The Seminole Police Department*

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with excerpts of an interview with Chester Kowalski, Chief of Police

About 30,000 years ago the ancestors of a group of people, known now as American Indians, left Siberia and came to a new continent. They spread across this land, later called North America, and settled in the vast wilderness of the United States and Canada.

Long before Europeans and other explorers touched foot on North American shores, Indians were thriving here as woodsmen, hunters, fishermen, seed gatherers, shepherds and farmers. They dwelled on the plains, along the coastlines and rivers, and in the forest and deserts. When Christopher Columbus discovered this continent in 1492, the Indians were here to greet him. They were here when subsequent explorers came from all the countries of Europe. These explorers were as strange to the Indians as the Indians were to them.

The Indians were a people who expressed their love of the land in dances, ceremonies and folk tales. They sought spiritual guidance from such natural forces as the sun, the stars, the moon, the wind, and thunder and lightning. They took from the land only what they needed for their survival. In contrast, the explorers held different values. They pushed westward from their ancestral lands and, with no regard for the needs of its inhabitants, took what they wanted.

Subsequently, the Indians suffered from the debilitating effects of disease, hunger and war. They lost most of the battles and many of their finest warriors. Although the white man also suffered casualties, his numbers were bolstered by the numerous arrivals of settlers. While the Indians were being scattered and destroyed, the white man was growing stronger and more prevalent.

The relations between the Indian and the non-Indian have been most notable for the latter's mistrust, misunderstanding and exploitation of the former. The Indian Wars, which lasted into the last decades of the 19th century, finally destroyed the Indian nations as military powers. Consequently, the Indians were driven onto what has become the reservation lands where they now reside. These reservations, ceded to the Indians through negotiation and treaty, constitute a last stronghold of Indian culture. They also provide an environment in which Indians can live within their traditional society until, if they so choose, they leave the reservation and join the mainstream of American life.

According to cultural anthropologists, the American Indian always has maintained a strong and well-organized system of tribal government. An elected chief and the tribal elders controlled the decision making process of tribal law which had been handed down through the various clans within the tribe.

In the case of the Seminoles, this heritage was derived from the socio-cultural base of the Creek nation of the southeastern United States.

* See "Behind the Scenes," inside front cover.
The Seminole relationships under the discipline of one officer's code of law was strict and enforced by tribal agents. On the reservations the Indian population was divided between the various tribes, and the federal government in Washington marked the beginning of the Indian police system. The first Indian police were tribal members who were in the employ of the Indian agents.

In 1877, a mixed group of Indian scouts and non-Indian police, under the direction of the San Carlos Reservation agent, effected the arrest of the Apache war chief Geronimo, who had carried out a highly successful guerrilla war against the United States Army in Arizona. In 1878 congressional appropriations began to pay the salaries of Indian police on reservations throughout the country. In 1879 Congress allotted $30,000.00 to pay the salaries of not more than "430 officers at five dollars per month and 50 supervisory officers at eight dollars per month." By today's standards, this entire budget would not cover the capital expenses of one police officer's salary and the cost of the vehicle in which that officer patrols.

The powers of the Indian agent were extreme. The agent alone acted as judge and jury until Congress appropriated funds in 1888 to pay Indian judges. Two famous Indian judges were Gall and Quanah Parker. Both had fought long and hard against the United States Army. Gall had been one of the Sioux war chiefs at the Battle of the Little Big Horn and the Comanche Parker had fought for years against settlers in Texas. The Courts of Indian Offenses were intended to place some autonomy in Indian hands and were a logical response to the Indians' need to govern themselves.

