



NEWS

AMERICAN CIVIL LIBERTIES UNION
OF ALASKA FOUNDATION
1057 W. Fireweed Lane, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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Contact: Jeffrey Mittman, (907) 263-2002

***Ordinance Allowing Destruction of Homeless Property Unconstitutional
Court Finds Multiple Violations of Due Process; ACLU Invites Municipality to Work
Together on Fashioning Appropriate Policy***

ANCHORAGE, AK, January 5, 2011 — The Superior Court granted Summary Judgment in favor of Plaintiffs Dale Engle and homeless persons, finding that the Anchorage Municipality’s Ordinance allowing summary destruction of their personal property is facially unconstitutional.

Tom Stenson, attorney with the American Civil Liberties Union of Alaska Foundation (ACLU), stated: “We are extremely pleased that the Court found that the initial 5-day notice period is inadequate and violates due process. The Court also held that the provision allowing for destruction of property 2-days after a decision by a municipal hearing officer - which effectively denies homeless persons access to the courts – is unconstitutional. This opinion recognizes the principal that all persons – even the homeless – have important and fundamental property rights under the US and Alaska Constitutions.”

“We hope the Municipality will now accept our continuing offer to work jointly on an ordinance that meets the needs of Anchorage residents and also protects all our constitutional rights,” said Jeffrey Mittman, executive director of the ACLU. “We believe this litigation could have been avoided. Since July 2009 we have advised the Municipality of the legal inadequacies with the various ordinances introduced.” Mittman added, “We also want to recognize Mr. Dale Engle for stepping forward to protect the rights of all homeless persons, which – in the end – ensures the civil liberties of all persons.”

The Opinion in the matter, *Engle v Anchorage*, 3AN-10-07047-CI, can be read online at www.akclu.org.

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