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“You must do the things you think you cannot do.”

— Eleanor Roosevelt

## Are You Ready?

If a disaster strikes your community, it can be difficult to provide community services when you’re worried about your own family’s well-being. Assembling a 7-day emergency kit will provide peace of mind and allow you to focus on your job and your community.

see *Build Your Emergency Kit*, pg. 5

## Post-Taser Confession: Is a Waiver Knowing and Voluntary?

A study conducted by Drexel University and Arizona State University has reached a conclusion that officers should wait an hour after a TASER™ deployment before Mirandizing a suspect in order to give the suspect a recovery period in order to ensure that their waiver of rights is knowing and voluntary.<sup>1</sup>

A summary of the study reported: “New research from a first-of-its-kind human study by Drexel University and Arizona State University reveals that the burst of electricity from a stun gun can impair a person’s ability to remember and process information. In a randomized control trial, participants were subjected to Taser shocks and

tested for cognitive impairment. Some showed short-term declines in cognitive functioning comparable to dementia, raising serious questions about the ability of police suspects to understand their rights at the point of arrest.”<sup>2</sup>

The summary described the method of the study that used four groups of individuals. A group of 37 participants did nothing prior to being tested for levels of understanding; 32 people hit a punching bag to simulate the “heightened physical state one might expect in a tense police encounter”; 35 participants did no activity but received a 5-second deployment before being tested, and 38 struck the punching bag

*continued on page 3*

## Facility Self-Inspections Provide Early Warning

What is a facility self-inspection? The AMLJIA Risk Control Department has created a simple checklist to help members inspect their scheduled properties. The checklist will help illuminate potential hazards that need to be addressed before an incident occurs. Additionally, AMLJIA members receive credit in the Loss Control Incentive Program when they submit completed facility self-inspections each fall and spring.

Facility self-inspection checklists can be found in the Members Area at [www.amljia.org](http://www.amljia.org), or you can email [sharont@amljia.org](mailto:sharont@amljia.org) to request a copy. If you need assistance completing inspections or have questions about the Loss Control Incentive Program, please call the AMLJIA at 800-337-3682.



## In Good Company

Kevin Smith, Executive Director

### Review Your Exposure Questionnaire

Each spring, the AMLJIA sends Exposure Questionnaires to every member. These questionnaires are your opportunity to make sure that your entity is properly protected by providing the AMLJIA with accurate, up-to-date information. Having accurate exposure information makes our program that much

more attractive to reinsurers and enables us to bargain for the best possible rates. The time you spend on these questionnaires will not only benefit your entity but will help to bring increased stability and strength to the entire membership.

The Exposure Questionnaire is a tool for both you and the AMLJIA. You should use the Exposure Questionnaire to review your existing coverage and determine whether you need to make any changes. For example, if you sold a covered vehicle, you can delete it from your schedule so that you are not paying for coverage you do not need. You can select coverage limits and deductibles.

If you need to add a property, please provide as much information as possible. The AMLJIA coverage is considered "replacement cost" coverage. Therefore, buildings, contents, electronic data processing equipment (EDP), and fine arts must be scheduled at full replacement cost. Verify that the values on the property schedule are accurate.

You will need to provide estimated payroll for Workers' Compensation and liability coverage. We recognize that payroll fluctuates for a variety of reasons. We ask that you make your best estimate based on current staffing projections for FY2017. The AMLJIA conducts a payroll audit at the end of each fiscal year and will issue a debit or credit accordingly.

Our Underwriter, Paul Bryner, is already working to get you the best rate for the new fiscal year. Your completed Exposure Questionnaire helps him in his task of finding you the best coverage at the best price, and it will help us to give you an accurate quote.

Remember, your Exposure Questionnaire needs to be completed and returned by April 15, 2016. If you have any questions or need assistance, contact your AMLJIA Risk Control Specialist or Underwriter at 800-337-3682.

