

The Violence Has Never Stopped: Police Murders and Mistreatment of Indigenous People in the Twenty-First Century

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The harsh repression of Indigenous people and allies by law enforcement agencies and private security companies during the struggle against the Dakota Access Pipeline in 2016-2017 resulted in more than 300 injuries.¹ The heroic movement at Standing Rock, North Dakota and the pain inflicted on water protectors by rubber bullets, concussion grenades, tear gas, and water cannons received considerable media coverage here in the United States and around the world. Unfortunately, far less attention has been paid to the record of police murders and mistreatment of Indigenous people in everyday life. The historical record makes clear that the systemic violence that was an integral part of the conquest and colonization of Indigenous lands by European and U.S. settlers has never completely ended. More than a century after the end of the so-called Indian Wars, local police officers murder Indigenous people at a very high rate, comparable to that of African Americans.² Other Native people die because of police abuse or neglect while in custody.³ This paper presents an overview of continuing state violence against Indigenous people in the twenty-first century and is offered as a contribution to the struggle to end this oppression.

¹ Julia Carrie Wong and Sam Levin, "Standing Rock Protesters Hold Out Against Extraordinary Police Violence," *The Guardian*, (November 29, 2016), retrieved from <https://www.theguardian.com/us-news/2016/nov/29/standing-rock-protest-north-dakota-shutdown-evacuation>; and Sandy Tolan, "Taxpayer-Funded Horror at Standing Rock," *The Daily Beast*, (April 11, 2017), retrieved from <https://www.thedailybeast.com/taxpayer-funded-horror-at-standing-rock>.

² Data collected from 47 states between 1999 and 2011 by the Centers for Disease Control and Prevention indicated that Native Americans were more likely to be killed by police than any other national, racial, or ethnic group. See Mike Males, "Who Are Police Killing?" Center on Juvenile and Criminal Justice, (August 26, 2014), retrieved from <http://www.cjcj.org/news/8113>; Stephanie Woodward, "The Police Killings No One is Talking About: A Special Investigation," (October 17, 2016), retrieved from <https://inthesetimes.com/features/native-american-police-killings-native-lives-matter.html>; and Matt Vasilogambros, "Police Shootings Have Brought Ethnic Groups Together to Fight for Change," *Huffington Post*, (June 10, 2019), retrieved from https://www.huffpost.com/entry/racial-ethnic-groups-police-shooting_b_5cfe7fdee4b0da743462275a. A review of data from 2013-2018 indicated that African Americans face the highest risk of police violence, followed by Native Americans. See Frank Edwards, Hedwig Lee, and Michael Esposito, "Risk of Being Killed By Police Use of Force in the United States By Age, Race-Ethnicity, and Sex," *Proceedings of the National Academy of Sciences*, Vol. 116, No. 34, (August 20, 2019), pp. 16793-16798, <https://doi.org/10.1073/pnas.1821204116>.

³ Woodward, "The Police Killings No One is Talking About."

In view of this country's history of settler colonialism, genocide, slavery, institutionalized white supremacy, violence against militant workers, and the repression of other marginalized groups, it is hardly surprising that police officers have been murdering and mistreating people from different national, racial, and ethnic backgrounds since modern police departments were created in the mid-nineteenth century. In the Northeast and the Mid-West, these agencies were intended to protect capitalist property and maintain social control over the rapidly growing immigrant population.⁴ In the South, police departments evolved from the slave patrols that existed to apprehend escaped slaves, punish slaves who violated plantation rules, and deter or respond to slave revolts.⁵ While U.S. soldiers and settlers killed, relocated, and subjugated vast numbers of Indigenous people, police departments in major cities killed and brutalized European immigrants, African Americans, people of Mexican and Asian descent, and poor people.⁶ By 1872, the phrase “police brutality” had begun to appear in the pages of the *Chicago Daily Tribune*.⁷ Protest movements against police crimes have been occurring intermittently ever since then, most notably during the 1960s and 1970s.⁸

In recent years, the rise of the Black Lives Matter movement has focused public attention on, and helped mobilize popular opposition to police officers’ murders of Eric Garner, John Crawford, Michael Brown, Laquan McDonald, Akai Gurley, Tamir Rice, Walter Scott, Freddie Gray, Philando Castile, Alton Sterling, Stephon Clark, and many other African Americans.⁹ Less well known are the names of John T. Williams, Autumn Mae Steele, Paul Castaway, Daniel Covarrubias, Loreal Tsingine (SINN-uh-gin-ee), Jacqueline Salyers, Dustin Robert Pigeon, Zachary BearHeels, Jonathon Tubby, Shawn Taylor Watie, Clarence Leading Fighter, Anderson Antelope, and many other Native people wrongfully killed by police. Virtually no one disputes that law enforcement officers have difficult jobs and that they can lawfully and morally use deadly force to save people, including themselves, from death or serious injury at the hands of others. But it is painfully clear that police regularly take the lives of Indigenous people without such justification—and are seldom held accountable for these crimes. Even a brief overview of the deaths of the Indigenous people identified above points to the gravity of this problem and the urgency of ending unjustified state violence against Native people.

⁴ Katie Nodjimbadem, “The Long, Painful History of Police Brutality in the U.S.,” *Smithsonian Magazine*, (July 27, 2017), retrieved from <https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/>; and Sidney L. Haring, *Policing a Class Society: The Experience of American Cities, 1865-1915*, Second Edition, (Chicago: Haymarket Books, 2017), pp. 1-34.

⁵ Gary Potter, “The History of Policing in the United States,” Eastern Kentucky Police Studies Online, (June 25, 2013), retrieved from <https://plsonline.eku.edu/sites/plsonline.eku.edu/files/the-history-of-policing-in-us.pdf>.

⁶ Nodjimbadem, “Long, Painful History of Police Brutality”; and Potter, “History of Policing.”

⁷ “Police Brutality—A Prisoner Was Shamefully Beaten by Officers, He Was Kicked and Pounded in a Cell—Probably Fatally Injured,” *Chicago Daily Tribune*, (October 12, 1872).

