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**66**

RECEIVED

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: SB 66  
PUBLISH DATE: OFFICE OF

FISCAL NOTE

SENATOR RICK HALFORD

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: "An Act relating to immunity for  
treatment of intoxicated persons..." BRU: Law Enforcement  
Sponsor: Senator Halford Component: AST, FWP, CAP, VPSO,  
Requestor: Senator Halford FP

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-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

ANALYSIS: (Attach a separate page if necessary)

SB 66 would prevent lawsuits against the State, Department, and its officers, employees, and agents for discretionary decisions regarding incapacitated (intoxicated) persons. Passage of this bill may eliminate future liability, and would have no fiscal impact on the Department's present budget.

Prepared by: Captain C. Roger McCoy, Special Assistant Phone: 465-4322  
Division: Office of the Commissioner Date: 1/23/89

Approved by Commissioner: Arthur English Date: 1-23-89  
Agency: Department of Public Safety

- (1) emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital;
- (2) inpatient treatment;
- (3) intermediate treatment; and
- (4) outpatient and follow-up treatment.

(c) The office shall insure that adequate and appropriate treatment is provided to alcoholics and intoxicated persons admitted under AS 47.37.160 — 47.37.190 within the limits of available state and federal funds.

(d) The office shall maintain, supervise and control all facilities operated by it subject to the regulations of the department. The administrator of each facility shall make an annual report of its activities to the coordinator in the form and manner the coordinator specifies.

(e) If possible, the office shall coordinate the activities of the program with all appropriate public and private resources.

(f) The coordinator shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities.

(g) The office may contract for the use of any facility as an approved public treatment facility if the coordinator, subject to the regulations of the department, considers this an effective and economical course to follow. Contracting under this subsection is governed by AS 36.30 (State Procurement Code). (§ 1 ch 207 SLA 1972; am § 5 ch 150 SLA 1980; am § 62 ch 106 SLA 1986)

**Effect of amendments.** — The 1986 amendment, effective January 1, 1988, added the last sentence in subsection (g).

**Sec. 47.37.170. Treatment and services for intoxicated persons and persons incapacitated by alcohol.** (a) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help or a person who appears to be intoxicated in or upon a licensed premise where intoxicating liquors are sold or consumed who refuses to leave upon being requested to leave by the owner, an employee or a peace officer may be taken into protective custody and assisted by a peace officer or a member of the emergency service patrol to the person's home, an approved public treatment facility, an approved private treatment facility, or another appropriate health facility. If all of the preceding facilities, including the person's home, are determined to be unavailable, a person taken into protective custody and assisted under this subsection may be taken to a state or municipal detention facility in the area.

(b) A person who appears to be incapacitated by alcohol in a public place shall be taken into protective custody by a peace officer or a member of the emergency service patrol and immediately brought to

an approved public treatment facility, an approved private treatment facility, or another appropriate health facility or service for emergency medical treatment. If no treatment facility or emergency medical service is available, a person who appears to be incapacitated by alcohol in a public place shall be taken to a state or municipal detention facility in the area, if that appears necessary for the protection of the person's health or safety.

(c) A person who voluntarily appears or is brought to an approved public treatment facility shall be examined by a licensed physician as soon as possible. After the examination, the person may be admitted as a patient or referred to another health facility. The approved public treatment facility which refers a person shall arrange for transportation.

(d) A person who, after medical examination, is found to be incapacitated by alcohol at the time of admission or to have become incapacitated at any time after admission, may not be detained at a facility after the person is no longer incapacitated by alcohol. A person may not be detained at a facility if the person remains incapacitated by alcohol for more than 48 hours after admission as a patient, unless the person is committed under AS 47.37.180. A person may consent to remain in the facility as long as the physician in charge considers it appropriate.

(e) A person who is not admitted to an approved public treatment facility, is not referred to another health facility, and has no funds, may be taken to the person's home, if any. If the person has no home, the approved public treatment facility shall assist the person in obtaining shelter.

(f) If a patient is admitted to an approved public treatment facility, his family or next of kin shall be promptly notified. If an adult patient who is not incapacitated requests that there be no notification of next of kin, his request shall be granted.

(g) Peace officers or members of the emergency service patrol who comply with this section are acting in the course of their official duty and are not criminally or civilly liable for it.

(h) If the physician in charge of the approved public treatment facility determines it is for the patient's benefit, an attempt shall be made to encourage the patient to submit to further diagnosis and appropriate voluntary treatment.

(i) A person taken to a detention facility under (a) or (b) of this section may be detained only (1) until a treatment facility or emergency medical service is made available, or (2) until the person is no longer intoxicated or incapacitated by alcohol, or (3) for a maximum period of 12 hours, whichever occurs first. A detaining officer or a detention facility official may release a person who is detained under (a) or (b) of this section at any time to the custody of a responsible adult. A peace officer or a member of the emergency service patrol, in

detaining a person under (a) or (b) of this section and in taking the person to a treatment facility, an emergency medical service or a detention facility, is taking the person into protective custody and the officer or patrol member shall make reasonable efforts to provide for and protect the health and safety of the detainee. In taking a person into protective custody under (a) and (b) of this section, a detaining officer, a member of the emergency service patrol or a detention facility official may take reasonable steps for self-protection, including a full protective search of the person of a detainee. Protective custody under (a) and (b) of this section does not constitute an arrest and no entry or other record may be made to indicate that the person detained has been arrested or charged with a crime, except that a confidential record may be made which is necessary for the administrative purposes of the facility to which the person has been taken or which is necessary for statistical purposes where the person's name may not be disclosed.

(j) For purposes of (b) of this section, "incapacitated by alcohol" means a person who, as the result of consumption of alcohol, is rendered unconscious or has judgment or physical mobility so impaired that the person cannot readily recognize or escape conditions of apparent or imminent danger to personal health or safety. The definition in AS 47.37.270(9) applies to other portions of this chapter. (§ 1 ch 207 SLA 1972; am §§ 1-4 ch 101 SLA 1976)

*Editor's notes.* — This section is set out above to correct a minor error in subsection (j) in the main pamphlet.

