

**TESTIMONY OF CHAIRWOMAN KATHLEEN W. KITCHEYAN
OF THE
SAN CARLOS APACHE TRIBE**

**FOR THE OVERSIGHT HEARING ON
THE PROBLEM OF METHAMPHETAMINE IN INDIAN COUNTRY**

**BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ROOM 485, RUSSELL SENATE OFFICE BUILDING

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Introduction

Thank you, Chairman John McCain from our great state of Arizona, Vice-Chairman Byron Dorgan, and other Members of the Senate Indian Affairs Committee, for allowing me the opportunity to testify today. My name is Kathy Kitcheyan, Chairwoman of the San Carlos Apache Tribe, based in San Carlos, Arizona. We commend the Committee for holding this important hearing on the alarming and tragic methamphetamine (meth) problem in Indian Country. The rampant meth problem on the San Carlos Apache Reservation and its devastating impacts are, like in so many other tribal communities across the country, quickly reaching epidemic proportions. The San Carlos Apache people are in pain and are suffering from the effects of meth, and we must collectively work together to address and solve this grave problem.

As I stated in my testimony on behalf of the National Indian Health Board to this Committee in its oversight hearing on the President's FY 2007 budget on February 14, 2006, Indian Country is under attack from meth; and we must aggressively address this problem, starting with this budget cycle. Also, on March 1, 2006, I spoke at the National Congress of American Indians' Call to Action and strongly back President Joe Garcia's call to tribal leaders, the Administration, and the Congress for a massive, collaborative effort to curb meth use and drug trafficking in Indian Country. I believe that this hearing will help jumpstart the efforts outlined in President Garcia's Call to Action, which are needed to eradicate this plague on our people. Also, I believe it would be helpful if the Committee could hold some field hearings in Indian Country on this issue, so that Members could see for themselves the conditions that families, community leaders, health care personnel, social services staff, and law enforcement officers must grapple with every day due to the devastation from meth.

The San Carlos Apache Reservation spans 1.8 million acres and is a rural, isolated community of about 13,000 people. While we have worked hard to

develop our Reservation economy, 65% of our Reservation population is unemployed compared to the national unemployment rate of 4.8% and the state of Arizona rate of 4.4%. Further, we suffer from a poverty level of 69%, which must be unimaginable to many people in this country who would equate a situation such as this as one found only in third world countries. Because of our geographic, historical, and socio-economic circumstances as well as criminal jurisdictional limitations, we are doing our best but have not been able to properly contain the problem given how quickly it has grown and how far-reaching it is.

The Meth Problem on the San Carlos Apache Reservation

The rapid rise and spread of meth use and production has multiplied the challenges to the safety and well-being of the San Carlos Apache people. The use, production, and trafficking of meth is destroying my community -- shattering families, endangering our children, and threatening our cultural and spiritual lives. There has been a spike in homicides on the Reservation and some of these were likely meth-related. Last year, in my small community, there were 6 murders according to BIA statistics.

The Arizona Republic recently reported on a 3-month old infant that was born with a deformed pelvis and legs and no feet to a 14-year old meth user. This baby was recently admitted to the hospital for surgery to shunt stool through the abdomen due to intestinal problems. When babies are born and test positive for meth, then the Tribe's Child Protective Services must take the baby away from the mother for placement elsewhere. This baby is currently in a children's nursing home in Phoenix. Sadly, there are more stories. Two months ago, a baby was born addicted to meth with a deformed heart and congenital heart problems. Almost 5 months ago, a baby was born addicted to meth with legs that are numb and that can never be used. At the end of 2005, a 9-year old meth user was brought to the San Carlos hospital with hallucinations and violent behavior. This is the youngest user that we have found, but we are worried that kids even younger are using meth or being exposed to meth through smoke, which can have as potent an effect as using meth directly.

