



# **Sisseton-Wahpeton Oyate**

## **Lake Traverse Reservation**

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**STATEMENT OF MICHAEL I. SELVAGE SR., TRIBAL CHAIRMAN,  
SISSETON WAHPETON OYATE, AGENCY VILLAGE, SD, FOR CONSIDERATION  
BY THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL  
RESOURCES, CONGRESSMAN NICK J. RAHALL II, CHAIRMAN, WITH REGARD  
TO “*THE NEEDS AND CHALLENGES OF SISSETON WAHPETON TRIBAL LAW  
ENFORCEMENT ON THE LAKE TRAVERSE RESERVATION IN NORTHEAST SOUTH  
DAKOTA*” AS PRESENTED BY SISSETON WAHPETON LAW ENFORCEMENT,  
CHIEF OF POLICE, GARY GAIKOWSKI**

**Friday, June 1<sup>st</sup>, 2007, 12:00 Noon**

**Lower Brule Tribal Headquarters  
187 Oyate Circle  
Lower Brule, SD**

Honorable Chairman Nick J. Rahall II and members of the Committee:

On behalf of the Tribal Council of the Sisseton Wahpeton Oyate, we thank the Committee on Natural Resources for taking the time to hold this oversight field hearing concerning the needs and challenges of Tribal Law Enforcement on Indian Reservations today. Your decision and action of holding this field hearing demonstrates your genuine concern regarding our pressing needs as regards the protection of tribal members and property in Indian Country, and we are highly appreciative of this consideration, which has been extended to the federally recognized tribal governments herein assembled.

The tribal government of the Sisseton Wahpeton Oyate including its Law Enforcement Agency has been in continuous existence and operation since the time of Congressional approval of our Sisseton Wahpeton Treaty of February 19<sup>th</sup>, 1867, (15 Stats., 505). Article 10 of this Treaty provides the basis for establishment and federal recognition of our Tribal Law Enforcement Agency, wherein it was mutually agreed that, “The (Sisseton Wahpeton) Chiefs and Head men – are authorized – to organize a force sufficient to carry out – laws, and all rules and regulations for the government of said Indians, as may be prescribed by the (United States) Interior Department”.

For 140 years, the Treaty Council and tribal councils of the Sisseton Wahpeton Oyate have maintained and supported its tribal law enforcement agency on the Lake Traverse Reservation throughout its seven district communities, and have faithfully enforced the laws of the Sisseton Wahpeton Oyate as well as all applicable federal laws for Indian Country. Generations of tribal families from our communities have committed themselves to Tribal Law Enforcement throughout this period of 140 years of continuous service, whether federal funding support was available or not.

It is from this historical context that our testimony today derives and is submitted for your consideration. The tribal government of the Sisseton Wahpeton Oyate assures the Committee that its obligations to law enforcement are taken very seriously, as such responsibilities pertain to our Constitutional mandate to promote the health and well being of our tribal membership which now consist of over 12,000 tribal members, of whom 6,000 members reside in our seven district communities on the Lake Traverse Reservation. Our tribal and federal jurisdiction extends to those designated areas of Indian Country in five counties in north east South Dakota as well as two counties in south east North Dakota.

Our Sisseton Wahpeton needs and challenges in law enforcement consist of two principal areas of concern:

First, the diminishing level of federal funding support for our law enforcement agency;

Second, our current need to construct a new Community Justice and Rehabilitation Center for both adult and juvenile offenders on the Lake Traverse Reservation, consistent with the tribal council approved Master Plan for this rehabilitation campus.

Regarding the diminishment of federal funding and support for our tribal law enforcement agency, the tribal government of the Sisseton Wahpeton Oyate contracts under authorities of PL 93-638 for law enforcement services from the Bureau of Indian Affairs, this has been in effect since passage of the Act. Previously, the tribal government contracted for law enforcement services, utilizing the authorities of the Buy Indian Act.

The struggles of the tribal government in obtaining a sufficient level of funding for its law enforcement agency are extensive, and for the past five years, the tribal government has matched federal funding from its own limited non-federal funds so that law enforcement can be accomplished more effectively. Currently, the tribal council of the Sisseton Wahpeton Oyate provides approximately 35% of needed funding from its non-federal revenues, consisting of \$350,000 to \$400,000 from tribal funds annually for the basic operation of our law enforcement agency. Without this contribution of tribal funds, our law enforcement agency would not be able to sustain itself nor meet the requirements of effective law enforcement in the local seven tribal communities on the reservation.

In particular, our law enforcement agency finds itself highly challenged with regard to intervening upon the growing incidence of methamphetamine abuse and addiction, which are increasing within our tribal communities on the reservation. In particular, the introduction of



these illegal substances from the outside has served to increase the number of offenses and violent behavior of offenders, with particular reference to juvenile offenders within the jurisdiction. Our resources in manpower and investigative technology are limited regarding an effective interdiction. Our financial resources are limited to combat this invasive intrusion of one of the most serious disorders, which is afflicting our communities at the present time. While our tribal government has emphasized preventative measures in our schools and local college, such efforts however admirable in itself yet require federal assistance to intervene upon those who violate our tribal and federal laws by engaging in the traffic of illegal drugs on our reservation. On behalf of our children and youth, we urge you to consider federal appropriations to assist us in this time of crisis and need.

In 1974, our tribal council applied for and obtained federal funding from the U.S. Department of Justice to construct a minimum-security adult detention center. At the time, the problems and offenses of our people were minimal, and the existent facility provided a minimum required need as regards judicial services and intervention services for adult offenders. Since that time, however, the numbers of adult and juvenile offenders have increased significantly, and our current detention facility fails to meet not only facility code requirements, but also fails to provide sufficient space for adult offenders, and has no space available for the growing number of juvenile offenders.

Beginning in the year 2004 and continuing at the present time, our tribal government embarked on the arduous task of developing and establishing what has become known as the "Sisseton-Wahpeton Oyate Community Justice and Rehabilitation Master Plan." This initiative was funded and sponsored by our tribal council, utilizing primarily non-federal tribal funds, and such funding enabled our tribal government to retain professional criminal justice personnel who assessed our criminal justice needs and requirements, so as to develop and establish our own tribal specific master plan for addressing our own community justice and rehabilitation needs.

Essentially this master plan plainly asserts our own tribal responsibility to intervene upon both adult and juvenile offenders in the local community, so as to treat and rehabilitate the greatest number of these offenders in a therapeutic and culturally significant manner. While the amount of funds required to construct the proposed adult and juvenile detention and rehabilitation center clearly is beyond our financial resources, as a tribal government, we are asking for federal funding consideration to assist us in the construction of these rehabilitation facilities, so as to implement an aggressive program of treatment and rehabilitation of our offenders in the local community. The consideration of the Committee with regard to this proposal would be greatly appreciated.

Respectfully submitted by:

Michael I. Selvage Sr.  
Tribal Chairman  
Sisseton Wahpeton Oyate Tribal Council

