



Sisseton-Wahpeton Sioux Tribe

LAKE TRAVERSE RESERVATION

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TESTIMONY OF DAVE FLUTE, CHAIRMAN SISSETON WAHPETON SIOUX TRIBE

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Committee on Appropriations
Subcommittee on
Interior, Environment and Related Agencies

Good morning, Chairman Calvert, Ranking Member McCollum and Members of the Committee and Honored Guests. My name is David Flute. I serve as the Chairman of the Sisseton-Wahpeton Tribe (“SWST”) of the Lake Traverse Indian Reservation in North and South Dakota. I am pleased to testify at this important hearing on FY 2019 Appropriations. At the Sisseton Wahpeton Oyate, we are a Dakota tribe of the Sioux Nation. As the original people, we put the Dakota in North and South Dakota.

The construction of our Sisseton Wahpeton Regional Justice Center is our highest and most important priority. For the past decade, we had been working to replace the old facility with a multipurpose Community Justice and Rehabilitation Center, designed to provide a comprehensive, all-inclusive approach that will address the pressing behavioral health needs of our tribal members. Over \$1.2 million has been expended on this endeavor.

South Dakota Governor Daugaard recognized our need for Federal assistance. On August 21, 2017, he wrote to the South Dakota congressional delegation: “If Congress can provide funding assistance, from the BIA and/or DOJ, to the Sisseton-Wahpeton Sioux Tribe for its Justice Center, the public safety of the Sisseton-Wahpeton Sioux Tribe and the surrounding area of northeast South Dakota and southeast North Dakota will be enhanced.”

On October 3, 2017, North Dakota Governor Burgum wrote to the North Dakota congressional delegation: “We support the Sisseton-Wahpeton Sioux Tribe's efforts to build the new Justice Center and commend your work to assist the Tribe in securing funding. Your success in promoting construction of the new Sisseton-Wahpeton Justice Center will enhance regional law enforcement, criminal justice

and the safety of our citizens.” We have had strong support from both our North Dakota and our South Dakota congressional delegations.

The FBI UCR Crime Report (Sept. 25, 2017) finds that: Violent Crime in the United States increased for the second straight year in 2016—overall violent crime increased by 4.1%. The report shows increases over 2015 in all four offenses in the violent crime category: murder, rape, robbery, and aggravated assault. Murder has the largest growth at 8.6 percent. The 2016 Nationwide Crime Rate 386.3 per 100,000, the South Dakota Crime Rate was 418.4 per 100,000 and the North Dakota Crime Rate was 251.2 per 100,000.

South Dakota State 2016 Crime Reports include a 12.5% increase in drug crime, although overall some of the most violent crime was down. South Dakota AG Marty Jackley said, “Right now there’s a meth epidemic across the Nation.... It affects the Reservations as well as the State when the methamphetamine come into the State from across the Southern borders.... We need to ... spread the message to the youth and do everything we can for prevention and treatment.” KSFY TV, Reservation Crime Would Nearly Double SD Crime Stats (March 20, 2017).

The FBI, U.S. Attorneys and tribal law enforcement have jurisdiction over Indian reservation crime. “The number of cases and number of users of methamphetamines has been rising on Indian reservations across the state. The increase in drug activity is correlating to an increase in the violent crime. Specifically, we’ve seen an increase in violent crime incidents in all of the Indian reservations throughout the state,” said Matt Moore, FBI Supervisory Senior Resident Agent for Sioux Falls.

South Dakota law enforcement made 7,200 drug arrests in 2015, nearly double the number made in 2005. Aggravated assault and robbery cases also doubled over the same ten year period. “The public’s appetite for high-grade marijuana and methamphetamine has fostered a more violent drug culture in which buyers and sellers are more likely to arm themselves.” *Is South Dakota more violent than it’s ever been?* Sioux Falls Argus Leader, January 13, 2017.

North Dakota Crime Statistics: North Dakota faces significant drug crime challenges as well, including on our Indian reservations. In 2015, North Dakota suffered a 9.8% increase in per capita crime, which was the largest per capita crime increase in 5 years and the most homicides in decades. Based on FBI reports:

That included a 9.5% increase in crimes against persons such as murder, rape and assaults, and a 14% percent increase in crimes against property such as burglary, robbery and motor vehicle theft. The number of crimes against society—among them drug violations and weapons violations—increased by 11.1%.

“North Dakota in all is a different community. We’re not Minneapolis, but we’re not the North Dakota of 25, 30 years ago where you can leave your doors unlocked and you know everybody,” Bismarck Police Chief Dan Donlin told the Bismarck Tribune. Thankfully in 2016, North Dakota had a 1.1% decrease in crime, with gains made in decreased drunk driving.

