



# June 2018

# The BACKUP Newsletter

The Official Publication of the California Reserve Peace Officers Association

Hope your planning now for **ARPOC 2018 August 15<sup>th</sup> - 18<sup>th</sup>**

DoubleTree by Hilton in Sacramento

Full Conference Registration is online at [CRPOA.ORG](http://CRPOA.ORG) for current members

Early bird Rates until July 1<sup>st</sup>

**Our Opening class** - On April 15, 2013, two pressure cooker bombs exploded in the vicinity Boston Marathon finish line. Three people died, including an eight-year-old boy, and over 260 people were injured. Eighteen people suffered amputations as a result of the blasts. The perpetrators then went on to murder a police officer before being captured by law enforcement officials. Special Agent David Bell will provide a detailed timeline of events, beginning with the response to the bombings and concluding with the successful prosecution of the surviving terrorist. SA Bell will speak about the challenges associated with conducting complex terrorism investigations, the importance of inter-agency cooperation, and the lessons learned during the ***Boston Marathon Bombing investigation and successful prosecution.***

*Instructor David Bell Special Agent, FBI Boston*

## Surviving Your Attacker: Law Enforcement Officers Killed and Assaulted

“Is today your day?”

- \* Inspiring true stories from shooting survivors
  - \* On-duty and off-duty safety
  - \* Preparing to win in deadly encounters
  - \* Overcoming the mindset of your attacker
- \* Why do things go right and wrong in police work?
- \* Lessons Learned - Before, During, & After a Critical Incident

The instructors \* Rich Wemmer – Captain, Los Angeles Police Department (ret.)

\* Stacy Lim – Sergeant, Los Angeles Police Department/SURVIVOR

\* Marcus Young– Mendocino County Sheriff’s Office/SURVIVOR

## Low Light No Light CQ8

Hostage Rescue/Officer Extrication – A new world merges when the sun set, Criminals use the cloak of darkness to their advantage as statics show some of the most heinous crimes such as gum-violence and sexual assaults exponentially increase at night. According to B.J.S. in some major cities as much as 80% of officer involved shootings happen in low light situations. In this 8-hour course you will learn from seasoned Navy seals on Low Light/No Light close Quarters combat. They will lecture upon real world experience from operations in some of the world’s most hostile environments. From hostage rescue to covert infiltration, students will learn methods employed in low-visibility situations to practical applications in a simulated environment.

*Instructors Dominic Gamboa and US Navy Seal Team*

## Do not miss your opportunity to honor a deserving individual within your organization

Submit a nomination to honor that outstanding member in your agency. The Annual CRPOA Awards Program for 2018 invites 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 at the ARPOC. The luncheon is held at ARPOC which offers 28 hours of POST approved training. There’s still time! CRPOA Award Nominations deadline is July 1, 2018

# CRPOA General Counsel

## LEOSA CALL TO ACTION



Earlier this month, I sent out a call to action on LEOSA asking for your support. I have gotten many responses and for that I am thankful. In that call to action, I may have been a bit vague in what I was asking. So, let me clarify.

LEOSA is a federal civil right, the violation of which gives rise to a Section 1983 civil rights claim. That was the direct holding of a federal court sitting in the District of Columbia (Duberry, [which I wrote about here](#)).

We are in discussions with outside counsel regarding how we can remedy LEOSA violations. Those violations are expressed in some agencies' CCW policies which either "prohibit" concealed carry by reserves based on LEOSA, or achieve the same result by requiring a CCW license in order to carry off-duty despite the availability of LEOSA as a separate exemption from the concealed carry laws of the 50 States.

If you fall into either of those categories, CRPOA is willing to:

Write a letter to your agency explaining the law, providing legal authority and offering to discuss the matter with them to get it resolved. Or, if that doesn't work:

Write a letter to your agency demanding that the agency comply with federal law. Or, if that doesn't work:

If we believe the circumstances are appropriate, we will consider and explore with you filing a lawsuit in federal court seeking declaratory relief (a declaration by the court that the policy is unenforceable, null and void) and an injunction ordering the agency to remove the policy and not take any adverse or retaliatory action against the reserve peace officer for exercising LEOSA rights.

If you are a reserve who faces this problem, the only way we can seek a legal solution is for you to be willing to stand up to your agency for your rights. You may need to be willing to be named as a plaintiff, along with the CRPOA, in a lawsuit if it comes to that. It's that simple.

