

Statement for the Record by

Sheriff Michael Bouchard

Oakland County Sheriff's Office (Michigan)

Major County Sheriffs of America's Vice President - Government Affairs

Hearing Before the House Committee on Energy and Commerce

Subcommittee on Health

"Combatting Existing and Emerging Illicit Drug Threats"

February 6, 2025

Thank you for the opportunity to testify before you today. I am here representing the Major County Sheriffs of America (MCSA), a professional law enforcement association of the largest Sheriff's offices across the country. Our members serve more than one third of the United States population, comprising Sheriff's Offices serving counties with a population of 400,000 or more and employing over 700 personnel.

The fentanyl epidemic is the deadliest drug crisis in American history. While 2023 showed promising signs with a slight reduction in overdose deaths, we are still losing nearly 100,000 Americans each year to drug overdoses, primarily driven by fentanyl and its analogues. This unprecedented loss of life devastates families across every community in our nation. We need a coordinated, comprehensive response.

As MCSA's Vice President of Government Affairs, I have valued the opportunity to collaborate with Members of the Energy and Commerce Committee on legislation aimed at combating the opioid epidemic and equipping law enforcement with the necessary tools to support our communities.

Today, I'm honored to share success stories from Oakland County, Michigan, as well as MCSA's national efforts and priorities, which include expanding access to treatment, securing permanent fentanyl analogue scheduling, and strengthening law enforcement's capabilities to investigate drug trafficking crimes.

Emerging Trends

Recent data from the Oakland County Sheriff's Office Forensic Science Laboratory reveal deeply concerning trends. While fentanyl compounds have maintained a consistent presence in approximately 25% of cases tested from 2022-2024, the prevalence of xylazine in samples has doubled. We are finding these components in many other drugs such as heroin, cocaine and even marijuana. We've also documented an alarming increase in para-Fluorofentanyl (pFF) cases – which is much stronger than fentanyl – from 12 cases in 2023 to 40 cases in 2024.

This rapid proliferation of synthetic compounds underscores the critical need for a more agile regulatory framework that can quickly respond to novel chemical variations designed to circumvent existing controls. Because these deadly doses can be trafficked in smaller quantities that are harder to detect, it also underscores the need for law enforcement to be equipped with the best investigative tools and techniques to prevent these poisons from reaching vulnerable people.

Innovative Solutions

The Oakland County Sheriff's Office continues to prioritize evidence-based approaches to combat the opioid crisis. Several examples of our initiatives are outlined below:

- **Crisis Response Unit:** Through a three-year grant initiative from the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) administered by the Bureau of Justice Assistance (BJA), the Crisis Response Unit (CRU) was launched in December 2022. This specialized unit provides intervention for individuals experiencing concurrent

substance abuse and mental health crises. This unit works county-wide in partnership with Oakland Community Health Network (OCHN) to facilitate access to treatment services and implement preventive measures that reduce recurring crisis incidents. Our team conducts follow-up visits with individuals whom we have saved during an overdose to see how they are doing and to connect them with community resources. During one such visit, personnel found an individual was in the process of overdosing again, and the CRU were able to save this person's life for a second time due to their diligent aftercare.

- **Co-Responder Program:** Our Co-Responder (CoRe) Program represents a transformative partnership between law enforcement and mental health professionals. By embedding OCHN clinicians within our response teams, we're better equipped to de-escalate crisis situations, connect individuals with appropriate services, and divert people from unnecessary criminal justice system involvement while ensuring public safety. I want to emphasize that we employ a “co-responder” approach and not an “alternative responder” approach. It is important to have a law enforcement officer present to ensure protection of the clinicians and the public in the vicinity of the crisis response.
- **Overdose Emergency Response:** The Oakland County Sheriff's Office has been at the forefront of the fight against opioid overdoses. As Sheriff, I initiated the effort with our state legislature to allow us to carry and use our first opioid interrupter, Narcan. We were the first in our state to put them in all our patrol cars and began saving lives immediately. We were the first agency in America to deploy OpVee—an FDA-approved nasal spray containing nalmeferene. Approved in May 2023, OpVee is the first nasal opioid rescue medication specifically designed to counter both synthetic opioids like fentanyl and non-

synthetic opioids. Tools like OpVee give us the ability to save lives in critical moments, marking a significant advancement in overdose response especially to the synthetics that have been resistant to other efforts.

