



Department of Justice

STATEMENT OF

**CHRISTOPHER A. "KIP" CROFTS
UNITED STATES ATTORNEY
DISTRICT OF WYOMING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**FIELD HEARING AT WIND RIVER INDIAN RESERVATION
ENTITLED**

**"ADDRESSING THE HARMFUL EFFECTS OF DANGEROUS DRUGS IN
NATIVE COMMUNITIES"**

**PRESENTED
MARCH 31, 2015**

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UNITED STATES ATTORNEY, DISTRICT OF WYOMING
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WIND RIVER INDIAN RESERVATION**

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COMMUNITIES"**

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Good morning. Welcome home, Senator Barrasso, and welcome to Wyoming to the other Committee members who are here today. I very much appreciate your willingness to come here to the Wind River Reservation to hold a field oversight hearing on this very important topic that is having such an impact on the people of the Wind River Reservation.

I would like to recognize a few people with me today from my staff. I brought my Chief of our Criminal Division who is located in our main Cheyenne office. He is responsible for the general supervision of all the criminal cases we consider and prosecute in the District. He is also an enrolled member of the Eastern Shoshone Tribe and was raised on the Wind River Reservation, so he has a special understanding of the people and issues here. The Supervisor of our Casper office and OCDETF (Organized Crime Drug Enforcement Task Force) coordinator is also in attendance. She is the supervisor/coordinator for all of the drug cases we consider for prosecution in the District, including those from the Wind River Reservation. I have also brought an Assistant U.S. Attorney from our Lander Office, which handles many of the criminal matters in the Wind River Reservation.

One additional introductory statement I wish to make is to say that I will generally refer to the people who live on the Wind River Reservation as "Indians" rather than "Native Americans." I mean no disrespect in doing that. The reason I do it is that all of the Statutes that we work with daily refer to Indians. To prosecute a case under the Major Crimes Act we must prove as elements of the case both that the Defendant is an "Indian" and that the case occurred in "Indian Country." Obviously this is a meeting of the "Indian Affairs Committee." I have discussed this with many members of the Eastern Shoshone and Northern Arapaho tribes who reside here, and believe that mostly they are not offended by that, and tend to call themselves "Indians." But I know some people think it is more polite or

appropriate to use the term “Native American.” To those people I apologize, and ask that you understand my reasons.

As you probably know, we share jurisdiction on the Reservation with the Tribal Court. It is an oversimplification, but generally the United States Attorney’s Office prosecutes the more serious felony cases in Federal Court and the Tribal Prosecutor prosecutes the misdemeanor cases in Tribal Court. Our office continuously communicates with the Tribal Prosecutor as to which court is the most appropriate in a given situation, usually depending on the weapon used and the degree of injury in violent crime cases. For example, unarmed assaults will generally go to the Tribal Court. Using our prosecutorial discretion and in line with Department policy, we have always said that we will prosecute any drug case-referral from Indian Country, if the circumstances indicate that we should do so.

Reservation cases represent a significant part of our caseload in Wyoming. Last year they comprised about 25% of our total criminal workload. To better deal with these cases, and to be closer to the place where the crime occurred, the victims, the witnesses and the investigators, the U.S. Attorney opened an office in Lander in 1995. Lander is a town about ten miles from here that was within the original Wind River Reservation created by the Fort Bridger Treaty of 1868. That southern part of the Reservation was ceded back to the United States in the 1872 Brunot Cession – but Lander is still very close to the Reservation and much more convenient for our purpose than our offices in Cheyenne and Casper. Our staff in Lander occasionally prosecutes cases from other places in northwest Wyoming, but the majority of their time is spent on Reservation cases. As the sole AUSA in this branch office when it opened in 1995, I handled nearly all the criminal matters from Wind River with the assistance of one paralegal. We now thankfully have four lawyers in that office. The Lander staff continues to handle almost all the criminal cases from Wind River. Our Civil Division is located in Cheyenne, but they represent the United States on the Civil cases that come from the Reservation. As you know our Federal District Courts are located in Casper and Cheyenne. Unfortunately, the Federal Courthouse in Lander closed at about the same time we opened our Lander office.

Getting to the subject of your hearing, “Addressing the Harmful Effects of Dangerous Drugs in Native Communities,” I will start by saying that there are many harmful effects, and they need to be addressed far better than we have done in the past, so once again I appreciate the Committee’s interest and attention to this subject.