CRPOA's policy is to always attempt to work collaboratively with agencies to resolve problems and disagreements. Where collaboration fails we are willing to vigorously defend the law and your rights, but we can't do it unless you are willing to join the fight.

Looking forward to hearing from you: [rene@crpoa.org](mailto:rene@crpoa.org).

Jim Rene, CRPOA General Counsel.

***If you have a question or comment for Jim, please email Jim at [rene@crpoa.org](mailto: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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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

# ONE MINUTE BRIEF

**JACKIE LACEY**  
**DISTRICT ATTORNEY**

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NUMBER: 2018-08

DATE: 05-22-18

BY: Devallis Rutledge

TOPIC: Rental Car "Standing"

## **ISSUE: Can a person driving a vehicle rented by someone else claim that a search of that vehicle infringes his legitimate expectation of privacy?**

Crooks who transport drugs don't like to use their own vehicles. A plate check on their own car may let officers know **the vehicle has been associated with narcotics**, and an arrest while they're transporting drugs in their own cars may result in the loss of their vehicle by **asset forfeiture**. So, they routinely use rented cars.

However, their own criminal records may disqualify them from being able to rent a car, or may provide police with investigative leads. So, they have a friend rent the car, and they "borrow" it from the friend. If things go south, the absentee friend is "Shocked! Shocked, mind you," to find out that the car was being used to transport drugs.

But since the driver isn't listed on the rental agreement as an authorized driver, can he challenge a search of the rented car by asserting a legitimate expectation of privacy based on the fact that he has the **permission** of the actual renter to be using the car?

- Terrence Byrd waited in his own car outside the rental agency while his girlfriend went inside and rented a car, the rental agreement listing her as the only authorized driver. When she came out, she handed the keys to Byrd, and she drove off in his car. He took the rental car home, loaded it with 49 bricks of heroin, and headed for his delivery destination. At a traffic stop enroute, a search of the car revealed the drugs.

Byrd moved to suppress. The government argued lack of "standing," and both the trial court and the Third Circuit denied suppression on this ground. The US Supreme Court has unanimously reversed.

The court pointed out that for Fourth Amendment purposes, the issue is not whether a person is a party to a car-rental contract, but whether the person is a **permissive user** of the car. Since Byrd's friend had voluntarily permitted him to use the car she had rented, he was a permissive user and could therefore claim a privacy interest.

*"The Court now holds that, as a general rule, someone in lawful possession and control of a rental car has a reasonable expectation of privacy in it, even if the rental agreement does not list him or her as an authorized driver."* *Byrd v. US* (2018) 584 US

\_\_\_, WL 2186175, slip opn. at 2.

- This ruling means that neither police nor prosecutors should rely on a permissive driver's lack of "standing" to contest a search of a rented car, but should develop and argue as many **independent grounds** for justifying a search as the circumstances support. (The *Byrd* case was remanded to the lower courts to consider two alternative grounds for upholding the search.)

● The Supreme Court reaffirmed that “No matter the degree of possession and control, the **car thief** would not have a reasonable expectation of privacy in a **stolen car**.” *Id.*, slip opn. at 12; accord, *People v. Carter* (2005) 36 Cal.4<sup>th</sup> 1114, 1141.

**BOTTOM LINE:** “[T]he mere fact that a driver in lawful possession or control of a rental car is not listed on the rental agreement will not defeat his or her reasonable expectation of privacy.” *Byrd v. US, supra*, slip opn. at 15.

(Bold emphases added, and citations omitted from quoted

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.

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*The California Reserve Peace Officers Assoc. would like to thank the Los Angeles County District Attorney’s Office and Devallis Rutledge for the permission to reprint the One Minute Brief.*

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*Plan on great training and networking*  
**ARPOC 2018**

**DoubleTree Hotel, Sacramento August 15<sup>th</sup> - 18<sup>th</sup>, 2018**

Conference Registration is online at [CRPOA.ORG](http://CRPOA.ORG) for current members

Early Bird Conference rates available now register before July 1<sup>st</sup>

Full conference \$ 340. Daily rates also available

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**WELCOME OUR NEW CRPOA MEMBERS**

