SUPREME COURT
OF THE STATE OF WASHINGTON

CITY OF SEATTLE, Respondent/Cross-Petitioner, v. STEVEN G. LONG, Petitioner/Cross-Respondent	NO. 98824-2 STATEMENT OF ADDITIONAL AUTHORITY RE ARTICLE 1, §7 ISSUE

Pursuant to RAP 10.8, Petitioner Steven Long cites the following additional authority as pertinent to the seventh issue presented in Long's Petition for Review:

1. *Cf. Miranda v. City of Cornelius*
   429 U.S. 858, 864 (9th Cir. 2005):

> The reasonableness of an impoundment under the community caretaking function does not depend on whether the officer had probable cause to believe that there was a traffic violation, but on whether the impoundment fits within the authority of police to seize and remove from the streets vehicles impeding traffic or threatening safety and convenience ..." We conclude that, in the circumstances of this case, probable cause to believe that there had been a traffic infraction or noncriminal violation was insufficient to justify an impoundment . . .

(internal citations and quotation marks omitted).

2. *Cf. Sandoval v. Sonoma County*, 912 F.3d 509, 515-17 (9th Cir. 2018).

> The only issue in this case is whether the impounds here were "reasonable" under the Fourth Amendment.

> Generally, "[a] seizure conducted without a warrant is per se unreasonable under the Fourth Amendment – subject only to a few specifically established and well delineated exceptions." The parties do not dispute that neither the County nor City officials who impounded the plaintiffs' vehicles had warrants authorizing the impound, so we begin from the premise that the impounds were unreasonable. We then examine whether any "specifically established and well-delineated exceptions" to the warrant requirement apply that would make the impounds reasonable.
>
> The County argues such an exception exists because we should categorically balance California's interest in deterring unlicensed drivers against drivers' interests in maintaining possession of their vehicles. But . . . 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 this exception applies turns on the facts and circumstances of each case. Accordingly, the community caretaking exception does not categorically permit government officials to impound private property simply because state law does.
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> * * *
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> The City's argument fails, however because no such justification exists. . . . The City has not provided us with any reason that a government may warrantlessly interfere with private possessory interests in this way, beyond its general argument that such impounds are justified as a deterrent or penalty. Because we reject those arguments, at least on the facts of this vase, the district court did not err by entering summary judgment in favor of Ruiz.

(internal citations omitted).

Respectfully submitted this 25th day of February, 2021.

CARNEY BADLEY SPELLMAN, P.S.

By *s/James E. Lobsenz*
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

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DATED this 25th day of February, 2021.

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