

SCOMM

#52:23

KOTZEBUE

JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS

December 12, 1985

Present: Rep. John Binkley, chairman
Rep. Katie Hurley
Mark Earnest, ~~an~~ aide to Sen. Sachett
Laurie Otto: Legal Counsel

Rep.
Binkley: I call this local option committee to order.
We're in Kotzebue, the date is Dec. 12, 1985, at
1:55 p.m. I understand we have the Kotzebue
police chief with us here to day. Would you like
to come up here and join us?

Rep.
Hurley: Have you been putting on the record who's all
here?

Rep.
Binkley: (Introducing of committee members.)

Don
Buehler: How do you do? My name is Don Buehler. I'm the
police chief in Kotzebue.

Rep.
Binkley: Pleased to meet you Don.

Buehler: Thank you.

Laurie
Otto: I think you understand based on our conversation
the gist of what the committee's interested in
and maybe you could start in a regular fashion
and then the committee can then ask you questions
if they need anything further.

Buehler: I understand you're holding hearings trying to
develop ways to combat the alcohol problem. Not
only in the villages, but all over Alaska. I
understand I'm here to help answer questions the
best that I can.

Rep.
Binkley: Maybe we could get some kind of perspective on
Kotzebue itself Don about the situation is here.

Kotzebue; Local Option Hearing "2"

I understand that there's know regulations on the importation or the sale of alcohol.

Buehler: Right. I believe we would be referred to as a wet community.

Rep.

Binkley: Has Kotzebue always been wet?

Buehler: No it was dry back in the early 1970's to the extent that alcohol could be imported personally, but there was ~~know~~ liquor store. Then they went to a city liquor store. Approximately 1972-1973 it went to a private enterprise.

Rep

Binkley: I see. Maybe you could give us some perspective Don, as far as the law enforcement side. What some of the problems that you see with alcohol consumption here in Kotzebue and alcohol abuse. Some of the crimes that are committed here and if they are related to alcohol or are they non-alcohol related.

Buehler: You have a two part answer. If you want to say what percentage of your crimes are definitely alcohol related because the people so influenced by what they have to drink. You're talking at least 45%, but when you say has somebody involved in the situation been drinking then the number escalates up into 85-90%. For me to say that spread in there people have lost all judgement things like that that would not be fair.

Rep.

Binkley: I see, but 85% there's alcohol somehow involved in what ever the crime is.

Buehler: Somebody either victim, suspect has been drinking. Whether it's one drink or totally drunk there's degrees.

Rep.

Binkley: What has been the impact Don, of the... How long have you been the police chief or have been in the police department?

Buehler: I've finished eight years. I'm starting my ninth year.

Rep.

Binkley: So as you know in 1980 the legislature enacted the local option law which allowed the villages then to start to ban the importation and sale of

Kotzebue; Local Option Hearing"3"

alcohol with in those communities.

Buehler: Yes. I know that.

Rep.

Binkley: Did you see any effects on Kotzebue as that started to take place in the early 80's?

Buehler: There seemed to be a smaller increase in the number of people that made Kotzebue their recreation center. I think the larger the community and the closer it is to main stream transportation people of Kotzebue get on a plane and go to Anchorage. People in the villages get on a plane and come to Kotzebue. We've become their trade center which we are for the whole region. For a while it did increase, but it seems to have leveled out. We have the same numbers approximately as the villages go from dry to wet and back and forth. The number seems to remain the same.

Rep.

Binkley: Do you have any numbers as far as the alcohol related crimes? The people that are involved in those crimes and where they're from. Whether they're from the surrounding communities or from Kotzebue itself.

Buehler: Not as to the crimes themselves, but just from first hand knowledge I would say most of our crimes that people are arrested for in Kotzebue, the people live in Kotzebue and are arrested for crimes with in Kotzebue. There is a small percentage where they are visiting here and do get into problems. The numbers change when you get into protective custody. Then you're getting a first sampling of villagers visiting Kotzebue.

Rep.

Binkley: Do you have any statistics of the number of protective custody intakes that you have?

Buehler: Like I explained to Mrs. Otto. I didn't know what questions that were going to be asked so I had ~~no~~ way of researching and I'm going by memory, but approximately 360 last year.

Rep.

Binkley: Do you have an idea the percentage of those that came from outside the Kotzebue areas?

Buehler: We did a survey 2 years in a row because we shortened the bar hours. Actually it covered

Kotzebue; Local Option Hearing "4"

almost three years because we did a year before the year they shortened the bar hours and a year later. It was approximately 40% people from outside of Kotzebue. Then the year they shortened the hours and the villages went dry and that year the number increased, but not more than a few percentage points. I think about 6, which came to 52%. Then it went back down again.

Laurie

Otto: When did it go back down?

Buehler: We did a survey the following year and it was back down.

Laurie

Otto: Did anything change?

Buehler: No. We still had about the same number in percentages of people going through the jail, but where they were from changed a little bit.

Rep.

Binkley: Laurie, do you have any questions?