**Between 5/16/2018 and 6/15/2018**

- |                                       |                                     |                                     |
|---------------------------------------|-------------------------------------|-------------------------------------|
| <b>Larry Viseur</b> Calipatria PD     | <b>Darrell Martin</b> Sacramento PD | <b>Chris Ng</b> Culver City PD      |
| <b>Corey Willenberg</b> Butte SD      | <b>David Clarke</b> Orange SD       | <b>Ernie Barsotti</b> Sacramento PD |
| <b>Harold Batzloff</b> Los Angeles SD | <b>Mark Ferreira</b> Vacaville PD   | <b>Kenny Merzлак</b> Ridgecrest PD  |
| <b>Carlos Galvez Jr.</b> Soledad PD   | <b>Dave Schaper</b> Los Angeles SD  | <b>Mark Hergesheimer</b> Orange SD  |
|                                       | <b>Louis Filippelli</b> Irvine PD   |                                     |

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**Making A Difference - think about it**

*“ Our flag does not fly because the wind moves it.  
It flies with the last breath of each soldier who died protecting it. ”*

*Unknown*

# How Your Department Can Hire and Retain More Reserve Officers

*If your department says it wants to hire additional Reserve Officers or Deputies, is it doing all it can? Here are some suggestions for the Reserve Coordinator for increasing the chances of getting quality applicants:*

## Think About the Benefits to the Department

- Sell the Reserve program to the Chief or Sheriff. Get buy-in from the top down. Word from the top has to get to Personnel for it to be effective.
- You are training people who can greatly aid the department's capabilities in catastrophes and emergencies. Reserves who work regularly maintain their skills.
- Reserves mean nearly free augmentation (not replacement) of patrol and other services.
- Many new Reserves are "testing the waters" to see if they want to make a career change. It's a nearly free look for the department to pick up full-time employees.

## Get the Word Out

- Communicate with in person or deliver flyers to the academies closest to your location. Some will let Personnel staff make presentations to their classes.
- If the local colleges have criminal justice classes but not an academy, let them know too.
- Use social media. The department website is a start, but Facebook and Instagram get the word out to younger people.
- Contact large local companies. Many encourage their employees to get involved in the community. Some will sponsor or help with expenses of volunteering.
- Contact the "police reporter" for the local paper. Encourage a human-interest story about the existing program and its opportunities.

## Treat Applicants with Respect

- If you're looking for Level I Reserves, your applicants have already spent a few thousand dollars and often close to a thousand hours of their time attending a modular or intensive Basic Academy.
- Promptly reply to their applications.
- Schedule an orientation and/or interview sooner rather than later.
- Let them know promptly whether they passed their interview or initial screening.
- Keep them informed monthly during the hiring process to let them know you are interested. If you have an eligibility list, let them know whether they're still on it.
- Prioritize them equally with paid positions. Reserve applicants have demonstrated their enthusiasm and commitment by attending the academy at their own expense and on their own time. It is unreasonable to put them at a lower priority.
- Consider recruiting additional background investigators from the Reserve ranks. There's nothing to preclude Reserves from conducting backgrounds.

## Treat the New People with Respect

- Arrange for the swearing-in promptly.
- Once they're in the background process, assign an experienced Reserve to be their mentor (not to be confused with their Field Training Officer).
- Get their FTO program started promptly and work around their paid job. They have to support themselves and their family to be in a position to volunteer.
- Equip them as you would any new officer; no hand-me-downs.
- Follow the law: Active Reserves meeting the requirements of 18 USC §926B are entitled to the benefits of LEOSA!



## **Treat the Experienced People with Respect**

- Make sure they get all of the CPT offered to or required of full-time officers.
- Encourage them to join CRPOA and attend ARPOC for additional training.
- Don't unnecessarily restrict Reserves to menial assignments. Many are well-educated and/or have unusual and valuable skills that can be a benefit outside patrol. Many are fluent in languages besides English. Utilize their skills!
- If your department contracts its services to 3<sup>rd</sup> parties for special events, consider part-time paid opportunities for the Reserves, with no FLSA complications.
- When your Reserves retire see that they are properly recognized and, again, follow the law. Reserves meeting the requirements of Penal Code §26300(c)(2) are entitled by law to a retired ID card with CCW endorsement. Those meeting the requirements of 18 USC §926C are entitled to LEOSA privileges.
- Word gets around. If your department treats its Reserve Officers with respect, it will become the place to apply, perhaps even the place to lateral.

*Mike Voorhees is chairman of the board emeritus of CRPOA and a retired reserve assistant sheriff. He welcomes your questions and comments at [voorhees@crpoa.org](mailto:voorhees@crpoa.org).*

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# **Notice of the Annual Meeting of the California Reserve Peace Officers Association**

Thursday, August 16, 2018  
1200-1330 Hours  
Grand Ballroom  
DoubleTree Hotel  
2001 Point West Way  
Sacramento, California

The purposes of the meeting are:

1. To report on the condition of the Association;
2. To discuss and settle the general business of the Association;
3. To transact such other business as may come before the meeting.

