LOS ANGELES POLICE DEPARTMENT

MICHEL R. MOORE
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, CA 90030
Telephone: (213) 847-3615
TDD: (877) 275-5273
Reference Number: 14.4

January 15, 2019

Ms. Shayla Myers
smyers@lafla.org

Dear Ms. Myers:

I have received your request for information and records pertaining to vehicle impounds in the City of Los Angeles (City). Your request was made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Department (Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged, confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code §§ 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The Los Angeles Police Commission (Commission) responded to Requests 1-2, 4-8 on January 11, 2019. The Commission forwarded Request 3 to the Department.

Request No. 3 – Records and data from the City for all impounds. For each impounded vehicle, please provide records or data that captures the following information: Date/time request of tow; Which entity ordered the tow; Citation/reason for towing; Citation fees; Location from which vehicle was towed; Vehicle's make, model, year, license, VIN; and Owner's address, age, or any other available information.

The Department has responsive records which contain some of the requested data. However, such records are exempt from disclosure under the following provisions:

- Investigatory records and files compiled by a local police agency for law enforcement purposes. (Gov. Code § 6254(f))
- Information protected by the Official Information Privilege. (Gov. Code § 1040(k); Evid. Code § 1040)

- The public interest in nondisclosure of the records outweighs the public interest in disclosure. (Gov. Code § 6255)
- Personnel or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code § 6254(c); Gov. Code § 1040(k); Cal. Const. art. I, sec. 1)
- Information retrieved from the Department of Motor Vehicles. (Gov. Code § 1040(k); Veh. Code § 1808.21; Gov. Code § 6254.1; 18 US.C.S. § 2721 [Federal Driver's Protection Act of 1994])

Accordingly, your request for such records is respectfully declined.

If you have any questions regarding this correspondence, please contact Management Analyst Charles Clifton of the Discovery Section at (213) 847-3569 and refer to Request Number 19-7.

Respectively,

MICHEL R. MOORE
Chief of Police



BRIAN O'CONNOR, Lieutenant
Officer-in-Charge, Discovery Section
Legal Affairs Division

LOS ANGELES POLICE COMMISSION

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100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

January 11, 2019

Legal Aid Foundation
7000 S. Broadway
Los Angeles, California 90003
Attention: Shalya Myers

Dear Ms. Myers,

I have received your request for information and records pertaining to vehicle impounds in the City of Los Angeles (City). Your request was made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Commission (Commission) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged, confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code §§ 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

Request No. 1 – All Official Police Garage Monthly Reports submitted to the Board, as required by Section 9.2 of the standard contract between the Board and the OPG.

Staff from the Commission Investigation Division (CID) conducted a search and located Monthly Summary Activity Reports responsive to your request. The responsive Monthly Summary Activity Reports contain approximately 2880 pages. You may inspect or purchase copies of these reports at $.0.10 per page by contacting CID at (213) 996-1270.

Request No. 2 – Records that capture how many vehicles were ordered impounded by the City, including but not limited to the Los Angeles Police Department, and underlying Department personnel, each month between August 1, 2015 and the present.

Staff from the Commission Investigation Division (CID) conducted a search and located Monthly Summary Activity Reports responsive to your request. The responsive Monthly Summary Activity Reports contain approximately 2880 pages. You may inspect or purchase copies of these reports at $.0.10 per page by contacting CID at (213) 996-1270.

The commission possesses other monthly reports submitted for auditing purposes. However, these reports are exempt from disclosure under the following provisions:

- Information protected by the Official Information Privilege. (Gov. Code § 1040(k); Evid. Code § 1040)
- The public interest in nondisclosure of the records outweighs the public interest in disclosure. (Gov. Code § 6255)

Request No. 3 – Records and data from the City for all impounds. For each impounded vehicle, please provide records or data that captures the following information: Date/time request of tow; Which entity ordered the tow; Citation/reason for towing; Citation fees; Location from which vehicle was towed; Vehicle's make, model, year, license, VIN; and Owner's address, age, or any other available information.

The Commission has no responsive records that contain the requested information. Therefore, this request has been forwarded to:

Los Angeles Police Department
Legal Affairs, CPRA Unit
200 N. Spring St, 19th Floor
Los Angeles, CA 90012
(213) 847-3615

Request No. 4 – Records regarding unclaimed vehicles sold in public auction or lien sale. If data is available, please provide the following information for each vehicle auctioned: The value of the assessed vehicle; The total amount of tow and storage fees due at the time of sale; The total amount of parking ticket, registration or other fees due at the time of sale; The amount the vehicle sold for at auction; and Any deficiency debt, if applicable.

