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Measuring the Criminal Justice System Impacts of the Increased Presence of Methamphetamine in the Bakken Oil Formation

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July 2019

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Abstract

The Justice Research and Statistics Association (JRSA), with funding from the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), conducted an exploratory study to collect, assess, and analyze data from states (specifically, the state Statistical Analysis Centers or SACs) related to the impact of the Bakken oil boom on criminal justice system resources. The project examined states and localities in the Bakken oil region and those located along distribution routes utilized by Mexican Drug Trafficking Organizations (DTOs). The goal was to identify and collect quantitative and qualitative data in nine target states (Arizona, California, Colorado, Montana, Nebraska, New Mexico, North Dakota, Utah and Wyoming) and four tribal nations (Fort Peck, Fort Berthold, Tohono O'odham and Navajo Nation). Data collection was guided by five hypotheses:

1. The availability and use of illegal drugs in general, and methamphetamine in particular, have affected the justice systems in the states and localities bordering the Bakken oil formation by causing increased strain on resources.
2. Mexico serves as the primary source of methamphetamine and other drugs being trafficked into the states and localities bordering the Bakken oil formation.
3. Justice systems in states and localities located along distribution routes used by Mexican DTOs to transport drugs in general, and methamphetamine in particular, to the Bakken oil formation have experienced increased strain. These effects corresponded with the rapid increase in oil production over time.
4. The availability and use of illegal drugs in general, and methamphetamine in particular, affected the justice systems in the tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs to the Bakken oil formation by increasing strain on justice system resources.
5. Mexico serves as the primary source of methamphetamine and other drugs being trafficked to tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs.

JRSA collected and analyzed data specific to methamphetamine in five states, along with other measures not specific to methamphetamine in the two primary states of Montana and North Dakota. In addition, project staff completed a convenience sample of 105 interviews in nine states and 14 interviews at the Fort Peck Reservation with law enforcement and other stakeholders to get their perspectives on issues associated with the hypotheses.

Findings suggest an increased presence of methamphetamine in the Bakken region corresponding with the Bakken oil boom. Increases in methamphetamine in the states and localities along distribution routes could not be linked directly to the oil boom. Interviews indicated that methamphetamine is now being primarily sourced from Mexico rather than from domestic labs.

Acknowledgements

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Introduction

The Bakken formation is an oil deposit found in an area known as the Williston Basin, which is located in the north central United States, underlying much of North Dakota, eastern Montana, northwestern South Dakota, and southern Saskatchewan and Manitoba, Canada (Grape, 2006). Using newly developed technology, including horizontal drilling (commonly known as “fracking”), oil companies will be able to extract much of the Bakken formation’s estimated 7.4 billion barrels of oil, the largest oil source in the lower 48 states (Gaswirth et al., 2013).

Figure 1 shows Montana and North Dakota oil production from 2005-2015 (Montana Board of Oil and Gas Conservation, 2017a; North Dakota Department of Mineral Resources, 2017a). Oil production for Montana and North Dakota combined grew from 68 million barrels of oil in 2005 to 461 million barrels of oil in 2015, an almost seven-fold increase in this 10-year period.

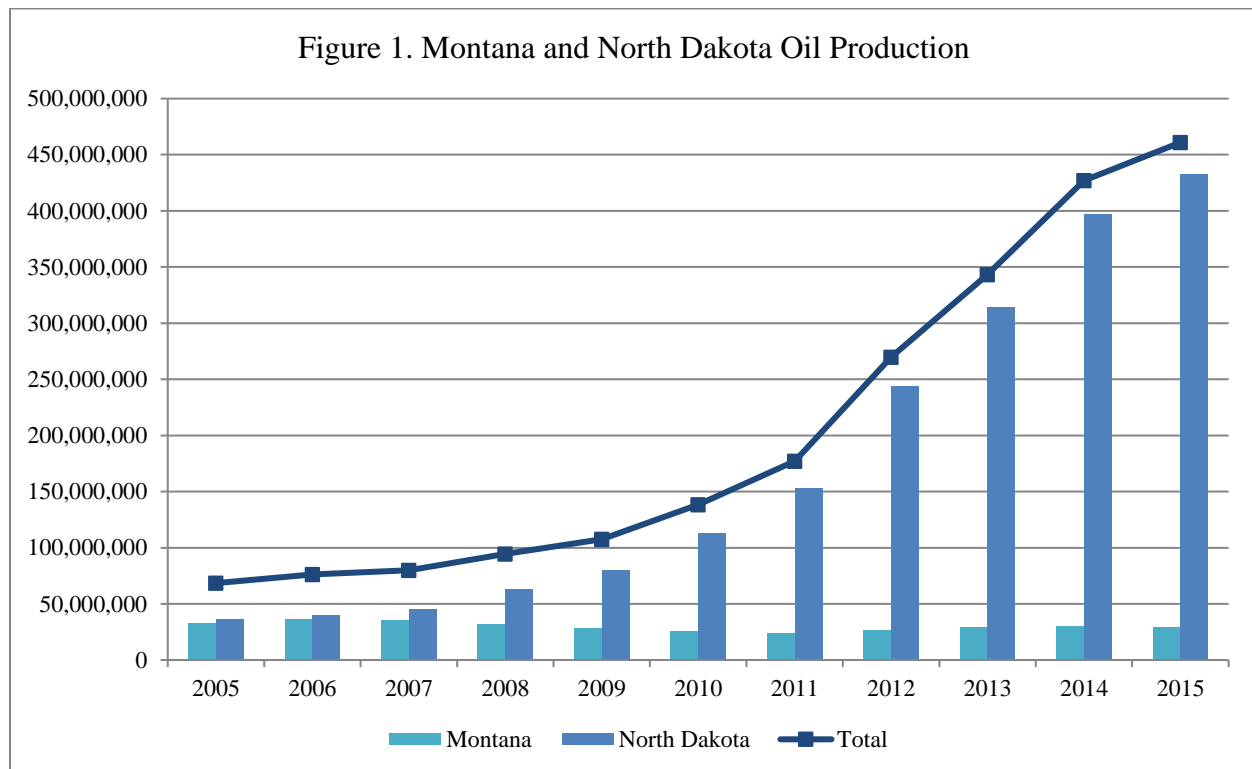


Figure 2 displays oil production from only the Bakken formation in each state (Montana Board of Oil and Gas Conservation, 2017b; North Dakota Department of Mineral Resources, 2017b). North Dakota’s yield from the Bakken formation increased steadily from 2008 on. Production in the state from this region roughly doubled every two years between 2008 and 2015. By 2015, the Bakken formation accounted for 95% of oil produced in North Dakota. By contrast, production in Montana was relatively small and remained fairly steady over the time period.

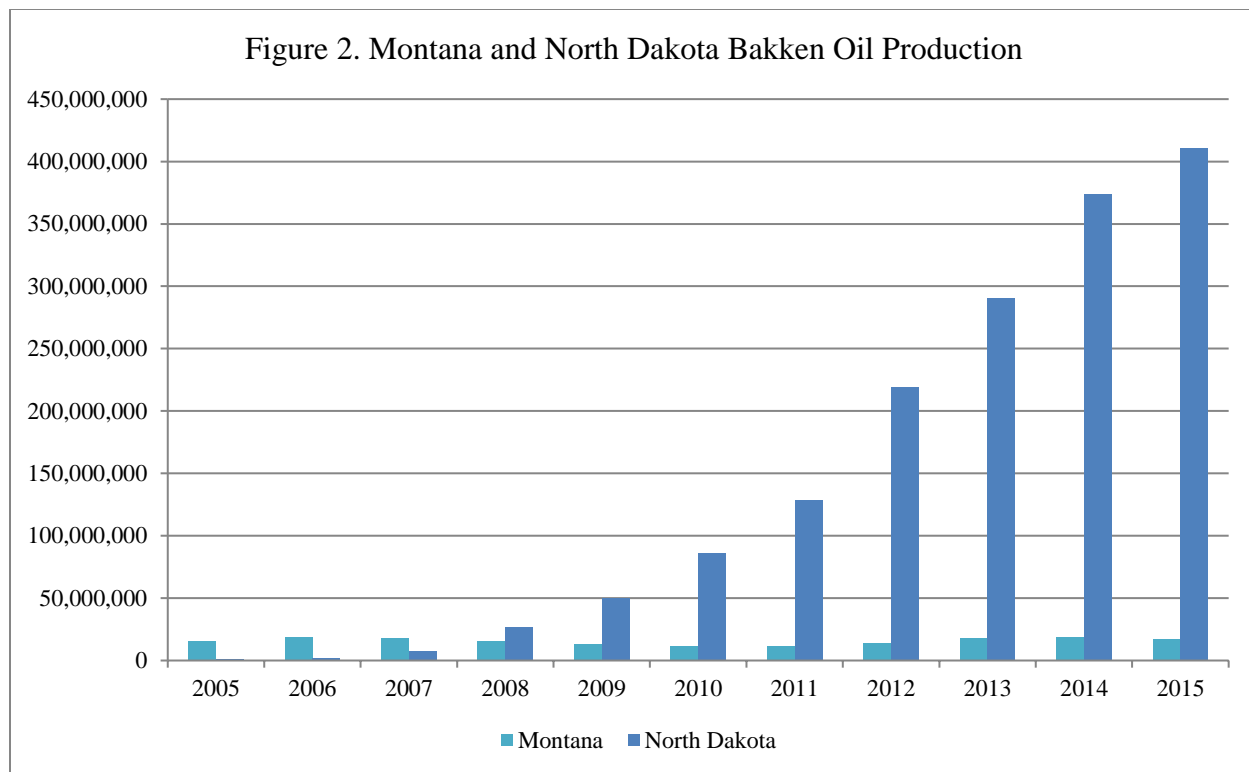


Table 1. Year to Year Percent Changes in Oil Production

Year	Montana All Formations	North Dakota All Formations	Montana Bakken	North Dakota Bakken
2006	+10.7%	+12.0%	+19.1%	+119.5%
2007	-3.8%	+13.0%	-3.9%	+223.2%
2008	-9.5%	+39.1%	-13.9%	+265.7%
2009	-11.9%	+27.0%	-14.5%	+82.5%
2010	-9.0%	+41.8%	-11.6%	+72.6%
2011	-4.6%	+35.4%	-0.3%	+49.8%
2012	+9.7%	+59.0%	+18.8%	+70.4%
2013	+10.5%	+29.1%	+25.9%	+32.3%
2014	+2.1%	+26.5%	+4.1%	+28.7%
2015	-4.5%	+8.9%	-5.2%	+10.0%

The increase in oil production has brought thousands of jobs and hundreds of millions of dollars in new revenues to communities in the Bakken region. Annual average employment for natural resources and mining grew from 11,158 in 2005 to 13,020 in 2015 and from 6,983 in 2005 to 27,637 to 2015 in Montana and North Dakota respectively (Bureau of Labor Statistics, 2016). Annual average pay for natural resources and mining grew from \$45,412 in 2005 to \$66,414 in 2015 and from \$44,841 in 2005 to \$92,176 in 2015 for Montana and North Dakota respectively (Bureau of Labor Statistics, 2016). Gross domestic product (GDP) for oil and gas extraction in North Dakota went from \$215 million in 2005 to a peak of \$4.749 billion in 2014 (Bureau of

Economic Analysis, 2017). Growth in Montana was more modest, increasing from \$451 million in 2005 to a peak of \$1.036 billion in 2013 (Bureau of Economic Analysis, 2017).

Increased oil production has also brought a variety of problems related to infrastructure and crime. While a few high-profile homicide and sexual assault cases have received widespread media attention, the most common types of crime in the Bakken region are drug-related. According to a recent report by the North Dakota Attorney General's Office, "multiple pounds of meth are being trafficked through the Bakken on a weekly basis" (2014). The report goes on to note "a notable increase in drug trafficking organizations (DTOs), with direct connections to cartels in Mexico" (North Dakota Attorney General's Office, 2014).

In 2015, the Justice Research and Statistics Association (JRSA) was tasked by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) with collecting, assessing, and analyzing data from the states (specifically, the state Statistical Analysis Centers or SACs)¹ related to an increase in methamphetamine following the rapid increase in oil production in the Bakken oil formation. The purpose of this exploratory study was to identify and measure the criminal justice system impacts of increased illegal drug activity associated with the Bakken oil boom on the states involved (specifically, Montana and North Dakota), and to determine whether Mexican DTOs are a major source of methamphetamine and other drugs in the region. A total of nine states were selected as the focus of this project: Arizona, California, Colorado, Montana, Nebraska, New Mexico, North Dakota, Utah and Wyoming. Additionally, four tribal nations were selected: Fort Peck (Assiniboine and Sioux), Fort Berthold (MHA Nation, aka Three Affiliated Tribes), Tohono O'odham and Navajo Nation. These states and tribal nations were selected because they either border the Bakken oil formation or are located along distribution routes used by Mexican DTOs.

The hypotheses that guided the present effort were as follows:

1. The availability and use of illegal drugs in general, and methamphetamine in particular, have affected the justice systems in the states and localities bordering the Bakken oil formation by causing increased strain on resources.
2. Mexico serves as the primary source of methamphetamine and other drugs being trafficked into the states and localities bordering the Bakken oil formation.
3. Justice systems in states and localities located along distribution routes used by Mexican DTOs to transport drugs in general, and methamphetamine in particular, to the Bakken oil formation have experienced increased strain. These effects corresponded with the rapid increase in oil production over time.

¹ SACs are agencies that collect and analyze statistical data on the criminal justice systems in their states, and are funded in part by BJS. JRSA is the membership organization of the SACs.

4. The availability and use of illegal drugs in general, and methamphetamine in particular, affected the justice systems in the tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs to the Bakken oil formation by increasing strain on justice system resources.
5. Mexico serves as the primary source of methamphetamine and other drugs being trafficked to tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs.

The goal was to see whether quantitative and qualitative data could be collected from the states and tribes that would shed light on these hypotheses. Analyses explore the availability and quality of data necessary to examine the impact of illegal drugs in general, and methamphetamine in particular, on crime and the criminal justice system.

Methodology

Quantitative State Data

To examine the hypotheses outlined above, a number of indicators of criminal justice system resources and potential impacts were identified. Possible data elements included: law enforcement calls for service; methamphetamine seizures; methamphetamine lab seizures; gun and drug seizures other than methamphetamine; police traffic stops; offenses known to police; arrests; law enforcement personnel; cases prosecuted; case dispositions; sentence types and lengths; probation caseload; jail population; prison population; jail personnel and facility resources; and prison personnel and facility resources. Corresponding with the rapid increase in oil production shown in Figures 1 and 2, we sought to obtain data for the years 2005-2015.

Counties in the various states were divided based on whether or not their boundaries were part of the Bakken oil formation. Counties were also divided into two groups based on whether they had a north-south interstate running through them, on the assumption that these highways would serve as potential smuggling routes from Mexico to the Bakken region. Specific cities were identified for study based on High Intensity Drug Trafficking Area (HIDTA) reports from the Drug Enforcement Administration (DEA) that identified them as being negatively impacted by drug trafficking in general and methamphetamine trafficking in particular.

JRSA staff first identified all publicly available data in each of the nine states (these data sources are summarized in Appendix A). State specific data information sheets detailing limitations were sent to each state SAC Director in early February 2017 (see Appendix B). For each proposed data source, we asked the SAC Director to tell us: (1) if they had access to, or could assist us with getting access to, the datasets underlying the reports; and (2) whether they were aware of a data source for any element that addresses the limitations outlined. For elements for which we

could not identify a potential data source, we wanted the SAC Directors to tell us whether sources existed. We were particularly interested in data for specific localities, which were identified in an accompanying document sent to the SAC directors.

JRSA received data request spreadsheets back from all SACs except for California and Wyoming. Wyoming stated that they did not have access to data that would be an improvement on what JRSA identified. While many SACs helped JRSA identify additional data sources, they were not able to directly provide the data. Appendix C summarizes all publicly available state or local data found online by JRSA project staff with input from SAC Directors and staff. Given that one of the goals of the project was to assess the availability of state and local data, federal data sources were not included in the analyses.

Several SACs directed JRSA to other state agencies (e.g. Administrative Offices of the Courts) for additional data. Requests were sent to the Utah Administrative Office of the Courts, the Rocky Mountain HIDTA, the Colorado Bureau of Investigation and the Colorado Judicial Branch. Cases prosecuted, case dispositions and sentence types and length data were successfully received from the Utah Administrative Office of the Courts for a small fee.²

Data collection was prioritized based on whether the data source contained meth specific data or not. All identified data sources with meth specific data were given the highest priority. Since the primary states of interest were Montana and North Dakota, all available data, regardless of whether they were meth specific, were collected for these two states.

Qualitative Data

Lists of potential interviewees in each of the nine states were compiled with input from state SAC Directors. The lists included county sheriffs, county/district attorneys, city police chiefs, state police chiefs, HIDTA Regional Directors, Bureau of Indian Affairs (BIA) Regional Directors, BIA Office of Justice Services District Directors, state offices of tribal relations, drug task force directors and department of public safety directors. JRSA project staff compiled a list of email addresses for these individuals. Initial contact was made via email, with interviews being conducted over the phone. A later section of this report details the number of individuals contacted, the number of interviews conducted, and the results of those interviews.

In-person interviews were also conducted with key members of the Assiniboine and Sioux nations, both of which inhabit the Fort Peck Reservation.

² Unfortunately, we were ultimately unable to use these data due to the inability to identify meth offenses.

Results

Assessment of Data Availability

Meth Specific Data Availability

It is relatively difficult to find data at the state or local levels that include the specific drug type as one of the data elements. The majority of the states examined do not specify drug types within their penal codes, instead referring to Schedule I, Schedule II, etc. “controlled substances” or “dangerous drugs.” Therefore, an individual will be charged for a drug offense (e.g. possession), but official records, and especially automated records, may not reflect the specific drug type involved in the offense. When drug types are specified, methamphetamine is grouped with amphetamine as a single drug type.

Table 2 summarizes the meth specific data received in response to the SAC data requests or collected by JRSA from publicly available sources online. Most of these sources include data for only a portion of the time period of interest (2005-2015). Since Montana and North Dakota are the states most affected by the Bakken oil boom, the availability of data in these states is discussed separately below.

Table 2. Summary of Meth Specific Data Sources

State	Source	Data Available
Montana	Montana Incident-Based Reporting System	Incidents, Arrests and Seizures
North Dakota	North Dakota Crime Statistics Online	Incidents, Incidents Cleared by Arrest and Seizures
Arizona	Arizona Criminal Justice Commission Enhanced Drug and Gang Enforcement (EDGE) Report	Convictions, Seizures, Arrests, Persons Sentenced, Sentencing Type, Investigations and Lab Seizures
Nebraska	Omaha Police Department Annual Report	Arrests, Seizures, Lab Seizures and Shutdowns
Utah	Open Data Salt Lake City: Salt Lake City Police Department	Calls for Service

Montana Data Availability

Table 3 displays the available sources of data in Montana for the indicators of interest. All of these sources are publicly available online.

Table 3. Summary of Montana Data Sources

Indicator	Source
Methamphetamine Seizures	Montana Incident-Based Reporting System
Offenses Known to Police	Montana Incident-Based Reporting System
Arrests	Montana Incident-Based Reporting System
Gun Seizures	Montana Incident-Based Reporting System
Police Traffic Stops	Montana Highway Patrol Traffic Stops Report
Cases Prosecuted	Montana Judicial Branch Court Caseload Statistics
Probation Caseload	Montana Department of Corrections Biennial Report
Prison Population	Montana Department of Corrections Biennial Report
Law Enforcement Personnel	Montana Board of Crime Control Law Enforcement Personnel in Montana Report

Other sources were consulted, but ultimately not used in the report. Those sources are listed in the references list.

North Dakota Data Availability

Table 4 displays the available sources of data in North Dakota for the indicators of interest. As with the Montana data, all of these sources are publicly available online.

Table 4. Summary of North Dakota Data Sources

Indicator	Source
Methamphetamine Seizures	North Dakota Crime Statistics Online
Offenses Known to Police	North Dakota Crime Statistics Online
Arrests	North Dakota Bureau of Criminal Investigation Crime in North Dakota Report
Cases Prosecuted	North Dakota Court System Annual Report
Sentence Lengths	North Dakota Department of Corrections and Rehabilitation Fact Sheet
Prison Population	North Dakota Department of Corrections and Rehabilitation Fact Sheet
Law Enforcement Personnel	North Dakota Bureau of Criminal Investigation Crime in North Dakota Report

Other sources were consulted, but ultimately not used in the report. Those sources are listed in the references list.

Findings

Meth Specific Data Analysis

As noted previously, Montana and North Dakota are the two states most affected by the Bakken oil boom. Data from these states are presented first, followed by the other states for which meth specific data were available.

Montana

The data analysis for Montana focuses on looking at trends in counties in the Bakken formation versus those counties not in the Bakken formation. These classifications were made based on information from US Mineral Resources (US Mineral Resources, 2012). The Bakken counties accounted for about 5% of the state's total population from 2005-2015 (ranging from about 4.9% in 2008 and 2009 to about 5.3% in 2014 and 2015). Given this large discrepancy in population between the Bakken and non-Bakken counties, rates (per 1,000 residents) for most of the data elements examined were calculated utilizing US Census data.³

Amphetamine/methamphetamine-related incidents, arrestees and seizure data for Montana were obtained from the Montana Incident-Based Reporting System⁴ operated by the Montana Board of Crime Control. This is a publicly available NIBRS-compatible system that allows users to create custom queries and produce aggregate data in table or graph form. Data were reported for all 56 counties. Queries for amphetamine/methamphetamine incidents, arrestees and seizures were downloaded for the years 2005-2015.

Figure 3 shows the number of amphetamine/methamphetamine incidents (converted to rates) for Bakken and non-Bakken counties. Non-Bakken counties were notably higher for the years 2005-2008. Incident rates for both Bakken and non-Bakken counties increased dramatically beginning in 2012, but rates for Bakken counties began to exceed those for non-Bakken counties in 2009 and continued to do so (except for 2011) through 2015. The largest gap in incident rates between the two groups of localities is seen in 2013, with 1.1 incidents per 1,000 persons in Bakken counties and 0.6 incidents per 1,000 persons in non-Bakken counties. The rates of incidents in both sets of localities were substantially higher in 2015 than in any of the previous 10 years.

³ Individuals who work in the oil fields and those who provide support services are not included in population estimates. Therefore, to the extent that these individuals are involved in crimes, Bakken counties' rates may appear artificially inflated.

⁴ Montana Incident-Based Reporting System available here:
<http://mtibrsrp.mt.gov/public/View/RSReport.aspx?ReportId=76>

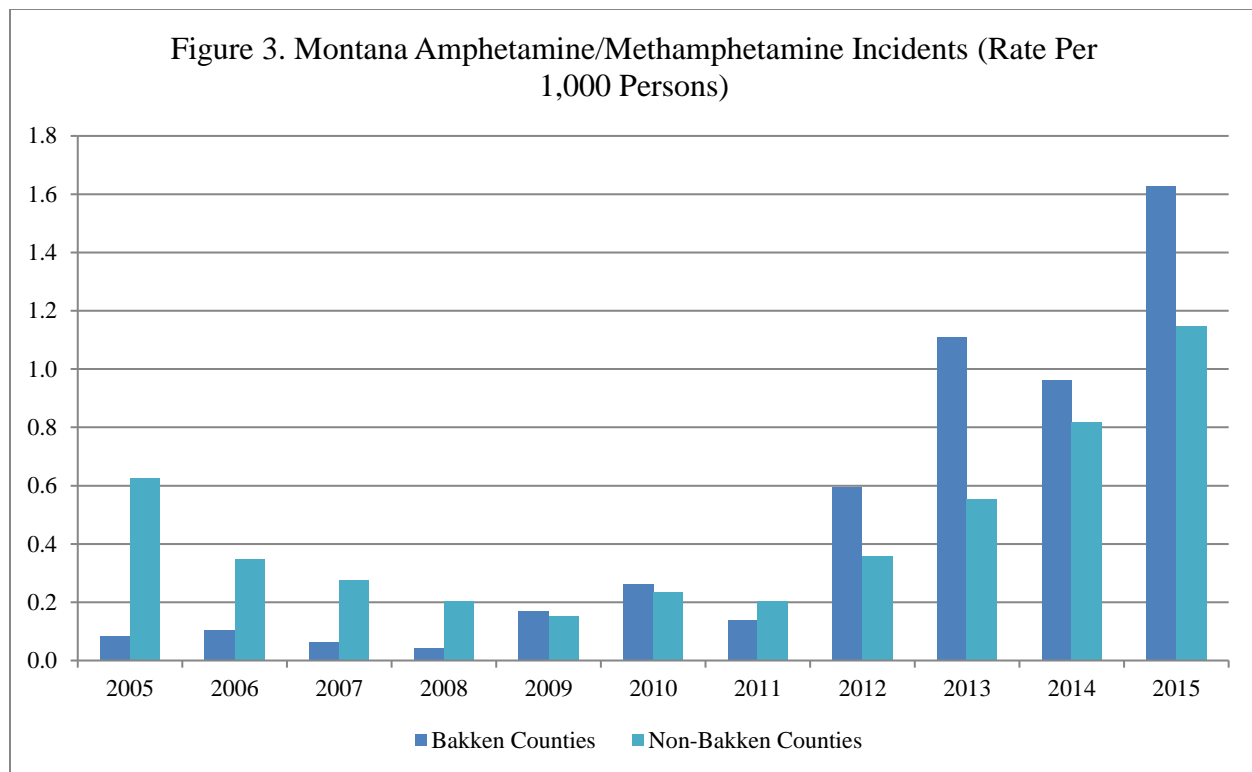
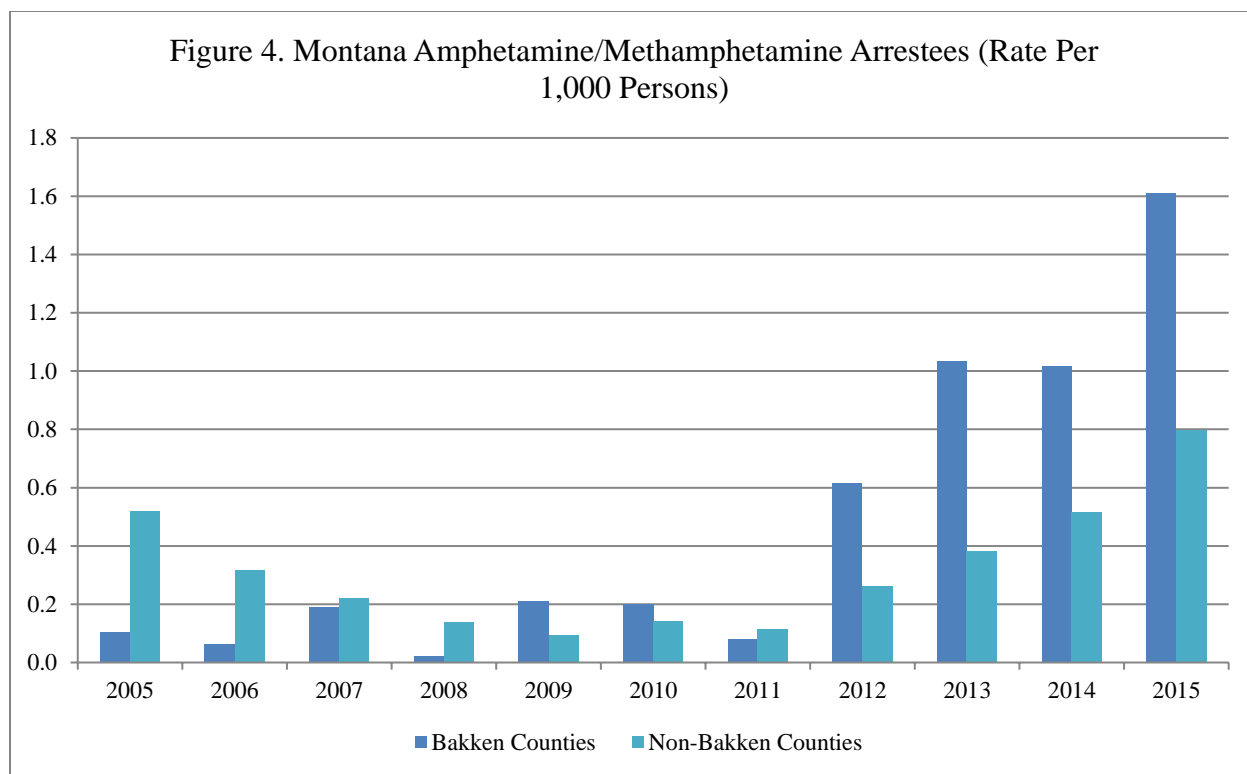


Figure 4 shows the arrest rates for amphetamine/methamphetamine in the Bakken and non-Bakken counties (there can be more than one arrest per incident). The pattern is similar to the incident rate pattern shown in Figure 3. The largest gap is seen in 2015 with 1.6 arrestees per 1,000 persons in Bakken counties and 0.8 arrestees per 1,000 persons in non-Bakken counties.



Amphetamine/methamphetamine seizure amounts were compiled from incidents where the amounts were reported. Amounts can be reported in a variety of units, and it is difficult to assess the validity of the data when various units are being reported. JRSA opted to err on the side of caution and excluded from the analysis amounts reported in dose units/items, fluid ounces, gallons, liters, milliliters and number of plants, along with cases where the amount was not reported or uncategorized. As a result, only seizures measured in grams, kilograms, pounds and ounces were analyzed. All seizures were converted into grams, with raw numbers, not rates, being used in analysis. One amphetamine/methamphetamine seizure amount was removed from analysis due to being a clear outlier with 300 kilograms (300,000 grams) seized in one incident in 2005.

