

Restorative Justice Application to Western Alaska Bootleggers

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Introduction

In part one of this paper, I will define, compare and contrast effectiveness and efficiency and then detail the characteristics of an effective organization and police agency. In part two, I will briefly write about bootlegged alcohol in Western Alaska, drug enforcement and how the Alaska State Troopers (AST) measure success by documenting the total gallon amounts of alcohol seized and the total alcohol-related arrests in the State Drug Enforcement Unit's (SDEU) annual drug report. More importantly, I will identify the crime-related problem that the AST faces – is there a better way for the AST to report success than by simply listing the gallons seized and total arrests in the annual drug report? Specifically, I will ask two questions: 1) does research support using retail price as an outcome measure for the effectiveness of drug enforcement, or in the AST's case, alcohol interdiction enforcement; and 2), does research support a deduction in the reports of alcohol-related violence as a means to measure the success of alcohol interdiction in Western Alaska. In part three, I will explain, if in fact, research supports an increase in retail price and consequent decrease in alcohol-related violence would be a better measure of success than the seizure amounts and total arrests. I will discuss the potential issues of implementing these stats in the drug report. In part four, I will elucidate the potential of combining community restorative justice measures and alcohol interdiction efforts to better prevent and address the effects of illegal importation of alcohol to the local option communities. Lastly, I will propose a plan to create and implement a Western Alaska Community Restorative Justice Team (WACRJT) within the AST.

Part One

Effectiveness and efficiency are measured and defined differently across the academic and professional spectrum. Organizations, whether they are private businesses or law enforcement departments, may differ in measuring effectiveness or efficiency, but how these two different organizations define effectiveness and efficiency are similar. On looking at the simplest of definitions for both, Google defined effectiveness as “the degree to which something is successful in producing a desired result; success” (2015). Efficiency is defined as “the extent to which time, effort, or cost is well-used for the intended task or function” (Google, 2015).

In his article “Efficiency and effectiveness in big-city police departments,” Wesley Skogan wrote, “effectiveness means task performance.” In other words, Skogan believed effectiveness within a police department comes down to how they deal with challenges, fulfill requests for service, or resolve problems. He wrote, “Efficiency is defined in terms of processing costs.” That is to say, efficiency in a police department should give us “more for our money.” He compared the two and explained efficiency as being the means by which we assess the “processing activity of organization – how they go about facing problems.” On the other hand, Skogan conceptualized effectiveness as the department’s ability to meet their goals or the “ability to solve substantive problems” (1976, p.278). Skogan’s concept of efficiency as means of giving departments “more for our money” rings true nearly 40 years later because smart policing has come to the forefront of law enforcement as a means to “identify and confirm effective, crime reduction techniques that were also efficient (i.e., reasonably affordable) for most agencies to replicate” (Peak, 2015, p.116). One of the things we learned with CompStat and stop-n-frisk is that efficiency, effectiveness and economy are in the eyes of the beholder. It is important to note that while the police viewed efficiency, effectiveness and economy as being

met through the expeditious identification of offenders, other community members saw that same activity as indiscriminate net widening.

P. N. Grabosky in his article “Efficiency and effectiveness in Australian policing” explained, “effectiveness in policing is the extent to which the police department is accomplishing its purpose” (1988, p.2). Skogan and Grabosky both conceptualized effectiveness similarly within a police department, whether it is in Australia or the US, by measuring “how” or to what “extent” the challenges are met or the request for service or repair problems are accomplished. Grabosky described efficiency as revealing the comparative unit costs of a police department undertaking its tasks. In essence, both Skogan and Grabosky intellectualized efficiency as analyzing and understanding how budgets can be better used to maximize enforcement efforts by a department. This is a Performance Budget model, which grew out of the Management by Objective (MBO) movement. It’s a good tool, because it helps us manage political uncertainty; but, in many ways, it ignores the mandate to really find out what the people want and to engage the people in an ongoing manner.

Although police departments across the US want to function as effectively as they are efficient, Grabosky wrote that “the two conditions are by no means inextricably linked” (1988, p.2). Although Skogan and Grabosky defined effectiveness similarly, their definitions still, in fact, leave room for discussion over how effectiveness is measured within an operation by each department. Grabosky expounded that an operation can be effective, while at the same time be inefficient. He applied the two terms to a successful criminal investigation, which ends with the offender’s arrest, but which could have happened more timely and by deploying half as many detectives. Equally, an enforcement activity could be efficient but not effective. Grabosky conceptualized this with the creation of a traffic enforcement team, which may result in more

tickets written and a matching decrease in the team's cost of writing a traffic ticket. To attain such a surge, it requires the team to concentrate on comparatively minor moving violations, at the expense of drunk driving and reckless driving charges. While effective law enforcement might better focus on DUI investigation, in this case, the traffic team's efficiency is measured in how many tickets are written. In the sense of time management, a traffic team's time spent on writing tickets rather than spending more time investigating a DUI would be a measure of success in efficiency. In summary, Grabosky pointed out that an overall common goal of a police department, which is reduction of death and injury on the roadways, may not be reached in spite of significantly increased efficiency in traffic enforcement.

In their book *Nurturing an effective creative culture within a marketing organization*, authors Dennis A. Pitta, Van R. Wood and Frank J. Franzak described an effective organization as having "several objectives that are important in business, two of which are: efficiency and effectiveness. Effectiveness often depends on consistent execution and implementation" (2008, p.137). Though effectiveness is defined somewhat differently among the authors cited so far, proactive words of action such as *perform* and *accomplish* and – in the case of Pitta, Wood and Franzak – *execute* serve as the means to bring about effectiveness. On the other hand, they explained that "efficiency in operations usually translates into less waste, reduced costs and a higher level of profitability" (Pitta, Wood, & Franzak, 2008, p.137). This is where efficiency in private business and law enforcement differs in the terms of the desired result, profitability for private business, and successful completion of an operation for law enforcement. However, Skogan, whose definition of efficiency included "more for our money," would probably agree with the aspects of their explanation of efficiency, including "less waste, and reduced costs" but would have ended their explanation with a higher level of law enforcement instead of

profitability. Furthermore, Pitta, Wood and Franzak explained that “the drive for efficiency tends to be codified into standard operating procedures (SOP) and usually reduces flexibility. In one sense, flexibility may be termed the enemy of efficiency because it may distract from the focus that reduces costs and helps boost profitability” (2008, p.137). In terms of applying this concept to a police organization, the idea of reduced flexibility, because police officers follow Standard Operations Procedure (SOP), is foreign. An SOP in a police organization is meant to promote efficiency by way of police personnel following established policies and procedures. It’s an advantage to a police organization that it does not have the same concerns over flexibility, effecting reduced costs and detracting from profitability.

Equally important to an effective organization is an effective group leader. Janice DeLucia-Waack in her article “What makes an effective group leader?” defined effective group leadership as a never-ending journey made in stages:

Movement in this process is influenced by the adoption of a new theoretical perspective, exposure to a new type of group or population, co-leadership with different people, supervision from others, and of course, where we are personally in our lives. These experiences in and of themselves do not turn us into effective group leaders. What is crucial is the examination and processing of these experiences by us as they relate to our strengths and weaknesses as group leaders. (DeLucia-Waack, 1999, p.131)

The characteristics of effective police agencies vary among departments because effectiveness is measured within the programs and tactics used for successful policing. In their article “Effectiveness vs. equity in policing is a tradeoff inevitable?” Robin Engle and John Eck wrote: “Although not always the case, effectiveness in policing over the last two decades has

typically been measured as reductions in reported crimes. Enhanced by managerial practices that emphasize crime measures (e.g., CompStat) and the larger evidence-based movement in policing, the effectiveness of policing has been improving” (Qtd. in Engle & Eck, 2015, p.2) They defined efficiency as the following: “Efficiency and effectiveness in policing are often tied together, with ‘efficiency’ generally being measured in whether the police are operating in a cost-effective manner. There is less systematic evidence available regarding cost-benefit analyses; however, anecdotal evidence suggests that as police agencies have been forced by the economic crisis to ‘do more with less,’ they have been able to enhance effectiveness (i.e., reduced crime) while managing significant reduction in police budgets. Most would agree that the police are more effective and efficient than they were a decade or two ago” (Qtd. in Engel & Eck, 2015, p.2).

