



Winter

The BACKUP Newsletter

The Official Publication of the California Reserve Peace Officers Association



“Federal Limits Apply”
Driver Licenses



DMV
New 2019 Laws



Dedicated San Jose cop
retires after 60 years!



What to do if you are in
a use of force incident

WINTER 2019

Welcome to the Quarterly Newsletter of the California
Reserve Peace Officers Association



Please join us
at ARPOC 2019!

August 21st
through
August 24th

Crown Plaza
Hotel in
San Diego

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Chief Executive Officer's Report

By Mike Voorhees

Officer and Staff Changes

We've had several developments in the past few months: the first and most important is that our illustrious CEO, director and friend, Kevin Bernzott, needed to back away from a number of obligations to deal with personal medical issues. Kevin is dealing with those issues, is in great spirits and wishes everyone well. But, due to those reasons he resigned as an officer and director of CRPOA. He is continuing in a limited capacity as a Special Advisor to the Board of Directors and we are grateful for his continued service.



The Board elected me to fill the remainder of Kevin's term as a member of the Board and as CEO. I'll do my best to serve the association in these capacities while trying to emulate Kevin's good humor, commitment and decisiveness.

After decades of service to CRPOA, our Chief Financial Officer, Chuck Adams, has retired and vice president and director Matt Lujan has assumed his duties. Chuck worked tirelessly as CFO, both day-to-day and at ARPOC for over 32 years. Since early December Chuck has been devoting his time to an orderly transition that became official January 1, 2019. Both Chuck and Matt report that the transition has been smooth. Chuck pledges to help on a part-time basis through the completion of ARPOC 2019.

Also retiring is our San Jose Office Manager, Janet Adams, who has done yeoman's work in that position, also for decades. Assuming the Office Manager duty is Carrie Lujan, who lives in the San Francisco Bay Area. Janet will retain the position of Training Manager through the completion of ARPOC 2019 when her remaining duties will be transferred to Carrie. Janet and Carrie having been working well together and that transition has also been a smooth one.

One of our newest Directors, Ed Jones, has assumed the duties of Secretary. Since Frank Barnes' death last Spring, the position has been temporarily filled by a couple of directors. Ed was elected by the Board in December. Thanks for stepping up, Ed!

You've Retired---Why Should You Remain a Member?

If we stay a Reserve Peace Officer long enough, we'll all eventually retire. I retired in 2016 and am still a General Member. You might ask why, and I'd give you these reasons:

- * Continued Benefits
- * The work isn't finished
- * Commitment to the Association

General Members, active or retired, continue to receive help from the Legal Services Plan, retain the right to vote and the right to hold office. The only benefit retired General Members don't continue to enjoy is the Disability Plan, which isn't necessary for me since I'm no longer working the street. The Legal Services Plan is very important to me. CRPOA is the only organization that will help preserve the rights and privileges I have earned because of CRPOA's state legislative successes and the Law Enforcement Officers Safety Act (LEOSA).

CRPOA's Legislative team has worked tirelessly since the 1970's to improve the lot of all Reserve Peace Officers, active and retired. In the past four decades, CRPOA has been successful in correcting dozens of pieces of flawed legislation that hampered active Reserves. And, in the past ten years those efforts have resulted in success for retired Reserve Peace Officers as well, including the provision that many retired Level I Reserves are entitled to California CCW endorsements and may continue to carry the standard magazines provided with many semi-automatic pistols. But it doesn't end there!

Every day our General Counsel gets calls or emails from a General Member whose department is unaware of its obligation to issue a well-earned retired ID card with a CCW endorsement or, far worse, whose department is aware of its legal obligation but fails to abide by the law. The Legal Services Plan afforded to General Members continues with you into your retirement and has successfully assisted many retired Reserves in obtaining the privileges to which they are entitled.

The work continues and so does my commitment to the Association; you too should remain committed!

As long as there are Reserve Peace Officers in this state and as long as there are retired Reserves, **we** owe it to those who came before us, those who started this Association and caused it to flourish, those who fought in the legislature and sometimes in the courts, and those who will fight into the future for those who come after us, to stand, be counted and help.

This Association needs you and your membership. And you need the Association, whether you're active or retired!

Mike Voorhees is the Chief Executive Officer of CRPOA, a retired Reserve Assistant Sheriff and a practicing attorney. He welcomes your questions and comments at voorhees@crpoa.org.

CRPOA General Counsel

WHAT TO DO IF YOU ARE IN AN OFF-DUTY USE OF FORCE INCIDENT

Below is a re-print of an article, regarding civilian CCW, published by CCW Safe. www.ccwsafe.com. CCW Safe is a legal defense plan which in the past I have recommended you consider as part of your off-duty carry protocol. While each person's needs are different, I have CCW Safe and speak with them frequently on various topics of mutual interest. Their founders are former law enforcement officers so we have a lot in common and they understand well the needs of off-duty active as well as retired LEOs. While the suggestions below apply to civilians, many of the principles are also applicable to us. Be safe - Jim



+++++

Here are 10 suggestions you should consider if you ever are forced to use your gun in self defense:

1. **MAKE SURE YOU ARE SAFE:** Make sure that everyone involved, which may be you, your family, or others, are safe from any threat before doing anything. Verify that the suspect is down and no longer poses a threat. Visually scan for other suspects and visually verify that the suspect no longer has access to a weapon. Do not approach the suspect or move evidence.