⁸ Nodjimbadem, “Long, Painful History of Police Brutality”

⁹ “Laquan McDonald, Stephon Clark, and Other Police Shooting Deaths That Shocked the Nation,” WPVI.com, (October 5, 2018), retrieved from <https://6abc.com/timeline-police-shooting-deaths-that-shocked-the-nation/3279172/>; and Keeanga-Yamahhta Tylor, “Five Years Later, Do Black Lives Matter?” *Jacobin*, (September 30, 2019), retrieved from <https://www.jacobinmag.com/2019/09/black-lives-matter-laquan-mcdonald-mike-brown-eric-garner>.

In 2010, a Seattle police officer stopped John T. Williams, a Nuu-chah-nulth wood carver, as he was walking down the street while carrying a piece of cedar and his carving knife. The officer claimed that he told Williams to drop the knife but Williams turned on him in a menacing way with his knife “upright and open.”¹⁰ The officer then shot the wood carver to death. The investigation that followed revealed that Williams had not threatened anyone in any way, was crossing the street—not turning on the officer—right before he was shot, and had his knife blade closed.¹¹ In this case, some measure of justice was obtained. The officer was fired, the City apologized to the Williams family for this tragedy, and a \$1.5 million settlement was reached. In addition, a federal investigation and lawsuit led to important changes in training and use-of-force policies in the Seattle Police Department, and several years later the Washington State Legislature changed the law to increase police accountability for the use of deadly force.¹²

In 2015, a Burlington, Iowa police officer responded to a domestic disturbance outside the home of Autumn Mae Steele and her husband. The couple’s dog began jumping and growling and the officer later alleged that the dog bit him, though that claim turned out to be false. In any event, the officer responded by shooting at the dog but slipped on the snow, and fatally shot Ms. Steele.¹³ In the aftermath of this tragedy, the officer was cleared of any wrongdoing and the City of Burlington fought the Steele family’s efforts to obtain the officer’s body camera video and certain other records. After almost four years, a federal lawsuit filed by the family resulted in the release of the video and other information that had been withheld and a \$2 million settlement.¹⁴

Also in 2015, two Denver police officers answered a call about a medical emergency from Lynn Eagle Feather, a Rosebud Sioux tribal citizen. She reported that her son, Paul Castaway, had suffered from mental illness and drug addiction for many years and was now brandishing a knife. After the two officers arrived, one of them shot Castaway to death for coming “dangerously close” with a knife.¹⁵ However, video from nearby surveillance cameras soon revealed that he was holding the knife to his own neck and not

¹⁰ “Police Killing of Native Woodcutter Leads to \$1.5 Million Civil Rights Settlement and Changes to Seattle Police Department,” MacDonald Hoague and Bayless Civil Rights and Immigration Attorneys Website, n.d., retrieved from <https://www.mhb.com/cases/police-killing-of-native-woodcarver-results-in-15-million-civil-rights-settlement-and-changes-to-seattle-police-department>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Associated Press, “Burlington to Settle with Family of Autumn Steele, Who Was Killed by Police,” *Des Moines Register*, (June 6, 2018), retrieved from <https://www.desmoinesregister.com/story/news/crime-and-courts/2018/06/06/autumn-steele-family-and-burlington-iowa-settle-fatal-shooting-lawsuit/677140002/>.

¹⁴ Elizabeth Meyer, “Nearly 4 Years Later, Public Learns Details of Fatal Police Shooting,” *The Hawk Eye*, (September 17, 2018), retrieved from <https://www.thehawkeye.com/news/20180916/nearly-4-years-later-public-learns-details-of-fatal-police-shooting>.

¹⁵ Tristan Ahtone, “Protesters Question Denver Police Killing of Mentally Ill Native American,” *Al Jazeera*, (July 22, 2015), retrieved from <http://america.aljazeera.com/articles/2015/7/22/denver-police-shoot-mentally-ill-native-american.html>.

threatening either officer.¹⁶ Eagle Feather and her family subsequently filed a lawsuit over her son's death, and their attorney declared that the officer who had fired the fatal bullets had "effectively murdered" Castaway.¹⁷ That lawsuit continues to work its way through federal district court in Colorado today. Amid the heightened publicity surrounding the case, journalists have discovered that Michael Truadt, the officer who killed Castaway, has a tattoo on his hand matching the logo of the white supremacist militia group the Three Percenters.¹⁸

That same year, Lakewood, Washington police officers approached Daniel Covarrubias, a member of the Suquamish nation, after they received a report that he was trespassing in a local lumber yard. Covarrubias had a long history of mental illness but was not armed and was not threatening anyone. He did have a cell phone, though, and when he reached for it and then held it in his hand, the police shot him to death.¹⁹ The police later claimed they believed he was holding a gun and they feared for their lives, but several witnesses said that Covarrubias was clearly holding a cell phone.²⁰ The officers were exonerated after an investigation, but Covarrubias' family filed a wrongful death lawsuit afterward.²¹

In 2016, a Winslow, Arizona police officer attempted to arrest Loreal Tsingine (SINN-uh-gin-ee), a Navajo woman, on charges of shoplifting. Tsingine had a long history of mental illness and had stopped taking her anti-psychotic medications. The powerfully built, 200-pound officer somehow had difficulty handcuffing the petite 5'2" woman, and she ended up on the ground twice. When Tsingine got up the second time, she walked toward the officer and was holding a small pair of scissors she used to trim her hair. Although she did not pose a serious threat and another policeman had just arrived on the scene, the officer shot her five times, killing her.²² This officer had a prior history of excessive force and other policy violations, and he later admitted to investigators that he had not tried to use his "full potential physical force" to arrest Tsingine. Nonetheless, he was cleared of wrongdoing by the Maricopa County District Attorney's office, though he resigned from the Winslow police department.²³

¹⁶ *Ibid.*; and Michael Roberts, "Paul Castaway 'Effectively Murdered' By Denver Cop, Attorney Says," *Westword*, (July 27, 2016), retrieved from <https://www.westword.com/news/paul-castaway-effectively-murdered-by-denver-cop-attorney-says-8115971>.

