

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1399 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86

and still responsibilities on this general public here.

Rep.

Binkley: The local community wants to take care of their own problems, deal with them?

L Charlie: Yes.

Otto: Instead of being dependent on other people, take responsibility for yourselves?

L Charlie: Yes. We want to be responsible. Considering the Legislature and the people in Juneau back us up.

? audience: I think that kind of responsible means that when we ask for money for that kind of project, we want it. We don't know if they say, you have to go there, you have to go there. We ask for that money because we feel that it's needed here.

? audience

female: Get back to Juneau and tell them, send everything from Juneau to Minto!

L Charlie: I've got another one here. I was talking about sexual assault handled by tribal court. Then I got into any offenses against the public or private citizen not handled by the State because of lack of evidence or cooperation of victims without requiring intensive time and investigations. That's one of my reasons why I believe we should take care of our general problems, the minor misdemeanor problems. I know sexual assault is a felony and a serious matter in the State courts, but there are times when the victims are not very cooperative.

Senator

DeVries: They might drop the case or something, you're saying, and that they say "Well, there's not enough evidence", or they can't get the facts, and you would want to step in at that time.

L Charlie: They don't want to come in to court simply because of their shame and their guilt, you know. That has a lot to do with coming up here in court and testifying. And without getting detailed in that kind of investigation, I think the tribal court should handle that matter. Anything that wouldn't go to the State. But also I'm aware of the police state. I'm aware of the police attitude that has been established over the past twenty years and I'm aware of why we have the Miranda rights. I don't want the village or the tribal court to get into that kind of a situation.

And I believe right now that people don't know what I'm talking about. So you've got to understand that too. You understand what I'm talking about?

Rep.

Binkley: I know exac just because you want to look because officer.

L Charlie: That's why we have the Miranda rights.

Otto: Right. And is that really a good idea? Is that really what people here want?

L Charlie: I think if a person does something wrong and they know they're wrong, we should just conclude that matter right there without any further due process.

Otto: Who decides who did something wrong?

L Charlie: Me.

Senator

DeVries: They'll admit it, in a situation where they did something wrong and they admit it then you feel like you can go ahead and carry it on right there. Is that what you're saying?

L Charlie: Yes.

? audience: I've been listening to you and it's all true. Everyone that talks. I'm no drunkard. I've been on my feet all my life. I see three boys, lying down here, I see them coming back. I walk down. What happens? They took off, went back and... Next day I see some drunkards around, I was going to tell them about it, I don't know who... I tried to catch them but I couldn't catch them. I do it myself. I can go out there and tell that...(unintelligible) Here the policeman, the policeman on the streets here, not the houses. The houses the main thing where they're drinking. That's where they're all drinking. All the boys is drinking in the houses. Passed out. But they don't go outdoors. That's the only thing that we want to see now. We want a truck to... We want to put a sign up there to tell them no drinking in town. That don't work. We want this place under control, for we want to try and save the body of a person. I've been many days I've seen people drying off liquor. Many of my cousins drowned. Many of my cousins got hurt in drinking. I watched them all the way through life. That's what happens. So if you know when to shut that ? off, or mean anything, one way or another, try and get it shut off. Before the kids step into it, kids up there try to go to school, they step in that

trap, and bang, you're gone if you step in that trap. We try to keep them out of it as much as we can. Now if these kids, you see a drunk walking down the street, the other kids were talking, that's where they get the drinking. So we want to try to stop it, we want to take care of everybody... Look at Eskimos. Well educated. Indians. Not one educated at all. To read and write is about all they could do. They're doing the best they can now. So if you're willing to step into something that's deep, stick your foot in there and find out. Find out for yourself before you land in there. You stay a couple days here and watch these people, watch what they do, every move they make, you learn something right there. After a meeting nothing holding back again. After a meeting now and then... It don't work....(unintelligible). Tell a person, hey, you're drinking. We don't allow that here. I think that's important. I tell my wife once, we should kick that one out, should let him go. A lot of these drunks I don't like.... I don't want my kids to be in that shape.

Rep.
Binkley: Thank you.

John
Stone: If I may correct a misconception. My name is John Stone, I'm the principal of the school. Larry may not be aware of all we do up there. We do teach a section for almost a month which is called "Here's Looking at You" which is an area. We also, in the second semester of school, we have a program that is called "Here's Looking at You, Number Two", which is a continuation of the same aspect. We also have people in from the public health service which talk to our kids on the problems of abusing alcohol and/or drugs. And also at our local school board meeting in November, the local school board voted to appropriate a large part of our Johnson O'Malley funds to a district wide program which is being initiated next semester on alcohol and drug abuse throughout our whole Yukon ? School District. So we are aware of this problem and we are attempting to help with a solution.

Rep.
Binkley: I think that's an effective way like you just said, and I know as Phillip mentioned to start the kids learning about that as they grow up. Thank you John.

L Charlie: Well, I think we need to resist these problems. We just can't let them go on and on. Some of the people can get the attitude "Well, Gee, it's just hopeless. I ought to just move to town or find a nice peaceful community and live out the rest of my life" but I

think we need to resist that you know. And that's one of the things we want to do in this village. That's one of my concerns as a member of this village. And getting back to that private Miranda rights and rights of a person, I treat that pretty delicately. I don't think I'll go into a person's home and use aggressive force just to let them know that they have committed an offense. And on that term I expect them to do the same thing. But once they come out into the public it's everybody's affair. It's at least every public citizen's affair. And they better respect that. They better know that. And the people that come down here mass?, I think they've done a good job in coming down here, in all the time that they responded. That's the army helicopters, medical ambulance. I thank them for doing that job. I think they saved a few lives and they got some people to the hospital when it was needed. And the importation of the alcohol, I think when they first voted that in it was a good law. Whoever thought of that, whoever brought it into effect, I'd like to congratulate them because as of today it's a good tool to work with against controlling the flow of alcohol into Minto. Regardless of all the legal hassles it did create, it's a very good tool.

Rep.

Binkley:

Larry, do you think it would benefit you as a police officer here, and in turn the community if you had an additional tool, which would be allowing the community to ban possession of alcohol, where you could confiscate that alcohol where that individual could be fined or subject to community service work as an additional tool of the local option laws? I guess that would then be parallel to what the community ordinances are now, the village ordinances.

L Charlie:

That would depend on the justice system of the local government. Whether or not they're able to enforce that. And we've discussed this as to how far, talking of searching, search warrants. Let me give you an example. You seize a property or you seize, where a person commits an offense, you go in there and you prove him guilty, you pass the sentence, and you stop there. Okay, he didn't pay the fine. What do you do next? What we suggest, or what I'd like to suggest is to seize property, or levy something to make sure that he can pay the fine. And once this fine's paid you return the property back to him.

Otto:

You can do that right now.

L Charlie:

Yes, I know you can. And I think that would kind of answer your question, just how strong the system, the justice system is. That's what it boils down to.

Whether you're able to make a man pay for an offense he's committed. If you can't make him pay for it, your justice system is no good. There's no law and people can do anything they want.

Otto: About how many calls do you go out on a month?

L Charlie: Oh, I'd say about four or five.

Otto: Only four or five a month.

L Charlie: That are reported, where an official complaint is made.

Otto: How many people do you?

L Charlie: I respond to a lot of things that what I said normally a State Trooper would not respond to.

Otto: Right. How many things do you respond to a month?

L Charlie: I'd say about twenty maybe.

Otto: How many of those things are alcohol related?

L Charlie: A good fifty percent.

Otto: Of the times when you go out that deal with violence, how many of those do you have a month?

L Charlie: I'd say about ten of them maybe.

Otto: How many of those are alcohol related?

L Charlie: Every one of them.

Otto: How many times do you deal with children who have been abandoned or abused?

L Charlie: Probably about ten of them maybe.

Otto: How many of those are alcohol related?

L Charlie: Every one of them.

Otto: How many felonies do you have here a year?

L Charlie: Maybe about ten maybe.

Otto: A year.

L Charlie: Maybe.

Otto: What kinds of crimes were they?

L Charlie: Felonies? Anything over a third degree assault, where like if a boyfriend just beats his wife where she can't move.

Otto: So you have domestic violence. Do you have sexual assaults?

L Charlie: Yes.

Otto: Have you ever had any homicides?

L Charlie: Yes.

Otto: Are all of those alcohol related.

L Charlie: All alcohol related.

Otto: How about juvenile delinquents. How many of those do you deal with a month.

L Charlie: Oh, I'd say maybe four or five. Could be ten.

Otto: How many of those are alcohol related?

L Charlie: Maybe fifty percent of them.

Otto: How many alcohol related deaths do you have a year?

L Charlie: From last year in January we had three that were alcohol related.

Otto: People from the village?

L Charlie: From the village.

Otto: How many people live in this village.

? Audience: Two hundred and thirty.

Otto: How about this year, have you had any.

L Charlie: That's this year, from last January.

Otto: Oh, how about in 1984?

L Charlie: 1984, alcohol related deaths? I don't know.

Otto: In some of the northern communities, in particular around Nome and Kotzebue, there's a significant problem with suicides, is that true here too?

L Charlie: Yes.

Otto: Would that be all alcohol related as well?

L Charlie: Pretty much, they kind of stem from alcohol.

Otto: People who are drinking, and then they get depressed and commit suicide?

L Charlie: Commit suicide mostly when they're drunk but you can talk to them when they're sober you know.

Senator

DeVries: We're running out of daylight if we want to get back so if you just finish up your questions we'll see if we can get out of here.

Otto: What's the response from the Troopers. You say that you enforce the tribal ordinances. Do the Troopers know that?

L Charlie: Yes.

Otto: What do they say about that?

L Charlie: They say if we can handle our own problems that's good.

Otto: Is that unofficial or official.

L Charlie: It's unofficial.

Otto: Have they said anything to you about, they say that about the enforcement of all the ordinances, including the drunk in public? Do they say, "If you can deal with your problems, that's all for the better. This is unofficial though and don't hold us to it." I would assume that's what they say. How many court cases do you send to Fairbanks a year, do you know?

L Charlie: Maybe five or six.

Otto: So mostly you deal with things within the village.

L Charlie: Yes, we try to deal with them all here.

Otto: Since you banned possession of alcohol under your tribal ordinances, from your perception as a public safety officer, has that helped?

L Charles: Possession?

Otto: Right. You banned possession and drunk in public and a variety of other things that were detailed earlier by Titus, has that helped you?

L Charles: No it hasn't helped.

Otto: Why do you think not?

L Charles: It comes back to enforcement. Handing down the justice system. I as a law enforcement officer can enforce that law but it's up to the justice system

Otto: Do you see that the tribal court is helping?

L Charles: Oh yeah, I think it's helping.

Otto: Just because it's more immediate law enforcement?

L Charles: Yes. That's a good point, that immediate response. Because you take a person that gets in a fight, a serious fight. Yet there's just certain things that hinder you from taking control of it.

Otto: Now Minto is neither a second class cit nor an IRA village. It's just a traditional village, is that right.

? Audience: IRA. The tribal council made a ruling on a case, but the State overturned that ruling because they don't recognize the IRA tribal court.

Otto: I'll tell you this, as you know the State has never recognized tribal courts. And you know the State has really taken the position that they're really going to dig in and fight it all the way. So what position is the State going to take if it disagrees with a ruling that you made within the tribal court. It's probably going to say the tribal court doesn't have any validity and what you do doesn't have any validity. Whether or not that's truly the law has yet to be determined. I mean maybe this ruling out of Tyonek from the Ninth Circuit will make a difference.

?Audience: If the State recognized the tribal court, the State is wrong?

Otto: Let me pose the question to you instead, the State Troopers say that they can not enforce the misdemeanor laws in the villages because they're overworked and under-staffed. But the State takes the position that tribal courts are not appropriate. Does that make sense? I can't answer the question any better.

?Audience: I just wanted to ...aware of the situation.

Otto: And I think I heard the representative from the Governor's Office in the Department of Law in the Bush

Justice Conference recently say, they're meeting and they're reconsidering their position, and they have yet to decide what position they're going to take. So maybe they will conclude that (END OF TAPE).

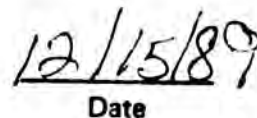


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NOME
JOINT SPECIAL COMMISSION ON LOCAL OPTION LAWS
December 11, 1985

Present: Representative John Binkley, Chairman
Senator Vic Fischer
Representative Katie Hurley
Laurie Otto, legal counsel

Rep.

Binkley:

We'll open the public hearing here in Nome, the eleventh of December, Wednesday. Christie's here to talk with us. Just to give you a brief idea of what we're doing, through a resolution in the Senate created a joint Senate-House Committee on going out and studying the local option laws that were enacted in 1980. To try and determine to what extent those local option laws are working, and if there might be some changes that we might enact that would help the situation of alcohol within the communities, or communities deal with their alcohol problems by making some changes in those laws, and also just in general to look at the alcohol problems, in particular in rural Alaska, and what we might be doing to help alleviate some of those problems. There's a lot of concerns. No question the number one health problem we have here in Alaska, and we're concerned about it in the Legislature, and we want to see what needs to be done, and so we're out taking testimony from people as to in general the alcohol problem in the communities, and more specifically, dealing with the local option laws. If you're familiar with, those deal with communities ability to ban importation and sale. And one of the proposals that we're looking at is allowing an additional option that communities could choose, which would be to ban possession of alcohol within their communities. A lot of people feel that although the local options help the situation, that there is more that should be done to help control access to alcohol within, particularly, villages.

Christie

Stender:

How does the possession law differ from, like, the fourth option to ban the importation and the selling of.

Rep.

Binkley:

Well, one of the problems, Christie, as a practical matter it's very difficult to enforce the ban on importation. If you don't actually catch the person bringing it off the airplane into the village, once

that alcohol is discovered in the village, there's nothing you can do. You can't prove that he or she was the one that actually brought the alcohol into the village. So the idea behind the original local option laws was to control alcohol coming into the communities, to stop alcohol coming into the communities. Well, it really hasn't worked, because of the search and seizure laws we have, you can't just be out there searching everybody's bags as they come into the community, and so people know it's very easy to get the alcohol into the community. Once it's in there there's nothing the police can do to stop the alcohol or patrol the alcohol in the community.

Christie
Stender:

Would that include home brew also?

Rep.
Binkley:

That's one of the things that we're looking at and one of the things that we've found in our testimony is that, as a result of the ban on importation, there's been a lot more home brew that's started. People now are making home brew more and more. And that's become a big problem in villages. And so we are envisioning legislation that would ban the possession of alcohol, which would include home brew.

