

## POLICE DEPARTMENT MEMORANDUM



TO: Elke Doom, City Manager; Sheri Pierce, City Clerk; Jake Staser, City Attorney

FROM: Bart Hinkle, Chief of Police

RE: Hours of Sale

DATE: 5/2/18

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The tragedy that occurred outside of the Boardroom Bar on 4/8/18 has spawned a tremendous amount of community outpouring and support for those who have had their lives permanently altered. It has also served to bring alcohol, as well as alcohol sales and consumption practices, in Valdez to the forefront. The questions “what can the City do” and “what is the City willing to do” have been posed via social media as well as during the recent meet-the-candidates night.

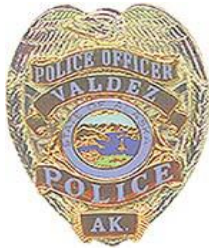
As you all know, the Administrative process of revoking liquor licenses falls in the jurisdiction of Alaska’s Alcohol and Marijuana Control Board (AMCO). The Valdez Police Department is responsible for investigating the criminal conduct associated with servers, establishments, and patrons. Our investigation is mostly complete and applicable charges have been forwarded to the District Attorney’s Office. We have yet to recommend criminal sanctions against the bartender. As always, we will cooperate with AMCO’s parallel administrative investigation.

Local liquor licenses occasionally come up for renewal. During that process, local administration has the opportunity to oppose the renewal of the liquor license. This is an action that the Police Department, City of Valdez, and Valdez City Council could choose to pursue. Additionally, I believe Valdez residents would also have the ability to oppose the renewal of specific licenses.

It is my opinion that the most timely and efficient method in taking action would be to review the Hours of Sale for alcohol establishments. Currently, the City of Valdez allows bars to operate the maximum number of hours permissible by Alaska Statute.

It is codified in the Valdez Municipal Ordinance [VMC 5.08.060]:

*“No person may consume, sell, offer for sale, give, furnish or deliver any alcoholic beverage on any licensed premises within the city between the hours of five a.m. to eight a.m. each day of the week.”*



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For comparison, we researched other communities throughout Alaska to see when they were closed:

- Anchorage: 2:30 a.m. – 10 a.m. weekdays, 3:30 a.m. – 8 a.m. weekends
- Fairbanks: 2 a.m. – 8 a.m. weekdays, 3:30 a.m. – 8 a.m. weekends
- Juneau: 1 a.m. – 8 a.m. weekdays, 3 a.m. – 8 a.m. weekends
- Kodiak: 5 a.m. – 8 a.m. all week
- Sitka: 2 a.m. – 8 a.m. all week
- Cordova: 2 a.m. – 8 a.m. weekdays, 4 a.m. – 8 a.m. weekends

We also researched the number of DUI's from 2015, 2016, and 2017, as well as the BrAC (Breath Alcohol Content) associated with those DUI's broken up into 4 timeslots. The data is reflected below, in total number of DUI's and the mean BrAC. [Drug DUI's and Refusals were not included]

Timeframe	# of DUI's	Mean BrAC
6 p.m. – 10 p.m.	17	.198
10 p.m. – 2 a.m.	34	.172
2 a.m. – 6 a.m.	35	.171
6 a.m. – 6 p.m.	10	.156

As you can see, the hours of sale differ around the state. The local statistics are also not a clear indicator that reduced sale hours would lead to either a reduction in DUI's or prevent those high-BrAC's from occurring.

That being said, it is my recommendation that we –as City Administrators- have a discussion centered on the permissible hours of sale for alcohol establishments (and – by extension- retail marijuana establishments). It is my opinion that the hours should be reduced to be more in line with Fairbanks and Anchorage. Specifically, Valdez Municipal Code 5.08.060 should (in my professional opinion) be modified to read:

*“No person may consume, sell, offer for sale, give, furnish or deliver any alcoholic beverage on any licensed premises within the city between the hours of ~~five~~ 2:30 a.m. to eight a.m. each day of the week.”*

I look forward to your opinions and forthcoming discussion on this matter,

Bart