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AMENDED TITLE CSSB 65(JUD)

AN ACT RELATING TO ALCOHOLIC BEVERAGES; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: RAY.

CO-SPONSORS:

CURRENT STATUS: 6/19/81 CHAPTER 0028 SLA 31

SB 65 SENATE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/13/81	01	0048	FIRST READING -- COMMITTEE REPORTS
03/27/81	02	0564	C&PA -- DP(AM)04, CS04
05/01/81	03	0925	JUD -- CS03
05/07/81	04	0988	RLS -- OTHER04 TAKEN UP IMMEDIATELY
05/07/81	05	0989	SECOND READING
05/07/81	06	0989	JUD CS ADOPTED BY UNAN CONSENT
05/07/81	07	0989	ADVANCED TO 3RD READING BY UNAN CONSENT
05/07/81	08	0989	THIRD READING
05/07/81	09	0989	PASSED BY DIV 18-00-02
05/07/81	10	0990	EFFECTIVE DATE VOTE SAME AS PASSAGE
06/09/81	22	1424	TRANSMITTED TO GOVERNOR
06/19/81	23	1551	SIGNED BY GOVERNOR-CH0028, EFF 06/20/81
****	**	**	*** ** *

SB 65 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/08/81	11	1272	FIRST READING -- COMMITTEE REPORTS
05/20/81	12	1522	HESS -- DP04
06/03/81	13	1917	SECOND READING
06/03/81	14	1917	ADVANCED TO 3RD READING BY UNAN CONSENT
06/03/81	15	1918	THIRD READING
06/03/81	16	1918	FAILED TO RETN 2ND READING BY DIV 13-26-01
06/03/81	17	1919	PASSED BY DIV 30-09-01
06/03/81	18	1919	EFFECTIVE DATE VOTE SAME AS PASSAGE
06/03/81	19	1919	NOTICE OF RECONSIDERATION GIVEN
06/04/81	20	1949	PASSED ON RECONSIDERATION BY DIV 31-04-05
06/04/81	21	1949	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** ** *

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

H HUSS 1481?

SB65

CAROLE A. BAEKEY  
STATEWIDE ALCOHOL COORDINATOR

ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET SUITE 100  
ANCHORAGE ALASKA 99501

(907) 272-9431

MATERIALS TO BE INCLUDED WITH THE TESTIMONY OF CAROLE A. BAEKEY

1. SENATE BILL 65 (JUDICIARY)
2. ALASKA LEGAL SERVICES CORPORATION HAND-OUT TO VILLAGES CONCERNING THE TITLE IV ALCOHOL LOCAL OPTIONS LAW
3. RURALCAP BETHEL WORKSHOP RESOLUTIONS
4. RURALCAP JUNEAU WORKSHOP RESOLUTIONS
5. RURALCAP CITIZEN'S PARTICIPATION CONFERENCE ALCOHOL RESOLUTIONS
6. STATE REVIEW BOARD ON ALCOHOL AND DRUG ABUSE RESOLUTIONS
7. RURAL VIOLENCE CONFERENCE RESOLUTION: SB 65
8. LETTER FROM ALASKA NATIVE COMMISSION ON ALCOHOLISM & DRUG ABUSE
9. LETTER FROM THE DIVISION OF ELECTIONS : SB 65
10. LETTER FROM THE LIEUTENANT GOVERNOR
11. LETTER FROM CONRAD EARL ALBRECHT, M.D. TO WILSON CONDON, ATTORNEY GENERAL RE: LOCAL OPTIONS
12. LETTER FROM BERING SEA WOMEN'S SERVICES
13. LETTER FROM MICHAEL N. WHITE, DISTRICT ATTORNEY-NOME, ALASKA
14. LETTER FROM FATHER JAMES E. POOLE, S. J.
15. LETTER FROM MEKORYUK CITY COUNCIL:SB65
16. LETTER FROM CITY COUNCIL OF POINT HOPE
17. ST. MARY'S EMERGENCY ORDINANCE
18. LETTER FROM MOSES PAUKAN, SR., MAYOR OF ST. MARY'S
19. CITY COUNCIL OF ALAKANUK RESOLUTIONS
20. TUNDRA DRUMS ARTICLE
21. STATE TROOPERS REPORT
22. LETTER FROM NICK CHANAR, TOKSOOK BAY RE: LOCAL OPTIONS
23. DAILY NEWS ARTICLE

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

TO: Local Communities Concerned About the Alcohol Local Law  
RE: Alaska Alcohol Local Option Law  
DATE: March, 1981

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Under the new 1980 alcohol "local option" law, your local village government may now control the sale and bringing of alcohol into your village. If your village makes certain choices, state law will back up the village choice.

The village choices are:

1. To forbid the sale of alcohol.
2. To sell liquor only in a community liquor store.
3. To forbid both the sale and bringing in of liquor.
4. To sell liquor only with a community approved liquor license.

A village can choose only one of these four choices. BUT, you must follow the state's rules when your village makes one of these choices. How you will elect and choose depends on whether your village is a municipality or an established village.

In both a municipality and an established village, at least 35% of the number of people voting in the last election must on a PETITION IN WRITING ask the local government of the village to put one of the four choices on a separate ballot at the next election.

EXAMPLE: If your village has 100 voters, 35 people now registered to vote must sign a paper asking the village government to put one of the four choices on a separate piece of paper for voters to choose what they want at the next election.

If the village is a MUNICIPALITY (a SECOND CLASS CITY), the time to make your choice will be next October at the next election.

If your village is an ESTABLISHED VILLAGE, a special election can be held.

If more than one half (1/2) of the people in your village vote for one of the choices, that will be the decision for the whole village.

EXAMPLE: If your village has 100 voters and 51 of the people

Memorandum  
Alaska Alcohol Local Option Law  
March, 1981

voting in the election want the village to forbid the sale and importation of alcohol in the village, that will be the decision for all of the people in the village.

The village must also ask the Lieutenant Governor's office to CERTIFY the decision of the village. That means the village government must ask the Lieutenant Governor's office to say that the election was properly held and that the vote of the village will now be village law. If the Lieutenant Governor's office says the village vote was all right, that means the village will have the permission of the state to follow certain procedures under state law to punish people who do not follow the decision of the village in the election.

BUT, if a liquor license is to be taken away from a store or bar, it will be taken away at the end of the year in which the local option election is held, on December 31st of that year. That will be the December 31st after the Lieutenant Governor's office has said the village vote was all right.

At this time (March, 1980), a second class city, also called a municipality, must wait until its next regularly scheduled election in October to vote. However, the Alaska State Legislature is considering an amendment to provide that a second class city may hold a special election to vote on the law. That means that a village could vote before next October --- after following the procedures for the petition. AT THIS TIME, A VILLAGE MUST WAIT BEFORE IT CAN HOLD A VALID ELECTION. However, a village can now begin to circulate its local option petition so it will be ready to vote as soon as possible. HAVING A PETITION THAT IS PROPERLY SIGNED IS NOT THE SAME THING AS VOTING ON THE LAW --- THOSE ARE TWO SEPARATE ACTIONS A VILLAGE MUST TAKE TO HAVE THE LOCAL OPTION.

ALASKA LEGAL SERVICES CORPORATION has lawyers who can help your village understand the local option law. If your village has questions or wants a lawyer to come to the village to provide assistance with the alcohol local option law, please call or write CAROLE A. BARKER, ALASKA LEGAL SERVICES CORPORATION, 615 H STREET, ANCHORAGE, ALASKA 99501, 272-9431. You may call collect. Someone will help your village with the law and will listen to what your village has to say.

REMEMBER YOUR VILLAGE CAN NOW MAKE A CHOICE ABOUT HOW TO HANDLE LIQUOR AND THAT CHOICE WILL BE BACKED UP BY STATE LAW ENFORCEMENT PENALTIES. If you need help, there are lawyers to help your village.

MEMORANDUM

TO: Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of the Lieutenant Governor  
Director of Elections  
State Office on Alcoholism & Drug Abuse

FROM: Concerned Citizens Listed Below

RE: Concerns With Respect to Alcohol and Drug Laws and Regulations

DATE: January 30, 1981

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As a result of a community participation workshop held in Bethel from January 23-30, 1981, we wish the legislative bodies and agencies listed above to address issues of local concern about alcohol and drug abuse and isolated at a workshop held in Bethel on alcohol abuse and local options:

1. Under existing Title IV legislation, a community designated as a municipality can not presently hold an election on alcohol "local options" until the next regularly scheduled election in October. Many of our communities are deeply concerned about alcohol abuse and its effects and we wish the authority to move as quickly as possible on the "local options" law. We should like Title IV to be amended as quickly as possible to give municipalities the authority to hold special elections, as soon as possible. *on the local option issue*

2. Under existing Title IV legislation, an established village's power to enforce alcohol "local option" options is not clear and we would like that clarified.

3. Under existing Title IV legislation, 35% of all registered voters are required for a valid petition to put local options on a Ballot at the next regularly scheduled election (in the case of a municipality; see paragraph 1 above) or at the next special election (in the case of an "established village"). We recognize that village populations can change radically in a relatively short time span and would like to see that requirement amended to provide 35% of the registered voters voting in the last election OR to define the concept of "registered voters" by the number of people presently residing in a village. *adults 21 years of age*

4. Also, under existing Title IV legislation, the office of the Lieutenant Governor is to "conduct" and "certify" the local options election. We should like clarification or regulations to define the meaning of both "to conduct" and "to certify", it being our express wish to be able to conduct the elections and have the Lieutenant Governor's office certify the results.

5. Once a village, be it municipality or established village, has voted on and secured any segment of the local options under Title IV, we wish assurance that the wishes of the village

Memorandum

Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of the Lieutenant Governor  
Director of Elections  
State Office on Alcoholism & Drug Abuse

January 30, 1981

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as expressed through the local option process provided in Title IV will not fail for lack of proper law enforcement in the villages and note our concern for an adequate number of state troopers to enforce the ordinance and enough magistrates to act on violations of the law.

6. Also, we are deeply concerned about the importation of alcohol and drugs into villages on both public carriers and private air transport. We should like to see violators punished to the fullest extent of the law. If existing federal law is not addressing the issue, we wish to see state legislation which does address the issue and punishes the violators of existing or new laws to the fullest extent.

7. We are also deeply concerned about the use of both licit (marijuana) and illicit drugs in the villages. The idea of a local option process with respect to marijuana usage in villages was discussed by us and we should like to see further discussion of this issue in the legislature, with a view to giving villages the right to punish those importing or using such licit and illicit drugs.

Underlying all these concerns is the expressed desire to control alcohol and drug use to cut down on deaths, suicides, violence and misuse of alcohol and drugs so that our people might be fully functional and leading productive lives. We hope you will consider and act on these concerns as soon as possible. To that end, we have signed this Memorandum on this 30th day of January, 1981.

<u>Name</u>	<u>Village</u>	<u>Date</u>
1. _____	_____	_____
2. _____	_____	_____
3. <i>Eric V. ...</i>	<i>...</i>	<i>1-30-81</i>
4. <i>Robert ...</i>	<i>...</i>	<i>1-30-81</i>
5. <i>...</i>	<i>...</i>	<i>1-30-81</i>
6. <i>...</i>	<i>...</i>	<i>Jan. 30, 81</i>
7. <i>...</i>	<i>...</i>	<i>1-30-81</i>
8. <i>...</i>	<i>...</i>	<i>1-30-81</i>
9. <i>Adolph J. ...</i>	<i>...</i>	<i>1/30/81</i>

Memorandum  
 Alaska State Senate  
 Alaska House of Representatives  
 Office of Attorney General  
 Office of the Lieutenant Governor  
 Director of Elections  
 State Office on Alcoholism & Drug Abuse  
 January 30, 1981  
 Page Three

SIGNATURES CONTINUED

	<u>Name</u>	<u>Village</u>	<u>Date</u>
10.	Melvin Tomack	Akiachak	1/30/81
11.	William A. Heas	Mtn. Village, Ak. 99632	1/30/81
12.	Samuel Smith	McHenry, Ak. 99632	1/30/81
13.	W. Will	Akiak, Ak. 99552	1/30/81
14.	John A. Chappell	White Mountain 99789	1/30/81
15.	Patrick Sabourin	Seward, Ak. 99769	1/30/81
16.	Don Jones	Armat, Ak. 99552	1/30/81
17.	Robert Kingstun	Base Seward, Ak. 99769	1/30/81
18.	Robert E. Paster	St. Paul Island Ak. 99550	1-30-81
19.	John A. Smith	St. Paul Bay, Ak. 99604	1/30/81
20.	Quishia Elbie	Do. Naknek, Ak. 99670	1-30-81

# Rural Alaska

## Community Action Program, Inc.

TO: Workshop Participants and Resource  
People

DATE: February 27, 1981

FROM: Peg Engwall, Alcoholism Program Director

SUBJECT: Summary of discussion by Workshop Participants on clarification and enforcement of laws.

This summary is compiled from information gathered at Rural Community Action Alcoholism Education Workshop in Juneau, February 18 - 20. It is being mailed to all workshop participants and resource people.

1. Clarification of local option law as it is written to prohibit importation
  - a) Can prohibition of importation include prohibition of shipping alcohol to individuals for their personal use?
  - b) If an established village or incorporated city votes to prohibit importation, are shippers, (planes, ferries, boats, snow machines, cars) who import alcohol subject to search and seizure?
  - c) How can a petition be written by a village so that its language is clearly understandable to the people and still meets requirements of current local option law as a legal petition?
  - d) When the law is clarified, can the ABC Board be required to send letters stating which villages have votes to prohibit sale and/or importation to all liquor companies, warehouses, stores, common carrier and charter aircraft operators? Can these letters spell out the tough penalty for importing alcohol into a dry village?
2. Local law enforcement
  - a) What can be done in a village 1) Where the village safety officer feels threatened when he/she attempts to enforce the law? 2) Where the village council/city government is divided on what to do about alcohol? 3) Where there is a threat of personal injury from people who do not want to give up alcohol or drugs?
  - b) How can penalties against bootleggers be enforced? Are they tough enough? What kind of evidence do you have to have on a bootlegger? Who do you report it to?
  - c) What can be done when traditional village law is in conflict with state and federal law?

Summary of discussion by Workshop Participants

3. Drugs other than alcohol
  - a) Stricter penalties are needed for drug pushers/suppliers.
  - b) Better protection for informers and undercover agents is needed.
  - c) Clear lines of communication between people who want to complain about drug abuse and authorities who can investigate are needed.
4. Legislation to be considered
  - a) If possible, prohibit parents from giving their children booze.
  - b) Raise drinking age to 21.
  - c) Change current local option law to read the same for unincorporated villages as second class cities, that is, 35% of registered voters who voted in last election be enough signatures to make a petition valid.

Positive suggestions

1. Educate a group of people on how alcohol affects a village (health, schools, crime, accidents, death) and explain laws that the village itself can use to control alcohol within the village, and laws that can be enforced from outside the village by troopers, magistrate, attorney generals office, etc.
2. Form a group of people (counselor, elders, minister/priest, health aide, school board members, council members) who are willing to support restrictions on alcohol and go as a group to council, safety officer, store or bar, etc. and present specific suggestions to them.
3. If liquor sales are legal in a village and run by the community, restrict hours of sale and amount sold by order of the village council.

Please tell us if we have left anything out or gotten it wrong. Unless we hear objections from you, we will present this to the Citizens Participation Conference delegates in March for them to consider when they make recommendations. If there is anyone else you want us to mail it to, please let us know.

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SUMMARY OF RECOMMENDATIONS

ALCOHOLISM WORKSHOP

The group elected as officers the following individuals: Karl Ashenfelter, Chairperson; Gail Evanoff, Secretary; Daisy May Lamont, Spokesperson; Stewart Nicolai, Sergeant at Arms. We addressed the following issues by appointing subcommittees and voting on their reports.

- (1) Full funding for alcoholism and drug programs as proposed in HB 50 (Governor's budget); addressing the issue of funding for those wishing to start new programs:

A resolution follows speaking to the above. In addition, meetings were arranged with Senator Parr (Senate HESS) and Representative Cotten (House Finance), to offer them information as to program accomplishments following increased funding for FY 81. (Senator Parr's attitude, as expressed in a letter to Robert Cole, is that he is unwilling to support full funding without seeing results). The workshop recommended that the chairperson of the Workshop send a letter to Senator Parr and that the Fairbanks delegate be asked to address Senator Parr's position and attitude when he report back to Tanana Chiefs Conference.

