

Recent Case Report

People v. Williams

(2006) __ Cal.App.4th __ [2006 WL 3616717]

ISSUE

Were the impoundment and inventory search of the defendant's car reasonably necessary?

FACTS

A Santa Monica police officer noticed that Williams was driving without a seatbelt, so he stopped him. As it turned out, Williams had stopped and parked his car right in front of his home. When the officer learned that a warrant for Williams' arrest was outstanding, he arrested him. He also decided to tow his car and inventory its contents because, as he testified, he "almost always" impounded the cars of drivers he arrested.

While another officer was transporting Williams to the police station, the officer conducted the inventory search and found a loaded gun in a bag on the back seat. Williams was convicted of carrying a loaded firearm.

DISCUSSION

Williams contended that the gun should have been suppressed because the inventory search was unlawful. The court agreed.¹

It is settled that officers may conduct an inventory search of an impounded vehicle only if the impoundment was reasonably necessary. This requirement is usually met if, (1) the decision to tow was made by applying standard criteria, and (2) it was reasonable to tow the vehicle under the circumstances.²

In *Williams*, the first requirement was met because the officer impounded the vehicle under the authority of Vehicle Code § 22651(h)(1) which specifically authorizes towing when an officer makes a lawful custodial arrest of the driver. But the second requirement posed a problem. As noted, Williams had stopped the car in front of his home. Furthermore, the court noted that the car was "lawfully parked" and "was not a traffic hazard." In fact, the court pointed out that the officer had acknowledged that "the car could have been locked and left right where [Williams] parked it, but he did not give [him] the opportunity to do so."

¹ **NOTE:** The search could not be deemed a search incident to arrest because Williams had already been transported from the scene. See *Shipley v. California* (1969) 395 U.S. 818, 819 ["The Court has consistently held that a search can be incident to an arrest only if it is substantially contemporaneous with the arrest and is confined to the immediate vicinity of the arrest."].

² See *Colorado v. Bertine* (1987) 479 U.S. 367, 372-6; *South Dakota v. Opperman* (1976) 428 U.S. 364, 368-9 ["The authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge."]; *People v. Steeley* (1989) 210 Cal.App.3d 887, 892; *People v. Burch* (1986) 188 Cal.App.3d 172, 180; *People v. Salcero* (1992) 6 Cal.App.4th 720, 723; *Miranda v. City of Cornelius* (9th Cir. 2005) 429 F.3d 858, 864 ["[T]he decision to impound pursuant to the authority of a city ordinance and state statute does not, in an of itself, determine the reasonableness of the seizure under the Fourth Amendment"].

For these reasons, the court concluded there was simply no valid reason for towing the car. Said the court:

No community caretaking function was served by impounding [Williams'] car.

The car was legally parked at the curb in front of [his] home. The possibility that the vehicle would be stolen, broken into, or vandalized was not greater than if [the officer] had not stopped and arrested [Williams] as he returned home.

Because there was no justification for towing the car, the court ruled the search was unlawful and the gun should have been suppressed. POV