¹⁷ Roberts, "Castaway 'Effectively Murdered.'"

¹⁸ Anna V. Smith and Tristan Ahtone, "Denver Cop with Tattoo Resembling Militia Group Logo Killed Tribal Citizen in 2015," *High Country News*, (December 14, 2018), retrieved from <https://www.hcn.org/articles/tribal-affairs-denver-cop-with-tattoo-resembling-militia-group-logo-killed-Paul-Castaway-tribal-citizen-in-2015-indigenous>.

¹⁹ Woodward, "The Police Killings No One is Talking About"; and Amy Radil, "Lakewood Police Department Faces Lawsuit For Shooting Unarmed Man," *KUOW News Radio*, (April 13, 2018), retrieved from <https://kuow.org/stories/lakewood-police-department-faces-lawsuit-shooting-unarmed-man/>.

²⁰ Woodward, "The Police Killings No One is Talking About"; and Radil, "Lakewood Police."

²¹ Radil, "Lakewood Police."

²² Antonia Noori Farzan, "The New Indian Massacre? Police Shootings of Native Americans on the Rise," *Phoenix New Times*, (August 20, 2017), retrieved from <https://www.phoenixnewtimes.com/news/navajo-womans-death-police-violence-against-native-americans-9595827>.

²³ *Ibid.*

That same year, two Tacoma, Washington officers learned the location of a man wanted on robbery and firearms charges. He was living with his pregnant girlfriend in their car because they were homeless. When the police arrived, they got out of their vehicle and approached the suspect's car with guns drawn and told him and his girlfriend to put their hands up. The suspect's girlfriend, Jacqueline Salyers, a Puyallup (p-YAH-lup) tribal member, was in the driver's seat and began to drive away. One of the officers shot her to death, but her boyfriend escaped and was not arrested that night.²⁴ Interestingly, a police surveillance camera on that street ostensibly malfunctioned during the shooting, and officers apparently destroyed three other security cameras on an adjacent house during their investigation.²⁵ Salyers' family later filed a lawsuit against the officers involved in Jacqueline's death and the City of Tacoma.²⁶

In 2017, two Oklahoma City police officers responded to a 911 phone call in which Dustin Robert Pigeon said he was going to kill himself. When they arrived at the courtyard of an apartment complex, they found that Pigeon was pouring lighter fluid on himself with one hand while holding a lighter with the other. After this clearly suicidal man refused officers' commands to stop what he was doing and get on the ground, one officer fired a non-lethal bean bag round at him, striking him in the hip. Tragically, however, the other officer then fired his handgun at Pigeon, hitting him three times and killing him.²⁷ This officer, Keith Sweeney, was later convicted of second degree murder.²⁸ One of his fellow officers has testified that Pigeon did not pose a threat to anyone on the day he died.²⁹

Also in 2017, Zachary BearHeels, who had suffered from mental illness for many years, was traveling by bus from South Dakota to his mother Renita Chalepah's home in Oklahoma. After arriving in Omaha, BearHeels was not allowed to board the next bus to continue his trip because of another passenger's complaint and his "erratic" conduct, so he left the bus station. The following night, Chalepah called the Omaha police, reported that her son was missing, and explained about his health issues. A few hours later, Omaha officers responding to a call from a convenience store found BearHeels disoriented and dancing in front of the store. They handcuffed him and placed him in their vehicle. They asked their commanding officer for authorization to transport him to a hospital under

²⁴ Alexis Krell, "Jacqueline Salyers' Family Sues City Over Fatal Shooting by Tacoma Officer," *The News Tribune*, (May 2, 2017), retrieved from <https://www.thenewstribune.com/news/local/crime/article148186039.html>.

²⁵ Woodward, "The Police Killings No One is Talking About."

²⁶ Krell, "Salyers' Family Sues City."

²⁷ Robert Medley and Josh Wallace, "Suicidal Man Shot and Killed by Police Officer Wednesday in South Oklahoma City," *The Oklahoman*, (November 15, 2017), retrieved from <https://oklahoman.com/article/5572241/suicidal-male-shot-and-killed-by-police-officer-wednesday-in-south-oklahoma-city>.

²⁸ Tim Willert, "Jury Convicts O.K.C. Officer of Second-Degree Murder," *The Oklahoman*, (November 5, 2019), retrieved from <https://oklahoman.com/article/5646088/jury-begins-deliberations-in-officer-shooting>.

²⁹ Associated Press, "Officer: Suicidal Oklahoma Man Police Killed Wasn't a Threat," *KTUL.com*, (October 25, 2019), retrieved from <https://ktul.com/news/local/officer-suicidal-oklahoma-man-police-killed-wasnt-a-threat>.

emergency protective custody, but this request was denied.³⁰ They then contacted Chalepah, and it was agreed that they would take BearHeels to the bus station. However, he slipped out of the handcuffs and tried to get away from the police. In response, the officers used a taser on BearHeels twelve times and also repeatedly punched him. He died shortly afterward.³¹ The two officers who tasered and punched BearHeels were fired and indicted on assault charges.³² One was later acquitted, and charges against the second officer were then dropped.³³

In 2018, a Green Bay, Wisconsin police officer stopped a car being driven by Jonathon C. Tubby, an Oneida man, and then arrested him and a passenger for outstanding warrants and possible marijuana possession. Other officers soon arrived at the scene. Tubby and the passenger were searched, handcuffed with their hands behind their backs, and then transported separately to the Brown County jail. Law enforcement officers later claimed that when Tubby arrived at the jail garbage, he had somehow moved his handcuffed hands to the front of his body, put his hands under his shirt, pointed to his chin as if he had a gun, and said “I’ll do it!” as if threatening to kill himself. Officers said they used pepper spray to force Tubby out of the vehicle, then fired two bean bag rounds at him. But they said he began to run toward them, so one officer fired his handgun at Tubby striking him five times and killing him.³⁴ But Tubby was still handcuffed, and he had no weapon.³⁵ In the lawsuit filed by his family afterward, attorneys argued that Tubby was also face-down on the ground, not running toward police, when he was shot to death.³⁶

³⁰ Todd Cooper and Alia Conley, “Regret, Tears as Ex-Officer Is Found Not Guilty in Zachary BearHeels’ Death,” *Omaha World-Herald*, (December 11, 2018), retrieved from https://www.omaha.com/news/courts/regret-tears-as-ex-officer-is-found-not-guilty-in/article_e9c899ec-de1f-5c80-ab7c-08da92040179.html.

