



OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

# **OFFICE OF INSPECTOR GENERAL'S INDEPENDENT REPORT**

ON THE BUREAU OF INDIAN AFFAIRS'  
FISCAL YEAR 2011 ACCOUNTING AND PERFORMANCE  
SUMMARY REVIEW REPORT FOR THE OFFICE OF NATIONAL  
DRUG CONTROL POLICY



OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

February 1, 2012

Memorandum

To: Michael S. Black  
Director, Bureau of Indian Affairs

From: *for* Kimberly Elmore *Melanie H. Sorenson*  
Assistant Inspector General for Audits, Inspections, and Evaluations

Subject: Office of Inspector General's Independent Report on the Bureau of Indian Affairs' Fiscal Year 2011 Accounting and Performance Summary Review Reports for the Office of National Drug Control Policy  
Report No. ZZ-IN-BIA-0002-2012

The Office of Inspector General (OIG) reviewed the Bureau of Indian Affairs' (BIA) Accounting Report dated January 4, 2012, (Attachment 1) and its Performance Summary Review Report dated December 29, 2011, (Attachment 2) prepared for the Office of National Drug Control Policy (ONDCP). BIA management is responsible for these reports.

The reports are presented in place of the Detailed Accounting Submission and Performance Summary Report required by the ONDCP Circular: Drug Control Accounting dated May 1, 2007. The Circular allows this alternative reporting method when prior year drug control obligations are less than \$50 million and full compliance with the Circular constitutes an unreasonable burden. BIA management asserted that full compliance would be an unreasonable burden and that the obligations reported constitute the statutorily required detailed accounting.

We reviewed management's assertion in accordance with the generally accepted government auditing standards applicable to attestations that incorporate the attestation standards established by the American Institute of Certified Public Accountants. A review is substantially less in scope than an examination, which expresses an opinion on management's assertions. Accordingly, we do not express such an opinion.

We limited our review to management's assertion that full compliance with the requirements of the Circular constituted an unreasonable burden. Our objective was not to express, and we do not express, opinions or conclusions on whether the reports were fairly stated.

Based on our review, nothing came to our attention that causes us to question BIA management's assertion that full compliance with the requirements of the Circular would constitute an unreasonable burden.

Should you have any comments or questions regarding this report, please do not hesitate to contact me at 202-208-5512.

This report is intended solely for the information and use of the management of BIA, ONDCP, and the U.S. Congress, and is not intended to be and should not be used by anyone other than these specified parties. The distribution of our report, however, is not limited.

Attachments (2)



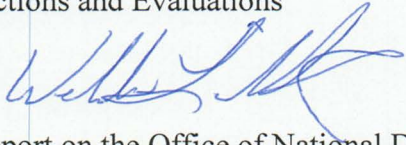
# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:

## MEMORANDUM

To: Kimberly Elmore  
Assistant Inspector General for Audits, Inspections and Evaluations

From: Deputy Assistant Secretary – Indian Affairs 

Subject: Office of Inspector General's Independent Report on the Office of National Drug Control Policy (ONDCP) 2011 Accounting Report – Indian Affairs

Attached for your review and response is the ONDCP 2011 Accounting Report for Indian Affairs. As required by the ONDCP Circular: Drug Control Accounting dated May 1, 2007, the report show that Indian Affairs prior-year drug control obligations are less than \$50 million and is in full compliance with the requirements of the Circular and constitutes an unreasonable burden.

If you have any questions, please contact the Office of Justice Services, David Johnson - Acting Deputy Associate Director, Drug Enforcement at 405-247-1665 or 202-208-5787.

Attachment

## ONDCP 2011 Accounting Report – Indian Affairs

### Resource Summary

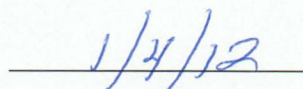
Prior Year Drug Control Obligations		FY 2011
Function: Prevention		
J33	Special Initiatives	10,000,000
	Substance Abuse - Meth Initiative	10,000,000
	Total ALL Functions	10,000,000
	Total FTE (Direct ONLY)	35

\*38 Includes Administrative Staff

Full compliance with this Circular constitutes an unreasonable reporting burden. Obligations reported under this section constitute the statutorily required detailed accounting.