**Sec. 47.37.270. Definitions.** In this chapter

(1) "alcoholic" means a person who habitually lacks self-control in using alcoholic beverages, or uses alcoholic beverages to the extent that the person's health is substantially impaired or endangered, or the person's social or economic function is substantially disrupted;

(2) "approved private treatment facility" or "private facility" means a private agency meeting the standards prescribed in AS 47.37.140(a) and approved under AS 47.37.140(c);

(3) "approved public treatment facility" or "public facility" means a treatment agency operating under the direction and control of the office or providing treatment under AS 47.37.010 — 47.37.270 through a contract with the office under AS 47.37.130(g) or through a grant awarded under AS 47.30.475, and meeting the standards prescribed in AS 47.37.140(a) and approved under AS 47.37.140(c);

(4) "board" means the Review Board on Alcoholism established under AS 47.37.060;

(5) "commissioner" means the commissioner of health and social services;

## **Resolution of the Alaska Municipal League**

### **Resolution No. 89-9**

#### **A RESOLUTION URGING THE LEGISLATURE TO PROVIDE FUNDING TO MUNICIPALITIES TO OFFSET THE COST OF COMPLYING WITH THE PROVISIONS OF AS 47.37**

WHEREAS, alcohol abuse is purported to be the number-one health problem in the State of Alaska, and

WHEREAS, the Alaska Supreme Court has held that municipalities have an affirmative duty to take persons incapacitated by alcohol in a public place into protective custody and transport them to an appropriate treatment facility, if one is available, and

WHEREAS, if a treatment facility is not available, the municipality must detain incapacitated persons in a state or municipal detention facility, and

WHEREAS, failure to provide protective custody to persons incapacitated by alcohol may result in liability for damages to the intoxicated person when injury results, and

WHEREAS, this increased responsibility and liability have been imposed on municipalities at a time when there are decreasing state revenues to fund municipal jail contracts, and

WHEREAS, treatment facilities and detention facilities have no real means to enforce the collection of fees from those who are taken into protective custody, and

WHEREAS, those taken into protective custody often do not have the resources to pay for medical treatment or detention, and

WHEREAS, local governments have been forced to assume the financial burden of providing medical examination, treatment, and protective custody detention as required by AS 47.37, and

WHEREAS, once an incapacitated person is taken into protective custody, the treatment facility or detention facility assumes further liability for the safety and welfare of that person while detained, and

WHEREAS, many standard municipal insurance policies specifically exclude "custodial care" from coverage, and

WHEREAS, a special alcohol tax would seem to make sense in that it would place the cost of the problem on the source of the problem, and

WHEREAS, AS 4.21.010 specifically prohibits municipalities from imposing such a tax, and

WHEREAS, barring this avenue for funding a State-mandated responsibility and liability, municipalities must look to the State for relief from the burden imposed on municipalities by AS 47.37 and the State Supreme Court;

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that:

1. The Alaska State Legislature is hereby urged to provide direct funding to municipalities to offset the cost of complying with the provisions of AS 47.37; and
2. The Alaska State Legislature is further urged to amend AS 4.21.010 to allow local governments to impose a special tax on alcohol to fund mandated programs and procedures to deal with alcohol abuse within local communities and to fund substance abuse education.

## Resolution of the Alaska Municipal League

### Resolution No. 89-7

#### A RESOLUTION URGING THE REVERSAL OF THE IMPLIED LIABILITY OF MUNICIPALITIES REGARDING TAKING INCAPACITATED PERSONS INTO PROTECTIVE CUSTODY

WHEREAS, the purpose of AS 47.37.170(b) is to provide for a compassionate local response to one aspect of the alcohol/drug crisis in Alaska communities to help those in need, and

WHEREAS, the Alaska Supreme Court decision in *Busby v. Municipality of Anchorage* incorrectly interpreted the legislative intent behind AS 47.37.170(b) and judicially created an affirmative duty to take incapacitated persons into custody that was never intended to be imposed upon local communities, and

WHEREAS, the effect of this decision has been that municipalities with police powers are now forced to pick up all persons who appear to be incapacitated and put them in a treatment facility, where possible, or in state or municipal correctional facilities, and

WHEREAS, this obligation has resulted in a great deal of expense to municipalities or the State and an increased workload for peace officers, leaving them with inadequate time for other police duties, including investigation of violations of alcohol control laws, and

WHEREAS, this decision to burden local governments with an obligation that they are neither equipped nor fairly required to meet was arrived at judicially, without any communication with or consideration for the communities involved and the impact such an obligation would have;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the 16th Alaska Legislature to enact legislation which clarifies the municipalities' Good Samaritan role in assisting incapacitated individuals by adding to AS 47.37.170(b) the simple declaration:

"This section shall not impose any affirmative duty upon local governments or their agents to take persons incapacitated by alcohol into protective custody."

*Adopted at Annual Business Meeting on November 18, 1988 in Fairbanks, Alaska*

**Resolution of the Alaska Municipal League**

**Resolution No. 89-8**

**A RESOLUTION SEEKING ALTERATIONS OF STATE STATUTES  
TO ALLOW MORE LOCAL AUTONOMY IN DEALING WITH  
THE PUBLIC INEBRIATE PROBLEM**

WHEREAS, Alaska Statute 47.37.170(b) requires that a person appearing to be incapacitated by alcohol in a public place be taken into protective custody by a peace officer, and

WHEREAS, little latitude is available to local governments under this statute to deal with the problem, and

WHEREAS, AS 47 places local jurisdictions in undue risk of litigation, and

WHEREAS, compliance with AS 47 jeopardizes municipal financial ability to provide health and related social services to persons experiencing alcohol related problems;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the Legislature to alter AS 47.37.170 to permit greater local autonomy in dealing with public inebriates.

## Removal of Municipal Liability Imposed by Busby Decision

The Alaska Municipal League urges the Legislature to pass legislation reversing the implied liability of municipalities caused by the Busby decision regarding taking incapacitated persons into protective custody.

### BACKGROUND

The decision of the Alaska Supreme Court in Busby v. Municipality of Anchorage, which interpreted the intent of the Alaska Legislature in enacting AS 47.37.170(b), judicially created a duty to take incapacitated persons into custody that the Legislature did not intend to impose upon local communities.

The purpose of AS 47.37.170(b) is to provide for a compassionate local response to one aspect of the alcohol/drug crisis in local communities. However, to change that ability of local communities to help those in need into an affirmative duty to do so imposes on local communities obligations they are neither equipped nor fairly required to meet. The League supports a wide variety of measures to deal with the complicated issues of alcohol/drug abuse in Alaska. Nonetheless, the creation by the courts of a governmental obligation to take incapacitated persons into custody that took place without the discussion and study of the impacts of that obligation that would occur during the normal legislative process was not a good or fair way to address the problem.

The effect of this court decision has been that municipalities with police powers are now forced to pick up all persons who appear to be incapacitated and put them in a treatment facility, where possible, or in state or municipal correctional facility. The result has been great expense to the municipality or the State and an increased workload for peace officers, which comes at the expense of other duties, including investigation of violations of alcohol control laws.

Therefore, the League supports amending AS 47.37.170(b) by the addition of a simple declaration as follows:

"This section shall not impose any affirmative duty upon municipalities or their agents to take persons incapacitated by alcohol into protective custody."

This is the narrowest possible legislative response to the Supreme Court's misinterpretation of legislative intent in the Busby case. Other programs and measures are needed to deal with the complex and difficult issues

raised by alcohol/drug abuse in Alaska and it is appropriate for the Legislature to deal with those issues without "judicial legislation" by our courts.