Male voice: Don't we have to have some kind of local laws to make it enforceable? Can we pass a State law that can do this? It has to be on a local level?

Rep.
Binkley:

Exactly. We've got to just allow for it in State law, but allow that control by the communities. And what we're looking at, right now the ban on importation and the ban on sale is a State statute, and the importation is a misdemeanor, the sale on the second offense is a felony, but it's something that's a State statute that's prosecuted under the State statutes. What we're looking at as far as possession would be something that would allow the communities to adopt a local ordinance to ban the possession of alcohol, so that you wouldn't involve the whole criminal justice system that we've got. You wouldn't have a State Trooper that comes in and arrests a person. You wouldn't even need a magistrate. What we've looked at is some system of fines and confiscation. If you're caught with alcohol in the village, you get slapped a fine on you, and you get the alcohol confiscated. Now, in lieu of paying the fine you could work it off as far as community service work goes or what not. But if you contest that, if the person said "I'm not guilty of that",

then they have the right, just like with a speeding ticket, to go before a magistrate and plead their case if they feel they are innocent of that charge. But you don't have a district attorney, you don't have to provide a public defender, you don't have to go before a judge, you don't have to have a jury trial. If they get convicted you don't have to send them to a State facility. We don't want to burden the criminal justice system that we have in place. So we're looking at something that people could do locally to try and control it, which would be a fine, and the most important thing, confiscating the alcohol. Because one of the things we've found is that sometimes things progress. There's booze in a village, people are starting to party, the police know that there's booze there, but they can't as a practical matter go in and take that alcohol out of the situation. It starts to progress, and pretty soon then there's violence or problems that are created as a result of the alcohol. And if they could go in and pull the alcohol out of that situation before it progressed to a point where they became a statistic, that might help alleviate some of the problem.

Christie
Stender:

I don't know, I guess. Just hearing it for the first time I don't know what I particularly think of that. Right now I'm only thinking of prohibition, and I support that prohibition never worked, but I also support that the communities that voted to ban importation and the selling of liquor in their communities, I support that that has been a deterrent, and that has lessened the problem that is there. For the record, I suppose I need to state that my name is Christie Stender and I represent Norton Sound Health Corporation. And I'm the director of the Comprehensive Alcohol Program. The problem that we see or that we come with the local option business, when either we're travelling in the villages, or the folks that we come in to treatment, or families of the folks that we have in treatment, is that with the attitude, they think that the local option law was going to be the big saving grace of all the alcohol problems. And it's not going to solve the problem, it will just slow it down or deter it or something like that. But we continually are facing that like every day. "Well, the local option law isn't working here" or "it hasn't solved the problem" or things like that. And then we say, "No, it's not designed to solve the problem, it's designed for all sorts of other reasons, and along with the right to have some type of jurisdiction over use of alcohol in the villages, that's a part of the whole picture of combatting the large problem that we do

have." Another problem that we see or that we hear about is when a particular community votes ban on importation and the selling of alcohol, then they seem to travel to the other village, to the closest village or nearby village to do the drinking over there, and then the number of accidents that the community members seem to express that happen when they travel back from that village to their home village. We hear that as an ongoing thing of the folks that we have coming into treatment. I'm not sure how large of a problem that is. And if you look at, well is that less of a problem than having an entire or a vast majority of an entire community drinking within the community the fires and all the sorts of things that can happen while the community is drinking.

Rep.

Binkley: I guess Christie from our standpoint what would be helpful to this committee if you could provide us some information as to the extent of the alcohol problem in this community and this area. And what some of the problems are in this area.

Stender: I think the problems in this community and this region aren't any different from the other rural hubs in the surrounding communities. I've lived in McGrath, I've lived in Bethel, and the extent, I'll say that it's widespread and that it's severe. It's more severe in some areas and it depends on maybe the time of year or the particular community. It may not always be alcohol. We're finding that there'll be like a surge of alcohol in one particular area, and then we hear about a surge of marijuana use in a particular area. Let's say a village, we get reports back from either when our folks go out on itinerary of one form or another. Program folks within the Norton Sound Health Corporation go on itinerary in communities.

Rep.

Binkley: You know what some of the problems are in Bethel, and I know, and most of us do, but for the record we need to kind of establish what the actual problems are here so that we've got that.

Stender: While I'm thinking about what's widespread let me just comment on what services are available here in the region. And maybe I can be thinking about that at the same time. The program under Norton Sound Health Corporation is the only program that provides services to Nome and to the surrounding villages under the Norton Sound/Bering Straits region. We have a twelve-bed forty-five to ninety day

intermediate care treatment facility. We also have a small outpatient program where folks from within Nome, if they are not assessed as being severe or severe problematic drinkers, that they will be then referred to the outpatient component where they can come in either twice a week or once a week and see a counselor at that particular time. We also provide after-care services, not only for folks once they've completed treatment in Nome, but we also provide after-care services outto the villages. We have one full-time staff member that provides itinerant after-care services in the villages, along with networking a series of village volunteer counselors that are out in the villages, that live up there. They're not paid. They're not like some of the other areas, I know that they have like paid counselors in the villages up in the Kotzebue/Manilaq region and also in the Y-K region. These are just volunteers here. And what we are trying to do, is we are trying to access them as much as possible, because we just have one staff member to provide after-care. We have a small Youth Prevention Program. We have one prevention person that is designed for targetting on the youth population and that person works here in Nome and also tries to work and iterate out of the villages, accessing another group of volunteers that we have here and they're called Village Drug and Alcohol Action Committees. For those folks from the region I don't know if you're familiar wit the word villager to villager. So we have two separate groups of volunteers that, if it's all in place and working, that one will work in the prevention education end, and then one group works more in the treatment kind of end. We also have a counselor that works part-time down in the jail and just provides education and counseling services for incarcerated individuals.

Senator
Fischer:

How are these groups working, the volunteer groups?

Stender:

They're working differently. Some are working well and some aren't working so well. What we're finding is that just having one person trying to go out and network with the folks and get them going, that if you don't provide continued kind of ongoing support, some of them aren't getting off the ground. Some of them are working out very well. For example in Unalakleet, and in St. Michael's there's some really good things that are happening with the village volunteer counselors and with the village drug and alcohol action committees. What I mean by working well is for example in St. Michael, that they're providing, and in Unalakleet, they're both providing services that are going on on a continued basis now, which is something that we would like to see in all

the villages. In some villages it's working better than what it is in others. Also in St. Michael they're doing quite a lot of work with the youth and the people who work with the Villager to Villager program there are going into the schools, they're providing more space or more time for the teens to have like a teen center, even though they don't have a specific facility for that. And also in St. Michael's there's just a big campaign going out with the folks that are working with the Villager to Villager Program, promoting the idea of having several leaders, and how important that is for the future of the communities. So it's sporadic. We would like to see it better. Hopefully next year at this time we'd have more clear support. We still have villages that we have not been able to, just because of time and staff, that we have not gone out and made access to. There's been a large turnover in staff, also the program kind of delay?. Extent of the problem.

Otto: And I guess what I mean by that, is everybody always says in the State, it's sort of accepted fact, that alcohol's a problem. And one of the things that we're trying to do here is document that it's a problem with more objective kind of data, or more objective kinds of statements. So the real question is, why is it a problem. Why do you think alcohol is a problem? What are the things that happen as a result of alcohol that lead you to conclude that it's a problem.

Stender: Let me put it this way. The people that we work with, the clients that we have not only in treatment or the folks that we're meeting when we're going travelling, that as the counselors are working with them and talking with them, it is clear that there are very few people that a particular client has around in their nucleus of significant others or family that are I would say healthy, sober people. I guess what I'm saying is that there isn't any one person that comes into treatment that isn't affected by many many other drinkers and then I guess heavy drinkers or alcoholic type of drinking, things that have been going on. There's kind of a lot of given things with the clients that we see that there's just things that are givens. For example when they come into treatment it's a given that somewhere along the line that they've been abused. Either sexually or physically. It's a given with almost 99.9 percent of the clients that we see.

Otto: As the result of somebody drinking?

Stender: Right. Cause of the problem. I would think that the clinical person of our program would be more appropriate to respond to that particular question. It, I think that there are many many causes. I hear people say, "Oh, there's nothing to do" and blah, blah, blah, those kinds of things. We in the field believe that somewhere there needs to be a bottom line of self-concept, of self-image that will cause a person to want to drink to change that or to change how that's feeling, or to change the surroundings around them, or to change the particular environment, or wanting to do those kinds of things. Is that what you're meaning, Laurie?

Otto: Yes, but I'm actually interested in what it means for the community at large. I think that alcohol is clearly disruptive to individuals. To the person who is abusing the substance, any substance, it's damaging to that person. But what I think this committee's trying to find out or trying to document, is does it have an effect on people other than the individual. Does it have a greater effect? Does it affect the community? And if so, how?

Stender: Let me give you an example. I went into a community and I won't identify that particular community. And I'm not sure if the alcohol came in on the plane that I was on or if it came on another plane that came that day. There were two sober adults for the entire week that were in that particular village. That was myself and another person, another teacher that was there. From watching the kids from day one to day five, it was just incredible. I guess how the behaviors changed in those children. The children were from kindergarten up to about seventh grade, there were maybe nine or eleven total children in that school. By the second day two of the children had started bedwetting. And their clothes were not changed through the entire week that I was there. I think on day three they started falling asleep in the classroom. And the teacher then just left them because they're up during the night. It was either the last day or that Thursday when one of the parents came into the school, and if you can just imagine eleven kids sitting around of all different age groups, so the teacher has them in all sorts of different areas. The parent comes in and it was like immediate, all eleven kids went into different kinds of behavior. And about three of them stood up and went like this. And about two of them hid under tables and chairs. And that's effecting. That is effecting other people. It's especially affecting the kids, definitely behavior changes. Emotional changes and I just get so upset just when I tell that

story, because it was just so evident how just one person can effect so many people around.

Otto: You mentioned in passing that you've been hearing or you have heard that when a community goes dry that there are travel related accidents when people are going to other villages to drink. Do you know of any objective data that would back that up. What I'm trying to figure out is, if you're listening to drinkers trying to criticize the local option law by saying "Oh yeah, people just go to other villages and get hurt" or if there is in fact objective data from the hospital or from some other people that would back up that position.

Stender: I could probably, I don't know, being on the record like this, I don't know if I want to name the particular village, but there were some problems in at least two places that I could name if you would want to contact the city, they should be able to give you some names.

Otto: Can I contact you later for that information?

Stender: Yes.

Rep.

Binkley: Any other further questions? Christie, thank you very much. I appreciate it.

Stender: We're the only agency in this area that provides services. Last year, meaning in FY '85 we lost two positions, just because we did not have enough money to continue them on. We lost two prevention positions. We lost two positions that itinerate out to the communities and provide services. That was a big loss for our program. It's standard in the field of drug abuse and alcohol abuse that when you do lose funding that the prevention positions are unfortunately the first to go. And that the direct client services stay on. Well, we did lose two prevention positions last year. This year as of a week ago Friday, we lost two counseling positions. We had, through natural attrition, we had two counselors that were resigning, and we do not have enough funds to replace those positions. So they are temporarily frozen. So we've lost four positions in the last two years. We've lost two counselors who were working solely at the intermediate care facility, and now what we have is we have the out-patient person and the after-care person. And then the jail counselor who can put in fifteen hours a week at the treatment center to try and take over that particular load. And it's real hard. And it's

real difficult. And we're looking to either reducing the services even more to try to keep the intermediate care going at full capacity, or we're looking at the idea of lowering the bed count at the intermediate care facility in order to keep going a small out-patient program and the needed after-care program. Treatment just doesn't end at forty-five days. To be able to change a person's life and to be able to recover from the disease of alcoholism it takes more than that amount of time and we just really want to support or figure out how we can support on-going after-care once a person completes treatment. We're just down to the low bare bones. I'm going to be submitting a mini-grant today to IHS to see if we can get some sort of additional fundings. We do not have any IHS funding at this point, we just receive our funding from the State Office of Alcoholism and Drug Abuse. And to see if we can come up with some added funds to at least bring on one position and possibly two for the remainder of this year. We have a new facility that will be opening probably the first of January, mid-January. We have the capacity of possibly at some point in time going to fifteen beds, and we do not have the staff to be able to operate that at this particular time. We have waiting lists, I think like most of the rural hub treatment facilities there's waiting lists. We're saying, "No, we can't get you in right now, we're going to have to put you on a waiting list." So we don't have a problem filling the bed space that's there. The problem is in having staff to be able to work with the folks.

Rep.

Binkley: This is similiar to PATC in Bethel?

Stender: Yes.

Rep.

Binkley: The same type of facility?

Stender: Yes.

Rep.

Binkley: And it all comes through SODA, the funding on that?

Stender: We were just approved last year as a State approved facility, and so we're able to start now collecting fees for the first time, with third party payments and insurance payments and those kinds of things. But I do not know how successful that's going to be or how much revenue we'll be able to generate. It's doubtful, especially on the first year, that we

generate enough revenue to fund a position. We're just trying to generate enough revenue to buy some program supplies and to help offset some of our food costs.

Rep.

Binkley: But it's the Bristol Bay Health Corporation that runs the facility, I mean like in Bethel, or Norton Sound I mean.

Stender: Right. Norton Sound Health Corporation. Think of it as a combination of PATC and the program that's at YKHC. And that's the kind of program we have here, except for we don't have paid counselors working out of the villages like the Va-ecs, we have volunteers that are working out there instead. And then we have one person that coordinates that, and like Bethel then has a couple of people. Our funding level, when you look at it, compared to some of the other regions, it's just real low. So it's a problem for us. The problem is here and we want to help and yet we just don't have enough to be operating. I don't want to say operating at full capacity, I want to say operating at minimum capacity. We would like to have full beds and have staff be able to operate that and we'd also like to be able to still access an itinerate out in the villages. And we can't successfully do that with what we have right now.

Rep.

Binkley: Thank you, Christie. John Vacek.