Cody Telep and David Weisburd’s article “What is known about the effectiveness of police practices in reducing crime and disorder” suggests that an effective police organization uses Hot Spots Policing to maximize resources. “The evidence based on hot spots policing is particularly strong, making it a logical place to start our discussion. As the NRC (2004) review of police effectiveness noted ‘...studies that focused police resources on crime hot spots provided the strongest collective evidence of police effectiveness that is now available.’ The Braga (2007) Campbell systematic review reached a similar conclusion; the vast majority of hot spots studies show significant positive results, suggesting that when police focus in on high crime in small geographic areas, they can significantly reduce crime in these locations” (2012, p.322).

Part Two

The crime-related problem I chose to research is whether there is a more effective way for the AST to demonstrate success on the yearly drug report than by simply listing gallons of alcohol seized and the total alcohol-related arrests. I pose two questions: the first, whether research supports using retail price as an outcome measure for the effectiveness of drug enforcement or in the AST's case, alcohol interdiction enforcement, and the second, whether research supports a deduction in the reports of alcohol-related violence as a means to measure the success of alcohol interdiction. Before analyzing the problem, it's important to briefly explain the importation laws, enforcement efforts by the AST, and the effect of alcohol on Alaska Native communities.

The first local option laws were created in 1980, which gave the unincorporated communities these control options:

1. Prohibit sale of alcohol (AS 04.11.490),
 2. Allow sale only at a specific, license store (AS 04.11.500),
 3. Prohibit sale and importation (AS 04.11.496).
- The law gave incorporated communities all these options, plus an additional one: 4. Permit sale only at a community-operated liquor store (AS 04.11.492). The procedure for holding local options elections in incorporated cities – requiring a petition signed by 35% of the number of votes cast in the last election – was extended to unincorporated villages. (Berman & Hull, 2001, p.79)

The laws were a good foundation as a means for law enforcement to help unincorporated communities combat alcohol-related problems. However, they pointed out that:

Although rural communities immediately began to hold local option elections, residents of some communities grew frustrated when they found that their efforts were not succeeding in eradicating alcohol abuse from their communities. A principal issue of dissatisfaction surrounded the difficulty of enforcing the importation ban with very limited local police presence in rural Alaska, and a number of village council asked the legislature to allow them to ban alcohol possession. (Qtd. in Berman & Hull, 2001, p.80)

The frustration over limited police presence in rural Alaska then is still a frustrating point of contention today. For that reason, “The legislature acted the following year by adding another local option alternative, Section 04.22.498(a), that allowed communities to ban the possession of alcoholic beverages” (Berman & Hull, 2001, p.80). These laws created in the 1980s are the bed rock on which the AST’s primary drug unit in rural Alaska, the Western Alaska Alcohol Narcotics Team (WAANT), enforces the local option laws or, as they are commonly known in Alaska, the dry communities.

The desire to bootleg alcohol into a dry village is one of the financial gains with extremely low risk of jail time or even a fine. According to the AST’s 2014 annual drug report, using a common retail price of \$150.00 for a 750 ml bottle of bootlegged alcohol in Western Alaska, the ratio for every \$1.00 made to the sale of alcohol in Anchorage would be \$15.00 in most villages. In their article “Relationship between police efficiency and crime rate: A worldwide approach,” authors Javier Domínguez, Isabel García Sánchez and Luis Domínguez wrote:

The main assumption of the Economic Theory of Crime is that a person commits an offense or a crime if the expected utility exceeds the utility that may be obtained through

the use of his/her time and other resources in other activities. Some individuals become criminals, not because their basic motivation differs from other people's but because their perception of benefits and costs are different (Becker, 1968). In other words, a person gets involved in criminal activities because of the monetary income from those activities, taking into consideration the probability of being arrested, convicted and imprisoned by police and the legal system, according to his/her own perception. (2013, p.206)

I worked in the patrol and drug enforcement in the rural hub of Bethel, which is surrounded by 52 smaller villages. More often than not, when I seized bottles of alcohol from an individual, their criminal history would reveal they had prior convictions of alcohol importation, which normally resulted in no jail time and a very minimal fine.

The AST's SDEU encompasses five drug enforcement units; of those units, the majority of local option communities are covered by WAANT. According to the AST's website, "The primary area of responsibility for WAANT includes the Anchorage Airport, Girdwood, Kodiak, the Aleutian Chain, Kotzebue, Nome, Bethel, Dillingham and their surrounding villages. Due to the vast number of local option communities in Western Alaska, a significant portion of this team's focus is on illegal alcohol enforcement. They target smugglers and bootleggers through undercover operations and interdictions. Alcohol shipped legally to regional hubs such as Nome, Bethel and Kotzebue is then illegally distributed to nearby communities which have banned alcohol or have limited the possession of alcohol under the local option laws of Alaska.

The AST publishes a state-wide annual drug report once a year, which is then posted on their website. The annual drug report is also provided to the state legislature as a means to educate them about the current drug trends and drug statistics. Just this year, the Anchorage

Daily Dispatch published an article about drug-related issues in Alaska and referenced many of their stats from the annual drug report. With regard to demonstrating the effect of alcohol interdiction, the report always includes statistics documenting the total amount of liquor seized in gallons and the total alcohol-related charges/arrest throughout the year. In David Bright and Alison Ritter's review "Retail price as an outcome measure for the effectiveness of drug law enforcement", they wrote:

Researchers have grappled with the question of how best to measure the effectiveness of drug law enforcement in achieving the discrete goal of reducing drug supply, and thereby reducing consumption. One method is to use activity measures (outputs) such as drug seizures or arrests of drug dealers. (Qtd. in Bright & Ritter, 2010, p.359)

In addition to these two stats, the reports always list a dollar-to-dollar comparison of alcohol and drugs purchased in Anchorage and then resold in many Alaskan villages. As mentioned earlier, an average bootlegged 750 ml bottle of alcohol can be sold for \$150.00. Having worked in WAANT and SDEU as a whole for nearly 9 years, I know through interviews with individuals from the criminal milieu and through purchasing alcohol or drugs that after a large seizure, the retail price for controlled substances can increase in price. "A number of studies have utilized retail price of illicit drugs as a proxy measure for drug law enforcement effectiveness. Cran, Rivolo, and Comfort (1997) demonstrated significant upward excursions in cocaine retail price in the United States between 1983 and 1997, and concluded that interdiction with support from source countries was the most likely cause of the price excursions. In this analysis, distinct short duration price increases were associated with major interdiction activities" (Bright & Ritter, 2010, p.360).

In the 2014 SDEU Annual Drug Report, alcohol was reported to be a factor in 59% of domestic violence cases reported to the AST from 2001 through 2005. A study conducted by the University of Alaska Anchorage revealed that 59% is significantly higher than national rates, where alcohol was a factor in 42% of domestic violence incidents (2014, p.4). Besides this mention of the correlation between alcohol and domestic violence in Alaska, there are no listed stats comparing domestic violence involving alcohol between the current and past year. Also, there are no stats comparing sexual assaults involving alcohol from the current and past year. According to Darryl Wood and Paul Gruenewald's research report "Local alcohol prohibition, police presence and serious injury in isolated Alaska Native village":

Surveys conducted in rural Alaska have found that an overwhelming majority of Alaska Natives—the indigenous inhabitants of Alaska—believe that their villages have problems with alcohol abuse and that alcohol use is the primary source of criminal behavior in their communities (UAA Justice Center, 1995). Alcohol is seen to serve as a catalyst, exacerbating Alaska Natives' culture conflict (Lee, 1995), their acculturation stress (Foulks, 1987) or their post-traumatic stress (Napoleon, 1991), leading eventually to elevated incidence of outward and inwardly driven violence. (2005, p.393)

Based on the AST's knowledge of how much money can be earned off bootlegged alcohol prices, coupled with research supporting that bootlegged alcohol plays a significant role in domestic violence and sexual assault cases in Western Alaska, it would make sense that documenting an increase in price for bootlegged alcohol and a decrease in domestic violence and sexual assault involving alcohol would better demonstrate the effectiveness of the AST's alcohol interdiction efforts. In the next part, I will explain how the research will deal with the problem.

Also, I will address the potential issues with regard to implementation or use for research within the AST.

