

Bond Case Briefs

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LIABILITY - ALASKA

Tripp v. City and Borough of Juneau

Supreme Court of Alaska - January 17, 2025 - P.3d - 2025 WL 225322

Motorist and her husband filed suit against defendants including city, police department, and police chief, seeking to recover for injuries motorist sustained when her vehicle was rear-ended by intoxicated, off-duty city police officer in his personal vehicle, and alleging claims for negligent training and negligent supervision, as well as husband's claim for loss of consortium.

The Superior Court granted defendants' motion to dismiss for failure to state a claim. Motorist and husband appealed.

The Supreme Court held that:

- Statute establishing Police Standards Council policy did not impose a duty of care to train officers against excessive off-duty alcohol consumption;
- City's drug-free workplace policy did not impose duty on city to train officers against excessive off-duty alcohol consumption;
- Police department rule of conduct imposed no duty on department to protect motorist from conduct of off-duty intoxicated police officer;
- Police department had no statutory duty to train its officers to report colleagues' excessive off-duty alcohol consumption;
- Factor of foreseeability weighed against finding that public policy supported duty of care to train officers against excessive off-duty alcohol consumption;
- Factor of certainty of plaintiffs' injuries weighed in favor of finding that public policy supported duty of care to train officers against excessive off-duty alcohol consumption; and
- Factor of burden to police department and consequences to the community weighed against finding that public policy supported duty of care to train officers against excessive off-duty alcohol consumption.