2. **INITIATE EMERGENCY RESPONSE:** From a position of cover (do not leave the scene) call 911 for police assistance. Request emergency medical services. These services may be for you, your family, or for others, including the suspect. Do not discuss the incident with dispatch in depth, only give brief facts of the case. Think of things such as "I was forced to defend myself", "I was in fear for my life", or "I was attacked". Try not to use phrases such as "I killed someone" or "I just shot someone". Describe what you are wearing and let the dispatcher know you will not have your weapon in your hand when the officers arrive. For members of CCW Safe, initiate our response by calling our 800 Emergency Line on your membership card. Remember officers will probably remove your phone and routinely separate all involved in cars which is common in any deadly force case so call CCW Safe following your call to 911 or as soon as allowed.

3. **PREPARE FOR RESPONDING OFFICERS:** This happens before officers arrive on the scene. As you hear or see police cars or officers getting close, holster your weapon. If you have time retrieve your concealed carry permit, your driver's license (if you have it) and your CCW Safe card, placing them in your front pocket. Officers responding to a shooting incident often have a heightened level of concern for their safety so be prepared to follow their directions. Raise your empty hands above your head with palms facing officers and listen to their commands. They may tell you to get on the ground, and if they do, comply with their request as there are times information of who the suspect is is not conveyed through the

dispatcher before the first officer arrives. They may see something that you don't, or it may make them feel safer. Remember the first call to 911 could have been from a witness.

4. PROVIDE INITIAL INFORMATION: Remember your defense begins with you... What you say and do can make or break your case. Provide initial information to the responding officers. Some things that can explain your situation might be "I AM THE VICTIM", "I HAD TO USE THE WEAPON IN SELF DEFENSE", "I WAS FORCED TO DEFEND MY LIFE", "THAT IS THE SUSPECT", "MY WEAPON IS SECURE IN MY HOLSTER", "MY CCW PERMIT IS IN MY HAND ALONG WITH A NUMBER FOR MY LAWYER", "I WILL GIVE A FULL STATEMENT IN THE PRESENCE OF MY ATTORNEY". Please keep in mind if you believe what you did was wrong or you have concerns about your decision to use deadly force do not speak about the incident without being in the presence of your attorney.

5. IDENTIFY CASE ELEMENTS TO OFFICERS: What you don't say could also hurt your case... There are certain basic case elements the responding officers are looking for when they arrive. Again, the details of the incident should only be shared in the presence of your attorney but break your silence to share case elements; especially if it would cause your defense to unravel at the start. Some basic case elements might include the following: "THAT IS THE SUSPECT", "THAT PERSON OVER THERE IS A WITNESS", "THERE IS THE SUSPECT'S WEAPON OR CASINGS". Sometimes witnesses decide to disappear when the officers start asking questions or police officers drive their cars over evidence.

6. INFORM OFFICERS OF INJURIES: You should have already requested medical personnel to the scene but they will not approach until it is safe. Let officers know of any injuries and make sure that they are documented before you are cleaned up, unless the injuries are life threatening. If you are injured in any way, request to be taken to the hospital for evaluation. This is not the time to be macho because your injuries can be presented to support your decision to use deadly force. Remember just because you are not bleeding doesn't mean you should not be checked for internal injuries that you may not realize you have due to the adrenaline overload associated with facing a traumatic occurrence.

7. BE THE FIRST TO CALL 911: Be the first one to call 911... Even if you do not pull the trigger. Report to police you had to point your firearm at someone to defend your life so you are not seen as a suspect if that person leaves the scene and calls first. Always remember police officers commonly identify the first person who calls in as the victim and leans towards their story as the truth initially. If there are independent witnesses get their name and contact information if they are trying to leave.

8. YOU ARE A VICTIM. ACT LIKE ONE: Act like the victim you are... Do not get emotionally drawn into the excitement of others that witnessed a good guy triumph over a bad guy. If you are ever involved in a self defense shooting you should know each person reacts differently. Try to remain calm as even officers that arrive might display signs of elation and they may act or say things that to some would be considered inappropriate. Police officers deal with shootings, violent death and accidents daily, and respond and react to those incidents differently than people who are not around it. Witnesses or bystanders may become excited. Do not get drawn into their behavior, or show any non-verbal, or express verbally, signs of excitement.

9. CONTROL THE INFORMATION ABOUT THE INCIDENT: Do not exchange stories with witnesses or news personnel on the scene. Do not post anything on social media, or share through any device information to family or friends. Do not make off color comments or laugh at the jokes of others.

10. PROVIDE IDENTIFYING INFORMATION ONLY: Give the responding officers your basic identifying information only. Explain to them that you would like to give a full statement and interview in the presence of your attorney. If you are a CCW Safe member you could let authorities know you have representation for self defense actions involving deadly use of force.

Please be alert, safe out there and remember assess every situation asking yourself, “If I didn’t have a weapon on me at this time what would I do?” That one question could keep you from being launched into a traumatic incident that will change your life.

Stay safe everyone.

Jim Rene, General Counsel

Jim René is the General Counsel for the California Reserve Peace Officers Association and a reserve police sergeant for the San Fernando Police Department. He previously was an LAPD reserve police officer for 15 years.

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Legislative Update

The Legislature is back at the beginning of a two-year session. We are beginning to see bills being introduced and I wanted to share some of the bill summaries that may be of interest. February 22nd is the last day for bill introductions, but a lot will happen in the next 4 weeks. I will be tracking bills throughout the session using our Capitol Track account and keep you informed on progress and if necessary, will be traveling to Sacramento to testify, along with our advocacy team at Political Solutions.

AB 54

Summary: The California Public Records Act requires that public records, as defined, be available to the public for inspection and made promptly available to any person. Current law generally makes records of investigations conducted by any state or local police agency exempt from these requirements, except that a video or audio recording that relates to a critical incident, as defined, may only be withheld temporarily under specified circumstances. This bill would require the agency to provide the estimated date for the disclosure of the video or audio recording under these circumstances and would allow the agency to withhold the recording for the 45-day period, subject to extensions, as provided by existing law.