- (2) Consideration of revisions of the drug laws (HB 180, SB 177, SB 180) and allied issues.

A series of resolutions on drug issues follows. A roll call on the resolution to recriminalize marijuana showed 18 in favor, 2 opposed, 1 abstention.

- (3) Review of Title 4 provisions on local option elections and proposed amendments as stated in SB 65:

The group requests the legislature to enact amendments permitting maximum use of local option and enabling established villages and second-class cities to move as quickly as possible to hold valid elections, including special elections.

The group recommends against the proposed amendment to SB 65, Section 11. AS.4.11.490(a) as an unnecessary restriction on cities with a population of over 2500 and recommends that it be stricken.

- (4) Consideration of other bills:

A summary of our recommendations follows. Resolutions on SB 71/HB 112, SB 117/HB 117, and SB 177 are attached.

BILL # or SUBJECT	DESCRIPTION	ACTION
SB 65	Amends Title 4 provision for local option election.	Do pass with amendment. See subcommittee report.
SB 71/ HB 112	Raises legal drinking age to 21.	Do pass, resolution attached.
SB 117/ HB 117	Shortens hours bars may be open.	Do pass; reduces opportunities for abusers to obtain liquor.
SB 177/ SB 190/ HB 180	Revision of drug laws, prosecution of minors as adults.	No recommendation; much technical information which we do not feel competent to analyze. Resolutions on issues attached.
HB 5	Removes prohibition for intoxicated persons to enter and remain.	Do pass.
HB 50	Governor's budget. \$18 million for alcohol/drug abuse.	Do pass, resolution attached.
HB 62/ SB 241	Removes provision for civil liability for bartenders.	Do not pass.
HB 114	Combines alcohol/drug abuse review boards.	Do pass. Step toward unifying attack on the total problem.
SSHB 41	Health Insurance	Do pass; good basic bill, can be expanded later.
HB 178	Legal for grocery stores to sell beer and wine.	Do not pass. Already enough retail outlets; too easy for minors to obtain.
HB 226	Legalizes prescription of marijuana for cancer patients.	Do not pass. Not specific enough; beneficial effects of drug in question.
HB 249	Lowers annual fee for beverage dispensary license.	Do not pass. Profits from bars are high enough so that lowering license fee is not warranted.

All of the above were designated high priority.

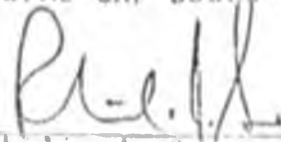
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 1

- ENTITLED: Additional funding for radio and TV programs giving preventive information on alcohol and drug abuse for adults and children alike.
- WHEREAS, The drug and alcohol abuse problems among our youth and adults is an increasing public health threat throughout the State, and,
- WHEREAS, The State Legislature has been supportive of developing programs to deal with the drug and alcohol problems within the state by increasing funds during the last legislative session, and,
- WHEREAS, Public education is one means of making people aware of the dangers involved in alcohol and drug abuse, and,
- WHEREAS, Funding has been allocated to provide limited media broadcasting to address the problems of alcohol and drug abuse in the State of Alaska, now, therefore be it
- RESOLVED: That additional statewide funding be provided to produce and broadcast educational material on alcohol and drug abuse prevention appropriate for the State of Alaska so that public awareness may be further increased.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

The group also voted to present the Rural CAP Board's resolution on additional provisions for informing the public as to what villages and cities have voted "dry".

Following the work session, some members of the group toured the Juneau Regional Rehabilitation Hospital, a component of the Juneau Alcoholism Comprehensive Agency.

The group was given invaluable background information and technical assistance by the following:

- Representative Jack Fuller, Bush Caucus, and Cheryl Frasca, Legislative Assistant
- Coordinator Robert L. Cole, State Office of Alcohol and Drug Abuse, and Dr. Earl Albrecht
- Executive Director Matt Felix, Alcoholism Comprehensive Agency, Juneau
- Statewide Alcohol Coordinator Carole A. Baekey and Legal Assistant Barbara Thorn, Alaska Legal Services Corporation
- Legislative Analyst Dave Katzeck, Juneau

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-27

ENTITLED: "Support of HB #50, Governor's Budget"

WHEREAS, Alcoholism and drug abuse are the largest health problems in the State of Alaska, and,

WHEREAS, The State of Alaska has initiated a much needed aggressive attack on the alcohol and drug abuse problem in most areas of the state, and,

WHEREAS, The problem is present in epidemic proportions throughout the state, and,

WHEREAS, In spite of the new programs there are still some areas of the State which have been overlooked and no programs have been started; now, therefore be it

RESOLVED: That the Governor's requested budget be amended by adding six hundred thousand dollars (\$600,000.) to the requested \$18,025,600 to allow programs to be initiated in those areas of the state that presently have no programs.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

*Gordon Jackson*  
 \_\_\_\_\_  
 Gordon Jackson, President  
 Rural CAP Board of Directors

*Phillip J. Smith*  
 \_\_\_\_\_  
 Phillip J. Smith, Executive Director  
 Rural CAP


# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-3

- ENTITLED:** "A resolution supporting SB#177 and other legislation providing for heavy penalties for individuals supplying drugs to children on school grounds and for drug rehabilitation offered as an alternative to sentencing our youth"
- WHEREAS,** Children are our most important resource, and,
- WHEREAS,** Suppliers of drugs are endangering the lives of our children and thereby the future of our state by entering upon school grounds and supplying drugs to our children, and,
- WHEREAS,** Our children and youth who do get involved with the law due to the usage of drugs should be given every opportunity for rehabilitation, and,
- WHEREAS,** SB#177 states therefore heavy sentencing is proposed and is appropriate; now, therefore be it
- RESOLVED:** That suppliers of drugs should receive heavy mandatory penalties for supplying drugs to children on school grounds; and be it further
- RESOLVED.** That sentencing for children and youth who have become involved with the law because of drugs should focus upon rehabilitation through a drug treatment program.

Adopted by the Delegates to the Citizens Participation Conference, March 1<sup>st</sup>, 1981, in Juneau, Alaska.

  
 \_\_\_\_\_  
 Gordon Jackson, President  
 Rural CAP Board of Directors

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 4

- ENTITLED: "Seeking to contro, the flow of drugs through  
increased efforts to detect while being trans-  
ported"
- WHEREAS, Drug abuse is increasing at epidemic rates in the  
State of Alaska and is rapidly approaching a health  
and social problem equivalent to the alcohol abuse  
problem, and,
- WHEREAS, The transportation and mail systems in the State  
are being extensively used to transport drugs, and,
- WHEREAS, Methods of detecting concealed drugs while in trans-  
port do exist and are used in other states; now,  
therefore be it
- RESOLVED: That detection programs (i.e.; trained dogs and  
surveillance equipment) should be established in  
transportation stations (i.e. airports, seaports  
and major bus depots) and the U.S. Postal Service  
for the purpose of finding and confiscating drugs  
and reducing the flow of drugs in Alaska.

Adopted by the Delegates to the Citizens Partici-  
pation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 5

ENTITLED: "To recriminalize marijuana"

WHEREAS, Our present laws do not protect our children and youth from the suppliers of the drug marijuana; and,

WHEREAS, The use of marijuana is interfering with the education of our children and youth, and,

WHEREAS, Marijuana abuse is becoming one of the major problems with the youth of America, and,

WHEREAS, Children and youth are our most important resource, now, therefore be it

RESOLVED: That the drug marijuana should be recriminalized and be it further resolved that heavy penalties be enforced for those suppliers of the drug marijuana.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

*Gordon Jackson*  
 \_\_\_\_\_  
 Gordon Jackson, President  
 Rural CAP Board of Directors

*P. J. Smith*  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

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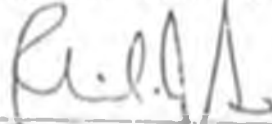
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 6

- ENTITLED:** "Supporting Senate Bill No. 71 and House Bill No. 112, authorizing vote to raise legal drinking age to 21..
- WHEREAS,** The epidemic alcohol abuse among our youth is an increasing recognized problem throughout the State of Alaska, and,
- WHEREAS,** There is an immediate problem concerning students 19 years of age and over in Alaskan high schools who are consuming and distributing alcohol to vulnerable minors, thereby causing detrimental problems in the area of their education and mental stability, and,
- WHEREAS,** The increasing rate as a result of alcohol abuse in crime, suicide, disorderly conduct, assault, accidental death and drop-outs is affecting our youth, and,
- WHEREAS,** Our state funded alcoholism programs show an increasing amount of our youths seeking treatment and counseling, and,
- WHEREAS,** Our youth shows an increasing amount of juvenile arrest and traffic fatalities for driving while under the influence of alcoholic beverages; now, therefore be it
- RESOLVED:** That the drinking age be legally raised to the age of 21, to lesson the easy access to alcohol by students still in elementary and secondary schools.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

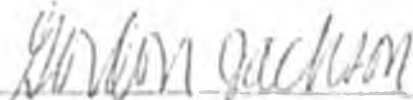
  
Philip J. Smith, Executive Director  
Rural CAP

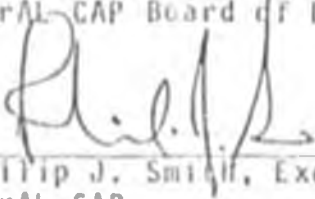
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-7

- ENTITLED: "In support of Senate Bill No. 117 and House Bill No. 117, acts to shorten hours bars may be open"
- WHEREAS, Bills have been introduced in the Senate and the House to limit the hours of the day during which patrons may be present or alcohol sold or consumed on licensed premises, and,
- WHEREAS, The Citizens Participation Conference delegates recognize that limiting of such sale and presence will result in decreased OMVI violations, liquor law violations, minors consuming, disorderly conduct and assault (as occurred in Juneau after earlier closing hours became effective) and,
- WHEREAS, Limitation on hours of sale will result (as in Juneau) in some lowering of per capita consumption, alcohol related human and social costs, and some modification of attitude concerning the wide open acceptability of drinking in Alaska; now, therefore be it
- RESOLVED: That the delegates of the Citizens Participation Conference strongly urges the Alaska State Legislature to pass S.B. No. 117 and H. B. 117..

Adopted by the Delegates to the Citizens Participation Conference, March 1<sup>st</sup>, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-8

ENTITLED: "In support of adequate notification of suppliers and transporters of alcohol as to who are "dry" communities.

WHEREAS, It is in the interest of established villages and second class cities to have their wishes concerning regulation of alcohol use in their communities respected by those who sell and transport alcoholic beverages, and,

WHEREAS, At least 30 villages and cities in rural Alaska have inquired about using the local option law to regulate or prohibit sale and/or importation of alcohol in their communities, and,

WHEREAS, Several cities in the state have already chosen to ban sale and/or importation of alcohol in their communities, and,

WHEREAS, Alcoholism workers representing 16 villages at Rural CAP's Community Action Education Workshop expressed a desire to have the names of "dry" villages and cities supplied to every supplier of liquor and every carrier of passengers and/or freight in the State of Alaska, and

WHEREAS, The Alcoholic Beverage Control Board is presently soliciting public comment on proposed new regulations, and,

WHEREAS, Article VI Section 635 of these proposed regulations provides that the Board maintain a roster of communities which have voted "dry" and make this roster available to the public, and, now therefore be it

RESOLVED, That the Citizens Participation Conference recommend to the Alcoholic Beverage Control Board that a) Article VI Section 635 be amended to require the ABC Board to supply current lists of "dry" communities to all liquor outlets and carriers of freight and passengers in the state and that b) this list contain the text of the laws concerning bootlegging and the penalties for that offense, and that a copy of this resolution be forwarded to the ABC Board.

WHEREAS, many small rural communities, have expressed their feeling of being under seige from the devastating effects of alcohol abuse; and,

WHEREAS, the Title IV alcohol option law was passed in 1980 by the Alaska legislature to enable communities throughout Alaska, both villages and urban areas, to control the sale and importation of alcohol as determined by the vote of the community and giving the force of state law enforcement to such a decision; and,

WHEREAS, several elections that have been held under this law have already been declared invalid because of existing confusion about the law; and,

WHEREAS, the evaluation and practical experience gained since this law was passed show that procedural problems in the law prevent any local community from holding a valid election to exercise their rights under the Title IV local option law. Communities have expressed a desire to have an existing liquor license lifted within a short time after a valid election that decides that the license should not be maintained; and to have the possibility of setting up such a local option election at anytime during the year, rather than only at the general election time in October; and,

WHEREAS, there is a need to give full expression to the will of the voters by providing for prompt lifting of an existing liquor license if a community has had a valid local option election in which that option has been approved; and

WHEREAS, there is a need to recognize the need to give a holder of an existing liquor license adequate notice prior to lifting of the license following a valid local option election deciding that the license should be lifted; and,

WHEREAS, amendments to the local option law are necessary to address these concerns,

NOW, THEREFORE, BE IT RESOLVED by the Review Board on Alcoholism that it:

1. Supports the availability of the Title IV local option law for all communities in Alaska, including urban areas, regional hub communities and smaller villages.
2. Supports a provision to allow villages and larger communities to have local option elections at any time of the year rather than only at the time of the October general election.
3. Supports a provision lifting a liquor license sixty (60) days after certification of a valid local option election in which a community has voted to lift an existing liquor license in that community.

RESOLUTION FROM RURAL VIOLENCE CONFERENCE

Whereas we representative native Alaskans from across the State, many from smaller villages, gathered in Juneau April 24-26 at the invitation of the Commissioner, of Health and Social Services to assess ways to help our people possess a healthier self image and more self reliance, and

Whereas all of us present acknowledged that substance abuse, especially of alcohol, is a particularly serious problem in village settings, and must be addressed from many perspectives, including individual and group responsibility to make choices on how to live well, healthy, and wholesome lives, and

Whereas we were addressed at length on the nature of SB 65 (and amendments) and believe it to be a step in the right direction for people in the villages to have State legal support whenever they may choose by local option to control the sale and bringing of alcohol into a village, and

Whereas it is believed that because of the severe nature of alcohol abuse in the villages (2nd class cities) should be allowed to hold special elections as prescribed by municipal election procedures rather than waiting for the general election in the fall, and

Whereas it is believed that liquor licenses should be invalidated 90 days after the election has been certified so that villages do not have to wait until December 31st of that year, and

Whereas it is known that a number of communities have already sent petitions to the Division of Elections concerning Title IV local option law and request prompt action from the State as soon as the amendments to SB 65 becomes law, and

Whereas we discussed our support for the alcohol programs throughout Alaska and urge continued funding for these services, and

THEREFORE BE IT RESOLVED that we urge the First Session of the 12th State Legislature to act on SB 65 and refunding of the alcohol programs as a means to support and encourage the welfare, health, and self reliance of Alaskans in small communities and villages.

Juneau April 24-26, 1981

Mary Edvardson	Box 211	Barrow Alaska
Ladie Neakok	Box 276	" "
North J Jack	Box 825	Bethel, Alaska
Katherine Kobuk	Gen Del.	St. Michael, AK 9965
Georgianne Quasogak	Gen Del	Kayak, AK 99753
Willa Ashenfelter		White Mountain, AK 99784
Irene Autongak		Salomon, AK. 99762
David Salmon		Chalkyitsik AK 99788
<del>Mary</del>		
Ausje Hoban	Box 256 P	Katzebue Alaska 99752
Anna Frank	1302 21st	Fairbanks .. 99701
Claf T. Hanson	Box 12	Dillingham aka
Jrmd Scott	1065 Cherry St.	Anchorage, AK 99504
Rene Astruc	Emmonak.	AK. 99581

**ALASKA NATIVE COMMISSION  
ON ALCOHOLISM AND DRUG ABUSE**

274-5531 • 274-7435

750 E. Fireweed Lane, Suite 2  
Anchorage, Alaska 99503

P.O. Box 4-2463  
Anchorage, Alaska 99509

April 22, 1981

To Whom It May Concern:

The Alaska Native Commission on Alcoholism and Drug Abuse (ANCADA) wishes to make the following comments on the "CS For Senate Bill" No. 65 (C & RA) offered March 27, 1981. A copy of the pertinent section is attached.

