



June 2017

The BACKUP Newsletter

The Official Publication of the California Reserve Peace Officers Association



It's time to register for

ARPOC 2017

Crowne Plaza Hotel San Diego

To book your room online, go to: [special booking website](#).

Or, if you prefer, book by phone at 1-888-233-9527. Ask for the
"California Reserve Peace Officers" rate.

Plan on a great training and networking weekend

August 16th – 19th

First Aid/CPR/AED - This course incorporates the latest science and teaches students to recognize and care for a variety of first aid emergencies such as burns, cuts, scrapes, sudden illnesses, head, neck, back injuries, heat and cold emergencies and how to respond.

SWAT Tactics for the Patrol Officer - This course will cover basic SWAT tactics such as perimeter control, face to face negotiations, REACT team responsibilities, room clearing, and shooting platforms. Topics will be supported by debriefs of actual SWAT call-outs, and an active lethal force incident handled by patrol officers prior to SWAT's arrival.

Off-Duty Survival - Even the hardest working officers spend most of their time off-duty, yet most of our departments spend little to no time training us and our families to survive without a vest, radio, patrol rifles and immediate backup.

Getting to Guilty in Sexual Assault Cases - What investigators need to know to make their cases bulletproof. This module will cover the common myths that the public and jurors have of sexual assault. This knowledge is crucial in planning the investigation of sex crimes.

Urban Tracking Class - This career skill is being taught by one of the leaders in this field. Agents from the U.S. Border Patrol will share years of "How to" and shed some light on what to look for. Tracking suspects, lost children and adults will be a task that you will have the basic skills to organize and conduct.

Vehicle Unlock Course - Looking for a "Hands on Class", still own a lock out tool? Want to know how to use it? Even if you've never used one, this class is for you. Come to the Vehicle Unlock Class. Learn updated methods of gaining access to vehicles using the newest tools.

Election Results



Secretary Frank Barnes, the Election Teller, reported that Tim Nakamura, a reserve deputy with the Imperial County Sheriff's Office, was elected to your board of directors for a three year term ending in 2020.

Tim is a husband and father of two children. He enjoys surfing, woodworking, and traveling just to name a few hobbies. He has been in the field of public safety for over 20 years, including EMS and law enforcement.

Tim holds A.A. degrees in both Liberal Arts and Police Science, an A.A. in Respiratory Therapy, and a B.S. in Emergency Medical Care from Loma Linda University. Additionally, Tim also possesses a M.S. in Forensic Psychology from Argosy University and a M.S. in Education from Pepperdine University. He is currently working on his dissertation for a Ph.D. in Clinical Psychology.

Tim is a United States Army veteran. He served as a medic and non-commissioned officer until leaving active duty in 2008. He is a graduate of the Ben Clark Training Center Peace Officer Academy. He has served as a Level I Reserve Deputy Sheriff for the Imperial County Sheriff's Office, working solo patrol for the past seven years.

Incumbent directors Kevin Bernzott and Nancy Elam were re-elected.

Members Alex Cuesta and Terence Theobald were not elected. We thank them for their candidacy and encourage them to run again. The board has nine seats with staggered three year terms. There are three spots open each and every year. If you are willing to work hard, please consider an opportunity to run in a future election or volunteer to serve on a committee. CRPOA needs and appreciates fresh points of view and willing workers.

We hope to see everyone at ARPOC in San Diego in August.

WELCOME NEW CRPOA MEMBERS

Between 5/16/2017 and 6/15/2017

Dennis Cable San Diego SD	Gilbert German Kern Sheriff's	Storm Jenkins CA Res. Peace Officers
Steven Williams Kern Sheriff's	Tim Conner Kern Sheriff's	Gilbert Gonzalez Kern Sheriff's
Andres Ponce Brawley PD	Stuart Ackerman Los Angeles SD	Craig Gottlieb San Diego Sheriff's
Francisco Uriaz Kern Sheriff's	Carlos Checo Brawley PD	Robin Brooks CA Res. Peace Officer
Scott Sand Los Angeles SD	Greg Smith Jr. Los Angeles SD	Robert Linkswiler Kern Sheriff's
Jeffrey King Kern Sheriff's		Terry Baggett Fulton El Camino P.Pd



CRPOA General Counsel Note

Insurance and Legal Defense Plans

Often I get asked about insurance and legal defense plans for both on-duty and off-duty incidents, typically in the context of use of force (on-duty) and for off-duty CCW should you be involved in an incident in which you need to deploy your firearm.