About 30 days ago, a young pregnant woman on meth was arrested. While in jail, she went into premature labor and delivered a child that never had a chance and died. Last month, a 22-year old male on meth tried to commit suicide by stabbing himself with a 10-inch knife and came within 1 centimeter of stabbing his heart. He is alive and the Tribe is trying to find behavioral counseling and detox services for him, but it is extremely costly (\$7,000 per month per person) and difficult to find a facility that accommodates Apache cultural and spiritual needs.

Two years ago, a mother took her little boy on a walk. The child never came home. Three youth boys found the body of the child, who had been stabbed to death. According to the mother, the child was the "devil" and was

"possessed." After her arrest, we learned that she'd been using meth. More recently, a 22-year old male hung himself while using meth. I could go on, but it is too heart-breaking. My community is small and we all know one another or know of one another, so these tragic events dramatically affect my entire community and, as you can see, have ripple effects that harm and scar our most innocent citizens -- our newborns and children.

Below are some stark statistics from my Reservation that show the deeply destructive effect of meth on my community. These statistics were provided to me by the tribal and IHS health officials and tribal social services personnel that deal with the meth problem on almost a daily basis and work tirelessly with little resources to mend the broken bodies, broken spirits, and broken families caused by meth:

- In 2004, there were 101 suicide attempts with two resulting in death. Some of the suicide attempts were directly related to the abuse of meth. In the past 10 suicide attempts, 8 of the individuals were using meth. Virtually, every suicide attempt also involves alcohol.¹
- In 2004, 64 babies out of 256 were born to San Carlos Apache tribal members addicted to meth, and 24-25% of pregnant women at San Carlos tested positive for meth. In 2005, the number of babies born addicted to meth was even higher. About 50% of all newborns at San Carlos test positive for alcohol or drugs. Babies born to mothers on meth can be born meth-addicted themselves and suffer birth defects, low birth weight, tremors, excessive crying, attention deficit disorder, and behavior disorders. Also, they often have intestinal, cognitive, and heart problems.
- In routine urine drug screens completed at the San Carlos Emergency Room in 2005, 25% of the patients tested positive for meth.
- The San Carlos Hospital has reported a sharp increase in the treatment of meth-related ailments over the past 2 years.
- Last year, there were about 500 reports of child neglect and/or abuse reported to the Tribe's Child Protective Services. About 80% of these cases involved alcohol or drug use, such as meth, by the parent. About

¹ Mental health programs in Indian Country are grossly underfunded and do not adequately address the mental health issues causing suicide attempts. For example, at San Carlos, an IHS psychiatrist is limited to seeing patients for only 4 hours once a month and this includes both children and adults. This psychiatrist must travel a two-hour distance to San Carlos and accessibility to services is further complicated by the lack of transportation for many community members. Due to the suicide crisis at San Carlos, the Tribe submitted written testimony to this Committee for its oversight hearing on youth suicide prevention on June 15, 2005.

36% of reported cases of child neglect and/or abuse are repeat occurrences.²

- In the past 12 months, tribal health officials at its Wellness Center have received over 150 referrals or self-referrals for meth treatment. Prior to 2005, the number of meth-related referrals was negligible.
- In the past 90 days, the Wellness Center arranged for 7 inpatient psychiatric stabilizations due to meth psychosis.
- In the past 180 days, the Wellness Center arranged for 3 residential/inpatient admissions for meth use. These admissions were difficult to arrange due to the costs involved as well as a lack of meth-specific treatment providers. San Carlos does not have any detoxification services within a 100-mile radius of the Reservation and there are currently no inpatient/residential treatment providers for meth-involved youth.
- In the past 180 days, the Wellness Center has received increased requests for services for meth-involved tribal members being held in the Tribe's newly built Detention Center. Because the individuals are in the custody of the Detention Center, payment from Medicaid (AHCCCS in AZ) can not be secured, making it extremely difficult to provide adequate services.³