## POOL NEWS

### New Payment System Aims to Reduce Workers' Compensation Rates

The State of Alaska recently adopted a new method for paying physicians and other health care providers for services provided to injured workers under Workers' Compensation. The change is aimed at slowing an annual rise in medical payments under workers' compensation claims that result partly because of the payment formula.

The new procedure was approved by the Legislature in 2014 and took effect on December 1, 2015. Under the previous system, medical service providers were reimbursed at the 90th percentile of "usual and customary" (UCR) fees. This system was especially subject to inflationary pressures.

The new method, called the Resource-Based Relative Value Scale, sets a value for a procedure that accounts for the provider's work, practice expense,



and malpractice insurance. The value is adjusted by a conversion factor, set by the state to adjust for Alaska's higher costs, to determine the amount of payment. Thirty-two other states currently use the new payment system for workers' compensation.

According to the Department of Labor and Workforce Development, workplace injuries have declined significantly over the past decade. However, Alaska continues to experience some of the highest workers' compensation rates in the nation. The new payment system should reduce the inflation that has been driving rates up over the past decade.

# Serving Alaska's Communities



## Alaska Municipal League

www.akml.org • 877-636-1325 • 907-586-1325





## Honorable Mention

"I thoroughly enjoy the Public Entity Risk Management Seminar every year. Hope to see you next year."

*Letha Burcham, Administrative Assistant, City of Delta Junction*



## At Your Service

### ALICE TRAINING

*We live in a world where it's not a matter of if, but when.*

ALICE (Alert, Lockdown, Inform, Counter, and Evacuate) training provides an alternative to the traditional lockdown approach. It enables individuals to make informed decisions how to best protect their welfare in the fluid environment of an active shooter situation.

If you're interested in scheduling on-site training, contact [police@amljia.org](mailto:police@amljia.org) or call 800-337-3682.

## LAW ENFORCEMENT *continued from page 1*

and received the five second deployment before testing.

The participants' ability to mentally understand was tested prior to participation, immediately after the deployments, an hour later, and then a week later and then scored based on their level of cognitive ability.

According to the study, the subjects who had been subjected to the TASER™ deployment had a temporary but significant disruption in their ability to understand, indicating that based on the scoring of the tests, the subjects' disruption was comparable to that of a 79-year-old. The study also noted that some of the individuals also suffered a detrimental impact on the ability to concentrate; anxiety, and a feeling of being overwhelmed.

The researchers noted that the test subjects were healthy young adults who were sober and accustomed to test taking. It should also be noted that the subjects who were subjected to TASER™ received the probe mode through the attachment of alligator clips with one on their shoulder and one on their lower back.

The researchers concluded: "The findings from this study suggest that people who

have been shocked with a TASER™ may be unable to understand and rationally act upon his or her legal rights, and may be more likely to waive their Miranda rights directly after TASER™ exposure or to give inaccurate information to investigators. These decisions can have profound impact on an eventual judicial finding of guilt or innocence."

As a result, the researchers are suggesting that officers wait 60 minutes after deployment before Mirandizing a suspect.

### Bottom Line:

1. Without taking a position on the validity of this new study, it would be suggested that officers allow a suspect sufficient time to recover from the TASER™ deployment before attempting to Mirandize and question the suspect.
2. The burden to show that a waiver of 5th Amendment rights was knowing and voluntary rests with law enforcement/prosecution. Thus, unless there is some articulable necessity to start questioning the subject, officers should consider waiting 60 minutes before questioning. (Note—it is recognized that in a DUI case where the process

includes state rights, waiting may not be an option).

3. Officers should document the time between the TASER™ deployment and the reading of Miranda. As always, documentation should indicate whether the TASER™ was used in the drive-stun or probe mode.

*Note: Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.*

### CITATIONS:

<sup>1</sup> TASER® Exposure and Cognitive Impairment Implications for Valid Miranda Waivers and the Timing of Police Custodial Interrogation, Robert Kane and Michael White 2015 American Society of Criminology, Criminology and Public Policy Volume 15 Issue 1 (2015).