³¹ Samantha Schmidt, “A Mentally Ill Man Died After Police Shocked Him 12 Times. The Chief Wants 2 Officers Fired,” *Washington Post*, (June 12, 2017), <https://www.washingtonpost.com/news/morning-mix/wp/2017/06/12/a-mentally-ill-man-died-after-police-shocked-him-12-times-the-chief-wants-2-officers-fired/>.

³² Cooper and Conley, “2 Former Omaha Police Officers Charged With Assault in Death of Mentally Ill Man,” *Omaha World-Herald*, (July 27, 2017), retrieved from https://www.omaha.com/news/crime/former-omaha-police-officers-charged-with-assault-in-death-of/article_00e522f0-717f-11e7-a0f4-67a158462d9c.html.

³³ Cooper and Conley, “Regret, Tears as Ex-Officer Is Found Not Guilty in Zachary BearHeels’ Death”; and Sara Fili, “County Attorney Dismisses Charges Against Former Omaha Police Officer in BearHeels death,” KETV.com, (March 1, 2019), retrieved from <https://www.ketv.com/article/county-attorney-dismisses-charge-against-former-omaha-police-officer-in-bearheels-death/26592565#>.

³⁴ Paul Srubas and Doug Schneider, “Green Bay Police Officer Involved in Fatal Shooting at Brown County Jail,” *Green Bay Press-Gazette*, (October 20, 2018), retrieved from <https://www.greenbaypressgazette.com/story/news/2018/10/20/man-dead-officer-involved-shooting-brown-county-jail/1709699002/>.

³⁵ Schneider, “Jonathon Tubby, Handcuffed and Unarmed, Was Shot Multiple Times by Green Bay Police Officer,” *Green Bay Press-Gazette*, (January 8, 2019), retrieved from <https://www.greenbaypressgazette.com/story/news/2019/01/08/jonathon-tubby-handcuffed-unarmed-when-green-bay-officer-shot-him-dead-brown-county-jail-sally-port/2486144002/>.

³⁶ Srubas, “Tubby Was Face-Down on Ground When Officer Opened Fire, Attorneys Now Claiming,” *Green Bay Press-Gazette*, (March 7, 2019), retrieved from <https://www.greenbaypressgazette.com/story/news/2019/03/07/green-bay-police-shooting-suit-claims-tubby-face-down-when-he-shot/3093025002/>.

Regardless, the officers involved were cleared of wrongdoing by the local country attorney.³⁷

On March 14, 2019, Sallisaw, Oklahoma police officers responded to a call at approximately 9 a.m. about an ostensibly “suspicious” person walking along the highway. The caller claimed that this person seemed to match the description of a man who recently escaped from a Missouri prison. When these officers arrived at the location, they did not find the fugitive. Instead, they found Shawn Taylor Watie, a member of the Cherokee nation, who was walking to work. The officers later claimed that Watie “came after” them with a knife and they were forced to shoot him to death.³⁸ Watie’s family immediately disputed this account, insisting that he was “not combative” and would not threaten two armed officers.³⁹ Neither of the officers was wearing a body camera.⁴⁰

Exactly one month later, on Palm Sunday, Sheridan County Sheriff’s deputies killed Clarence Leading Fighter, a Lakota man, at the entrance to a Catholic church in Rushville, Nebraska.⁴¹ They were pursuing Leading Fighter after he was involved in a domestic dispute at another location, and they claimed that deadly force was required to prevent him from harming people inside the church. But the Nebraska State Patrol’s allegation that the domestic dispute left a woman with a broken arm turned out to be false.⁴² And Leading Fighter did not brandish any weapons or threaten any parishioners at the church.⁴³ In addition, one witness at the scene reported that the deputies used a Taser on Leading Fighter twice and that he fell to the ground, incapacitated, before the deputies shot him twice.⁴⁴ The Sheridan County grand jury later declined to recommend that charges be brought against the officers.⁴⁵

³⁷ Rhonda Foxx, “Loved Ones Celebrate the Life of Jonathon Tubby,” WFRV.com, (October 26, 2019), retrieved from <https://www.wearegreenbay.com/news/local-news/loved-ones-celebrate-the-life-of-jonathon-tubby/>.

³⁸ Megan Bell, “O.S.B.I. Investigating Deadly Officer-Involved Shooting in Sequoyah County,” KTUL.com, (March 14, 2019), retrieved from <https://ktul.com/news/local/osbi-investigating-officer-involved-shooting-in-sequoyah-county>.

³⁹ Associated Press and Kay Butcher, “‘He’s Not Combative,’ Family Speaks Out After Fatal Oklahoma Officer-Involved Shooting,” KFOR.com, (March 18, 2019), retrieved from <https://kfor.com/2019/03/15/hes-not-combative-family-speaks-out-after-fatal-oklahoma-officer-involved-shooting/>.

⁴⁰ Max Bryan, “Fatal Sallisaw Police Shooting Not Filmed,” *Times-Record*, (March 20, 2019), retrieved from <https://www.swtimes.com/news/20190320/fatal-sallisaw-police-shooting-not-filmed>.

⁴¹ Associated Press, “Deputy Fatally Shoots Man at Church During Palm Sunday Mass,” KOLN.com, (April 15, 2019), retrieved from <https://www.1011now.com/content/news/Deputy-fatally-shoots-man-at-church-during-Palm-Sunday-Mass-508588881.html>.

⁴² Lakota People’s Law Project, “Justice for Clarence Leading Fighter,” A Letter to the U.S. Department of Justice, n.d., retrieved from <https://www.lakotalaw.org/our-actions/justice-for-clarence>.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Kerri Rempp, “Grand Jury Recommends Against Charges,” *Rapid City Journal*, (August 28, 2019), retrieved from https://rapidcityjournal.com/community/chadron/news/grand-jury-recommends-against-charges/article_9bd15da9-107d-5448-bd61-ea62a9c2b762.html.

