

SUPREME COURT RECOGNIZES AUTHORITY OF INDIAN NATION POLICE REFERS TO CAYUGA NATION'S FRIEND-OF-COURT BRIEF

In a unanimous decision issued today in *U.S. v. Cooley*, the Supreme Court held that Indian nation police have authority to detain and search non-Indians on public rights-of-way running through Indian reservations. In reaching this important decision, the Supreme Court relied, in part, on a friend-of-court brief filed by the Cayuga Nation.

The case began in Montana when federal prosecutors charged Cooley, a non-Indian, with federal crimes after he was stopped on the Crow Reservation by an Crow Nation police officer, who searched Cooley's truck and found an unlicensed pistol and methamphetamine. The District Court suppressed the gun and illegal drugs, holding that the Crow police officer who stopped and detained Cooley had no criminal jurisdiction on a public highway. The Ninth Circuit Court of Appeals upheld the suppression decision.

The Supreme Court overturned the lower court ruling, holding that Indian nation police have "inherent sovereign authority" to "detain temporarily and to search a non-Indian on a public right-of-way that runs through an Indian reservation . . . based on a potential violation of state or federal law prior to the suspect's transport to the proper nontribal authorities for prosecution."

Left intact, the lower court decision would have impacted the ability of Indian nation police officers to maintain law and order on reservation land and subjected them to potential civil liability simply for doing their jobs. That is why the Cayuga Nation joined other Indian nations, the federal government, scholars and politicians in arguing the lower court decision was wrong.

The Cayuga Nation and the Nation's Police Department take seriously the health and safety of Cayuga Nation citizens and applaud the Supreme Court's well-reasoned decision in Indian nation police authority.