



STATE OF INDIANA
OFFICE OF THE PROSECUTING ATTORNEY, CASS COUNTY
29TH JUDICIAL DISTRICT

KEVIN S. ENYEART
PROSECUTOR

Dated: February 4, 2004

Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

To: Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources

From: Kevin Enyeart
Cass County Prosecuting Attorney
29th Judicial District, State of Indiana

Written Testimony

For: Investigative Hearing Entitled,
“Fighting Methamphetamine in the Heartland:
How Can the Federal Government
Assist State and Local Efforts?”

Hello. My name is Kevin Enyeart. I am the elected Prosecuting Attorney for the 29th Judicial District in the State of Indiana. That Judicial District encompasses all of Cass County. I have been a prosecutor for eight (8) years. I want to begin by thanking the Committee for inviting me to testify on such an important issue facing the great State of Indiana and our Country. I consider it a great privilege and honor to participate in this hearing.

Cass County, Indiana, is primarily an agricultural area. Logansport is the County seat. The county's population stands at 40,930 people. I begin this way because methamphetamine is a growing problem in Cass County, which is directly related to its agricultural heritage and easy access to anhydrous ammonia, one of the primary ingredients used in the manufacture of methamphetamine.

Law enforcement in Cass County has been overwhelmed by the emergence and dramatic increase in clandestine methamphetamine lab operations, methamphetamine distribution and possession, and methamphetamine use. This is an area in the criminal justice system which presents many problems for a small community like Cass County. The dangers of methamphetamine are many. There are both direct and indirect consequences that result from the injection of methamphetamine into our community.

The direct result to the individual user is obvious. The people who use methamphetamine are directly and negatively impacted by the drug. The personal toll is heavy, which includes detriment to health and serious negative consequences to all other aspects of the person's life, including their family and their work and their basic ability to function as a productive member of the community. Methamphetamine is an insidious drug which can cause violent behavior, paranoia, insomnia, anxiety, auditory hallucinations, confusion, mood disturbances, and delusions in the user. The permanent damage in an individual is similar to Alzheimer's disease and epilepsy. It can cause psychotic behavior and brain damage. Direct consequences to the individual as I have seen them are dramatic and possibly irreversible. Methamphetamine is highly addictive. The addictive cycle of this drug is one of its trademarks. The addiction is far-reaching and nearly impossible to defeat. The rate of recidivism is extremely high. In my own personal experience, I have seen people completely overtaken and consumed by methamphetamine. Further, I have seen people return again and again to the drug after hitting rock bottom. I have seen people lose everything with methamphetamine use. The

resulting effects on their lives is sobering. Its impact on the people who use it is tremendous, with extremely difficult, often devastating, results.

The indirect consequences and dangers of methamphetamine are also many. People that I have seen personally in the criminal justice system lose all focus in other areas of their life. I have seen people on methamphetamine who focus only on the drug and how they are going to get their next methamphetamine high. Many people who use methamphetamine not only get addicted, but also abandon all the priorities that they had in their lives prior to the use of methamphetamine. Often, people spiral into unknown depths which results in loss of jobs, loss of family relationships, loss of homes, financial catastrophe, and sometimes even death. In some users, methamphetamine dictates every aspect of their existence to the detriment of every other important thing that had existed in their lives.

As a prosecuting attorney, I am concerned with not only the enforcement of our existing drug laws, but the long term negative impact of methamphetamine upon our family members, neighbors, co-workers, and our children. The cost not just in dollar terms of this terrible drug is extraordinary. The money and other resources that we are expending to fight the proliferation of methamphetamine use, particularly in our rural communities, is extremely important. The burden on the criminal justice system is great in two respects. First, the direct effect of more drug cases in our criminal justice system and the resulting costs. Second, the further burden on the criminal justice system by users and distributors of methamphetamine who commit other crimes to finance their habit. Effective enforcement when it comes to methamphetamine has to focus upon effective education and treatment. The stiff drug laws that are currently in effect in the State of Indiana appropriately deal with most of the offenders brought into the criminal justice system; however, it is extremely important that we begin at a much earlier phase than the criminal justice system. That requires education, treatment, and alternatives to incarceration, with the sanction of incarceration within the criminal justice system being the last choice for low-level users. Our goal in the criminal justice system needs to be to focus upon stopping and incarcerating the manufacturers and distributors at the highest levels of this terrible drug's distribution channels, while assisting those individuals at the lower levels who find themselves trapped within the cycle of addiction and are experiencing first-hand the ravaging effect of this drug, with its resulting life-changing effects on the user. Incarceration of those trapped within this desperate cycle should be considered a last resort.

