

# Developing a public health surveillance system for evaluating alcohol policies at a Native American Community: Applications and Implications

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**As required by the Alcohol Policy 19 Conference,  
I/we have signed a disclosure statement and note the  
following conflict(s) of interest:**

None

# John Maisch



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# Whiteclay, Nebraska and the Pine Ridge Reservation

- Alcohol prohibition and other alcohol control policies have been a controversial part of the relationship between the United States government and Native American tribal leaders since the early part of the 19th century.
- The aims of this project are to establish a public health surveillance system that is relevant to the formulation of effective alcohol control policy on the Pine Ridge reservation.
- Ideally, health and economic indicators should be readily available for policymakers, health authorities and government officials to answer basic questions about emerging trends and alcohol and other drug use and the public health implications of changing various alcohol policies both on and off the reservation.
- When the Nebraska Liquor Control Commission voted in 2017 not to renew the liquor licenses of the four Whiteclay outlets because the town lacked adequate law enforcement, there was no capacity to access relevant data on and off of the reservation to answer basic questions about the public health impact and economic effects of this and related alcohol control measures that were under consideration.

# Whiteclay vs Pine Ridge

- On April 19, 2017, the Nebraska Liquor Control Commission voted to deny the renewal of four beer store licenses in Whiteclay, Nebraska.
- Whiteclay was an unincorporated town of 12 residents in northwest Nebraska, located approximately 200 yards from the South Dakota state line and the Pine Ridge Indian Reservation. A dry reservation, Pine Ridge residents had been unable to lawfully possess, sell, or consume alcoholic beverages on tribal land since the late 1800's.
- Whiteclay's four beer stores were not closed due to a lack of demand or low sales volume. In fact, the four stores sold an equivalent of 3.5 million cans of beer in the previous year alone, all for off-premises consumption.
- Rather, the Liquor Control Commission denied the renewal of Whiteclay's beer store licenses following a 10-hour administrative hearing, wherein it was asserted that Nebraska could no longer provide adequate law enforcement in the small unincorporated town.
- The Liquor Control Commission closed Whiteclay's beer stores over the objection of the Sheridan County Commissioners, where Whiteclay is located. Whiteclay's retail businesses, which consisted of the four beer stores, one grocery store, one general store, and one restaurant, generated over \$269,000 in sales tax revenue the previous year, or twelve percent (12%) of the sales taxes collected in Sheridan County, while comprising a little more than two-tenths of one percent (0.22%) of the County's entire population (5,234).

# Alcohol-related traffic accidents, and alcohol-related traffic fatalities

- In 2014, Sheridan County reported 103 total traffic accidents, or just over 8.5 accidents per month. Out of those total accidents, 13.6% of the total were alcohol-related.
- Both total accidents and alcohol-related accidents decreased in Sheridan County the following three years, with the total accident (86) and alcohol-related accident (8) counts in 2015 nearly matching the total accident (82) and alcohol-related accident (9) counts in 2016, and the total accident (82) and alcohol-related accident (9) counts in 2017.
- Contrary to the projections of some, the number of alcohol-related traffic accidents decreased in 2018, the year after the Nebraska Liquor Control Commission forced Whiteclay's beer stores to close.

# Impact of closures

- Sheridan County's felony cases dropped 38.71%, from 93 to 57 cases
- Traffic misdemeanor cases decreased 31.71% (from 473 to 323 cases)
- non-traffic misdemeanor cases declined 29.22% (from 397 to 281 cases).
- Contrary to critics' projections, crime did not appear to shift to Rushville, Gordon, or Hay Springs, Nebraska.