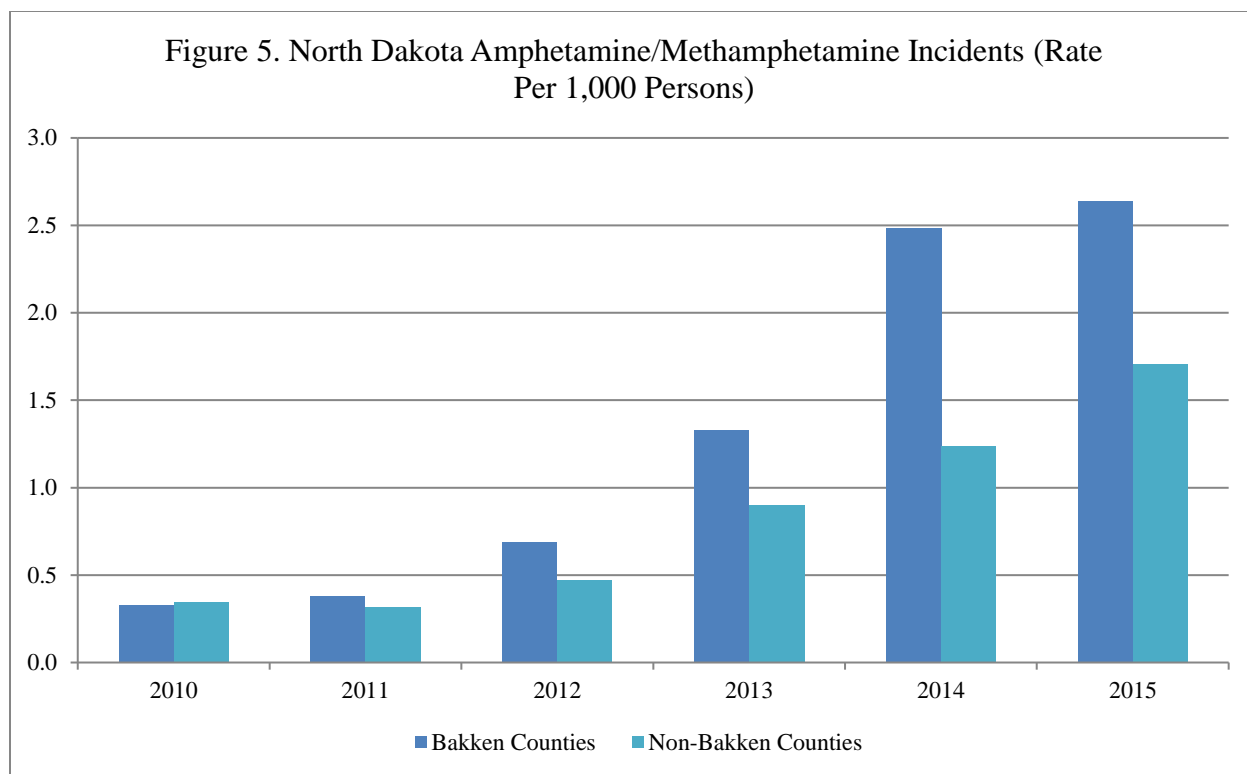
Seizures in Bakken counties peaked in 2006 and 2013 with 1,361 and 1,487 grams seized respectively. Bakken counties accounted for 5% of Montana's population in 2013, but 22% of seizures in the same year. While the rates of incidents and arrestees in Bakken counties steadily exceeded those in non-Bakken counties for the years 2012-2015, the amount of amphetamine/methamphetamine seized during those years was far below that of non-Bakken counties.

North Dakota

Amphetamine/methamphetamine incidents, incidents cleared by arrest, and seizure data for North Dakota were obtained from the North Dakota Crime Statistics Online⁵ system operated by the State of North Dakota, Office of Attorney General. This is a publicly available system that allows users to create custom queries and produce aggregate data in table or graph form. Queries for amphetamine/methamphetamine incidents, incidents cleared by arrest and seizures were downloaded for the years 2010-2015. Data were reported for 53 counties, 10 task forces, and the state highway patrol. In order to examine differences between incidents and seizures in counties in the Bakken oil formation and counties outside of the Bakken oil formation, all counties and task forces (where possible) were classified as either being in the Bakken formation or outside of the formation, using a similar procedure to the one described for Montana. Two task forces (Metro and Stanton) and the North Dakota Highway Patrol were excluded since they could not be categorized as Bakken or non-Bakken localities. The counties located in the Bakken region of North Dakota comprised about 25% of the state's population during that time period (ranging from 24% in 2010 to 27% in 2015).

Figure 5 displays the rate of amphetamine/methamphetamine incidents per 1,000 persons. In 2010, the incident rate in the non-Bakken counties was slightly higher than in the Bakken counties with 0.35 incidents compared to 0.33 respectively. The incident rate in the Bakken counties exceeded the rate in the non-Bakken counties for every other year, peaking at 2.6 incidents per 1,000 persons in 2015. Rates in the Bakken localities more than tripled from 2012-2014.

⁵ North Dakota Crime Statistics Online available here: <http://crimestats.nd.gov/public/Browse/browsetables.aspx>



Number of arrestees was not available for amphetamine/methamphetamine incidents. Therefore, “Incidents Cleared by Arrest” was utilized in an attempt to examine arrest rates. Figure 6 displays the rate of amphetamine/methamphetamine incidents cleared by arrest per 1,000 persons. The pattern of incidents cleared by arrests is similar to the one seen in Figure 5. Bakken counties had 2.3 incidents cleared by arrest per 1,000 persons in 2015 compared to 1.4 incidents in non-Bakken counties.

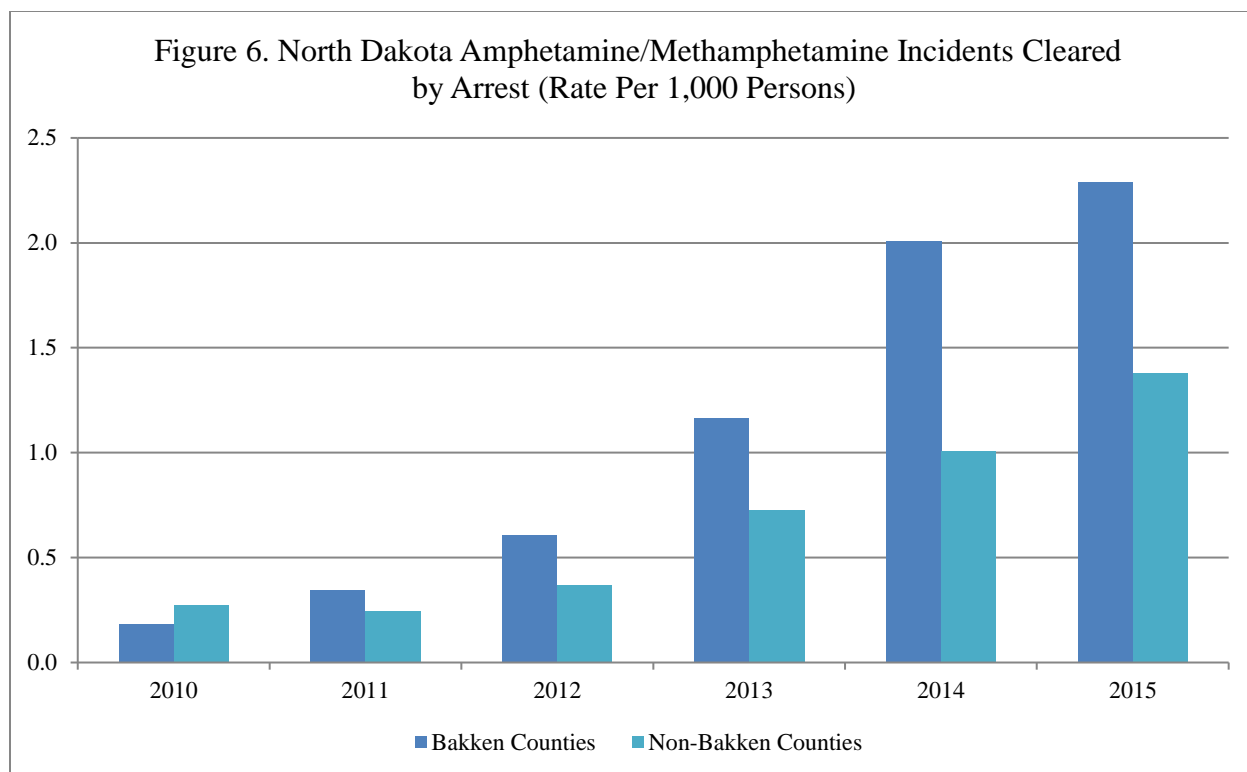
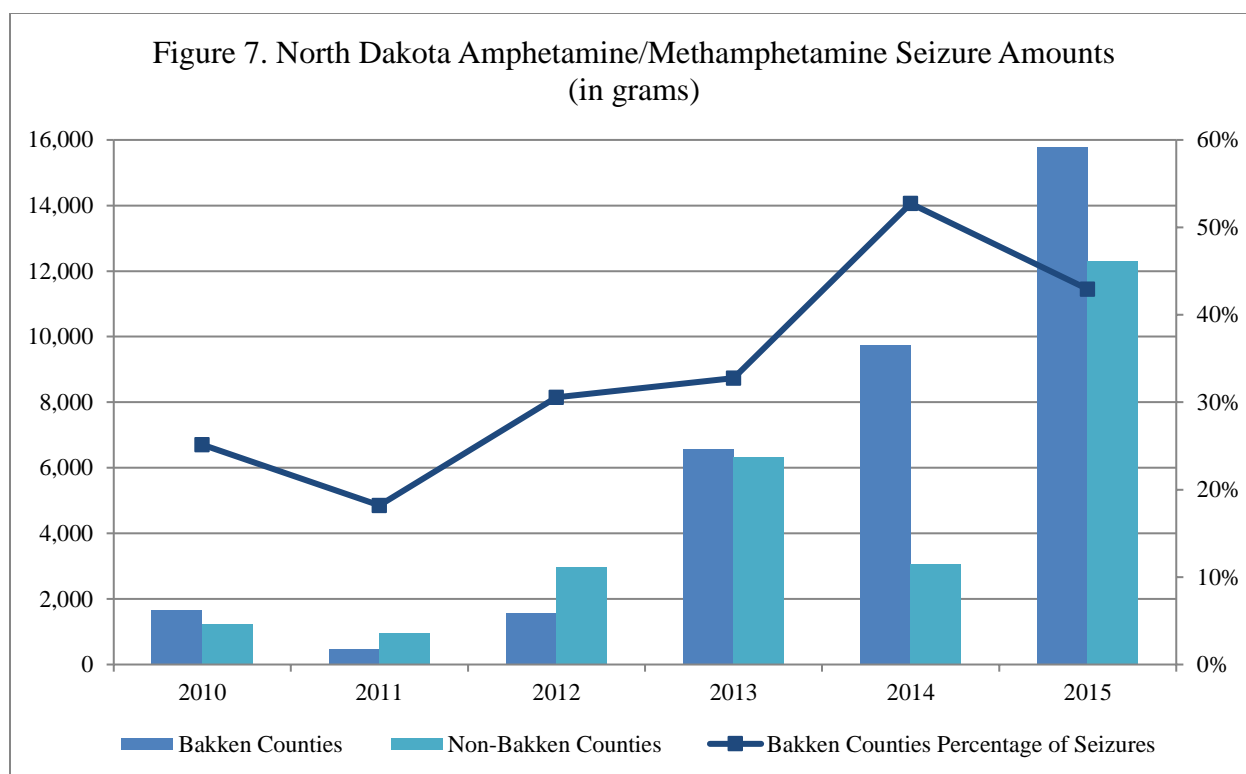


Figure 7 displays amphetamine/methamphetamine seizure amounts in grams, using the same parameters discussed for the Montana data. The total counts used to calculate the percentage of seizures in Bakken counties include data from the Metro and Stanton task forces as well as the North Dakota Highway Patrol. Amphetamine/methamphetamine seizures in Bakken counties exceeded those in non-Bakken counties for each year except for 2011 and 2012. Despite only accounting for 26% of the population in North Dakota in 2014, Bakken counties accounted for 53% of all amphetamine/methamphetamine seizures. In 2015, 15,773 grams of amphetamine/methamphetamine were seized in Bakken counties compared to 12,321 grams in non-Bakken counties.



Arizona

The Arizona Criminal Justice Commission (ACJC) prepares an annual Enhanced Drug and Gang Enforcement (EDGE) Report to review all Drug and Gang Enforcement Account funded activities each year (i.e. local law enforcement task forces). The ACJC started the EDGE Reports in 2000 and copies of each report are available online.⁶ For the analyses performed by JRSA, data elements were pulled from each report for the years 2005-2015 if they related to the outcomes of interest for this project.⁷ It is important to note that the EDGE reports do not include all meth-related law enforcement activity in the state.

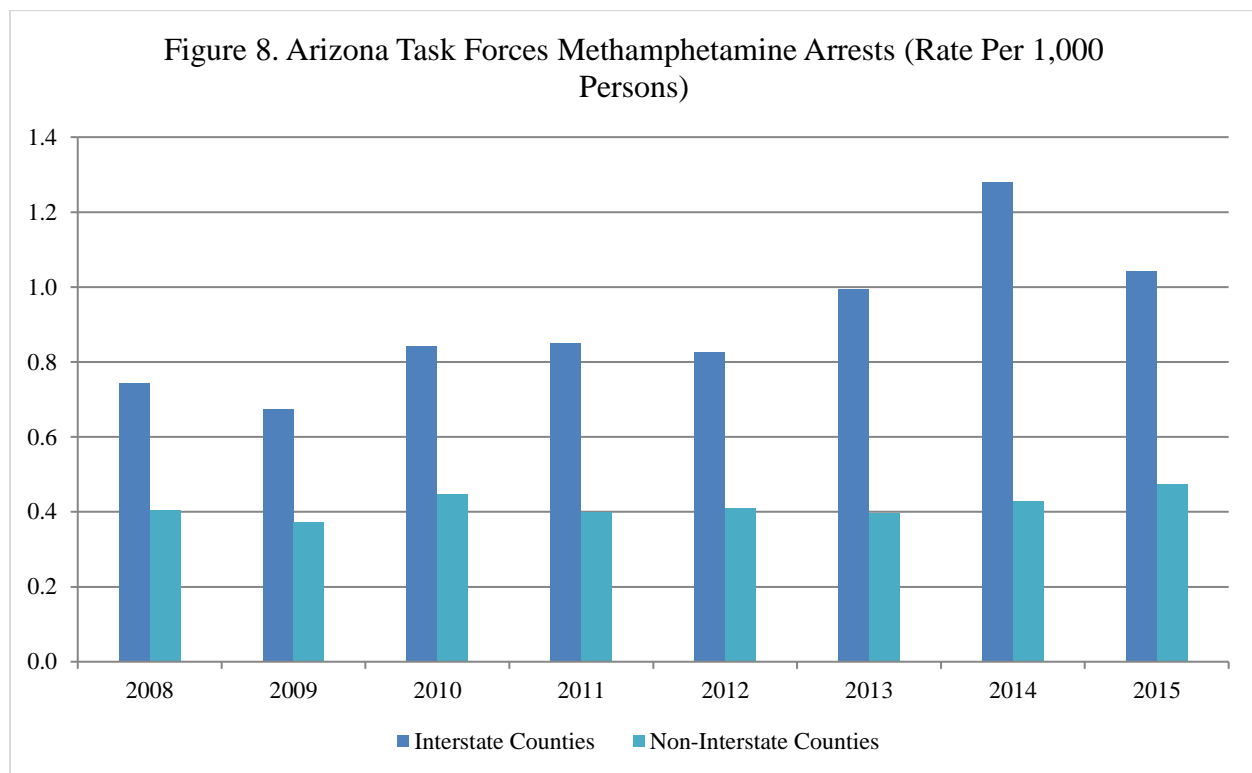
The Arizona EDGE Report details number of arrests associated with meth offenses each year. Since one of the questions of interest in this project was looking at meth trafficking along interstate highways, arrests were categorized according to whether the counties in which the task forces operated had a north/south interstate highway running through them. Interstate highway counties include: Coconino, Maricopa, Mohave, Pima, Santa Cruz, and Yavapai.⁸

⁶ Copies of all EDGE Reports are available here: <https://repository.asu.edu/items/12950>

⁷ These reports include information on amounts of drugs seized, including meth. However, our review of these data showed that the numbers vary widely from year to year, suggesting issues related to reporting.

⁸ These data should be interpreted with caution. The existence of a task force in a locality that has an interstate does not mean that the task force is more likely to deal with or encounter meth-related offenses associated with the highway.

Figure 8 shows arrests from 2008-2015 as reported by the ACJC. The arrests were converted to rates for non-interstate and interstate task force counties based on the state's recorded population totals (i.e. rates per 1,000 persons). The non-interstate task force meth-related arrest rate remained relatively stable from 2008-2015, but this is not the case with regard to interstate arrests. The arrest rate for task forces in interstate counties increased over the years, and peaked in 2014 with 1,067 arrests (1.3 arrests per 1,000 residents).



Arizona's EDGE reports also contain information about prosecutions and case outcomes of drug offenders. Figure 9 shows the types of convictions for meth-related offenses from 2010-2015. The total number of convictions for meth-related crimes remained fairly steady from 2010-2014, but increased sharply in 2015. The vast majority of convictions in all years were for possession, and these convictions accounted for most of the observed increase in 2015.

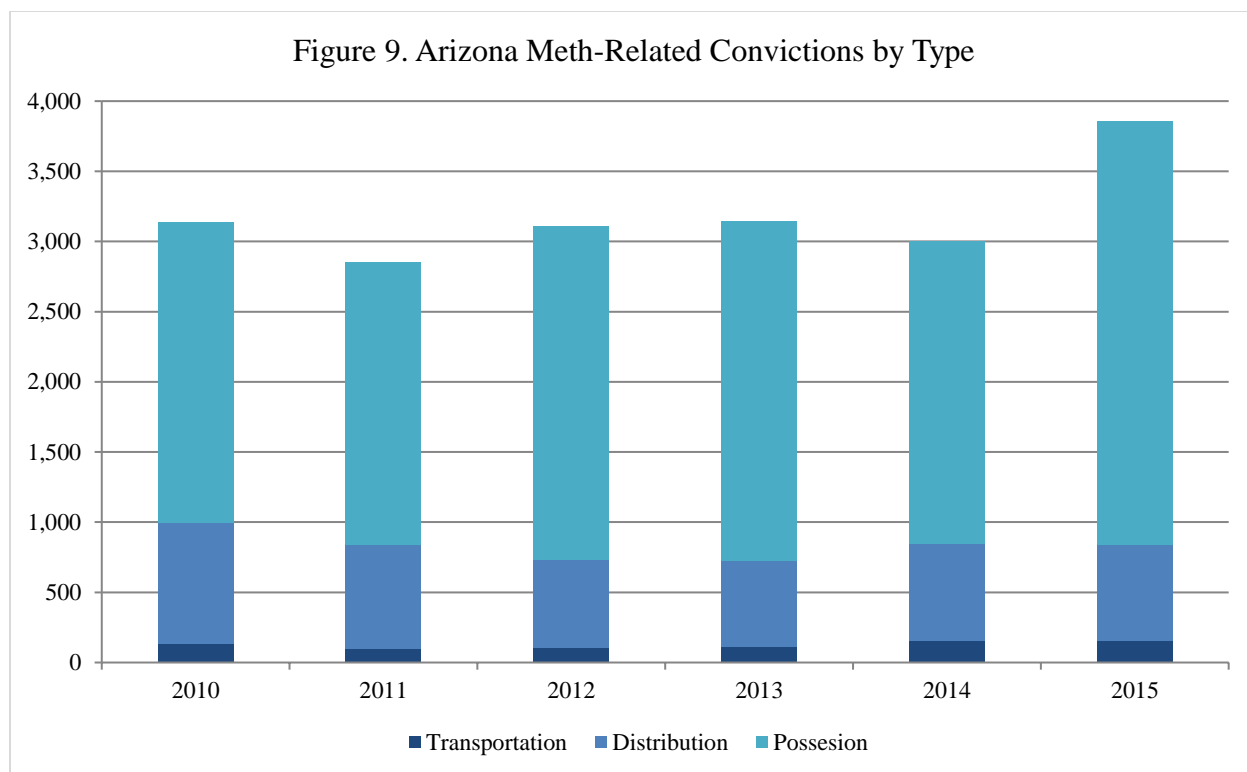
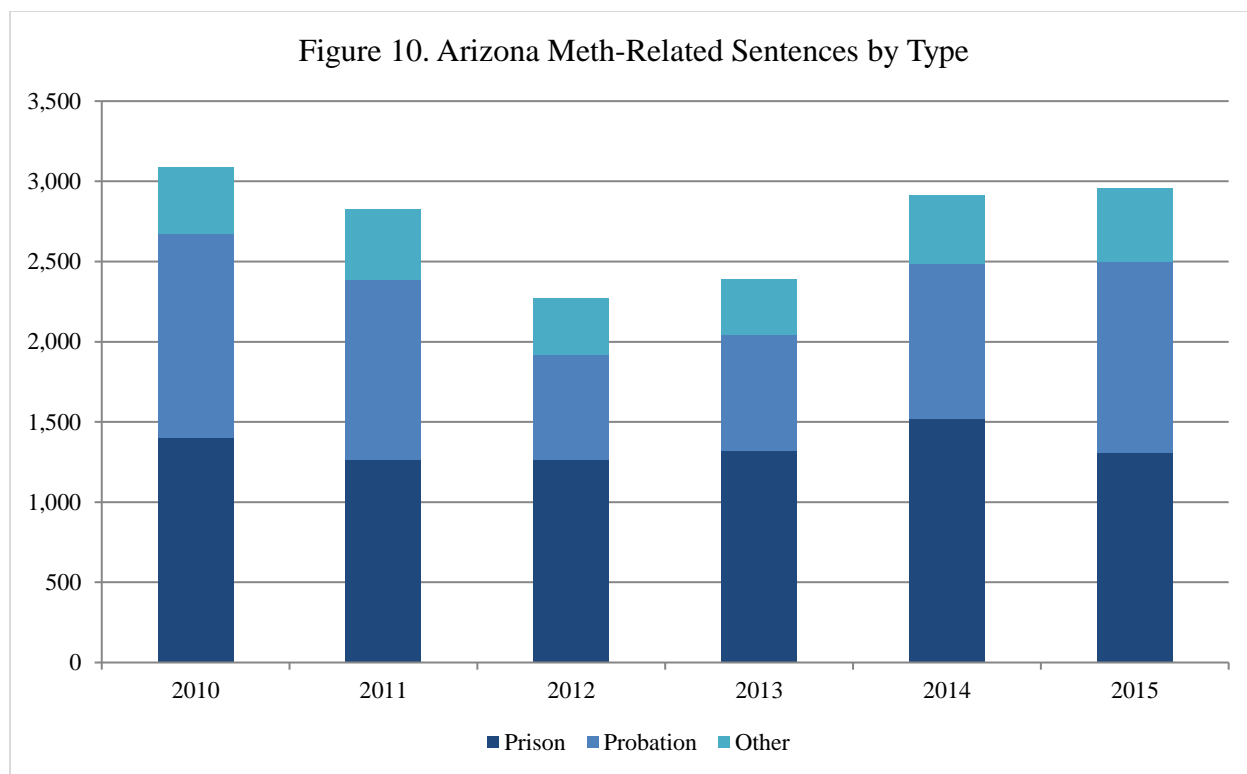


Figure 10 shows the types of sentences received for meth-related offenses from 2010-2015. The total number of individuals sentenced for meth-related crimes decreased from 2010-2012, then increased again from 2012-2015. Prison sentences remained fairly constant over this time period relative to sentences for probation, which more closely followed the pattern noted above.⁹

⁹ The EDGE reports do not provide information on type of conviction (e.g. possession vs. manufacturing) by type of sentence.



Nebraska

One of the hypotheses guiding the current study was that certain cities may serve as transshipment points for methamphetamine being transported from Mexico to the Bakken region. Omaha, Nebraska was identified in HIDTA reports as being a possible transshipment point. The Omaha (NE) Police Department prepares and publishes an annual report on their website¹⁰ detailing each year's expenditures, law enforcement personnel, and crime statistics. Data from these reports were copied and entered into Excel spreadsheets for analysis. Figure 11 below represents the total number of meth-related arrests in Omaha from 2007-2015. Arrests were relatively flat from 2007 through 2011, increased substantially from 2011-2013, then leveled off again in 2014 and 2015, but at a much higher level than was seen in 2007-2011.

¹⁰ The annual reports are available online here: <https://police.cityofomaha.org/crime-information/annual-reports>

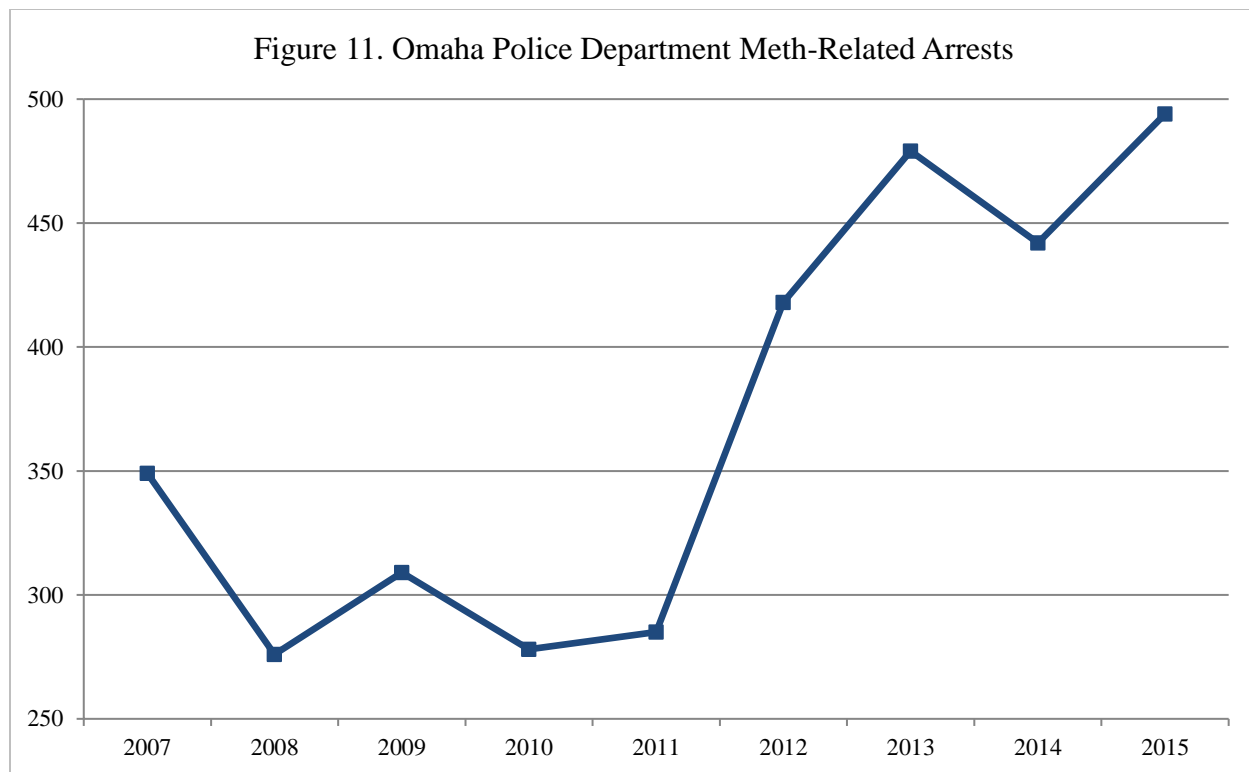
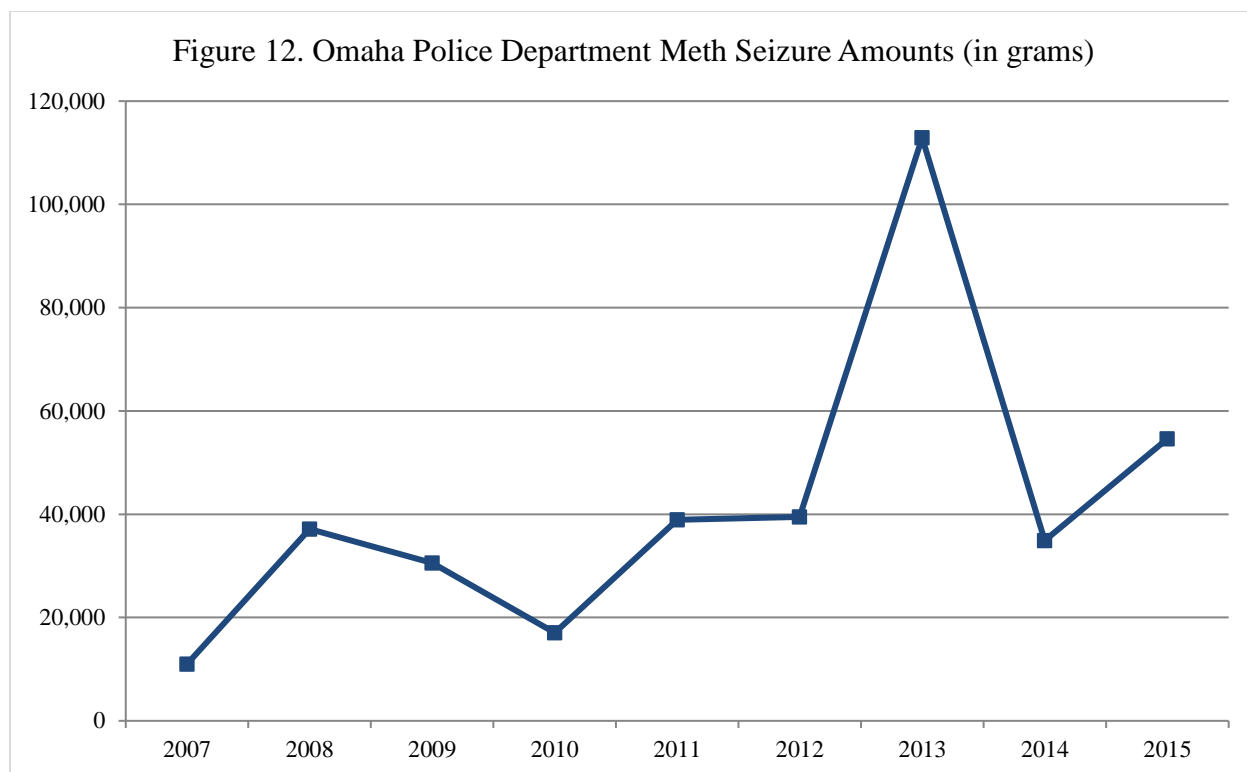


Figure 12 depicts the total amount of meth seized by the Omaha Police Department from 2007-2015. These data should be interpreted with caution, since not all departmental units reported data in all years. A general upward trend in amount of meth seized can be seen in the graph, with a large spike in 2013.



