

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, current law authorizes peace officers or a municipal employee engaged in directing traffic or enforcing parking laws and regulations to have a vehicle removed from the public right-of-way under specified circumstances; and

WHEREAS, individuals are protected from unreasonable search and seizures under the 4th Amendment of the United States Constitution, which has been interpreted by the courts to include searches and seizures of vehicles; and

WHEREAS, over the years, various court cases have defined when the removal and impound of a vehicle by law enforcement or traffic enforcement is deemed reasonable under state and federal laws; and

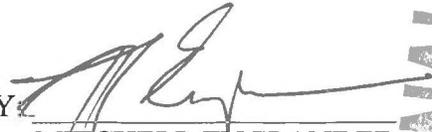
WHEREAS, AB 2876 (Jones-Sawyer) would amend current law to state that the removal of a vehicle is only reasonable if justified under specific circumstances; and

WHEREAS, AB 2876 is unnecessary, as the courts have already defined what constitutes the reasonable removal of a vehicle; and

WHEREAS, AB 2876 may create ambiguity and confusion as to when law enforcement or traffic officers are allowed to have a vehicle removed from the public right-of-way;

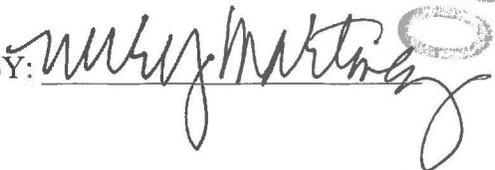
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program OPPOSITION to AB 2876 (Jones-Sawyer), which would clarify that the removal of a vehicle as authorized by California law is also required to be constitutionally reasonable, and specify that the removal of a vehicle by a law enforcement agency is only reasonable if it is justified by preventing a hazard to other drivers, protecting the public from unsafe drivers, or preventing theft or vandalism.

PRESENTED BY:



MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY:



jwd

AUG 01 2018



ORIGINAL