- A) Concerning Section 4(a), it is the opinion of ANCADA that the local option voting question should not be limited to municipalities with a population of less than 2,500. Many municipalities, with a preponderant Alaskan Native population, which have more than 2,500 residents, also should have the opportunity to vote on the local option question.
- B) Regarding Section 5(a), it is the opinion of ANCADA that where the local option issue is of critical importance to a municipality, that community should have the power to conduct a special election as soon as possible, rather than waiting to vote on the issue at the next scheduled October election.
- C) The local governing Body of the Municipality or established Village should have the power both to conduct and certify the local option vote of a community, rather than having this accomplished by the Lieutenant Governor's Office.

It would appear to ANCADA, that unless the above three provisions are approved as part of Senate Bill No. 65, unwarranted restrictions would be placed on the entire local option process, which restrictions would tend to be prejorative to the exercise of local community control on what should be a primarily "local" option question.

Sincerely,

ANCADA

  
John Purcell, Executive Director

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR  
TERRY MILLER, LT. GOV.

POUCH AF—JUNEAU 998,1

February 10, 1981

The Honorable Don Gilman  
Chairman  
Community and Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

Senate Bill 65 relating to alcoholic beverages has been referred to the Community and Regional Affairs Committee. I urge your early consideration of Section 4 relating to the conduct of local liquor option elections.

The language that is currently in AS 14.11.502(a) is confusing in that it requires both a municipality and the Lieutenant governor to be involved in the local liquor option election. Alaska Statutes generally require a municipality to conduct its own elections, but allow the Lieutenant governor to conduct required elections in the unorganized borough area. This procedure has worked through the years and I see no point in requiring the Lieutenant governor's involvement in an election that can be conducted by the municipality.

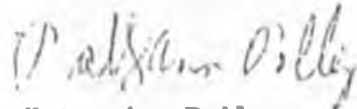
The new language proposed in Section 4 of Senate Bill 65 clearly allows the local liquor option elections to be conducted by the municipality. In addition, the section allows the municipality to call a special election to conduct the election.

Several cities such as Barrow and Umanokotak have petitioned to have the Lieutenant governor conduct local option elections, but because of the confused assignment of responsibilities, no election has been conducted. I urge you at your earliest convenience to consider Section 4 of Senate Bill 65 so that the responsibility can be clarified

and the election process may proceed. Particularly in bush areas, this bill will have a big impact on efforts to cope with alcohol related problems.

If I may be of any assistance, please call on me.

Sincerely,



Patty Ann Polley  
Director  
Division of Elections

PAP:ko

cc: Senator Bill Ray  
Pat Sharrock, Chairman of ABC Board  
✓ Carol Beckey  
All Election Supervisors

January 29, 1981

William Salmon, Jr., Chief  
Chalkyitsik Village Council  
Chalkyitsik, AK 99788

Dear Chief Salmon:

This letter is in reference to Chalkyitsik's petition asking the State of Alaska to hold a special election for the purpose of voting Chalkyitsik a dry village. I wanted to let you know that I intend to request revision during this legislative session of the current Alaska Statute relating to local option elections on liquor sales.

The new law which was enacted in 1980 requires the Lieutenant Governor to conduct local option elections. This, however, is impractical in view of current state and municipal election practices and regulations. We are, therefore, seeking to correct the current statutes and ask your patience in waiting to hold this election until the inconsistencies in the new law can be addressed.

Bill, I will continue to be in touch with you on this, and I hope that fairly soon in the session we will have new guidelines by which to advise you concerning this election.

Thank you for your understanding.

Sincerely yours,

Terry Miller  
Lieutenant Governor

cc: Patty Ann Polley  
Director of Elections

Robert Cole, Coordinator ✓  
Office of Alcoholism and Drug Abuse

TM/JF/dm

CONRAD EARL ALBRECHT, M.D.  
PUBLIC HEALTH PHYSICIAN  
A GRADUATE PROFESSOR OF MEDICAL SCIENCE  
UNIVERSITY OF ALASKA

Box 38, Wirtz, Virginia 24184

28 March 1981

Wilson L. Condon, Attorney General  
Pouch "K"  
Department of Law  
Juneau, Alaska 99811

Dear Sir:

The State Department of Health and Social Services requested that I conduct a review of a major health problem in the Bush Areas of the State concerning alcohol abuse. You may obtain a copy of the report from Mr. Robert L. Cole, Coordinator of the Office of Alcoholism. You will note in my recommendations that some pertain to the activities of your Department. I might say in passing that all personnel of your Department with whom I came into contact were most cooperative and expressive that alcohol abuse was a major, contributing factor to crime in the Bush.

A major deterrent to the misuse of alcohol in these areas of the State, where as you know the highest percentage of crime exists, is going to be the use of the Local Option Laws which were adopted by the legislature in the 1980 session. There is a strong trend apparent that many villages wish to utilize this procedure. Most of them wish to "Forbid both the sale and importation of liquors". However, you and I know that such an ordinance must be enforced. Bootlegging has become a big operation and is usually the source of liquor in the villages.

The purpose of my writing you is to have some guidance on the matter of law enforcement which is being amended under Senate Bill No. 65 that deals with Title A. My concern is that if a "Local Governing Body of a Municipality Conducts an Election" on Local Option to forbid the sale and importation of liquor under the code and authority, will it be enforced? My concern is that the State Troopers and the Village Public Safety Officers technically will not enforce such a municipally conducted election.

Senate Bill No. 65 has an amendment which will delete "THE LIEUTENANT GOVERNOR SHALL CONDUCT THE ELECTION IN THE GENERAL MANNER PRESCRIBED BY THE ALASKA ELECTION CODE (AS 15.05-15.60)". The Division of Elections in the Lieutenant Governor's office has indicated to me that this is their amendment because there should not be two methods of conducting an election; one by the Lieutenant Governor or one by the governing body of a municipality.

My concern needs your guidance whether or not this amendment should be adopted. I fear that unless the Lieutenant Governor conducts the election, in the general manner prescribed by the Alaska Election Code, the State Troopers will not have the authority to enforce breach of the election decision. Again, if the election conducted by the governing body of a municipality is just as valid and can be enforced by the State, it matters not.

*Copy to Cole  
Barely*

continued

Please look into this matter and discuss it with the Division of Elections for it would be most unfortunate if the native population is again misled on this matter. After having worked in three communities, I can assure you this is a very serious matter with them. I am writing to the Lieutenant Governor's office to follow-up on a conference I had with Lieutenant Governor Miller personally.

Sincerely yours,

C. Earl Albrecht, II.D.

CEA/cc

Bering Sea  
Women's  
Services

Box 1593  
Nome AK 99702  
443-6259

April 23, 1981

TO: Members of the Senate Judiciary Committee  
Patricia ~~Henry~~ Chairman

RE: Senate Bill 65 - Amending the Local Options Law

Ninety-eight (98%) percent of the 202 women and children served at the Bering Sea Women's Shelter in 1980 were abused by drunk husbands/fathers. Fifty (50%) percent of the women themselves have alcohol problems.

Women have repeatedly expressed their vulnerability in the village setting when there is drinking going on. Village residents who don't drink are afraid of those who do drink because of the well documented tendency of alcohol abusers to become violent.

We have observed village leaders becoming increasingly frustrated when their attempts to limit the availability of alcohol is futile because of beverage blocrigan. This is resulting in a deepening sense of powerlessness as over their own village affairs.

We strongly urge this committee and the Legislature as a whole to allow villages to hold local options elections quickly and to allow local officials to conduct them. Under no circumstances should the privilege to hold such an election be limited to communities under 2,500. The law could be most effectively enforced if regional distribution centers could also elect to go dry locally.

*Carol Parron*  
Carol Parron, Director

*Vicky Horton*  
Vicky Horton, Alcohol  
Counselor

*Dolly Patchman*  
Dolly Patchman, Village Coordinator

SENATOR RUDOLPH  
SENATE JUDICIARY COMMITTEE HEARING

III: GRACE E. LINCOLN, R.N.

WITH THE LONG HISTORY OF ALCOHOL-RELATED  
UNRESOLVED DEATHS OF EIGHT YOUNG WOMEN  
FR. IN KOTZEBUE IT IS CRUCIAL THAT THE ISSUE  
OF THE LIMIT OF THE POPULATION OF 2500 OR  
LESS FOR A LOCAL OPTION ON THE WET OR DRY  
STATUS OF THAT POPULACE BE LIFTED. IT  
IS INCREASINGLY DANGEROUS TO GO ABOUT  
NORMAL BUSINESS EVEN DURING THE BROAD  
DAYLIGHT HERE IN KOTZEBUE. IT ADDS  
TO THE FEELING OF HELPLESSNESS OR  
FUTILITY WE ARE STRIVING TO ERADICATE.

1.C.

STATE OF ALASKA  
 DEPARTMENT OF JUSTICE

DISTRICT ATTORNEY - SECOND JUDICIAL DISTRICT

SBI 172 - 404 2712

April 23, 1981

Senator Pat Rodey, Chairman  
 Senate Judiciary Committee  
 Juneau, AK. 99801

Re: Hearings on local options provisions.

Dear Chairman Rodey and  
 Members of the Senate Judiciary Committee,

I would like to briefly comment on the proposed amendments to the local option provisions. Prior to doing so I must point out the enormous problems created in rural Alaska villages due to excessive alcohol consumption. On a daily basis I deal with the victims of violent crime in bush Alaska. These crimes are virtually all committed by an offender who is under the influence of alcohol. An example of this devastation can be seen by the high rate of homicides in the Second Judicial District which is primarily rural. In one village alone there have been two alcohol related killings by firearms in the last year. On a per capita basis, taking into account the small number of residents of the village this would equate to 42 people a week being victims of homicides in a city the size of Anchorage.

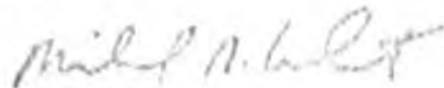
Something must be done, and it must be done quickly. Of course, violent acts committed by those under the influence of alcohol are merely the symptoms of the alcohol problem. My office is only able to handle the symptoms by protecting communities from those who have already caused destruction. Local option provisions can start the process of treating the causes of violent crime in bush Alaska.

The current local option statutes have been universally heralded by rural Alaska residents. My office has been heavily involved in communications with village spokesmen in trying to assist villages in preparing local option provisions. The particular provisions passed in the last legislative session were extremely good in that they allowed villages to close the loop holes in prior law by keeping alcohol from being imported as well as being sold. Virtually every village I have communicated with wants to enact this provision. To date they have been unable to do so due

to the procedures which require that the vote take place in a state-wide, or state run election handled by the Lt. Governor. I am confident that if the villages had been able to pass the local option provision prohibiting sale and importation when it became effective in 1980, that there would be people alive today that have been killed by intoxicated people in the interim.

I urge this committee to look favorably on the bill before it which would allow special elections in second class municipalities for the purpose of passing local option provisions. It is impossible to tell how many lives will be ended or adversely affected between now and the next state-wide election if the statute remains the way it is. The sooner that small rural communities can prohibit importation of alcohol the better. Based on my experience as the criminal prosecutor for the Second Judicial District at least one person will be killed in each township period from now until importation of alcohol is banned in this area. These deaths can be prevented by this committee doing everything possible to speed up the mechanics by which villages can ban the importation of alcohol.

Sincerely yours,



Michael S. White  
District Attorney

MSW:aw



FROM THE NORTH, ALASKA 99762

TO: Members of the Senate Judiciary Commission

Attention: Mr. Patrick Forley

I am a Catholic priest who has been working in the Alaska bush for the past 25 years (Holy Cross, Mt. Village, Pilot Station, Marshall, St. Marys, Barros, Little Ofoode and the last 15 years in Nome).

In all of those years the only really discouraging thing I have come across is alcoholism.

What used to be a problem is now a disaster, an epidemic in village after village after village.

Everywhere we are faced with family desertion, murder, theft, suicides, beatings, rape, and they are 90% alcohol related. It's threatening an entire people.

Therefore, I would urge you with all my heart to put into the hands of the people in the villages the tool to take advantage of the Title IV Local Options Law -- the adoption of the amendment on special elections at any time and the ability of the local governing body to conduct the elections. If a village then wants to help itself, it may do so.

I remain,

Sincerely and hopefully,  
*Fr. James E. Poole*  
Fr. James E. Poole, S.J.

March 12, 1981

To: Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of Lieutenant Governor  
Director of Elections  
State Office on Alcoholism and Drug Abuse

C  
O  
P  
Y

The registered voters of Mekoryuk voted last fall under the Sec. 04.10.433 to ban the possession and importation of Alcohol to the City of Mekoryuk.

The City of Mekoryuk was notified on November 24, 1980 from Attorney General's office stating the local option, citizen's of Mekoryuk voted on was invalidated. Then we found out that we can not have special election on alcohol option laws any time after the fall general election.

Therefore, the City of Mekoryuk like to be granted an opportunity to hold a special election on one of the new alcohol option laws to give protection to the citizens of Mekoryuk, instead of waiting for the next fall general election.

Thank you for your time and attention.

Sincerely Yours,

Mayor

Fred Don  
Mekoryuk City Council

cc: Russ Meekins, Jr. 1526 K st. Anchorage, 99501  
Frank R. Ferguson Box 131, Kotzebue 99752  
Files, Mekoryuk, Alaska 99630

FD/mck

PETITION TO THE CITY COUNCIL OF POINT HOPE

We the undersigned people ask that the City Council enact into law a City Ordinance that will make it illegal to bring alcoholic beverages into the City Limits of Point Hope.

We are getting tired of seeing people being drunk and causing trouble everytime they get drunk. It is not only the grown ups that are getting drunk and hurting there love ones and causing damage in and around the City of Point Hope, but some of our children that are underage are also getting drunk. Lately there has been alot of trouble not only in the bars but in the village also. People are getting hurt because someone who is intoxicated has to go around and show how cuff he is by getting into a fight with one of his own people, which in some instances has caused the injured person to go to the clinic for treatment and also to the hospital in Kotzebue. These problems would not of happen had the person been sober, as we are a proud people here at Point Hope and we want to remain that way.

Therefore we the under signed, people ask you our City Council to enact a law which will make it illegal for anyone to bring into the City of Point Hope any Alcoholic beverages. We also ask that all the airlines that serve Point Hope be notified of this law and that if they violate this law that they will be summonsed into court, along with any violators and be punished under law.

We also asked that once this law is enacted that the North Slope Borough Public Safety officers be made to enforce it by checking on the airlines as they arrive and by confiscating and destroying any and all alcoholic beverages that arrive, and if necessary look up any drunks that are causing trouble in the village whether it be in town or in there own homes if they are called for any of a kind of which are alcoholic related.

We are a proud people and we want Point Hope to be that way for generations to come. We do not want any visitors to Point Hope to think that this village is nothing but a drunks town. We have had in the past a number of deaths to our loved ones because of Alcoholic Beverages and we do not want any more deaths this way. We want the whole State of Alaska to be Proud To Come To Point Hope and see just how Proud A People We Are without any alcoholic beverages as there is now.

- 1. John J. [unclear] pt. Hope Alaska 99766
- 2. Carol [unclear] pt. Hope 99766
- 3. Shirley [unclear] pt. Hope 99766
- 4. [unclear] pt. Hope 99766
- 5. Wanda [unclear] pt. Hope Alaska 99766

ORDINANCE 81-2  
AN EMERGENCY ORDINANCE OF THE CITY OF  
ST. MARY'S, ALASKA RELATING TO THE  
IMPORTATION OF ALCOHOLIC BEVERAGES INTO  
THE CITY LIMITS OF THE CITY OF ST. MARY'S

Declaration of Emergency

In recent weeks problems directly related to the availability of alcoholic beverages have increased. Residents from outlying villages as well as residents of the City of St. Mary's are able to obtain sizeable quantities of alcoholic beverages within three to twenty-four hours. The size and numbers of the shipments indicate that much of this alcohol is being sold in violation of local option and consumed in St. Mary's, causing problems of violence and vandalism which the City is not in a position to control. Alcoholism is becoming epidemic in St. Mary's, jeopardizing the wellbeing of families, the employment of individuals, the stability of businesses and the health of individuals. The only viable course open to the City at present is to stop the importation of alcoholic beverages into City limits. Because the need is immediate and requires quick action, an emergency is declared.

THEREFORE, BE IT ENACTED BY THE COUNCIL FOR THE CITY OF ST. MARY'S:

Section 1. Importation of Alcoholic Beverages Prohibited.

