



Spring

The **BACKUP** Newsletter

The Official Publication of the California Reserve Peace Officers Association

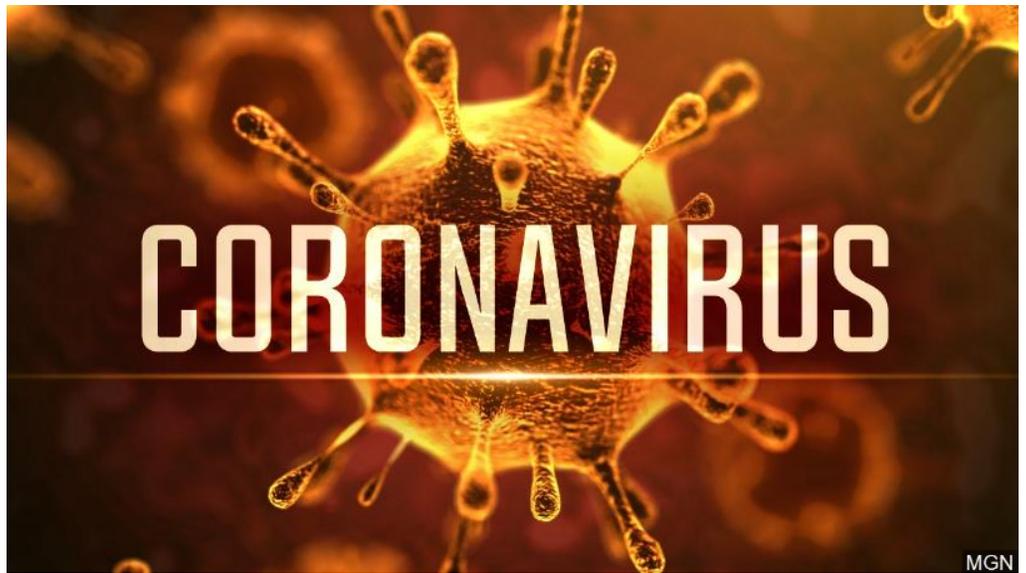


Life After Law Enforcement

Spring 2020 Welcome to the Quarterly Newsletter of the California Reserve Peace Officers Association



Redondo Beach PD's finest, Don Neureither



MGN

The Coronavirus, ARPOC, Your Agency and You



2020 CRPOA Awards
Announcement and Criteria



One Minute Brief


MONTBLEU
RESORT CASINO & SPA
LAKE TAHOE

ARPOC 2021
August 4th through August 7th

In this edition of *The BACKUP*:

The Coronavirus, ARPOC,
Your Agency and You, **Page 3**

Chief Executive Officer's Report, **Page 5**

CRPOA General Counsel's Report, **Page 7**

Legislative Update, **Page 8**

Reserve Peace Officer Program current
trends during COVID-19 Crisis, **Page 10**

Life After Law Enforcement, **Page 12**

Redondo Beach PD's finest, Don Neureither, **Page 15**

2020 CRPOA Awards Announcement and Criteria, **Page 16**

One Minute Brief, **Page 18**

Thank You!, **Page 26**



The Coronavirus, ARPOC, Your Agency and You

We are indeed in extraordinary times and law enforcement and health care workers are in the front lines of possible exposure to the virus. The directors, officers and committee members of your association have been working diligently to plan for ARPOC 2020 while determining whether it is in the best interest of our members to hold a conference this year.

ARPOC 2020

After 42 consecutive conferences it has been a tough decision, but we have regretfully decided to postpone until next year. Here are the reasons why:

- The results of the survey sent two weeks ago disclosed that an insufficient number of members were “very likely” to attend the conference, mostly due to the virus. The fixed costs of presenting the conference require at least 250 to attend and we lacked that number.
- When will the “shelter in place” and “social distancing” cease? Government projections are that “large groups” may not be permitted or recommended during June, July and August. That is not a safe bet for an August conference. And, our survey also disclosed that moving the conference from August to September or October only changed the numbers by 2 attendees!
- Many of our members have been out of work for more than a month already with no hard date for returning. They will be unable to afford the conference or get the time off from work.
- Many law enforcement agencies, particularly in southern California, are dependent on our members serving alongside full-time officers and will not be able to spare our members. Nor will many agencies be able to afford to pay for attendance as they usually do.

ARPOC 2021

With that disappointing news comes some good. The great arrangements with the MontBleu Resort are fully in place for ARPOC 2021! Same prices, same quality sleeping rooms and classrooms and we have the dates locked in, August 4th through 7th, 2021. And, because we already have classes lined up and most instructors are already committing for next year, we will likely open conference registration by January!

Many of you made reservations for this coming August with the MontBleu. Please cancel your reservations for this August as soon as possible. We do not want anyone to be charged for a room they will not be using. We will announce when reservations will be open for 2021.

There are other issues for you to consider

- While the virus is a threat, should you continue to work as a reserve, search & rescue member or volunteer in policing?
- Should you be **required** to work, even though you deem it an unnecessary risk?
- Are you concerned about losing your reserve status, based on POST regulations or your department’s policies?

CRPOA’s board believes that we cannot recommend a hard and fast policy; every case is distinct. But we can offer some input to help you make your decision:

- You and your family come first. This is no different for regulars. Are you in a risk group due to age, medical condition or other factors that would make it unwise to expose yourself? Do you have a family member who would be at high risk should you carry the virus home? **No one should be required to work if they have a reasonable and genuine concern for their safety or that of their family!**
- Having the preceding in mind, your obligation to your department is the same as it would be for someone who is full-time. Pay should not be a factor. None of us became reserves for the money! These are unusual times and, with some departments being seriously affected with people out with the virus or quarantined because of exposure, reserves become a necessary component just as they would in the event of massive fires or an earthquake.
- For those who are not allowed by their department to work, or for those who determine that they should not work taking into account their personal and family situation, POST has declared that it will temporarily not enforce the 16-hour per month average requirement for Level I reserves. That means that if you are a Level I reserve and you are not able to work due to the pandemic, you do not need to worry about running afoul of that POST requirement.
- In a similar vein, POST has declared that it will temporarily not enforce the CPT requirements or deadline, if the failure to meet the CPT requirements is due to the pandemic. Departments **should** likewise recognize that few if any of their officers/deputies, full-time or reserve, is likely to meet the CPT requirements this year. Most training, whether intra-departmental, or provided outside, has been cancelled. **We recommend** that reserves inform their department, at the highest level possible, of POST's temporary policy changes. Department policies, whether based in whole or in part on POST regulations, **should not be enforced** against a member who has made the decision that the risk is too great to themselves or their family to continue working. **No member should have their status jeopardized for refraining from working due to a reasonable and genuine concern for their safety or that of their family.**

Again, CRPOA is not in a position to declare whether its members report for duty or stay home and refrain from working. Each person must examine his or her situation vis-à-vis themselves, their family and their commitment to their department.