Utah

Salt Lake City is another potential transshipment point. The city's website¹¹ provides archived data files recording the individual calls for service from 2013-2015. Final call descriptions, updated by the officer after he or she responds to the call, provided information identifying amphetamine and dangerous drug-related calls. However, data were missing for large proportions of the time period: specifically, June-December of 2013 and September-December of 2014.¹² Table 5 shows the data that were available. As the table shows, the majority of amphetamine-related calls related to possession, as opposed to sale or manufacturing.

¹¹ Archival data available at: <https://dotnet.slcgov.com/Police/CADCallsForService/>

¹² Project staff contacted the Salt Lake City Police Department to inquire about the missing data, but were unable to get an explanation.

Table 5. SLCPD Total Amphetamine and Dangerous Drug Calls for Service

Call Description	2013-2014
Amphetamines Total	578
<i>Unspecified</i>	10
<i>Manufacturing</i>	3
<i>Possession</i>	486
<i>Sale</i>	75
<i>Solicitation</i>	3
<i>Lab</i>	1
Dangerous Drug	566
Total	1,144

Other Data Analysis

As noted previously, we collected data on a number of justice system indicators that were not specific to meth. These data are presented first for Montana and then for North Dakota.

Montana

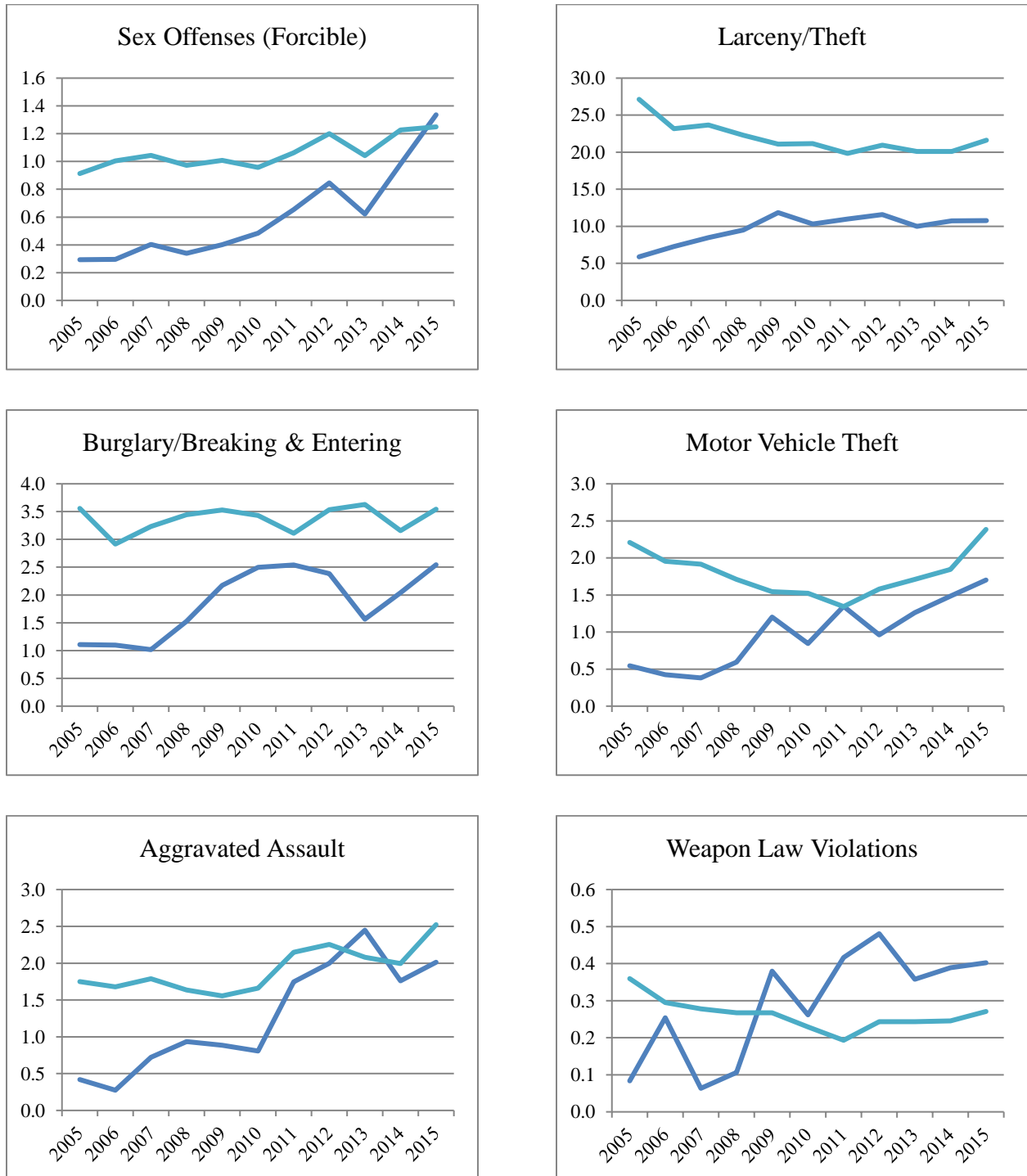
Offenses Known to Police

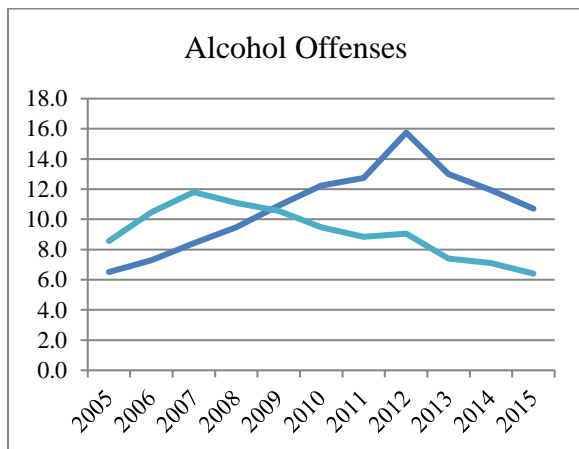
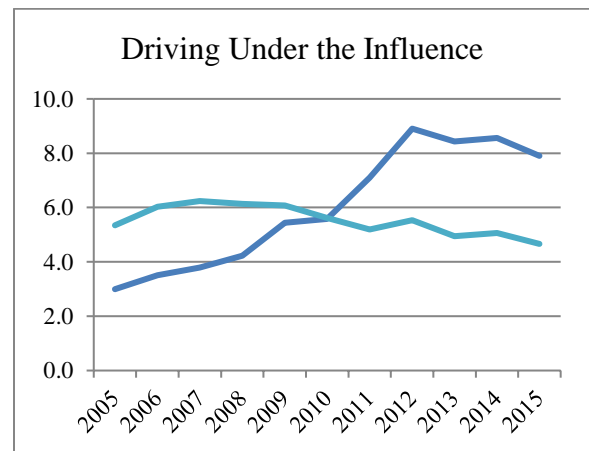
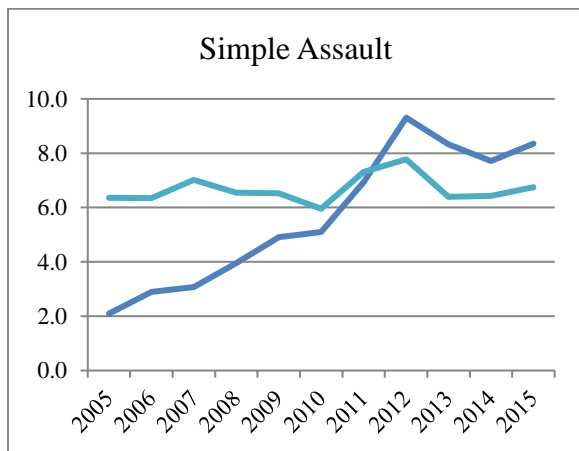
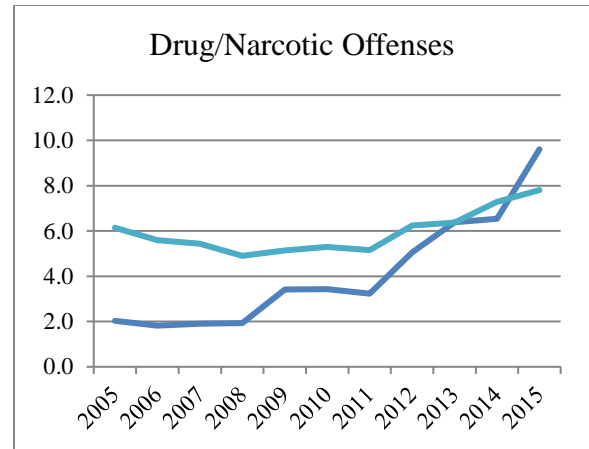
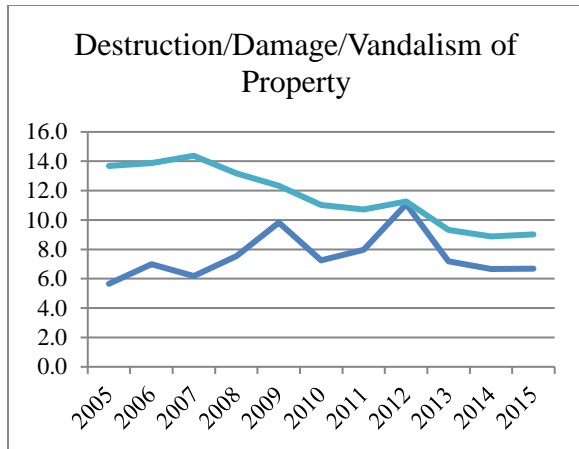
Data on offenses known to police for 2005-2015 were obtained from the Montana Incident-Based Reporting System operated by the Montana Board of Crime Control. The measure “Number of Crimes” was used for this analysis. Rates per 1,000 persons were calculated for Bakken and non-Bakken counties. Major crimes where there were enough data to analyze trends are displayed in the following figures.¹³ Alcohol offenses include driving under the influence, drunkenness and liquor law violations.

The graphs in Figure 13 show these data by offense type. Data for Bakken counties appear in the darker blue color. With the exception of larceny and vandalism, rates increased considerably in the Bakken region, while rates for the non-Bakken counties either remained relatively stable or increased at a slower rate. In 2005, rates for the non-Bakken counties were higher for all offense types than those in the Bakken counties. By 2015, rates were considerably closer for all offense types, and rates in Bakken counties surpassed those in non-Bakken counties for a number of offenses in a number of years.

¹³ Murder and robbery are not included in analyses due to low numbers.

Figure 13. Montana Offenses Reported to Police





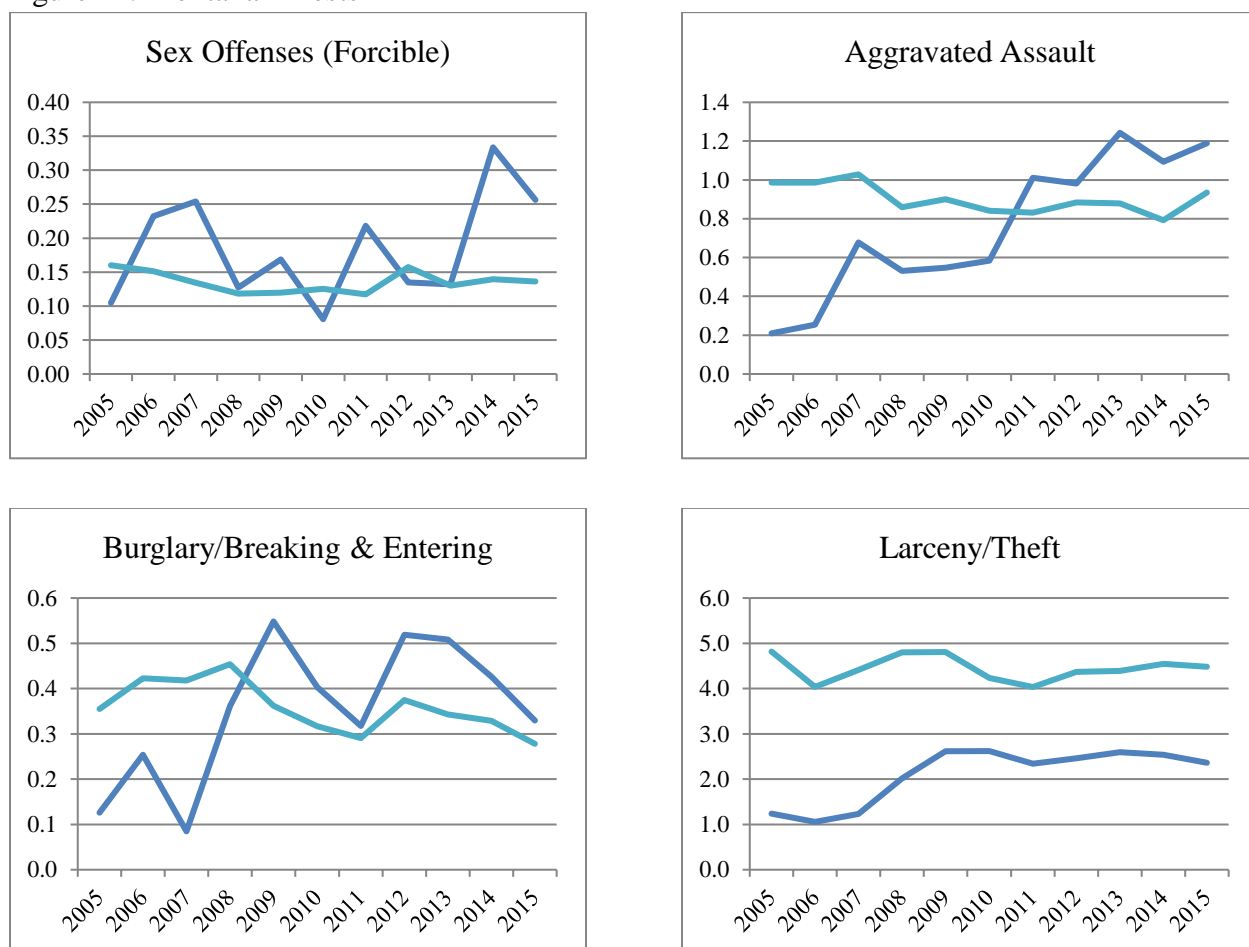
Note: Data for Bakken counties appear in the darker blue color.

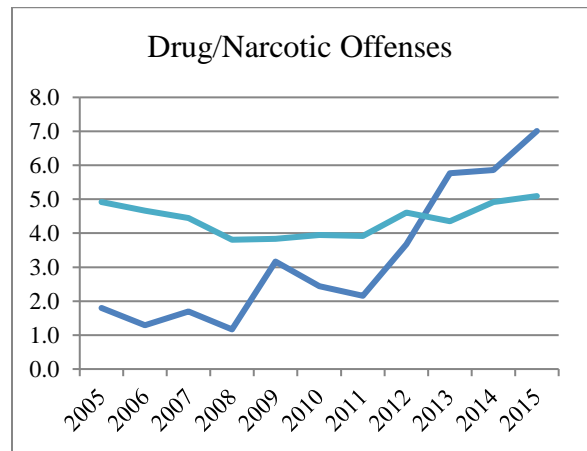
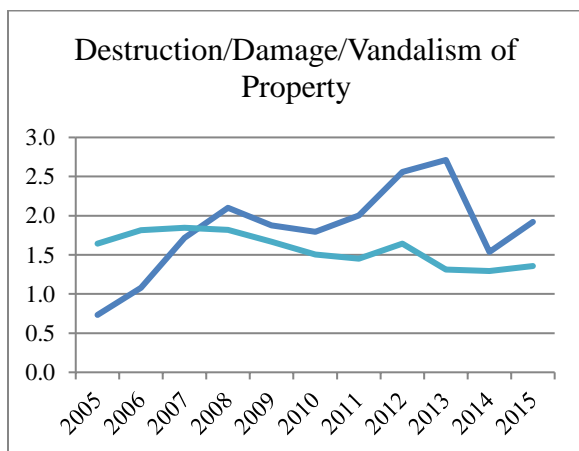
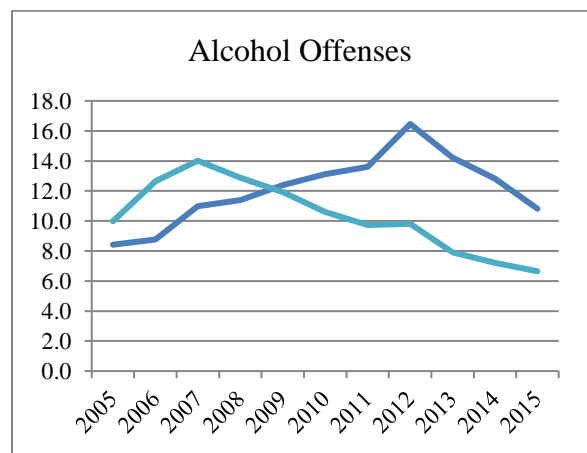
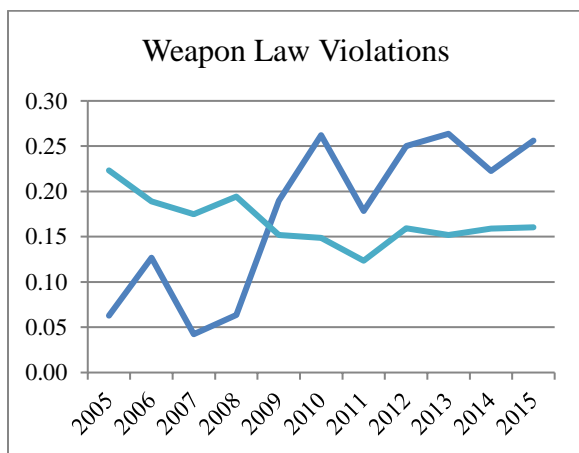
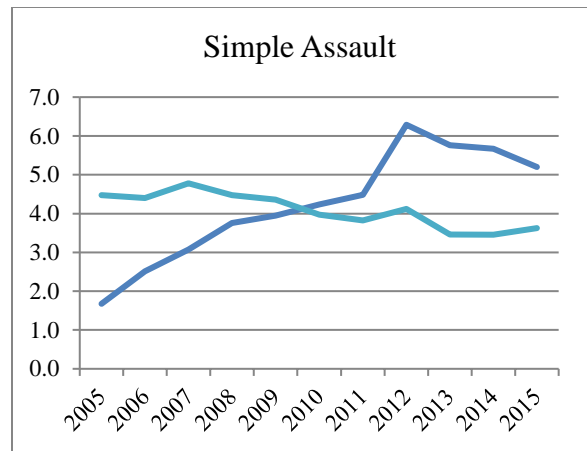
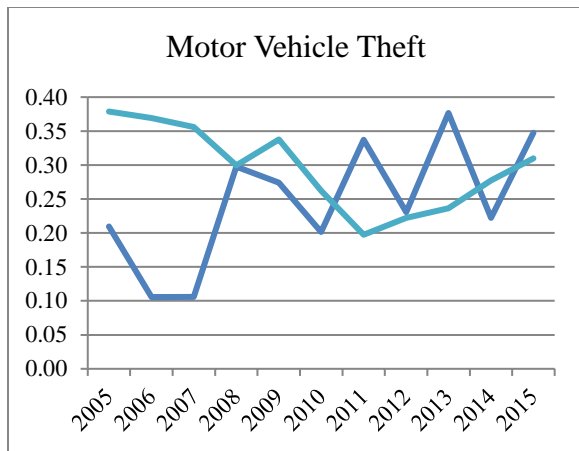
Arrests

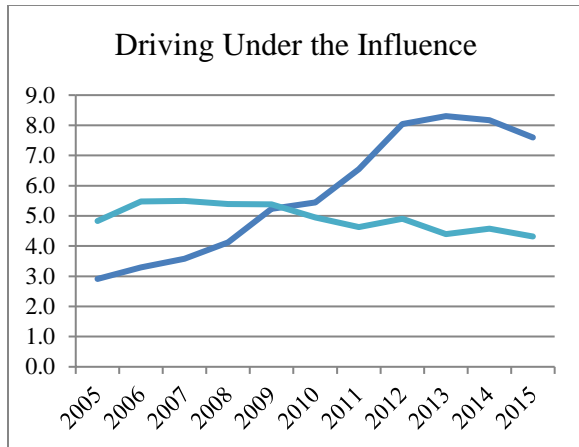
Arrest data were obtained from the Montana Incident-Based Reporting System operated by the Montana Board of Crime Control. Rates per 1,000 persons were calculated for Bakken and non-Bakken counties.

The graphs in Figure 14 show the arrest data by offense type. Data for Bakken counties appear in the darker blue color. Trends similar to those seen for offenses reported are seen for arrests.

Figure 14. Montana Arrests



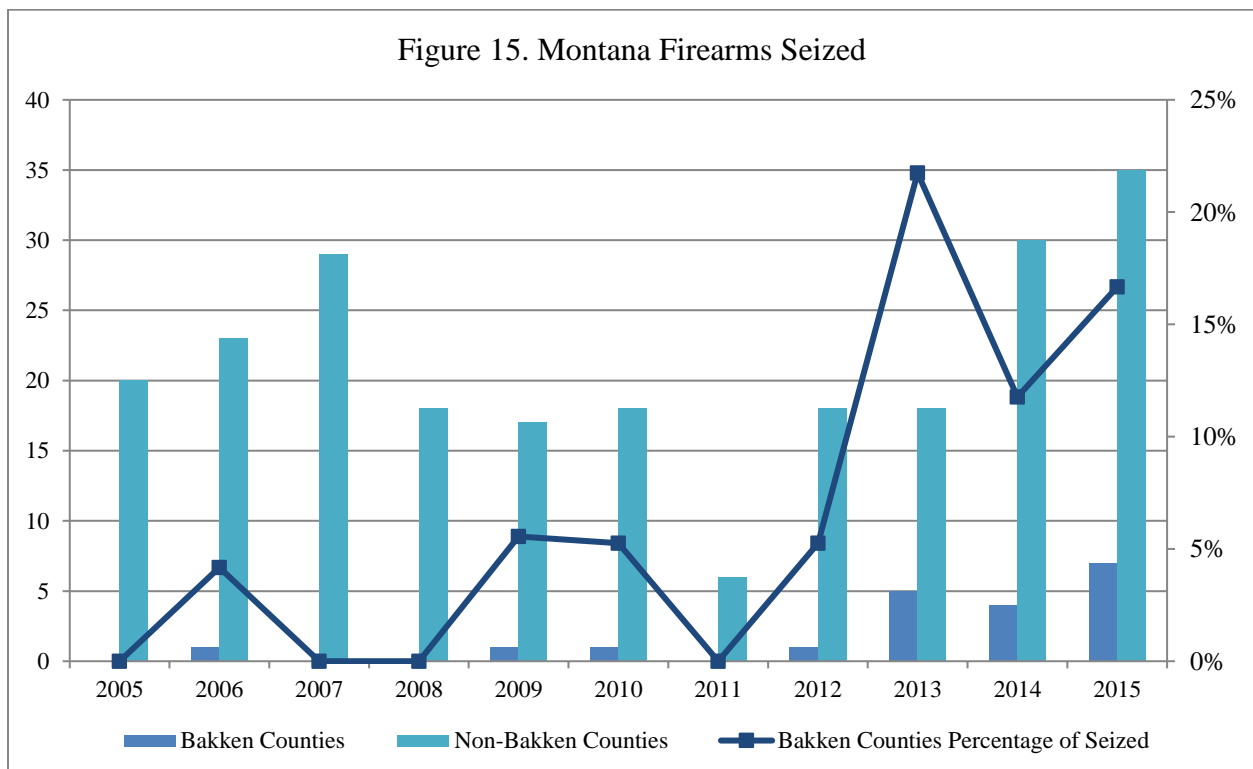




Note: Data for Bakken counties appear in the darker blue color.

Gun Seizures

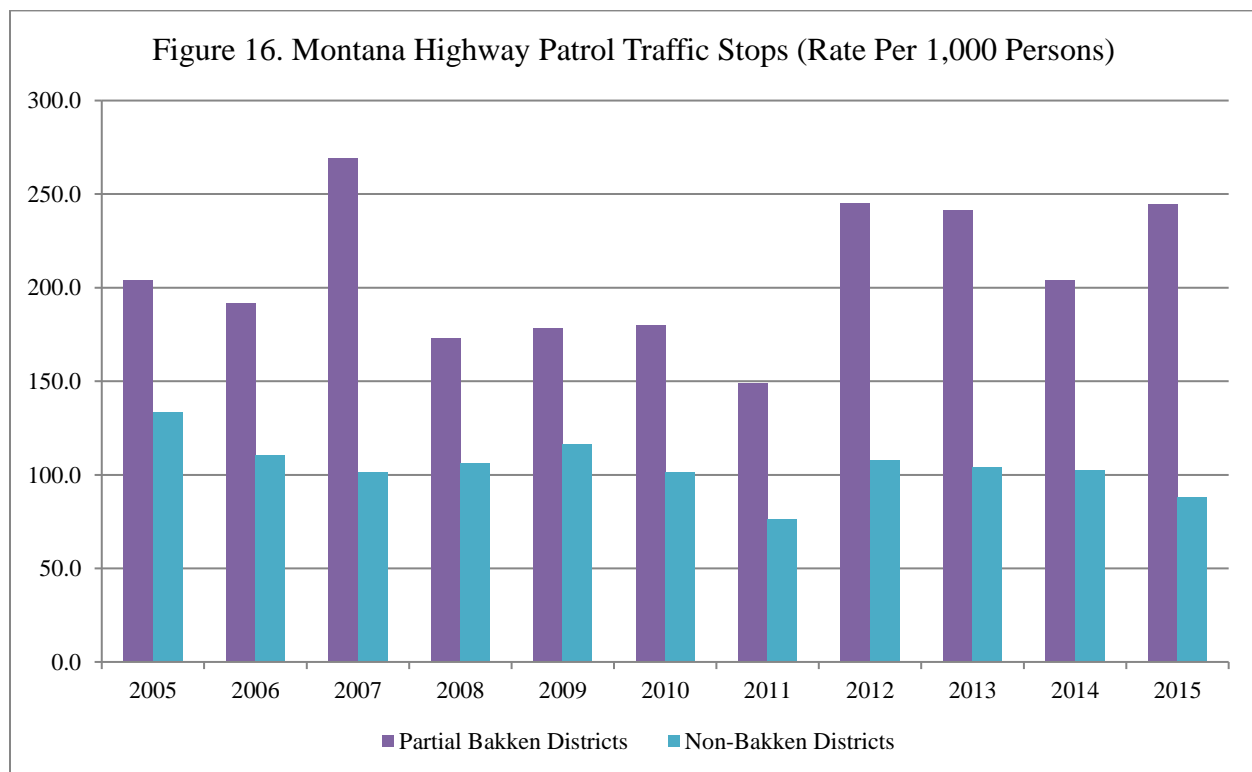
Data on firearms seized were obtained from the Montana Incident-Based Reporting System operated by the Montana Board of Crime Control. These data are displayed in Figure 15 for the time period 2005-2015. Firearms seized in non-Bakken counties far exceeded seizures in Bakken counties for each year of interest. Starting in 2013, however, Bakken counties did experience an increase in seizures, which jumped from 1 in 2012 to a peak of 7 in 2015. In 2013, Bakken counties accounted for 22% of all firearms seized while only accounting for 5% of Montana's population.



Police Traffic Stops

Police traffic stops data were obtained from the Montana Highway Patrol Annual Reports. Data at the police district level were available for traffic stops. There are eight patrol districts in the data. Patrol districts 1, 2, 3, 4, 6, 7 and 8 contain no Bakken counties and were therefore classified as “Non-Bakken.” Patrol district 5 contains 11 Bakken counties and 5 non-Bakken counties and therefore was classified as “Partial Bakken.” The population information contained in these reports was utilized to calculate rates per 1,000 persons.

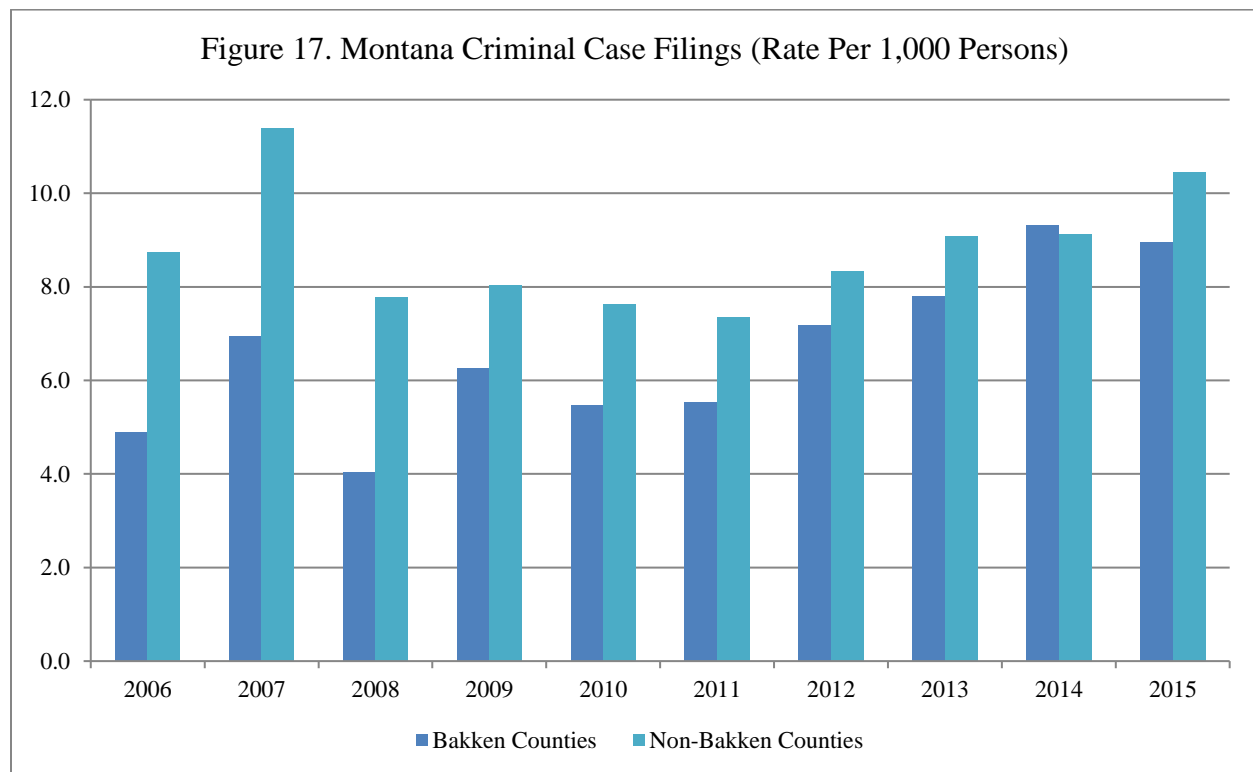
Figure 16 shows these data for the years 2005-2015. The rate of traffic stops in the partial Bakken category exceeds the rate in the non-Bakken category for all years of interest. Traffic stop rates for the partial Bakken category peaked in 2007 with 268.9 stops per 1,000 persons. Rates rose to a similar level beginning in 2012.



