



Department of Justice

STATEMENT OF
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U.S. DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
FOR A HEARING ENTITLED
“OPIOIDS INDIAN COUNTRY: BEYOND THE CRISIS TO HEALING
THE COMMUNITY”

PRESENTED ON
MARCH 14, 2018

Statement of John C. Anderson
United States Attorney for the District of New Mexico
U.S. Department of Justice
Before the Senate Committee on Indian Affairs

At a Hearing Entitled
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Chairman Hoeven, Vice-Chairman Udall, and Members of the Committee:

Thank you for inviting us today to discuss this critical issue and the Department of Justice’s (the Department) efforts to support Native communities dealing with the devastating aftermath of the opioid epidemic. The Department has been uncompromising in our commitment to combatting drug abuse and drug crimes, particularly opioids, in Indian country and across the nation.

In my district, New Mexico, the opioid crisis in Indian Country is particularly acute. Despite its staggering natural beauty, northern New Mexico, and Espanola, New Mexico in particular, has one of the highest opioid overdose death rates in the country. For decades, Espanola has had a severe heroin problem. And as you may know, Espanola is surrounded by Indian reservations. Many New Mexico Indian Pueblos, including the Pueblos of Santa Clara, Ohkay Owingeh, San Ildefonso, Picuris, Pojoaque, Nambe and Tesuque are all within a short distance of the Espanola area. The opioid epidemic knows no boundaries, and so our Pueblos are equally affected by heroin and prescription opioids; individuals and communities alike continue to be plagued by the opioid scourge and its secondary effects.

At a recent consultation in New Mexico, one Pueblo Governor shared photographs of the parking lot of their casino. The photos revealed discarded needles, syringes and other drug paraphernalia scattered about the casino parking lot.

At the same consultation, a Pueblo Chief of Police emotionally described losing a brother to a heroin overdose and a sister to a prescription opioid overdose. The Chief of Police explained that the drug epidemic is dire in Northern New Mexico and that something needs to be done to address the problem.

The catastrophic impact that opioid abuse can have at every level of a community, from family units to infrastructure and economic stability, demands our best efforts to put forth effective and sustainable support to communities in crisis. The Department has developed a multi-faceted response to addressing the threat and the impact of opioid abuse. Our approach in Indian country is based on the belief that the Tribes are in the best position to identify solutions to problems in their communities. We have sought to develop resources and initiatives that rely on partnership with the Tribes and are continually interested in hearing from our Tribal and federal partners as we adjust our efforts to better meet the needs of Native communities.

An important element of the Department's support is in providing opportunities for funding. In fiscal year 2017, the Department awarded nearly \$59 million to strengthen drug court programs and combat the opioid epidemic. The Office of Justice Programs (OJP) administers the Department's "Comprehensive Opioid Abuse Program." The goals of the Comprehensive Opioid Abuse Program are twofold: First, the program aims to reduce opioid misuse and the number of overdose fatalities. Second, the program supports the implementation, enhancement, and proactive use of prescription drug monitoring programs (PDMPs) to support clinical decision-making and prevent the misuse and diversion of controlled substances. Tribes are eligible to apply for a variety of funding opportunities under this program. As an example of recent awards under this program, in Fiscal Year 2017, the Seneca Nation Peacemakers Court was awarded funds to create a community-driven, culturally competent diversion project aimed at helping Native American opioid users. The Port Gamble S'Klallam Tribe was awarded funds in Fiscal Year 2017 to support drug courts and programs that support veterans. The Department will continue to offer these opportunities to Tribes going forward.

The Department understands that effective coordination among federal agencies is crucial to ensuring our efforts are successful. We have participated in the High-Intensity Drug Trafficking Areas (HIDTA) program, funded through the Office of National Drug Control Policy, for many years now. The HIDTA program increases collaboration and information sharing between Tribal law enforcement and federal, state, and local agencies to improve investigation and interdiction in Indian country. As the Department continues to participate in the HIDTA program, our law enforcement agencies, particularly the Drug Enforcement Administration (DEA), have been working to build stronger relationships with other law enforcement agencies and service providers active in Indian country so that we are able to adjust our Task Force presence in Indian country most effectively.