Part Three

The implementation of incorporating stats related to bootleg alcohol prices and alcohol-related violence in Western Alaska is possible. The AST uses the Alaska Report Management System (ARMS), which could be used by a Criminal Justice Technician (CJT) to mine for data related to those stats. Built in to ARMS is a check box, which indicates whether alcohol or drug was involved in the case. For example, in the case of a controlled buy for a bottle of alcohol, the price would be listed in the report, which could then be incorporated into the AST's annual drug report. The same principal could be used to obtain alcohol-related violence stats involved in domestic violence and sexual assault cases. The process of obtaining the stats from the ARMS and then listing them in the annual drug report is simple. However, based on research, retail price as an outcome measure for the effectiveness of drug law enforcement may not necessarily be an accurate means to measure, or more importantly, demonstrate the impact of the AST's alcohol interdiction efforts in Western Alaska. Similar concerns would have to be considered so as not to simply take the reduction of alcohol-related violence on face value as a means to show the AST's positive impact.

In their article "Retail price as an outcome measure for the effectiveness of drug law enforcement," the authors explained:

When examining the relationship between price and drug law enforcement intensity, the size and number of players at any one market level may be an important confounding

variable. Once an illicit drug market is larger (i.e., with many nodes and many players), then ‘enforcement swamping’ (Kleiman, 1993) makes the risk to any one individual smaller because of the larger volume of market activity. That is, the larger the number of dealers in a given drug market, the lower the risk posed by drug law enforcement to any one dealer in that market. Alternatively, where there are fewer dealers, the risk of detection for the individual dealer are higher, and so retail price is higher. Therefore, the strength of the relationship between price and law enforcement effort may be influenced by the size of the market, and in particular, by the number of players at each market level (or more accurately, the ratio of players to law enforcement intensity). (Bright & Ritter, 2010, p.361)

Bright and Ritter’s examination of the relationship between price and drug law enforcement intensity would apply in Western Alaska. For example, there are a total of 75 villages throughout Western Alaska that have banned the importation of alcohol under local option laws. These 75 villages vary in population from less than one hundred to more than a couple of hundred people. Drug enforcement investigators are located in the hub communities of Bethel, Nome, Kotzebue and Dillingham. There are a total of three investigators in Bethel – one in Nome, routinely one (sometimes two) in Kotzebue and routinely one (sometimes two) in Dillingham. It’s safe to assume that the number of drug investigators pales in comparison to the number of potential bootleggers importing and selling alcohol in local option communities. For example, when I worked as a drug investigator in Bethel, two investigators and I serviced an area with 50 villages.

In Harold Pollack and Peter Reuter’s article “Does tougher enforcement make drugs more expensive,” they wrote:

Search models provide a useful reminder, within a structure economic model, that equilibrium prices do not capture the full range of economic factors facing buyers and sellers in illicit markets. Search costs and search time impose substantial burdens on buyer-burdens, which sellers do not capture in the form of economic rent. Search models also allow a surprising range of relationships between enforcement and market prices. Higher arrest risk for sellers can induce price decreases, as sellers now have an incentive to dispose of their incriminating goods more quickly. Symmetrically, the model suggests that tougher enforcement against buyers might lead to higher prices, as buyers can reduce their exposure to undercover agents posing as sellers by buying from the first seller, rather than searching for the lowest price. (2014, p.1959)

Unlike utilizing retail price to measure effectiveness of alcohol interdiction, Wood and Gruenwald's research report "Local alcohol prohibition, police presence and serious injury is isolated Alaska Native villages" indicates there could be value in showing decrease in alcohol-related violence in local option communities with the caveat that they are isolated communities and not connected to the road system. According to their research article:

Research on the effects of prohibition in Alaska Native communities also supports its enactment. Landen et al.'s (1997) comparison of alcohol-related injury deaths in 150 isolated Alaska Native villages between 1990 and 1993 showed that the risk of injury death was 2.7 times less in 'dry' villages compared to 'wet' villages.' A paired-sample study of accidental death rates for 158 isolated villages over the period 1980–1993 by Berman, Hull and May (2000) provided similar results: villages restricting access to alcohol reduced accidental deaths and homicides by 75 and 66 per 100,000 population, respectively. (Qtd. in Wood & Gruenewald, 2006, p.394)

In contrast to the above information, they later wrote, “The presence or absence of local prohibition does not account for all the serious injury in those communities. Even dry Alaska Native villages have mortality rates resulting from accidental and intentional causes that are, on average, two-and-a-half times higher than those found nationally” (Berman et al., 2000). In other words, serious injury still occurs at unacceptable levels even in the villages where the local option of alcohol prohibition is exercised.

Complicating the matter even more, Wood and Gruenewald’s research indicates police presence has little effect on violence in Alaska Native villages:

Very little empirical research has considered the ramification of different levels of police presence in Alaska Native villages. Only one study has attempted to determine what effect, if any, the presence or absence of local police authorities has on the amount of violence. Lee (1993), in her comparison of violent offenses in 16 Yup’ik villages, attributed the higher rate of violence (as recorded in the Alaska State Trooper database) in villages served by Village Public Safety Officers as a partial artifact of the availability of local police authority for crimes to be reported to. It is difficult to predict what effect police presence has upon rates of serious injury in the isolated Alaska Native villages considered in this study because previous research has been unable to untangle the actual incidence of harmful behavior from the mechanisms by which they are reported. (Qtd. in Wood & Gruenewald, 2006, p.395)

Based on the research, I believe the AST would take issue with documenting any decrease in bootlegged alcohol price in the annual drug report as an effective measure to show its

interdiction efforts. Bright and Ritter's article summarizes the main problem I believe my organization would have with using bootlegged alcohol price in the annual drug report:

The empirical evidence indicating a relationship between law enforcement activity and retail price has not been strongly supported. Multiple factors have been identified that moderate the relationship between law enforcement and retail price. These include rapid adaptation by market players, enforcement swamping, assumptions of 'rational,' short-run versus long-run effects, structure of the illicit market, simultaneous but independent changes (such as shifts in demand) that affect price in unexpected ways, the role of violence in market, and limitations in data quality. All of these are plausible explanations for the failure to detect a direct relationship between law enforcement and retail price. (2010, p.362)

It's common knowledge that alcohol plays a major factor in domestic violence, sexual assault and homicide in Alaska Native communities. In their article "Alcohol problems in Alaska Natives: Lessons from the Inuit," authors J. Seale, Sylvia Shellenberger and John Spence wrote, "Alcohol use is also linked to homicide, family violence and fetal alcohol syndrome" (2006, p.1). That being said, based on the research associated with prohibition relating to violence and injury in Alaska Native communities, I believe the AST would not be inclined to incorporate deductions in alcohol-related cases such as domestic violence and sexual assault in the annual drug report, because if the stats showed an increase in alcohol-related domestic violence, sexual assault and homicides, it could be perceived as the AST not effectively or successfully interdicting alcohol before it arrives in dry villages.

Part Four

Alcohol is just one ingredient to a social problem in Western Alaska; thus, alcohol interdiction and incarceration are ingredients needed for the solution. For this reason, collaborative strategies of change between law enforcement, the courts, and local option communities are needed to tackle alcohol-related crimes and issues. However, a paradigm shift toward accepting community restorative justice measures and letting go of monopolizing conflict is needed within the ranks of drug enforcement investigators for success. In her article “Restorative justice in Western Alaska,” Polly Hyslop wrote:

The State of Alaska criminal justice system is seeking solutions to curb the high number of incarcerated adults and juvenile Natives. There is currently deliberation regarding restorative approaches involving community care and therapeutic courts. According to the 2006 Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission, there remains a great need to expand therapeutic approaches. (2012, p.23)

The desire to try different restorative approaches to tackle social issues affecting rural Alaska communities already exists, and new approaches to support local option communities by drug investigators would be a welcome idea.

Conflict resolution has been a civilizing force of the government since the most primitive forms of government began to take root in the early societies. However, on creating the civilized governments of today, the journey at times has been anything but civilized. Although acephalous societies lacked political leaders that make up some of today’s civilized governments, they were more civilized than their modern counterparts to a certain degree. For example, Bazemore and Schiff wrote, “acephalous societies generally preferred reparative and often ritualistic responses

to crime that sought to restore community peace and harmony as an alternative to blood feuds, which generally had devastating consequences for community life” (2001, p.22). Proponents of restorative justice would argue that the focus of acephalous societies to restore community peace and harmony is more of a civilized approach than a movement toward the community justice model that began to take root in the “seventeenth- and eighteenth-century England and the American colonies” (Bazemore & Schiff, 2001, p.26). Conflict resolution today has improved vastly from blood feuds and the retributive punishment of the Middle Ages; the civilizing transformation of governments is perhaps doing a disservice to the very communities the governments are trying to serve. Although local option laws have given drug investigators better enforcement powers to combat the illegal importation of alcohol, they have effectively placed the responsibility of controlling the conflict caused by alcohol into the hands of investigators to be passed on to the vertical justice system.