Laurie

Otto: I do. Do you also get involved dealing with children whose parents have been drinking where they need to be taken into emergency custody? Do you assist D.F.Y.S. in that?

Buehler: Yes, madam.

Laurie

Otto: About, and again on average how many of those cases do you get a year or month if that would be easier?

Buehler: I would have to say our juvenile problems are approximately 15% of our total work load. Those that would go to Health and Social Services would probably be quite low because we do have full time employees here working on that and you can go to them directly without going to the police department. So we wouldn't be aware of all of the numbers, but I would say probably 40% of our juvenile, unless you want to give me an age from either we're talking up to or down to juvenile to adult.

Laurie

Otto: Let's say up to 10 and then 10 to 18 years old.

Buehler: Ok, very few in the under ten group a significant

Kotzebue; Local Option Hearing "5"

portion are in the ten to eighteen. Of course now eighteens and above are treated as adults and subject to arrest.

Laurie

Otto: These are delinquency problems?

Buehler: In some form or another. Quite often dependency, not delinquency. The child hasn't done anything wrong there's ~~no~~ place to put the child.

Laurie

Otto: These are also situations where the children are being neglected?

Buehler: To an extent yes.

Laurie

Otto: How many of those instances are the parents abusing alcohol, do you know?

Buehler: I would say that is the major reason that we get into it is because there's abusive alcohol or drugs brings the parents to our attention and there's know one to care for the children.

Laurie

Otto: What happens to those kids? Do they get put in foster homes?

Buehler: We have a foster home system and D.H. is available almost 24 hours a day. We have them on a pager system where we can tone them from the police department and get help anytime in the day or night, someone is on call.

Laurie

Otto: Since you've been involved in law enforcement in this community for quite some time have you noticed a pattern of children who you've had to care for in the context of either being neglected or getting into problems because their parents are abusing alcohol. Do you see those same children becoming adult offenders?

Buehler: There's some, but I don't know that there's a particular pattern. I think going back just my full eight years would put some of them down ten or eleven years old. It takes a long time to get a good statistic. You good grab one out of there that would be totally inaccurate, but that is the statistic, but it really wouldn't be a long term statistic. No, I don't readily see a lot of them going forward to become adult problems.

Kotzebue; Local Option Hearing "6"

Laurie

Otto: It happens, but it's not a pattern.

Buehler: It happens I just say it's not it great big quantities.

Laurie

Otto: Right. I know that Kotzebue has both a alcohol advisory board and a commission on homicide and violence.

Buehler: Yes.

Laurie

Otto: I understand that at least in the case of the commission on homicide and violence ~~thefts have~~ *it has* been created in response to some specific problems that this area or this community has had a large number of homicides. Not necessarily alcohol related ones. Are you familiar with what those both two intitities are about?

Buehler: Yes.

Laurie

Otto: In your discussions with them have you or they come to any conclusions or reached a point where you feel there's specific things that could be done to curve the problem? Conclusion or cause or things that could be done to curve a problem?

Buehler: I don't think they've come up with definite suggestions yet. They're still looking at the problem very very closely. Besides them we have the Manilaq who has their counseling staff, the hospital with their counseling staff, there's more than just those two groups involved. I think we've discovered or at least the emergency services: police, fire; that quick response was a life saving measure. When somebody is threatening suicide it's not something to be ignored or waited on. It's given it's proper important perspective and it's handled now. We don't wait for the third call. I think that lowered some of the suicide problems. Their coming back up again. It's not totally inaccurate to say that you make a gain and then that gain seems to get over ran somewhere along the line and then you've got to come up with new ideas and I think that's what these commissions are working on now. Is some new ideas. Everybody in the country I think has worked the traditional ideas and a lot of them are not working. So now we're looking for new approaches

Kotzebue; Local Option Hearing "7"

anywhere, anything. Now I've lost track of the point of the last question.

Laurie

Otto:

The point was have you reached any conclusions? I think you answered that as, NO. The second one is have they reached a point where they are ready to make recommendations and I understand the answer to that is NO as well. In the villages that we've gone to in Northwest Alaska a number of them have mentioned problems with alcohol related suicides and attempted suicides. It seems more in this area than some of the other areas that we've gone to. Is that a problem in Kotzebue as well?

Buehler:

Yes. I don't know of very many suicides that weren't alcohol related. There are some specific examples of some that were not. It would be very safe to say that most suicides are alcohol or drug related.

Laurie

Otto:

Is that something that's being addressed by the two commissions, the commission and the advisory board?

Buehler:

Yes.

Laurie

Otto:

Do you get involved in domestic violence situations very frequently I suspect if you're like the rest of the country.

Buehler:

You mean domestic fights?

Laurie

Otto:

Domestic fights, assaults in the home.

Buehler:

Yes.

Laurie

Otto:

Do those tend to be alcohol related more frequently than other kinds of crime?

Buehler:

I wouldn't say more frequently. They're right up there with the rest of them. What ever the percentages are they seem to hold fairly true through out the whole spectrum.