<sup>2</sup> <http://drexel.edu/now/archive/2016/February/Taser-Study/>

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## RISK CONTROL

# Changing Seasons Signal Flood and Fire Danger

As we transition into spring and summer, we need to keep an eye on two conditions that can have a huge impact on property and lives, especially in our rural communities: flood and fire. With below-average snowfall in many parts of the state this winter, wildfire is a very real concern even before breakup. In either situation, however, preparedness is the key to securing property and keeping employees and citizens safe.

Rivers are the lifeblood of many rural communities. They are such an integral part of daily life that they can be taken for granted, but their power cannot be ignored. Rivers, like any body of water, deserve a healthy measure of respect and caution.

The National Weather Service Alaska-Pacific Forecast Center predicts flooding conditions throughout the state each spring. The forecast is based on ice thickness and snowpack reported from various locations and long-range temperature forecasts. You can review updates as they become available online at <http://aprfc.arh.noaa.gov>.

Familiarize yourself with terms used to identify a flood hazard. A **flood watch** means that flooding is possible. Be prepared to move to higher ground,

and listen to NOAA Weather Radio, commercial radio, or television for information. A **flood warning** means that flooding is occurring or will occur soon. If you are advised to evacuate, do so immediately.

Just like spring breakup, there are many variables that can affect the outcome of fire season; among them are temperature, humidity and rainfall, winds, frequency and intensity of storms (lightning strikes), beetle-killed spruce, and human factors (accidental or intentional causes of fire). The first wildfire of 2016 was already reported near Delta Junction in February, and an escaped burn barrel fire destroyed a shed in the Mat-Su Valley a week later. Clearly, conditions are ripe for an early fire season in 2016. Visit the Alaska Wildland Fire Information website, an interagency website developed by federal and state agencies, at <http://akfireinfo.com> for wildland fire information throughout the fire season.

Besides human safety considerations in the event of either flood or fire, public agencies must consider how to protect business records, including those stored on

computers, as well as real property. If you don't already have steps in place for backing up critical computer files, you should adopt a plan as soon as possible. A network server should ideally have a backup at an off-site location. If you are not networked or only have a few computers requiring critical backup, a portable backup drive may be a reasonable solution, but keep in mind that small storage devices can be easily lost or stolen. You will need to ensure the security of your data on any portable storage device.

File cabinets or their contents that may be in danger should be moved to the location providing the most security from the threat at hand. Computers and other electronics



## FREE Boiler Inspections

Boilers require scheduled inspections to ensure safe operation. If you have Boiler & Machinery coverage with AMLJIA, your jurisdictional boiler inspections are FREE!\* This service is provided through our partner, Hartford Steam Boiler (HSB).

It's easy to schedule your boiler inspection. Simply call HSB's Inspection Hotline, 800-333-4677, or email [NSCInsp\\_Hotline@HSB.com](mailto:NSCInsp_Hotline@HSB.com). Identify yourself as an APIP account and provide a location address, a contact name and a telephone number to initiate an inspection.

If you have any questions about this service, or to determine your eligibility, contact your broker or call your AMLJIA Risk Control Specialist at 800-337-3682. If you don't have Boiler & Machinery coverage, they can help you request a quote. Many AMLJIA members find it more cost effective to add coverage than to pay for the required inspection.

Don't neglect safety—make sure your boilers are inspected on schedule.

*\*State of Alaska certification fee required.*

## RISK CONTROL

*continued from page 4*

should be moved as high as possible to avoid flood waters. Assign employees to specific tasks to make sure all critical documents are protected. Don't expect employees to know what needs to be done; write it up in your Emergency Action Plan.

To help mitigate flood damage, install check valves in sewer traps to prevent flood water from backing up into drains in the building. Close valves to fuel oil and propane tanks to help prevent leaks, and make sure tanks are securely anchored. Where possible and practical, construct barriers to stop floodwater from entering the building.