Cases Prosecuted

Cases filing statistics were obtained from Montana District Courts New Case Filings and Reopened Cases annual reports. Criminal case filing data for the years 2006-2015 were available by district court. Filing rates were calculated separately for Bakken and non-Bakken counties.

Figure 17 shows Montana criminal case filings from 2006-2015. Case filings in the Bakken counties increased from 4.9 in 2006 to a peak of 9.3 in 2014. The rate of criminal case filings in non-Bakken county courts exceeded those in Bakken counties for each year with the exception of 2014.



Probation Caseload/Prison Population

Probation caseload data were compiled from the Montana Department of Corrections Biennial Reports. Data for the years 2008-2014 were available. “Total on Probation and Parole” includes all offenders who were under probation and parole supervision at some point in time during each fiscal year. Data for specific offense types were not available. The number of Montana offenders on probation and parole increased slightly between 2008 and 2014. There were 14,022 offenders in 2008 and 14,412 in 2014, representing just under a 3% increase.

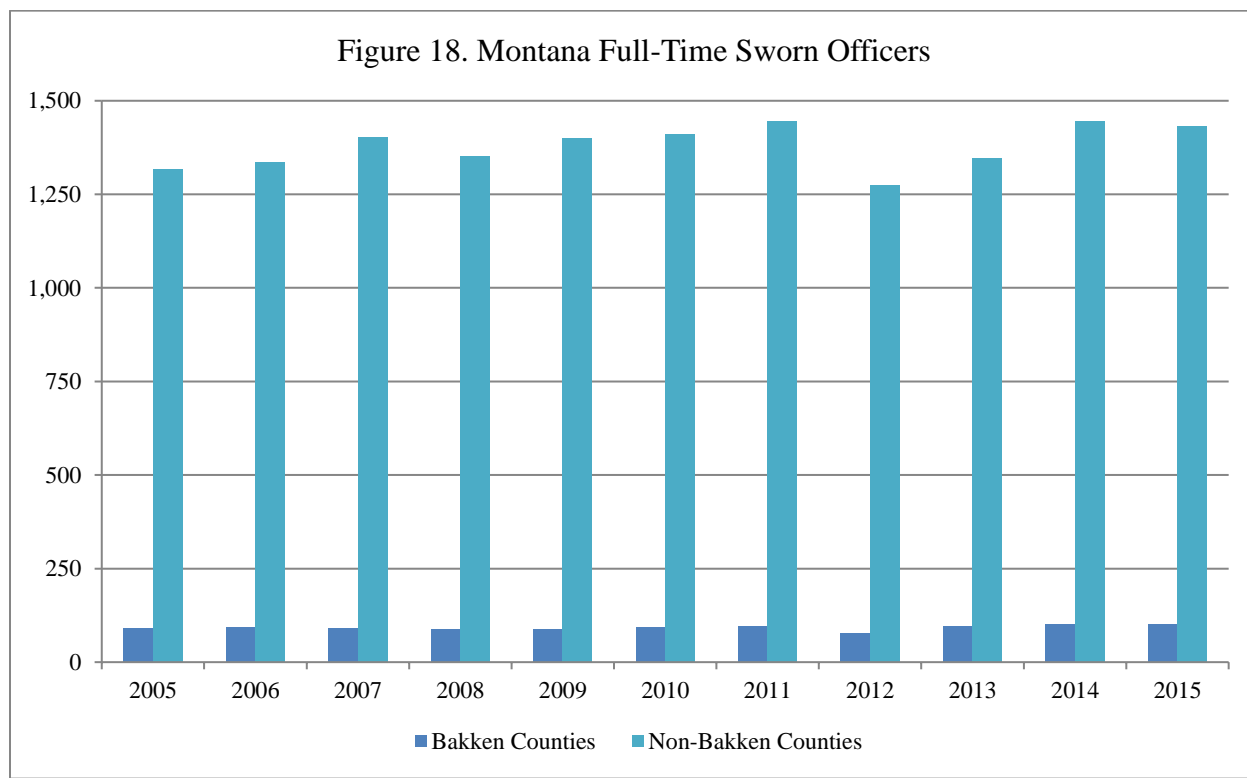
Prison population data were compiled from the Montana Department of Corrections Biennial Reports. Adult male and female facility population counts were available for the years 2010-2014. These counts include all offenders in prison, prerelease, alcohol and chemical dependency treatment centers, assessment and sanction centers, and county jails. Total adult facility population in Montana increased steadily from 2010-2014, rising from 6,298 to 6,820, just over an 8% increase.

Admission and releases were also obtained from the Montana Department of Corrections Biennial Reports. Data for the years 2005-2014 were available. Admissions exceeded releases for each year with the exception of 2007. Prison admissions declined steadily until increasing 18% between 2011 and 2014. Releases increased almost 12% between 2012 and 2014. 2,460 adults were admitted in 2014 and 2,292 adults were released.

Law Enforcement Personnel

Law enforcement personnel data were obtained from the Montana Law Enforcement Employees Annual Reports published by the Montana Board of Crime Control. These are publicly available reports published as pdfs online. Statistics on the number of full-time sworn law enforcement officers by department were compiled.

Figure 18 shows the data on sworn officers from 2005-2015. The number of full-time sworn officers remained relatively stable over the time period in both Bakken and non-Bakken counties. The number of officers in Bakken counties grew 13%, from 90 in 2005 to 102 in 2015, while the number in non-Bakken counties grew 9%, from 1,318 to 1,431, during the same time period. The number of full-time sworn officers per 1,000 persons in Bakken counties exceeded the number in non-Bakken counties for each year of interest. This peaked in 2009 with 2.5 officers per 1,000 persons compared to 1.9 in non-Bakken counties.



North Dakota

Offenses Known to Police

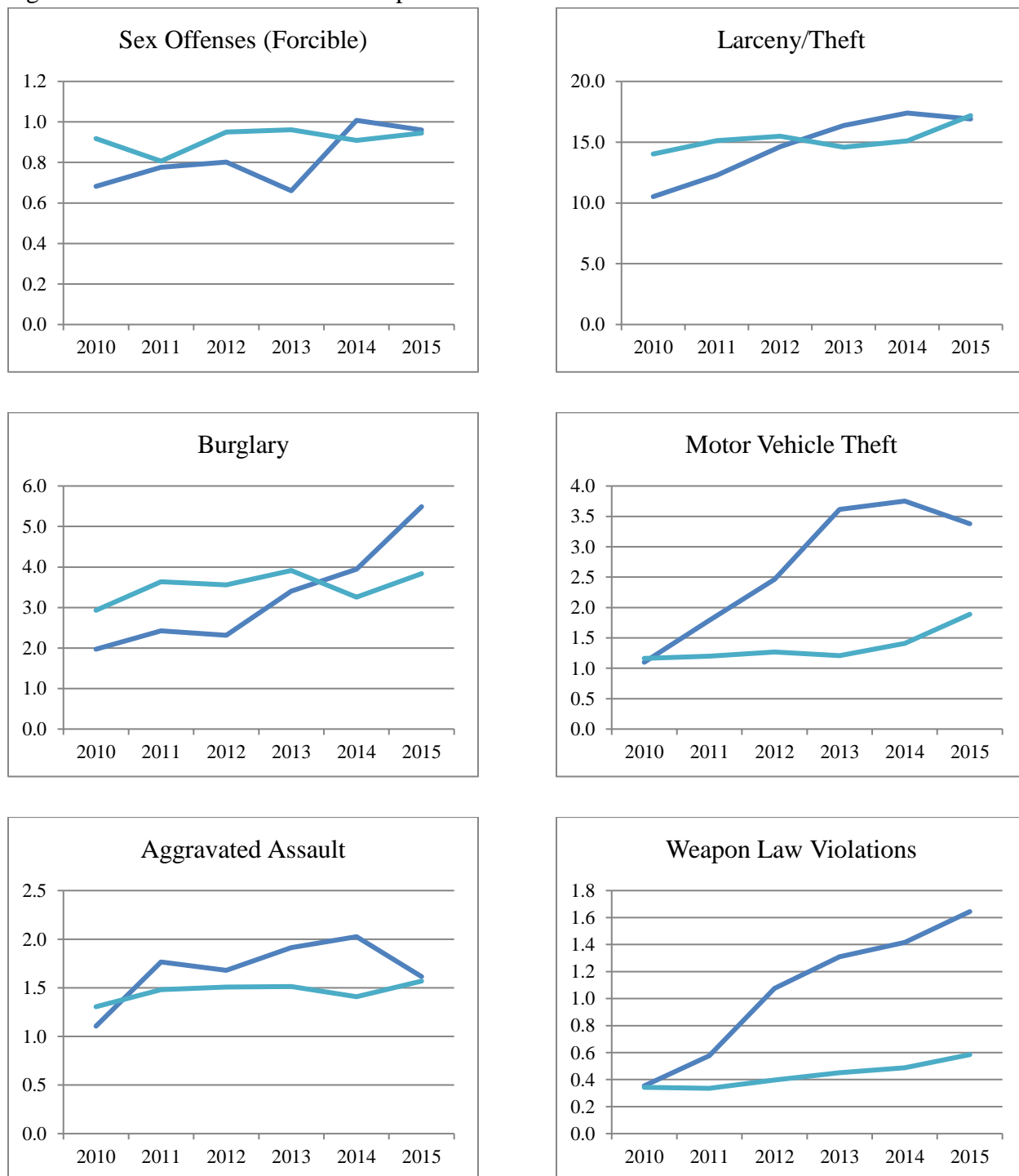
Data on offenses known to police from 2010-2015 were obtained from North Dakota Crime Statistics Online. The measure examined is “Number of Crimes.” As with previous analyses, the Metro Task Force, North Dakota Highway Patrol and Stanton Task Force could not be categorized as either “Bakken” or “Non-Bakken.” Data were missing for a number of years for various counties.¹⁴ To account for these missing data, populations were adjusted when calculating rates. Rates per 1,000 persons were calculated for Bakken and non-Bakken counties.¹⁵

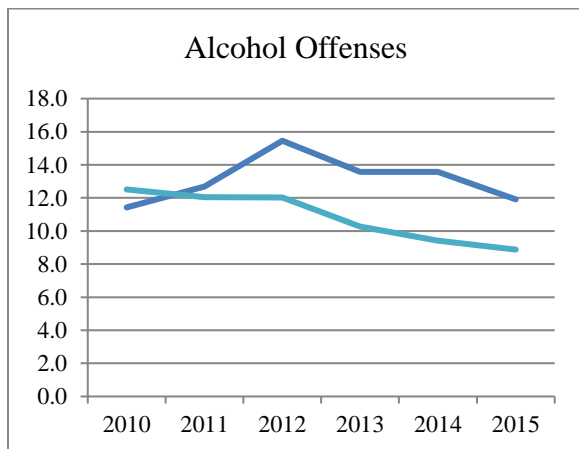
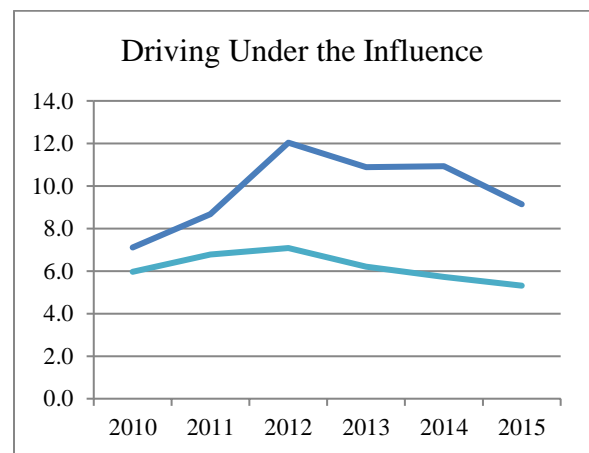
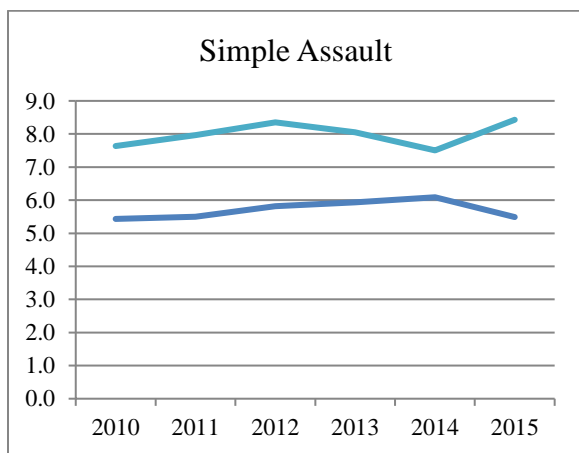
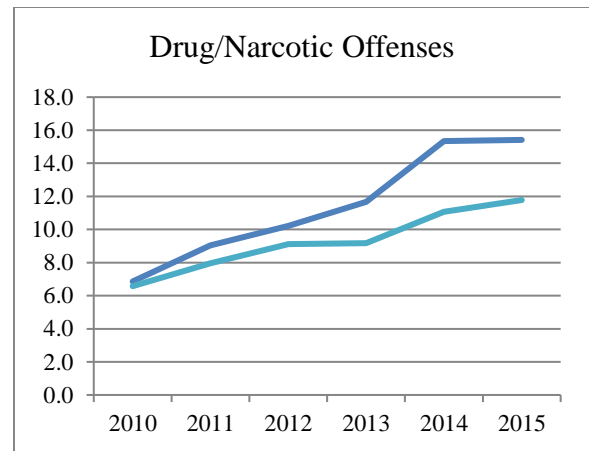
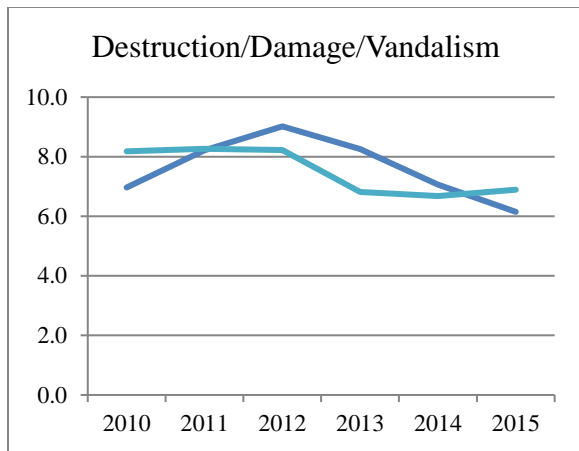
The graphs in Figure 19 show these data by offense type. Data for Bakken counties appear in the darker blue color. Rates for North Dakota showed more of a mixed picture than those for Montana. Similar to Montana, crime rates for almost all categories were the same or lower in 2010 in Bakken counties than non-Bakken counties (the exceptions being drug offense and DUI rates, which were slightly higher in Bakken counties than non-Bakken counties). With the exception of simple assault, the reported crime rate in Bakken counties surpassed that of non-Bakken counties in one or more years from 2011-2015. Motor vehicle theft, weapons law violations, and drug violations showed relatively large increases in Bakken counties over the time period, while rates for DUIs and alcohol offenses showed declines in Bakken counties from peaks in 2012.

¹⁴ Missing data included: Bowman County, 2011; Divide County, 2010; Dunn County, 2011; and Sioux County, 2011-2013.

¹⁵ Murder and robbery are not included in analyses due to low numbers.

Figure 19. North Dakota Offenses Reported to Police





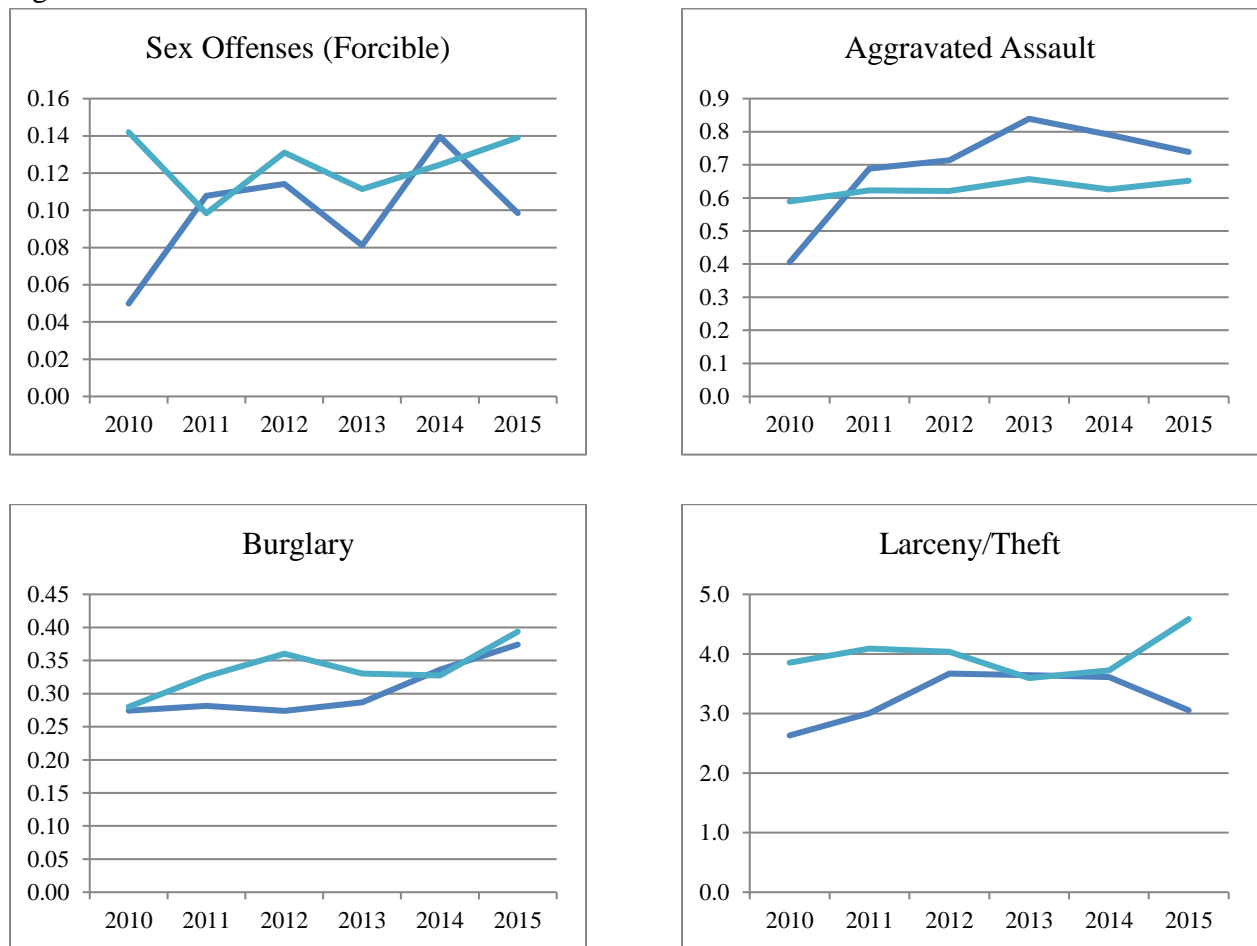
Note: Data for Bakken counties appear in the darker blue color.

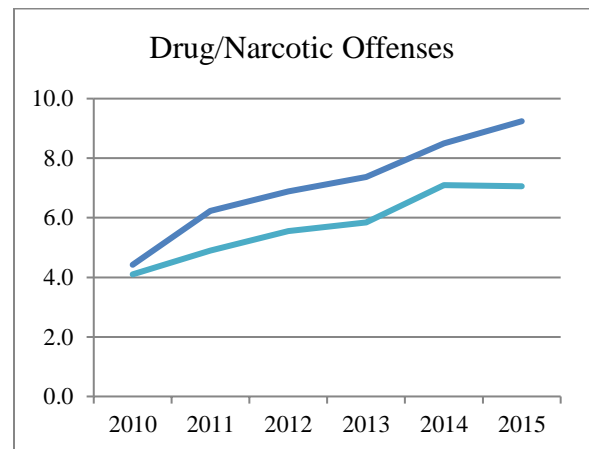
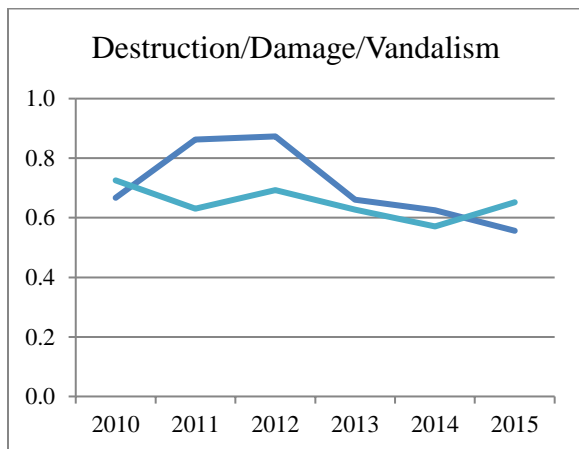
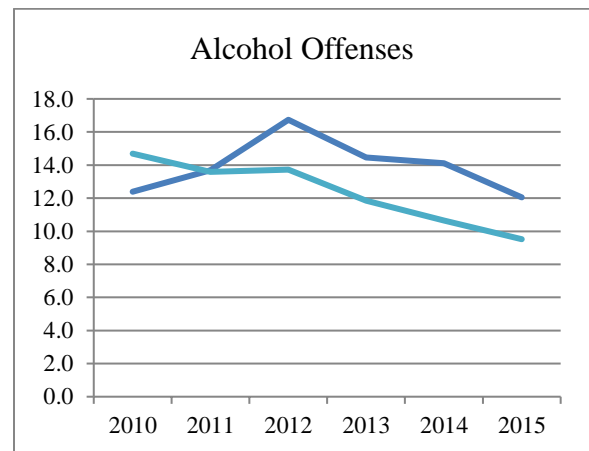
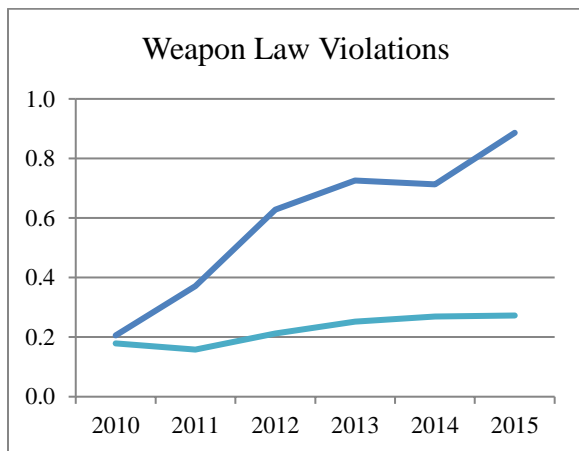
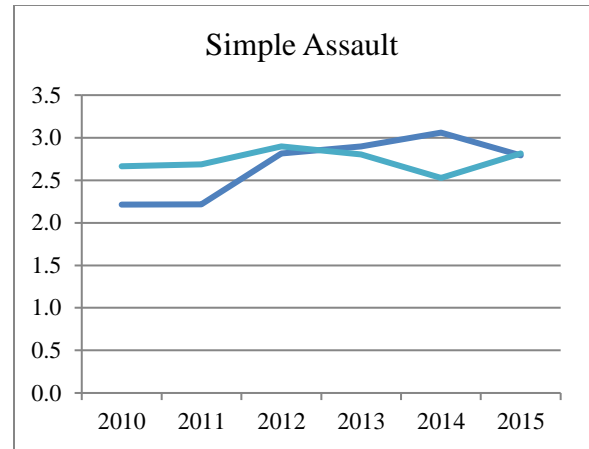
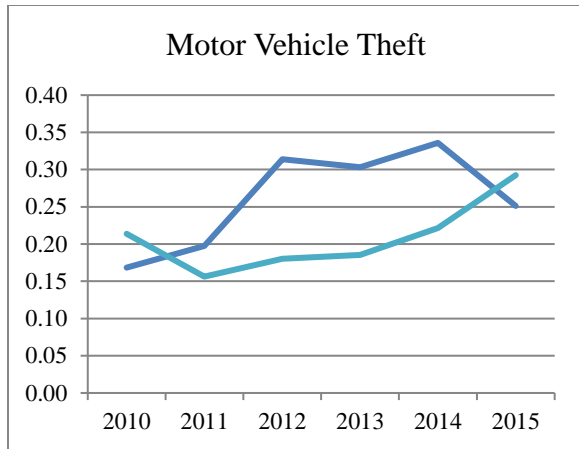
Arrests

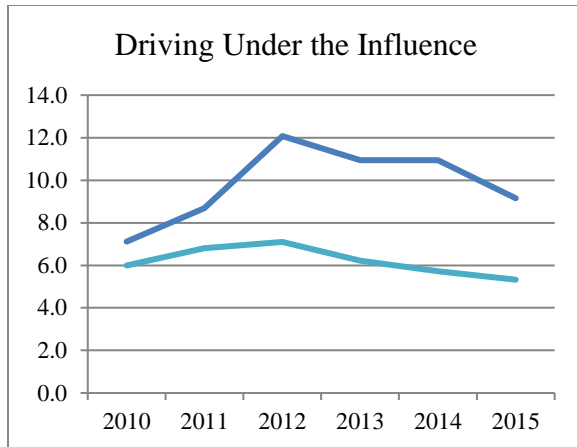
Arrest data were obtained from North Dakota Crime Statistics Online. As with previous analyses, the Metro Task Force, North Dakota Highway Patrol and Stanton Task Force were unable to be categorized as either “Bakken” or “Non-Bakken.” Rates per 1,000 persons were calculated for Bakken and non-Bakken counties.

The graphs in Figure 20 show these North Dakota arrest rates. Data for Bakken counties appear in the darker blue color. Trends are similar to those seen for offenses reported to police.

Figure 20. North Dakota Arrests





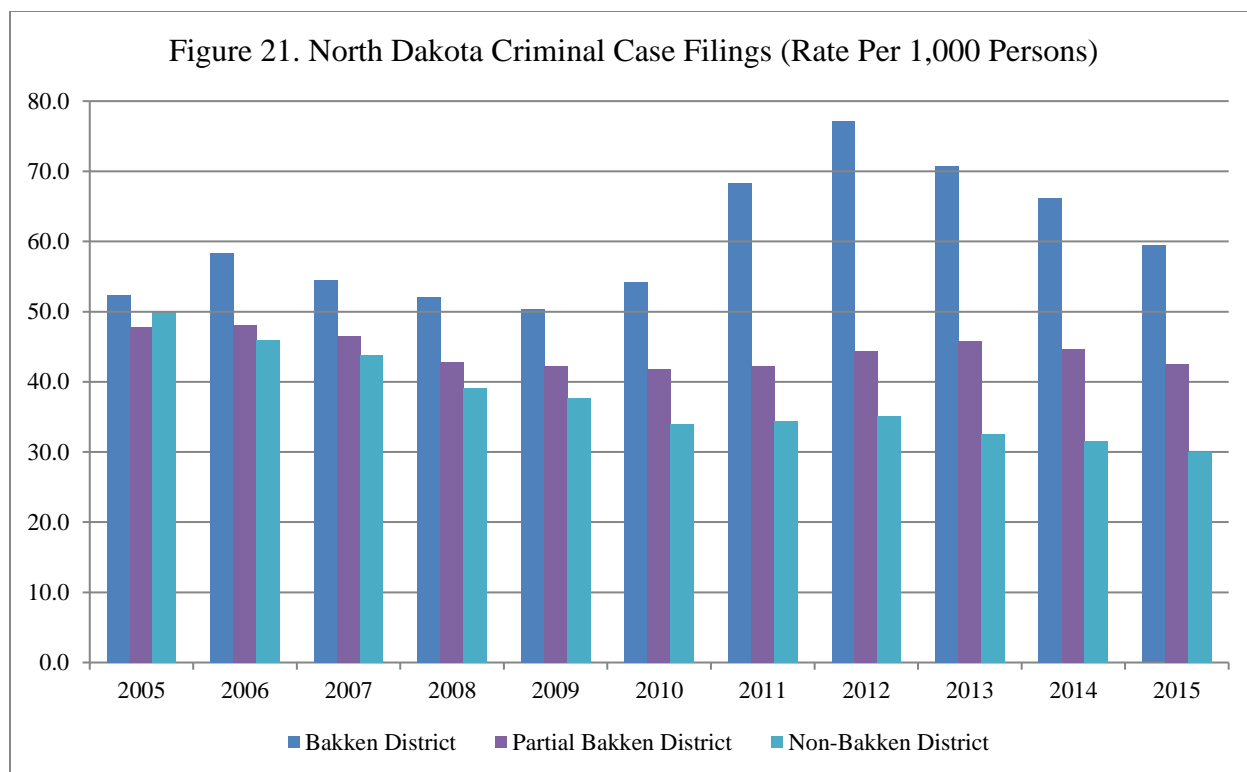


Note: Data for Bakken counties appear in the darker blue color.

Cases Prosecuted

Criminal case filings statistics were obtained from the North Dakota Court System Annual Reports. Data for the years 2005-2015 were extracted from the publicly available reports published on the North Dakota Courts website. These data were reported by judicial district and did not detail the types of criminal filings. The districts were divided into three categories based on their geography in relation to the Bakken oil formation. Districts with only counties in the formation were classified as “Bakken;” districts with at least one county in the formation were classified as “Partial Bakken;” and districts with no counties in the formation were classified as “Non-Bakken.” Bakken districts consisted of the North Central and Northwest districts. Partial Bakken districts consisted of the Northeast, South Central and Southwest districts. Non-Bakken districts consisted of the East Central, Northeast Central and Southeast districts. Rates per 1,000 persons were calculated.