Deputy Assistant Secretary, Indian Affairs



Date



**United States Department of the Interior  
Bureau of Indian Affairs – Office of Justice Services**

**2011**

## **ONDCP Performance Summary Review**

<b>ONDCP Budget</b>		<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Function: Prevention</b>				
<b>J33</b>	<b>Special Initiatives</b>	<b>6,338,000</b>	<b>10,000,000</b>	<b>10,000,000</b>
	Substance Abuse - Meth Initiative	<b>6,338,000</b>	<b>10,000,000</b>	<b>10,000,000</b>
<b>Function: Education</b>				
<b>J34</b>	<b>Indian Police Academy</b>	<b>505,050</b>	<b>505,050</b>	<b>505,050</b>
<b>TOTAL ALL Functions</b>		<b>6,843,050</b>	<b>10,505,050</b>	<b>10,505,050</b>
<b>Drug Resource Summary of Personnel</b>				
<b>Total FTE (Direct Only)</b>		<b>33</b>	<b>35</b>	<b>*60</b>

\*FTE's in previous Performance Summary Review's did not include; School Resource Officers, Intelligence Analysts, Victim/Witness Specialists or Administrative Staff.

### **Performance Introduction**

In 2011, the BIA continued to see an increase in drug activity on lands under its jurisdiction. Information provided in this report reflects a portion of investigative activity on complex conspiracy type investigations. BIA DDE agents continue to refine their investigative talents leading to investigation of highly technical investigations such as court ordered Title III wire intercepts, Organized Crime Drug Enforcement Task Forces (OCDETF) cases, and Racketeer Influenced and Corrupt Organizations (RICO) cases. Annual marijuana eradication operations contributed to an increase in overall drug seizures. BIA DDE agent's investigative activity continue to indicate the need for undercover/buy operations that produce federal indictments for distribution. This report includes performance measures, targets, and achievements for the latest year for which data is available. Data was gathered and verified from the Office of Justice Services (OJS) data base and the Division of Drug Enforcement (DDE) case log.

### **Performance Measure One: Number of Patrol Officers Receiving Drug Training**

In 2011, to keep BIA-DDE Agents in a position to work drug investigations DDE did not provide drug related training for patrol officers. To better address drug related training needs this responsibility was transitioned to the Indian Police Academy to facilitate all drug related training, some of which maybe supported by DDE Agents; depending on the agents availability.

This new focus has been implemented for FY 2012 and will produce a significant increase over previous years of patrol officers who received drug related training.

**Performance Measure Two: Percent increase in drug cases worked**

The number of drug cases reported and tracked is gleaned from data provided on monthly drug statistical reports provided by BIA and Tribal Police programs and from the BIA-DDE case log. Data provided by BIA and Tribal Police programs is entered into the OJS drug database system.

The following information documents the cases worked by **all Indian country law enforcement programs** (BIA-DDE, BIA and Tribal). These figures demonstrate an overall **increase** of approximately **122.2%** in drug cases worked in Indian country in FY 2011.

2008 Baseline	2009 40% Proposed	2009 Achieved	2010 (+2%) Proposed	2010 Achieved	2011 (+2%) Proposed	2011 Achieved
606	667	656	669	722	736	1605

The following information documents the cases worked as reported by the **BIA-DDE**. These figures demonstrate an overall **increase** of approximately **20.1%** in cases worked in FY 2011.

2008 Baseline	2009 40% Proposed	2009 Achieved	2010 (+3%) Proposed	2010 Achieved	2011 (+3%) Proposed	2011 Achieved
90	126	267	272	421	434	506

The following information documents the cases worked as reported by **BIA and Tribal police departments**. These figures demonstrate an overall **increase** of approximately 273.0% in cases worked in FY 2011.

2008 Baseline	2009 40% Proposed	2009 Achieved	2010 (+2%) Proposed	2010 Achieved	2011 (+2%) Proposed	2011 Achieved
516	567	389	397	295	301	1099

*\*The preceding information was obtained from the Lotus Notes drug database and DDE case logs. A copy of the database information is attached.*

The DDE continues to experience challenges gathering accurate data using systems developed by the BIA IT division or its contractors. Information gathered for this report and the subsequent verification process again highlighted the need for an automated data collection system. OJS-DDE is in the final stages of developing a process to verify tribal drug data submission. This process has been in the test phase and will be implemented during the FY2012 reporting period to ensure accurate data submission.



