

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 8th.

1. Daily we read that cities and counties are considering filing suit against opioid manufacturers and distributors or that they have filed. In some suits the cases have moved along. IMLA hosts a regular teleconference for members to discuss this issue and at its latest call this week discussed the grant of an order consolidating cases under the federal multi-district litigation process. That order is available through IMLA.
2. In New York City the Times reported on efforts to extend the terms of council members who are term limited. The newspaper reports that the motive behind the effort relies on a perception that the Mayor has too much power and that the council through term limits can never attain sufficient power to balance out the mayor's powers. An interesting issue as is that of whether term limits actually benefit the public or only deprive it of knowledgeable and valued leaders.

<https://www.nytimes.com/2017/12/06/opinion/term-limit-debate.html>

3. In Springfield, Illinois the police discovered that a recording system they had recently purchased for their interview room to record both audio and video of interrogations did a great job. Too great. Apparently, the on-off switch didn't work as described and everything happening in the room 24/7 was being recorded. The company Axon was able to turn off the audio recording but was not able to figure out how to turn off the video just yet. If you've purchased recording equipment recently be aware of the issue.

<http://www.sj-r.com/news/20171206/city-inspector-general-investigates-nonstop-recording-in-spd-interview-rooms>

4. Yesterday, the 9th Circuit concluded that Ventura County's ordinance restricting temporary outdoor recreational events by requiring that they obtain conditional use permits violated the first amendment rights of a business looking to use land to host weddings. This was a facial challenge and the court concluded that it fit within its prior jurisprudence because "weddings" were singled out while filming was treated differently.

<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/12/07/17-55472.pdf>

5. In a case with some really strange facts and one that has received a fair amount of media attention the 4th Circuit concluded that an officer who obtained a warrant in a sexting case and who acted according to the warrant was nevertheless not entitled to immunity in a suit by a juvenile who was required to submit to being photographed for comparison purposes in the criminal trial. Judge King dissented saying: "As we have recognized heretofore, "there is simply no basis for a rule that would require law enforcement officers to take issue with or second-guess the considered judgments of prosecutors and magistrates." ... Put simply, the search warrant at issue here was properly and legally issued, it was complied with, and Detective Abbott is entitled to qualified immunity."

<http://www.ca4.uscourts.gov/opinions/162174.P.pdf>

Don't forget – on December 11 we're offering a webinar that discusses RLUIPA and provides ten ways to make sure you don't lose and our Holiday Mega Bundle package expires next

week. Sign up at www.imla.org. Not a member? Contact us. Have a great day and a great weekend and make it an inspirational one.