

Methamphetamine: A Devastation in Indian Country and Funding Needs

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*A Tradition of Native
American Housing*

What is Methamphetamine

Methamphetamine (also called meth, crystal, chalk, and ice, among other terms) is an extremely addictive stimulant drug that is chemically similar to amphetamine. It takes the form of a white, odorless, bitter-tasting crystalline powder.

Methamphetamine is taken orally, smoked, snorted, or dissolved in water or alcohol and injected. Smoking or injecting the drug delivers it very quickly to the brain, where it produces an immediate, intense euphoria. Because the pleasure also fades quickly, users often take repeated doses, in a “binge and crash” pattern.

From National Institute on Drug Abuse website

<https://www.drugabuse.gov/publications/drugfacts/methamphetamine>

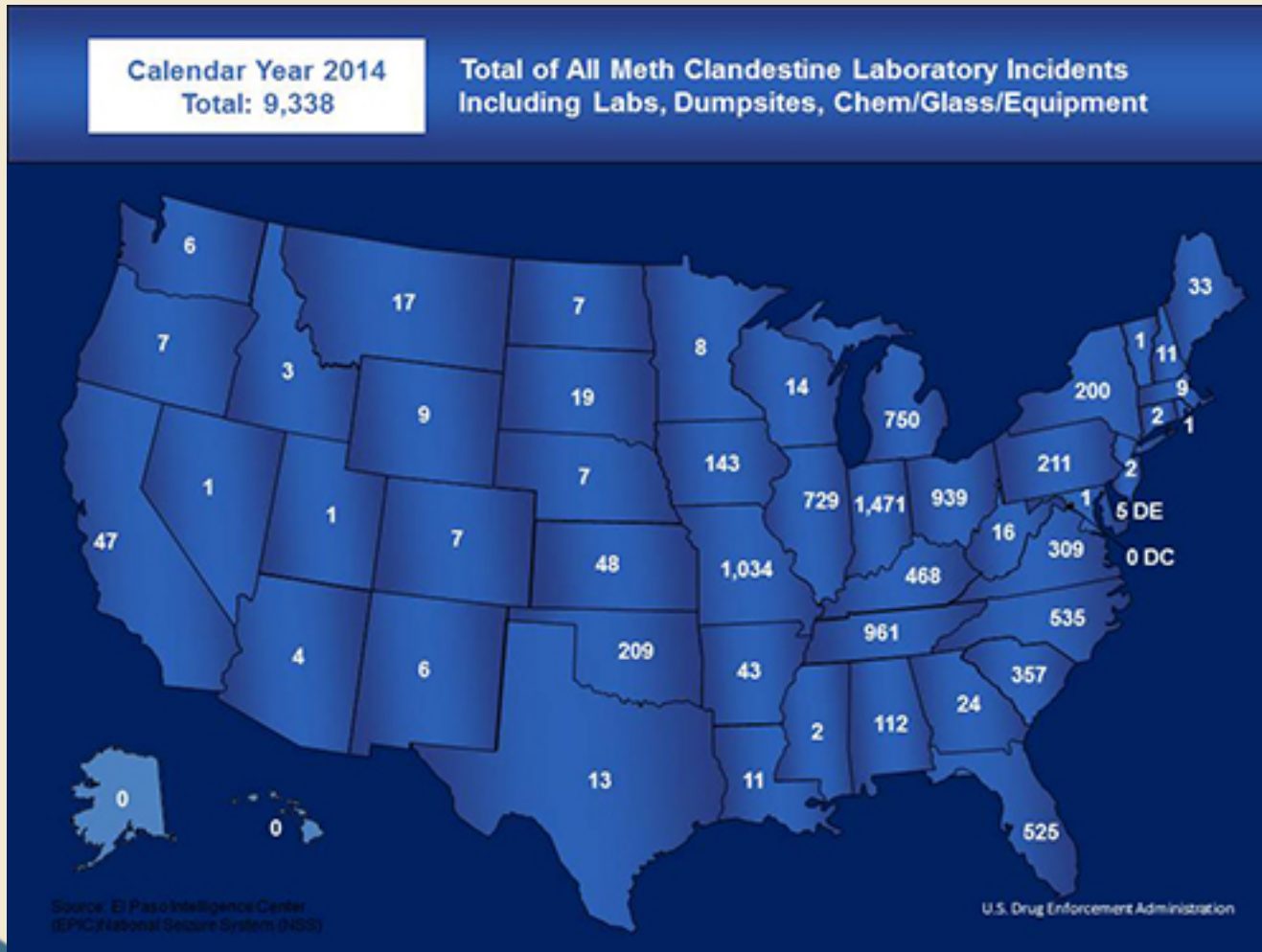


How is Meth Made?

