

FILED

JUN 23 2017

No. B251796

JOSEPH A. LANE

Clerk

K. LEWIS

Deputy Clerk

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION EIGHT

LOS ANGELES POLICE PROTECTIVE
LEAGUE,

Plaintiff/Appellee,

v.

CITY OF LOS ANGELES, et al.,

Defendants/Appellants.

NO. B251796

(Superior Court of California,
County of Los Angeles
Case Nos. BC483052 & BC484190)

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN
SUPPORT OF APPELLANT CITY OF LOS ANGELES AND
AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT CITY OF
LOS ANGELES**

Appeal from the Superior Court of California,
County of Los Angeles
Honorable Terry A. Green, Judge

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**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN
SUPPORT OF APPELLANT CITY OF LOS ANGELES**

Pursuant to California Rules of Court, rule 8.200(c), the League of California Cities (“League”) respectfully requests leave to file the attached amicus curiae brief in support of Appellant City of Los Angeles (“City”).

The League is an association of 472 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance because the trial court’s holding undermines the ability of cities to provide consistent guidance and direction to their police departments that provide core and essential health and safety services to all city residents.

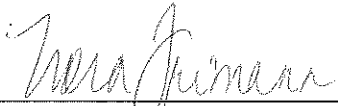
The League submits this amicus curiae brief in particular to explain why it is important for cities to retain the ability to issue directives to their police officers concerning the consistent enforcement of overlapping vehicle impound statutes. The Vehicle Code provides law enforcement with discretionary authority to impound vehicles of unlicensed drivers, but it does not provide guidance on the proper exercise of that discretion. Special Order No. 7, the Los Angeles Police Department directive at issue in this case, provides such guidance. Implementation of Special Order No. 7 allows for the reasonable and uniform application of the overlapping provisions of the Vehicle Code in this subject area and thereby furthers significant municipal interests. Other cities in California have similar policies and procedures. The League therefore requests that the Court

consider the importance and widespread application of these policies in deciding this case.

Respectfully submitted,

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Dated: June 23, 2014

By: 

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CITIES

**AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT
CITY OF LOS ANGELES**

I. INTRODUCTION

The Los Angeles Chief of Police, with the approval of the City’s Board of Police Commissioners, issued Special Order No. 7 to set guidelines for Los Angeles Police Department (“LAPD” or “Department”) officers to follow when making decisions regarding the impoundment of vehicles operated by persons who are not licensed drivers.¹ Two provisions of the Vehicle Code – sections 14602.6(a)(1) and 22651(p) – allow for the impoundment of vehicles driven by unlicensed drivers. Both statutes are discretionary; neither Vehicle Code section requires a police officer to impound a vehicle driven by an unlicensed driver. When an unlicensed driver’s vehicle is impounded pursuant to Vehicle Code section 14602.6(a)(1) [“Section 14602.6(a)(1)”], a 30-day impoundment is required. On the other hand, Vehicle Code section 22651(p) [“Section 22651(p)”] provides no mandatory duration for a vehicle impoundment under the authority of that section. Neither Vehicle Code section provides requirements or guidance regarding which statute a police officer should cite when impounding an unlicensed driver’s vehicle.

Special Order No. 7 guides LAPD officers as to which section to use as authority to impound in a given situation. It was intended to resolve officer confusion and ensure uniform and consistent application of the Vehicle Code. Additionally, Special Order No. 7 responded to community concerns that Sections 14602.6(a)(1) and 22651(p) were being applied inconsistently and in a discriminatory manner. Thus, the purposes for the development of Special Order No. 7, and the policies underlying the order,

¹ As used in this brief, “unlicensed driver” refers to a driver who was never licensed, or whose driving privileges have been suspended or revoked.

are municipal affairs. The trial court's holding in this case limits a city's ability to pursue these interests and threatens the City's well-established and clear constitutional police power authority to manage its police force.

II. FACTUAL BACKGROUND

A. **SPECIAL ORDER NO. 7 WAS ESTABLISHED TO AID OFFICERS IN THE PERFORMANCE OF THEIR DUTIES, ENSURE THE UNIFORM APPLICATION OF LAWS, AND PROMOTE A POSITIVE RELATIONSHIP BETWEEN THE CITY AND ITS CITIZENS.**

Special Order No. 7 sets forth protocol for applying the overlapping provisions of Vehicle Code sections 14602.6(a)(1) and 22651(p) – each of which provides authority for impounding a vehicle driven by an unlicensed driver. (Appellant's Joint Appendix ["JA"] 001948-001950.) Generally, Special Order No. 7 directs officers to impound a vehicle pursuant to Section 14602.6(a)(1) when the driver has a history of driving without a valid license, and to impound the vehicle pursuant to Section 22651(p) when the unlicensed driver is insured and is a first-time offender. (JA 001847.)