Our Election

Our annual election is in progress for three directorships. Five people are vying for those positions and your vote is needed. All general members were previously sent balloting instructions and a link by email. If you voted already, thank you! If not, please take **less than 5 minutes** and do it now. If you can't find or didn't receive the email, contact our Pacifica office by emailing Carrie@crpoa.org or by calling 855-552-7762 x 108.

On behalf of the Board of Directors and Officers, I wish you and your families well!

Mike Voorhees

Chief Executive Officer

Chief Executive Officer's Report

By Mike Voorhees

ARPOC 2021

As previously announced, our next conference will be **ARPOC 2021** in Stateline, Nevada, **August 4-7, 2021**. It will be held at the Mont Bleu Resort, a hop, skip and a jump from the California state line. The choice of this location was one year in the making. We took two surveys of our membership over a 5-year period and South Lake Tahoe came out at the top of the list both times.



A few people have expressed concern about the fact that the conference will be held in Nevada (by a few hundred feet) and a couple asked why we didn't just hold it on the California side. The answers are simple: there is no facility on the California side large enough to accommodate us and, even if there were, the prices are too high.

Numerous other California law enforcement organizations hold their conferences in Nevada and they have no problems. For those whose departments won't pay for hotel rooms outside the state there are hotels on the California side, within walking distance.

The Mont Bleu is an attractive hotel with good food and a very workable conference area with breakout rooms and a registration area most suitable for our group. They are to be commended for offering (not waiting to be asked) to accommodate a change in month or year due to the uncertainty of when the pandemic restrictions would be lifted. And the price will be the same for next year!

We're very excited about finally holding a conference where the greatest number of you have requested!

MODULAR ACADEMY IN SO CAL

We've heard that at least one modular academy will be opening soon in Southern California. An announcement with full details is forthcoming and we'll get you the info as soon as we have it.

EARNING CPT FROM HOME

Want to get some training in while you're cooling your heels at home and all the in-person training has been temporarily canceled? POST has just the thing: On-line learning. **Log into POST Pass, select Training and go to the Learning Portal**. There are 72 courses offered, most are POST-certified and will earn you CPT credits!

ELECTIONS

If you don't vote, don't complain! You may disagree with that statement but, instead, why not simply vote for your choice of 3 directors. There's still time; the deadline is June 1st at midnight. If you can't find the email our office sent just call 1-(855) 552-7762 ext. 108.

AMMO PURCHASES

Part of the fallout from the passage of Proposition 63 was the imposition of background checks for the purchase of ammunition. The DOJ regulations went further than the law by requiring a "Real ID" Driver License and, if you haven't purchased a firearm in the past few years, a costly background check. Neither active nor retired peace officers are exempt from this process. (There is a supposed exemption for active peace officers but using it requires a letter signed by the agency head for each purchase. Good luck with that!)

A federal district court recently held that the law requiring background checks for ammo purchases and prohibiting buying ammo out of state was unconstitutional. Unfortunately, a few days later, a higher court stayed the lower court's order so the onerous requirements are still with us, at least for a while.

STAY HEALTHY!

As this is written, no one knows when things will be loosened in California. Every county seems to be doing its own thing but many are relaxing some of the restrictions. There will not be a sure cure, let alone a vaccine, for this virus soon. So, it behooves us to act safely for ourselves, our families and our neighbors. Even when the restrictions are lifted, please act responsibly to protect those most vulnerable, the elderly and those with underlying illnesses that make them less able to fight the symptoms.

A Unique Opportunity!

Last but certainly not least, our Recruitment and Retention Committee is about to debut an opportunity for you to interact with your directors, officers, and staff. On May 27th at 7:30 PM, we'll be hosting **our first webinar**. Bring your issues, your questions, your concerns, and we will discuss them. POST questions? HR218? CCW? Retirement questions? Non-members thinking about joining---join our webinar and ask about what CRPOA can do for you! This is a terrific opportunity to meet the CRPOA staff and directors and learn more about us, reserves, and the current state of affairs. If you're interested go to this webpage and signup: <https://forms.gle/eZ6SgkoNbStrfkT47>. We'll send you complete instructions!

Mike Voorhees is a practicing attorney, the retired reserve assistant sheriff for the Sonoma County Sheriff's Office and the chief executive officer of CRPOA. He welcomes your questions and comments at voorhees@crpoa.org

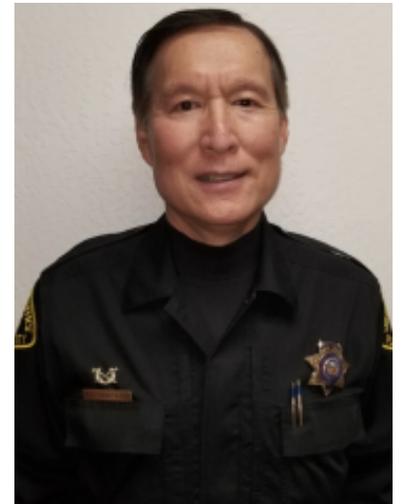
CRPOA General Counsel

By Ed Obayashi, Esq.

Some COVID19 Thoughts and More

When all this first started, many of us thought that working from home would be a convenience. After all, that is what all the high-tech companies were doing for years, much to the envy of the rest of the commuting world. Now, it has become a nuisance.

