

# **Bond Case Briefs**

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## **LAW ENFORCEMENT - CALIFORNIA**

### **Los Angeles Police Protective League v. City of Los Angeles**

**Court of Appeal, Second District, Division 8, California - December 26, 2014 - Cal.Rptr.3d - 14 Cal. Daily Op. Serv. 14, 302**

Taxpayer and association representing sworn peace officers employed by city sued city, chief of police department, and board of police commissioners, seeking to invalidate police department's special order regarding impounding vehicles driven by unlicensed drivers. The Superior Court granted taxpayer and association summary judgment. Defendants appealed and petitioned for writ of supersedeas, which was granted.

The Court of Appeal held that:

- Special order was matter within discretion of police chief, such that taxpayer lacked standing, and
- Association lacked standing to challenge special order.

Special order that instructed police officers when to impound vehicles driven by unlicensed drivers was matter within wide discretion of police chief, as public official, such that taxpayer lacked standing to challenge special order on ground that it was preempted by statutes governing impounding of vehicles driven by unlicensed drivers. Special order did not create new law or conflict with existing law, but rather special order simply implemented existing law by providing guidance to ensure uniform enforcement of Vehicle Code, and police chief was permitted to set policies for city on police matters as authorized policymaker.

Association representing sworn peace officers employed by city lacked standing to challenge special order adopted by board of police commissioners that instructed police officers when to impound vehicles driven by unlicensed drivers, despite contention that association's members might violate state law by complying with special order and that statute allowing peace officer to impound vehicle when officer determined that person was driving vehicle without ever having been issued a driver's license vested discretion solely in individual officer. Legislature did not intend to remove police chief's discretion in implementing statutes regulating impoundment of vehicles driven by unlicensed drivers, special order implemented state law, and implementation of state law did not concern matter within association's scope of representation.