John

Vacek: I'm John Vacek, I'm the District Attorney here. I've been in the D.A.'s office about a year and a half, private practice about that long, I was public defender here for two and a half years, previously public defender in Kodiak, Aleutian Islands and Bristol Bay. My understanding about what I hear about alcohol and its effects on people in this region. From my perspective I can tell you that I don't have any straight statistics. I'm unaware of anybody who keeps any, but it's my perception that alcohol is a significant contributing factor in about eighty percent of crimes that take place in this region. I'm speaking of Nome and Kotzebue both. When you talk about violent crimes as opposed to all crimes, the number rises to about ninety-five percent. In homicides, serious assaults, sexual assaults, the number is about ninety-five percent, the five percent that are in there that are not alcohol connected are generally clearly clinically crazy people that are doing it for personal aberrational reasons. The remaining crimes are

drunks. I don't want to say that alcohol is the cause of those crimes, but it's a contributing factor. I think the people are the cause of the crimes, but alcohol consumption is the major contributing cause. People wouldn't be doing that were they not drinking at the time. That's what I have to say. As I say I don't have any raw statistics where I can point to and say that these are the numbers, but it is my perception based on the last ten years of experience.

Rep.

Hurley:

When we were out in Dillingham wasn't that where we had the statistics, they had looked at the records of, certainly it ought to be done. I think that the court system ought to keep those records. If we have to say something to the court system let us know, because I think we need those statistics.

Otto:

Actually I think in Dillingham the paralegal had gone through their case log and was familiar enough with the cases and it was a small enough area that she was able to recognize the cases.

Vacek:

It would be much easier to keep statistics here for cases that don't involve alcohol.

Rep.

Binkley:

How big is your area here, John?

Vacek:

We cover from St. Michael and Stebbins on the south end up to Pt. Hope.

Rep.

Binkley:

Including Kotzebue?

Vacek:

Yes, we have an assistant in Kotzebue. My office is supposed to supervise that operation.

Senator

Fischer:

To what extent do you receive cases or requests having to do with the local option laws. Requests for search warrants or whatever.

Vacek:

They are frequent occurrences, search warrants and importation cases. One a week maybe. Something like that. Or a question about a search, not maybe rising to the level of a warrant, but a question about can we search this package.

Senator

Fischer:

What happens when you get a request? Can they be quickly enough handled?

Vacek:

Very often. Very often it's seize a package and

we'll worry about whether it's legal later on. Because the problems that are going to be generated by the alcohol getting into the village are bigger than the problems we're going to face with an illegal seizure. That's a continuing problem. The enforcement of we, and I'm speaking for several people here, the police chief in Nome, the probation officer, were here yesterday, but they have, Bob had to work all night and couldn't be here this morning and the probation officer went to Kotzebue this morning, so I'm talking for about three people. We enforce the importation laws to the extent we can, but it's a difficult law to enforce. It's difficult to catch somebody in the act of importing. We prosecute vigorously importation and attempted importation cases. I don't know if other areas charge attempted importation for people getting caught in the act, but we do. If we catch them on the way to the airport with a ticket in their pocket and a bag of booze under their arm, we charge them with attempted importation.

Otto: Have you had anybody go to trial on it?

Vacek: No. We've had a bunch of people go to jail on it.

Otto: People plead out ~~for~~ it?

Vacek: Yes.

Rep.

Hurley: Do you have any trouble with village police officers phoning in and wanting to get a search warrant. Does that take a lot of time?

Vacek: The procedure for telephonic search warrants, we've done it, but it's a real cumbersome process, because the person on that end has to have a warrant, you have to go over to the judge and he has to do all this mumbo-jumbo over the telephone.

Rep.

Binkley: Why don't you tell us exactly, I'd be curious to know exactly what does happen. The VPSO calls you,.

Vacek: In a typical situation the village police officer calls and says "Joe Blow's brother just told me that Joe Blow's on his way in from Nome on Bering Air with a case of booze. What do we do?" If it sounds like it's something we can get a search warrant on, if we've got enough information to get a search warrant, we'll try to get a search warrant.

Rep.

Binkley: If his brother saw him put it in another box, and then saw him go to the airport.

Vacek: Precisely. So we troop over to the court, have the judge, since he's got the speaker phone, phone the police officer back, the police officer's got to have a copy of a blank warrant that he can fill in when the judge tells him what to write in the various blanks. The judge swears the police officer in, takes the testimony, tells him how to fill in the blank lines that he's got. It's a process that takes about a half hour if everything goes well. If the judge is in his office. If the police officer, if I can locate him when I go over to find the judge, if we can get everybody all coordinated well, it takes about a half hour to get the warrant.

Rep.
Binkley: Do the VPSOs have blank warrants?

Vacek: They do now.

Otto: Who takes the responsibility for getting them the warrants?

Vacek: I had the Troopers mail out a bunch of blank warrants the last time a situation arose in which one of the Troopers was in the village, the situation arose where we couldn't find a blank warrant and just hand wrote the whole thing. And that took about an hour. Because the whole warrant had to be written on about eight pieces of yellow legal paper.

Rep.
Binkley: But now they've got all the blank warrants there so they can just fill in the blanks.

Vacek: Right.

Rep.
Pinkley: Until they use them up, but there's probably no formal practice for sending them out on a regular basis.

Vacek: Right. And the Village Public Safety Officers, there's such a varying degree of experience and reliability in those people. Some of them are real good, have been around for awhile and know exactly what to do, and then some of them don't have the faintest idea what a search warrant is, much less how to get one. So there's, you can not depend on that process working.

Otto: Do you or did your predecessor do any training in

addition to what the VPSOs get in Sitka?

Vacek: I did the training of the VPSOs this last time and we talked a lot about that.

Otto: That's up here you've done trainings?

Vacek.: Yees. We've done some specific training up here not with all of the VPSOs all at once, but like yesterday there was a group of four new ones that came in. We talked about it a little bit, but it's difficult to do all that and the other things they're supposed to do and have it stick in a two-day training. But we try to tell them so at least they're aware of it. More typically the situation arises where somebody calls up and says, "Somebody just landed and I think they've got booze, what am I going to do?" We don't have enough to get a warrant in the first place, so my option is to do one of two things, tell them we can't prove they're doing anything illegal, you've got to let them go, or go ahead and seize the box and we'll worry about the consequences. It's kind of a toss-up, sometimes I advise the first one, sometimes the second. Advising the second is advising them to do an illegal act, but so far nobody's complained.

Otto: I have a whole series of questions. What percentage of the probation violations for felons on probation are alcohol related? In Bethel they said it was like ninety-five to one hundred percent.

Vacek: It just depends on how it breaks down. If you talk about serious violations, it is ninety, ninety-five percent alcohol related. (end of tape.) ...broken a law or is doing something that causes them to get arrested, the statistics are the same as they are for criminal offenses, generally.

Otto: Do you handle CINA cases, child in need of aid cases and juvenile cases?

Vacek: Yes.

Otto: What percentage of the children who become children in need of aid do so because their parents have drinking problems?

Vacek: We get two types of CINA cases. The cases are either one of two things. They are children who are neglected because their parents are drinking or they are sexually abused children. Again, I don't have statistics. I'd say that probably breaks down 60/40. And there's an overlap obviously. Alcohol

contributes to the phenomena of sexually abused children.

Otto: How much does it contribute?

Vacek: Well I don't think it contributes to it to the extent that the defendants seem to think it does. That's the typical excuse. "I wouldn't have done anything terrible like this had I not been drinking." And I don't think that that's as true as it is in other types of violent crimes. I perceive that more as an excuse for aberrant behavior than it is in other types of cases.

Otto: But in how many of the sex abuse cases are people drinking?

Vacek: That's difficult to say, because sexual abuse in a family situation typically takes place over a long period of time. And I think if you look at those real hard there are occasions where the sexually abusing father is drinking and there are occasions when he's not. In village situations some sexual abuse has taken place in all cases when the father was drinking. But I think in all of those cases as well there have been occasions where it has taken place where the father's been sober.

Otto: How heavy a CINA caseload do you have? Do you have any idea how many open cases you have?

Vacek: I have an assistant who works half-time on children's cases. In fact it's turning out with a couple nasty ones to be more than that.

Otto: So you have a fair amount of them?

Vacek: Yes, we have a fair number of them. I don't know what the open caseload number is right now.

Otto: But if you have a fair number and sixty percent of those are children who are children in need of aid solely because their parents are abusing alcohol, that's a large number.

Vacek: Sure. And a lot of them don't rise to the level of us opening a CINA file. What often happens is somebody comes to town with their kids, they end up you just can't find them. They're downtown someplace or they're drunk someplace, the kids end up in the receiving home. We get some initial contact with it because the social workers tell us about the situation. If the parents can be located and dried out enough to give the kids back we don't have to do

anything with the case. Very often though we have to do a temporary custody for up to thirty days to simply give the child a place to stay.

Otto: Do you have very many CINA cases from the villages that are because the parents are abusing alcohol, and particularly dry villages?

Vacek: Yes, we've got lots of them. Very often the only time we find out about the situations though is when the parents come to Nome and bring the kids in and the situation I just talked about arises, and then it all comes out. It's difficult to find out about alcohol abuse and the effect it has on children, rising to the level of a formal CINA proceeding, that's going on solely in the village. It's difficult to find out about it until it's too late to do a whole lot about it.

Otto: Do you also handle juvenile delinquency?

Vacek: Yes.

Otto: How many of those are alcohol related?

Vacek: Probably similiar statistics as to adult crimes.

Otto: Eighty percent of all crime, ninety to ninety-five percent of the violent crime?

Vacek: Right. There's a greater number of vandalism type cases that aren't alcohol connected, so the ninety-five percent of all violent crimes would be alcohol related in some way. Probably a lesser number of all crimes, because we've got in there the vandalism type offenses that are brought to the attention of the juvenile probation officer.

Otto: One of the phenomena that was discussed by the Bethel District Attorney was the situation where you first see a child as a child in need of aid because their parents are abusing alcohol. You then see them as a juvenile delinquent for an alcohol related offense, and then when they become an adult you see them again as an adult felon or an adult offender. That once you have, what he was saying is once you have severe alcohol abuse going on within the home, the kids have such a high probability of getting in to the system.

Vacek: That's exactly right. I've gotten to know whole families from five years ago representing somebody in connection with a children's proceeding as a public defender, and then right now prosecuting one of the

kids for being involved in an alcohol related offense.

Otto: Do you see or this isn't the right way to say it, but will you agree that there's a large probability that somebody's going to be an adult offender if they're coming from a home where there's extreme alcohol abuse?

Vacek: Yes. Again, my feeling is that alcohol doesn't cause crimes. People cause crimes. But certainly a contributing factor in one's upbringing of serious alcohol abuse going on around you doesn't help you become a productive citizen.

Otto: And you also then see child abuse related to alcohol abuse? The parents abusing the children because the parents are drinking?

Vacek: Yes.

Otto: Do you see in this area burglaries, property crimes, that are committed in order to get booze. In the Bethel area again the district attorney talked about people finding out somebody else in the village had either commercially bought liquor or home brew, and then breaking in to steal the booze. And in fact there's been a couple homicides in the past year in Bethel where the sole motivating factor was to steal alcohol from a person who had it.

Vacek: Yes, that's real common. We look for, it's real fun to get a case, a good greed motivated crime. Because it's different. And the grand jury gets bored by hearing the same old stuff run past. The child sexual abuse or a drunk did this, a drunk did that. So it's real unusual to find somebody who commits a crime just for the money. It's real common to find offenses that are property crimes directed solely at how do I get more liquor. Somebody's got it in their house, I know that, I'll steal it, or I was looking for money so I could go down the street and buy some beer from somebody I knew who had it.

Otto: How many of the cases that you get in Nome, the criminal cases that occur in Nome, are committed by people who come from dry villages?

Vacek: I don't know. There's two aspects to your question. Are crimes committed by people who come to Nome to drink here? Well, there's a number of crimes that are committed by people who come to Nome. I don't know whether they came to drink here are not, but they commit crimes while they're drinking here.

- Otto: I agree, that's probably an unfair assumption because I think often people come to the hub community to shop, as their primary purpose, and end up drinking in addition. So let me change my question to, how much of the Nome crime caseload is committed by people from dry villages.
- Vacek: Not a lot. I wouldn't hazard a guess on that, but I'd say that's not a huge problem. Nome's crime problems are our own problems. It's not a major contributing factor. The problems in Nome aren't brought about by people coming in from the villages.
- Otto: Based on what you see in the police reports, when people commit crimes when they're drinking, particularly in dry villages, Nome is different because you have bars, but where were they drinking?
- Vacek: Their homes, generally.
- Otto: Their homes or their friend's homes.
- Vacek: Yes.
- Otto: One of the things that's come up throughout these hearings is the role of the airlines and how they affect whether or not villages are able to maintain their status as dry communities. What's your perception of the role of the airlines?
- Vacek: It varies. There's one air carrier hereh that will not take anybody that is drinking, intoxicated, they just won't have anything to do with anybody who they think might possibly have liquor on them. I think they've suffered a little bit economically because of that. But on the other hand we try to support them to the extent we can. There is another airline who will remain nameless at the other end of the spectrum that's, the Troopers call the importation airline, that's the one you always call if you've got open cases that you need to get someplace. And in the middle are the other carriers who, their general response is, yes, we know it's a problem, bu we're not in the business of searching people's baggage. And they won't take someone who is obviously intoxicated, but they're not making any active efforts to do anything about importation.
- Otto: Has their ever been any effort to go after the importation airline.
- Vacek: If we could catch them we sure would. There's been a couple thoughts of doing something about it and one

effort that backfired on us.

Otto: And then I guess this is really the final area I want to ask you questions about, what do you think about allowing villages to add an additional option of banning possession of alcohol, which would include home brew. And work into your opinion, what effect the penalty would have on your opinion. I know there's been discussion in this community of leaving the options that exist right now, adding an additional one that villages could have that would be an ordinance violation punishable only by a civil fine, bail schedule set by the Supreme Court, confiscation of the booze, allowing substitution of community service work as opposed to creating a new misdemeanor where people go to jail for possession of alcohol. So how would that help or hurt you, how would it affect your job? Do you think it would make things better in any way.

Vacek: Let me start out by saying I think the importation law has had a beneficial effect on things in general. There's been a lessening in the instances of entire villages being drunk for example. I think there's also been a decrease in the general level of drunken violence attributable to importation. So I think it's a good law. I think it should stay there and it's helped. I've got some mixed feelings about prohibition, but I'm not sure if those are my own personal feelings or not. It generally breaks down to, I think a community should have the right to decide how they want their community to be. Certainly a law banning possession of alcohol would solve some problems right now. If a police officer in a village calls in and says "Somebody's got a whole bunch of liquor and we're afraid that something real bad's going to happen, we can't do anything about that. It's not a crime to have liquor in the village, it's only a crime if we can prove that a particular person brought it in. Very often the person that brought it in is not the person that has it. So I can see that would give a community that wants to do something about it the opportunity to simply take the liquor away, which is the major concern, the thing that I perceive the communities wanting to do something about. I think there's less of a concern of punishing people who are in possession of liquor. The major concern that I would see is being legally able to stop something before it got serious.