AB 165

Summary: Would require the Commission on Peace Officer Standards and Training to develop and implement, on or before January 1, 2021, a course of training regarding gun violence restraining orders. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers, on or before January 1, 2021, and would require the course or courses to include specified topics, including the process of filing a petition for gun violence restraining orders and situational training to assist officers in identifying when a gun violence restraining order is appropriate.

AB 222

Summary: Current law generally prohibits law enforcement from providing information regarding the release date of an individual from custody or from transferring an individual to immigration authorities without a warrant or judicial probable cause determination, unless the person has been convicted of specified crimes. This bill would allow information regarding the release or transfer of an individual to be provided to immigration authorities if the individual has been convicted of misdemeanor or felony assault or battery against the person of a peace officer or firefighter, as specified.

AB 227

Summary: Would make a defendant's inability to pay a fine a compelling and extraordinary reason for a court to not impose a restitution fine upon a conviction of a misdemeanor or felony. The bill would require the court to impose the court facility and court operation assessments unless the court determines that the defendant does not have the ability to pay.

SB 61

Summary: Current law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. A violation of that prohibition is a crime. Current law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime. This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms.

Pete Downs is our vice president for Legislative Affairs. He welcomes your questions. Please email him at downs@crpoa.org.

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Notice of Election

To all General Members of the California Reserve Peace Officers Association

You are hereby notified that elections for three (3) seats on the Board of Directors will occur May 31, 2019. The terms of Directors Pete Downs, Ed Jones and Jim Lombardi will expire on that date. Anyone interested in seeking election to the Board should visit this web page, <https://crpoa.org/about/join-board-directors/> to learn the requirements for election and the deadline to submit nomination forms. Forms may also be obtained from the same web page.

Signed,

Ed Jones

Dated: February 15, 2019

Ed Jones
Secretary

NOTICE OF ANNUAL MEETING OF MEMBERS CALIFORNIA RESERVE PEACE OFFICERS ASSOCIATION

To all Members of the California Reserve Peace Officers Association: The Annual Meeting of Members will be held at noon, Thursday, August 22, 2019, at the

Grand Hanalei Ballroom
Crowne Plaza Hotel
2270 Hotel Circle North
San Diego, California 92018

The purpose of the meeting shall be:

1. To receive and consider reports on the condition and business of the Association;
2. To afford the members an opportunity to be heard and question the officers and members of the board of directors;
3. To consider and act upon such other business as may come before the meeting.

Signed,

Ed Jones

Dated: February 15, 2019

Ed Jones
Secretary



California Department of Justice
Attorney General Xavier Becerra

Consumer Alert Regarding the Use of “Federal Limits Apply” Driver Licenses and Identification Cards to Purchase Firearms

If you have a “FEDERAL LIMITS APPLY” driver license or identification card and wish to use it as identification to purchase a firearm, the dealer might require you to present proof that you are lawfully present in the United States. This is because federal law prohibits anyone who is not lawfully present in the United States from receiving or possessing a firearm or ammunition.

The Department of Motor Vehicles (DMV) currently issues two types of California driver licenses and identification cards: “REAL ID” and “FEDERAL LIMITS APPLY” (samples below). An applicant for a “FEDERAL LIMITS APPLY” driver license or identification card is not necessarily required to provide proof to DMV of lawful presence in the country.

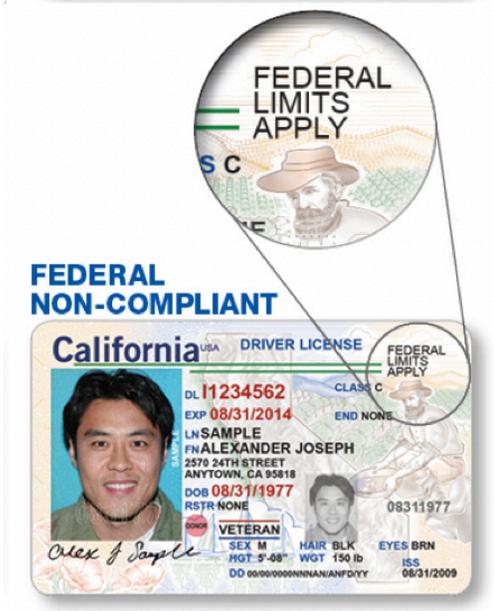
Recently enacted state legislation (Cal. Stats. 2018, ch. 885, S.B. 244) prohibits certain “FEDERAL LIMITS APPLY” driver licenses and identification cards - those issued to persons who were not required to submit satisfactory proof of lawful presence in the United States - from being used as evidence of an individual’s citizenship or immigration status for any purpose. These driver licenses and identification cards are physically indistinguishable from other “FEDERAL LIMITS APPLY” driver licenses and identification cards issued to individuals who have provided satisfactory proof of lawful presence in the United States.

The California Department of Justice has advised firearms dealers that they may wish to consider requiring proof of lawful presence from all purchasers who present a “FEDERAL LIMITS APPLY” driver license or identification card, the dealer might also require you to present one of the following documents:

- Valid, unexpired U.S. passport or passport card
- Certified copy of U.S. birth certificate
- U.S. Certificate or Consular Report of Birth Abroad of a U.S. Citizen
- Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure (I-94) form
- Certified copy of birth certificate from a U.S. Territory
- Certificate of Naturalization or U.S. Citizenship
- Valid, unexpired Permanent Resident Card

To avoid surprises, you should check with the firearms dealer you plan to visit to verify the dealer’s identification requirements. Alternatively, you can obtain a REAL ID driver license or identification card, which would provide sufficient proof of lawful presence in the United States. Please note that beginning October 1, 2020, the federal government will require your

driver license or identification card to be a REAL ID if you wish to use it as identification to board a domestic flight or enter military bases and most federal facilities. Information about REAL ID licenses and identification cards can be obtained from the DMV at www.dmv.ca.gov



This alert is for informational purposes only and should not be construed as legal advice or as policy of the State of California. If you want advice on a particular case, you should consult an attorney or other expert.