Most of the meth abused in the U.S. is manufactured in “superlabs” here or, more often, in Mexico. But the drug is also easily made in small clandestine laboratories, with relatively inexpensive over-the-counter ingredients such as pseudoephedrine, a common ingredient in cold medicines. To curb production of methamphetamine, pharmacies and other retail stores are required by law to keep logs of purchases of products containing pseudoephedrine; individuals may only purchase a limited amount of those products on a single day.

From National Institute on Drug Abuse website
<https://www.drugabuse.gov/publications/drugfacts/methamphetamine>

Meth is a National Problem



Meth and the Environment

Methamphetamine production also involves a number of other, very hazardous chemicals. Toxicity from these chemicals can remain in the environment around a methamphetamine production lab long after the lab has been shut down, causing a wide range of health problems for people living in the area.

From National Institute on Drug Abuse website

<https://www.drugabuse.gov/publications/drugfacts/methamphetamine>



Meth and the Environment

Cooking vs. Smoking

Studies have shown that the smoking of meth alone can produce levels of airborne meth that may result in a general contamination of the structure in which it is smoked (although contamination levels will also depend upon how much meth was smoked and the smoker's technique)

From EPA Voluntary Guidelines for Methamphetamine Laboratory Cleanup, March 2013

https://www.epa.gov/sites/production/files/documents/meth_lab_guidelines.pdf



Meth in Indian Country

Catastrophic Impact in Indian Country Overall

- “Native Americans now experience the highest meth usage rates of any ethnic group in the nation.”
 - From NCAI November 2006
- Easy to make
- Highly addictive
- Limited treatment options
- Drug cartels have targeted reservations
 - Jurisdictional issues
 - Lack of law enforcement on many reservations
 - Poverty/socioeconomics

Meth in Indian Country

TDHEs working alone cannot solve this problem.

There are three areas that tribes must address cooperatively to save their communities:

- **Housing and housing stock**
- **Law enforcement and Court resources**
- **Treatment and rehabilitation (without this, the problem simply moves from place-to-place)**

It has been said that there is no way to evict or arrest your way out of this problem.

This is all an incredible drain on tribal resources that are already severely limited.



Devastating Impact for Many TDHEs

- Depletes housing stock
- Cost to evict
- High Cost to cleanup
 - Depending on level of contamination, costs can be many thousands of dollars for one home
- In some cases, a home cannot be remediated or cleaned and must be demolished (potential loss of FCAS)
- Even when a court awards a monetary judgment for the costs of contamination, most tenants cannot actually pay the judgment.
- Tenants often move to other TDHE or tribal units and continue use/contamination

Indian Housing Challenges – Great Needs

In many cases tribes do not have public health departments for monitoring or adequate laws in place regarding clean up requirements or safe thresholds.

- TDHEs often lead the way for their communities in developing standards, policy and procedures.
- Essential to develop internal policy or rules for how to address meth in housing units.
- Must work with Tribal governments to strengthen laws and advocate for enforcement.



Policies and Rules

- It is strongly recommended that TDHEs implement policies or rules to address meth contamination
- Testing procedures
 - Who conducts tests?
 - If staff, training and certifications
 - When is a test done?
 - Probable cause?
 - As part of regular inspections?
 - Random testing?
 - Who pays for the test?

Policies and Rules

Must Address:

- What happens when a unit tests positive?
- When will a unit need to be decontaminated?
- Must set a contamination threshold for cleanup and enforcement purposes
 - No standard threshold amount
 - Number differs by state, county, and city
 - 2.0, 1.5, 1.0 $\mu\text{g}/100 \text{ cm}^2$ (micrograms per 100 square centimeters) for example
 - Number also used to determine when a unit is deemed safe to re-inhabit (may not always be 0)
 - 0 $\mu\text{g}/100 \text{ cm}^2$ may not be financially/realistically feasible.

