

Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States Remote Oversight Hearing -
Cisco WebEx
June 17, 2021
12:00 p.m.
Oversight Hearing on “Examining Federal Facilities in Indian Country”

Hon. Timothy Nuvangyaoma, Chairman, Hopi Tribe

Questions from Rep. Leger Fernández

1. You mentioned that the Hopi Detention Center was not built for incarceration, yet it was converted into a detention center.
 - a. Can you elaborate on the issues that have arisen while converting the treatment center to a detention center?

Response: Converting a facility that was meant to treat individuals with addiction and other issues into a jail poses numerous problems. The facility did not have holding cells so whole areas had to be reconfigured. Turning rooms into holding cells meant the walls were not graded for that purpose. This “remodel” was in no way perfect and was really a quick fix by the BIA. So, not only did the Tribe lose a treatment facility but we also received a subpar detention center.

2. Your testimony mentions that BIA had contracted with outside correctional centers to house the Tribe’s inmates following the closure of the Hopi Detention Center.
 - a. Can you elaborate on the process for evacuating the inmates and personnel from the Center?

Response: The BIA packed up the prisoners and sent them off. Some ended up in Colorado, which is a good distance away from the reservation. There was also a long fight about where exactly Hopi inmates would be sent and who would accept them. Then of course the BIA ran out of funding and asked the Tribe to commute the sentences of prisoners so that they could be released. After the Tribe protested the BIA retracted its request for the Tribe to commute sentences.

- b. How did this closure impact facilities staff and law enforcement officers?

Response: It was devastating to law enforcement. At that time, the BIA handled law enforcement. Whenever a BIA officer made an arrest, suspects would need to be transported 80 miles to the nearest holding center. The Hopi Reservation is 2,500 square miles and we have a very limited law enforcement presence so losing an officer for up to three hours for an arrest is a big deal. Once the BIA started conducting cite and release protocols things got even worse. We were able to keep officers on the beat, but criminals were emboldened when they knew there was no fear of being arrested.

Questions from Rep. Grijalva

1. Your testimony highlights that BIA once held both juveniles and adults in the same holding spaces following the closure of the juvenile correctional facility.

a. Can you elaborate on this decision and how it compromised the safety of the minors involved?

Response: The BIA made that decision, not the Hopi Tribe, so I can't elaborate on the BIA's thought process. It is fairly obvious that holding juveniles with adult offenders can create all sorts of safety issues for the youth. It placed them in confined spaces where they could be physically or mentally assaulted. In addition, placing youth in holding areas with adults is providing the exact opposite type of mentor that troubled youth need.

2. You note that BIA formally condemned and closed the Hopi Detention Center without consulting the Hopi tribal government. Can you elaborate on this?

a. In your opinion, how is adequate tribal consultation a critical component of improving Indian Country's infrastructure?

Response: The BIA knew for a long time that the HDC was a failing facility that was no longer structurally sound, but they did little to address the situation. The Tribe learned that the HDC was condemned after the decision was made. This left us unprepared and at a major disadvantage to take proactive steps to try to confront the situation. Proper consultation would have given us notice and would have allowed us to react in real time – or even with advance notice.

3. You briefly noted the conditions of the BIE schools on your reservation, and as other witnesses have testified, this continues to be an issue that needs to be addressed in Indian Country. You mentioned that the schools rely on modular buildings while the main facilities are facing numerous safety issues.

a. If these safety issues continue to be underfunded, what would that mean for the Tribe?

Response: Congress does not appropriate enough funding to meet the backlog of school construction in Indian Country. Each year that this underfunding continues places Hopi students and Indian students across the country at risk. Our children deserve better and the federal government must do a better job of upholding its trust responsibility.

b. Is the possibility of closure a significant concern, and if so, would the Tribe have anywhere else to host the students until temporary facilities are introduced?

Response: Yes, as our schools continue to deteriorate there is a risk that they will need to be closed for the safety of our students. Right now, we have no way to handle such a

closure. However, the Tribe is working to consolidate its school system and on plans to be able to build new facilities, but we need financial assistance to see these plans through.

4. Your testimony touches upon a Resolution that the Tribe authorized to establish a Committee that will develop plans for a new facility. Yet, there were no federal funds available at the time to finalize the project.
 - a. You also noted the Tribe's extensive advocacy for the needs of a permanent detention facility, yet no progress has been made. Can you share the importance of allocating funds to the BIA to address cases like the Hopi Detention Center adequately?

Response: The frustrating aspect of this whole situation is that we fought so hard for the funds and Congress approved the funding in 2017. Obviously, there are many funding needs in Indian Country, but Congress provided the funds to pay for the construction of the new detention center. The issue was the lack of accountability and oversight at the BIA. I am at a loss of how to compel the Division of Facilities Management and Construction to do its jobs. The Hopi have suffered from a breakdown of administrative accountability at the BIA.