I'll be the first to admit that I am suffering from COVID19 fatigue (not the physical kind) as many of you must be. As I am sure many of you have discovered, being stuck at home and telecommuting for over a month is definitely not less demanding than being physically at the office. To the contrary, it is much more demanding as numerous health experts have discussed in the media almost daily. Even with plenty to do workwise, the strain of self-isolation taxes both the mind and body in ways we have never experienced, as we were *unprepared* (pay attention to this word!).



So, what does this have to do with this General Counsel's Report? When California started to react to the COVID19 pandemic with the shelter in place order and other related directives, I speculated about its effects on CRPOA's members' legal affairs: COVID19 specific issues: duty requirements? Work conditions? Work comp coverage? The usual issues: Internal Affairs investigations? LEOSA? Off-roster firearms purchases? Etc. None of the above; not one.

So, speaking of being *unprepared*, the inquiries have all been about "end-of-life" issues. As cops get older and are about to retire or are facing some serious health issues, they ask about what they need to do if disaster hits and they recognize the current situation is the catalyst (AS COPS HAVE DIED FROM COVID19) for getting their affairs in order; something many of you have ignored out of human nature, just not wanting to think about the end (which I get as a human being and attorney dealing with this critical family issue).

Yes. An estate plan is absolutely crucial for you in order to legally preserve and ensure that your hard-earned assets are passed on according to your wishes. The plan will also ensure that someone you trust will make decisions on your behalf should you become incapacitated. For many of you, the failure to do so will cost your heirs financially and lead to other potential family problems. So, do yourself and your loved ones a huge favor and address this responsibility before it's too late.

If you don't know of an estate planning attorney, I recommend that you ask a trusted friend, your banker, stockbroker or investment advisor for a referral.

Ed Obayashi is a practicing attorney, a deputy sheriff, the legal advisor for his department and the general counsel for CRPOA. Note: *For those members seeking legal advice*, please contact your Association office by using this link: <https://crpoa.org/contact/> .

Legislative Update

By Pete Downs
Vice-President for Legislative Affairs

With the current situation of the Corona Virus things in Sacramento have been quiet to say the least. Not a bad thing by the way! So, here are some things of interest that are at least in the mix but probably won't be active for quite some time.

Pending Legislation of Interest

AB 2236 Existing law requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a course of instruction and training for specified peace officers on the topic of hate crimes. Existing law requires that training to be implemented into the basic course and requires, as specified, all state and local law enforcement agencies to provide the training to all peace officers they employ. This bill would require the basic course curriculum on the topic of hate crimes to include the viewing of a specified video course developed by POST. The bill would also require POST to make the video available via the online learning portal and would require all peace officers to view the video no later than January 1, 2022. The bill would require POST to develop and periodically update an interactive refresher course on hate crimes for in-service peace officers and require officers to take the course every 3 years.

AB 2598 Under existing law, a city or county is empowered to perform duties, including providing for public safety and law enforcement. A city or county is authorized, either directly or indirectly, to prescribe policies and regulations for law enforcement agencies under its jurisdiction. This bill would:

- require a California law enforcement agency that participates in the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Force (JTTF) to do so only in a manner that is fully consistent with the laws of the State of California, including the agency's own policies, procedures, and orders.
- require, before a California law enforcement agency enters into or amends a Memorandum of Understanding (MOU) with a federal law enforcement agency regarding the agency's participation on the JTTF, that the agency submit the proposed MOU and any orders, policies, and procedures relevant to the subject matter of the MOU to its governing body, or the Attorney General as appropriate, for approval. require a local governing body to post information relating to the proposed MOU on its internet website and to, at a regularly scheduled hearing, with an opportunity for public comment, consider the MOU for adoption by resolution or ordinance on the regular, non-consent calendar.
- require the Attorney General to post a proposed MOU submitted to it for approval by a state law enforcement agency, and all relevant material, on its internet website and allow at least 90 days to receive and consider public comment before considering the MOU for approval.
- require a participating local law enforcement agency to provide by February 1 of each year, to its local governing body and to the Department of Justice a written, public report



about its activities in the JTTF between January 1 and December 31 of the prior year that contains specified information, including, among other things, the number of local law enforcement officers assigned to the JTTF and the funding source. The bill would require the Attorney General to post all the reports on its internet website, without any redaction.

- require the local governing body of any county, city, or city and county in which a local law enforcement agency has participated on the JTTF during the last year to hold at least one community forum during the following year to provide information to the public about the law enforcement agency's participation in the JTTF and to receive and consider public comment. The bill would also require the local law enforcement agency to participate in the forum, as specified.

Because this bill would impose additional requirements on local public agencies, the bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose. This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

AB 2978 Existing law, commencing January 1, 2021, and subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified. Under existing law, an arrest or conviction record is eligible for this relief if, among other criteria, the arrest or conviction occurred on or after January 1, 2021.

This bill would instead require that an arrest or conviction have occurred on or after January 1, 1973, in order to be considered for relief.

Summary

I will be monitoring the situation in Sacramento but don't really expect much to change soon. I do have some ideas about potential legislation that would benefit our members, but I believe we will have to delay any initiatives until things return to the "old normal."

Everyone stay safe and take care of your families!

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

Reserve Peace Officer Program current trends during COVID-19 Crisis

By Jeff Dunn, P.O.S.T.

I wanted to give you some information as to what I am seeing (from home) regarding Reserve Peace Officer utilization. As a result of the COVID-19 crisis I have fielded numerous calls from reserves, reserve coordinators, training managers and agency executives relating to the Reserve Peace Officer Program. The questions usually fall within three categories:

TRAINING- Some of the questions I've fielded have related to mandatory CPT requirements for reserves and how this crisis has impacted them. The main issue is with annual compliance reviews and the two-year training cycle which ends December 31, 2020. Some reserves (and regulars) will be out of compliance at the end of this year due to the cancellation of most all in-person training courses and some on-line courses as well during this State of Emergency and various stay home/essential travel only orders. The bottom line is that POST will not decertify any reserve (or regular) due to being out of compliance with CPT mandates caused by this crisis. This POST position does not eliminate any potential liability that could arise from a lack of training. Rather, it means only that POST will not be taking any action if the out-of-compliance status is legitimately due to the COVID-19 crisis.