NEWS RELEASE

2415 First Ave., Sacramento, CA 95818 | dmvpublicaffairs@dmv.ca.gov | 916-657-6437

DMV Reminds Motorists of New 2019 Laws

Sacramento - With the New Year, the California Department of Motor Vehicles (DMV) wants to inform the public about several new laws or changes to existing law that, unless otherwise noted, take effect January 1, 2019.

Temporary License Plate Program (AB 516, Mullin): This law requires licensed California dealers, of new and used vehicles to attach temporary paper license plates on a vehicle at the point of sale if that vehicle does not display license plates previously issued by the DMV. The temporary license plates contain a unique number and expiration date. No vehicle can be driven off the dealership lot without the temporary license plate affixed to it unless it already has issued plates. The intent of this new law is to reduce the number of toll violators and improve safety for law enforcement.

Gender Identity Female, Male, or Nonbinary (SB 179, Atkins): This law allows individuals applying for a California driver license or identification card to self-certify their chosen gender category of male, female or nonbinary in the application. Applicants who select nonbinary will receive a card with an "X" in the gender category.

Driving Under the Influence - Ignition Interlock Device (SB 1046, Hill): From January 1, 2019 to January 1, 2026, this law mandates repeat offenders for driving under the influence (DUI) and first DUI offenders whose violations resulted in injury, to install an ignition interlock device (IID) for a period ranging from 12 to 48 months. This law also allows those who receive a suspension under the Administrative Per Se law to obtain an IID-restricted driving privilege, and receive credit toward their required IID restriction period if they are later convicted of a DUI. These provisions apply to DUI violations that involve alcohol or the combined use of alcohol and drugs. They do not apply to drug-only violations. Additionally, courts have the discretion to order a non-injury first DUI offender to install an IID for a period of up to 6 months. If the court does not order IID installation, a non-injury first offender may apply for a driver license for IID restrictions or restrictions that allow them to drive to, from, and during their employment and to and from a DUI treatment program for 12 months. Previously, an IID pilot program was only in effect in Alameda, Los Angeles, Sacramento and Tulare counties.

Smog Check Changes and New Abatement Fees (AB 1274, O'Donnell): This law expands the existing smog check exemption to vehicles that are up to eight model years old, up from the current exemption of six model years. During the additional two years of exemption, these vehicles will pay an annual \$25 smog abatement fee. The current annual \$20 smog abatement fee for the first six years of exemption remains unchanged.

Driving Privilege for Minors (AB 2685, Lackey): This law repeals a juvenile court's authority to suspend, restrict or delay the issuance of a driver license of a habitual truant or

ward of the state for up to one year. The law clarifies that any suspensions or delays reported prior to January 1, 2019, remain in effect.

Motorized Scooters, (AB 2989, Flora): Bicycle helmets are no longer required for riders of motorized scooters who are age 18 or older. It also amends existing law to prohibit a person from operating a motorized scooter on a highway with a speed limit greater than 25 miles per hour, unless it is within a Class IV bikeway as well as a Class II bikeway. However, it permits local authorities to authorize the operation of motorized scooters on roads with speed limits up to 35 miles per hour outside of a Class II or Class IV bikeway.

Unsafe, unsecured loads on vehicles (AB 1925, Choi): This law requires the DMV to include at least one question addressing laws pertaining to driving with an unsafe, unsecured load in at least 20 percent of the knowledge tests administered to driver license applicants. Unsecured loads, such as ladders, buckets and loose item in the back of pickup trucks, can be dangerous for motorists when they fall onto the road. Therefore, all vehicle loads must be covered or secured.

*****Reminder*****

*****Green and White Clean Air Vehicle Valid Until January 1, 2019*****

High-Occupancy Vehicle Lanes (AB 544, Bloom): As previously announced, AB 544 created a new program to grant low-emission vehicles and transitional zero-emission vehicles access to high-occupancy vehicle (HOV) lanes for an approximate four-year period, regardless of the vehicle occupancy level. A green or white decal is valid until January 1, 2019 and vehicles displaying these decals no longer have access to HOV lanes. Vehicles that were issued a green or white decal between January 1, 2017 and March 1, 2018 are eligible to apply for a red decal that grants them access to HOV lanes until January 1, 2022. The DMV notified these customers of their eligibility by mail. The DMV will issue light purple decals in 2019 that will grant access to HOV lanes until January 1, 2023. Decals are available to applicants who have not applied for or received a consumer rebate pursuant to the Clean Vehicle Rebate Project, unless they meet annual income requirements. For more information or to apply, visit DMV's Clean Air Vehicle Decals webpage. Visit the California Air Resources Board website for additional information on vehicle eligibility.

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San Jose: After nearly 60 years, dedicated cop turns in badge and gun

Aubrey Parrott believed to be San Jose Police Department's longest-serving officer

By MARK GOMEZ | mgomez@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: December 21, 2018 at 10:51 am | UPDATED: December 21, 2018 at 2:38 pm

SAN JOSE – After a career spanning more than 57 years with the San Jose Police Department, believed to be the longest tenure in the city's history, Aubrey Parrott is no longer patrolling the streets of his hometown.