An agenda for the meeting will be distributed to directors and available to other members on August 15, 2018, by contacting Secretary Tim Nakamura at [nakamura@crpoa.org](mailto:nakamura@crpoa.org).

signed,

Mike Voorhees  
Chairman of the Board Emeritus

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**JACKIE LACEY**  
**DISTRICT ATTORNEY**

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

# ONE MINUTE BRIEF

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NUMBER: 2018-09    DATE: 05-29-18    BY: Devallis Rutledge    TOPIC: Vehicle Search in the Driveway

**ISSUE: Does the “fleeting targets” exception for warrantless search of vehicles allow entry onto a residential driveway to make the search?**

Under the “**fleeting targets**” doctrine (also called the “automobile exception”—although it also applies to RVs, motorcycles, boats, trains, planes and other inherently-mobile conveyances), officers may make a warrantless search of a “fleeting target” if they have (1) **probable cause** to believe something seizable is inside and (2) **lawful access** to the vehicle. *US v. Ross* (1982) 456 US 798, 824. See 1MB 2006-30.

Because the “**curtilage**” of a residence is entitled to the same degree of Fourth Amendment protection as the residence, (1) **entry** onto the curtilage (2) in order **to seek evidence** requires one of the same four justifications as entry into the residence itself. *Florida v. Jardines* (2013) 569 US 1, 7. See 1MB 2014-15.

How do these principles apply to the warrantless entry onto a residential **driveway** in order to make a warrantless search of a vehicle parked there?

- Ryan Austin Collins parked a stolen motorcycle in the driveway of his girlfriend’s house where, as an **overnight guest**, he shared her Fourth Amendment protection of the home and curtilage. *Minnesota v. Olson* (1990) 495 US 91, 98-100. See 1MB 2014-21. Police officers walked up the driveway and pulled back a tarp concealing the motorcycle, so they could see the VIN and confirm that the bike was stolen. Collins moved to suppress their observations as the fruit of illegal entry. His motion was denied by the Virginia courts, on the basis of the “fleeting targets” exception. The US Supreme Court has reversed (8-1

Finding that the part of the driveway where the motorcycle was parked was “*properly considered curtilage*,” the court said this:

*“[T]he Court considers **curtilage—the area immediately surrounding and associated with the home, to be part of the home itself for Fourth Amendment purposes. ... When a law enforcement officer physically intrudes on the curtilage to gather evidence, a search within the meaning of the Fourth Amendment has occurred. ...***

*“[A]n officer must have a **lawful right of access** to a vehicle in order to search it pursuant to the automobile exception. ... [S]earching a vehicle parked in the curtilage involves not only the invasion of the Fourth Amendment interest in the vehicle but also an invasion of the sanctity of the curtilage. ...*

“[N]othing in our case law, however, suggests that the automobile exception gives an officer the right to enter a home or its curtilage to access a vehicle without a warrant. ...

**The question before the Court is whether the automobile exception justifies the invasion of the curtilage. The answer is no.”**

*Collins v. Virginia* (2018) 584 US \_\_\_, WL 2402551, slip opn. at 5, 6, 7, 9.

- If warrantless entry onto the curtilage can be justified by **consent, exigency or probation/parole/PRCS search terms**, warrantless search of a vehicle could then be justified by the “fleeting targets” exception (see *id.*, slip opn. at 12). (The *Collins* case was remanded for consideration of whether entry was justified by exigent circumstances.)

**BOTTOM LINE: “[T]he automobile exception does not permit an officer without a warrant to enter a home or its curtilage in order to search a vehicle therein.” *Id.*, slip opn. at 14.**

(Bold emphases added, and citations omitted from quoted material)

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.

*The California Reserve Peace Officers Assoc. would like to thank the Los Angeles County District Attorney’s Office and Devallis Rutledge for the permission to reprint the One Minute Brief.*

# Sonoma County’s Last Reserve Deputy Sheriff Signs Off



Through the 22 years Anthony Duckworth responded to 911 calls and took look-sees into suspicious circumstances in unincorporated areas of Sonoma County, it was impossible to tell the key difference between him and all, or nearly all, of his fellow deputy sheriffs. Duckworth was out there wearing the badge and doing the work — for free.