The policies set forth in Special Order No. 7 were developed, in part, to assist officers in making impound decisions. In its December 2010 report, the Office of the Inspector General of the Los Angeles Police Commission ("OIG") "noted some confusion among officers, supervisors, and adjudicators regarding the current Department policy on impounding vehicles of unlicensed drivers." (JA 001878.) The OIG therefore recommended "further clarification as to the current state of the Department's policy regarding [when] the impounding of vehicles of drivers with suspended or expired licenses is merited, including any applicable exceptions to mandatory impounds." (JA 001879.) Special Order No. 7 assists officers by providing them valued guidance in the

application of numerous and sometimes confusing laws related to vehicle impounds. It also assists officers in managing their time in the field and prioritizing enforcement for Vehicle Code violations they encounter. (JA 001844-001845.)

Confusion among officers and supervisors resulted in provisions of the Vehicle Code being applied inconsistently throughout the City. As Assistant Police Chief Michael Moore stated in his declaration:

I knew from my experience in the field and from conversations with other patrol men in my capacity as Assistant Chief that officers were sometimes confused as to when to impound vehicles, and under what authority. As a result of this confusion, different precincts within the LAPD had not been applying the impoundment provisions of the Vehicle Code consistently. For example, in some precincts, officers typically always applied a mandatory thirty day impound for unlicensed driving violations. In other precincts, officers would sometimes apply a mandatory 30 day impound, sometimes apply a storage, and sometimes not seize the vehicle at all, but their enforcement decisions did not always conform to a uniform rule or practice.

(JA 001845.) Thus, the intent behind Special Order No. 7 was to “clarify various impound protocols to ensure they were consistent citywide.” (JA 001957.)

Special Order No. 7 was also intended to enhance the Department’s relationship with the City’s residents. Community members had “voiced their perception that officers targeted Latino drivers for car impoundments, and that they felt they were punished unfairly and harshly for unlicensed violations.” (JA 001846.) It was critical that the Department address these concerns, since the Department “can only ensure public safety when community members trust [the Department’s] officers and are willing to cooperate with the police by reporting crimes and cooperating in investigations.” (JA 001846.) Special Order No. 7 responds to community

concerns by setting forth standards that undermine any perception that the Vehicle Code impoundment provisions were being applied in a discriminatory manner.

B. OTHER CALIFORNIA CITIES HAVE ESTABLISHED POLICIES SIMILAR TO SPECIAL ORDER NO. 7 TO GUIDE THEIR OFFICERS' DISCRETION IN IMPOUNDING UNLICENSED DRIVERS' VEHICLES.

At least three other cities in California have established policies similar to Special Order No. 7, to ensure consistency in the application of the vehicle impoundment laws. Like Special Order No. 7, policies implemented by the Cities of San José and Baldwin Park direct officers to conduct an impoundment pursuant to Section 14602.6(a)(1) for more serious offenses, and to impound pursuant to Section 22651(p) for less serious ones.

The San José Police Department's policy generally directs officers to impound an unlicensed driver's vehicle pursuant to Section 22651(p) unless the driver is unlicensed as a result of committing a more serious offense, including reckless driving or driving under the influence. (JA 002019.) This policy was intended to "ensure that 30-day impounds will continue for the vehicles of the most serious offenders, while reducing the number of tows and impounds for vehicles whose violations are not related to serious driving offenses." (*Id.*) Similarly, the Baldwin Park Police Department's policy is to "store vehicles of unlicensed drivers for one day pursuant to CVC 22651(p)", while "vehicles of drivers with suspended or revoked licenses for drunk driving, reckless driving, or other traffic violations continue to be impounded for 30 days pursuant to CVC 14602.6." (JA 002029.) The Santa Ana Police Department also issued a policy identifying situations in which a 30-day impound was appropriate, including situations where the driver has a blood-alcohol content of 0.05% or more and is under

21 years of age, is driving under the influence of alcohol or drugs, causes injury to another while driving under the influence, or has had his/her driving privilege suspended or revoked for reckless driving. (JA 002065-66.)