Then, in September, just several weeks ago, a Riverton, Wyoming police officer killed Anderson Antelope, a 58-year-old Northern Arapaho man who suffered from mental health issues and alcoholism.⁴⁶ Antelope was standing on the sidewalk in front of a Walmart store, disoriented and likely drunk but not harming anyone. After police officers arrived in response to a complaint, one of them tried to move Antelope away from the area, and it was then that the situation deteriorated.⁴⁷ Antelope apparently stabbed the officer who laid hands on him, but the officer's protective vest prevented him from being injured. He responded by shooting Antelope once in the head.⁴⁸ The police left his body at the scene for several hours while the store remained open and customers came and went.⁴⁹ Antelope's family, friends, and supporters have criticized the police for not using non-lethal force to subdue him and for not making all related video and records available to the public.⁵⁰ The Fremont County medical examiner has announced plans for a public coroner's inquest into the death, but the county attorney opposes such an inquest, and the officer involved is not likely to be held accountable for this preventable loss of life.⁵¹

The deaths described above are only the proverbial tip of the iceberg. In the past few years, more than 20 Indigenous people are known to have been killed annually in similar incidents.⁵² And the numbers are likely considerably higher, because some Native victims of police violence are not identified as Native, or they are misidentified as belonging to another national, racial, or ethnic group.⁵³ In addition, other Indigenous people perish in jails because of neglect or abuse on the part of those who are responsible for them. A few examples from one year, 2015, provide some indication of the scope of the problem. An Alaska Native man named Larry Kobuk informed nurses of his heart condition when he was processed into a jail in Anchorage. In January 2015, after cursing at guards and refusing to remove two sweatshirts, he was restrained by four guards and held face down. Kobuk yelled that he couldn't breathe and, in fact, soon stopped breathing

⁴⁶ Savannah Maher, "Police Shooting Stirs Long-Simmering Tensions in Riverton," Wyoming Public Media, (October 25, 2019), retrieved from <https://www.wyomingpublicmedia.org/post/police-shooting-stirs-long-simmering-tensions-riverton#stream/0>.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Chris Aadland, "Community Continues to Press for Answers in Police Shooting, Search for Ways to Heal," *Casper Star-Tribune*, (October 8, 2019), retrieved from https://trib.com/news/state-and-regional/community-continues-to-press-for-answers-in-police-shooting-search/article_36aa1630-f334-5455-84b4-fe4a7e06fed6.html#3.

⁵⁰ *Ibid.*

⁵¹ Maher, "Fremont County Officials Debate Public Inquest Into Police Shooting," Wyoming Public Media, (October 25, 2019), retrieved from <https://www.wyomingpublicmedia.org/post/fremont-county-officials-debate-public-inquest-police-shooting#stream/0>.

⁵² Woodward noted that 29 Native people were killed by police between May 1, 2014 and October 31, 2015. An estimated 22 were killed by police in 2016. See Elise Hansen, "The Forgotten Minority in Police Shootings," CNN.com, (November 13, 2017), retrieved from <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>. At least 23 Native people were killed by police in 2018. See Fatal Encounters, n.d., retrieved from <https://fatalencounters.org/>.

⁵³ Woodward, "The Police Killings No One is Talking About."

and died.⁵⁴ A report prepared for the Governor of Alaska later concluded that the threat posed by Kobuk did not appear to “warrant the level of force used” against him.⁵⁵

In July 2015, Sarah Lee Circle Bear, a Sioux woman, was jailed on a bond violation in Aberdeen, South Dakota. She somehow brought methamphetamine into the jail and ingested it, which led to a grave medical emergency. Another inmate reported that Circle Bear loudly complained of acute abdominal pain but that jailers responded with taunts like “knock it off” and “quit faking.”⁵⁶ Eventually, she was moved to a holding cell and medical staff were consulted by phone. But emergency medical technicians were not summoned until Circle Bear was found nonresponsive about two hours later. She died shortly afterward.⁵⁷ The following month, the Attorney General of South Dakota declared that she had died of a drug overdose.⁵⁸ Circle Bear might not have died if she had received emergency medical care when she began complaining of acute abdominal pain hours earlier.

That same month, Choctaw activist Rexdale Henry was arrested in Neshoba County, Mississippi for failing to pay traffic fines. During the next five days, Henry began to suffer from alcohol withdrawal, but the staff at the Neshoba County jail refused to obtain medical care for him. Moreover, on at least three occasions, jail staff punched or pushed Henry hard enough for him to fall to the concrete floor in his cell and sustain serious injuries. The jailers refused to summon doctors despite Henry’s repeated pleas for medical care.⁵⁹ When Henry died after five days, he had several fractures and his spleen had ruptured.⁶⁰ Two years later, another inmate was convicted of homicide in this case, but Henry’s family has expressed doubt about his guilt.⁶¹ Regardless, Henry’s family filed a lawsuit because the authorities violated their legal responsibility to ensure his safety and well-being while in their custody.⁶²

⁵⁴ *Ibid.*; and “Alaska Prisoner Deaths Criticized in Report; Author Becomes New D.O.C. Commissioner,” *Prison Legal News*, (August 2017), p. 44, retrieved from <https://www.prisonlegalnews.org/news/2017/jul/28/alaska-prisoner-deaths-criticized-report-author-becomes-new-doc-commissioner/>

⁵⁵ “Alaska Prisoner Deaths Criticized in Report; Author Becomes New D.O.C. Commissioner.”

⁵⁶ Woodward, “The Police Killings No One is Talking About” and Simon Moya-Smith, “Authorities End Investigation into Death of Sarah Lee Circle Bear,” *Indian Country Today*, (September 3, 2015), retrieved from <https://newsmaven.io/indiancountrytoday/archive/authorities-end-investigation-into-death-of-sarah-lee-circle-bear-NTs8fM0mxUOesBsMBKFPfQ/>.

