

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Law  
For Reading: November 25, 2008

CLERK'S OFFICE

APPROVED

Date: 1/6/09

ANCHORAGE, ALASKA

AO No. 2008-126

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE  
2 SECTION 9.28.026C. TO AUTHORIZE ELECTRONICALLY SIGNED POLICE  
3 REPORTS FOR POST-SEIZURE PROBABLE CAUSE HEARINGS HANDLED  
4 BY THE ADMINISTRATIVE HEARING OFFICE.

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6  
7 WHEREAS, the Anchorage Municipal Code (AMC) permits the owner of a vehicle  
8 seized pursuant to section 9.28.026 to request a hearing; and

9  
10 WHEREAS, the section 9.28.026 permits a police officer to submit a signed police report  
11 in lieu of appearing in person, but does not specifically authorize an electronic signature;  
12 and

13  
14 WHEREAS, the Alaska Courts have held the Anchorage Police Department has adequate  
15 procedures and controls to insure the integrity of data accompanying electronic signatures  
16 on police reports; now, therefore,

17  
18 THE ANCHORAGE ASSEMBLY ORDAINS:

19  
20 Section 1. Anchorage Municipal Code section 9.28.026C.13. is hereby amended to  
21 read as follows (*the remainder of the section is not affected and therefore not set out*):

22  
23 9.28.026 Impoundment and forfeiture of vehicle.

24  
25 \*\*\* \*\*

26 C. *General Provisions.*

27  
28 \*\*\* \*\*

29 13. When a timely request for a post-seizure probable cause hearing is  
30 made, a hearing shall be held before an administrative hearing  
31 officer. The hearing shall be held within three days after the request  
32 is received, excluding weekends and municipal holidays. The  
33 hearing may be postponed upon agreement of the parties.

34  
35 \*\*\* \*\*

36 c. If the law enforcement officer provides a signed police  
37 report or affidavit with the name and badge number or  
38 other identifying mark of the law enforcement officer to  
39 the administrative hearing officer, the law enforcement  
40 officer need not be present at the hearing unless requested

by the person requesting the hearing or the administrative hearing officer.

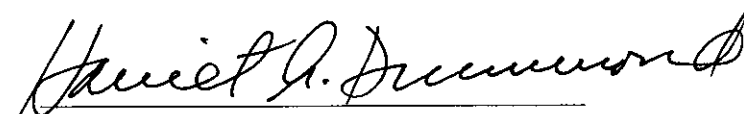
i. For purposes of this subsection, the requirement of a signed police report may be satisfied by a police report bearing an officer's electronic signature.

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(AO No. 82-205; AO No. 83-168, 10-17-83; AO No. 93-87(S-2), 1-1-94; AO No. 94-71(S), § 1, 4-26-94; AO No. 95-84(S-1), § 18, 4-27-95; AO No. 95-163(S), §§ 10--19, 8-8-95; AO No. 97-87, § 3, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-72, § 1, 7-1-02; AO No. 2001-139, § 2, 7-1-02; AO No. 2001-150, § 6, 8-28-01; AO No. 2003-73, §§ 12--14, 4-22-03; AO No. 2003-106, §§ 7, 8, 7-1-03; AO No. 2003-152S, § 2, 1-1-04; AO No. 2003-155, § 2, 6-1-04; AO No. 2004-61, § 1, 3-2-04; AO No. 2006-89(S), § 1, 6-6-06; AO No. 2006-115, § 1, 9-12-06; AO No. 2007-60, § 2, 11-1-07; AO No. 2007-161, § 3, 12-11-07)

**Section 2.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 13 day of January, 2009.

  
Chair

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2008-126

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION  
9.28.026C. TO AUTHORIZE ELECTRONICALLY SIGNED POLICE  
REPORTS FOR POST-SEIZURE PROBABLE CAUSE HEARINGS  
HANDLED BY THE ADMINISTRATIVE HEARING OFFICE.

Sponsor: MAYOR  
Preparing Agency: Department of Law  
Others Impacted: Anchorage Police Department, Administrative Hearing Office

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY08	FY09	FY10	FY11	FY12	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

No Public Sector Economic Effect will be realized by this action.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

No Private Sector Economic Effect will be realized by this action.