On the reservations the Indians maintained their own tribal organizations, but now a new element was added. The appointment of non-Indian agents to administer reservations and to act as a liaison between the various tribes and the federal government in Washington marked the beginning of the Indian police system. The first Indian police were tribal members who were in the employ of the Indian agents. In 1877, a mixed group of Indian scouts and non-Indian police, under the direction of the San Carlos Reservation agent, effected the arrest of the Apache war chief Geronimo, who had carried out a highly successful guerrilla war against the United States Army in Arizona. In 1878 congressional appropriations began to pay the salaries of Indian police on reservations throughout the country. In 1879 Congress allotted $30,000.00 to pay the salaries of not more than "430 officers at five dollars per month and 50 supervisory officers at eight dollars per month." By today's standards, this entire budget would not cover the capital expenses of one police officer's salary and the cost of the vehicle in which that officer patrols.

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lations concerning the court and the reservation police force. In the following year, the United States Congress gave the federal courts jurisdiction over certain major offenses which involved Indians on the reservations. These included: murder, rape, assault, arson, larceny, manslaughter, and burglary.

By the early 1900s, all Indians were on reservations which were administered by the federal government through the Bureau of Indian Affairs. Agents were assigned to each reservation to monitor the behavior of the Indians and the allocation of government services and goods.

Over the years amendments have placed many other offenses under the authority of the federal court. In Oklahoma the Curtis Act of 1898 abolished the Indian Courts and the police forces of the Five Civilized Tribes. Policing on these reservations was assumed by federal, state and local agencies. In 1907 Congress authorized the employment of Special Police Officers and Deputies in order to suppress liquor traffic on Indian reservations. These Special Officers reported directly to the Commissioner of Indian Affairs who, in turn, reported to the Secretary of the Interior.

During the next thirty years, the Bureau of Indian Affairs governed the farflung reservation areas, slowly creating administrative ties, however tenuous, with the many different tribes. In 1924 a ludicrous law was passed which granted United States citizenship to the people who truly were the only native Americans. Ten years later, Congress passed the Indian Re-Organization Act which established the framework in which formal tribal governments could interact more efficiently with the Washington bureaucracy. A variety of administrative relationships was formed and, within a criminal justice framework, the tribes began to develop their own legal codes. In most instances, the tribal codes replaced the regulations of the Bureau of Indian Affairs which had become outmoded in light of more sophisticated ideas about Indians.

After the passage of the Indian Re-Organization Act of 1934, the tribes established and funded their own tribal courts, employed tribal police, and enacted tribal ordinances. Some tribes which passed ordinances depended on federally supported police and courts to enforce them. Other tribes established both federal and local courts, especially during World War II when federal funding was curtailed.

In 1949 Special Police Officers were assigned to individual reservations. Some had police which were supplied by the Bureau of Indian Affairs while others had tribal police. Few reservations utilized both. The Special Police Officers became the supervisors of the tribal police. On some reservations, the former group also supervised the Bureau of Indian Affairs Police. On other reservations, the tribal and Indian affairs police operated independently of each other.

World War II and the distinguished participation of Indian soldiers, sailors and airmen produced a resource pool of personnel who returned from that conflict prepared to play a greater role in intra-governmental activities. More monies for Indian criminal justice programs were allotted. In 1950, $300,000.00 was budgeted nationwide for Indian law enforcement. With government assistance, the tribes designed specific programs to deal with their own particular problems. By 1968 the government was allocating millions of dollars to finance police academies for training Indian police officers, rehabilitation centers for treating Indian alcoholics and drug abusers, and offender programs for handling Indian offenders who were convicted of criminal offenses. The Indian criminal justice system soon began to approach the level of efficiency of its non-Indian counterpart.

In 1953 Congress passed Public Law 83-280 which gave jurisdiction over criminal and civil matters within the Indian communities to the states. By 1964, however, the Bureau of Indian Affairs began to contract with tribes to provide part of the reservations' criminal justice services. This approach was made possible by the combination of tribal direction and federal funding. Federal and state laws apply in Indian communities as they do elsewhere, whether or not the states have assumed jurisdiction under Public Law 83-280.

In some states the crimes listed in the Major Crimes Act are tried in Federal Court, applying federal law, when an Indian is involved. Violations of state laws, not covered by federal ones, also are tried in federal court when an Indian offender is
involved. General federal laws apply on Indian reservations the same as they do elsewhere.