Otto: So if that kind of law were passed you think that a fine would be more than sufficient penalty for violation of it?

Vacek: Sure.

Otto: Is home brew a problem too?

Vacek: Yes.

Otto: Would it be appropriate to include home brew as covered by the statute?

Vacek: Home brew is a problem, because if you're effective in preventing importation of commercial liquor into a village, people just make it themselves. I'm sure that will continue to go on.

Senator
Fischer: I have a general question beyond this possibility that the committee is looking at. Are there any suggestions you would have as to statutory changes that might assist you in the problems of alcohol?

Vacek: Not that I could think of right off hand as it specifically relates to alcohol. I have several thoughts on changes in statutes but none of them have to do with alcohol.

Senator
Fischer: Thank you.

Father
Poole: I'm Father James Poole, director of radio station KIM, in Nome. I'd like to go on record of being in favor of the prohibition in villages who themselves desire it. Certainly not as an answer to anything final, but as a stopgap in giving the village a chance to put themselves together. I'd also like to encourage the state government to do a lot more census taking to discover the endemic situation that alcoholism has brought to so many villages. I think it's one thing to say there's a problem in a village, but to know exactly how many families in the village have an alcohol problem in their home I think is very important. And as far as I know that has not been done. But if that were done in say three or four villages, I'm sure the awareness situation of what is going on would become much more clear. I've lived in the villages for about seven years, and back then there was none of these options that you have now, and you would be in their home and, very similar to what Christie was talking about, you'd become aware that the village was changing, and house by house by house by house it would go. And then pretty soon the children would start leaking back into the church for refuge. And some would ask to stay overnight. And that type of thing, and the same thing here when

you're working with alcoholics here in town, you say "Okay, now Joe, you've done real well. You've been off of booze now for six months and everything, how you doing?" He says, "I'm lonely." "Okay, you have a girlfriend?" "Yes." "She's not drinking?" "No." "You have friends?" "I have friends." "That don't drink?" "They all drink." I say, "Not all." He says, "You tell me one of my friends that doesn't drink." And when they say drink they don't mean take a social drink. Very seldom ever run into a social drinker. The idea that there's any kind of a support system of non-drinking people who will give you a hand when they're coming off booze is practically non-existent. They'll give you a hard time. They'll ask you why you're trying to be better than we are, why you're trying to play holy and what not. So it's a very difficult situation, but the proportion, the number of people that are not only influenced by, but are trapped in the idea of alcoholism, to my mind is just phenomenal. And where you have a mixed population like here in Nome it's quite easy to say, just a lot of people have problems and they're drinking, you see them in the bars and whatnot. But you forget that if you take a pencil and paper and walk down the street house by house and say, okay, now is there a drinking problem in this house. And house by house even in Nome where you have a mixed population, it's incredible. But you go to the village, and you go house by house. Now with the exception of a few villages who do better at it, but a vast majority of villages, house by house by house, you'll find someone in the house with a drinking problem. And that affects the entire family. And I think it's just real important that the real extent of the problem should be known. Because if you're talking about TB or hepatitis, or heart troubles, you're talking like two percent versus ninety percent, this problem is that great. So I would really encourage some real census work being done in villages.

Jack
Fuller:

Jack Fuller, for the record. Father, what extent of cooperation would we get if we went after a census like this?

Father
Poole:

If you went to the city council of a village who shows interest in trying to improve, or to a city council who is desperate, who just is really raked, or the village is just under real fire, and told them what you're trying to do is to bring more help, to get more help. To do that we have to know the extent of the problem. Will you help us, will you

send your health aide and someone else with our people to the homes to talk to them in their own language, to discover, we don't need names, we need numbers. I think they would be very helpful.

?

(audience)

Father, could I say something backing up what you just said. I remember all the years that I was at the Guard, commanding down there, I had three or four people that probably, I never fired them, I asked them to quit, but rehired about five times. And we'd make a contract, they were people I needed, they were good at what they were doing. But they had a problem. The problem was not so much themselves, but their extended friendship that you were talking about. They would fulfill the contract, and they would stay sober and they would come to work for six months, but they could never stand the pressure of being that one friend that was working and had money for booze. And I saw it happen all the time to the same people. They could not fight all their friends being drinkers and them being the person who had some money for booze. And I, if it would be helpful, I would like to try to do that, taking census. I think the atmosphere is better now within the villages than it ever has been. They want to do something about it.

Father
Poole:

Another thing just to comment on, the village police situation. I know a lot of the village policemen who try very hard. I would just like to stress the incredible difficulty they run into, because they're living in an extended family, the whole village is a family, I'm sure you've heard this before. And I would like to encourage the situation that the Troopers, who are not family, and who carry ultimate weight, they really carry a lot of weight. If the Troopers could be more present in the villages. I know that's difficult and it takes a lot of money for travel, but it's very important to the village policeman to have a Trooper come and go around with them and talk to people and be seen and be visible, and know that you can call him and get in their quickly. Because I think that's very important for the village policemen to have the guts and the courage to arrest his uncle. It's tough. I remember in a village where this person made a claim against someone who badly beat them up, and they were arrested and put in jail and they said, "When I'm out I'm coming back and I'm going to get you." They came back and they got him. And it's that close. And you don't have much protection. It's very difficult. Soemthing I would really be very interested in. I'm on the board for the alcohol prevention here in town,

and much in favor of Christie's whole operation and very interested in proceeding and getting more help and not being decimated every year. It is really discouraging to work on the alcohol program and "Well, what's happening now?" "Well, we just lost two more people who were going to help." "How about this year?" "We just lost two more." You have visions of a building standing there with nobody in it. So I would really like to encourage maybe don't rehab a highway somewhere that isn't going anywhere anyway, and put some more money into human services. If they can't do it on a national level, at least let's do it on a state level. And one other thing. I've been talking quite a bit lately about the whole problem of where are we going alcohol wise, substance abuse wise. What's happening? And there doesn't seem to be a great diminution of the problem. And that people who want to get out of it should have a chance through these programs is great. But where's it going to go, what's happening with it? And I think that we have to get down to a very practical hard-hitting educational approach to alcoholism and its affects. I was talking with Dr. Harry Owens who's been in this area for years and years and worked in many different places, in town, Kotzebue, and the villages. And he is of the opinion now that what he would like to do is go back from a direct service type thing and move entirely into education. And encouraging Norton Sound to try to find some grants that would put him into education as a doctor, and try to perhaps adopt for villages and be hard concentrating full-fledged right in those villages, bang bang bang bang, to youth. Starting down in the third and fourth grade, way down there. Building these kids up with the idea of what they want to do with their life. What can happen to their life. What won't happen to their life. Alcohol, its affects, physical, psychological, violence, the whole thing. And keep focusing, and see if this would have a real affect on those villages. But it would have to be a small unit, and it would have to be a situation that really gets super educational value, to see if that would have the effect. But you've got to catch it somewhere. And you're really not going to catch it in the bars. You're luck down here is one out of fifty, pull them out and hopefully they're going to pull them back. But if you can stop it at the level where the child is growing up and seeing this and becoming more aware of it. I would really like to encourage that approach to the alcoholism problem. I think that's most of what I had to say.

Rep.

Hurley:

Thank you so much. I think so many times when we

start a program we expect to get results so fast and the educational thing is something that is going to take years, but I've been pushing that we need to start education.

Father
Poole:

Maybe one more thought on that idea of the influence of alcohol say on sexual abuse of children. I'm sure that there's an aberration there and there's a tendency within the person that leads them on, but with all of these things, talking about that or crime or violence or whatever, it's the alcohol that tips the scale of whatever barriers there is there, and just mows them down. There's no barriers left at all, since that's in there, it's wide open. Any person is prey

Rep.
Hurley:

I hope that if something comes up during the Legislature you will speak up and out and appear at teleconferences and so forth because I think your position is one that should be heard by more than those of us who are here. We appreciate that. Thank you.

Father
Poole:

I'd be delighted.

Rep.
Hurley:

Is there anyone else here who wishes to testify? I think we'll keep going until the chairman gets back. We are supposed to be catching a plane to go to Gambell, but if there's someone here I'll keep it open until he comes up. Are you the police officer?

John Trigg: Yes, Chief ~~Kau~~er isn't able to make it in this morning. He worked last night and early this morning. My name is John Trigg. I live here in Nome.

Rep.
Hurley:

Just go ahead with any comments you'd like to make on local option laws.

Trigg:

I've been here for three years as a police officer and I've worked a year in Gol~~o~~van as a VPSO, and I kind of got that started there, that local option in Gol~~o~~Orvan. At that point it was fairly new and young and it's hard getting the people to revert to a dry town and say you can't bring any more alcohol in here, because before it was kind of wet. It is rather difficult to get the people to know that this place is dry, you can not bring any alcohol in here.

Here in Nome we have a lot of alcohol related problems. Most of the instances that we respond to have involved alcohol.

Senator
Fischer:

John, what would you think of what we're proposing? The possibility of having local ordinances that you could not have any possession of alcohol or home brew?

Trigg:

I think that was one of the problems too in Golovin that I saw. They'd bring it in but they wouldn't say who brought it in, but yet they'd still possess it. I think that would probably work out pretty well, be pretty effective.

Senator
Fischer:

Do you think the local option has helped a lot? Just think back on your experiences in Golovin?

Trigg:

Yes, pretty much. It's a lot quieter town now. When I was there and it was just starting out, I had a lot of serious crimes going on while I was working there. And since then this local option thing it's really quieted down in Golovin.

Senator
Fischer:

John, you're a police officer in Nome. The villages, assume, get most if not all of their commercial booze from Nome or through Nome. Can you think of any way of maybe tracking purchases, let's say case purchases, that go from local stores, that are purchased in local liquor stores designed for shipment to a village. Is there any way of tracking those to an airline that can intercept it perhaps.

Trigg:

Usually the liquor stores, if they get an order from the village and they know that village is dry they won't send it, period. And there's only one village that I know of in the immediate area that is wet and that would be White Mountain, so I don't know how they send that through to White Mountain. Possibly a State Trooper can answer more of that question.

Senator
Fischer:

What if somebody from a village comes in and they know that person is not from Nome and that person's from a village. And he buys a case of booze. Can the liquor store do anything about that?

Trigg:

Probably not.

Senator
Fischer:

Could you as the local police force follow them up in

any way?

Trigg: Again, probably not, because they're working on the free enterprise system where if you come into the store and buy something, then it's yours. They don't really care where it's going to, or what that person does with it.

Father
Poole?:

I think the local option has stopped the mass shipment of booze. We used to see it going out by the case lots. I think the only thing it's done is sort of set it down to a bottle or two that somebody can smuggle in. I think it helps that way, because I think we're both pretty familiar with Gollivan fishing season, just charter a plane in, and come in, Unalakleet too, just load the plane in and take it in.

Rep.
Binkley:

Is Unalakleet, did they ban importation and sale?

Trigg:

No. I think they have a hotel or an inn where they sell alcoholic beverages.

Rep.
Binkley:

I guess I don't have any questions. Thank you John. We'll stand by, waiting for the weather to clear. I guess we'll go ahead and go off the record here. Okay, we'll go back on the record. Good morning sir, you're the State Trooper?

A. J.
Charleton:

I'm Trooper A. J. Charleton, I work out of the Nome Post, D. Detachment, and my responsibilities, at the present time I am the oversight officer for the Village Public Safety Officer program. I cover and practically live in fifteen villages of the Seward Peninsula area, Norton Sound. I understand that the committee had some questions regarding alcohol in the villages and its effects.

Rep.
Binkley:

Exactly. We're dealing in the broad picture of the alcohol problem in rural Alaska, and all over Alaska, and more specifically the local option law and how it is working in the villages, what some improvements we might make in those laws are. But from your standpoint if you could give us some of the statistics if you have them, Trooper, or maybe some of the problems that are associated with alcohol that you see in the line of your responsibilities or in your work here.

Charleton: As far as statistics, I'm unable to give you any

concrete statistics as far as numbers that we can take from case reports and say that this is in fact the number of cases that we work, the number that are related. In our work with the criminal investigations and with the village public safety officers program, I would guess that approximately ninety five percent of our cases are alcohol related. This is to say that if a person is involved in a criminal activity, chances are very good, there's a very high probability that alcohol is involved. As far as the local option law, I think it was probably one of the finest things that came our way. When I came out here in 1980 alcohol was running rampant as well as homicides in the communities. The first year I was here I think we took something like twenty-three bodies out of the communities related to homicides. This has dropped tremendously. I think we're down about seventy-five percent as far as homicide. One is that there's less alcohol in the villages. The alcohol that is there is of a lesser alcohol content, the beverages that are there are of a lesser alcohol content, and a lot less drinking going on. There's still alcohol in the villages, home brew, and imported alcohol. I would guess right now that probably seventy-five to eighty-five percent of our cases deal directly with problems brought on by the alcohol, whether it be home brew or imported alcohol. Importation cases and crimes, I can not right at the present time, think of but about three cases in the last year that were violent crimes that were not alcohol related. Which is a tremendous factor right now. One of the problems that I run into with my police officers, I more or less monitor the activities of the fifteen police departments in these small communities. I deal directly with either their police chief or their only police officer, the village public safety officers. We monitor direct. This individual does the best job he can to control the flow of alcohol in the villages and the people's activities. But they are frustrated by the part that alcohol is there, people are stumbling around drunk, but they cannot monitor the arrival and departure of every individual in and out of that village. They are frustrated by the point that they need evidence, concrete evidence other than the fact that the individual is drunk as to whether he brought alcohol into the village or not. As you know in the judicial system in the State of Alaska he needs a bottle, alcoholic beverage to bring into court saying this is what we found on the individual.

Rep.
Binkley:

You mean see him actually bringing it into the community.