If your property is vulnerable to wildfire, conduct inspections and make sure that all buildings have a "defensible space" extending at least thirty feet on all sides. This space should be cleared of trees, large shrubs, and debris that could spread a fire to the building. The cleared space also allows firefighters and their equipment room to work. Consider the placement of driveways and walkways as firebreaks.



If you have questions or concerns about protecting your property from flood, fire, or other hazards, contact your AMLJIA Risk Control Specialists for assistance. They can conduct hazard assessments, help you develop an Emergency Action Plan, and provide on-site training for you and your employees. Call the AMLJIA toll-free at 800-337-3682 for more information.

## Build Your Emergency Kit

Alaskans, in general, consider themselves highly self-sufficient. In a real emergency, though, how prepared are you to survive without any outside assistance or even basic utilities? Are you prepared to wait up to a week for services to be restored or food shipments to arrive? Have you taken stock of every item you and your family members may need if you must wait an extended period for help to arrive?

There are numerous events—severe storm, flood, fire, and earthquake, to name a few—that can leave you cut off from community services and emergency assistance. Stop to consider the possibility that you could be completely housebound for a full week. Do you have the supplies you need keep yourself and your family members fed and comfortable?

The Alaska Division of Homeland Security & Emergency Management recommends you include the following supplies in a basic emergency supply kit:

- Water—1 gallon per person per day for at least 7 days
- Food—at least a 7-day supply of non-perishable food; don't forget a can opener
- Weather Radio—battery powered or hand crank type
- Flashlight
- Spare batteries for radio and flashlight
- First aid kit
- Cold weather gear and blankets or sleeping bags
- Dust mask—1 per person
- Plastic sheeting or tarp and duct tape
- Moist towelettes, garbage bags and plastic ties for personal sanitation
- Wrench or pliers to turn off utilities
- Heat source safe for indoor use, such as hand warmers, sterno, emergency candles or a heat source labeled for indoor use
- Cell phone with chargers, inverter or solar charger



Once you have the basic supplies assembled, consider what items you may need to provide additional safety and security. Again, picture yourself stranded in a real emergency situation and think about what items would provide comfort or improve your well-being:

- Prescription medications and glasses
- Infant formula and diapers
- Pet food and extra water for your pet
- Important documents (in a waterproof, portable container)
- Cash or traveler's checks
- Complete change of clothing, including shoes, for each family member
- Household chlorine bleach (not scented, color safe or with added cleaners) and medicine dropper—16 drops of regular household liquid bleach per gallon of water can insure safe drinking water, and 9 parts water per 1 part bleach can be used as a disinfectant
- Fire extinguisher
- Emergency whistle
- Feminine supplies and personal hygiene items
- Mess kits, paper cups, plates and plastic utensils, paper towels
- Paper & pencil
- Books, games puzzles or other activities for children

If the thought of assembling a comprehensive emergency supply kit seems daunting, you can easily break it down into manageable, cost-effective pieces over a longer period. Go online to [www.ready.alaska.gov](http://www.ready.alaska.gov) and click on Alaska 7-day Emergency Kit under QuickLinks. The plan will guide you in assembling your kit over a 12 week period. Gain peace of mind knowing your family is prepared.



## HUMAN RESOURCES

### The Law At Work

**Q.** We have a maintenance employee who complains a lot about working conditions, co-workers, and everything else. At least once a week, he yells, "I quit!" and stomps out. The next time he does this, as the Mayor I would like to accept his resignation. But is a resignation effective only if I get it in writing?

**A.** A resignation need not be in writing. If an employee says "I quit" and walks out, you may generally accept that as a resignation. I recommend you put a note in his personnel file stating what happened. If he comes back, you can tell him he no longer has a job, because he's resigned. If he leaves belongings at work, you can box them up and let him know they are available for pick up.