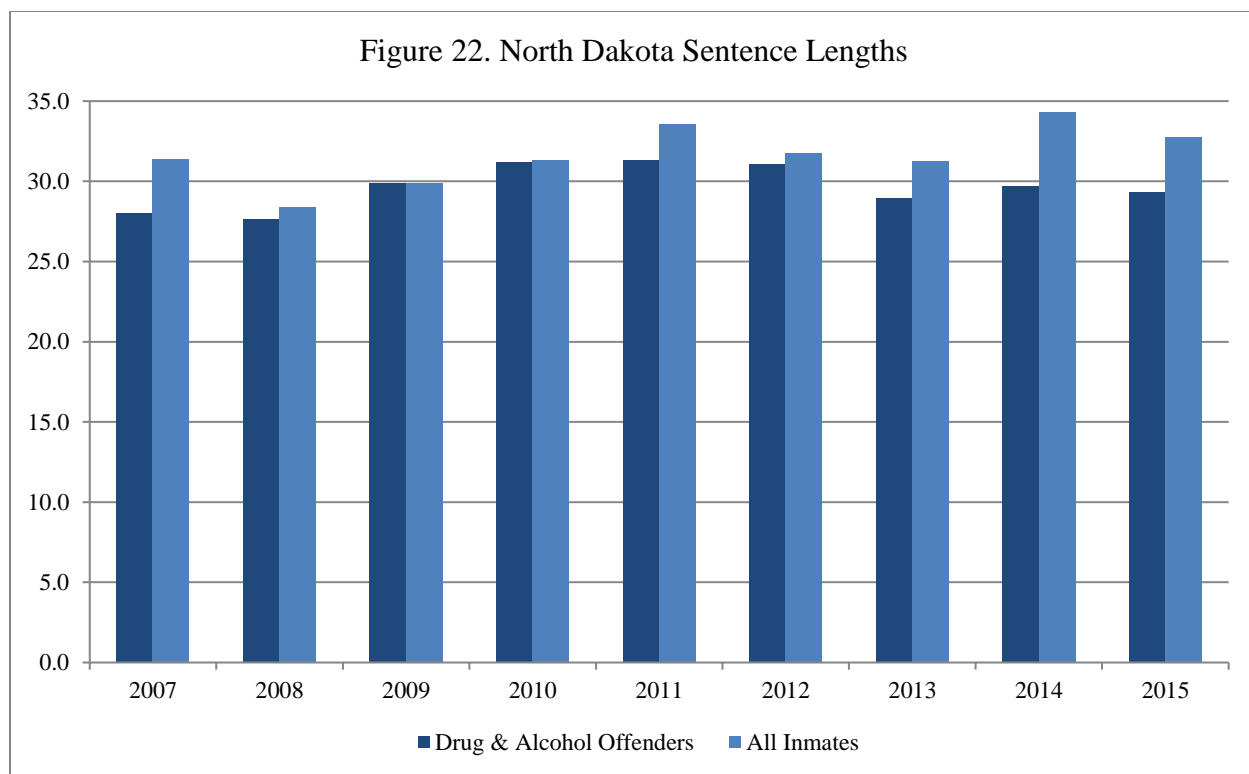
Figure 21 shows that the rate of criminal case filings in partial and non-Bakken districts remained somewhat stable during this time period. Rates in Bakken districts, however, rose markedly, from 52.3 per 1,000 persons in 2005 to a peak of 77.2 in 2012 before gradually falling from 2012 to 2015.



Sentence Lengths/Prison Population

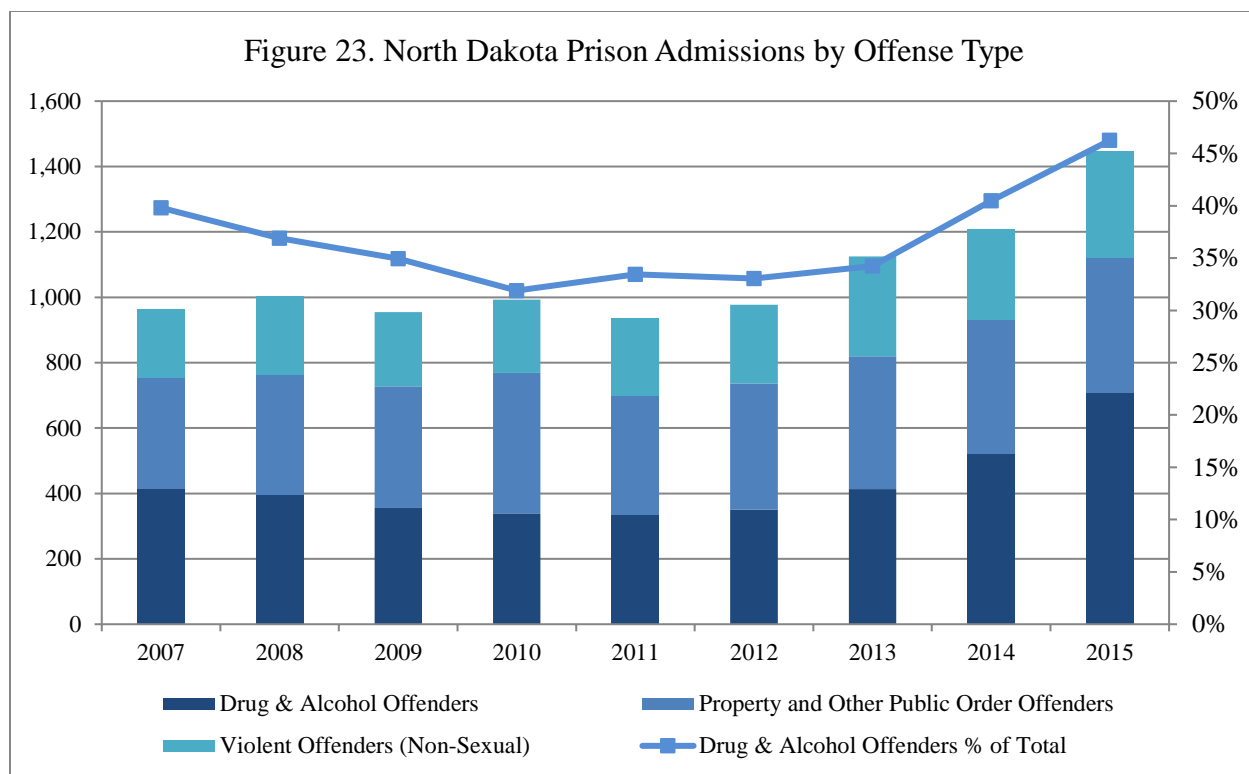
Average sentences (in months) imposed by the courts (by fiscal year and crime type) were obtained from the North Dakota Department of Corrections and Rehabilitation fact sheets. Average sentence length data were available for the years 2007-2015.

These data are shown in Figure 22. Sentence lengths for drug and alcohol offenders remained relatively stable, peaking at an average of 31.3 months in 2011. Among all inmates, the average sentence length peaked at an average of 34.3 months in 2014.



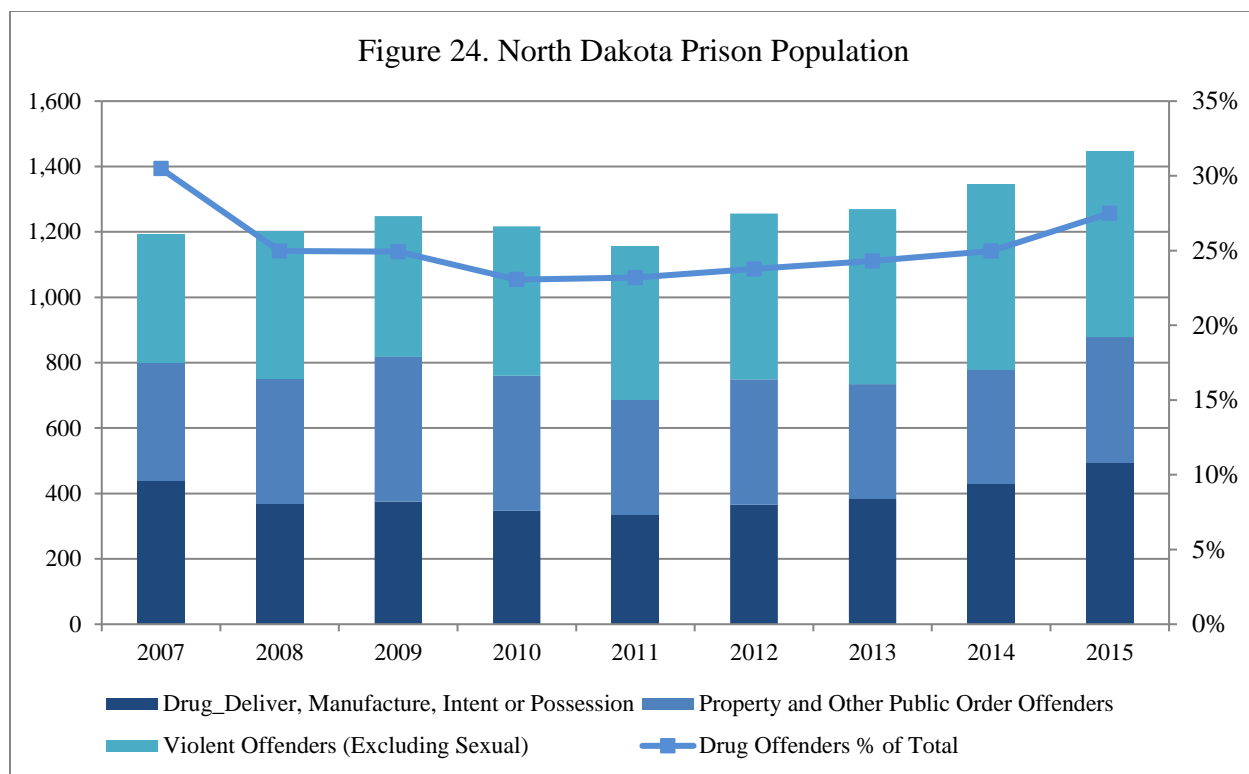
The annual number of offenders admitted to prison was also obtained from the North Dakota Department of Corrections and Rehabilitation fact sheets. Data were available for 2007-2015. Sex offenders were eliminated from the analysis. The data did not separate out alcohol offenders from drug offenders.

These data are shown in Figure 23. The proportion of total admissions made up by drug and alcohol offenders increased from 40% to 46% from 2007 to 2015. The other offense types remained relatively stable over that time period.



Data on prison population by crime type were obtained from the North Dakota Department of Corrections and Rehabilitation fact sheets. Inmate counts were taken on December 31 of each year. Data were available for 2007-2015.

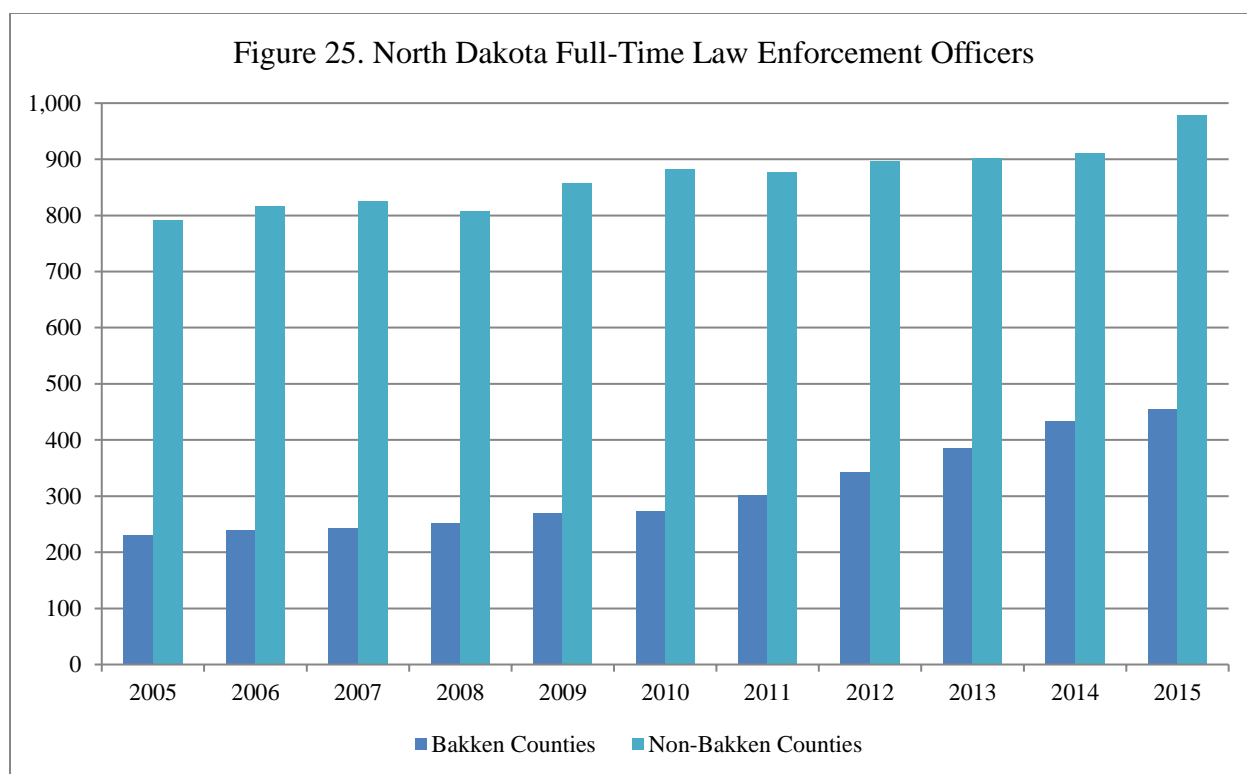
Figure 24 shows the prison population data from 2007 to 2015. The proportion of total population made up by drug offenders decreased from 30% in 2007 to 23% in 2011. However, the proportion rose from 2011 to 2015.



Law Enforcement Personnel

Law enforcement personnel data were obtained from the North Dakota Bureau of Criminal Investigation's Crime in North Dakota reports. These are publicly available reports published as pdfs online. Statistics on the number of full-time law enforcement officers by department were compiled. Keeping with previous analyses, Bakken vs. non-Bakken counties were compared. While the North Dakota Highway Patrol (NDHP) could not be classified as either "Bakken" or "Non-Bakken," the number of NDHP officers rose from 136 in 2005 to 162 in 2015.

The number of full-time law enforcement officers in Bakken counties rose steadily, with the number of officers doubling from 2005 to 2015. While the number of officers in non-Bakken counties also increased over the time period, it did so at a much lower rate than in Bakken counties.



Qualitative Findings

Primary States/Transshipment States

In order to obtain the perspectives of various stakeholder groups regarding the nature of the meth problem in their states and its relation to the Bakken oil boom, a convenience sample of 105 individuals was interviewed in North Dakota, South Dakota, Montana, Arizona, California, Colorado, Nebraska, New Mexico and Utah. Interviewees consisted of law enforcement officers, prosecutors and state health officials. Table 6 displays the breakdown of those interviewed by agency and state. Given the sampling method and number of interviews conducted in the various states, results should be interpreted with caution. It is not known if responses are representative of all law enforcement and other professionals in these states.

Table 6. Summary of Completed Interviews by Agency and State

State	Sheriff Officers	Police Officers	Officers from Drug Task Forces, HIDTA, and State Agencies	Prosecutors	Other Respondents	Total
North Dakota	7	9	5	6	0	27
Montana	6	2	2	5	1*	16
South Dakota	2	1	0	1	0	4
Colorado	7	2	1	7	1**	18
California	5	2	3	5	0	15
Arizona	1	1	2	3	0	7
New Mexico	4	1	1	1	0	7
Utah	3	1	0	3	0	7
Nebraska	3	0	0	1	0	4
Wyoming	0	0	0	0	0	0
Total	38	19	14	32	2	105

* State environmental cleanup agency (meth labs)

** State Department of Public Health

Respondents were asked questions regarding the prevalence of methamphetamine-related offenses, perceptions of the primary source of methamphetamine, perceptions regarding whether or not the Bakken oil boom has had any effects on methamphetamine-related offenses (trafficking in particular), and any changes in policies or goals relating to changes that may have occurred. Interview protocols can be found in Appendix D. This section presents a summary of key interview findings; more details of the interview results can be found in Appendix E.

The majority of respondents in states located in the Bakken oil formation, North Dakota, Montana and South Dakota, saw meth as a major problem in their jurisdictions. Concerns over meth in the non-Bakken states were more varied. For example, respondents in Colorado, Nebraska and California viewed meth as an issue, but were often more concerned with other drugs such as opioids (specifically fentanyl), heroin, and marijuana.

Meth was seen as being connected to social and crime issues such as domestic violence, child neglect and overall physical deterioration. Some law enforcement respondents reported concerns over meth being mixed with other drugs such as fentanyl, carfentanyl and other opioids. North Dakota and California officials reported seeing extremely high purity levels of meth, coupled with dramatic reductions in price.

Respondents from jurisdictions within 100 miles or so of the Bakken region strongly indicated that increased activity in meth use and trafficking coincided with the oil boom beginning in 2005 or within a few years after that. Those in jurisdictions further away from the Bakken in North

Dakota, Montana and South Dakota reported seeing increased meth between 3 to 7 years after the beginning of the boom. Meth had already been an issue in many parts of the region, but the problem worsened considerably and took on new characteristics as a direct consequence of the oil boom. In general, as the locations of interviewees got further from the Bakken region, there was less reporting of a perceived link of their meth issues to the Bakken oil boom.

Respondents noted that it is not only oil workers who become meth addicts, but also individuals working to support the expanded population, in trades such as construction and the restaurant and hotel businesses. The meth impact of the Bakken reaches a wide area surrounding the oil field region, since individuals who work in the Bakken live out of town for cheaper expenses. Even as Bakken oil production declined after 2013 and a number of oil workers were laid off, the individuals remained in the area and addicted to meth.

Respondents reported that meth offenses in the Bakken states peaked around 2012 at the height of oil production in the Bakken. One of the most commonly reported changes during this time period was the shift from domestic meth producing labs to the importation of meth produced by Mexican Drug Trafficking Organizations (DTOs). Nearly all respondents reported having knowledge that meth coming to their area originates in Mexico. It was reported by a number of respondents, including the Los Angeles High Intensity Drug Trafficking Area (HIDTA), that much of the meth coming from Mexico is taken initially to Los Angeles before heading to other intermediate distribution points. Primary intermediate distribution points were reported in the states of Washington, California, Oregon, Colorado and Nevada. In addition to Mexico being a source of trafficked meth, some interviewees reported the drug coming from Canada via U.S. Highway 83, the highway connecting to the northeast Bakken region.

The method of transportation for meth along these trafficking routes involves often storing the meth as a liquid in reserve gas tanks. The meth is later converted to powder or crystal shards, sometimes in “superlabs” (reported to be present throughout California). Law enforcement officials cited intelligence reports linking gangs from Los Angeles, CA and Chandler, AZ to the meth distribution network.

Officials in the Bakken region expressed frustrations over the lack of resources to address the meth problem. For example, treatment for addiction and the co-occurring mental health conditions related to drug use are lacking in the area. Additionally, officials in North Dakota and Montana reported meth to be a primary driver of prison crowding, even impacting their local jails where some state prisoners are housed.

In terms of adjustment of policies or procedures in response to meth, agencies have often initiated partnerships with other law enforcement entities to combat trafficking of meth and other illicit drugs, through entities such as multi-jurisdictional drug task forces. Respondents in the

Bakken region and beyond also reported changes in legislation that resulted in reduced penalties for drug possession and low-level dealing.

The priorities for some law enforcement personnel included effective coordination with state and federal agencies to bring an aggressive and effective approach to drug investigation and prosecution of all drug traffickers. Conversely, some officials stressed drug treatment as a priority, wanting to rehabilitate addicts where possible and treat meth as a public health issue. Several prosecutors discussed the importance of offering drug treatment as a diversion strategy in lieu of conviction. Many of the policing officials and prosecutors gave a great deal of support for drug courts as well as other specialty courts such as mental health and veterans courts where treatment is provided to addicts.

Fort Peck Indian Reservation

The Fort Peck Reservation is located in the northeastern corner of Montana, close to the Bakken oil region. A convenience sample of 14 individuals was interviewed at the Fort Peck Reservation. Interviewees consisted of reservation community members and tribal leaders, including law enforcement officers, criminal prosecutors, tribal correctional facility and tribal court personnel, drug enforcement officers, representatives from relevant social services agencies and former meth traffickers now in recovery from addiction, and cultural elders. As with the primary and transshipment states, respondents in Fort Peck were asked questions relating to the prevalence of methamphetamine-related offenses, perceptions of the primary source of methamphetamine, perceptions regarding whether or not the Bakken oil boom has had any effects on methamphetamine-related offenses (trafficking in particular), and any changes in policies or goals that may have occurred. The interview protocol can be found in Appendix D. This section presents a summary of key interview findings; more details of the interview results can be found in Appendix F.

Respondents described a meth “epidemic” beginning around the same time or shortly after the Bakken oil boom. The levels of meth trafficking and meth addiction peaked between the years 2011 and 2014. Prior to this time, meth use was sporadic and sourced from long distance trips to Billings, MT. During the height of meth trafficking, respondents reported that traffic on US Highway 2 increased dramatically. This highway runs the entire length of the reservation from west to east and was viewed as serving as a corridor for drug traffickers, dealers and users.

The size and characteristics of the reservation, including its rural location and the low socioeconomic status of most residents, were seen as contributing to epidemic levels of meth use. The few tribal law enforcement officers have a difficult time policing such a large geographic region, allowing meth trafficking to proliferate, particularly along the reservation’s borders. Respondents discussed non-Indian meth traffickers dropping off meth to tribal members who

work as distributors along the northern border of the reservation. Respondents reported that non-Indian meth traffickers deliberately conducted exchanges off of tribal lands, since a non-tribal meth trafficker caught on the reservation would be prosecuted in the federal courts.

In addition to drug possession and trafficking, respondents communicated concerns about other types of crime that have increased in tandem with the increase in meth addiction, such as theft, burglary, prostitution, sex trafficking, and child abuse and neglect (including sexual abuse) crimes. Since Native American culture views children as sacred, their abuse and neglect has far reaching implications for the cultural and spiritual health of the community.

The legal and jurisdictional challenges related to prosecuting meth-related crimes were mentioned by nearly every respondent. Policing Fort Peck involves five law enforcement entities: Tribal Police, Montana State Highway Patrol, Roosevelt County Sheriff's Department, the FBI and the Wolf Point City Police. Officers from these five agencies are cross-deputized, a practice that began after the oil boom, so that all officers can make an arrest if the arrest takes place on the Fort Peck Reservation. After an arrest takes place, where and by which agency the arrest is prosecuted varies by the type of crime committed and, in the case of illegal drugs, the amount of drugs seized.

Respondents reported that the multiple law enforcement agencies and jurisdictional issues make tracking meth offenses extremely difficult. Crime reporting information is scattered across the agencies and different jurisdictions, with little to no sharing of information among them. There is no source of centralized data about criminal offenses, prosecutions, court dispositions, sentencing or probation. Additionally, the records of drug offenses do not specify the kind of drug offense it was (e.g. possession) or the type of drug. Given these limitations, it is impossible to accurately document the scope of the meth problem.

A primary concern expressed throughout the interviews, both with respondents from the criminal justice system and those associated with social services, was finding effective treatments to help with the addiction that drives the demand for meth on the reservation. Currently, there are inadequate resources to address meth addiction on the reservation. While there is an outpatient treatment center, Spotted Bull, most of the counselors only have experience treating alcohol dependence. Additionally, the need was expressed for inpatient treatment centers in order to help prevent relapses.

Throughout the interviews, it became clear that cultural issues exert a strong influence on the outcomes of the drug trade and associated problems on the reservation. The close-knit relationships based on extended family ties and interpersonal connections play a major role in the proliferation of meth use and trafficking and the responses to it. In addition, tribal affiliation also appears to impact arrest, offense and prosecution rates and outcomes due to the Assiniboine and

Sioux being historical enemies. Cultural issues related to tribal affiliation are further complicated by the rapid turnover of personnel in the corrections and criminal justice systems and by changes in tribal council members through biannual elections.

Discussion

This project set out to identify the criminal justice system impacts of methamphetamine trafficking to the Bakken oil region. The project explored the availability of data in: (1) Montana and North Dakota, which contain the Bakken oil field; (2) states and localities through which methamphetamine is thought to pass on its way from Mexico to the Bakken region; and (3) the Fort Peck Indian Reservation, located adjacent to the Bakken oil field. Data were obtained from publicly available sources, usually online, and verified where necessary by state Statistical Analysis Centers.

Our conclusions from this project, in terms of both data availability and findings from the data analysis, are discussed below.

Data Availability

The biggest drawback in trying to draw conclusions about the impact of methamphetamine was the lack of available quantitative data on criminal justice system indicators. Generally speaking, many states do not systematically collect and compile the data needed to appropriately examine and answer research questions related to specific drug types. When data are available, they may not be recorded or collected in a format suitable for addressing issues such as trends over time.

In JRSA's analysis of marijuana, we note that part of the difficulty in obtaining relevant data to address research questions such as those posed here relates not to data on marijuana (or other drug) impacts, but to the collection of, and access to, state-level criminal justice data in general.¹⁶ Data available at the state and local levels are collected for administrative or operational purposes and are often not collected and reported in a form that is useful for research purposes. Records may not be complete or accurate with regard to the specific type of drug or the quantity of the drug. Different components of the justice system may record drug information differently, and records from these various systems often cannot be linked with one another.

The current project made use of data that were, for the most part, publicly available. However, in those instances when we sought more detailed or specific data, they were often unavailable to us

¹⁶ E.J. Farley & S. Orchowsky (2019). *Measuring the Criminal Justice System Impacts of Marijuana Legalization and Decriminalization Using State Data*. U.S. Department of Justice, Bureau of Justice Statistics.

as researchers. State and local agencies are often concerned about releasing individual-level data. State agencies are often required to establish data sharing agreements or memorandums of understanding in order to share data with researchers, and there may be fees associated with obtaining data from certain entities. Staff of state and local criminal justice agencies often do not have the time or other resources to produce data for researchers. When publicly available information is used, it may be incomplete or not be in a form that is useful for research (e.g. the data in “pdf” files that required hand entry into spreadsheets for the current project).

Regardless of the source, determining the nature and overall quality of the data is a very important step in the analysis process. When utilizing a publicly available source or even a dataset obtained directly from an agency, it may be challenging to establish exactly what the data are showing. It is vital to establish a contact at the entity where the data were obtained who is knowledgeable about how the data are collected and what they mean. Even with such a contact, automatic imputations and errors in data entry may be impossible to detect. For example, methamphetamine seizure data may have an entry of a 3kg (3,000g) seizure for one incident. While this could be a legitimate large seizure, it could also be a data entry error where the measurement should have been grams rather than kilograms. These are issues that must be considered carefully before analyzing and drawing conclusions from the data.

In addition to these general data issues, obtaining information on specific drug types, such as methamphetamine, can be challenging because state laws do not mandate penalties for specific drug types. As part of this project, staff conducted a review of drug-related legislation in the states of interest, the results of which are provided in Appendix G. This review showed that the majority of states do not specify drug types within their penal codes. As a result, an individual will be charged for a drug offense (e.g. possession), but the arrest records and court documents are unlikely to reflect the drug type involved in the offense. Furthermore, many state statutes use terms like “dangerous drug,” which may include a variety of drug types. This makes it challenging to collect and analyze data on any one specific drug, such as methamphetamine.

Virtually any study that attempts to assess the impacts of a new phenomenon (such as the Bakken oil boom), policy or initiative requires adequate baseline data in order to compare changes before and after implementation. Data should be recorded in a consistent fashion over a relatively long period of time prior to the phenomenon under study. As noted above, for a variety of reasons these types of data may not be available. Looking at trends over time to assess impacts can also be challenging. This is especially true when the analysis is largely restricted to publicly available data.

The issues identified in this report associated with drugs being trafficked to the Bakken oil region will undoubtedly repeat themselves as similar oil reserves are discovered and tapped in other states. It would therefore be wise for states to take steps to ensure that data are being recorded consistently and accurately. As we noted in our marijuana report, identifying drug type

and specifying drug units or quantities in a consistent fashion in all data sources are key elements for assessing impacts.

JRSA's approach to obtaining the data analyzed here was to seek out publicly available data and to work through the SACs in the selected states to identify additional data sources where available. There are many challenges with such data, as noted above. Researchers may have more success going directly to state or local agencies for drug data in general and data on methamphetamine in particular. For example, our data collection efforts suggest that local law enforcement agencies may have more specific information on drug offenses than may be available either at the state level or at later stages of the criminal justice system.

Study Findings

Examining the impact that large economic shifts such as the Bakken oil boom have on criminal justice resources requires a "deep dive" into a variety of indicators. Our analysis only begins to unpack the relationship between crime, methamphetamine-related crime specifically, and economic booms. Obtaining the detailed data necessary to conduct an analysis such as this presents many challenges for researchers; those challenges were addressed in the previous discussion on data availability.

In contrast to our previously cited marijuana study, JRSA took a modified approach to data collection for the current effort. Here, we first conducted an independent review of all publicly available sources of data for the indicators. The search focused primarily on state agencies, but local agencies were also examined for areas of interest. The SACs were then consulted to determine if the identified sources were in fact the best available in the state and if the SACs had the ability to obtain the datasets behind the publicly facing reports. While it was discovered that sources of data could be easily located online, the reports designed for public consumption had many limitations. The data were aggregated and did not contain the level of detail desired (e.g. specific to county, specific to methamphetamine, etc.). Even when a data request was sent to, for example, a state correctional agency, JRSA was informed that they were unable to identify the number of offenders in prison for methamphetamine-related crimes in the underlying datasets.

The data limitations extended even beyond criminal justice measures. Census population counts and estimates may not include transient oil workers and other temporary residents living in the area. Using these Census estimates as the denominator in rate calculations may artificially inflate those rates in the areas most heavily impacted by the Bakken oil boom.

The limitations discussed above make it difficult to draw definitive conclusions from the data analyzed in this study. While the qualitative data help to corroborate some of what is seen in the

quantitative data and fill in gaps, it is important to note that the convenience sample of interviewees offers only a subjective assessment of events and causal connections.

With these caveats in mind, the hypotheses that drove the data collection on this project are discussed below.