Charleton: Right. If that individual has come into the village, or find someone that has come back into the village that may have given it to them. We have brought the police departments a long ways in five years that I've been out here under the VPSO program. It's been one of the greatest programs we've had going. It's been great for the villages. It's increased their stability. We've seen several of the villages in our area here, I'd say at least half of them have established stable city governments, stable police departments, a stable economy. The people, just based on the fact that there is no alcohol in the village now, or a lesser amount of it. And we see it slipping back in through the development of people producing home brew, getting drunk in the villages, staggering back around. It's almost like you've stopped all the bugs in your garden, you've stopped spraying and now they're coming back out again. They're finding other ways to stumble around the village. The police officer is frustrated by the fact that he can do nothing about it. He ends up going back to the situation and being a babysitter. He has to babysit the drunks, haul them in for twelve hour holds or watch them, turn them over to their relatives and so forth.

Rep.
Binkley: One of the things we've looked at is allowing an additional option which would ban the possession of alcohol within the communities. As you know right now if you catch somebody with a bottle in the village, there's nothing you can do unless you actually catch them bringing it into the village.

Charleton: Or we can substantiate that he actually did in fact come into the village with it in a very recent time.

Rep.
Binkley: Have you had much difficulty in that, have you been able to do that? Have you made cases on importation where you actually just catch the person with the alcohol in the community?

Charleton: Yes.

Rep.
Binkley: And then how many cases would you say that's been?

Charleton: I don't have a specific number but of the cases where we have alcohol involved, I'd say probably one-third of them we're able to substantiate that individual's return from a metropolitan area that has alcoholic beverages available to them, and make a

case that in fact they did bring the alcoholic beverages in.

Rep.

Binkley: And then prosecute them and get a conviction?

Charleton: Yes. But we're looking at another two-thirds of the cases, people are drunk in the community, alcohol related cases that we can do nothing about. We can't substantiate that that person in fact brought alcoholic beverages in.

Rep.

Binkley: How many cases do you have in a year?

Charleton: I wouldn't venture a guess. I personally probably work about ten cases a month. And the police officers in the villages are probably working about, These are prosecuting cases that I'm talking about ten that I worked. So there's probably another twenty out there per month multiply that by about six officers.

Rep.

Binkley: So that's about five hundred cases we're talking about?

Charleton: Yes.

Rep.

Binkley: And of those ninety-five percent are alcohol related?

Charleton: We're talking just the alcohol importation cases.

Rep.

Binkley: Okay, a third of those you're able to establish that the alcohol was brought in and prosecute under the importation law? So you're talking maybe two hundred cases you're able to make a year on importation?

Charleton: I would say in that neighborhood probably.

Rep.

Binkley: What has been a typical sentence for an importation case that's been convicted?

Charleton: I've been able to establish working with the police departments and magistrates in the communities a first time sentence of thirty days in jail, twenty days suspended. A second time we increase the days to twenty days, sixty days with forty suspended.

Rep.

Binkley: How about fines?

Charleton: No fines because the people out here, as you know, are probably on a very low monetary basis as far as monies earned or in position.

Rep.

Binkley: Do you have any feel for how many are repeat offenders or how that works out?

Charleton: Probably over fifty percent.

Rep.

Binkley: Are second time offenders?

Charleton: Are second time offenders.

Rep.

Binkley: So the sentencing,

Charleton: About a third or twenty-five percent are third-time offenders.

Rep.

Binkley: We need to get hard data on that. That's amazing to me that they're able to make that many cases.

Senator

Fischer: Is that with the help of a witness?

Charleton: Yes it is. We as witnesses in the community, one of the things to our advantage out here, Representative Hurley, as you know these people are probably the most honest people in the world. You catch an individual (end of tape).

Senator

Fischer: The first thing I wanted to ask you is what your projection is on this home brew situation? Is it going to become a progressively heavier thing in the villages?

Charleton: Very definitely. We see it increasing every day by leaps and bounds out here because they have found that there's no violation of law if they're producing it themselves. Those that can produce it will and they furnish it to everyone else in the village at no cost.

Senator

Fischer: Does it have as bad an effect as the hard liquor?

Charleton: I would say that a murder is a murder regardless of

whether it's done under 151 rum or home brew.

Senator
Fischer:

If I may interrupt, we were told in the village just yesterday, in Shishmaref, that home brew is much much worse. That it has much greater impacts on the individuals than just store-bought whiskey.

Charleton:

I think that there is in a number of cases, depending on who's making the home brew, a worse effect on the individual, and adverse activity by the individual. In other words the individual's almost as though he spiked it with angel dust or something else. You end up with somewhat of a psychotic effect where the individual just doesn't know what they're doing anymore. They do some very bizarre things.

Rep.
Hurley:

Because of the chemical kind of reaction, if you don't make it right and so forth, it could kill the individual.

Charleton:

I'm not qualified to testify on the chemical make-up or what is in the home brew but yes I have made several cases where the individual involved in the case had been drinking home brew and has done some very bizarre things.

Rep.
Hurley:

While we were out he said that they've been able to prosecute how many cases?

Charleton:

One-third of the actual importation or contacts that we have with a drunk individual, we've been probably able to make about twenty-five percent to one-third of the cases, we've been actually able to prosecute and find that there has actually been a connection between importation and the actual intoxicated individual.

Rep.
Binkley:

You actually make the case on importation?

Charleton:

That's right. That is through, I would say, more credit to the village public safety officers and their training and their ability and their hard work. It isn't, you know the people aren't walking around the villages with the bottles out. These guys actually are going in, doing multiple interviews to find out what they've brought in. As I started to tell the committee here, it's in part due to the honesty of the individuals. If you catch them doing something wrong they're going to tell you "Yes, I did

bring some booze in."

Rep.

Binkley: So you're catching then typically the VPSO would catch somebody with alcohol in the community who says "Yes, I did bring it in". Then you cite the person and prosecute him. He goes in and testifies "Yes, I did bring in the alcohol."

Charleton: Yes. And then he many times doesn't even go to trial. I'm not aware of any trials that we've had on importation. People just come in and plead to the case.

Rep.

Binkley: And then they throw them in jail for ten days, twenty days?

Charleton: That's right.

Otto: Do you see that changing as people become more sophisticated with the criminal justice system?

Charleton: Yes. It's getting harder and harder to make the cases.

Otto: Because people don't confess?

Charleton: They're confessing less, and two, they're doing less importing and there are other excuses. The best way to shoot down a law is to give it about five affirmative defenses. When you give importation several affirmative defenses such as "somebody else brought it in and I just found it" or "No, I wasn't really drinking whiskey, I was drinking home brew". If home brew is in fact a defense, they'll use it.

Otto: I'm sorry I didn't hear the beginning part of your testimony. Were you asked at all or were you informed at all what the committee's talking about doing with possession.

Charleton: I was just informed that they're basically interested in possession.

Otto: Considering a ban on possession?

Charleton: Right.

Otto: How would that affect your caseload? Do you think that's a good idea? What problems do you see?

Charleton: I don't think it would increase my caseload any. It

would sure make it a lot easier for me to make the cases, with that being the sole thing, is that individual intoxicated? It's going to help us knock out alcohol almost one hundred percent.

Otto: It wouldn't really be are they intoxicated, because it wouldn't criminalize drunk in public, which is what you're talking about. It would say, if you are in possession of alcohol outside of your body, you would be violating the law, whether it's commercial liquor or home brew.

Charleton: That would help us because our police officers many times come in contact with the individual who's intoxicated, and do come in contact with the home brew.

Otto: If there were such a law, do you think it would be more desirable to have it be a violation of State statute and be a misdemeanor, as the current local option law is, or do you think that that aspect of the local option law, possession, would be more appropriate were it prohibited by city ordinance and punishable by a fine only.

Charleton: No. One, fines are not effective out here because the people are basically on a welfare economy.

Otto: Fine/community service.

Charleton: Community services. We've got loads of people on community service rolls right now. I think that punishable by State statute is very much more correctable because it gives us a handle on the individual. And one of the worst things you can do to an individual out here is to take his freedom away. And when you take that away it comes to the conscious then. It may take once, it may take twice, it may take three times. I only know of probably two offenders in the whole area who have ever gone down for four times, for importation. They've just flat said "it's just not worth it any more guy, you're not going to catch me bringing it in."

Otto: Do you think that's true?

Charleton: I know it's true. They hire somebody else to bring it in for them till that person gets caught two or three times, he says "forget it, I'm not bringing it in for you anymore because it's not worth it to me either." I've stopped one individual right in his tracks at Gambell, and he's one of these people that just can never tell a lie. The public defender

just says, "I hope you don't catch him because every time you catch him he tells you exactly what I did and I can't help the guy."

Otto: How long have you been out here?

Charleton: Five and a half years.

Otto: So you were here before the local option law was in effect at all?

Charleton: I was here just about before Nome was here. I've been stationed here as a Trooper for five and a half years. I've been out here in Alaska for the last forty years?

Otto: And you've been in this area the whole time?

Charleton: No, I've grown up all over Alaska, everywhere from Teller, Alaska, to Wrangell. I've been out here since the importation law came into effect, yes.

Otto: And you were here in a law enforcement capacity both before and after the importation law?

Charleton: Yes.

Otto: Do you see any changes and if so, what changes?

Charleton: Very drastic changes. The villages calmed down, a lot less violent crimes, homicides. We've knocked the homicides down by probably seventy-five percent.

Otto: Have you been involved in law enforcement in Selawik?

Charleton: That's handled out of the Kotzebue area. I handle everything from Shishmaref just below the Arctic Circle to the mouth of the Yukon River at Stebbin and St. Michael.

Rep.

Hurley: Are you the only Trooper who has this kind of oversight for VPSOs? Does every area have a Trooper who's assigned to oversight of a area?

Charleton: Yes, ma'am.

Rep.

Hurley: Do you then travel to the villages yourself and do training?

Charleton: I spend approximately five days a week in the communities.

Rep.

Hurley: Well, I think the one place we were there was a real need for visibility of Troopers in the village to back up the Village Police Officer so that the people know that when they're having to deal with relatives, maybe it was Father Poole, and other places we've had that, and I just wondered how often you went.

Charleton: I have fifteen villages. I go into one village, stay overnight, and leave it the next day. That gives me about two and a half villages per week. We figure that out on a full month basis, about seven, maybe eight villages I can hit in a month's time. So I hit the village every other month. That's not much Trooper visibility. There are other Troopers out there, and we may miss one village for two or three months, and not get to that village because of other problems in other villages.

Rep.

Hurley: Well, I heard that they cut back on Troopers, and I just was wondering if you thought there was enough support for the VPSOs.

Charleton: I don't think that there's enough support for the VPSOs. But we have Troopers out here, but the Troopers are going in numerous different directions. I can only spend so much time in the villages, going from village to village. Sometimes I'm gone for two and three weeks at a time. I'll go out to the villages all week gone, and then I'm going on prison transports on my days off to Anchorage, come back and take off right back to a village right away and come in maybe two or three weeks down the road and my wife says "Who are you?"

Rep.

Binkley: I know the feeling.

Charleton: I'm sure you do.

Otto: I'm interested in a question that Senator Fischer asked John Vacek, and that's, the law that we've been talking about, the proposed change is to allow villages to ban possession. Are there any laws that you can think of besides that or is there any problem area in the law that you see now that could be changed by the Legislature that would help the law enforcement situation here.

Charleton: I think if you ban the possession it's going to help us a great deal. One of the communities that I deal

with has a public intoxication law. And that helps them a great deal. As a matter of fact we make probably fifty percent of our cases based on that. We bring an individual in that's been intoxicated in that community. We bring them in, sober them up, and as they're sobering up we say "here's your rights, what's going on, where'd you get the booze?" Fifty percent of the time we can tie them to an airplane that has landed within the last twenty-four hours. If we can't, then we have to find out by association who they were with, who they were hanging around with. If that individual came back in, and then if we can tie them to that, then we have an importation case. If not, they could always use the excuse it was home brew, I found it somewhere, something of this nature. So roughly about fifty percent of the time, we can tie them to..

Rep.

Binkley: Are these local statutes that you prosecute them under?

Charleton: No. We don't prosecute them under the public intoxication. That's a city ordinance. The city actually prosecutes people under the public intoxication. The community that I'm referencing is Savoonga. And it's worked real good for them. We seldom prosecute for the public intoxication, however he has people on community work service because of public intoxication. It's there way as a community to keep them from getting drunk.

Otto: (unintelligible).

Charleton: I think it's effective. I think it works.

Otto: How about for Nome?

Charleton: It would take a lot of the local color out.

Rep.

Binkley: Any further questions?

Rep.

Binkley: Do you think that there should be more money put into the training of VPSOs?

Charleton: Yes I do. I think one of the things that they are really lacking is good training. They get it at the police academy, but it's a six week academy, they come back to their communities, and are basically put out on their own and said "Okay, go do it." Without much real support, much experience. I think they need to be able to get into larger communities, into large

police forces as probably a field training program and learn how they can do it in the larger community, and then go back to their little communities and say "Okay, now I know how it's done. I've made a couple arrests. I can do it."

John

Vacek:

One of the problems as I see it in the VPSO program and I was thinking about that in response to Senator Fischer's question that I didn't answer. One of the problems I see with the VPSO program is that VPSOs aren't paid enough to keep somebody who's any good there for any length of time. The people that are in villages, that are responsible, that you want to see there for awhile, that are sort of community leader types that would be good cops, are also the people that can be good corporation presidents, that can get a job working on the slope for six months and make three times what they are as a VPSO. I don't think that the VPSO program pays enough to be really competitive with other jobs that are available even within a village context, to keep the kind of people that you need as a cop for the village.

Rep.

Binkley:

What is the pay?

Vacek:

I think that they get around \$18,000 a year, something like that, for a real tough job, being a cop in the village. A.J., what's your turnover?

Charleton:

Fifty percent a year. I have a real tough time out here. We've gone through nine positions in the last year here out of fifteen.

Otto:

That's true in the Bethel area as well.

Senator

Fischer?:

Do they go down to Mt. Edgecumbe before they become a VPSO?

Charleton:

No. The VPSO is chosen through Kawerak, the State Trooper, and the City Council. We try to pick an individual that will work the position. Then we put him on as VPSO and when an academy comes up we send him down. We have four individuals right now that are in training that will be going to the next academy in January. It's just nip and tuck as to whether they'll hold on till then.

Otto:

Do you put them on the job, and as soon as there's an opening in Sitka they go down there?

Charleton: That's right. When there's an academy set up we send them down there.

Rep.

Binkley: A. J., how about the contracting with the VPSOs, you mentioned it's through Kawerak here. We've heard in some places where they suggested that the contracting be direct from the State directly to the local communities for those services. What's your perception of that?