Conflict can be beneficial by bringing people together to tackle a common problem. For example, restorative justice deals with conflict by rallying community stakeholders as a means “to better accommodate victim needs for information, input, reparation, and healing” (Bazemore & Schiff, 2001, p.26). Drug investigators tasked with interdicting alcohol in Western Alaska should be challenged to see beyond just documenting seized alcohol and remanding offenders to jail by serving as conduits to help hold bootleggers accountable, not only to our vertical justice system but to village elders, village administrators, and their family members, when they are caught attempting to import alcohol into local option communities. As a former drug investigator in Bethel, I took professional satisfaction in seizing illegal alcohol destined for local option communities and arresting bootleggers, because I believed each bottle seized represented the prevention of a physical or sexual assault. However, my interaction with the community

members prior to seizing illegal alcohol was limited to the occasional person wishing to leave an anonymous tip and rarely, if ever, did my colleagues or I reach out to the community where a bootlegger or alcohol was destined.

Although some would argue that less conflict in highly industrialized societies would be beneficial, in the article "Conflict as property," Nils Christie wrote:

Highly industrialized societies do not have too much internal conflict, they have too little.

We have to organize social systems so that conflicts are both nurtured and made visible and also see to it that professionals do not monopolize the handling of them. (1977, p.1)

In other words, conflict resolution within the community and sometimes directly between the victim and the offender is allowed far less often in highly industrialized societies than in less industrialized ones, where restorative justice utilizes conflict to empower a community to work together and support victims while being respectful of the offender. Alcohol interdiction alone neither promotes interaction between bootleggers and community members nor does it empower the community to address the root cause of illegal alcohol importation, which is profit motive. Drug investigators control conflict by preventing the importation and sale of illegal alcohol in local option communities. Once the alcohol is seized or a bootlegger is arrested, the interdiction is considered a success by drug investigators, because it is assumed that the alcohol would have likely contributed to a crime, and the bootlegger would have profited from the alcohol. However, each interdiction does contribute to addressing the underlying problems caused by alcohol in local option communities. For Christie (1977), conflict is something that should be worked through by the very people it affects and should not be taken over by the justice system, which is made up of the police, lawyers and judges.

In his article “Who owns this conflict? The challenge of community involvement in restorative justice,” Patrick M. Gerkin wrote, “As the state wrested control over criminal definitions and responses to crime, the community’s ability to contribute to the justice process and to identify their needs has been greatly diminished” (2012, p.278). The criminal justice system focuses more on addressing the crime committed by the offender and what punishment the offender will face. Gerkin further wrote that,

Zehr refers to this as a ‘tragedy of modern society’ (1990, p.204) and argues that the transfer of power and responsibility for dealing with the aftermath of crime to the state has led individuals to give up their power and ability to solve their own problems and their opportunities to learn and grow from the situation. (2012, p.279)

Institutionalizing conflict begins to destroy communities by leaving individuals with a sense of powerlessness, since it does not sufficiently allow an individual to work through conflict with the assistance of community resources.

In their book *Restorative Community Justice*, authors Gordon Bazemore and Mara Schiff wrote:

Today, however, community police officers in some jurisdictions facilitate restorative conferences as a way of institutionalizing informal problem-solving. Such problem-solving can also empower individual citizens and primary stakeholder in a ‘front-end’ response to crime and local conflict. Moreover, some community prosecutors and judges involved in ‘community courts’ are embracing informal decision making by initiating and sponsoring restorative community boards, community conferences and even circle sentencing. (2001, p.29)

However, Bazemore and Schiff pointed out that “restorative justice advocates will almost always prefer an informal process to a system-driven formal one” (2001, p.29). This information demonstrates just how community and restorative justice can correct modern societal forces that deprive communities of the benefit of conflict.

In our judicial system, prosecutors and defense attorneys settle most cases in the pretrial phase. This is especially true with alcohol interdiction cases in Western Alaska, where the sheer volume of felony cases such as physical and sexual assaults being forwarded to prosecutors, coupled with the responsibility to litigate these cases, creates an overwhelming amount of work that results in a judicial system that does not hold bootleggers accountable or lend itself to victim support. This results in the majority of alcohol interdiction cases being pled out, with punishment consisting of time served (if the bootlegger was even taken into custody) and the bootlegger forfeiting his or her alcohol for destruction. Bargaining between prosecutors and the defense will always be a reality; so, a paradigm shift toward a process of including representatives from local option communities and bootleggers should operate within the shadow of the law along with litigators. Although the following examples support the reason for allowing divorcing spouses to have broader powers to make their own agreements, the same framework could be used to justify a process where community members have broader powers to make agreements with bootleggers. For example, Kornhauser and Mnookin pointed out that “a negotiated agreement allows the parties to avoid the risks and uncertainties of litigation, which may involve all-or-nothing consequences” (1979, p.956). In other words, a local option community has no guarantee that the offender will be held accountable, which does nothing to assist the community through their conflict. I recall plenty of times when the punishment for a bootlegger in an interdiction case resulted in no fine and no jail time, but simply the destruction of the seized alcohol. In

addition, Kornhauser and Mnookin stated that “given the substantial delays that often characterize contested judicial proceedings, agreement can often save time and allow each spouse to proceed with his or her life” (1979, p.956). The chances of interdiction cases going to trial are infrequent, and the few times I went to trial, only the bootlegger, his or her defense attorney, the prosecutor, and I were involved. No one represented the local option community in the court room. If a process that allowed community members and drug investigators to participate in an agreement with a bootlegger prior to the trial existed, it would allow local option communities to be better represented and have greater control of conflict and would hold the bootleggers accountable to the community in a manner befitting them. Kornhauser and Mnookin wrote that “a consensual solution is by definition more likely to be consistent with the preference of each spouse, and acceptable over time, than would a result imposed by a court” (1979, p.956). A process of conciliation between local option communities and bootleggers has a greater chance of leaving community members satisfied by actively dealing with conflict rather than turning it over to litigators within the judicial system.

One can assume that drug investigators want to know why an offender committed a crime. However, their motivation to obtain an answer is not to benefit victims, but instead to assist their investigation and build a strong case to present to the district attorney’s office. One could only imagine the great benefit alcohol interdiction could have for local option communities if there was a paradigm shift toward utilizing it to empower these communities versus punishing bootleggers. For example, meaningful healing could most likely begin between these communities and the bootleggers if investigative resources were used to support the local option communities’ quests to answer the question of “Why?” According Bazemore and Schiff, “restorative justice’s focus on repairing harm to individual victims, with concern for respectful

treatment of the offender, is a response to the perceived failure of criminal justice systems and agencies to pay adequate attention to these needs” (2001, p.27). Unfortunately, the main reason for alcohol interdiction is not to answer the question of “Why?” for local option communities, but to assure an appropriate punishment is given to the bootleggers. Not surprisingly, bootleggers are not inclined to explain why they committed the crimes to the drug investigators, because they know it can be used against them. Perhaps, even more frustrating is that the system functions fine without the bootleggers admitting their reasons. The criminal justice system holds bootleggers accountable to varying degrees without the offenders ever addressing the local option communities’ need to know why. The criminal justice system is discouraged from dwelling on the question of “Why?” so it can focus on gathering evidence against bootleggers to prove beyond a reasonable doubt they are guilty in the eyes of the court. Evidence helps hold bootleggers accountable to local option laws but does little to help make the communities feel whole again after the alcohol-related tragedies. Research shows that “victimization leaves crime victims seeking a new sense of order and looking for rational reasons for the crime events” (Bazemore & Schiff, 2001, p.88). For that reason, individual victims, let alone local option community representatives, and bootleggers should work together to “reduce the frustration and confusion that victims experience” (Bazemore & Schiff, 2001, p.89); by working together, a victim and a community can restore a new order. Unlike in a vertical justice system, where victims are relegated to passive observers, a restorative justice system tries to “provide opportunities for greater and more meaningful participation by the victim in the identification of harms and needs, including what they believe they need from the offender, the community and the system” (Bazemore & Schiff, 2001, p.91). Meaningful and effective healing for local option communities will only start when victims ask bootleggers why they bring alcohol into their

communities. Meaningful and effective healing for victims does not come from the punishment given to their offenders or the evidence gathered in lieu of answering the question of “Why?”