1989 Municipal Platform



1791-1991

**CITY OF KENAI**  
*"Oil Capital of Alaska"*

210 FIDALGO KENAI, ALASKA 99611

TELEPHONE 283-7535

FAX 907-283-3014

January 23, 1989

Senator Rick Malford  
Alaska State Legislation  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 66

Your efforts for corrective legislation relative to the oppressive financial burden the *Busby* decision will have on municipalities and *Busby's* detrimental psychological effect on our cadre of dedicated police officers is most appreciated.

As a City Attorney, who is also a former Public Defender and criminal defense attorney, as well as a member of AML's Legislative Committee, I have attempted to study this legislation objectively and have concluded that corrective legislation such as SB 66 is not only appropriate, but much needed.

To suggest that the decision whether or not to take an incapacitated person into custody is one to which civil liability should attached, is both ludicrous and demeaning to the police officer involved, as well as a slap in the face of every professional police department in the State of Alaska. Furthermore, such civil liability could well result in redlining of certain areas insofar as police activity is concerned so that the problem is not encountered, the liability alleviated, and resultant deaths and injuries, as a result of custodial arrests not taking place, multiplied. It can be anticipated that in the present economic climate such "unavailability" of police officers would be couched ostensibly in terms of "fiscal restraints," when in fact, the real reason would be fear of liability with its resultant financial burden for the governmental agency involved.

Senator Rick Halford  
January 23, 1989  
Page 2

Aside from the decision of whether or not to act, there seems to be concern on the part of some, that in taking affirmative action, it may be taken in a grossly negligent or malicious manner. Inclusion of a remedy for gross misconduct or malicious misconduct, is intuitive without piggybacking specific language allowing a cause of action in legislation correcting the *Busby* decision's burden relevant to custodial arrests. In other words, to give a specific statutory cause of action is to, in actuality, give nothing and to take nothing away insofar as the rights of an aggrieved party are concerned. However, it seems to be in the minds of some, a problem of sufficient magnitude to require inclusion of such language into a statute so as to perhaps warn all police officers and remind them of a liability that already exists. If such language is perceived by police agencies as creating or elevating a right of action, it is assumed that the response would be defensive in nature, which may result in an attempt to have less contact with the very subjects they are presently attempting to assist.

It seems we have come full circle. There was a time when public intoxication was a crime subject to arrest. Then it was found to be a disease, making it a status crime for which one could not be arrested. Now, police officers must take people into protective custody due to disease or risk civil suit.

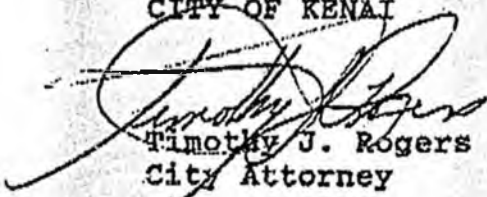
For a variety of reasons, professionals are being put at odds with the very people they want to serve. We read that malpractice actions are driving doctors from practice and increasing medical costs. Lawyers now practice defensively and view their clients as adversaries. Let's not drive another wedge between a group whose duty it is to serve and those in need of their assistance.

Please find enclosed fax materials received from the Alaska Peace Officers Association in support of corrective legislation such as SB 66 which we hope you will find informative.

Senator Rick Halford  
January 23, 1989  
Page 3

Again, we thank you for your assistance in the forming of SB 66 as a reasonable and rational solution to a serious and expensive problem for all concerned.

CITY OF KENAI



Timothy J. Rogers  
City Attorney

TJR/clf

cc: Senator Mike Szymanski  
Senator Al Adams  
Senator Paul E. Fischer  
Representative C.E. Swackhammer  
Representative Mike Navarre  
Scott Burgess, AML  
Mike Daugherty, AACP  
Duane Udland, AACP  
John McKibben, AACP  
George Novaky, AACP  
Glen Godfrey, AACP  
Richard Cummings, AACP

Shirley Warner, APOA  
Dale Florian, APOA  
Steve Kalwara, APOA  
John Shover, APOA, FBINAA  
Greg Russell, APOA  
Greg Hansen, APOA  
Terry Quarton, APOA  
Kevin O'Leary, FBINAA  
Rick Ross, FBINAA  
Turk Mayfield, FBINAA  
Dan Anslinger, AACP,  
FBINAA

## INDEMNIFICATION FOR GOVERNMENT EMPLOYEES

We have made indemnification for Public Employees our number one priority. It has been given our highest priority because we see no other single issue that has greater potential impact for both law enforcement and other government workers as well.

It has long been accepted that government must be held responsible for what it does. When the government takes, or fails to take action, courts have held that the government is liable for its actions, and injured parties have, through law suits or claims, received compensation for the wrongs done to them. Generally, when a law suit is filed, it is filed against the government and the suit names employees of the government as parties to the action. Traditionally, employees have not been held personally liable for actions they have taken at the behest of their employer, unless those employees were clearly working outside the scope of their authority.

Recent court rulings have led to the current trend that holds public employees personally responsible for actions that they have taken in their jobs. This trend now places public employees in a position where their own personal assets and savings are at risk whenever law suits are filed, even though that employee was working within the scope of their employment without any intent of causing harm.

This places all public employees at risk from the highest level policy makers to the lowest level of workers where those policies are carried out. The social workers, the road maintenance supervisor, the police officer, the medic, the fireman, and the department manager, are all vulnerable. We in law enforcement believe this is an undue burden upon public employees and it carries great potential for the workings of government to become bogged down, because employees fear that decisions they make in good faith may result in the loss of their personal assets.

When employees are doing the work of the government within the scope of their authority and without malice, they should not be held personally liable when they are named as parties to law suits. Legislation should be passed that indemnifies public employees and frees them from the burden of working under the constant threat that the good faith judgements they make can result in the loss of their homes, cars and savings or other assets.

## REMOVAL OF MUNICIPAL LIABILITY IMPOSED BY BUSEY DECISION

The Busby decision arose from a case in Anchorage involving an inebriate who was contacted, but not taken into custody, by a police officer and who was later struck by a motor vehicle. Busby sued the municipality for not having taken him into custody. The case reached the Supreme Court, which found in Busby's favor.

The Court interpreted the intent of the legislature in enacting the Uniform Alcoholism and Intoxication Treatment Act, AS 47.37.170 (b), to create a duty for municipalities to take incapacitated persons into custody. The purpose of the statute is for municipalities to help those in need. The Court apparently interpreted this as a responsibility which imposes upon municipalities substantial obligations, including placing such persons in a treatment facility or in a state or local correctional facility.

Some communities, especially those in outlying areas with very small police departments or remote state trooper posts have no treatment or correctional facilities. They only have a holding facility, or local jail, with no professional person to provide suitable treatment.