Charleton: I have been called up in front of the Bering Straits Native Corporation Council, I have addressed the Mayor's Conference on this. As it stands now, I understand there's a lot of controversy back and forth. I can't speak for the Department in this area, but if it was my personal preference, if it was for me to do, I would put the individual directly under the Department of Public Safety, make him a Village Public Safety Officer working directly for the Department of Public Safety. Raise his pay, his benefits and his liability insurance. Right now many of the VPSOs out there who are working a position and have the ability to do a position are sitting there scared to death they're going to do something wrong and lose everything that they and their families have worked for, simply trying to help their communities. It's a scary position to be in. To get a call at three in the morning from a VPSO, it's snowing out here or foggy, zero zero conditions, we can't fly anywhere. There's a bunch of shots goign on, well, try to secure the area, get everybody away from it, and if you can get the gun away from the individual. Knowing full well that individual is not trained in firearms. If he takes a firearm he's taking his own risk, to go over and disarm somebody to save a life in his community. They have done it. They will continue to do it I'm sure. We have a real great bunch of dedicated police officers out there in the communities and they're working hard. But as Mr. Vacek says they are not getting paid for it to the extent that they should. We've done everything we can to make the job look prestigious. We've given them training, we've given them uniforms, we've given them as much backing as we can. I don't think that you can give them too much backing. I think it drops back, as Mr. Vacek said, to what's in the pocketbook or what the family gets.

Rep.

Binkley: Another point along that same line that was brought up was one of the reasons for that is to have a local community more a part of the VPSOs and to feel more,

the VPSO and the local community to have more of a working relationship together whereby the people on the council were the ones that sign the VPSOs paycheck where he reported to them, and where you establish more rapport between the local council rather than a regional non-profit.

Charleton: I think that where an individual does police work he's better off being completely separated from both politics, religion and his community council. If he works under the supervision of an Alaska State Trooper who is completely independent in the community, he still has the feel for his community. He still knows what the needs in his community are. He is basically relieved of a lot of the pressures that we come upon in relation to families in communities who are in control of the community. One village for instance may have two or three factions in the community. This year one family's in control and they want this police officer. The VPSO who may be doing an excellent job quits. They put somebody in there who lasts six months. They put somebody else in there who lasts another six months. The election comes up, it goes over to the other faction, they put another VPSO in there. If my VPSO is in there and working for me, doing law enforcement in the community, for the State of Alaska and for his community, enforcing their village ordinances and our State laws, he works for me. He doesn't have to work for the council, per se. In other words he doesn't have to rely on community pressure to do his job, he relies on what is right, what is written in the law, or what's written in the ordinances to do his job. He's relieved of those pressures, and that's a hard thing. I have VPSOs calling me every day saying "The mayor wants me to do this, the city manager wants me to do this. I don't even think it's legal. I'm trying to tell them that they can't do this, in regards to their bingo games, they're running them illegally. They won't listen to me. They say if I do this or if I raise any problems they'll fire me." Working under the handicaps of low pay, low prestige, arresting his own relatives, no liability insurance, no gun, what more can you ask of a village police officer?

Senator
Fischer: How many other VPSO supervisors are there? I mean Statewide?

Charleton: I don't even know.

Senator
Fischer: You could pretty much take them by districts, couldn't you? That would be a fair estimate.

Rep.
Binkley: We lost four positions this year, supervisory positions.

Senator
Fischer: This issue of what the VPSOs are, to whom they report, has that been discussed internally within the Department of State Troopers. In other words, a new view has gone up the echelon to the point where this policy issue has been raised, how can we get more effective VPSOs? Looking at the option of making them Assistant State Troopers or something like that. Is that something you have discussed?

Charleton: From the information that I have, it's gone up at least as far as the Detachment Commander, because in our area our VPSOs actually pick a representative for themselves, saying we want somebody to represent us. This individual and I sat down with Senator Ferguson last year and said here's what we want, this is what we need, we think that the State would be better served, both budget wise and prestige wise, ability wise, by the VPSOs being directly under the control of the Department of Public Safety. Why have the \$100,000 dollar overhead for ten Native corporations, totalling one million dillars, which is what the Department of Public Safety Budget is short right now. Why have that going to non-profit organizations to monitor VPSO programs that in fact does nothing more than cut the paychecks, when in fact I do all the training, I supervise him as far as his law enforcement responsibilities and abilities, the Department of Public Safety trains him at a Department of Public Safety Academy, which, their budget is completely separate from the actual budget. We have the responsibility for and the authority over him, jointly with the non-profit organization.

Senator
Fischer: How many VPSOs do we hvae in Alaska?

Rep.
Binkley: I don't know what the number is.

Charleton: We have fifteen in our area and I think twelve up in Wenzebue and I think fifty-two in Bethel. Statewide I don't know what we have.

Senator
Fischer: I'm just figuring, and this may not be fair, but the

potential exists within the same budget to spend an additional \$10,000 per VPSO.

Charleton: Sure. And that's one of the things we looked at at the Mayor's Conference, one of the things that I caught a lot of flak for, was I said why not have that money going into the community, if the Commissioner wants to contract directly with the community that puts another ten thousand dollars into the community for law enforcement services, whether it be to hire a secretary and furnish jail facilities, office facilities, upgrade his equipment.

Senator

Fischer: I'm sure there's a lot of politics.

Rep.

Binkley: It's a sensitive political question.

Charleton: It is.

Rep.

Binkley: I've talked with the Commissioner on it, and the Commissioner has sent out some surveys to different communities to get responses to what their attitude toward this would be. And I don't have the results of all those yet, but there have been some positive ones, and they're talking about a piloto program to maybe see how that might work in a couple communities.

Otto: I'm confused, though. What's the difference between what you're describing or how you think the VPSO ought to be changed, and the Constable Program the Troopers have right now. What's the difference?

Charleton: The Constable Program is where a constable monitors several villages, he doesn't monitor just one village. A VPSO is selected from that village, where a constable many times is not selected from the village that he is in.

Otto: That may be in practice how it works, but wasn't the purpose of the Constable Program to have village-based/community based law enforcement something less than a trooper but who still...

Charleton: Slash, you're dealing with the Commissioner's policy and I don't know what he thinks this policy is.

Otto: A constable is, they have silver badges as opposed to gold badges. They're almost Troopers but they're not quite. They live in the communities.

Rep.

Binkley: In Bethel we've got constables.

Otto: They started off great guns with the Constable Program and then they decided for a reason that I've never understood, that it wasn't working, and that was about the time that they went to the VPSO Program, and so the Constable Program kind of faded into the woodwork.

Charleton: If I may, and again I can't tell you what the Department's policy is, but my own assumption would be that the fact was for constables and the training and qualifications therefore were of such a nature that they were not able to find people in all of the communities to fill those positions.

Otto: Because of the job qualifications?

Charleton: Yes. I look basically at the VPSO position as even as assistants or a step down from the constables, where one constable could easily supervise several.

Otto: But as I understand your position, you think that the VPSO program would work better if it took on some of the characteristics of the Constable Program, such as the Trooper back-up and better salaries.

Charleton: Yes ma'am, that's right. When you give a person the ability, you can give him all kinds of abilities and trainings and so forth, and unless you give him the authority to do it, and say, you represent the State of Alaska, and the community. When I go into a community I'm not just enforcing the State laws, if it's a second class city with qualified ordinances, I also am required to enforce their ordinances. So a VPSO would be given the same responsibility. He would be working with the authority of "I'm a State officer, I'm State trained, I'm sworn by State oath to fulfill those responsibilities, and could still do the city ordinances.

Otto: What percentage of your VPSOs wash out because of alcohol problems?

Charleton: Very very small. I think more because of lack of training, fear and laziness, actually.

Otto: Family pressures?

Charleton: Family pressures. That can go right back to the community pressures, not just family. We have built it up. We've been getting better and better VPSOs every year. I have six villages that are turning

over, but I've got six that are staying stable, and if we could just give them some incentive to stay they would.

Rep.

Binkley: Any further questions? Representative Hurley.

Rep.

Hurley: Regarding training, rather than sending them clear to Sitka to the academy, couldn't they have training closer to home?

Charleton: I have a two day training session going on today right in Nome, I'm in the middle of a training for VPSOs here.

Rep.

Hurley: That's supplemental to their original training?

Charleton: Right. One of the advantages to going to Sitka is that it pulls them completely out of that environment and basically isolates them for the sole purpose of training twenty-four hours a day if it's necessary. It gives them a structured environment to do it in and the facility is available there. I don't think it would be any different if we were doing the training in Anchorage. We do two regional trainings each year in one of the communities in their area, one week training sessions. We do two of those a year. I would like to see more of those if at all possible.

Rep.

Hurley: That's what I mean. I think, I agree that it's a good idea first of all, because they're with senior officers and so forth too and see how it works, but I, in all of the places that we've been I have the feeling that they all want and need constant training and in some areas I think it's amazing all you're doing here, because I certainly didn't hear that in any of the other areas that we've been in.

Charleton: I think it's needed, I think it's very necessary that they get more training and get more contact with what other police departments in other areas are doing. That's one of the big things with our regional training, is these guys sit down and, the training part of it is just a small part of it, it's the camaraderie of, "hey, there's another guy doing the same thing that I'm doing in another community under the same pressures that I'm dealing with". And all of them are talking to me, saying, "Boy, if I could get rid of the council, is there any way to get rid of these guys, flush them out of our system." I

answer, "You guys, you tell me to enforce the law, and the mayor is sitting there telling me, no, don't arrest that guy, he's my brother." Yet I've got other VPSOs that don't care, the council, basically they just say, "Whatever you guys want to do, the law says you can't drink and you're going to jail." You may have read in the paper recently the Savoonga Police Department last year at the Mayor's Conference arrested the mayor for importation, and threw him in jail for ten days for importation, for bringing a bottle to the Mayor's Conference. This last year during the summer they had a search and rescue going on in the middle of the night. Their mayor staggered up to the city offices intoxicated. One of the VPSOs sat him down and said "You've been drinking. What have you been drinking." He said, "Well, I had a couple of drinks at my house." He says, "Great, you're under arrest." They arrested their own mayor and threw him in jail. It's a police department that functions above and beyond the city council. They look for direction from them and they work with them. A tremendous bunch of guys out there, but again it's based on a personal self-esteem, something that they've been able to put together themselves, the guys that work there work together and say "Hey, it's our department." They've been able through the VPSO program to establish one of the best fire departments outside of Nome. They have their own fire engine, they've built their own community hall, they have their own fire service, fifteen sets of turnout gear, they're ready for an emergency if they've got it. It's a shining example of what the VPSO program can do. If you go to Savoonga I suggest you take a look at it. They're very good and it's been done, primarily through the VPSO program. The VPSO is not the fire chief out there. He says "I've got too much to do with the police department, because I'm trying to keep things going in the community." Somebody else take the fire chief job. So they've got another fire chief. But he still participates in it, he calls the meetings. He calls the shots. When there's going to be a fire training session, he says, the VPSO says, "We're having fire training tonight. You, fire chief, tell all your people to be here." And they do. They do both with fire extinguishers and the fire truck and practice responding. So there are a lot of positive things going on. I don't want you to think that everything is negative. The alcohol problem is one of the biggest problems that we run into. John Vacek and I spend just about every other day on the phone saying, "Hey, we've got this guy over here or that guy over there drunk, importing, or just drunk, maybe home brew, we don't know, what more can we do?"

Rep.

Binkley: Jack?

Jack?

I was going to just say, A.J., don't you think that what's helped the program so much is not only are they a policeman, but they're also fire trained and they also have emergency medical services, and a lot of the spinoff from that, some of the good actions that's taken place, has built them in the community a lot. Not just the guy with a club.

Charleton:

That's right. I think that making a multi-faceted police officer has helped a great deal. It's helped them personally and prestige wise in their communities to be able to feel that they can do something besides just law enforcement. But when you get back down to it, law enforcement is their major problem area, and they need more help in that area. They need a law such as the one you're talking about, where public possession is a crime, they can do something about it. They're getting bombarded right now by the fact that people are saying, "Gee, drugs is a real problem, what do we do about it?" Well, we haven't been able to train them in what to do about drugs. We're still dealing with the alcohol problem. We're about three years behind.

Rep.

Binkley: A.J., thank you very much. We appreciate it. I'd like to recognize Dick Lovell in the audience, a former Bethel resident. Good to see you. Is there anybody else here that wishes to testify?

Ellen

Greenberg: Good morning, I'm Ellen Greenberg.

Rep.

Binkley: Ellen, good to meet you. I'm John Binkley, this is Katie Hurley, Vic Fischer, you know Jack of course, and this is Laurie Otto, our legal counsel for the community.

Greenberg:

I'm here on behalf of the Bering Straits Regional Strategy, which I've been working on now for about two years up here. For the most part I'm going to be relatively brief, because I think A.J. touched on a lot of the things that I would normally want to say. As part of the Regional Strategy we call the Conference which we had last year, and we've been holding village meetings, community planning meetings, and so far it's only been five of our villages this fall. We anticipate in the future going out to all of the rest of them. But undoubtedly the biggest problem that crops up is

alcohol and drug abuse, and almost invariably when you start talking about this, the whole question of the VPSO program does crop up. So I guess I would urge that however you decide to deal with the local option law, that you also deal with the VPSO program. Because they just are inter-tied, just very inter-related. Just simply a few other things to add on to what he was saying. He's found some very good people insome very small communities and it's very unusual. Savoonga of course that he was using as a shining example is one of the biggest villages in the region, and they do have more people in there which can share the load. It is a serious problem when you're talking about villages the size of one hundred twenty or one hundred thirty people. Even with the best of VPSOs and even at a high pay and a high insurance rate, you're talking of somebody who is very intimately related with other people in the village, with schisms, with problems. And it is something that is not going to be easily solved. I don't think that, whatever you come up with, that having a VPSO in the smaller communities is always going to work out because whether we like to admit it or not, it comes down to a question of individuals. And it's not a program that works in all villages. I mean, let's say it's nothte program itself, even if it's set up well. But it's carried outby individuals. And if they're busy doing other things, they're involved in other activities, if their relationships with other villagers, any one of a number of things that could cause a shift over in another direction. Anyway, going on a little, when they were trying to deal with how could they get around these problems. In other words, once they listed these as problems, we did get to teh point of "all right, how are you going to solve them. What are some solutions that you have for yourself?" And there were several things that some of the villagers raised. One was, a lot of them are actually considering dropping the VPSO program and hiring somebody. If there were any way that they could afford it through State revenue sharing funds, or.