16-HOUR REQUIREMENT- I've learned that agencies around the state have taken various stances on reserves and deployment options. For those that are requesting/expecting reserves to work more hours than normal, the 16-hour requirement is not a problem. However, some reserves are in the "at-risk" category due to age or existing medical conditions and are not working as many hours as normal and some agencies have benched entire reserve programs for the time being and are not allowing them to work. For reserves that fall in to either of these categories and are not able to meet the 16-hour monthly average to maintain qualifying service, like above, POST will likewise not be taking any adverse action relating to hours. If a reserve runs in to an issue concerning their status, due to a lack of hours, the agency should be able to verify that it was due to this crisis and not due to disregard for rules or regulations.

DEPLOYMENT / UTILIZATION OPTIONS- During this crisis we have often heard phrases such as, "unusual times call for unusual solutions" or "A State of Emergency changes all the rules". Although in some situations there is validity to those statements and others like them it does not apply to the long-standing limitations for each level of Reserve Peace Officer. The use of Level 1 Reserve Peace Officers has been consistent. The one change I've seen is regarding questions from agencies that had only allowed Level II Reserve Peace Officers (even upon completion of an RBC) but now want to allow them to act as a Level 1. If they had followed our long-standing direction of appointing them as an RI (for an RBC graduate) and assigning them as an RII they are good to go upon completion of the required FTO program. I can't approve requests to allow a Level II Reserve Peace Officer to work as a solo patrol unit or a Level III to go on patrol with an RBC graduate.

On a side note, we made some temporary changes to regulations that would allow for some aspects of academy training to be presented in a distance learning or on-line format. See POST bulletin 2020-23 for additional details. For now, the allowances are set to expire once the State of Emergency has ended. If these allowances prove effective during the crisis, we expect to see

numerous requests to continue with that practice in the future. Any permanent changes would require POST Commission approval as the changes made during a crisis are based on Executive Orders of the Governor during a crisis to allow us to by-pass the regular process.

Wishing all of you the best during these trying times and hoping to see you at ARPOC 2021 if not sooner, Jeff

Jeff is the Law Enforcement Consultant/Region IV, Training, Delivery & Compliance Bureau, and the consultant for the Reserve Peace Officer Program. Jeff welcomes your questions and comments. You can contact him at jeff.dunn@post.ca.gov or (916) 227-4873.

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Life After Law Enforcement

By Dr. Brian A. Kinnaird



For a law enforcement officer, leaving active duty can be a difficult time. Whether or not the person freely chooses to leave, is forced to leave, medically retires, or just hits that “mark” of retirement, a strong camaraderie among fellow officers has been developed.

At some point, officers must be prepared to become civilians. A loss of police power and a feeling that one is no longer part of the cop family strongly accompanies the change. To leave this interpersonal web of protection is not easy and is likened to

removing an integral part of your personality. In research conducted by police psychologist and author J.M. Violanti, an officer commented: “It’s like I belonged to a big club. I made my mark, I was one of the guys, I did my job. Everyone in the station respects you. Suddenly, all of that is gone and you are on the outside looking in. I felt so different. I called the guys almost every day to see if they still related to me the same way. I visited the station, wondering what was going on and wanting to be part of the action. Somehow, it wasn’t the same. I wasn’t one of them anymore. It’s hard to explain. I left, but I couldn’t let go of this strong attachment.”

It is further suggested that officers continue to experience residual trauma even after separating from police service. A residual stress hypothesis proposes that prior trauma exposure leaves residual effects which are widespread, deep, and long-lasting.

Consider that officers spend much of their time preparing for the worst. Day in and day out scenarios are played out in their minds. What if? On or off duty, training emphasizes the worst possible case scenarios and prepares officers to deal with that event only. As a result, they become occupationally and personally socialized into approaching situations with considerable suspicion, distrust, and anxiety. They are hyper-energized, sensitive, irritable, tired, and secreting various stress hormones when seemingly trying to relax on the sofa.

Although law enforcement is often routine, it’s also jumbled with **quick cuts**—responding to death, destruction, violence, interpersonal human aggression and within a confine of personal excitement—goodwill, compassion, indignation and vigilance. Officers can become addicted to this excitement and cannot function well without it when they separate from service.

An interesting hypothesis by police psychologist K.M. Gilmartin examines adrenaline as an addiction that may be a result of learned behavior. Police work creates a learned perceptual set which causes officers to alter the manner in which they interact with the environment. Statements by officers that “it gets into your blood” are illustrations describing a physiological change that becomes inseparable from the police role. An interpretation of the environment as

always dangerous may reprogram the reticular activating system and set into motion physiological consequences. This is interpreted as feelings of energy, rapid thought patterns, and speeding up of cognitive and physical reactions.

The police *subculture* is another factor and pervasive microcosm in which a closed mini-society perpetuates a sense of strong cohesion, a code of silence and secrecy, and dependence upon one another for survival. Most research suggests that one of the major regrets of separated officers is that they no longer feel a part of the department. Separation and loss of support from the police group may serve to increase the already heightened physiological and psychological state associated with elements of post-traumatic stress disorder up to, and including, guilt.

Upon separation from active law enforcement, officers exposed to trauma will lose ready access to the group and may no longer be able to depend on other officers, the police agency, or police benevolent groups to reinforce a sense of understanding and recognition of their trauma. This is most significant for officers who retire with a disability. While others are in some mode of exit, the disabled officer is immediately “thrown” into a new life and one in which they are often ill-prepared to handle. There’s a great quote from the 2005 war movie *Jarhead*: “A man fires a rifle for many years. Then he goes to war. And afterward, he turns the rifle in to the armory and believes he is finished with the rifle. But no matter what else he might do with his hands—love a woman, build a house, change his son’s diaper—his hands remember the rifle.”