The goals of the San José, Baldwin Park, and Santa Ana policies are similar or related to the goals underlying the implementation of Special Order No. 7. San José's policy notes "diminished staff availability" and a need to "identify operational efficiencies which balance public safety requirements with demands for core services" (JA 002019), suggesting that the policy was intended to assist officers in prioritizing their duties.

Baldwin Park's policy was intended to "[e]stablish[] guidelines based on existing law that directs officers when to store a vehicle". (JA 002029.) The policy reflects a desire to "remain fair and impartial". (See JA 002024.) It appears that the policy was also intended to ensure that impoundments were not discriminatory; in addition to the guidelines set forth in the policy, "all officers and supervisors are going to complete mandated cultural diversity training by the end of calendar year 2010 to increase their level of awareness and sensitivity to the needs of our community." (JA 002029.)

Finally, the stated purpose behind Santa Ana's order was "to establish Department policy regarding the procedure related to the storage or impoundment of vehicles, and if applicable, the subsequent release of any holds." (JA 002062.)

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III. ARGUMENT

A. **THE SIGNIFICANCE OF THE POLICIES AND OBJECTIVES FURTHERED BY SPECIAL ORDER NO. 7 ARE WELL-RECOGNIZED.**

1. **The Implementation of Uniform Law Enforcement Standards Enables a Municipality to Avoid Claims of Constitutional Violations.**

Courts have recognized the importance of standardized criteria to guide a police officer's discretion. For example, in *People v. Shafrir*, the Court of Appeal considered a Fourth Amendment challenge to an impound decision made by the California Highway Patrol ("CHP"). (*People v. Shafrir* (2010) 183 Cal.App.4th 1238.) In overruling the challenge, the court found that "impoundment decisions made pursuant to standardized criteria are more likely to satisfy the Fourth Amendment than one not made pursuant to standardized criteria." (*Id.* at 1247.) The *Shafrir* court looked favorably upon the CHP manual provisions it considered, finding that they constituted standardized criteria that reinforced the officers' decision to impound the vehicle at issue. (*Id.* at 1248.)

In contrast, in *People v. Torres*, the lack of a written policy regarding vehicle impounds contributed to the court's finding that the impoundment of an unlicensed driver's vehicle and resulting search of the vehicle were pretextual. (*People v. Torres* (2010) 188 Cal.App.4th 775, 790.) Thus, an inability to guide officer discretion and set standards for law enforcement leaves a city vulnerable to claims that laws are being enforced in a discriminatory manner.

As the *Shafrir* and *Torres* decisions illustrate, written policies avoid constitutional violations that can occur when laws are misapplied. In addition to the Fourth Amendment challenges raised in these cases, a lack of standards to guide officer discretion leaves a city vulnerable to Equal

Protection challenges, in particular, claims of selective enforcement of laws based on race or other protected status.

For example, in *Richards v. City of Los Angeles*, the plaintiff claimed that his bar was singled out for inspections by a police sergeant because of sergeant's racial animus. (*Richards v. City of Los Angeles* (9th Cir. 2007) 261 Fed.Appx. 63, 65-66.) Likewise, in *Carrasca v. Pomeroy*, the plaintiffs alleged that the law prohibiting after-hours swimming in a state-owned lake was selectively enforced against Hispanic individuals. (*Carrasca v. Pomeroy* (3d Cir. 2002) 313 F.3d 828, 834.) Indeed, Los Angeles residents have expressed a concern that Section 14602.6(a)(1) and Section 22651(p) have been applied discriminatorily and more harshly against Latino individuals. (JA 001846.) Standardized criteria like Special Order No. 7 ensure that laws are applied fairly and help a city defend against claims of discriminatory enforcement. It is therefore critical for cities to have the authority to implement law enforcement standards for their police officers to follow.

2. Standardized Criteria in the Application of Laws Promotes Public Confidence in the Police Department.

Cities must be able to address concerns of discriminatory enforcement raised by the public. Doing so not only avoids claims of constitutional violations, but also “ensure[s] public safety when community members trust [the Department’s] officers and are willing to cooperate with the police by reporting crimes and cooperating in investigations.” (JA 001846.) Improving its community relationships and addressing concerns of discriminatory enforcement are objectives a city must be able to pursue. In *Claremont Police Officers Association v. City of Claremont*, the city implemented a study that required police officers to document personal information, including race, about individuals that were stopped.

