

Five tribal cops deputized

By Dan Hammes

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The long-running dispute between Benewah County and the Coeur d'Alene Tribe was partially resolved earlier this month.

Sheriff Robert Kirts deputized five tribal police officers.

The action came two months after an effort by the tribe to pass a state law that would give tribal officers authority over non-tribal members failed. Benewah County lobbied against the legislation, which generated considerable news coverage at the time.

"I deputized five of their officers who I know are good officers and work well with our officers," Sheriff Kirts said.

Sheriff Kirts, who testified against the tribe's legislation, said he continues to oppose any effort by the state to force cross-deputization. He said the decision should remain with the sheriff, who is responsible to voters.

Tribal officers were deputized by the county for several years before Sheriff Kirts cancelled the agreement when tribal officers refused to comply with his instructions.

The dispute arose when tribal officers issued tribal citations to non-tribal members.

"I told them several times to stop citing non-tribal members into tribal court and they refused. That's when I cancelled the agreement."

The tribe spent a lot of money trying to get legislation passed that would give their officers authority over non-tribal members.

In addition to hiring a lobbyist, the tribe gave \$54,000 in campaign contributions to Idaho legislators in 2010, a substantial increase from previous years. The legislation failed by one vote in the House.

Sheriff Kirts said he was approached by the tribe several weeks ago to resume discussions on cross-deputization. The tribe gave assurance that tribal officers would not cite non-tribal members into tribal court.

"If they violate our agreement I will cancel it again."

Eric Van Orden, an attorney with the tribe, said both the tribe and the county had

concerns about public safety. He said that since the legislation was defeated tribal leaders and the sheriff have discussed deputization.

“The feeling among tribal leaders is we need to find a way to bridge this gap and get things working between the tribe and the county,” he said. “It’s been the tribe’s position with cross-deputization that if we get an agreement we won’t cite non-tribal members into tribal court.”

Benewah County Prosecutor Doug Payne has been involved with deputization since problems over citations first surfaced. He also testified against the tribe’s legislation earlier this year, but he said deputizing the five tribal officers makes sense.

“I think it is good the county and tribe tried to mend fences to some extent,” he said.

The agreement stipulates the conditions upon which Benewah County insisted throughout negotiations with the tribe and during the legislative debate, including the issue of jurisdiction and recognizing the sheriff’s authority.

“The tribe agreed with what we stipulated which means the agreement makes sense for Benewah County.”

Rep. Dick Harwood led the fight against the tribe’s legislation in the House. He said he supported Sheriff Kirts’ decision.

“I’ve always said this is a local issue and should be left up to the sheriff. We elected him to do the job and if he believes this is the best way to do the job, I support that,” Rep. Harwood said.

Pam Secord, who lives near Emida and is a member of the county’s natural resource committee, worked hard to defeat the tribe’s efforts to mandate deputization. She said she opposed the tribe’s efforts to write a new law because it removed local control and usurped the sheriff’s authority.

She supports Sheriff Kirts’ decision.

“If he feels it is in the best interest of the county and that he can work with the tribe, then we support that,” Ms. Secord said.