I am surprised to learn that many of our members are still somewhat unaware of how these plans work and what they cover. Most often, the confusion centers on “insurance,” which is frequently confused with “legal defense,” plans. In some instances, our members assume that if they are in a use of force incident (think OIS but it could be any kind of use of force) which almost always involves an investigation by local prosecutors and most assuredly the officer’s agency, they will be taken care of (meaning they get a lawyer at no cost), either by the agency or through the CRPOA’s legal services plan. You can assume if you are involved in an on-duty use of force, or if you become involved in an off-duty incident, either with your firearm, pepper spray, bodily force, what have you, you will have both criminal and civil legal problems on your hands. You will need a lawyer and your assets might be at risk. And you will surely ask yourself - What now?

Overview

In my July 2016 Backup article, I wrote about the CRPOA legal services plan and what it covers. I also talked about the PORAC LDF plan and the CRPOA’s strong recommendation that our members who don’t have PORAC LDF form an association and sign up for it. The process is easy and the PORAC LDF plan is excellent. [You can find that article here.](#) The bottom line is that CRPOA’s plan and PORAC’s LDF plan provide different legal services for different kinds of incidents and that is why we strongly advocate you have both.

Because the private insurance and legal services plan markets are evolving, and in light of the importance of these two different products, I think it’s important to delve into this subject a little more deeply. First, and most importantly, with your CRPOA membership, if you have a legal question or a legal problem related to your reserve service, you can always call us for guidance. That doesn’t necessarily mean you “get a lawyer” for that particular incident, but it does mean we can assess your situation and provide our views of what your next steps might be (legally speaking).

Legal Services Plans vs. Legal Defense Plans

So let’s review the differences between legal services and legal defense plans in general. First, the legal services CRPOA provides through its membership is not a legal *defense* plan. If you review my past article, you will see that it is designed to cover general legal advisory matters with regard to your reserve duties as well as agency-specific administrative matters, such as non-criminal law disciplinary or investigatory matters. The PORAC LDF plan for reserve peace officers (Benefit Plan IV) covers course and scope incidents (criminal and civil) and is defined as a legal *defense* plan, meaning you will have a lawyer *defend* you for specified criminal and civil liability you may be facing related to your incident (again, it has to be within the “course and scope” of your law enforcement service).

If you do not have PORAC LDF or something similar through your full-time officers’ union, POA, DSA or similar labor organization, and you are involved in an incident (whether on-duty or off-duty [again, within “course and scope”]), you are at the mercy of your agency and its willingness to indemnify you under California law relative to the specific incident for which you may need personal legal representation. You can imagine some circumstances where the agency or its lawyers may decline to provide that indemnification, at which point you truly are “on your own” – not a good situation to say the least. For off-duty incidents, unless you are a

Designated Level 1 and acting within the course and scope of your duties, you almost always will be considered a civilian and any actions you take treated as such.

Insurance Plans vs. Legal Defense/Services Plans

The difference between insurance and legal plans is the following. Quite simply, insurance plans provide a source of funds if you suffer a loss (such as a civil judgment, out of pocket costs, and other money claims against you or costs incurred by you). Some plans provide that funding up front, meaning they finance legal costs immediately) while other plans are designed to reimburse you later (typically after the matter has been resolved). If it is a criminal matter, this means after you have been cleared and after you have personally paid these costs out of your own pocket. Insurance reimburses you for losses which are specifically insured under the plan. Legal defense plans provide you personal legal representation (and under some plans collateral benefits, for example expert witness fees, costs of bail bonds, loss of work income, etc.). These plans are sometimes referred to as “pre-paid legal service plans.”

Insurance and legal services plans are vastly different. In some cases, certain plans have elements of both. In other words, they cover the costs of legal defense and also reimburse for you for civil defense and damages (if you get sued civilly and a judgment is awarded against you). Many of us assume our homeowners’, renters’ or umbrella insurance will cover us for matters like this. I think that is a rarity. Check your policy but my experience is that incidents related to your police work are almost never covered by private insurance.