(*Claremont Police Officers Assn. v. City of Claremont* (2006) 39 Cal.4th 623, 628.) The study was prompted by a desire to “improve relations between the police and the community and establish the Claremont Police Department as an open and progressive agency committed to being at the forefront of the best professional practices in law enforcement.” (*Id.* at 632.) The court recognized that these objectives were fundamental managerial or policy decisions for a city to make. (*Id.*)

Similarly, Special Order No. 7 promotes greater public confidence in the LAPD. It does so by setting reasonable and clear standards for the application of overlapping Vehicle Code provisions for vehicle impoundments. This, in turn, facilitates the Department’s ability to enforce the law consistently and fairly and enhances its relationship with the community it serves. By holding that the City is preempted from implementing Special Order No. 7, the trial court undermined the City’s ability to set standardized policies to avoid actual or the perception of discriminatory enforcement, and could result in a degradation of public trust and confidence in the LAPD.

B. THE ATTORNEY GENERAL HAS DETERMINED THAT THE CITY MAY, THROUGH SPECIAL ORDER NO. 7, DIRECT ITS OFFICERS’ EXERCISE OF DISCRETION.

Neither Section 14602.6(a)(1), which provides for a 30-day impound, nor Section 22651(p), which does not set forth a mandatory impound duration, requires a police officer to impound an unlicensed driver’s vehicle. Rather, both provisions simply provide discretionary authority to do so. (*Cal. Highway Patrol v. Sup. Ct.* (2008) 162 Cal.App.4th 1144 [Section 14602.6(a)(1) does not require officers to impound a vehicle after the driver is arrested for driving with a suspended license.]; *People v. Benites* (1992) 9 Cal.App.4th 309, 325 [recognizing that

Section 22651(p) “gives the officer discretion to decide whether to impound or to otherwise secure the vehicle. . .”].)

There is no published appellate decision addressing the issue of whether cities may provide their officers with training and guidance on impounding an unlicensed driver’s vehicle pursuant to Section 14602.6(a)(1) or Section 22651(p). However, the Attorney General has opined that Special Order No. 7 is an appropriate exercise of the City’s management of its police force. (95 Ops.Cal.Atty.Gen. 1 (2012).) The Attorney General specifically concluded that “a police department has discretion to establish guidelines that would allow an impounded vehicle to be released in less than 30 days, under Vehicle Code section 22651(p), in situations where a fixed 30-day statutory impoundment period, under Vehicle Code section 14602.6(a)(1), may also potentially apply.” (*Id.*)

The Attorney General’s opinion was based in part on *California Highway Patrol v. Superior Court*, where the court determined that the CHP officer appropriately impounded the vehicle of an unlicensed driver pursuant to Section 22651(h)² rather than Section 14602.6(a)(1). In so holding, the court recognized that Section 22651 and Section 14602.6(a)(1) are equally applicable authorities for the impound of an unlicensed driver’s vehicle. The Attorney General determined that although the *Highway Patrol* court addressed another subdivision of Section 22651, the same logic applied with respect to Section 22651(p), since it too authorized the impound of an unlicensed driver’s vehicle. (95 Ops.Cal.Atty.Gen. 1.) The Court should affirm the Attorney General’s reasoning and likewise conclude that cities may implement such police department directives and, in particular, the City may implement Special Order No. 7

² Vehicle Code section 22651(h) provides authority for the removal and storage of a vehicle when its driver is arrested and taken into custody.

C. GUIDING POLICE OFFICER DISCRETION IS WITHIN A CITY’S HOME RULE AUTHORITY.

The City is a charter city. Under the California Constitution, a city may adopt a charter giving it the power to “make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws.” (Cal. Const., Art XI, § 5(a).) Under this “home rule” provision of the constitution, municipalities have autonomy and ultimate authority in any matter pertaining to “municipal affairs”. (See, e.g., *Bishop v. City of San Jose* (1969) 54 Cal.3d 56, 61.)

In determining whether a matter is a municipal affair or a matter of statewide concern, courts consider the following:

- Can the matter at issue be characterized as a municipal affair?
- Is there an actual conflict between state law and the charter city’s law?
- Does the state law address a matter of statewide concern?
- If so, is the state law reasonably related to the resolution of that statewide concern and is it narrowly tailored to avoid unnecessary interference with local governance?

(*State Bldg and Const. Trades Council of California. v. City of Vista* (2012) 54 Cal.4th 547, 556.) Application of this analysis in the instant case establishes that implementing police department policy to guide police officers in the performance of their duties is a municipal affair.