We encourage and support legislation which would remove the liability from municipalities and their officers for acting in good faith and making a decision not to take an inebriated person into custody. With this kind of liability attached, the impact upon the municipalities and the ability for officers to make good common sense decisions about a person's liberty is great.



TRIAL COURTS FOR THE STATE OF ALASKA.  
THIRD JUDICIAL DISTRICT

TOM BUSBY,

Plaintiff(s)

vs.

MUNICIPALITY OF ANCHORAGE, MUNICIPALITY OF ANCHORAGE POLICE DEPARTMENT and OFFICER FOSTER, jointly and severally,

Defendant(s)

RECEIVED  
Office of Municipal Clerk

OCT 5 1981

Pouch: 6450  
Anchorage, Alaska 99502

RECEIVED

OCT 13 1981

Risk Management

Case No. 3AN-81 - 6826 CIV

SUMMONS

TO: RUBY SMITH, Municipal Clerk of the MUNICIPALITY OF ANCHORAGE, Defendant.

YOU ARE HEREBY SUMMONED and required to serve upon the court at 303 K Street, Anchorage, Alaska and copy upon LEONARD T. KELLEY, Plaintiff's attorney, whose address is: 700 'H' Street, Suite 4, Anchorage, Alaska 99501,

an answer to the complaint which is herewith served upon you within 20\* days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint.

- This case has been assigned to Superior Court Judge [Signature].
- This is a District Court case and will be assigned to an available judge.

Clerk of the Trial Courts

(COURT SEAL)

By: [Signature]

Deputy Clerk

DATED: 10-2-81

\*If the State or an office or agency thereof is a defendant, the time to be inserted as to it is 40 days.

# 533072

TRIAL COURTS FOR THE STATE OF ALASKA.  
THIRD JUDICIAL DISTRICT

RECEIVED  
Office of Municipal Clerk  
OCT 5 1981  
Pouch 6650  
Anchorage, Alaska 99502

TOM BUSEY,

Plaintiff(s)

vs.

MUNICIPALITY OF ANCHORAGE, MUNICIPALITY OF ANCHORAGE POLICE DEPARTMENT and OFFICER FOSTER, jointly and severally,

Defendant(s)

RECEIVED  
OCT 13 1981  
Risk Management

Case No. 3AN- 81 - 6826 CIV

SUMMONS

TO: RUBY SMITH, Municipal Clerk of the MUNICIPALITY OF ANCHORAGE, Defendant.

YOU ARE HEREBY SUMMONED and required to serve upon the court at 303 K Street, Anchorage, Alaska and copy upon LEONARD T. KELLEY, Plaintiff's attorney, whose address is: 700 'H' Street, Suite 4, Anchorage, Alaska 99501

an answer to the complaint which is herewith served upon you within 20\* days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint.

- This case has been assigned to Superior Court Judge [Signature]
- This is a District Court case and will be assigned to an available judge.

Clerk of the Trial Courts

(COURT SEAL)

By: [Signature]  
Deputy Clerk

DATED: 10-2-81

\*If the State or an office or agency thereof is a defendant, the time to be inserted as to it is 40 days.

RECEIVED  
Office of Municipal Clerk  
OCT 5 1981  
Foster, Alaska 99502  
Anchorage, Alaska 99502

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

1 TOM BUSBY, )  
2 )  
3 Plaintiff, )  
4 vs. )  
5 )  
6 MUNICIPALITY OF ANCHORAGE, MUNI- )  
7 CIPALITY OF ANCHORAGE POLICE DE- )  
8 PARTMENT and OFFICER MARY FOSTER, )  
9 jointly and severally, )  
10 )  
11 Defendants. )  
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Case No. 3AN-81-6828

COMPLAINT

COMES NOW the plaintiff, TOM BUSBY, by and through his attorney, Leonard T. Kelley, and for his cause of action complains and alleges as follows:

I

That plaintiff is a resident and inhabitant of the State of Alaska, Third Judicial District, and is fully qualified to bring and maintain this action.

II

That on or about May 1, 1980, plaintiff, while in an extremely intoxicated state, was struck and injured by a motor vehicle operated by Theodore R. John, Jr.

III

That plaintiff was struck on East 5th Avenue, a public roadway, within the Municipality, and upon which defendants were authorized to enforce both the laws of the Municipality and the State of Alaska.

IV

That immediately prior to the incident alleged in Paragraphs II and III above, Police Officer FOSTER, of the MUNICIPALITY OF ANCHORAGE POLICE DEPARTMENT, made contact with said plaintiff and observed that he was extremely intoxicated and walking in the roadway.

LEONARD T. KELLEY  
Attorney at Law  
703 H St., Suite 4  
Anchorage, AK, 99501  
Telephone 276-6165

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

TOM EUSBY,

Plaintiff,

vs.

MUNICIPALITY OF ANCHORAGE, MUNI-  
CIPALITY OF ANCHORAGE POLICE DE-  
PARTMENT and OFFICER MARY  
FOSTER, jointly and severally,

Defendants.

Case No. 3AN-81-6828

DEMAND FOR JURY TRIAL

COMES NOW the plaintiff, TOM EUSBY, by and through his at-  
torney of record, Leonard T. Kelley, and hereby demands trial  
by jury in this action.

It is estimated that \_\_\_ day(s) will be required for the  
trial of this action.

DATED at Anchorage, Alaska this \_\_\_ day of September, 1981.

\_\_\_\_\_  
Leonard T. Kelley  
Attorney for Plaintiff

LEONARD T. KELLEY  
Attorney-at-Law  
700 M St., Suite 4  
Anchorage, Alaska 99501  
Telephone 276-2165

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That defendant, POLICE OFFICER FOSTER as a police officer for the MUNICIPALITY OF ANCHORAGE, had an affirmative duty to aid and otherwise protect plaintiff when it became apparent to her that plaintiff was walking in the roadway in an intoxicated condition.

VI

That the following acts of negligence and/or reckless disregard for plaintiff's well being, resulted in harm befalling plaintiff, to wit:

- 1) Failure to place plaintiff in protective custody;
- 2) Failure to place plaintiff in a detoxification unit;
- 3) Failure to remove plaintiff from the roadway;
- 4) Releasing plaintiff from temporary detention;
- 5) Failure to recommend or implement a method of improving traffic conditions by removing intoxicated persons from the roadway;
- 6) Failure to enforce the Municipal and State laws;
- and
- 7) Failure to provide treatment.

That each of the aforementioned acts of negligence constitutes a proximate cause of the injuries to plaintiff BUSBY, and that damages resulting therefrom have prevented plaintiff from maintaining his employment, and participating in social functions, have caused and will continue to cause plaintiff great pain of body and mind, and have subjected and will subject plaintiff to substantial medical and hospital expenses.

WHEREFORE, plaintiff prays for judgment against defendants, jointly and severally for:

- 1. Compensatory, consequential and punitive damages in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).
- 2. Interest, costs and attorney's fees.
- 3. Such other relief as the Court deems just and equitable.

