

**WRITTEN TESTIMONY OF THE ROSEBUD SIOUX TRIBE
PRESIDENT RODNEY M. BORDEAUX**

**BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**FISCAL YEAR 2021 PUBLIC SAFETY & JUSTICE PRIORITIES
FEBRUARY 12, 2020**

SUMMARY OF ROSEBUD SIOUX TRIBE FUNDING PRIORITIES:

- 1. *Alcohol and Drug Detoxification Center:*** BIA/IHS should fund an Alcohol and Drug Detoxification Unit for the Rosebud Sioux Tribe because 95% of our Crime is Drug and Alcohol Related and Offenders are becoming more violent: \$3 Million.
- 2. *BIA Public Safety & Justice:*** Increase funding to at least \$573 million - (a) Law Enforcement Services: 10% increase over FY2021; (b) Detention Construction: \$50 million base funding; and (c) Tribal Courts: provide an increase of at least \$83 million for Tribal Courts with annual step increases until tribal courts are fully funded.
- 3. *I.H.S.:*** (a) Facilities: 50% increase for Detox Facilities and Support; and (b) Alcohol & Substance Abuse: 50% increase to support patient transport services.

INTRODUCTION

My name is Rodney Bordeaux, President of the Rosebud Sioux Tribe in South Dakota. I am pleased to submit testimony before this Committee to share our Fiscal Year 2021 appropriations priorities concerning public safety & justice. We appreciate the 6.2% increase in the FY 2020 BIA budget for law enforcement (\$434.4M), a \$22.8 million increase over FY 2019. Due to our pressing personnel and operational needs, discussed below, we support an additional increase in FY 2021 of at least 10% over FY 2020. And, due to the severity of our public safety facility needs, we are greatly encouraged by the significant increase (21.2%) in FY 2020 public safety construction funding (\$42.8M), a \$7.5 million increase over FY 2019. We support base funding of at least \$50 million for FY 2021, in order to address projects currently in the queue, and to include direction on how to fund additional projects on a needs-criteria basis. And, finally, my testimony provides remarks on the need to enhance our detox and ambulance services, which we believe should be supported and funded by the Indian Health Service (I.H.S.).

I want to acknowledge the hard work and diligence of this Committee in understanding the legal underpinnings necessitating federal funding to support and nurture Indian reservation economies. Through treaties, Indian tribes have ceded millions of acres and have remained steadfast and resolute to our pledge of peace, in exchange for the United States agreed to ensure that our reservations remain a permanent livable homeland for our people. The very essence of that solemn treaty pact is the promise of public safety. A key responsibility of the Rosebud Sioux Tribe and the United States is to provide public safety and justice services to our tribal members, others living and working on our Reservation, as well as to the general public visiting or traveling through our Indian lands. I know many members of this Committee have travelled to Indian Country and to Rosebud to learn more about our public safety needs. We appreciate your outreach and providing

increased public safety funding in the appropriations process. We need more funds to help us tackle the public safety crisis that is harming and killing our people.

PUBLIC SAFETY PRIORITIES

The Rosebud Sioux Tribe is amongst the top ten large land-based tribes in the United States. The Rosebud Sioux Reservation consists of nearly a million acres of federal/tribal trust acreage in South Central South Dakota, roughly the size of state of Rhode Island. The current tribal enrollment is: 34,586 enrolled members, with 29,628 members living on the Reservation.

While our Tribe continues to make gradual economic development progress, we continue to struggle with the growing public safety crisis primarily fueled by the pernicious drug and alcohol abuse and addictions plaguing our communities. Consequently, our Rosebud Law Enforcement Services is handling a large workload and is in need of additional personnel and resources. Our Tribal Court is confronted with a massive caseload and backlog and is in need of a new courthouse. Similarly, our outdated Tribal Detention facility is in need of replacement, as well as additional personnel and resources. Related to detention are the offenders who are in need of detox services, and prisoners, who need transport services to facilities off the Reservation. We need more personnel and assistance from the Indian Health Service (I.H.S.), especially with respect to transport services personnel and funding. Our Rosebud Ambulance Service is also in dire need of additional support and resources or may be in danger of having to retrocede the program to the I.H.S. Below is a discussion of these pressing needs.

- **Rosebud Sioux Tribe Adult Corrections and Juvenile Detention Center**

The Rosebud Sioux Tribe adult corrections facility (RST ACF) is a 220-bed facility that houses 130 inmates on average. Facility administration reports that 60% of the inmates they house are being held for meth-related charges. The RST ACF averages about 220 bookings per month. Most inmates need mental health treatment, substance abuse treatment, and physical health education. There is also a dire need for substance abuse detox services.

The RST ACF is short-staffed and needs ten more correctional officers. The facility currently operates with four to five officers per shift when the actual need is ten to twelve officers per shift. It is not uncommon to have four to five officers overseeing approximately 120 inmates. If all positions were filled at the facility, they would have fifty-three employees that would consist of seven administrative level positions, four sergeants, thirty-six correctional officers (COs), three cooks, and three maintenance workers. The facility presently operates with twenty-six Cos and has ten vacancies due to lack of funding. The ratio of COs to inmates is a security concern. An increase in BIA funding is needed for additional personnel, food, and transportation. The shortage of funding exacerbates the already high levels of stress within the facility and increases in stress result in an elevation in staff turnover. The effects of increases in stress can be within the inmate population as well. There have been recent suicide attempts by inmates. Witnessing the suicide attempts by the inmates only amplifies the stress levels already experienced by corrections staff and inmates. There is a need of around \$600,000 in additional funding, for additional personnel, food, transport, education and counselling services.