Like the health care and social services programs on the Reservation, the San Carlos Police Department is overwhelmed by the meth problem but nevertheless works tirelessly to battle it. Most of the meth on the Reservation is trafficked in from Mexico. As mentioned above, due to meth, other drugs, and an increasing gang and gun presence on the Reservation, violence at San Carlos has escalated, creating serious public safety problems. The Police Department is short-staffed and lacks the equipment and weaponry needed to properly investigate meth crimes or make arrests. Over the past decade, the Tribe has

² The Tribe is very worried about its funding for Child Protection Services through the BIA. Already, Child Protection Services is underfunded and case workers are responsible for more children than any person could possibly handle, which has resulted in some tragedies, including a 3-year old child in foster care who was placed back with her mother when she should not have been. The mother and the boyfriend sexually abused the child, beat her, and killed her. We understand that the President's FY 2007 budget request proposes significant funding cuts for welfare services within the BIA, which will directly affect Child Protection Services. If these cuts are enacted, then welfare services within the BIA will have a \$16 million shortfall due to shortfalls from previous years also. We cannot afford any more cuts to welfare services at the BIA.

³ Currently, detainees at the Tribe's Detention Center have difficult access to medical care given that Medicaid will not pay for their care and IHS and BIA do not provide enough funding to pay for care. As you can imagine, this creates serious problems when a person is detained that is addicted to drugs or is in need of serious medical care.

experienced severe shortfalls in funding under its 638 contract with the BIA. The Tribe estimates that the shortfall is about \$1 million per year.

Due to funding constrains, there are only two to five officers on duty at any given time to cover 1.8 million acres. Also, due to limited resources and the distance between the Reservation's four districts, the Department has difficulty responding to calls for service in a timely manner and must prioritize calls based upon the severity of the incident.

Even with limited staffing, for calendar year 2004, the San Carlos Police Department handled 20,590 offenses, which included 2 homicides, 6 forcible rapes, 97 aggravated assaults with a knife, 262 aggravated assaults with bodily force, 810 assaults, 242 burglaries by forcible entry, 453 incidents of domestic violence, 106 acts of arson, 433 acts of larceny, 101 cases of drug possession, 316 DWI's, 1108 cases of public drunkenness, and 6,643 cases of disorderly conduct.

Recently, the BIA notified the Tribe that it would receive an additional \$250,000 in base funding to address violent crime on the Reservation due to the increase in funding in the FY 2006 Interior appropriations bill enacted by the Congress for law enforcement in Indian Country. Even though this funding is still not sufficient to meet our true needs, it is a good start that we appreciate. We commend the Administration and the Congress for its efforts to finally provide needed resources to Indian Country law enforcement and we hope that these efforts can continue. For too long, this problem has been neglected. We also thank Mr. Chris Chaney of BIA's Office of Law Enforcement Services for his commitment to this problem and for taking the time to see first-hand the conditions that the police officers at San Carlos have to face every day.

Response of the San Carlos Apache Tribe to the Meth Problem

To combat this escalating problem, the Tribe has taken decisive action by engaging in focused efforts to prevent and eradicate meth on the Reservation. Every program and agency within the Tribe is coordinating together and implementing programs to target the meth problem. The Tribe's goal is to make it clear to meth producers, dealers, and users that the Tribe does not tolerate meth and takes swift and severe action against perpetrators to protect the Reservation's citizens.

On March 8, 2006, the Tribe held a Meth Forum with mandatory attendance by all tribal programs. Also, IHS, BIA and school system officials attended. At the forum, the Methamphetamine Prevention Coalition was created. It is composed of community members, tribal leaders, and providers/agencies located on the Reservation. The Coalition is part of greater effort of the Tribe to combat substance use and suicide called the Strategic Tribal Empowerment Prevention Program (STEPP). It is fairly new but has already secured limited

funding through the efforts of tribal health officials from the State of Arizona to conduct a needs assessment and provide some education to the community about meth. Also, at the forum, officials from the BIA, the Department of Homeland Security, and the Federal Law Enforcement Training Center located in Artesia, New Mexico, as part of Operation Dreamcatcher and through its Indian Country Clandestine Lab Awareness Training Program, provided a community awareness presentation about the effects of meth, how to identify clan labs, and how to report them. They even set up a mock clan lab, which disconcertingly only took 30 minutes. Operation Dreamcatcher officials later provided a training on clan labs to the San Carlos Police Department.