The Indian Country Law Enforcement Coordination Working Group, co-chaired by the Department of Justice and the Bureau of Indian Affairs (BIA) at the Department of the Interior, has become important to enhancing inter-agency federal law enforcement coordination in tribal communities. The group includes representatives from 13 federal law enforcement agencies and has focused heavily on several aspects of the opioid epidemic including proliferation, identifying top challenges to law enforcement, and coordinating responses. We will continue to use this working group to strengthen our coordinated efforts. For example, trafficking through the mail is a significant concern and we intend to use this working group as a forum to develop better ways to stop the movement of opioids through the postal service.

We recognize that the crisis requires more than a law enforcement response, so our efforts to coordinate go beyond law enforcement. For example, the Department is working closely with the Indian Health Service (IHS) of the Department of Health and Human Services to ensure that other federal agencies are aware of updated Prescription Drug Monitoring Program (PDMP) protocols in IHS facilities. The updated protocols have an impact on how some drug crimes are investigated and prosecuted, and on efforts to introduce safeguards against opioid abuse. Additionally, we have developed a number of training opportunities to better equip law enforcement and service providers working in Indian country to

address the drug crimes and the familial and community impacts of opioid abuse. The Department has presented recent trainings, often in coordination with BIA, on opioid trends, investigative techniques, drug handling precautions regarding opioids, naloxone use, and indicators that opioids are present in a community. Other training is available on violent crime associated with opioids, prescription drug diversion, and investigating and prosecuting medical professionals and others involved in distributing prescription medications outside the scope of legitimate medical practice. These training opportunities are available to Tribal law enforcement and, in some cases, entirely geared for a Tribal audience. The Department is currently working with BIA on a new opportunity tentatively slated for this summer that will bring Tribal law enforcement representatives together with a number of federal law enforcement agencies to train on a wide range of drug-related topics.

Community outreach is another important aspect of our approach to this issue. The DEA has conducted a prolonged community outreach effort in Indian country to educate Tribal leaders and citizens on opioids and other drugs. Additionally, on October 28, 2017, the Department and BIA collaborated on the most recent Prescription Drug Take Back Day, which is a nationwide program that has also allowed the successful collaboration between BIA and DEA. This initiative provided a safe, convenient, and responsible means of disposing prescription drugs, while also educating Native communities on the potential for opioid abuse. Over 115 Tribal communities participated; we intend to repeat this initiative and expand participation in the future.

Improved information sharing plays a crucial role in any law enforcement effort, even more so in the context of opioids as we all work to get ahead of this terrible epidemic. The Tribal Access Program for National Crime Information (TAP) is an effective tool for participating Tribes to track and contribute data on opioid-related crimes and to perform required background checks. TAP assists Tribes by providing a means of access to national crime databases maintained by the FBI Criminal Justice Information Services (CJIS) Division for both criminal justice and civil background check purposes. This has been an especially important tool for performing checks on those who have regular contact with

children in Indian country, including schools and foster care. Service providers in Indian country carry much of the burden of healing communities in the wake of opioid abuse, so we believe TAP plays an equally necessary role in ensuring safe providers as it does in sharing important law enforcement information.

The use of data analytics to combat the opioid crisis is among the new tactics that are under development Department-wide. Attorney General Sessions formed the Opioid Fraud and Abuse Detection Unit to utilize data analytics, such as distribution and inventory figures, to identify patterns, trends, and statistical outliers that can be developed into targeted law enforcement operations. As we better understand the data across the country we will be able to better understand patterns and trends in Indian country.

Our goal is clear: we must continue working in partnership with Tribal, federal, state, and local partners to respond to the opioid epidemic and to support communities that are affected by the crisis. We are committed to putting forth our best efforts in this joint undertaking. We appreciate this committee's focus on this issue and look forward to working with you going forward. Thank you again for the opportunity to participate today.