The importance of assisting victims to find meaningful answers is immeasurable for the healing process. Drug investigators within the vertical justice system at times project their level of satisfaction onto local option communities because the amount of alcohol seized and at times the severity of punishment placed on a bootlegger are satisfying to the drug investigators. As many know, “court-ordered incapacitation is notoriously less effective than it would seem. Violent men continue to perpetrate assault and rape in prison. Drug dealers continue to entice vulnerable young people” (Bazemore & Schiff, 2001, p.79). While this vicious circle of victimization against offenders takes place within the penal system, it is mirrored by the scores of victims on the outside who are still looking for answers. Unfortunately, there is a definite disconnect at times between what drug enforcement and the communities find important. Drug investigators are more emotionally invested in the level of punishment to offenders at the end of the process; whereas, the local communities are more emotionally invested at the beginning of the process to find out why bootleggers continue to plague their villages. However, the level of severity of punishment that the bootleggers are subjected to by the system does not correlate more or less to healing for the local option communities. If the focus on punishment to bootleggers was more helpful, important and satisfying to local option communities, there would be no need for restorative justice. The question of “Why?” would play no real importance for the local option communities. However, studies have shown that victims seek answers and need answers to heal. Unfortunately, drug enforcement and the criminal justice system do not need to place the local option communities first to function effectively and efficiently in punishing bootleggers.

The implementation of restorative justice will not fix the faults within Western Alaska or those working within the criminal justice system, but advocates of restorative justice acknowledge that more attention should be given to victims and communities. Drug investigators in Western Alaska are on the front lines, enforcing the local option laws by interdicting illegal alcohol and drugs before they arrive at villages. For the successful implementation of restorative justice measures within Western Alaska and more specifically within drug enforcement and the criminal justice system, it will have to coexist and improve the criminal justice system wherever possible, by best addressing the needs of communities and victims while lowering recidivism rates among offenders through measures that respect and include them in the process. As Bazemore and Schiff wrote:

We feel that the real power lies in identifying where these visions complement, strengthen, and enhance one another. In other words, rather than spending energy concentrating on disparities, we would rather spend it generating a new, more integrated, and cohesive model. (2001, p.334)

Although restorative justice focuses on healing victims while the criminal justice system focuses on punishing offenders, each system can work directly and indirectly to further both their goals by focusing on the areas that the other system does not. In her article "Restorative justice in rural Alaska," Polly Hyslop wrote:

In 1998, Magistrate Jackson and a group of concerned residents in Kake organized the Healing Heart Council and Circle Peacemaking, a reconciliation and sentencing process embedded in Tlingit traditions. The Circle Peacemaking involved the participation of local people and groups who rarely come together under the criminal justice system. These people comprise victims, offenders, families, friends, church representation,

community members and concerned or affected of the community. The Circle Peacemaking process allowed a group of people to respond to a particular crime or incident. They created a place where the members work together to bring accountability, restoration, and healing back to their village after a harm was committed. (2012, p.19)

A similar restorative justice measure, such as the one in Kake, could lead to better healed victims and communities, by assuming the responsibility of holding bootleggers accountable to local option communities rather than only to stakeholders within the criminal justice system. Bootleggers, regardless of whether they are found to be importing misdemeanor- or felony-level amounts of alcohol, could be held accountable to local option communities in a similar fashion as offenders are held accountable to the community of Kake. Criminal justice measures would still be used and would help restorative justice measures when offenders do not follow through with their commitments to victims by being their handle offenders.

In his online article “How to implement and manage successful change programs,” Dale Kirke (2013) wrote that the three stages of implementing change are to communicate the rationale behind the need for change; implement the change in phases; and evaluate, review, and report on the change. First, restorative justice advocates will have to educate those unfamiliar with its measures and show how it benefits victims and communities in areas where the criminal justice system fails. Second, by its nature, restorative justice measures work within small pockets of the criminal justice system and by virtue of that, restorative justice should look for small wins in the form of implementation in small phases that are closely monitored to identify where improvements can be made. Finally, restorative justice advocates must document and demonstrate where improvements are being made to the criminal justice system through restorative justice measures.

Implementation of restorative justice measures would require communicating goals and objectives to the public, explaining to the public how the goals will work to improve minor consuming, and working with stakeholders within the criminal justice system to implement the measures on a more consistent basis. For restorative justice to be better understood by the public and to outline how it works to better serve community members, advocates will need to explain that restorative justice is simply not repackaging community justice but that there are three distinctions between the two. The first being that restorative justice focuses on a case versus the community, which gives a greater focus on healing victims and the stakeholders within the community who were affected by a specific act of crime. The second being reactive versus preventative, where restorative justice takes steps to prevent re-victimization by the same offenders repeatedly, by allowing them to participate in the healing of their victims and by successfully reintegrating offenders back into the community where they offended. In the last distinction, formal versus informal strategies, restorative justice wants to shift the control of conflict exclusively from the stakeholders within the criminal justice system to the people affected by the crime.

Once sufficient time has been given to educate the public, it will be critical to the sustainability of restorative justice measures that stakeholders within the criminal justice system are allowed and encouraged to inform victims of the program and to guide offenders (or their parents) into it. It will be important to remind doubtful stakeholders within the criminal justice system that restorative justice measures already are being used within the criminal justice system with success.

An example of implementation through the support of stakeholders within the criminal justice system comes from the Center for Restorative Programs in Colorado. It began offering

the Rethinking Drinking program in January 2014. The program is designed for juveniles who are 20 years of age and younger, who receive a first ticket for underage possession of alcohol. An important aspect of the program is that juveniles can be referred to the program by law enforcement, city or district attorneys, probation officers, school officials, families, and community members. With all these stakeholders, and not just those from within the criminal justice system, restorative justice measures will receive the continued support and buy-in from community members to remain relevant within the criminal justice system.

Lastly, restorative justice deals with conflict by bringing together community stakeholders as a means “to better accommodate victim needs for information, input, reparation, and healing” (Bazemore & Schiff, 2001, p.26). Restorative justice will need to keep stakeholders supporting its measures and keep the stakeholders within the criminal justice system updated after measures are evaluated and reviewed for improvement. By keeping stakeholders from the outside and those within the criminal justice system informed about the positive effect of restorative justice on victims, communities and offenders, it will help assure that all stakeholders are informed about how things are progressing, the results that are happening, and if the change to the criminal justice system has met its objectives.

Part Five

Supervision will play an important part in gaining buy-in from drug investigators to support restorative justice measures. The sergeant with the AST and that over the WAANT will play critical roles in supporting restorative justice measures by educating and mentoring drug investigators to better understand and support community restorative justice. As I learned in 2015 at the Southern Police Institute about the behavior traits pertaining to Servant Leadership, I

know there are leaders who achieve high-quality organizational results by giving direction and by promoting participation, mutual respect, and independence (Greenleaf, 1998). In the context of community restorative justice, the WAANT sergeant could play an important role in promoting participation and mutual respect between drug investigators and restorative justice advocates. A sergeant serves as a conduit between the public, troopers, and command members. Sergeants give routine daily direction to troopers, and although sergeants have supervisory responsibility on shift, they participate, albeit less frequently, in the same law enforcement functions as the rank and file troopers. The WAANT sergeant conducts alcohol and drug interdictions with their investigators and routinely travels to Western Alaska to work and conduct supervisory visits. For this reason, the WAANT sergeant is in the best position to serve as a bridge between restorative justice advocates and drug investigators tasked with conducting alcohol interdiction. The WAANT sergeant could promote mutual respect between drug investigators and restorative justice advocates because through their partnership, they would serve to support and protect communities throughout Western Alaska.

Promoting independence among drug investigators to build professional relationships with restorative justice advocates, community leaders, and other members of the criminal justice system to further enhance and strengthen community restorative justice measures will be important. Sergeants should inspire a shared vision among those they supervise. For example, a good lieutenant routinely encourages sergeants to mentor and prepare those they supervise to eventually take over the position of the sergeant. For this reason, the WAANT sergeant will have to work through growing pains and problems that the drug investigators encounter while working to support community restorative justice measures, by providing direction and constructive criticism when necessary. Drug investigators will need to be challenged to look beyond stats and

arrests. They will need to be encouraged to consider how their alcohol interdiction can be used for the greater good and healing. Drug investigators will need to analyze alcohol interdiction from the perception of a sergeant as a means to exercise their knowledge and develop their independence.

Finding something you truly believe in is the key to articulating a vision in the first place.

Once you're in touch with this inner feeling, you can look and think beyond the constraints of your current position and view the possibilities available in the future.