Another factor upon separation is adapting to *new* work. With such consistent exposure to trauma, cops devote psychic energy to deal with those traumas, often leaving them void of energy to direct towards other things. As result, a lack of adequate and satisfying work for the trauma-exposed person has its emotional costs in family and friends.

Law enforcement officers will tell you that it is not a job or a career but a *way of life*—how they look at people, where they sit in restaurants, scanning locations and people, questioning their children and spouse, being suspicious and distrustful of others and hyper vigilant in the safety and security of loved ones. The pendulum will often swing “back” the other way and there are times of great depression, isolation and a sense of being lost that they had never felt before. In essence, many officers define themselves by their job.

The transition to civilian hood is not an easy one, even under the best of circumstances. Transitions are difficult in general. A new baby, divorce or a new relationship and marriage, a new home, a new boss, going back to school or even a new car. The old program is, in a strange sense, “safe.” Change is uncomfortable and no one likes to feel uncomfortable.

Finding relationships which substitute for the police subculture is necessary for officers when they leave (or are forced to leave). When a primary role is no longer there to occupy, they must spend time seeking out activities which structure their lives. **Suggestions to buffer the anxiety and toxicity of unchecked post-separation fallout include:**

- 1.) Use family and friends as support structures;
- 2.) Use department-offered or local mental health services (you’re only as sick as your secrets);
- 3.) Maintain ties with your agency (auxiliary or special duty work);

- 4.) Maintain ties with your police colleagues (coffee, get-togethers);
- 5.) Enjoy a hobby or activity that gives you personal satisfaction and meaning;
- 6.) Be a guest speaker at a police academy (become a point of reference);
- 7.) Write articles, blogs, or columns for the law enforcement community;
- 8.) Teach criminal justice at a local college;
- 9.) Enjoy a second career completely outside of law enforcement.

When a law enforcement officer leaves the “job” for another life, some are pleased and yet others will wonder. They know that after a career of camaraderie that few experiences, it will remain as a longing and nostalgic outlet for those past times. We know in the law enforcement life there is a fellowship which lasts long after the badge, gun, and uniforms have been turned in. Even so, they will be with them every step and breath that remains in their frame.

Vocatio is Latin for “to call.” The burdens of the job are ones claimed by cops who have accepted such a call. Although you will still look at people suspiciously, will see what others do not see (or choose to ignore), you will always look at the rest of the law enforcement world with respect for what they do—accomplished only by a lifetime of *knowing*.

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For more articles, visit **The Hero in You** at *Psychology Today* at www.psychologytoday.com. For law enforcement-related books, articles, networking, training, or speaking opportunities, contact Brian Kinnaird at brian.kinnaird@gmail.com.

Brian A. Kinnaird, Ph.D. is a cop-turned-professor, serving as a detention officer and deputy sheriff assigned to the jail division before being promoted to the patrol division. He served as investigator, field training officer, lead defensive tactics instructor and SWAT team member in Kansas for a decade. He is published in a wide variety of outlets in criminal justice and use of force and is a police advocate and trainer.

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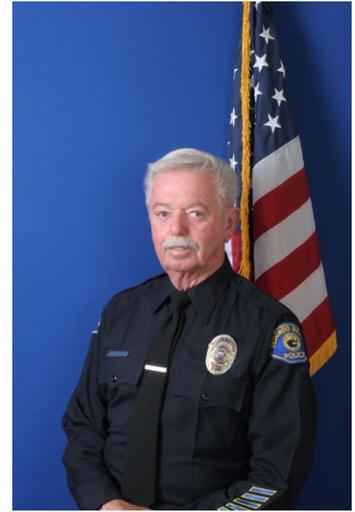
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Donald Neureither

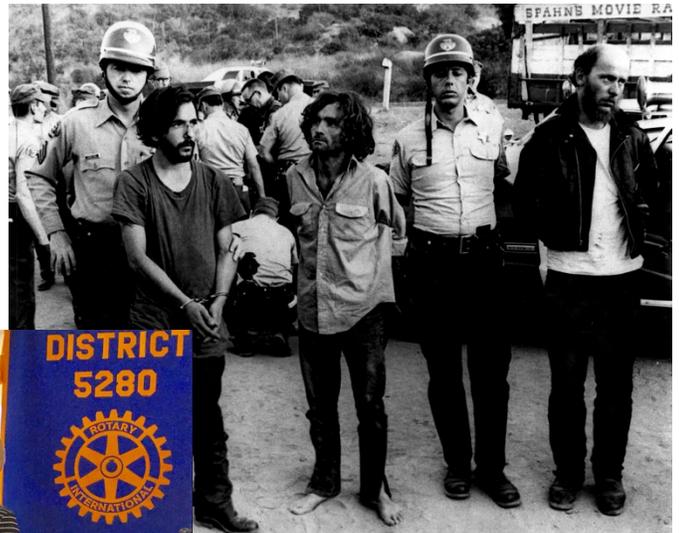
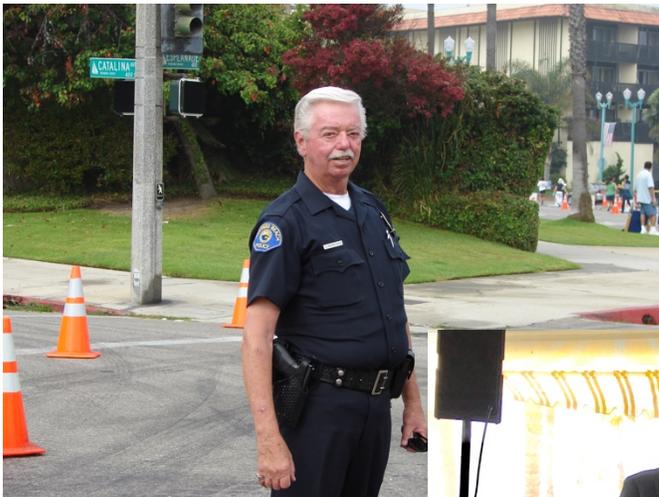
On Monday, February 24, 2020 we lost one of Redondo Beach PD's finest. Don Neureither passed away peacefully while at home. Don began his career in law enforcement in 1957 with the Los Angeles Sheriff's Department. He worked a variety of assignments including, Deputy, Investigator, Patrol Sergeant, Team and Operations Sergeant, Detective Sergeant and was involved in the arrest of Charles Manson; ultimately retiring after 32 years as a Sergeant.