# Pushing Back Against Industry

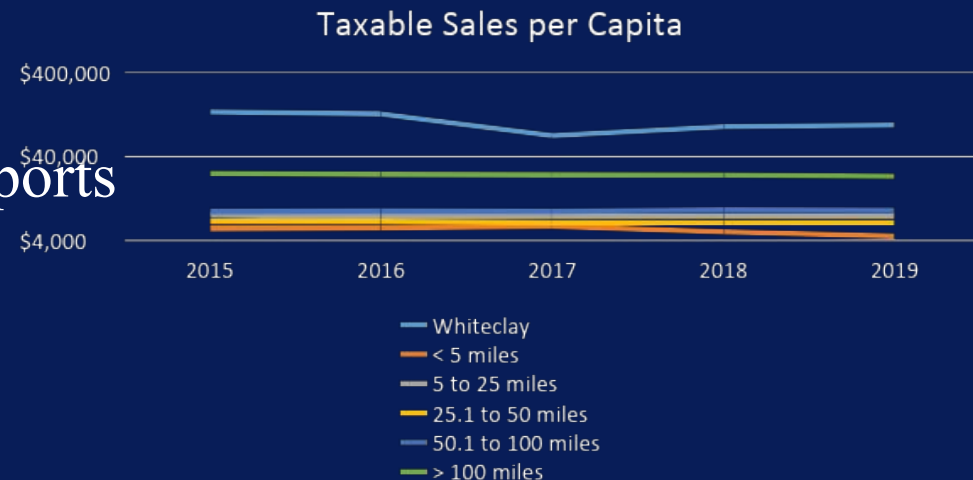
- There is a need to verify or reject industry claims
- But there is no local, integrated alcohol surveillance system to do so
- Current project aimed to:
  - Identify potential data sources
    - economic indicators (e.g., gallonage reports, tax sales)
    - crime reports (e.g., PACER)
    - health indicators
  - Validate or approve data sources
  - Ensure sustainability
    - Documentation
    - Funding sources
  - Use the available data to answer industry questions

# The current project

- The current project seeks to establish a public health surveillance system that would make it possible to evaluate the impact of changes in alcohol availability (including prohibition) and alcohol-related services. It would provide tribal leaders and health authorities to obtain answers to the following questions in ways that can inform future alcohol policies in Pine Ridge and in the neighboring towns:
- •What effects do changes in alcohol policy and availability have on consumption of alcohol on the reservation?
- •What is the impact of policy changes on traffic accidents, admissions for substance abuse treatment, fetal alcohol effects, etc.?
- •How do changes in alcohol policy and treatment services affect crime rates in areas such as violence, public disorder, vandalism, etc. on the Pine Ridge reservation and in neighboring towns and cities? Do some policies have unintended consequences such as increased use of other substances?
- •What is the economic impact of availability controls like the store closures on county and state sales and tax revenues? Are the effects localized and temporary, or do they affect neighboring communities over a longer period of time?

