

From: [Susan A](#)
To: [Senate State Affairs](#)
Subject: Public Testimony SB 53 NO Qualified Immunity
Date: Friday, April 18, 2025 10:48:43 AM

PUBLIC TESTIMONY OPPOSING SENATE BILL 53

Chair and Members of the Committee,

I testify today in firm opposition to Senate Bill 53, a deeply flawed piece of legislation that would grant blanket immunity to law enforcement agencies while undermining civil rights, constitutional protections, public safety, and the principle of equal justice under law.

This bill is not about reform—it is about protectionism for broken systems. It creates the illusion of accountability by offering a tiered accreditation structure, but in reality, it offers legal immunity to agencies regardless of whether they are accredited or even comply with basic training standards.

I. SB 53 Grants Dangerous and Unconstitutional Immunity

SB 53 allows state and local law enforcement agencies to be exempt from civil liability merely by attempting to meet accreditation standards, even if they fail. This undermines:

Article I, Section 16 of the Alaska Constitution, which guarantees access to the courts and the right to seek a remedy for harm.

The 14th Amendment to the U.S. Constitution, by violating due process and equal protection, particularly for Alaska Native communities, disabled individuals, and victims of excessive force.

Precedent in Alaska case law—including *Adams v. State and Estate of Brandon v. City of Anchorage*—which clearly affirm that government entities can and should be held liable for negligence, especially in the realm of public safety.

This bill guts those protections by shutting the courthouse doors on victims of misconduct and negligence.

II. SB 53 Undermines Accountability and Incentivizes Failure

This bill does not enforce accreditation. Instead:
It offers immunity even to agencies that fail to meet standards.

There is no requirement for compliance, no independent oversight, and no public reporting.

There are no penalties for failure.

It encourages superficial box-checking instead of meaningful reform.

This legal shield rewards negligence and deters transparency. Under SB 53, if an agency chooses not to comply or simply doesn't try hard enough, it still gets protection. That is a legal and moral failure.

III. SB 53 Harms Alaska's Most Vulnerable Communities

Alaska Native communities and rural residents already suffer some of the highest rates of police violence, misconduct, and failed response. SB 53 provides those same underperforming agencies with immunity from lawsuits—even in the face of repeated violations.

This is a direct attack on:

Tribal sovereignty

Disability rights under the ADA

Victims' rights and trauma-informed justice

SB 53 is not race-neutral. It disproportionately shields systemic failures that impact Indigenous Alaskans, people of color, and low-income families—the very communities with the least access to other remedies.

IV. This Bill Aligns with National Authoritarian Trends

SB 53 mirrors national efforts—like those found in Project 2025—to:

Expand police powers

Erode judicial oversight

Create immunity for state agents while restricting civil liberties for the public

This is not the Alaska we want. Our state must stand for justice, not impunity. We must uplift constitutional rights, not erase them behind bureaucracy and legal shields.

V. Recommendations

I urge this committee to:

Reject SB 53 in its entirety.

Instead, develop legislation that:

Mandates accreditation

Enforces compliance with oversight

Preserves the public's right to hold the state accountable

Centers the rights and safety of the people, not institutions

Anything less than that is a betrayal of Alaska's values and its Constitution.

SB 53 does not promote safety. It promotes secrecy, failure, and injustice. By removing liability for law enforcement agencies that harm, neglect, or discriminate, it erases the hard-won rights of victims and shields institutions from accountability. That is not reform—it is regression.

I respectfully but firmly urge the committee to vote NO on Senate Bill 53.

Thank you.
Susan Allmeroth
Two Rivers
Myself

Key Fixes to be Viable

1. Remove All Blanket Immunity Provisions

Delete Sections 6 and 7 that grant immunity to agencies based on mere participation in accreditation.

Instead, hold agencies liable for misconduct, negligence, or non-compliance, regardless of accreditation status.

Immunity must not override constitutional or civil rights.

2. Make Accreditation Mandatory, Not Optional

Require full compliance with Alaska Police Standards Council (APSC) accreditation for any immunity consideration.

Include clear timelines, enforcement mechanisms, and penalties for failure to comply.

Agencies should lose funding or grants if they do not meet standards.

3. Create Independent Oversight

Establish a civilian oversight board or inspector general to:

Audit compliance

Receive and investigate complaints

Report findings publicly

This ensures agencies aren't policing themselves.

4. Include a Private Right of Action

Add a clause allowing individuals harmed by misconduct or non-compliance to file civil suits.

This protects the public's access to justice and preserves Article I, Section 16 of the Alaska Constitution.