Parrott, who spent 32 years as a full-time police officer in San Jose and another 25 as a reserve, worked his last patrol shift in October, keeping a promise to his wife Emily to hang it up by the age of 80. Tuesday, Parrott was presented with a commendation from the San Jose City Council for his 57 years, two months and 18 days of service to the community. Although there is no official record, city officials say Parrott is probably the longest serving officer in the history of the San Jose Police Department.

"We often speak about the loyalty and pride that we wear in this uniform and this patch," San Jose Police Chief Eddie Garcia said Tuesday during a ceremonial presentation at a City Council meeting. "I don't know if you can find that anywhere more than Aubrey Parrott. "And when you talk about legends in police departments, we are standing next to a legend of the San Jose Police Department."

During the presentation, Councilman Don Rocha highlighted just a few of the achievements from Parrott's storied career. Friday, Parrott said he was still "floating" from all the kind words spoken about him at the council meeting. "I don't think I've ever choked up on anything, but that stopped me right in my feet," Parrott said.

Parrott, who was first appointed as a full-time officer for San Jose on July 1, 1961, worked in a variety of roles, including a pairing with a police dog and time as a detective with the narcotics unit. In 1987, Parrott was honored with a medal of valor for directing a team of officers during a robbery/shooting "in which no officers were harmed," Rocha said. In 1988, Parrott was given a hazardous duty award for "entering a burning apartment complex to make sure no one was inside and for applying medical treatment for an adult and toddler injured."



Parrott retired in 1993 as a sergeant, but his time patrolling the streets of San Jose was far from over. He immediately joined the San Jose police department's reserve unit and spent more than 25 years working in that capacity.

In California, reserve officers must complete the state-required minimum level of training that full-time officers also undertake 18 weeks of classroom and field instruction. In San Jose, like many other departments, the standards are even higher, with physical agility tests, psychological exams and bi-annual gun qualifications.

As a reservist, Parrott typically worked one night a month, sometimes patrolling downtown San Jose with another officer in a two-person car. His other reserve duties included making safety talks at schools and working community events such as Christmas in the Park, where he often handed out hundreds of candy canes while in uniform.

In 2014, Parrott was honored as a Hometown Hero at the Toyota/Save Mart 350 NASCAR Sprint Cup Series in Sonoma for his service as a police officer and years of charity work for programs such as Christmas in the Park, Shop-With-A-Cop and Tip a Cop. He also served as a role model to younger officers, explaining the importance of engaging with the community and having conversations with people on the street.

During the ceremony Tuesday, Parrott thanked his wife for her decades of support. The Parrotts will celebrate 55 years of marriage in January. He also thanked the residents of San Jose for their support through the years, noting the countless times people anonymously paid for a meal or stopped him on the street to thank him for his service.

Job Opportunity - Reserve Police Officer

The following agencies recently announced they are currently hiring Reserve Police Officers:

City of Costa Mesa

South Lake Tahoe

For a complete list of agencies hiring Reserve Police Officers, please visit:

<https://post.ca.gov/Law-Enforcement-Jobs>

2019 CRPOA Awards Announcement and Criteria

The California Reserve Peace Officers Association is proud to announce the Annual Awards Program for 2019. 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 to be held at 12 noon on Friday, August 23, 2019 at the Crowne Plaza Hotel in San Diego, CA. The luncheon is held in conjunction with ARPOC 2019, the Annual Reserve Peace Officers Conference, which offers 24 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 are all eligible.

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 6, 2019.

We look forward to receiving your nomination.

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 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.*

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, 2016 and May 31, 2019, inclusive.**
-

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, 2016 and May 31, 2019, inclusive.*
-

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, 2019.*
-

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, 2016 and May 31, 2019, inclusive*.*

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, 2016 and May 31, 2019, inclusive.**

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, 2016 and May 31, 2019, inclusive.**

Coordinator of the Year

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, 2019.

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 1238, Pacifica, CA 94044
- Or scan and e-mail your nomination packet to 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 Chairperson by email at nancy@crpoa.org or by phone at 408-309-8756.

The deadline for the receipt of nominations is July 6, 2019



Welcome, New CRPOA Members

November 1, 2018 to February 15, 2019

<u>Banning Police Department</u>	<u>Kings County Sherrif's Office</u>
Mahammed N.	Jerry C.
<u>Broadmoor Police Department</u>	William K.
Clifford J.	Andrew M.
<u>Brawley Police Department</u>	<u>Los Angeles County Sheriff's Department</u>
Commander Kelly B.	Erik F.
<u>Burbank Police Department</u>	Coleman G. - Malibu Station
Peter E.	<u>Menlo Park Police Department</u>
James P.	Matthew O.
Soon Hee R.	<u>Murrieta Police Department</u>
<u>California City Police Department</u>	Erikckson A.
Edward F.	Travis A.
<u>El Cajon Police Department</u>	Kent C.
Captain Albert A.	Paul G.
Sergeant Marc B.	Kelly S.
<u>Escalon Police Department</u>	<u>Pacifica Police Department</u>
Anne Marie A.	Corporal Ryan B.
Nick B.	Captain Joseph S.
Bart C.	<u>Pacific Grove Police Department</u>
Benjamin H.	Mark Y.
Nathaniel V.	<u>San Bernardino County Sherrif's Office</u>
<u>Gardena Police Department</u>	Gregory B.
Andre C.	Ben E.
<u>Huntington Beach Police Department</u>	<u>Santa Clara Police Department</u>
David B.	Max C.

