

ABATEMENT OF VEHICLES OPERATED BY DELINQUENT OFFENDERS (“SCOFFLAWS”) AMC 9.28.035

Presented By:

Anchorage Police Department
Chief Michael Kerle

Prepared by:

Anchorage Police Department
Traffic Unit Sergeant David Noll

▶ **Why Does the Scofflaw Program Exist?**

- ▶ Jennie Morris Story: One of many victims whose life was changed forever
- ▶ The Scofflaw program exists to progressively address severe traffic offenders who refuse to obey the consequences of their repeated unsafe driving habits.
- ▶ **Scofflaw drivers have demonstrated an accumulated history of not following traffic laws; these are high-risk drivers that endanger the public and rarely face consequences.**

▶ **How Does Someone get put on the Scofflaw List?**

1. A driver gets pulled over for violating one or more traffic laws
2. The driver receives a citation from the APD officer (Not all traffic stops result in a citation)
3. Driver ignores fines or does not fix the violation (“fix-it” ticket)
4. Alaska Court System refers the fine to APD for collection
5. Driver accumulates more than \$1,000 in unpaid traffic citations
6. Driver is notified and their name then appears on the Scofflaw List at risk of further consequence
7. If Driver violates a traffic law yet again and APD pulls them over, the officer may seize the vehicle they are driving at that time

▶ **How Does Someone get put on the Scofflaw List?**

- ▶ NOTE: A driver does not typically become a Scofflaw through equipment or paperwork violations alone
- ▶ There are many opportunities to keep a delinquent traffic fine from being referred by the Court to Treasury and from accumulating toward the \$1,000 Scofflaw threshold
- ▶ It takes 90+ days from the citation issue date to become a court-ordered judgment, so there is significant time available for the driver to pay or correct the violation in a timely manner
- ▶ The average Scofflaw has accumulated between 7-8 unpaid traffic citations
- ▶ APD officers have access to an information pamphlet to hand out to offenders who receive a citation explaining what to do if they need more time to pay a fine
 - ▶ These are often given out upon request or when a citation is a higher dollar amount
 - ▶ Thousands of these have been given to the public



**Anchorage Police Department
Traffic Stop Information Sheet**

1. Reduction of Fines:

- a. Municipal Code specifies that reduction of the scheduled fine is prohibited, regardless of whether a person pleads guilty or no-contest, or if that person was found guilty by a magistrate/judge in traffic court. This does not apply to state fines.
- b. **9.48.125 - Scheduled fine amounts not to be reduced.**
When a person pleads guilty or nolo contendere to, or is convicted of, a motor vehicle or traffic offense and a corresponding fine amount is established in the Schedule of Traffic Offense Fines in section 9.48.130, the sentence imposed shall be the scheduled fine and any applicable surcharges. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a).

2. Reduction of Points:

- a. Points are under the control of the Division of Motor Vehicles and cannot be reduced in traffic court by a magistrate/judge if a person pleads guilty or no-contest, or if that person is found guilty in traffic court.
- b. A driver with a Class D Operator's License can take a defensive driving course once every 12 months. The list of approved programs can be found at: http://dmv.alaska.gov/dmv/akof/driving_schools.htm
The DMV can deduct two points from a driver's accumulated points upon successful completion of an approved program
- c. The DMV may also remove two points from a driver's accumulated points when 12 months have passed after the last conviction.

3. How to obtain video recordings or other evidence prior to going to court:

- a. To obtain video recordings, audio recordings, or other evidence, a Discovery Request must be submitted to the Municipal Prosecutors' Office. This can be done by calling (907)343-4250, providing the citation number, and asking for directions on how to file a Discovery Request.

4. How to extend the fine due date:

- a. If a citation is contested in traffic court and the magistrate/judge finds the defendant not guilty, there is no fine and no points are assessed.
- b. If a citation is contested in traffic court and the magistrate/judge finds the defendant guilty or if the defendant changes his or her plea to guilty or no-contest, the magistrate can extend the due date of the fine.
- c. If a defendant does not wish to contest a citation in traffic court but wants to request additional time to pay the fine, an extension can be requested through the Court. A defendant can file a request to Extend Fine Due Date (Form TR-218) which can be downloaded at: <https://public.courts.alaska.gov/web/forms/docs/tr-218.pdf>
Form TR-218 may only be submitted to the Alaska Court System and must include a copy of the citation.

5. Correctable Citations:

- a. Some correctable citations can be addressed electronically. For more information go to: <https://www.anchorpolice.com/correctable-citations>

Any person who has received a citation has the right to contest that citation in court. Please refer to the rights and responsibilities on the reverse side of the citation for additional details.

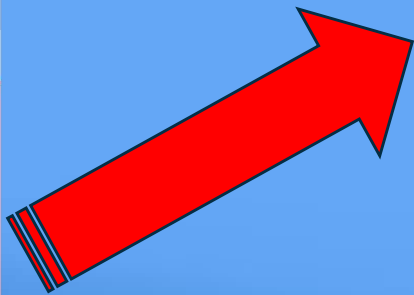
INFORMATION PAMPHLET

4. How to extend the fine due date:

- a. If a citation is contested in traffic court and the magistrate/judge finds the defendant not guilty, there is no fine and no points are assessed.
- b. If a citation is contested in traffic court and the magistrate/judge finds the defendant guilty or if the defendant changes his or her plea to guilty or no-contest, the magistrate can extend the due date of the fine.
- c. If a defendant does not wish to contest a citation in traffic court but wants to request additional time to pay the fine, an extension can be requested through the Court. A defendant can file a request to Extend Fine Due Date (Form TR-218) which can be downloaded at: <https://public.courts.alaska.gov/web/forms/docs/tr-218.pdf>
Form TR-218 may only be submitted to the Alaska Court System and must include a copy of the citation.