Laurie

Otto:

As a law enforcement professional, what is your opinion of an approach with dealing with alcohol problems that hinges on prohibiting alcohol in

Kotzebue; Local Option Hearing "8"

particular areas?

Buehler: I'm an old man. I know the prohibition age and when you start legislating morality and virtue there's a lot of things work and a lot of things don't work. We have a heck of a problem from a law enforcement stand point in forcing prohibition. You make a community dry and almost with out a period of time that's reasonable elapsing they can vote again and they're wet. People here in town are trying to keep track of that. They're not going to sell the people that they know where that liquors going to go. It makes it real hard. The availability the enforcement is importing inside the city limits, outside the city limits, is it immune? It's state land, does the city ordinance hold true on state property? Are our search warrants from a city any good on the state airport? We have always tried to take kind of a positive...

(Conclusion of Selawik part 3 - Kotzebue part 1, Side A)

(Resuming on Side B of Kotzebue part 2)

...and we're not disappointed in some of the results. Like a lot of things the police department has to do if the people tell you NO, go get lost, you're dead. You walk up and say you know if you take that to the village you're in trouble and quite often it doesn't go to the villa . If you take a positive attitude about it it works. We've worked a lot of cases with the troopers. We're also getting a lot of cooperation from the bars and liquor stores.

Laurie

Otto:

How about the airlines?

Buehler:

I would say up to a short period of time like a year ago one doing a better job than the other, but just here at a meeting of the alcohol advisory board yesterday and a week ago they were complimenting and sending letters of accomodations for the good work they have been doing. Very good work. How many more ideas can come out? I don't know I guess you've just got to try anything that is reasonable and you know the supreme court isn't going to knock down the minute it's tested. That's just cost everybody money. We get tied up in the courts and the

Kotzebue; Local Option Hearing "9"

court system can't afford. The district attorney can't afford it. As long as it has got some good basis and it's worth a shot, give it a shot.

Laurie

Otto:

If you could do anything. Pass any law or take any approach what would you do?

Buehler:

Suspend civil rights. I can almost stop crime, but I don't think the people would go for it and they'd run me out of town. They would use a rail.

Laurie

Otto:

Short of suspending civil rights and you don't look like the kind of guy who would want to do that anyway.

Buehler:

Everybody including the residents of the community have got to get fairly uniform on what they consider serious. When a judge sits it's easy to throw rocks at the court and you can bet a policeman does, but when he by following guidelines established has trouble putting a person in jail for a long period of time for manslaughter or rape or child molestation and the most he can give that person is a year and you've got an importer that maybe has been caught twice in his mind he's having a heck of a time equating an importer and a child molester, but yet in all reasonable the importer is probably creating more of a problem. He's not about to give that importer two years when a person with molest charge is only getting a year. You go through the community and through the region and it's part of law enforcement and it's part of everyday life the little crimes touch everybody. When somebody gets murdered it's big news, but it affects very few people. Everybody can relate to getting three-wheeler stolen, getting smacked in the face by a drunk, but the closeness of a rape victim to the rest of the community is not there. So there attaches of different form of importance and everybody forms their own difference. It's hard for it to meet. You're asking an importation and problems with liquor in the home, you take the child and you have to take the people to court and the child becomes your witness. You're trying to put the family unit back together, but you're using the family unit to testify against the family unit. You're doing the same thing with the alcohol. Now I'm not saying it's bad, as a police officer that's my job. There's a lot of people that has trouble with that. Their not going to put their nieces

Kotzebue; Local Option Hearing"10"

and nephews, brothers, uncles, cousins what ever you name, it's one branch of the family having to testify against the other branch of the family. It's very hard. The smaller the community the harder it gets. Does that explanation make any sense?

Laurie

Otto: Oh, absolutely.

Buehler: Ok. The smaller the village the worst it gets. Even if you're absolutely right, somebody with in the family unit is going to disagree and say there goes the only working person in the family maybe. They just don't attach the same importance to it.

Rep.

Binkley: Any other questions? Don thank you very much, appreciate it.

Buehler: You're very welcome.

Rep.

Binkley: Let's see who else do we have here today? Great Leslie come on up here. Maybe you could give us your name again just for the record to make sure we've got it on there. (Introduction of the committee members again.) Now did Laurie get in touch with you and kind of explain to you what...?

Laurie

Otto: No.

Leslie

Hiebert: No.

Rep.

Binkley: Basically we're out talking about the local option laws, just to give you a little bit of back ground here and there's been a proposal by some of the villages in our area. Sen. Sachett and my own area about adding an additional option to the now existing local options one which would be allowing for the ban of possession both commercial alcohol and home brew in those communities. We're taking testimony from villages and communities such as Kotzebue to see how people think that might effect those communities if it would be good or bad. What other ideas might be how to strengthen the local option laws; also, if this law were instituted there needs to be some significant amount of information and background that's involved in the

Kotzebue; Local Option Hearing "11"

decision we make as a legislative body to substantiate what would be legislating and that is to preempt personal rights to privacy so we need to establish a record that shows some of the significant health and safety hazards that alcohol can create in communities. So we're seeking testimonies along those lines.

