



Alaska Association of Chiefs of Police

February 8, 2011

Representative Kurt Olson
State Capitol Room 24
Juneau, AK 99801

Via E-Mail: Representative_Kurt_Olson@legis.state.ak.us

Regarding HB 125: *"An Act moving the Alcoholic Beverage Control Board to the Department of Commerce, Community, and Economic Development and relating to duties of that department; and providing for an effective date."*

Dear Representative Olson,

The Alaska Association of Chiefs of Police (AACOP) represents nearly every local, state and federal law enforcement and corrections agency in Alaska. Our Board of Directors has reviewed HB 125's potential impact on public safety. Our membership is *in opposition* to moving the Alcohol Beverage Control Board from under the Department of Public Safety and placing them under the Department of Commerce, Community and Economic Development. We request that you **oppose** this legislation and stop it from further consideration within the House of Representatives.

AACOP feels this proposal is driven by the alcohol industry which seeks to lessen the impact of effective law enforcement on their activities. In our communities we work closely with members of the alcohol service industry and appreciate that the majority of them make every effort to comply with regulation and law. Unfortunately, a few have been less conscientious in these efforts and, as a result, have been subject to legal action in the past. We suspect that this latter group is largely behind this effort to weaken the enforcement activities of the ABC Board by moving it to an administrative division of the state government.

Collectively, our organizations **oppose** this legislation for the following reasons:

1. Alcohol is a *major public safety issue*, contributing to the majority of crimes, including domestic violence.
2. Alcohol is involved in approximately 40% of fatal traffic crashes in Alaska. In 2008, 21 out of 27 alcohol-related traffic crashes in Alaska involved a driver with a Blood Alcohol Content over the legal limit.
3. The ABC Board has *inherent law enforcement responsibilities* that could not be readily accomplished outside the law enforcement arena, within an administrative division of state government.

4. Public safety officers and executives recognize the significant contribution the ABC Board makes to the effort of reducing and preventing underage drinking when alcohol continues to be purchased directly from licensed premises by underage persons.
5. Of all alcohol beverage control agencies across the nation the majority are either *under public safety* or are independent departments or commissions.
6. Bifurcation of the enforcement process (administrative at DCCED and criminal in DPS/Law) *will result in a weakening of efforts to prevent unlawful access to alcohol by minors*. This is contrary to the express recommendations in the Alaska Plan to Reduce and Prevent Underage Drinking (2009) and the Alaska Strategic Highway Safety Plan -- both developed with extensive input from the people of Alaska.
7. The *move would be costly and disruptive to the efficient operation* of the agency. The compliance check program is running efficiently in its random selection of licensees for checks. Goals met in *FY2011 will likely not be met in the subsequent year(s)*.
8. As part of the DPS, investigators travel with AST to remote areas in their air and water crafts. This option *would not be available* to the same extent to non-employees of DPS.
9. Municipalities must enforce Title 4 laws in order to obtain the refunds of license fees in their municipalities. The ABC Board, as part of DPS, is actively participating in a joint effort to improve local law enforcement's ability to report their enforcement activity and document their efforts.
10. Transferring the ABC Board again creates time lost and a diversion from the important duties of working with applicants, licensees, other citizens, and other agencies in the licensing and enforcement responsibilities.
11. The ABC Board relies on local police and state troopers in the enforcement of Title 4 and 13 AAC regulations. With only 4 investigators to handle all inspections, compliance checks, shoulder taps, and investigations that arise out of violations, the ABC Board depends on other law enforcement agencies for enforcement. Although one could say this should not change, it would. The structure has provided for good communications and recognition that the ABC Board is an important part of public safety. *The credibility of the ABC Board investigators comes with being employees of DPS.*
12. With the support of the Commissioner of Public Safety many changes have been made within the ABC Board most prominently with the development of databases, written policies and procedures, and a new approach to the Compliance Check Program.

For the safety of our communities and the continued, uninterrupted, collaboration between the Alaska Alcohol Beverage Control Board and our respective law enforcement agencies, we would appreciate your support in assuring this bill does not pass.

Thank you for the consideration.

Respectfully,



Chief Tom Clemons (Seward)
President, AACOP