*The Law At Work is written by Leslie Longenbaugh, Longenbaugh Law Firm, LLC. Ms. Longenbaugh answers your employment law questions through the Employment Law Hotline. The Hotline is a free service to AMLJIA member managers, mayors, superintendents and supervisors. Call **877-4AMLJIA** (877-426-5542) for a free 30-minute consultation before taking personnel action.*

### Free Speech or Harassment: Setting Boundaries

Politics. The topic can turn coworkers into combatants. Even those who try to avoid confrontation get pulled in, forced to choose a side. A lively debate becomes a battle for dominance. It turns into an ugly situation where no one wins.

Political discussions are inevitable in the workplace but even more so during a presidential election year. As an employer, you cannot ban free speech in the workplace, but you must also make sure all employees feel comfortable at work. There is a delicate balance between free speech and bullying, and it's your job to maintain that balance.

Workplace discussions about controversial subjects are nothing new, but 24-hour access to live news feeds and social media are changing how people react and interact. Reporters push out attention-grabbing headlines even before the facts are established, and people immediately begin to spread their opinions across social media platforms. The water cooler jury is already debating guilt or innocence minutes after the latest shooting makes headlines.

How does a manager determine when the line between free speech and harassment has been crossed? How do you prevent a healthy debate from becoming a heated argument that damages employee and customer relations? There are steps that you can take as a manager to help maintain a healthy, inclusive workplace, including:

- Make sure managers respect the views of others. You may not agree with the views of your employees, but you can respect them. Model the behavior you want your employees to adopt.
- Encourage your staff to interact in person. Technology such as email and text messaging makes it easy to keep a heated argument going for days without ever speaking face to face. In-person interaction tends to make people more tolerant of one another's views.
- Establish a civil workplace. Communicate your anti-harassment policy to every employee, and review the policy with employees from time to time. If you have employees that have drawn battle lines and dug in, meet separately with each of them and let them know they need to keep their political battles out of the workplace.

If you need assistance or advice for handling political battles in the workplace, contact Kate Young at 800-337-3682, or email [katey@amljia.org](mailto:katey@amljia.org).



### Is Fainting an OSHA Recordable Event?

Last fall, an employer inquired of OSHA whether an incident at work should be recorded on the OSHA 300 form, the Log of Work-Related Injuries and Illnesses. In this particular case, an employee received a minor scratch which required a Band-Aid. As a coworker applied the Band-Aid, the injured employee observed a small amount of blood on his finger and fainted. Upon regaining consciousness, he stated that he had fainted because he cannot tolerate the sight of blood.

The employer questioned whether the incident was recordable, as the initial injury requiring application of a Band-Aid was not a recordable injury. OSHA's response stated that the non-recordable first aid treatment was not relevant in this case. The event met the general recording criteria under 29 CFR 1907.7(b)(1)(v), which requires the employer to report any work-related illness or injury which causes loss of consciousness, regardless of how long the employee remains unconscious.

## ABOVE THE GRADE

# Addressing Cyberbullying in Schools

Bullies have always been around, and schools are no exception. Unfortunately for their victims, the playing field has changed profoundly with modern technology. Electronic devices and social media allow bullies to attack and intimidate without being in close physical proximity. Bullies can even remain completely anonymous, using fake email and social media accounts, so a victim can't even name their attacker. Welcome to the age of cyberbullying.

Schools have a responsibility to their students to provide a safe learning environment. While anti-bullying policies typically address physical and verbal bullying on school grounds, cyberbullying falls into a gray area as it frequently occurs off campus and outside of school hours. If your anti-bullying policy fails to address cyberbullying, it's time to revise it.

A good cyberbullying policy will address both incidents that occur at school and those that originate off campus but result in a disruption of the learning environment at school. Both school administrators and local law enforcement should recognize

that schools have the legal authority to intervene when off campus cyberbullying causes significant disruption to the learning environment.



