

**STATEMENT OF
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OFFICE OF JUSTICE SERVICES
BEFORE THE UNITED STATES
SENATE COMMITTEE ON INDIAN AFFAIRS**

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Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Glen Melville, and I am the Deputy Bureau Director for the Office of Justice Services (OJS) at the Bureau of Indian Affairs (BIA) in the U.S. Department of the Interior (Department). Thank you for the opportunity to discuss the impacts of fentanyl in Indian Country.

Background

The United States has a trust relationship with each of the 574 federally recognized Tribes, and their Tribal citizens. Through these relationships, the United States has charged itself with obligations of the highest responsibility and trust – including the obligation to protect the existence of Indian Tribes and their citizens. This obligation is at its highest when it comes to protecting the physical safety and well-being of Indian people within Indian country. BIA OJS plays a crucial role in meeting this obligation on behalf of the United States. Drug related activity in Tribal communities is a major contributor to violent crime and imposes health and economic hardship, and it is continuing to escalate throughout Indian Country.

OJS conducts investigations on narcotics, gangs, human trafficking, and border violations in Indian Country. OJS also has a specialized national drug enforcement division, the Division of Drug Enforcement (DDE), that investigates the distribution of illegal narcotics in Indian Country. The DDE provides investigations that focus on disrupting drug distribution networks and analytical support to track drug cases that directly impact Indian Country. The DDE also offers drug related training and technical assistance to law enforcement programs that operate in Indian Country.

Current Drug Seizure Totals

Each year, our DDE plans and executes multiple undercover narcotic and highway interdiction operations throughout Indian Country. The operations will typically range from 4 to 14 days, where assigned special agents and police officers focus efforts solely on a specific reservation. The number and success of these operations is the strongest driver of our annual illegal drug seizures. During FY 2023, twenty-two such operations were completed, leading to seizure totals of:

- Fentanyl Pills: 1,097,671
- Methamphetamine: 1,846 lbs.
- Fentanyl Powder: 98 lbs.
- Marijuana: 11,411 lbs.
- Heroin: 23 lbs.
- Cocaine: 1,418 lbs.

Current Drug Threats and Impact on Tribal Communities

Nationwide activities of our drug enforcement team are identifying methamphetamine and fentanyl as the prevalent emerging drug threats to the safety of Tribal communities. Tribes reported 1,590 fatal overdoses in FY 2023 and 899 non-fatal overdoses.

American Indian, Alaska Native, and Native Hawaiians, are all seeing significant impacts from opioids. Since the emergence of fentanyl in Indian Country, we have seen increases in overdose deaths in Indian Communities. In addition to fentanyl, other synthetic opioids are becoming more prevalent. One example is carfentanil, medically used as a tranquilizer for elephants and large mammals, it is estimated to be 100 times more potent than fentanyl. One Indian Country overdose death has been attributed to carfentanil so far. Limited seizures have been seen to date; however, the emergence of this and other similar substances is likely on the horizon as –our communities encounter other fentanyl analogues and fentanyl-related substances, which are chemically similar to fentanyl and, in some cases, more powerful.

While the data conveys the seriousness of these threats, we are unable to measure the resulting impact to victims, affected families, and the already strained Tribal justice and social service systems in these communities. However, Tribal officials have consistently called for action toward addressing this increasingly common cause of crime in Indian Country and Tribal justice systems are incorporating traditional and cultural practices to support their communities.

Healing to Wellness Tribal Courts

Many Tribes are reforming or creating judicial systems which incorporate traditional and cultural aspects to create a more effective measure to address the trauma induced circumstances within their communities through Healing to Wellness Tribal Courts.

Healing to Wellness courts have provided positive results in healing and strengthening Tribal communities. For example, Penobscot Nation has not incarcerated a defendant this year, but has graduated individuals from the Healing to Wellness court and provided participants with options for higher education and resulted in commitments to work to create a safer and better community.

Penobscot Healing to Wellness Court

According to the Tribal judges at Penobscot, fentanyl is a major concern for Tribal justice systems, especially for Tribal Healing to Wellness Courts. Fentanyl shows up in criminal cases and child dependency cases as the main reason for unhealthy Native communities.

The Healing to Wellness Court has seen exceptional success with addressing recovery from fentanyl use for the individuals participating in the Healing to Wellness Court. The Healing to Wellness Court uses many avenues for treatment, including culturally relevant practices to successfully address an individual's behavior. Adults are immediately transferred to a hospital for 7-10 days to detox and a Healing to Wellness case manager manages the adult's 30-90-day inpatient treatment while providing biweekly updates to the Healing to Wellness Court. Once the adult individual graduates from the inpatient treatment, they enter a sober living facility within the Healing to Wellness court's jurisdiction.

It's also important to note that since the Penobscot Healing to Wellness Court opened its doors to Tribal members charged by the State, Tribal members using fentanyl have sought to be admitted to the Healing to Wellness court. Penobscot has seen a 60% success rate for Tribal members within their Healing to Wellness court with only two re-offenders.

The Penobscot Tribal Court noted that the cost of addressing fentanyl is much less in the Healing to Wellness courts. For example, the annual cost for incarceration is approximately \$60,000.00 - \$90,000, while the cost of addressing Tribal fentanyl users in the Healing to Wellness court is

approximately \$12,000.00 to \$15,000.00, depending on the level of care. Not only is the cost lower, but the recidivism rate is also far less.

Tribal courts are an essential aspect of Tribal sovereignty and are an opportunity for Tribes to run their own justice systems. There are approximately 400 Tribal justice systems throughout the Nation. The OJS, Tribal Justice Support provides training, technical assistance, and funding for the operation, maintenance, and support of Tribal Justice Systems.

The focus of all these courts is to address issues “upstream” instead of dealing with ultimately tragic issues which debilitate our communities. Tribes are better suited to provide best practices and discuss challenges with their peers.

Conclusion

The Department continues to prioritize and reinforce Tribal sovereignty and self-determination by providing support and resources to improving public safety in Indian Country.

Chairman Schatz, Vice Chairman Murkowski, and members of the Committee, thank you for the opportunity to provide the Department’s views. We look forward to working with Congress to affirm and support Tribal sovereignty and public safety within Tribal communities. I am happy to answer any questions that you may have.