Hiebert: Ok. That's sort of what I understood this was going to be about. I don't know if I've got anything in particular to...it sounds like you've covered. My problem with it, which is there is a privacy right that's going to be in conflict with trying to set up making possession illegal.

Rep.

Pinkley: Let's talk about that a little bit. I'd be curious from a public defenders stand point that...

Hiebert: Much of what I could say you have already heard from Chief Buehler. Which is the bulk of the crime is alcohol related. People get hurt because of alcohol. I would probably add, I think Chief Buehler's perspective is more that this is like other communities in many ways. I would see that this is a little less like Anchorage where I used to be located because of the close family ties. There's also the use of alcohol just seems to be so open. It's hard to impress upon the clients I talk to obtaining and following the bail conditions of not consuming and that sort of thing and it's difficult for people to follow them. I do think it's different from probably the rest of the world, there's a lot longer winter, more darkness. Harder to have the social activities, a lot of the traditions are breaking down that used to be in existence and that sort of thing and I think that's leading to a lot of problems. So the tension is there even with out the alcohol. I'm not sure how many of these suicides and crimes would be committed with out alcohol also. I think, I'm not sure the correlation is alcohol leads to crime or whether everybody is using alcohol and the crimes tend to be committed under the influence because you're so often under the influence. Do you see the different perspective?

Rep.

Binkley: I see. If there wasn't alcohol there would still be the crimes.

Hiebert: There may still be the crimes from other social

Kotzebue: Local Option Hearing "12"

factors, but I'm not sure of that. Certainly my clients would deny that. I wouldn't ever ~~do~~ ^{have} done that if I was sober.

Rep.

Binkley: Well, what's your personal perspective on the constitutional question that is involved here? Do you think that the communities...?

Hiebert: I think it runs into the privacy right. I think Alaska constitution that's articulated. There is a privacy right ~~an~~ like the federal constitution. Then I think your going to find that it's a up hill battle, but if you can link it strongly to the health hazards then probably you've got a shot. I'm against it. I think it's...especially the possession in the home. There's that drug case, the use of marijuana (the Raven case). I think you're going to have a problem. I would hate to see it also. I think people already having it tough enforcing the minor consuming alcohol cases and those are kids usually picked up sometimes incoherent and then black outs. I mean this isn't just consuming one or two beers, this is consuming a lot. Those kids...I think the community doesn't want to throw those kids in jail and those kids are getting criminal records. I think their community is going to even have a harder problem having mere possession to be an infraction.

Laurie

Otto: Just like, call it possession of marijuana.

Rep.

Binkley: Which would be confiscation and fine.

Hiebert: Well, it would be up to the magistrate's right?

Laurie

Otto: There would be a bail schedule.

Hiebert: Oh, I didn't know that. Do you know when it would be set at?

Rep.

Binkley: What do you think it should be? We're just gathering testimony and getting ideas from people. About \$100.00 we've had suggestions at, and \$200.00 or community service instead of that cash.

Laurie

Otto: Can I say something John? Just as part of the

question. One of the biggest concerns many of the villagers have expressed and one of the reasons the villagers of the Y.K.Delta came to the legislature and asked to have possession added as an option, ban possession. Is the number of cases where they were aware people had alcohol in a dry village, commercial alcohol were aware that they were drinking it. Didn't know who imported it so they really couldn't do anything about it and knew that this is going to lead to massive problems and then watch a murder happen or rape happen or a serious offense happen and say we could of prevented this if we had a mechanism for enforcing. We think the spirit of the local option law is to prevent people from a having alcohol in the villages. So if we had some mechanism where we would be able to confiscate the alcohol and then fine them for violating the spirit of the law, but not give them a criminal record. That we think would help us prevent problems.

Hiebert: I think it is a good theory. Randy Crawford was just saying this morning that the way the troopers handle it sometimes is to, I don't know if you're going to say this to, but. That alcohol is evidence of importation. It didn't get there by itself. Somebody imported it. It's an evidence of a crime of importation and he says that they'll just take it and confiscate it because it's evidence of a crime. Ther. you go ahead and work from there. Now, it's one approach. The villages are small enough to interview people. If you wanted to and you interviewed everybody, everybody is going to tell you; basically people don't lie up here. If you get close enough to someone who knows who brought it in, you'll end up finding out because they'll tell you. So you really could investigate it and do it that way. It takes a lot of time I would think.

Rep.
Binkley: I don't understand what you're saying? Do you agree with the spirit of the importation laws?

Hiebert: I think that half of the village, 51% will vote for banning alcohol. 49% want to drink and import and everything. It's tough on that 49% and they'll...I think you'll have trouble enforcing it just like you do now.

Rep.
Binkley: As far as the constitutional question do you

Kotzebue; Local Option Hearing"14"

think the importation is not a good statue that we now have on the books and should be maybe taken off the books?

