

TRIBE, BENEWAH COUNTY REACH CROSS DEPUTIZATION AGREEMENT

PLUMMER – The Coeur d’Alene Tribe and Benewah County have agreed in principle to a cross deputization agreement that will allow tribal police officers to enforce state laws in Benewah County under the authority of the Benewah County Sheriff.

The agreement still needs to be signed by tribal and county officials. Once signed, the agreement would go into effect immediately. It closes a law enforcement loophole that allowed non-tribal members to escape justice because tribal officers didn’t have the authority to cite or arrest non-Indians for crimes on the reservation.

“The Coeur d’Alene Tribe believes the agreement marks a new chapter with Benewah County,” said Coeur d’Alene Tribe Chairman Chief Allan. “The Tribe’s goal from the beginning was to improve public safety on the reservation. Today, the foundation necessary to achieve that goal was established through good faith negotiations and the realization that a serious problem needed to be solved.”

The cross deputization agreement with Benewah County is very similar to the Tribe’s cooperative law enforcement agreement with Kootenai County, with a few exceptions, including a dispute resolution process and handling infractions on the water.

“The Tribe is glad the process resulted in an agreement that both parties can feel good about,” Allan said. “I believe once all the rhetoric calmed down everyone wanted the same thing – public safety.”

The agreement is renewable annually – and if one party doesn’t wish to renew – a sixty day notice must be given. If the Tribe or Benewah County wishes to end the agreement earlier, there must be 30 days notice, which would trigger a cooling off period and non-binding arbitration.

According to the agreement, the parties agreed that tribal officers enforcing the law under cross-deputization won’t cite non-tribal members who are alleged to have violated state criminal law into tribal court- with one exception – infractions that are committed on the water. The Tribe and Benewah County agree there is a difference of opinion over who has jurisdiction over Coeur d’Alene Lake and portions of the St. Joe River.

In situations involving boating infractions, such as failure to have a working fire extinguisher or a no-wake zone violation, non-tribal members will be given the choice as to whether they wish to be cited into state or tribal court.

In 2001, the U.S. Supreme Court ruled the Coeur d’Alene Tribe has ownership of the lower third of Coeur d’Alene Lake and portions of the St. Joe River.

The agreement put House Bill 500 on hold indefinitely. The Tribe requested House Bill 500 be held in the Idaho House of Representatives Judiciary and Rules Committee. House Bill 500 would have given tribes the ability to enforce state laws on Indian Reservations if a cooperative agreement between tribes and county sheriffs couldn’t be reached.

House Judiciary Committee Chairman Jim Clark said he was happy to hold the bill and praised both sides for reaching an agreement.

“I think it’s a good deal, and I think the committee was helpful in bringing the parties together,” Clark

said. “I think sometimes it takes legislation to bring all parties together. They do have an agreement in principle, and I think it’s a great outcome for public safety.”