



OFFICE OF THE OMBUDSMAN Memorandum

DATE: October 28, 2021

TO: Anchorage Assembly & Mayor Bronson

FROM: Darrel W. Hess, Municipal Ombudsman *DWH*
May Ramirez-Xiong, Deputy Ombudsman *MRX*

SUBJECT: AMC 9.28.035 – Abatement of Vehicles Operated by Delinquent Offenders

On February 5, 2020, after an extensive review of AMC 9.28.035 – Abatement of Vehicles Operated by Delinquent Offenders and responding to numerous complaints regarding the code and its impacts on constituents, especially vehicle owners who were not on the scofflaw list, the Municipal Ombudsman's Office issued a memo that recommended the repeal of AMC 9.28.035.

Unfortunately, the COVID – 19 global health pandemic sidetracked any response to our memo and recommendation. Consequently, we are resending the original memo, under cover of this memo. We are attaching several graphs and charts related to the recent history of scofflaw impounds by the Municipality of Anchorage. For the reasons outlined in the original memo, the Anchorage Municipal Ombudsman's Office recommends that the Assembly repeal AMC 9.28.035.

The Municipality is unable to demonstrate that the code contributes to improved public safety, which was the stated purpose for implementing the scofflaw ordinance. Unpaid fines for criminal offenses committed while operating a motor vehicle do not count for purposes of the scofflaw code; cracked windshields and burned-out headlights and taillights do count. The Municipality loses money implementing and managing the program. Multiple non-scofflaw vehicle owners have lost their vehicles because they were unable to pay the costs to retrieve their vehicles that were impounded by the Municipality.

The negative impacts to non-scofflaw vehicle owners and businesses far outweighs any other considerations. The code is regressive, unfair, and unreasonable. The Municipality seizing private vehicles, including business vehicles, to collect delinquent civil fines is government overreach at its worst. The Municipality of Anchorage should defer to the state scofflaw statute, AS 28.15.161(a)(7)), which requires that the Division of Motor Vehicles cancel the driver's licenses of individuals who accumulate over \$1,000 in unpaid traffic fines. The state statute cancels a privilege, rather than seizing private property.

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