

December 3, 1991

REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

SEIZING VEHICLES IN PROSTITUTION CASES

The City Attorney by memorandum of law dated November 5, 1991, reviewed the legal feasibility of an ordinance requiring the confiscation of vehicles belonging to the customers of prostitutes. It concluded that California state law preempts such a city ordinance but a state law amendment to California Vehicle Code section 22660 could provide the needed express authority.

The memorandum of law does not include an analysis of the financial and administrative or practical problems inherent in a complete feasibility study. The San Diego Police Department Vice Unit has informed us that it is studying those problems impacting law enforcement. A preliminary review by the Vice Unit estimates one hundred nineteen thousand, eighty-eight dollars (\$119,088.00) as the approximate annual cost of seizing one hundred (100) vehicles. (Attachment One.) The Vice Unit estimate does not include the costs of additional personnel staffing for the San Diego Police Department or the City Attorney's Office. It is estimated that one additional deputy city attorney will be required to implement the program.

The City Attorney will pursue sponsorship of a state law amendment allowing a local ordinance, if the Committee so desires.

Respectfully submitted,
JOHN W. WITT
City Attorney

JMB:mk:520.1(043.1)
Attachment
RC-91-59