Staff from the Commission Investigation Division (CID) conducted a search and located Monthly Summary Activity Reports responsive to your request. The responsive Monthly Summary Activity Reports contain approximately 2880 pages. You may inspect or purchase copies of these reports at $.0.10 per page by contacting CID at (213) 996-1270.

The Commission has no responsive records that contain information described items (a) – (e).

Request No. 5 – Copy of the text of any "regulation, ordinance, or resolution" adopted pursuant to Vehicle Code Section 22850, "establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of vehicles."

A copy of Section 80.77.1 is attached. (1 page)

Request No. 6 – All formal written guidelines, descriptive documents, or training materials regarding the administration of post -storage hearings such as those described in Vehicle Code Section 22852.

Staff from the Commission Investigation Division (CID) conducted a search and located 70 pages of training material and formal guidelines regarding post impound hearings. You may inspect or purchase copies of these reports at $.0.10 per page by contacting CID at (213) 996-1270.

Request 7 - Complaints regarding the behavior of any tow company with which the City has contracted.

The Commission has responsive records which contain some of the requested data. However, such records are exempt from disclosure under the following provisions:

- Investigatory records and files compiled by a local police agency for law enforcement purposes. (Gov. Code § 6254(f))
- Information protected by the Official Information Privilege. (Gov. Code § 1040(k); Evid. Code § 1040)
- The public interest in nondisclosure of the records outweighs the public Interest in disclosure. (Gov. Code § 6255)
- Personnel or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code § 6254(c); Gov. Code § 1040(k); Cal. Const. art. I, sec. 1)
- Information retrieved from the Department of Motor Vehicles. (Gov. Code § 1040(k); Veh. Code § 1808.21; Gov. Code § 6254.1; 18 US.C.S. § 2721 [Federal Driver's Protection Act of 1994])

Request 8 - Any documents related to any formal fee waiver or fee reduction processes for indigent individuals whose vehicles are impounded.

The Commission has no responsive records that contain the requested information.

If you have any questions regarding this correspondence, please Detective III Benjamin Jones, Commission Investigation Division, at (213) 996-1270.

Very truly yours,

Richard M. Tefank, Executive Director
Board of Police Commissioners

VEHICLE RELEASE FEE.
(Amended by Ord. No. 173,301, Eff. 6/30/00, Oper. 7/1/00.)

(a) Every person who redeems a vehicle or pocket bike from an Official Police Garage that was impounded at the direction of any City of Los Angeles Police or Traffic Officer for a violation of any provision of state or local law shall pay a fee of $115.00 per vehicle or pocket bike to reimburse the City for costs related to the impound. **(Amended by Ord. No. 181,312, Eff. 10/25/10.)**

(b) The fee imposed by this section shall be paid to the operator of the Official Police Garage at the same time the towing and storage charges are paid. The fee imposed herein constitutes a debt owed to the City which is extinguished by payment to the operator.

(c) Each operator of an Official Police Garage shall collect the fee imposed by this section at the same time the towing and storage charges are collected.

(d) Each operator shall, on the 15th day and last day of each calendar month, make a statement to the Office of Finance, on forms provided by the Office of Finance, of the total amount of fees imposed by this section collected for said period. At the time the statement is filed, the full amount of said fees collected shall be remitted to the Office of Finance. However, the statement and remittance are due immediately upon the cessation of business by an operator for any reason. All fees collected by each operator pursuant to this section shall be held in trust for the account of the City until remittance thereof is made to the Office of Finance. **(Amended by Ord. No. 181,698, Eff. 6/18/11.)**

(e) Any fees imposed by that section which are not collected by an operator or that are collected by an operator and not remitted to the Office of Finance within 15 days of the applicable dates set forth in Subsection (d) hereof are delinquent. A penalty for delinquency in the remittance of fees shall be paid by the operator to the Office of Finance in the amount of 25 percent of the amount of the delinquent fees. **(Amended by Ord. No. 181,698, Eff. 6/18/11.)**

(f) It shall be the duty of each operator liable for the collection and remittance to the City of fees imposed by this section to keep and preserve for a period of four years all records as may be necessary to determine the amount of said fees for which said operator may have been liable for the collection and remittance to the City, which records the Office of Finance shall have the right to inspect at all reasonable times.

(g) Any fees imposed by this section which are not collected by an operator or which are collected by an operator and not remitted to the Office of Finance shall be deemed a debt owed by the operator to the City. Any operator who fails to collect any fees imposed by this section or who fails to remit to the Office of Finance any fees collected under this section shall be liable in an action brought in the name of the City for the recovery of the amount of such fees.