

**IMPAIRED DRIVING TECHNICAL ASSESSMENT**

*of the*

***STATE OF ALASKA***



**October 20-24, 2008**

**National Highway Traffic Safety Administration  
Technical Assistance Team**

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## ACKNOWLEDGEMENTS

The Technical Assistance Team acknowledges Ms. Cindy L. Cashen, State of Alaska's Governor's Highway Safety Representative and Highway Safety Office Administrator, for her leadership and vision to address impaired driving in the State of Alaska by commissioning this Assessment. The Team thanks Ms. Cashen, staff, and the help of Sherry Nissen of Visions Meeting and Event Management for their support and able assistance in making this review possible. They were responsible for the assessment logistics, coordinating and compiling briefing materials, identifying presenters, scheduling appearances, and providing any additional information to assist in the report writing process.

Ms. Ruth Esteban-Muir, National Highway Traffic Safety Administration (NHTSA) Impaired Driving Division, facilitated and coordinated the assessment process. Ms. Shirley Wise, NHTSA Region 10, provided additional guidance and regional perspective. The team commends Janice Simmons, Administrative Consultant to the team, for support in the production of the final draft report.

The team also thanks each of the participants in the review for the time and energy invested in preparing and delivering their presentations. Their candor and thoroughness in discussing their activities to address impaired driving in the State of Alaska greatly assisted the team in conducting a complete review.

The team believes this report will contribute to the State's efforts to enhance the effectiveness of its impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Alaska's roadways. The team also commends all who are involved in the day-to-day functions of reducing impaired driving in Alaska.

**NOTE:** *The information included in this document has been collected from a variety of sources including interviews, official documents, websites, and other materials. Sources may not be consistent. Some copyrighted information has been used under the "fair use" doctrine of the U.S. copyright statute.*

## INTRODUCTION

Motor vehicle crashes are the leading cause of unintentional death in the United States. According to the 2007 Annual Assessment of Motor Vehicle Traffic Crash Fatalities and People Injured, 41,059 people were killed and 2.49 million people were injured in motor vehicle traffic crashes. This is a 3.9-percent decline in people killed from 42,708 and 2.58 million people injured in motor vehicle traffic crashes in 2006. Alcohol-impaired driving fatalities (fatalities in crashes involving a driver or motorcycle rider with a blood alcohol concentration [BAC] of .08 grams per deciliter [g/dL] or greater) declined by 3.7 percent in 2007. Despite the reduction, 12,998 people were killed in alcohol-impaired-driving crashes. These alcohol-impaired-driving fatalities accounted for 32 percent of the total motor vehicle traffic fatalities in the United States.

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce alcohol-related traffic crashes and subsequent fatalities and injuries, NHTSA continues its program of providing Technical Assistance Teams to the States upon request. These Technical Assistance Teams examine a State's specific highway safety program based on the "Uniform Guidelines for State Highway Safety Programs," which are required by Congress and periodically updated through a public rulemaking process. Each highway safety program area is assessed using criteria based on uniform guidelines, augmented by current best practices. Program assessments are provided for emergency medical services, occupant protection, impaired driving, traffic records, motorcycle safety, and police traffic services. The purpose of the assessment is to allow state management to review all components of a given highway safety or EMS program, note the program's strengths and accomplishments, and note where improvements can be made.

The Alaska Department of Transportation and Public Facilities (DOT&PF), Highway Safety Office (AHSO), requested NHTSA's assistance in assessing the State of Alaska's alcohol and drug impaired driving countermeasures program. NHTSA agreed to facilitate this assessment and met with the AHSO to define key issues of concern to the State.

NHTSA acts as a facilitator by assembling a team composed of individuals who have demonstrated competence in impaired driving program development and evaluation. Examples of program expertise among team members include criminal justice, tribal law and governance, enforcement, engineering, evaluation, prevention, program management, traffic records, and substance abuse prevention/treatment/rehabilitation.

The Alaska Impaired Driving Program Assessment was conducted at the Downtown Anchorage Marriott Hotel, Alaska, from October 19-24, 2008. Under the leadership of the Alaska Governor's Highway Safety Representative and Alaska Highway Safety Office Administrator Ms. Cindy L. Cashen, arrangements were made for program experts (see Agenda) to deliver briefings and provide support materials to the team on information responding to the Uniform Guidelines for State Highway Safety Programs, Highway Safety Program Guideline No. 8: Impaired Driving.

## BACKGROUND

### ***Geography***

Alaska is the Nation's largest State geographically at 571,965 square miles, more than twice as large as the State of Texas. It is the only noncontiguous U.S. State on the Continental North America. It is bordered by Canada on the east, Pacific Ocean on the south, the Bering Sea, Bering Strait, and Chuckchi Sea on the west, and the Beaufort Sea and Arctic Ocean on the north.

According to a 1998 report by the U.S. Bureau of Land Management, approximately 65 percent of Alaska is owned and managed by the U.S. federal government as public lands, including national forests, parks, and wildlife refuges. The State of Alaska owns 24.5 percent and 10 percent is managed by local Native villages and corporations.

### ***Population***

The U.S. Census reports in 2006, Alaska's population was approximately 670,000; fifty-one percent were males and 49 percent females. The median age was 33.5 years. Twenty-seven percent of the population was under 18 years and 7 percent was 65 years and older.

For people reporting one race alone, 75 percent reported being White; 3 percent Black or African American; 14 percent American Indian and Alaskan Native; 5 percent Asian; 1 percent reported to be Native Hawaiian and Other Pacific Islander, and 2 percent some other race. Eight percent reported 2 or more races. Six percent of the people in Alaska are Hispanic. Sixty-six percent of the people in Alaska are White non-Hispanic. People of Hispanic origin may be of any race according to the U.S. Census.

Approximately, 51 percent of Alaska's population resides in or near 3 of its major cities, Anchorage, Fairbanks, and its capital city Juneau. The remaining population lives in smaller cities of a few thousand, villages less than 100, or in areas not connected by a roadway system, often referred as "the bush."

### ***Economy***

The U.S. Department of Commerce Bureau of Economic Analysis calculated Alaska's Gross Domestic Product at \$41 billion in 2006. Oil production is the primary revenue source for the State of Alaska, according to the State of Alaska Department of Revenue, with contributions of more than \$3.4 billion. The remaining majority is from mining (\$79.8 million), tobacco (\$45.4 million), insurance premiums (\$48.1 million), motor fuel (\$39.4 million), alcoholic beverages (\$18.5 million) and fisheries business (\$18 million).

The State of Alaska does not levy a personal income tax. The State of Alaska established the Permanent Fund with proceeds from petroleum revenues. Each year the State issues dividends to Alaskan residents. In 2008, this amounted to more than \$3,000 per person. The median income of households reported in 2006 by the U.S. Census in Alaska was \$59,393.

According to the Alaska State Alcoholic Beverage Control's latest data, there are more than 1,700 active liquor licenses in 2008.

### ***Government/Politics***

Known as “The Last Frontier,” Alaska was admitted as the 49<sup>th</sup> State to the United States of America in 1959. The laws and principles of the State of Alaska are defined by the Alaska Constitution. Alaskans elect a governor and a lieutenant governor to four-year terms. The Alaska State Legislature includes a Senate and House of Representatives. Forty representatives serve in the Alaska House of Representatives. Twenty senators serve in the Alaska Senate. Alaska is administratively divided into 16 "boroughs" referred to as counties in most other States and 149 incorporated cities. According to the 2000 U.S. Census, nearly 60 percent of the lands are in unorganized boroughs under the auspices of the State government because of its low population density. There are more than 246 federally recognized tribal governments and one federal Indian reservation.

### ***Education***

Alaska has 5 four-year accredited educational institutions in Anchorage, Fairbanks, and Juneau. There are 4 two-year community colleges located in Anchorage, Barrow, Seward, and Valdez.

### ***Transportation***

There were 489,024 licensed drivers in the State of Alaska in 2006 according to the Highway Statistics of the Federal Highway Administration. Fifty-three percent of the licensed drivers were male. Alaskans traveled 4,316 million vehicle miles. Alaska has more than 860,000 currently registered vehicles.

Transportation is a major challenge in Alaska and has a great impact on the economy. Alaska has just 12,823 miles of public roads. Texas, the Nation’s second largest land mass State has 301,035 miles of public roads. Alaska’s road system of predominantly five major highways links central population centers in relatively a small area of the state. The principal route of Alaska is the Alaska Highway. Very large areas of the State have no roads connecting them to other places. Seaplanes, all-terrain vehicles (ATVs) and snowmobiles are the primary form of transportation to areas located off the main road system.

### ***Traffic Safety***

Data from the National Center for Statistical Analysis shows there was a total of 11,728 traffic crashes in 2006. Of these crashes, 71 were fatal, 3,345 were injury and 8,309 sustained only property damage. According to the State of Alaska Highway Data Section, Highway Analysis System, these crashes caused injuries, including minor, major, and fatal, to 5,095 people. Of the 71 fatal crashes, 74 persons died. The fatality rate per 100 million vehicle miles traveled (VMT) in Alaska during 2006 was 1.49, higher than the national average of 1.41.

| ALASKA ROADWAY CRASH STATISTICS |                                      |         |        |                      |               |                |                  |                               |                             |
|---------------------------------|--------------------------------------|---------|--------|----------------------|---------------|----------------|------------------|-------------------------------|-----------------------------|
| Year                            | Million Vehicle Miles Traveled (VMT) | Crashes |        |                      |               | Injuries       |                  | Rates                         |                             |
|                                 |                                      | Fatal   | Injury | Property Damage Only | Total Crashes | Persons Killed | Persons Injured* | Alaska Fatality Rate/100m VMT | U.S. Fatality Rate/100m VMT |
| 2006                            | 4,967                                | 71      | 3,345  | 8,309                | 11,728        | 74             | 5,095            | 1.49                          | 1.41                        |
| 2005                            | 5,035                                | 66      | 4,050  | 9,012                | 13,123        | 73             | 6,048            | 1.45                          | 1.45                        |
| 2004                            | 4,990                                | 96      | 4,206  | 10,317               | 14,619        | 101            | 6,293            | 2.02                          | 1.46                        |
| 2003                            | 4,942                                | 87      | 4,403  | 10,297               | 14,788        | 98             | 6,607            | 1.98                          | 1.48                        |
| 2002                            | 4,896                                | 78      | 4,249  | 8,998                | 13,325        | 89             | 6,457            | 1.82                          | 1.51                        |

\*Includes minor, major, and fatal injuries.

Source: Traffic Safety Facts publication of USDOT, NHTSA, and FARS.

The below chart from the National Center for Statistical Analysis, Fatality Analysis Reporting System (FARS) shows there were 74 motor vehicle traffic crash fatalities in 2006. Twenty-seven percent of the fatalities occurred in crashes where drivers had a BAC level of .08+. Drivers are most likely to be males.

| Fatalities in Motor Vehicle Traffic Crashes by Alcohol Involvement 2002 – 2006 |                  |   |            |   |            |   |            |
|--|------------------|---|------------|---|------------|---|------------|
| Crash Year   | Total Fatalities | Total Alcohol-Related Fatalities (BAC=.01+) |            | Fatalities Where the Highest BAC in the Crash Was .08+* |            | Fatalities Where the Highest Driver BAC in the Crash Was .08+** |            |
|  |                  | #   | % of Total | #   | % of Total | #   | % of Total |
| 2006   | 74               | 23  | 31         | 20  | 27         | 20  | 27         |
| 2005   | 73               | 37  | 50         | 33  | 45         | 29  | 39         |
| 2004   | 101              | 31  | 31         | 29  | 29         | 27  | 27         |
| 2003   | 98               | 37  | 38         | 33  | 33         | 29  | 29         |
| 2002   | 89               | 37  | 41         | 35  | 39         | 30  | 33         |

\*Includes BAC Level of All Involved Drivers/Motorcycle Operators, Pedalcyclists and Pedestrians

\*\*Includes BAC Level of All Involved Known Drivers/Motorcycle Operators Only.

\*\*Percents are calculated from total fatalities in crashes in which there was a driver or motorcycle operator coded.

As measured by the NHTSA's National Occupant Protection Use Survey (NOPUS), Alaska's seat belt use rate has remained above the national average since 2005. The reported use rate was 84.9 percent in 2008.

The annual cost of motor vehicle crashes in Alaska is \$475 million.

## SPECIAL EMPHASIS AREAS

### **Alaskan Natives**

Alaska's distinct character is not only demonstrated in its size and stunning terrain, the Alaskan Native population and the over 240 federally recognized tribal governments situated in the State requires special attention and reference.

The Alaskan Native population is approximately 100,000 with village populations ranging from fewer than 100 to several thousands. Aleut, Alutiiq, Athabaskan, Eyak, Haida, Inupiaq, Tlingit, Tsimshian, Yupik, and others are some of the primary tribal affiliations found in the State.

Many villages are located in areas that only can be reached by air, boat, snow-machine, dog sled and all-terrain vehicles (ATVs) and are far off State roads and highways.

Alaskan Natives experience various social ills that cause community difficulties and hardships, which promote alcohol abuse and related health issues, including suicide. Federal and State programs provide assistance to help address these community needs in different ways. With help from federal grants Native Tribal Councils oversee various programs such as social services, health programs, and even tribal courts.

State of Alaska hub cities such as Bethel, Barrow, Nome, Fairbanks, Anchorage, Sitka and others provide many other municipal and social services. Law enforcement is provided by the State. Most Alaskan Native Villages are provided 'police' services by Village Public Safety Officers (VPSOs) who are usually residents and members of the village.

In the summer, Alaskan Natives utilize rivers and waterways like major thoroughfares, and in the winter, these same rivers become ice roads allowing village residents to transverse up and down to other villages and hub cities to visit, for subsistence, and to recreate. Subsistence plays an important role for many Alaskan Natives over vast areas of the entire State of Alaska.

Alaskan Native, state and city officials must contend with intricate jurisdictional complexities found only in Alaska. Citizens and governmental administrations must maneuver institutional mazes in order to further their societal goals, objectives, and aspirations. The tribal/village, corporate – both profit and non-profit, city, borough, and state intricacies require concise and concentrated collaboration of tribal members and community members, city residents, and others who may come to the table representing multiple entities. Many of those involved in an Alaskan village or state project or purpose must learn to strategically take into consideration various interests of all participants who may represent more than one entity.

In Alaskan Native villages, the same individuals may hold multiple key tribal, corporate and even city leadership positions. This shared leadership situation makes it difficult at times to discern clear delineation between tribal, city, corporate – both regional and village – interests. Still, good governance is a goal shared by all.

## Non-Highway Motor Vehicle and In-Transit Injuries

Alaska is the largest state with an area of 571,965 square miles representing 6.45 percent the U.S. land-area. However Alaska has approximately 13,000 miles of public roads, a mere .3% of the nation’s total. The State’s rugged terrain and brutal winter weather conditions require the use of alternative off-road transportation in the form of all-terrain vehicles (ATV), snow machines (snowmobiles) as well as boats of all types and small private aircraft. ATVs and snow machines do not provide the safety devices or structural protection of automobiles and trucks and are used in hazardous conditions including driving on frozen or partially frozen waterways, ice-roads, snow-cover and months in which there is virtually no daylight.

Figure 1 shows that Alaska has less than one quarter of one percent (.226%) of the U.S. population but represented nearly three times that proportion (3.42 to 1) of the nations ATV sales in 2005. Unfortunately, Alaska was even more over-represented (6.82 to 1) in ATV related fatalities.

**Figure 1**  
**ATV Fatality Rate Relative to**  
**Population**

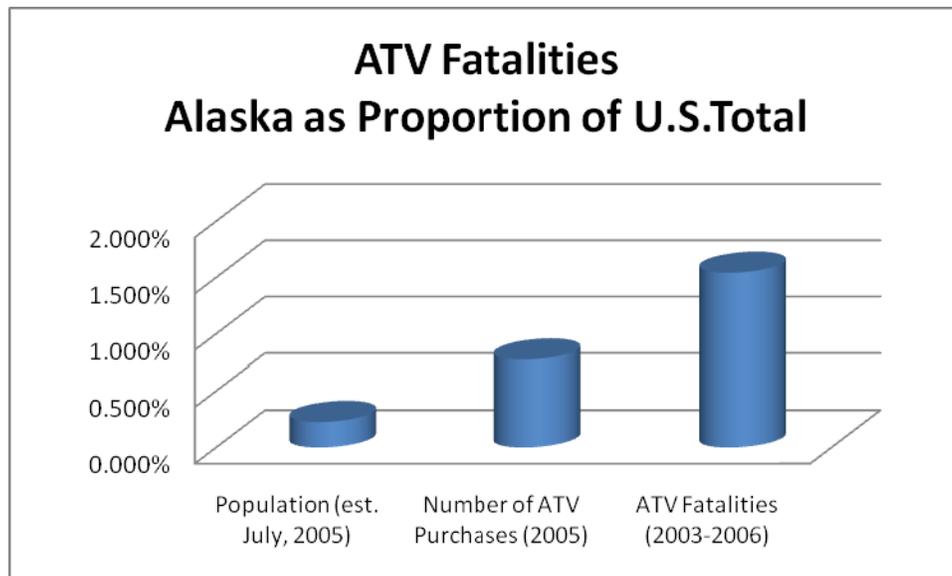
**Alaska vs. U.S.**

**Population (est. July, 2005)**

**Number of ATV Purchases (2005)**

**ATV Fatalities (2003-2006)**

|                                | <b>Alaska</b> | <b>U.S.</b> | <b>Proportion</b> | <b>Over-<br/>Represented</b> |
|--------------------------------|---------------|-------------|-------------------|------------------------------|
| Population (est. July, 2005)   | 669,400       | 295,895,900 | 0.226%            | n/a                          |
| Number of ATV Purchases (2005) | 6,291         | 813,893     | 0.773%            | 3.42                         |
| ATV Fatalities (2003-2006)     | 125           | 8,104       | 1.542%            | 6.82                         |



According to the Alaska Trauma Registry, over the five year period 2001 to 2005, ATV crashes (763) represented the fifth largest cause of hospitalizations for treatment of non-fatal injuries. Snow machine crashes (734) were the sixth leading cause. There were more than half as many ATV and snow machine injuries as there were motor vehicle occupant injuries. ATV and snow

machine injuries were among the ten leading causes of death for virtually every age group between 10 and 64.

A January 2008 report from the Injury Prevention Program and the Alaska Native Epidemiology Center of the Alaska Native Tribal Health Consortium demonstrates the dramatic injury consequences of ATV and snow machine use among Alaskan Natives. Major findings include:

- Between 1990 and 2005, motor vehicle crashes represented 19% of all unintentional injury deaths of Alaskan Natives while off-road vehicles represented 11%.
- Motor vehicle injuries were the fourth leading cause of injury hospitalization among Alaskan Natives. Snow machine crashes were the fifth leading cause of injury hospitalization among Alaskan Natives. ATV crashes were the sixth leading cause of injury hospitalization among Alaskan Natives.
- 45 percent of all motor vehicle-related injury hospitalizations were recorded as alcohol-related.
- 40 percent of all snow machine-related injury hospitalizations were recorded as alcohol-related.
- 30 percent of all ATV-related injury hospitalizations were recorded as alcohol-related.
- One of the costliest types of injuries is traumatic brain injuries (TBI). The most common causes of TBI were falls, motor vehicles, assault, ATVs, and snow-machines

Alaska's widespread use of off-road vehicles and the resulting crashes and injuries have major implications, unique to Alaska, for every component of the impaired driving system. Alaska needs to assure that young people who operate off-road vehicles have education and training that address alcohol and other drug impairment. Impaired driving laws need to adequately address operating off-road vehicles while impaired and enforcement needs to develop techniques to detect impaired operators before they are involved in a crash.

## **PRIORITY RECOMMENDATIONS**

### **II. PROGRAM MANAGEMENT AND STRATEGIC PLANNING**

#### **1-B Strategic Planning**

- Develop and implement a strategic plan for a comprehensive impaired driving program, including reasonable and realistic objectives for the Alcohol Program Area of the *Highway Safety Performance Plan* (HSPP).
- Expand involvement of critical constituencies in the planning and implementation of impaired driving programs to include but not be limited to Alaskan Natives, minority and community groups, secondary and higher education, the judiciary, prevention groups, and large employers including the military.

#### **1-D Resources**

- Appropriate funds to meet the State's service needs, particularly to make use of increased alcohol tax revenues to provide expanded treatment services.

### **II. PREVENTION**

#### **2-A Responsible Alcohol Service**

- Provide adequate resources to enforce alcoholic beverage control regulations.

#### **2-C-1 Schools**

- Implement the recommendations of the Alaska Plan for the Reduction and Prevention of Underage Drinking.

#### **2-C-2 Employers**

- Establish highway safety programs for use in workplaces to address impaired driving.

### **III. CRIMINAL JUSTICE SYSTEM**

#### **3-A Laws**

- Convene interested and geographically diverse groups of people to undertake a systematic and cross disciplinary review while applying up-to-date research to determine how Alaska's statutes on impaired driving might be improved.

#### **3-B Enforcement**

- Institute sobriety checkpoints.

- Implement the recommendations of the Alaska Rural Justice and Law Enforcement Commission.

### **3-D Prosecution**

- Establish strong continuing legal education opportunities for prosecutors.

### **3-E Adjudication**

- Develop and implement pilot programs to build mutual respect and understanding of the tribal and state court systems.
- Develop and implement a judicial education plan for impaired driving related issues.

### **3-F Administrative Sanctions and Driver Licensing Programs**

#### **3-F-1 Administrative License Revocation and Vehicle Sanctions**

- Limit administrative license revocation (ALR) hearing officer power of discovery.
- Develop standard policies and procedures for interlock providers such as reporting installations, completion of required interlock period, failures in testing and machine tampering.

#### **3-F-2 Programs**

- Enact legislation to require immediate suspension of the driver's license for those under the age of 21 found driving with a BAC exceeding the Zero Tolerance limit and require the courts to impose the sentence.

## **IV. COMMUNICATION PROGRAM**

- Develop, fund, and implement a comprehensive, data-based marketing plan in support of impaired driving.
- Include Alaskan Natives and other minority populations in market research planning, the creation of culturally appropriate materials, and program implementation.

## **V. ALCOHOL AND OTHER DRUG MISUSE**

### **5-A Screening and Assessment**

#### **5-A-2 Medical or Health Care Settings**

- Implement Screening and Brief Intervention techniques in emergency rooms and other settings in Alaska.

### **5-B Treatment and Rehabilitation**

- Expand the use of therapeutic courts for treatment of DUI offenders.

## **VI. PRORAM EVALUATION AND DATA**

### **6-A Evaluation**

- Develop processes and methodology to collect crash data for on and off-road crashes involving snow machines and all-terrain vehicles.

### **6-B Data and Records**

- Expand the Traffic Record Coordinating Committee and other committees to include representation from the Alaskan Native community and data users such as MADD, universities, business, employers, military, etc.

## **I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING**

Effective impaired driving programs begin with strong leadership, sound policy development, program management, strategic planning, and an effective communication program. Program efforts should be data driven, focusing on populations and geographic areas that are most at risk, and science based, determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification and carefully managed and monitored for effectiveness. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers.

### **1-A. State, Local and Tribal DWI Task Forces or Commissions**

#### **Advisory**

*States, local subdivisions and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment and coordination among all parties interested in impaired driving issues. Task forces and commissions should:*

- *Enjoy active support and participation from the highest levels of leadership.*
- *Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries.*
- *Recommend goals and objectives, provide policy guidance and identify available resources, based on their wide variety of interests and through leveraging opportunities.*
- *Coordinate programs and activities to ensure that they complement rather than compete with each other.*
- *Operate continuously, based on clear authority and direction, established by law.*

#### **Status**

Comprehensive traffic safety task forces were established to plan and implement the Alaska Strategic Highway Safety Plan (SHSP). To support the planning process for the SHSP, the Alaska Department of Transportation and Public Facilities (DOT&PF) established Leadership and Working Groups. The Leadership Group was asked to provide oversight and permit staff from their agencies to participate in the day-to-day planning activities. Over 22 agencies and organizations, representing state, federal and local government, community and safety advocates, tribal representation, and special interest groups (such as ABATE's Motorcycle Advisory Board and the Alaska Moose Federation) were invited to participate in the Leadership Group.

The Working Group was a multidisciplinary team of senior-level staff with extensive experience and expertise in safety, transportation, and strategic planning. The Working Group was tasked with driving the development of the SHSP and reviewing data, existing plans and programs,

current safety research, and potential safety countermeasures. Members of the Working Group also served as leaders of emphasis area teams and as liaisons between the full stakeholder group and the Leadership Group. These members worked closely together to ensure that a collaborative and comprehensive planning process was followed in Alaska. In addition to representatives from many of the agencies in the Leadership Group, representatives from over 20 additional organizations were invited to participate on the Working Group, including, among others, the Alaska Association of Chiefs of Police, Alaska Motorcycle Dealers Association, Alaska Railroad Corporation, Alaska State Medical Association, Bureau of Indian Affairs, Alaska Department of Education, U.S. Coast Guard, and USDA Forest Service.

Stakeholders were then asked to serve on Emphasis Area Teams to help identify strategies to mitigate the State's key highway safety problems.

One of the recommendations from the FY 2008 *Traffic Records Strategic Plan* was to establish a Governor's Road Safety Advisory Commission which would in part address impaired driving issues. At the time of this assessment, Commissioners of the four primary participating agencies have signed statements of support for this Commission. However, due to the Governor's commitment to the campaign for Vice President of the United States, she has been unavailable to meet regarding this Commission.

Alaska has had a Traffic Records Coordinating Committee (ATRCC) since the early 1990's. This Committee was revived in 2006 with representatives from the Alaska Highway Safety Office (AHSO), the Department of Motor Vehicles (DMV), state and local law enforcement, the state Department of Health, the state Courts and the Federal Highway Administration (FHWA). The ATRCC meets at least monthly. Projects were included in the FY 2008 *Traffic Records Strategic Plan* on the basis of ATRCC scores and votes. There is currently no non-governmental representation, such as business or advocacy groups, or minority group representation on the ATRCC. As part of ATRCC, there is also a Traffic and Criminal Software (TraCS) Committee working on the creation of an electronic crash records system.

One recommendation from the 2007 Traffic Records Assessment was to develop a Statewide Traffic Records Executive Oversight Committee. At the time of this assessment, the State had also just formed such a steering committee for the ATRCC. This committee was established to provide policy level coordination and leadership for traffic records efforts in the State.

In response to the Acting Surgeon General's *Call to Action to Prevent and Reduce Underage Drinking*, Alaska developed an Interagency Coordinating Committee to Prevent Underage Drinking (AKPUD). Agencies participating on the committee include the Department of Health and Social Services, Behavioral Health and Juvenile Justice; Department of Education and Early Development; Department of Transportation, Highway Safety Office; Alaska Court System; Department of Public Safety, Alcoholic Beverage Control Board; and the Alaska Native Justice Center.

There is a small (three-member) State Safety Corridor Review Team. This Team provides the Commissioners of Public Safety and Transportation & Public Facilities with reports and recommendations on designated safety corridors and assists in determining the expenditure of

funds for projects on those designated roadways. This Team is composed of the Governor's Highway Safety Representative and a Transportation Highway Engineer who represent DOT&PF and an Alaska State Trooper representing the Department of Public Safety.

The Governor's Advisory Board on Alcoholism & Drug Abuse (ABADA) is charged with planning and coordinating behavioral health services funded by the State. The mission of ABADA is to advocate for programs and services that promote healthy, independent, productive Alaskans. The Board is composed of 14 members appointed by the Governor who represent beneficiaries, providers, and the public, plus three ex-officio members.

The Alaska Injury Prevention Center (AIPC) is a non-profit corporation which supports and promotes community safety. AIPC initially supported seven safety teams, including one for motor vehicle and pedestrian safety. Injury Prevention Team members came from all areas of Alaska -- some with professional concerns that link them to specific safety issues, while others are concerned citizens. Because of the creation of additional State work groups of various kinds, AIPC has reduced their involvement and support of their safety teams in favor of State work groups.

