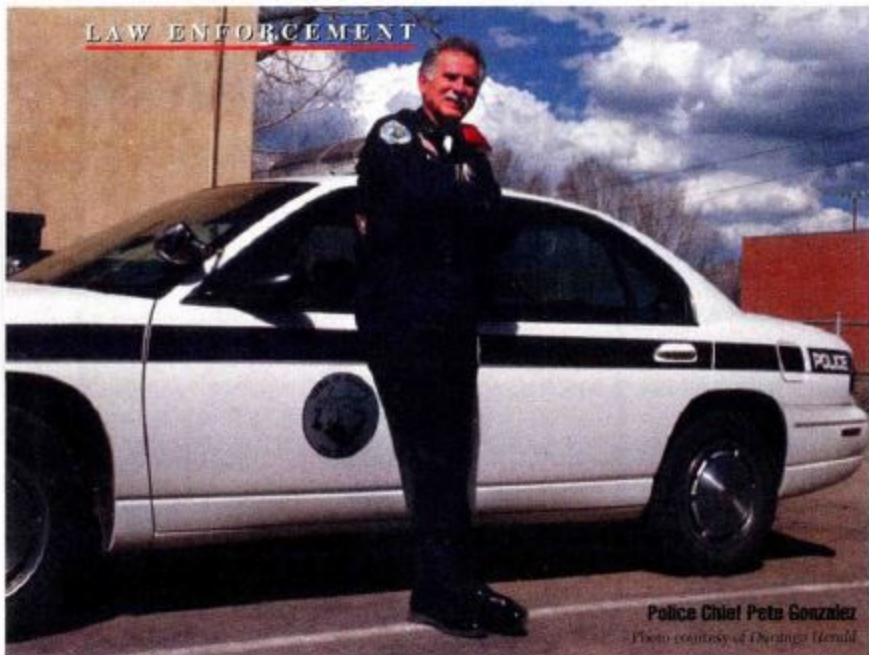


LAW ENFORCEMENT



Police Chief Pete Gonzalez
Photo courtesy of *Durango Herald*

Patchwork Policeman

Jurisdictional Frustrations Trigger Lawman's Resignation

By Jeff Hinkle

THE SOUTHERN UTE INDIAN Reservation occupies a small fraction of Colorado's southwest corner. Fifteen miles wide and 70 miles long, it borders two Colorado counties, covers more than 800,000 acres and is divided by two state highways. It is what is known as a "checkerboard reservation" — meaning non-Indians occupy fee-land within its borders.

Depending on circumstance and location, at

least five different law enforcement agencies have jurisdiction in the area.

"It gets really confusing at times," said Kirk Phillips, chief of the Southern Ute tribal police. "You pull over an offender and you have to ask yourself, 'Am I on Indian land? Is this county land? Does the FBI have authority or is this Indian jurisdiction? Are the offenders Indian or non-Indian?' We've had to call out BIA surveyors sometimes to determine whose

land we're on when we're investigating a crime."

Before taking his current position, Phillips was police chief in the town of Ignacio, Colo. — a non-Indian community, nine blocks long, square in the middle of the reservation. That town's current police chief, Pete Gonzalez, has handed in his resignation — a decision influenced, in part, by his frustrations with the jurisdictional jigsaw puzzle that makes up the town and the surrounding reservation.

"All I wanted to do was to try and enforce the laws equally," Gonzalez said, "I can't do that. The law is tilted too much in their [Indians] favor. They clean my clock on four-out-of-five issues."

Gonzalez said he is tired of the second-guessing he and his staff must do while enforcing the law and by what he believes are "double standards" within the system.

"If we pull over an Anglo for a DUI, they're subject to a breath test, arrest, losing their license. But, because the tribe has concurrent jurisdiction in this town, we can't pull over a Native American — I have to call the tribal police. That Native American may not lose his license. It might be nine months before he sees a judge."

Hypothetically speaking, Gonzalez said, should he find a dead body in the backseat of an Indian's car: "It would be inadmissible. All I could say is — 'Have a nice day, and try and keep that body warm.'"

But tribal officials see Gonzalez as the cause of their frustrations. Last November, four Southern Utes and one non-Ute Indian living on the reservation filed a lawsuit in U.S. District Court alleging Gonzalez and three of his officers, between March and December of last year, had been making unlawful stops and false arrests, using excessive force and violating their due process and equal protection under the law. Town officials are also named in the suit for failure to supervise and train their officers.

Two of the officers named in the suit have already resigned from the force.

The suit has intensified divisions within the town and has attracted national attention.

"The relationship between the town and the tribe is the worst it has ever been," said Geoffrey Craig, an attorney representing the Southern Utes in the lawsuit.

"[The jurisdictional issues] are resolvable, but Chief Gonzalez thinks it's a huge pain in the ass to apply tribal law," Craig said.

Currently Ignacio officials and tribal representatives are working with a mediator in hopes of resolving the lawsuit before it goes to court. Those interviewed for this story were cautious in their comments pending the outcome of those negotiations.

Craig said the mediation involves issues concerning police pursuit and jurisdictional mat-

ters, which may "hamper the town's ability to pursue DUI prosecution." It also involves the civil suit, for which he hopes to see some "redress" for his clients.

"If you're an employee of this town, you have to face the reality that we reside on a reservation," Craig said. "Instead of dragging your feet, you can learn about those issues. Chief Gonzalez is not interested in learning about tribal jurisdiction. He'd like to go to sleep, wake up and have the Ute tribe gone — and his problems gone."

Gonzalez is not unfamiliar with ethnic tensions. For 21 years, he was with the Los Angeles County Sheriff's Department. He and his wife had long talked about retiring to southwest Colorado. When they saw an ad for the vacant law enforcement position, Gonzalez applied, requested early retirement in California and moved his family to Ignacio.

"Before I came out here, I was like any liberal in California or Washington or Tennessee when it came to Native Americans. But it's different here.

The laws aren't applied fairly. Gaming is very lucrative. The tribe is very wealthy and they have a lot of natural resources. The town is jealous," Gonzalez said. "I don't feel like I'm in America as long as I'm on the reservation."

He has been Ignacio's police chief for six years, yet, he said, the five alleged complaints against him occurred in the same six-month period that he stepped up DUI enforcement.

"The tribe is in denial over alcohol," Gonzalez concluded. "They blame everybody, but they don't look at themselves."

Many Ignacio residents have come out in support of the resigning lawman including Sen. Ben Nighthorse Campbell, R-Colo., the only American Indian in Congress. Campbell has expressed allegiance with Gonzalez to reporters and has reminded tribal leaders of the police chief's "heroic efforts" to save four drowning Utes in a fatal

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alcohol-related car accident last year.

The high-profile support does not surprise Craig. "Gonzalez and Campbell are friends. Campbell's opinion might be more balanced if he heard the tribe's perspective," Craig said.

For Charlie Flagg, an official with the Southern Ute Division of Gaming — and former police chief of both the Ignacio police and the tribal police — the jurisdictional issues are not that complicated. "It's real straightforward," Flagg said. "It's not a headache. It gets back to training, education and respect for tribal sovereignty. It doesn't matter if someone thinks it's right or not — the Supreme Court says it's right."

"No one wants to resolve this more than I do," Gonzalez said. "I'd like to bring these issues to the forefront. Then, maybe, my leaving might accomplish something."

"From a personal perspective, Chief Gonzalez is a nice guy," Craig said. "People like him. But professionally, he seems negative. He's telling people he wants to get off the reservation and back to America. Well, that is America — it includes Indians. You could look at that as a positive thing. You could exist in harmony, rather than at odds with them." □