



CHEROKEE NATION
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 1533
Tahlequah, OK 74465
918-453-5000

Todd Hembree
Attorney General

OPINION OF THE CHEROKEE NATION ATTORNEY GENERAL

Question Submitted by: Shannon Buhl, Cherokee Nation Marshal Service
Opinion Number: 2019-CNAG-02 Deputization of CNE Loss Prevention Officers
Date decided: February 11, 2019

You have effectively asked the Office of the Attorney General for an official opinion regarding:

I. Does the Cherokee Nation Marshal have the authority to deputize CNE Loss Prevention officers as deputy marshals?

For the reasons as discussed below, it is the opinion of the Office of the Attorney General that the Marshal does have authority to appoint CNE Loss Prevention officers as deputy marshals.

ANSWER AND ANALYSIS

Article VII, Section 14 of the Cherokee Nation Constitution empowers the Marshal to “deputize such officers as necessary to carry out the law enforcement needs of the Cherokee Nation.”¹ Title 51 Section 405(B)(2) of the Cherokee Nation Code Annotated further sets forth the duties and authority of the Office of the Marshal. The Marshal may deputize officers as needed to carry out the law enforcement activities of Cherokee Nation and authorize those deputies to carry firearms, wear prescribed uniform, badge and credentials, execute or serve warrants, summons and other orders relating to a crime committed, investigate criminal offenses using all applicable laws and regulations, make an arrest with a warrant or without a warrant if the offense is committed in the deputy’s presence or the offense is a felony and the deputy has reasonable grounds to believe the person being arrested has committed the felony and perform any other law enforcement-related duty.²

¹ C.N. CONST. art. VII, §14.

² 51 C.N.C.A. §405 (2007).

**IT IS THEREFORE THE OFFICIAL OPINION OF THE ATTORNEY
GENERAL THAT:**

- I. The Cherokee Nation Marshal has the constitutional authority to deputize officers as necessary to carry out the law enforcement needs of the Cherokee Nation. Therefore, the Marshal may deputize CNE Loss Prevention officers as deputy marshals.**



Todd Hembree
Attorney General
Cherokee Nation