As a one-day-a-week reserve deputy, the 57-year-old British-born Petaluma investment advisor did everything professional deputies do. But he did it as a volunteer. Sometimes a civilian he’d pulled over or approached would point a finger and declare, “I pay your salary.” Duckworth admits he was tempted to reply, “Well, actually...” But he always thought better of it and didn’t let on that he wasn’t paid at all.

When he retired days ago from the county’s 52-year-old reserve deputy sheriff program, Duckworth became, for the moment at least, the last of a breed. In years past, as many as 75 trained reservists worked part-time and voluntarily



alongside paid, full-time deputies. Those volunteers augmented the department's paid staff and in times of crisis presented a quick, economical way to put more deputies in the streets.

Some reservists, like Duckworth, kept their regular civilian jobs and enjoyed the challenges and rewards of a second voluntary career in law enforcement. Santa Rosa attorney Mike Voorhees had been a reserve deputy for 40 years when he worked his final patrol shift in 2016. Other reservists used the volunteer position as a stepping stone to paid police work: Two former Sonoma County sheriffs, Jim Piccinini and the late Mark Ihde, began their careers as reserve deputies.



With Duckworth's retirement, the department has no more reservists. Current sheriff Rob Giordano marked Duckworth's departure by praising him and all who've served as reserve deputies, and by granting Duckworth a promotion that allowed him to retire as captain of the reserves. A roomful of appreciative career deputies smiled and applauded as Giordano presented Duckworth a Reserve Captain badge and thanked him for the more than 7,000 hours he put in serving and protecting the people of Sonoma County.

That he did it while also working a full-time job and supporting a family, Giordano said at a surprise send-off for Duckworth at the sheriff's office, "is amazing." "We love the reserves, but the world has changed so much that we can't get reserves like we used to," the sheriff said. There was a time when it was simpler to become a reserve deputy in Sonoma County, when the training and qualifying were not as rigorous. But for years now, a prospective reservist must pass the same background checks, fulfill the same requirements and complete the same training as someone seeking to become a full-time deputy or police officer. It's a lot to ask of potential reserve deputies, Giordano said. If accepted, he said, "they get into a patrol car and risk their lives, for free."

Just now there's strong demand for qualified people interested in being hired as peace officers and that, too, contributes to the decline in interest in the reserve program. There's no need for an academy graduate to become a reservist as an introduction to law enforcement if he or she is able to quickly find a paying job. Despite all that, Giordano doesn't believe that with Duckworth's retirement the sheriff's office has seen the last of the reservists. "I'm not convinced it's gone," the sheriff said. If the hiring market for law enforcement officers slows, he said, "I think you'd see reserves come back into the picture."



L to R, Mike Hart, Ted Newcomb, Mike Harvey, Greg Kelso, Phil Sutsos, Anthony Duckworth, Joe Fong, Mike Voorhees. May 5, 2005

It saddened Duckworth to leave the picture. Working as a Sonoma County deputy one shift a week, typically on a Friday night, was an extraordinary experience, he said. But at this point in his life he needs to be home more for his sons, Lucas, 16, and Joaquin, 5. And, he said, his work with Investment Architects has become more demanding.

Duckworth's interest in police works goes far back. His English roots still evident in his speech, he tells of growing up in the working class northern town of Burnley and volunteering as a reserve constable at age 23. His training consisted of being handed a truncheon and advised, "Try not to hit them in the head." His three-year stint as a reserve constable, he said, "was an eye-opener." He came to appreciate the great hardships and trials in people's lives that can cause them to come in to contact with the authorities. While he dealt with individuals whose conduct qualified them to be regarded as bad people, he decided most were good people having a bad day.

A catastrophe struck while Duckworth was a reserve constable. In May 1985, flames engulfed the Bradford City soccer stadium early in a game that had drawn a large crowd. Fifty-six people died and more than 250 were injured. Duckworth said he played a small role in the police response, and he was struck deeply by how police officers and firefighters

performed their jobs amid horror and mass mourning. “The quality of the person who’s able to do that is astonishing,” he said.

He told the Sonoma County deputies at his retirement party that he never imagined he’d witness another tragedy on the scale of the Bradford fire. But then came the North Bay firestorms of October. He was so proud of the officers who struggled to save lives and console survivors at the stadium then, he told his colleagues. And, he added, “I can’t say what an honor and a privilege it is to wear the same uniform as you.”

