

Memorandum No. 67 (1962)

Subject: Study No. 52(L) - Sovereign Immunity (Police and Correctional Activities)

The only comments received are from the Los Angeles County Counsel. They are contained in his letter of October 1, 1962, attached to Memorandum No. 64 as Exhibit III.

At page 5 of that letter, the County Counsel indicates that Section 840.4 is going to generate a considerable amount of unmeritorious litigation. He suggests that the Federal Civil Rights Act gives prisoners sufficient protection in this regard.

The County Counsel also suggests that a specific immunity be provided for failure to make an arrest. This was intended to be covered by Sections 816.8 and 821, which provide an immunity for failure to enforce the law.

The County Counsel also agrees with the Commission's action in deleting the portion of the statute relating to mob and riot damage. The matter should be considered again, though, in light of Commissioner Keatinge's letter.

Respectfully submitted,

Joseph B. Harvey,
Assistant Executive Secretary