1. Special Order No. 7 Concerns Well-Established Municipal Affairs, and Does Not Address a Matter of Statewide Concern.

A municipality’s management of its police force does not implicate any matter of statewide concern. The California Constitution expressly

provides that a city charter may provide for “the constitution, regulation, and government of the city police force.” (Cal. Const., Art. XI, § 5(b).) Further, section 7 of Article XI of the Constitution allows any city to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., Art. XI, § 7.)

Moreover, the management of city employees is a well-established municipal affair. (See, e.g., *Lucchesi v. City of San Jose* (1980) 104 Cal.App.3d 323, 328, citing Cal. Const. art. XI, 5(b).) Special Order No. 7 provides standards and guidelines for police officers to follow when identifying authority (i.e., Section 14602.6(a)(1) or Section 22651(p)) for impounding an unlicensed driver’s vehicle in a given situation. By providing this direction and guidance, Special Order No. 7 is a means by which the City governs its police force and assists its officers in the performance of their duties.

As previously discussed, Special Order No. 7 ensures that the Vehicle Code is applied in a uniform manner throughout the city, avoids inconsistent application of the law and actual or the perception of discriminatory enforcement, and promotes public confidence in the LAPD. Furthering these objectives is clearly a municipal affair.

2. There Is No Conflict Between the Vehicle Code and Special Order No. 7.

a. Vehicle Code Section 21 Does Not Preempt Special Order No. 7.

Vehicle Code section 21 provides, in relevant part: “a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code”. (Veh. Code § 21(a).) As stated in the City’s Reply Brief, Special Order No. 7 is neither an “ordinance” nor a “resolution”,

since it is not an enactment by the City's legislative body, the City Council. Rather, it is an order issued by the Chief of Police and adopted by the Board of Police Commissioners. (See Appellant's Reply Brief, at pp.12-19.)

Moreover, the Vehicle Code regulates matters such as vehicle registration and sales, licensing of drivers, rules of traffic, the transportation of hazardous materials, and safety regulations related to certain types of vehicles. On the other hand, Special Order No. 7 is the LAPD's directive to its officers to ensure reasonable and consistent law enforcement of overlapping, discretionary State statutes. Other cities with similar police department directives have similar goals. The Vehicle Code does not regulate a police department's authority to issue orders to its officers, nor does it regulate in any way a municipality's management of its police force.

Special Order No. 7 provides guidelines for applying Section 14602.6(a)(1) and Section 22651(p). Neither of these sections mandates any action by an officer. Rather, they provide circumstances under which officers "may", in their discretion, impound a vehicle driven by an unlicensed driver. (*California Highway Patrol v. Sup.Ct.*, *supra*, 162 Cal.App.4th 1144; *People v. Benites*, *supra*, 9 Cal.App.4th at 325; 95 Ops.Cal.Atty.Gen. 1.) Special Order No. 7 guides that discretion, just as similar city directives guide that discretion in other cities. This guidance is neither provided for in the Vehicle Code, nor is it prohibited by the Vehicle Code. Accordingly, cities and their police departments may properly set policy on the subject.

b. Vehicle Code Sections 14607.4 Does Not Conflict with Special Order No. 7.

Vehicle Code section 14607.4 states: "The state has a critical interest in enforcing its traffic laws and in keeping unlicensed drivers from illegally driving." (Veh. Code § 14607.4(f).) This statement has no effect on the

authority of a city or its police department to issue guidelines related to the impoundment of vehicles driven by unlicensed drivers. This is because, as previously discussed, the Vehicle Code does not require impoundment of an unlicensed driver's vehicle, nor does it provide any criteria for an officer to consider whether to impound a vehicle under Section 14602.6(a)(1) or Section 22651(p). Nothing in Section 14607.4 precludes a city or police department from providing standards or guidance to its officers with respect to the application of Section 14602.6(a)(1) and Section 22651(p). Furthermore, Special Order No. 7 does not conflict with the enforcement of traffic laws, including preventing unlicensed drivers from operating vehicles.

Because there is no conflict between the Vehicle Code and Special Order No. 7, implementation of Special Order No. 7 is an appropriate exercise of the City's constitutional home rule and general police power.

3. Even If a Conflict Between the Vehicle Code and Special Order No. 7 Exists, the Vehicle Code Cannot Be Applied in a Manner That Interferes With the City's Management of Its Police Force.