Drug Enforcement Agents are responsible for managing drug investigations and implementing the interdiction programs necessary to reduce the effects of drugs and drug-related crime in Indian country. Funding increases facilitated the expansion of the BIA drug enforcement efforts allowing additional FTE's to be strategically placed within or near other task force units in order to combat the illegal drug epidemic in Indian country. The additional FTE's and the partnership formed as a result of the task force environment have lead to a constant increase in arrests. FY 2011 arrests increased by 64.3% over the 2010 figures.

*Percent increase in number of drug related arrests*

<b>2008 Baseline</b>	<b>2009 10% Proposed</b>	<b>2009 Achieved</b>	<b>2010 10% Proposed</b>	<b>2010 Achieved</b>	<b>2011 10% Proposed</b>	<b>2011 Achieved</b>
443	487	559	615	671	738	1103

*\*The preceding information was obtained from the Lotus Notes drug database. A copy of the database information is attached.*

**Performance Measure Three: Increase in the amount of drugs seized**

FY 2011 efforts to encourage tribal law enforcement programs to submit drug related data has lead to the increased use of the Drug Database within the Lotus Notes data collection system. The goal is to achieve submissions from all tribal programs to ensure an accurate representation of drug seizures along with the number of drug cases worked. We will also be able to construct a picture of drug enforcement efforts within the tribal programs and where DDE can provide technical assistance to the tribal law enforcement programs in combating illegal drugs in Indian country. Individuals from both the BIA DDE and Law Enforcement Operations have been trained in the use of the system and the importance of compiling accurate drug data for performance reporting. It will also provide managers with data to better manage their drug enforcement programs.

The following information documents drug seizures accomplished by the combined efforts of BIA-DDE, BIA and Tribal Police programs. These figures demonstrate an overall **increase** of approximately 102.8% in drugs seized by Indian Country Law Enforcement Programs in FY 2011. The substantial increase is contributed to the number of marijuana plants seized by all Indian country programs as a result of eradication operations primarily in the Northwest Region of the United States. *In FY 2011, 47,453 more marijuana plants were seized over the FY 2010 total.*

<b>2011 All Submissions</b>					
<b>Increase in Amount of Drugs Seized</b>	<b>2009 Achieved</b>	<b>2010 (+2%) Proposed</b>	<b>2010 Achieved</b>	<b>2011 (+2%) Proposed</b>	<b>2011 Achieved</b>
<i>FY 2009,10,11 achieved totals represented in pounds:</i>	<i>287,099.00 lb</i>	<i>292,840.98 lb</i>	<i>44,759.67 lb</i>	<i>45,654.9 lb</i>	<i>90,772.9 lb</i>
Cocaine Powder	178.62 lb	182.19 lb	106.53 lb	108.7 lb	7.71 lb
Cocaine Crack	0.66 lb	0.67 lb	8.28 lb	8.4 lb	0.43 lb
Heroin	0.48 lb	0.48 lb	0.08 lb	0.081 lb	0.02 lb



MDMA (Ecstasy)	0.03 lb	0.03 lb	0.15 lb	0.153 lb	0.22 lb
Meth Crystal	13.75 lb	14.02 lb	40.87 lb	41.6 lb	14.0 lb
Meth Powder	4.55 lb	4.64 lb	0.73 lb	0.74 lb	0.14 lb
Processed Marijuana	85.49 lb	87.19 lb	4,159 lb	4,242.2 lb	2,889.8 lb
Prescription Drugs Seized	13.10 lb	13.36 lb	52.15 lb	53.2 lb	14.9 lb
Other drugs seized	0.50 lb	0.51 lb	1.88 lb	1.9 lb	2.7 lb
Marijuana (# Plants = lbs)	286,802	292,538	40,390	41,198	87,843 lb

The total number of marijuana plants seized in 2011 is 87,843. Research conducted by various private Universities, Law Enforcement Training Programs and Law Enforcement Operations have established the average usable amount of product derived from a mature marijuana plant to be approximately one pound. Total marijuana seized (processed and eradicated) in Indian country in FY 2011 is 90,732.8 pounds.