EDWARD T. KELLEY  
Attorney-at-Law  
702 N St., Suite 4  
Anchorage, AK 99501  
Telephone 276-8165

able.

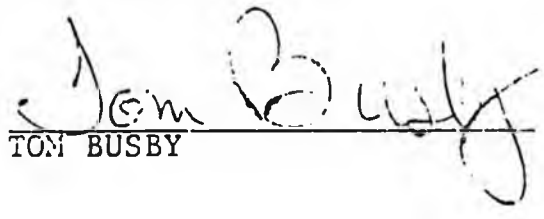
DATED at Anchorage, Alaska this \_\_\_\_ day of September, 1981.

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\_\_\_\_\_  
Leonard T. Kelley  
Attorney for Plaintiff

I have read this Complaint,  
and verify the facts to be  
true and accurate.

  
\_\_\_\_\_  
TOM BUSBY

LEONARD T. KELLEY  
Attorney at Law  
700 H St., Suite 4  
Anchorage, AK. 99501  
Telephone 276-8165

MEMORANDUM

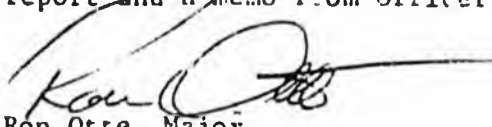
DATE: October 8, 1981  
TO: Julie Garfield  
FROM: Major Otte  
SUBJECT: Civil Suit - Case No. 3AN-81-6828

RECEIVED

OCT 12 1981

MUNICIPAL ATTORNEY

Enclosed please find copies of subpoenas sent to Chief Porter and Officer Mary Foster. I have included a copy of the police report and a memo from Officer Foster concerning her activities.



Ron Otte, Major  
Field Operations

RO:vka  
Enclosures

RECEIVED

OCT 12 1981

Risk Management

*TO  
Risk Management  
ASAP*



MEMORANDUM

DATE: October 11, 1981

TO: Major GLE

FROM: Patrol Officer M. Foster

SUBJECT:

On 5/1/80, during the evening hours Officer M. FOSTER enroute to a call in Mountain View area, was traveling eastbound on E. 5th Avenue and observed a white male subject that this Officer recognized to be TOM BUSBY. BUSBY was walking eastbound on E. 5th, near the roadway, approaching Big Timber Motel.

Officer stopped patrol vehicle and contacted BUSBY. Officer requested BUSBY'S Date of Birth. Officer ran a warrant check, negative warrant status. Officer warned BUSBY to stay away from the roadway of Officer would arrest BUSBY for Drunk in a Roadway. BUSBY advised he wasn't drunk. In Officers opinion BUSBY was intoxicated. Officer proceeded to call.

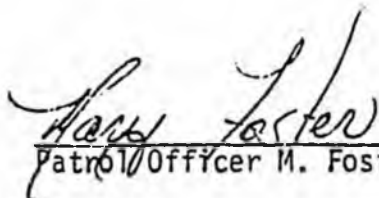
Officer kept view of BUSBY thru rear view mirror, and subject BUSBY continued walking eastbound on E. 5th avenue off roadway.

Officer M. FOSTER does not recall any additional details of contact.

Later, after Officer M. FOSTER cleared call, Officer responded to an accident with injury to ascertain if traffic units needed assistance. Officer M. FOSTER observed BUSBY, injured being placed in Medic Unit. Officer advised Officer BOOK of Officer's prior contact with BUSBY.

Officer M. FOSTER was requested to respond to Alaska Hospital and collect BUSBY'S clothing for evidence. Clothing was bagged, tagged and placed in Anchorage Police Department evidence.

No further action by Officer.

  
Patrol Officer M. Foster

MF/ddp

STATE OF ALASKA  
Uniform Police  
REPORT ON TRAFFIC COLLISION  
OFFICER'S COPY

POLICE CASE NUMBER: 80-25557  
BOROUGH CODE: GAMB  
CITY: ANCHORAGE  
CITY CODE: DETACH CODE:

ACCIDENT DATE: 5/16/09  
DAY OF WEEK: THUR  
TIME: 10:35  
VEHICLE 1 DAMAGE: 0  
VEHICLE 2 DAMAGE: 0  
POLICE OFFICER: 8  
OTHER: 0

VEHICLE 1: LAST NAME DRIVER: JOHN THEODORE R. JR  
VEHICLE 2: LAST NAME DRIVER: BUSBY TOM

MAILING NUMBER AND STREET: 1586 EAGLE RIVER RD  
611 W. 47TH ST

MAILING CITY: EAGLE RIVER AK 99577  
ANCHORAGE AK 99503

RESIDENCE NUMBER AND STREET: SAME  
RESIDENCE CITY: SAME STATE: AK ZIP: 99577

OPERATOR LICENSE NO: 0413334  
STATE: AK SEX: M DATE OF BIRTH: 5/29/47

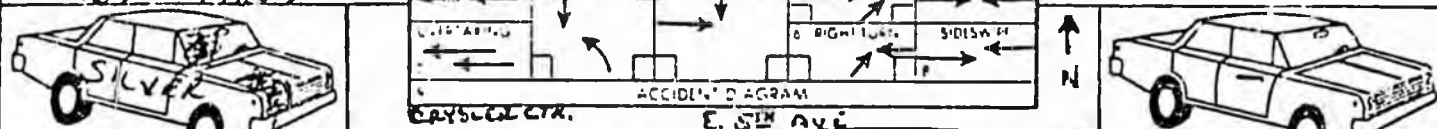
OPERATOR LICENSE NO: [Blank]  
STATE: [Blank] SEX: M DATE OF BIRTH: 7/2/40

NUMBER AND STREET: A  
CITY: M STATE: R ZIP CODE: [Blank]

PLATE NUMBER: AMG-353  
STATE: AK VIN: 79 SUBARU PC

PLATE NUMBER: [Blank] STATE: [Blank] VIN: [Blank]

VIN: A67L047605  
CRYSLEER CTR. E. 5TH AVE



Vehicle 1 Damage: [Blank]

Vehicle 2 Damage: [Blank]

INSURANCE: [Blank] ESTIMATED REPAIR COST: \$1500

INSURANCE: [Blank] SUPPLEMENTAL ACCIDENT DIAGRAM: [Blank]

ACTUAL PLACE: [Blank] LOCATION CONTROL: [Blank]

Name of Street or Highway: 5TH AVE  
MILE MARKER: 900

OPERATOR TICKET DESCRIPTION: P-2, FTYROW TO TRAFFIC WHEN NOT IN X-LANE  
Violation Section(s): 9 20 040 (A-C) A.D

Accident Description: V-1 E/B 5TH IN E/B CURB LANE AT ANCHORAGE CRYSLER. P-2 STEPPED OFF CURB DIRECTLY INTO PATH OF V-1. V-1 STRUCK P-2.