Hiebert: I don't know if I'd say to take them off the books. I think the idea of giving the local community the power to decide whether they want alcohol or not is fine. I think the problems I see coming up is you give the enforcement authority to Kotzebue for these villages. What happens is that you make...there's a local election and then if somebody violates the law they go off to Kotzebue to jail or Nome if it's a long enough sentence. So the punishment and the enforcement courts here in Kotzebue, it's not in the village. So, the whole enforcement mechanism has nothing to do with the villages desire. The village doesn't want to get people arrested and go away to jail, for just consuming or possessing.

Rep.,

Binkley: I'm just talking about the conflict between a persons right to privacy and the communities right to say whether or not alcohol falls into that category or not. Whether it be through importation or ban on possession. I mean shouldn't communities have the right to say how they want to control alcohol with in their community?

Hiebert: Well, I don't know how to answer that except to say that the right with out the enforcement ability. See I'm not going to say people have a right to do something with out knowing how that right is enforced; because if the right is enforced in an improper way then it's an illusory right or else it's a right that shouldn't be granted or shouldn't be had. So I don't know how to answer that question.

Rep.

Binkley: Considering the enforcement was all with in the ~~bounds~~ of the law?

Hiebert: With in the ~~bounds~~ ^{bound} of the village?

Rep.

Binkley: Yes.

Hiebert: I think they can do that now. I think the I.R.A.'s could pass no possession laws.

Laurie

Otto: Not home brew though. They can't regulate home

Kotzebue; Local Option Hearing "15"

brew under the federal current law. They have know authority to do that.

Hiebert: What is that?

Laurie

Otto: Because there's an exemption in federal law 200 gallons of home brew per household.

Hiebert: Seems like...that's pretty odd I've never heard of that.

Laurie

Otto: So there's ~~know~~ really effective way either in the state, federal or tribal law to legally regulate home brew right now.

Hiebert: Well, then I don't think...then what's the initiative to regulate it? What's the goal to be achieved here by regulating it?

Laurie

Otto: The villages would say... I mean there is ~~no~~ legislation right now. There is no proposal right now. What the villages say that they want to be able to ban home brew is their purpose in passing the local option law in which they were given the right to do by the legislature was to ban alcohol in the village. If you just substitute people are drinking home brew for people drinking store bought liquor because it causes the same problems and it really is against the spirit of the local option law which was to prevent alcohol from being in the villages.

Hiebert: But if there's a federal law saying they can have home brew I don't see how that's...?

Laurie

Otto: It's not covered under federal law. It could be under state law. I mean, do you think that's a reasonable thing to let them do?

Hiebert: If there's a...I think it's a democracy. You can vote that. You can vote pretty much anything I think. Like Buehler was saying to ban civil rights. I mean you just can't do that. Even if you want to and even more than half the country would want to.

Laurie

Otto: I don't think if they really thought about it they wouldn't want to.

Kotzebue; Local Option Hearing "16"

Hiebert: I hope not. I don't know I don't think that...all I can tell you is I get cases out of dry villages just like I get them out of wet villages. In fact more out of the dry villages, because I get the importation cases. I don't always get a crime associated with importation of alcohol. I often get kids that just have got minor consuming alcohol on their criminal records. Eight cases of that unassociated with other crimes that have never tried to commit suicide and never hurt anybody else and those people are getting picked up and those are the ones the community is most concerned about.

Laurie
Otto:

Ok. Let me ask you this. If there were a provision in the law where communities could ban possession. City ordinances, civil offense no criminal record. Do you think that would be used more often than some of the other ways of dealing with the problems where people would end up going to jail?

Hiebert: No, because the village police officers a lot of them are associated with the troopers. Their way of acting is to arrest somebody. They never cite anybody for anything. They always arrest somebody. So the whole way of handling cases is that they come down to Kotzebue. That may not be totally true because I may not know how many times they arrest somebody with out having to come to Kotzebue, but I never see a summons complaint. Let's put it that way.

Laurie
Otto:

You wouldn't be involved in these cases.

Hiebert: I know what you are saying. You're saying...what I'm trying to say is that I think the enforcement set up there is to treat...if they see you consuming, if they see importation they're going to get them for that. Then they're going to add the city citation, ok. The city will tack on a new city ordinance, a city citation on top of the crimes that are already charged. I think those are the people that are caught. Those are why cops are called. I don't think people will call because...

Laurie
Otto:

Ok. I understand what you mean.

Rep.
Binkley:

Ok. Leslie thanks a lot. The trooper?