No alcoholic beverages may be imported into the city limits of St. Mary's except for the following:

- A. Alcoholic beverages used in religious services.
- B. Alcoholic beverages ordered prior to the passage of this ordinance upon proof of the date of order.

Section 2. Penalty.

Any person or carrier importing alcoholic beverages into the city limits of St. Mary's in violation of this ordinance will be fined not more than five-hundred dollars (\$500) for each occurrence.

Section 3. Effective Date.

This ordinance becomes effective April 8, 1981 and remains effective for sixty days unless extended or removed by the City Council.

SUBMITTED, PASSED AND APPROVED this 7<sup>th</sup> day of April, 1981

Sharon Puck  
Mayor

ATTEST:

Margaret Kamuck  
City Clerk

# St. Mary's to prohibit importation of alcohol

by Cheryl Keepers

Last week St. Mary's City Council enacted a 60-day emergency ordinance prohibiting the importation of alcoholic beverages into its city limits. The ordinance is to be effective for 60 days, unless extended by the City Council: the maximum fine for violation is \$500.

According to a press release from the City Council, there were several reasons for passing the ordinance. Public disturbances, violence and vandalism have increased in recent weeks. Most of the problems were alcohol related, and often caused by residents from other villages who were in St. Mary's to receive shipments of alcohol, the release stated. With one local policeman and one jail

cell, the city is not able to control the disturbances caused by too many people drinking too much.

However, there is some question regarding the legality of the city ordinance. In an informal opinion on the ordinance issued to this reporter by Assistant Attorney General Rod Pegues, Mr. Pegues noted that the ordinance was probably not legal. He stated that there "has to be an election and vote on the question." Under the existing local option law, the election must be held at the next regular election (October), and until then nothing can be done. While sympathizing with St. Mary's

Please turn to page 30

## ST. MARY'S

wish to act sooner. Mr. Pegues commented that there is "nothing they can do about it unless the law is changed."

Tim Troll, City Manager for St. Mary's, said the city has a petition pending with the Division of Elections to put the issue on the ballot at the next regular election, but that the City Council felt the situation was so pressing they "had to try to do something about it." Mr. Troll, who is also a lawyer, noted that he had cautioned the City Council that "some questions would be raised" regarding the legality of their move, but that he feels the ordinance is not necessarily in violation of the state law. Citing the leeway given local governments in controlling alcohol under federal law, and noting that they are looking for voluntary compliance on the part of the airlines, Troll stated "we do think there are arguments on our side too." The city will be enforcing the ordinance by seizing alcohol dropped off and delivered in St. Mary's.

Mr. Troll continued by saying that St. Mary's had wanted to hold the local option election before fishing season and the accompanying increase in alcohol and alcohol related problems. The City Council acting in part is intended to let the state know the severity and urgency of the problem.

The issue of when elections can be held on the local option law has been receiving some attention in the community attention in the Community and Regional Affairs committee of the state legislature, also. Senate Bill 65, (SB65), introduced by Bill Ray (D-Juneau), contains a provision for special elections that would allow municipalities and established villages to hold local option elections at times other than October.

This amendment retains the provision that a petition containing signatures equal to at least 35 percent of the number of votes cast at the last regular municipal election be filed, but provides that in a municipality, the election be carried out in accordance with the election ordinance of that municipality. This is a change from the existing law which has required that the Lt. Governor conduct all local option elections, a provision which has effectively prevented any local option elections from taking place.

An amendment was also introduced, but later dropped, which would have provided for revoking any existing liquor licenses in a community within 60 days after certification of a local option election to prohibit sales. According to David Dye, aide to Sen. Don Gilman, (R-Kenai) chairperson of the Community and Regional Affairs Committee, this amendment was not accepted by the committee due to potential legal problems with this process. The Committee also felt that it would be unfair to a legitimate business person to take away the license when he/she had expected it to be valid.

As SB65 now stands, a liquor license in a community that votes to prohibit sales will be allowed to expire at the end of the year, which would happen in any event, but the license would then not be renewed for at least one full year afterwards.

If the community were to choose in that year to go back to allowing the sale of alcohol, no liquor license would be

issued before the full year had run. If the community does not change its mind, no new licenses would be issued.

Should the community choose the alternative of prohibiting importation, Mr. Dyer noted this would affect both private individuals and licensed businesses, thus effectively ending any sales business.

Another amendment not in the original legislation, but introduced at the request of the bill's prime sponsor, Bill Ray, would have placed limits on which municipalities could use the local option law, and on what questions could be put before the public. Ray's amendment would have limited the question to one of sales, and would have allowed this only in municipalities under 2,500 in population. This

would have meant that hub communities such as Bethel would not have been able to prohibit either sales or importation, and communities under 2,500 would not have been able to prohibit importation. The amendment was rejected by the committee. Mr. Dyer noted that the committee felt it would be unfair to foreclose on any communities' right to control alcohol based on size, and that the local option law should have blanket application.

The bill is now in the Senate Judiciary Committee. Members of that committee include George Hohman (D-Bethel), Bill Ray (D-Juneau), Charles Parr (D-Fairbanks), Don Bennett (R-Fairbanks), and Patrick Rody (D-Anchorage).

# City of St. Mary's

P.O. Box 163  
ST. MARY'S, ALASKA 99658

April 8, 1981

Mayor Paul Beans  
P.O. Box 204  
Mtn. Village, AK 99632

Enclosed is a copy of our emergency ordinance #81-2 which was passed in our April 7, 1981 general city council meeting.


Because of the increasing number of alcohol-related problems at St. Mary's the city council found it necessary to pass and adopt this ordinance which will be in effect for 60 days and which could be extended at the end of 60 days. These alcohol-related problems are caused not only by our residents, but a lot of problems are caused from other people coming in from nearby villages and causing problems at St. Mary's.

We are asking that this be posted at a public place and that your council members encourage their people to respect and abide by it when they are within the City of St. Mary's. The city council feels that this is the only way the steady flow of alcohol coming into our city can be stopped.

Thank you for your cooperation and assistance in dealing with this problem.

Sincerely,

CITY OF ST. MARY'S

  
Moses Paukan, Sr.  
Mayor, City of St. Mary's

mp/mk

cc Russian Missic  
Fortuna Lodge  
Pilot Station  
Pitkas Point  
Mtn. Village  
Immonak  
Alakanuk  
Cheltona Point  
Kotlik

Encl

AS

Resolution No. 81-2

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, SUPPORTING SENATE BILL NO. 65 INTRODUCED BY SENATOR RAY AS FOLLOWS:

WHEREAS; The City Council has received a petition containing over 80 signatures equal to over 50% of Alakanuk's Registered voters to have a question put to the vote of the people concerning the Banning of Importation of Alcoholic Beverages as per Alaska Statutes Title 04; and

WHEREAS; The voters wish to vote on the issue as soon as possible; and

WHEREAS; The City Council would like to hold a Special Election, but must wait 9 months to have the question put on the ballot at the Regular Election as per AS 04.11.502 (a); and

WHEREAS; We should be allowed to have a special election on the issue as with other procedures as set out in Title 29;

NOW THEREFORE BE IT RESOLVED THAT, the City Council of Alakanuk supports Amendments to Title 04 as provided by Senate Bill No. 65, Twelfth Legislature - First Session as introduced by Senator Ray allowing municipalities to hold a special election as Provided in Title 29; AND

FURTHER BE IT RESOLVED THAT, A.V.C.P., other affected Villages, and other organizations pass concurrent Resolutions supporting this Resolution and SB-65. PASSED AND APPROVED THIS 3rd DAY OF FEBRUARY 1981, BY THE CITY COUNCIL OF ALAK. UR., ALASKA.

ATTEST: Elinor A. Chibigak  
City Clerk

Mayor Larry J. Riehl  
Vice Mayor Paul H. Brunner  
Sec./Treas [Signature]  
Member [Signature]  
Member [Signature]  
Member [Signature]  
Member [Signature]

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, CONCERNING A PETITION PERTAINING TO SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES AS FOLLOWS:

WHEREAS; the City Council of Alakanuk, Alaska, through the Alakanuk City Clerk, has received a Petition containing 72 valid and Certified signatures of Registered Voters of the City of Alakanuk to place upon the separate ballot at the next Regular or Special Election the question "SHALL THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN ALAKANUK?(YES OR NO)"; and

WHEREAS; the City Council finds that 72 signatures were gathered in a proper and timely manner according to Alaska Statutes Title 04 and Title 29 and comcides with the provisions of the Code of Ordinances of the City of Alakanuk; and

WHEREAS; the City Council finds that there represents 107 per cent(%) of the number of Registered voters who cast ballots at the last Regular Election and therefore more than exceeds the required 35 per cent(%) as required by Title 04 to place the question on the ballot at the next Regular election; and

WHEREAS; the City of Alakanuk has been having alcohol related violations of the Alakanuk Code of Ordinances and Alaska's Laws being made in the recent past including "bootlegging"; and

WHEREAS; the City Council wish to respond to the wishes of the community for which we serve; NOW

THEREFORE BE IT RESOLVED THAT in accordance with present laws, the Lieutenant Governor proceed as prescribed by present or future law in the placing of the above mentioned Petitioners' question upon a separate ballot as may be prescribed by law; AND

FURTHER THAT the Lieutenant Governor not'fy the City Council of his determination and schedule of events concerning the subject of this Resolution at his earliest convenience responding to the following address: Alakanuk City Council  
City of Alakanuk  
P.O.Box 51  
Alakanuk, Alaska 99554.

ADOPTED, PASSED AND APPROVED BY THE CITY COUNCIL OF ALAKANUK, ALASKA, THIS 13<sup>th</sup> DAY OF MARCH 1981.

Mayor Patrick Kelly

ATTEST: G. Chikigak  
City Clerk

SEN:

# TUNDRA The Drums

VOLUME IX Number 5

Bethel, Alaska 25¢

CAROLE A. BAEKEY  
BOX 2120  
ANCHORAGE

AK 99513

"Too hot to ha

May 7, 1981

## Body of Alakanak man found near Sheldon's Point

The body of Alakanak resident Ole Strongheart, 26, was discovered early Saturday morning about two miles down river from the Yukon village of Sheldon's Point.

According to Bethel First Sergeant Glen Godfrey of the Alaska State Troopers, Mr. Strongheart was last seen in a "highly intoxicated condition" leaving Sheldon's Point en route to Alakanak, by snow machine.

Sgt. Godfrey noted that Mr. Strongheart apparently had engine trouble and attempted to return to Sheldon's Point. Sgt. Godfrey surmised that the weather that day and Mr. Strongheart's intoxicated condition made him very susceptible to hypothermia and exposure.

Mr. Strongheart's body has been sent to Anchorage for autopsy.

STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY

7-701-1ST-2-ESI INV. REPORT

DETACHMENT/POST OR CONTRIBUTING AGENCY

D / ST. MARK'S

FILE NO  
DTI-2211

TYPE OF CRIME	HOMICIDE	RAPE	KIDNAP	ADW	A & B	BIAO	BIAO	LARC O 50	LARC U/50	AUTO THEFT	EMBEZZ	WIAPONS	FROST VICE	DRUG LAWS
CHECK BOX APPLICABLE	NO LAWS	CLP	DL	HARASSING	QAWI	KIDNAPPING	ABSON	SEA	MAL MIS	SUICIDF	OTHER	DEATH INV.		
DATE-TIME LOCATION	DATE OF OFFENSE	IF NOT KNOWN APPROX DATE	TIME OF OFF	DATE REPORTED	LOCATION									
5/2/71	5/2/71			5/2/71	SHELDON'S POINT									
CODE NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	HAIR	HAIR	HAIR	HAIR	HAIR	HAIR
V OLE STRONGHEART	M	O	2/28/55	25	65	160	BL	BR	BR	BR	BR	BR	BR	BR
PHONE	SOCIAL SEC NUMBER	OP LIC NUMBER	STATE	DATE OF EXP										
NONE	574-25-0067	NONE	-	-										
ADVISED OF RIGHTS	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME							
NO														
CHARGE SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE					
CODE NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	HAIR	HAIR	HAIR	HAIR	HAIR	HAIR
WA TOM PRINCE	M	O	10/12/42	57	67	165	BL	BR	BR	BR	BR	BR	BR	BR
PHONE	SOCIAL SEC NUMBER	OP LIC NUMBER	STATE	DATE OF EXP										
NONE	574-09-5769	NONE	-	-										
ADVISED OF RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME	WARRANT DATE					
X					HIGH SCHOOL	HALL	5/4/71	10:45 AM						
CHARGE SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE					
CODE NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	HAIR	HAIR	HAIR	HAIR	HAIR	HAIR
WA JOHN CAMILLE	M	O	12/23/57	23	66	120	BL	BR	BR	BR	BR	BR	BR	BR
PHONE	SOCIAL SEC NUMBER	OP LIC NUMBER	STATE	DATE OF EXP										
NONE	574-34-4975	NONE	-	-										
ADVISED OF RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME	WARRANT DATE					
X					HIGH SCHOOL	HALL	5/4/71	11:00 AM						
CHARGE SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE					
CODE NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	HAIR	HAIR	HAIR	HAIR	HAIR	HAIR
WA FRANK S. PRINCE	M	O	12/11/50	30	67	150	BL	BR	BR	BR	BR	BR	BR	BR
PHONE	SOCIAL SEC NUMBER	OP LIC NUMBER	STATE	DATE OF EXP										
NONE	574-20-7900	NONE	-	-										
ADVISED OF RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME	WARRANT DATE					
X					HIGH SCHOOL	HALL	5/4/71	11:20 AM						
CHARGE SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE					
VEHICLE INFORMATION	PLATE NO	MAKE	MODEL	YEAR	TYPE	COLO	WEIGHT	VEHICLE IDENTIFICATION	VEHICLE REGISTRATION	VEHICLE LICENSE				
VEHICLE OCCUPANT INFORMATION	PLATE NO	MAKE	MODEL	YEAR	TYPE	COLO	WEIGHT	VEHICLE IDENTIFICATION	VEHICLE REGISTRATION	VEHICLE LICENSE				
WEATHER CONDITIONS	TEMP	WIND	WIND DIR	WIND SPC	MOON	PHASE	MOON POS	MOON ALT	MOON AZ	MOON DIST				
X	40				0									
INSIDE WEATHER CONDITIONS	TEMP	WIND	WIND DIR	WIND SPC	MOON	PHASE	MOON POS	MOON ALT	MOON AZ	MOON DIST				
X	13													
WIND FACILITIES	WIND DIR	WIND SPC	WIND ALT	WIND AZ	WIND DIST									
WIND FACILITIES	WIND DIR	WIND SPC	WIND ALT	WIND AZ	WIND DIST									
EVIDENCE AT SCENE	TYPE	QUANTITY	LOCATION	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS				
EVIDENCE OBTAINED	TYPE	QUANTITY	LOCATION	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS				
OBJECT OF ATTACK	TYPE	QUANTITY	LOCATION	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS				
PROPERTY TAKEN	TYPE	QUANTITY	LOCATION	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS	MARKS				

CODE: 31 K - DEAD BEFORE REPORT MADE A - INCAPACITATING B - EVIDENT C - POSSIBLE D - NO INJURY S - SATISFACTORY P - POOR C - CRITICAL  
 DOA - DEAD ON ARRIVAL (MULTIPLE CODES MAY BE USED)  
 WHEN MAKING COMMENTS INSTRUCTION 39 (DETAILS) PLEASE USE THE NUMBER OF THE SECTION AS YOUR PARAGRAPH HEADING RATHER THAN WRITING ONE OUT PLEASE CIRCLE ALL SECTION NUMBERS IN THE BODY OF THE REPORT WHEN MAKING COMMENTS ON THESE SUBJECTS IN THE DETAILS SECTION

SUSPECT WORE	COAT	KIND	COLOR	HAT	KIND	COLOR	GLASSES	KIND	COLOR	PANTS	KIND	COLOR	SHOES									
	COLOR	BOOTS	KIND	COLOR	SHIRT	KIND	COLOR	SWEATER	KIND	COLOR	GLOVES	KIND	COLOR									
DESCRIPTION OR IDENTIFICATION NUMBER													27	SUSPECT CAN BE IDENT.	YES	NO	BY	RE	TOP	PHOTO AVAIL	YES	NO
WEAPON HELD IN	HAND	WEAPON WAS	29	POSITION	REVOL	RIFLE	S-GUN	BL	LEN	CLUB	COLOR	OTHER TYPE OR FURTHER DESCRIPTION						30	WEAPON RECOVERED	YES	NO	
	DATE	MAKE	TYPE	MODEL	CAL	SERIAL NUMBER	BL	LENGTH	IDENT BY													
VICTIM INFO.	NO. AND COMPLETE CODE			RESIDENTIAL		DE		MORTUARY		AUTOPSY REQUIRED		YES	NO	PERFORMED BY								
#31	PG-1	DUR	PHS												X							
IF ATTENDING	VICTIM F/PRINT	YES	NO	NEXT OF KIN NOTIFIED	BY	32	PHOTOS TAKEN	SCENE	VICTIM	EVID	ADDED	OTHER	D & W	COLOR	WIND	TEMP	DATE	TIME	OTHER TESTS REQUESTED			
				#6	WJ	PG-1	X	X	X	X												
EVIDENCE PROPERTY LOCATION	WHERE	PROPERTY LIST ATTACHED	YES	NO	PROPERTY LIST WITH EVIDENCE	YES	NO	ALL PROP. STOLEN	YES	NO	PROP. BEING	AGENCY RECOVERING										
								\$			\$											
BREATH TEST REFUSED	YES	NO	DATE	GIVEN BY	WITNESSED BY	LOCATION	DATE	TIME	OTHER TESTS REQUESTED													
STATEMENTS TAKEN FROM	1	2	3	OTHER	36	EXHIBITS FOR D.A.	DIAGRAMS	IMPLIED CONSENT	ALCO INF RPT FORM	WAIVER OF RIGHTS												
	X	X	X																			
ACIC INPUT	DATE ENTERED	TIME ENTERED	38	NCIC INPUT	DATE ENTERED	TIME ENTERED																

SYNOPSIS:  
 ON 5/5/77 AT 10:00 AM, CLZ STONGHEART (#31, PG-1) WAS FOUND DEAD ON THE SNOWMOBILE TRAIL NORTH OF SHELDON'S POINT. THE VICTIM, INDICATED, HAD TRIED TO DRIVE FROM SHELDON'S PT TO ALKANUK IN POOR WEATHER. HIS MACHINE GOT STUCK IN A HOLE IN THE ICE, AND THE VICTIM TRIED TO WALK BACK TO SHELDON'S. PENDING AUTOPSY RESULTS IT IS BELIEVED HE DIED OF HYPOTHERMIA, AND NO FELIX PLAN IS SUSPECTED. TOTAL HRS - 10.0.

