

PUBLIC SAFETY

MOTION

JUN 19 2007

Current law, known as the "community caretaker" doctrine, allows police officers to impound vehicles currently impeding traffic or creating a hazard.

However, the Ninth Circuit Court of Appeals recently ruled, in the case of Miranda v. City of Cornelius, that it is unconstitutional for law enforcement to impound a vehicle solely because the driver is driving without a license.

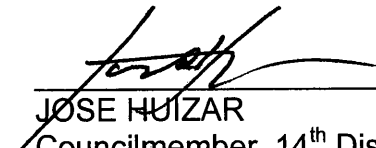
The Court specifically rejected the argument that impounding the vehicle deterred unlicensed drivers from driving in the future and limited the deterrence rationale to criminal activity and/or individuals who have been convicted of a crime.

Many hard-working individuals have had their vehicles impounded for driving without a license, resulting in adverse economic consequences for their families.

These individuals need access to a vehicle in order to provide for their families, seek medical care and supportive services, and care for their children.

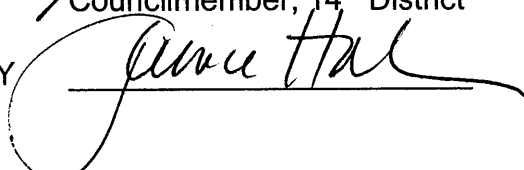
I THEREFORE MOVE that the Los Angeles Police Department and the City Attorney's Office be requested to report to the Public Safety Committee in 30 days with a review of the City's current policies and procedures for impounding vehicles and any changes necessary for compliance with the Court of Appeals ruling in Miranda v. City of Cornelius.

PRESENTED BY



JOSE HUIZAR
Councilmember, 14th District

SECONDED BY



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