Later, Duckworth reflected on the challenges that confront patrol officers who “have to make decisions in crisis that will be reviewed at leisure,” and on the extraordinary satisfaction that can come from police work. He remembered during a patrol shift in Sonoma County pulling away and arresting a man who’d been assaulting his girlfriend. Maybe a year later, the woman recognized him at a gas station and approached to tell him that had he not intervened, the man would quite likely have killed her. The now-retired reserve deputy likes his regular job in stocks and bonds. However, he said, “I don’t think anybody ever thanked me for saving their life in investments.”

*This article was reprinted with the kind permission of The Press Democrat.*

*Credit for the story goes to Chris Smith, whom you can reach at 707-521-5211 and [chris.smith@pressdemocrat.com](mailto:chris.smith@pressdemocrat.com).*

*Credit for the photos goes to Kent Porter.*

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# Legislative Update-Report

By Pete Downs

## Update on AB 1192

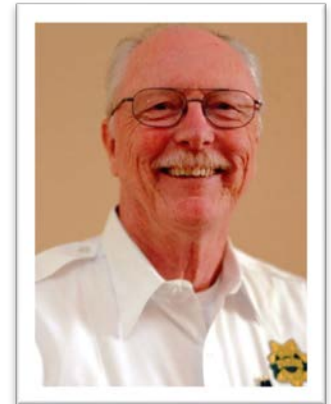
CRPOA’s bill, introduced in 2017 and carried over to this year, AB 1192 (Lackey), continues to move through the California Legislature. It has passed the Senate by a vote of 34-0. It will now be sent to the Assembly for concurrence, due to an amendment which removed the Urgency Clause, which became unnecessary.

AB 1192 was introduced to preserve the ability of retiring reserve peace officers to retain already-owned magazines with a capacity greater than 10 rounds. The Urgency Clause, which was in the bill’s original language, was necessary at the time because of the then-impending effective date of portion of Proposition 63, which prohibited the continued possession of such magazines. A lawsuit against that portion of Proposition 63 provided the grounds for an injunction (still in force) against the enforcement of that provision. It became clear in 2017 that the bill lacked sufficient votes in the Senate Public Safety Committee; thus, it became a 2-year bill. Retention of the Urgency Clause mandated the number of votes required for passage from a simple majority to a 2/3 vote. To enhance the chances of the bill’s passage, we removed the Urgency Clause.

We don’t anticipate problems in concurrence by the Assembly. After passage, it will go to the Governor’s office for his review and, hopefully, signature. The CRPOA Legislative Committee is already working on meeting with the Governor’s staff to make sure that they have a complete understanding of the importance of this bill to retired reserve officers and the people of California. At this time, we are not requesting any help by ways of calls or letters to legislators or the Governor. If the need arises we will make the request by way of a Direct Impact email. We will keep you posted as to the progress of this important bill!

***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](mailto:Downs@CRPOA.org)***





# Released from Prison, Returning to Crime

by Robert Sass, ALADS Vice President

This past month, the United States Department of Justice [released a very robust study](#) regarding recidivism rates for state prisoners. Recidivism is denoted as a return to crime, although it is not a perfect measurement since every crime does not result in arrest. Additionally, an individual may commit multiple crimes at one time, but only one arrest is made. The [headline version](#) states that 83% of released inmates had been rearrested at least once in the subsequent nine years after release.

The study tracked prison inmates released in 2005; those inmates were from thirty states and accounted for 77% of all prisoners released that year. The study found 44% were re-arrested at least once in their first year of release and 68% re-arrested at least once within three years after release. In total, the released inmates accounted for 1,994,000 arrests in the nine-year period or approximately five re-arrests per released inmate.



ALADS Vice President  
Robert Sass

While the DOJ study uses re-arrest for the definition of recidivism, California does not. In 2014, the Board of State and Community Corrections [adopted a new and controversial definition](#) of recidivism only to include instances where a person is convicted of a new felony or misdemeanor within three years of release from jail/prison or being placed on probation/parole. Thus, arrests that result in other sanctions such as a probation/parole revocation with new charges dismissed are not counted. As Dan Walters [noted at the time](#), this very narrow definition "would minimize official recidivism rates under realignment and thus, it seems, shield politicians from criticism."

However, even using this more restrictive definition, the latest [statistics released by the California DOJ](#) show a high rate of return to crime by released inmates. 54% of those released in 2011-12 had been convicted of a new crime within three years, while 46.8% of those released in 2012-13 had been convicted of a new crime. The California DOJ does track arrests as well as "supplemental" data and using that metric; recidivism rates are even higher: 75.3% of those released in 2011-12 were arrested within three years, and 66.7% released in 2012-13 were arrested within three years.