The Rosebud Sioux Tribe juvenile detention center (RST JDC) currently has twenty-one employees but has an actual need for thirty-six employees. Juveniles are required to be housed in different classes; however, staff often feels that there is not enough staff to effectively oversee all minors. The RST JDC needs mental health and addiction clinician to treat the underlying cause of criminal behavior to decrease recidivism. In addition to a need for increased funding for personnel, the RST JDC needs a new roof due to extensive water damage.

- **Rosebud Sioux Tribe Law Enforcement Services (RST LES)**

The Rosebud Sioux Tribe Law Enforcement Services (RST LES) is charged with ensuring law & order within the boundaries of Rosebud Reservation and to trust lands in Mellette, Trip, Lyman, and Gregory counties. RST LES responds to over 18,500 calls for service every year. RST LES serves an area of approximately one million acres or roughly 1560 square miles with only twenty-five patrol officers and five criminal investigators. The national average of officer to person ratio is 3.5 officers per every 1000 persons; whereas, the RST LES officer to person ratio is one officer per every 1000 person.

The Rosebud Sioux Tribe declared a state of emergency due to the Methamphetamine epidemic plaguing the Rosebud Reservation. The RST LES responds to a high volume of violent crimes in which illegal narcotics, alcohol or both are a contributing factor around 95% of the time. RST LES administration has repeatedly called for a request in base funding. An increase in funding would be utilized to hire twenty more sworn and certified officers and acquire twenty additional patrol units. The additional officers and patrol units will significantly reduce response time and provide RST LES personnel with more time to investigate open cases.

- **Rosebud Sioux Tribal Court (RSTC)**

The Rosebud Sioux Tribal Court (RSTC) was established in 1975 and is a court of general jurisdiction. The RSTC system consists of a Tribal Court, a Supreme Court, and a Juvenile Court. Statistics provided by the court indicate that the court handled 5,096 new criminal cases in 2018. Due to the on-going meth epidemic plaguing the Rosebud Reservation, these numbers will continue to increase, and the amount of cases requires adequate staffing to ensure everyone has an equal chance at justice. RSTC personnel have identified an unmet need of \$212,456.31. This funding is needed for staff and to ensure existing court personnel continues to remain employed. Moreover, in the past year, our Tribe has become compliant under the Tribal Law & Order Act (TLOA) to render enhanced sentencing up to three years per offense, and we are vigorously pursuing non-tribal offenders covered by the VAWA authorization. These arrests and prosecutions will increase the already over-burdened case load of our RSTC.

As noted in our prior testimony, the BIA Office of Special Justice assessed the Rosebud Sioux Tribal Court in September 2015 and issued, among other findings and recommendations, the following recommendations:

- ✓ There remains a real need for sustainable funding for all staff, however, and at least one to two additional clerks to assist with the transition to electronic case-management, another process server, and additional probation staff.

- ✓ Strategic planning for a new courthouse is imperative. This is the key to sustaining the Court's development and improvement, and to addressing the Court's security, accessibility, and overall administrative needs.

In addition to the funding needed to ensure adequate court personnel, we need a new courthouse or justice center. Repairs needed to the existing courthouse to ensure continuity of services at the current facility include a new metal roof which will cost \$111,683.50 and three 7.5-ton rooftop air conditioning/heating units which will cost \$18,808.

- **Rosebud Ambulance Service (RAS)**

The Rosebud Sioux Tribe Ambulance Service (RAS), founded in 1968 as the first tribal ambulance program in the United States, provides vital 911 emergency medical services addressing the public safety needs throughout our Reservation. RAS is funded through a P.L. 93-638 contract and serves more than 10,000 tribal members 24 hours a day. RAS's service area is larger than the state of Rhode Island and currently operates with only enough staff for three ambulances, sometimes less.

Ambulance crews, who are tasked with protecting the public safety by responding to a myriad of emergencies from motor vehicle collisions and drug overdoses, to cardiac arrests and alcohol-related emergencies, must balance an obligation to provide long-distance patient transfers for the local I.H.S. hospital. At any given the time of day, an ambulance is on a patient transfer, leaving the Rosebud Sioux Tribe with only two ambulances to cover all other 911 calls. Considering that the RAS responds to 6,000 requests on average per year, this creates a precarious situation.

The RAS remains chronically underfunded by the I.H.S. RAS is consistently unable to hire enough sufficient staff to man the ambulances, which seriously undercuts our public safety efforts. Also, inadequate funding has also led to below average wages for RAS staff. An emergency medical technician working for the program is paid just ten dollars per hour, while the national average is sixteen dollars per hour. Low wages result in lowered job satisfaction and a high turnover rate. The ongoing funding shortage has prevented the program from constructing a new facility. The current facility was built around thirty years ago, is outdated, lacks adequate space for personnel and equipment, and lacks essential amenities such as sleeping quarters and a kitchen to support staff who must be on duty day and night.

CONCLUSION

In closing, thank you for your consideration of this testimony. Our statement identifies our top public safety and justice priorities, including the pressing need for facilities and staff. We need a detox center, a detention facility, an ambulatory services facility, and a new courthouse. Although we recognize the funding constraints, we know that housing these services under a comprehensive center would be both efficient and cost effective. We would like to explore options to pursue authorization to combine public safety related funding the Interior, Health & Human Services and Justice Departments to allow Tribes on a needs-based criterion (service population, land base size, etc.) to undertake these types of comprehensive projects.