

**TESTIMONY
OF
DARREN CRUZAN
DIRECTOR, OFFICE OF JUSTICE SERVICES,
BUREAU OF INDIAN AFFAIRS
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON
ADDRESSING THE HARMFUL EFFECTS
OF DANGEROUS DRUGS IN NATIVE COMMUNITIES**

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Good morning Chairman Barrasso, Vice Chairman Tester and members of the Committee. I would like to thank you for inviting the Department of the Interior (Department) to provide testimony before this Committee at this field hearing on the topic of “Addressing the Harmful Effects of Dangerous Drugs in Native Communities.” My name is Darren Cruzan, and I am an enrolled member of the Miami Tribe of Oklahoma. I am currently the Director of the Office of Justice Services (OJS) in the Bureau of Indian Affairs (BIA) at the Department.

I would like to introduce several people I have brought with me today. Mr. Charles Addington is the Deputy Associate Director of our Division of Drug Enforcement, and oversees BIA’s national drug enforcement efforts. Along with Charlie are the four Supervisory Special Agents who manage the BIA’s day to day drug operations across the country. Mr. Algin Young (Bismarck, ND), Mr. Casey Hix, (Phoenix, AZ), Gary Cunningham (Muskogee, OK), and Mr. Tony Larvie (Billings, MT). Also with me is Mr. Doug Noseep who is the BIA’s Special Agent in Charge of our District Five Office located in Billings, MT. Doug is an enrolled member of the Eastern Shoshone Tribe, and grew up on the Wind River Reservation

Tribal communities continue to express grave concern regarding the high rates of alcohol and drug use in their communities, and are even more concerned that it seems to be increasing rather than decreasing. Alcohol and drug use is the primary contributing factor to increased involvement in the justice system, violence toward women and children, and a diminishing sense of overall community safety. In Indian country, what we most commonly see are community members who are dependent on alcohol or other substances and whose actions are influenced by these substances. I firmly believe our focus should be less on simply incarcerating people and more on alternatives to incarceration and prevention, treatment and recovery opportunities.

In response to the concerns raised by tribes, as well as law enforcement and tribal courts who are encountering unusually high rates of alcohol and drug related repeat offenders that are dominating the resources of the justice system, the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) has created the Diversion and Re-entry Division (DRD) within our Tribal Justice Support Directorate. The purpose of creating the DRD is to work toward transforming current institutional practices and approaches specific to recidivism into solution-focused sentencing Initiatives, which we believe will create alternatives to incarceration. The goal is to build on existing treatment service continuums in tribal communities by providing access to long-term detention-based treatment for all direct-service tribes. These initiatives are intended to strengthen the efforts being made by tribes and the BIA to expand options and ensure that justice, safety, alcohol and substance use disorder interventions, treatment and recovery issues

remain the topic of consistent focus in our efforts to effectively serve the needs of Tribal Nations.

In 2010, the BIA-OJS began implementing an effort known as the “High Priority Performance Goal” (HPPG) [Safe Indian Communities] Initiative to reduce violent crime in Indian country. Based upon an analysis report that showed violent crime rates in tribal communities above the national average, four reservations were selected as sites for implementing the initiative; the Wind River Reservation was one of them. The goal of the initiative was to achieve an overall reduction in criminal offenses (violent crime) by five percent within a 24-month period. I am pleased to report that the current (2014) violent crime statistics shows a 22 percent decrease in Part I (violent crimes) below the 2007-2009 starting baseline.

The success of the Violent Crime Reduction Strategy gave us the opportunity to implement a new Agency Priority Goal (APG) specific to reducing recidivism. Locally, recidivism fueled by substance use creates a huge drain on already overtaxed tribal economies. Individuals who are repeat offenders, fill court dockets and are more likely to require expensive incarceration, and, in many cases, leave behind families without an adequate means of support. The Office of Justice Services believes that by implementing a comprehensive strategy involving better screening, alternative courts, increased treatment opportunities, probation programs, and critical interagency and intergovernmental partnerships between tribal, state and federal stakeholders, we and our tribal partners will succeed in further reducing recidivism on these reservations. The recidivism reduction initiative (APG) is actively moving forward with three tribes participating in building the necessary infrastructure to ensure the success of addressing tribal community safety, health and wellness. My hope is that the success we are experiencing with this current APG initiative will provide an excellent opportunity for replication, and be considered for expanding further into Indian Country.

The specific type of illicit drugs found in Indian Country varies by region and is largely influenced by what drugs are readily available in larger cities near reservations. While marijuana and methamphetamine are the illicit substances we see most widely abused, prescription drugs and heroin use have increased in many Tribal communities. It has been our experience that most illicit drugs available throughout Indian country are not manufactured on the reservations, but rather transported into Indian country by independent dealers who travel to nearby cities, also known as bordertowns, to purchase the drugs, primarily from well-organized Drug Trafficking Organizations (DTO’s). Mexican DTOs, the principal wholesale suppliers and producers of most illicit drugs available in Tribal communities pose the greatest “organized” threat. Mexican DTOs have also played a prominent role in producing cannabis at outdoor grow sites in remote locations on reservations, particularly in the west coast region.

