



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**
A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT



BAGANÉWNIKAN • TRIBAL POLICE • 2221 1 ½ Mile Road Fulton Michigan (office) 269.729.5222 (fax) 269.729.4226

Policing in Indian Country and Cross-Deputization Agreements

Criminal justice, lawful authority, and police operations in Indian Country are complex. The Nottawaseppi Huron Band of the Potawatomi exercises governmental authority across a jurisdictional landscape where tribal law, state law, local ordinances, and federal law may all apply depending on the circumstances. Determining which law applies requires officers to evaluate several factors, including the identity and tribal affiliation of the suspect and victim, the nature of the alleged offense, and the location where the incident occurred.

NHBP maintains both trust land and fee land. Trust land is land held by the United States in federal trust for the benefit of the Nottawaseppi Huron Band of the Potawatomi. Fee land is land owned by the Tribe in a manner like private property ownership. Because of these different land statuses, tribal, state, and federal jurisdiction can intersect in complex ways depending on where an incident occurs and who is involved.

For this reason, cross-deputization agreements with local sheriffs are vital to the Nottawaseppi Huron Band of the Potawatomi Tribal Police Department. These agreements help bridge the gap between tribal law enforcement authority and state arrest authority. Through cross-deputization, tribal officers may be authorized to enforce state law, make state-law arrests, issue citations, and respond more effectively to incidents involving non-members, state-law violations, traffic offenses, state arrest warrants, and crimes that move between tribal and county jurisdictions.

Criminal activity does not follow jurisdictional boundaries. A suspect may move from tribal land into a county's jurisdiction, or an incident may begin in one jurisdiction and continue onto the Pine Creek Reservation or into FireKeepers Casino and Hotel. Without cross-deputization, tribal officers can face legal uncertainty at the very moment immediate law enforcement action is required.

Although tribal police officers are trained and licensed through the Michigan Commission on Law Enforcement Standards (MCOLES), that licensing alone does not automatically grant a tribal police officer general state arrest authority. Under Michigan's legal framework, a tribal law enforcement officer is recognized for purposes of enforcing state law only when a written instrument authorizes that officer to enforce the laws of the State of Michigan. Achieving parity with other recognized law enforcement authorities has been a decades-long obstacle for tribal law enforcement agencies throughout Michigan.

This distinction is critical. A tribal officer may be fully trained, licensed, armed, and sworn as a tribal police officer, but without state authority through deputization or another written legal instrument, the officer's ability to enforce Michigan law, arrest non-Indians for state-law offenses, issue state citations, or act outside tribal jurisdiction is limited. If a county sheriff declines to deputize tribal officers, those officers may lack authority to enforce state law against non-Indians, even when the offense impacts tribal lands, tribal citizens, or the broader tribal community.

In those circumstances, enforcement options may be limited to referral to the Federal Bureau of Investigation and the United States Attorney's Office. While federal prosecution may appear to be a strong enforcement avenue, the practical reality in Indian Country is often different. Federal prosecution has historically been limited to tribal trust lands. In NHBP's 30-year history, only one crime has been prosecuted federally. It is also important to understand that tribal criminal law applies only to tribal citizens and other persons subject to the



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT



BAGANÉWNIKAN • TRIBAL POLICE • 2221 1 ½ Mile Road Fulton Michigan (office) 269.729.5222 (fax) 269.729.4226

Tribe's criminal jurisdiction. This creates a significant public safety gap when non-member offenders commit crimes on trust lands.

All tribal police departments in the State of Michigan maintain at least one cross-deputization agreement with a local sheriff, and several, including NHBP, maintain multiple agreements. NHBP currently has agreements with Emmett Charter Township, Union City, Branch County, and Calhoun County. Additional agreements with St. Joseph County, the City of Battle Creek, and Kalamazoo County are being explored. This expansion will allow NHBP Tribal Police officers to ability to work more collaboratively with area law enforcement agencies and improve services to tribal citizens who reside beyond the Pine Creek Reservation.

All cross-deputization agreements are carefully drafted and thoroughly reviewed by the NHBP Legal Department. These agreements recognize the Tribe as a governmental law enforcement partner, not as a subordinate agency. They preserve tribal sovereignty and tribal police authority, define the limits of county authority on tribal lands, clarify supervision and command structure, address liability and insurance, identify training requirements, establish arrest and booking procedures, and outline how complaints, reports, evidence, warrants, and prosecutions will be handled. NHBP has maintained several of these agreements for nearly 20 years.

Just as importantly, these agreements *do not* compel tribal officers to act in a manner that conflicts with NHBP's core principles, law enforcement priorities, or governmental authority. Rather, they provide a lawful framework for cooperation while preserving the Tribe's inherent sovereignty and governmental status. Simply put, NHBP Tribal Police retain discretion in determining what assistance, if any, is provided to a cross-deputization partner.

Ultimately, cross-deputization strengthens public safety, improves response capability, reduces jurisdictional uncertainty, and reinforces NHBP's governmental presence throughout the region. These agreements are essential tools for protecting tribal citizens, enforcing applicable law, supporting surrounding communities, and ensuring that jurisdictional complexity does not prevent an effective law enforcement response.

Thank you,

Chris Mandoka
Chief of Police
Nottawaseppi Huron Band of the Potawatomi Tribal Police
2221 1 ½ Mile Road
Fulton MI 49052
269-729-5222