<u>Santa Clara County Sheriff's Office</u>	<u>Scotts Valley Police Department</u>
Sergeant Jeff T.	Brando P.
<u>San Mateo County Sheriff's Office</u>	<u>Soledad Police Department</u>
Kenneth T.	Roberta S.
<u>San Jose Police Department</u>	<u>Yolo County Sheriff's Office</u>
Orlando R.	Kurt W.



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DISTRICT ATTORNEY

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NUMBER: 2018-23 DATE: 12-17-18 BY: Devallis Rutledge TOPIC: New Laws for 2019—Part 1

Below are summaries of selected legislation effective January 1, 2019, except as otherwise noted. The full text of the statutes should be consulted for application.

PC §§ 188, 189, 1170.95 (Amended/Added) “Felony-murder” liability is limited to felons who kill, assist the killer with intent to kill, or act with “reckless indifference” to human life as a “major participant” in the felony, except when the victim is a peace officer. Persons previously convicted on felony-murder or “natural and probable consequences” theories may

petition for reversal of their murder convictions and resentencing on the underlying felony, with credit for time served.

PC § 287 (Renumbered) Former section 288a is renumbered to new section 287, to reduce confusion with section 288(a). Mentions of 288a elsewhere are revised.

PC § 490.4 (Added) Crime of “organized retail theft,” as defined four ways, may be a misdemeanor or a county-jail wobbler. Statute expires 1-1-21.

PC § 647(j) (Amended) Peephole voyeurism requires only an “identifiable” (not an identified) victim.

PC §§ 667, 1385 (Amended) Courts now have discretion to strike five-year priors for serious felonies at sentencing.

PC §§ 817, 1526 (Amended) During a telephonic application for arrest or search warrant, a magistrate is no longer required to administer an oath to the officer-affiant, if the officer signs his/her declaration in support of the warrant under penalty of perjury.

PC § 832.7 (Amended) Specified portions of peace officer personnel records, including those related to shooting at a person, use of force with death or GBI, sexual assault of a member of the public, and acts of dishonesty, are subject to specified disclosure per the Public Records Act, except as provided.

PC § 832.12 (Added) All LE agencies must keep records of officer misconduct, which officers must permit prospective employing agencies to access.

PC § 853.6 (Amended) Additional reasons for booking misdemeanor arrestees instead of citing and releasing them include outstanding FTAs, prior theft from a store or vehicle within 6 months, or PC to suspect organized retail theft.

PC § 859.7 (Added) By 1-1-20, LE agencies must have policies for conducting line-ups and photo ID by a “blind administrator;” specified admonitions must be given to witnesses; and the process must be audio/video recorded, if possible. Constitutional principles still control admissibility of ID evidence.

PC § 1001.36 (Added) Mentally-disordered criminals may be diverted for treatment instead of prosecution if certain findings are made, except for murder, manslaughter, most 290 offenses, designated sex offenses, and possession or use of weapons of mass destruction.

PC § 1054.9 (Amended) A defendant convicted of a serious or violent felony and sentenced to 15 years or more has a right to post-conviction discovery in order to support a *habeas* writ or a motion to vacate the judgment.

PC § 1320.8 (Added) Misdemeanor arrestees (warranted or warrantless) must be released within 12 hours of booking, except in the 13 situations listed in PC § 1320.10(e).

PC § 1417.9 (Amended) Any physical matter containing biological material that was collected by a governmental agent in a criminal case must be retained as long as the criminal suspect remains incarcerated on that case, unless prescribed notices are given without particular responses within 180 days.

PC § 4577 (Added) It is an infraction to knowingly operate a drone over a jail, juvenile or prison facility or camp.

PC § 13650 (Added) By 1-1-20, LE agencies must post to their websites all standards, policies, practices, operating procedures and education and training materials that could be obtained by PRA request.

PC § 16930 (Amended) “Bump stocks,” “burst triggers,” and “trigger cranks” are included in the definition of “multiburst trigger activators” (illegal per PC § 32900).

PC § 27510 (Amended) Firearms dealers may not sell any firearms to anyone under 21 years of age.

Additional new laws will be summarized in 1MB 2018-24, New Laws for 2019—Part 2.



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NUMBER: 2018-24 DATE: 12-18-18 BY: Devallis Rutledge TOPIC: New Laws for 2019—Part 2

Below are summaries of selected legislation effective January 1, 2019, except as otherwise noted. The full text of the statutes should be consulted for application.

PC § 29805 (Amended) Previous 10-year restriction on possession of firearms is changed to a lifetime restriction for misdemeanor DV convictions 1-1-19 or later.

BP §§ 21636, 21636.1 (Amended/Added) Reduces the “hold” period on newly-acquired property at second-hand dealers and pawn brokers from 30 days to 7 (and sometimes 5).

BP §§ 25621.5, 26070.2 (Added) Alcoholic beverage licensees may not sell cannabis or products that contain both alcohol and any cannabis ingredients.

Evid. C §§ 351.3, 351.4 (Amended) Restricts disclosure in open court of a person's immigration status, unless necessary to prove a crime element or an affirmative defense (the person or his or her attorney may voluntarily make disclosure).

Govt. C § 6254 (Amended) Effective 7-1-19, LE agencies must make PRA disclosures of audio/video recordings of “critical incidents” (shootings and use of force with death or GBI), with specified exceptions for limited times.

Govt. C § 12425.5 (Legacy) On 1-1-19, LE agencies with 667-1000 officers must begin documenting 8 categories of specified data on consensual encounters and stops that involve searches, and must file a first annual report with the AG by 4-1-20.

HS § 11055 (Amended) Schedule II drugs now include hydrocodone compounds.

HS § 11056 (Amended) Schedule III drugs now include hCG.