Tribal courts, of which there are seventy-three, have jurisdiction over violations of tribal codes which are committed by Indians on the reservations. The 1968 Indian Civil Rights Act limited the penalties which tribal courts may impose on defendants. The maximum penalties are six months in jail and fines up to $500.00. Tribal courts have jurisdiction over civil suits between tribal members. Its judges are chosen by either the tribal council or through tribal elections.

Twenty reservations have Code of Federal Regulations Courts, established under the authority of the Secretary of the Interior and governed by the provisions of Title 25 of the Code of Federal Regulations, subject to the approval of the tribal council. The Bureau of Indian Affairs appoints judges for these courts. The jurisdiction of these courts is the same as that of the tribal courts. Like all other individuals, Indians who are convicted of major crimes are sentenced to prison. However, Indians who are convicted of a violation of a tribal code or of the Code of the Federal Regulations are lodged in one of sixty-seven jails.

The Indian Police Academy in Brigham City, Utah, provides 600 hours of basic training for new police recruits and an eighty hour course for supervisors. The academy also provides a complete range of specialized courses for all criminal justice personnel.

These police use special transportation methods in addition to those used ordinarily by other police forces. Because of the nature and location of most Indian reservations, horses often provide the only practical means of transportation. In addition, several reservations have large bodies of water which necessitate the use of boats for law enforcement activities and rescue missions. Two way radio systems are primarily used for maintaining communications.

At the present time, no uniforms are required. Consideration is being given to the adoption of a standard uniform for all federal police officers who serve on the Bureau of Indian Affairs. The diversity of the reservations and their climatic conditions, however, make this goal particularly difficult to achieve. Today, there are about 875 persons who are engaged in law enforcement activities on Indian reservations. More than half are employed and paid by the individual tribes; the rest by the federal government.

The Indians of today number close to one million and live in all sections of the United States, although more than half are concentrated in Arizona, New Mexico and Oklahoma. Of the remainder, 25% live in the South, 20% in the North Central region, and 5% in the Northwest. About half live in urban areas where they can take advantage of higher salaries and better opportunities for housing, education and employment. The annual median income for an Indian family is about $7,000 and, as American citizens, they must pay local, state and federal income taxes.

Many Indians who live on reservations are poverty stricken because those lands are not sufficiently productive to sustain their residents through farming, stock raising, and lumbering. In addition, there are often no industrial and/or commercial jobs on or near the reservations. The lack of capital to fund new businesses and the need for more vocational training are additional prime factors in the economic problems which beset the Indians. The American government has acknowledged these problems. In response, it is building vocational schools on the reservations and is accelerating programs to establish area industrial plants and commercial businesses.

On June 1, 1981, the Seminole Tribe of Florida opened a new chapter in the history of Indian police in the United States. Until this date, the policing of Seminole reservation areas had been conducted by a number of agencies on the federal, state and local levels. On the federal level, agencies such as the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco
and Firearms, and the United States Marshal Service had carried out enforcement operations on Indian lands. State police agencies, such as the Florida Department of Law Enforcement and the Florida Highway Patrol, had performed their respective investigative and traffic enforcement duties contiguous to tribal lands. Local agencies also had interfaced with the Seminole Tribe, and criminal justice relationships had been formed with the offices of the county sheriffs in Broward, Palm Beach and Collier counties.

The police department of the Seminole Tribe of Florida began as the result of a request by Chief James Billie and the tribal council. They petitioned the federal government and the State of Florida for a police department which would serve the special needs of the tribe. The chief and council were concerned about the growing level of crime on reservation lands where the victims were, most often, the Indian themselves. They were preyed upon by non-Indian outsiders who showed no respect for their culture or for the state statutes. The crimes that concerned the tribal council were the same as those in other communities, that is, homicide, rape, robbery, burglary, auto theft and larceny. In addition, there were such crimes as trespassing and game poaching by non-Indians that were particular to the Seminole reservation lands. The council also was concerned about the increasing number of incidents of crime among tribal members and the rising rate of juvenile delinquency among Indian youths. It seemed to the council that all the problems of 20th century America were encroaching upon and tainting the simple and ordered life of the Seminoles.