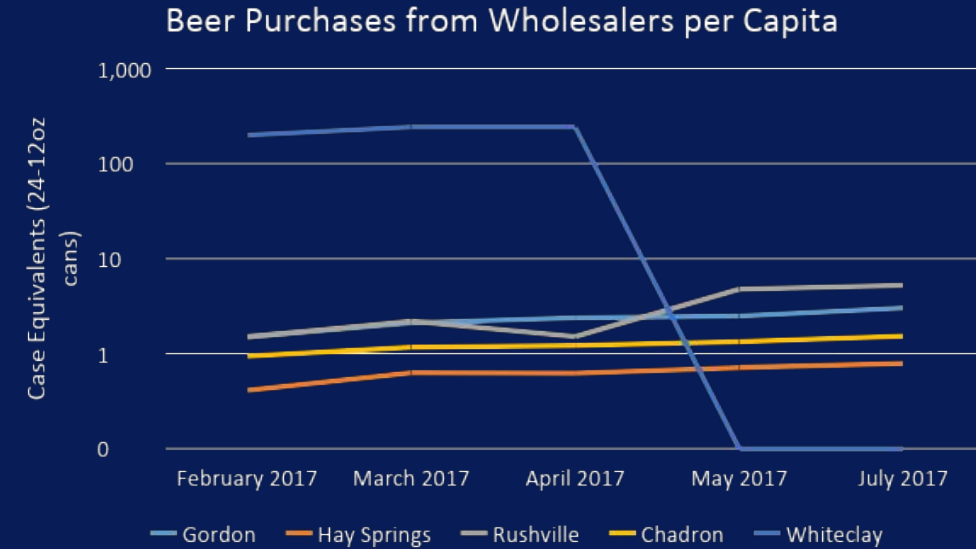
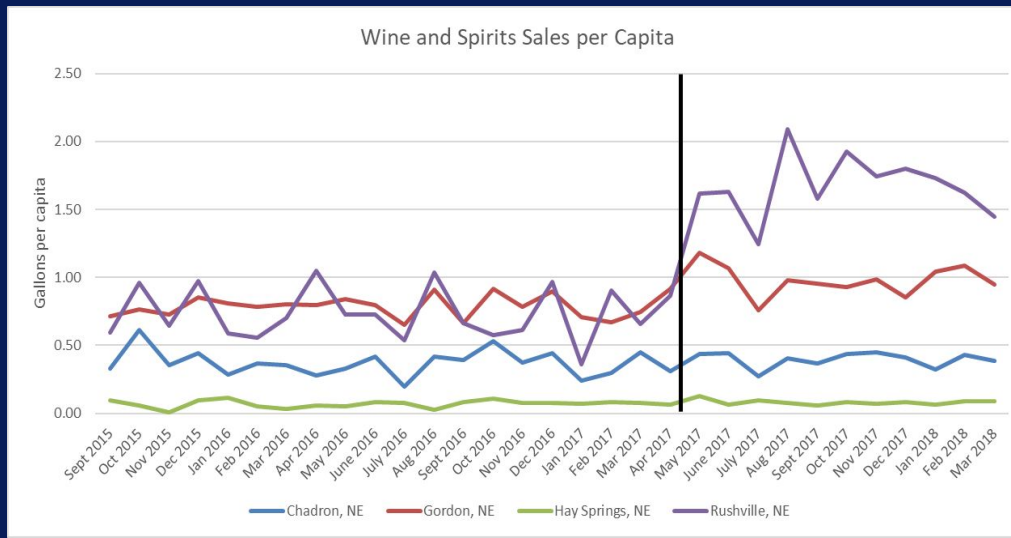
# Potential Data Sources

- Economic indicators
  - Taxable sales reports
    - Yearly information available only
    - Not reported for smaller towns
    - How to categorize?
  - Excise tax reports
    - Monthly data available in state reports
    - Only at state level
      - No local data



# Potential Data Sources

- Economic indicators
  - Gallonage reports
    - Beer, wine, and spirits purchases from wholesales
    - Only available for Nebraska
    - Monthly data
    - Beer reported differently than wine/spirits



# Potential Data Sources

- Crime Reports
  - Local felony and misdemeanor cases available through the PACER system
  - Sufficient financial and personnel resources needed to
    - Pay for access to each case
    - Abstract data

Case Year	Case No.	Incident Location	Initial Charge	Section	Classification	Code	Disposition	Final Charge
2019	163	Gordon	Criminal Mischief involving less than \$500	28-519(1) and (5)	Misdemeanor	2025	Guilty Plea	Criminal Mischief
			Assault with Bodily Fluid Against Public Safety Officer (Nutsch)	28-934(1) and (2)	Misdemeanor	2005	Guilty Plea	Assault with Bodily Fluid
			Assault with Bodily Fluid Against Public Safety Officer (Wolkins)	28-934(1) and (2)	Misdemeanor	2005	Guilty Plea	Assault with Bodily Fluid
			Assault with Bodily Fluid Against Public Safety Officer (Tausan)	28-934(1) and (2)	Misdemeanor	2005	Guilty Plea	Assault with Bodily Fluid
			Assault on a Peace Officer while Performing Official Duties	28-931(1)(a)(i) and (b)	Felony	1017	Dismissed	
			Resisting Arrest	28-904(1)(a) and (3)	Misdemeanor	2083	Dismissed	
			Terroristic Threat	28-311.01(1)(a)(c) and (2)	Felony	1123	Dismissed	
			Minor in Possession of Alcohol	53-180.02 and 53-181(1)(b)(i)	Misdemeanor (Class III)	2057	Dismissed	