SEARCHED	INDEXED	SERIALIZED	FILED	DATE
				5/5/77

STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY

2 201 IST 2 ESI INV REPORT

DETACHMENT / POST OR  
CONTRIBUTING AGENCY

D/ST MARYS

FILE NO 081-2211

FILE NO

TYPE OF CRIME	HOW CODE	DATE	PROPERTY	ROW	A & B	ENAB	TRAD	LARC CLSD	LARC UNCLD	AUTO THEFT	EMBEZZ	WEAPONS	PROST VICE	DRUG LAWS
CHECK BOX APPLICABLE	ING LAWS	DIFF	LOC	GAMBLING	DMV	KIDNAPPING	ARSON	SEX	WAL MS	SURCOE	OTHER			
<b>DEATH INV.</b>														
DATE-TIME LOCATION	DATE	TIME	LOCATION											
5/2/81	1:00 AM	5/2/81	SHELDONS POINT											
CODE	NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. STATUS		
WI	JUSTINA M. PRINCE	F	O	12/1/53	27	40	110	RL	BR	AM	SL	GLASSES		
ARRESTED	BY	DATE	TIME											
YES	NO	5/1/81	11:35 AM											
INTERVIEWED AT	BY	DATE	TIME											
HIGH SCHOOL	HALL	5/1/81	11:35 AM											
BOOKING NUMBER	CRIMINAL RECORD	RECORD ATTACHED												
	YES	NO												
CODE	NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. STATUS		
WI	JAMES AFEAN	M	O	3/25/15	56	63	160	SL	RR	AM	M	GLASSES		
ARRESTED	BY	DATE	TIME											
YES	NO	5/1/81	11:50 AM											
INTERVIEWED AT	BY	DATE	TIME											
HIGH SCHOOL	HALL	5/1/81	11:50 AM											
BOOKING NUMBER	CRIMINAL RECORD	RECORD ATTACHED												
	YES	NO												
CODE	NAME	SEX	RACE	DOB	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. STATUS		
ARRESTED	BY	DATE	TIME											
YES	NO													
INTERVIEWED AT	BY	DATE	TIME											
BOOKING NUMBER	CRIMINAL RECORD	RECORD ATTACHED												
	YES	NO												
VEHICLE INFORMATION														
VEHICLE OCCUPANT INFORMATION														
WEATHER CONDITIONS														
MOON LIGHT CONDITIONS														
PAVEMENT CONDITIONS														
DRUGS FOUND														
WEAPONS FOUND														
EVIDENCE AT SCENE														
CONFLICT ATTACK														
PROPERTY TAKEN														

10

13

15 FIGHT CALLED FROM

17 ESCAPE FROM

20 COPPER/PISTOL AT SCENE

21 MATHEMATICS

23 TROOP ATTACK

25 NATURE OF INCIDENT

FILE NO. DFI-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARK'S POST.

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/3/71 10 51

TITLE OF CASE DEATH INV.

INVESTIGATION:

INVESTIGATION REVEALED THAT THE VICTIM ARRIVED IN SHELDONS POINT AT APPROXIMATELY 4:00 PM FROM BETHEL. HE BROUGHT FOUR BOTTLES OF WHISKEY WITH HIM. DURING THE EVENING OF 5/1/71, THE VICTIM CONSUMED THREE OF THE BOTTLES, SHARING THEM WITH FRIENDS. HE ATTENDED THE DANCE AT THE HIGH SCHOOL, WHERE HE GOT INTO A FIGHT WITH JOHN CAMILLE (ASWE, AG) OVER A BOTTLE. FRANK PRINCE (E6WE, AG), THE VPO, HAD CONTACT WITH THE VICTIM SEVERAL TIMES, AS THERE WERE SEVERAL COMPLAINTS ABOUT THE VICTIM'S ACTIONS.

AT APPROXIMATELY 11:30 PM, THE VICTIM WAS SEEN LEAVING SHELDON'S POINT TOWARD AKKANUK VIA SNOWMACHINE. HIS BODY WAS FOUND ABOUT TWO MILES NORTH OF SHELDON'S POINT, AND THE SNOWMACHINE WAS TWO MILES BEYOND THE BODY. THE ONLY TRACKS WERE FROM THE VICTIM, AND SHOWED THAT HE HAD BEEN STAGGERING AND HAD FALLEN DOWN SEVERAL TIMES. THE VICTIM'S SNOWMACHINE HAD PARTIALLY FALLEN THROUGH A HOLE IN THE ICE AND COULD NOT BE MOVED EASILY. IT APPEARED THAT THE VICTIM, HIGHLY INTOXICATED, HAD BEEN ON HIS WAY HOME, AND

SEARCHED _____	INDEXED BY <u>H</u>	<input type="checkbox"/> PENDING	CLASSIFIED _____
SERIALIZED _____	DATE _____	<input checked="" type="checkbox"/> COMPLETE	FILED _____

FILE NO. DEI-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARIS POST

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/2, 4, 5 11 81

TITLE OF CASE DEATH INV.

GOTTEN HIS MACHINE STUCK, AND HAD TRIED TO WALK BACK TO STELDON'S POINT. THE BODY WAS IN A FETAL POSITION, AND IT APPEARED THAT HE HAD FALLEN DOWN AND GONE TO SLEEP.

THE WEATHER ON THAT NIGHT WAS IDEAL HYPOTHERMIA WEATHER. IT WAS 35° TO 40°, MIXED RAIN AND SNOW, WITH 20 MPH WINDS.

DATE TYPED: \_\_\_\_\_  
WRITTEN BY: \_\_\_\_\_

APPROVED BY: [Signature]  
DATE: \_\_\_\_\_

ORIGINAL  
 COPIES

\_\_\_\_\_

FILE NO. DEL-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARYS POST

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/3, 4 1971

TITLE OF CASE DEATH INV.

INTERVIEW:

TOM PRINCE (44WE, PG1) STATED THAT THE VICTIM WAS AT HIS HOUSE FROM 4:00 PM TO 6:00 PM. THE VICTIM DID NOT HAVE ANYTHING TO DRINK, AND APPEARED SOBBER. THE VICTIM LEFT AT 6:00 AND WAS NOT SEEN AGAIN.

INTERVIEW:

JOHN CAMILLE (45WE, PG1) STATED THAT HE FIRST SAW THE VICTIM AT A SCHOOL DANCE AT 7:00 PM. CAMILLE SAID HE WAS HIGH FROM DRINKING HOME BREW, AND TRIED TO STEAL A BOTTLE OF WHISKEY FROM THE VICTIM. A BRIEF FIGHT ENSUED, WITH THE VICTIM RECEIVING SOME BRUISES AND SCRATCHES. CAMILLE AND THE VICTIM THEN WENT OUTSIDE AND HAD SOME DRINKS. CAMILLE STATED THAT HE LAST SAW THE VICTIM AT ABOUT 7:00 PM. WHEN LAST OBSERVED, THE VICTIM WAS VERY DRUNK.

INTERVIEW:

FRANK PRINCE (46WE, PG1) STATED HE WAS ON DUTY AS U.P.O. ON 5/1/71. HE RECEIVED SEVERAL COMPLAINTS AGAINST THE VICTIM, STATING THAT HE WAS DRUNK, STARTING FIGHTS, ETC. PRINCE STATED THAT HE CONTACTED THE VICTIM, AND OBSERVED THAT HE WAS INTOXICATED. PRINCE

SEARCHED	INDEXED	SERIALIZED	FILED

FILE NO. 757-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARYS POST.

INVESTIGATED BY \_\_\_\_\_ DATE(S) INVESTIGATED \_\_\_\_\_ 19 \_\_\_\_\_

TITLE OF CASE \_\_\_\_\_

INTERVIEW:

JAMES AFKAN (BY WE, PG 2) STATED THAT HE FOUND THE BODY AT ABOUT 10:00 AM, 5/2/51. AFKAN WAS GOING TO SET A FISH TRAP. HE SAID THE VICTIM WAS CURLED UP AS IF SLEEPING. HE SAID THERE WERE NO OTHER TRACKS NEAR THE VICTIM. HE FOLLOWED THE TRACKS AND SAW WHERE THE VICTIM FELL SEVERAL TIMES, AND THE TRACKS SHOWED HE WAS STAGGERING.

SEARCHED _____	INDEXED BY <u>WJ</u>	<input type="checkbox"/> INDEXED	CLASSIFIED _____
RECORDED _____	DATE _____	<input type="checkbox"/> CONFIDENTIAL	

April 23, 1981

To: whom may concern:

The way of action of St. Marys City  
emergency Ordinance <sup>is really good</sup> ~~is~~ to me  
in personally as I am a  
native and couldn't find any  
other ~~with~~ best <sup>way</sup> village or city could  
takeing ordinance on alcohol.

I hope the other items  
such as Marijuana and drugs,  
being taken care before it's getting  
to hang.

Neil Skunas  
Sitka Bay VAEC  
City Council Member  
Sitka Bay, Ak 99637

## Alcohol, crime are partners in the Bush

By DON HUNTER  
Daily News reporter

It is the summer of 1979, and more than a dozen young men are in the Bethel jail, crowded around a table and sitting on benches.

The young men are in jail to await trial. Their offenses include rape, assault, and manslaughter. The man charged with the killing seems hardly old enough to be accused as an adult: he is small of frame, shy. While the others talk, he sits, staring at his hands. One of the other prisoners — the one who says he is innocent of the rape charge — says the younger man has been depressed. The conflict that led him here, his jailhouse colleague tells a visitor, erupted in a village over a bottle. The young prisoner doesn't remember how it happened. He only knows he shot his brother.

It is the new song of the wild, a sorrowful, painful chorus repeated in scores of villages and rural towns in Alas-

ka's Bush. Alcohol and its abuse are frequently mentioned as leading causes of crime and misery in many places — urban and rural, in Alaska and in other states. In the Bush, booze takes on a more ominous tone: Here, it is the common denominator in crimes of violence.

Sgt. Glen Godfrey of the Alaska State Troopers supervises law enforcement for an area larger than many states. Headquartered in Bethel, Godfrey's detachment spans 110,000 square miles; 57 villages; about 20,000 people.

"Of the calls we get of a violent nature, generally more than 90 percent are alcohol related," Godfrey said.

"In the last four years, every homicide we've had out here — three to four a year — has been alcohol related."

Other types of serious crimes — stabbings, rapes, shootings — are almost always committed in the company of liquor, Godfrey said.

"We don't have very many of your violent crimes out

In the last four years, every homicide we've had out here — three to four a year — has been alcohol related.

— Alaska State Trooper Glen Godfrey

here," Godfrey said. "People don't take their frustrations out on other people, unless they've been drinking."

The too often deadly combination of liquor and violence has led some villages to enact emergency bans on the importation and sale of alcohol. In Selawik, a village of 500 near Bethel, city leaders enforced a 60-day ban in 1979. In St. Mary's, about 150 miles north of Bethel, a 60-day ban on the importation of alcohol is now in effect, passed by the city council.

The problem with such emergency bans, at least until recently, is that they have often

been illegal because no local election on the issue was scheduled.

In legislation approved last year, the state set up a process for villages to exercise a local option on the availability of alcohol. Liquor limiting proposals can be placed on the ballot when backed by a petition bearing the names of 35 percent of a village's registered voters. Amendments intended to make the process more efficient in bush villages are under consideration in Juneau now.

Alaska Legal Services is in the first months of a program geared to provide technical assistance to villages wanting to

pass such local laws. The program is financed by a grant through the state Office of Alcohol and Drug Abuse.

Barbara Thorn, a legal assistant with the agency, said villages have four options for limiting the availability of alcohol: "to forbid the sale of alcohol, to forbid both the sale and importation, to allow the sale of liquor only at a community-owned liquor store, and to allow the sale only (by a party) with a community-approved license."

Thorn said Legal Services' role under the grant is to serve solely in a technical, advisory capacity. Legal assistants can advise village or city councils on the options available and the process leading the issue to the ballot. They can make suggestions based on model ordinances.

She notes that the agency is not "in the business of being prohibitionists." Word about the existence of the agency's technical assistance travels "by word of mouth — we only

go where we've been invited."

Both Godfrey and Thorn say interest in local options appears to be keen in villages. In only the fifth month of Legal Services' participation, Thorn said the agency is working with at least 30 villages on local option plans.

In addition to exercising a local option on liquor sales, many villages now have an enforcement arm not previously open to them. The Village Public Safety Officers program, initiated last year by the state troopers, has put a locally grown, professionally trained public safety officer in each of about 50 villages.

The 19 public safety officers serving villages in Godfrey's region "have saved some lives out here," he said. "They've made some real positive effects."

But the public safety officer program is still in its infancy — less than a year old — and the local option program is, for all practical purposes, awaiting birth.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

S

B

8

9

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY  
FINANCE

(5)

2/10/82

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had CSSE 99(R18)am

"An Act amending the child protection laws; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  <sup>Zero</sup> New Fiscal Note attached
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CHAIRMAN**

A M E N D M E N T

OFFERED IN THE HOUSE:

By: H.E.S.S.

To: CS HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 89(rls)am

PAGE: 2

LINE: 1

Delete: administrative staff members

Insert: administrators

ANALYSIS FOR CS for SB 89 (Rules) am

Sec. 1: The definition of Child in Need of Aid is expanded to include physical abuse or neglect resulting from conditions created by persons responsible for a child (parent, guardian or custodian). This adds to a similar subsection regarding harm.

Sec. 2: Under this section, the Department of Health and Social Services could take emergency custody of the child who is suffering from sexual abuse as well as abandonment, neglect, and abuse.

Sec. 3: Adds sexual abuse or sexual exploitation to those conditions requiring reporting. It substantially changes the scope by removing the need for attention by practitioners of the healing arts as a prerequisite for reporting responsibilities.

Sec. 4:

Added to the list of people responsible for reporting child abuse are school administrators. This is to ensure that reports from teachers are mandatorily reported to the proper authorities.

Sec. 5: Adds day care and foster care employees to the list of persons responsible for reporting child abuse.

