



FALL

The BACKUP Newsletter

The Official Publication of the California Reserve Peace Officers Association

FALL 2022

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



ARPOC 2022 A SUCCESS!



A Note on our Headliner
Class at ARPOC 2022



California Peace
Officers Murdered in
2020 and 2021



Was the Leader of the
Mongols Motorcycle Gang a
Double Agent?



2022 Awards
Recipients

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Chief Executive Officer's Report

By Mike Voorhees



Presenting a Training Conference: What Goes Into It and Who Does What

ARPOC 2022 is now history but, for the benefit of those who have never been involved in planning or executing an ARPOC or other training conference, please let me provide some illumination on what went into presenting that conference.

Location

Planning for a conference usually begins at least two years before it's held. The location (city) is the single biggest decision. In deciding on Lake Tahoe (technically Stateline, NV) last year and Burbank this year, we had the benefit of two surveys taken a few years apart. Lake Tahoe was on the top of the list for both surveys. And the greater LA area was on the top of the list for a southern California location.

San Jose and Sacramento have hosted many conferences in the past thirty years. San Jose at least three times and Sacramento at least eight times. The only other "northern California" location was actually Reno, NV, in 2006. Neither Sacramento nor San Jose was favored by our survey participants. Lake Tahoe was tops both times followed by Monterey and San Francisco. Neither of the last two was economically feasible. For instance, even in the winter, the room rates at Monterey were at least \$30 per night higher than any other location and in the summer the rates were at least \$60 per night more. San Francisco has a number of issues, not the least of which is the exorbitant cost of parking, frequently \$45 per night!

We held conferences in San Diego at least eleven times in the past twenty-three years, first at the Town & Country and then at the Crowne Plaza. Our surveys indicated that a majority of members were interested in the LA area for a change of pace for a southern California location.

Hotel

After choosing the general location the hotel comes next. It has to be large enough to accommodate us, the rates must be within a certain range and it has to be good quality in both rooms and food. Our scouts in southern California looked at several hotels and zeroed in on the Burbank Marriot. We visited it, were impressed and successfully negotiated a two-conference deal. We'll be back there in 2024.

One of our past directors, Tom Cantrell from Stockton PD, tipped us to the MontBleu, now Bally's Lake Tahoe. Tom belongs to another law enforcement association that frequently holds its conferences at that location. We toured the MontBleu and two other nearby hotels. The MontBleu handily came out on top. Our experience there in 2021 was excellent and we're scheduled at (now) Bally's Lake Tahoe for Tuesday afternoon August 8 through Friday noon on 8/11. We had to move the conference up one day for that venue because there is a new convention center opening next door featuring headlining performers. The room prices go from \$92 on Tuesday through Thursday nights to \$279 for Friday and Saturday nights! We

surveyed you and determined that you would rather we adjusted the nights than your wallets!

Courses

We've found that if we have one headliner class on the first afternoon of the conference, followed by six courses to choose from on each of the next two full days, and three or four on the final morning, it's a pretty good mix. But what to offer? Where the location permits, off-site, hands-on classes are usually popular and offered. And there are some recurring types of classes that remain popular and we repeat them frequently. But we always try to have several new classes each year.

We now have a formalized committee consisting of Directors Dom Gamboa, Steve Fazio and Bill Torley who determine what classes we should offer and then seek out the best instructor for each class. Instructors are sometimes found locally but often they come from the other end of the state or even from the east coast. The course committee is responsible for not only procuring the instructors but staying involved with them while Carrie, our Training Manager gets the instructors to complete the appropriate forms P.O.S.T. certification.

P.O.S.T. Certification

Most of the courses we present are P.O.S.T.-certified. After all, that's why many of our members attend--to satisfy their obligation to meet the biennial continuing professional training (CPT) requirements. Each prospective instructor must furnish an Instructor Resume and a Course Outline with hourly distribution and to the third level of specificity. Those documents afford sufficient detail for a P.O.S.T. consultant to evaluate whether the instructor is qualified to teach the particular course and whether the course covers the material that should be presented for that topic.

