

MEMORANDUM OF LAW

DATE: July 11, 1988

TO: Officer Laurie Wray, San Diego Police
Department
FROM: City Attorney
SUBJECT: Mission Valley Center Security Parking
Enforcement

Reference is made to your memorandum dated June 24, 1988 asking whether Mission Valley Security could use an immobilization device called a "boot" for parking enforcement at Mission Valley Center beginning July 7, 1988. By separate memorandum dated June 27, 1988, Captain Hall requested an answer to your questions as soon as possible. This memorandum confirms my verbal advice to you on June 29, 1988 regarding the immobilization device issue.

The "boot" is an immobilizing device which can be utilized as an alternative to removal of motor vehicles by ". . . any peace officer, . . . or any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations of a city or county in which the vehicle is located. . . ." California Vehicle Code section 22651.7. While peace officers may use the immobilization device as an alternative to vehicle removal under section 22651.7, no provision is made therein for use of the device by private security guards.

On the issue of potential civil liability for using the "boot," Mission Valley Center should be referred to its attorneys for advice. It would not be appropriate for this office to furnish such advice.

As discussed in our conversation, please contact me if you have any further questions concerning this matter.

JOHN W. WITT, City Attorney

By

Joseph M. Battaglino
Deputy City Attorney

JMB:lfs:520.1(x043.2)

cc Captain T. Hall, SDPD (Western)

ML-88-68