Sec. 6: Adds two new sections to AS 47.17 which would allow persons required to report to document the suspected child abuse through photographs and x-rays and would penalize persons who did not report as a Class B misdemeanor. A Class B misdemeanor is punishable by up to 90 days in jail and a fine of up to \$1,000.

Sec. 7: Adds neglect and sexual exploitation to the definition of child abuse in AS 47.17.070(1).

Sec. 8: Defines sexual exploitation under AS 11.66.100 - 150. This is an attempt to address kiddie porn and other related sexual exploitation.

Sec. 9: Effective date is 7/1/82.

MSG 82-00007840 PRTY 1 02/11/82 19:04:35 ORIG: LA00 IN= 0023 OUT= 0148  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M

PAGE 0001

TO: REPRESENTATIVES BEIRNE, MARTIN, CATO, MALONE, SMITH  
SENATORS PARR, FAHRENKAMP, STIMSON, FISCHER

FROM: HERBERT G.W. BISCHOFF, PH.D.  
NAT'L ASSOC. OF SCHOOL PSYCHOLOGISTS - ALASKA  
P. O. BOX 10-1995, ANCHORAGE 99511 (HM 349-7745) (WK 276-2230)

RE: SENATE BILL 89, CHILD PROTECTIONS LAWS.  
THE SENATE RULES COMMITTEE REMOVED ALL REFERENCE TO "MENTAL ABUSE". THIS  
WAS ONE OF THE MORE IMPORTANT AMENDMENTS. PLEASE RECONSIDER INCLUSION AS  
APPROVED BY THE SENATE HESS COMMITTEE ((LINE 20, CSSB 89 (HESS))). NEXT  
YEAR WE ARE SPONSORING AN INTERNATIONAL CONFERENCE ON THE PSYCHOLOGICAL  
RIGHTS OF CHILDREN. THIS WOULD BE MODEL LEGISLATION. THANK YOU.  
/S/ HERBERT G.W. BISCHOFF



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 23, 1982

#### AGENDA

HB 113	Marriages of limited duration
HB 497	Relating to bearing and adoption of children
HB 498	Relating to bearing children and the parent child relationship.
CSSB 89(R1)am	Amending the child protection laws.

#### Witnesses:

HB 113	Joan Brooks, Vital Statistics
HB 497/498	Joan Brooks
CSSB 89	John Pugh, Div. of Family & Youth Services Victor Krumm, Dept. of Law

Original sponsors: Parr, Fahrenkamp,  
Fischer and Stimson

Offered: 2/8/82

*Judiciary + Finance*

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 89 (Rules) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the child protection laws; and pro-  
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.10.010(a)(2) is amended by adding a new subparagraph  
10 to read:

11 (F) the child having suffered substantial physical abuse  
12 or neglect as a result of conditions created by the child's parent,  
13 guardian or custodian.

14 \* Sec. 2. AS 47.10.142(a) is amended by adding a new paragraph to read:

15 (4) the minor has been sexually abused under circumstances  
16 listed in AS 47.10.010(a)(2)(D).

17 \* Sec. 3. AS 47.17.010 is amended to read:

18 Sec. 47.17.010. PURPOSE. In order to protect children whose  
19 health and well-being may be adversely affected through the infliction,  
20 by other than accidental means, of harm through physical abuse or neglect  
21 or sexual abuse or sexual exploitation (REQUIRING THE ATTENTION OF A  
22 PRACTITIONER OF THE HEALING ARTS), the legislature requires the reporting  
23 of these cases by practitioners of the healing arts and others to the  
24 appropriate public authorities. It is the intent of the legislature  
25 that, as a result of these reports, protective services will be made  
26 available in an effort to prevent further harm to the child, to safeguard  
27 and enhance the general well-being of the children in this state, and to  
28 preserve family life whenever possible.

29 \* Sec. 4. AS 47.17.020(a)(2) is amended to read:

1 (2) school teachers and school administrators ~~and school administrators~~

2 \* Sec. 5. AS 47.17.020(a) is amended by adding a new paragraph to read:

3 (6) individuals involved in day care and foster care.

4 \* Sec. 6. AS 47.17 is amended by adding new sections to read:

5 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. A person required under  
6 this chapter to report that a child suffered substantial harm as a  
7 result of physical abuse or neglect may without the permission of the  
8 parents

9 (1) take or have taken photographs of the areas of trauma  
10 visible on the child; and

11 (2) if medically indicated, have a radiological examination  
12 of the child performed.

13 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required  
14 to file a report of abuse or neglect under AS 47.17.020 who willfully or  
15 knowingly fails or refuses to report the harm required under AS 47.17.-  
16 020 is guilty of a class B misdemeanor.

17 \* Sec. 7. AS 47.17.070(1) is amended to read:

18 (1) "child abuse or neglect" means the physical injury or  
19 neglect, sexual abuse, sexual exploitation, or maltreatment of a child  
20 under the age of 18 by a person who is responsible for the child's  
21 welfare under circumstances which indicate that the child's health or  
22 welfare is harmed or threatened thereby;

23 \* Sec. 8. AS 47.17.070 is amended by adding a new paragraph to read:

24 (7) "sexual exploitation" means

25 (A) permission or encouragement to a child for prosti-  
26 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-  
27 ble for the child's welfare;

28 (b) permission, encouragement, or activity involved in  
29 the unlawful exploitation of a minor prohibited by AS 11.41.455 by

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a person responsible for the minor's welfare.

\* Sec. 9. This Act takes effect July 1, 1982.

## INTRODUCTION

In December 1973 The Early Childhood Task Force of the Education Commission of the States (ECS) published its first model legislation for child abuse and neglect. Since then, a number of states have adopted in part or in whole its suggested language.

In January 1974 the federal government enacted Public Law 93-247, which outlined certain requirements each state must meet to be eligible for federal funding. Accordingly, ECS has asked Brian Fraser<sup>1</sup> to revise his first model legislation to meet the requirements of the new federal guidelines, and is now in its second printing under the auspices of the ECS Child Abuse and Neglect Project. This model act, the work of Mr. Fraser in conjunction and after consultation with Douglas Besharov,<sup>2</sup> meets the requirements of Public Law 93-247. It has been constructed from the original language of the commission's first model to meet the contingencies and problems states will encounter in this area over the next decade.

Today, all 50 states and Washington, D.C., Puerto Rico and the Virgin Islands have statutes requiring that physical abuse of children be reported to some state agency. Many of these laws, however, are

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<sup>1</sup> Brian Fraser, B.A., J.D., Faculty, University of Colorado School of Medicine, Department of Pediatrics; Staff Attorney, The National Center for the Prevention and Treatment of Child Abuse and Neglect, University of Colorado Medical Center.

<sup>2</sup> Douglas Besharov, B.A., J.D., LL.M., Adjunct Professor of Law, New York University School of Law; Director, Select Committee on Child Abuse and Neglect, New York State Assembly.

limited in scope and, consequently, impact. Child abuse continues to be a major unresolved national problem. The general purpose of this suggested legislation is to encourage state legislators to review their existing laws and revise them where appropriate in order to deal more effectively with child abuse and neglect.

It is conservatively estimated that at least 60,000 children -- for the most part under the age of 3 -- are seriously physically abused each year. Seven hundred die at the hands of their parents. If the definition of child abuse is expanded to include sexual molestation, neglect and emotional abuse, the estimates increase astronomically.

Moreover, child abuse is not a single assault, but repeated assaults on the same child, growing more severe the longer the abuse continues. The damage, both physically and psychologically, is cumulative. The longer the abusive behavior continues unchecked, the greater the chance of serious and permanent disability to the child.

Child abuse is conditioned behavior learned from parents and passed along from one generation to the next.

Obviously all the complex factors driving a parent to abuse or neglect a child cannot be dealt with adequately in a single piece of legislation. There is a growing awareness that laws identifying the abused child and the abusing parent must be coupled with treatment programs. Further it must be recognized that there is no single agency, either public or private, that can offer all the services necessary for the identification, treatment and prevention of child abuse and neglect.

Child abuse and neglect are multidisciplinary problems that must be attacked from a multidisciplinary point of view. All community services and all community treatment programs must be fully utilized. Most critically, we must foster communication, coordination and cooperation between all community resources.

The specific purposes of this suggested legislation are:

1. To encourage complete reporting of suspected child abuse and neglect cases by all persons who have contact with young children.
2. To encourage a therapeutic and treatment-oriented approach to child abuse and neglect, rather than a punitive approach.
3. To encourage uniformity in terms and concepts and to encourage communication and cooperation among states.
4. To enable each state to meet the requirements of Public Law 93-747.

Even if this suggested legislation were enacted in the form outlined here, there are two complementary efforts that each state must undertake to maximize the impact of the law. First, education and training must be made available for all persons dealing with child abuse and neglect. Second, there must be an effective utilization of all forms of media to identify the problems and needs in the area of child abuse and neglect. However, a word of caution is in order. There is little value, and perhaps much danger, in saturating the public with tales of the evils of child abuse and neglect. Public awareness is

Increase reporting, solely for the sake of reporting, is counter-productive. If the media is to increase the number of reports, each state must be prepared to offer services and treatment to those so identified.

#### *Federal Impact*

On January 31, 1974, Public Law 93-247 was enacted into law. The primary purpose of this law is to provide federal financial assistance for the prevention, identification and treatment of child abuse and neglect. For a state or its political subdivisions to qualify for funding under PL 93-247, ten requirements must be met:

1. A state must provide for the reporting of known or suspected instances of child abuse and neglect.
2. A state must provide, upon the receipt of a report of known or suspected child abuse or neglect, an investigation of that report by a properly constituted state authority. Each investigation must be initiated promptly; however, the properly constituted state authority must be an agency other than the agency, institution or facility involved in the acts or omissions, if the report of child abuse and neglect involves the acts or omissions of a public or private agency or other institution or facility. In addition, a state must provide, upon a finding of abuse or neglect, for immediate action to protect the health and welfare of the abused or neglected child and any other children who may be in danger in the same home.

3. In connection with the enforcement of child abuse and neglect laws and the reporting of suspected instances of child abuse and neglect, a state must demonstrate that there are, in effect, administrative procedures, trained personnel, training procedures, institutional and other facilities and multi-disciplinary programs and services sufficient to assure that the state can deal effectively and efficiently with child abuse and neglect. At a minimum this must include a provision for the receipt, investigation and verification of reports; a provision for the determination of treatment or ameliorative social service and medical needs; provision of such services; and, where necessary, recourse to the criminal or juvenile court.
4. A state must have, in effect, a child abuse and neglect law that provides immunity for all persons who in good faith report instances of child abuse or neglect (immunity to apply to both civil and criminal prosecution that might arise from such reporting).
5. A state must preserve the confidentiality of all records concerning reports of child abuse and neglect by having, in effect, a law that (a) makes such records confidential and (b) makes any person who permits or encourages the unauthorized dissemination of such records or their contents guilty of a crime.

6. A state must establish cooperation among law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services for the prevention, treatment and identification of child abuse and neglect.
7. In every case involving an abused or neglected child that results in a judicial proceeding, a state must provide that a guardian ad litem be appointed to represent the child in such proceedings.
8. A state must provide that the aggregate of state support for programs or projects related to child abuse and neglect shall not be reduced below the level provided during the fiscal year 1974.
9. A state must provide for public dissemination of information on the problems of child abuse and neglect, as well as the facilities and the prevention and treatment methods available to combat child abuse and neglect.
10. A state, to the extent feasible, must insure that parental organizations combating child abuse and neglect receive preferential treatment.

Clearly, a state's child abuse and neglect reporting statute cannot by itself meet all the requirements outlined in Public Law 93-247. To the extent possible, and to the extent that it is required, the following model Act meets the requirements of Public Law 93-247.

For a thorough discussion of all the requirements and how they can be met, please refer to the Federal Register, Vol. 39, No. 245 (Thursday, December 19, 1974).

SB 89

§ 47.10.142

ALASKA STATUTES

§ 47.10.142

(f) A peace officer may detain a minor who is evading the person having legal custody of him if the minor is not otherwise subject to arrest or detention under (a) of this section, for the sole purpose of either (1) returning the minor to the person having legal custody of him or (2) if the minor prefers, taking him to an office specified by the Department of Health and Social Services, facility or contract agency of the Department of Health and Social Services where such exists in the community. Immediately upon detaining a minor under this provision, the peace officer shall advise him of his right to social services under AS 47.10.142(b), and, if known, the peace officer shall advise the person having the legal custody of the minor of his detention.

(g) No minor who is detained under (f) of this section may be detained in a jail or other facility unless kept out of contact with adult persons convicted or accused of a crime. No minor may be detained in a jail or other detention facility which has not been approved by the Department of Health and Social Services before detention of the minor. (§ 15 art I ch 145 SLA 1957; am § 3 ch 118 SLA 1962; am § 2 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am §§ 1, 2 ch 128 SLA 1972)

Detention orders neither based on competent testimony nor accompanied by the required statement of facts are invalid. In re P.H., Sup. Ct. Op. No. 857 (File No. 1338), 504 P.2d 837 (1972).

Sec. 47.10.142. Emergency custody and temporary placement hearing. (a) The Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

(1) the minor has been abandoned;

(2) the minor has been grossly neglected by his parents or guardian, as "neglect" is defined in AS 47.17.070(5), so that immediate removal from his surroundings is, in the determination of the department, necessary to protect his life;

(3) the minor has been abused, as "abuse" is defined in AS 47.17.070(1), so that immediate medical attention is necessary, in the determination of the department.

(b) A minor who has left home and is evading the person having legal custody of him may obtain the services of the department. The department shall assess the situation and furnish the minor with the social services it considers appropriate to protect the well-being of the minor and to preserve his family life if preserving it is considered desirable under the circumstances. If, after assessing the situation, considering the wishes of the minor, and furnishing appropriate social services, the department considers it necessary, the department may take emergency custody of the minor.

(c) When a child is taken into custody under (a) or (b) of this section, the department shall immediately, and in no event more than 12 hours later unless prevented by lack of communication facilities, notify the

§ 47.10.

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§ 47.10.150 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.150

parents or the person or persons having custody of the child and the court of the action and file with the court a petition alleging that the child is a child in need of aid.

(d) The court shall immediately, and in no event more than 48 hours after being notified unless prevented by lack of transportation, hold a hearing at which the minor, if his health permits, and his parents or guardian, if they can be found, shall be permitted to be present. The court shall determine whether probable cause exists for believing the minor to be a child in need of aid, as defined in AS 47.10.290(8). The court shall inform the minor, and his parents or guardian if they can be found, of the reasons given as constituting probable cause and the reasons given as authorizing his temporary placement.

(e) If the court finds that probable cause exists it shall order the minor committed to the department for temporary placement, or order him returned to the custody of his parents or guardian subject to the department's supervision of his care and treatment. If the court finds no probable cause it shall order the minor returned to the custody of his parents or guardian. (§ 3 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am § 24 ch 63 SLA 1977)

Effect of amendment — The 1977 amendment substituted "that the child is a child in need of aid" for "dependency" at the end of subsection (c) and "child in need of aid, as defined in § 290(8)" for "dependent minor, as defined in § 290(3)" in the second sentence of subsection (d).

Article 2. Juvenile Institutions.

Section	Section
190. General powers of department over juvenile institutions	190. Conditions governing detention
191. Duties of department	200. Releasing juveniles after commitment
192. Power of cities to maintain and operate home or facility	210. Youth counsellors
193. Operation of homes and facilities	220. Grants-in-aid

Sec. 47.10.150. General powers of department over juvenile institutions. The Department of Health and Social Services may

- (1) purchase, lease or construct buildings or other facilities for the care, detention, rehabilitation and education of children in need of aid or delinquent minors;
- (2) adopt plans for construction of juvenile homes, juvenile detention facilities, and other juvenile institutions;
- (3) adopt standards and regulations under this chapter for the design, construction, repair, maintenance and operation of all juvenile detention homes, facilities, and institutions;
- (4) inspect periodically each juvenile detention home, facility, or other institution to insure that the standards and regulations adopted are being maintained;

## NEED FOR SERVICES AND EXTENT OF THE PROBLEM

### NATIONWIDE

Child abuse and neglect occurs in all segments of the community. No group is exempt. Abuse and neglect are not restricted by social class, race, religion, ethnic background, or sex.