Students should already be aware that bullying in any form, including cyberbullying, is not acceptable behavior. Both students and parents should be aware of your school's discipline policy. Any disciplinary action taken should be commensurate with the harm done and

the disruption that occurred. While most incidents can be handled by contacting parents and providing counseling to the bully and victim separately, it may become necessary to utilize school liaison officers or other law enforcement to investigate incidents if bullying behaviors reach a certain level of severity.

The most important step that any school can take to prevent cyberbullying is to educate students about responsible use of technology. Adolescents are impulsive, and sometimes a simple reminder and positive reinforcement is all it takes to curb poor choices. Utilize anti-cyberbullying signage throughout the school – students can make their own posters to display – and remind students to “THINK” before they post any message:

- Is it True?
- Is it Helpful?
- Is it Inspiring?
- Is it Necessary?
- Is it Kind?

Words can hurt. Take action to prevent cyberbullying.

# Student Safety Calendar Artists

Each year, the AMLJIA sponsors a Student Safety Calendar contest, challenging students in kindergarten through 6th grade from AMLJIA member schools to enter their artwork for publication in the calendar. The theme for the 2016 Student Safety Calendar is water safety, and we were overwhelmed by the response! The AMLJIA received almost 180 entries from fourteen member schools representing ten school districts.

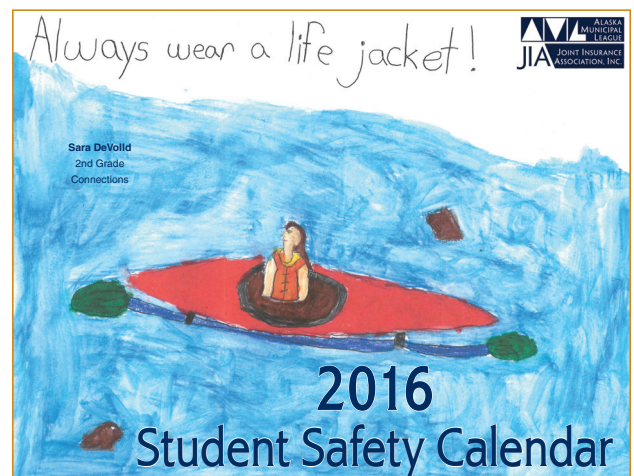
We would like to recognize the following students whose artwork was selected for the 2016 Student Safety Calendar:

- Miles Bourdukofsky, Saint Paul School
- Tanner DeHart, North Star Elementary
- Sara DeVold, Connections School
- Shianne Eller, Naukati School
- Braun Endicott, Yakutat School
- Keegan Hanson, Craig Elementary

- Thomas Malcolm, Eagle Community School
- Auston Martynuik, Hollis School
- Alayna Parsley, Whale Pass School
- Kelsey Reutov, Kachemak Selo School
- Georgia Sargent, Sand Point School
- Isis Thomas-Fox, Thorne Bay School
- Riley Young, Tok School

The AMLJIA would also like to thank our school administrators, teachers, and support staff for modeling safe behaviors and teaching students about safety at school and at play. The lessons they

learn will continue to improve our schools and communities for everyone and protect our next generation of leaders.





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Building on Tradition.  
Protecting Your Future.

## Calendar

March 2016 - May 2016

AASB Spring Academy & Legislative Fly-in	Juneau, AK	March 19-22, 2016
Seward's Day		March 28, 2016
AMLJIA Loss Control Inspection Program Facility Self-Inspections Due	Anchorage, AK	April 1, 2016
NSBA Annual Conference & Exposition	Boston, MA	April 9-11, 2016
AMLJIA Liability Exposure Questionnaires Due	Anchorage, AK	April 15, 2016
IIMC Annual Conference	Omaha, NE	May 22-25, 2016
GFOA Annual Conference	Toronto, ON	May 22-25, 2016
NACo WIR Conference	Jackson Hole, WY	May 25-27, 2016
Memorial Day		May 30, 2016