The Tribe has launched a media campaign to educate the community about meth. It is using every communication medium available, including the local newspaper, cable, and radio, to increase awareness about meth. In coordination with the media campaign, the Tribe's Wellness Center conducts community education forums on meth. In the past 90 days, the Wellness Center has provided over 12 community education forums. Also, the San Carlos Hospital's clinicians have provided meth forums at various tribal events, including the Tribe's 7th Annual Wellness Conference this past March.

Also, the Tribe has implemented a meth outreach program for all tribal employees in an effort to educate its employees and for the employees to take the message to their families and neighbors. Further, the Tribe has instituted a drug testing policy for ALL employees. New employees are screened prior to employment and all current employees are randomly tested. Employees that test positive are immediately terminated from employment, referred to treatment, and instructed that they must be substance free for at least one year in order to qualify for future employment with the Tribe.

In the law enforcement arena, the Tribe has revised its legal code to provide its tribal law enforcement with better enforcement mechanisms and stiffer penalties to address the meth problem. Also, over 10 months ago, the Tribe and the U.S. Attorney for the District of Arizona, Paul Charlton, began quarterly meetings to discuss such issues as violent crimes on the Reservation, drug and gun trafficking, and gang violence. At these meetings, the parties discuss ways to improve investigations, prosecutions, and use of resources. Also, these meetings provide a dialogue so that the Tribe can raise concerns of the community relating to a certain case and request information about a case to allay community concerns and fears, especially when a family member has been murdered or becomes the victim of a violent crime.

Recently, the U.S. Attorney's Office for the District of Arizona announced a policy of zero tolerance for drug dealers, including meth dealers, where the U.S. Attorney's Office will prosecute if there is sufficient evidence and there is a significant impact on the community, such as the victimization of children or dealing on or near school grounds. The U.S. Attorney's Office, with the Tribe's

support, has worked diligently to prosecute drug offenders on the Reservation with the investigations being handled by the BIA and the San Carlos Police Department. Over the past two years, the U.S. Attorney's Office has gotten several convictions or guilty pleas of individuals dealing meth on the Reservation, including the convictions of Daniel King and Florena Smith for distributing meth within 1000 feet of a Head Start school, Daniel Hostenez for possession and intent to distribute meth to an undercover federal officer, and Dwight Nash for possession and intent to distribute meth. Several other meth cases are pending. In some of the cases, the quantities of meth were very low, but the U.S. Attorney's office, BIA, and the San Carlos Police Department identified that these dealers were having a significant impact on the San Carlos community. The Tribe strongly supports these prosecutions and convictions because they have a definite deterrent effect on meth distribution on the Reservation.

Also, through the dedicated efforts of U.S. Attorney Charlton and the U.S. Attorney's Office's Tribal Liaison, AUSA Diane Humetewa, the Tribe has begun partnering with other federal agencies, including the FBI, DEA, ATF, the Immigration and Customs Enforcement (ICE) Division, and the BIA's Office of Law Enforcement Services. These agencies have participated in the quarterly meetings and, now, the parties are actively collaborating to address serious crime issues on the Reservation. Also, beginning in May, the U.S. Attorney's Office, FBI, ATF, and DEA will conduct joint training sessions to designated tribal police officers who are on the front line of investigating meth distribution for their tribes.