Hypothesis 1

The availability and use of illegal drugs in general, and methamphetamine in particular, have affected the justice systems in the states and localities bordering the Bakken oil formation by causing increased strain on resources.

The data analyzed in both North Dakota and Montana, particularly methamphetamine specific data, revealed some provocative trends. Specifically, the rates of amphetamine/methamphetamine incidents and arrests in Montana and North Dakota counties in the Bakken region showed rapid increases during the Bakken oil boom. The effects seemed to spread beyond the Bakken region, leading to steep increases in surrounding counties as well. Amphetamine/methamphetamine seizure data was inconclusive in Montana; however, seizures in North Dakota showed a very large and disproportionate increase in Bakken counties. These quantitative findings are indicative of an increased presence of methamphetamine in the Bakken region during the oil boom.

In Montana, firearm seizures in Bakken counties increased during the time period along with rates of several major offense categories, surpassing rates in non-Bakken counties in some cases. Other measures in Montana, including traffic stops and criminal case filings in Bakken counties, also showed increases during this time. Probation caseload and prison population data obtained for the study were not locality specific. Therefore, while increases were seen for both measures, it is not clear how much of the increases occurred in the Bakken region. The number of law enforcement officers in Bakken counties increased only slightly during this time period, suggesting that while crime increases have been seen, increases in personnel to address these issues have not kept up.

In North Dakota, crime rates for several major offense categories also increased in Bakken counties during this time period, although rates declined for other offenses. Criminal case filings in Bakken counties increased markedly during this time period, resulting in a large gap between rates there and rates in non-Bakken counties. Sentence lengths for drug and alcohol offenses showed little change during the oil boom. While other offense types remained relatively stable, the proportion of prison admissions and stock population comprised of drug and alcohol offenders increased during the peak of the oil boom. North Dakota saw a more noticeable increase in law enforcement personnel during this time period than Montana.

Interview findings from Montana and North Dakota supported the conclusion that the prevalence of methamphetamine has increased in the Bakken region. Additionally, interview findings indicated a connection was seen between these increases and the timing of the Bakken oil boom. Methamphetamine had already been an issue in many parts of this region, but the issue increased in severity during the oil boom. Respondents in the Bakken region expressed frustration over the lack of resources to address the issue of increased methamphetamine. Specifically, lack of treatment capacity for addiction and prison/jail overcrowding were mentioned as system strains.

Hypothesis 2

Mexico serves as the primary source of methamphetamine and other drugs being trafficked into the states and localities bordering the Bakken oil formation.

The responses to our interviews indicated that methamphetamine is now being primarily sourced from Mexico rather than from domestic labs. According to those interviewed, “superlabs” in Mexico produce high grade methamphetamine that is then trafficking and distributed through various intermediate distribution points in the U.S. Quantitative measures including the source of methamphetamine were unavailable.

Hypothesis 3

Justice systems in states and localities located along distribution routes used by Mexican DTOs to transport drugs in general, and methamphetamine in particular, to the Bakken oil formation have experienced increased strain. These effects corresponded with the rapid increase in oil production over time.

Data analysis for the states and localities located along distribution routes used by Mexican DTOs was limited to data specific to methamphetamine, which were only available for Arizona, Nebraska and Utah. In Arizona, a moderate increase in methamphetamine arrest rates was seen in counties with a north/south interstate, while rates in non-interstate counties remained relatively stable. Some increases were seen for methamphetamine convictions and sentences, but the results were less conclusive. In Nebraska, data were available for only one potential transshipment locality, Omaha. The number of methamphetamine-related arrests in Omaha saw a rapid increase during the period of the oil boom. Methamphetamine seizures took a large jump in 2013 but increased only slightly otherwise. In Utah, data were examined only for Salt Lake City, another potential transshipment point. Trend data were unavailable for analysis, so it was not possible to assess changes corresponding with the Bakken oil boom. It should be noted that while the presence of methamphetamine in the states and localities along distribution routes increased in some areas, it is very difficult to attribute this to the Bakken oil boom.

Qualitative findings indicate that respondents in these areas have more varied views on the issue of methamphetamine compared to those in the Bakken region. Respondents expressed a greater concern for other drugs such as opioids (specifically fentanyl), heroin and marijuana. Interview findings confirmed the perception that many of the states and localities examined served as intermediate distribution points for drugs coming from Mexico. In California specifically, respondents indicated that the state has its own “superlabs” where the production of methamphetamine takes place. While methamphetamine is present in these areas, strain on resources was most often described in relation to other drug types.

Hypothesis 4

The availability and use of illegal drugs in general, and methamphetamine in particular, affected the justice systems in the tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs to the Bakken oil formation by increasing strain on justice system resources.

Interviews conducted on the Fort Peck Reservation indicated that respondents believe a methamphetamine epidemic on their reservation began around the same time as the Bakken oil boom. Prior to this time, methamphetamine use was sporadic at Fort Peck. In addition to an increase in methamphetamine crime, respondents also indicated an increase in other crime types, such as burglary, during this time. Jurisdictional issues and a lack of resources to address methamphetamine addiction were cited as major strains for the reservation. Fort Peck lacks the necessary technology and personnel to effectively track and address the issue of methamphetamine.

Hypothesis 5

Mexico serves as the primary source of methamphetamine and other drugs being trafficked to tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs.

Interview respondents on the Fort Peck Reservation focused more on the intermediate distribution points for methamphetamine. Mexico, or any other location, was not mentioned as being the primary source of methamphetamine trafficked to and through Fort Peck. Respondents instead focused on how exchanges of methamphetamine take place just over the border of the reservation in order to avoid federal or tribal court prosecution. U.S. Highway 2, which runs west to east across the length of the reservation, was believed to serve as a major corridor for drug traffickers, dealers and users. In addition, the proximity of the reservation to the Bakken oil fields was seen as being an important risk factor for the drug problems at Fort Peck.

Conclusion

This study aimed to examine criminal justice system impacts of increased illegal drug activity associated with the Bakken oil boom. The focus of data collection centered around one drug type in particular, methamphetamine. Efforts to collect data specific to methamphetamine revealed an array of challenges. Issues with the availability and quality of data extended through every state and locality of interest. The analyses presented here should therefore be interpreted with caution.

The quantitative and qualitative data collected and analyzed seemed to reveal increased criminal activity in general, methamphetamine-related offenses in particular, in the states and localities in the Bakken region. Some increases were seen in transshipment states and localities, but it is not possible to make a connection between these and the Bakken oil boom. In all areas, however, there was a consensus among those interviewed that methamphetamine is being supplied primarily by Mexican DTOs. Many interview respondents mentioned a lack of drug treatment services as being a challenge. Incorporating public health measures into the analyses may have shed some light on the nature and extent of this challenge.

Many of the data issues encountered in this study are not easily addressed. However, it is important that analysts, policymakers, and other stakeholders become aware of, and begin to address, the challenges associated with collecting and analyzing these data. Whether it is the “next Bakken” or some other phenomenon, policy or issue, reliable and valid drug specific data will be needed to address questions regarding justice system impacts, and it would be prudent for states and localities to develop these data sources now so that accurate and adequate baselines can be established.

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<https://police.cityofomaha.org/crime-information/annual-reports>

Utah

Open Data Salt Lake City for Calls for Police Service provided by the Salt Lake City Police Department. Archival data is available here: <https://data.slcgov.com/>

Appendix A: Summary of Publicly Available Data

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
Calls for Service		Solano County Calls for Service			Omaha PD Calls for Service		North Dakota Highway Patrol Annual Report	Salt Lake City Police Calls for Service	Sheridan County Sheriff's Department Incidents
Methamphetamine Seizures	ACJC EDGE Report	California BNE Drug Seizures Statistics	Northern Colorado Drug Task Force Statistics		NCC JAG Strategic Plan		North Dakota BCI ND Crime Statistics Online		Wyoming DCI Crime in Wyoming Report
Methamphetamine Lab Seizures	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents	DEA Meth Lab Incidents
	ACJC EDGE Report								
Gun and Drug Seizures Other Than Methamphetamine	ACJC EDGE Report	California BNE Drug Seizures Statistics	Northern Colorado Drug Task Force Statistics		NCC JAG Strategic Plan		North Dakota BCI ND Crime Statistics Online		Wyoming DCI Crime in Wyoming Report
Police Traffic Stops	Arizona DPS Traffic Stop Data Analysis Study			Montana Highway Patrol Traffic Stops Report	NCC Traffic Stops in Nebraska Report		North Dakota Highway Patrol Annual Report		
Offenses Known to Police	UCR	UCR	UCR	UCR	UCR	UCR	UCR	UCR	UCR
	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report	Colorado BI Crime in Colorado Report	MTIBRS Dashboard	NCC Crime in Nebraska Report	New Mexico DPS Uniform Crime Report Summary	North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	Wyoming DCI Crime in Wyoming Report
							North Dakota BCI ND Crime Statistics Online		
Arrests by Offense	UCR	UCR	UCR	UCR	UCR	UCR	UCR	UCR	UCR

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report	Colorado BI Crime in Colorado Report	MTIBRS Dashboard	NCC Crime in Nebraska Report		North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	Wyoming DCI Crime in Wyoming Report
	ACJC EDGE Report						North Dakota BCI ND Crime Statistics Online		
Law Enforcement Personnel	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report		MBCC Law Enforcement Personnel in Montana Report	NCC Law Enforcement in Nebraska Report		North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	
Cases Prosecuted	Arizona Judicial Branch Case Filings Report	California Courts Court Statistics Report	Colorado Judicial Branch Annual Statistical Report	Montana Judicial Branch Supreme Court Caseload Statistics/ District Court Statistics/ Courts of Limited Jurisdiction Statistics	Nebraska Judicial Branch Annual Caseload Report	New Mexico Courts Annual Report	North Dakota Court System Annual Report	Utah Courts Caseload Report	Wyoming Judicial Branch District Court/Circuit Court Fiscal Report
Case Dispositions		California OAG Crime in California Report	Colorado Judicial Branch Annual Statistical Report	Montana Judicial Branch Supreme Court Caseload Statistics/ District Court Statistics/ Courts of Limited Jurisdiction Statistics	Nebraska Judicial Branch Annual Caseload Report	New Mexico Courts Annual Report	North Dakota Court System Annual Report	Utah Courts Caseload Report	

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
		California Courts Court Statistics Report							
Sentence Types and Lengths				Montana DOC Biennial Report	Nebraska DCS Annual Report		North Dakota DOCR Fact Sheet		
Probation Caseload	Arizona Judicial Branch Probation Report	California OAG Crime in California Report	Colorado Judicial Branch Annual Statistical Report	Montana DOC Biennial Report	Nebraska Judicial Branch Biennial/Semi-Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Biennial Report	Utah DOC Statistics	Wyoming DOC Annual Report
Jail Population	Maricopa County CJ System Annual Activities Report	California BSCC		Montana Detention Data Information System/ Juvenile Detention Data Reporting System			North Dakota Association of Counties County Jail Survey		
Prison Population	Arizona DOC Corrections at a Glance	California DCR Monthly Total Population Report	Colorado DOC Monthly Population and Capacity Report	Montana DOC Biennial Report	Nebraska DCS Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Fact Sheet	Utah DOC Statistics	Wyoming DOC Annual Report
Jail Personnel and Facility Resources									
Prison Personnel and Facility Resources	Arizona DOC ADC Master List of Programs Report	California DOF Enacted Budget	Colorado DOC Annual Statistical Reports	Montana DOC Biennial Report	Nebraska DCS Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Biennial Report		Wyoming DOC Annual Report

Appendix B: Example of State Data Information Sheet

Arizona Methamphetamine Study Data Request

Goal: Examine any increased strain on the criminal justice systems (CJS) in the states, localities and tribal nations along distribution routes used by Mexican DTOs to transport drugs in general, and methamphetamine in particular, to the Bakken oil formation

Analytical Strategy: (1) Examine CJS indicator trends from 2005-2015, comparing with increase in oil production over same time period, focusing on drugs in general and meth in particular where possible; (2) Compare CJS indicators in affected localities (transshipment points and those along transshipment routes) with other localities in the state; (3) Compare CJS indicators in affected localities with statewide totals (where locality specific data are not available).

Affected Localities (counties along I-19 and I-17 and cities identified in HIDTA reports). The primary focus localities are in bold.

- **Phoenix, AZ**
- **Tucson, AZ**
- Douglas, AZ
- Coconino
- Maricopa
- Mohave
- Pima
- Santa Cruz
- Yavapai

Desired Interviewees

- | | |
|-------------------------------------|---|
| • Coconino County Sheriff | • Yavapai County Attorney |
| • Coconino County Attorney | • Phoenix Police Department |
| • Maricopa County Sheriff | • Tucson Police Department |
| • Maricopa County Attorney | • SW Border-AZ Region HIDTA |
| • Mohave County Sheriff | • Western Region BIA |
| • Mohave County Attorney | • BIA Office of Justice Services |
| • Pima County Sheriff | • District III |
| • Pima County Attorney | • Arizona Office of Tribal Relations |
| • Santa Cruz County Sheriff | • Arizona Highway Patrol District 1 |
| • Santa Cruz County Attorney | • Arizona Highway Patrol District 2 |
| • Yavapai County Sheriff | • Arizona Highway Patrol District 8 |

- **Arizona Highway Patrol District 12**
- **Phoenix Metro Central District 5**
- **Phoenix Metro East District 13**
- **Phoenix Metro West District 14**
- **Phoenix Capitol PD**
- **Arizona Department of Public Safety**
- **Arizona's Counter Narcotics Alliance**

				Are you aware of an additional data source that addresses the identified limitations and/or is available at the locality level identified below? Please address the feasibility of obtaining these data.				
CJS Indicator	Breakdown	JRSA Identified Source	Data Limitations	Additional Source	Availability for Phoenix	Availability for Tucson	Availability for Other Affected Localities	Statewide Totals Available
Calls for Service	Type	None						
Methamphetamine Seizures	County, weight	ACJC EDGE Report	Available for selected localities only					
Methamphetamine Lab Seizures	County	DEA Meth Lab Incidents	Available for selected localities only; not by county; missing 2015					
		ACJC EDGE Report	Available for selected localities only; missing 2005-2008					
Gun and Drug Seizures Other Than Methamphetamine	County, weight/type	ACJC EDGE Report	Available for selected localities only					
Police Traffic Stops	County, type	Arizona DPS Traffic Stop Data Analysis Study ¹	Available for selected localities only; not meth specific; missing 2005-2006 and 2010-2015					
Offenses Known to Police	County, type	UCR	Missing 2015		Community Crime Map ³	Crime Reports ⁴		
		Arizona DPS Crime in Arizona Report ²	Missing 2005					
Arrests by Offense	County, type	UCR	Not meth specific; missing 2015					
		Arizona DPS Crime in Arizona Report ²	Not meth specific; missing 2005					

				Are you aware of an additional data source that addresses the identified limitations and/or is available at the locality level identified below? Please address the feasibility of obtaining these data.				
CJS Indicator	Breakdown	JRSA Identified Source	Data Limitations	Additional Source	Availability for Phoenix	Availability for Tucson	Availability for Other Affected Localities	Statewide Totals Available
		ACJC EDGE Report	Available for selected localities only; not meth specific for 2005-2008					
Law Enforcement Personnel	County, full-time vs. part-time status	Arizona DPS Crime in Arizona Report ²	No full-time vs. part-time status; missing 2005					
Cases Prosecuted	County, type	Arizona Judicial Branch Case Filings Report ⁵	Not meth specific					
Case Dispositions	County, offense type, type of disposition	None						
Sentence Types and Lengths	County, sentence type, length, offense type	None						
Probation Caseload	County, offense type	Arizona Judicial Branch Probation Report ⁵	Not meth specific					
Jail Population	County, offense type, status (pre-trial, post-disposition)	Maricopa County CJ System Annual Activities Report ⁶	Available for selected localities only; not meth specific; do not specify status					

				Are you aware of an additional data source that addresses the identified limitations and/or is available at the locality level identified below? Please address the feasibility of obtaining these data.				
CJS Indicator	Breakdown	JRSA Identified Source	Data Limitations	Additional Source	Availability for Phoenix	Availability for Tucson	Availability for Other Affected Localities	Statewide Totals Available
Prison Population	Offense type	Arizona DOC Corrections at a Glance ⁷	Not meth specific; missing 2005-2011					
Jail Personnel and Facility Resources	County, program	None						
Prison Personnel and Facility Resources	Program	Arizona DOC ADC Master List of Programs Report ⁸	Missing 2005-2014					

¹http://www.azdps.gov/about/reports/Traffic_Stop/

²http://www.azdps.gov/about/reports/crime_in_arizona/

³<http://communitycrimemap.com/>

⁴<https://www.tucsonaz.gov/police/statistics>

⁵<http://www.azcourts.gov/statistics>

⁶<https://www.maricopa.gov/CriminalJustice/Annual.aspx>

⁷<https://corrections.az.gov/reports-documents/reports/corrections-glance>

⁸<https://corrections.az.gov/reports-documents/reports>

Appendix C: Summary of Publicly Available State or Local Data

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
Calls for Service	Arizona DPS Annual Report	Solano County Calls for Service			Omaha PD Calls for Service		North Dakota Highway Patrol Annual Report	Salt Lake City Police Calls for Service	Sheridan County Sheriff's Department Incidents
	RAIDS/ Agency Website								
Methamphetamine Seizures	ACJC EDGE Report	California BNE Drug Seizures Statistics	Northern Colorado Drug Task Force Statistics	MTIBRS Dashboard	NCC JAG Strategic Plan		North Dakota BCI ND Crime Statistics Online		Wyoming DCI Crime in Wyoming Report
	Arizona DPS Annual Report				Omaha Police Department Annual Report				
Methamphetamine Lab Seizures	ACJC EDGE Report				Omaha Police Department Annual Report				
Gun and Drug Seizures Other Than Methamphetamine	ACJC EDGE Report	California BNE Drug Seizures Statistics	Northern Colorado Drug Task Force Statistics	MTIBRS Dashboard	NCC JAG Strategic Plan		North Dakota BCI ND Crime Statistics Online		Wyoming DCI Crime in Wyoming Report
	Arizona DPS Annual Report				Omaha Police Department Annual Report				
Police Traffic Stops	Arizona DPS Traffic Stop Data Analysis Study			Montana Highway Patrol Traffic Stops Report	NCC Traffic Stops in Nebraska Report		North Dakota Highway Patrol Annual Report		

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
	Arizona DPS Annual Report								
Offenses Known to Police	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report	Colorado BI Crime in Colorado Report	MTIBRS Dashboard	NCC Crime in Nebraska Report	New Mexico DPS Uniform Crime Report Summary	North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	Wyoming DCI Crime in Wyoming Report
							North Dakota BCI ND Crime Statistics Online		
Arrests by Offense	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report	Colorado BI Crime in Colorado Report	MTIBRS Dashboard	NCC Crime in Nebraska Report		North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	Wyoming DCI Crime in Wyoming Report
	ACJC EDGE Report				Omaha Police Department Annual Report		North Dakota BCI ND Crime Statistics Online		
Law Enforcement Personnel	Arizona DPS Crime in Arizona Report	California OAG Crime in California Report		MBCC Law Enforcement Personnel in Montana Report	NCC Law Enforcement in Nebraska Report		North Dakota BCI Crime in North Dakota Report	Utah BCI Crime in Utah Report	
Cases Prosecuted	Arizona Judicial Branch Case Filings Report	California Courts Court Statistics Report	Colorado Judicial Branch Annual Statistical Report	Montana Judicial Branch Supreme Court Caseload Statistics/ District Court Statistics/ Courts of Limited Jurisdiction Statistics	Nebraska Judicial Branch Annual Caseload Report	New Mexico Courts Annual Report	North Dakota Court System Annual Report	Utah Courts Caseload Report	Wyoming Judicial Branch District Court/Circuit Court Fiscal Report

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
Case Dispositions		California OAG Crime in California Report	Colorado Judicial Branch Annual Statistical Report	Montana Judicial Branch Supreme Court Caseload Statistics/ District Court Statistics/ Courts of Limited Jurisdiction Statistics	Nebraska Judicial Branch Annual Caseload Report	New Mexico Courts Annual Report	North Dakota Court System Annual Report	Utah Courts Caseload Report	
		California Courts Court Statistics Report							
Sentence Types and Lengths				Montana DOC Biennial Report	Nebraska DCS Annual Report		North Dakota DOCR Fact Sheet		
Probation Caseload	Arizona Judicial Branch Probation Report	California OAG Crime in California Report	Colorado Judicial Branch Annual Statistical Report	Montana DOC Biennial Report	Nebraska Judicial Branch Biennial/Semi-Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Biennial Report	Utah DOC Statistics	Wyoming DOC Annual Report
Jail Population	Maricopa County CJ System Annual Activities Report	California BSCC		Montana Detention Data Information System/ Juvenile Detention Data Reporting System		New Mexico Sentencing Commission	North Dakota Association of Counties County Jail Survey		

CJS Indicator	Arizona	California	Colorado	Montana	Nebraska	New Mexico	North Dakota	Utah	Wyoming
Prison Population	Arizona DOC Corrections at a Glance	California DCR Monthly Total Population Report	Colorado DOC Monthly Population and Capacity Report	Montana DOC Biennial Report	Nebraska DCS Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Fact Sheet	Utah DOC Statistics	Wyoming DOC Annual Report
	Morrison Institute Report								
Jail Personnel and Facility Resources						New Mexico Sentencing Commission			
Prison Personnel and Facility Resources	Arizona DOC ADC Master List of Programs Report	California DOF Enacted Budget	Colorado DOC Annual Statistical Reports	Montana DOC Biennial Report	Nebraska DCS Annual Report	New Mexico Corrections Department Annual Report	North Dakota DOCR Biennial Report		Wyoming DOC Annual Report
	Morrison Institute Report								

Appendix D: Interview Protocols

Interview Protocol for Hypothesis 1 & 2:

Hypothesis 1: The availability and use of illegal drugs in general, and methamphetamine in particular, have affected the justice systems in the states and localities bordering the Bakken oil formation by causing increased strain on resources.

Hypothesis 2: Mexico serves as the primary source of methamphetamine and other drugs being trafficked into the states and localities bordering the Bakken oil formation.

Date: _____

Name of Agency: _____

1. What is your current position?
 - a. How many years have you held this position?
 - ☐ 0-1
 - ☐ 2-4
 - ☐ 5-7
 - ☐ 8-10
 - ☐ 11-13
 - ☐ 14-16
 - ☐ 17-19
 - ☐ 20 plus
2. What do you feel are the current concerns in your [state/locality/agency] regarding methamphetamine-related offenses?
 - a. What about other types of drug-related crimes?
3. Do you have a sense of any changes in methamphetamine-related offenses since the beginning of the Bakken oil boom in Montana and North Dakota beginning in approximately 2005? If yes, please explain.
 - a. More specifically, have you observed any changes in methamphetamine interstate trafficking related to the Bakken oil boom in Montana and North Dakota? If yes, please explain.
 - b. What do you think has led to the changes you identified in the previous question?
 - c. Do you have a sense of the primary source (domestic or foreign) of methamphetamine and other drugs in your [state/locality]?
 - d. If not already addressed: Do you think the Bakken oil boom in Montana and North Dakota has had an impact on methamphetamine trafficking in your [state/locality]?
4. How has/have [your agency/LE agencies in your state] adjusted its/their policies or practices in response to these changes?

5. Generally speaking, what are your agency's priorities or goals (present and future) as they relate to addressing methamphetamine-related offenses?
 - a. How does this relate to other types of drug offenses?
6. If not already addressed: Has your agency requested or received additional resources to deal with the changes you identified in Question 2 above?
7. Do you have any other thoughts or comments?

Interview Protocol for Hypothesis 3:

Hypothesis 3: Justice systems in states and localities located along distribution routes used by Mexican DTOs to transport drugs in general, and methamphetamine in particular, to the Bakken oil formation have experienced increased strain. These effects corresponded with the rapid increase in oil production over time.

Date: _____

Name of Agency: _____

1. What is your current position?
 - a. How many years have you held this position?

☐ 0-1
☐ 2-4
☐ 5-7
☐ 8-10
☐ 11-13
☐ 14-16
☐ 17-19
☐ 20 plus
2. What do you feel are the current concerns in your [state/locality/agency] regarding methamphetamine-related offenses?
 - a. What about other types of drug-related crimes?
3. Do you have a sense of any changes in methamphetamine-related offenses since the beginning of the Bakken oil boom in Montana and North Dakota beginning in approximately 2005? If yes, please explain.
 - a. More specifically, have you observed any changes in methamphetamine interstate trafficking related to the Bakken oil boom in Montana and North Dakota? If yes, please explain.
 - b. What do you think has led to the changes you identified in the previous question?
 - c. If not already addressed: Do you think the Bakken oil boom in Montana and North Dakota has had an impact on methamphetamine trafficking in your [state/locality]?
4. How has/have [your agency/LE agencies in your state] adjusted its/their policies or practices in response to these changes?

5. Generally speaking, what are your agency's priorities or goals (present and future) as they relate to addressing methamphetamine-related offenses?
 - a. How does this relate to other types of drug offenses?
6. If not already addressed: Has your agency requested or received additional resources to deal with the changes you identified in Question 2 above?
7. Do you have any other thoughts or comments?

Interview Protocol for Hypothesis 4 & 5:

Hypothesis 4: The availability and use of illegal drugs in general, and methamphetamine in particular, affected the justice systems in the tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs to the Bakken oil formation by increasing strain on justice system resources.

Hypothesis 5: Mexico serves as the primary source of methamphetamine and other drugs being trafficked to tribal nations bordering the Bakken oil formation and those nations located along distribution routes used by Mexican DTOs.

Date: _____

Name of Agency: _____

1. What is your current position?
 - a. How many years have you held this position?

☐ 0-1
☐ 2-4
☐ 5-7
☐ 8-10
☐ 11-13
☐ 14-16
☐ 17-19
☐ 20 plus
2. What do you feel are the current concerns in your [tribal nation/agency] regarding methamphetamine-related offenses?
 - a. What about other types of drug-related crimes?
3. Do you have a sense of any changes in methamphetamine-related offenses since the beginning of the Bakken oil boom in Montana and North Dakota beginning in approximately 2005? If yes, please explain.
 - a. More specifically, have you observed any changes in methamphetamine interstate trafficking related to the Bakken oil boom in Montana and North Dakota? If yes, please explain.
 - b. What do you think has led to the changes you identified in the previous question?
 - c. Do you have a sense of the primary source (domestic or foreign) of methamphetamine and other drugs in your tribal nation?

- d. If not already addressed: Do you think the Bakken oil boom in Montana and North Dakota has had an impact on methamphetamine trafficking in your tribal nation?
- 4. How has/have [your agency/LE agencies in your tribal nation] adjusted its/their policies or practices in response to these changes?
- 5. Generally speaking, what are your agency's priorities or goals (present and future) as they relate to addressing methamphetamine-related offenses?
 - a. How does this relate to other types of drug offenses?
- 6. If not already addressed: Has your agency requested or received additional resources to deal with the changes you identified in Question 2 above?
- 7. Do you have any other thoughts or comments?

Appendix E: Primary and Transshipment States Interviews

This appendix provides details of the information learned from interviews with a convenience sample of 105 individuals in nine states. This appendix was prepared by JRSA staff member Mark Myrent.

I. Current concerns regarding methamphetamine-related offenses

Drug Volume

Most respondents in the Bakken states (North Dakota, Montana, South Dakota) characterized the methamphetamine issue as a major problem in their jurisdictions, though many were also seeing increases in the use of other drugs such as heroin, cocaine, fentanyl, and opioid pills. Meth concerns in non-Bakken states were more varied. One prosecutor in AZ reported that there are new meth offense cases every single day. Other officials in NM and UT described meth seizures as having risen sharply. Given the size and diversity of CA, it is not surprising that the extent of the meth problem was viewed differently by different officials across the state, or even in the same part of the state. For example, some officials in southern CA indicated that meth is the number one drug problem and usage is on the rise; others stated that meth was more prevalent years ago, and that heroin and fentanyl are bigger concerns now. Meth offense rates in CO were reportedly steady, not noticeably affected by the timing of the Bakken boom. Controlled substance offenses overall are up in that state, as well as crime in general. In CO, meth was cited as the primary drug problem by some officials, but not all. Several officials in CO, NE, and CA acknowledged a meth problem, but were often more concerned with other drugs such as opioids, heroin, fentanyl, and even marijuana.

To a much greater extent than other controlled substances, meth was often seen as connected to a wide range of social ills and crime types. As a social ill, meth use was reported to be associated with domestic violence and child neglect, and overall physical deterioration. It was reported that meth users will often steal from family and friends to support their habit. Some officials described meth use as prevalent among the homeless population. Meth was connected to overdose deaths, though not nearly to the extent of heroin. The CO Department of Public Health has seen a sharp increase in overdose deaths due to meth in the past eight years.

Some law enforcement respondents reported concerns over meth being mixed with other drugs such as fentanyl, opioids and carfentanyl, which is used as an elephant tranquilizer. CA officials reported seeing use of “speedballs,” a mixture of meth and heroin, but that opioids have been the bigger issue in the last four years or so. Officials in NE and AZ reported seeing a lot of meth mixed with fentanyl which makes it more potent and also spreads the product further. ND and CA officials reported that the amounts and purity levels of meth that they’re seeing are absurd; it indicates a higher level of sophistication in the meth trade because it takes a high skill level to

produce it with this purity level (99%). Prices have come down dramatically as well; in the past decade it has gone from \$10,000-\$20,000 per pound to \$3,000 per pound currently.

Collateral impact

It was reported by many respondents that meth users and traffickers have no respect for law enforcement. It was reported in some communities that meth is starting to impact the younger generation with 18-23 year olds getting hooked. Some officials believed that those using meth were generally in the lower socioeconomic rungs of society. Others say that it started that way but has now spread to all sectors of society. It's not only oil workers who become users. There's a backfill of industry to support the population expansion such as workers in construction, restaurants and hotels, and water drivers who have become involved as well. Local use increased generally with the Bakken oil field startup. It also impacts nearby Indian reservations; they've seen a surge in meth and alcohol abuse.

Officials near the oil fields described how meth was always a concern for the public and for law enforcement there. Prior to the Bakken oil fields starting up, it was a small community where it was easier to identify the "troublemakers." After their population multiplied, the challenge was very different. Some of the reputable oil drilling companies conducted drug testing on employees but other companies did not. The oil companies are reportedly doing better at screening employees, but the small construction companies are not. One respondent stated that "they will hire anybody including gang members."