(Kouzes & Posner, 2012, p.115)

The WAANT sergeant instilling a shared vision of community restorative justice measures that enhance alcohol interdiction by having a greater and positive impact on local option communities will help ensure that restorative justice measures endure through personnel changes.

For this reason, the WAANT sergeant should proactively instill a sense of accountability among his or her drug investigators by following up with them on a weekly basis to ensure they are reaching out and working with community restorative justice stakeholders. In addition to proper follow up with investigators and holding them accountable if they are not working with community restorative justice stakeholders, the WAANT sergeant should be encouraged to utilize the MBO as a fair, accurate, and useful method to conduct performance appraisals and to set goals for the following appraisal period that encourage continued support of community restorative justice measures. MBO would help avoid conflict and confusion between the WAANT sergeant and the drug investigators because they would clearly understand what is expected of them when it comes to supporting community restorative justice measures. Drug investigators will not only know what is expected of them, they will become emotionally and

professionally invested in supporting and achieving their goals because they will have actively participated in the appraisal process. In the end, improving knowledge, skills and ability through the employees achieving their goals while supporting community restorative justice measures will not only benefit the employees, but will help the communities, victims and bootleggers more effectively and efficiently attain healing and accountability. For example, the WAANT sergeant and the investigators should come up with goals for the sergeant to attend training that improves the knowledge of community restorative justice and improves abilities and skills to better support the communities, victims and stakeholders. Supporting specialized training will most likely result in drug investigators being able to work more independently (a goal of Servant Leadership) and achieve higher success with less direct supervision from the WAANT sergeant.

An important leadership trait to instill in the drug investigators will be servant leadership. The WAANT sergeant is constantly serving the needs of drug investigators by responding to their e-mails, answering their telephone calls, correcting their reports, and backing them up at calls. These daily, mundane tasks are part of the WAANT sergeant's job description, and they represent opportunities for open dialogue between the WAANT sergeant and the drug investigators. In the book *Lead with Humility: 12 Leadership Lessons from Pope Francis*, Jeffrey A. Krames wrote the following 2010 quote of Pope Francis:

Dialogue is born from a respectful attitude toward the other person, from a conviction that the other person has something good to say. It supposes that we can make room in our heart for their point of view, their opinion, and their proposals. Dialogue entails a warm reception and not a preemptive condemnation. To dialogue, one must know how to lower the defenses, to open the doors of one's home and to offer warmth. (2015, p.13)

Pope Francis' words serve as an example of Servant Leadership by demonstrating how leaders should encourage participation and mutual respect among one another. In the context of community restorative justice, mutual respect among participants is important to the healing process for victims and communities. Servant Leadership within a criminal justice organization promotes collaborative efforts between the rank and file and the command members to arrive at solutions. Servant Leadership could have the same effect by drug investigators collaborating with community restorative justice advocates, arriving at solutions that support the local option communities and hold the bootleggers accountable.

The effectiveness of Servant Leadership to enhance and support community restorative justice measures can be maximized by utilizing the following three principles from Donald Phillip's book, *Lincoln on Leadership*: to get out of the office, persuade rather than coerce, and build strong alliances. I chose "get out of the office" because drug investigators need to travel to the local option communities to learn what the community leaders desire and how their enforcement efforts can go beyond alcohol interdiction and arresting bootleggers. The drug investigator should strive to get out of the office on a weekly basis and collaborate with the community leaders and restorative justice advocates as a means to establish strong working relationships. It also can provide an opportunity for them to identify what works or provide timely, constructive criticism on a weekly basis, provided they are able to build trust among themselves.

The idea to "persuade rather than coerce" will help drug investigators promote a collaborative effort of mutual respect, because it will be critical that they are not merely making decisions from a drug enforcement point of view but collaborating and working through options to come up with solutions that are geared toward healing communities and victims more than

punishing bootleggers. After I was promoted as a sergeant, I spoke with my father about some of the challenges with my new position as a sergeant of a multiagency drug task. The investigators I supervised lived within the large area covered by our unit. At times, it was difficult to collaborate with the two municipal drug investigators because they were not in the same town as the sergeant. Also, the municipal drug investigators were often pulled in different directions by their chief, lieutenant, and seldom by other sergeants, because their goals and objectives differed sometimes from the overall mission of the drug task force. My father suggested that I lead as if I had no authority (Buell Russell. Personal communication circa 2008). He explained that he read an article about the Japanese dominance of the automobile industry in the 1980s. The article described the philosophy among the factory managers in Japan of leading as if you have no authority. It explained how this method worked to the managers' advantage to gain the maximum output from their workers, which contributed to the Japanese dominance of the automobile industry. In the context of drug investigators working with stakeholders to establish community restorative justice measures, the investigators will have to be mindful of letting go of the control over conflict and have to embrace a mentality of working with stakeholders as if they have no authority but are there to support the needs and wishes of the community members and victims.

“Build strong alliances” helps create a work environment of trust and collaboration. It is imperative for the drug investigators to understand the goals of restorative justice measures and what motivates stakeholders to reach those goals, by consistently providing positive feedback and constructive criticism. However, the drug investigators must understand that they can only build strong alliances through establishing a personal, working relationship with the stakeholders to understand their specific needs and motivations. Strong alliances combined with the other

principles will ultimately help the drug investigators to feel more comfortable with the stakeholders, because they will better understand the latter's strengths and weaknesses, which will help them better understand where law enforcement can positively and successfully support restorative justice measures.

The WAANT sergeant and drug investigators will play a critical role as servants of the community, victims and advocates in restorative justice measures. By utilizing Servant Leadership, the WAANT sergeant and drug investigators will serve as instruments of change within the AST to support restorative justice measures. Restorative justice must be allowed in Western Alaska to supplement the vertical justice system whenever necessary, to provide dedicated support for victims and allow offenders who want to participate in the process a chance to do so. One can only imagine how frustrated and unsatisfied victims will continue to be if, at the end of their journey through the system, they are left with more questions than answers.

Part Six

A proposal and implementation process similar to the first Department of Public Safety Critical Incident Response Team and Peer Support Program (DPS CIRT/PSP) will be required to present restorative justice measures to the AST command and begin a stronger partnership among the community, victims, and advocates of restorative justice measures. As a founding member of the DPS CIRT/PSP, I recognize that both programs aim to enhance the ability of the law enforcement personnel through partnerships to more effectively and efficiently conduct their jobs. However, for both programs to succeed, the law enforcement personnel must trust in others, let go of control and conflict, and leave their comfort zones. I plan to utilize the lessons learned from the implementation process of the DPS CIRT/PSP as a means to successfully implement

restorative measures within the AST. I also plan to convince the AST command to support restorative measures in Western Alaska by demonstrating that much of the infrastructure needed to support restorative measures already exist. I will outline how the Scanning, Analysis, Response, and Assessment problem solving model (SARA) will serve as a guideline to ensure that the personnel in the field support and follow through with the DPS's commitment to realizing the restorative measures.

It is important to understand how the DPS CIRT/PSP was established and its purpose, for the purpose of obtaining context. The DPS CIRT/PSP was established in September 2012 and consisted of one captain, two sergeants, one trooper, and two court service officers. The members were sent for a week-long certification course in Oklahoma to be certified in peer-to-peer support by the US Marshalls. In addition to learning from the US Marshalls, the members spoke with and learned from the Oklahoma Highway Patrol troopers, who were also certified by the US Marshalls and established their own peer-to-peer support team. The DPS CIRT/PSP offers appropriate support resources to the DPS employees when personal or professional problems negatively affect their work performance, family or self. The DPS CIRT/PSP is designed to be a confidential consultation and resource for the DPS employees and is not meant to be used as an investigative tool. The DPS CIRT/PSP team consists of trained personnel who can support the employees by providing assistance in areas of personal and collective critical incident debriefing, anonymous and confidential peer support, and resilience training.

