



## SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

# *LEGAL AFFAIRS*

# *UPDATE*

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TOPIC: CONSTITUTIONAL LAW

### **A vehicle impound, under the community caretaking exception, violates the Fourth Amendment when a validly licensed driver is present and able to take possession.**

VC § 14602.6(a)(1) states, in part, that a peace officer may impound a vehicle for 30 days if the driver was driving without ever having been issued a driver's license.

A Sonoma County Sheriff's deputy impounded Rafael Sandoval's truck pursuant to VC § 14602.6(a)(1), because Sandoval only had a valid driver's license from Mexico. A Santa Rosa police officer impounded Simeon Ruiz's vehicle pursuant to the same statute, because Ruiz only had an expired Mexico driver's license. Both agencies denied the drivers' requests to have friends with California driver's licenses take possession of their vehicles. Both regained possession of their vehicles after the 30 days expired, and they paid the storage fees.

Sandoval and Ruiz sued the municipalities, asserting violations of their Fourth Amendment rights. The district court ruled in favor of both plaintiffs, holding that the 30 day impound was unconstitutional, and that VC § 14602.6 does not apply to drivers who had previously been issued foreign driver's licenses. The Defendants appealed.

On appeal, the Ninth Circuit Court of Appeals affirmed the district court's decision. *Sandoval v. County Of Sonoma* (Dec. 2018). The Court framed the issues as whether the impounds were "reasonable" under the Fourth Amendment. Generally, "[a] seizure conducted without a warrant is per se unreasonable...subject only to a few specifically established and well-delineated exceptions." Thus, the Court analyzed whether an exception applied.

"The state's interest in keeping unlicensed drivers off the road is governed by the 'community caretaking' exception, which permits government officials to

remove vehicles from the streets when they 'jeopardize public safety and the efficient movement of vehicular traffic.'" Whether the community caretaking exception applies turns on the facts and circumstances of each case. The need to deter a driver's unlawful conduct is by itself insufficient to justify impoundment under the community caretaking exception. Additionally, the law does not permit the continued warrantless seizure once the community caretaking function disappears. However, a prolonged seizure may not violate the Fourth Amendment if the government retains justification for the seizure.

Here, the Court held that the community caretaking function ended once Ruiz and Sandoval were able to provide licensed drivers who could take possession of the vehicles. Even though Ruiz could not have driven his vehicle on California's roads, there were many lawful actions that he could have taken with his property.

The Court also considered whether VC § 14602.6 even applied given that the Plaintiff's had been licensed in Mexico. VC § 310 defines "driver's license" as "a valid license to drive the type of motor vehicle or combination of vehicles for which a person is licensed under this code or by a foreign jurisdiction." As a result, a driver who has been issued a driver's license in a foreign jurisdiction for the type of vehicle seized has not driven that vehicle "without ever having been issued a driver's license."

Based on the above, the Court concluded that the agencies towed and impounded the vehicles unlawfully.

#### **WHAT THIS MEANS:**

**VC § 14602.6 does not authorize impounding of a vehicle if the driver has previously been licensed by a foreign jurisdiction. Further, the community caretaking exception does not apply where a properly licensed driver is able to take possession of the vehicle.**