- **Medically Assisted Treatment Program:** In 2018, the Oakland County Jail was one of the first in the country and first in the state to develop a comprehensive Medically Assisted Treatment Program for those who are incarcerated suffering from substance use disorder. This program uses multiple different treatment medications, which is individualized and personalized to each person based on their needs. Further, education, peer-to-peer support, consultation with the on-staff addictionologist, as well as the connection to care in the community post-release are essential components to the success of those who participate in this innovative program. The program has served 1065 individuals since its inception, with 2024, serving the highest numbers of participants at 336.
- **Operation Medicine Cabinet (OMC):** Beginning in 2009, we created this program that received approval from the U.S. Drug Enforcement Administration (DEA), OMC is a mechanism that addresses the growing problem of prescription drug abuse, as well as the negative environmental impact of prescription drugs getting into our water system. The program serves to keep drugs out of the hands of illicit users by allowing individuals to dispose of unused or expired prescription drugs in an environmentally safe manner. The total number of law enforcement drop-off sites in Oakland County is now at 37 with some sites available 24/7 in partnership with our local police departments and Sheriff's Office substations. We have removed literally tons of drugs from the community and waterways.

- **Rides to Recovery:** Launched in 2018 by the Sheriff's Office, the Rides to Recovery program is available to anyone asking for help to get them into a substance abuse treatment program. In a partnership with the Oakland County Health Network (OCHN), those who ask to be taken to treatment will be transported for addiction programming immediately and given options to begin recovery. These individuals may be encountered during Patrol Operations, or they may visit any Sheriff's Office facility to begin the process of treatment.

Congressional Action Needed

We urgently need lawmakers to support our efforts to protect our communities. The opioid crisis, fueled by fentanyl, is devastating families and undermining the well-being of individuals across the nation. As law enforcement professionals on the front lines of this fight, we cannot confront this growing crisis alone. We need your leadership and commitment to pass meaningful legislation that will empower law enforcement and support public health as well as act against nation states that are helping to fuel this crisis.

We encourage you to prioritize the following initiatives as we continue to work together to combat this crisis:

Permanent Fentanyl Scheduling

The HALT Fentanyl Act would permanently classify fentanyl analogues as Schedule I substances, solidifying the temporary scheduling order established in 2018. This legislation is vital in providing law enforcement with the necessary tools to combat these highly dangerous and lethal drugs.

Since the temporary scheduling of fentanyl analogues, there has been a notable decline in cases involving these substances. Making this classification permanent will further prevent these substances from flooding our communities.

We applaud the House for considering this critical bill this week and stand with our law enforcement partners in urging its swift passage.

HIDTA Program

The High Intensity Drug Trafficking Areas (HIDTA) Program is a critical tool in the fight against drug trafficking. It requires not only reauthorization but also increased funding to better address the evolving challenges posed by drug cartels and transnational trafficking organizations.

With enhanced resources, law enforcement can target key trafficking routes and disrupt drug operations more effectively. To achieve these goals, I urge this Committee to reauthorize the HIDTA Program at a higher baseline level and ensure that the administration of the program stays within the Office of National Drug Control Policy. Strengthening this program will ensure a more coordinated and robust response to the organized trafficking groups that are willfully fueling this national crisis.

Pill Presses

The use of pill presses to mass-produce counterfeit medications laced with fentanyl is a growing threat to public health. These counterfeit pills, often indistinguishable from legitimate prescriptions, may contain lethal doses of fentanyl. Traffickers mix fentanyl with common cutting agents and press them into pills that resemble oxycodone, Xanax, and Adderall, making each counterfeit pill a potential deadly dose. Personally, I have spoken to countless parents

whose children have died taking even a partial pill they thought was Adderall, but it contained fentanyl. One pill of this deadly component they unwittingly take can kill.

MCSA is committed to working with lawmakers to strengthen regulations around the importation and possession of pill presses, as well as increasing penalties for their illicit use in drug trafficking operations.

Healthcare in Correctional Settings

MCSA supports efforts to improve care coordination and ensure continued access to federal health benefits for eligible individuals in local jails. We are advocating for measures that would allow pre-trial detainees to receive health benefits and ensure medical services are provided during the transition from incarceration.

These changes would lead to better care, lower taxpayer costs, reduced long-term government expenditures, decreased crime, lower recidivism, improved public safety, and better health outcomes for communities.

MCSA looks forward to continuing to collaborate with the Committee to advance these important initiatives.

Reentry Programs

One of the root causes of recidivism is the lack of support for individuals reentering society after incarceration, particularly when it comes to substance use and the need for treatment. Without access to proper care, individuals struggling with addiction are at a much higher risk of re-offending. Reentry programs that provide comprehensive substance use treatment—along with support for stable employment and housing—are essential for reducing the likelihood of relapse into criminal behavior. By investing in these critical services, we can help individuals

overcome addiction, successfully reintegrate into their communities, and break the cycle of incarceration.