Execution

In our next issue I'll describe what goes behind the scenes just before and during the conference and how we "put it to bed" once the conference is over. For now, however, I'd like to thank those that made this just passed conference successful:

Kudos

Had I to do over again, in making my remarks on the last full day of the conference, I would have taken just a little more time to let all of you know what each of the following people did for this conference. My apologies for not doing so. My assumption is that those who attend the conference likely read our publication so, to a certain extent, I'll try to make up for that shortcoming with this article. This conference, like every conference before it, was a team effort. And what a team!

Nancy, our director with the greatest tenure, has chaired the awards committee for many years. She works hard for months before the conference to make sure the awards criteria and nomination forms are up to date, prepares notices and cajoles members to make

nominations. Then she must follow up on many of the nominations we receive, meet with her committee, write the citations, order the awards and get them to the conference.

Ed, our valued secretary, besides recording our board meetings throughout the year and the annual meeting at the conference, was a congenial and enthusiastic "what do you need/what can I do to help?" man throughout the conference. Constantly on the move, looking for any issues that might crop up, he was a tremendous help to all of us and a great rep for the board.

Dom, Steve and Bill, our course determiners and instructor getters were a talented team of their own. Working together they produced a particularly good list of classes, found the instructors and got the info to Carrie. And, when it got to crunch time, they got the rest of the classes picked and instructors nailed down in record time. Special thanks to Steve for getting us into the LAPD facilities and for procuring transportation to and from them on Thursday and Friday, and getting the vans washed to boot! I'm sure that those who attended off-sites after not having any available since 2019, were very pleased with what was offered. Those three gentlemen did great!

And more special thanks to Steve and Bill for securing the services of the Honor Guard, Chaplain and Piper!

Jeff Dunn is not a member of the board or an officer; he's our liaison with P.O.S.T. and our unofficial advisor. Jeff has made important contributions to reserve programs across the state for decades. He started as a reserve and remembered that when he rose to chief of his department. And he's never forgotten it after having served with P.O.S.T. as a consultant for the past several years. He gives great insight and counsel and works with Carrie to certification a reality. Thank you so much, Jeff!

Matt, our former director and VP but still our CFO, keeps our books straight year-round but really does yeoman's work at conference time. Working registration full-time, all day, every day of the conference, he helps get all you folks checked-in, answers innumerable questions, pays the bills and never gets (visibly) excited during any of it.

Carrie, our fearless office and training manager, is the glue that holds things together year-round for all the rest of us. When it comes to the conference, she's the voice of CRPOA on the phone and at the receiving end of association emails for months. She takes what she gets from the instructors, puts it into a proper form for the college and P.O.S.T., works with Jeff to get the conference certified and then works full-time in registration throughout the conference.

Pete, our VP for legislation is right there every step of the way negotiating contracts, designing the challenge coins, choosing the "swag" for the attendees and instructors, and co-chairing the conference. His substantial experience on the board and the conferences, business background and unflappable nature make him indispensable for the smooth operation of these events.

As the conference co-chair and on behalf of our members, let me say thank you very much to each and every one of our officers, directors and our P.O.S.T. liaison! And, of course, thanks to you, our fellow members, for attending and actively participating in ARPOC 2022!

Mike Voorhees is Chief Executive Officer of CRPOA and a retired Reserve Assistant Sheriff with the Sonoma County Sheriff's Office. He welcomes your questions and comments at voorhees@crpoa.org

Legislative Recap

By Pete Downs

Vice-President for Legislative Affairs



The two-year session (2021 - 2022) is now history and we are in the phase where all the bills have now been voted on, died, or have been sent to the Governor. Some have been vetoed, some have been Chaptered (and are now law) and some are still under review by the Governor (Enrolled). I will highlight some of the bills that have either been vetoed or are Enrolled that we have been tracking for CRPOA.

VETOED

AB 515. Allows a repossession agency, and its employees to enter upon real property, not open to the public, and without the consent of the owner when they are searching for collateral or repossessing collateral, and upon completing the search, leave the private property immediately.