The meth impact of the Bakken reaches a wide area surrounding the oil field region. Officials in surrounding areas of MT, ND, and SD report having out-of-towners who work in the Bakken, but cause problems locally; some live in these surrounding areas because the rent may be lower, but are still close to the Bakken. Some workers also come to these surrounding areas on their days off because of recreational attractions, such as parks and lakes. Some set up trailer parks or other "boot camps" and use meth together. Officials in UT reported that they have some citizens who work at local oil refineries, go back and forth to Bakken for their work, and get caught up in associated meth use.

Associated crimes

Crimes fell mostly into two categories: 1) property crimes committed to support their meth consumption, and 2) violent behavior committed while under the influence of meth. One comment was that meth was much more dangerous than opiates because while opiate users pose little threat between their "fixes," meth users are in a vigilant and paranoid state of mind at all times and thus prone to erratic and violent behavior. Examples of bizarre behavior were often cited such as kicking out the windows of their car, going out in freezing temperatures with no clothes, and hiding in a dog house.

One prosecutor went as far as attributing a meth connection to nearly 100% of all the violent crimes they handle. Some officials characterized the violence as primarily taking place between rival trafficking groups, where guns are part of normal business transactions. Others were more the result of the effects of being under the influence of meth, such as sex offenses and random violence. There have also been issues in the Bakken related to prostitution and human trafficking. There was a prominent concern among officials that both meth addicts and those in the meth trade are particularly well armed with guns.

The connection to property crime was even more frequently reported. Claims of 50% - 80% of property crimes being connected to meth were common. Another common theme was that users can't hold their jobs; they then must commit crimes to support their habit. This was exacerbated by the decline in Bakken oil production after it peaked in 2013. A number of oil workers were subsequently laid off. Some skilled jobs are still there, but many of the non-skilled jobs are no longer there. Those laborers often remain in the area and are still addicted. Some start selling drugs and stealing to support their meth or heroin habit. The range of property crimes committed by meth addicts includes burglary, theft, and possession of stolen vehicles. Crimes such as mail theft, credit card fraud, bad checks, copper wire theft from abandoned houses, equipment and tool theft at construction sites, and extortion are also common. DUI/meth was often cited as a major issue.

Frustrations with state and local conditions

A sense of overwhelming frustration was expressed by several respondents, one saying that "we're only skimming the surface with current approaches." One sheriff near the Bakken region stated that the meth problem is out of control, and there are not enough resources to deal with treatment for addiction and the co-occurring mental health conditions related to drug use. He summarized that good and bad things came with the oil boom. Oil profits helped the region in many ways, but oil production is down and they're left with the resultant problems of crime and addiction. These problems have fiscal implications and are not going away. Another indicated that the meth problem is an endless cycle with addicts going from arrest, jail, treatment, no job when they get out, and back to drug use.

Many officials, particularly those in smaller rural jurisdictions, expressed frustration over the lack of resources available to combat the meth problem. Some reported not having a drug task force in the area, or not having enough manpower at their law enforcement agencies. Some in smaller jurisdictions felt that state or federal agencies offer funding assistance only to those that combat high volume traffickers. More often, officials were concerned over a lack of drug and mental health centers in or near their jurisdictions. One ND official reported that mandatory random testing is often used as condition of bond, but that there are insufficient resources to do the testing, resulting in a long waiting list. Several officials expressed frustration that drug offenders are properly put on probation after their presentence investigation report calls for

treatment, but there are no treatment facilities in the community. Many were concerned over the high cost of drug treatment, the amount of time needed for that treatment to be effective, and the difficulties of overcoming addiction when the local culture seems to embrace it.

Impact on expenses

MT and ND sheriff's police reported meth to be a primary driver of prison crowding. This problem was even impacting their local jails since they were housing state prisoners. One sheriff indicated that the rise in meth offenses was the primary factor behind the need for a new jail that was built.

Meth cases were reported to be time consuming for law enforcement. They require confidential informants to do meth buys, and then the preparation of a case involving complex evidentiary and procedural issues for the prosecutor. These cases commonly take six months to a year to complete.

Some officials cited significant medical expenses when users don't take care of themselves. One user tried to hang himself but didn't die, which cost the county \$75,000 in medical expenses. Businesses are having to hiring armed guards to prevent thefts from meth users.

Concern over other oil fracking operations

Several officials, primarily in CO, expressed concerns that the problems experienced in the Bakken would also impact newer oil fracking operations in their state. Some of those operations include the Keystone XL pipeline that extends all the way from Canada to OK and TX, the Piceance Basin of Western Colorado Boulder, the Julesburg Basin near Denver, and smaller drilling operations in Broomfield, Loveland, Fort Collins, and Weld County where some officials expressed concern that a huge influx of Hispanic men hired as oil workers may be connected to Mexican DTOs. In Meeker and northern Larimer counties new oil fracking operations have been accompanied by increasing crime associated with trailer parks housing the oil workers. There is also a new oil fracking operation adjacent to the Bakken called "Three Forks," which may be bigger than the Bakken, where they have also reportedly begun seeing the same "man camp" problems as the Bakken.

II. Changes in Methamphetamine Use and Trafficking during Bakken oil boom

Onset of meth-related problems

MT State Police reported that throughout the region, meth has always been a problem; the Bakken just represented an opportunity for it to worsen. The oil boom produced mass migration from out-of-county and out-of-state residents to areas of South Dakota that had been relatively isolated before. The oil boom helped the area turn around economically but drugs go to where the money is, and oil workers make good money. It's a matter of supply and demand. There was

a tremendous profit margin in selling meth since it could be purchased at \$50/gram by traffickers and then sold for \$200/gram.

Local conditions are conducive to meth and other drug and alcohol problems. Oil workers do 12-hour shifts and are two weeks on, then one week off in an area where there is nothing to do. Many came from larger communities and are bored during their time off, and so they go to bars and may meet drug dealers there. Their \$1,000 check for the week is blown at bars and on drugs and prostitutes.

Respondents from jurisdictions within 100 miles or so of the Bakken site felt strongly that increased activity in meth use and trafficking coincided with the start-up of the oil boom in 2005 or within a few years after that. It reportedly became acute around 2008 when drilling first started near Stanley. Those in the Bakken states, but further from the oil fields, reported seeing meth between 3 to 7 years after that. They reported that in many parts of the region meth had already been a problem in the communities, but that it had worsened considerably and taken on new characteristics as a direct consequence of the oil boom. Officials in SD differed regarding how long the meth problems have been in place, but for the most part did not perceive a connection to the issues in Bakken.

Those in CO, CA, and NE had varying perceptions of when meth offenses began to increase. Officials from Los Angeles and NM suggested that meth has been used by biker gangs there since the 1960s. While officials in Los Angeles indicated that meth use has actually gone down in their area in the last 5 years, NM officials painted a different picture, describing it as “the new marijuana” and the drug of choice in their region. One official in NE tied meth increases over the past 8-9 years partially to an influx of South American non-citizens, many of whom are working at a large meat packing plant in the area and are purportedly meth users. On the other hand, some AZ officials described meth as not connected to the Bakken since it peaked in the 1990s and has declined since then. Officials in rural UT indicated that meth has been problematic there for many years.

Shift from local lab production to Mexican Cartel

One of the most commonly reported changes was the shift from domestic meth producing labs to the importation of meth from Mexican DTOs. MT State Police indicated that there are now “superlabs” in Mexico that produce higher grade meth than what was previously sold in the area. After marijuana was legalized or decriminalized in many states, the Cartel had to modify their business model. They couldn’t compete with the marijuana being grown in the US that had a THC level of 20% compared to 5% for Mexican pot. However, CO officials reported that the Cartel is now taking over some of the marijuana grow operations in their state. Trafficking by the Cartel is not exclusively meth; those involved in interdiction activities reported poly-drug trafficking by the Cartel.

Meth was primarily “homegrown” before the crackdown on precursors, pseudoephedrine in particular. The farmers also became more effective at locking up anhydrous ammonia, used in the “cooking” process. Although local meth labs have become much less prevalent, some still exist. Through “smurfing” strategies, some offenders can still get small amounts of precursor ingredients from the pharmacies. Following the crackdowns, the remaining meth lab operations moved to forested areas or into smaller settings such as hotel rooms or vehicles. They are no longer found in large urban areas. In one case, people broke into an anhydrous ammonia plant that wasn’t properly locked. Meth clean-up operations in Montana have decreased from 25-35 per year in 2005 to about 5-6 per year more recently.

Nearly all the respondents reported having knowledge that meth coming to their area originates in Mexico. Drug runs start in Mexico and travel north up I-85 to intermediate distribution points in the US. Cartel chiefs will insulate themselves from apprehension by employing multiple meth transporters (mules) who each travel only between two geographic points along the meth trafficking route. In this way, successful interdiction efforts by law enforcement can only trace back to the immediate contact point and never get to the organizational chiefs. Although drug task force commanders and HIDTA commanders indicate that Cartel leaders will seldom leave Mexico, at least one Cartel member was spotted in the Bakken region by officials.

Changes in meth use and trafficking

Meth offenses in the Bakken states peaked around 2012 at the height of oil production in the Bakken and have come down some since then. Many Bakken jobs dried up in 2016 and some people have subsequently left the area. There are now fewer out-of-towners than before. Overall, however, most officials in the Bakken states believe that while oil production has tapered off, meth use has remained high in the Bakken and surrounding area. There is also a belief among some of the respondents that oil fracking will receive new funding from the and new hiring will quickly follow.

In non-Bakken states, there were differing perceptions of whether the problem has gotten worse over time. Some in the northeast portion of CO (closest to the Bakken) indicated that the last 5 years have been a boom time for meth and that some of the arrests have involved their own oil workers in the Julesburg basin near Denver. Several in that area have reported more large-scale seizures along the interstates as well. Officials in NE reported seeing a huge spike in meth use and trafficking over the past decade, but weren’t certain of its connection to the Bakken. CO officials suggested that the increase in meth usage is somewhat tied to the legalization of marijuana, in that people move to the area just for marijuana consumption and then expand their drug use to other drugs such as meth.

Meth sources and routes

It was reported by a number of respondents that much of the meth coming in from Mexico often goes initially to Los Angeles before heading to other intermediate distribution points. I-70 (east/west), I-80 (east/west) and I-25 (north/south) were mentioned frequently as active meth trafficking corridors. The Rocky Mountain HIDTA does a lot of the interdiction work on I-70. One official located near the Bakken area reported that meth goes through Bismarck, and then Minot and Williston immediately before coming to the oil region. Task force officials have traced the meth coming into Williston from Seattle and Portland via Hwy 2. Some near the Bakken oil fields indicated that the meth can come there from the nearby Turtle Mountain Indian Reservation. SD officials also see meth coming in from Indian lands, in this case the Standing Rock Reservation. It was suggested by some officials that the Cartel is now targeting Indian reservations to serve as distribution points because there is less resistance and less bureaucracy to cause problems for them.

Several other meth corridors were identified in the interviews, including I-76 that connects with I-25 in Denver and goes northeast to Nebraska. In CA, I-5 travels the north-south length of the state and is reportedly used to take meth from CA into Portland and Seattle. In NE, meth was interdicted on I-29 heading toward I-80 and the Fargo region. In AZ, officials reported a meth route that travels along I-10 (east/west) and I-19 (north/south). UT officials see meth coming from Mexico via I-84 or I-15.

Some reported meth coming from Canada via US Hwy 83 that connects to the northeast Bakken region. Canadian officials reported to US task force team members that meth also goes along Hwy 52 to Minot, connects to Hwy 2 near Berthold, and then goes to Williston and Stanley (Bakken). In CA, I-5 runs all the way from Canada to Mexico and Hwy 99 is another prominent drug corridor. There are also two east-west highways, Hwy 299 and Hwy 44, which go through Shasta County into Nevada.

Primary intermediate distribution points were reported to be the states of Washington, California, Oregon, Colorado, and Nevada. Specific cities cited most often were Bakersfield, Los Angeles, Denver, Las Vegas, and Seattle. Intermediate distribution points were reported to a lesser extent in Spokane, Tacoma, Kansas City, Fresno, Sacramento, Omaha, Rapid City, Tucson, Albuquerque, Phoenix, Chicago, Minneapolis, and Detroit.

Officials in NM who see the traffickers first coming from Mexico reported that they are increasingly using secondary roads rather than the interstates to avoid detection. Some officials in ND traced meth to Texas and reported that it goes north along I-29 and along Hwy 85 through the west side of ND.

Mode of meth transportation

Trafficking can be facilitated by some of the oil field workers who live in Williston and then transport the meth to Bakken as part of their job commute. Meth trafficking can also take place on Amtrak trains, with some interdiction operations targeting that mode of trafficking. Vehicles transporting meth from Mexico often stored it as a liquid in one of the gas tanks, while reserving the other for fuel. The meth is later converted to powder or crystal shards. It has also been found inside the panels of trucks and inside vehicle engines where two cylinders of a V-8 engine contain meth or other drugs. Some traffickers have reportedly even been using drones to transport 1-2 pounds of meth. The drones can now be purchased for as low as \$80 at a local Walmart. AZ officials have seen drug mules carrying meth into their jurisdictions in backpacks. They report that the Cartel used illegal immigrants to serve in this capacity.

Types of meth traffickers

As the manufacturing facet has shifted, so has the nature of who the traffickers are. One official characterized meth distributors as “fungible,” meaning that even if busted, they are easily replaced by the trafficking organizations. Respondents reported seeing new people in towns near the Bakken who are just there as drug dealers. They see more out-of-state traffickers who are more violent, brazen, and open about their drug trade. Law enforcement officials cited intelligence reports that linked gangs from Los Angeles and more recently from Chandler, Arizona to the meth distribution network. Officials in southern CA verified that the gangs there organized to coordinate drug selling activities with the Cartel. Traffickers from Bakersfield came to the Bakken region to sell meth and prostitutes. ND State Police have seen more high-volume traffickers with ties to Mexican DTOs; some are in motorcycle gangs and are connected to drug trade related shootings and stabbings.

In CO, some of the support workers in the construction industry have gotten involved in the meth trade as both users and sellers. Local bars serve as meeting places for selling meth. The Pueblo CO drug hub had been controlled by the Hispanic MS-13 gang, which has since been dispersed by law enforcement.

Officials in several states have observed through their interdiction work that the Mexican Cartel has been sending more vehicles with smaller shipments of meth than they did in the past. This is done to increase their opportunities for successful transport and to reduce the consequences of law enforcement interdiction. The smuggling routes are often a chain of smaller routes. The transporters are only told from whom/where to pick up the drugs and to where/whom they deliver the drugs and get paid. The higher-level traffickers are then insulated from identification. Local gangs in California have organized in a way to work collaboratively with the Cartel.

Connection to the Bakken

Respondents in many jurisdictions of the three states housing the Bakken reported seeing a direct connection of local meth trafficking activities to the Bakken. The reporting jurisdictions further south in North Dakota were not as likely to see a Bakken connection with some officials there not necessarily seeing a direct connection to the Bakken. Most SD officials cited meth use as being at epidemic levels, including a sharp rise in the past 5 years, and that the meth supply has never been higher.

In general, as the locations of interviewees got further from the Bakken region, there was less reporting of a perceived link of their meth issues to the Bakken. Interestingly, however, many officials in these areas reported significant increases in meth offenses that began around the beginnings of the Bakken oil boom or within a few years afterward, but did not have strong evidence of a direct connection to the drug market forming at the Bakken. For example, some police officials in CA found that the timing of the onset of their meth problems coincided precisely with the start of the Bakken oil boom on the mid 2000s.

Intermediate distribution points for methamphetamine

Jurisdictions identified as intermediate distribution points for meth were mostly concentrated in CA and CO. Pueblo CO and the general area of Arapahoe and Douglas counties were indicated as meth distribution points by officials in those areas. This was evidenced by intelligence coming from the Rocky Mountain HIDTA, which serves not only Colorado, but also Montana, Utah and Wyoming. Officials have seen labs in that area where liquid is transformed and sold as crystal in Denver. The presence of higher level traffickers there has also caused a spike in violent crime in Pueblo, including a rise in murder. Similarly, Weld, Adams, and Broomfield counties in CO have had drug busts that uncovered a certain amount of conversion activity. Some meth coming to that area is just weighed and repackaged while some meth may be mixed with cutting agents to add profitability. This information was reinforced through interviews police conducted with arrested meth distributors. Load houses and hotels were also reported in Larimer Co, CO, but no conversion labs.

In CA, Los Angeles has been recognized locally and by law enforcement officials spanning several states as a major hub and primary distribution point for meth heading to many destinations across the country. Los Angeles HIDTA officials described how meth comes direct from Mexico to that area on trucks. Los Angeles officials say that the meth is already in crystal form when it comes in from Mexico in huge quantities. Nearly 500 kilos, worth about \$23 million, came into the area in 2016. The conversion from powder had already been carried out in Mexico. Officials conveyed that meth is more valuable and more potent as crystal rather than powder. HIDTA commanders reported that they do not see much powder anymore since most users prefer meth in its smokable form, ice.

Intel from other CA HIDTAs indicates that conversion takes place in most of the 11 “superlabs” throughout the state (out of 13 total nationwide) where powder is converted to ice. The greater Los Angeles area and Riverside County have a number of stash houses for meth before it is shipped elsewhere. DTOs prefer areas outside of the city where it is less likely to be detected and cheaper to buy a house for storing meth.

San Joaquin County is another meth distribution area where meth is converted before being shipped to WA or eastward. Officials find this out when they are notified that their residents are being arrested in these other states. There are several conversion labs in this area. They use acetone and convert 20-30 pounds of meth at a time.

Stockton and Modesto were two CA cities identified by local officials as meth distribution points. They reported that it comes in from Reno, NV. Much of it then travels north up along I-5 and Hwy 99 to Stockton and then to WA or OR. One conversion lab was recently discovered when it blew up.

The other locations identified by interviewees as meth distribution points were in Albuquerque and Roswell, NM; Mohave County, Phoenix, Tucson, and Pima County, AZ; Williston, ND; Sioux Falls and Pennington County, SD; Valley and Roosevelt counties and Williston, ND; Sioux City, IA; and Omaha and Douglas County, NE. These determinations were made based on wiretaps and interviews with subjects, as well as intelligence from HIDTA, DEA, and other drug task force units. Except for Pennington County, SD, no conversion labs were discovered in these locations; meth was reportedly already in crystal form.

III. Adjustment of policies or procedures in response to methamphetamine

Emphasis on partnerships

One of the adjustments most frequently reported by law enforcement agencies, including prosecutors, was in the procedural domain. Agencies often have either initiated partnerships with other law enforcement entities to combat trafficking of methamphetamine and other illicit drugs, or increased their participation in such partnerships. These partnerships were mostly multi-level drug task forces that involved county sheriffs and local police departments, but were often headed by the state police, a federal agency such as the DEA or the FBI, or were part of a High Intensity Drug Trafficking Area (HIDTA) program. The reported reasons for these partnerships included ensuring that solid investigations are conducted to apprehend meth distributors, stepping up customs and border patrols, gaining access to drug-sniffing K-9s, increasing intelligence sharing, and exploiting intel-based leads. The use of K-9 units in general was often cited as a key prerequisite for effective interdiction of drug trafficking.

Stepped up interdiction

Less frequently reported by law enforcement officials were efforts to step up interdiction efforts on their own without mentioning any collaborative aspects to those efforts. Some sheriff's police formed meth specialty units within their office. A few mentioned doing more highway stops; another described their response to trafficking on Amtrak trains by "pulling guys off the trains who have been drinking and creating a ruckus, and then sometimes finding meth and other drugs." One strategy used by HIDTA units involves making a highway stop to see if the vehicle is insured. If not, it can be impounded and searched, making it unavailable for trafficking. Another strategy is working with hotels and motels to identify human trafficking, which in turn is often linked to meth use and sales.

Enhanced training

Another common change in practice involved enhanced training on meth-related issues, such as interdiction techniques and detection practices on highway stops. A few respondents indicated that they developed policies on how to handle seized drugs with respect to moving forward with the case (e.g. in accordance with how the state lab wants evidence submitted). A few prosecutors took a hard line as well. In NM, one reported that he would no longer offer plea deals to drug traffickers.

Training often addressed the notion of being prepared for the worst situations in the field such as safety issues and situational awareness related to meth (e.g. being stuck with needles), or responding to a domestic violence disturbance involving meth users who exhibit unpredictable behavior. The training has in some instances been incorporated into departmental policy change. One department indicated that officers must wear gloves due to the dangers associated with meth and with needles. This type of awareness training has also been passed on to jail staff by some sheriffs. Another department prohibits field testing of controlled substances by its officers to ensure that they don't inhale it. Another instituted policies for felony or DUI stops to exercise awareness of the dangerous combination of guns and meth, particularly in the many jurisdictions where there is a concealed carry law.

Meth drug treatment

A few officials adjusted policies to place greater emphasis on drug treatment. One reported that they try to ensure that mental health issues resulting from drug abuse are dealt with in their detention center. They also developed new jail diversion programs for inmates with mental health problems and are actively involved in drug court. Some reported incorporating Narcan into response protocols for fentanyl and other drugs.

Response to reduced drug offense penalties and charging decisions

The last category of changes reported by respondents in the Bakken region are adjustments that have been born out of frustration with a) modifications to the laws that reduce penalties for drug

possession and low level dealing, and b) a perceived inability to get the necessary support for interdiction efforts from either prosecutors, county and state officials, or the public in general.

Officials in most of the states covered by interviews indicated that state sentencing changes had decreased penalties for drug offenses; officials in MT stated that lower bonds were being set as well. In North Dakota, it was reported that legal reforms eliminated sentencing enhancements associated with selling meth and other drugs within 500 feet of schools, churches, public housing, etc. One official indicated that they would be attempting to work with the legislature to reverse these penalty reductions and instead push for mandatory minimum sentences. The goal is to get sellers who also commit a lot of other property and violent crimes out of the community.

In SD all possession cases get automatic probation, no jail time. Officials there also indicated that meth sellers are often only charged with possession. In CO, a 2013 law reduced penalties “across the board,” even for low-level meth sales. However, most distribution offenses in CO are still felonies. In some instances judges are getting around these statutory changes by issuing longer sentences still allowable under the law. One official reported that meth users have guns, but if previously convicted are not allowed to own them, so this becomes another charging option. In CA, Proposition 47 reduced many selling offenses to misdemeanors. Possession of meth with intent to sell is still a felony but sentences up to 3 years must be served in a county jail rather than prison. Many of these offenders are given a split sentence that includes mandatory post-jail community supervision. Previous convictions for meth cannot be used as an aggravating factor. In UT, penalties are reduced for possession of meth, but not for selling.

One consequence of these sentencing reductions is that it becomes much more difficult to incentivize drug offenders to serve as informants to “work the chain.” The arrestee won’t be as likely to cooperate if the offense is now a misdemeanor rather than a felony. Other respondents indicated that these sentencing reductions also hurt efforts to rehabilitate users. They serve their incarceration time in a county jail where there is rarely any drug treatment or aftercare rather than prison. Their change in practice has been to add drug court treatment programming and halfway houses for those on probation.

A few police officials also complained that while they work hard to utilize intelligence and do drug enforcement work in a timely fashion, the state attorney’s office doesn’t take drug cases seriously and usually offers pleas that result in light sentences. Consequently, the police see the same drug offenders over and over. They also reported that even when drug offenders are on probation and searches by probation officers turn up stolen property or meth, they are seldom revoked. In CO, officials noted that they will sometimes find meth residue in marijuana pipes, but offenders are then only charged with possession of paraphernalia.

IV. Priorities and goals for addressing methamphetamine-related offenses

Community safety

Officials often prioritized community safety in their responses. For example, getting drugs off the streets and protecting innocent people from the crimes and other social consequences of drug addiction were mentioned as priorities. Along these lines, several officials directed their priorities toward violent and property offenses connected to meth as well as drug-related DUI. With respect to DUI involving meth, one prosecutor reported that if citizens are caught using the drug, their driving privileges are suspended.

Similarly, goals that stressed a hard line with drug traffickers was a common theme. Several noted how following the meth and other drugs leads to the identification of other crimes. These officials stated that the prosecution of drug sellers whenever possible was a desired goal. One prosecutor stated that they aggressively charge meth users and sellers with anything they can. Some in CO stated that when distributors are found to be illegal aliens, they must be deported. While awaiting deportation, they need to be kept off the streets in jail.

Interdiction and collaboration

There were expected differences in priorities for state task force and HIDTA commanders compared to local sheriffs and police departments. They often reported their priority as going up the pipeline and reaching as far as possible to get closer to the drug source, whether for meth or for other hard drugs. The specific goal for DEA and FBI-led task forces is to identify, attack, and dismantle trafficking organizations that transport meth, with a primary focus on foreign Drug Trafficking Organizations from street sales through international trafficking. They also stated their objective of stopping all major crimes associated with the drug trade. They prefer for local police and sheriffs to address simple possession cases.

Along these same lines, police officials often stressed the goal of having a strong interdiction presence. One approach seen as a priority was to actively use undercover officers to enlist help from confidential informants as part of an overall approach of starting with low-level street dealers and working “vertically” to go after higher level traffickers. These goals applied to other drugs besides meth as well. Similarly, other officials reported wanting to have a strong presence on supply route highways, looking for drugs going into an area and drug profits going out. It was mentioned by several law enforcement officials that drug-sniffing dogs are very important for these efforts. One sheriff in a large jurisdiction publicizes large drug busts to send a message that dealers will do significant prison time.

The priorities for some law enforcement personnel related to effective coordination, stating that they wanted to maintain relationships with state and federal agencies to bring continuity to an aggressive and effective approach to drug investigation and prosecution of all drug traffickers.

One sheriff stated his priority as gathering intelligence and sharing it with the task force headed by the state Division of Criminal Investigation. Another stated a priority of collaborating with a multi-level task force that includes representation from the federal, state, and county levels.

Drug Treatment

On the other side of the scale were officials who stressed drug treatment as an integral priority, wanting to rehabilitate addicts where possible and treat meth as a public health issue. In one case, a prosecutor with this goal reported that he was actively working with defense attorneys and the probation department to make this happen. One law enforcement officer described how they take meth addicts to the hospital and try to communicate with them to determine what the underlying reasons for their addiction are. Others indicated that they can gain useful information by meeting with physicians working at the medical facilities treating addicts. Another stated that a priority was to do more than send users to jail and that mental health facilities and addiction counselors are needed.

Several prosecutors discussed the importance of offering drug treatment as a diversion strategy in lieu of conviction. Along these same lines, many of the policing officials and prosecutors gave a great deal of support for drug courts, as well as other specialty courts such as mental health and veterans courts, where treatment is provided to addicts. Pima County, AZ has built a crisis response center that effectively helps those arrestees in a mental health crisis state as well as a detox center for longer-term treatment, and has initiated Crisis Intervention Team (CIT) training for police. These officers conduct a triage at the scene of an incident to recommend an appropriate mental health and/or drug program at the jail.

Accountability was another prominent theme in the interviews. The view is that even low-level meth users should be charged as felons unless they agree to go to treatment and they need to be closely monitored by probation officers. Some sheriff's police are in favor of a 24/7 drug testing program to ensure their continued sobriety. One official pointed out that if the county could recoup insurance money, the overall cost for treatment would be less. Several officials emphasized the importance of drug education in the schools and in the community to reduce demand and subsequently shut down dealers.

Balanced approach

The MT State Police embraced a balanced approach of focusing on interdiction as well as prevention for meth and all other controlled substances. This often takes the form of active involvement by police in adult and juvenile drug courts. One expression of that dual set of goals came from a prosecutor whose goals are to offer ultimatums to drug users of either treatment or jail. Others expressed the need to utilize different responses for users vs. sellers. One typical such response was that addicted users should have access to treatment, but traffickers should be in prison to rethink their decisions and then hopefully leave the area. Another "measured" response

was that treatment should be attempted with meth users before resorting to incarceration, but resources shouldn't be wasted on some users who repeatedly fail at rehabilitation attempts.

V. Additional Resources

There were relatively few supplemental resources requested by the agencies in the Bakken states to help in their response to methamphetamine or other drug type offenses. Even fewer resources were received. Many agencies reported initiating or expanding collaborative teams as part of a drug task force, HIDTA operation, or other multi-agency response. These measures comprised much of what was reported as types of additional resources obtained for addressing meth problems.

Similarly, a handful of sheriff's departments reported more situational assistance such as the state police assigning an agent temporarily to help work a particular drug investigation. Another sheriff reported getting assistance from the National Guard anti-drug unit, FBI, and DEA, who all provide drug trafficking intelligence. One sheriff's department received funding for an initiative where deputies were paid overtime to work interdiction at three points of entry on the Canadian border. Funds were also provided to pay for vehicles, gas, and police radios. With the continued presence of a few meth labs operating on national forest property, one sheriff sought the assistance of the National Forestry Service.

Federal assistance

The HIDTA operations have received steady funding from the Office of National Drug Control Policy (ONDCP) for the last 8-10 years. When other federal grants such as Byrne funds were requested, it was often for staffing assistance or overtime pay. For example, one sheriff received assistance through a Community Oriented Policing Services (COPS) grant to hire an additional drug enforcement officer. One sheriff's department received a federal grant for Narcan training for all drug overdoses. There were instances reported by officials where prospective federal grants were not pursued because of inherent limitations. An official with the MT Department of Criminal Investigation (DCI) stated that he could have applied for a Department of Justice (DOJ) opportunity to make a temporary hire (2-3-year) for "meth reduction," but they declined because the time frame was too short and they'd have to eventually absorb the position. One CA police department sergeant reported receiving a \$50,000 federal grant for meth enforcement that was used for equipment and drug buys. A prosecutor in AZ reported receiving a federal Substance Abuse and Mental Health Services Administration (SAMHSA) grant for mental health and drug counseling services.

State funding

In ND, the state legislature awarded appropriations in 2013 and 2015 to communities impacted by the Bakken population surge. The funds were derived from Bakken oil profits. The grants

were intended to help agencies deal with the exploding population and expected increased crime in the area. Police and sheriff departments indicated that those grants were generally used for computers and vehicles. Prosecutors reported using the funds for additional manpower, computer upgrades, and software linking individual district attorneys' offices to the state backbone. However, these funds have not been without problems. One official noted that the state overspent the grant money at some point and had to take some money back. Those appropriations have now run out. There is some optimism that they may return as an uptick in oil production is apparently just beginning.