Already, these relationships have yielded positive results. As mentioned above, the U.S. Attorney's office has gotten several convictions or plea agreements of meth dealers on the Reservation. In more recent events, on March 18, 2006, the San Carlos Police Department discovered a pre-Meth Lab on the Reservation and was able to arrest the perpetrator based upon an outstanding federal arrest warrant. At the end of February 2006, the San Carlos Police Department arrested a tribal member who robbed the Postmaster at the San Carlos Post Office at knife-point. He was carrying a meth pipe when arrested. The San Carlos Police Department is working with the BIA, the U.S. Postal Inspector, and the U.S. Attorney's office on the case. Last week, the San Carlos Police Department arrested a non-Indian for selling meth to tribal members at the Tribe's Casino. The Police Department is working with Gila County on her prosecution, and the suspect is in the custody of the Gila County Sheriff's Office.

Furthermore, the San Carlos Police Department officers are in the process of receiving training from the BIA for federal commission cards, which will allow them to enforce federal criminal laws on the Reservation. The San Carlos Police Department has taken steps so that three of its officers have become certified through the DEA at Quantico as meth lab specialists, and the Police Department plans to send two more officers in the fall to become certified. In the next two

weeks, the DEA, ATF, and the U.S. Attorney's Office will conduct a Project Safe Neighborhoods training at San Carlos for the San Carlos Police Department. Project Safe Neighborhoods focuses on gun crimes but also provides training on drug smuggling, gangs, and illegal aliens given the prevalence that some combination of these elements are often found together.

The San Carlos Police Department also conducts outreach and education to San Carlos youth to make them aware of the deadly ramifications of meth. In March 2006, the Police Department conducted a meth forum for the Boys and Girls Club of San Carlos.

As you can see, we are doing what we can and as much as we can to address this plague through a coordinated approach involving tribal leadership and all tribal programs in conjunction with partnerships and collaboration with federal and local agencies.

We Can't Do the Work Alone

Despite our efforts, we still have a long way to go to eradicate meth on the Reservation. However, resources are limited. Our tribal program personnel have indicated the need for the following so that it can expand upon its efforts to address the meth problem on the Reservation:

- Funding to hire more case workers for the Tribe's Child Protective Services Program to handle the overwhelming case load and to ensure that no child "falls through the cracks;"
- Evidence-based treatment approaches that incorporate our culture and beliefs as well as funding for and access to detoxification and inpatient/residential care;⁴
- The ability to provide detainees at the Tribe's Detention Center (operated by the Tribe under a BIA 638 contract) with access to critical health and behavioral health services as Medicaid does not pay for their care and IHS and BIA do not provide the Tribe with sufficient funding to pay for their care;
- Assistance to provide meth education and outreach as our resources were already strained even before the meth crisis;
- Funding or other assistance so that the San Carlos Police Department can obtain or have access to the specialized equipment needed to preserve drug

⁴ IHS has repeatedly denied the Tribe's requests to include a detox unit in the new IHS health clinic that is planned for completion in 2010 on the Reservation. The Tribe has much difficulty finding placement for its members in detox treatment facilities that meet the needs of Native patients. Also, The Tribe budgets about \$70,000 a year for drug treatment services for its members but can only treat between 7-10 individuals given that the cost is \$7,000 per month and treatment generally lasts 1.5 - 2 months.

evidence and eliminate meth labs and drug trafficking, such as listening devices, night-time surveillance equipment, drug field test kits, gear (Self-Contained Breathing Apparatus) to clean up meth labs, weaponry (*e.g.*, tasers and taser cartridges), and upgraded ballistic armor due to the presence of firearms in drug trafficking;

- Funding so that the San Carlos Police Department can hire needed police officers to handle the rising crime due to meth;
- The hiring of addiction medicine specialists by the IHS for the San Carlos hospital because currently there are none;
- Investments in programs in tribal communities that restore hope in our youth and encourage them to be optimistic about their futures, such as economic development initiatives, vocational training, educational programs, mental health programs, community development programs, and family support groups; and
- A concerted and coordinated effort among federal, tribal, state and local community agencies to address this crisis and a commitment to pool resources.

Conclusion

We appreciate your efforts to help us battle this lethal problem, and we look forward to working with you to ensure that the Apache people and other Indian people across the country have the tools that they need to protect and safeguard their communities.