⁵⁷ *Ibid.*

⁵⁸ Moya-Smith, “Authorities End Investigation.”

⁵⁹ Ko Bragg, “Fellow Inmate Convicted of Murder of Choctaw Activist in Neshoba Jail,” *Jackson Free Press*, (November 13, 2017), retrieved from <https://www.jacksonfreepress.com/news/2017/nov/13/fellow-inmate-convicted-murder-choctaw-activist-ne/>; and “C.C.J.I. to Assist With Federal Civil Rights Lawsuit Filed by Family of Native American Rexdale Henry Who Died in Custody in Neshoba County Jail,” *Syracuse University College of Law News*, (July 10, 2018), retrieved via http://law.syr.edu/news_events/news/ccji-to-assist-with-federal-civil-rights-lawsuit-filed-by-the-family-of-nat

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

And in August 2015, Alaska Native Joseph Murphy was held in a jail cell in Juneau because he was drunk. Even after Murphy became sober, the jailers refused to release him and violated the policy mandating a maximum 12-hour hold in such cases. Then the jailers refused his pleas for help when he began complaining of chest pains. Instead, jail staff shouted, “fuck you” and “I don’t care” and said they would call emergency medical services if he needed them after he was released.⁶³ Murphy soon died of a heart attack.⁶⁴ His family condemned the way he had been treated in jail and later filed a lawsuit, as so many other survivors have had to do.

The persistence of state violence in the twenty-first century is, to be sure, only one of many grave problems which Native people still face. The epidemic of missing and murdered Indigenous women and girls has resulted in many other deaths.⁶⁵ The unrelenting burdens of poverty, unemployment, and limited access to affordable housing and health care exact an awful human toll.⁶⁶ And Indigenous nations’ fundamental rights to sovereignty and self-determination are still largely limited by the U.S. government.⁶⁷ None of these oppressive social and political conditions should be allowed to continue. Native people deserve the solidarity of all freedom-loving and democratic-minded people in their ongoing struggles to end police murders and mistreatment and to overcome these other grave problems.

⁶³ Woodward, “The Police Killings No One is Talking About” and “Alaska Prisoner Deaths Criticized in Report; Author Becomes New D.O.C. Commissioner,” *Prison Legal News*, (August 2017), p. 44, retrieved from <https://www.prisonlegalnews.org/news/2017/jul/28/alaska-prisoner-deaths-criticized-report-author-becomes-new-doc-commissioner/>.

⁶⁴ *Ibid.*

⁶⁵ Urban Indian Health Institute, *Missing and Murdered Indigenous Women and Girls*, (November 2018), retrieved from <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

⁶⁶ Valerie Wilson and Zane Mokhiber, “2016 A.C.S. Shows Stubbornly High Native American Poverty and Different Degrees of Economic Well-Being for Asian Ethnic Groups,” Economic Policy Institute, Working Economics Blog, (September 15, 2017), retrieved from <https://www.epi.org/blog/2016-ac-s-shows-stubbornly-high-native-american-poverty-and-different-degrees-of-economic-well-being-for-asian-ethnic-groups/> and Annie Belcourt, “The Hidden Health Inequalities That Native Americans and Alaska Natives Face,” *The Conversation*, (January 15, 2018), retrieved from <http://theconversation.com/the-hidden-health-inequalities-that-american-indians-and-alaskan-natives-face-89905>.

⁶⁷ James A. Casey, “Sovereignty by Sufferance: The Illusion of Indian Tribal Sovereignty,” *Cornell Law Review* 79, no. 2, (January 1994), retrieved from <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=2507&context=clr> and Ruth Hopkins, “Native Tribes Could Lose Federal Recognition of Tribal Sovereignty Under Trump,” *Teen Vogue*, (April 24, 2018), retrieved from <https://www.teenvogue.com/story/native-tribes-could-lose-federal-recognition-of-tribal-sovereignty-under-trump>.

Works Cited

Databases

Fatal Encounters (<https://fatalencounters.org>)

Periodicals

Chicago Daily Tribune.

Prison Legal News.

Publications

Aadland, Chris. "Community Continues to Press for Answers in Police Shooting, Search for Ways to Heal," *Casper Star-Tribune* (October 8, 2019). Retrieved from https://trib.com/news/state-and-regional/community-continues-to-press-for-answers-in-police-shooting-search/article_36aa1630-f334-5455-84b4-fe4a7e06fed6.html#3.

Ahtone, Tristan. "Protesters Question Denver Police Killing of Mentally Ill Native American," *Al Jazeera* (July 22, 2015). Retrieved from <http://america.aljazeera.com/articles/2015/7/22/denver-police-shoot-mentally-ill-native-american.html>.

Associated Press. "Deputy Fatally Shoots Man at Church During Palm Sunday Mass," *KOLN.com* (April 15, 2019). Retrieved from <https://www.1011now.com/content/news/Deputy-fatally-shoots-man-at-church-during-Palm-Sunday-Mass-508588881.html>.

----- "Officer: Suicidal Oklahoma Man Police Killed Wasn't a Threat," *KTUL.com*. (October 25, 2019). Retrieved from <https://ktul.com/news/local/officer-suicidal-oklahoma-man-police-killed-wasnt-a-threat>.

----- "Burlington to Settle with Family of Autumn Steele, Who Was Killed by Police," *Des Moines Register* (June 6, 2018). Retrieved from <https://www.desmoinesregister.com/story/news/crime-and-courts/2018/06/06/autumn-steele-family-and-burlington-iowa-settle-fatal-shooting-lawsuit/677140002/>.

Belcourt, Anne. "The Hidden Health Inequalities That Native Americans and Alaska Natives Face," *The Conversation*, (January 15, 2018). Retrieved from <http://theconversation.com/the-hidden-health-inequalities-that-american-indians-and-alaskan-natives-face-89905>.