When you combine the makeup of California's state prison population serving time for a serious, violent or sexual offense -- 78% in 2008, 91% in 2016 -- it becomes clear that there are a lot of dangerous people in prison. And, when those people get out, they continue to victimize the community -- a fact made clear by statistics from both the United States DOJ and the California DOJ.

The high rate of return to crime by released inmates is not good for those who rely on law enforcement services from the Los Angeles County Sheriff's Department since the department continues to be understaffed.

To properly deal with recidivism, one key component necessary is a fully functioning patrol force. The lack of sufficient patrol deputies in our [understaffed department](#) continues to be papered over via a program called

[Cadre of Administrative Reserve Personnel \(CARP\)](#). The rise in crime is costly for all Californians [as studies have shown](#). One proven solution to combat the increase in crime is to staff the Sheriff's Department fully. Crime rates go down and recidivism can be addressed when departments are [fully staffed, well trained and supported](#) by proper community services for those entering society.

*Robert Sass is Vice President of the Association for Los Angeles Deputy Sheriffs. The [Association for Los Angeles Deputy Sheriffs](#) (ALADS) is the collective bargaining agent representing more than 7,900 deputy sheriffs and district attorney investigators working in Los Angeles County. Like our Facebook page [www.facebook.com/aladsonline](http://www.facebook.com/aladsonline)*

## 2018 CRPOA Awards Announcement and Criteria

The California Reserve Peace Officers Association is proud to announce the Annual Awards Program for 2018. We invite you to nominate a deserving member of your organization for one of several recognition awards.

The awards will be presented at our Annual Awards Luncheon at the Annual Reserve Peace Officers Conference in Sacramento. The luncheon is held in conjunction with ARPOC 2018, which offers 28 hours of POST approved training.

### **Do not miss out on an opportunity to honor a deserving individual within your organization**

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 must be included.** Questions can be forwarded to [nancy@crpoa.org](mailto:nancy@crpoa.org). **Nominations must be submitted no later than July 1, 2018.**

We look forward to receiving your nomination.

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#### **Award Criteria**

*Please note, in 2013 the CRPOA Board of Directors voted to modify the time restriction on awards to three years. You may now submit a nomination for events which occurred up to three years ago. The Board will also consider exceptions for older events on a case-by-case basis.*

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#### **Award for Valor**

For an act of conspicuous bravery in the line of duty, performed in conscious disregard of peril to the officer. To be awarded, all of the following criteria must exist:

- ◆ The bravery exhibited must be above and beyond that expected in the line of duty.
- ◆ Failure to take such action would not justify censure.
- ◆ The risk to the officer's life actually existed and the officer was able to perceive the risk and disregard it.
- ◆ The objective was of sufficient importance to justify the risk.
- ◆ The officer accomplished the objective or was prevented from accomplishing it by incurring serious injury or death.

*Notes:*

- The criteria for this award include consciousness of the peril and the disregard thereof. Thus, merely finding oneself in the middle of a perilous situation and having to take action to get out of it would not qualify.
- There is no limit to the number of qualifying awards.



- May be awarded to a reserve peace officer, search and rescue member or volunteer in policing.
- The nominee does not need to be a CRPOA member.
- The act must have occurred between June 1, 2015 and May 31, 2018, inclusive.

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## Award of Honor

Presented to the family of a reserve peace officer, search and rescue member or volunteer in policing whose life was given in the line of duty due to the action of a third party.

- Notes:
- This award recognizes supreme sacrifice in the line of duty. It does not require that the officer knowingly placed himself or herself in a perilous situation nor does it require an act of heroism in order to be awarded. It does require the action of a third party in causing the death.
  - There is no limit to the number of qualifying awards. In an appropriate case, an Award for Valor and an Award of Honor could be made for the same action.
  - May be awarded to a reserve peace officer, search and rescue member or volunteer in policing.
  - The decedent need not have been a CRPOA member.
  - The death must have occurred between June 1, 2015 and May 31, 2018, inclusive.

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## Reserve Officer of the Year, Search and Rescue Member of the Year, and /or Volunteer in Policing of the Year

Awarded to the nominee excelling in all the qualifications for the Meritorious Service Award which place the reserve officer/search and rescue member/volunteer in policing clearly above all other candidates.

- Notes:
- Only one qualifying award shall be made each year for each of three categories: reserve peace officer, search and rescue member and volunteer in policing.
  - The nominee must be a general member of CRPOA on the date the nomination is received.
  - The qualifying actions must occur prior to May 31, 2018.