Policies and Rules

- Cleanup requirements
 - Who and how?
- Tenant possessions when contaminated?
- Disposal requirements?
- Safety requirements if cleanup will be done by TDHE staff
 - Protective equipment
- Describe training or certification requirements, if any
 - Meth cleanup department

Policies and Rules

- **Enforcement**
- **Must determine how tenants will be accountable when a unit is contaminated with meth.**
- **Eviction?**
 - **All tenants or only the tenants responsible for contamination?**
- **Reporting test results to law enforcement?**
- **Will the tenant be required to pay back costs?**
- **Where will displaced family go during cleanup?**
- **Are there therapy/rehab resources available?**

Other Policy Considerations

- **Some jurisdictions require that a landlord disclose to future tenants when a unit was previously contaminated with meth.**
- **Once a unit tests positive the TDHE has a responsibility to make the unit safe and habitable, including moving occupants out as soon as possible.**
- **How do you prove a tenant is responsible for meth contamination if the unit hasn't tested clear at occupancy and/or there isn't a police report or other evidence to tie the tenant to the contamination?**
 - **Some courts require evidence that meth contamination is caused by the tenant.**

TDHE EXAMPLES

- Cheyenne River Housing Authority, Oglala Sioux (Lakota) Housing, and Sicangu Wicoti Awanyakpe (Rosebud) have all implemented meth policies and procedures that share some common elements:
 - Created and implemented a comprehensive policy and cleanup manual to address meth in housing units
 - Includes protocols for testing, enforcement and cleanup
 - Created meth remediation team or dept. within TDHE
 - Adopted EPA's Voluntary Guidelines for Methamphetamine Laboratory Cleanup

TDHE EXAMPLES

- Also implemented a procedure to address meth in housing units.
 - Prohibits all meth use, manufacture, sale or distribution in or near any TDHE property
 - Prohibits tenants from engaging in any use, manufacture, sale or distribution at or away from the unit
 - Requires TDHE to conduct scheduled testing of units
 - Lease termination when a unit tests positive above a certain level
 - Working with tenants to remediate when a unit tests positive below the “move-out” level

TDHE EXAMPLES

- Numerous houses have tested positive for meth since program was implemented.
- TDHEs are working with some tenants and giving them one more opportunity to remain tenants.
- Tribal Courts have been generally supportive/informed on the cases that have come before them.
- Also conducting ongoing outreach with tenants to educate tenants on tribal law, housing policies and possible consequences when meth is found in a unit.
- Based on current circumstances, the TDHEs have designated a significant part of their budget for meth remediation – the challenge of where to find funding is huge

Tribes Fighting Meth

- Many tribes creating stricter laws to address meth problems
- Banishment/Disenrollment Laws
- For non-tribal and tribal members
- Even with strong laws in place enforcement is still a major issue for some tribes due to current lack of law enforcement resources
 - Not enough police officers
 - Not enough funding
 - Not enough prosecutorial or court resources
 - Not enough jail/rehab resources

Cheyenne River Sioux Tribe

•Cheyenne River Sioux Tribe Resolution:

- Excludes individuals convicted of dealing, manufacturing or trafficking meth, including convictions for possession with intent to distribute
- Applies to tribal and non-tribal members
- Applies whether the behavior occurred on or off the reservation
- Immediate Exclusion
- No right of appeal
- However, little to no prosecution in Tribal Courts

Oglala Sioux Tribe

- Worked extensively with the TDHE to strengthen OST dangerous drug laws, including meth.
- New law was passed unanimously by the Tribal Council this fall, includes
 - Banishment for individuals (members and non-members) who are convicted of a dangerous drug offense on or off the reservation shall be subject to exclusion and banishment.
 - This would require prosecutorial/court resources focused for implementation.
- TDHE is also actively involved with the tribe and tribal programs to help educate and involve other tribal agencies to combat meth on the Pine Ridge Reservation.

Strict Enforcement?

Yakama Housing – Summer 2016

www.yakimaherald.com/news/local/yakama-nation-housing-authority-makes-hard-choices-in-effort-to/article_818d93f8-70d4-11e6-b6d4-cf1411c7f90f.html

- Lease agreements require tenants to pass drug tests.
- 270 tribal members removed from homes for various violations of the lease agreement, including
 - Illegal drug use
 - 4 meth labs discovered
 - \$40,000 + to decontaminate each
- Huge number of displaced families depending on tribe for shelter and other living needs

Funding Challenges

- **Current NAHASDA Block Grant funding shrinking and not sufficient.**
- **National crisis outside of Indian Country in many other communities.**
- **Both UNAHA and Great Plains Tribal Chairman's Association have passed resolutions asking Congress to find \$100 million in additional funds to address mitigation of methamphetamines in Indian housing units and to strengthen tribal law enforcement and Court resources**



Thank You!

Questions?

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