

## Alcohol Importation & Interdiction

The primary cause of violent crime in Alaska is not illegal drugs, but alcohol. Outside of the main population centers, bootlegging of alcohol is the most serious drug problem. Each year dozens of bootleggers are prosecuted in Alaska by the district attorneys in Bethel, Kotzebue, and Barrow. There are nearly 200 small, isolated communities in Alaska, off the state highway system, and accessible only by plane, boat or snow machine. The average population of these villages is about 250, and most have voted to prohibit alcohol. A few bottles of alcohol in the wrong hands in these isolated communities can spell disaster.

The Alaska State Troopers have summed it up this way:

Alaska's criminal justice professionals recognize that alcohol is the primary substance of abuse in Alaska and is the leading cause of violence and accidental death, especially in rural areas. Currently, 120 communities have voted in favor of local option statutes prohibiting the sale, importation and/or possession of alcohol.

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The economics of illegal sales of alcohol is staggering. A bootlegger can purchase a 750-milliliter bottle of alcohol at \$10 in an urban liquor store. The same bottle of alcohol in Bethel, Kotzebue or Barrow may sell for \$50. In more remote communities, alcohol can sell for as much as \$150 per bottle. The initial purchase for the bootlegger involves a minimal cash investment and a maximum cash return. A dollar-for-dollar comparison of alcohol with drugs purchased in Anchorage and then sold in many Alaskan villages breaks down as follows:

Substance	Investment	Return
Cocaine	\$1.00	\$1.50
Marijuana	\$1.00	\$4.00
Alcohol	\$1.00	\$15.00

2002 Annual Drug Report, Alaska Bureau of Alcohol and Drug Abuse, at 4.

## Legislative Efforts to Addressing Alcohol-Related Issues

In 2004 the Alaska Legislature passed SB 170 - the Omnibus Crime Bill. This bill, sponsored by Governor Murkowski, was the most significant crime package to pass the legislature in 8 years.

Among the many topics included in this legislation were a number of provisions that improve Alaska's local option and bootlegging laws.

This legislation allows communities to adopt, as part of a local option under Title 04, lower amounts of alcohol that may be possessed or imported into the community than may currently be possessed or imported, and still presumed to be for personal use rather than for sale. Several communities have already adopted lower limits by local ordinance. If the lower limits are part of a local option election under state law, however, state law enforcement authorities can help communities enforce them.

The legislation also closed a loophole in the local option law. Prior to passage of SB 170 the local option alcohol limitation applied to a five-mile radius around the center of the village. This circle helped protect against bootleggers from using skiffs and snow machines from bringing alcohol to sell in local option communities. For villages that were in close proximity to each other, their respective areas of protection could overlap, which created a legal loophole that could negate the protective radius for both villages. The new provisions to the local option laws provide that the least restrictive local option applies in an overlapping area, and the radius does not shrink back to the village.

SB 170 also raised the penalty for furnishing alcohol to a person under 21 years of age from a class A misdemeanor to a class C felony, if the offense occurs in a village or municipality that has adopted a local option. However, the village or municipality would be able to elect that this increased penalty not apply in their community.

The new legislation also made marked improvement to the forfeiture laws applicable to individuals engaging in the unlawful activity of bootlegging. The forfeiture provisions apply to money used in bootlegging efforts and also reach vehicles, watercraft, and aircraft used to bootleg alcohol. However, a court is not required to forfeit a car, truck, snow machine, four-wheeler, or watercraft if it is the only means of transportation for a family in a village, and if the members of the family were innocent or could not prevent the bootlegging.

The law also allows the state to share the proceeds from forfeited property with municipal law enforcement agencies that participate in the arrest or conviction of bootleggers.

In 2006, the issue of forfeiture in alcohol cases received additional adjustments in Senate Bill 210 – legislation that was enacted in response to the draft interim report prepared by the Alaska Rural Justice and Law Enforcement Commission.

SB 210 changed the current law to help law enforcement better protect communities that have been chosen to limit the sale or possession of alcohol under local option laws. The legislation strengthened current forfeiture provisions by allowing seizures of alcohol transported by common carriers in violation of the law. It authorizes seizure of property determined to have been purchased or obtained through proceeds of illegal importation or sale of alcohol and outlines procedures for a person claiming an interest in that property that has been seized. The legislation defines “manufacture” of alcohol and provides consistency between statutes by amending the allowable quantities. Over 100 communities in Alaska have chosen a local option to combat the problems associated with alcohol abuse and violence.

## **Law Enforcement Resources**

Hand-in-hand with improving local option laws for rural communities is the need to add resources to the Departments of Law and Public Safety, which are charged with assisting in the enforcement and prosecution of these laws.

In FY2005 Governor Murkowski included in his proposed operating budget additional funding for 20 new state troopers and six new criminal prosecutors

Also in 2005 the Department of Law announced that funding had been secured to create a Rural Prosecution Support Team. The department received a \$2 million grant from U.S. Dept. of Justice to create the Anchorage-based team. This team, which will consist of three prosecutors, one victim-witness paralegal and one law office assistant, will provide direct support to rural communities statewide and will focus on violent crimes, primarily in Western Alaska, tied to alcohol consumption and abuse.

The focus came as a result of some significant statistics linking consumption of alcohol with violent crimes committed in Western Alaska. In 1997, 100-percent of defendants committing homicides in Western Alaska had consumed alcohol. Alcohol was a factor in 66-percent of felony assaults, 62-percent of misdemeanor assaults, 54-percent of sexual assaults, 48-percent of offenses against minors and 21-percent of sexual abuse cases involving minors.