The insurance and legal defense plan markets are developing rapidly. In addition to coverage for on-duty incidents through a plan like PORAC LDF, you should strongly consider private insurance and/or legal defense plans for off-duty incidents, especially if you carry a firearm off-duty (as most of us do). While it can be a bit costly, compared to the hourly fees of a lawyer, not to mention the potential exposure from a civil law standpoint (meaning civil damages), I am a strong advocate of getting both. Why? If you carry a firearm off-duty and ever have to deploy it in any capacity (yes, even drawing and exhibiting will get the prosecutors spun up), you will have a legal problem, plain and simple. I guarantee it. You may be totally justified but you can bet you will have a big legal problem on your hands and not having a good lawyer immediately is not a good situation at all.

Plans for Your Consideration

There are a number of great plans in the market which you should consider. CRPOA does not endorse these plans, although in past ARPOC conferences we have had one vendor, CCW Safe, sponsor a booth. We have also handed out materials on another plan offered by the United States Concealed Carry Association. Here is a sampling of vendors in the market today which you may want to consider:

CCW Safe – www.ccw.safe.com

United States Concealed Carry Association – www.uscca.com

NRA Carry Guard – www.nracarryguard.com

Armed Citizens Legal Defense Network – www.armedcitizensnetwork.org

Second Call Defense – www.secondcaldefense.org

When you look at these plans, consider the coverage limits and perhaps most importantly what is covered. Ask yourself whether the plan covers damages for civil judgments, civil and criminal defense costs, attorneys’ fees, court costs, bail bonds, investigation costs, witness fees, initial attorney retainers, expert fees, and whether family members are covered. I should add that many of these plans have fantastic training materials as well.

An excellent article on this topic from late last year (so perhaps a bit outdated relative to the current available plans and coverage limits) comparing a number of these [plans can be found here](#). The comparison table is really good – take a close look.

Last point: Yes these plans can be a bit pricey. I don't want to scare anyone, but when your freedom and everything you own are on the line, you want as much protection as you can get and you can reasonably afford. The costs of getting good legal representation without insurance are staggering. I hope it never happens to any of us, but if it does, having the insurance and legal defense in place will be well worth it.

Stay safe everyone.

If you have a question or comment for Jim, please email Jim at rene@crpoa.org. Jim René is the General Counsel for the California Reserve Peace Officers Association and a reserve police sergeant for the San Fernando Police Dept. He previously was an LAPD reserve police officer for 15 years.

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2017 CRPOA *Awards Announcement*

The California Reserve Peace Officers Association is proud to announce the Annual Awards Program for 2017. We invite you to nominate a deserving member of your organization for one of several recognition awards.

The awards will be presented at the Annual Awards Luncheon to be held at 12 noon on Friday, August 18, 2017 at the Crowne Plaza Hotel in San Diego, CA. The luncheon is held in conjunction with ARPOC 2017, the Annual Reserve Peace Officers Conference, which offers 28 hours of POST approved training.

Do not miss out on an opportunity to honor a deserving individual within your organization. Reserve peace officers, search and rescue members and volunteers in policing as well as reserve coordinators.

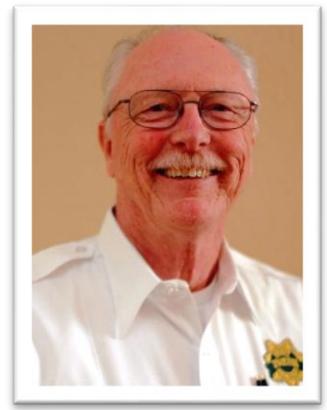
Review the award nomination information to determine which award is best suited to your nominee. Along with the Award Nomination Application, a letter of nomination must be submitted detailing the nominee's qualifications and accomplishments. Documentation supporting the nomination letter should be included. Questions can be forwarded to nancy@crpoa.org. Nominations must be submitted no later than July 1, 2017.

We look forward to receiving your nomination.

All questions about the nomination process can be forwarded to Nancy Elam, Awards Committee Chairman at nancy@crpoa.org or by phone at 408-309-8756.