After leaving LASD, he joined Hughes Aircraft and worked in their Security Department for two years. Following this role, he joined the Orange Co. DA's Office as an investigator and retired after 10 years in 2001. Still not satisfied with retirement, he joined the Redondo Beach Police Department as a reserve officer. In this capacity, Don volunteered over 7000 hours over his 17.5 years with us. Some of Don's many awards, include receiving the Ron Reading Award for Excellence in 2006 and again in 2014 and was recognized by the Redondo Beach Rotary in 2016 for his commitment and dedication to the Citizens of Redondo Beach.

Following are some pictures of Don in his role as a Reserve Officer and as a Sergeant with the LASD.

Don was a credit to our profession and his company will be sorely missed.



2020 CRPOA AWARDS ANNOUNCEMENT AND CRITERIA

The California Reserve Peace Officers Association is proud to announce the Annual Awards Program for 2020. We invite you to nominate a deserving member of your organization for one of several recognition awards. Because of the Coronavirus, this year's award recipients will receive:

- ◆ A certificate evidencing the award, delivered by mail, no later than August 31, 2020.
- ◆ Recognition in the Fall issue of *The BackUp* magazine.
- ◆ Formal presentation of an award plaque during our Awards Luncheon at ARPOC 2021.

Do not miss out on an opportunity to honor a deserving individual within your organization. Recognition is for Reserve Peace Officers, Search and Rescue Members and Volunteers in Policing as well as Reserve Coordinators. Review the award nomination information to determine which award is best suited to your nominee.

Along with the Award Nomination Application, a letter of nomination must be submitted detailing the nominee's qualifications and accomplishments. Documentation supporting the nomination letter must be included. Questions can be forwarded to nancy@crpoa.org. Nominations deadline is July 31, 2020.

Qualifying Time Period

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.

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, 2017 and June 30, 2020, 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 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, 2017 and June 30, 2020, 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 June 30, 2020.*

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, 2017 and June 30, 2020, 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, 2017 and June 30, 2020, 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, 2017 and June 30, 2020, 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 June 30, 2020*

Important info for 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** on department letterhead summarizing the qualifications of the candidate for a specific award.
- ✓ **Documentation supporting qualifications**, such as awards, certificates, commendations, letters.
- ✓ **If a specific event, copies of incident/police reports, news coverage, photos/video.**

Nominators must also assure that contact information for award notification is current.

Nominations may 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 Chairman

by email at nancy@crpoa.org or by phone at 408-309-8756.

The deadline for the receipt of nominations is July 31, 2020





JACKIE LACEY
DISTRICT ATTORNEY

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

ONE MINUTE BRIEF

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NUMBER: 2020-17 DATE: 05-14-20 BY: Devallis Rutledge TOPIC: Miranda Waiver Validity

ISSUE: What are the three requirements for a valid Miranda waiver?

Obtaining a fully-admissible statement from a suspect via custodial police interrogation usually requires advice as to so-called “Miranda rights” (but see 1MB 2019-14, discussing four exceptions). “The defendant may waive effectuation of these rights, provided the waiver is made [1] voluntarily, [2] knowingly and [3] intelligently.” *Miranda v. Arizona* (1966) 384 US 436, 444. What do these three separate requirements mean?

- **“Voluntary.”** “The voluntariness of a [Miranda] waiver ... has always depended on the absence of police overreaching....” *Colorado v. Connelly* (1986) 479 US 157, 170. “[A]ny evidence that the accused was threatened, tricked or cajoled into a waiver will, of course, show that the accused did not voluntarily waive his privilege.” *Miranda*, at 476.
- Therefore, a Miranda waiver is involuntary if coerced by police threats. *People v. Esqueda* (1993) 17 Cal.App.4th 1450, 1484 and fn. 20 (involuntary waiver where officers threatened the suspect with greater charges and unrelenting interrogation to obtain a waiver).
- Waiver resulting from police tricks is involuntary. *People v. Superior Court (Keithley)* (1975) 13 Cal.3d 406, 409 (falsely telling the suspect his fingerprint was found at the crime scene, before getting a waiver). However, **after** a **voluntary waiver** is obtained, interrogators may use plausible deception to obtain a **voluntary statement**. See 1MB 2007-03.
- Use of pre-waiver “**cajoling**” to get a waiver may make the waiver involuntary. *People v. Honeycutt* (1977) 20 Cal.3d 150, 161 (“clever softening-up” by extensive preadvisement “ingratiating conversation” with the suspect while denigrating the victim rendered the subsequent waiver involuntary).
- **“Knowing.”** For a waiver to have been “knowingly” made, “the waiver must have been made with a full awareness of both the nature of the right being abandoned [‘silence and counsel’] and

the consequences of the decision to abandon it [‘may be used against you’].” *Moran v. Burbine* (1986) 475 US 412, 421.

This requirement is routinely satisfied by **reading** the advisement of rights in a language the suspect comprehends, **asking whether he understands**, and reporting or recording the suspect’s responses. *Tague v. Louisiana* (1980) 444 US 469 (waiver was invalid where the officer testified that he could not recall whether he asked the suspect if he understood his rights).

- **“Intelligent.”** An “intelligent” waiver can only be obtained from a suspect who “has the **capacity to understand** the warnings given him, the nature of his Fifth Amendment rights, and the consequences of waiving those rights,” taking into consideration the suspect’s “age, experience, education, background, and intelligence.” *Fare v. Michael C.* (1979) 442 US 707, 725. Where a suspect is obviously of youthful age, limited education or low intelligence, or is injured, ill, drunk or otherwise impaired, well-trained interrogators will ask a **few** baseline questions to reveal the suspect’s degree of lucidity and responsiveness. (“Where are we?” “What’s your date of birth?” “Where did you go to school?” etc.)