We ask Congress to take up and pass the Second Chance Reauthorization Act, as it is an important step in ensuring that former offenders have access to the substance use treatment and rehabilitation they need to rebuild their lives and reduce recidivism.

Medication Assisted Treatment

MCSA is committed to supporting the Supporting Treatment and Recovery Over Narcotics for Growth, Empowerment, and Rehabilitation (STRONGER) Act, which seeks to reduce recidivism and break the cycle of addiction. This important legislation updates and reauthorizes the Residential Substance Abuse Treatment for State Prisoners (RSAT) program, which provides vital treatment and recovery resources for incarcerated individuals with substance use disorders. As leaders of America's largest sheriffs' offices which operate the largest jails, MCSA members are some of the largest providers of mental health and substance use disorder treatment services in the nation. We are in a unique position to make a significant difference in people's recovery when they are in our custody.

RSAT grants fund substance use disorder treatment programs in state prisons and local jails, as well as community-based aftercare and post-release support. These services may include medication-assisted treatment (MAT), cognitive behavioral therapy, employment assistance, transitional housing, and mental health care.

Through initiatives like the STRONGER Act, MCSA is committed to working with lawmakers and stakeholders to expand access to MAT and improve recovery outcomes for incarcerated individuals.

Investigative Tools

Investigative technologies such as facial recognition software, license plate readers, and social media analytical tools are essential for law enforcement in generating leads and dismantling criminal networks. These tools play a critical role in identifying suspects, gathering intelligence, and preventing further criminal activity, particularly in the fight against drug trafficking and cartel operations.

We are committed to working with the Committee to find a path forward on data privacy legislation that balances privacy concerns with the urgent need to disrupt criminal activity and protect the public. By collaborating on thoughtful, effective solutions, we can ensure that law enforcement has the necessary resources to combat illegal drug trafficking while respecting and protecting individual privacy rights.

Social Media and Drug Trafficking

Traffickers are increasingly leveraging social media platforms to target vulnerable individuals, particularly teens and young adults, making it easier to distribute illicit drugs, including fentanyl. This growing trend is undeniably contributing to the growing drug crisis.

MCSA is committed to working with lawmakers to implement stronger accountability measures for social media companies, holding them responsible for illegal activity facilitated on their platforms. Immediate action is crucial to curbing the online distribution of dangerous substances and protecting the public.

Asset Forfeiture

MCSA continues to express significant concerns with proposals, such as the Fifth Amendment Integrity Restoration (FAIR) Act, which would severely limit law enforcement's ability to combat drug trafficking and organized crime. The FAIR Act includes provisions that would

drastically limit the use of civil asset forfeiture—a vital tool in disrupting drug cartels and criminal organizations by depriving them of the profits from their illegal operations.

Additionally, the proposed elimination of the equitable sharing program under the FAIR Act would have significant consequences for local law enforcement agencies that are dedicated to safeguarding their communities. This program provides state and local agencies with critical resources to participate in joint task forces, purchase necessary equipment, and support jail-based rehabilitation and community engagement programs.

Contrary to some of the misleading narratives, asset forfeiture is not a revenue-generating activity for law enforcement. Instead, it helps offset a small portion of the costs associated with vital joint operations conducted with other agencies. Ending equitable sharing would significantly reduce law enforcement's ability to combat organized crime, forcing some agencies to pull out of task forces focused on dismantling criminal networks and targeting the most dangerous offenders.

While we remain committed to ensuring accountability and transparency in forfeiture practices, we urge Congress to prioritize strengthening law enforcement resources rather than weakening the tools necessary for effective public safety.

Securing Our Borders

Drug trafficking is not limited to domestic criminal organizations but is also exacerbated by porous borders. We urge Congress to prioritize measures to strengthen border security, enforce immigration laws, and improve information sharing between federal, state, local, and tribal law enforcement agencies. Enhancing these efforts is vital in curbing the flow of illegal drugs, especially fentanyl, into the country.

Conclusion

MCSA is committed to working alongside this Committee to confront the fentanyl epidemic and the broader challenges of drug trafficking. With your leadership, we have the foundation to make meaningful progress in 2025 and continue our vital work together to protect communities and save lives.

To address the opioid crisis, we must take a comprehensive approach that includes law enforcement, public health initiatives, education, and support services. By equipping law enforcement with the necessary resources and legal tools, while also addressing the root causes of addiction and supporting recovery, we can make significant strides toward a safer, healthier nation.

We stand ready to support efforts to advance these priorities and call on Congress to take immediate action on these critical issues. Together, we can strengthen our collective ability to combat drug trafficking, protect communities, and save lives.

Thank you for your time and consideration. I welcome any questions.