Aside from the ND Bakken appropriations, limited state funding was reported. One sheriff's office was able to fund a mental health and substance abuse treatment counselor. A ND prosecutor obtained a grant from the state for two new positions to help with discovery in drug cases.

County funding

Supplemental county funds were occasionally procured, usually for basic equipment needed for intensive drug interdictions such as vehicles, body armor, ballistic shields, SWAT gear, and night vision goggles. Task force commanders referenced asset seizure funds as an important funding source.

Other sources

Money from participating in the Justice Reinvestment Initiative (JRI) had helped officials in UT and AZ hire drug counselors and treatment providers for their probation department. They also received funding from a non-profit organization for wrap-around services for juvenile offenders with drug treatment needs. One NE sheriff was able to help fund drug enforcement from payments received from US Immigration and Customs Enforcement (ICE) for holding illegal aliens while awaiting deportation. One jurisdiction in SD participated in a MacArthur Foundation grant to address jail overcrowding, which resulted in the release of low-end meth users who are subject to intensive monitoring and drug testing in the community.

Appendix F: Fort Peck Interviews

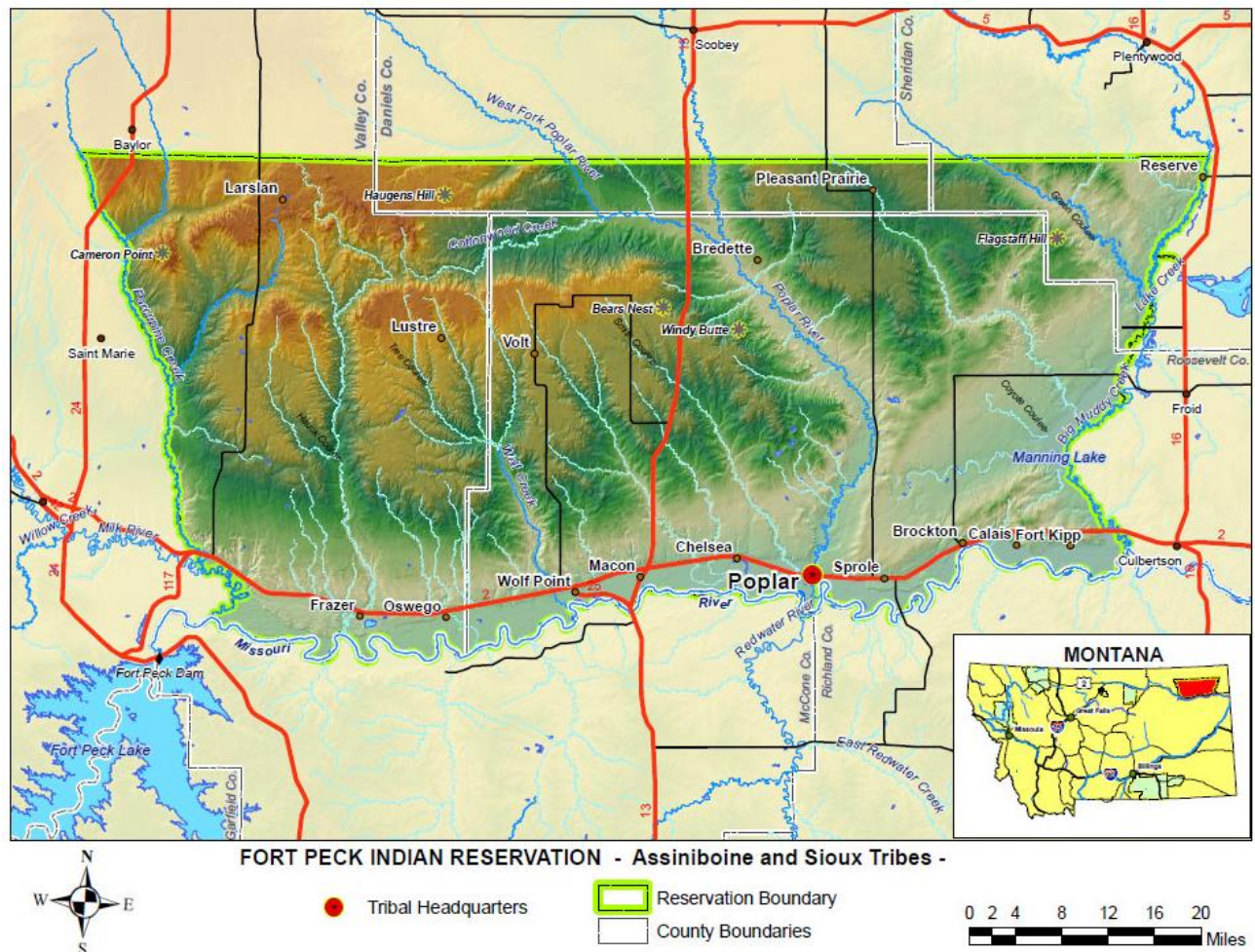
This appendix summarizes findings from an inquiry into methamphetamine-related concerns affecting the Fort Peck Indian Reservation in northeastern Montana, including community perceptions of the sources of methamphetamine (meth), the effects of the drug and its trafficking on the reservation, criminal justice and social issues associated with the drug trade, and the perceived influence of the Bakken oil boom on these issues. This appendix was prepared by Paula FireMoon, Elizabeth Rink and Monica Skewes, who served as consultants to this project.

Fort Peck Indian Reservation

The Fort Peck Reservation is located in the northeastern corner of Montana and is one of seven reservations in the state. Fort Peck is home to two separate Indian nations, each with internal bands and divisions. Of approximately 12,000 enrolled members of the Fort Peck Assiniboiné and Sioux nations, about 6,800 live on or near the reservation. The Fort Peck Sioux comprise Sisseton/Wahpetons, the Yanktonais, and the Teton Hunkpapa divisions and the Fort Peck Assiniboiné comprise Wadopana (Canoe Paddlers Who Live on the Prairie) and Hudashana (Red Bottom) bands. These bands and divisions remain vital and influential in tribal community organization and decision-making. Official government occurs through the Tribal Executive Board, with its twelve voting members, chairman and vice-chairman elected at large every two years.

Fort Peck is a vast landscape comprising 2.1 million acres of rolling open prairie. The reservation boundaries include the 47½ parallel to the north (just south of the border with Canada) and the Missouri River to the south. The reservation is informally divided geographically between the Assiniboiné and Sioux tribes with Assiniboiné tribal members living primarily on the west end of the reservation in Wolf Point, Oswego and Frazer and Sioux tribal members living primarily on the east end of the reservation in Poplar, Brockton, and Fort Kipp. The majority of White, non-Indian residents on the reservation live in Wolf Point, Montana. Tribal headquarters is located in Poplar, Montana. Land ownership within the reservation is extensively fragmented, with communally-owned tribal lands comprising twenty percent of the total area and individually allotted Indian lands about twenty-five percent. Over half of the reservation lands are privately-owned by non-tribal members. The dominant land uses within Fort Peck are dryland grain farming and grasslands cattle ranching. Fort Peck is characterized as a reservation with low educational attainment and high unemployment and poverty.

Map of the Fort Peck Indian Reservation (Source: Fort Peck Assiniboiné and Sioux Tribes. Available at <http://indiancarbon.org>)



Sources of Data and Methods of Data Collection

The present findings were synthesized from qualitative interview data with key informants from the Fort Peck Reservation and from quantitative prevalence data extracted from official tribal records. In-depth structured interviews were conducted with 14 individual tribal members knowledgeable about the drug trade on the reservation. Respondents were reservation community members and tribal leaders, including law enforcement officers, criminal prosecutors, tribal correctional facility and tribal court personnel, drug enforcement officers specific to the reservation, representatives from relevant social services agencies, former meth traffickers now in recovery from addiction, and cultural elders.

Interviews were conducted throughout the fall (September through December) of 2017 and took place in person at the respondent's place of work. Several individuals were interviewed on more than one occasion as additional questions arose and further clarification was needed. The Fort

Peck Institutional Review Board approved the study questions and methods and all key informants provided written informed consent. Additionally as much data as possible were extracted from the reservation's official records and this information was used to triangulate the thematic findings that follow. Illustrative examples and anecdotes are provided to support the conclusions.

Thematic Findings

Throughout the process of analyzing and synthesizing the data across multiple sources, the researchers engaged in a series of conversations about how to frame the information gathered and situate conclusions within the broader social, cultural, historical, and socioeconomic context of the Fort Peck Reservation. The following are the themes that emerged from the consolidated data and interviews.

The Bakken

Respondents agreed that the meth epidemic began around the same time or shortly after the Bakken oil boom and reported seeing a significant increase in meth trafficking and meth addiction on the reservation around 2011. From 2005 to 2010 the meth use was reported as sporadic and was primarily based in Billings (about a five hour drive south). Tribal members would go to Billings, pick up some meth, return to Fort Peck to sell it, and once it was gone there would not be more until there was another run to Billings. As the oil boom unfolded, the meth supply became steady. The height of meth trafficking was reported to have taken place from 2011 to 2014. Respondents discussed seeing a large increase in the amount of highway traffic and people along Highway 2 (the HiLine, a thoroughfare running east to west that connects the reservation's communities) during this time. Highway 2 was also viewed as serving as a corridor for drug traffickers, dealers, and users traveling across Washington, Idaho, Montana and North Dakota during the height of the Bakken Oil boom. The increase in traffic was attributed to two factors: workers going to work in the Bakken oil fields and the accompanying increase in meth trafficking taking place along Highway 2. This situation resulted in meth being present and easily available all the time on the reservation as opposed to its sporadic presence prior to 2011.

Geography

The geography of the reservation was perceived as playing a crucial role in the prevalence of meth use and trafficking. Participants agreed that the proximity of the Bakken oil fields is an important risk factor for the drug problems that plague the community. The size and characteristics of the reservation, including rurality and the low socioeconomic status of most of its residents, were seen as contributing to the high rates of use, which can be described as an epidemic. For example, respondents reported that more than half of all babies born to tribal members test positive for meth. Because it is so difficult for the few existing law enforcement officers to police such a large geographic region, meth trafficking has proliferated.

Fort Peck is characterized by vast swaths of open land with networks of back roads. The barrenness of the reservation, in addition to the lack of law enforcement officers, facilitates an environment conducive to meth trafficking. The lack of law enforcement's ability to police Fort Peck's large geographic region is particularly apparent along the reservation's borders. Respondents discussed non-Indian meth traffickers coming to the northern borders of the reservation to drop off meth to tribal members who worked as distributors. The exchange takes place in such a way that the non-Indian trafficker would not have to enter tribal lands, which incurs the risk of more severe penalties if law enforcement were to intervene. The primary off-reservation communities that were known by respondents to be towns where meth traffickers delivered the drug to on-reservation distributors were Glasgow to the west, Culbertson and Banville to the east, and Plentywood to the north of the reservation.

Respondents stated that non-Indian meth traffickers had "figured out" that if they were caught while outside of the reservation's boundaries, their offense would be sent to the state for prosecution. This situation is different than if the non-Indian meth trafficker were caught on the reservation, in which case they would be sent to either tribal or federal courts for prosecution. As the outcomes for trials in the state court were known to be less severe, non-Indian meth traffickers were going to communities off the reservation and tribal members would come to them to pick up the meth to be distributed on the reservation. It is also worth noting that Indian traffickers caught doing a drug deal off the reservation will go to state court for prosecution. In addition, if the law enforcement officer making an arrest is from either the city or the county, an Indian may be tried in either the city or state court. This is because the Fort Peck Tribes only have jurisdiction within the boundaries of the reservation. As stated, it is advantageous for the non-Indian trafficker to have the drug sales/trades with Indians take place off the reservation. Only if the arresting law enforcement officer is cross-deputized by the Tribes can an Indian be tried in both courts without the threat of double jeopardy. This can happen because the offense would be prosecuted as two different crimes, but is still drug/meth-related. This demonstrates how geography and the law intersect and cannot be teased apart when describing the meth epidemic at Fort Peck. Moreover, the interaction between the geography of Fort Peck and the legal system is an example of how interconnected everything is. The various forces at play in producing the current meth situation must be considered in relation to one another.

Legal and jurisdiction issues

Legal and jurisdiction issues were by far the most complicated pieces of information discussed by the respondents. Challenges with jurisdiction issues related to prosecuting meth-related crimes were mentioned by 12 of the 14 key informants. At Fort Peck there are five law enforcement entities: Tribal Police, the Montana State Highway Patrol, Roosevelt County Sheriff's Department, the FBI, and the Wolf Point City Police. Officers from these five agencies are cross-deputized so that all officers can make an arrest if the arrest takes place on the Fort Peck Reservation. This cross-deputization was intended to facilitate arrests, thereby disrupting

the meth trade, and is an example of policy changes that transpired due to the increased meth problems on the reservation after the oil boom. However, after an arrest takes place, where and by which agency the arrest is prosecuted varies by the type of crime committed and in the case of illegal drugs, the amount of drugs seized in the arrest. Because of the Indian Major Crimes Act of 1885, certain crimes are required to be prosecuted in federal court. Fort Peck Tribes and the US Federal Government have a unilateral jurisdiction to process and prosecute offenses, but this arrangement does not apply to the state or the county. Depending on whether the individual is Indian or non-Indian, the individual will go to the court of their jurisdiction. For example, a Fort Peck tribal member or a member of another federally recognized tribe who commits an offense on the Fort Peck Reservation, or a non-Indian who commits an offense against an Indian on the Fort Peck Reservation, may go to either tribal courts or the federal courts for prosecution. All non-Indian individuals who commit a crime on the reservation that is not considered to be a crime against an Indian will go into the city, county or state court for prosecution. More specifically, if a White, non-Indian person or a person with no tribal affiliation is caught meth trafficking on the Fort Peck Reservation, that person's offense would go through the more lenient county court system because that is the court of jurisdiction for a White, non-Indian individual, even if that person was arrested by an officer on the reservation. However, if this same offense is committed by an Indian, or if the offense involves an Indian co-conspirator, the case would always go into the tribal court or, more likely, the federal court system. The tribe has the right to prosecute non-tribal members only if the crime involves a tribal member or is considered a crime against a tribal member.

This jurisdiction issue also makes tracking meth-related offenses inordinately complicated and fragmented. Crime reporting information is scattered across the agencies and different jurisdictions with little to no sharing of information between them. There is no source of centralized data about criminal offenses, prosecutions, court dispositions, sentencing, or probation. Each agency keeps its own records, which were largely inaccessible to the present research. The only unified piece of data collection on the reservation is the 911 call center. All calls for law enforcement services on the Fort Peck Reservation are called into this center. Officers from Tribal Police, the Highway Patrol, Roosevelt County Sheriff, Wolf Point Police or the FBI may arrive on the scene to investigate the reason for the 911 call. The calls for service are the only shared data among the agencies serving the Fort Peck Reservation. In the late 1990s, a system called Sleuth was implemented to centralize the 911 calls. In 2016, Sleuth was updated to a new system called Zuercher. Law enforcement is still in the process of updating the Zuercher system and at present the system has only been updated to 2015. In the process of conducting these interviews, the researchers discovered that all tracking of offenses within the tribal court system at Fort Peck takes place using paper files and offense cards. The lack of electronic records impedes the accurate documentation of drug trafficking and other crimes. Also, it was learned that records of drug offenses do not specify the kind of drug offense or the type of drug. There is also no way to tie the law enforcement calls for service to a specific

offense because of vast differences between the agencies in the terminology used, methods of keeping records, and type of information gathered/recorded. The present research was not able to obtain any data specifically related to tribal rates of meth-related crimes because the tribes chose to assert their sovereign rights to have propriety over their own data. Additionally, it was learned that tribal police and the tribal courts only record the number of people they cite for offenses, not the number prosecuted or convicted. It is not clear how many of the cited offenses actually get prosecuted.

Overall, based on the interviews, the numerous jurisdictions on the Fort Peck Reservation contribute to the meth problem indirectly. The various agencies do not share criminal data or information with one another and it is impossible to accurately document the scope of the problem. Respondents stated that the different law enforcement and criminal justice agencies will sometimes share information on offenses depending on the nature and severity of the crime. It is clear from the interviews that offense data is not coordinated, not shared, and does not present a clear picture of the extent of meth-related offenses on the reservation.

Treatment issues

A primary concern expressed throughout the interviews, both with respondents from the criminal justice system and those associated with social services, was finding effective treatments to help with the addiction that drives the demand for meth on the reservation. While people also were interested in addressing the supply side of the equation, most agreed that the problem is unsolvable if the demand for meth persists. The addiction to meth is dramatic and profound, leading to problematic behaviors in multiple domains of functioning. For example, people who use meth often inject it to experience the strongest high. Injecting drugs is associated with abscesses, infections, “cotton fever” (an infection associated with intravenous drug use) and transmission of disease, as well as more severe dependence on the drug. Also, when people are using meth, they often don’t sleep or eat for days at a time. In addition to the health and medical problems associated with a lack of sleep and food, sometimes the drug addicts also forget to feed their children or take them to school. They lose track of reality and lose track of the day, potentially not realizing that several days have passed since they’ve brought food into the house. Many respondents talked to us about the “zombies” that wander around the reservation in a state of dissociation resulting from their meth use. Neglected children are a primary concern for all community members. As Native American culture views children as sacred, this has far reaching implications for the cultural and spiritual health of the community and causes significant distress.

Unfortunately, there are inadequate resources to address meth addiction at Fort Peck. While there is an outpatient treatment center, Spotted Bull, most of the counselors only have experience treating alcohol dependence. They feel at a loss for how to effectively help meth users change their behavior. Also, the fact that Spotted Bull is outpatient-only was identified as problematic. Because people in treatment often are sharing a home with people who are still using, and

because meth is so widely available, it becomes exceedingly difficult to avoid relapse to meth use. Some tribal members are able to leave the reservation to attend inpatient treatment programs in Wyoming, but the tribes can afford to send only 7 people per year to outside treatment, which is very costly. This does not even touch the meth problem on the reservation. Even when these individuals are successful while in treatment, they often relapse immediately upon returning home. The cycle of treatment and relapse needs to be addressed in order to decrease the demand for meth, which will ultimately affect the supply and criminal justice issues associated with providing the drug to all those who use it.

Crimes associated with meth

In addition to trafficking and drug possession, participants communicated concerns about increases in other types of crime that have increased in tandem with the increase in meth addiction. Specifically, meth is associated with crimes related to obtaining the drug. Theft, burglary, and prostitution were identified as resulting from the high rates of meth addiction on the reservation, as people were finding themselves incapable of quitting and needing to have the drug at all costs. One participant stated, “People who used to be good people will now rob their mother, their grandmother, their kids—all to get more meth.” This quote highlights the primary concern that all of the respondents expressed: the need to protect children on the reservation. In Assiniboine and Sioux culture, children are considered sacred because they are believed to be pure and closest to the Creator. The increase in meth use over the past 10 years has radically shifted how parents treat their children. Respondents stated that more and more “meth babies” are born to drug addicted mothers and that parents will abandon their children to either use meth or look for meth. Thus, child neglect and abuse was also discussed as a meth-related crime. The abandonment and abuse of children is at odds with traditional Assiniboine and Sioux culture and is seen as a major threat to American Indian people and way of life. The two elders we interviewed stated that meth use on the reservation has completely destroyed traditionally held values regarding the sacredness of children among meth-addicted families.

Prostitution and sex trafficking

Another main concern identified by participants is the increase in prostitution, sex trafficking, and childhood sexual abuse that has accompanied the meth trade. Participants identified the “man camps” at the oil fields as being a particularly high-risk environment for sex trafficking and stated that sex trafficking and drug trafficking go hand in hand. For example, young Native American girls and women frequently disappear, often never to be found and sometimes never to be searched for.¹⁷ We heard numerous heartbreaking stories about men targeting young women and girls, getting them addicted to meth, and then using their addiction to control them for profit. One key informant discussed how “meth makes people pervy,” describing the influence of the

¹⁷ For more information, see: <https://indiancountrymedianetwork.com/news/native-news/know-someone-tribal-community-advocates-look-for-missing-murdered-native-american-women/>

drug on sex drive and deviant sexual practices. Most participants associated the meth trade with increased childhood sexual abuse. In support of the connection between meth use and sexual practices, as the rates of meth addiction and meth-related crimes have increased over the past 10 years, there has been an associated increase in rates of unplanned pregnancies and sexually transmitted infections. In fact, the reservation has become known for having the highest rates of gonorrhea and chlamydia in the nation within the same time period as the meth epidemic has taken hold.

Cultural issues

Throughout the interviews, it became clear that cultural issues exert a strong influence on the outcomes of the drug trade and associated problems on the reservation. It was explained that the Native American culture is strongly focused on family. The close-knit relationships based on extended family ties and interpersonal connections play a major role in the proliferation of meth use and trafficking. For example, the reservation maintains a strong outward position of condemning meth and having a zero-tolerance policy for its use or sale. However, when a person who is apprehended with meth is a relative of the law enforcement officer, prosecutor, or other influential tribal member, the penalty is often reduced or avoided completely. That is, the penalties appear to be different for different people. Relatives of tribal council members have been known to receive special treatment as well. This is particularly tricky as most people are related in some form or another. Family is not strictly defined by biological ties, but also through cultural and social ties, in addition to those relatives acquired through marriage and the extended relatives of people connected through marriage. Therefore, it becomes very difficult for law enforcement and correctional officers to remain fair and impartial when dealing with meth-related crimes. Furthermore, as discussed previously, Fort Peck is home to two federally recognized tribes, the Assiniboine and Sioux, which historically were enemies. Thus, in addition to cultural beliefs and values related to kinship and familial ties, tribal affiliation also appears to impact arrest, offense and prosecution rates and outcomes. Cultural issues related to tribal affiliation are further complicated by the rapid turnover of personnel in the corrections and criminal justice systems, and by changes in tribal council members that take place by election on a biannual basis. The influence of family ties and tribal affiliation on documented rates of drug-related crime also contributes to our uncertainty with regard to the estimated prevalence rates.

Government Meth Money to Agencies

Several respondents stated that they did not know how “meth money” coming from the state or the federal government was being distributed to the law enforcement, criminal justice or social service agencies on the reservation. They knew there had been funding provided to the tribes and the law enforcement agencies that was earmarked to address the meth problem, but were not sure where it went or what it was used for. Despite the perceived lack of transparency related to the distribution of meth prevention funding to agencies on the reservation, some respondents were able to give us examples of changes that came from the provision of new resources. For example,

law enforcement experienced an increase in meth-related training, from ways to recognize its use to training in new laws and ways to prosecute meth-related crimes. Officers were trained in new methods to handle meth offenses to better support the prosecution's case, with the intention of increasing drug convictions. Some respondents were aware that agencies received funding for new hires in law enforcement and in the criminal justice system. However, because of an extreme lack of qualified people on the reservation to fill these new positions, many of these positions remain vacant. It is also very difficult to get people to move to Fort Peck to fill these positions because of the remoteness of the reservation and the associated challenges for daily life. For example, although the tribal courts received funding to hire two additional prosecutors to help with the increase in meth-related crimes, it took an average of two years to fill these positions. There simply are not enough qualified people who are available and willing to do this work at Fort Peck.

Appendix G: An Evaluation of Penal Codes Regarding Drug Use

Introduction

As expressed throughout this report, JRSA experienced various hurdles in attaining publicly available meth specific data. In an attempt to understand the dearth of meth specific information, penal codes for each state were reviewed to determine how meth offenses are charged, recorded, and presumably tracked at the state level.

Drug Type Specificity

All states regulate illicit drug use, but differ in their drug type classifications (e.g., dangerous drug, controlled substance), definitions (i.e., drugs included within the same classification), and associated penalties (e.g., distinctions by amount and form, “wobbler” penalties¹⁸, felony classes, etc.). Overall, court-recorded outcomes of interest (e.g., arrests, cases prosecuted, case dispositions, sentence lengths, sentence types, probation case loads, etc.) seem to often exclude the offense’s drug type since the penal codes do not reflect this level of detail. The grouping of drug offenses into classifications containing multiple drug types reduces the overall detail in court-recorded outcomes. For example, Arizona categorizes meth (in any form or amount) as a dangerous drug crime. Most narcotics (like LSD, mescaline, and ecstasy) are subsumed under this category (*see* ARS §13-3401 for a full list of dangerous drugs). As a result, the charge documented in official court records states the possession or use of a “dangerous drug” rather than citing the possession or use of methamphetamines.

Table A provides a state-by-state overview of the relevant penal codes and the way in which they catalogue meth-related crimes (*see below*). Please note that the final column of Table A lists the penal code(s) describing the *crime* and *punishment* for the drug offenses. Each state’s annotated penal code will define the drugs contained within each schedule or other classification; however, these lists are included under different code numbers and are not referenced in this table.

Table A. Meth Specificity in Penal Codes				
STATE	<i>Drug Type Classification</i>	<i>Other Drugs Contained in Specification?</i>	<i>Examples of Other Drugs Included</i>	<i>Crime and Penalty Penal Code</i>
Arizona	Dangerous drug	Yes	LSD, mescaline, ecstasy. MMDA, clonazepam	ARS §13-3401
California	Controlled	Yes	Schedules III,	HS § 11377

¹⁸ A wobbler penalty describes a criminal offense resulting in either a misdemeanor or felony charge dependent on the prosecution of the case.

Table A. Meth Specificity in Penal Codes				
STATE	<i>Drug Type Classification</i>	<i>Other Drugs Contained in Specification?</i>	<i>Examples of Other Drugs Included</i>	<i>Crime and Penalty Penal Code</i>
	substance		IV, or V (i.e., most narcotics)	HS § 11378 HS § 11379
Colorado	Schedule II, controlled substance	Yes	Schedule II substances (opium, cocaine, prescription opiates)	CRS § 18-18-403.5 CRS § 18-18-404 CRS § 18-18-405
Montana	Dangerous drug	Yes	Any drug on Schedules I-V	§ 45-9-101 § 45-9-102 § 45-9-103
North Dakota	Controlled substance	Yes	Schedules I or II (most narcotics)	NDA § 19-03.1-23
Nebraska	Controlled substance	Yes	Schedules I-V	§ 28-416
New Mexico	Controlled substance	Yes	Schedules I and II (cocaine, heroin, GHB, etc.)	NMSA § 30-31-23
Utah	Controlled substance	Yes	Schedule II (opium, oxycodone, morphine, etc.)	UT § 58-37-8
Wyoming	Controlled dangerous substance	Yes	Schedule I and II (most narcotics)	WS § 35-7-1031

What are Schedules?

Schedules classify drugs based on their likelihood for abuse/dependency and Schedule I represents substances posing the greatest risk. The federal government outlines controlled substance schedules in the Controlled Substance Act; however, most states define their own. For example, federal law prohibits the use of marijuana and classifies marijuana as a Schedule I controlled substance, but most states treat marijuana differently and categorize under Schedule

IV or lower (i.e., this varies based on each state’s medicinal and recreational use laws). Therefore, the Schedules referenced in Table A may refer to different drug types for each state.

Furthermore, states that include multiple schedules within their penal codes often punish the drug offenses within those schedules the same way. For example, the penalties for possessing drugs in Schedules I or II in Wyoming are based on the amounts (i.e., ounces, grams) and form (i.e., liquid, powder or pill) rather than the drug type. Therefore, a meth possession and cocaine possession offense will both be charged as a controlled substance and may receive the same penalty.

Other Nuances

The following section provides examples of noteworthy meth-related statute variations in the states examined for this study.

Arizona

Arizona’s drug-related penal codes are unique in the fact that they do not implement the schedule format used by the federal government. Instead, Arizona specifies a list of “dangerous drugs” under annotated penal code ARS §13-3401. According to this law, dangerous drugs include the following: LSD, steroids, psilocybin mushrooms, mescaline, ecstasy, MDMA, GHM, methamphetamines, and Clonazepam. First and second time offenders may be given the option of a diversion program, so long as the dangerous drug is not methamphetamine. Successful completion of the diversion program can result in the dismissal of the charges.

Colorado

Colorado’s law prohibits the use, possession or sale of controlled substances and subsumes methamphetamines under Schedule II. Use of a Schedule II substance is considered a misdemeanor, whereas possession and sale are considered felonies. Certain sections of these statutes identify the various felony levels or classes and there exists the possibility of charge reductions (i.e., from felony to misdemeanor). Some charge reductions may result in eligibility for treatment; however, sale or possession for sale offenses are ineligible.

Montana

The determination of a dangerous drug charge as a felony or misdemeanor depends on the type and amount of the drug possessed. Montana’s penalties for meth-related offenses are relatively severe for first time offenders, but also provide the option for residential treatment programs for

subsequent offenses. The Montana annotated penal code outlines individualized punishments for subsequent criminal possessions of meth.

Utah

Regardless of the amount or form, possession of meth in Utah results in a third-degree felony charge; therefore, personal use of meth will carry a severe penalty for first time offenders. The penalties associated with a third-degree felony drug charge include a fine of up to a \$5000 and imprisonment up to 5 years.

Within State Differences

As a second step in this analysis, a search of local newspapers was performed to identify individuals indicted for meth-related crimes (e.g., possession, sale, or distribution). After identifying individuals arrested for meth offenses in each state, we reviewed public criminal records (via online superior court systems) to confirm if the charge description mirrored the penal code. To use Arizona as an example again, an individual in Maricopa County was arrested on drug charges related to an active meth lab. According to the Arizona penal code, this offense should¹⁹ fall under the dangerous drug statute. A public criminal records case search listed the following charges associated with this incident: drug paraphernalia violation, narcotic drug violation, and dangerous drug violation (i.e., no mention of meth). Therefore, this step in our evaluation suggests that meth-related data limitations might be an artifact of a state's penal code. Once a case is processed via the court system, all of the resulting outcomes (like case dispositions, sentence lengths, sentence types, etc.) may not reflect the associated drug type. Furthermore, we found variation in court-recorded descriptions within each state by county. For example, three separate counties in North Dakota show recording discrepancies exist within a state even though the charge falls under the same penal code (*see below*):

- 1) Williams County – **possession of a controlled substance** (no mention of drug type or schedule)
- 2) Bowman County – **possession of a controlled substance, Schedule II** (no specific drug type stated)
- 3) Dunn County – **possession of a controlled substance, methamphetamine** (no schedule listed)

¹⁹ As we used newspaper articles, we cannot be sure of all details of the case or crimes committed.