# Potential Data Sources

- Crime Reports
  - Questions to resolve
    - Data to keep v. exclude
    - Demographics
      - Race excluded
    - Resolving NE v. SD discrepancies
    - Towns/counties to include

# Potential Data Sources

- Health Indicators
  - Local clinic data
    - Patients screened for alcohol use
    - Implementation not consistent
      - Data quality/completeness varies over time
    - Difficult to conclusively explain changes in prevalence rates

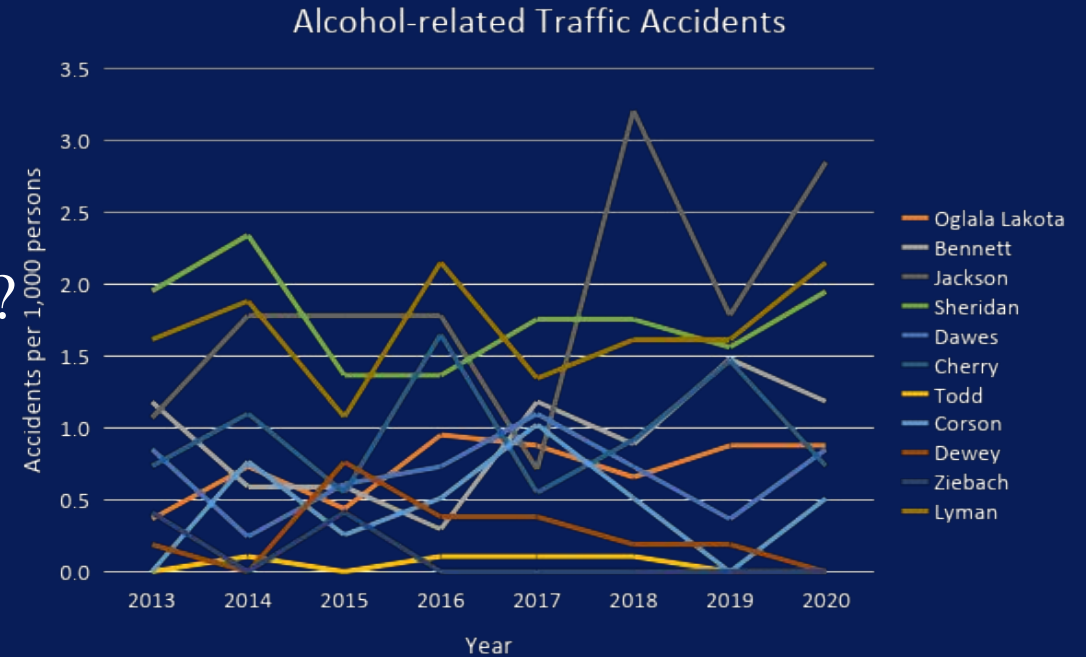
# Potential Data Sources

- Health Indicators
  - Traffic Accident Data
    - Yearly county-level data available from NE and SD
    - Types of accidents measured
      - All
      - With injuries
      - With deaths
      - Alcohol-related



# Potential Data Sources

- Health Indicators
  - Traffic Accident Data
    - What counties should be included?
      - Geographic proximity
      - Counties with other tribes
    - Analysis and interpretation issues
      - Often 0 accidents in low population counties



# Barriers

- Funding
- Personnel
  - Local
  - Subject-matter experts
    - Wide range of topics

# Lessons Learned

- 1) There needs to be a critical mass of subject-matter experts dedicated to implementing this type of surveillance system.
- 2) Several methodological issues (e.g., criminal record coding) require a consensus among experts from very diverse fields to be executed effectively (e.g., law/criminal justice, public health/epidemiology, sociology).
- 3) Need to balance directly answering industry/special interest questions with traditional surveillance questions of prevalence/incidence.

# Next Steps

- 1) Find new and diverse partners
- 2) Seek out new funding sources
- 3) Finalize all protocols for sustainable implementation in the future
- 4) Ask relevant questions
- 5) Never underestimate the power of Big Alcohol to make a comeback, nor the power of scientific evidence to make a difference

# John Maisch