The following information demonstrates drug seizures accomplished by the BIA-DDE. These numbers were derived from the DDE case investigations logs and statistical reports and subtracted from the previous charts depicting the overall Indian country seizures. These figures demonstrate an overall increase of approximately 106.3% in drugs seized by the BIA-DDE.

<b>2011 BIA-DDE Only</b>					
<b>Increase in Amount of Drugs Seized</b>	<b>2009 Achieved</b>	<b>2010 (+2%) Proposed</b>	<b>2010 Achieved</b>	<b>2011 (+2%) Proposed</b>	<b>2011 Achieved</b>
<i>FY 2009,10,11 achieved totals represented in pounds:</i>	<i>149,713.47 lb</i>	<i>152,707.73 lb</i>	<i>43,762.88 lb</i>	<i>44,638 lb</i>	<i>90,298.6 lb</i>
Cocaine Powder	178.62 lb	182.19 lb	105.85 lb	108 lb	7.2 lb
Cocaine Crack	0.38 lb	0.38 lb	8.13 lb	8.3 lb	0.21 lb
Heroin	0.38 lb	0.38 lb	0.08 lb	0.081 lb	0.01 lb
MDMA (Ecstasy)	0	0	0.12 lb	0.122 lb	0.18 lb
Meth Crystal	0	0	40.60 lb	41.4 lb	13.1 lb
Meth Powder	18.34 lb	18.70 lb	0.72 lb	0.73 lb	0
Processed Marijuana	45.27 lb	46.17 lb	3,384.30 lb	3,452 lb	2,874.6 lb
Prescription Drugs Seized	0.04 oz	0.04 oz	0.08 lb	0.081 lb	9.0 lb
Other Drugs Seized	0.64 lb	0.65 lb	0	0	0.3 lb
Marijuana (# Plants = lbs)	149,467	152,456	40,223	41,027 lb	87,394 lb

*\*The preceding information was obtained from the Lotus Notes drug database and DDE case logs. A copy of the database information is attached. A copy of a DDE case log summary is attached.*

BIA-DDE management reports the FY2011 marijuana eradication numbers doubled from 2010. Marijuana gardens involving more than 9,000 plants included Yakama Indian Reservation, Washington; Colville Indian Reservation, Washington; Caddo Indian Trust Land, Oklahoma. Detection and eradication of a large marijuana garden cultivated on the Colville Reservation was facilitated by the excellent working relationship the BIA DDE agent has established with the tribal police department. An excellent collaboration was established with the BIA Office of Chief Information Office (OCIO) during the 2011 grow season. A majority of marijuana eradication operations are conducted in rugged, mountainous country. Generally, these areas lack any type of



infrastructure for radio communication. OCIO was provided with our dilemma in 2010 and made a site visit on the Yakama Indian Reservation. For the 2011 grow season OCIO arrived on the Yakama Indian Reservation with a mobile repeater and transponder headsets for the portable radios. The mobile repeater was driven to the area of each individual marijuana garden. This provided each agent with direct radio contact among each other as they tactically approached these potentially dangerous situations. The transponder headsets allow agents to have radio communication without the use of an ear piece. It also allows agents to communicate among each other in a whisper.

## **Program**

In FY2011 agents were involved in four Title III wire intercepts. In two of these cases BIA DDE agents took on a major role and were the Affiant producing very detailed and technical affidavits. Commonly the result of these types of investigations are more case openings, less drug seizures but generate more Indian Country arrests creating a more sustained local impact on the availability of drugs. A BIA DDE agent is co-case agent on a first ever RICO case within the state of Minnesota. This case involves a large Metropolitan Native American street gang with ties relating to drug distribution on multiple Indian reservations throughout the State of Minnesota.