### ALASKA

Families in Alaska, and especially Anchorage, have many of the characteristics that contribute to placing them at high risk for abusing and neglecting their children. These characteristics include:

- 1) Social isolation from friends, extended family, and church and social groups.
- 2) Inability on the part of high risk families to make use of existing community resources and services.
- 3) Rigid expectations of children.
- 4) Multiple crises or stresses.
- 5) Inability of parents to get their needs met other than through their children.

These factors combine with Alaska's severe winters, the high rates of alcohol and drug abuse, and lack of availability of day care or after school supervision to contribute to the high rate of child abuse and neglect in Alaska.

Alaska has 150 open child abuse cases for each 10,000 persons in the state. Washington has 90 per 10,000; Idaho has 81 per 10,000. Source: National Center for Child Abuse, Region X.

Of all the Alaska Division of Family and Youth Services cases, 75% are child abuse and neglect. Source: Alaska Division of Family and Youth Services.

### ANCHORAGE

Anchorage has 55 open cases of child abuse and neglect per 10,000 population; New York City has 23 per 10,000. Sources: New York City Social Services; Alaska Division of Family and Youth Services.

Anchorage averages 70-80 new reports of child abuse and neglect monthly. Approximately 12 of those are for incest and child sexual abuse. Source: Anchorage District Office, Division of Family and Youth Services.

### INCEST AND CHILD SEXUAL ABUSE

New reports of incest in Anchorage averaged one per month in 1979. They averaged 12 per month in 1980. Source: Anchorage District Office, Division of Family and Youth Services.

The Anchorage Child Abuse Board and staff treated 38 incest involved families during the eight months this service was provided in 1980. Source: Center for Children and Parents.

Of the children in the cottages at McLaughlin Youth Center, 70% report being sexually abused in their homes by close relatives or family friends. Source: McLaughlin Youth Center.

Between 80% and 90% of the girls at the Salvation Army Booth Home in Anchorage report having been sexually abused by parents, relatives, or close family friends. Source: Booth Home Director.

"In 75% of child molest cases, the offender is a member of the child's own household, a neighbor, a friend, or a person in the community with whom the child has frequent contact.....In 27% of the cases the offender was a relative by blood or marriage.....Almost 40% of the cases involved persons closely related to the child. Source: Three year study in New York City; DeFrancis, 1979.

Between 20% and 30% of all girls in the United States will be sexually molested before the age of 16 years. The majority of these incidents will occur in the family by relatives of the victims. The figure for the boys is 10% to 20%. Source: Finklehor, 1980, and various other estimates and studies.

### ALASKA AGENCIES WORKING ON THE PROBLEM

The Anchorage Child Abuse Board, Cook Inlet Native Association's Family Services Program, and the Fairbanks Child Protection Task Force are the only programs in Alaska which are specifically designed to focus on child abuse, its prevention and treatment. Other agencies encounter child abuse and neglect cases but only as a part of larger programs.

**Child Abuse and Neglect:**  
**Model Legislation for the States**



**Child Abuse and Neglect Project**  
**Education Commission of the States**

**Report No. 71**  
**March 1976**

Michaux Times

## Senate approves measure to protect abused children

The Associated Press

**JUNEAU** — The state Senate unanimously has approved a bill aimed at protecting children who are victims of sexual abuse or exploitation.

Sen. Charlie Parr, D-Fairbanks, who introduced the measure, called it "a big step forward." The bill (CSSB89 Rules am) would make several changes in current law.

The bill, approved by the Senate on Tuesday, authorizes the state Department of Health and Social Services to take emergency custody of children who have been sexually abused or exploited.

Under present law, the department may not take emergency custody of children who have been sexually abused unless their lives are in danger, Parr said.

The bill also expands the number of people required to report cases of child abuse and neglect — including both physical and sexual abuse — to state authorities. Under the bill, school administrative staff members would be required to report children who have been abused.

In addition, current law requires doctors, teachers, social workers, police and administrators of corrections institutions to report cases of child abuse.

Under Parr's bill, a person required to file a report of abuse or neglect who knowingly refuses to make a report would be guilty of a class B misdemeanor, which is punishable by up to six months in jail.

The bill also authorizes people who are required to report cases of child abuse or neglect to take photographs or make X-ray examinations, of the child without permission of the child's parents.

"This should give us better reporting," Parr said. "If the photos and X-rays are taken it should give us a better chance of showing the condition" of an abused child.

statute for Senate Bill No. 89, amending the child protection laws. The act, as amended, strengthens the ability of the Department to protect children who have been harmed or are in danger of being harmed through not only physical abuse and neglect, but also mental abuse or neglect, sexual abuse and sexual exploitation.

An analysis of this Bill by section follows:

Section 1 adds mental or physical neglect as a condition by which a child can be adjudicated as a child in need of aid.

Section 2 provides greater protection to sexually abused children by adding this condition to those in which the Department is authorized to assume emergency custody. Since sexually abused children are in danger of being pressured and of continuing to be abused unless they are removed from the home, this is an improvement to the current situation.

Section 3 amends the child abuse reporting statute to include mental harm and sexual exploitation as conditions to be reported to the Department.

Section 4 adds school administrative staff and individuals involved in day care and foster care to the list of persons who are required to report child abuse or neglect if they become aware of it in the performance of their duties.

Section 6 permits the taking of photographs of injuries to the child; and, if medically indicated, of X-rays. It also provides a penalty for failure to report, which considerably strengthens the law since otherwise persons may ignore it.

Section 7 adds definitions required by these additions, including the addition of sexual exploitation which includes both prostitution and pornographic photographs or filming, to the definition of abuse. It also defines mental injury and neglect to mean that there has to be evidence of substantial impairment to the child's ability to function, either intellectually or psychologically, but recognizes that the child's culture must be taken into account in determining any such impairment.

In summary, the Department believes this Bill, if passed, will provide greater protection to Alaskan children.

RECOMMENDED BY: John R. Pugh  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE: 4/9/81

APPROVED BY: Helen U. Beirne  
Helen U. Beirne  
Commissioner

DATE: 4/10/81

IV. DATE 4/9/81 PREPARED BY John R. Pugh John R. Pugh, Director  
AGENCY Division of Family and Youth Services  
PHONE 465-8170

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislative Name)

M. Marie Anderson  
4/12/81

**II. FISCAL DETAIL**

Agency Affected Department of Health and Social Services

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

**EXPENDITURES** (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS**

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

**III. ANALYSIS** (See Fiscal Note Preparation Instructions, Section III)

CS for Senate Bill No. 89 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 4/9/81

PREPARED BY John R. Pugh John R. Pugh, Director  
 AGENCY Division of Family and Youth Services  
 PHONE 465-8170

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (If Not Legislative Name)

*A. Marie Gendron*  
 4/13/81

POSITION PAPER

CS FOR SENATE BILL NO. 89 (RULES) am

"An Act amending the child protection laws; and providing for an effective date."

The Department of Health and Social Services is in support of CS for Senate Bill No. 89 amending the child protection laws. Significant elements of the Bill include the addition of sexual abuse as one of the conditions under which the Department may assume emergency custody. Under current statute it is unclear whether the Department has the authority to assume emergency custody, and in cases of sexual abuse, children are often in danger of being pressured and of continuing to be abused unless they are removed from the home. Therefore, this amendment provides stronger protection to children who are being sexually abused or exploited.

This Bill also amends the child protection reporting statute to require school administrators and individuals involved in day care and foster care to report child abuse or neglect if they become aware of it in the performance of their duties. In addition, it permits the taking of photographs of the injuries to the child and, if medically indicated, of X-rays. It also provides a penalty for failure to report, which considerably strengthens the present law.

The Department wishes to point out a minor problem in this Bill. Section 1 was amended by the Rules Committee to eliminate mental harm from the previous wording. This has resulted in Subparagraph F (Lines 11-13, Page 1) being substantially the same as Subsection C in existing statute. The Department thus recommends that Section 1 be deleted from this Bill.

In summary, the Department believes this Bill, if passed, will provide greater protection to Alaskan children; and, therefore, the Department supports its passage.

RECOMMENDED BY: John R. Pugh  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE: 2/16/82

APPROVED BY: Helch D. Beirne  
Helch D. Beirne  
Commissioner

DATE: 2-17-82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. CS for Senate Bill No. 89 (Rules) am  
Title "An Act amending the child protection laws; & providing for an eff. date."  
Requested by The Rules Committee Date \_\_\_\_\_

II. FISCAL DETAIL  
Agency Affected Department of Health and Social Services  
Program Category Affected \_\_\_\_\_  
BRU, Program, Or Subprogram's Affected \_\_\_\_\_  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

CS for Senate Bill No. 89 (Rules) am has no fiscal impact on the Department of Health and Social Services.

IV. DATE 2/16/82

PREPARED BY John R. Pugh, Director  
AGENCY Division of Family & Youth Service  
PHONE 465-3170

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First legislator Named)  
33-001 (Rev. 12/81)

JCC

## PREFACE

*Monday's child is fair of face  
Tuesday's child is full of grace  
Wednesday's child is full of woe  
Thursday's child has far to go....*

**CHILD ABUSE** —The first image to come to mind may be of a battered child, or a neglected youngster. A 16-month-old infant with bruises, burns and cuts ....An undernourished, raggedy five-year-old who hasn't seen her parents in days ....These kids are victims of violence and neglect.

But Wednesday's children are not always beaten or hungry. The word "abuse" covers a broad range of harsh possibilities. Included as one, and present in all other forms is emotional abuse. This month **CROSSROADS** looks at the life circumstances of emotionally abused children, at efforts to define and deal with the problem, and at work being done to combat mental injury in children.

WE HOPE THIS issue will be of particular interest to teachers, physicians, day care workers, and others who work with children; as well as for those now engaged in one of the toughest jobs in the world: parenting.

Much of the material for this issue is reprinted with permission of Seattle's Region X Child Abuse and Neglect Resource Center, and of Diane Worley, who wrote and originally edited the information for that organization.



## CINDY'S STORY

WHEN CINDY WAS eight, she was referred by school authorities. Her teachers were concerned that Cindy was being treated differently at home than her brothers and sisters and felt that she needed protection from the negative attitude displayed toward her. Not only the parents, but the other children in the family scapegoated Cindy.

The school staff described a "Cinderella syndrome." Cindy was the child who always wore cast-off clothing, was required to do more household tasks than the other children and was not given the same privileges and opportunities. The other children were allowed to join Brownie troops and Boy Scouts but Cindy was not allowed to join or participate in any outside activities. The family ate in the dining room — except for Cindy, who ate in the kitchen standing at the drainboard. The mother never visited Cindy's classroom nor inquired about her progress.

THE CONTRAST between her treatment and that of the other children in the family was obvious, tangible and observable. The parents felt that Cindy was different from the other children, and that her treatment was due to her own inability to integrate well into the family. She was seen as a difficult child over whom rigid discipline and control had to be exercised.

Cindy had been characterized in this way throughout her developmental years. She viewed herself as less desirable than the other children. She was depressed and unhappy about her inability to participate with the family but felt she was bad and did not deserve to be included.

"Emotional Abuse of Children"  
By Dorothy Dann

ly and generally gave her parents a great deal more joy than trauma throughout infancy.

They were sure that a second baby would double the joy of parenting.

JASON, THOUGH, was Kimberly's opposite in every way. He fussed, frowned, and wiggled constantly. He demanded to be fed every and any hour of the day and seemed to gain immense energy from two-hour catnaps.

By the time the boy was a year and a half it seemed as if he could tear the house apart just by toddling through it. Dinner time was an exercise in throwing and spitting. Jason hollered at the top of his lungs whether happy or distressed and hung on his mother until every skirt she owned was ripped or mis-shapen.

hardly imagine that anything could be worse than what she'd already endured. She was exhausted, frustrated, and appalled at herself and her son. She found herself looking for reasons to shut him in his room—just so she could get some rest. She couldn't stand to hold him any more and had said "no" to Jason more times than she'd ever said the word in her life.

Without knowing it, Jason's mother was well on the road to emotionally abusing her young child.



## THERE ARE SUCCESS STORIES

CRUI, THERE IS little doubt, is an emotionally abused child. Her life is fettered by insecurities, huge self doubt and depression. Each life-defeating emotion is reinforced daily by her family's treatment of her.

Jason and his mother were both lucky. Fortunately for both of them, he caught the mumps. His mother took him to their perceptive and concerned physician, who noticed her response to his feisty temperament.

"THE MUMPS ARE easy," he said. "But right now I see symptoms of a more virulent problem—your relationship." At that point Jason's mother broke down, trembling near-hysterically through the long story of her inability to cope with this energetic, tyrannical child. Kim was so sweet. Jason so maddening. And she, the mother to them both, was horrified by her growing hatred of the boy.

So they talked, while Jason played in another room.... About her expectations when she became pregnant; about the ease of raising Kimberly and the struggles with Jason.... About the differences between the two. It was then that the doctor began to talk about the very real battle all people face between expectations and reality.

"EVERY CHILD—each person is unique. You must look closely and without prejudice in order to discover the personality, the individual needs and traits. You cannot decide that your child will be an A-student or a star fullback, a troublemaker or a future President. You cannot

decide that Jason will be like Kim and then raise it based on those decisions and expectations. If you try, they will outwit and frustrate you at every turn.

"Worse," he said, "they will learn all too quickly that they are not what is wanted... They'll fight you in defense of themselves... They'll fight themselves to be what you want them to be. Kim will try to be better, sweeter, and even more accommodating—because she knows that is what you want. Jason will try vainly to bury his energy. But because it is in his nature, he can't possibly succeed. He will fight himself and you. And you... You will fight, too: Your expectations, your children, your desire to be a wonderful mother—and your dislike of this different and confounding child.

"EACH OF YOU will be learning fear, anger, self-hatred. Each will compete, vainly, for First Prize: The best...The worst." The doctor paused. "I have to be blunt. Nobody wins this competition.

"Now, I could provide tranquilizers. For you and for Jason. But I don't want to. What I want to do is to give you a different kind of prescription. First of all, know that Jason may not always be a troubled and troubling child. Everyone can change. I want you to take a good look at your kids. See how they differ right now. Listen to them. Watch them. Pay attention to your expectations—and to the reality.

more

you and best of your children. For your sake and for theirs."

As it turned out, this mother and the physician worked together to recreate the relationship between parent and child. It took time. Patience. Dedication to the effort. But, over time, Jason's mom began to really see her son—and her daughter—and to care for them as the very different children they were.

BOTH CHILDREN slowly realized that they were loved for themselves. And their mother—slowly—grew to be more sure of herself, more knowing, and willing to accept these unique and growing individuals in her life.

teacher or physician set the conflict and intercedes. They help the parent see that he or she is not alone—trapped with a monster child. They help the parent see that relationships, the awful ones and the wonderful ones, are never permanent. They change and can be changed. ....That it's all right to dislike a child today and like him or her tomorrow.... That it's all right to ask for help and support when it's needed. That it is normal and human to be imperfect.

## WHAT IS EMOTIONAL ABUSE?

WHAT HAPPENS WHEN no one sees the struggle between expectation and reality --between parent and child? What happens when the parent is blind to the struggle?

When that happens, everyone is at risk. Cindy. Jason. Their mothers and fathers. The foundation is laid for emotional abuse or neglect.

WHAT IS EMOTIONAL abuse? That's no easy question to answer. First of all, like the doctor said, it's a no-win situation. And, before we discuss its definition, it's most important to realize that parents who emotionally abuse or neglect their children are not "horrid" people. They're not crazy and they're not mean or bad. They're just folks. Most likely they're trapped by their expectations, by their perceptions of themselves and their children, by habits they don't know how to change.... But the bottom line is that these are parents who are having trouble raising their children. No more. No less.

With those thoughts in mind, here are some attempts by students of the subject to create working definitions of emotional abuse and neglect:

"A chronic attitude or act on the part of a parent or caretaker that is detrimental to, or prevents the development of, a positive self-image in the child." (Dean)

"An injury to the intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in his or her ability to function within his or her normal range of performance and behavior, with due regard to his or her culture." (MOON, Draft Model Child Protection Act.)

"Emotional abuse is excessive, aggressive, or unreasonable parental behavior that places demands upon a child to perform beyond his or her capabilities. Examples might include constant and persistent teasing, belittling, or verbal attacks. Sometimes emotional abuse is not what a parent does but what the parent doesn't do. Children who receive no love, no care, no support, and no guidance will carry these scars into adulthood." (National Committee for Prevention of Child Abuse)

"Serious emotional damage is evidenced by severe anxiety, depression or withdrawal, or untoward aggressive behavior toward self or others, and the child's parents' unwillingness to provide treatment for him/her." (Giovannoni)

IN SUM, EMOTIONAL maltreatment of a child can include the following types of behavior by one or both parents or caretakers:

Withholding affection and support, guidance or acceptance....

