

RESOLUTION 508

A RESOLUTION OF THE CITY COUNCIL OF BETHEL, ALASKA REQUESTING THE LEGISLATURE OF THE STATE OF ALASKA TO PROVIDE IMMUNITY FROM ACTIONS FOR DAMAGES AGAINST MUNICIPAL OFFICIALS AND EMPLOYEES REGARDING PROTECTIVE CUSTODY CASES INVOLVING PERSONS INCAPACITATED BY ALCOHOL.

WHEREAS, A.S.47.37.170(b) requires peace officers employed by the City of Bethel to take persons who appear to be incapacitated by alcohol in a public place into protective custody; and

WHEREAS, no approved public treatment facility, approved private treatment facility, or service for emergency medical treatment will accept for treatment all persons taken into protective custody due to their public intoxication; and

WHEREAS, the obligations imposed upon peace officers employed by the City of Bethel by A.S.47.37.170(b) severely reduces their ability to provide adequate police protection to Bethel residents; and

WHEREAS, the Alaska Supreme Court has held that A.S.47.37.170(b) imposes a duty upon the City of Bethel to persons incapacitated by alcohol in a public place; and

WHEREAS, the City of Bethel may be liable to persons publicly intoxicated for a failure to perform the duty imposed by A.S.47.37.170(b); and

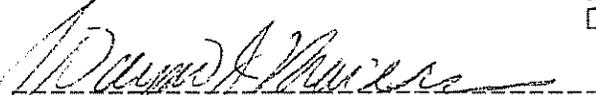
WHEREAS, each day an extremely large number of persons appear to be incapacitated by alcohol in a public place within the City of Bethel; and

WHEREAS, the City of Bethel has limited resources with which to employ additional police officers or bear the additional expenses and liability imposed by A.S.47.37.170(b).

NOW, THEREFORE, BE IT RESOLVED by the Bethel City Council that the State of Alaska Legislature repeal A.S.47.37.170(b) and, by amendment to A.S.9.65.070, provide for immunity from actions for damages based on an alleged failure of a municipality or its agents, officers, or employees to take a person incapacitated by alcohol in a public place into protective custody.

PASSED AND APPROVED THIS 27th October DAY OF ~~NOVEMBER~~, 1987.

ATTEST:


Wayne Hairs, City Clerk


Diane Carpenter, Mayor