

17-10 - Suspension of Vehicle Impounds Under California Vehicle Code Section 14602.6(A)(1)-30 Day Impound-Rescinded

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



SUSPENSION OF VEHICLE IMPOUNDS UNDER CALIFORNIA VEHICLE CODE SECTION 14602.6(A) (1) - 30-DAY IMPOUND

On June 21, 2017, the Ninth Circuit Court of Appeals issued an opinion in *Brewster v. Beck* holding that the 30-day impound of a vehicle seized pursuant to California Vehicle Code section 14602.6(a)(1) violated the Fourth Amendment. The panel reversed the District Court's dismissal of a class action brought under 42 U.S.C. § 1983 alleging that Los Angeles police officers violated plaintiff's Fourth Amendment rights when they impounded her vehicle for 30 days pursuant to California Vehicle Code section 14602.6(a)(1).

In this case, the plaintiff loaned her vehicle to her brother-in-law, who was stopped by police officers and discovered to be driving without a license. The vehicle was impounded by officers using section 14602.6(a)(1). When the plaintiff, who had a valid driver's license, attempted to recover her vehicle, the Los Angeles Police Department refused to release the vehicle to her before the 30-day holding period had elapsed.

The 9th Circuit held that the 30-day impound of the plaintiff's vehicle constituted a seizure that required compliance with the Fourth Amendment. The panel held that the exigency that justified the initial seizure vanished once the vehicle arrived in impound, and the plaintiff showed up with proof of ownership and a valid driver's license. The panel concluded that appellees provided no justification for the continued impound of the plaintiff's vehicle.

The court suggested that law enforcement could utilize California Vehicle Code section 22651(p) to impound or store a vehicle when the driver does not possess a valid driver's license.

Effective immediately, the Department will temporarily suspend use of section 14602.6(a)(1) until this case is resolved through the appellate process. Instead, Department personnel may use section 22651(p) as an impoundment/storage authority.

Additionally, personnel who authorize vehicle releases should use section 22651(p) release procedures for any vehicles previously impounded under section 14602.6(a)(1).

If you have any questions, please call or email Field Operations Support Services at (323) 890-5411 or foss@lasd.org.