The activity level of local task forces has varied widely. Community task forces have organized in response to particular needs, events or political interest and then have gone dormant as leadership has changed, members have moved on, and/or the priority of issues has shifted. For example, in 2000 the Mayor of Anchorage created a citizens task force on Driving Under the Influence (DUI). The Task Force consisted of twenty original members, two ex-officio members, two alternates and one replacement member. The Task Force completed a *Final Report* with an extensive set of recommendations and then was subsequently disbanded.

Two Safe Communities projects that total \$180,000 are planned in the FY 2009 Highway Safety Performance Plan (HSPP), but neither of these projects supports a local task force nor an existing Safe Community. (One Safe Communities project proposes to reduce moose collisions by providing healthy wintering habitat. The other project provides case management services and monetary assistance to support driver license reinstatement.) No evidence of strong, currently active community task forces was presented.

In Alaska, the opportunity for law enforcement task forces is extremely limited. Most communities are so isolated that there are only a few areas where law enforcement task forces are viable; these would primarily include Fairbanks and Anchorage and their surrounding communities. While some communication and coordination among neighboring communities does exist, there was little indication of strong, unified and coordinated, multi-community efforts in driving under the influence (DUI) enforcement. An Alaska Strategic Traffic Enforcement Partnership (ASTEP) Summit is held annually to communicate with and help coordinate law enforcement efforts.

Alaskan Native and other minority representation on existing impaired driving task forces is limited or non-existent. Testimony did not provide any evidence of official Alaskan Native government participation in State DUI task forces or commissions. In hub cities such as Barrow and Bethel, tribal officials often serve in municipal and other leadership capacities, and in these

roles may participate in related activities, but no reports to this effect were provided for this assessment. There is currently little interaction between the Alaska Highway Safety Office (AHSO) with native tribal governments in its impaired driving efforts, but the AHSO is committed to remedy this.

Extreme distances in Alaska create a barrier to forming strong task forces and coalitions across the State. Use of various mechanisms and technologies to maintain relationships are, therefore, of particular importance in a State of this size.

## **Recommendations**

- Develop and implement strong Safe Communities projects with active local task forces.
- Establish a Governor's Road Safety Advisory Commission with the prevention of impaired driving as a priority goal.
- Expand the membership of the Alaska Traffic Records Coordinating Committee (ATRCC) to include stakeholder and interest group representation, including representation from business, the military, the medical community, community and minority groups, and Alaskan Natives.
- Continue and support the Interagency Coordinating Committee to Prevent Underage Drinking (AKPUD).
- Ensure diverse representation, including Alaskan Natives, in State and local coalitions and task forces and impaired driving prevention activities.
- Develop and maintain communication mechanisms, such as listservs, workshops, and conferences to help share resources across organizations, coalitions, and task forces.

## **1-B. Strategic Planning**

### **Advisory**

*States should develop and implement an overall plan for short and long term impaired driving activities. The plan should:*

- *Be based on careful problem identification that uses crash, arrest, conviction, driver record and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals.*

### **Status**

The *Alaska Strategic Highway Safety Plan* (September 2007) (SHSP) was developed by the Alaska Department of Transportation & Public Facilities (DOT&PF), Division of Program Development, with the participation of several Federal, state, local, and tribal safety planning partners.

Data analyzed in the development of this Plan included:

- Alaska Dataport – Alaska DOT&PF;
- Fatality Analysis Reporting System (FARS) - National Highway Traffic Safety Administration (NHTSA);
- Alaska Department of Labor and Workforce Development (population data);
- Alaska Court System; and
- Alaska Trauma Registry.

Data analyses included motor vehicle crashes, fatalities, and injuries. For impaired driving, analyses also included system-related data such as:

- Alcohol-Related Fatalities and Major Injuries
- Percent of Impaired Driving Crashes Under and Over 0.08 BAC
- DUI Citations
- 2006 DUI Arrests by Area and Population Density
- Disposition of DUI Charges
- Disposition of Refusal Charges
- DUI and Refusal Charges

The SHSP identified impaired driving as a priority Emphasis Area and chose eight short-term and long-range strategies for reducing crashes involving impaired driving:

AL.1 • The Alaska Highway Safety Office (AHSO) and the Alcohol Safety Action Program (ASAP) will structure and conduct a statewide alcohol assessment in FY 08

AL.2 • Gain support for establishing a Governor's Road Safety Advisory Commission

AL.3 • Continue to develop a DUI tracking system

- AL.4 • Study the issue of expanding the DUI vehicle impoundment to all communities
- AL.5 • Implement, track progress, and evaluate the effectiveness of the new driver licensing act which requires that drivers convicted of DUI carry a marked license during sentencing, probation, and/or parole
- AL.6 • Identify methods for reducing the number of blood test refusals
- AL.7 • Strengthen Alcoholic Beverage Control Board (ABC) enforcement
- AL.8 • Outreach to Health Care Professionals

The Alaska *Highway Safety Performance Plan* (HSPP) is developed on the basis of problem identification. Data used in the problem identification process include:

- Highway Analysis System (HAS) accident database – crash, vehicle, and person data
- HAS traffic database – data on average daily traffic counts and vehicle miles traveled
- Fatality Analysis Reporting System (FARS)
- Alaska Vehicle Information Network – the State’s driver license, vehicle registration, and citation/conviction files
- Alaska Trauma Registry
- Census and demographic data from the Alaska Department of Labor

The HSPP development process incorporates an internal AHSO planning session to guide funding distribution and overall direction, input from partner agencies and stakeholders on program area direction and potential strategies, publication of a request for proposals, and participation of a Grant Advisory Review Team to review selected project proposals. For FY 2009, this review team was composed of members of the Alaska Association of Chiefs of Police who reviewed local law enforcement grants other than their own applications.

The outcome of this process for FY 2009 included:

- An impaired driving performance goal to reduce the ratio of impaired driving related fatalities,
- Three impaired driving objectives for 2010 to reduce the percent of impaired driving related fatalities, reduce the number of impaired driving fatal crashes, and reduce the number of drivers age 16-19 involved in fatal crashes who had been drinking, and
- An Alcohol Program area composed of a variety of projects that include enforcement, adjudication, education, public information and planning and administration.

The establishment of objectives for the Alcohol Program Area of the HSPP faces a number of challenges:

- From 2002 through 2007, there is significant variance in the percent of impaired driving related fatalities, ranging from a high of 50 percent in 2005 to a low of 30 percent in 2007. As a percentage, this objective is highly dependent on the total number of fatalities in the State. Given the State’s small number of annual total fatalities and small number of impaired driving related fatalities, it is easy for this number to fluctuate considerably from one year to the next.
- The number of impaired driving fatal crashes has also fluctuated significantly over this same time period, ranging from a high of 34 to a low of 23.
- The number of drivers age 16 – 19 involved in fatal crashes who had been drinking has

been so consistently low (ranging from zero to two) as to be statistically insignificant.

While these objectives mirror the national HSPP model objectives, they do not provide very meaningful targets for the State.

There also appear to be some important gaps in participation in HSPP and Alcohol Program planning and implementation. Community, minority, and Alaskan Native groups do not seem to be sufficiently represented. The judiciary, colleges and universities and secondary education, and the prevention community also seem lacking in representation. Given the amount of high risk work (oil industry, fishing, and construction), as well as a projected boom in construction in Alaska that draws primarily young male workers, there also seems to be insufficient representation and consideration of business and employer/employee involvement, especially in the development and implementation of a comprehensive program to prevent impaired driving.

One potentially significant issue regarding highway safety planning processes is the minimal extent to which crash, fatality, and injury data for off-system incidents are incorporated in problem identification. Fatalities involving off-highway vehicles, such as snow machines and all-terrain vehicles (ATVs), were included in SHSP consideration; however, the fatalities considered were only from crashes on public roadways. Crashes off public roadways may not be investigated and remain unreported in the State's crash database. However, injury data for these events are available from the Alaska Trauma Registry. Because extensive travel in Alaska is conducted on trails, frozen rivers and other non-roadway routes on off-highway vehicles, gaps in the data from these areas could be significant. Combined with this unknown is a question within the crash database of the true extent of impairment in both public and nonpublic roadway incidents. Limitations in crash reporting and BAC testing of drivers result in a tremendous void in data with which to make better decisions for the State.

The State operates under a Federal Fiscal Year (FY) 2008 *Traffic Records Strategic Plan*. This Plan includes a vision statement, a mission statement, descriptions for FY 2008 proposed projects, descriptions for FY 2007 projects funded with federal Section 408 funds, and descriptions of other traffic records projects. This plan provides a comprehensive and multi-year approach to creating enhancements to the traffic records system for the State.

In November 2007, Alaska's *Plan to Reduce and Prevent Underage Drinking* was in final draft form and posted for public comment. Approximately 25 town meetings were also held during which the Plan was discussed and made available for comment. According to this Plan, the cost of underage drinking to the citizens of Alaska was \$317 million in 2005, inclusive of medical care, work loss, and pain and suffering. This is equivalent to \$3,944 per year for each youth in the State. Based on these figures, per capita, Alaska is second among the fifty states for the cost of underage drinking. The plan defines recommendations and the responsibility of the State and local communities in accomplishing the identified tasks. The Committee prioritized recommendations for Year One as follows:

- 1) Encourage the Alaska State Legislature to conduct an interim review of state statutes and regulations using this report as a blueprint to reduce youth access to alcohol.

- 2) Expand assessment, treatment and prevention services to all youth but not limited to those entering into courts for alcohol-related offenses.
- 3) Provide ongoing training and education for all criminal justice stakeholders and policymakers to include evidence-based best practices and strategies in underage alcohol use reduction and prevention.
- 4) Assess feasibility of making penalties for sales of alcohol to a minor consistent with penalties for sales of tobacco to a minor. If feasible, then create and encourage the application of consistent penalties for selling alcohol to a minor.
- 5) Strengthen Alaska's compliance check program in retail outlets, restaurants, and bars, using media campaigns and license revocations to increase compliance. The program should include regular notification and education of retailers and the public concerning the program and publicizing the outcome. (DOT&PF Alaska Strategic Highway Safety Plan, AL.7, Page C-15).
- 6) A website should be built and maintained, and should provide continuous updates of national, state and community developments. The website should also focus on providing model policies, ordinances and prevention strategies. The website should include information about over-the-counter (OTC) products containing alcohol and include measures of youth exposure to alcohol advertising through a "Talk Back" format to assist in research and evaluation.

At the time of the assessment, changes were being made to this Plan based on submitted public comment. The Plan is being scheduled to go back to the Interagency Coordinating Committee to Prevent Underage Drinking (AKPUD) in the next couple of weeks to finalize.

The *Initial Report of the Alaska Rural Justice and Law Enforcement Commission* (ARJLEC) was developed to improve law enforcement, judicial responses to crime, domestic violence, child abuse and illegal alcohol. This report is a result of spending a year travelling to rural parts of the State of Alaska, taking testimony and enlisting the aid of many Alaskans on four working groups with a total of 50 members: 1) law enforcement, 2) judicial system, 3) alcohol sale and importation, and 4) domestic violence/child abuse. The report makes 53 recommendations which fall into the following nine themes:

1. Engaging in more partnering and collaboration.
2. Making systemic changes to improve rural law enforcement.
3. Enlarging use of community-based solutions.
4. Broadening the use of prevention approaches.
5. Broadening the use of therapeutic approaches.
6. Increasing the employment of rural residents in law enforcement and judicial services.
7. Building additional capacity.
8. Increasing access to judicial services.
9. Expanding the use of new technologies.

The Commission continues to meet to refine and develop strategies for the coming legislative sessions, addressing those recommendations in the Initial Report that required legislative relief.

## Recommendations

- **Develop and implement a strategic plan for a comprehensive impaired driving program, including reasonable and realistic objectives for the Alcohol Program Area of the *Highway Safety Performance Plan (HSPP)*.**
- **Expand involvement of critical constituencies in the planning and implementation of impaired driving programs to include but not be limited to Alaskan Natives, minority and community groups, secondary and higher education, the judiciary, prevention groups, and large employers including the military.**
- Complete and implement Alaska's *Plan to Reduce and Prevent Underage Drinking*.
- Implement the FY 2008 *Traffic Records Strategic Plan*.
- Continue the implementation of the *Alaska Strategic Highway Safety Plan* (September 2007) (SHSP).
- Collect and incorporate off-system crash information in problem identification and project development.
- Implement the recommendations of the *Initial Report of the Alaska Rural Justice and Law Enforcement Commission*.

## **1-C. Program Management**

### **Advisory**

*States should establish procedures to ensure that program activities are implemented as intended. The procedures should provide for systematic monitoring and review of ongoing efforts to:*

- *Designate a lead agency that is responsible for overall program management and operations.*
- *Ensure that appropriate data are collected to assess program impact and evaluation.*
- *Measure progress in achieving established goals and objectives.*
- *Detect and correct problems quickly.*

### **Status**

The Alaska Highway Safety Office (AHSO), the lead entity responsible for overall management and operations of the National Highway Traffic Safety Administration-funded impaired driving program, is located within the Division of Program Development of the Department of Transportation and Public Facilities (DOT&PF). DOT&PF designs, constructs, operates and maintains the state's transportation infrastructure systems, buildings, and other facilities. These include more than 5,000 miles of paved and gravel highways; more than 300 aviation facilities, including 260 airports; 43 small harbors; and a ferry system covering 3,500 nautical miles serving 33 coastal communities. This Department is a large, multi-tiered agency within State government. The Department is led by a Commissioner and three Deputy Commissioners: a Deputy Commissioner for Marine Operations, a Deputy Commissioner for Aviation, and a Deputy Commissioner for Highways & Public Facilities.

The Deputy Commissioner for Highways & Public Facilities oversees four divisions and three functional areas, including the Division of Program Development in which the AHSO resides. Thus, the AHSO is three organizational tiers below the Transportation and Public Facilities Commissioner. The AHSO is separated from the Commissioner by geography as well as by organizational tiers. The AHSO office is in Juneau; the Commissioner offices in Anchorage, a distance of 571 miles. The AHSO Administrator and Commissioner do not meet regularly, but communicate on a relatively informal, as-needed basis.

The AHSO is comprised of a staff of four persons, including the Administrator, two Project Assistants, and a Research Analyst. The Administrator of the AHSO is also appointed by the Governor to serve as the designated Governor's Highway Safety Representative (GR) for the State.

There is a Project Assistant within AHSO who manages alcohol program projects within the Highway Safety Performance Plan (HSPP) among other duties. The AHSO Administrator provides policy and overall program direction for impaired driving, as well as for the other program areas in the HSPP.

In late 2006, AHSO completed the *Policies and Procedures (P&P) Guide and Desk Manual*. This manual includes detailed and useful information on operations and grant procedures and is posted on the website for easy reference. The manual includes specific information regarding grant monitoring. According to the manual,

The AHSO is responsible for managing the day-to-day operations of grant and sub-grant supported activities. The AHSO must monitor grant and sub-grantee supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program function or activity. The AHSO is responsible for managing the day-to-day operations of grant and sub-grant supported activities. The AHSO must monitor grant and sub-grantee supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program function or activity.

Of necessity, the bulk of monitoring is conducted by phone, email, and reports. There are several barriers to conducting onsite monitoring. One barrier is the limitation of staffing in the AHSO. Another is the location of the State Capitol of Juneau which can only be reached via air or water and is a significant distance from the main population centers in south and central Alaska. A third is the tremendous size of the State which requires a major commitment of resources – both time and money -- to reach outlying areas.

The FY 09 Grant Application Agreement requires the Applicant Agency to submit quarterly narrative progress reports by the 15th of the month following the end of each calendar quarter and an annual evaluation report by November 15th during the life of the project. The Application Agreement also requires the Applicant Agency to certify that it has an accounting system capable of properly accounting for expenditures made under this project. Claims for costs incurred must be submitted on a monthly basis. Claims must be accompanied by supporting documentation. This discrepancy in timing between claims for costs and progress reports allows a subgrantee to submit two months' worth of expenses prior to any indication of how the funds are spent or whether there is sufficient progress being made on a project. This creates a management risk that funds may not be appropriately or effectively expended.

AHSO provides a quarterly report form to be completed by subgrantees. This form calls for the subgrantee to provide general information but does not allow for easy comparison of planned vs. actual accomplishments and planned vs. actual expenditures.

AHSO has no clerical support. Staff must, therefore, spend a considerable amount of time on administrative work that otherwise could be dedicated to more planning, management, coordination, and program development, implementation, and evaluation.

DOT&PF provides some support functions to the traffic safety program. A DOT&PF staff member, paid for with federal traffic safety funds, provides accounting services and completes reimbursement claims to the National Highway Traffic Safety Administration. However, few or no requests for service are made by AHSO of the Chief Communications Officer, Legislative

Liaison, Internal Review, the three regional offices or other functional areas of the Department.

DOT&PF has provided a significant amount of Section 154 “transfer” funds to the traffic safety program for projects.

To provide some ease in traffic safety grant management, grant program instructions, guidelines, and forms are posted online. The transmission of official grant documents can be conducted electronically, either via fax or email, as long as documentation with original signature is subsequently provided. The AHSO initiated an e-grants project with internal staff which would allow for online grant management. Unfortunately, this initiative had to be suspended due to staffing issues.

### **Recommendations**

- Provide routine reports on traffic safety activities, highlights, and issues to the Transportation and Public Facilities Commissioner.
- Exploit opportunities within the Department of Transportation & Public Facilities (DOT&PF) to provide additional assistance to the traffic safety program, such as greater outreach throughout the State and management services such as public information or auditing.
- Require concurrent submission of costs for claims and progress reports which compare planned vs. actual activities and expenditures for traffic safety projects.
- Implement alternative methods to assist in conducting onsite monitoring of traffic safety projects through privatization, internal auditors, contracting, networking through the Department of Transportation & Public Facilities, or other options.
- Provide clerical staff support to the Alaska Highway Safety Office.
- Re-activate e-grants to provide quick and easy online submission and processing of traffic safety grant paperwork.

## 1-D. Resources

### Advisory

*States should allocate sufficient funding, staffing and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for State impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources. States should allocated funding, staffing and other resources to impaired driving programs that are:*

- *Adequate to meet program needs and proportional to the impaired driving problem.*
- *Steady and derived from dedicated sources, which may include public or private funds.*
- *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*

### Status

The State of Alaska enjoys a revenue stream and funding obstacles unlike most other states in the country. With a total population of less than 700,000, the State has projected revenue for FY 2009 of \$12.245 billion. Of this amount, \$7.129 billion comes from oil revenues.<sup>1</sup> An estimated \$36 million comes to the State from alcohol beverage taxes. Alaska citizens enjoy no state sales tax. Alaska is the only state that does not collect state sales tax or levy an individual income tax. What had already been one of the lowest state gas tax rates in the country (eight cents per gallon) also was recently suspended such that at the time of the assessment no state gas tax was being imposed. The State has a Constitutional restriction (Article 9, Section 7) on dedicating funds to specific agencies or programs.

At the same time, for 2008 the State posted a \$3,269.00 dividend, including a one time Alaska Resource Rebate of \$1,200.00, for an estimated 610,768 eligible applicants.<sup>2</sup>

The Constitutional limitation on dedicating funds has not precluded funds being legislatively allocated or appropriated to specific highway safety or impaired driving efforts. Under the Safety Corridor Program, 50 percent of funds collected from fines generated by traffic violations on designated Safety Corridor roads can be used for enforcement, education, equipment, and other projects specifically to reduce crashes on those roads. Fifty percent of the fees pulled in by the Alcoholic Beverage Control (ABC) Board are returned to the municipalities to assist with the enforcement of ABC laws; this results in approximately half a million dollars per year for the municipalities. An estimated \$380,000 per year goes to Anchorage under this program.

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<sup>1</sup> Spring 2008 Forecast, Department of Revenue, Tax Division.

<sup>2</sup> Department of Revenue, Permanent Fund Division, <http://www.pfd.state.ak.us/>

For Alaskan Natives, Alaska Native Corporations were created under the Alaska Native Claims Settlement Act (ANCSA) passed by Congress on Dec. 18, 1971 to settle Alaskan Native group’s aboriginal land claims against the federal government. The act divided Alaska into 12 regions and authorized the creation of for-profit regional corporations and more than 200 village corporations to receive monetary and property compensation under ANCSA. Alaskan Native people became shareholders of the regional and village corporations based on their residency and ancestry. The 13<sup>th</sup> Regional Corporation was created to compensate Alaskan Natives who were no longer Alaska residents in 1971. Alaskan Native people receive their ANCSA benefits via the regional and village corporations. Alaska’s regional and village corporations have since grown to become some of the state’s largest companies. As a group, they generate hundreds of millions of dollars in annual dividends, salaries and taxes that fuel Alaska’s economy. ... Business endeavors run the gamut from real estate and natural resource development to construction, tourism, and retail operations in Alaska and Nationwide. ... [For 2006], revenue for the Regional Corporations was \$5.386 billion, and when you add the three participating Village Corporations it totaled \$6.965 billion.<sup>3</sup>

The Alaska Highway Safety Office (AHSO) dedicates a significant portion of its highway safety grant funds to impaired driving activities. The State has been able to qualify for Section 410 funds that provides a dedicated fund source for impaired driving projects. For Fiscal Year (FY) 2009, this amounts to the following commitment<sup>4</sup>:

| FUND SOURCE (Account Code)  | AMOUNT         |
|-----------------------------|----------------|
| Federal Section 402 (AL)    | \$ 149,114.00  |
| Youth Alcohol (YA)          | 50,000.00      |
| Federal Section 410 (K8)    | 962,700.00     |
| Federal Section 154 (154AL) | 4,759,290.00   |
| Total                       | \$5,921,104.00 |

These figures are somewhat misleading for two reasons, however. First, in the FY 2009 Highway Safety Performance Plan (HSPP), 10 percent of Section 154 funds (\$1.150 million) were initially categorized as Planning and Administration. These funds will be transferred to projects in subsequent HSPP amendments.

Second, the above figures also represent only a portion of the highway safety program amounts planned for the FY 2009 total impaired driving effort; they do not include those amounts for projects -- such as police traffic services, planning and administration, and paid media – that are funded under other accounting codes but that provide major support to impaired driving activities.

A significant amount of media is made as a contribution/match for traffic safety grant-funded, paid television and radio spots with two-to-three spots provided for every one purchased. Aside from this contribution, however, there was little evidence of business participation or contributions to impaired driving prevention activities. The following is a list of the top 20

<sup>3</sup> Alaska Native Business & Resource Directory, 2008, p 14.

<sup>4</sup> Source: HS-217 Highway Safety Plan Cost Summary 2009-HSP-1, For Approval.

employers in the State that might be tapped for participation and support<sup>5</sup>:

| #  | Company                                | Workers | Industry                       | Main office |
|----|--|---------|--------------------------------|-------------|
| 1  | Providence Health System Alaska        | 3,518   | Hospital/Medical Center        | Anchorage   |
| 2  | Safeway Stores/Carrs                   | 3,107   | Grocery                        | Anchorage   |
| 3  | Wal-Mart/Sam's Club                    | 2,725   | Grocery/General Merchandise    | Anchorage   |
| 4  | Fred Meyer                             | 2,597   | Grocery/General Merchandise    | Anchorage   |
| 5  | Alaska Airlines                        | 1,638   | Air Carrier                    | Anchorage   |
| 6  | Trident Seafoods                       | 1,612   | Seafood Processing             | Akutan      |
| 7  | Yukon-Kuskokwim Health Corporation     | 1,346   | Health Care                    | Bethel      |
| 8  | BP Exploration                         | 1,337   | Oil & Gas Production           | Anchorage   |
| 9  | Banner Health System                   | 1,287   | Hospital/Medical Center        | Fairbanks   |
| 10 | GCI Communications                     | 1,225   | Communications                 | Anchorage   |
| 11 | NANA Management Serv.                  | 1,222   | Catering/Lodging/Security      | Anchorage   |
| 12 | ASRC Energy Service                    | 1,197   | Oilfield Services              | Anchorage   |
| 13 | VECO Operations                        | 1,142   | Oilfield Services              | Anchorage   |
| 14 | Alaska Native Tribal Health Consortium | 1,104   | Hospital/Medical Center        | Anchorage   |
| 15 | Federal Express                        | 1,073   | Airfreight/Courier             | Anchorage   |
| 16 | Southcentral Foundation                | 1,023   | Health Care                    | Anchorage   |
| 17 | Alaska Communications Systems (ACS)    | 956     | Social Services/Communications | Anchorage   |
| 18 | Wells Fargo                            | 925     | Financial Services             | Anchorage   |
| 19 | Spenard Builders Supply                | 899     | Building Products              | Anchorage   |
| 20 | Alyeska Pipeline Service Company       | 876     | Pipeline Transportation        | Anchorage   |

Despite the major influx of revenue in the State, major concerns were raised during the assessment over citizens' access to resources such as treatment programs, adequate law enforcement, and other programs. For example, between FY 2001 and FY 2006, grant funding for substance abuse programs decreased from \$24,547,300 to \$9,550,300. A shift more to Medicaid funding has largely eliminated substance abuse services in the Department of Health and Social Services (DHSS) and other institutions. The alcohol tax was raised in 2002 in order to provide expanded treatment services, but this did not result in an increased budget for treatment services; instead, the budget appropriation remained static and the additional funds were allocated to other programs.

<sup>5</sup> Anchorage Daily News, <http://www.alaska.com/akbiz/industry/story/5194977p-5127997c.html>

<sup>1</sup> Anchorage Daily News, <http://www.alaska.com/akbiz/industry/story/5194977p-5127997c.html>

## Recommendations

- Conduct a financial needs analysis for key components of a comprehensive impaired driving program for Alaska.
- **Appropriate funds to meet the State's service needs, particularly to make use of increased alcohol tax revenues to provide expanded treatment services.**
- Identify and implement projects to make best use of available Section 154 funds.
- Review criteria for Section 410 funding and make any changes, as needed, so that the State may continue to qualify for these funds.
- Pursue corporate/business sponsorships and support of impaired driving activities.

## **1-E. Data and Records**

### **Advisory**

*States should establish and maintain records system that uses data from other sources (e.g., U.S. Census, Fatality Analysis Reporting System (FARS), Crash Outcome Data Evaluation System [CODE]) to fully support the impaired driving program, and that is guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders and the wide range of disciplines that need the information.*

### **Status**

An Alaska Traffic Records Coordinating Committee (ATRCC) exists and is operational. Membership includes a long list of participants. Conversations within this committee, beyond the ATRCC grants, has started to generate suggestions for operational and data linkage.

The State will soon test a new electronic citation system that will give the State the ability to track an impaired driving offender from arrest through final disposition. This enhanced tracking system is expected to improve the entire impaired driving system.

The Alaska Highway Safety Office (AHSO) promotes development of community transportation safety coalitions but there is no governor's council on impaired and dangerous driving. Development of such a council comprised of distinguished leaders in education, medicine, government, business, and other relevant disciplines would assist the State in the development of programs and policies to fight drunk driving and stop underage drinking.

The Alaska Fatality Analysis Reporting System (FARS) analyst collects and uses fatal crash data. The FARS analyst is responsible for the data collection from all traffic crash fatalities and at the direction of the Governor's Representative the analyst also collects crash data on snow machine and all-terrain vehicle (ATV) fatalities on and off roadway.

Alaska has also used the Crash Outcome Data Evaluation System (CODES). One example of linking files was using the Mini Crash Outcome Data Evaluation System (MINICODES). Trauma registry hospital discharge data were linked with traffic crash records. The data were analyzed to compare drivers aged 16-20 with drivers aged 21-50 who were involved in a crash resulting in the hospitalization or death of a crash victim. This Crash Cost Program (CCP) was used to estimate costs associated with young driver crashes for five years. Young drivers were 2.9 times more likely than adult drivers to be involved in crashes that resulted in the hospitalization of a crash victim, and 2.6 times more likely to be involved in a crash involving a fatality.