VC § 1656.3 (Amended) DMV driver's handbook must contain information on the extent and limitations of officers' authority at traffic stops, and the legal rights of drivers and passengers, including the right to file a complaint against the officers.

VC § 12800 (Amended) Applicants for a CDL may certify their "chosen gender category" of "female, male or nonbinary."

VC § 21200 (Amended) Applies injury hit-and-run statute to bicyclists on a Class 1 bikeway.

VC § 22650 (Amended) Removals and storage of vehicles based on "community caretaking" must be necessary to achieve the caretaking goal.

VC §§ 23577, 23578, 23612 (Amended) Eliminates some criminal consequences for blood refusals and modifies the admonition police officers must give to DUI arrestees.

WI § 602, 602.1 (Amended/Added) A minor under age 12 is only within juvenile court jurisdiction for the crimes of murder or forcible rape, sodomy, oral copulation or sexual penetration. (Eff. 1-1-19) In all other 601/602 cases, counties must release minors under 12 to their parents. (Eff. 1-1-20)

WI § 625.4 (Added) Limitations are placed on the voluntary collection of DNA specimens from juveniles, with costs of \$5000 plus attorney's fees for violations. These limitations do not apply to specimens lawfully collected per PC § 296, under a valid search warrant, or in cases of exigency, child abduction, or sexual assault.

WI § 707 (Amended) Minors who commit crimes when they are under the age of 16 may not be tried as adults, unless apprehended after they are no longer subject to juvenile court jurisdiction.

WI § 709 (Amended) New procedures are established for competency hearings in juvenile cases, and for the dismissal of some cases where the minor is found incompetent to be tried.

WI § 786 (Amended) Sealed juvenile court records may be accessed by prosecuting attorneys in order to meet disclosure obligations.

WI § 8103 (Amended) A person who has been committed two or more times within one year for 5150 observation is permanently prohibited from owning a firearm. (Eff. 1-1-20)



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NUMBER: 2019-02 DATE: 01-22-19 BY: Devallis Rutledge TOPIC: Scope of Probation Search

ISSUE: What determines the proper scope of a probation search?

*"The test of reasonableness under the Fourth Amendment ... must consider the **scope** of the particular intrusion...."* *Bell v. Wolfish* (1979) 441 US 520, 559. Every police search, whether under warrant or exception, has a particular scope of search, which may not be exceeded. The scope of searches under parole, PRCS and supervised release terms are set by statute. PC §§ 3067, 3465, 1170(h)(5)(B). By contrast, the scope of probation searches is defined by the particular terms imposed by the sentencing court—and those terms may vary.

This means that searching officers must do more than determine before searching that the person is **on probation**. In addition, it must be determined whether the person is **on search terms** (not all probationers are), and whether the **scope of those terms** is broad enough to allow the search the officer plans to make. A probation search *"remains limited in scope to the terms articulated in the search clause."* *People v. Woods* (1999) 21 Cal.4th 668, 681.

Because sentencing courts “attempt to individualize the terms and conditions of probation to fit the offender, ... in the case of probation searches, the officer must have some knowledge not just of the fact someone is on probation, but of the existence of a **search clause broad enough to justify the search at issue.**” *People v. Douglas* (2015) 240 Cal.App. 4th 855, 863.

“Unlike parole searches—where a searching officer’s knowledge of a person’s parole status alone is enough to justify a search of the parolee’s person or any property under his control, including his residence—the permissible scope of a **probation search is circumscribed by the terms of the search clause, and the scope may vary.** ... [M]ere knowledge that someone is on probation and subject to search, without more, may be insufficient where there is a challenge to the search.”

People v. Romeo (2015) 240 Cal.App.4th 931, 951-52.

For example, see *People v. Hoeninghaus* (2004) 120 Cal.App.4th 1180, 1195-96, and fn. 2, rejecting a probation search where the officer was unaware the probationer’s search term was limited to searching “for drugs.” As noted in *Romeo, supra*, at 951, “**probation search clauses are not worded uniformly. On occasion, judges may limit the scope ... to searches for particular contraband ... or place spatial limits on where searches may take place.**”

Therefore, it is not enough for an officer to ask a suspect before searching if he is on **probation**. Nor is it enough that the suspect confirms that he’s on **search terms**. If officers do not take the **additional step** of confirming that **the scope of the probation search clause covers the search contemplated**, evidence could still be suppressed. If the suspect confirms that his search terms cover the places to be searched, without limitation, officers are entitled to rely on this representation, even if the suspect is mistaken. *In re Jeremy G.* (1998) 65 Cal.App.4th 553, 556.

BOTTOM LINE: “In all cases, a search pursuant to a probation search clause may not exceed the scope of the particular clause relied upon.” *People v. Woods, supra*, at 682.



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NUMBER: 2019-03 DATE: 01-24-19 BY: Devallis Rutledge TOPIC: Burglary of Non-public Room

ISSUE: Is larcenous entry into off-limits rooms of a commercial establishment during business hours “shoplifting,” or burglary?

Among other things, Proposition 47 created the misdemeanor offense of “shoplifting,” defined as entry into an open commercial establishment during regular business hours, with intent to steal, where the property taken or intended to be taken is valued at \$950 or less. PC § 459.5. (See 1MBs 2014-22, 2017-08.) But what if a person goes from the area of an establishment where the public is invited to do business and, with the requisite intent, enters a **room** of the establishment that is **off-limits** to public entry? Is the entry into such a room punishable as burglary?