Kotzebue; Local Option Hearing "17"

Randy

Crawford:

I'm Randy Crawford. I'm a corporal with the troopers stationed here in Kotzebue. I think the story Laurie is referring to is my first experience in bush Alaska. I was assigned to a one man post in Holy Cross in late 1979. While my housing was not quite done I was sent to Aniak to work with the trooper there. Had a warrant for a burglary suspect in the village of Sleetmute. We went to Sleetmute. It was the fall time, that drizzly almost freeze up time, real muddy. We started looking for people in this town and the town seemed to be fairly vacant. There's a lot of traffic between Sleetmute, Stony River and Red Devil so less folks travel. As we started to go to some houses knocking on doors looking for folks there, everybody I encountered was intoxicated. Before we were done we walked down the street and picked kids (I'm talking about 8 yr. olds on up to high school) literally picked them up threw them in the nearest door where there was a fire burning in the house, where it was warm inside. I didn't find one adult except for the Health aid, 3 school teachers, and the Grammar school kids that they were baby sitting the school. This was late in the afternoon, after school should have been out, that was sober in that whole community at that point. We did find our burglary suspect later also. That was my first exposure to really severe alcohol importation in the community. That's the worst I've ever seen also. It happened to be my first time.

Rep.

Binkley:

That's a community that had banned importation?

Crawford:

That was before the importation.

Rep.

Binkley:

Prior to the local option laws?

Laurie

Otto:

How many people did you end up arresting?

Crawford:

We filled up the 207 we were in. A couple of them were assaults. We took in one juvenile that had been in serious problems and been in the Bethel Youth Facility several times. Steve Widmer who was the juvenile officer at the time we talked to him and he wanted that juvenile specifically brought in. The most of the crimes were simply assaults and criminal trespass in our

committed

Kotzebue; Local Option Hearing "18"

present~~ed~~ while we were there working on this burglary.

Laurie

Otto: Have you worked in rural law enforcement?

Crawford: Ever since 1979. I was stationed at Holy Cross, from there I went to Fairbanks where I coordinated the village public safety officer program for that detachment. So, I worked out of Eagle, Fort Yukon, and Galena and then Kotzebue 2 1/2 yrs. ago.

Laurie

Otto: What's the range of crimes that you deal with?

Crawford: Everything from minor consuming to homicides.

Laurie

Otto: How much of the crime that you deal with is alcohol related?

Crawford: Easily 95%.

Laurie

Otto: How much of the violent crimes are alcohol related?

Crawford: 1 or 2 cases has not been since I've been out here especially.

Laurie

Otto: Did you notice any difference since you've been involved with rural law enforcement both before and after the local option law was passed by the legislature. Did you notice any difference?

Crawford: I think there's much less violence that are dry, generally speaking. There are exceptions Kiana happens to be an exception. There's very little problem in Kiana wet or dry. Selawik on the other hand was dry some week and we had more assaults in a week than we'd had in a month in Selawik and they voted right back the other way.

Laurie

Otto: They were wet a week or dry a week?

Crawford: Wet a week. They had been dry for some time and they were wet and things just absolutely went crazy including the trooper involved shooting out there, in that period of time.

Laurie

Kotzebue; Local Option Hearing "19"

Otto: I'm not familiar with that.

Crawford: There was a gun call and it resulted in someone being shot. It was all alcohol related.

Laurie

Otto: Do you notice any problem with people who live in dry villages coming to Nome and then being hurt, injured, lost? Excuse me I mean Kotzebue and then being hurt, injured, lost, or killed going back to their village?

Crawford: Yes. We haven't had many injuries. I know there have been a couple, but I can't recall what they are. We have a lot of search and rescues for people who are drinking. On either end I think there is an equal amount of folks drinking out there that decide to come to Kotzebue and get more alcohol. As folks come in here and load up the sled and head home. The majority of those are break downs. A lot of the times the break downs are because their some place they shouldn't have been with the snow machine or they've taken the wrong trail and run out of gas then some other thing that I don't think they may have done they were sober. Because the drinking doesn't start when they get home it starts generally here or on the trail. A matter of fact our search and rescue has been charging people when we can make an importation case or a D.W.I. They're bringing the bottles back and talking to the people on the trail when they find them so we can make those cases.

Laurie

Otto: Have you found the people from Selawik yet?

Crawford: No, we have a search going on right now.

Laurie

Otto: For two people from Selawik?

Crawford: That was a drinking thing. They were drinking out there and headed into town.

Laurie

Otto: What do you think of the proposal that has been made by some places to add an option which would let villages ban possession of alcohol including home brew?

Crawford: I don't have any problem with an easier way of taking the alcohol away when it's seen. Besides the V.P.S.O.'s the rest of the village officers

Kotzebue; Local Option Hearing "20"

are generally untrained and they're going to be the ones that encounter the alcohol the most, second they don't have the training to know when or when they can not seize the alcohol and work the importation from the seizure, back to the seizure. So I think it would be a benefit to that extent. I certainly wouldn't want to see possession wind up as any kind of a criminal violation that would clog the courts.

Laurie

Otto: Or give people criminal records when all their doing is possessing alcohol.

Crawford: I think the intent, the complaints that I hear are mostly someone had alcohol and we know they had it and we know they brought it here. How come you haven't done anything or how come you can't do anything? The town is dry. That's what they generally say. I don't agree with Leslie that we're going to charge the other charges in addition to, were certainly going to continue to try and make the importation case, yes, but I don't know how this would be a less problem or where this would be a lesser included some where. A D.W.I. and main driving and everything else would be...