The Traffic Records Assessment completed in May, 2007, Traffic Safety Information System Strategic Plan completed May 2008 and the Highway Safety Office Performance Plan FFY 2008 provide an excellent framework to identify data gaps and areas that can be improved to fully support data needs for an effective impaired driving program.

See Section VI-B of this report for more information on Data and Records.

### **Recommendations**

- Develop a governor's council on impaired and dangerous driving that will be a champion for reduction of impaired and dangerous driving and will also promote the production of statistical reports based on crashes.
- Increase membership in the Alaska Traffic Records Coordinating Committee to include representatives from Alaskan Natives and data users such as universities, military, MADD, etc.
- Expand the crash file to include non-roadway snow machine and all-terrain vehicle crashes resulting in injury.

Final Draft

## **1-F. Communication Program**

### **Advisory**

*States should develop and implement a comprehensive communication program that supports priority policies and program efforts.*

**Please See Section IV.**

## II. PREVENTION

Prevention programs should aim to reduce impaired driving through approaches commonly associated with public health – altering social norms, changing risky or dangerous behaviors, and creating safe environments. Prevention programs should promote communication strategies that highlight and support specific policies and program activities, and promote activities that educate the public on the effects of alcohol and other drugs, limit the availability of alcohol and other drugs, and discourage those impaired by alcohol and other drugs from driving.

Prevention programs may include responsible alcohol services practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities and by community coalitions. Programs should prevent underage drinking and drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be science-based, determined to be effective, and include a communication component.

### 2-A. Responsible Alcohol Service

#### Advisory

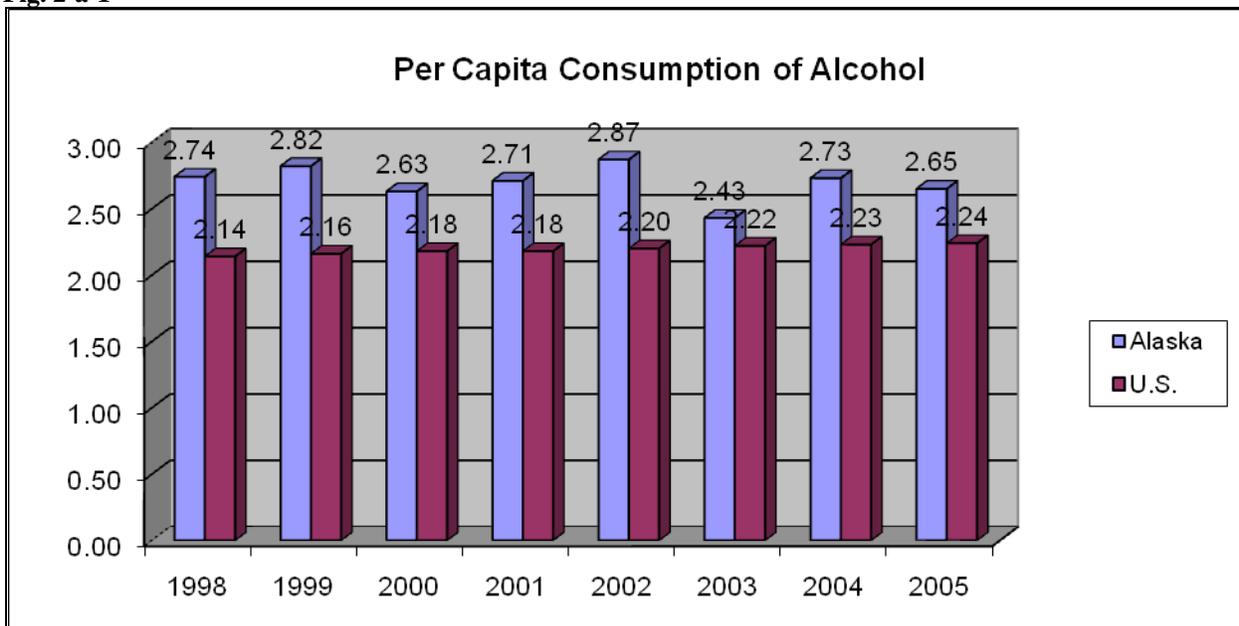
*States should promote policies and practices that prevent underage drinking by persons under 21 years of age and over-service to persons 21 and older. States should:*

- *Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- *Adopt and enforce alcohol beverage control regulations to prevent over-service. Prohibit service to visibly intoxicated patrons, restrict alcohol sales promotions (such as “happy hours”), limit hours of sale, establish conditions on the locations of establishments to limit impaired driving (e.g., zoning restrictions) and require beer keg registration.*
- *Provide adequate resources (including funds, staff, and training) to enforce alcohol beverage control regulations. Coordinate with traditional State, county, municipal and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- *Promote responsible alcohol service programs, written policies, and training.*
- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Provide that commercial establishments and social hosts may be held responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

**Status**

According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA) per capita consumption of alcohol in Alaska (2005) was well above the national average. Alaskans age 14 and older consumed the equivalent of 2.65 gallons of ethanol compared to the national average of 2.24 gallons. Nationally, alcohol consumption has been increasing steadily for the past several years. However, while the trend in alcohol consumption in Alaska (see fig. 2-a-1) has been inconsistent over the past eight years, it has remained above the national average every year. It should be noted that the significant decrease in consumption from 2002 to 2003 corresponds to Alaska’s substantial increase in the excise tax rate in October 2002. Per capita consumption estimates are based on taxed sales of alcoholic beverages.

**Fig. 2-a-1**



The Alaska Alcoholic Beverage Control Board (ABC) is responsible for licensing and enforcement of ABC laws and policies. The Board is comprised of five members, two of whom must be “persons actively engaged in the alcoholic beverage industry.” In fact, the current Chair of the Board represents a major alcohol retail chain. While it might be desirable to have the alcohol industry involved in implementing effective alcohol control policies, there is some concern that the level of influence on the board that oversees enforcement of ABC laws and regulations represents a potential conflict of interest.

There are only four ABC enforcement officers and these have limited enforcement authority and are not full peace officers, e.g. cannot carry firearms. Currently, a trooper with the Alaska State Troopers (AST) is also assigned as an enforcement officer with the ABC and oversees the compliance check program.

Compliance checks typically consist of using 18-19 year olds under agreement with the ABC to enter retail establishments and package stores in attempts to buy alcohol. If the sale occurs, enforcement is taken against the establishment after 30 days have elapsed. This delay is intended to protect the identity of the individual making the purchase. If no sale occurs then a compliance letter is sent to the establishment after the 30 days have elapsed.

Until recently, most compliance checks were conducted primarily at package stores; however, these checks are now conducted with greater regularity at retail establishments. Data from 2007 indicate a non-compliance rate of approximately 35%.

Drivers' licenses and identification cards are created in different formats and contain a variety of security measures to make it easier to verify proper age and recognize false identification.

The practice of "shoulder taps" is a technique utilized by ABC investigators to determine the availability of individuals who may purchase alcohol on behalf of minors. Typically, those targeted in "shoulder tap" enforcement efforts are individuals in the 21-22 year old age group, as they are felt to be the most susceptible to peer pressure to purchase alcohol on behalf of those who cannot.

Local law enforcement does engage in limited partnerships with ABC enforcement officers by assisting with arrests during "shoulder tap" operations. There is no indication of any use of compliance checks and/or "shoulder taps" in conjunction with impaired driving emphasis patrols.

Those testifying indicated there is a vast discrepancy between jurisdictions regarding sentencing for individuals convicted of providing alcohol to minors. Some courts impose up to 20 day jail sentences while others frequently reduce or suspend fines and jail time.

Data on where individuals had been drinking is routinely captured by law enforcement during processing of individuals arrested for DUI; however, these data are not maintained in a statewide database. These data are not used by ABC to help determine specific establishments where over-serving may be occurring.

There were indications that the use of "walk through" and compliance checks for over-serving would be utilized with more frequency if ABC officers had additional authority, including the ability to carry firearms. The personal safety of these officers may be compromised during these types of checks and, consequently, they are not conducted as routinely as needed.

The small number of investigators, in conjunction with their limited authority status, makes it nearly impossible to proactively engage in any meaningful enforcement efforts.

Alaska is a license state, that is, on- and off-premise retail establishments must have a license from the Alaska Alcoholic Beverage Control Board. There are numerous license categories including:

- The beverage dispensary license allows the holder to sell all types of alcoholic beverages

for consumption on the licensed premises only.

- The restaurant or eating place license allows the owner of a bona fide restaurant to sell beer and wine for consumption on the licensed premises only.
- The club license allows a private social, fraternal or patriotic organization to sell alcoholic beverages to its members for consumption on the licensed premises only.
- A pub license allows the holder to sell beer and wine at a premises located on the campus of a college or university for consumption on the licensed premises only.
- A recreational site license allows the sale of beer and wine at a recreational site during and one hour before and after a recreational event for consumption on designated areas of the site only.
- A common carrier license allows the sale of alcoholic beverages aboard a vehicle, boat, aircraft or railroad buffet car licensed for passenger travel.
- A package store license allows the holder to sell any kind of alcoholic beverages for consumption off the licensed premises.

All servers of alcoholic beverages, their supervisors and persons providing security in licensed businesses must receive approved alcohol server training within thirty days of employment. Each server, supervisor or security person must renew their server training certification every three years. Persons may enroll in one of three approved programs that utilize the Training for Intervention Procedures (TIPS®), Techniques in Alcohol Management (TAM®) or Serve Safe Alcohol Server Training Course.

Alaska law allows communities to restrict alcohol sales, importation and even possession by local option election. Figure 2-a-2 shows the number of communities that have elected alcohol control options. There was some concern about the extent to which local options for alcohol availability are related to changes in consumption. First, in many areas local options change frequently from “dry” to “wet” and back again. Second, communities that select a dry option often experience an increase in illegal alcohol sales, e.g. bootlegging, so actual consumption is not completely controlled. However, at least one study (Wood and Gruenewald, 2006)<sup>6</sup> concluded that:

Villages that prohibited alcohol had lower age-adjusted rates of serious injury resulting from assault, motor vehicle collisions and 'other causes'. Dry villages with a local police presence had a lower age-adjusted rate of serious injury caused by assault. Controlling for the relative effects of village isolation, access to alcohol markets and local demographic structures, local prohibition was associated with lower rates of assault injuries and 'other causes' injuries while local police presence was associated with lower rates of assault injuries.

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<sup>6</sup> Wood, D. and Gruenewald, P. Local alcohol prohibition, police presence and serious injury in isolated Alaska Native villages. *Addiction*, vol. 101 (3), February 2006.

**Figure 2-a-2  
Local Option Communities (as of Nov. 2007)**

|               | Ban sale  | Community license only | Ban sale and importation | Ban possession | Package store license only |
|---------------|-----------|------------------------|--------------------------|----------------|----------------------------|
| <b>TOTALS</b> | <b>19</b> | <b>5</b>               | <b>76</b>                | <b>33</b>      | <b>3</b>                   |

The Alaska Rural Justice and Law Enforcement Commission was charged with the task of studying four broad areas related to rural Alaska: law enforcement, judicial services, alcohol importation and interdiction, and domestic violence and child abuse. Meetings and public hearings were held from early October 2004 through June 2005, and the Commission also established four workgroups of professionals, experts, and officials working in fields related to these four topics. The Commission offered several recommendations<sup>7</sup> to improve law enforcement in rural Alaska, including changes in state law to help law enforcement reduce the importation of alcohol into dry rural Alaska villages and a ban on written order sales of alcoholic beverages to dry or damp communities. In addition, the Commission developed 15 recommendations to enhance the effectiveness of local option on alcohol sales and importation. These include changing local option to regional option to reduce bootlegging; increase State and Federal enforcement cooperation including cross-deputizing Alaska State troopers, U. S. Postal Police and Transportation Safety Authority (TSA) officers; control the number and type of distribution sites; and reducing demand through increased treatment and prevention.

The price of alcohol is a significant factor in consumption rates. The level of excise tax imposed by states can significantly influence price. Increased alcohol excise tax is on the Join Together “10 Drug and Alcohol Policies That Will Save Lives” list. Alaska has the ninth highest excise tax rate for beer at \$.35 per gallon, well above the \$.24 national average. Alaska rates are also well above the national average for wine (\$.85/gal vs. \$.74/gal) and for distilled spirits (\$5.60 vs. \$3.63). The current alcohol tax rate went into effect in October 2002 and represented the first increase since 1983. The new rates are more than double the older rates. In 2007, Alaska collected over \$36 million. The intent of the legislation that increased the tax was to provide additional funds for alcoholism prevention and treatment. However, the Alaska constitution prohibits dedicated or ear-marked taxes and all alcohol excise taxes are sent to the general fund. Since 2002 funding for alcohol abuse prevention and treatment has actually decreased dramatically despite the significant increase in alcohol tax revenues exacerbating the already dire lack of treatment resources.

It should be noted that in 2003, the year after the increased alcohol tax went into effect, per capita consumption of alcohol in Alaska decreased by over 18% while the national average consumption increased by approximately one percent. (see figure 2-a-1).

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<sup>7</sup> [www.akjusticecommission.org](http://www.akjusticecommission.org)

**Figure 2-a-3**

| <b>State Alcohol Excise Tax Rates</b> | <b>Distilled Spirits (\$ per gallon)</b> | <b>Wine (\$ per gallon)</b> | <b>Beer (\$ per gallon)</b> |
|---------------------------------------|--|-----------------------------|-----------------------------|
| National Average                      | \$3.63                                   | \$0.74                      | \$0.24                      |
| Alaska                                | \$5.60                                   | \$0.85                      | \$0.35                      |
| Alaska Rank                           | 5  | 15                          | 9                           |

Alaska law prohibits all alcohol promotions such as happy hours, two-for-one and drinking contests. Licensed establishments may not give away alcohol or sell alcohol at a price below their cost.

Alaska does not have statewide keg registration regulations but some localities have adopted local keg registration ordinances.

The State's alcoholic beverage laws allow licensed businesses to remain open from 8 am to 5 am the following morning every day of the year except on election days. However, the law also allows local governing bodies to limit hours of operation by ordinance. All of Alaska's larger cities and many of its smaller communities have adopted ordinances restricting operating hours.

Alaska has a Dram Shop law under AS 04.16.010.220. Bars or liquor stores that sell alcoholic beverages to a person who is under the influence of alcohol or is under age can be held liable for damages if that person injures a third party while under the influence.

Alaska does not have social host liability statutes that hold individuals who serve intoxicated guests liable for damages or injuries. Individuals who provide alcohol to anyone under 21 years old are in violation of state law.

AS 28.35.029. (a) states that “a person may not drive a motor vehicle on a highway or vehicular way or area, when there is an open bottle, can, or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle, except as provided in (b) of this section.”

**Recommendations**

- **Provide adequate resources to enforce alcoholic beverage control regulations.**
- Increase the law enforcement authority of Alcoholic Beverage Control investigators.
- Implement the recommendations of the Alaska Rural Justice and Law Enforcement Commission related to enhancement of local option for sale and importation of alcohol.
- Allocate a substantial proportion of the alcohol excise tax to alcohol abuse prevention and treatment.
- Enact statewide keg registration.

- Enact social host liability statutes.

## **2-B. Transportation Alternatives**

### **Advisory**

*States should promote alternative transportation programs that enable drinkers 21 and older to reach their destinations without driving. States should:*

- *Actively promote the use of designate driver and safe ride programs, especially during high-risk times, such as holidays or special events.*
- *Encourage the formation of public and private partnerships to financially support these programs.*

### **Status**

There is limited use of alternative transportation programs. Within the city of Anchorage free taxi cabs are provided so drinkers can be taken home, and an additional cab driver can transport their vehicles as well. There is no indication with the exception of the Anchorage program of public/private partnerships to support such programs.

Alaska's current Highway Safety Performance Plan (HSPP) provides grant funding to the Anchorage Hospitality Foundation and hospitality industry to provide for alternate ways home intended to reduce the number of impaired drivers from Alaska's roads. The grant also includes goals to increase the frequency of Drink Responsible, Drive Responsible messages, and increase participation in designated driver programs statewide.

### **Recommendations**

- Continue to develop public/private partnerships designed to promote alternative methods of transportation.
- Generate private resources to support alternative methods of transportation.
- Ensure alternative transportation programs do not encourage or enable excessive drinking.

## **2-C. Community-Based Programs**

Community-based programs implement prevention strategies at the local level through a variety of settings, including in partnerships involving traffic safety, schools, employers, medical and health care professionals and community coalitions and traffic safety programs.

### **2-C-1. Schools**

#### **Advisory**

*School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant and coordinated with drug prevention and health promotion programs. States should:*

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of a comprehensive health education program.*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom and graduation.*
- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*
- *Provide training to school personnel (such as resource officers, health care providers, counselors, health educators and coaches) to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs (Drug Impairment Training for Education Professionals).*
- *Encourage colleges, universities and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities.*

#### **Status**

The 2007 Youth Risk Behavior Survey indicated that 40% of high school students in Alaska reported drinking alcohol in the 30 days prior to the survey. More than one in four (26%) high school students drank five or more drinks on at least one occasion in the previous 30 days. Nearly one in four high school students (24%) said they had ridden with a driver who had been drinking and seven percent reported rarely wearing a seatbelt.

Alaska does not provide or require an impaired driving, traffic safety or substance abuse curriculum. Alaska Performance Standards for Students include health standards, however, there is no specific mention of impaired driving or even alcohol. It should be noted that school districts have the latitude in the curriculum or programs used to meet the standards.

Law enforcement agencies provide periodic impaired driving and other safety presentations in

schools. Some schools use the Every 15 Minutes program.

The Drug Abuse Resistance Education (DARE) program is used in 56 schools in Alaska. According to the DARE Alaska web site, there are 70 active D.A.R.E. officers. In the 2007-2008 school year there was a 29% increase in D.A.R.E. officers, an 11% increase in police agency participation. The 21 participating police agencies include military police on three military bases.

Lack of resources and time demands placed on schools have resulted in limited use of evidence-based prevention strategies in schools. However, there are a growing number of proven and promising approaches that can be implemented in after-school settings. Strategies such as school-based mentoring programs have been shown to reduce the risk factors associated with alcohol use and high risk behaviors including impaired driving.

Drug Impairment Training for Education Professionals (DITEP) training has been provided in at least two schools in Alaska.

The *State of Alaska Plan to Reduce and Prevent Underage Drinking* was prepared by the Alaska Interagency Coordinating Committee on the Prevention of Underage Drinking and released in November 2007. The plan includes numerous recommendations including the following related to schools:

- Promote research-based positive school climate frameworks that develop school cultures which include alcohol prevention and intervention strategies.
- Identify prevention programs that show proven success in reducing alcohol use and encourage replication of the most appropriate prevention programs in Alaska.
- Encourage districts to initiate and to implement comprehensive health education programs as referenced in AS 14.30.360 which include alcohol and drug abuse education.
- Alaska schools will be encouraged to conduct district-wide/statewide surveys and evaluations (e.g. YRBS) to gather base-line data for alcohol prevention planning and evaluation for alcohol prevention efforts.
- Conduct annual statewide assessments of alcohol-related suspensions and expulsions in Alaska's public schools and report results to public.
- Encourage colleges and universities to mobilize campus/community coalitions to change the environment that supports the high risk use of alcohol. (DOT & PF Alaska Strategic Highway Safety Plan, AL.1, page C-2).

The Alaska Injury Prevention Center (AIPC) developed the “Our Reality” project focused on changing social norms through media created by teens. The program includes a curriculum called “Creating Powerful Media” that teaches students to analyze media with a critical view of social norms; teaches marketing skills such as targeting audiences and crafting a message; and producing media spots that are actually placed on television, YouTube, Facebook, MySpace, etc.

The University of Alaska Anchorage has a policy that states:

Possession, consumption, furnishing, or being perceptibly under the influence of alcoholic beverages, narcotics, controlled substances, or intoxicants, except as

permitted by law, Regent's Policy, University Regulation or UAA rules and procedures, on campus property or at official activities of student organizations including while on student travel, is prohibited. State laws shall be observed at all private and public events conducted on University property.

Several University of Alaska Anchorage departments and groups sponsor alcohol and drug workshops, programs, and support groups to address health risks, inform students of available options, and help you find resources. No information was available on campus impaired driving or alcohol abuse prevention programs.

### **Recommendations**

- Develop and distribute impaired driving and alcohol and substance abuse prevention information for inclusion in all school health curriculums.
- **Implement the recommendations of the Alaska Plan for the Reduction and Prevention of Underage Drinking.**
- Implement evidence-based prevention strategies in after-school settings.
- Develop and implement substance abuse and impaired driving prevention programs on college campuses.

## 2-C-2. Employers

### Advisory

*States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by their employees and their families. These programs should include:*

- *Model policies to address underage drinking, impaired driving and other traffic safety issues, including safety belt use and speeding.*
- *Employee awareness and education programs.*
- *Management training to recognize alcohol and drug use and abuse, and appropriate responses*
- *Screening and brief intervention, assessment and treatment programs for employees, as appropriate, such as through an employee assistance program.*
- *Underage drinking and impaired driving prevention programs for youthful employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

### Status

Alaska does not currently have a coordinated employer program specifically for impaired driving prevention or traffic safety.

There are several organizations providing employee assistance programs (EAP) to large and small employers in Alaska. EAPs generally provide screening and referral services for employees with substance abuse problems however, they do not offer impaired driving education or prevention programs.

### Recommendations

- Provide current and accurate information to Employee Assistance Programs, employers and those who provide employee safety programs.
- **Establish highway safety programs for use in workplaces to address impaired driving.**

## **2-C-3. Community Coalitions and Traffic Safety Programs**

### **Advisory**

*Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level and provide communications toolkits for local media relations, advertising and public affairs activities, and may include representatives of government - highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries. States should:*

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders.*
- *Provide information and technical information to these groups, including data concerning the problem in the community and information identifying science-based underage drinking and impaired driving programs.*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving, including designated driver and alternative transportation programs for persons 21 or older.*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

### **Status**

At one time Alaska had several active Safe Communities coalitions however these appear to be inactive. Other community level impaired driving or traffic safety specific coalitions were not identified.

The Department of Health and Social Services, through the Divisions of Behavioral Health, Juvenile Justice and the Office of Children’s Services, issue grants to a diverse array of community-based organizations with the goal of developing creative programs focused on prevention of youth substance abuse, strengthening individual, family, school and community approaches to prevention, and increasing community readiness to decrease substance abuse among youth.

The U.S. Substance Abuse Mental Health Services Administration (SAMHSA) funds Drug Free Community grants to support coalitions of youth; parents; media; law enforcement; school officials; faith-based organizations; fraternal organizations; State, local, and tribal government agencies; healthcare professionals; and other community representatives. The Drug Free Communities Support Program enables the coalitions to strengthen their coordination and prevention efforts, encourage citizen participation in substance abuse reduction efforts, and

disseminate information about effective programs. In 2008, two new Drug Free Community coalition grants were received; one by the Yakutat Tlingit Tribe Yakutat Healthy Community Coalition and another for the Alaska Council of School Administrators Juneau Drug Free Communities Coalition. These coalitions are in addition to Boys and Girls Clubs of Alaska Red Ribbon Coalition Anchorage; United Way of Anchorage Youth Development Coalition Anchorage; United Way of the Tanana Valley the Fairbanks North Star Borough Compass II Coalition; Bridges Community Resource Network Community Action Coalition for Prevention and; Valdez Youth Awareness Coalition, Inc. Valdez Drug-Free Community Support Program Youth Awareness Coalition.

At the statewide level, the Alaska Advisory Board on Alcoholism and Drug Abuse (ABADA) was established to participate in planning and coordination of publicly funded behavioral health services, working in conjunction with the Alaska Mental Health Board, the Department of Health and Social Services, the Alaska Mental Health Trust Authority and others. ABADA advocates for stakeholders and collaborates with its partners to provide education, advice and evaluation to behavioral health services.

The Alaska Rural Justice and Law Enforcement Commission was charged with the task of studying four broad areas related to rural Alaska: law enforcement, judicial services, alcohol importation and interdiction, and domestic violence and child abuse. The Commission concluded that there are insufficient prevention approaches in rural Alaska. The Commission recommends expanding culturally appropriate programs to reduce the demand for alcohol in rural Alaska, starting with youth, linking youth with adults in healthy activities, and providing more information to schools for first-time misdemeanor alcohol/drug related offenders.

Alaska receives Enforcement of Underage Drinking Law (EUDL) funds from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Receipt of EUDL funds requires establishment of a statewide coalition. There was no evidence of an active coalition.

## **Recommendations**

- Assure active involvement of law enforcement and other traffic safety professionals in Drug Free Communities and other substance abuse community coalitions throughout Alaska.
- Develop and implement strong Safe Communities projects with active local task forces.

### III. CRIMINAL JUSTICE SYSTEM

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal and administrative sanctions and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted and subject to swift, sure and appropriate sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe consequences, discouraging individuals from driving impaired.

A multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, county, municipal and tribal levels to create and sustain both specific and general deterrence.

#### 3-A. Laws

##### Advisory

*Each State should enact impaired driving laws that are sound, rigorous and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. The offenses should include:*

- *Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences.*
- *A Blood Alcohol Concentration (BAC) limit of 0.08, making it illegal “per se” to operate a vehicle at or above this level without having to prove impairment.*
- *Zero Tolerance for underage drivers, making it illegal “per se” for persons under age 21 to drive with any measurable amount of alcohol (e.g., 0.02 or greater).*
- *High BAC (e.g., 0.15 or greater), with enhanced sanctions above the standard impaired driving offense.*
- *Repeat offender, with increasing sanctions for each subsequent offense.*
- *BAC Test refusal, with sanctions at least as strict as the state’s highest BAC offense.*
- *Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional sanctions.*
- *Open container, which prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way.<sup>8</sup>*
- *Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a safety belt violation.*

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<sup>8</sup> Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

***Laws should include provisions to facilitate effective enforcement that:***

- *Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs.*
- *Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.*
- *Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests and screening and confirmatory tests for alcohol or other impairing drugs.*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

***Effective penalties should include:***

- *Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test.*
- *Prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock.*
- *Enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide or causing personal injury while driving impaired, including: Longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment.*
- *Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring.*
- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.*

**Status**

In thinking about how Alaska could use its law and policy to prevent injury and death by impaired driving, one must consider significant, and specific to Alaska, differences in transportation modes as well as severe weather challenges. Alaska must deal with drivers of traditional vehicles and the usual challenges in keeping the impaired driver off the roads and streets. Added to those usual concerns, Alaskans operate snow machines, all-terrain vehicles (ATVs), canoes, boats and private planes as basic transportation off the highway system often while consuming alcohol with tragic results. There are plausible assertions that, in Alaska, the data showing death and injury on public roads and highways severely understates the impaired operation of motor vehicles. More than 200 small, isolated communities in Alaska, off the state

highway system, and accessible only by snow machine, ATV, watercraft, or small plane, have an average population of about 250. For those who live in the remote communities, the usual laws and policies do not provide practical solutions to the problem of alcohol and impaired driving. Prior to the entry of Alaska into the United States, Indian Nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil . . . The very term "nation," so generally applied to them, means "a people distinct from others." -- John Marshall, 1832 *Worcester v. Georgia*.

The Tribal-to-State relationship is also one of a government to a government. Because the Constitution vests authority over Indian Affairs in the federal government, the general rule is that states have no authority over tribal governments. Tribal governments are not subordinate to state governments. They retain the right to enact and enforce laws and regulations over their territory and members, and in some areas, non-members. Tribes possess both the right and the power to regulate activities on their lands independently from the neighboring state government. Tribes, however, must frequently collaborate and cooperate with states through compacts or other agreements to provide the needed services to those under their jurisdiction.