Prepared by: Department of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 797-2008

Meeting Date: November 25, 2008

**From: MAYOR**

**Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 9.28.026C. TO AUTHORIZE ELECTRONICALLY SIGNED POLICE REPORTS FOR POST-SEIZURE PROBABLE CAUSE HEARINGS HANDLED BY THE ADMINISTRATIVE HEARING OFFICE.**

This ordinance allows Anchorage Police Department (APD) to submit electronically signed police reports at post-seizure probable cause hearings held pursuant to Anchorage Municipal Code section (AMC) 9.28.026. Section 9.28.026C.13.c. allows APD to submit a "signed police report" rather than having the officer appear at the hearing in person. However, the Administrative Hearing Office ("AHO") recently interpreted this section to require a manual signature on a police report. This code amendment permits the AHO to accept electronically signed police reports.

The requirement of manual signatures on police reports imposes a substantial burden on APD and jeopardizes the Municipality's ability to seek impound or forfeiture of some vehicles under AMC 9.28.026. In some cases, APD is unable to obtain a manual signature within the requisite amount of time because the code requires a post-seizure probable cause hearing be held within three days; however, the three-day period may coincide with the arresting officer's scheduled days off or leave. In those cases, no report can be submitted and no officer can appear. Accordingly, the AHO finds no probable cause based solely on the officer's failure to appear, requiring the Municipality to release the vehicle without payment of administrative fees or towing and storage costs and to forego future action for impound or forfeiture. Further, APD's Court Liaison spends a substantial amount of time locating and arranging for manual signatures by officers. These manual signatures are not needed for any other purposes other than for police reports submitted under section 9.28.026C.13.

The Alaska Court System already accepts electronic signatures under District Court Rule of Criminal Procedure 8.2(b), having found that APD has adequate procedures and controls to insure the integrity of an officer's electronic signature. Thus, the AHO too can be assured of the integrity of officers' electronic signatures.

Adoption of this ordinance eases the burden on APD's court liaison and ensures the AHO has the opportunity to timely review the merits in a post-seizure probable cause hearing.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE  
AMENDING ANCHORAGE MUNICIPAL CODE SECTION 9.28.026C. TO  
AUTHORIZE ELECTRONICALLY SIGNED POLICE REPORTS FOR POST-  
SEIZURE PROBABLE CAUSE HEARINGS HANDLED BY THE  
ADMINISTRATIVE HEARING OFFICE.**

Prepared by: Department of Law  
Approved by: Rob Heun, Chief of Police  
Concur: James N. Reeves, Municipal Attorney  
Concur: Michael K. Abbott, Municipal Manager  
Respectfully submitted: Mark Begich, Mayor

G:\mat\open matters\DUI-DWLS Impound Forfeiture\AM - supporting electronic signatures on police rpts.DOC

**Content ID:** 006977**Type:** Ordinance - AO**Title:** Ordinance Amending AMC 9.28.026C Authorizing E-Signatures on Police Reports for Post-Seizure Probable Cause Hearings**Author:** smiko**Initiating Dept:** APD**Description:** Ordinance Amending AMC 9.28.026C Authorizing E-Signatures on Police Reports for Post-Seizure Probable Cause Hearings**Date Prepared:** 10/11/08 11:46 AM**Assembly Meeting Date:** 11/25/08**Public Hearing Date:** 12/16/08

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	11/14/08 10:40 AM	Exit	Heather Handyside	Public	006977
MuniMgrCoord_SubWorkflow	11/14/08 10:40 AM	Approve	Heather Handyside	Public	006977
MuniManager_SubWorkflow	11/14/08 10:20 AM	Approve	Michael Abbott	Public	006977
Legal_SubWorkflow	11/7/08 6:53 PM	Approve	Rhonda Westover	Public	006977
Finance_SubWorkflow	11/7/08 5:58 PM	Approve	Nina Pruitt	Public	006977
OMB_SubWorkflow	11/7/08 9:53 AM	Approve	Wanda Phillips	Public	006977
APD_SubWorkflow	10/24/08 2:27 PM	Approve	Rob Heun	Public	006977
AllOrdinanceWorkflow	10/24/08 2:24 PM	Checkin	Stephen Miko	Public	006977
OMB_SubWorkflow	10/24/08 10:05 AM	Reject	Wanda Phillips	Public	006977
APD_SubWorkflow	10/13/08 7:48 AM	Approve	Rob Heun	Public	006977
AllOrdinanceWorkflow	10/11/08 11:49 AM	Checkin	Stephen Miko	Public	006977