Table with columns for names of occupants. Row 1: DRIVER #1. Row 2: PEDESTRIAN #2.

Table with columns for names of occupants. Row 1: DRIVER #1. Row 2: PEDESTRIAN #2.

OFFICER'S NAME AND NAME: PTEM [Signature] Rank  
BADGE NO: 353  
CAPITAL LETTERS: APD

INVESTIGATION REQUESTED: State [ ] Local [ ]  
REVIEWING OFFICER: [Blank]  
DATE REVIEWED: [Blank]



CONTINUATION REPORT

1. NATURE OF COMPLAINT OR OFFENSE <u>11-24</u>	2. NAME OF COMPLAINANT OR VICTIM <u>TOM BUSBY</u>	3. ADDRESS OF COMPLAINANT OR VICTIM <u>611 W. 47<sup>TH</sup> #3-C</u>	4. CASE NUMBER CRIM. CLASS
5. ADDITIONAL DETAILS: ARRESTS; WITNESSES; SUSPECTS, EVIDENCE, INTERVIEWS, INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			

INFO:  
ON 5/1/80 AT APPROX 2318 HRS REPORTING OFFICER  
WAS DISPATCHED TO 5<sup>TH</sup> AVE AT ANCHORAGE CHRYSLER TO REPORT  
OF VEHICLE-PEDESTRIAN ACCIDENT.

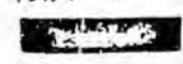
UPON ARRIVAL REPORTING OFFICER OBSERVED A SHOE &  
SOCK AS WELL AS A WALLET LYING IN THE STREET TO THE WEST  
OF WHERE PARAMEDICS WERE ADMINISTERING AID TO INJURED  
PEDESTRIAN. SHOE, SOCK & WALLET WERE IN E/B LANES OF 5<sup>TH</sup>. ANOTH  
SHOE WAS OBSERVED LYING IN W/B LANE OF 5<sup>TH</sup> WELL TO EAST  
OF PEDESTRIAN (SEE DIAGRAM). PEDESTRIAN (BUSBY) WAS SUFFERING  
FROM BROKEN LEFT LEG AS WELL AND MULTIPLE CUTS & BRUISES OVER  
VAST MAJORITY OF BODY & HEAD.

V-1 WAS PARKED HEADED W/B ON SOUTH SHOULDER OF 5<sup>TH</sup>  
APPROX. 30 FT TO EAST OF SPOT THAT P-BUSBY WAS LYING  
HOOD & GRILL OF VEHICLE WERE DENTED SEVERELY AS WELL AS  
THE RIGHT SIDE OF WINDSHIELD BEING SHATTERED (SEE PHOTOS)

D-1 JOHN WAS STANDING BESIDE V-1 AND APPEARED TO BE BEMOORED  
& POSSIBLY IN SLIGHT ~~SHOCK~~ SHOCK. JOHN HAD SLIGHT ODR OF ALCOHOL  
ABOUT PERSON BUT PERFORMED BALANCE TESTS SATISFACTORY AND  
DID NOT APPEAR TO BE UNDER INFLUENCE OF ALCOHOL.

REPORTING OFFICER WAS ADVISED BY OFFICER FOSTER #4:

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO.   DAY   YR.   TIME <u>5   1   80   2315</u>	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER BADGE NO. <u>V. Book 383</u>	10. OTHER OFFICER ASSIGNED BADGE NO.	DATE DICTATED TIME
CASE STATUS: CLOSED <input checked="" type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>		DATE TYPED TIME BY





## CONTINUATION REPORT

1. NATURE OF COMPLAINT OR OFFENSE  11-24	2. NAME OF COMPLAINANT OR VICTIM  TOM BUSBY	3. ADDRESS OF COMPLAINANT OR VICTIM  611 W 47 <sup>TH</sup> #3-C	4. CALL NUMBER CRIME CLASS
5. ADDITIONAL DETAILS: ARRESTS; WITNESSES; SUSPECTS; EVIDENCE; INTERVIEWS; INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			

THAT P-BUSBY HAD BEEN SEEN IN THE AREA OF BILL  
TIMBER MOTEL JUST PRIOR TO ACCIDENT AND HAD BEEN  
EXTREMELY INTOXICATED.

## INTERVIEW WITH D-1 THEODORE R. JOHN JR:

D-1 JOHN ADVISED THAT HE HAD BEEN DRIVING E/B ON 5<sup>TH</sup>  
IN THE CURB LANE ACROSS FROM ANCHORAGE CHRYSLER WHEN  
SUDDENLY THE RIGHT SIDE OF HIS VEHICLE'S WINDSHIELD  
SHATTERED. JOHN THOUGHT THAT SOMEONE HAD THROWN A ROCK  
INTO WINDSHIELD AND TURNED AROUND NEAR POLAR AIRLINES  
AND DROVE BACK TOWARD THE SCENE ON THE SOUTH SHOULDER  
OF THE ROAD. JOHN STOPPED HIS VEHICLE AND GOT OUT TO SURVEY  
DAMAGE AND THEN NOTICED THE DAMAGE TO THE HOOD + GRILL  
AND REALIZED THAT HE MUST HAVE HIT SOMETHING JOHN NEVER  
SAW P-BUSBY UNTIL HE DROVE BACK TO SCENE. JOHN'S VEHICLE  
HAD NOT BEEN MOVED FROM TIME HE GOT OUT TO SURVEY DAMAGE  
TO TIME OFFICER ARRIVED.

~~PHOTOS:~~ PHOTOS:

FOLLOWING PHOTOS TAKEN BY REPORTING OFFICER  
FRAMES 1 THRU 4: JOHN'S VEHICLE + DAMAGE (AT SCENE)

" 5 - RESTING POINT OF BUSBY LOOKING NORTH ACROSS 5<sup>TH</sup>.

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO.   DAY   YR.   TIME 5   1   80   2315	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER D Book 383	10. OTHER OFFICER ASSIGNED BADGE NO.	DATE DICTATED TIME
CASE STATUS: CLOSED <input checked="" type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>		DATE TYPED TIME BY

CONTINUATION REPORT

1. NATURE OF COMPLAINT OR OFFENSE <u>11-24</u>	2. NAME OF COMPLAINANT OR VICTIM <u>TOM BUSBY</u>	3. ADDRESS OF COMPLAINANT OR VICTIM <u>611 W. 47<sup>th</sup> #3-C</u>	4. CA NUMBER CRIM. CLASS
5. ADDITIONAL DETAILS: ARRESTS; WITNESSES; SUSPECTS, EVIDENCE, INTERVIEWS, INVESTIGATION, RECOVERED PROPERTY, EXHIBITS, ETC. <u>FRAME #6 - RESTING POINT OF <del>RED</del> BUSBY LOOKING NORTH ACROSS ST.</u> <u>" #7 - SOCK + SHOE NEAR P.O.I., LOOKING W/B IN E/B LANE'S SW</u> <u>" #8 - RESTING POINT OF OTHER SHOE, LOOKING E/B FROM RESTING POINT OF</u> <u>BUSBY</u>			

DISPOSITION:

REPORTING OFFICER WAS UNABLE TO INTERVIEW BUSBY DUE TO  
PREPARATION FOR SURGERY OFFICER NULAN #233 TOOK MEASUREMENTS  
FOR DIAGRAM WITH ASSISTANCE FROM OFFICER HEADCOTT #190

REPORTING OFFICER ENTERED ~~TO~~ BUSBY'S TIE'S, SOCK & WALLET  
INTO EVIDENCE LOCKER #39 APD.