Senate Amendments

Clarify that it is still unlawful for a re-possessor to unlawfully enter a private building or secured area without the owner's consent, or that of the person in legal possession of that property.

Governor's Veto Message

This bill would provide that the crime of trespass does not apply to a repossession agency and its employees when they are on private property searching for or repossessing collateral.

An earlier version of this bill included a cross reference to re-possessor licensing requirements that makes it clear that re-possessors are not allowed to go into secured or locked areas. Unfortunately, that language was removed from the bill. I am concerned that allowing a re-possessor virtually unfettered access to a person's private property could result in confusion and possibly violent confrontations between property owners and re-possessors. For these reasons, I am returning this bill without my signature.

This bill was vetoed in October 2021

AB 603. Requires agencies to post online, annually, specified information about money spent on law enforcement related settlements and judgments.

The Senate amendments: Eliminate the requirement that municipalities or the Transportation Agency, on behalf of the California Highway Patrol, post on its internet website the amount of any settlements or judgments that were paid out resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

Governor's Veto Message

This bill would require municipalities to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct. The information will include amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments.

The vast majority of the information that this legislation would require to be posted on department websites is already available through a Public Records Act request or in court records. Given this, I am concerned that this legislation is not only unnecessary, but that it will also have potentially significant General Fund costs associated with the imposition of a state-reimbursable mandate on local law enforcement agencies.

This bill was vetoed in October 2021

Enrolled and pending action by the Governor

AB 655

Requires public agencies employing peace officers to investigate current and prospective peace officers regarding engagement in hate groups, participation in hate group activities, or public expressions of hate, as specified, and provides that certain findings of those investigations would constitute grounds for denial or termination of employment as a peace officer.

Senate Amendments

- 1) Specify that any public expressions of hate be explicitly made.
- 2) Clarify that, notwithstanding any other law, an agency employing a peace officer may investigate an allegation of a peace officer committing a specified hate-related activity.

COMMENTS

As Passed by the Assembly, this bill:

- 1) Found and declared that the public has a compelling interest in law enforcement transparency as it is essential to having a just and democratic society.
- 2) Required that any background investigation of a candidate for a peace officer position include an inquiry into whether the candidate has ever been a member of a hate group, participated in a hate group activity, or advocated public expressions of hate.
- 3) Provided that the hiring agency must deny employment to a candidate for a peace officer position if, during a preemployment background, it is determined that in the past 7 years and since 18 years of age, the candidate has or is engaged in a specified hate-related activity.

- 4) Provided that a candidate for a peace officer position shall not be ineligible to be hired pursuant to these provisions if the candidate has ceased all activities related to hate groups and public expressions of hate at least 7 years before the inquiry was made.
- 5) Required any public agency employing peace officers to investigate, or cause to be investigated by the appropriate oversight agency, any internal complaint or complaint from a member of the public that alleges a peace officer employed by the agency has, in the previous seven years and since 18 years of age, engaged in a specified hate-related activity.
- 6) Provided that an agency shall remove from employment as a peace officer, any peace officer against whom a complaint described above is sustained, as specified.
- 7) Mandated that the Department of Justice shall adopt and promulgate guidelines for the investigation and adjudication of complaints described above by a public agency or oversight agency.
- 8) Provided that nothing in the provision regarding the investigation of internal or public complaints authorizes or requires adverse action to be taken against any peace officer who engages in any activities described above as part of an undercover assignment, as specified, or in any undercover work as part of any bona fide academic or journalistic research.
- 9) Provided that notwithstanding existing law, any record relating to an investigation of a complaint described above in which a sustained finding was made by the public agency or oversight agency that a peace officer has engaged in a specified hate-related activity, shall not be confidential and shall be made available for public inspection.
- 10) Provided that a record disclosed pursuant to the provision above may be redacted as follows:
 - a) To remove personal data or information, such as a home address, telephone number, or identities of family members.
 - b) To preserve the anonymity of complainants and witnesses.
 - c) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers; and,
 - d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer or another person.
- 11) Defined several terms for the purposes of its provisions, including genocide, hate group, membership or participation in a hate group, peace officer, and public expression of hate

AB 1744.