Sisseton-Wahpeton Sioux Crime Statistics. At Sisseton-Wahpeton, we have seen continuing serious increase in drug related crime and violence. That is consistent with the overall pattern of North and South Dakota, except we have not had a reduction in drunk driving. Due to the drug and alcohol abuse problems affecting our Reservation, our tribal police made about 1400 arrests in the Lake Traverse Reservation in North and South Dakota last year. In recent years, SWST youth and adults on our Reservation have been suffering with chemical dependency, drug and alcohol abuse, and violent crime resulting in the key incarceration figures:

- ✓ Substance abuse offenses & criminal offenses account for approx. 75% of all adult arrests, of which 15% exhibit highly repetitive substance abuse and criminal behavior. This group uses a disproportionate amount of justice (and potentially other) system resources.
- ✓ About 80% of all juveniles charged with a substance abuse offense, often accompanied by a curfew violation. This pattern shows a lack of parental supervision and clearly underscores a need to address these offenses in the context of families and family networks.

Priorities for Safe, Healthy Sustainable Tribal Communities. SWST has identified Behavioral Health, including addressing chemical dependency, mental health, adolescent treatment, detox, transitional care, inpatient/outpatient services for adult and youth, as our top community health and wellness priority. We currently lack sufficient facilities and services to adequately address these health care needs. We had a 1974 jail, which the BIA closed in December 2016.

Regional Detention Facility and Justice Center. The Sisseton Wahpeton Sioux Tribe worked very hard with Congress and our congressional delegation to seek restoration of FY 2018 Funds for BIA Public Safety and Justice Construction. Specifically, the FY 2018 Appropriations Act provides:

Public Safety and Justice Construction.-The agreement provides \$35,309,000 for public safety and justice construction and includes the following: \$18,000,000 to restart the facilities replacement and new construction program; \$4,494,000 for employee housing; \$9,372,000 for facilities improvement and repair; \$169,000 for fire safety coordination; and \$3,274,000 for fire protection. The Committees include funding for the replacement construction program, which has not received funding from the Bureau since fiscal year 2010, as other agencies have sought to build these facilities. The Committees also understand the Bureau currently has

compiled a list of replacement facilities based upon the facilities condition index, inmate populations, and available space. It is the expectation the funding made available for this activity will utilize this list. Further, the Committees encourage the Bureau to develop a master plan that details the location and condition of existing facilities relative to the user population, and incorporates the use of existing tribally constructed facilities and regional justice centers, such as the Shoshone-Bannock Tribes' Justice Center, as an efficient approach to filling gaps where additional facilities are needed. Reasonable driving distances for visitation should be taken into consideration.

Consistent with Congress's intent, our Sisseton Wahpeton Tribe plans a Regional Justice Center to serve our Tribe with 14,000 tribal members (8,000 resident tribal members), the Crow Creek Sioux with about 4,000 members, the Spirit Lake Sioux about 5,000 members and the Flandreau Santee Sioux about 500 members.

FY 2018 Plan: The overall costs of our Sisseton Wahpeton Regional Justice and Rehabilitation Center is projected at \$36 Million. In FY 2018, we are requesting Phase One Funding for the \$21 Million Detention Center:

- \$15 Million in Federal funding--\$11 Million from the Bureau of Indian Affairs OJS Public Safety and Justice Construction Program and we have applied for \$4 Million through a competitive grant under the Department of Justice Bureau of Justice Assistance CTAS program.

The Sisseton Wahpeton Sioux Tribe will contribute \$5 Million of our own tribal government funds to support the project.

FY 2019 Request: To finalize our Sisseton Wahpeton Regional Justice Center, we will need an additional \$15 Million for Phase Two: Juvenile Detention, Rehabilitation, Counselling and Transitional Housing.

Report language requested: Within the funds provided for the Facilities Replacement and New Construction Program, the Bureau of Indian Affairs is directed to utilize its list of replacement facilities based upon the facilities condition index, inmate populations, and available space to prioritize funding for Indian tribes whose detention facilities have been closed by the Bureau and are awaiting facility replacement or repair, especially those that serve as regional detention centers for three or more Tribes. Further, priority should be given to completing projects in areas of Indian country under Title 18 USC 1152 and 1153 which received funding under this program in 2018.

Conclusion: We strongly believe that Public Safety, Law Enforcement and the Administration of Justice are essential to health community life and healthy Indian nations. Thank you for the opportunity.