- Bell, Megan. "O.S.B.I. Investigating Deadly Officer-Involved Shooting in Sequoyah County," *KTUL.com* (March 14, 2019). Retrieved from <https://ktul.com/news/local/osbi-investigating-officer-involved-shooting-in-sequoyah-county>.
- Bragg, Ko. "Fellow Inmate Convicted of Murder of Choctaw Activist in Neshoba Jail," *Jackson Free Press* (November 13, 2017). Retrieved from <https://www.jacksonfreepress.com/news/2017/nov/13/fellow-inmate-convicted-murder-choctaw-activist-ne/>.
- Bryan, Max. "Fatal Sallisaw Police Shooting Not Filmed," *Times-Record* (March 20, 2019). Retrieved from <https://www.swtimes.com/news/20190320/fatal-sallisaw-police-shooting-not-filmed>.
- Casey, James A. "Sovereignty by Sufferance: The Illusion of Indian Tribal Sovereignty." *Cornell Law Review* 79, no. 2 (January 1994): 404-451. Retrieved from <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=2507&context=clr>.
- "C.C.J.I. to Assist with Federal Civil Rights Lawsuit Filed by Family of Native American Rexdale Henry Who Died in Custody in Neshoba County Jail," *Syracuse University College of Law News*, (July 10, 2018). Retrieved via http://law.syr.edu/news_events/news/ccji-to-assist-with-federal-civil-rights-lawsuit-filed-by-the-family-of-nat
- Cooper, Todd and Alia Conley. "Regret, Tears as Ex-Officer Is Found Not Guilty in Zachary BearHeels' Death," *Omaha World-Herald* (December 11, 2018). Retrieved from https://www.omaha.com/news/courts/regret-tears-as-ex-officer-is-found-not-guilty-in/article_e9c899ec-de1f-5c80-ab7c-08da92040179.html.
- "2 Former Omaha Police Officers Charged with Assault in Death of Mentally Ill Man," *Omaha World-Herald* (July 27, 2017). Retrieved from https://www.omaha.com/news/crime/former-omaha-police-officers-charged-with-assault-in-death-of/article_00e522f0-717f-11e7-a0f4-67a158462d9c.html.
- Edwards, Frank, Hedwig Lee, and Michael Esposito, "Risk of Being Killed By Police Use of Force in the United States By Age, Race-Ethnicity, and Sex," *Proceedings of the National Academy of Sciences* 116, no. 34 (August 20, 2019): 16793-16798. <https://doi.org/10.1073/pnas.1821204116>.
- Farzan, Antonia Noori. "The New Indian Massacre? Police Shootings of Native Americans on the Rise," *Phoenix New Times* (August 20, 2017). Retrieved from <https://www.phoenixnewtimes.com/news/navajo-womans-death-police-violence-against-native-americans-9595827>.
- Fili, Sara. "County Attorney Dismisses Charges Against Former Omaha Police Officer in BearHeels death," *KETV.com* (March 1, 2019). Retrieved from <https://www.ketv.com/article/county-attorney-dismisses-charge-against-former-omaha-police-officer-in-bearheels-death/26592565#>.

- Foxx, Rhonda. "Loved Ones Celebrate the Life of Jonathon Tubby," *WFRV.com* (October 26, 2019). Retrieved from [https://www. wearegreenbay.com/news/local-news/loved-ones-celebrate-the-life-of-jonathon-tubby/](https://www.wearegreenbay.com/news/local-news/loved-ones-celebrate-the-life-of-jonathon-tubby/).
- Harring, Sidney L. *Policing a Class Society: The Experience of American Cities, 1865-1915*, Second Edition. Chicago: Haymarket Books, 2017.
- Hansen, Elise. "The Forgotten Minority in Police Shootings," *CNN* (November 13, 2017). Retrieved from <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>.
- Hopkins, Ruth. "Native Tribes Could Lose Federal Recognition of Tribal Sovereignty Under Trump," *Teen Vogue*, (April 24, 2018). Retrieved from <https://www.teenvogue.com/story/native-tribes-could-lose-federal-recognition-of-tribal-sovereignty-under-trump>.
- Krell, Alexis. "Jacqueline Salyers' Family Sues City Over Fatal Shooting by Tacoma Officer," *The News Tribune* (May 2, 2017). Retrieved from <https://www.thenewstribune.com/news/local/crime/article148186039.html>.
- Lakota People's Law Project. "Justice for Clarence Leading Fighter: A Letter to the U.S. Department of Justice" (n.d.). Retrieved from <https://www.lakotalaw.org/our-actions/justice-for-clarence> .
- "Laquan McDonald, Stephon Clark, and Other Police Shooting Deaths That Shocked the Nation," *WPVI.com* (October 5, 2018). Retrieved from <https://6abc.com/timeline-police-shooting-deaths-that-shocked-the-nation/3279172/>.
- MacDonald, Hoague, and Bayless Civil Rights and Immigration Attorneys. "Police Killing of Native Woodcutter Leads to \$1.5 Million Civil Rights Settlement and Changes to Seattle Police Department," Practice Website (n.d.). Retrieved from <https://www.mhb.com/cases/police-killing-of-native-woodcarver-results-in-15-million-civil-rights-settlement-and-changes-to-seattle-police-department>.
- Maher, Savannah. "Fremont County Officials Debate Public Inquest into Police Shooting," *Wyoming Public Media* (October 25, 2019). Retrieved from <https://www.wyomingpublicmedia.org/post/fremont-county-officials-debate-public-inquest-police-shooting#stream/0>.
- "Police Shooting Stirs Long-Simmering Tensions in Riverton," *Wyoming Public Media* (October 25, 2019). Retrieved from <https://www.wyomingpublicmedia.org/post/police-shooting-stirs-long-simmering-tensions-riverton#stream/0>
- Males, Mike. "Who Are Police Killing?" *Center on Juvenile and Criminal Justice* (August 26, 2014). Retrieved from <http://www.cjcj.org/news/8113>.