In the few months prior to June 1981 the tribal council, with headquarters on the Hollywood Reservation, began their search for a police chief. Much like any city council or government, the Seminole Tribe basically knew what type of employee it wanted to hire. It was seeking a well educated and experienced police professional who also possessed the requisite management and administrative skills necessary to organize a new police department from the bottom up. Moreover, that person would have to be capable of supervising the police in their daily public service and enforcement activities. Eventually, Chester Kowalski was chosen for the position. After Chief Kowalski surveyed the tasks, he realized that:

There was no time to sit around and think about the problems. I had hundreds of square miles to patrol and two police officers. We were responsible for separate reservation areas in five counties: Broward, Palm Beach, Collier, Glades and Hendry. I had to begin to recruit well trained, top notch police officers immediately.

The Seminole Police Department expanded quickly. The tribal council gave Chief Kowalski the fiscal support that he needed and allowed him maximum administrative leeway to make and implement management decisions as problems occurred.
I have kept the council informed and they have let me run the department effectively and efficiently; I could not ask for more cooperation than I have received.

In seven months, the Seminole Police Department increased from two officers and two vehicles to fourteen of each. Chief Kowalski has organized his department on classic para-military lines. The chief reports directly to and is responsible to the tribal council. Jim Shore, the legal council for the Seminole Tribe, is an important asset to the police chief and his department by acting as Kowalski's legal advisor. Directly below the chief is operations lieutenant Ronald Romine, whom Kowalski brought along from the North Lauderdale department. The chief has divided the five counties for which his department is responsible into three districts and has assigned a patrol sergeant to each. Kowalski believes that:

With so much territory to cover, I must rely heavily on my operations lieutenant and patrol sergeants. I have given all my men a great deal of responsibility and I, in turn, expect a high level of efficiency. Each of my men has a marked police vehicle and is in uniform, except my investigator. Each lives near or in the geographic area which he patrols. We have a highly sophisticated radio network which keeps my patrol officers in touch with their sergeants and, in turn, the patrol sergeants with the lieutenant and my radio dispatcher here at headquarters on the Hollywood Reservation. I encourage direct contact each day between my sergeants and their men and I myself try to spend time in the field, supervising and getting to know the Seminoles and their particular problems, on a more personal basis.

In-depth training and a tight organizational framework maximize the public service and law enforcement potential of each member of the Seminole Police Force. Although Chief Kowalski has assigned only one officer to plain clothes investigative work, there are a number of uniformed officers who are qualified for that and for undercover operations.

Each Seminole police officer is a graduate of a police academy, such as the Broward Criminal Justice Institute which is located on the campus of Broward Community College. They adhere strictly to police standards and qualifications which are set at the state level. Many of the officers have military experience and have attended in-service career training in such professional subjects as drug enforcement and police-community relations. Future in-service training is planned and the chief also intends to send his officers to specialized programs on the state and federal levels.

Although the chief has been involved with the organizational development of the department and the need to learn about the reservation areas, the emphasis has been on basic law enforcement. During the first six months of operation, the department's fourteen officers responded to 1,415 calls and handled homicides, armed robberies, arsons, burglaries and assaults. The biggest investigation that the department has handled probably is a narcotics case that began on the reservation and led officers to a suburban Broward residence where a search warrant was served. Two possession-of-narcotics arrests were consummated and a variety of drugs, including cocaine, Quaaludes and marijuana, was confiscated. The chief wants it known that:

We won't tolerate drug dealing on the reservation. The primary target of the pushers is the Seminole youth; and the tribal council has let me know, in no uncertain terms, that drug enforcement is a priority.

The drug culture has affected the Seminole Tribe as it has all other communities in southern Florida. Thousands of acres of tribal lands have been utilized as drop zones for tons of marijuana that have been flown up from Central and South America. With law enforcement agencies spread so thin, the drug importers have taken advantage of hitherto unpatrolled areas for clandestine air operations.