The primary illicit drug threats on the Wind River Reservation are marijuana, methamphetamine and prescription pill abuse. However, alcohol abuse continues to be the significant challenge we see. It has been the BIA’s experience that the majority of the methamphetamine on the Wind River Reservation is coming from neighboring communities that have historically been supplied by sources in the Denver, Colorado and Salt Lake City, Utah areas.

The use of illicit drugs can lead to impaired behavior that results in violence and other criminal behavior. Drug traffickers often engage in violent crimes to facilitate their operations, while persons with substance use disorders generally engage in property crimes to support their addiction. Most reservations remain economically depressed and thus lack the resources necessary to affect the overall drug threat they are experiencing. In Fiscal Year (FY) 2014,

Indian country law enforcement programs (Division of Drug Enforcement (DDE), BIA, and Tribal) had an overall increase of approximately 38% in drug cases worked in Indian country.

The BIA-OJS supports 190 law enforcement programs, including 25 BIA-operated and 157 tribally-operated programs. Eighty two percent of the total BIA-OJS programs are under contract as authorized under Public Law 93-638 or compacted to a Tribe. Many tribes supplement BIA funding with money from their treasuries, grants from the Department of Justice (DOJ), or other sources. Public safety and justice resources in the Indian Affairs budget fund all three fundamental components (law enforcement, corrections, and courts) of effective justice systems, and fully support the Secretary's commitment to the protection of Indian country. The FY 2016 President's Budget request maintains public safety resources in key areas, while targeting funding increases to address needs identified by tribes on a nationwide basis.

As Assistant Secretary Kevin Washburn noted in his recent budget testimony, the Tiwahe Initiative was launched in FY 2015 to address the interrelated problems of poverty, violence, and substance abuse in tribal communities by coordinating social service programs, increasing family cohesiveness, providing job training to increase work opportunities, and providing rehabilitative alternatives to incarceration for family members with substance use disorders. It is a comprehensive and integrated approach to support community and cultural awareness in Indian country. Strengthening public safety components of the Tiwahe Initiative in FY 2016, the President has proposed increases of \$4.0 million for BIA Law Enforcement Special Initiatives and \$5.0 million for tribal courts to seek alternatives to incarceration and improve treatment opportunities across Indian country. In addition, the 2016 budget includes a \$1.0 million increase from the FY 2015 appropriation to provide training to tribes pursuant to new provisions of the recent Violence Against Women Act reauthorization. In total, the FY 2016 IA budget request provides \$364.4 million for the operation of public safety programs throughout Indian country, including \$9.7 million to continue drug enforcement efforts. Pursuing our mission through collaborations with the tribes and our Federal partners, Indian Affairs remains at the core of the President's vision for self-sustaining, thriving tribal nations.

Generally, our twenty-eight (28) BIA Drug Agents are assigned to federal or state law enforcement Drug Task Forces across the United States. These partnerships allow us to employ a force multiplier approach to combat illicit drugs in Indian communities. In a few areas, Tribal law enforcement has the ability to assign officers to these task forces. Teaming up with other law enforcement groups has played a significant role in increasing our ability to address this issue. From 2004 to 2008, the BIA and Wyoming Division of Criminal Investigation (DCI) worked together to combat the methamphetamine problem on the Wind River Reservation. Law enforcement successfully prosecuted a large number of people in federal court for distributing methamphetamine on the Wind River Reservation. As a result, for several years the methamphetamine problem had been effectively addressed and drug related incidents decreased significantly.

In 2013, issues involving methamphetamine began to reemerge on the Wind River Reservation. At the time, the BIA had a vacant drug investigator position in Riverton, Wyoming. In September of 2013, the BIA hired an Agent whose primary duty is to provide drug enforcement for the Wind River, Fort Hall, and Uintah and Ouray Reservations. The BIA Agent is currently assigned to the Wyoming DCI taskforce which is located in Riverton, Wyoming. The DCI taskforce consists of investigators from several area law enforcement agencies including Wyoming DCI, FBI, Lander Police Department, and the Fremont County Sheriff's Department.

Several of the taskforce members have been issued Special Law Enforcement Commissions (SLECs) by the BIA.

In FY2014, the BIA utilized crime statistics submitted by BIA and Tribal law enforcement programs to analyze current drug trends throughout Indian country. BIA Drug Enforcement then used the identified crime trends to focus on 20 specific reservations with high drug statistics. The BIA-OJS developed and implemented initial deployments of a Mobile Enforcement Team (MET) to these identified reservations to specifically address illegal drug activity. The MET teams were designed to gather intelligence, develop informants, identify criminal drug enterprises operating in Indian Country and provide basic and specialized drug training to Tribal officers. This effort has already derived very substantial drug related intelligence and was successful in the prosecution of drug and alcohol related crimes on numerous reservations. BIA Drug Enforcement continues to evaluate new drug trends and develop action plans to investigate the illegal drug sources and provide training to local law enforcement staff.

Mr. Chairman, thank you for the opportunity to testify on how we address the drug problems in Indian country. The Department will continue to work closely with you and your staff, tribal leaders, and our Federal partners to not only address this issue but all of our public safety issues in Indian country, and we appreciate your continued commitment to Indian country law enforcement.

I will be happy to answer any questions you may have.