

Alcoholism requires village solutions

ENKINS

Alaska villages will have to find practical solutions to their alcohol problems using Alaska law and their own good judgment, a group of alcohol counselors was told at a seminar on the courts and corrections system last week.

The counselors, from throughout the state, were attending a seminar sponsored by the Rural Alaska Community Action Program (RurALCAP) to air problems and receive information on the workings of the legal system in the State of Alaska as it pertains to alcohol abuse.

They were told that in many villages the Alaska statutes won't work because the villages are too small to have an adequate police force, have no jail facilities, and no follow-up systems to the court process to make the system work.

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Legal system can help village alcohol problem

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District Court Judge Robin Taylor of Wrangell told the group that "those three books (Part of Alaska Statutes including laws of criminal justice) may work great in Anchorage and Fairbanks and Juneau but they won't always work in the small villages."

The failure to be workable in the rural areas of Alaska is due to many factors according to many of the seminar participants.

Those factors include inadequate police enforcement, unwillingness to prosecute, a court system which can sentence someone to jail which has no rehabilitation programs, and a system of parole which has virtually no supervision in rural areas.

The problem with enforcement and the occasional unwillingness to enforce the alcohol laws was one which was discussed throughout the three-day conference.

The problem was brought home by a woman from South-east Alaska who told of standing in a crowd of people in front of the Village Public Safety Officer (VPSO) whom she had known for years. She stood up and said, "I don't know what I should do."

The VPSO, at the time,

condition, saw the accident and did nothing to stop the driver to charge him or even get him off the street, said the woman.

The accident victim had a severely broken leg and has been in a cast for more than six months. She and her family were unwilling to prosecute in a criminal court, but now are considering a civil suit. But the driver hasn't lost driving privileges.

The woman was told that she could have called the VPSO's superior, a state trooper or even a local judge himself for some form of action.

Jess Doris, a civilian training officer who trains the VPSOs for the state troopers, said that the VPSO had a responsibility to report the accident to the state troopers and could have taken the driver into custody for 12 hours.

The VPSO also had the option of charging the driver with reckless driving or even drunk driving. However, proving drunk driving is difficult in Alaska without the results of a blood alcohol test or a breathalyzer test, both of which measure the amount of alcohol in a person's blood stream.

A blood alcohol level of .10 is considered legally drunk in the state. That amounts to more than one ounce drunk



Rural alcoholism counselors discuss the alcohol problem and criminal justice system at a recent seminar on the problem.

per hour.

Most villages don't have the equipment to measure alcohol in a blood stream, however, said Doris, and so the VPSO must be able to convince a jury that he is drunk by using "field sobriety information" such as the smell of alcohol, his manner in walking and other visual information.

Other counselors at the seminar talked of the problems that some VPSOs face if they are the only officer in the village. Many said that the VPSOs tend to ignore an alcohol offense all together or have problems in facing the law because so many people are related to one another in the villages and "everybody has

problems if he has to arrest his brother or mother."

Others said that they knew of VPSOs who were part of the drinking themselves.

Unalakleet Police Chief Cliff Alexander said that he was able to solve that problem because he has the good for-

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Villages lack funds to control alcoholism

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tune to have a large (four-man) police force.

If he receives a call about a drinker who is related to one of his men he automatically sends another officer so no conflicts arise.

Doris mentioned another problem that was not brought up specifically by the counselors but was mentioned by Taylor — that of the lack of holding cells.

"When a VPSO is called out he handles it to the best of his ability but if a drunk gets bull-headed and abusive the officer can place him on a 12-hour hold. In most villages there is no holding cell so the VPSO ends up taking (the drinker) to his own home and has to listen to the shouting abuse all night.

"If the village does have a holding cell, the VPSO has to get state trooper permission to hire a guard to watch over the drunk because we can't just leave him there alone. We took responsibility for him."

Doris said the troopers encourage village councils to take care of the matters themselves instead of relying on the outside court system to work. "But it's been my experience that most of the villages want us to take the person somewhere and keep him for a while, then do nothing."

Village magistrates have great power in dealing with people with alcohol problems, said Taylor. They can order a person charged with a minor crime to do community service or serve some time in a village jail.

Taylor said that he tends to favor community service in dealing with alcohol problems. The state prison system is too overtaxed to provide rehabilitation for alcoholics so a person often comes out of prison with no rehabilitation and sometimes a worse problem than when he or she went in.

Community service offers the offender a chance to give the community service to pay back the community for the offense and gives the offender self-esteem, said Taylor.

He said that such service in Wrangell has included ordering the offender to chop 12 cords of wood for village Elders.

"Then you solve the problem of checking up on them all the time by just calling the Elders to see if they got their wood. If not, you call the guy up and ask him what's going on. If there is another problem you can yank him back in to court."

People have been sentenced to pick up broken glass in the villages, to do repair work and other services, he said, all of which gives the offender

"a feeling of pride at the end of the day. He can look out and see what he's done."

Questions about what to do with a person who violates parole, probation or pre-trial release requirements were also answered by telling the counselor to call the troopers, the parole office in the city which the officer works or the judge who issued the release requirements.

Counselors had raised questions about the sincerity and ability of people watching over offenders who were on such release programs.

In the case of pre-trial release, a person who is charged with a property crime — stealing or damaging property — can be released before a trial under guidelines for his or her behavior, such as staying away from alcohol or drinking within reasonable limits.

If that person violates those limits he can be called back into court and the charges which were first filed against him can be resumed.

Under probation, a person convicted of crime can be sentenced to return to his village, again if he lives within guidelines established by the court. If those guidelines are violated the person can be called before the judge and sentenced to jail time if the judge sees fit.

Some of the counselors criticized that probation system and one aspect of it — written reports from the probationer to his probation officer — as inefficient and ineffective.

A man who was filing written reports in Northwest Alaska recently got so drunk he was killed in a fight. He was one of three brothers who died alcohol-related deaths in the last few years.

The counselors were advised to make contact with probation officers themselves if the probationers were violating their alcohol probation.

But with a badly understaffed parole and probation office, that may be fruitless, said one participant.

A judge has the power to tell a parolee or probationer that he will go to jail if he doesn't have regular counseling sessions with an alcohol counselor, said Taylor.

One woman from Southeast Alaska said that she got a whole list of alcohol clients from one new judge that way and she has the authority to make sure they attend their sessions or go back to the judge. "I thank God for that judge," she said.

The sticky problem of bootlegging alcohol into villages that have voted to ban importation of alcohol was brought up with few answers within

the law.

Searches without probable legal cause are not legal but one village participant said that a village officer does have the option of searching for liquor, then getting "clumsy" and dropping the alcohol. The alcohol is gone even if no criminal prosecution can be conducted, and the problem is solved — at least for that trip.

In the end, Taylor advised the counselors to get their village councils behind them in their efforts. They often are in very lonely jobs, said RurAL CAP seminar coordinator Peg Engwall because of what they are trying to do — stop people from drinking — but their jobs will be easier if they have village leaders squarely behind them.

Taylor told the group to use the advice of their village Elders as well as councils.

COUNSELING HELP

Help for sexually abused children and their families is available. Call 276-6440 for information about group counseling or one-on-one peer counseling sponsored by Parents United. Separate groups are available for Fathers, Mothers, Newcomers, Teens, Pre-Teens, Couples, and "Survivors" (adults molested as children).