- One appellate opinion, *People v. Hallam* (2016) 3 Cal.App.5th 905, ruled that a thief only committed shoplifting, and not burglary, when he entered an employee restroom of a computer store to steal an air compressor, even though the restroom was not open to the public. The California Supreme Court has now unanimously disapproved this ruling in *Hallam*.
- Mark Anthony Colbert and an accomplice went into convenience stores and a gas station, created diversions, and entered **back offices** to steal money. Convicted of commercial burglary before the passage of Proposition 47, Colbert sought re-sentencing under its retroactive provisions. Failing to obtain relief from lower courts, he appealed to the California Supreme Court, arguing that as in *Hallam*, the back offices he entered were part and parcel of the “commercial establishment,” entitling him to reduce his felony burglary

convictions to misdemeanor shoplifting. The Supreme Court rejected this argument and the *Hallam* opinion.

“[T]he core of the crime of burglary is not theft but intrusion, and owners and employees have every reason to expect that members of the public will enter where they have been invited.

But it is different when members of the public venture into private back offices, employee locker rooms, or other interior rooms that are objectively identifiable as off-limits.

... [W]e conclude that entering an interior room that is objectively identifiable as off-limits to the public with intent to steal therefrom is not punishable as shoplifting under section 459.5, but instead remains punishable as burglary.

... People v. Hallam is disapproved insofar as it is inconsistent with this opinion.”

People v. Colbert (2019) ___ Cal.5th ___, No. S238954, Slip opn. at 15-17; fn. 5. • Read the full opinion here: <http://www.courts.ca.gov/opinions/documents/S238954.PDF>

BOTTOM LINE: Larcenous entry into *off-limits rooms* of a commercial establishment during business hours is *burglary*—not “shoplifting.”



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NUMBER: 2019-04 DATE: 01-28-19 BY: Devallis Rutledge TOPIC: Searching for Marijuana and Major Narcotics DDAs

ISSUE: Can police lawfully search a person or vehicle based on PC to suspect the possession or use of marijuana (“cannabis”), notwithstanding Proposition 64?

Over the years, California has steadily reduced the offense-level of possession or use of marijuana, from felony to misdemeanor to infraction to non-criminal, depending on such factors as **total quantity possessed**, location, age, and medical recommendation.

- Proposition 64, effective November 9, 2016, enacted several new provisions defining when possession and use are unlawful, and when they are not. One of these is H&S § 11362.1(a), listing acts by persons 21 or older that are **not criminal** under state law, including the possession of **not more than 28.5 grams** (slightly more than one ounce) of cannabis.

H&S § 11362.1(c) provides that cannabis “*involved in any way with conduct deemed lawful*” is not contraband subject to seizure, and that “*no conduct deemed lawful by this section shall constitute the basis for detention, search or arrest.*” Does this mean that a person seen in possession of a quantity appearing to be less than 28.5 grams, or a vehicle on which a trained K-9 alerts to the presence of marijuana, cannot be searched?

- Throughout the decades during which criminality of the possession of marijuana changed—depending on the **total quantity possessed**—the jurisprudence has consistently recognized that until a proper search is made, officers cannot determine whether the **total quantity** the person possesses is more or less than a specified amount:

“[O]ne reasonably believed to be in possession of marijuana [may] be subjected to a search to determine whether the quantity he possesses is less than one ounce or a larger quantity.” *People v. Soberanes* (1979) 97 Cal.App.3d Supp. 21, 27 (full search OK).

“Knowledge of the total quantity of contraband was necessary for the officer to determine whether this was merely a citable offense or something greater.” *People v. Brocks* (1981) 124 Cal.App.3d 959, 963 (upholding search after one marijuana cigarette observed).

“[T]he officer is entitled to continue to search and investigate, and determine whether the [person] is adhering to the [statutory] limit on possession.” *People v. Strasburg* (2007) 148 Cal.App.4th 1052, 1060 (further search OK, despite medical recommendation).

“[A search] is not limited to situations where the officer smells or sees more than 28.5 grams.... [T]he observation of any amount of marijuana ... establishes probable cause to search....” *People v. Waxler* (2014) 224 Cal.App.4th 712, 725 (odor justified vehicle search).

Accord, *People v. Dey* (2000) 84 Cal.App.4th 1318, 1322, and *People v. Hunter* (2005) 133 Cal.App.4th 371, 382 (small amount of marijuana in the passenger compartment is PC to search the trunk for more), and see 1MBs 2006-03, 2010-07, 2013-04.

- A post-Proposition 64 appellate opinion has applied these same principles in upholding the validity of a further search of a vehicle and passenger based in part on detection of small amounts of marijuana:

“The continuing regulation of marijuana leads us to believe that Strasburg and Waxler still permit officers to conduct a reasonable search to determine whether the subject of the investigation is adhering to the various statutory limitations on possession and use, and whether the vehicle contains contraband or evidence of a crime.” *People v. Fewes* (2018) 27 Cal.App.5th 553, 562, rev. den. January 16, 2019.

A person might have one “joint” in the passenger compartment and 10 kilos in the trunk. Until a proper search is completed, it cannot be determined whether a suspect’s conduct can be “deemed lawful” under H&S § 11362.1. And further investigation may be necessary

to assess violations of various restrictions on use and storage. See, e.g., H&S § 11362.3(a)(1)-(8), listing acts prohibited under Proposition 64.

BOTTOM LINE: Justifiable searches *to determine whether or not* a suspect's actions can be "*deemed lawful*" are proper, "*irrespective of whether possession of up to an ounce of marijuana is ... an ... offense.*" *Fews, supra*, at 564.

A Big Thank you...

The California Reserve Peace Officers Association would like to thank the following people and organizations for permission to reprint their articles:

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Mark Gomez with Mercury News and his article "San Jose: After nearly 60 years, dedicated cop turns in badge and gun"

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