

MOTION

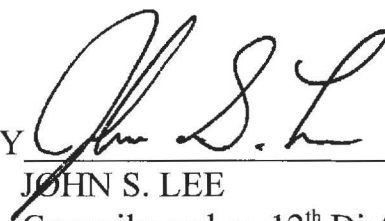
Last month, in the case of *Fitzpatrick v. City of Los Angeles*, a federal court ruled that the City violates the Fourth Amendment when it impounds legally parked vehicles solely because they have accumulated more than five unpaid parking tickets pursuant to section 22651(i) of the California Vehicle Code (CVC). The Court ruled that an impound is constitutionally proper only if it is necessary to achieve a community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism.

The City filed a motion to dismiss the complaint, arguing that community caretaking needs were satisfied because the owner of a vehicle with five or more unpaid parking tickets has undermined or interfered with legitimate public objectives, with fines not having any intended deterrent effect. The Court denied the City's motion to dismiss.

The City Attorney has recommended to the Los Angeles Department of Transportation (LADOT) the suspension of towing or booting of legally parked vehicles with multiple outstanding citations absent an immediate safety concern or traffic hazard. The Court's ruling was preliminary and no judgment has been issued, but it's necessary for the Council to consider the City's options in the short term and the long term in order to protect over 6,500 miles of City streets from becoming vehicle dumping grounds for scofflaws.

**I THEREFORE MOVE** that the City Council request the City Attorney, with the assistance of the CLA, CAO, LADOT and the LAPD, report to the Council, in closed session, with an update on the pending litigation and what legal options are available to the City in order to protect the City's streets from an over saturation of scofflaw vehicles as a result of the preliminary ruling detailed previously in this motion.

PRESENTED BY

  
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JOHN S. LEE  
Councilmember, 12<sup>th</sup> District

SECONDED BY

  
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FEB 16 2022