Rep.

Binkley: Is this the local village council?

Greenberg: The village council would hire somebody, but likely outside of the village, which of course goes against the whole VPSO program, that's how it was originally conceived. And that's simply because they recognize the problems in some of those villages of having somebody in-house. Now of course this goes absolutely against hiring locally. And I'm not at all saying that it would necessarily work. I am

saying that it is a problem, that they are considering. And that in some cases it may not work to hire someone within the village. And I would like to reiterate something that he said. I think that putting it under the village council would just be a disaster in some villages.

Rep.

Binkley: So you're saying that giving the local council that ability to hire the police officer is not a good idea.

Greenberg: Hiring the police officer is one thing. Hiring the VPSO under the program, the way it's structured right now. If you're talking a police officer, you're talking higher wages, you're talking somebody who's gotten the training.

Audience

male: Non-native.

Greenberg: Maybe, Jack, not necessarily.

Audience: At Unakleet, I've never seen a native police chief down there. And that's one place that....

Greenberg: That is one place that they have worked it that way, that's true.

Rep.

Binkley: A lot of communities in my district have village police officers, VPOs, that are hired by the local community.

Otto: But it's a different situation than what she's talking about, because the VPOs in the Bethel area work below the VPSOs.

Rep.

Binkley: Yes, but they work for the council.

Otto: They work for the council, but they work below the VPSOs and they don't have any training, and they don't know what they're doing. They're not law enforcement people, they're more like security guards.

Greenberg: We're talking police chief, policemen who actually have the kind of formal training that policemen in...

Rep.

Binkley: I see. More than a VPSO would have.

Greenberg: Oh yes. Because they're running into that, and that

same problem that he was talking about, the lack of back-up. The time that he gets out there is very limited, and they simply don't have enough back-up. Insurance problems crops up time and time again, the lack of insurance, and the fact that they're really not well-covered. All I'm saying is that I have something that you can put in your packets or whatever, but as you're dealing with this you're cropping up with a lot of things and one singel way of dealing with alchol importation crimes or whatever in individual villages, I don't think that a single way of dealing with it is the way to go. There should be a number of options that individual villages can use. Because they're all different.

Rep.

Binkley: Ellen, before we continue, what's your perception of what we're discussing as far as contracting, or having the VPSOs directly under public safety officers, not having regional non-profits do the contracting for the VPSOs.

Greenberg: I think that his suggestio is very reasonable. A lot of it we're talking funding right now. A lot of the excess funding is going like, in this case to Kawerak, which could presumably free up that money to be plugged directly into the program. Insofar as the way it's actually administered, as to whether it's going to be effective or not effective, I don't think that that's really the issue.

Charleton: Ellen, I didn't mean to be so abrupt. I'd like to pursue that a little bit more. I'm not quite zeroed in on the recommendation.

Greenberg: I'm not making recommendations. I'm just saying that these are things that in the court...

Charleton: Statements?

Greenberg: Yes. Mentioned as possibilities. I mean, some of them that they mentioned, they've all said strengthen VPSO program. If we're going to go with the VPSO program, they want it strengthened. And by that they mean higher pay, better insurance, better back-up support from the Troopers, more training, right down the line. All those things that are getting cut in the budget they want. If you're going to have that program, for heaven's sake, give them enough authority that they can do something with it. The other big thing that they asked is the whole question of searching baggage. If in fact you are talking about people coming into the village with alcohol, the only way that they can really.

Senator

Fischer: I realize you were doing something important. Could you repeat this entire recommendation for the sake of the chairman on searching baggage.

Greenberg: That is one of the things that the villages have said that they want to see strengthened in the VPSO program. In other words, if they're going to go with the VPSO program, one of the things they'd like to see is dealing with this whole question of searching baggage. Right now the way that the VPSOs, the authority that they have is the only way that they can search baggage, if somebody say in Nome, calls in to the village and specifically says "So and so is coming in. We know that he bought a bottle of booze at Nome Liquor, we know he's on the plane. Meet him when it gets there." In that case they can search.

Otto: How do you think it ought to be?

Greenberg: Well, I run into the same problems that you do. If you give them unlimited authority to search everybody that's coming in, you're dealing with two things. One, you're dealing with constitutional rights of individuals when they get off the plane. The second thing is, if you're talking about a VPSO who's going to meet every plane, you're talking about a VPSO who's going to spend all of his time meeting planes. You're really going to have to raise the salary even more.

Otto: The reality is, this is not part of the VPSO program. That aspect of searching the baggage. It's not part of the VPSO program. The State of Alaska, even if we have a State Constitutional amendment, you're never going to be able to indiscriminately search baggage, because the U.S. Constitution says citizens are protected against unreasonable searches and seizures. And what that means is that you, your property and your house can't be searched without a search warrant.

Greenberg: That's what I said, it's a constitutional right of an individual not to go through search and seizure.

Otto: You're saying this is a problem with the VPSO program, this is one of the problems with the VPSO program.

Senator

Fischer: That was identified in the regional strategy sessions, people brought this up in the context of VPSO.

Otto: Right. I understood that, but all I'm trying to say is that when people raise that as a problem and this is a concern that we have and this is something that we think would help us, I guess my response is to Ellen, who's somebody who works with the people and deals with them, that that is something that nobody has the power to change, that realistically the only way to change that would be for citizens of the United States, through the amendment and the constitutional process to say that (end of tape.)

Greeberg: ...addressed in that manner in what I've written. Nevertheless I think that there does have to be a recognition, one, we're dealing with people who, it's like A.J. said before, we're dealing with very honest people. For one thing, they know what the situation is, somebody comes in drunk, somebody comes in with groceries, you know that it's there but nobody's calling. You know, there are certain people in the villages who bring it in, but unless they're tipped off on it they can't do anything about it. All I'm saying is it is a problem. You're talking about small small villages, you're not talking big cities.

Senator
Fischer: Various airline flights in various places give you a form to fill out on why you're travelling to Alaska, are you on business, whatever. What about giving people a form, are you carrying booze?

Greenberg: Why not?

Senator
Fischer: If they're that honest, and then they sign the form.

Greenberg: And that might work. That might work. That might be a way to get around it for ? ? (unintelligible).

Senator
Fischer: If they say yes then you have cause to search their baggage.

Rep.
Binkley: I guess the VPSO could ask them the same thing too when they came in, do you have any alcohol with you? Do you mind if we search your bags?

Greenberg: Yes, they could of course.

Rep.
Binkley: If they are that honest to admit it.

Otto: I just wonder what you think is the, I'm not arguing with you that it's a problem in enforcing any

kind of controlled substances law, and I think that you could get multiple DEA agents from Florida to come in and say the same thing when you're talking about cocaine. If we could search everybody's bags we could get a handle on this billion dollar cocaine business in South Florida, but of course you can't do that, you can't control it.

Greenberg: You know we do have, in airports we have X-ray machines that do manage to pick up some things. And I'm wondering, that's something that our luggage does have to go through. Maybe that would be a way to do it, prior to the fact, before they even get out there.

Otto: But you see, that is done by the airlines, that is private action, it's not State action. The airlines right now, if Ryan Air, or Alaska Airlines, or Bering Air said "we are going to search everybody's baggage that gets on our planes because it's illegal for us to import liquor and we want to make sure that we're not doing it, and it's illegal under FAA regulations to carry this or that or whatever, we're going to search your luggage", they can do that if they want to do it. The State can't come in and say to them, "You should search everybody's bags for us, and let us know what's going on" because that's State action. And once the State becomes involved you have to follow the Constitution. But private individuals aren't acting on behalf of the government and aren't subject to the same laws as the government. So if airlines wanted to voluntarily do that they can. I think what A.J. or maybe John Vacek was saying that one airlines is good, it searches anybody when they have a question, one's the importation airline, and one doesn't let people...

Greenberg: Well, maybe that is the way to go about it.

Charleton: How could you find it amongst the potatoes though? These small bush airlines I don't think would have the time, the logistics of it would be near impossible.

Otto: Right, and I know in Dillingham somebody testified that, somebody from the market or somebody at the market, they watched somebody buy a twenty-five pound of rice, dump it out, cram some bottles in, put the rice back in, and close it back up. How's the airlines ever going to catch that?

Rep.

Binkley: Or dumping out Seven-Up bottles and putting booze in

it for disguise.

Senator
Fischer:

Now you can buy booze in plastic bottles.

Otto:

They said they caught one person because they poured whiskey into a Seven-Up bottle, but now they've gotten smarter and they use Coke bottles instead.

Senator
Fischer:

Ellen, do you feel that most of the people on your committee would go for a local ordinance on possession?

Greenberg:

Yes, I think so. And more than that, I think that your suggestion of the airlines, Jack. I'm just wondering, maybe that might be something that we could really work on. Because it might be, our airlines here are relatively responsive for the most part. Maybe we could do something on that line with them, and maybe that would be the way to go about it.

Rep.
Binkley:

Laurie, what if an individual, say somebody calls and they say "We think so and so's bringing in some booze," and it's not enough evidence for the VPSO to get a search warrant. Could the VPSO call Ryan Air and say, "Do you guys think you could search this guy who's coming in on your own?"

Otto:

No, because that's State action. It's triggered by the State. When you have a VPSO, you have a State agent asking somebody to do something they become an agent for the State. It has to be them on their own. And it has to be legitimate on their own, it can't be a sham. Because the police report then reads, "I heard they were going to have booze, I called the Ryan Air agent, I asked them to do it, they did it".

Charleton:

I think it's almost impossible to stop the bottles going in. It did stop the flagrant case lots going in, but just the logistics of it are so impossible, I just don't think you can do it. I think that the possession thing probably looks to me as the most reasonable logical or workable thing that we could have.

Greenberg:

Maybe a combination of the possession and then allowing greater flexibility in how they decide to deal with it on an individual village basis. Either go with the VPSO program, have enough money to go with the chief, and then maybe strengthen the State Trooper program. I know you're dealing with

declining revenues and budget cuts right down the line. I think Jack is right that it's always going to be there. I think that's just a given. I think we also have to recognize that in a lot of cases, I don't know, we're dealing with suicides of young people, deaths from alcohol. I don't have the figures either of the violence.

Otto: Does anybody here?

Greenberg: I'm wondering. I do have to sit down and get this for the plan anyway, maybe I should just sit down with the Troopers and we can really put together a profile of exactly what we've got.

Rep.

Binkley: That would sure help us.

Greenberg: I think it would help all of us, because it would then give us a good handle on it.

Otto: Could you describe what the group that you work for?

Greenberg: The Bering Straits Regional Strategy? Are you familiar at all with the NANA Regional Strategy?

Otto: I have some familiarity with it, but it would be helpful if we could have sort of a description of the program.

Greenberg: Basically what you're talking about in the unorganized borough are regional areas that lack any government to assure that the services or facilities coming into that area meet the needs of the people. To a certain extent the NANA region, well let's forget that one for the moment. Ours seems to be going in a couple directions. One is that we're trying to, it almost acts like what you might call a quasi-, precursor, whatever, some of the aspects of a borough, but without a borough. No taxation, no joining of the land and the education, but doing the planning, promotion of economic development, coordinating local State and Federal agencies to insure that the projects that do come in are those that meet the needs of the people.

Otto: And what do you do?

Greenberg: I'm putting it together.

Otto: What will the end product be?

Greenberg: Who knows, in NANA they are now going to try for a borough. Who knows what the end result is going to

be. The immediate end result is going to be a plan, both from the individual villages, we're working on comprehensive plans in the villages now, and also a regional plan, so that there will be some order in terms of what people feel the needs are and how they're going to meet them over time.

Otto: How many villages are included?

Greenberg: Fifteen, well there are fifteen second class cities, but then Nome is part of it also. We deal with everybody. We have been including basically everybody in the region in the strategy, so as a result we deal with Nome, all of the fifteen second-class cities, the other four communities which are IRA or traditional councils, and then we also deal with the village corporations, the other IRA area and traditional councils, and then the regional organizations.

Otto: So how many communities?

Greenberg: There's sixteen altogether counting Nome.

Charleton: The city manager sits on your committee.

Greenberg: Yes, the city manager of Nome sits on it, and then Robbie are the two Nome representatives.

Otto: And have you held the hearings that you've described in each of these communities?

Greenberg: We don't have hearings, per se. We've been going to six this fall. They're about four-day meetings so we can only go, between being weathered out and being sick and everything else, this fall we've gone to just six.

Otto: In the communities that we've gone to, and I suspect therefore have some sense or better sense where people are at in terms of their desires and hopes for the communities, what's your feeling about whether they would adopt an ordinance banning possession given the chance to do so.

Greenberg: Again, I would go so far as to say that they would. Interestingly, in three of them, and the other three they're working on it now, two of them they're taking it now. But in three of them we did have, we did send out questionnaires. I only put the question about the local option law on one of them unfortunately. It's one of those things that each village has been changing the questionnaire somewhat, but I thought that you might be interested that the question of the

local option law was a specific question on one of the surveys and I'll have it on the others in the future, but comments regarding improvements or additions to the law I thought were kind of interesting. One was renew the local option law, no importation to the village, follow local option law stated on the ordinance, which I'm not sure exactly what they meant by that, because I don't think they have a local ordinance on it, except the option law itself. Enforce importation of alcohol, search luggage, and that crops up in all of them. And goes right back to the constitutional problem. Search the groceries when the shopping is done, and it needs to be enforced by the airline. So I'm hearing a combination of all this may be the way to get at it. It's not just going to be the single State action, but that we have to deal with it as a region, and then it has to be dealt with in the individual village. But I thought that it was real interesting to note that in the same survey, when asked if they would be willing to help pay for improvements through taxes and service charges, sixteen people in this one village said yes, one said no and seven gave no opinion. To me that's a real high percentage. And again I can't carry this over to the other villages, but I would go so far as to say you're going to find a lot of people in support of the ability to pass a local ordinance banning possession, giving them other capabilities also. Again, either increasing the support of the VPSO program or allowing other possibilities I think might be very good.

Otto: Do you think that a fine is sufficient penalty for?

Greenberg: I think that he was probably right. Fines probably would not work very well here.

Otto: The question was that since importation is going to stay the same, it's going to be punishable by a jail sentence, for possession alone, do you think confiscation of the booze and a fine is adequate, or do you think they should go to jail for that too?

Greenberg: The other thing that many of them said is that they would like a jail cell in the village. Many of them don't even have that. Most of them do have something? Some of them don't. This one apparently came out of Brevig.