CITATION # ~~9~~ A153312 ISSUED TO BUSBY FOR FAILURE TO  
YIELD TO TRAFFIC WHEN CROSSING STREET AT OTHER THAN CROSS-WALK.  
COPIES LET IN BUSBY'S PERSONAL PROPERTY FOLDER AT ALASKA HOSPITAL  
E.R.

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO.   DAY   YR. <u>5</u>   <u>1</u>   <u>90</u>	TIME <u>2318</u>	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER <u>D. Egan</u>	BADGE NO. <u>383</u>	10. OTHER OFFICER ASSIGNED BADGE NO.	DATE DICTATED TIME BY
CASE STATUS: CLOSED <input checked="" type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>			DATE TYPED TIME BY

## CONTINUATION REPORT

1. NATURE OF COMPLAINT OR OFFENSE <u>11-24</u>	2. NAME OF COMPLAINANT OR VICTIM <u>TOIN BUSTBY</u>	3. ADDRESS OF COMPLAINANT OR VICTIM <u>611 W. 47<sup>TH</sup> #3C</u>	CRIME CLASS CASE NUMBER
5. ADDITIONAL DETAILS: ARRESTS; WITNESSES; SUSPECTS; EVIDENCE; INTERVIEWS; INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			

## - DIAGRAM KEY -

A = "0" POINT - FIRE HYDRANT #51

B = VICTIM SOCK

C = VICTIM LEFT SHOE

D = VICTIM WALLET

E = VICTIM BODY

F = VICTIM RIGHT SHOE

## MEASUREMENTS

B = 68'-5" W. OF "A", 9'-8" N. OF S. CURB

C = 62'-1" W. OF "A" AGAINST S. CURB

D = 28'-0" W. OF "A", 8'-8" N. OF S. CURB

E = 61'-0" E. OF "A", HEAD AT CURB LINE

F = 143'-0" E. OF "A", 43'-8" N. OF S. CURB

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO. DAY YR. <u>5</u>   <u>1</u>   <u>80</u>	TIME <u>2318</u>	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER <u>D. Bouch</u> BADGE NO. <u>383</u>	10. OTHER OFFICER ASSIGNED BADGE NO.		DATE DICTATED TIME
CASE STATUS: CLOSED <input checked="" type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>			DATE TYPED TIME BY

ANCHORAGE  
CHRYSLER



ANCHORAGE  
CHRYSLER

NOTE: DIAGRAM NOT  
DRAWN TO SCALE

J. Book #353  
5/1/50

CURB →

← 12'-1" \* 12'-5" \* 11'-9" \* 10'-3" \* 14'-7" ← CURB

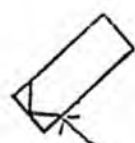
"F"

E. 5<sup>TH</sup> AVE.

"D"

"C"

"B"



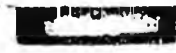
V-1 PARKED  
UPON ARRIVAL  
OF OFFICER

⊗ ← UTILITY  
POLE

"E" → BREAK IN CURB

⊗ ← FIRE PLUG

⊗ ← UTILITY PO





CONTINUATION REPORT

30-25357

1. NATURE OF COMPLAINT OR OFFENSE <u>Accident w/Inv</u>	2. NAME OF COMPLAINANT OR VICTIM	3. ADDRESS OF COMPLAINANT OR VICTIM	CRIME CLASS FELONY 20.1
5. ADDITIONAL DETAILS; ARRESTS; WITNESSES; SUSPECTS; EVIDENCE; INTERVIEWS; INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			

WITNESS INFORMATION:

MISCHA J. AULLIVE, 701 KLEVIN ST.  
 #3, DL# 0278205, DOB 11-23-50, SSN. 574-22-1730  
 Hm. 237-5335, Wk. 272-7561

INTERVIEW W/ AULLIVE:

ON 5-2-80 at approximately 2300 hrs witness MISCHA J. AULLIVE came by APD to advise he was a witness to an accident on E 5th Avenue involving a pedestrian. AULLIVE advised he was east bound on 5th Avenue shortly after 11:00 PM, in the inner most east bound lane; just behind the vehicle that struck the pedestrian. The small vehicle was eastbound in the curve lane at what appeared to be within the speed limits. The pedestrian was observed eastbound on 5th Avenue, walking on the north side of the curb line, in the roadway. The pedestrian was walking in a drunken manner, and suddenly staggered into the small vehicle's path.

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT 5   2   80	TIME 11:30	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER Roberts	10. OTHER OFFICER ASSIGNED BADGE NO. 315	DATE DICTATED TIME	
CASE STATUS: <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING			DATE TYPED TIME BY

CONTINUATION REPORT

82-25857

1. NATURE OF COMPLAINT OR OFFENSE <u>Accident w/IAI</u>	2. NAME OF COMPLAINANT OR VICTIM	3. ADDRESS OF COMPLAINANT OR VICTIM	4. CASE NUMBER CRIME CLASS
5. ADDITIONAL DETAILS: ARRESTS, WITNESSES, SUSPECTS; EVIDENCE; INTERVIEWS; INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			

INTERVIEW w/ ALLIVE (cont)  
ALLIVE stated there was no time for the small vehicle to take an evasive action. The pedestrian was hit, ROLLED over the hood and roof and was projected of the vehicle. ALLIVE stated in his opinion there was no apparent fault noticed by the driver and stated there was no way to avoid it."