In a manner similar to the DPS CIRT/PSP, I would propose that the DPS establish a WACRJT, consisting of investigators from the SDEU/WAANT Unit, troopers stationed in Western Alaska, community stakeholders and community restorative justice advocates. Similar to the DPS CIRT/PSP, the WACRJT would initially be made up of a few personnel, such as the

SDEU lieutenant, the WAANT sergeant, one trooper and one investigator from Bethel, Nome, Kotzebue and Anchorage. However, unlike the DPS CIRT/PSP, the initial members of the WACRJT would not need to be sent out of the state for training, as my plan involves utilizing resources from the University of Alaska Fairbanks' Justice Department to teach the initial members. Support in the form of funding for extra personnel and training for the DPS CIRT/PSP ebbs and flows analogously with the colonel of the AST. I recall speaking with Colonel Keith Mallard, the initial colonel in place when the DPS CIRT/PSP was established, who told me that after speaking with the US Marshalls, he felt the need for a peer-to-peer support team, as it was important for the mental health of all Department of Public Safety Employees. He explained that he had wanted such a team during his career, but no one within the command had taken the necessary steps to create it. He added that every job has its stressors, but he believes that it is the job of the leaders within an organization to recognize the unique challenges, find out how to best take care of the people, identify solutions, and never forget where they came from. When Colonel Cockrell was in charge, a formal SOP manual was established for the DPS CIRT/PSP and nearly 20 more members were added to the team. The creation of an SOP and boosting of the members led to the creation of four teams, four team leaders, a set standby schedule, and rules and regulations. All of this further served to establish a more permanent team that would remain constant over the course of different regime changes.

Both top-down and bottom-up goal settings have their pros and cons in terms of effectiveness and efficiency. Although I believe that the bottom-up goal setting is better than the top-down goal setting, because by nature, it uses collaborative strategies of change. On the other hand, top-down goal setting is more likely to involve conflict strategies of change, because the agent of change comes from the highest level of supervision within the organization. I believe

that top-down goal setting would initially be needed by the executive management to support the AST partnering with the community members and, more importantly, to be advocates of the restorative measures. However, just as with the DPS CIRT/PSP, after receiving the command's approval, a more bottom-up goal-setting process could be initiated between the initial team members, community leaders, community members, and advocates. Approval for the WACRJT may come from as high a post as the colonel, but it will be the job of the team members and partners to support and propose a plan to ensure that the WACRJT is successful and outlasts personnel and regime changes.

Although the goal of the DPS CIRT/PSP is to help the DPS employees, there is no shortage of skeptics, detractors, and, at times, a sentiment of distrust towards the team. For example, law enforcement, in general, does not promote an environment of support where police officers can discuss their emotions. For this reason, when the DPS CIRT/PSP contacted the troopers after a critical incident – such as an officer involved in a shooting or the death of an officer on duty – on inquiring how they were doing and what the team could do for them and their family, the members were taken aback. Detractors of the DPS CIRT/PSP would point out that communication between the team and troopers is not privileged, and the team could be compelled by the command or in court to divulge the contents of their discussions. Even after explaining that neither were the conversations recorded nor any notes taken as per the DPS CIRT/PSP SOP, the detractors remained untrusting. It is important to point out that this scenario has never occurred in the entire time I have been with the DPS CIRT/PSP, that is, since its inception.

The steps that led to the successful policy formation, adoption and implementation of the DPS CIRT/PSP were as follows:

- Support from Colonel Mallard.
- Starting small by sending six commissioned employees for the peer-to-peer support training. This helped to keep the span of supervisory control over the team to a reasonable number.
- Creating a formalized SOP manual governing the team.
- Allowing and supporting members to attend the annual recertification training.
- Supporting and allowing time for the DPS CIRT/PSP to gain credibility and experience before more than doubling its membership.
- Allowing not only commissioned personnel to board the DPS CIRT/PSP, but also office staff, dispatchers and command members. This helped gain a wider appeal for the team and allowed the team to better support all members of the DPS/AST.

I believe that similar detractors and sentiments would exist for the WACRJT, because although criminal justice organizations serve, protect and answer to the public, the police culture tends to promote a view that the general public needs to be taken care of more than to be considered as partners in the fight against crime. In addition, formal and quasi-military model criminal justice organizations, such as the AST, in managing their personnel, do not lend itself well to working with less structured organizations. One example is the community organizations one might find in Western Alaska villages, which are staffed with employees who may not be familiar with the police culture, including community restorative justice advocates. Peak wrote that the quasi-military model tends to “discourage creativity; cultivate the ‘us-versus-them’ and ‘war on crime’ mentalities; eschew scientific or academic approaches in favor of an ‘applied’ focus; rely heavily on tradition, or the ‘we’ve always done it this way’ approach” (2016, p.85). In

other words, for restorative justice measures to be accepted, a paradigm shift must occur at the top of criminal justice organizations, which encourages creativity among the ranks, positive and proactive interaction with the public, and a willingness to try new and unfamiliar ideas.

I would use a proposal process similar to what I outlined above to implement restorative measures within and in partnership with the WAANT personnel, patrol troopers, community, victims, and community restorative justice advocates. The process would begin by making a presentation to the colonel, two majors, and captain and lieutenant of the SDEU. As referenced above, it would be critical to have the command's support in order to increase the chances of restorative measures being successfully implemented with the AST. As a means to provide clear direction and foster support from command members for the WACRJT, I created the following mission statement:

The DPS recognizes the importance of community partnerships. The Western Alaska Community Restorative Justice Team's (WACRJT) goal is to assist the community and victims affected by crimes related to alcohol and controlled substance through implementing restorative measures. The DPS recognizes the value of providing alternative means for community, victims, and suspects to work together to heal the damage caused by crimes related to alcohol and controlled substances. A demonstrated successful approach is to create a team that consists not only of DPS members but also of community restorative justice advocates dedicated to healing victims, while still respectfully holding suspects accountable through restorative measures.

The next step for me towards organizational change within the AST is to inspire a shared vision among the command and front-line personnel that encourages support for restorative justice measures, by explaining how these will benefit the DPS and communities in Western Alaska and

aid the work done by troopers and investigators. I will essentially need to demonstrate that restorative measures promote community engagement (partnerships) and problem solving. In other words, restorative measures represent an opportunity for the AST and community members to use collaborative strategies of change and contribute towards improving policing within their community.

Collaborative strategies of change allow for greater opportunities for all parties involved to contribute ideas towards the implementation process. Welsh and Harris stated, “Keys to success are participation and communication with all stakeholders” (2008, p.21). An advantage of using collaborative strategies among the AST personnel, community leaders, and advocates of restorative measures is that the planning and creating process of the WACRJT can be examined from different vantage points by people with diverse backgrounds and experience levels. Bringing diverse teams to the table to plan and create the WACRJT will help limit resistance, require fewer resources, create less unexpected consequences, and lead to long-term rather than short-term advantages. However, collaborative strategies in and of themselves are not sufficient for attaining success. Collaborative strategies should stem from planned change that involves the following three criteria described by Welsh and Harris in their book. The first criterion states, “Planned change is limited in scope and specific” (2013, p.3). In other words, a collaborative strategy should focus on working on a larger problem by breaking it down, to focus on its cause(s) and then setting realistic goals to address the cause(s) or the problem itself. The larger problem in this case is the effects of bootleggers attempting to import illegal alcohol into local option communities. The goal would be to use restorative measures to hold bootleggers accountable to the communities where they attempt to import illegal alcohol. The second criterion asserts, “It includes a role for consumers” (2008, p.3). The consumers in this case

would be the AST, community leaders, community members, and advocates of restorative measures, who collaborate to create strategies by soliciting input and feedback from one another to contribute to a successful plan. The last criterion is that “a ‘change agent’ guides planned change” (2008, p.3). Although our collaborative strategy would involve many people, ultimately, I would propose that the group pick the WAANT sergeant to organize and implement the group’s plan.

The key to convincing the command and the rank and file personnel regarding why Western Alaska is the ideal place to establish the WACRJT would be to demonstrate how the posts and troopers have already been set up to effectively and efficiently use the restorative measures. I would educate the command, rank and file personnel concerning the SARA process and reevaluate how the AST personnel in Western Alaska can operate as a means to better support restorative measures. The SARA process, which stands for scanning, analysis, response and assessment, has been described by Peak as being able to provide the “police with the tools necessary to accomplish” community engagement and problem solving (2016, p.90). The SARA process has already been used in the field in Western Alaska by the AST assigned to villages. Troopers typically transfer to Western Alaska hubs, such as Bethel, from larger training posts, where they routinely respond to calls and rarely have experience using the SARA process, let alone being educated in restorative measures. Troopers respond to many service calls in the small villages they are assigned to. These villages can range in population from a couple hundred villagers to just under a thousand. Village work gives many troopers their first opportunity to proactively interact with the public, by doing more than simply responding to calls as they did in larger populated areas, such as the MATSU Valley. For example, a common service call that troopers have the time to respond to in Western Alaska relates to a residence where villagers

suspect that alcohol is being illegally sold or manufactured. Prior to responding to the village, the troopers can conduct research (scan) to identify the problem and determine its validity by reviewing past case histories, speaking with the local Village Public Safety Officer (VPSO), Village Police Officer (VPO), Tribal Police Officer (TPO), and WAANT investigators. If the problem is determined to be valid, then the next step is analysis (determining the extent of the problem), by gathering as much information from as many sources as possible to analyze the problem and create a long-term solution to resolve it. The next step is responding (formulating tailor-made strategies) to mitigate the problem. For example, the troopers can respond to the problem in an overt manner by conducting a knock and talk at the problem residence and determining whether a crime is being committed. At times, knock and talks do not determine whether a crime is occurring but can still be beneficial because the offenders realize that their criminal activity is not accepted by the community, which can lead to the criminal activity ceasing. In the final step of assessment (evaluating overall effectiveness), the troopers follow up with community members, such as village elders, teachers, neighbors of the offender, VPSO, VPO and TPO, in order to determine whether the criminal activity has ceased.