It is my belief that by far the most damaging drug on the Wind River Reservation is alcohol. I will speak primarily about the impact of alcohol on crime, but obviously it has many more negative effects – on health, families, Indian culture, and quality of life on the Reservation in general. I have observed during my twenty five year long career, that alcohol abuse is a contributing factor in most of the violent crimes committed on the Reservation. I have been personally involved, directly or indirectly, in the prosecution of far too many crimes of violence on the Reservation for about twenty-five years. I have seen very few cases of violent crime in Indian Country that did not involve alcohol abuse. Given this trend, prevention and treatment of alcohol abuse must play a significant role in an overall strategy to reduce the rate of violent crime, including sexual crime, at Wind River.

Not only does alcohol abuse correlate with criminal conduct in the first place, but too often we cannot deter further alcohol--fueled recidivism and break the cycle of violence and incarceration. Federal prison inmates may enroll in the substance abuse program operated by the Bureau of Prisons pursuant to the Violent Crime Control and Law Enforcement Act of 1994; however, violent crime offenders are not eligible for the sentence reduction given to drug offenders under 18 U.S.C. § 3621(e)(2). I am told that this can cause a disincentive for the persons convicted of violent crimes to seek treatment in prison because it uses treatment space otherwise used by a person with a drug conviction who can get a sentence reduction. This leads to peer pressure for the violent offenders to avoid the treatment program. Then, when they are released from the prison component of their sentence for a violent crime, there is no half-way house on the Reservation that focuses on re-entry and transition back into the Reservation community. This is reflected in a very high revocation rate among Indian defendants convicted of violent crimes who get sent back to prison for violating the terms of their supervised release. Almost always the revocation results from alcohol abuse.

Our office and representatives of the two tribes at Wind River have been selected to attend an “Intergovernmental Re-entry Workshop” at the end of May 2015. There will be an opportunity to talk to people from the Bureau of Prisons at that workshop, and I’m hopeful we can achieve some better integration of their programs, with the local programs that exist on the Reservation, and do a better job of preventing the revocation of release. Effective prevention and treatment of alcohol and drug abuse is far from easy, even with adequate resources available, but I believe it is worth the effort. Ideally, better alcohol (and drug) treatment and prevention programs would prevent the crimes of violence from occurring in the first place.

There are some local alcohol and substance abuse programs on the Reservation, including Sunny Goggles of White Buffalo Recovery. The services offered by this recovery program and others are essential to the overall strategy to reduce crime and recidivism. An endless cycle of felony prosecutions, revocation of release and re-imprisonment, is clearly not the answer. Mostly the local programs are outpatient programs, however, inpatient facilities where a tribal court judge or federal judge can order the individual to complete treatment prior to release back into the community may help to end the cycle of abuse and incarceration.

Although alcohol abuse primarily fuels violent crime, Wind River is not immune from the harmful effects of other drugs as well. Methamphetamine, which is used to a much lesser extent than alcohol, damages families and communities throughout Wyoming and my office takes seriously any case involving this dangerous drug. Marijuana is commonly found, however our observation is that it does not generally contribute to violent crimes. In my opinion, the diversion of pharmaceutical drugs, and overdose deaths are the next most serious problem after alcohol. Kids are especially vulnerable because they see these drugs as “safe” compared to street drugs, since they are prescribed and dispensed by a pharmacy. We had a tragic case several years ago in which three young girls died after ingesting pain medicine taken from a grandmother’s house on the Reservation. We learned of another case recently where kids were taking pills from home to school and sharing them. Fortunately this was discovered before anyone was injured. We agreed with the Tribal Prosecutor that they should handle the prosecution in that case since no one was injured. Those two cases exemplify our strong relationship with our Tribal law enforcement and Tribal Court partners, where responsibility is shared.

We have had too many of these cases across Wyoming in recent years. Sometimes these are considered to be tragic accidents and there is no enforcement action. Our office has been very involved in many of these cases, and we have taken the position that when prescription drugs are unlawfully dispensed and someone dies as a direct result, these are not “accidents”, but in fact criminal acts. In our experience, when pills become difficult to obtain, young people may turn to heroin as a cheaper and more available alternative. Fortunately we have not heard of such a case on the Reservation. In my opinion, this may be due to the distance of the Reservation from major urban centers, such as Denver or Salt Lake City. We remain vigilant for trends related to prescription drug abuse and heroin. DEA has indicated that they are exploring the option of placing a Tactical Diversion Squad (TDS) in Wyoming to address the diversion of pharmaceutical drugs. I welcome a

TDS that focuses on the Wind River Reservation, as well as other parts of Wyoming.

Alcohol and the diversion of pills, in my view, present the most serious problem for the Wind River Reservation. In short, I believe we need better prevention and treatment options to supplement enforcement and prosecution in order to reverse the abuse of these substances and lower violent crime on the Wind River Reservation.

Mr. Chairman, this concludes my statement. I would be happy to answer any question you or other members of the Committee might have.