Cases have held that as long as the suspect’s responses show that he understands his situation, the fact of some physical or intellectual limitation does not necessarily make him incapable of giving an intelligent waiver. *People v. Jenkins* (2004) 122 Cal.App.4th 1160, 1171 (IQ of 64; severe cognitive disability); *People v. Whitson* (1998) 17 Cal.4th 229, 248 (injured; hospitalized; mentally retarded; on pain killers); *People v. Clark* (1993) 5 Cal.4 th 950, 988 (alcohol; Valium; meth; marijuana); *People v. Anderson* (1990) 52 Cal.3d 453, 469 (no sleep for 30 hours beforehand); *People v. Kelly* (1990) 51 Cal.3d 932, 951 (low IQ; brain atrophy).

BOTTOM LINE: A person who has abandoned a rented room no longer has Fourth Amendment protection there; a person who fraudulently obtains a room cannot assert Fourth Amendment protection there in California courts, but may be able to do so in federal courts if the management has not taken “affirmative steps” to reclaim the room. (Emphases added in quoted material.)

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NUMBER: 2020-16 **DATE:** 05-04-20 **BY:** Devallis Rutledge **TOPIC:** “Clarifying Questions”

ISSUE: When may interrogating officers ask clarifying questions when seeking a *Miranda* waiver?

If a suspect facing custodial interrogation responds to a *Miranda* admonition by saying something **unambiguous**, such as “I’m not saying anything,” or “I want an attorney,” there’s nothing to clarify, so no admissible statement can be obtained by an officer’s continuing to talk. *Arizona v. Roberson* (1988) 486 US 675, 681. On the other hand, if the suspect’s response is **ambiguous**, the officer may ask “clarifying questions” to determine whether the suspect is invoking, or waiving. *People v. Duff* (2014) 58 Cal.4th 527, 553-54; 1MB 2019-11.

But what if a simple “No” that appears *in isolation* to be an unambiguous invocation is actually **ambiguous**, in the context of the waiver question asked by the officer?

- Alfred Flores murdered multiple victims, in two jurisdictions. After his arrest, detectives from one jurisdiction gave him *Miranda* warnings and obtained a valid waiver at 10:55 pm. The next morning, a homicide lieutenant from the other jurisdiction began his interrogation session with Flores by re-advising him per *Miranda*, but then ad-libbing a **convoluted waiver question**, to which Flores answered “No.” The lieutenant continued talking, eventually obtaining admissions as to one murder that were admitted in court. Flores was convicted and sentenced to death.

On appeal, Flores argued that his statements were inadmissible as having been obtained after an unequivocal invocation of his right to remain silent. “No means No.” A divided California Supreme Court essentially ruled (5-2) that because the lieutenant’s waiver question was ambiguous, the suspect’s answer was therefore also ambiguous, permitting the lieutenant to seek to clarify the suspect’s wishes, after which the suspect agreed to talk.

After advising Flores of his rights, the lieutenant had made statements about **two different topics** and then asked, “Do you want to talk about **that?**” What your grammar teacher used to call the mistake of a “vague antecedent,” the court called a waiver question that was “unclear,”

“imprecise,” and “poorly framed.” The majority (and the dissenters) then spent a total of 37 pages of a 107-page opinion analyzing the issues created by the lieutenant’s “poorly framed inquiry.”

“[T]he clarity of a suspect’s answer may depend on the clarity of the officer’s question. ... [B]ecause [the lieutenant’s] question was imprecise ... it was therefore reasonable to clarify.

“We do not hold that an officer may purposefully create ambiguity in a suspect’s invocation of rights by asking an unclear question. Officers should do just the opposite. They should ask clear questions amenable to simple answers.” *People v. Torres* (2020) ___ Cal.5th ___, No. S116307, slip opn. at 67, 76 (Emphasis added; citations omitted).

(The lieutenant arguably created multiple issues by not following best practices:

- For example, he **needlessly re-Mirandized** within hours of a previous admonition and waiver. See 1MBs 2005-03, 2009-13.
- He did not attempt an **implied waiver**. See 1MB 2008-18.
- He apparently did not read the warning from the POST-issued card, and ad-libbed his “poorly framed” waiver question. See 1MB 2005-10.
- He did not seek an **unconditional** waiver, but limited interrogation to talking just about “that.” See 1MB 2019-18.)

BOTTOM LINE: A person who has abandoned a rented room no longer has Fourth Amendment protection there; a person who fraudulently obtains a room cannot assert Fourth Amendment protection there in California courts, but may be able to do so in federal courts if the management has not taken “affirmative steps” to reclaim the room. (Emphases added in quoted material.)

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NUMBER: 2020-15 **DATE:** 04-29-20 **BY:** Devallis Rutledge **TOPIC:** Witness-Detention

ISSUE: May police lawfully detain a potential witness to a crime to seek information?

Law enforcement officers at the scene of a recent crime routinely seek to learn if bystanders there might have seen or heard something that could help explain what happened, and who did what. Well-trained officers will attempt *consensual encounters* with individuals, wherever possible. *Florida v. Rodriguez* (1984) 469 US 1, 5-6. See 1MB 2014-02.

But what if the bystander turns to walk away when the officer approaches? May the person be briefly detained to see if s/he was a witness? And if during a non-consensual contact the officer develops grounds to frisk or arrest the bystander, is evidence resulting from a witness-detention subject to suppression?

- The general rule is that investigative detentions must be supported by **reasonable suspicion** that the person stopped is involved in criminal activity. *Terry v. Ohio* (1968) 392 US 1, 22. See 1MB 2015-12. But “*Terry does not authorize stopping and examining every person present where an officer believes a crime may have occurred.*” *Guillory v. Hill* (2015) 233 Cal.App.4th 240, 254. There are, however, several **exceptions** to the general rule requiring reasonable suspicion, where the detention is made for a purpose **other than** to investigate the detainee as a suspect. See 1MB 2017-11, listing 9 recognized exceptions.