- Medley, Robert and Josh Wallace, "Suicidal Man Shot and Killed by Police Officer Wednesday in South Oklahoma City," *The Oklahoman* (November 15, 2017). Retrieved from <https://oklahoman.com/article/5572241/suicidal-male-shot-and-killed-by-police-officer-wednesday-in-south-oklahoma-city> .
- Meyer, Elizabeth. "Nearly 4 Years Later, Public Learns Details of Fatal Police Shooting," *The Hawk Eye* (September 17, 2018). Retrieved from <https://www.thehawkeye.com/news/20180916/nearly-4-years-later-public-learns-details-of-fatal-police-shooting> .
- Moya-Smith, Simon. "Authorities End Investigation into Death of Sarah Lee Circle Bear," *Indian Country Today* (September 3, 2015). Retrieved from <https://newsmaven.io/indiancountrytoday/archive/authorities-end-investigation-into-death-of-sarah-lee-circle-bear-NTs8fM0mxUOesBsMBKFPfQ/>.
- Nodjimbadem, Katie. "The Long, Painful History of Police Brutality in the U.S.," *Smithsonian Magazine* (July 27, 2017). Retrieved from <https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/>.
- Potter, Gary. "The History of Policing in the United States," *Eastern Kentucky Police Studies Online*, (June 25, 2013). Retrieved from <https://plsonline.eku.edu/sites/plsonline.eku.edu/files/the-history-of-policing-in-us.pdf> .
- Radil, Amy. "Lakewood Police Department Faces Lawsuit For Shooting Unarmed Man," *KUOW News Radio* (April 13, 2018). Retrieved from <https://kuow.org/stories/lakewood-police-department-faces-lawsuit-shooting-unarmed-man/>.
- Rempp, Kerri. "Grand Jury Recommends Against Charges," *Rapid City Journal* (August 28, 2019). Retrieved from https://rapidcityjournal.com/community/chadron/news/grand-jury-recommends-against-charges/article_9bd15da9-107d-5448-bd61-ea62a9c2b762.html.
- Roberts, Michael. "Paul Castaway 'Effectively Murdered' By Denver Cop, Attorney Says," *Westword* (July 27, 2016). Retrieved from <https://www.westword.com/news/paul-castaway-effectively-murdered-by-denver-cop-attorney-says-8115971>.
- Schmidt, Samantha. "A Mentally Ill Man Died After Police Shocked Him 12 Times. The Chief Wants 2 Officers Fired," *Washington Post* (June 12, 2017). Retrieved from <https://www.washingtonpost.com/news/morning-mix/wp/2017/06/12/a-mentally-ill-man-died-after-police-shocked-him-12-times-the-chief-wants-2-officers-fired/>.
- Schneider, Doug. "Jonathon Tubby, Handcuffed and Unarmed, Was Shot Multiple Times by Green Bay Police Officer," *Green Bay Press-Gazette* (January 8, 2019). Retrieved from <https://www.greenbaypressgazette.com/story/news/2019/>

- 01/08/jonathon-tubby-handcuffed-unarmed-when-green-bay-officer-shot-him-dead-brown-county-jail-sally-port/2486144002/.
- Smith, Anna V. and Tristan Ahtone, “Denver Cop with Tattoo Resembling Militia Group Logo Killed Tribal Citizen in 2015,” *High Country News* (December 14, 2018). Retrieved from <https://www.hcn.org/articles/tribal-affairs-denver-cop-with-tattoo-resembling-militia-group-logo-killed-Paul-Castaway-tribal-citizen-in-2015-indigenous>.
- Srubas, Paul. “Tubby Was Face-Down on Ground When Officer Opened Fire, Attorneys Now Claiming,” *Green Bay Press-Gazette* (March 7, 2019). Retrieved from <https://www.greenbaypressgazette.com/story/news/2019/03/07/green-bay-police-shooting-suit-claims-tubby-face-down-when-he-shot/3093025002/>.
- Srubas Paul and Doug Schneider, “Green Bay Police Officer Involved in Fatal Shooting at Brown County Jail,” *Green Bay Press-Gazette* (October 20, 2018). Retrieved from <https://www.greenbaypressgazette.com/story/news/2018/10/20/man-dead-officer-involved-shooting-brown-county-jail/1709699002/>.
- Tolan, Sandy. “Taxpayer-Funded Horror at Standing Rock,” *The Daily Beast* (April 11, 2017). Retrieved from <https://www.thedailybeast.com/taxpayer-funded-horror-at-standing-rock>.
- Tylor, Keeanga-Yamahhta. “Five Years Later, Do Black Lives Matter?” *Jacobin* (September 30, 2019). Retrieved from <https://www.jacobinmag.com/2019/09/black-lives-matter-laquan-mcdonald-mike-brown-eric-garner>.
- Urban Indian Health Institute. *Missing and Murdered Indigenous Women and Girls*, (Seattle: Seattle Indian Health Board, 2018). Retrieved from <https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>
- Vasilogambros, Matt. “Police Shootings Have Brought Ethnic Groups Together to Fight for Change,” *Huffington Post* (June 10, 2019). Retrieved from https://www.huffpost.com/entry/racial-ethnic-groups-police-shooting_b_5cfe7fdee4b0da743462275a.
- Willert, Tim. “Jury Convicts O.K.C. Officer of Second-Degree Murder,” *The Oklahoman* (November 5, 2019). Retrieved from <https://oklahoman.com/article/5646088/jury-begins-deliberations-in-officer-shooting>.
- Wilson, Valerie and Zane Mokhiber. “2016 A.C.S. Shows Stubbornly High Native American Poverty and Different Degrees of Economic Well-Being for Asian Ethnic Groups,” *Working Economics Blog* (Economic Policy Institute), (September 15, 2017). Retrieved from <https://www.epi.org/blog/2016-ac-s-shows-stubbornly-high-native-american-poverty-and-different-degrees-of-economic-well-being-for-asian-ethnic-groups/>

Wong, Julia Carrie and Sam Levin, "Standing Rock Protesters Hold Out Against Extraordinary Police Violence," *The Guardian* (November 29, 2016). Retrieved from <https://www.theguardian.com/us-news/2016/nov/29/standing-rock-protest-north-dakota-shutdown-evacuation>.

Woodward, Stephanie. "The Police Killings No One is Talking About: A Special Investigation," *In These Times* (October 17, 2016). Retrieved from https://inthesetimes.com/features/native_american_police_killings_native_lives_matter.html.