There are, however, unresolved questions about the relationships of the Alaskan Natives to the state government. The legal climate is further complicated by the enactment of the Alaska Native Claims Settlement Act (ANCSA)<sup>9</sup> and Public Law 280. While ANCSA left only one reservation in Alaska, it was silent as to whether Native tribes lost governmental control over land owned by the tribes themselves or by Native corporations surrounding villages. Section 2(b) of ANCSA was relied on by the U.S. Supreme Court in the landmark case of *Alaska v. Native Village of Venetie Tribal Government*<sup>10</sup> to hold that 1.8 million acres owned by the Venetie tribal government did not constitute "Indian country" within the meaning of 18 U.S.C. § 1151. Quoting the court, it found the primary purpose of ANCSA was "to effect Native self-determination and to end paternalism in federal Indian relations." Congress continues to amend ANCSA and the subsequent treatment of the ANCSA corporations, corporate lands and Native individuals adds to the confusion. Tribal governments are considered "sovereigns without territorial reach." The Alaska Supreme Court has also handed down some decisions that affirm the existence of federally recognized tribes and their jurisdiction over members.

In 1953, Congress enacted Public Law 280, which granted criminal jurisdiction to various named states. Alaska is a P.L. 280 state. While P.L. 280 did not divest tribes of jurisdiction over its members, the Act stifled many tribes in these states in their governance efforts. Moreover, Congress did not appropriate any funding to the states to provide adequate services and responses to criminal needs for tribes in their jurisdictions.

The team was not provided any evidence of tribal impaired driving laws that tribal courts apply in tribal adjudication. This does not mean, however, that none exist.

Many Alaskan Native villages are governed by tribal constitutions promulgated during the Indian Reorganization era around 1934. Some villages have made revisions to these constitutions over the years while others still utilize the original document. Moreover, villages and tribes have

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<sup>9</sup> Pub. L. No. 92-203, 85 Stat. 688 (1971) (codified as amended at 43 U.S.C. §§ 1601-29 (1994)).

<sup>10</sup> 522 U.S. 520 (1998).

developed tribal courts pursuant to constitutional authority by writing judicial statutes and codes. Likewise, tribal governments have promulgated children's or juvenile codes to address issues surrounding children or families in need of care and negative juvenile conduct, such as minor consumption. These codes were enacted in order to address various family issues and individual behavioral issues that require intervention.

In some villages, there may be no code identifying specific illegal conduct; however, minors may be brought before a tribal court for violation of a community standard or customary law. The Tribal Court, consisting of 'elder' judges, will then explain how the minor's conduct hurts the tribal community, the family, and the minor himself. Generally, conduct that rises to a level of creating community disharmony or family conflict, such as theft, alcohol use, disorderly conduct, etc., may be addressed and sanctions levied on the minor for his or her violation. Sanctions may merely include a stern lecture from the elders, community service, or other restorative activity.

The Alaska statute defines the offense of impaired driving as "Operating a vehicle, aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance".

The statutory status of both controlled substances and alcohol provide significant enforcement challenges. The impact of alcohol bootlegging is not limited to impaired driving and underage drinking problems but creates greater law enforcement problems and significant threats to the public health in Alaska. The sale and possession of alcohol is more completely addressed in Section 2-A. Some concern was voiced about the process to define controlled substances, the schedules and definitions, and whether the statutory definition is broad enough to include some impairing substances that are misused in Alaska.

An Alaska statute provides the same penalties for Operating While Under the Influence (OWUI) without distinguishing between specific substances or whether in combinations of substances.

In 2005, the Alaska State Legislature passed a primary seatbelt law.

Alaska has an open container law, but no penalties are imposed for first time violations.

Alaska does not have a statute that provides authority and a process to conduct safety check points that are constitutionally sound.

Alaska does not have the recommended administrative licensure penalties. Please see Section 3, F1 for a more complete discussion of the problems in the process.

Alaska does not have a vehicular homicide law but prosecutes offenders who are operating while under the influence and cause death or injury with the more general offenses of murder in the second degree, manslaughter, and assault.

Alaska permits the use of high blood alcohol content (BAC) as a sentencing factor only, not a separate charged offense. The failure to charge an OWUI as a high BAC allows plea bargaining that masks the seriousness of a high BAC and makes it more difficult to track BAC levels of offenders. Alaska permits more than one chemical test to detect alcohol and drugs and the non-

evidentiary use of passive sensors. Other Alaska statutes do not comply with federal requirements. Table 3-A-1 shows a comparison of Alaska statutes to U.S. codes. The deficiencies within Alaska statute are highlighted.

**Table 3-A-1**

| 23USC154 and 23USC164 Requirements   | Alaska (deficiencies)  |
|--|--|
| (k) Repeat intoxicated driver means a person who has been convicted of driving while intoxicated or driving under the influence of alcohol more than once in any five-year period.           | ...is convicted and has been previously convicted <b>two</b> or more times since January 1, 1996, and within the 10 years preceding the date of the present offense  |
| To avoid the transfer of funds as specified in §1275.6 of this part, a State must enact and enforce a law that establishes, as a minimum penalty, that all repeat intoxicated drivers shall: |  |
| (1) Receive a driver's license suspension of not less than one year;   | A court convicting a person of an offense described in (a)(1) - (4), (6), (7), or (10) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than <b>30 days for the first conviction</b> , unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under AS 28.15.201 can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public. If a court limits a person's license under this subsection, it shall do so for not less than 60 days. |
| (2) Be subject to either—  |  |
| (i) The impoundment of each of the driver's motor vehicles during the one-year license suspension;   | <b>Exceptions permitted</b>  |
| (ii) The immobilization of each of the driver's motor vehicles during the one-year license suspension; or  | <b>Exceptions permitted</b>  |
| (iii) The installation of a State-approved ignition interlock system on each of the driver's motor vehicles at the conclusion of the one-year license suspension;                            | <b>Exceptions permitted</b>  |
| (3) Receive an assessment of their degree of alcohol abuse, and treatment as appropriate; and  | The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an alcohol safety action program <b>if such a program is available in the community where the person resides</b> , or a private or public treatment facility approved by the   |

|   |  |
|---|--|
|   | Department of Health and Social Services,  |
| (4) Receive a mandatory sentence of—  |  |
| (i) Not less than five days of imprisonment or 30 days of community service for a second offense; and   | First: not less than <b>72 consecutive hours</b> and a fine of not less than \$1,500 if the person has not been previously convicted<br>Second: <b>not less than 20 days</b> and a fine of not less than \$3,000 if the person has been previously convicted once; |
| (ii) Not less than ten days of imprisonment or 60 days of community service for a third or subsequent offense.  | not less than 60 days and a fine of not less than \$4,000 if the person has been   |
| (b) Exceptions. (1) A State may provide limited exceptions to the impoundment or immobilization requirements ...on an individual basis, to avoid undue hardship to any individual who is completely dependent on the motor vehicle for the necessities of life, including any family member of the convicted individual, and any co-owner of the motor vehicle, but not including the offender.           | <b>Exceptions permitted for the defendant as well as family</b>  |
| (2 ignition interlock system (see vehicle impoundment above for alternative conditions that may be imposed.)  | <b>Exceptions permitted for the defendant as well as family</b>  |
| (3) The exceptions may be issued only in accordance with a State law, regulation or binding policy directive establishing the conditions under which vehicles may be released by the State or under Statewide published guidelines and in exceptional circumstances specific to the offender's motor vehicle, and may not result in the unrestricted use of the vehicle by the repeat intoxicated driver. | No – <b>Courts discretion</b><br>No follow up for interlock violations.<br>Exceptions permitted for the defendant as well as family<br>Law changes January 1, 2009   |

The new interlock statutes go into effect on January 1, 2009 and there will be parts of the State where a defendant cannot comply with the statutory requirement. The law faces possible challenges unless adjustments are made to assure equal access to the interlock programs for the indigent and those who live in remote communities.

## Recommendations

- **Convene interested and geographically diverse groups of people to undertake a systematic and cross disciplinary review while applying up-to-date research to determine how Alaska's statutes on impaired driving might be improved.**
- Create a plan for the improvement of impaired driving law and policy for Alaska.
- Provide staff (by contract, if necessary) and funding to undertake the review.
- Engage the Alaskan Native villages in clarifying through legislation how they can tap into state resources to improve the legal status of their prevention and enforcement efforts relating to impaired driving and underage drinking.

### **3-B. Enforcement**

#### **Advisory**

*States should conduct frequent, highly visible, well publicized and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, especially in locations where alcohol-related fatalities most often occur. To maximize visibility, the State should conduct periodic heightened efforts and also sustained efforts throughout the year. Both periodic and sustained efforts should be supported by publicity. To maximize resources, the State should coordinate efforts among State, county, municipal and tribal law enforcement agencies. To increase the probability of detection, arrest and prosecution, participating officers should receive training in the latest law enforcement techniques. States should:*

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources.*
- *Develop and implement a year round impaired driving law enforcement plan (coordinated with a complimentary communication plan), which includes:*
  1. *periods of heightened enforcement (e.g., three consecutive weekends over a period of 16 days) and frequent (e.g., monthly), sustained coverage throughout the year*
  2. *high level of participation and coordination among State, county, municipal and tribal law enforcement agencies, such as through law enforcement task forces*

*Use law enforcement professionals to serve as law enforcement liaisons in the State and help enhance coordination and the level of participation, and improve collaboration with local chapters of police groups and associations that represent diverse groups to gain support for enforcement efforts.*

- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol-related fatal or other serious crashes most often occur.*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during and after they occur.*
- *Coordinate efforts with liquor law enforcement officials (see section II.A. Responsible Alcohol Service).*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors and mobile data terminals) to enhance law enforcement efforts.*
- *Require that law enforcement officers involved in traffic enforcement receive state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC).*
- *Expedite the arrest process (e.g., by reducing paperwork and processing time, from the time of arrest to booking and/or release).*

- *Measure success, emphasizing quantitative data, including the level of effort (e.g., number of participating agencies, checkpoints conducted, arrests made), public awareness (e.g., of message and actual enforcement), reported change in behavior (e.g., reported number of drinking driving trips) and outcomes (e.g., alcohol-related fatalities, injuries and crashes).*

## **Status**

Alcohol related fatalities on Alaska's highway have shown a consistent decline from 2003 – 2007 (from 36 to 24, a 33% reduction) and 29% of the 84 traffic fatalities in 2007 were alcohol related. Alaska's overall fatality rate as reported for 2007 is 1.49 per 100 million vehicle miles traveled, above the national average of 1.44.

As of October 10, 2008, there are 48 reported traffic fatalities in Alaska, 35% of which are reported as being alcohol related. (2007 and 2008 data are still preliminary and as such subject to change.)

There is a concern that the number of motor vehicle fatalities is under reported, as the Fatality Analysis Reporting System (FARS) only records those fatalities occurring on the roadways and, as outlined in this document, a significant number of motor vehicle fatalities occur on snow machines and all-terrain vehicles (ATVs) that are not captured in this data set.

An emphasis of impaired driving issues by law enforcement leadership is prevalent at both the state and local levels. The Alaska State Troopers (AST), Anchorage Police Department, Fairbanks Police Department and Juneau Police Department provide traffic law enforcement services for a significant percentage of the state's population, and the leadership in each of the agencies has demonstrated a commitment to traffic safety with an emphasis on impaired driving enforcement.

The AST utilize a DUI enforcement team, formed in October 2005, dedicating a sergeant and three troopers to traffic enforcement with an emphasis on impaired driving detection and apprehension.

The AST was recently awarded a grant from the Alaska Highway Safety Office (AHSO) for approximately \$4 million, for the development and staffing of a Highway Safety Bureau. The intent of this new bureau is to provide a 12 person traffic enforcement unit to work in high collision areas of the state, with a strict traffic safety emphasis. Although there is no firm date when the Highway Safety Bureau assignments will become effective, if their efforts are consistent with those of the DUI team, they should have a significant impact on the impaired driving issue in Alaska.

The enforcement efforts of the troopers in the current DUI Unit are commendable, as from the time of its inception, this unit is responsible for 1,590 DUI arrests, an average of over 130 arrests per year, per officer.

In addition to the efforts of the AST, numerous other agencies are engaged in efforts aimed at

reducing collisions caused by impaired drivers. During 2007, law enforcement officers made a total of 5,964 arrests for DUI, an increase of 746 (14%) over the previous year.

Fairbanks P.D. implemented a DUI team in 2006 (funded by the AHSO), and the number of DUI arrests in the City of Fairbanks has increased substantially. During 2005, 250 DUI arrests were made, compared to 345 in 2007, an increase of 38%.

Twenty law enforcement agencies also participate in the Alaska Strategic Traffic Enforcement Partnership (ASTEP). The agencies participating in this program were responsible for 4700 DUI arrests, with Anchorage P.D. responsible for 1,216 (25.8%) of these alone. Funding for continued DUI ASTEP enforcement efforts are contained in the Highway Safety Performance Plan (HSPP) filed for Federal Fiscal Year 2009.

Alaska also utilizes a network of five law enforcement liaisons (LEL) to support their impaired driving efforts. These trained LEL officers serve as a bridge of communication between the AHSO, state and local law enforcement agencies to improve the development and implementation of statewide initiatives focusing on traffic safety, education, and law enforcement.

Deployment of the officers performing DUI enforcement activities are loosely based on data driven problem identification. The AST DUI team targets their efforts around music festivals, fairs, and other events where large crowds and alcohol consumption is anticipated.

The Seward Highway and Parks Highway are designated as traffic safety corridors. Enforcement for DUI offenses on these corridors is low, averaging less than one arrest per week. This may be in part due to the bulk of enforcement efforts occurring during 10 am and 7 pm, hours when DUI activity and arrests are typically lower than from 9 pm until 3 am.

It should be noted that both fatality and major injury collisions were reduced significantly in these corridor areas (77% and 37% respectively). Efforts are underway to more effectively use enforcement data with corresponding collision data to determine if there is a correlation between enforcement and collision reduction. Significantly more enforcement activity was conducted on the Seward Highway corridor, and it is on that corridor where the greater reductions in collisions were realized.

The safety corridor review team consists of representatives from the AST, the AHSO and Department of Transportation and Public Facilities (DOT&PF). Involvement of local agencies, citizen groups, and private businesses on safety corridor projects would enhance public information and education efforts.

Local law enforcement agencies participate in national DUI mobilizations (Drunk Driving, Over the Limit, and Under Arrest) and receive overtime funding from the AHSO to encourage and support these activities. Agencies also receive equipment grants for items including Portable Breath Test (PBT) instruments, digital in-car video cameras and other enforcement related items.

There is a use of media, primarily television, in support of enforcement efforts surrounding these

national campaigns. The AHSO developed its own media message, Drink, Drive, Go to Jail and, with the inception of the new Highway Safety Bureau, a new tagline, “Impaired Driving is a Dead End” will be utilized during the upcoming Halloween campaign. Additional funding for media is included in the 2009 Highway Safety Performance Plan (HSPP), specifically designated for support of national mobilizations and ASTEP patrols.

There was little if any indication that other high visibility enforcement campaigns are occurring outside of the national mobilizations. This is not to say that agencies are not regularly engaged in efforts to identify and arrest DUI offenders, only that there were no indications of any specific enforcement campaigns supported by public information and education components typically associated with these types of efforts. The use of publicity in conjunction with high visibility patrols is nationally recognized as a best practice, and has a proven record of effectiveness in reducing the incidence of impaired driving collisions and the injuries and fatalities that frequently result.

Alaska does not currently conduct sobriety checkpoints. These checkpoints are not expressly prohibited by statute, but are not allowed as they do not reflect the “will of the people.”

There is no indication of coordinated efforts with Alaska Alcoholic Beverage Control (ABC) investigators. Compliance checks are not conducted in conjunction with DUI enforcement efforts, nor is there a central repository for, or any indication of data sharing between law enforcement officers and ABC investigators.

Law enforcement agencies do appear to be appropriately equipped with newer technologies to enhance the efforts of their officers. The use of Portable Breath Test (PBT) instruments is a common practice; however, the use of these devices are discouraged in the City of Anchorage where it is required that they are administered only after probable cause to arrest is established.

All sworn officers in Alaska are certified to operate the BAC Datamaster machines, and re-certification training occurs every three years. Training in Standardized Field Sobriety Testing (SFST) is provided in law enforcement basic academy training; however, there are currently no provisions for re-certification or other refresher training.

The International Association of Chiefs of Police (IACP) approved the Alaska Drug Recognition Expert (DRE) program for inclusion in the Drug Evaluation and Classification (DEC) program in 2004. Initially, four agencies supported a total of five DREs in Alaska. In 2008, the program has grown to a total of 30 DREs supported by 11 agencies

Of the DREs in Alaska, nine are with AST, six with Anchorage Police Department, one with North Pole Police Department, one with the University of Anchorage at Fairbanks Police Department, one with Palmer Police Department, one with Sitka Police Department, one with Soldotna Police Department, one with the Army , three each in Fairbanks and Juneau, and two in Wasilla . Training and re-certification of DREs are consistent with national standards, and 185 total law enforcement evaluations were conducted during 2007.

In 2006, 3844 drivers were tested for alcohol content with measured results. These drivers were arrested and processed as alcohol impaired drivers. Nearly 10% of these drivers (370) were found to be alcohol-free or had low breath alcohol content (BAC) results. Substances other than alcohol that may be responsible for impairment is strongly implicated in these cases, and these are the types of cases where a DRE evaluation can be critical in obtaining evidence in support of an arrest and conviction for DUI. Fifty percent of the DUI-drug cases are evaluated by DREs.

Anchorage Police Department provides for 24 hour availability of DREs on an overtime call out basis, and conducts DRE evaluations at fatality collisions within their city.

Concerns were expressed by law enforcement regarding the length and complexity of the DUI arrest process and associated forms. Efforts are underway to increase the use of technologies to improve an officer's ability to complete and submit traffic citations electronically; however, the nature of DUI reports will prevent similar electronic completion and submissions of these reports for the foreseeable future.

In some jurisdictions, there is no set bail schedule which requires officers to call a committing magistrate in Anchorage for a bail hearing. The hearing itself is not time consuming, but the location of a magistrate can be. This increases the already time consuming process of a DUI arrest estimated to take anywhere from 2-3 hours.

There must be a recognition regarding the number of alcohol involved motor vehicle collisions that occur "off the roadway" in Alaska. Although these numbers are significant (30% of all-terrain vehicle (ATV) collisions occurring off road requiring hospitalization were alcohol related) enforcement aimed at prevention of these collisions is extremely difficult. The vast areas over which these collisions occur coupled with limited law enforcement resources create significant issues.

An increased use of Village Public Safety Officers (VPSO's) as outlined in the report of the Alaska Rural Justice and Law Enforcement Commission, published in 2006, could significantly impact the ability of law enforcement to increase their efforts and presence in these rural communities. The use of the VPSO's, especially in Alaskan Native communities, may be in a non-traditional police role, focusing on behavior modification and subsequent compliance through increased educational efforts in lieu of strict enforcement.

Cross-deputization of tribal, state and federal police officers has the potential for assisting the state troopers that serve rural Alaska, assuming an agreement on shared training and certification standards could be reached, as would arrangements regarding liability.

For state, tribal, and other officers engaged in village law enforcement to work effectively together, there must be a way of obtaining reliable and up-to-date information identifying the officers of each department in rural Alaska, and determining the current training level of individual officers.

Village-based police and public safety officers need an opportunity to advance their training and certification within the state recognized system. There is also a need for a uniform and state-wide system of police and public safety officer training and certification.

### **Recommendations**

- Increase the use of public information and education campaigns in support of high visibility enforcement efforts.
- **Institute sobriety checkpoints.**
- Use all available data (including but not limited to collision, fatality, injury, EMS, toxicology, citation, adjudication, etc.) to effectively focus DUI enforcement efforts.
- Increase cooperation among federal, state, local and tribal law enforcement agencies, to include Village Public Safety Officers to facilitate a more unified enforcement strategy.
- **Implement the recommendations of the Alaska Rural Justice and Law Enforcement Commission.**
- Involve local agencies, citizen groups, and private businesses on the safety corridor projects to enhance public information and education efforts.
- Coordinate impaired driving enforcement efforts with the Alaska Alcoholic Beverage Control investigators.

### 3-C. Publicizing High Visibility Enforcement

#### Advisory

*States should communicate their impaired driving law enforcement efforts and other elements of the criminal justice system to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Publicity should be culturally relevant, appropriate to the audience, and based on market research. States should:*

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution and punishment for impaired driving.*
  
- *Develop and implement a year round communication plan that includes:*
  1. *messages that are coordinated with National campaigns*
  2. *special emphasis during periods of heightened enforcement and high risk holiday periods (including coverage before and reports of results after)*
  3. *regular (e.g., monthly), sustained coverage throughout the year, using messages (or” media hooks”) that are law enforcement related*
  4. *paid, earned and donated advertising<sup>11</sup>*
  
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages (e.g., that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, insurance, etc.).*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior.*

#### Status

The Alaska highway safety media program is located within the Alaska State Troopers (AST) Public Information Office (PIO). Media, to include audio, video and print is produced in conjunction with the Alaska Highway Safety Office (AHSO).

The AHSO coordinates the release of media efforts in conjunction with the national impaired driving mobilizations.

The AHSO developed its own media message, Drink, Drive, Go to Jail and, with the inception of the new Highway Safety Bureau within the AST, the launch of a new tagline, “Impaired Driving is a Dead End.”

There was no indication of statewide media efforts in combination with high visibility enforcement efforts, other than those done in conjunction with the national mobilizations or on a limited basis for local events.

The media campaign dates in support of impaired driving enforcement efforts are outlined in the

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<sup>11</sup> NHTSA Research Note, March 2004, DOT HS 809 708.

AHSO 2007 Annual Report, and only list those conducted during the national mobilizations.

There is a demonstrated understanding of the importance of targeted messaging and recognition that “media hooks” utilizing local law enforcement can make DUI advertising more effective.

There was no indication of any efforts to develop earned media, nor were any messages developed for diverse populations.

Additional funding for media is included in the 2009 HSP, specifically designated for support of national mobilizations and Alaska Strategic Traffic Enforcement Partnership (ASTEP) patrols.

There was no information of any effort to effectively monitor or evaluate the effectiveness of media efforts, other than minimal anecdotal remarks.

#### **Section IV Communication Program.**

##### **Recommendations**

- Develop and implement a strategic communications plan in support of high visibility enforcement efforts.
- Monitor and evaluate the effectiveness of media campaigns.

### 3-D. Prosecution

#### Advisory

*States should implement a comprehensive program to visibly, aggressively and effectively prosecute and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Prosecutors who handle impaired driving cases often have little experience, handle hundreds of cases at a time, and receive insufficient training<sup>12</sup> States should:*

- *Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors.*
- *Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes.*
- *Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors.*
- *Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State.*
- *Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in SFST, DEC, emerging technologies for the detection of alcohol and other drugs; prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel.*
- *In Driving While Impaired by Drugs (DWID) cases, encourage close cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including Drug Recognition Experts). Their combined expertise is needed to successfully prosecute these cases.*
- *Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense.*

#### Status

Impaired driving and related offenses are prosecuted by deputy attorneys general on a statewide basis and deputy municipal attorneys in several cities and towns of Alaska. Both municipal ordinances and state statutes provide for the prosecution and adjudication of impaired driving offenses.

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<sup>12</sup> Robertson, Robyn D. and Herb M. Simpson “DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.

The Alaska Attorney General is the principal executive officer of the Department of Law, which is located in the executive branch of state government. The Attorney General is not elected but is appointed by the Governor of Alaska. The Attorney General serves as the legal advisor for the Governor and other State officers, prosecutes all violations of state criminal law, and enforces the consumer protection and unfair trade practices laws. The duties and powers of the Attorney General are found in AS 44.23.020. Alaska has no elected prosecutors.

The Criminal Division is headed by a deputy Attorney General. The division prosecutes violations of state criminal law committed by adults and a large portion of the serious crimes committed by juveniles. The day-to-day prosecution services are carried out by thirteen regional district attorneys' offices.

The rural prosecution unit of Office of the State Prosecuting Attorney (OSPA) enhances prosecution efforts in rural Alaska. The unit aids district attorney offices throughout the State when they are short staffed and there are an insufficient number of attorneys to handle the caseload, or when the office receives cases that are so complex that the local attorney(s) are unable to complete the necessary investigation and motion work without neglecting the normal operation of the office. The unit also assists in developing the skills of those less experienced prosecutors in rural offices who lack sufficient experience to handle complex or serious felony prosecutions.

The Attorney General, in August 2008, created the position of a Traffic Safety Resource Prosecutor (TSRP). The TSRP is a traffic safety prosecution expert, employed in a prosecutor coordinator's office, who provides continuing professional education and technical assistance to prosecutors in the prosecution of drunk driving and vehicular homicide cases.

All Title 28 cases are prosecuted as adult cases and this means the impaired driving, driving without a license, and reckless driving cases go to district or superior court regardless of the age of the violator. The team learned of a girl, 14 years old, who has two DUI convictions.

For other offenses, unless the juvenile is waived into superior court to be prosecuted by district attorneys because their crime is very serious, the case is handled by the Division of Juvenile Justice (DJJ) in the Department of Health and Social Services. In the least serious juvenile cases, the juvenile probation officer works with the parents, victims, schools, community groups, and others to hold the offender accountable without a court hearing. In more serious juvenile cases, the case may go before a judge for adjudication. Department of Law attorneys prosecute the case before the judge. These hearings are closed to the public.

One of the principal duties of the Office of the Municipal Attorney of Anchorage is the prosecution of municipal misdemeanor criminal offenses. The office has 25 attorneys and 28 support staff with a budget of \$4.2 million. The Criminal Division prosecutes misdemeanors under the Anchorage Municipal Code. The majority of its cases are domestic violence offenses and driving offenses. There are a total of 13 attorneys and 21 staff members in the criminal division.

In cases in Alaskan Native Villages where a native youth is the alleged offender, such as minor consumer, and the State does not prosecute due to lack of capacity in manpower or transportation issues, the matter is 'prosecuted' or presented for resolution to a tribal court. The matter is filed or petitioned in the Tribal Court for adjudication by a Village Public Safety Officer (VPSO), a designated Presenting Officer, or other tribal designee.

The tribal court setting is a recent phenomenon in Alaska and does not take the same form of the state court model nor apply an adversarial approach to resolve the controversy. Moreover, the case against the tribal youth may be pursued in a civil context and process rather than as a criminal matter. The minor, therefore, is not facing incarceration for his illegal conduct.

No indication was presented that either the municipal attorneys or the attorney general make impaired driving cases a high priority for prosecution. Information presented leads to the conclusion that these cases are not assigned to the most knowledgeable and experienced prosecutors.

It does not seem that the prosecution of impaired driving (including youthful offender) cases is vigorous or consistent, even when resulting in a fatality or injury, under both impaired driving and general criminal statutes or the municipal ordinances.

There appear to be no organized or continuing efforts to provide educational opportunities for the new or experienced prosecutors. The professional resources available to the municipal attorneys include the Alaska Municipal Attorneys Association (AMAA) and the Municipal Law section of the Alaska State Bar Association. These are possible sources for continuing legal education such as state-of-the-art training, such as in Standard Field Sobriety Testing (SFST), Drug Evaluation Classification (DEC), emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for offenders who abuse these substances. The organization could facilitate multi-disciplinary training with law enforcement personnel.

The current turn-around time of 6 weeks is too long to get blood test results for charging purposes. The proposal to train and qualify law enforcement officers to draw blood poses significant logistical issues in light of the current practices of sending all blood out of state for analysis.

## **Recommendations**

- **Establish strong continuing legal education opportunities for prosecutors.**
- Develop and implement a prosecutors' training team that has successfully completed the training of the trainers' course entitled the Improvement of Prosecution of Impaired Driving Cases.
- Establish an educational priorities committee to guide the development and implementation of a training plan that includes an outside evaluation for the training program on a regular basis.