Laurie

Otto: Do you think it would be that kind of law that would help you stop more serious crimes from happening or is that just a hypothesis?

Crawford: I think in many occasions it would. Especially, the village officers many time respond as many as 2 or 3 times to the same residents and doesn't do anything except break up the fight or look at the fight that has already happened and everybody is calm. They say and don't do it again and they leave. If you respond the first time and took the booze away that's not going to stop the booze where the people are being quiet and minding their own business. As soon as the disturbance starts and somebody does complaining he has reason to go there. If he were to take it at that point. That's the ones were talking about. Some reason to be called to that residence.

Rep.

Binkley: Randy thank you very much, you've been a big help. I guess were scheduled to go back. Maybe we could leave Mark here with the equipment and continue to take testimony and we'll just catch that flight back since everybody here seems to

Kotzebue; Local Option Hearing "21"

have testified and we've got that information.

(The tape Kotzebue side B, part 2 ends here.)

(The tape Kotzebue side A, part 3 resumes with Mark taping the testimonies of the people in Kotzebue. Note: The names for the rest of the testimony is not identified clearly all the way through the rest of this hearing.)

Mark

Earnest:

Ok here we go. This is the committee of local option law. It is 2:50 p.m., Dec. 12, 1985. With me is Randy Crawford. Would you state your name for the record and continue.

Randy

Crawford:

I'm a corporal with the Alaska State Troopers in Kotzebue. The comment that Leslie Hiebert made that lots of importation cases are made and ~~now~~ other crimes are attached I would have to agree with that, but that should be qualified I think that it's quite often the importers not the perpetrator of other crimes. It's after the alcohol has been distributed in the village that are the crimes are occurring. Plus many times there are other crimes that are committed and people are charged with, but it's not possible to make the importation case. So, you may have almost the cart before the horse there. So you don't have the importation arrest that you still, you have the other crimes committed and can't make the importation and even when it's not the importer that commits those crimes sometimes it's hard to go back and trace the actual importation. I just wanted to qualify I think, the comments may have been misleading.

Mark

Earnest:

Ok thank you very much. How many places have you folks been around here? Because of your experience in dealing with communities that are or have banned importation and sale of alcohol for instance other communities, I would like to try and get I think some feel for how effective or ineffective the communities that have voted to do that. How ~~effective~~ that has been. I understand, but I guess I would like to get a little more information. The question has come in a number of villages that have voted to ban sale and importation and perhaps in some instances it was effective or learned that there were ways of

Kotzebue; Local Option Hearing"22"

getting around that law. Initially the feeling in the village was that they were going to be banning alcohol from the village, but some people have found that there are ways of getting around that law. So this was actually a request from communities, villages to strengthen the law or tighten the loop holes and I just wanted to get your feeling on or your experience in the villages and all of that since.

Crawford: Everytime I speak of the local option in the community or asked to go out because the community has a complaint that the law is not working. First and foremost the way the law is set up is it's a community law. If the village passes it or the city passes it they have to enforce it. This is not normally a law that a police agency, especially not the troopers coming in out side a day later can effectively enforce unless there is an attached crime. So it's only as strong as the community support. My experience with the local option law in this country, the ~~WANA~~ ^{WANA} region has been that it's working very effectively to slow down the flow of alcohol in the communities. That's because the majority of the votes in this area are 70 to 22 or 70 to 5 things like that. When I worked out of Galena the ~~Nalato-Kalaga~~ ^{Nalato-Kalaga} area ~~Kioaugh~~ ^{Kioaugh}, ~~Koyukuk~~ ^{Koyukuk} ~~Howse~~ ^{Howse}, all experimented with it. It was just very ineffective because all of the votes were just one or two off. It was almost a fifty - fifty depending on who was in town is how the vote went. Many times the importers and/or bootleggers are more the ~~ruffians~~ ^{ruffians} in town and a little bit more intimidating. If the numbers are equally divided the other folks seem to stay quiet longer. So I think the effectiveness has strictly to do with the city and the community itself. If they want to make the law effective it's extremely effective. If they don't participate then it's a very ineffective law and that's what it boils down to.

Mark Earnest: That's with any ordinance or any law. What in your estimation would the ability of a village to vote to ban possession, would that an effective tool to deal with some of the alcohol related crimes and problems in the village?

Crawford: Yes, I think it would.

Mark Earnest: As an enforcement tool.

Kotzebue; Local Option Hearing "23"

Crawford: Even for know other, even if there was no penalty attached at all if the untrained officer can cease any alcohol tha. they saw at any given time. I think that in itself, I know of village officers that go to places to a disturbance call and there's a tub 15 - 20 gallon tub of home brew sitting there and everybody is already extremely intoxicated. If they could spill that it's either go some place else and get more alcohol or start brewing another tub. There is then a delay of time that would let everybody start coming down some. The drinking does seem to just escalate in those instances.

Mark

Earnest: Very good thank you. Ok. It's 2:55 p.m. Let's make this official. It's now 3:20 p.m. Dec. 12, 1985 and continuing testimony of the Local Option Hearing. Please state your name please.

