

Deal cut in Boise comes unstuck in St. Maries

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Finding a cop may be a problem for tourists on some parts of Lake Coeur d'Alene.

Boaters who put others at risk - like those who drink excessively - may not be held accountable.

Elsewhere in Benewah County, Coeur d'Alene tribal cops may stop but not detain an intoxicated driver if he's not a member of the Coeur d' Alene Indian Tribe.

Same goes for nontribal members accused of domestic abuse. If a representative of the Benewah County sheriff's office doesn't show up, tribal cops have little recourse but to release the suspect.

All of which was supposedly resolved months ago, long before the summer tourist season began.

The tribe has a cross-deputization agreement with the Kootenai County sheriff. But Benewah County canceled cross-deputization in 2007. Neither can Benewah County provide the resources to respond to incidents on the reservation, tribal members argued. For instance, tribal cops said the county sheriff left them waiting about 65 times a month.

So earlier this year, the tribe approached lawmakers with an alternative - deputizing tribal officers through the Peace Officers Standards and Training program. POST certification is required of state and local police officers now.

A POST-certified tribal officer would be authorized to arrest and cite non-tribal members into state courts. Armed with the power to withdraw POST certification, the state could hold tribal cops accountable.

Tribal leaders further agreed to waive their sovereign immunity in law enforcement matters. If a tribal cop overstepped his authority, that officer and his employer could be sued in state court. The tribe agreed to carry a \$2 million insurance policy.

There matters stood when the tribe and county officials squared off before the House Judiciary and Rules Committee.

Seemingly poised to act, lawmakers put the legislation on hold and asked tribal and county members to resolve their differences. A week passed and, at the last minute, a deal was struck.

Tribal leaders agreed to cede more authority to the county sheriff.

The county agreed to recognize tribal authority over some portions of the lake.

A state-mandated solution was unnecessary.

On March 18, the tribe ratified the agreement.

The tribe says it waited six weeks for a response. When it got one, the agreement came unstuck. Tribal members say the county reneged by attaching as many as 50 new conditions, a point verified by independent observers in the Legislature and law enforcement.

The tribe says it got no opportunity to present a counteroffer. Either sign the package or don't, it was told.

By then, it was too late to return to Boise. The Legislature had adjourned.

Makes you wonder if Benewah County officials were willing to say anything to avoid a legislative mandate.

This summer is going to be more difficult than it needed to be. What once appeared as a victory for fixing problems at the local level is now begging for a state-imposed solution. Benewah County still has time to make this right. Otherwise, lawmakers should have a long memory if and when the Coeur d'Alene Tribe returns to Boise in 2011. - M.T.