The BIA continues to share resources with various agencies that gather intelligence-related information, to achieve a solid intelligence network for Tribal, Federal, State and local law enforcement to work collaboratively on information-sharing related to illegal drug activities or other law violations. For example, an Intelligence Analyst is assigned to the El Paso Intelligence Center (EPIC), southwest border intelligence workgroup to assist tribal and BIA law enforcement by providing intelligence analytical assistance throughout the United States. A second Intelligence Analyst has been added in McAlester, OK, assigned to a local DEA Task Force. This analyst has served mostly BIA DDE agents with phone toll analysis, case mapping, pen registers, and defendant and conspiracy flow charts and spread sheets. BIA is expanding this intelligence capacity with the recruitment of an additional intelligence analysts positions which will be strategically located to support the overall mission. The exchange of information can also have the enhanced effect of increasing other agency's depth of knowledge of Indian communities, and subsequent jurisdictional concerns related to drug enforcement within Indian country.

The BIA Office of Justice Services Victim Witness Program, consisting of 10 Victim Witness Specialist positions have demonstrated this program is in fact a vital part of necessary to fulfill our obligation to victims of crime within Indian country. The Victim/Witness Specialists sponsor victims and witnesses of issues related to drugs and violent crimes. There are many success story already coming out of this program supporting future additions of FTE's to allow for increased services at more locations. Working with the Department of Justice-Office of Victims of Crime (OVC), has resulted in DOJ-OVC funding four victim/witness specialist positions for the BIA. Recently, OJS learned OVC will provide funding for an additional Victim/Witness specialist to be located at the Pine Ridge Indian Reservation. This funding is in the pipeline and will soon be available to allow the recruitment process to being.

The Schools Resource Officer (SRO) program has received significant attention by having a uniform police officer(s) on school campuses. Requests have increased to station SRO's at other school campuses throughout Indian country. With the current funding, 18 SRO positions are funded. The School Resource Officer (SRO) program has proven to be an important part of the OJS drug initiative

allowing interaction of officers and students in the student's environment. SRO's provide instruction in drug awareness and gang resistance using nationally recognized and adopted curriculum to educate students on the negative aspects of illegal drug use and gang activity. These SRO's play a key role in providing a visual deterrent and identifying potential threats of school violence. A future goal of the SRO program is to develop a mentoring component using the SRO platform allowing the SRO to be available to focus on individual children with issues that place them in high risk situations.

## **MANAGEMENT ASSERTIONS**

### **1. Performance reporting systems are appropriate and applied –**

The DDE continues to experience challenges gathering accurate data using systems developed by the BIA IT division or its contractors. Information gathered for this report and the subsequent verification process again highlighted the need for an automated data collection system.

### **2. Explanations for not meeting performance targets are reasonable –**

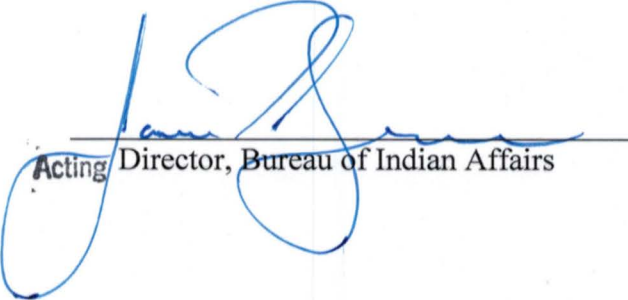
This target was not met due to refocusing DDE agents on drug investigations and providing drug related technical assistance to tribal law enforcement programs. As the DDE evolves into a more sophisticated division working more complex drug investigations the need to have the limited number of agents working investigations is apparent. In FY 2012 the Professional Standards Division/Indian Police Academy will facilitate all drug related training. The first of these trainings was completed in October 2011. It is anticipated a significant number of police officers will receive drug related training during the current performance period.

### **3. Methodology to establish performance targets is reasonable and applied –**

Due to the increase in agents, targets were projected for FY 2010 based upon what the program thought the increase of agents would be able to provide. Now that the program has 2 years of statistical data, projecting targets for the two measures on cases and seizures will be more realistic.

### **4. Adequate performance measures exist for all significant drug control activities—**

The agency has 3 acceptable performance measures that adequately cover each of the decision units. Each measure considers the intended purpose of the NDCP activity.



Acting Director, Bureau of Indian Affairs

12/29/2011  
Date