DISPOSITION:

ATTACHED TO ORIGINAL REPORT

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO.   DAY   YEAR   TIME <u>5</u>   <u>2</u>   <u>80</u>   <u>11:09</u>	8. SUPERVISOR APPROVING BADGE NO
9. REPORTING OFFICER <u>Roberts</u>	BADGE NO. <u>315</u>	10. OTHER OFFICER ASSIGNED BADGE NO. DATE DICTATED TIME
CASE STATUS: CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>		DATE TYPED TIME BY



MUNICIPALITY OF ANCHORAGE  
 DEPARTMENT OF PUBLIC SAFETY - DIVISION OF POLICE SERVICES  
 625 "C" STREET ANCHORAGE, ALASKA

XXXXXXXXXXXXX REPORT  
 SUPPLEMENT

80-258

1. NATURE OF COMPLAINT OR OFFENSE	2. NAME OF COMPLAINANT OR VICTIM	3. ADDRESS OF COMPLAINANT OR VICTIM	CRIME CLASS
5. ADDITIONAL DETAILS: ARRESTS; WITNESSES; SUSPECTS; EVIDENCE; INTERVIEWS; INVESTIGATION; RECOVERED PROPERTY; EXHIBITS, ETC.			
PROPERTY DISPOSITION: On <u>9-23-80</u> , At approximately <u>1145</u> hours, the following property was released to the <u>owner/finder</u> , <u>TOM BUSBY</u> by, <u>MARVIN C MORRISSETT</u> .			

- 1, SHIRT
- 2, T-SHIRT
- 3, 1 SHEET, 1 YELLOW SHORT, GREEN CORD PANTS
- 4, GLASS & DEBRIS
- 5, SOCK. 7 KEYS.

SIGNATURE: Tom Busby

ADDRESS: 2315 W. TUDOR AVENUE 248-3732

WITNESS: Marvin C Morrissett

D.O.B. 7-2-40 AKDL # 383984

6 FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO.   DAY   YR.   TIME	8. SUPERVISOR APPROVING BADGE NO.
9. REPORTING OFFICER BADGE NO.	10. OTHER OFFICER ASSIGNED BADGE NO.	DATE DICTATED TIME
CASE STATUS: CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>		DATE TYPED TIME BY

Provide complete identity of commodity as possible distinguishing marks to include sketches which hidden marks or any other means of positively identifying the property DO NOT WRITE in blank area of item

X

ITEM NO	TYPE OF ARTICLE	BRAND NAME	APPROX DATE OF PURCHASE	MODEL YEAR	PRESENT CONDITION	COMP INPUT	ACIC	NCIC	DATE ENTERED	FILE NUMBER
1	SHOES				GOOD					
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
LEATHER SHOES - LEATHER						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				
2	SOCK									
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
MAN'S SOCK						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				
3	WALLET									
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
MAN'S LEATHER WALLET CONTAINING PERSONAL PAPERS TO TOM RUSBY						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				
DISTINGUISHING MARKS OR OTHER MEANS OF IDENTIFICATION						EVIDENCE ( ) FOUND ( ) SAFE KEEPING ( ) DATE STORED ( )				
						SUBMIT FOR EXAM DATE TO P.O. REG NUMBER RETURN DATE				
This is to certify that I, the undersigned, received the property described in this section (left) and relieve the A.S.T. from responsibility for same.						SIG. OR P.O. REG. NO. X				





NON-PROSECUTED REPORT  
SUPPLEMENT

80-25857

1. NATURE OF COMPLAINT OR OFFENSE	2. NAME OF COMPLAINANT OR VICTIM	3. ADDRESS OF COMPLAINANT OR VICTIM
-----------------------------------	----------------------------------	-------------------------------------

4. ADDITIONAL DETAILS: ARRESTS, WITNESSES, SUSPECTS, EVIDENCE, INTERVIEWS, INVESTIGATION, RECOVERED PROPERTY, EXHIBITS, ETC.

PROPERTY DISPOSITION: On 9-8-80, At approximately 1330 hours, the following property was released to the owner/finder, Tom Busby by, Cadet Koch.

one pair lace-up shoes  
one red & white sock  
one brown leather wallet w/ misc papers & I.D.

SIGNATURE: Tom Busby

ADDRESS: 2315 W Tudar

WITNESS: David Koch

D.O.B. 7/2/40 AKDL # 383984

6. FOLLOW UP REQUIRED (DATE)	7. DATE OF REPORT MO: <u>9</u> DAY: <u>8</u> YR: <u>80</u>	TIME: <u>1330</u>	8. SUPERVISOR APPROVING	BADGE NO.
9. REPORTING OFFICER <u>Cadet Koch</u>	BADGE NO. <u>0539</u>	10. OTHER OFFICER ASSIGNED	BADGE NO.	DATE DICTATED
CASE STATUS: CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> PENDING <input type="checkbox"/>			DATE TYPED	TIME BY



EVIDENCE DISPOSITION

TO: XX Anchorage Police Department

DATE: September 11, 1980

- Alaska State Troopers
- Airport Security
- District Attorney's Office
- Municipal Prosecutor's Office
- Other: \_\_\_\_\_

Re: APD Report 80-25857  
Police Agency No. \_\_\_\_\_

TOM BUSBY  
Name of Defendant

1.  There is no physical evidence in this case, according to the prosecutor's records.
2.  This is your authority to dispose of the following evidence held by your agency. This case has reached final disposition.
3.  This is your authority to release to TOM BUSBY  
\_\_\_\_\_ upon proper showing of identification, the following evidence held by your agency. 1 pair of pants, 1 t shirt, 1 tan shirt and contents.
4.  This is your authority to photograph (for purposes of identification in court) and release to \_\_\_\_\_  
\_\_\_\_\_ upon proper showing of identification, the following evidence held by your agency.
5.  This is to notify you that the following listed items should be retained by you for future possible court proceedings.
6.  The items listed below have been forfeited by the court and thus should be disposed of according to departmental policies and rules.

Allen M. Bailey  
Name

Municipal Prosecutor  
Title

MOA  
Agency

NOTE: A copy of the appropriate ST-10 must be attached for all transmittals. List all property by item number from the ST-10.

80-25857

EVIDENCE DISPOSITION

TO: XX Anchorage Police Department

DATE: September 8, 1980

       Alaska State Troopers

       Airport Security

       District Attorney's Office

       Municipal Prosecutor's Office

       Other: \_\_\_\_\_

Re: Citation No. A153312  
APD REPORT NO. 80-25857  
Police Agency No.

TOM BUSBY

Name of Defendant

1.        There is no physical evidence in this case, according to the prosecutor's records.
2.        This is your authority to dispose of the following evidence held by your agency. This case has reached final disposition.
3. XX This is your authority to release to TOM BUSBY  
upon proper showing of identification, the following evidence held by your agency.  
1 pr. brown lace up shoe            1 brown leather wallet w/contents  
1 red and white sock
4.        This is your authority to photograph (for purposes of identification in court) and release to \_\_\_\_\_  
upon proper showing of identification, the following evidence held by your agency.
5.        This is to notify you that the following listed items should be retained by you for future possible court proceedings.
6.        The items listed below have been forfeited by the court and thus should be disposed of according to departmental policies and rules.

James F Wolf  
Name

Municipal Prosecutor

Title

Municipal Prosecutor's Office

Agency

NOTE: A copy of the appropriate ST-10 must be attached for all transmittals. List all property by item number from the ST-10.