Otto: Let me tell you my concern. Possession of alcohol, I suspect, could have real serious law enforcement implications if you make that punishable by a jail sentence, because if it's punishable by a jail sentence, you have the district attorney involved,

you have a public defender involved, you have the court system involved, the right to a jury trial. You also are giving people, and somebody pointed out at one of the hearings that it's primarily men who are likely to be charged with this, you're giving people jail records, which means they can't join the National Guard, which means that, there's a whole range of implications. And because those are so serious it seems like it might be more desirable to make possession, since importation's already punishable by a jail sentence, it might be more desirable to make possession alone punishable only by a fine and confiscation of the liquor.

Greenberg: Confiscation obviously. I have to really think about that one.

Otto: What all of this conversation's been about when you've been talking is, we've been trying to go to Gambell.

Greenberg: I was pretty sure that was probably what you were doing was taking care of your travel arrangements. Having been in many meetings myself when I had to do the same I quite understand.

Rep.
Hurley: Could you leave us your ??

Greenberg: I certainly will do that.

Rep.
Hurley: Thank you very much Ellen.

Greenberg: I really appreciate it. Thank you.

Rep.
Binkley: They said they're ready to go when we are. Dick?

Dick
Lovell: My name is Dick Lovell and I'm the clinical supervisor of the treatment program here in town. I've been here just since May and I moved here from Bethel where I had the same position for about four years. Christie asked me, I was doing a little presentation for the hospital staff before I came over here, Christie called me and asked if I would come over and maybe answer some specific questions you had concerning your testimony. I'm not sure exactly. And one of the things that I remember her saying is that you were concerned about what were the causes of some of the drinking and things like this.

Rep.

Hurley: I think any of the things that have to do with the information we could gather that gives us some sense of statistics and what happens to the population and to the community when alcohol is present.

Dick
Lovell: From my point of view as a clinician, one of the things that I have to deal with constantly is a differentiation between drinking to excess and alcoholism, which I believe to be a real disease. And I think not to differentiate that, you miss a lot of the problems. And I think a great number of the incidences that we deal with from a treatment standpoint and from a standpoint of the importation, that whole system, is that these people are physically, biogenetically sick, and they can not drink any other way, once they start drinking this way it's inevitable that they will run a certain course. It's not like somebody who decides "I'm going to go out on New Year's Eve and have a few and have a good time" and can choose to drink one more or not drink one more. The biochemical reaction is such that there is no stopping, there's no control once the drinking begins. So that I think these people to some extent, even though part of the disease concept is that I deny that I have a problem. It's pretty much like a man who refuses to go to the doctor because he's afraid he has cancer and he doesn't want to know for sure. The people will deny that they have a problem. At the same time when I was in Bethel it was pretty clear that the people were in support of no drinking. The people in treatment "We don't want booze here, it's a problem for me and I can't handle it." On some sort of a subconscious level they would be able to recognize that. Now that doesn't mean that when it's there they're not going to use it. But they do recognize, at least, these are people that we are constantly interacting with on a treatment level, are saying "We don't want it." Now another thing that I think is terribly important is that this problem on all levels is nothing more in my opinion than a manifestation of the atmosphere of the community that it exists in where it is tolerated. To give you an example of what I mean, the Jewish community in general does not tolerate drunkenness in any way, shape or form. Consequently they have a terribly low rate of alcoholism. Those religions who have some ambivalent response to alcohol, have a moderate, Catholics, Lutherans, Presbyterians, have a moderate rate of alcoholism. Those religions who have an adamant stand, it is an evil substance, have an alcoholism rate that's sky high. Where it's seen to be totally anathema, it is a terrible problem, so much so that you have the attitudes that the people

who become practicing alcoholics in study after study turn out to be, fifty percent come from homes that are alcoholic. My father and my mother is an alcoholic and the chances are that fifty percent are going to be that way at best. Maybe a lot more than that. And these are people who, if you could look at individuals, would say "Here's my father, he's beat me, he's treated me unfairly, he's terribly poor parent, I'm never going to be like that." That would be the traditional kind of response that a person would make as child, and he will almost inevitably grow up and have the same problem. Whether that's biogenetic or behaviorally learned the scholars are debating that at long breath, but it seems undeniable that as long as the problem is there it's going to generate itself. And if it's there in the community and denial is a problem and tolerated, I don't see how, whether you're talking about the VPSO, which is a program that I would strongly endorse, heads back to prohibition. And we found out one time it doesn't work. We can't deal with a problem like this, if it's a medical problem, by putting people in jail. That's not going to solve the problem.

Rep.
Binkley: How about restricting access to alcohol. Does that help?

Lovell: I think it helps tremendously. As I was saying, I don't know if you were here, but when I was in Bethel, the local option law was in the process of being debated, and people in treatment were inevitably saying, "Of course we don't want it here. I can't handle it. It's a problem for me and I don't want it." They recognize that at some level. That's not to say again that they wouldn't go to Savoonga or any other place to get it, but I think it would reduce it. Laurie's comments about the implications of the search and seizure and putting people in jail and all the people it affects, well the other way around would be just as ameliorating, and that is that if it's not available, there's going to be a few people that will travel a hundred miles or whatever and get in trouble, but it's going to reduce the numbers. And that's got to have an economic effect on the courts and on the police system and all the way down the line.

Rep.
Hurley: I just want you to tell me again what you said about religion.

Lovell: These are just some statistics that I got out of AA material that religions who have an attitude that,

I'll call it a beneficial attitude, that alcohol is a gift from the gods, it gladdens the hearts of men, and that's the way the Jewish people see it. It's something that they reverence, they use it in their religious ceremonies, they use it in their home, it's part of family life, the children grow up using it, but it is absolutely condemned in terms of excess and abuse. It's not tolerated by everybody. Now that's not to say that there are not exceptions, but by and large drunkenness is not a problem because it's not allowed, it's not tolerated. You look around Nome or you can look around Bethel and the very people that are making policy or whatever certainly do not want their rights to have a bottle in the house, if they want to have a drink on New Year's Eve, they want it protected. I'm not saying that they should or they shouldn't, I'm just saying that that attitude contributes to the general attitude of the town which says drunkenness is okay under certain circumstances. Now who's to say which circumstances? It gets to be a problem.

Rep.

Hurley:

So what you're saying then is that if a religion espouses that drinking alcohol is a mortal sin, that those people are more likely to drink.

Lovell:

They statistically have a much higher rate of alcoholism than those who incorporate it into family life, yes ma'am.

Rep.

Binkley:

I'd like to see those statistics. I'm sure there's alcoholic Mormons, but.

Lovell:

The Mormons are one of those that have the high rate of alcoholism.

Rep.

Binkley:

That's a shocker to me. I'd like to see that study.

Otto:

To me in a way it makes sense. It's the influence that, if the religion says drinking is okay but we don't tolerate the behavior, then people are less likely to abuse it, as opposed to people who say the alcohol is evil and don't address the behavioral aspects of it. And to me that would be an easy explanation because you're placing the blame on the substance, the alcohol made me do it, alcohol's evil, as opposed to placing the emphasis on the behavior, and saying this behavior is intolerable, drink all you want, but if you engage in this behavior, that's going to be not sanctioned.

- Lovell: To a certain extent that's true. I think the other thing that I have said that has to be measured and balanced is that there is growing evidence that alcoholism as a disease is biochemically caused, biogenetically caused. So you can't put all the blame or all the credit on behavior, although behavior is what we prosecute, put people in jail for, and anything else. The chemical composition of the individual more and more seems to be what people are looking at as a way of determining whether a person is sick or not. Like diabetes. You're born with certain predisposing factors, and a certain diet, certain stress factors contribute to outbreak, and after that there's not anything you can do about it.
- Otco: Unless you consistently engage in behaviors that leads to the outbreak and don't take your medicine and as a result...
- Lovell: That's what I'm saying. Your disease is inevitable, it's there. Now your choice is either to control it or you don't control it.
- Rep.
Hurley: I think a lot of what you're saying supports testimony of Father Poole who said education, we've got to start way down in the third grade.
- Lovell: And I would heartily encourage that. There's a program that has been developed in the State, the "Here's Looking at You" program is available, I've studied it in Anchorage and went through the process. It's a terribly good program. I have been involved in schools where the teachers say we can't let you have any of our kids to use in your treatment program because we have them and they're in high use, and then I would talk to the children and they never have it, they don't use it at all. And we talk to the administrators of the schools "We don't have a problem here." And that's part of that community attitude that I'm talking about that people who are in positions of authority say that it's not a problem. It's a community denial, if you will, that this is a real serious problem. On the other hand there is a realistic dilemma that I have no answer for but, yes I believe the children are where you have to start. But at the same time those children are growing up in homes, and if the parents are terribly dysfunctional, what do you do about that statistic that says that fifty percent of the people who become alcoholic's parents are recovered alcoholics. Not recovering but are recovered alcoholics. And so there's a certain amount of

behavioral learning that does take place regardless of what happens in the school. That parental influence is obviously terribly terribly important. And maybe you have to hit it at both ends at the same time. If you try to do one it will squish out on the other side and you'll really be fighting a losing battle.

Rep.

Binkley: Dick, could you get me a copy of that study, the one on religion?

Lovell: I can refer you to where it might be possible. I've heard it referred to by a priest out of Baltimore. I've never seen it. His name is Joseph Martin.

Otto: Can I call you up and get more information?

Lovell: Sure. He's a priest out of Baltimore, Maryland, who has been studying, who himself is recovering and who himself has been working with alcoholism for many years. Most of the statistics that I think he talks about come from his own treatment program. He has a program in Baltimore that treats people and I would imagine that these statistics come from there.

Rep.

Binkley: These aren't national statistics.

Lovell: He's a national figure and he has travelled all over so maybe he has pulled together national information, but I don't know that. I've never seen the thing in paper.

Otto: Can I ask you a quick question please. Dick I know you had broad community concerns when you were in Bethel, and particularly as it related to alcohol problems, and I know you've spent a lot of time thinking about it, you've also had the opportunity to sit on juries, and a particular homicide case I recall that did involve somebody who got shot, probably because they were drunk and in the wrong place. What do you think is the current state of the legal system? Are the laws dealing appropriately with people who have been drinking? Should they be changed in any way? Do you see an area that you think the law could be different and create a better response to the problems of the areas.

Lovell: Let me preface my remarks by saying first of all that I'm not an expert in the law, and I have some experience with it, but my opinion is basically, I spend most of my time dealing with the clinical aspects of chemical dependency, and therapeutic

interactions, and law is not something that I have a great deal of expertise about. As a matter of fact I kind of say keep the law over there. But Chris Cooke was a good friend of mine and we talked together regularly, and I talked to him about cases. And when on the first hand you say, if I believe that these people are sick, you don't put somebody in jail because he's got tuberculosis. On the other when a person has tuberculosis and he's robbed from a store you put him in jail, regardless of why he stole that breaking the law needs to be punished. Your concern about if you arrest everybody who has, then you've got to have the courts backed up even more than you are, you're going to have jails overflowing and we already have a problem with that, I think people, and I see people in treatment, terribly afraid. They may not ever admit that they have an alcohol problem, and to say that I have a disease and that I'm never going to be able to drink again is something that's pretty frightening for many people. And most of them try to find some other way. Well maybe I can only drink twice a year or maybe I can just drink a little bit but the thought of them going back to jail is a powerful motivating tool. I don't think that, personally, I think they get excused for what they do because they're drunk and I've heard of people who can murder and get out in three to four years. Aggravated assault and rape and these sort of things and I'm not going to quote individual cases because I don't remember, but just since I've been here it seems like the punishment is terribly mild for the crime. From a treatment standpoint I strongly believe that the only thing that's going to help the alcoholic is being responsible for his own behavior. If we pick up the pieces and make it easy for him all we're doing is buying him another drink. That may mean that we have to tell somebody you're going to be in jail for a long time. And that may overload the system, and I'm recognizing that that's a problem, but I really think that sometimes we make it easy for people to go right back to the same kind of behavior. And face it, if I am sick, and I don't admit that I have a problem, I'm going to do it again and I'm going to do some other reprehensible things because once I get drinking I have no control over what I do.

Otto: So I guess the analysis is you can't make somebody take responsibility for themselves, but sometimes you see taking the consequences makes them face up to the need to take responsibility.

Lovell: At least maybe it tells them, I've seen this, that I don't want to go back to jail again, and if this is what's going to happen, maybe I better stay away from

it. Maybe I'd never admit that I've got a problem. Maybe I'd still say well I can still drink but I don't want to go back to jail, I'll do anything to stay out of jail.

Rep.

Hurley: But there aren't enough support systems for those people.

Lovell: Yes, and that's another problem that I really don't have a solution to.

Senator

Fischer: Just a completely separate question. Is alcohol a problem with women? We seem to be talking about men.

Lovell: Well, I have a bad habit, and that is that I'm male and I talk he, he, he, maybe because I'm a male and maybe because I'm a chauvinist. I don't know, I like to think that I'm not. My wife doesn't seem to think so so I have some support in that area. One of the things that I strongly say, when I think about it, is that as soon as I start talking about alcoholism, I admit that I use he a lot, but I want you to know that I am aware that alcoholism does not just hit males. As a matter of fact the statistics right now are pretty much like cigarettes, you see there's more and more females going into treatment. Whether that is because they are now more free or feel freer to admit that they have a problem or not, I'm not sure. Whether there's just more of them because they're freer to go drink, I don't know, but it's really not true. When we say males, the males may be the ones that get in trouble, but the females have the problem just as much as males. They don't get the help that the males get. In rural Alaska, and this is a very personal opinion, I believe that there's still a very male dominating, particularly in the native culture, but not limited to that. The people who come out here are pretty strongly male dominated. And I see a lot of women who drink abusively because their husband does. And I firmly believe that if they were married to someone who didn't drink that way, they would not drink that way. Now I also see that you damn well better do what I tell you to do so you stay home. You may be drunk all the time but you're not out getting in trouble. You may be involved in sexual infidelities, but that's not against the law in a criminal way I guess. Well maybe it could be but it doesn't seem to be prosecuted as such. Anyway, they don't do criminal kinds of things like the males do, so males get pushed into treatment far more frequently than females do by the court. And I think from that standpoint you're right in saying

it's male oriented, but it shouldn't be.

Rep.

Binkley:

Thank you very much. I think we're going to have to close down and get going. We have some other commitments. The public hearing is now closed.