The deadline for the receipt of nominations is July 1, 2017

Legislative Update-Report



By Pete Downs

For this month's report I thought I would show you some of the current bills that we have on a "watch list." These bills are being viewed as having the potential for mischief if they were to be amended. So, we are keeping a close eye on their progress through the legislative process. I've given you the bill number, author and main category of the bill along with the short summary that is based upon the last amendments made to the bill that is provided by either the legislative analyst or committee staff for the last hearing. If you have comments or feedback on the bills send them to me (downs@crpoa.org).

June 2017 Watched Bills

AB 41	(Chiu D) DNA evidence
	Summary: Would require law enforcement agencies to report information regarding rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through a database established by the department. The bill would require that information to include, among other things, the number of kits collected, if biological evidence samples were submitted to a DNA laboratory for analysis, and if a probative DNA profile was generated.
AB 197	(Kiley R) Violent felonies
	Summary: Would define as violent felonies child abduction, providing a child under 16 years of age for purposes of a lewd act, abduction of a minor for purposes of prostitution, child abuse, sodomy with a minor, oral copulation of a minor, contact with a minor to commit specified offenses, arranging a meeting with a minor for lewd purposes, employing a minor to produce sexual matter, elder and dependent adult abuse, false imprisonment of an elder or dependent adult, and animal abuse, as specified, thereby amending Proposition 36 by adding to the list of violent felonies that can be prosecuted as a 3rd strike. By changing the definition of a crime, this bill would impose a state-mandated local program.
AB 260	(Santiago D) Human trafficking
	Summary: Would require hotels, motels, bed and breakfasts inns, and other similar transient lodging establishments, other than personal residences, to post the notice relating to slavery and human trafficking, as specified.
AB 459	(Chau D) Public records: video or audio recordings: crime.
	Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would specify that the act does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording.
AB 748	(Ting D) Peace officers: body-worn cameras.
	Summary: Would require each department or agency that employs peace officers and that elects to require those peace officers to wear body-worn cameras to develop a policy setting forth the procedures for, and limitations on, public access to recordings taken by body-worn cameras, as specified. The bill would require the department or agency to conspicuously post the policy on its Internet Web site.
AB 1024	(Kiley R) Grand juries: peace officers: proceedings.
	Summary: Would require a court to disclose all or a part of a grand jury indictment proceeding, excluding the grand jury's private deliberations, if the grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer, as defined, that led to the death of a person being detained or arrested by the peace officer, except as specified.
SB 10	(Hertzberg D) Bail: pretrial release.
	Summary: Would declare the intent of the Legislature to enact legislation that would safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail. This bill contains other related provisions and other existing laws.

Here's the chronology on our bill:

06/13/2017	In committee: Set, first hearing. Hearing canceled at the request of author.
05/24/2017	Referred to Com. on PUB. S.
05/11/2017	Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 70. Noes 1. Page 1469.). In Senate. Read first time. To Com. on RLS. for assignment.
04/24/2017	Read second time. Ordered to third reading.
04/20/2017	Read second time and amended. Ordered returned to second reading.
04/19/2017	From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (April 18).
04/03/2017	Re-referred to Com. on PUB. S.
03/30/2017	Referred to Com. on PUB. S. From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.

It was pulled from the hearing because our vote count prior to the hearing in the Senate Public Safety Committee was not sufficient to move it out of the committee and to the Senate Floor.

We are working the bill with the members of the Senate PS Committee and if we can turn some votes around the bill could be heard in Committee on the 27th.

I'll let you know if things change.

Pete Downs is a CRPOA Director, Co-Chairman of the Law & Legislation Committee and a volunteer in policing with the Sonoma County Sheriff's Office.
We thank Pete Downs for his legislative efforts and update. You may contact him at Downs@CRPOA.org

Making A Difference - think about it

A True Police Officer

Fights

**NOT BECAUSE HE HATES
WHAT'S IN FRONT OF HIM...**

But Because He

Loves

WHO STANDS BEHIND HIM

Chief Financial Officer's Report



June 2017 Membership and Financial Condition

The elections are over and I want to thank everyone that took the time to submit their ballot. I was also pleased that we had non-incumbents run for a position on the Board and congratulate Timothy Nakamura from the Imperial Sheriff's Office as our newest Director. New directors bring new ideas to the day-to-day operation of our Association. I look forward to working with Tim in the coming months.

