairs (IA) tried to discourage me from filing my complaint. **Yes**  **No**
9. I was treated fairly and with respect by IA during the complaint process. **Yes**  **No**
10. Were there witnesses to your incident? **Yes**  **No**

   If yes, were they contacted by investigators? **Yes**  **No**
11. The investigation of my complaint was completed in a timely manner. **Yes**  **No**
12. Were you notified of the outcome of your complaint? **Yes**  **No**
13. Did you appeal the decision of the complaint disposition? **Yes**  **No**

   If yes, were you satisfied with the result? **Yes**  **No**
14. I was informed about the Independent Counsel. **Yes**  **No**
REFERENCES


English, Samuel. Phone interview. 16 March 1998.


Hispanic Chamber of Commerce. Focus Group Discussion. 7 Jan. 1997.


Preston, May. Phone interview. 5 March 1998.