### 3-E. Adjudication

#### Advisory

*States should impose effective, appropriate and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering SFST, DEC, alternative sanctions and emerging technologies.*

*Each State should utilize DWI courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI courts also increase access to testing and assessment to help identify DWI offenders and addiction problems and to help prevent them from re-offending, DWI courts additionally help with sentence monitoring and enforcement. Each State should provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.*

*States should:*

- *Involve the State’s highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges.*
- *Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury.*
- *Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges.*
- *Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DEC testimony, emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for offenders who abuse these substances.*
- *Use court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug court practices; these courts increase the use of drug or alcohol assessments, identify offenders with alcohol or drug use problems, apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs and closely monitor compliance, leading to a reduction in recidivism<sup>13</sup>*
- *Provide adequate staffing and training for probation programs with the necessary*

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<sup>13</sup> Freeman-Wilson, Karen and Michael P. Wikosz, “Drug Court Publications Resource Guide, Fourth Edition.” Alexandria, VA: National Drug Court Institute, 2002.

*resources, including technological resources, to monitor and guide offender behavior.*

## **Status**

The Alaska Court System is a streamlined, unified, centrally administered, and totally state-funded judicial system. Municipal governments do not maintain separate court systems. Some of the Alaskan Native villages have tribal courts.

The four levels of courts in the Alaska Court System, each with different powers, duties and responsibilities, are the Supreme Court, the Court of Appeals, the Superior Court and the District Court. The Supreme Court and the Court of Appeals are appellate courts, while the Superior and District Courts are trial courts. Jurisdiction and responsibilities of each level of court are set out in Title 22 of the Alaska Statutes.

The Supreme Court and the Superior Court were established in the Alaska Constitution. In 1959, the legislature created a district court for each judicial district and granted power to the Supreme Court to increase or decrease the number of district court judges. In 1980, the legislature created a court of appeals. The specialty courts such as the mental health courts, drug courts, and DUI courts are merging into the wellness or therapeutic courts. These courts provide high levels of monitoring and services for the defendants. The evaluation of the courts was good. The one drawback is that they are resource intensive.

The Chief Justice of the Alaska Supreme Court is the administrative head of the Alaska Court System. An administrative director is appointed by the Chief Justice with concurrence of the Supreme Court. The director supervises the administration of all courts in the State.

Rules governing the administration of all courts and the rules of practice and procedure for civil and criminal cases are promulgated by the Supreme Court.

## Tribal Courts in Alaska

Over the last 15 years, Alaskan Native Villages have begun to develop their own court systems. Exact numbers of these courts are difficult to discern and the assessment team was not provided any specific numbers of existing, developing, and no longer functioning Alaskan tribal courts. Research from internet resources, primarily federal government websites, indicate approximately 20 tribal courts exist primarily hearing child in need of care matters. Other traditional courts and Healing to Wellness Courts (i.e. drug courts) also may be in operation in various villages throughout Alaska.

Questions regarding tribal jurisdiction are at the forefront of tribal court development. The U.S. Supreme Court's finding in the *Venette* case that there is no Indian Country in the State of Alaska perpetuates this question among non-tribal entities. Nevertheless, Alaskan Natives are attempting to expand their scope of judicial services so that they can offer to their members 'home grown' justice and adjudication of various disputes and conflicts. This includes assuming greater assertion of jurisdiction over matters that are usually heard in the Alaska State Court system.

Tribal Courts are not only the place to resolve legal disputes, they serve as a community and family building institution. Due to the societal and community problems Alaskan Natives face in modern contexts they are compelled to address judicially those issues facing children and families with the greatest care and attention. In native villages, many residents are familiar with each other and share family history and ancestry. As some tribal courts utilize elders as judges, by taking their issues to these judges is like going before grandparents to explain one's behavior and conduct. This process helps keep tribal and family members in line and within acceptable community standards of conduct, formulated many years before. From village elders, court users who are often youth, get guidance and direction with pressing personal and painstaking problems. This culturally accordant manner of conflict and dispute resolution is an attribute not common in Anglo American judicial systems. When Tribal Courts are operating in this capacity they serve as a primary family support system as much as a means of resolving conflict among members of their respective villages.

Tribal Court judges in most villages are not paid. The judges volunteer their time and effort to hear matters for the Tribal Courts. Not only does this show the judges' commitment to the Court and tribal government, it shows their dedication to contribute to a peaceful community. This volunteerism is unique and not common among state courts.

Some Alaskan Villages have developed tribal courts to address illegal or negative conduct including alcohol consumption of minors and other 'delinquent' behavior. Due to the isolated and rural nature of these villages juvenile illegal and negative conduct is not swiftly and adequately addressed by the State, which forces the tribes to address the matters in their own ways. Most tribal courts in Alaska do not resemble the state court and often utilize volunteer 'elder' judges who hear the matters and render decisions often from their own sense of right and wrong and without reference to a sentencing structure outlined in a code or statute. The concept of Peacemaking and restorative justice is the goal rather than punishment and retribution.

In non-native communities and among State employees there is a lack of knowledge and awareness of Tribal Court existence. There is little knowledge of the Tribal Court jurisdiction and what a Tribal Court has the authority to do. This unfamiliarity causes them to question Tribal Courts altogether when provided information of their existence.

The long-term State Court exercise of jurisdiction over tribal matters overshadows the current efforts of Tribal Courts. As with all types of change, there is a learning curve to accept the Tribal Court as a credible and viable institution. This may be due to the fact that Tribal Courts do not mirror state court models in adjudication processes. While some similarities may be necessary, Tribes have opted to resolve dispute in their own way. It may take some time for non-natives to accept tribal courts, as it has been the practice and expectation for many years for the State Court to assert jurisdiction over tribal conflict and controversy.

This slow recognition requires greater awareness and education to the state court staff about Tribal Court jurisdiction, authority, and intent. If the two systems can see ways to develop mutual respect and understanding the tribal courts could undertake more of the alcohol related adjudication.

Judicial training for the state courts takes several different forms. There is a statewide judicial conference each year which includes training in specific areas of court procedures or operations. Judges are eligible on a rotating basis for training at the National Judicial College in Reno, Nevada. All magistrates attend at least one magistrate conference during a calendar year. During odd-numbered years, regional magistrate conferences are held for the four judicial districts and the Bethel area magistrates. A statewide magistrate conference is held in Anchorage during even-numbered years. Training judges, deputy training judges, and staff of the Alaska Administrative Office of the Courts (AOC) regularly visit with magistrates for on-site training. The AOC prepares written educational materials that are distributed to magistrates.

### **Recommendations**

- **Develop and implement pilot programs to build mutual respect and understanding of the tribal and state court systems.**
- Provide technical assistance to developing tribal courts to ensure consistent and adequate adjudication of matters presented, particularly impaired motor vehicle operations and other alcohol and drug related conduct.
- **Develop and implement a judicial education plan for impaired driving related issues.**
- Provide resources to obtain expert trainers and material for the judicial education.
- Assess the impact of the judicial education that is provided.

### **3-F. Administrative Sanctions and Driver Licensing Programs**

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization or forfeiture of a vehicle; the impoundment of a license plate; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.<sup>14</sup> In addition, other driver licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers. Publicizing related efforts is a part of a comprehensive communications program.

#### **3-F-1. Administrative License Revocation and Vehicle Sanctions:**

##### **Advisory**

*Each state's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the state's impaired driving laws.*

*The code should provide for:*

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal.*
- *The period of suspension for a test refusal should be longer than for a test failure.*
- *Prompt suspension of the driver's license (within 30 days of arrest), which should not be delayed, except when necessary, upon request of the State.*
- *Vehicle sanctions, including impoundment of or markings on the license plate, or impoundment, immobilization or forfeiture of the vehicle(s), of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving.*
- *Installation of ignition interlocks on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle.*

##### **Status**

Alaska statutes require that defendants whose licenses are revoked by the court face additional administrative license revocation by the Division of Motor Vehicles (DMV). The court revocation may be concurrent with (at the same time as) or consecutive to (in addition to) the DMV revocation.

If a driver fails a chemical test (has a test result of 0.08% or greater) or refuses to take a chemical test, the law enforcement officer will seize the driver's license and give the driver a "Notice and Order of Revocation." That notice informs the driver that the driver's license or privilege to drive will be revoked by DMV on the eighth day following the arrest. The notice serves as a temporary license for seven days and describes how to request an

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<sup>14</sup> Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.

administrative review of the revocation.

A request for an administrative review must be made in writing within seven days after the driver receives the notice. The driver may write a letter or use a form obtainable from DMV. The request for a hearing should be mailed or delivered to the DMV at the Department of Administration. When a request is received, DMV will issue a temporary license, which is valid until the date of the administrative hearing. Many of these hearings are delayed for many weeks waiting for an evidence discovery that is requested by the charged driver or his/her attorney. It was reported that this evidence discovery and mini-hearing far exceeds the requirements and/or intent of the law and allows the driver and his attorney delaying tactics and evidence discovery outside the proper court.

Many states include in the ALR hearing process the following standards for discovery:

If a driver or his/her attorney has made the request for an ALR hearing, no suspension may be imposed against the driver until the Department proves the following elements by a preponderance of the evidence at the hearing:

- There was probable cause to arrest or reasonable suspicion to stop the driver
- That probable cause existed and the driver was in actual physical control of a motor vehicle or driving while intoxicated,
- The driver was arrested and was offered an opportunity to take a BAC test after being notified both orally and in writing of the consequences of either refusing or failing a breath or blood test, AND
- The driver refused to give a sample on request of the officer, OR, that the driver failed a blood or breath test by registering an alcohol concentration of .08 or greater per 100ml of blood or 210 liters of breath.

If the driver is dissatisfied with the result of the DMV hearing, the driver may file an appeal with the court. A booklet entitled *Appellant Instructions for an Appeal to the Superior Court from an Administrative Revocation of Driver's License under Alaska Statute 28.15.165 (PUB AP-220)* is available from the court.

Under the Alaska Statute 28.15.183 Administrative Revocation of License to Drive, if a peace officer has probable cause to believe that a person who is at least 14 years of age but not yet 21 years of age has operated a vehicle after consuming alcohol in violation of AS 28.35.280, or refused to submit to a chemical test under AS 28.35.285, and the peace officer has cited the person or arrested the person for the offense, the peace officer shall read a notice and deliver a copy to the person.

The notice must advise that:

The department shall impose the revocation required under this section

- (1) for a first revocation, for a period of 30 days;
- (2) for a second revocation, for a period of 60 days;
- (3) for a third revocation, for a period of 90 days; or
- (4) for a fourth or subsequent revocation, for a period of one year.

**Alaska Statute 28.15.181.** Court Suspensions, Revocations, and Limitations reads in part:

(a) Conviction of any of the following offenses is grounds for the immediate revocation of a driver's license, privilege to drive, or privilege to obtain a license:

- (5) operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance;

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commercial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165 . The court may not, except as provided in AS 28.15.201 , grant limited license privileges during the minimum period of revocation. Except as provided under AS 28.35.030(n)(3) and 28.35.032(p)(3), the minimum periods of revocation are

- (1) not less than 90 days if the person has not been previously convicted;
- (2) not less than one year if the person has been previously convicted once;
- (3) not less than 3 years if the person has been previously convicted twice;
- (4) not less than 5 years if the person has been previously convicted more than twice.

(f) The court may terminate a revocation for an offense described in (a)(5) or (8) of this section if

- (1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in (c) of this section; and
- (2) the person complies with the provisions of AS 28.15.211 (d) and (e).

The following shows the similarity between administrative revocation for test failure or refusal to the court ordered revocation.

Alaska Statute 28.35.031. Implied Consent concerns any person who operates or drives a motor vehicle in this state. The person shall be considered to have given consent to a chemical test or tests of their blood, breath or urine for the purpose of determining the alcoholic content or presence of a controlled substance in their blood. This is contingent upon;

- lawful arrest for an offense arising out of acts alleged to have been committed while they were operating or driving a motor vehicle
- a officer has probable cause to believe that the person was operating or driving a motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance

- the person was a minor operating a vehicle after consuming alcohol

Persons who operate or drive a motor vehicle in Alaska shall also be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of their blood or breath. They may refuse the test but their refusal is an infraction. Alaska Statute 28.35.032. Refusal to Submit to Chemical Test sets penalties for such refusal at imprisonment of:

- not less than 72 consecutive hours and a fine of not less than \$1,500 if the person has not been previously convicted;
- not less than 20 days and a fine of not less than \$3,000 if the person has been previously convicted once;
- not less than 60 days and a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (p) of this section;
- not less than 120 days and a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (p) of this section;
- not less than 240 days and a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (p) of this section;
- not less than 360 days and a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to stricter punishment under a class C felony law.

The court may not suspend execution of the sentence unless the person completes a drug treatment program. It was reported that the court does not usually suspend sentence even if they do attend treatment.

Alaska Statute 28.15.181. Court Suspensions, Revocations, and Limitations sets the suspension periods for failure to take the chemical tests in subsection (c).

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commercial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165 . The court may not, except as provided in AS 28.15.201 , grant limited license privileges during the minimum period of revocation. Except as provided under AS 28.35.030(n)(3) and 28.35.032(p)(3), the minimum periods of revocation are

- (1) not less than 90 days if the person has not been previously convicted;
- (2) not less than one year if the person has been previously convicted once;
- (3) not less than 3 years if the person has been previously convicted twice;
- (4) not less than 5 years if the person has been previously convicted more than twice.

The above statutes indicate that Alaska is taking steps to reduce driving under the influence (DUI) in the State. One problem that arose in the Anchorage area was that many people who had their license suspended failed to seek reinstatement. In an effort to increase the number of reinstatements, the DMV and a local court created the Operating Without a License (OWL) Court. The OWL Court reduced reinstatement fees and made the reinstatement process simpler. The court docket has been so overwhelmed with attendance that additional OWL Courts had to be scheduled.

### Vehicle Sanctions

Alaska Statute 28.35.036. Forfeiture of Vehicle, Aircraft, or Watercraft sets guidelines for vehicle forfeiture after conviction of a DUI offense. The law states that the court shall schedule a hearing on the forfeiture matter and shall notify the state and the convicted person of the time and place set for the hearing. The court may order the forfeiture if it will serve as:

- a deterrence of the convicted person from the commission of future DUI offenses or
- protection of the safety and welfare of the public or
- deterrence of other persons who are potential DUI offenders or
- expression of public condemnation of the serious or aggravated nature of the convicted person's conduct.

It was reported that the forfeiture law is used for second offense and all felony DUI charges and that several vehicles are forfeited every year. Cases where the defendant is driving another person's vehicle or where the vehicle has financial ties usually result in no forfeiture. Reporting of vehicle forfeitures to the State is questionable.

### Ignition Interlock

Currently, Alaska Statute 12.55.102 Alcohol-Related Offenses allows the court as a condition of probation or generally as part of a sentence that the offender may not operate a motor vehicle during the period of probation unless the vehicle is equipped with a properly functioning, monitored, and maintained ignition interlock device. The court may include the cost of the ignition interlock device as a part of the fine required to be imposed against the defendant. This statute also allows the defendant to drive an employer's vehicle during probation without an interlock device.

On Monday, June 16, 2008 Governor Palin signed HB19 (Ignition Interlock) into law. It becomes effective January 1, 2009. Following is a summary of that law.

- Convicted misdemeanor DUI offenders (including those convicted of Refusal to Take a Chemical Test) are eligible to get an Ignition Interlock Limited License (IILL) which will permit them to drive an ignition interlock equipped car during their period of revocation following a 30 day hard revocation

period for first time offenders and a 90 day hard revocation period for subsequent offenses. Felony DUI offenders are not eligible for an IILL.

- Individuals applying for an IILL must be in compliance with the alcoholism screening, evaluation, referral, and program requirements of the Department of Health and Social Services under AS 28.35.030(h)22, (usually ASAP).
- Proof of insurance is required as is a record of no prior convictions for tampering with an ignition interlock.
- It is an offense to tamper with or circumvent an ignition interlock device. It is an offense to rent or loan a vehicle to someone who is known to have an IILL.
- A minimum period of ignition interlock use is required as part of sentencing for DUI and refusal to submit to chemical test convictions. This period begins when the individual regains the privilege to drive and the length of time for required use is dependent upon number of prior offenses. First offense - 12 months, 2nd offense - 24 months; 3rd offense - 36 months; 4th and beyond - throughout period of probation.
- Persons holding a Limited License issued prior to the effective date of this legislation may continue to use that license.
- Local communities must include provisions for ignition interlocks that are consistent with this statute.
- If a community wherein the offender resides does not have roads connected to the state highway system, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in that community which must be included on the list published by the department.

The cost varies according to the vendor, but can run roughly between \$100-\$125 for an install and \$125 monthly for leasing and downloading of information. The offender is responsible for these costs.

It was reported that the new legislation will require many more ignition interlocks be installed in the State but current providers are prepared for the increase.

Interlock providers for the State reported that currently they report interlock test failures to different agencies and charge differently for their services. It is an offense to fail a test or tamper with an interlock device but the reporting of these by vendors is not consistent and prosecution is questionable. There are no standard procedures for administration of the program.

### **Recommendations**

- Ensure all court actions including vehicle forfeitures are reported to the state and recorded in the appropriate data file.
- **Limit administrative license revocation (ALR) hearing officer power of discovery.**
- Establish a maximum number days in which to hold the ALR hearing to 30 days or less.

- **Develop standard policies and procedures for interlock providers such as reporting installations, completion of required interlock period, failures in testing and machine tampering.**
- Develop an electronic reporting system for the ignition interlock program.
- Increase suspension period for refusal to submit to a chemical test to a period longer than the period for a test failure.

### **3-F-2. Programs**

#### **Advisory**

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- *Graduated Driver Licensing (GDL) for novice drivers that includes three distinct licensing phases for young novice drivers (learner's permit, restricted license and unrestricted license) and provides that:*
  1. *Requires a learner's permit for a minimum of 6 months and a total combined period of one year prior to being eligible for an unrestricted license.*
  2. *Requires that drivers practice driving with parental or adult supervision for a minimum number of hours and demonstrate safe driving practices before they may drive unaccompanied by a parent or adult.*
  3. *Requires a nighttime driving restriction and limits on the number of young passengers who may be in the vehicle during phase two.*
  4. *Provides that the permit, the restricted and the unrestricted license, as well as licenses to drivers under and over the age of 21, are easily distinguishable.*
  5. *Provides for license suspension for drivers under age 21 who drive with a BAC exceeding the limit set by the State's zero tolerance law.*
  6. *Provides for primary enforcement of safety belt use laws for young novice drivers.*
- *A public information program that describes alcohol's effects on driving and the consequences of being caught driving impaired or above the State's zero tolerance limit.*
- *A program to prevent individuals from obtaining and using a fraudulently obtained or altered driver's license including:*
  1. *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them.*
  2. *Training for license examiners to recognize fraudulent documents and individuals seeking to fraudulently apply for them.*

<sup>7</sup> Robertson, Robyn D. and Herb M. Simpson "DWI System Improvements for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002.

#### **Status**

##### **Graduated Driver License**

The Alaskan Learner's or Instruction Permit process does not meet the advisory requirements for a Graduated Driver Licensing (GDL) Program as described in the advisory. Especially in the areas concerning:

- A learner's permit for a minimum of 6 months and a total combined period of one year prior to being eligible for an unrestricted license.
- Drivers practice driving with parental or adult supervision for a minimum number of hours and demonstrate safe driving practices before they may drive unaccompanied by a parent or adult.
- A nighttime driving restriction and limits on the number of young passengers who may be in the vehicle during phase two.
- The Alaska Statutes (AS 28.35.280, AS 28.15.176) are unclear and inconsistent in the age requirements for license suspension for underage drivers who drive with a BAC exceeding the limit set by the State's zero tolerance law.

An Alaskan applicant for a learner's or instruction permit must be at least 14 years of age. If the applicant is under 18 years of age, they must have parental consent to obtain an original, duplicate or to renew a permit. Effective July 1, 2007 - A permit can be renewed one time only.

The applicant will be required to pass the written knowledge test, a vision test and pay a fee prior to being issued a learner's or instruction permit. The learner's permit is valid for two years from the date of issuance. Even if a driver has a learner's permit from another state, they must obtain an Alaska learner's permit before driving in Alaska.

In order to drive with a permit, you must be accompanied by a person age 21 years or older that has a minimum of 1 year driving experience. This person must have a valid driver license and occupy the passenger seat next to the driver at all times.

An applicant for an original Alaska driver license must be at least 16 years of age and have held a valid driving permit for a minimum of 6 months. If an applicant is under 18 years of age, they must have parental consent to obtain a Provisional drivers license. An Application for Alaska Driver License, Permit or State Identification (Form 478) is required prior to issuance of a license, permit or state ID. The form is available at DMV offices.

Alaska has a primary seat belt law and all vehicle occupants are required to wear a seat belt.

## Revocations

AS 28.15.176. Administrative Revocation of License to Drive for Consumption or Possession of Alcohol or Drugs.

The department shall revoke the driver's license or permit, privilege to drive, or privilege to obtain a license of a person not yet 18 years of age for

- (1) six months when notified of an informal adjustment under AS 47.12.060(b)(4) and shall revoke the person's driver's license or permit, privilege to drive, or privilege to obtain a license for an additional six months when notified of an unsuccessful adjustment under that paragraph;
- (2) the time period specified in AS 28.15.185 (b) when notified of an informal adjustment under AS 47.12.060 (b)(5).

AS 28.15.185. Court Revocation of a Minor's License to Drive.

(a) A person is subject to revocation, under (b) of this section, of the person's driver's license or permit, privilege to drive, or privilege to obtain a license if the person

(1) is at least 13 years of age but not yet 21 years of age and is convicted of or is adjudicated a delinquent minor by a court for misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements; or

(2) is at least 13 years of age but not yet 18 years of age and is convicted of or is adjudicated a delinquent minor by a court for an offense involving the illegal use or possession of a firearm that is punishable under AS 11 or a municipal ordinance with substantially similar elements.

(b) The court shall impose the revocation for an offense described in (a) of this section as follows:

(1) for a first conviction or adjudication, the revocation may be for a period not to exceed 90 days;

(2) for a second or subsequent conviction or adjudication, the revocation may be for a period not to exceed one year.

(c) When a person described in (a) of this section has been convicted of or adjudicated a delinquent minor for an offense listed in (a) of this section, the court may, upon petition of the person, review the revocation and may restore the driver's license, except a court may not restore the driver's license until

(1) at least one-half of the period of revocation imposed under this section has expired; and

(2) the person has taken and successfully completed a state approved program of drug education or rehabilitation if convicted or adjudicated of misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements; however, this paragraph does not apply to a person who resides in an area that does not offer a state approved drug education or rehabilitation program or a person that the court determines does not need drug education or rehabilitation.

(d) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, upon conviction of an offense specified in (a) of this section, the department may not require proof of financial responsibility before restoring or issuing the person's driver's license.

(e) In addition to revocation imposed under this section, a court that adjudicates a delinquent minor for repeat minor consuming or in possession or control under AS 04.16.050 (c) or for habitual minor consuming or in possession or contact under AS 04.16.050 (d) shall revoke the minor's driver's license, privilege to drive, or privilege to obtain a license as provided in AS 04.16.050 (c) or (d).

Parental Consent

Alaska statutes require parental signature for all minors under the age of 18 who are applying for a driver's license or instruction permit. The law provides that any negligence or willful misconduct of a minor under the age of 18 when driving a motor vehicle may be attributed to the person who signed the parental consent for the minor. By giving their consent and signing the parental consent for the minor, the signer may become liable for damages in a motor vehicle crash.

A parent or guardian must complete and sign the parental consent portion on the back of the Application for Alaska Driver License, Permit or Identification Card (Form 478) prior to issuance of a permit or license for an applicant under the age of 18. A separate consent is required for each specific type of permit or license that is issued. If the parent is not present, a properly completed and notarized Parent/Guardian Consent for a Minor (Form 433) is required. The parent or guardian may withdraw consent; however, only the person who signed the parental consent form can withdraw consent. That person may submit to the Division of Motor Vehicles a notarized written request or witnessed by a Division of Motor Vehicles employee. The Division of Motor Vehicles will then cancel the license or permit.

#### Driver License Distinguishable

In 2004, Alaska introduced a new digital driver license. It was designed in vertical and horizontal formats to make it easy to distinguish between a under and over 21 year of age license. New attributes also make it harder to forge a driver license. Following are the attributes of each format.

#### Horizontal Format (Over 21)

1. Ghost image of photograph in lower bottom left corner.
2. Issue date printed at top of ghost photo located at bottom left corner of license.
3. Driver license ID # printed on top center of license, as well as on top right side of photograph.
4. Date of birth printed in date of birth block, top right corner of license and on top left of photograph.
5. Date of birth block background printed in tamper resistant "rainbow printing" of purple changing to blue and letters "DOB" repeating across background.
6. Optical Variable Image (OVI) of the word "ALASKA" followed by outline of the Alaska flag alternating in two rows across the horizontal face of the license.
7. Laminate stops 1/8<sup>th</sup> inch short of all edges on face of the license.
8. The word "ALASKA" appears on the left and right side of the license face when viewed under U/V lighting.
9. 2D bar code appears on the reverse of the license and contains all data shown on the front of the card (unencrypted).
10. Plastic card laminated both front and back.

#### Vertical Format (Under 21)

1. Vertical format used only for those under the age of 21 years.

2. Ghost image of photograph located on right center of card face.
3. Issue date printed at top of ghost photo located at center along the right side of license.
4. Drivers license / ID number printed top right of license and right upper side of photograph.
5. Date of birth in date of birth block, located above photograph, and on the top left of photograph.
6. Date of birth block background printed in tamper resistant “rainbow printing” of purple changing to blue and letters “DOB” repeating across background.
7. “UNDER 21 UNTIL \_\_/\_\_/\_\_\_\_” block in red background with white lettering located above date of birth block.
8. Optical Variable Image (OVI) of word “ALASKA” followed by outline of the Alaska flag alternating in two rows from bottom of vertical face of license, to the top.
9. Laminate stops 1/8<sup>th</sup> inch short of all edges of the face of the license.
10. The word “ALASKA” appears at the top and bottom of license face when viewed under U/V lighting.
11. 2D bar code on reverse of license.
12. Plastic card laminated both front and back.

## Public Information Programs

Alaska’s Highway Safety media program is located within the Alaska State Troopers Anchorage Public Information Office. Audio, video, and photographic ads are produced in agreement with the Alaska Highway Safety Office (AHSO) and the Department of Public Safety. The campaigns reached approximately 85% of Alaska’s population with both television and radio ads.

Media Awareness Project: The National Impaired Driving slogan, “You Drink & Drive. You Lose” was replaced with “Over The Limit. Under Arrest” and the state “Drink. Drive. Go To Jail” message. The National Seat Belt slogan “Click It or Ticket”(CIOT) and the state logo “Seatbelts Must Be Worn in Alaska” was used in the CIOT media campaign.

AHSO coordinated the media campaigns to coincide with the national impaired driving mobilizations. This united effort was based on data which showed the most dangerous travel dates. It was no surprise the times were around holidays, during weekends and in the evenings. The main target audience for the media campaigns were the “High Risk Driver,” who refused to comply with traffic safety laws. Studies have determined that the most effective ads for this particular offender are consequence reminders.

The majority of Alaskans appreciated the media ads which provided simple messages: If people were not buckled up, they were going to get a ticket. If drivers were impaired, they would get arrested. The media campaigns were a major component in the strategy to combine education with enforcement. The

National Campaigns occur four times a year, around Labor Day, the 4th of July, Memorial Day and between Thanksgiving and New Year's Day.

The National Council on Alcoholism and Drug Dependency (NCADD) comprehensive statewide media project targeted impaired and high-risk drivers as well as educating Alaskans on the benefits of primary seat belt enforcement. Educational messages were viewed or heard by target audiences during the holiday seasons, high school/college spring break and graduation on statewide network stations, in two local newspapers as well as in movie theaters and on radio stations. A post-campaign survey was conducted in October to measure the impact and a total of 30 households from three of Alaska's most populated regions were surveyed. One interesting pattern was that most people who had seen or heard the ads indicated that although these ads did not change their views, they thought the ads would be effective in changing the attitudes of others. Overall, responses were positive, people seemed well informed and in favor of the seat belt and drunk driving laws.