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## Meritorious Service Award

**For especially meritorious service to the department in a duty of great responsibility. The duty may be either assigned or self-initiated. Superior performance of the normal duties of the position will not alone justify the award.**

Considerations for the award include all areas of:

- ◆ Outstanding performance of the officer's duties either in a single act or over time
- ◆ Extraordinary level of assistance to the reserve unit and/or the department
- ◆ Extraordinary level of service to the community
- ◆ Training or teaching within the department
- ◆ Longevity with the department

- Notes
- The nominee must be a general member of CRPOA on the date the nomination is received.
  - There is no limit to the number of qualifying awards.
  - The qualifying actions must occur between June 1, 2015 and May 31, 2018, inclusive.

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## Distinguished Service Award

**For distinguished service by a reserve officer, SAR member or volunteer in policing.**

Considerations for the award include one or more of the following:

- ◆ Distinguished service either in a single act or over time
- ◆ Substantial assistance to the reserve unit and/or the department
- ◆ Substantial service to the community
- ◆ Training or teaching within the department
- ◆ Longevity with the department



- Notes:
- The nominee must be a general member of CRPOA on the date the nomination is received.
  - There is no limit to the number of qualifying awards.
  - The qualifying actions must occur between June 1, 2015 and May 31, 2018, inclusive.
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## Award of Appreciation

### **For distinguished service to the members of the California Reserve Peace Officers Association.**

Considerations for the award include:

- ◆ Distinguished service to the Association either in a single act or over time
- ◆ Substantial assistance or contribution to the Association

- Notes:
- There is no limit to the number of qualifying awards.
  - The qualifying service must occur between June 1, 2015 and May 31, 2018, inclusive.
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## Coordinator of the Year

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### **Presented to the coordinator of reserve peace officers, search and rescue members or volunteers in policing who excels in:**

- ◆ Displaying a strong commitment to the unit
- ◆ Dedication to the enhancement of the professionalism and training of the unit members
- ◆ Promoting a positive image of unit members within the department and the community
- ◆ Demonstrating efforts to use unit members in non-traditional roles or assignments

- Notes:**
- **The nominee must be a full-time employee of the department in which he or she serves as the coordinator of a reserve peace officer, search and rescue or volunteer in policing unit.**
  - **The nomination must be made from within the unit supervised by the nominee. It may not be made by the department or by another full-time employee of the department. Supporting letters from the department are encouraged.**
  - **Only one qualifying award shall be presented.**
  - **The qualifying service must occur prior to May 31, 2018.**
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## **General Notes**

**Important note to nominators:** Nominators for any CRPOA award shall be:

- A chief executive of a law enforcement agency; or
- A full-time officer who serves as a reserve coordinator; or
- A General Member of the Association.

When submitting a nomination please review the awards criteria thoroughly to assure that your nominee meets the criteria. You may submit a nomination for the highest possible award for which you believe your nominee meets the criteria. The Awards Committee may determine that your nominee qualifies for the category nominated or may select the nominee to be recognized in a different category. For example, a candidate nominated for Reserve Officer of the Year might receive that award or may be honored with the Meritorious Service Award or other qualifying award.

**Nominations packets *must* include:**

- **An application, completed and legible.**
- **A letter of nomination summarizing the qualifications of the candidate for a specific award.**
- **Documentation supporting qualifications, such as awards, certificates, commendations, letters.**
- **Nominators must also assure that information provided for contact for award notification is current.**

***Incomplete nominations packets may not be considered; however, the Awards Committee will notify nominators of incomplete nominations.***

**Nominations must be sent to the Awards Committee at:**

- **California Reserve Peace Officers Association, P.O. Box 5622, San Jose, CA 95150-5622**
- **Or scan and e-mail your nomination packet to [nancy@crpoa.org](mailto:nancy@crpoa.org).**

*If you do not receive confirmation of receipt of the nomination packet by the Awards Committee within 2 weeks of mailing or emailing documents, contact Nancy Elam by email or phone immediately.*

Any questions about the nomination process can be forwarded to Nancy Elam, Awards Committee Chairman by email at [nancy@crpoa.org](mailto:nancy@crpoa.org) or by phone at 408-309-8756.



***The deadline for the receipt of nominations is  
July 1 2018***

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***New classes and a valuable time to meet with other officers***

**Plan NOW *ARPOC 2018* the DoubleTree Hotel**

***Sacramento August 15<sup>th</sup> – 18<sup>th</sup>  
2001 Point West Way  
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