

Lake County is at a Breaking Point

An opinion editorial by Lake County Montana County Commissioners
Bill Barron, Steve Stanley & Gale Decker

In the early 1960s, the State of Montana and the Confederated Salish and Kootenai Tribal Council agreed to conduct law enforcement on the Flathead Reservation under a federal law known as Public Law 280. Under its authority, the State accepted responsibility to provide law enforcement for cases involving tribal members. Today, the Lake County Sheriff's Office and County Attorney prosecute all felonies in our jurisdiction, including those involving tribal members.

We have great confidence in our sheriff and his deputies, tribal officers, district judges, prosecutors and staff members, who conduct themselves professionally as dedicated public servants. Yet, they are being overwhelmed by the volume of work, inadequate facilities and crumbling infrastructure. Lake County and its taxpayers are facing a financial crisis resulting from the need to adequately fund Public Law 280 law enforcement services.

The original law is clear: "The State of Montana hereby obligates and binds itself to assume . . . criminal jurisdiction over Indians and Indian territory of the Flathead Indian reservation". (§2-1-301 MCA). It says nothing about the taxpayers of Lake County paying the cost for this. Yet, the State today provides little in the way of funding or services to support Lake County in fulfilling this law enforcement role. In 2017, the State studied the issue and concluded that it costs Lake County approximately \$4 Million each year to provide law enforcement services associated with Public Law 280. That number has almost certainly grown since.

Lake County is at a breaking point. Our taxpayers are doing all they can to support our communities and the many visitors that pass through. We provide law enforcement, road infrastructure, access to healthcare, waste management and other vital services. We are facing a growing population, deferred maintenance of roads and bridges, inadequate county buildings, outdated incarceration facilities and a troubling increase in drug-related crime. Lake County and its taxpayers are on the verge of being overwhelmed.

The most immediate way to fix this crisis is to fix what is causing it. The State of Montana obligated and bound itself to assume criminal jurisdiction under Public Law 280. Yet, it has effectively shifted the cost of this obligation to the taxpayers of our county. It is time the State reimburse the \$4 million a year it is costing Lake County taxpayers to fulfill the State's obligation.

If the State were paying its obligation, Lake County tax dollars could be used to update the infrastructure of Lake County. As is, Lake County has become what criminals consider a “catch and release county”. More than 80 felony warrants a month do not result in incarceration, but instead result in a ticket and the offender being released on the same day. This is exceptionally dangerous, as criminals charged with illegal drug trafficking and other violent crimes are being set free because the Lake County jail is overwhelmed.


To be clear, we believe the local control and the ability to collaborate with tribal leaders and law enforcement officials afforded by Public Law 280 works very well. We do not want to take the extreme step of pulling away from Public Law 280, leaving it to the Federal government or the State of Montana to try to take over from afar, likely spending tens of millions of taxpayers’ dollars in the process and not providing the services that Lake County residents deserve.

Recently, representing the citizens and taxpayers of Lake County, we initiated a process with the State to address this unsustainable situation. In a letter to the State, we have made it clear that there are a number of viable ways for the State to meet its legal obligation and to unburden the taxpayers of Lake County. We hope to avoid litigation and have confidence that working with our legislators and the Governor’s office, a positive solution for our long-term future can be achieved well before the end of 2022.

The safety and security of our children, families, businesses and visitors must be protected. We must solve this problem now. It is time that the State stop kicking the can down the road and fulfill its obligation. Our tax dollars must be available to support our schools, infrastructure and services, rather than being spent to fulfill an obligation that expressly belongs to the State itself.


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