

United States Senate

WASHINGTON, DC 20510

May 15, 2018

The Honorable Ryan Zinke
Secretary of the Interior
1800 C Street, N.W.
Washington, DC 20500

The Honorable Jeff Sessions
Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Secretary Zinke and Attorney General Sessions,

We write to request that sufficient construction funding be provided to the Sisseton-Wahpeton Oyate (SWO) of the Lake Traverse Reservation to replace the prior, decommissioned SWO jail with a new detention facility. As you know, the fiscal year 2018 Consolidated Appropriations Act (Public Law 115-141) included new funding to restart the facilities replacement and new construction program under the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), and we urge BIA to allocate an appropriate portion of those funds towards the estimated \$21 million cost for an adult detention center.


For the last decade, the tribe has sought to replace their old detention facility with a multipurpose detention and rehabilitation center to provide a comprehensive, all-inclusive approach to address the behavioral health needs of their tribal members. However, in December of 2016, the SWO jail was decommissioned by the BIA OJS with no plans of reopening or providing a viable alternative. The BIA's closure of the facility has left the tribe with little recourse against the continued increase in drug related crime and violence, and have thus been forced into an ineffective "catch and release" method of law enforcement. The rising tide of methamphetamine and opioid abuse, domestic violence, human trafficking, and juvenile delinquency resulted in approximately 1,400 arrests on the reservation in 2016. It is critically important that the tribe has the ability to detain and rehabilitate offenders to restore public safety and justice on the reservation and surrounding communities in North and South Dakota.

Congress recognized that BIA has recently closed several facilities in Indian country and there is an urgent need for replacement facilities in communities like Lake Traverse that are now facing a public safety crisis. We provided \$18 million in Public Law 115-141 to restart the facilities replacement and new construction program, as well as additional increases for BIA OJS construction programs, to begin addressing this issue. We understand BIA has compiled a priority list of replacement facilities and that SWO is currently second on this list. Public Law 115-141 directed BIA to use its facilities in need of replacement list when awarding funding, and at an April 25 hearing of the Senate Committee on Indian Affairs, the Acting Deputy Bureau Director of the Office of Trust Services at the BIA affirmed that the BIA would use this list, as directed by Congress. With the understanding that SWO is slated for a priority replacement facility, the tribe has actively advocated for the appropriation of these funds so it can be completed in a timely manner. We urge BIA to acknowledge SWO's pressing need as it determines how to most effectively direct these funds for the purpose of replacing facilities currently on the list.

With robust funding assistance from BIA and the Coordinated Tribal Assistance Solicitation Regional Detention Program under the Department of Justice (DOJ), in addition to \$5 million the tribe is prepared to put forth, the tribe could achieve the capital needed to build the \$21 million adult detention center – phase one of the SWO Community Justice and Rehabilitation Center. The facility is shovel ready, with plans having been developed by the tribe over the past several years with EKM&P, DOJ’s technical assistance provider. The 88 bed facility could serve as a regional detention center for four or more Indian tribes, including SWO and three neighboring Sioux tribes.

We encourage your agencies to work together as you evaluate this proposal and allocate funding to ensure the tribe is able to meet this critical need. Securing funding for construction of the Community Justice and Rehabilitation Center will enhance regional law enforcement and criminal justice, and will allow the tribe to better provide public safety and wellness services for the Lake Traverse Reservation and surrounding communities. Thank you for your full consideration and attention to this request, and please do not hesitate to contact us with any questions or concerns.

Sincerely,



Heidi Heitkamp
United States Senator



John Thune
United States Senator



M. Michael Rounds
United States Senator



John Hoeven
United States Senator