

**OPINION
64-118**

July 10, 1964 (OPINION)

Colonel Ralph M. Wood

Superintendent

Highway Patrol

RE: Indians - Highway Patrol - Authority on Reservation

This office acknowledges receipt of your letter of June 26, 1964, which reads in part as follows:

Specifically, the question raised is whether or not this department has authority to render assistance on Indian reservations during the time of riot. During the recent riot activity on the Turtle Mountain Indian Reservation, a request was made for officers of this department to provide assistance and protection for certain persons on the reservation.

If we do have authority on the reservations, are our officers covered by workmen's compensation during the time they are providing assistance to the Bureau of Indian Police?"

It is our opinion that the only circumstances under which your officers would be authorized to act on an Indian Reservation would be when they are deputized by the proper officer who has the legal sanction to deputize others, as for example an officer of the Bureau of Indian Police. Assuming that an officer of said bureau has the power to deputize, he could deputize the ordinary citizen to assist in controlling a riot and preserving peace and order. Further, it is our opinion that an officer of the North Dakota Highway Patrol would have no more standing, legally, on an Indian Reservation than the ordinary citizen. Of course, said officer of the Highway Patrol would have a stronger sense of duty to respond and a greater efficiency in rendering service.

In order for an officer of the North Dakota Highway Patrol to be covered by workmen's compensation, said officer must have the authorization of the superintendent of said Highway Patrol to respond to the call for assistance from, as for example, the Bureau of Indian Police. If said officer of the Highway Patrol acts without authorization from his superintendent, he is not covered by compensation from the Workmen's Compensation Bureau.

HELGI JOHANNESON

Attorney General