Restructuring an organization to maximize the success of restorative measures is an important part of the implementation process. For the purpose of illustrating how restructuring an organization can lead to greater use of restorative measures, I will illustrate how the AST posts are already structured differently in Western Alaska as compared to the urban posts. The primary difference is that in Western Alaska, the troopers are encouraged to interact with and rely on community members to police villages. In locations where larger police departments exist, more personnel in first-line supervisory, middle management, and upper management positions are typically employed to help supervise the organization. For example, in the MATSU Valley, the

AST hold more supervisory positions than in the hub in Bethel, Alaska. As Peak wrote, “COPPS relies on some form of structural innovation for its implementation efforts: reducing levels of vertical and functional differentiation (officers being ‘uniformed generalists,’ responsible for developing customized response to a wide variety of situations)” (2016, p.90). In general, the troopers and investigators in Western Alaska are given a lot more freedom and responsibility to police and interact with the community members in the villages they are assigned to, as compared to the troopers in training posts, such as in the MATSU Valley, Soldotna and Fairbanks. In Western Alaska, most posts such as Nome, Kotzebue, Dillingham and St. Mary’s are supervised by a sergeant, while Bethel is the only post with a lieutenant. All other posts in Western Alaska are sometimes manned by one to two troopers at a time, such as in Emmonak, Unakleet and Togiak.

Although not entirely adhering to Peak’s recommendation to “increase levels of occupational differentiation (to include greater use of civilians in police agencies, thereby freeing up officers’ time and allowing them to patrol the streets)” (2016, p.90), the troopers and investigators in Western Alaska have more time to proactively interact with community members, as they do not have the heavy call volume faced by their urban counterparts. Less call volume coupled with civilian administrative support to the troopers allows them the time to travel, visit and spend the night in villages. As the troopers and investigators have more time to spend in their villages, not responding to calls but interacting with villagers, they can conduct foot patrols, attend local sports functions, visit the schools, and make time to stop and talk to community members.

Similar to Peak’s recommendations to utilize spatial differentiation, such as creating “ministrations and precincts to extend officers into their communities” (2016, p.90), over the past

few years, the AST has created more remote duty locations in Western Alaska that are manned by two troopers to provide troopers direct access to villages that have historically never had a full-time trooper living within their community. Community members and the AST worked together to provide housing and office spaces for the troopers. Although posts in Western Alaska have their own SOP manuals and, of course, follow the AST's operational procedure manual (OPM), the troopers, as Peak suggests, are subjected to far less enforcement of formal written rules, policies and procedures than their urban counterparts. For example, in Western Alaska, the troopers are allowed and encouraged to attend community meetings on their own; whereas in urban posts, community meetings are attended by lieutenants, and the troopers who wish to show up at a community meeting in uniform require permission from the command.

As Peak recommends shared decision making, in Western Alaska, interaction between the troopers and sergeants (and for the most part, with the lieutenant) is more informal than between the command members and troopers in urban posts. Informal interaction between the troopers and supervisors encourages sharing of ideas to effectively solve the issues affecting villages. Lastly, Peak suggested having "smaller administrative components and less bureaucracy, concentrating police on the streets and not at desks" (2016, p.90). As referenced above, in Western Alaska, the troopers and investigators are supervised less directly since there are fewer supervisory positions, and many posts are manned by two troopers, which do not warrant stationing a sergeant at the post. This, coupled with less call volume, gives troopers more time to leave their desks and spend time patrolling and interacting with community members. This enables building stronger relations between the AST and communities, while at the same time, producing troopers who are more mindful of the importance of proactive and positive interactions with the community.

If or when my proposal is approved, it will be important for the person designated to overseeing and ensuring that the restorative measures are implemented, such as the WAANT sergeant, to communicate this message not only to those skeptical of the innovation but also to those in support of the innovation as a means to establish their continued support. The WAANT sergeant should foster an environment of professional and personal growth for the drug investigators supporting the success of restorative measures, because “their ability to lead, support each other, think strategically, adapt, and carry out their assigned tasks are essential to a program’s success” (Welsh & Harris, 2013, p.206). In other words, if a WAANT sergeant invests in the success of the drug investigators entrusted with the care of restorative measures, it is more likely that the investigators will have a more vested interest – maybe even emotionally – toward the success of restorative justice measures. Continued review of the data generated by the restorative measures to demonstrate its success and rectify its failures is important to keep them on the track of the desired end result. The WAANT sergeant should be open to the possibility that restorative measures can be improved as “new information about the needs and characteristics of the environment emerge and as the capacities of the new program or policy develop” (Welsh & Harris, 2013, p.206). In other words, the WAANT sergeant can diligently allow change to affect an innovation if it improves the level of success.

Some factors that increase the chances of failure are “insurmountable obstacles within the implementation agency or its environment, and breakdowns or omissions in the planning process” (Welsh & Harris, 2013, p.203). For example, some of these obstacles within the WAANT will be drug investigators who are not in support of restorative measures, as it conflicts with the mission they volunteered for. The WAANT sergeant will have to closely monitor drug investigators to ensure that they follow directions and follow through with their responsibilities,

such as communicating and working with community restorative justice advocates. Even the most careful and thorough planning to support the success of an innovation can end in failure upon meeting with an insurmountable obstacle, such as a long and well-established culture that resists change within an organization. Even in instances where the majority of an organization wants change, an insurmountable obstacle could come in the form of upper management members refusing to allow the change, even if it is desired in their direct reports. It will be critical that the WAANT sergeant has the support of the State Drug Enforcement Captain and Lieutenant, as they are in better positions to champion the restorative measures to the members of the executive administrative staff. Breakdowns and omissions in the planning process can stem from implementation problems. For example, Welsh and Harris pointed out the implementation problems within Project Greenlight, “such as doubling the number of participants in cognitive skills classes and poor relationships between some case managers and participants” (2013, p.205). This demonstrates that some staff members chosen to participate in Project Greenlight were not suitable for the jobs tasked to them. There will be WAANT drug investigators who are not suitable to help implement the restorative measures. After exhaustive attempts have been made to educate, mentor and council these drug investigators, the command should consider transferring them out of the unit, as acceptable per the union contract, and replace them with new drug investigators who are open to a new direction within the SDEU.

In conclusion, improving the effectiveness and efficiency of enforcement efforts in Western Alaska is the goal of the AST. In his article “Can public officials correctly be said to have obligations to future generations?,” H. George Frederickson wrote, “In both philosophy and in practical affairs of people, there is a pervasive concern for fairness, justice, and equity. No moral community can exist without some agreed upon arrangements for fairness, justice, and

equity” (1994, p.463). In other words, community leaders and members across Western Alaska have a vested interest in the safety of their friends and family. A two-prong approach combining investigation efforts and restorative measures is needed to prevent the illegal activities of bootleggers and hold them accountable to the communities they victimize. The conflict caused by alcohol is bigger than any bottle of distilled spirits, beer or wine seized by an investigator. This conflict personally affects people on a level that requires bootleggers to be held accountable to those most affected by their illegal activities. Community members need to have certain control over the conflict caused by alcohol. Community restorative justice will enable the AST to better support and work with community members, victims and advocates in order to hold bootleggers accountable and promote healing of all the involved parties. As Frederickson wrote, “Public policy is a world of creative problem solving” (1994, p.463), and for this reason, in the end, the effectiveness and efficiency of interdiction efforts cannot be only about catching and punishing bootleggers, but must be more geared toward healing, empowering and partnering with communities in the long term to bring about positive change.

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