5. Incorporate Tribal and Disability Protections

Require that accreditation standards comply with federal and tribal law, including:

The Indian Civil Rights Act

Americans with Disabilities Act

UN Declaration on the Rights of Indigenous Peoples (as recognized by Alaska Native communities)

6. Strengthen Reporting and Transparency

Require annual public reports on:

Training compliance

Use of force incidents

Community complaints and investigations

Accreditation status

This builds public trust and tracks agency performance.

7. Add Sunset Clauses and Review Requirements

Require legislative reauthorization every 5 years.

Include independent legal and community review panels to assess the program's effectiveness.

BOTTOM LINE

SB 53 can only be fixed if it stops protecting agencies from the consequences of their own failures. If the Legislature is serious about public safety and accountability, then it must:

Remove immunity,

Enforce standards,

Create external oversight,

And empower the public—not silence it.

Otherwise, the bill must be voted down entirely.

Here's where qualified immunity and related doctrines were addressed directly or indirectly in the two testimonies opposing SB 53:

Direct Mentions of Qualified Immunity

Public Testimony – Legal Analysis Section:

"SB 53 dangerously mirrors the effects of qualified immunity by functionally preempting state-level liability, thereby eliminating the ability for harmed individuals—especially in rural or tribal communities—to sue for misconduct or denial of services."

Public Testimony – Constitutional Violations:

"By eliminating civil liability, SB 53 functionally codifies a shield broader than qualified immunity without requiring any factual inquiry into the misconduct, eliminating the opportunity for redress altogether..."

References to Relevant Case Law and Doctrines:

42 U.S.C. § 1983: Federal law allowing individuals to sue for civil rights violations. Qualified immunity is the judicially created defense that limits when public officials can be sued under §1983.

Monell v. Dept. of Social Services (1978) and City of Canton v. Harris (1989): Both cases clarify that municipalities (and by extension, state actors) can be liable if their policies or lack of training cause rights violations.

Chemerinsky (2021): His constitutional law text is cited for its comprehensive critique of qualified immunity and how it's been overextended to block access to justice.

Indirect Mentions / Functional Equivalents

The bill is criticized for broad civil immunity, which removes any mechanism for accountability, even more severely than federal qualified immunity.

The testimonies argue this undermines constitutional due process and eliminates redress options under both state and federal law, especially for civil rights abuses.

They are attempting to pull a fast one on all of you! Wake up! This can not pass! You are endangering everyone's lives!

Reference Page

Legal, Constitutional, and Oversight Sources

Alaska Constitution

Article I, Section 1: Rights of individuals

Article I, Section 7: Due process

Article I, Section 16: Civil suits and access to courts

United States Constitution

14th Amendment: Equal Protection and Due Process Clauses

Supremacy Clause (Article VI)

Alaska Statutes (AS)

AS 18.65.220–290: Alaska Police Standards Council

AS 39.52.010–960: Alaska Executive Branch Ethics Act

AS 44.23.020: Attorney General's duties

Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301–1304)

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Adopted by UN General Assembly (2007); endorsed by the U.S. in 2010

42 U.S. Code § 1983 – Civil action for deprivation of rights

Oversight, Policing, and Justice Accountability Reports

U.S. Department of Justice – Civil Rights Division

Investigations into unconstitutional policing patterns and practices

“The Need for Independent Oversight of Law Enforcement Agencies,” DOJ (2021)

National Institute of Justice

“Police Accountability: Current Trends and Future Directions,” NIJ Journal Issue No. 296 (2017)

Alaska Legislative Affairs Agency

Legislative Legal Services memos on constitutionality of limiting liability for government actors

Academic and Legal Scholarship

Chemerinsky, E. (2021) – Constitutional Law: Principles and Policies (6th ed.)

Treatise discussing constitutional limitations on government immunity

Gilligan v. Morgan, 413 U.S. 1 (1973)

Limits of judicial review in military/police discipline but not complete immunity

Monell v. Department of Social Services, 436 U.S. 658 (1978)

Municipal liability under §1983 for policy or custom resulting in civil rights violations

City of Canton v. Harris, 489 U.S. 378 (1989)

Agency liability for failure to train that results in constitutional harm

Policy Think Tanks and Civil Rights Groups

ACLU of Alaska – Reports on excessive force and qualified immunity in the state

National Police Accountability Project – Opposes expansions of immunity that block civil rights litigation

Alaska Federation of Natives (AFN) – Policy statements on tribal sovereignty and justice disparities

Human Rights Watch (2021) – Shielded from Justice: Police Brutality and Accountability in the U.S.