There is no statewide school program for alcohol and drug use. The Anchorage School District reported that they use many programs such as; Safe and Drug Free Schools, Red Ribbon Campaign, Resource Officers, Healthy Life Skills, Peer Educators and others in their eight high schools but feel they could do more if they had the resources.

#### Other Programs

Effective October 21, 2008, a new law in Alaska (HB 75) requires drivers to pass an Alcohol Awareness Test within 90 days after their 21<sup>st</sup> birthday in order to be issued or receive a new license. The new license will be an "OVER 21" horizontal type card. The alcohol awareness test is based on information found in the *State of Alaska Driver Manual*. The manual is available on line at [www.alaska.gov/dmv/](http://www.alaska.gov/dmv/) or at a local DMV office. It includes a section on Alcohol, Drugs and Driving with information on the consequences of drinking and driving, administrative license revocation, and how alcohol and drugs impact the act of driving. Some time in the future, there may be an education component, with a separate manual, to assist in passing the Alcohol Awareness Test. Until that time, the primary means to prepare for the test is to study the appropriate section(s) of the *Driver Manual*.

Driver education is not required to receive a driver license. Evidence of having completed forty hours of driver experience, six months of holding a valid instruction permit, and receipt of a passing score on a road test are sufficient to obtain a provisional driver license for those under the age of 18 (given that the applicant has also taken a nationally certified defensive driving course if s/he received traffic citations which total 6 or more points in a 12 month period or 9 or more points in a 24 month period).

At the time of the assessment, there are 15 approved driving schools in the State: four in Anchorage, five in Fairbanks, one in Juneau, two in Kenai Peninsula, Kodiak and Seldovia, one in Ketchikan, and two in the Mat-Su Valley. These schools are available to those referred to or wanting to attend defensive driving courses.

## Fraudulent and Altered License Programs

In 1984 Alaska alcohol retailers took it upon themselves to bring an alcohol server training program to the State. The State later passed legislation that requires:

all servers of alcoholic beverages, their supervisors and persons providing security in licensed businesses must receive approved alcohol server training within thirty days of employment. Each server, supervisor or security person must renew their server training certification every three years.

Persons may enroll in web based approved courses by contacting the vendors.

Even though there is a server training programs it was reported that many establishments still go by the old practice that “it is our job to get them drunk”. This attitude makes it very difficult to limit drinking. Also, it is currently legal for bartenders and servers to consume alcohol on the job.

Alaskans applying for an original driver’s license or permit must furnish various documents and/or alternates to prove identification and date of birth. These documents are too numerous to list. Training for license examiners to recognize fraudulent documents and individuals seeking to fraudulently apply for them is required by the DMV. All examiners must take the AAMVA approved level I course and all supervisors must take both levels I and II AAMVA approved document courses yearly.

## **Recommendations**

- Require a learner’s permit for a minimum of 6 months and a total combined period of one year prior to being eligible for an unrestricted license.
- Require practice driving with parental or adult supervision for a minimum number of hours and demonstration of safe driving practices before they may drive unaccompanied by a parent or adult.
- Enact nighttime driving restriction and limits on the number of young passengers who may be in the vehicle during phase one and two of instructed driver training.
- Enact administrative license suspension to include drivers 18 to 21 years of age who drive with a BAC exceeding the limit set by the State’s zero tolerance law.
- Include 18 to 21 year old license applicants participation in the Graduated Driver Licensing Program.
- Limit the number of documents that can be used to prove identification and date of birth when applying for a driver license.

- Enact legislation making it illegal for bartenders and servers to consume alcohol on the job.
- Expand Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them.
- Enact legislation to punish establishments where servers over serve alcoholic beverages.
- Continue funding high school alcohol and drug training when funds are available.
- Strengthen current laws to require all minor convicted of “minor in possession” attend a drug education program where available and require proof of financial responsibility before restoring or issuing the person's driver's license.
- **Enact legislation to require immediate suspension of the driver’s license for those under the age of 21 found driving with a BAC exceeding the Zero Tolerance limit and require the courts to impose the sentence.**

## IV. COMMUNICATION PROGRAM

States should develop and implement a comprehensive communication program that supports priority policies and program efforts. Communication strategies should be directed at underage drinking, impaired driving, and reducing the risk of injury, death and the resulting medical, legal, social and other costs. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience. States should:

### Advisory

- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes and influencing and sustaining appropriate behavior;*
- *Adopt a comprehensive marketing approach that coordinates elements like media relations, advertising and public affairs/advocacy;  
Use traffic-related data and market research to identify specific audiences segments to maximize resources and effectiveness;*
- *Develop and implement a year round communication plan that includes:*
  1. *Policy and program priorities*
  2. *Messages that are coordinated with National campaigns*
  3. *Special emphasis during holiday periods and other high risk times throughout the year, such as New Year's, 4<sup>th</sup> of July, Labor Day, Halloween, Prom Season and Graduation*
  4. *Appropriate use of core message platforms that emphasize underage drinking, impaired driving enforcement and personal responsibility, including use of designated drivers and alternative transportation*
  5. *Messages that are culturally relevant and linguistically appropriate*
  6. *Paid, earned and donated media*
  7. *Key alliances with private and public partners*
  8. *Evaluation and survey tools*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems (such as youth, young adults, repeat and high BAC offenders and drivers who use prescription or over-the-counter drugs that cause impairment).*
- *Use creativity to encourage earned media coverage, using a variety of messages or "hooks" (such as inviting reporters to "ride-along" with law enforcement officers, conducting "happy hour" checkpoints or observing under-cover liquor law enforcement operations).*
- *Encourage communities, businesses and others to financially support and participate in communication efforts to extend their reach, particularly to populations and in geographic areas at highest risk.*

### Status

Within the Alcohol Program Area of the Fiscal Year (FY) 2009 Highway Safety Plan (HSP), the

State has planned to implement a half million dollar media program incorporating both the national slogan, “Drunk Driving. Over the Limit. Under Arrest.” and the state slogan, “Drink. Drive. Go to Jail.” This investment in media will be coordinated with Alaska State Troopers (AST) and local law enforcement to support impaired driving crackdowns, the “Click It or Ticket” mobilization and the Alaska Strategic Traffic Enforcement Partnership (ASTEP).

The media program with AST has focused on media production and distribution and media buys. For FY 2007, the project produced print, radio, and television ads for four “Over the Limit. Under Arrest.” campaigns. In addition to paid media, this project generates a significant amount of free media with two-to-three ads provided for every ad purchased. In one case, AST received 2,000 free ads for 300 that were purchased. This project has not included earned media or taken a comprehensive marketing approach. Ads have only been produced in English. Ethnic groups are represented in these ads, but only on a limited basis. Starting in FY 2009 for Halloween, AST will begin to use a new State slogan, “Impaired Driving is a Dead End.”

AST media purchases concentrate on the three television markets -- Anchorage, Fairbanks, and Southeast -- and GCI Cable to reach a statewide audience. For the bush (outlying areas of Alaska), there is the Alaska Rural Communications System. AST doesn't target the bush because roads are limited, and off-road vehicles are more the norm. This also includes those areas prominently populated by Alaskan Natives.

An additional \$238,000 is planned for media work with the Alaska Injury Prevention Center (AIPC) Safe Families program. The Alaska Injury Prevention Center (AIPC) is a non-profit corporation which supports and promotes community safety. AIPC works with high risk youth, providing education and resources for alternative activities and to help evaluate reasons why teens drink. State wide focus groups and surveys of teen attitudes toward drinking have been completed by AIPC with the Alaska Native Health Board.

AIPC efforts have focused on training youth in media advocacy with youth producing media that is then posted on local media. Thus far, these efforts have also been done only in English and have had some, though rather limited, cultural relationship in those videos showing positive youth behaviors such as native dancing.

The Alaska Highway Safety Office (AHSO) hosts an attractive, easy-to-use website within the Department of Transportation and Public Facilities (DOT&PF). This website consists of information on various safety issues, grant program information, project information and access to other highway safety resources.

Highway Fatality Memorial Signs are manufactured and erected by the DOT&PF. These signs honor the memory of those individuals who lost their lives on Alaska's roads or highways. The memorial sign may remain for a period of ten years. Signs are available at no charge. An application for a memorial sign is usually made within two years of the time of the crash.

Local police departments conduct some presentations, using various approaches such as the use of Fatal Vision© goggles. For example, Fairbanks Volunteers in Policing DUI Prevention Education includes goggle demonstrations, intoxiclock© activities, videos and literature. The

intoxiclock© illustrates how factors such as time, weight, gender and the number of drinks all play a role in a person's impairment level and blood alcohol content (BAC). A 20" x 30" touch-screen allows for the input of personalized information including gender, weight, drinking start time, time spent drinking, and the number of drinks consumed. Using this information, intoxiclock© displays on a separate monitor a person's BAC and the time it will take the body to metabolize the alcohol. Intoxiclock© counts down in real-time the metabolizing of the alcohol.

There had been a Report Every Drunk Driver Immediately (REDDI) campaign, but the program is no longer in effect. It was believed that, as a result, many observations of drunk driving by the public are going unreported.

The communications program in Alaska faces many challenges.

- There was little mention during the assessment of the use of police officers or other experts and advocates, such as emergency room doctors and drunk driving victims, in press conferences, talk shows, or other public events.
- There was little mention of law enforcement proactively reaching out to the media to participate through "ride-alongs" or experiencing Fatal Vision © goggles.
- Traffic safety grants for law enforcement do not include funding to assist local departments with public information activities.
- There is no work group which plans and implements a coordinated public information and education program.
- There was no report of marketing research regarding driver knowledge and attitudes or the use of focus groups or other methods to determine the effectiveness of messages or media.
- There was no indication of evaluation of public information activities.
- There appeared to be no consistent approach to reporting traffic crashes, helping to ensure publication of drunk driver arrests and emphasizing alcohol or other drug involvement in crashes.
- Incorporation of Alaskan Natives and other minority groups in communications efforts has been limited at best.
- The campaigns are dependent on state staff, primarily DOT&PF and AST, for design, production, and distribution; no ad agency has been hired, and there was little indication that there were adequate resources in the public information offices of these agencies to provide sufficient assistance and support for traffic safety activities.
- Aside from the donation of media, there was little indication of private or business participation and contribution to communication activities.
- Until recently, there has been little communication between the two organizations – AST and AIPC -- with the primary communication projects.
- There is no comprehensive, overall plan to identify and focus the State's communication activities.

At the time of this assessment, these circumstances have begun to change with increased communication between AIPC and AST. Plus, AHSO is in the process of developing a communications plan.

## Recommendations

- **Develop, fund, and implement a comprehensive, data-based marketing plan in support of impaired driving.**
- Conduct pre and post research to determine appropriate media and messaging and evaluate the effectiveness of their use.
- Involve and incorporate resources from business and other partners.
- **Include Alaskan Natives and other minority populations in market research planning, the creation of culturally appropriate materials, and program implementation.**
- Contract with media, advertising, and event planning professionals to help develop and implement creative approaches to media and messaging.
- Incorporate a variety of experts, advocates, and representatives from diverse constituencies in press conferences and special events.
- Reach out to the media for participation in events that would support their understanding of impaired driving issues and consequences.
- Create consistent messages, approaches and materials that all traffic safety partners can use to promote impaired driving prevention.
- Evaluate media buys and the lack of outreach into the Alaska bush; make buying adjustments accordingly.
- Create a communications work group to provide on-going coordination of campaigns, oversight of media activities, and assistance with the development of media and materials.
- Encourage the public to report impaired driving to the Alaska State Troopers or their local law enforcement agency.

## **V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment, Treatment and Rehabilitation**

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.<sup>15</sup> Moreover, individuals with alcohol or other drug abuse or on average, such individuals drive several hundred times within two hours of drinking before they are arrested for driving while impaired.<sup>16</sup>

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers - those with the most serious injuries - test positive for alcohol. In addition, studies report that 24-31 percent of all ED patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

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<sup>15</sup> “Repeat DWI Offenders in the United States.” Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

<sup>16</sup> On average, 772 such episodes, according to Paul Zador, Sheila Krawchuck .and Brent Moore “Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior” Washington DC: U.S. Department of Transportation, HHTSA Technical Report o. DOT HS 809 184, December 2000..

## **5-A. Screening and Assessment**

Each State should encourage its employers, educators, and health care professionals to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. A marketing campaign should promote year-round screening and brief intervention to medical, health, and business partners and to identified audiences.

### **5-A-1. Criminal Justice System**

#### **Advisory**

*Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement. The assessment should be:*

- *Conducted by a licensed counselor or other professional holding a special certification in alcohol or other drug treatment.*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate.*
- *Based on standardized assessment criteria, including standard psychometric instruments, historical information (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews.*
- *Appropriate for the offender's age and culture (e.g., use specialized assessment instruments tailored to and validated for youth or multi-cultural groups).*

#### **Status**

The Alaska Alcohol Safety Action Program (ASAP) provides substance abuse screening, case management and accountability for DUI and other alcohol/drug related misdemeanor cases. This involves screening cases referred from the district court into drinker classification categories, as well as monitoring cases throughout education and/or treatment requirements. Offenders determined to need alcohol or substance abuse treatment are referred to a community-based provider. ASAP is designed to operate as a neutral link between the justice and the health care delivery systems. ASAP providers are private organizations certified by the Alaska Department of Health and Social Services, Division of Behavioral Health (DBH).

Client intake begins when a client appears in the ASAP office with a pending or current alcohol/drug related misdemeanor case. An individual is eligible for ASAP services if he or she has a current or pending criminal justice misdemeanor case or is self-referred for Division of Motor Vehicles (DMV) license reinstatement purposes. The second phase of the client-specific services process is the drinker classification. This occurs after the ASAP file has been opened, and usually at the first client contact or appointment. ASAP gathers information on the client's

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prior treatment and substance use history for classification and early identification of problem drinking. Definitions of drinking levels are:

| Drinker Classification     | Criteria   | Program  |
|----------------------------|--|--|
| <b>Non-Problem Drinker</b> | (None of below)  | An Alcohol/Drug Information School (ADIS) approved by DBH  |
| <b>Problem</b>             | <ul style="list-style-type: none"> <li>• BAC is .20 or higher</li> <li>• 2 DUIs /DWIs within the last 5 years</li> <li>• 3 or more DUIs/DWIs in a lifetime</li> <li>• clinical determination of problem drinking within 5 years</li> <li>• client admission of problem drinking</li> </ul> | Clinical evaluation at a certified community-based treatment provider to determine the most appropriate treatment. |

Adult offenders are screened with the Alcohol Substance Abuse Survey (ASUS), a 64-item self-administered substance abuse assessment tool. There are eight different scale measurements that measure the use of drugs, current mental health concerns, motivation for treatment and the degree of defensiveness in self-report. The ASUS was designed to assess alcohol and other drug use and measure disruption resulting from such use.

Adolescent offenders are screened using the CRAFFT instrument. The CRAFFT instrument derives its names from the items in the test:

**C** - Have you ever ridden in a **C**ar driven by someone (including yourself) who was “high” or had been using alcohol or drugs?

**R** - Do you ever use alcohol or drugs to **R**elax, feel better about yourself, or fit in?

**A** - Do you ever use alcohol or drugs while you are by yourself, **A**lone?

**F** - Do you ever **F**orget things you did while using alcohol or drugs?

**F** - Do your family or **F**riends ever tell you that you should cut down on your drinking or drug use?

**T** - Have you ever gotten into **T**rouble while you were using alcohol or drugs?

Offenders determined to be “non-problem” drinkers are referred to an Alcohol/Drug Information School (ADIS) certified by the Division of Behavioral Health. Offenders younger than 21 are referred to ADIS based on the “Prime for Life” curriculum while adult offenders complete a school based on the “Change Company” program. Offenders determined to be problem drinkers are referred to a community-based treatment provider for a clinical assessment and referral to appropriate treatment.

While comprehensive evaluations of ASAP were conducted in the 1990’s, the current program has several significant changes and the impact of the diminished treatment capacity is not completely documented.

**Recommendations**

- Conduct an evaluation of the ASAP screening process and make modifications as determined.

## 5-A-2. Medical or Health Care Settings

### Advisory

Within medical or health care settings, any adults or adolescents seen by medical or health care professionals should be screened to determine whether they may have an alcohol or drug abuse problem. A person may have a problem with alcohol abuse or dependence, a brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment. The screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physician's offices, health clinics, employee assistance programs and other medical and health care settings.*
- *Used to decide whether an assessment and further treatment is warranted.*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief intervention strategies.<sup>17</sup>*

### Status

Screening and Brief Intervention (SBI) has not been widely used in Alaska. However, the Alaska Native Medical Center in Anchorage, Alaska's only level II trauma center, has recently implemented SBI.

A recent study of suicide<sup>18</sup> among Alaskan Natives indicated that compared to a control group of patients during the last year of life, suicide cases were 2.75 times more likely to have had some contact with medical staff; 3.29 times more likely to have been treated for an injury and; were 22.18 times more likely to have been treated for an alcohol-related event. These findings highlight the importance of early identification in a medical setting to prevent a variety of serious health consequences including suicide and impaired driving crash injuries.

A major potential impediment to full implementation of screening and brief intervention is that Alaska is one of many states with an insurance Alcohol Exclusion Law. Part 2 Division of Insurance Chapter 28 Life, Health, Variable, and Related Insurance Article 4 Consumer Credit Insurance 3 AAC 28.335. Standard coverage provides for:

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<sup>17</sup> For a discussion of assessment instruments, see: Allen, John and M. Columbus (Eds.) *NIAAA Handbook on Assessment Instruments for Alcohol Researchers* (2<sup>nd</sup>) edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003.

For an overview of alcohol screening, see: "Screening for Alcohol Problems: An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

<sup>18</sup> Hill, R., Perkins, R. and Wexler, L. Hospital Visits During the 12 Months Preceding Suicide Death in Northern Alaska. Alaska Medicine, January/February/March 2007.

- (a) coverage for disability by any cause, except that the insurer may exclude coverage for disabilities resulting from
- (v) sickness or injury caused by or resulting from the use of alcoholic beverages or narcotics, including hallucinogens, unless they are administered on the advice of a physician other than the debtor.

The law allows health insurance companies to deny coverage to individuals who are injured as a result of being under the influence of alcohol or any narcotic not prescribed by a physician. The Alcohol Exclusion Law can be used to deny payment to doctors and hospitals that render care to patients, discouraging alcohol screening in trauma centers and emergency departments.

### **Recommendations**

- Train emergency room physicians, nurses and other treatment staff in the methods of Screening and Brief Intervention.
- **Implement Screening and Brief Intervention techniques in emergency rooms and other settings in Alaska.**
- Repeal the alcohol exclusion statute and prohibit insurance companies from denying coverage to individuals injured as a result of impairment.

## 5-B. Treatment and Rehabilitation

### Advisory

*Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other entities. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated. These programs should:*

- *Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria.*
- *Provide assessment, treatment and rehabilitation services designed specifically for youth.*
- *Provide treatment and rehabilitation services for non-English speaking offenders and culturally relevant treatment for special populations (e.g., Native Americans or newly arrived immigrant groups).*
- *Facilitate health insurance parity treatment for alcohol and other drug abuse disorders, to permit access for persons regardless of ability to pay and encourage States to pursue legislative changes to support health insurance parity payment for alcohol and other drug abuse disorders, particularly in rural and underserved areas.*
- *Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders.*
- *Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions.*
- *Require that drivers, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined that their alcohol or drug use problem is under control before their license is reinstated.*

### Status

The Alaska Alcohol Safety Action Program (ASAP) provides substance abuse screening, case management and accountability for DWI and other alcohol/drug related misdemeanor cases. This involves screening cases referred from the district court into drinker classification categories, as well as thoroughly monitoring cases throughout education and/or treatment requirements. Offenders determined to need alcohol or substance abuse treatment are referred to a community-based provider. ASAP is designed to operate as a neutral link between the justice and the health care delivery systems. ASAP providers are private organizations certified by the Alaska Department of Health and Social Services Division of Behavioral Health (DBH).

While the current system provides for screening, referral and assessment of DUI offenders, Alaska suffers from a significant lack of substance abuse treatment resources. The result is that

offenders who are identified as needing treatment, whether through ASAP or a therapeutic court, often do not have access to the appropriate services. In at least one location therapeutic court clients were sent back to the district court because they could not access treatment services required for therapeutic court.

Recently state agencies providing substance abuse treatment and prevention and those addressing mental health were merged into the Department of Health and Social Services, Division of Behavioral Health. One of the consequences of the reorganization was dramatic reduction in state grant funding for community-based treatment and an increased reliance on Medicaid for substance abuse treatment payment. Unfortunately, Medicaid coverage for substance abuse treatment is extremely limited and single males, one of the largest groups in need of treatment, are not eligible for Medicaid.

Fortunately, the need for substance abuse treatment has recently gained support and is the first priority for the Department of Health and Social Services. In addition, while substance abuse treatment programs were eliminated in all but three of 12 correctional facilities, the Department of Corrections is working to establish more treatment services and have a goal of providing “seamless” services in which offenders will move from corrections-based treatment to community-based treatment and follow-up care. Given the current levels of support for treatment, building a comprehensive substance abuse treatment system will be a daunting task.

While comprehensive evaluations of ASAP were conducted in the 1990’s, the current program has several significant changes and the impact of the diminished treatment capacity is not completely documented.

Alaska has several varieties of therapeutic courts including Drug Courts, Mental Health Courts, Wellness Courts and five designated DUI Courts. These courts provide monitoring and supervision of offenders that cannot be provided in the district court. However, lack of adequate community-based treatment resources limits the use of these courts.

## **Recommendations**

- Increase state funding for community-based substance abuse treatment.
- Conduct an evaluation of the ASAP screening, referral and education program and make modifications as needed.
- **Expand the use of therapeutic courts for treatment of DUI offenders.**

## 5-C. Monitoring Impaired Drivers

### Advisory

*Each State should establish a program to facilitate close monitoring of impaired drivers. Controlled input and access to an impaired driver tracking system, with appropriate security protections, is essential. Monitoring functions should be housed in the driver licensing, judicial, corrections, and treatment systems. Monitoring systems should be able to determine the status of all offenders in meeting their sentencing requirements for sanctions and/or rehabilitation and must be able to alert courts to noncompliance. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of judicial system. Noncompliant offenders should be handled swiftly either judicially or administratively. Many localities are successfully utilizing DWI courts or drug courts to monitor DWI offenders. States should:*

- *Have an effective monitoring system for all impaired driving offenders (including out-of-state offenders).*
- *Use effective technology (e.g., ignition interlock mechanisms, electronic confinement and monitoring) and its capability to produce reports on compliance.*
- *Include driver license tracking systems as an essential component of monitoring.*
- *Generate periodic reports on offender compliance with administrative or judicially imposed sanctions.*

### Status

The Alaska Alcohol Safety Action Program (ASAP) provides substance abuse screening, case management and accountability for DUI and other alcohol/drug related misdemeanor cases. This involves screening cases referred from the district court into drinker classification categories, as well as monitoring cases throughout education and/or treatment requirements. Offenders determined to need alcohol or substance abuse treatment are referred to a community-based provider. Monitoring under ASAP is passive, that is, there is no ongoing contact with offenders to determine compliance with treatment recommendations. ASAP relies on treatment providers reporting failure to comply or completion of treatment.

The court system does not have an effective monitoring system for impaired driving offenders including out-of-state offenders. The use of technology e.g., ignition interlock mechanisms, electronic confinement and monitoring) is sporadic. When reports are produced on compliance, the court system is not prepared to act on the reports. Only 493 felony DUI charges were filed in 2007 with the courts and of those it is unknown if or how much probation monitoring would be received. No comprehensive reports are generated that describe offender compliance with administrative or judicially imposed sanctions and the courts' responses to noncompliance.

Alaska has several varieties of therapeutic courts including Drug Courts, Mental Health Courts, Wellness Courts and five designated DWI Courts. These courts provide monitoring and supervision of offenders that cannot be provided in the district court. However, lack of adequate

community-based treatment resources limits the use of these courts.

**Recommendations**

- Develop a more active monitoring process in ASAP.
- Conduct an evaluation of the ASAP monitoring process and make modifications as needed.
- Expand the use of therapeutic courts for monitoring DUI offenders.

## **VI. PROGRAM EVALUATION AND DATA**

### **6-A. Evaluation**

#### **Advisory**

*Each State should routinely evaluate impaired driving programs and activities to determine their effectiveness, and have access to and analyze reliable data sources for problem identification and program planning. Each State should conduct several different types of evaluations to effectively measure progress, to determine effectiveness, to plan and implement new program strategies and to ensure that resources are allocated appropriately. The evaluation should be:*

- *Planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated.*
- *Designed to use available traffic records and other injury data.*
- *Used to determine whether goals and objectives have been met and to guide future programs and activities.*
- *Organized and completed at the State and local level.*
- *Reported regularly to project and program managers and policy makers.*

#### **Status**

States should be capable of measuring progress in reducing crash frequency and severity. Ideally, the effectiveness of individual programs and countermeasures should be evaluated and the results used to refine development and management processes. Unfortunately, much of the data needed for problem identification and success evaluation is missing or incomplete in Alaska. Evaluation of programs needs to be a component in all transportation safety planning.

The Alaska Traffic Records Coordinating Committee (ATRCC) has focused attention to problem identification and program evaluation. ATRCC has been working with the Multi-Agency Justice Integration Consortium (MAJIC) to establishing better communication and cooperation between agencies. It appears that the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Department of Health and Social Services (DH&SS) use available data for problem identification. However, it is unclear as to what degree the data are used by law enforcement and other disciplines.

While the amount of data seems to be generally adequate, access to data seems to be lacking. Currently, most needed data are available if the data user knows who to contact and that person is available. Cost constraints may limit access to data and/or information. Also, little reference to American National Standards Institute (ANSI) D-16 Manual, Model Minimum Inventory of Roadway Elements (MMIRE), National Emergency Medical Service Information System (NEMSIS), nor Model Minimum Uniform Crash Criteria (MMUCC) could be found when researching the Alaska data gathering process. The Department of Transportation reported that they use the D-16 Standards but without reference to and knowledge of these national standards

by the entire traffic records community makes the quality of the Alaska crash data suspect. The Department of Health and Social Services EMS Division has been using the NEMESIS guidelines.

An electronic crash reporting system will soon be ready for beta test and a web-based query program is being developed to allow users to run some data queries directly. Also, a new electronic citation tracking system will be tested and made available for the entire State. Until these and other improved systems are available statewide effective reporting will be compromised. A comprehensive data system inventory is critical to ensure completeness. MAJIC has developed the “Strategic Planning Workbook for Alaska’s Information Systems Integration 2008-09” but very little of the workbook assignments has been completed. Most areas are marked “in-progress” or “Not Completed/Not Assigned”.

Another problem identification concern relates to the non-traditional crashes involving snow machines and all-terrain vehicles (ATV). The Fatal Analysis and Reporting System analyst collects snow machine and ATV fatal crash data but the completeness of these data are questionable. Data supports the impression that crashes involving these vehicles are a significant problem but they are unable to completely quantify the problem. Since the problem cannot be quantified, there are no problem identification or countermeasure programs being used to reduce the problem.

## **Recommendations**

- Complete the assignments of the “Strategic Planning Workbook for Alaska’s Information Systems Integration 2008-09” and use this document as part of the foundation in developing the Alaska Traffic Records Strategic Plan.
- Require that all new systems development allow for user friendly queries.
- Provide all users regular and comprehensive output reports.
- Establish use of the American National Standards Institute (ANSI) D-16 Manual, Model Minimum Inventory of Roadway Elements (MMIRE), and the National Highway Traffic Safety Association (NHTSA) Model Minimum Uniform Crash Criteria (MMUCC) as crash data definition standards.
- Develop a DUI Strategic Safety Impact Evaluation Plan.
- Continue projects to improve traffic data collection in the State and use these data to properly evaluate programs.
- Include evaluation as an integral part of the planning process for the Highway Safety Performance Plan.
- Make traffic record data available to all users via the internet.