- One of these exceptions where **no suspicion is required** is for **brief detentions to seek information about a recent, serious crime from potential witnesses**. “[A]n information-seeking stop is not the kind of event that involves *suspicion*, or lack of suspicion, of the relevant individual. ... And the stop’s objective was to help find the perpetrator of a

specific and known crime....” *Illinois v. Lidster* (2004) 540 US 419, 425, 427 (upholding a vehicle checkpoint stop to locate witnesses to a serious crime, where the stop incidentally resulted in the arrest of one of the drivers stopped); and see *Maxwell v. San Diego County* (9th Cir. 2013)

708 F.3d 1075, 1084 (describing *Lidster* as “authorizing detentions solely for the purpose of obtaining information” from potential witnesses).

Although *Lidster* involved a **vehicle** checkpoint detention, a **pedestrian** detention, being considered even less intrusive, should also fall within *Lidster*’s rationale:

“Even if we assume that the stop of a car on a public street or highway involves a **greater intrusion** on privacy than the stop of an **individual** when the individual is on foot ... ‘the constitutional validity of such a stop turns upon the reasonableness of the procedure, taking into account the **gravity** of the public concerns served by the seizure, the **degree** to which the seizure advances the public interest, and the **severity** of the interference with individual liberty.’”
People v. Maikhio (2011) 51 Cal.4th 1074, 1098, 1090 (quoting *Lidster*).

- Of course, the potential witness “need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way ... and his refusal to listen or answer does not, without more, furnish grounds” for further detention or arrest. *Florida v. Royer* (1983) 460 US 491, 498. An uncooperative witness may **not** be further “detained for questioning.” See *Maxwell, supra*, and *Guillory, supra*, both ruling that officers were subject to potential civil liability for **unlawfully-prolonged** detention of witnesses.

- To satisfy the standard laid out in *Lidster*, reports and testimony of witness-detentions should detail (1) the **seriousness** of the crime being investigated, (2) the **urgency and necessity** for obtaining witness information in order to identify and apprehend the perpetrator, and (3) the **brevity** of the detention and questioning.

BOTTOM LINE: A person who has abandoned a rented room no longer has Fourth Amendment protection there; a person who fraudulently obtains a room cannot assert Fourth Amendment protection there in California courts, but may be able to do so in federal courts if the management has not taken “affirmative steps” to reclaim the room. (Emphases added in quoted material.)

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NUMBER: 2020-14 **DATE:** 04-21-20 **BY:** Devallis Rutledge **TOPIC:** Statutory Non-compliance Redux

ISSUE: Does non-compliance with W&I § 625.6(a) justify exclusion of a confession?

Previous One-Minute Briefs have discussed cases holding that Article 1, § 28(f)(2), of the California Constitution, known as the “Truth-in-Evidence” clause, **eliminated** non-compliance with a state statute as a legitimate ground for the exclusion of evidence when exclusion of that evidence is **not mandated** by controlling decisions of the US Supreme Court interpreting applicable provisions of the US Constitution. See, e.g., 1MBs 2007-13, 2011-05, 2019-27, and cases cited. (*Exception:* Exclusion may be based on a statute passed by 2/3 majorities of both houses of the Legislature, such as PC § 1546.4.)

Also, 1MB 2017-25 discussed W&I § 625.6(a), which enacted a statutory mandate (but by less than 2/3 legislative majorities) that minors facing custodial interrogation “*shall consult with legal counsel*” before giving a *Miranda* waiver (**not mandated by federal constitutional law**). That 1MB noted that this statute did not override “Truth-in-Evidence” or US Supreme Court decisions on *Miranda* waivers. An appellate decision has reaffirmed this principle.

- Fifteen-year-old Anthony L. was one of a gang of five teenagers who, without reason or provocation, knocked down and beat a 61-year-old man as he got out of his car, hitting and kicking him repeatedly to the head and face. Anthony later made admissions to an interrogating detective during an in-home interrogation that occurred without consultation with counsel, because the detective did not consider the interrogation to be *custodial*. Anthony appealed his conviction of assault with means likely to cause great bodily injury, arguing that his statements should have been excluded under § 625.6(a). The Court of Appeal, though **assuming** the interrogation to have been custodial, unanimously rejected this argument.

“Under California law, issues relating to the suppression of statements made during a custodial interrogation must be reviewed under federal constitutional standards. ... [T]he Truth-in-Evidence provision leaves us with no power to exclude a minor’s self-incriminatory statements except as federal law requires. ...

“[A] court must apply federal constitutional law, rather than more restrictive standards derived from a state statute that was not passed by a two-thirds majority, in deciding the admissibility of a minor’s custodial statements. Section 625.6 does not authorize a court to exercise its discretion to exclude statements if those statements are admissible under federal law.” In re Anthony L. (2019) 43 Cal.App.5th 438, 449, 450, rev. den. March 25, 2020

- And while the court also said that **interrogating officers are properly expected to comply with state statutes**, this case illustrates that officers and judges will not always agree as to whether questioning was even subject to the statute. *“Unfortunately, the task of defining ‘custody’ is a slippery one, and policemen investigating serious crimes cannot realistically be expected to make no errors whatsoever.” Oregon v. Elstad (1985) 470 US 295, 309. Ditto, defining “interrogation.”*

BOTTOM LINE: A person who has abandoned a rented room no longer has Fourth Amendment protection there; a person who fraudulently obtains a room cannot assert Fourth Amendment protection there in California courts, but may be able to do so in federal courts if the management has not taken “affirmative steps” to reclaim the room. (Emphases added in quoted material.)

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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:

The Los Angeles County District Attorney's Office and Devallis Rutledge for their monthly edition of the One Minute Brief

Jeff Dunn, P.O.S.T. - "Reserve Peace Officer Program current trends during COVID-19 Crisis"

Dr. Brian A. Kinnaird - "Life After Law Enforcement"

Michael Stark - "Redondo Beach PD's finest, Don Neureither"

<http://www.lilesnet.com/paulshumor/cartoons/index.htm> - Comic