Since methamphetamine was first detected in Cass County, the number of cases has risen each year. Just this year, we have shut down two additional clandestine methamphetamine labs. In Cass County we have targeted our resources toward the Cass County Drug Task Force, which investigates all drug activity within the county. The war on drugs is worth fighting at the local level, but local prosecutors and local law enforcement need help, particularly financial assistance, to enable law enforcement to crack down upon clandestine methamphetamine labs and allow adequate resources to prosecute the cases brought to the prosecutor from efforts of the local drug task force. The long-term consequences of methamphetamine are not completely known, but from what we are seeing at the local level, both in the increased prevalence of the use of the drug and the devastating consequences it causes to all our citizens, it is an easy decision to direct as many resources toward combating this problem as possible. The drug has similar effects to cocaine; however, it is much cheaper to produce and to buy than cocaine. Its attraction is not only its lower cost, but also its longer-lasting effects. Locally, the drug appears to be most prevalent upon the lower socio-economic levels of our society.

The Cass County Prosecutor's Office successfully applied for a BYRNE Drug Grant in 2001. We have used that money for the past three years to assist us in the investigation and prosecution of drug offenses, including methamphetamine cases. The BYRNE Drug Grant has enabled me to hire an additional prosecutor to assist in the prosecution of drug-related cases. That federal money has been essential in our fight against the negative effects of methamphetamine and other drugs in our community. That Federal grant is scheduled to expire this year. Our office faces a real financial crisis without that money. Without the grant, we are likely to lose that prosecutor who is dedicated to drug cases.

While the enforcement of our existing drug laws and incarceration for the more serious offenders continues to be a high priority for my office and should be a high priority for all levels of law enforcement, it is perhaps time that we look at less costly, more efficient, and ultimately more successful alternatives to incarceration in combating the drug problem, particularly methamphetamine. We need to look at the potential for treatment of low-level methamphetamine users rather than the more expensive and sometimes less effective alternative of incarceration. We should look at the possibility of establishing a Drug Court program to deal with drug offenders and some users of drugs such as methamphetamine in an attempt to effectively educate and treat those individuals without the necessity of incarcerating them. That

will require resources and funding in these areas. Perhaps by focusing on education and treatment and alternatives to incarceration such as a Drug Court program, it might be possible to avoid some of the most serious and most dramatic long-term results from the use of methamphetamine and other illicit drugs.

Criminal prosecution is necessary and should be used in a large number of cases; however, whenever possible, our society should look at incarceration as a last alternative. Education must be a priority at all levels. At the local level in Cass County, the Prosecutor's office attempts to educate as many young people as possible about the horrendous effects that methamphetamine can have on their lives. That is an area that is worth every moment of our time that we can afford to give. We also have had extensive cooperation from local businesses that are willing to work with law enforcement when suspicious buying activity occurs with specific retail ingredients that are used in the manufacture of methamphetamine.

Methamphetamine dealers and distributors should be stopped. In my opinion, incarceration is a necessity in those serious cases. Effective law enforcement and effective criminal justice and enforcement of drug laws requires that we differentiate between the people who are responsible for the manufacturing and distributing of methamphetamine and those low-level users who are hopelessly addicted to the drug.

In my opinion, the federal government can assist local law enforcement and local prosecutors by doing two things. First and most importantly, whatever the federal government can do to assist in the education and prevention aspect of methamphetamine use is extremely important. Secondly, in order to allow law enforcement to continue to be effective and prosecutors to continue to be able to prosecute and incarcerate serious offenders, the federal government needs to continue to assist financially. Programs like the BYRNE Drug Grant are much-needed and should continue. Funding of programs to help law enforcement put additional officers on the beat and to hire additional prosecutors to assist in administering Drug Court programs and to prosecute the most serious offenders must be a priority. The methamphetamine problem is not going to go away anytime soon, but it is a problem that we must address at all levels of government.

I want to thank the Committee for inviting me to testify, and I applaud your efforts in holding this hearing and focusing on a very serious problem that needs and demands our combined attention. Thank you very much for this opportunity.