- **Develop processes and methodology to collect crash data for on and off-road crashes involving snow machines and all-terrain vehicles.**
- Use available traffic records data to develop evaluation plans for all projects.

## **6-B. Data and Records (see Section 1-E)**

### **Advisory**

*States should establish and maintain records systems to fully support their impaired driving program. Each system should use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS) and the Crash Outcome Data Evaluation System (CODES), to fully support the impaired driving program. The State records systems should:*

- *Permit the State to quantify:
  1. *the extent of the problem (e.g. alcohol-related crashes and fatalities)*
  2. *the impact on various populations (e.g. by age, gender, race and ethnicity)*
  3. *the level of effort dedicated to address the problem (e.g. level of enforcement activities, training, paid and earned media)*
  4. *the impact of the effort (e.g. public attitudes, awareness and behavior change).**
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions and other sanctions of DWI offenders.*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions.*
- *Be accurate, timely, linked and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials and treatment providers.*
- *Be guided by a State-wide traffic records coordinating committee (TRCC) that represents the interests of all public and private sector stakeholders, and the wide range of disciplines that need the information.*

### **Status**

#### **APSIN**

APSIN, the Alaska Public Safety Information Network, serves as the criminal justice information system for Alaska. APSIN resides on the state mainframe computer in Juneau with its resources primarily distributed via the state's wide area network.

Currently, APSIN is the only system that collects any citation data. All citations on State forms are entered directly into APSIN. Municipalities using other forms are not entered into the file right away. All court findings are entered into APSIN at final adjudication. Some limited data can be pulled up on EXCEL spread sheets but much of the data requires a hand search. The in-progress electronic citation program using the new Alaska Citation Format discussed below should greatly improve data collection and availability. This new citation system is planned for pilot testing in the near future. Reportedly, electronic citations used by municipal departments will be automatically downloaded into the new system.

APSIN serves federal, state and local law enforcement agencies across the state by providing access to state and federal law enforcement resources such as National Crime Information Center (NCIC), National Law Enforcement Telecommunications System (NLETS), Interstate

Identification Index (III), and others. APSIN also serves the Alaska law enforcement community by acting as a central repository for Alaska criminal histories, wanted persons, stolen items, missing persons, protective orders, person and address information, and others. APSIN also provides the law enforcement community with seamless direct access to information maintained by the Alaska Division of Motor Vehicles such as driving records and license and registration information. APSIN is also used by other criminal justice agencies such as state and local prosecutors' offices, adult and juvenile probations, corrections, and others.

There are some limited non-criminal justice uses such as for professional licensing and for public inquiry or records requests. The core of APSIN services, however, are designed to serve the federal, state and local law enforcement communities by providing a data repository and timely law enforcement information to the officer "on the street".

#### Alaska Citation Identification Format

The New Alaska Citation Identification Format was designed with the intention of it being the beginning of a new citation tracking system. This new system will be linked with Court View and other state files to collect citation data for the entire State to use. This new citation and system is scheduled for pilot tests with some local law enforcement agencies and the Division of Alaska State Patrol. Following is the process for the new citation sequence number development.

1. All tickets printed by DPS and used by APSIN will be in a straight-line format:

Where AAAA = 4 characters (alphanumeric) for existing DPS agency ID T = 1 character Type (E=Electronic, P=Paper, L = Legacy Citations) NNNNNNNN = 8 characters (alphanumeric) for the serial number SSSS = 4 characters (alphanumeric) sequence number (Electronic only)

2. The agency will always be printed as a 4 characters. For those agencies that are currently only three characters, the trailing space will be replaced with a 'Z'. Upon entering the APSIN system, the 'Z' will be replaced with a blank.

3. It is recommended that the characters "I" and "O" not be used in the serial number or the sequence number.

4. Each citation issued in the state must have the unique 17 character citation identification format if it is to be entered into the APSIN system.

5. All Systems in the State will be modified (if necessary) to handle the 17 character citation identification with the exception of the legacy court system Rural Users Group (RUG).

6. The law enforcement agencies whose courts are still using the RUG system will be required to conform to the above format with the following exceptions:

- a. The first byte of the serial number must be zero

- b. The sequence number cannot be used (car can be incorporated into the serial number)
  - c. The last two bytes of the serial number must be numeric
7. At the time the Courts enters the citation into the RUG system, the number will be manually converted to 10 characters as follows:
- a. The Agency (AAAA) will be converted to a 2 character agency ID (XX) with a table provided by the Courts/DPS
  - b. The type will be a P or a E
  - c. The last 7 bytes of the citation serial number will be used
  - d. The Sequence number will not be loaded (always blank)
8. When the RUG system data are loaded into CourtView, the data will be converted to the 17 byte format using the reverse logic.
9. For those law enforcement agencies whose courts are still using the RUG system, it is recommended that the two-character agency id also be printed on the citation.
10. The citation data that is currently loaded into APSIN will appear in the following format:
- a. The agency Id will be the Arresting Agency Id currently in the system
  - b. The Type will be 'L' (Legacy Citation)
  - c. The Serial Number will be the citation number on the citation
  - d. The sequence number will be blank
11. Citations that are in the old format can be entered and maintained as described above.
12. Each Agency will be required to assure that their citation numbers are unique if they do not use the preprinted forms provided by DPS.
13. DPS will no longer issue citation numbers for printing citations

One problem with this format is that most persons arrested for DUI do not receive a citation, an arrest report takes the citation place for DUI. The DPS is in the process of designing a method to answer the problem of no citation for DUI violators.

CourtView

The Alaska Court System is in the process of installing and converting case records to CourtView. CourtView is an electronic case management system. Users will be able to view the docket, case summary, party information, scheduled events and case disposition for all public case records.

Cases filed prior to installation of CourtView will be converted to the new system; however, the information available for those cases will be limited to what was captured in the old system.

The following is a list of courts now using CourtView and their conversion date:

| <b>Court</b>   | <b>Conversion Date</b> |
|----------------|------------------------|
| Palmer         | August 2, 2002         |
| Anchorage      | October 20, 2003       |
| Fairbanks      | October 25, 2004       |
| Kotzebue       | February 20, 2007      |
| Nome           | February 20, 2007      |
| Unalakleet     | February 20, 2007      |
| Barrow         | March 27, 2007         |
| Delta Junction | February 19, 2008      |
| Fort Yukon     | February 19, 2008      |
| Galena         | February 19, 2008      |
| Healy          | February 19, 2008      |
| Nenana         | February 19, 2008      |
| Tanana         | February 19, 2008      |
| Tok            | February 19, 2008      |
| Cordova        | May 5, 2008            |
| Glennallen     | May 5, 2008            |
| Sand Point     | May 5, 2008            |
| Valdez         | May 5, 2008            |

Other courts are being converted to or are scheduled for conversion to CourtView.

Crash File

All completed crash reports are submitted on either Form 12-200 or Form 12-209 to Driver Services, Division of Motor Vehicles (DMV), Department of Administration (DOA). After receiving proof of insurance, Driver Services assigns a security responsibility (SR) number to the crash report. DMV personnel also attempt to determine and assign the “at fault” driver of the crash. One of the criteria used to assign fault is citation issuance by a law enforcement officer. This criterion would only apply when the crash is investigated and reported by a law enforcement agency.

After assignment of SR number, crash reports are bundled with other crash reports by date of the occurrence of the crash and forwarded to the Division of Statewide Planning, Department of Transportation and Public Facilities (ADOT&PF). At this time, copies of applicable crash reports are also forward to the Fatality Analysis Reporting System (FARS) analyst and the Motor Carrier safety analyst.

It was reported by DMV that their goal was to forward all crash reports to DOT&PF within 45 days of receipt of the crash report. DOT&PF reported that, typically, they do not receive some crash reports until 60 – 90 days after the crash event and there are times when they do not receive reports at all. It was not clear why there is a discrepancy but a reported possible source may be a delay in reporting or failure to submit crash reports by law enforcement agencies. DOT&PF is the primary custodian of crash data in Alaska. Crashes are sorted by: law enforcement reported (Form12-200) versus driver reported (Form12-209); year of crash; and area of the state where the crash occurred.

Following the sort of the crash reports, two quality control activities are completed. The first quality check determines if data are either missing or incorrect such as date of crash, police case number, time of crash, number of vehicles involved, number of injuries/fatalities; driver information including driver operator’s license number, vehicle information including vehicle plate number, vehicle year and make and whether the vehicle was a commercial vehicle, crash environment, and crash circumstances.

While ANSI D16.1 is being used in this quality control process, it is not being used by the law enforcement in the initial data capture. If it is not possible to obtain missing data or to correct data that are incorrect the variable may be left blank or a default code entered. Alcohol involvement is reported on the report.

During this quality check an effort is made to assign the Coordinated Data System (CDS) route name and milepost. This assignment is made based on the road(s) the vehicle(s) was traveling from rather than the road(s) the vehicle(s) was traveling to or across.

After this quality control activity is completed, crash reports are bundled in groups based on location and crash frequency, then forwarded to a private contractor where the reports are keypunched. For some locations, the delay in data entry of crashes may be up to a year.

Following keypunching, crash reports are uploaded to a legacy computer system. After crash data input, crash data are accessed through the On-line Accident Processing System (ACCI).

ACCI is the second quality control activities completed during crash data input. Crash data are contained in what are referred to as the U-files, or unverified files. U-files are temporary files that have crash data that can be changed. At the ACCI processing phase of the crash data input, there is a last opportunity to add, modify or delete crash location data.

This processing phase is the final step prior to forwarding or uploading the crash data to the Highway Analysis System (HAS). HAS is the official crash data repository for the State of Alaska. Crash variables are located in three files; crash-level, occupant-level, vehicle-level. HAS allows for two levels of access to crash data. For some authorized users, the crash data in HAS is complete including all personal identifiers. For other users HAS contains the same data except all personal identifiers have been purged or redacted. Crash data for year 2007 will not be available for approximately two more months. It was reported that data are usually available in July of the following year.

Crash data collection and entry in Alaska are essentially paper dependent and labor intensive. This results in lack of crash data timeliness, and introduces the potential for error at each stage of data collection, entry and review processes. There also seems to be little or no ability to link to other traffic records system components files such as the driver, vehicle, or injury surveillance files. This inability means that data from these files must be acquired manually. This is also labor intensive and increases the chance for data error.

The crash file does contain all road attribute data (linear reference system, surface type, lane width and type, signal type, etc.) as well as traffic volume data (average daily traffic, vehicle miles traveled, occupancy counts, etc.) so each crash can be directly tied to road information and vehicle density/average daily traffic.

Alaska has been exploring electronic data collection. They have specifically looked at the New York State TraCS (Traffic and Criminal Software) and are using it to develop electronic crash data collection software for Alaska. After implementation of this new collection process, past experience in other states indicates that where electronic data capture has been implemented with proper training, crash data collection improves in timeliness, completeness, and accuracy.

The DOT&PF reported that in response to the 2007 Traffic Record Assessment they are in the progress of developing a single portal for all traffic record queries.

## EMS

The Alaska Uniform Response Online Reporting Access (AURORA) System recently developed for the Department of Health and Social Services, Division of Public Health, Section of Injury Prevention and EMS is a fantastic resource for crash injury data. AURORA is a web-based statewide pre-hospital data collection, analysis and reporting system. It is designed to integrate information across the emergency medical community, giving access to timely, accurate and useful data. In addition to web-based data entry, mobile data software called the Field Bridge allows for patient care data to be entered on laptops and uploaded to the web when internet access becomes available. A third component of AURORA is the Trauma Bridge which gathers data for trauma patients which is used by the state and the National Trauma Databank to review

and improve patient outcomes. The Trauma Bridge also allows pre-hospital patient data to be linked with referring hospitals and trauma centers. A fourth component of AURORA allows reporting of hospital bed capacity and other resources during mass casualty events. The AURORA data are compliant with the National Emergency Medical Services Information System (NEMSIS).

The Section of Injury Prevention and EMS provides AURORA field collection software to all EMS providers in the State. There will be training on the use of AURORA in November and December of this year.

A new advisory group comprised of the Alaska State EMS Office, the Alaska Injury Prevention Center (AIPC), Alaska Department of Transportation and Public Facilities (DOT&PF), Alaska State Troopers, Calspan-UB Research Center Inc. (CUBRC), and the Alaska Trauma Registry are in the process of developing a methodology for collating various EMS data into one uniform format. This EMS database will then be linked to the Alaska Trauma Registry and the Alaska DOT&PF databases including crash. By importing the resulting linked databases into the Geographic Information System, the analyst will furthermore be able to view injury patterns and analyze distributions on the Alaska road system.

#### Linkage

There are very few linked traffic record files in Alaska. However, one example of probabilistic linking files was using the Mini Crash Outcome Data Evaluation System (MINICODES). Trauma registry hospital discharge data were linked with traffic crash records. The data were analyzed to compare drivers aged 16-20 with drivers aged 21-50 who were involved in a crash resulting in the hospitalization or death of a crash victim.

The Crash Cost Program was used to estimate costs associated with young driver crashes for five years. According to the study young drivers were 2.9 times more likely than adult drivers to be involved in crashes that resulted in the hospitalization of a crash victim, and 2.6 times more likely to be involved in a crash involving a fatality. More data analysis would be readily available if the traffic files were linked.

#### Driver File

The Driver file is maintained by the Department of Administration's Division of Motor Vehicles (DMV), Driver Services. The Driver Services unit captures financial responsibility data from crash reports and assigns a Safety Responsibility (SR) number to each report before forwarding reports to the Department of Transportation and Public Facilities for data entry into their State crash database. The driver files reside in the Alaska License and Vehicle Information Network (ALVIN).

There are approximately 506,000 drivers with an Alaska driver license and 1.4 million driving records in the driver license file. Persons obtain new licenses or renew their license at one of thirteen DMV local public or twenty-one contract licensing offices. These offices are located throughout the State with most of the contract offices located at local police departments. Alaska

does have an Administrative License Revocation (ALR) for all Driving Under the Influence (DUI) violations. Officers retain the driver license and issue a temporary driving permit for ALR contacts.

The Driver File provides operator and commercial driver license management, including license status and any current actions against drivers. The Driver History File provides management of license actions, citations, insurance, driver's records and related data. Traffic convictions are entered into the driving record within five days of receipt. It is unknown if the DMV receives all citation/conviction data from the courts.

Driver history data are available in two versions. One version is maintained for insurance purposes, it contains traffic convictions and driver control actions (sanctions and revocations for three years and five years). In the second version, the retention time for traffic convictions and driver sanctions is open-ended. Drivers can request and receive a copy of either version of their record. Insurers only have access to the limited version. Law enforcement and prosecutors have electronic access to the complete driver history.

A unique personal identifier links Alaska License Vehicle Information Network (ALVIN) files internally. A person record is added whenever ALVIN is unable to recognize the person. Duplicate records that include a three-point personal data match are combined manually. The ALVIN network enables access to National Crime Information Center (NCIC), Commercial Driver License Information System (CDLIS), National Driver Register (NDR) and National Law Enforcement Telecommunications System (NLETS). The driver history files obtain data from the courts and police agencies as well as driver licensing offices. These data are received as paper documents and is hand entered into the system. Paper documents, such as crash reports, are hand entered several times into several different databases.

Alaska has no citation tracking system to track offenders from citation issuance to final disposition of the case. Entry of traffic convictions can be delayed by the legal process, data entry backlogs and other processing delays. It was reported that driver license data and conviction data received are complete and in the driver file but another report doubted that all conviction information made it to the driver file. The new electronic citation project is laying a foundation for a complete citation tracking system.

Ad-hoc reports are created by programmers upon request. There is no direct access to either statistical data or driver history data except for law enforcement purposes. DMV does not currently have any individual driver license data on-line. However, tabulated driver license data are included in the Statistics and Research Section of the DMV website. There are no standard annual reports published by DMV.

There is no linkage of the Alaska traffic records or sharing of electronic data between police, courts, DMV and DOT&PF. Efforts are being made to make the separate (stand-alone) files compatible as part of an update to ALVIN.

## Vehicle File

The Division of Motor Vehicles is located in the Alaska Department of Administration. The Division of Motor Vehicles is responsible for maintaining all data related to motor vehicles.

The motor vehicle title and registration information is contained in the Alaska License and Vehicle Information Network (ALVIN), a legacy data system created when DMV moved from DPS to the Department of Administration. ALVIN is a transaction processing system in which vehicle registrations can be entered, retrieved and updated in a real-time, on-line environment. Statistical queries must be written by programmers because the system was not designed for ease of query or for producing a large number of ad hoc queries.

There are approximately 860,000 vehicles registered (including 54,000 snow machines and 40,000 commercial motor vehicles) in the State of Alaska. Vehicle registrations are renewed every two years. The original registration month becomes the registration month for renewal for that vehicle for as long as it is owned by that owner. Alaska has a high proportion of seasonal vehicles; registrations for these vehicles may be more likely to lapse. The vehicle file contains the owner's name and address, the vehicle make, model and Vehicle Identification Number (VIN). Odometer readings are taken when first titled and whenever the vehicle changes ownership. Commercial vehicles are classified by unladen weight rather than gross vehicle weight (GVW).

Ignition interlock requirements are not recorded on the vehicle file.

## Alaska Traffic Records Coordinating Committee

With guidelines from NHTSA and using eligible federal funding, The Alaska Traffic Records Coordinating Committee (ATRCC) was created to bring people together who are interested in reducing traffic injuries and deaths by improving the timeliness, accuracy and consistency of traffic crash data. Members of the TRCC represent the following: Department of Transportation and Public Facilities, Highway Safety Office, Division of Motor Vehicles, Alaska Courts, Department of Health and Social Services, Alaska State Troopers, Municipal Court of Anchorage, Alaska Injury Prevention Center, and Seward Police Department.

## TRCC Steering Committee

The Alaska Traffic Records Coordinating Committee (ATRCC) Steering Committee was recently formed as an executive level oversight committee for the ATRCC. It is composed of directors of various departments and will provide leadership for the ATRCC and make final funding decisions.

## Alaska Traffic and Criminal Software (TraCS) Steering Committee

One ongoing project the Alaska TRCC is converting police crash reporting forms to electronic forms. The data entered into an electronic form will allow faster data transfer from the police officer to the end data users. A multi-phased web enablement project, developed by DOT&PF, with funding from the AHSO, will allow officers and participants (drivers) to fill out collision forms and submit them via the web. Currently the participant forms are close to being in

operation, and there is a formation of a user committee to work on designing the user requirements for the police collision forms. Voting members of the committee represent:

- Department of Public Safety, Division of Statewide Systems
- Alaska Association of Chiefs of Police
- Department of Transportation, Highway Safety Office
- Department of Transportation, Division of Statewide Planning
- Department of Administration, Division of Motor Vehicles
- Alaska Railroad Police
- Department of Transportation, Commercial Vehicle Enforcement
- Department of Public Safety, Division of Alaska State Troopers
- Anchorage Police Department
- Alaska Court System

## MAJIC

The Multi-Agency Justice Integration Consortium (MAJIC) was created in 2004 by agencies joining together to improve justice information sharing in Alaska including staying aware of the electronic citation system being developed to insure there are no like projects.. Twenty one agencies have joined the consortium by signing a Memorandum of Agreement and appointing an agency liaison. Liaisons meet biweekly as a steering group. One of the steering group's duties is to develop a strategic plan.

In 2007 Alaska's Multi-Agency Justice Integration Consortium Steering Group appointed a team of volunteers to develop a strategic plan for information systems integration. At a meeting on November 29, 2007 planning team members identified these desired outcomes for the strategic plan:

- Better coordinate budgets and priorities between agencies
- Identify who owns what data and how others can get it – get systemwide data mapping and definition
- Develop a flow chart showing how cases move through the system
- Define the criminal justice 'enterprise' and identify tools and approaches to make the enterprise plan and work better
- Ensure that agency projects (e.g., system replacements and upgrades such as APSIN Redesign) keep moving forward
- Better coordination within agencies
- Educate executives to understand MAJIC and set realistic expectations
- Clarify who "owns" or is responsible for various data
- Avoid duplication and re-importing of data into multiple systems
- Avoid conflicting data
- Address gaps in laws and policies as well as technology
- Ensure that agencies play well together as a team

On 8-19-08 the MAJIC Committee put out the final draft on their strategic plan. The plan contains five goals, 12 objectives, seven MAJIC projects for FY09, and other integration projects that are planned, in-progress or completed.

## Recommendations

- Develop electronic transmission and upload of all traffic record files.
- Develop a statewide citation tracking system that tracks the citation from issuance to entry of final disposition into the driver file.
- Integrate all traffic record files and provide user access to these linked files.
- Develop regular output reports that aide in problem identification and countermeasure results.
- Continue implementation of the statewide electronic citation tracking system.
- Develop methodology to convert the DUI arrest report data to the new electronic citation format.
- Continue development of a methodology for collating various EMS data into one uniform format and then linking this EMS database to the Alaska Trauma Registry and the Alaska Department of Transportation and Public Facilities (DOT&PF) databases. Expand this project to include off road snow machine and all terrain vehicle injury crashes.
- Insure that all traffic violation convictions are forwarded by the court to the DMV and are posted to the driver history.
- Provide training for law enforcement impressing the importance of timely, complete and accurate crash reporting.
- **Expand the Traffic Record Coordinating Committee and other committees to include representation from the Alaskan Native community and data users such as MADD, universities, business, employers, military, etc.**
- Use nationally accepted data standards to define all crash data elements and train law enforcement in their usage.
- Develop a crash reporting training manual for law enforcement that addresses these standards.

## **6-C. Information and Records Systems (including Licensing)**

### **Advisory**

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts. The record system should:

- *Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement and other parties with a need for this information.*
- *Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record.*  
*Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving.*
- *Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts.*
- *Provide for the effective exchange of data with State, local, tribal and military agencies, and with other governmental or sovereign entities.*

### **Status**

#### **APSIN**

APSIN is an acronym for the Alaska Public Safety Information Network. APSIN serves as the criminal justice information system for Alaska. APSIN resides on the state mainframe computer in Juneau with its resources primarily distributed via the state's wide area network.

APSIN serves federal, state and local law enforcement agencies across the state by providing access to state and federal law enforcement resources such as National Crime Information Center (NCIC), National Law enforcement Telecommunications System (NLETS), Interstate Identification Index (III), and others. APSIN also serves the Alaska law enforcement community by acting as a central repository for Alaska criminal histories, wanted persons, stolen items, missing persons, protective orders, person and address information, and others. APSIN also provides the law enforcement community with seamless direct access to information maintained by the Alaska Division of Motor Vehicles such as driving records and license and registration information. APSIN is also used by other criminal justice agencies such as state and local prosecutors' offices, adult and juvenile probations, corrections, and others.

There are some limited non-criminal justice uses such as for professional licensing and for public inquiry or records requests. The core of APSIN services, however, are designed to serve the federal, state and local law enforcement communities by providing a data repository and timely law enforcement information to the officer "on the street".

Courts are required to report traffic convictions to DMV within five days of conviction; the convictions are reported on paper for criminal convictions (felonies and misdemeanors). For minor offense convictions, court clerks manually enter the court disposition into the Alaska Public Safety Information Network (APSIN). APSIN automatically forwards the traffic convictions to the Alaska License and Vehicle Information Network (ALVIN) through an automated interface. Traffic convictions are entered into the driving record within five days of receipt. DMV officials state that they believe all convictions are being received from the courts but this was questioned by other testimony.

The Department of Administration's Division of Motor Vehicles (DMV), Driver Services maintains the Driver file. The driver files reside in the Alaska License and Vehicle Information Network (ALVIN). Alaska has approximately 506,000 drivers with an Alaska driver license.

The driver history files receive data from the courts and police agencies as well as driver licensing offices. Data from paper documents are entered into the system. Paper documents, such as the crash reports, are entered several times into several different databases.

There is no direct access to either statistical data or driver history data except for law enforcement purposes. DMV does not currently have any driver license data available on-line. DMV officials have requested information technology (IT) personnel to include driver license data in the Statistics and Research Section of the DMV website. There are no standard annual reports published by DMV.

There are two versions of the driver history records. One version is maintained for insurance purposes, which maintains traffic convictions for three years and five years for driver control actions (sanctions and revocations). In the second version, the retention time for traffic convictions and driver sanctions is open-ended. Drivers can ask for a copy of either version of their record. Insurers can only have access to the limited version. Commercial Driver's License (CDL) traffic convictions are retained indefinitely on both versions of the driving record. CDL traffic violations and sanctions carry a CDL marker on the driving record.

ALVIN files are linked internally by a unique personal identifier. A Person Record is added whenever a new person is recognized by the ALVIN network. The ALVIN network enables access to the National Crime Information Center (NCIC), Commercial Driver License Information System (CDLIS), National Driver Register (NDR) and National Law Enforcement Telecommunications System (NLETS). The driver history files must get data from the courts and police agencies as well as driver licensing offices.

Paper documents are data entered into the system. Paper documents such as crash reports, are entered several times into several different databases.

Unlicensed drivers and out-of-state drivers who receive traffic convictions have a record created with a unique number. Duplicate records that include a three-point personal data match are combined manually. Past actions are available on microfilm.

Entry of traffic convictions can be delayed by the legal process, data entry backlogs and other processing delays. Crash information for the “at-fault” driver may be delayed until all legal documentation is completed (alcohol testing, offense adjudication).

The DMV system includes edit checks, but multiple data entry may lead to mistakes.

The DMV is currently in the process of updating ALVIN and efforts are being made to make separate files compatible as part of the ALVIN update.

Alaska does have an Administrative License Revocation (ALR) for all Driving Under the Influence (DUI) violations. Officers retain the driver license and issue a temporary driving permit for ALR contacts. Driving privileges can be revoked if the driver refuses to submit to a breath test or submits to a breath test and that test reads .08 or greater. The length of revocation varies by number of prior DUI convictions:

- No prior convictions or refusals – 90-day suspension
- One prior conviction or refusal – One-year suspension
- Two prior convictions or refusals – Three-year suspension
- Three or more prior convictions or refusals – Five-year suspension

The only way to prevent a revocation is to request and win an administrative review through the DMV.

## **Recommendations**

- Continue development of electronic transmission of crash reports and traffic citations. Use these to automatically populate data files.
- Provide direct linkage to insurance companies to allow for direct entry of insurance information by them into the DMV system.
- Provide regular and comprehensive systematic data output reports.
- Integrate Division of Motor Vehicles (DMV) and Department of Transportation and Public Facilities (DOT&PF) and all other traffic record files.
- Allocate information technology (IT) resources that will create the ability for the Division of Motor Vehicles (DMV) to include driver license data in the Statistics and Research Section of the DMV website

## **APPENDIX 1 – Team Credentials**

### **Susan N. Bryant**

2800 Rollingwood Drive  
Austin, TX 78746  
Phone: 512.327.0084  
FAX: 512.914.0697  
E-mail: [leaderservices@yahoo.com](mailto:leaderservices@yahoo.com)

#### Brief Biography

Susan (Sue) Bryant is currently a transportation consultant for a small firm based in Austin, Texas. After almost thirty years of state employment, she retired as the director of the public transportation division of the Texas Department of Transportation (TxDOT). The public transportation division had 180 employees and an approximately \$150 million budget of federal and state grant programs to rural and small urban transportation systems, the state's medical transportation program, and public transportation planning. Prior to becoming division director, she served for over ten years as the director of the Texas traffic safety program.

During her career with TxDOT, she held the position of state traffic safety director, assistant to the deputy director for field operations, and highway safety planner and program manager. She served as secretary and member of the board of the National Association of Governors' Highway Safety Representatives and member of the law enforcement committee for the Transportation Research Board.