5. Correctable Citations:

- a. Some correctable citations can be addressed electronically. For more information go to: <https://www.anchorpolice.com/correctable-citations>



▶ **How Many People are “Scofflaws”**

- ▶ Delinquent offenders represent 1-2% of the driving population in Anchorage
 - ▶ Even less when considering that delinquent offenders are not limited to Anchorage residents

▶ Scofflaw Violations

▶ Examples of traffic citations on the Scofflaw List:

License Violations (Suspended, Revoked, No License)	10,111
Insurance Violations	9,228
Misuse of Plates, Unregistered Vehicle	4,983
Speeding	3,345
Careless, Red Lights, Stop Signs	2,357
Equipment (911 of these are inoperable or improper lights)	2,302
Seat Belts	1,235
Open Container	578
Misc. (Leave Scene of Crash, Operating Screen Device)	148

▶ Paperwork and Equipment Violations

- ▶ **Paperwork and equipment violations tie directly to public safety**
- ▶ **Examples:**
 - ▶ Inoperable lights in low light or reduced visibility can reduce the driver's ability to see and be seen.
 - ▶ The width and type of a vehicle cannot be determined at night by pedestrians or other drivers if lights are not lit on one side.
 - ▶ Driving without insurance significantly impacts drivers involved in a traffic accident.
- ▶ **Not including these violations in the Scofflaw List:**
 - ▶ Removes vehicle seizure deterrent which promotes safe driving, and proper vehicle maintenance
 - ▶ Unfairly reduces consequences for drivers who routinely violate traffic laws and refuse to pay the fines for their unlawful actions

▶ Headlight/Brake Lights

- ▶ It is not reasonable to believe that people are on scofflaw solely for head light or brake light violations.
 - ▶ A person would have to accumulate 20 citations for these types of violations and fail to correct the deficiency or pay the fine, before they became delinquent for \$1000.
 - ▶ If all headlight and brake light citations on scofflaw were evenly distributed amongst scofflaws without other offenses, that would amount to less than 50 people, or 1% of all scofflaws

▶ Impounds

- ▶ Not all vehicles driven by suspended/canceled/revoked drivers can be impounded for those offenses
- ▶ Scofflaw stats in previous slides indicate there is a strong likelihood that an unlicensed driver will continue to drive despite being cited
- ▶ If a driver has no valid license or is suspended/canceled/revoked, AND on a scofflaw, the vehicle can be impounded
- ▶ Impoundment stops the improper behavior and guarantees compliance at the time
- ▶ Impoundment prevents collisions and protects the owner from liability

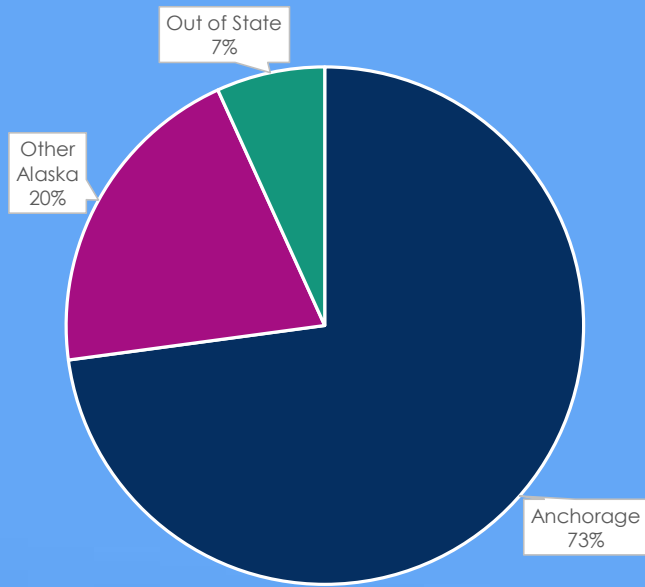
▶ Delinquent Offenders are Dangerous

- ▶ Scofflaw offenders were involved in **13.75%** of serious or fatal collisions in Anchorage from 2021-2022 (based on Major Collision Investigation Unit investigations)
- ▶ This is despite scofflaw offenders accounting for less than 2% of the population
- ▶ If those drivers had been stopped by police prior to the collision, their cars could have been impounded which would have prevented the serious or fatal collision from occurring
- ▶ Prevention is difficult to quantify. Undoubtedly, impounding vehicles for scofflaw has prevented fatal crashes in the last 15 years
- ▶ The Anchorage Police Department believes we will likely see an increase in traffic fatalities if the scofflaw program is ended

- ▶ 80 individuals were white (62 %)
- ▶ 20 individuals were black (15 %)
- ▶ 20 individuals were Alaska Native/American Indian (15 %)
- ▶ 10 individuals were Asian/Pacific Islander(8 %)
- ▶
- ▶ 3 individuals were deceased (Removed from comparisons)
- ▶ 15 individuals had misdemeanor warrants
- ▶ 3 individuals had felony warrants
- ▶ 26 individuals had valid licenses.
- ▶ 104 individuals had no license, or expired/suspended/canceled/revoked license

RANDOM SAMPLE: PAGE 15 OF 37

Residential Address



WHERE DO THEY LIVE?

Small sample size of 59 random individuals

■ Anchorage ■ Other Alaska ■ Out of State



WHAT HAPPENED AFTER IMPOUND

- ▶ From 1/1/23 to 6/20/23
- ▶ 83 vehicles released to the owner.
\$66,584 collected by Vulcan for Towing and storage fees.
- ▶ 90 vehicles were auctioned.
 - ▶ Invoice total to Vulcan: \$373,474.58
 - ▶ Auction total to Vulcan: \$96,605.09
 - ▶ Sent to collections by Vulcan: \$276,869.49