

Nez Perce County, tribe eye expanded arrest power

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By Brad W. Gary of the Tribune

Deal would be for enforcing felony, misdemeanor statutes

Nez Perce County and the Nez Perce Tribe are in discussions on an agreement that would give law officers arrest power over tribal and nontribal members.

The agreement, similar to a bill debated in the Idaho Legislature, would give county sheriff's deputies and tribal police the ability to interact with tribal and nontribal members within county and reservation boundaries.

"If you look at this under the umbrella of public safety, this agreement is long overdue," Nez Perce County Sheriff Dale Buttrey told commissioners during a meeting Tuesday.

Officers from the county and tribal police respond to sometimes volatile calls regardless of who is involved, but jurisdictional issues often arise when a dispute is being sorted out.

Any agreement would be for enforcing felony and misdemeanor statutes, but Buttrey said it would not address traffic infractions like speeding.

Tribal members would be cited into tribal court and nontribal members would be cited into state court under the program, Buttrey said.

"If tribal law enforcement is enforcing a state law, it would come to me," Nez Perce County Prosecutor Dan Spickler told commissioners. "If a law officer is enforcing a tribal law, it would go to tribal court."

Darren Williams, with the tribe's office of legal counsel, said the agreement will be up for discussion by the Nez Perce Tribal Executive Committee's law and order subcommittee during a meeting Thursday.

"It's consistent with the Nez Perce Tribe's goal to partner with the counties within the reservation, to provide the best services we can," Williams said.

The Idaho Legislature is debating a similar bill advocated by the Coeur d'Alene Tribe that would give tribal police arrest power on the reservation. Similar legislation was abandoned last year, when the Coeur d'Alene Tribe and Benewah County agreed to work toward a local cross-deputization agreement, but Benewah County later abandoned those negotiations.

The Nez Perce County and Nez Perce Tribe agreement differs slightly from the one discussed by the state, Buttrey said, in that it allows sheriff's deputies the ability to arrest

tribal members and cite them into tribal court, in addition to the powers that would be granted to tribal police.

Buttrey said unlike the state proposal, this agreement would be a "true cross-deputization" agreement giving arrest powers to the state and tribe.

Tribal officers would need to be certified by the Idaho Peace Officers Standards and Training academy in order to be cross-deputized by the sheriff, and Buttrey said officers from both agencies would also have to go through training on the other's procedures.

The tribe and the county would agree to a limited waiver of immunity from lawsuits as part of the pact. Both agencies would be required to hold a \$2 million liability insurance policy for damages under the agreement.

Nez Perce County Deputy Prosecutor Nance Ceccarelli told commissioners Tuesday to take a look at the document for discussion and consideration at a later date. She told commissioners the county's goal would be to have an agreement in place before legislation is passed by the state.

If the agreement works out, Buttrey said he believes it could expand to other counties on the reservation.

"I think if this goes through, it will spread," Buttrey said.

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