She has also served as chair of the City of Rollingwood's Planning and Zoning Commission.

She has taught high school and adults, has consulted for the media in major television markets, and also teaches management to state and local officials. She has been named to "Who's Who of American Women," has received the national Award for Public Service from the U.S. Department of Transportation, and is a two-time recipient of the American Association of State Highway and Transportation Officials (AASHTO) President's Modal Award for highway safety. She is also a graduate of Leadership Texas.

A Phi Beta Kappa graduate in English from the University of Iowa, she holds a master's degree in communications from Iowa and a master's degree in business administration from the University of Texas at Austin.

**Linda L. Chezem, JD**

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Mooresville, IN 46158  
Phone: 317-409-5050  
FAX: 317-831-8464  
[lchezem@aol.com](mailto:lchezem@aol.com)

Linda L. Chezem, J.D. served as a judge in Indiana for 22 years. One of her primary interests is the appropriate adjudication of underage drinking cases.

Linda Chezem received her law degree from Indiana University School of Law at Bloomington, Indiana. After practicing law for 5 years, she began her judicial career as a trial court judge, then as a judge of the Indiana Court of Appeals, and finally as a Senior Judge by appointment of the Indiana Supreme Court. During her time on the bench, Judge Chezem won two contested elections, wrote more than 1,000 majority cases and participated in deciding more than 3,000 cases before the Indiana Court of Appeals.

Judge Chezem is now a professor at Purdue University. She also holds an adjunct appointment at the Indiana University School of Medicine in the Department of Medicine, and is an Affiliated Scholar with the Center for Public Health Law Partnerships at the University Of Louisville School Of Medicine.

Throughout her legal career, Judge Chezem focused on improving adjudication through judicial education on alcohol problems. Her work in that regard includes service on: the Indiana Judicial Conference Education Committee; the American Bar Association, Judicial Administration Division; and the National Council of Juvenile and Family Court Judges. During her appointment to a National Highway Traffic Safety Administration Judicial Fellowship, Judge Chezem wrote *The Improvement of the Adjudication of Driving Under the Influence*, a training course and manual for judges. She then helped train other judges to present the course in cooperation with the National Judicial College and the National Association of the State Judicial Educators. Judge Chezem also has worked closely and extensively with the U.S. Department of Justice on issues ranging from underage drinking to domestic violence.

Judge Chezem served for ten years on the Indiana Governor's Task Force to Reduce Underage Drinking. She chaired the Indiana Addiction Services Advisory Council and was a member of the Law Enforcement Advisory Committee for a White House Conference for a Drug Free America. Judge Chezem also has served on the Indiana Task Force on Co-Occurring Mental Illness and Substance Abuse Disorders, and on the Advisory Committee to the Indiana Bureau for Mental Health Promotion and Addictions Prevention.

The many honors and accolades accorded Judge Chezem include: recognition by the Indiana General Assembly with a Joint Resolution of the Indiana House of Representatives and the Indiana Senate; the National 4-H Alumni Award, given for Outstanding Service to the 4-H Program; and the Hoosier Hero Award from The Honorable Dan Coats, United States Senator from Indiana.

**Joseph Thomas Flies-Away, JD**

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Peach Springs, AZ 86434  
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Joseph Thomas Flies-Away (Hualapai) is the Chief Judge of the Hualapai Judiciary. Judge Flies-Away also serves as a Pro tem judge or visiting judge for other tribal trial and appellate courts, and serves as a community and nation building consultant/facilitator for various organizations and tribal governments. As a consultant, Flies-Away facilitates tribal community & nation building projects in planning, evaluation, technical assistance, research, and training. Judge Flies-Away is particularly interested in developing justice systems and tribal courts, including Tribal Healing to Wellness Courts, and how development of tribal justice systems and other areas of public administration and economic development contribute to effective tribal governance.

For his own people, Judge Flies-Away has served as a Tribal Council Member and directed the Hualapai Department of Planning & Community Vision. At Hualapai, and in other positions since, Flies-Away develops comprehensive strategies and facilitation processes in the areas of human capital development, organizational development, community infrastructure development/environmental support, and economic development (or, what he refers to as *People, Policy, Place, & Pecuniary Possibilities*).

Through his experience and education as a judge, council member, planner, and teacher, Judge Flies-Away is familiar and experienced with a broad spectrum of issues and concerns Indigenous peoples face in their endeavors to re-build strong communities, governments, and nations. Flies-Away offers holistic workshops and concepts that embrace Indigenous processes, including the *Spirituality of Law* and *Warrior of Law*; and speaks to various audiences on Indigenous governance, law, and leadership.

Judge Flies-Away has served as a Lecturer in Law at Stanford University School of Law teaching Federal Indian Law, and Lecturer in Native American Studies in the Stanford School of Humanities & Sciences and at Arizona State University teaching Community & Nation Building in Native North America.

Judge Flies-Away holds a Juris doctor Degree from the Sandra Day O'Connor College of Law at Arizona State University, a Masters Degree in Public Administration from Harvard University's - Kennedy School of Government, and is a graduate of Stanford University in English Literature.

## **Larry C. Holistine**

Director of Public Safety Services  
Data Nexus, Inc.  
1601 Sebesta Road, Suite 2000  
College Station, TX 77845-5548  
Phone: 979.696.3400  
E-mail: [lholistine@data-nexus.com](mailto:lholistine@data-nexus.com)

### **Summary**

Larry Holistine has over 29 years in professional law enforcement. As District commander of the Colorado State Patrol (CSP), he was responsible for the creation and continued success of the Colorado State Patrol Accident Reconstruction Team, which is recognized as one of the best in the nation. In addition, he played an instrumental role in moving the CSP towards a "paperless" record-keeping environment.

Mr. Holistine has served on numerous committees in the fields of traffic records and transportation safety, including his position as 2003 Chair of the Association of Transportation Information Professionals. In addition, as a member of the National Highway Transportation Safety Administration's (NHTSA) traffic records assessment team, Mr. Holistine has traveled across the US helping states to improve traffic record collection, reporting, and analysis.

### **Experience**

#### **August 2003 to Present**

#### **Data Nexus, Inc.**

- Director of Public Safety Services
- Consults with public safety agencies on information systems and technology requirements.
- Manages law enforcement training and traffic records assessment activities.
- Develops training course curriculum, supporting materials, and content and validates these using proven adult learning methods.
- Represents Data Nexus, Inc. and clients' needs with federal, state, and local governments.
- Negotiates procurement of data, information, and resources in support of Polaris.
- Provides subject matter expertise to the Polaris software development team.
- Develops and delivers safety plan training, and identifies useful data resources for Federal Motor Carrier Safety Administration, District Administrators.
- Identifies, tests, and incorporates new and innovative training techniques into curricula.

#### **2002 to 2003 Private Consultant**

- Served as a law enforcement liaison for the National Highway Traffic Safety Administration (NHTSA) -- Region 8.
- Promoted data collection, traffic safety information management systems, seat belt usage, reduction of alcohol-related crashes, and other highway traffic safety issues to law enforcement in a six state region.

- Represented NHTSA and the National Safety Council (NSC) to promote the Association of Transportation Safety Information Professionals (ATSIP).
- Visited states promoting NSC, ATSIP, and the collection and management of traffic safety data.
- Explored the possibilities of sharing state traffic safety data with NHTSA and the Bureau of Transportation Statistics (BTS).

**1973 to 2002**

**Colorado State Patrol**

**Patrol Major**

- Maintained responsibility for all phases of management of State Patrol operations in Northeastern Colorado (District Three).
- Held command over more than 100 uniformed and civilian personnel.
- Ensured an environment for subordinates to perform at their optimal level.
- Formulated long range plans for resource needs and utilizations.
- Created action plans to provide for continuously changing situations.
- Created and maintained the Colorado State Patrol Accident Reconstruction Team.
- Represented the Colorado State Patrol on numerous state and federal traffic records and technology organizations.
- Played an instrumental role in moving the Colorado State Patrol toward a "paperless" recordkeeping environment.
- Developed plans towards electronic linkage of all traffic safety related files in Colorado.
- Acted as Coordinator/Instructor for the Colorado Law Enforcement Training Academy and the Colorado State Patrol Academy.
- Acted as an Instructor for the Colorado Institute of Law Enforcement Training at Colorado State University.
- Completed project work on traffic records systems for various governmental and privately owned agencies.

**Education**

B.S. Colorado State University 1990  
Education (Specializing in Criminal Justice)  
Certificate, School of Police Staff and Command, Northwestern University 1986  
Certificate, Management in State Government, State of Colorado 1985

**Computer Skills**

Hardware

Minicomputers  
Various 8/16/32 Bit IBM & IBM compatible microcomputers  
Various notebooks and portable microcomputers  
Sun Systems  
Data General mini computers  
Rational  
IBM

## Software

- Applications languages -- COBOL, C, BASIC,
- Network utilities -- Netscape, MS Internet Explorer
- Database application -- SYBASE, Access, Paradox
- Word processor -- MSWord, WordPerfect
- Spreadsheets -- Excel, Lotus 123
- Statistical data analysis and data management – SAS

## Operating Systems

- DOS 3.x-6.x
- Windows 3.x, 95, 98, NT, 2000
- IBM VMS
- UNISYS OS

## Affiliations/Professional Associations

- Executive Board, Association of Transportation Safety Information Professionals, National Safety Council – 2001 Program Chair, 2002 1<sup>st</sup> Vice Chair, 2003 Chair
- Member, ANSI D-16 Committee on Motor Vehicle Accident Classification
- Chair of Steering Committee of Law Enforcement Section, Colorado Safety Management System
- Member, Colorado State Traffic Records Advisory Committee
- Member, National Agenda for Traffic Records Committee, National Safety Council
- Member, Intelligent Transportation Systems, Archived Data User Program Committee, Federal Highway Administration
- Member, Highway Safety Program Advisory for Traffic Records Panel, Data Nexus, Inc. for National Safety Council
- Member, Project Panel/Advisory Group, Project #NCHRP 17-12 (Improved Safety Information to Support Highway Design) Northwestern University Traffic Institute
- Member, Colorado Department of Transportation RFP Review committee for Intelligent Transportation Systems
- Member, NHTSA Traffic Records Assessment Team: (\* Denotes team leader status) Kansas, South Carolina, Nebraska, Louisiana, Arizona, Iowa, New Mexico, \*Wisconsin, North Dakota, \*Connecticut, \*Idaho, \*Oregon, \*Tennessee, \*Delaware, \*San Carlos Reservation, \*New Jersey, \*White River Reservation, \*Menominee Reservation, \*Kentucky, \*Mississippi, Missouri
- Member, National Safety Council, Association of Highway Safety Information Professionals, Marketing and Honest Broker Committee
- Member, Transportation Research Board – Law Enforcement Committee
- Member, Colorado State Patrol Diversity Committee
- Member of NHTSA Impaired Driving Assessment team: Vermont, Nevada
- Member and President, Northern Colorado Peace Officers Association
- Member, Committee on Guidelines for Transportation Safety Information Management Systems and files, NSC and NHTSA

- Member NCHRP Committee: Project 17-40 Model Curriculum for Highway Safety Core Competencies, Project 03-80 Traffic Enforcement Strategies for Work Zones

**Brian D. Jones**

621 8<sup>th</sup> Ave East  
Olympia, WA 98504  
Phone: 360.725-9896  
E-Mail: [bjones@wtsc.gov](mailto:bjones@wtsc.gov)

**Education**

BA; Business Administration, The Evergreen State College - December 2001

Federal Bureau of Investigation National Academy (FBINA) 207<sup>th</sup> Session – December 2001

**Professional Experience**

❖ **Program Director, Washington Traffic Safety Commission (WTSC) November 2005 – present.**

Direct, oversee and manage activities of program staff, responsible for the coordination of behavioral traffic safety initiatives for Washington State, budgetary responsibility for approximately \$14 million dollars annually. The WTSC is responsible for coordinating and managing all Federal and State funding related to traffic safety for Washington. WTSC has an annual budget of approximately 20 million dollars which funds traffic safety initiatives at the municipal, county, Tribal, and state levels throughout Washington.

❖ **Director of Police Services, The Evergreen State College (TESC) May 2005 – November 2005**

Executive officer of the campus police department, responsible for conducting a full range of police duties for TESC, a state university of approximately 4400 students on a 1000 acre campus. Reporting to the Vice President for Student Affairs, this position also performs in an advisory role to campus executive personnel in all public safety matters.

❖ **Captain – Washington State Patrol (WSP) (September 1998 – September 2004)**

*Division Commander, Training Division* - Manage, direct and oversee all Training Division operations for the WSP, including development of curriculum for Trooper Basic Training, Troopers In-Service, supervisory, mid manager and executive level training for career level certification of all WSP supervisors and managers; determining training needs and administering training programs for all department personnel. Oversee all activities of the Training Division staff; as well as the security, appearance and condition of the Academy facility and grounds. Maintain liaison with the Washington State Criminal Justice Training Commission, criminal justice educators, and other organizations associated with police training; and responsible for the development and implementation of the Training Division's strategic plan, preparation and accountability for the Training Division budget. Update the chief and executive staff on Training Division activities during monthly Strategic Advancement Forums (SAF). Ensure Training Division compliance with, and represent the agency during, Commission on Accreditation for Law Enforcement Agencies (CALEA) and Washington Association of Sheriffs and Police Chiefs (WASPC) accreditation process.

***Division Commander, Office of Professional Standards (OPS)*** - Manage, direct and oversee the administration of the entire disciplinary process for the WSP, to include all Internal Affairs investigations, the setting and adjudicating of discipline as Standards Officer, facilitation of all appeals and mediations, maintenance of the disciplinary database and early warning systems. Review of all uses of force, fleet collisions, and pursuits to ensure consistency with training and policy. Testify in disciplinary review boards, trial boards and personnel appeals boards on behalf of the agency. Manage, direct and oversee the operation and maintenance of the department's public disclosure section, to include compliance with state statutes. Manage, direct and oversee the investigation of Department of Social Health Services administrative investigations as mandated by the Governor's Executive Order. Develop, implement and integrate the division's strategic plan, quality initiatives, and performance-based budget and adopt a problem solving philosophy within the division. Provide expert support and guidance to the executive staff on the full range of issues related to administrative investigations. Update the chief and executive staff on OPS activities during monthly SAF's. Ensure compliance with CALEA and WASPC standards for administrative investigations, complaint processes, and agency risk management practices.

***Division Commander, Human Resources Division (HRD)*** - Manage all aspects of human resource services for over 2200 WSP employees to include recruiting, testing, hiring and placement, transfers, promotions, reallocations, Reduction in Force, class studies, and Personnel Resource Board and Personnel Appeals Board actions. Oversee and manage all Human Rights Commission and Equal Employment Opportunity Commission complaints. Oversee and facilitate all Labor and Industry, temporary disability leave, limited duty, return to work, disability cases and the disability retirement of WSP employees. Develop and implement the HRD performance based budget, strategic plan, quality initiatives and adoption of a problem solving philosophy within the division. Develop internal and external partnerships, while monitoring the human resource environment for risk and liability to the agency, and provide expert support and guidance to the executive staff on the full range of human resource issues. Develop and implement updated human resource regulations, policies and procedures to ensure compliance with state and federal employment laws. Update chief and executive staff on HRD activities during monthly SAF's. Ensure compliance with CALEA and WASPC accreditation standards for all human resource related functions of the agency.

❖ **Lieutenant May 1996 – September 1998**

***Assistant Commander, Field Operations Bureau, District One – Tacoma*** - Administer, manage and provide direct oversight of all aspects of law enforcement functions for detachments responsible for the I-5 corridor in Pierce County, the second most populous county in Washington State. Liaison with local law enforcement, courts and local governments, coordination of multi-jurisdictional patrols.

***Assistant Commander, Training Division*** - Provide direct support to the commander of the Training Division with oversight all Training Division operations for the WSP, including development of curriculum for Trooper Basic Training, Troopers In-Service, supervisory, mid manager and executive level training for career level certification of all WSP supervisors and managers; determining training needs and administering training programs within the department for all department personnel

***Commander, Narcotics Section*** - Coordinate the activities of ten federally funded narcotics task forces distributed throughout the state. Coordinate with federal, state and local agencies in the investigation of high level narcotics traffickers. Responsible for, in coordination with other statewide oversight agencies, the auditing of operations and budgetary expenditures of narcotics task forces. Agency representative to ten narcotics task force executive boards.

❖ **Sergeant; January 1991 – May 1996**

❖ **Trooper; June 1983 – December 1990**

**Specialized Training, Responsibilities and Duties**

❖ **Specialized Training**

*Human Resources*

- Labor and Personnel Risk Management
- Contract Negotiations
- Affirmative Action Plan: Applicant Tracking
- Americans with Disabilities Act
- Assessment Center Rater Training
- Federal Guidelines on Test Development
- Human Resource Management

*Budget*

- Federal Grant Management
- Budget Writing and Preparation
- Managerial and Financial Accounting

*Management*

- Program Management Training
- Total Quality Management and Strategic Planning
- Effective Managerial Presentations

❖ **Additional Relevant Experience**

Instructor in Washington State's Mid-Manager Leadership Academy; "Accountability Driven Leadership" for the Governors Office on Government Management, Accountability and Performance; May and August 2008.

Invited presenter on innovations in resolving allegations of employee misconduct, International Association of Chiefs of Police Regional Conference, Seattle, WA; August 2005

Guest lecturer, Central Washington University, Steilacoom Branch campus, Administrative Investigations, Report Writing; December 2004

Commanded task force responsible for the administrative investigation of Tacoma Police Department employees as the result of the murder/suicide of Chief David Brame; 2003

Assisted with the development of innovative administrative investigation processes for the WSP; responsible for the agency wide implementation of these processes; 2001 – 2004.

Co-authored article published in the International Association of Police Chiefs Magazine; Professional Based Discipline, a Common Sense Approach; September 2003

Guest lecturer, The Evergreen State College, Ethics and Leadership; Masters Degree level student population; June 2003

Assistant instructor, Chapman University, Organizational Leadership in Volunteer Organizations; Masters Degree level student population; September 2002 – January 2003

**Robert P. Lillis**

Evalumetrics Research  
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Canadaigua, NY 14424  
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E-mail: [rlillis@rochester.rr.com](mailto:rlillis@rochester.rr.com)

**CURRENT ACTIVITIES**

**EVALUMETRICS RESEARCH**

Mr. Lillis currently works as an independent consultant through Evalumetrics Research (DBA). He is Research Consultant to numerous State, County and local substance abuse and violence prevention programs and conducts detailed needs assessments, develops outcomes based plans and designs evaluations for numerous initiatives. He is also conducting evaluations of numerous youth development programs as well as criminal justice treatment programs working with substance abusers.

**PARTNERSHIP FOR ONTARIO COUNTY INC.**

Mr. Lillis is the Research Consultant and Chair of the Research Data and Evaluation Committee of the Partnership for Ontario County, Inc. a community based comprehensive substance abuse prevention task force. In this role he has conducted numerous surveys and needs assessments and developed a databased strategic planning process. He also has designed evaluations for numerous school and community-based programs and prevention activities.

**DRUG COURT**

Mr. Lillis is the Research and Evaluation Consultant to the Finger Lakes Drug Court and the Ontario County Juvenile Drug Court. He is responsible for all aspects of project design, data collection, database development and analysis of process and outcome data.

**UNIVERSITY OF ROCHESTER SCHOOL OF MEDICINE AND DENTISTRY**

From 2000 to 2001 Mr. Lillis served as Director of the Research for the Department of Emergency Medicine. From 1996 to 2001 Mr. Lillis served as Director of the Accident Investigation Team and served as Principal Investigator and was responsible for all aspects of numerous injury research projects. These include:

Detection of Drugs in Injured Drinking Drivers Project. A project funded by the National Highway Traffic Safety Administration to determine the role of drugs in selected highway crashes by measuring the presence of any of over 50 psychoactive substances in the blood of drivers injured in motor vehicle crashes.

The Identification, Enforcement and Referral Project for Injured Impaired Drivers. This Project was funded by the New York State Governor's Traffic Safety Committee to conduct an intensive assessment of the dynamics of the treatment of injured drinking drivers and how such injuries and treatment impede the process of identification, arrest, and conviction for Driving While Intoxicated and/or Driving While Ability Impaired.

### **NEW YORK STATE DEPARTMENT OF HEALTH**

From 1988 through 1991 Mr. Lillis served as Manager of Highway Safety Programs in the Injury Control Program, Division of Epidemiology, New York State Department of Health. He was responsible for the development and evaluation of state and local highway injury prevention initiatives. He was Project Director of the Comprehensive Community Traffic Injury Prevention Project. The Project provided technical assistance in needs assessment, program development, and evaluation as well as "mini-grants" to help establish coordinated community based highway safety efforts in high-risk counties in New York State.

### **NEW YORK STATE DIVISION OF ALCOHOLISM**

From 1978 to 1988 Mr. Lillis served as Project Director on numerous research projects at the New York State Division of Alcoholism and Alcohol Abuse. These included the Special Highway Safety Policy Analysis Project, supported by Federal highway safety funds through a grant from the Governor's Traffic Safety Committee. As Project Director he was responsible for development and maintenance of a comprehensive computerized data base, data analysis, research design, preparation of research reports including scientific publications and providing technical assistance to the highway safety community, the Governor's Office, the Legislature and members of the public. Other Projects he directed at the Division of Alcoholism included The Research and Evaluation Support System and the Youth Alcohol Study. In 1980 he served as research consultant to Governor Carey's Task Force on Drunk Driving. Mr. Lillis was the primary source of research and data support to Governor Cuomo and Senate and Assembly sponsors of legislation that increased New York's legal drinking age from 18 to 19 in 1982 and from 19 to 21 in 1985. Research conducted during this time and subsequent to the law's passage resulted in numerous scientific publications. His study of state border crossing by young drinking drivers was credited by the National Highway Traffic Safety Administration as a major influence in President Reagan's support for Federal legislation which directed states to increase their drinking age or face loss of Federal funds.

### **NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

Since 1991 Mr. Lillis has served as a member of the Impaired Driver Assessment consultant team for the National Highway Traffic Safety Administration (NHTSA). He has conducted reviews of impaired driving prevention and treatment activities in Maryland, California, Arizona, Texas, Connecticut, West Virginia, Wisconsin(2), Oregon, New Mexico, North Carolina, Minnesota, Tennessee, Missouri, Delaware, North Dakota, Montana, Utah, Ohio, South Carolina, Illinois, Rhode Island and Puerto Rico.

### **U. S. GENERAL ACCOUNTING OFFICE**

Since 1985, Mr. Lillis has served as a Special Consultant to the U. S. General Accounting Office (GAO). During 1985 and 1986 he consulted with GAO on their review of existing research and evaluations related to minimum drinking age laws to determine the extent to which they provide empirical support for federal and state initiatives to change the legal drinking age. He was responsible for development of a procedure for classification and methodological review of research and evaluation documents and establishment of criteria for a minimum threshold of acceptability of research for policy analysis. Mr. Lillis also served on the review panels for a study of Motorcycle Helmet Law effectiveness and a study of Mandatory Seatbelt Use Laws.

**APPENDIX 2 – Assessment Agenda**

**Alaska Impaired Driving Assessment Presenter Agenda**

**Monday, October 20 2008**

|                     |  |
|---------------------|--|
| 8:00 AM – 9:00 AM   | <u>State Programming and Management</u><br>GR Cindy Cashen, AHSO Project Assistant Kathy Budke   |
| 9:00 AM – 10:15 AM  | <u>Adjudication</u><br>TSRP David Brower, Therap. Program Coordinator Michelle Bartley, AK Superior Court Judge Arthur Morse, Anchorage District Court Judge Richard W. Postma, Jr.                |
| 10:15 AM - 10:30 AM | <u>BREAK</u>   |
| 10:30 AM – 10:45 AM | <u>School Programs/Community Youth Programs</u><br>Anchorage School Dist.Superintendent Carol Comeau   |
| 10:45 AM – 11:30 AM | <u>Crash Data and Records</u><br>AHSO FARS Analyst Joanna Bradford, DOT&PF HAS Carl Gonder, HSIP Ron Martindale, AST Information Systems Kenneth Barnett, MSCVE Ulf Petersen, AST Lt. Kat Peterson |
| 11:30 AM – 12:00 PM | <u>Public Information and Education</u><br>AST Media Specialist Justin Freeman and Alaska Injury Prevention Center Deputy Director Marcia Howell (telephonically)                                  |
| 12:00 PM – 1:00 PM  | <u>LUNCH</u>   |
| 1:00 PM – 2:15 PM   | <u>Alaska Division of Motor Vehicles</u><br>Acting Director Kerry Hennings, Hearing Officer Rebecca Janik  |
| 2:15 PM – 3:30 PM   | <u>Prosecution</u><br>TSRP David Brower, Muni of ANC DUI Prosecutor Jennifer Messick   |
| 3:30 PM – 3:45 PM   | <u>BREAK</u>   |
| 3:45 PM – 4:30 PM   | <u>Team Member Workstation</u> (Private)   |

**Tuesday, October 21, 2008**

|                     |   |
|---------------------|---|
| 8:00 AM – 9:00 AM   | <u>Designated Safety Corridor</u><br>Central Region Traffic Engineer Scott Thomas, AST Captain Hans Brinke  |
| 9:00 AM – 10:00 AM  | <u>Alcohol Beverage Control</u><br>Supervisor Robert Beasley, Trooper Joe Hamilton, Investigator John Bilyeu, Chairman Bob Klein                                  |
| 10:00 AM – 10:15 AM | <u>BREAK</u>  |
| 10:15 AM – 11:00 AM | <u>Local Law Enforcement</u><br>APD Captain Tom Nelson, Soldotna Chief John Lucking, Fairbanks Chief Dan Hoffman  |
| 11:00 AM – 11:50 AM | <u>Victims Groups/Support Agencies</u><br>MADD-Brenda Sadler, Royal & Nancy Bidwell, AA Ross Evans (revans@fs.fed.us) DOC Probation & Parole Director Donna White |
| 11:50 AM – 1:00 PM  | <u>LUNCH</u>  |
| 1:00 PM – 2:00 PM   | <u>Alaska State Troopers</u><br>Colonel Audie Holloway, Captain Hans Brinke, Sgt Steve Adams  |
| 2:00 PM – 3:45 PM   | <u>Toxicology/Standard Field Sobriety Testing/DRE Program</u><br>AST Coordinator Troy Shuey, APD Officer Steve Dunn   |
| 3:34PM -4:00 PM     | <u>BREAK</u>  |
| 4:00 PM – 4:30 PM   | <u>Ignition and Interlock</u><br>“Smart Start” Interlock Services, Alaska Monitoring  |

**Wednesday, October 22, 2008**

- 8:00 AM – 9:00 AM      Treatment and Rehabilitation  
Gov Adv Board on Alcoholism/Drug Abuse Chair Lonnie Walters, Director Kate Burkhart, Prev & Early Intervention Manager Diane Casto, Alcohol Safety Action Program Director Ron Taylor
- 9:00 AM – 10:00 AM      School Programs/Community Youth Programs  
SDFS Michael Kerosky, Alaska PTA President Al Tamagni Jr., AK Youth and Family Network Director Frances Purdy, United Alaska Youth Courts Director Tom Torvie
- 10:00 AM – 10:15 AM      BREAK
- 10:15 AM – 11:00 AM      Emergency Medical Services  
Project Manager Shelly Owens, AK Trauma Registry Tariq Ali, AK Injury Prevention Center Director Ron Perkins
- 11:00 AM – 11:50 AM      Alaskan Natives  
AFN Co-Chair & Senator Albert Kookesh, AFN member and Central Council Tlingit & Haida President Bill Martin
- 11:50 AM – 1:00 PM      LUNCH
- 1:00 PM – 4:00 PM      Team Members Work Session Suite (Private)

**Thursday, October 23, 2008**

- ALL DAY**      Team Member Work Session (Private)

**Friday, October 24, 2008**

- 9:00 AM – 10:30 AM      Report out to AHSO and participants