I need your help. I have been on the Board of Directors as a Director, and more recently as an Officer, serving as the CRPOA Financial Officer for over 35 years. My wife and I have been involved as foster parents with Santa Clara County for several years. We have opened our home to over 45 children serving as emergency care providers. This is a very worthwhile and rewarding activity that quickly consumes a great deal of time. Consequently, I would like to transition from CRPOA to my role with Social Services Child Protective Services. To make this a smooth change, I am looking for my replacement as Chief Financial Officer with CRPOA. My target completion date is to have this happen within the next three years. This will allow me the opportunity to work with my replacement comfortably. Our accounting system software is QuickBooks Online, QBO. QBO makes it possible for you to work wherever you travel with your laptop and have access to a printer. Invoicing is paperless and with QBO is close to fully automated. The CFO works with the Membership Office Manager to insure payments received are accurately recorded in the 911 Membership Database and payments are posted to the CRPOA bank account. Monthly Accounts Payable activities and CRPOA reimbursements are also the CFO's responsibility to handle in a timely manner. Monthly and yearly financial reports for the CRPOA BOD's, State and Federal reports are a key part of the CFO's duties. I would say that my work effort is about 12 to 18 hours per week, with an additional 5 hours per week during the Annual Reserve Peace Officers Conference. I would hope to work together with my replacement over the next 3 years to complete a successful transition. If you think you would like to take on this role and want to discuss this in more detail, please give me a call at (855) 552-7762 ext. 2.

We are distributing the ARPOC 2017 registration forms this month. Make sure that you are prepared to successfully complete your online enrollment form by:

- Confirming your CRPOA Membership is current.
- If you are a reserve or fulltime peace officer, that your POST ID is part of your Membership Record.
- That your contact information, phone and address, is up-to-date.

Your online ARPOC Registration will use this information to fill in your ARPOC enrollment form. If you need to look up your POST ID use this hyperlink <https://www.post.ca.gov/obtain-your-post-id.aspx> to obtain it and then add this to your membership record. If you need assistance to access your membership record on CRPOA.org, please call me at 855-552-7762 ext. 2.

It is my pleasure to report that our financial condition remains sound. The current month closed with all our current obligations met.

Chuck Adams is the Chief Financial Officer for CRPOA. He is also a retired reserve commander for the Los Gatos Police Dept.

Chuck welcomes your calls and emails; you may contact him at 408-371-8239 or cadams@CRPOA.org

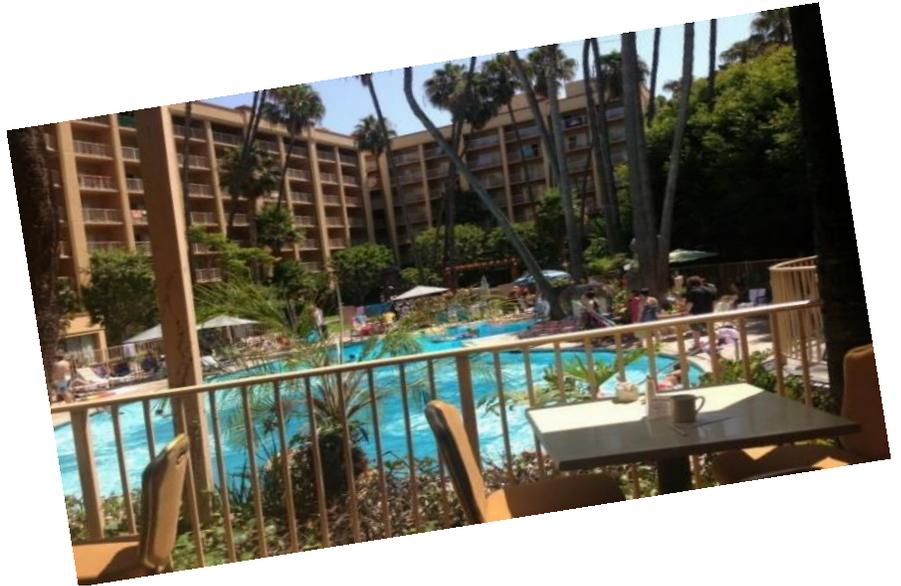
It's time to register

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CROWNE PLAZA
HOTEL



Mission Valley - San Diego