Making unreasonable demands of the child....

Denying privileges to the one while allowing them to other children in the family....

Consistently belittling, teasing, correcting, denying or criticizing that child's behavior....

Forcing the child into a particular and negative role. For example: "Suzy lies." "Tommy is a bad boy." "Sandra's dumb." "Johnny's uncoordinated." "He's the devil's child... uncontrollable... impossible... lazy...."

MORE

suffering from emotional maltreatment can develop a variety of adaptive behaviors. No child will react the same as any other, but these are possible responses to emotional neglect and abuse:

**PHYSICAL:** Behind in normal growth and developmental stages;  
Excessive anxiety;  
Belittled or treated unequally in the family;  
Child readily sets self up for failure or ridicule;  
Difficulty in verbalizing feelings....

**BEHAVIORAL:** Extremes in behavior, from overly aggressive to shy or passive withdrawal;  
Delinquent or destructive behavior;  
Regressive behavior like sucking or rocking;  
Low self-image;  
Talks about self negatively;  
Tries to assume many adult roles;  
Extreme willingness to please....

THESE ARE THE kinds of responses an emotionally abused child may have. But, according to Diane Worley (Region X Child Abuse and Neglect Resource Center), "We cannot always label a child in emotional trouble as a psychologically abused child. That a child is in emotional trouble is not clear indication of why she/he is in trouble. We also must be careful not to identify family interactions as emotionally abusive just because they deviate from our own preferred way of behaving, if there appear to be no harmful effects on the child.

"To help alleviate these difficulties, the Draft Model Child Protection Act outlines four criteria that can help to identify possible cases of emotional maltreatment:"

1. Emotional maltreatment is a parental (or caretaker) pattern of behavior that has an EFFECT on the child.
2. The effect of emotional maltreatment can be OBSERVED in the child's abnormal performance and behavior.
3. The effect of emotional maltreatment is LONG-LASTING.
4. The effect of emotional maltreatment constitutes a HANDICAP to the child.



## IN CONCLUSION

FROM THE BRIEF information presented it is understandable why James Garbarino identifies emotional abuse as "the elusive crime." Mental injury is difficult to define, difficult to identify and difficult to document. For these reasons emotional maltreatment of children has been conveniently ignored for too many years—it is not even included in all state child abuse and neglect reporting laws. In view of these issues, what steps can be taken to insure protection and treatment for emotionally maltreated children?

The most important first step to be taken is the recognition of emotional maltreatment. We must know that it does exist and that it can have serious, life-threatening, long-range, and irreversible effects on the emerging person. (Whiting)

FAMILIARIZE YOURSELF with the signs and indicators of emotional maltreatment and be able to identify various physical and behavioral signs of mental injury. But, remember that physical and behavioral signs are not conclusive. For this reason an additional step is important before properly formulating a suspicion—talk with the parent(s) about the child's behavioral or performance problems and, if possible, observe the way the parent(s) and child interact. Offer support and assistance in obtaining help for the child and parent(s).

When a report of suspected emotional abuse is made, the child protective investigation involves the enormous task of identifying the linkages between the child's abnormal behavior and parental acts or omissions. In order to document those linkages it is important to have a wealth of information—indicators, signs, contact with child/parent(s), offer of assistance/help, a second opinion. A well prepared and documented court presentation is the best tool in combatting mental injury in children.

It is becoming increasingly apparent that too many of our children are suffering from the effects of emotional maltreatment. We can no longer ignore the indicators of mental injury in children. It is time to harness this "elusive crime."

BY DIANE WORLEY

BY SUSAN MCINNIS

Women's Day, films will be shown: "Rape Culture," an eye-opening look at the acceptance of rape in America... "To Love, Honor and Obey," a new film about domestic violence... and a slide-show which details the remarkable history of the National Organization of Women.

The showing is free. Begins at 1 p.m. in room 302 of the Gruening building at the University. Public most welcome --bring a friend.

8th INTERNATIONAL WORKING WOMEN'S DAY. Women In Crisis invites the public to join in a brunch at The Pump House. 1 p.m. Cost will be \$8.80. We'll have a short presentation on

very short notice, but reservations MUST be made in advance: Ask for Mary at 452-2293. Please, call today. See you there.

10th WIOCA Board meeting. At the Center. 5 p.m. Board members only.

27th WIOCA ANNUAL MEETING. All members are invited. This will be a dinner meeting, held at The Pump House. Cost: \$16.85. Beginning at 7 p.m. Advance reservations required by 3/13. Send your check or call Mary at 452-2293.

31st WIOCA Board meeting. At the Center. 5 p.m. Board members only.

## FOOTNOTES

We're pleased to announce that the "First Annual WIOCA Dancethon" was both successful and a great deal of fun. At this point we've taken in over \$2,000. and hope for a good deal more. Thanks again to everyone who helped in the benefit.

Beginning the third week in March WIOCA will start its second Parenting Class. The class runs 7 weeks, 1 1/2 hours a week, at a cost of \$25. A sliding fee is available for those who need it.

The class will be facilitated by Adie Goldberg, WIOCA's legal advocate, who last directed a day care center and has long time experience in working with children and parents. The class will be based on the Parent Effectiveness Training Model. To register, call Adie at 452-2293.

The month of March is both eventful and saddening for the staff of Women In Crisis. Our Executive Director, Carla Slaughter Tingone, is leaving. After two and a half years, during which time and under her guidance WIOCA has seen immense and positive growth, Carla will be moving on to other work in Juneau. We invite all WIOCA members to join us at the Annual Meeting and dinner, to bid Carla farewell and the best in her new pursuit. At that time we will also welcome Ruth Lister to the Executive Director's position. Ruth has been director of Erep'ut Children's Center for two and a half years. She brings a great deal of experience and dedication with her and we welcome her warmly to WIOCA's helm.

A NOTE: Because we are moving some of our offices (all within our building) and meeting room, WIOCA's Brown Bag Lunches have been postponed for a time. We will return to regular BBI presentations as of April. Watch April CROSSROADS for coming schedules.

SM

For some, this may be a final issue of CROSSROADS. As you know, WIOCA is a membership organization. We are supported by grants and by the contributions of members. Membership dues allow WIOCA to provide client and community services not afforded by our grant monies: Transportation for women and children who must leave their homes, assistance for women who have been raped, the purchase of films and books, even blankets and pillows for our shelter. In addition, money contributed goes for such things as tuition for staff training workshops. This year dues and contributions helped pay our high fuel bills.

Our membership is an extremely important part of the organization --because of this financial support, and because of the caring and interest that support implies. Through the publication and distribution of CROSSROADS, WIOCA is able to acknowledge and inform our members. We would like to encourage our readers to begin or sustain your membership. You will be able to continue your CROSSROADS subscription, have voting privileges in the election of the Board of Directors, join in our Annual Meeting and Dinner, and take part in any and all other activities involving the membership.

Please join us. If you have not received a membership application, or if not yet returned one sent, take a moment to complete the application we've enclosed here. We value your alliance with Women In Crisis and ours with you.

Thank you. --Susan McInnis.

COMMITTEE REPORT  
SENATE

*Rules  
Fiscal  
Finance*

FURTHER:

Finance

1/15/81

Date: \_\_\_\_\_

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 89 amending the child protection laws

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 89 (HESS)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation *your fiscal note*
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*Tommy D. Stevenson*  
*W. J. ...*  
*Chairman*

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Chairman*  
 CHAIRMAN

# MEMORANDUM

TO: [

John Pugh  
Social Services Field Adm.  
Juneau, Alaska

DATE: March 4, 1980

FILE NO:

TELEPHONE NO:

FROM:

Floy Ann MacPhee *FAM*  
Staff Manager  
Northern Regional Office

SUBJECT: Emergency Custody  
Statutes 47.10.142

As you know, when the children's codes were revised 47.10.142 was not. I am really seeing the need for a change/addition to more clearly protect the young sexually abused child, the child who is too young to refuse to return home. Although the definition of abuse includes sexual abuse 47.10.142 (3) qualifies the taking emergency custody of an abused child to a situation where "immediate medical attention is necessary." (Or imminent danger of physical harm:)"

In most instances of sexual abuse, medical attention is indicated but it is often not "immediately" needed. In most situations where there is sexual abuse of a child under teenage years, emergency custody is indicated. Reasons for this include:

- 1) The child comes under incredible pressure from the family not to tell or if they already have, to change their story.
- 2) The child does not feel safe.
- 3) Potential of physical retaliation.
- 4) The telling does not prevent on-going sexual abuse.
- 5) When the family convinces child to change the story we often have no grounds to continue to intervene to protect the child.
- 6) The family generally will not confront and deal with what has occurred without intervention.

Although we are taking emergency custody in most situations, if we ever get challenged on this, we are probably on pretty shaky grounds. Suggested wording for a change in the statute could be: 47.10.142 (3) the minor has been sexually abused under circumstances defined in 47.10.010(D). Change current (3) to (4).

CC: Niesje Steinkruger

FAM/dh

# STATE OF ALASKA

## DEPARTMENT OF LAW

DISTRICT ATTORNEY OFFICE

JAY S. HAMMOND, GOVERNOR

### POLICY ANALYSIS FOR PROPOSED HOUSE CS FOR SB 89

Protection of the children of Alaska should be the state's highest priority, for they are the most important resource of our future. The Department of Law's proposed committee substitute to SB 89 aims at improving that protection by amending a number of statutes and enacting some additional statutes.

Section 1 of the proposal amends a current provision relating to emergency custody of abused children by allowing DHSS to take emergency custody of an abused child for his protection. The current requirement that the abused child must need immediate medical attention before emergency custody can be taken is much too stringent. A child victim of physical or sexual abuse who is in need of protection should be protected, if possible, before medical attention becomes necessary.

Section 2 outlines a legislative recognition that the protection of children is to be multi-faceted in goals and approach. Reports of child abuse or neglect to appropriate public authorities serves a useful societal purpose: as a result of these reports, protective services are to be made available to the child to prevent further harm and to ensure a child's well-being, and services are to be provided

preserve family life whenever possible. The legislation also recognizes the need for and encourages inter-agency cooperation of agencies having child protection functions. This provision is significant because it establishes a requirement for a multi-faceted approach to a multi-faceted problem.

The proposed language also explicitly recognizes that effective child protection preserves and protects the public safety and order.

Section 3 of the bill has a number of purposes.

First, it expands current law by allowing the reporting of child abuse or neglect to the police as well as to DHSS. It is anticipated that this would increase the reports of abuse or neglect.

Second, certain professionals required to report instances of abuse or neglect would be required to submit a written follow-up report to DHSS within 72 hours. A number of other jurisdictions have enacted requirements similar to this. There are a number of purposes for this written report:

(a) To preserve and provide written documentation of evidence of abuse or neglect. This documentation can be important -- even crucial -- in providing a basis for treatment of a child or for establishing proof of abuse or neglect for a court. It is important to document observations and information right away to avoid later memory problems and to provide a foundation for child protection agencies' investigations.

(b) To increase accountability. Oral reports

Page Three

can be ignored because there is no way to check; written reports provide an important safeguard.

(c) To provide data.

One potential category that was not included for mandatory reporting requirements involved persons in providing counselling or assistance to child abusers. This category could be included if deemed desirable.

Section 4 represents an important addition to the law, for it puts into action the means by which the legislative intent of inter-agency cooperation is to become a reality. It mandates that child protection agencies work together, from the beginning, and its thesis is that professional communication and cooperation will be more productive than disjointed, fragmented approaches to dealing with child abuse or neglect. It requires the police, the Department of Health and Social Services, and the Department of Law to adopt an interdisciplinary approach that is now lacking and badly needed.

It should be noted that the police would be required to notify DHSS of any report of child abuse or neglect just as they are required to do today. DHSS would then be required to notify Law of a report of abuse, thereby triggering the interdisciplinary approach. There are a number of reasons for this. Abuse may often require much more rapid official response, evidence may need to be gathered quickly, the abuse could be felonious in nature so that immediate state intervention is necessary. In addition, there is rarely any reason to involve police in neglect investigations.

Page Four

The section also grants DHSS authority to visit a child's home, to talk with him-or her, or to secure a physical, psychiatric, or psychological examination of the child if appropriate. This section does not expand the definition of abuse to now include psychological or emotional abuse. Instead, it grants DHSS the authority to have professionals examine or evaluate a child to determine what is wrong and how to help that child.

Section 5 is self explanatory.

Section 6 provides the means by which valuable evidence can be obtained of abuse as well as providing authority for a radiological examination that may be necessary for the child's treatment.

Section 7 is the definition section. "Abuse" is limited to physical or sexual abuse.

Section 8 aims at clarifying an ambiguity in the present law by explicitly allowing Department of Law access to court and social records that pertain to a child who is the apparent victim of abuse.

March 19, 1982

ANALYSIS BY BILL SECTION  
OF PROPOSED  
HOUSE CS FOR SB 89

<u>Sec. No.</u>	<u>Page; Line</u>	<u>Analysis of Section</u>
1	1; 10	Deletes the requirement of necessity for immediate medical attention to take emergency custody, and emphasizes protection of child as determinative factor.
2	1; 15	Outlines legislative purpose behind AS 47.10: protection of children, preservation of family life when possible, encourage cooperation between agencies with child protection functions involving abuse or neglect, preserve and protect the public safety and order.
3	2; 1	Delineates the professional persons who are required to report child abuse or neglect to proper authorities. An immediate report can be made either to the Department of Health & Social Services or to a law enforcement agency. Requires a written follow-up report of the harm to the department within 72 hours. Expands the categories of persons required to report.
4	3; 9	Sets out the required interplay of agencies having child protection functions. The law enforcement agency must immediately notify DHSS when it receives a report of abuse or neglect of a child. DHSS is required to immediately notify Law of a report of abuse of a child and must provide a written follow-up to Law within 72 hours.
4	4; 7	Provides that the DHSS investigation of a child abuse or neglect report may include a visit to the child's home, an interview with the child, or a physical, psychological, or psychiatric examination of a child.

<u>Sec. No.</u>	<u>Page; Line</u>	<u>Analysis of Section</u>
4	4; 16	Requires Law to review reports of abuse and then to assist DHSS in taking legal action, if appropriate.
5	4; 22	Requires DHSS to maintain a central registry of reports required to be filed by AS 47.17. Provides that reports of abuse and neglect are confidential except that they may be disclosed to governmental agencies having child protection functions for their limited use in investigations of judicial proceedings involving a crime against a child, child abuse, neglect, or custody. Provides a criminal penalty for knowing improper disclosure of these confidential reports.
6	5; 8	Grants authority to DHSS or a person required to report child abuse or neglect to photograph or X-ray areas of trauma visible on an apparent child victim, without parental consent. Provides further that DHSS or a health practitioner, if medically appropriate, may have a radiological examination performed on the child.
6	5; 16	Provides that the penalty for a person required to report child abuse or neglect who knowingly fails or refuses to do so is a violation.
7	5; 21	Provides definitions of significant words or phrases.
8	6; 25	Provides that all information and social records pertaining to a minor which are prepared by an employee of a court or an employee of a federal, state or city agency are privileged and may not be disclosed without the court's permission, except that information or social records of an apparent child victim of abuse is to be disclosed to Law upon request.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Proposed HCSSB 89 (HESS)

Title "An Act Amending the Child Protection Laws"

Requested by House HESS Committee

Date March 19, 1982

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Prosecution

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Although enactment of this proposed substitute bill will add some additional duties to our prosecutor's offices, we do not believe that these additional duties, in sum, will require the addition of personnel or other significant resources. The bill provides for increased interagency cooperation in child abuse and neglect cases and increases the categories of persons required to report child abuse. AS 47.17. The enactment of this and other bills affecting prosecution, at a time when the legislature is considering diminishing the resources available to the Department in FY 83, could very well hamper the Department's overall ability to prosecute criminal offenses.

IV. DATE March 22, 1982

PREPARED BY Daniel W. Hickey, Chief Prosecutor

AGENCY Department of Law

Original: Legislative Finance

PHONE 465-3460

cc: Budget and Management

Prime Sponsor (First Legislator Named)