Assuming the Court was to find a conflict between the Vehicle Code and Special Order No. 7, and interpreted the Vehicle Code to restrict a police department's guidance of its officers, such a result would unduly interfere with a municipality's ability to manage its police force. Interpreting the Vehicle Code to preempt policies and orders like Special Order No. 7 would severely undermine the ability of municipalities to assist their officers in the performance of their duties, to facilitate the uniform application of laws, and to develop positive relationships with the community. Nothing in the Vehicle Code suggests that it preempts the furtherance of these municipal objectives.

The trial court's holding in this case has implications beyond the enforcement of Section 14602.6(a)(1) and Section 22651(p). By finding Special Order No. 7 to be preempted by Vehicle Code section 21, the trial court suggests that cities cannot provide standards for the enforcement of any other provision of the Vehicle Code. Additionally, there are numerous other instances in which police departments provide standards to guide their officers' exercise of discretion. For example, departments provide policies for vehicular pursuits, as such policies may better protect the public and also insulate officers and municipalities from potential liability for negligence. (Veh. Code § 17004.7; *Payne v. City of Perris* (1993) 12 Cal.App.4th 1738, 1746-47.) Police departments may also provide officers guidance on the use of force. (*San Jose Police Officer's Assn. v. City of San Jose* (1978) 78 Cal.App.3d 935, 947.) These policies are recognized not only as within a city's managerial discretion, but as a valid exercise of the police power. (*Id.*) The trial court's holding in this case undermines municipal authority to provide guidance to its police officers in these contexts as well and should therefore be reversed.

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IV. CONCLUSION


This Court should reverse the trial court's ruling that the Vehicle Code preempts Special Order No. 7. Special Order No. 7 provides reasonable and clear standards for the application of Vehicle Code Sections 14602.6(a)(1) and 22651(p), which are neither provided for, nor prohibited, under the Vehicle Code. Guiding officer discretion in the application of discretionary and overlapping Vehicle Code sections is clearly a municipal affair and well within a city's constitutional police power. Cities must be able to provide valued and thoughtful direction to their police forces to protect the public health and safety in a consistent and fair manner, promote public confidence in the police forces, and, in particular, ensure the uniform application of the Vehicle Code's impoundment provisions at issue in this case.

Respectfully submitted,

RICHARD DOYLE, City Attorney

Dated: June 23, 2014

By: _____



NORA FRIMANN
Assistant City Attorney
ELISA T. TOLENTINO
Deputy City Attorney

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LEAGUE OF CALIFORNIA
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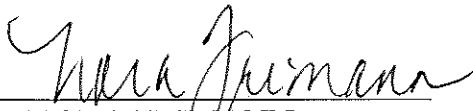
V. CERTIFICATE REGARDING WORD COUNT

I, Elisa T. Tolentino, counsel for Amicus Curiae, League of California Cities, hereby certify, pursuant to California Rules of Court, Rule 8.1204 (c)(1), that this brief is proportionately spaced, has a typeface of 13 points, and the word count for this Application for Leave to File Amicus Curiae Brief in Support of Appellant City of Los Angeles and Amicus Curiae Brief in Support of Appellant City of Los Angeles, exclusive of tables, cover sheet, and proof of service, according to my computer program is 4,310 words.

Respectfully submitted,

RICHARD DOYLE, City Attorney

Dated: June 23, 2014

By: 
NORA FRIMANN
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PROOF OF SERVICE

CASE NAME: CITY OF LOS ANGELES, ET AL. v. LOS ANGELES
POLICE PROTECTIVE LEAGUE ET AL.

COURT OF APPEALS CASE NO.: B251796
(Superior Court, County of Los Angeles Nos.: BC483052/BC484190)

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San José, California 95113-1905, and is located in the county where the service described below occurred.

On June 23, 2014, I caused to be served the within:

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN
SUPPORT OF APPELLANT CITY OF LOS ANGELES AND
AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT CITY OF
LOS ANGELES**

by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

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by OVERNIGHT DELIVERY, with a copy of this declaration, by depositing them into a sealed envelope/package, with delivery fees fully prepaid/provided for, and

causing the envelope/package to be delivered to an authorized courier or driver to receive the envelope/package

designated by the express service carrier for next day delivery.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for overnight delivery by an express courier service. Such correspondence would be deposited with the express service or delivered to the authorized express service courier/driver to receive an envelope/package for the express service that same day in the ordinary course of business.

Addressed as follows:

Clerk of the Court
California Court of Appeal
Second Appellate District, Div. 8

Original and Three (3) Copies
with eSubmission

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Los Angeles, California 90013

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2014, at San José, California.


Christabel S. Cimbra Cruz