The modus operandi is simple. An airplane is loaded with marijuana in the Caribbean Islands or Latin America. In the pre-dawn hours, generally, the crew flies out to meet the truck drivers in an obscure, unpatrolled rural area that has an infrequently travelled roadway. Radio communications between the plane crew and the ground personnel are essential. Several low level passes might be made. Flares might be lit. Sophisticated infra-red sig-
naling might even be used to mark the drop zone. After the drop, the airplane will continue on its journey. According to Chief Kowalski, the whole procedure can be carried out in twenty minutes. This type of marijuana import operation is difficult to intercept in progress without prior knowledge or information from informants or other investigative sources.

Early in January 1982, aggressive action by Seminole police officer Brian Stansbery bore fruit. It was shortly before dawn when Stansbery was on routine patrol in the Big Cypress Swamp on the Big Cypress Reservation. After hearing the sound of a low flying plane, he started to check all the unimproved dirt access roads in the area. Just after dawn, Stansbery spotted an abandoned, empty airplane. It sat on flat and level ground, bordered by swamp. After he radioed his discovery, police units from the county sheriff's office and other Seminole police divisions began checking all the roads that lead out of the reservation. So far as Kowalski is concerned, we know they had engine trouble. One of the plane's twin engines was blown. They probably had to dump the 'grass' somewhere in the swamp. It's probably still there.

The plane was traced to a pilot-owner who lives in Broward County. Investigative
tion revealed that the flight had originated in Panama. Crime lab specialists and investigators found an amount of marijuana residue on board. For Chief Kowalski, "That was enough; the plane was ours." Under Florida law, airplanes, boats and other vehicles seized in drug deals may be forfeited to the agency which makes the seizure. They either may be utilized in agency operations or sold at public auction. The proceeds can be added to the department's general revenue fund. The chief believes that: Confiscation is a good way to hurt the criminal economically. In these times of tight budgets, it's an excellent way to augment a budget, especially for an expanding department like our own. We plan to utilize the plane ourselves. My operations officer is a multi-engine pilot and, with this added mobility, we plan to spend a lot of time in the field.

For the newly formed Seminole Police Department, change has come quickly. Adding new personnel, initiating investigations and making arrests have kept everyone busy. But, many plans have been made for the future. Chief Kowalski is greatly concerned by the fact that there are no Indians in the Seminole Police Department.

For the most part, and until recently, the Indians have preferred the seclusion and privacy of their reservations. There, the tribal council and the internal organizational structure have sufficed to serve the Indians' daily administrative needs. In addition, the administrative division of labor is the rule. The Indians maintain their tribal government and structure while many areas of service delivery, notably the police function, is delivered by non-Indians on the federal, state and local levels. The Seminole Tribe of Florida, an incorporated body, has worked well with the government. Indian ranchers on the Brighton Reservation and Indian businessmen and entrepreneurs on the Hollywood Reservation have close daily contact with the non-Indian population of south Florida. Chief Kowalski plans to enhance that contact and to include more Indians in the service delivery system.

We definitely want and plan to have Indian policemen in the near future. As a matter of fact, we have a young Indian recruit scheduled to enter the Broward Criminal Justice Institute's next class. Part of recruiting is showing the Indians what the police do, that police work is exciting and rewarding. I plan to start a police Explorer Scout Troop for the Indian youth and invite Indians or any other interested persons to ride as observers in our patrol units. I believe that once the Indians understand that this is their police department, here to serve them, interest will increase.

The police profession in the United States is thought of as a local responsibility. Police officers, themselves, reflect local customs, values and personalities. The new Seminole Police Department is one in transition, moving toward community goals and commitments. Its traditions are based on the finest principles of law enforcement. In these last decades of the 20th century, the Indian police are dedicated to bridging the gap in the criminal justice system that, unfortunately, has separated two cultures. Much has been accomplished; much is yet to be done.

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