Don

Buehler: My name is Don Buehler. Police Chief in Kotzebue. Going to the airport with some of the people of the committee we're talking and they told me to come back and say the same thing on the record. One of the things that have been successful in Kotzebue with agencies helping, the police department it's been that the city has been willing to fund a police department to a degree to go out and do the job. We don't have intoxicated people dying in snow banks. I'm not saying if it ever happened that it would be the policeman's fault. That's not what I mean. Money has been put into training, sure we can't afford what the troopers do and what Anchorage does. Yet, money is appropriated for training. They've staffed the department to work and do a reasonably good job and we've trained them to where they can do a reasonably good job. It helps retention. We don't pay that well, but it does help retention. I think that's one of the reasons that we haven't had a lot of associated deaths. We have the suicides and so forth and sometimes even those prompt a response makes a difference. We don't get that with out having a sufficient staff and mobility to respond.

Mark

Earnest: So you do have the support from the community and the city council.

Chief

Buehler: And the city manager. We're going through a budget crunch now and everybody has been told to

Kotzebue; Local Option Hearing "24"

trim their budgets. I'm sure there's going to be a few jobs that are lost. Over all the city, the city council and the city manager and your citizens have supported the police department. Not only the police department, but the fire department becomes part of it because we need their ambulance and their E.M.T.'s. Emergency services becomes part of it. They're all funded. I'm not saying they're funded to a golden label that's not what I mean, but they can go out and do their job and that's important.

Mark

Earnest:

What is the normal process for intoxicated person, P.C. case? What is the process that's involved?

Chief

Buehler:

Keep in mind we have Manilaq association who handles alcohol problems, but they are counselors. It's an after the fact situation for them. They don't have the beds or the staff. The police department is the only agency that can handle public intoxication where it gets to protective custody limits. We try to be very judicious as to who, you know you don't want to get to the point of harassment. You look at them and if they are really having a tough time and they're laying on the ground we try and find a home for them. We will spend a great amount of time, like an hour trying to find a relative, a friend, some responsible person that will take - you've got to keep in mind we're dealing with a highly intoxicated person to start with. We're taking their suggestions to where they may go. Now after a while we become acquainted with some of them. We can try a few houses where we've been successful before. Last resort is the jail and jail is not the place. Luckily we have a lot of officers who are E.M.T.'s, emergency medical technician. We have a lot of E.T.T.'s which is emergency, next lower step down. And the A car crew, we get to check them. The hospital I'm sure would like to, but they don't have the staff to call out in the middle of the night to do it. We check them just those that we can't take a chance on go to the hospital they have to be checked. It means tying up a policeman. Somebody has got to stay there if that person is semi-conscious, semi-aroused and comes all of the way up the nurses can't handle them. So somebody has to stay there. It takes man power and they wind up in jail if there's no other place once they're checked. Most of them probably

Kotzebue; Local Option Hearing "25"

in the 85-90% are checked by the officers or the ambulance crew. We just put them under close watch at the jail. They have to be mixed in with the rest of the jail population and it isn't that big.

Mark

Earnest:

I understand there was another person testifying that mentioned or maybe perhaps that the airlines have made substantial effort to reduce the exportation of alcohol into the villages. Have the liquor stores, do they make an effort to reduce the export? If they know somebody for example is from a village and they know that that person is going to be exporting it. Is there any way for those liquor stores or do they try to help in that area?

Chief

Buehler:

Yes, they do. What they felt they could do in the past they usually called the police department or the troopers. Mostly the troopers because the exportation and importation kind of falls outside of Kotzebue and advised them of what was going on. We did get involved in many of the calls. We answered, there's 4 troopers to cover 40 some odd thousand square miles. Three troopers and one at Kotzebue. That is not very many. They can be gone from their office. We answer their phones 24 hours a day. We are their radio communications link. When they're not available we try and fill in as best as we can with out stepping on anybody's toes or creating animosities. So we will get the calls sometime direct and sometimes indirect and we'll try and handle it. As of a few days ago the bars are setting up a system where they are going to ask people to sign a statement and identify themselves. You're buying a large quantity of liquor, do you live in a village, are you taking it there? You know it's against the law. Just trying to persuade people to not to. More familiarity with the law. Let's face it you can't hire enough cops to enforce a law that the public doesn't want to enforce. It can't be done. So it takes the public cooperation. They are trying for public cooperation.

Mark

Earnest:

Has this been one of the result of the committee meetings that have come out?

Kotzebue; Local Option Hearing "26"

Chief

Buehler:

The alcohol advisory board this has come about through them. The board is made up of a liquor industry representative, a church representative, somebody not associated with the industry, and there's one that...

(Kotzebue part 3 came to an abrupt ending - cause unknown.) This concludes all of Kotzebue's hearing on the Local Option Law due to the tape not recording the rest of Chief Buehler's testimony. ~~This concludes all of our tapes on the Local Option Law Hearings.~~