Extends authorization for the use of flash incarceration for individuals on probation or mandatory supervision until January 1, 2028.

Senate Amendments

Make technical, no substantive changes.

COMMENTS

As Passed by the Assembly, this bill:

1) Extended authorization for the use of flash incarceration for individuals on probation or mandatory supervision until January 1, 2028.

According to the Author

"Under current law, if a person violates the conditions of their probation, the probation department can offer them an option to admit to the violation and serve flash incarceration rather than typical probation violation proceedings which can result in the person serving up to 180 days in custody. Flash incarceration is a tool that can be used to help deter future violations of court-ordered probation by imposing a length of detention of one to ten days in county jail. Intermediate sanctions, like flash incarceration, balance the need to hold offenders accountable for violations of their conditions of supervision while focusing on shorter disruptions from work, home, or programing, which can result from longer term formal revocations. The authority to grant flash incarceration is currently set to expire on January 1, 2023.

AB 1744 would extend the sunset on the authority for probation departments to use flash incarceration until January 1, 2028. This bill would continue to allow an individual to decline flash incarceration at any time and request a court revocation hearing or proceeding; prohibiting the court from denying probation for refusing to sign a waiver; and notifying the court, public defender, district attorney and sheriff upon imposition of flash incarceration. Flash incarceration has proven to be an effective tool to hold someone accountable for probation violations while promoting greater engagement in rehabilitative services and support. Should probation departments no longer have the authority to use flash incarceration as an intermediate response to violations, individuals on probation would be subject to lengthy court proceedings and excessive time in custody. This bill is another tool necessary to help reduce the state's prison and jail population and promote rehabilitative services necessary to help these individuals become contributing members of society.

AB 2147.

SUMMARY

Provides that a peace officer shall not stop a pedestrian for a violation involving an illegal crossing of the street unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

Senate Amendments

- 1) Authorize the California Highway Patrol to consult with any University of California, Institute of Transportation Studies (UC ITS) when drafting a report to the Legislature, instead of limiting that consultation to UC ITS, Davis.
- 2) Add chaptering out amendments with AB 1909 (Friedman).

COMMENTS

With these amendments, the bill is substantially similar to the bill that was heard in the Assembly.

In 2021, Governor Newsom vetoed AB 1238, which was similar to this bill. In his veto message, the Governor wrote,

"This bill would authorize jaywalking and prohibit any related fines or criminal penalties for pedestrians entering a roadway when no cars are present, until January 1, 2029.

I want to thank the author for bringing this important issue forward. Unequal enforcement of jaywalking laws and the use of minor offenses like it as a pretext to stop people of color, especially in under-resourced communities, is unacceptable and must be addressed. While I am committed to tackling this issue as part of our continued work to reduce excessive use of force and bias, I cannot support this bill in its current form.

AB 2294.

Re-authorizes the prosecuting attorney's office or county probation department to create a diversion or deferred entry of judgment (DEJ) program for persons who commit theft offenses, as modified; re-enacts various changes to existing laws related to arrest and bench warrants for theft-related offenses, as modified; and re-establishes a grant program to create demonstration projects to reduce recidivism to high-risk misdemeanor probationers.

Senate Amendments

Make a technical, non-substantive change.

COMMENTS

As Passed by the Assembly, this bill:

- 1) Stated that a peace officer may take into custody a person who has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months or if there is probable cause to believe the person committed organized retail theft, as specified.
- 2) Stated that a court may issue a bench warrant if a defendant has been cited or arrested for misdemeanor or felony theft from a store and has failed to appear in court in connection with that charge or those charges within the past six months.

- 3) Authorized a city attorney, district attorney, or county probation department to create a diversion or DEJ program for persons who commit a theft offense or repeat theft offenses. The program may be conducted by the prosecuting attorney's office or the county probation department.
- 4) Provided that if a county creates a diversion or DEJ program for individuals committing a theft offense or repeat theft offenses, on receipt of a case or at arraignment, the prosecuting attorney shall either refer the case to the county probation department to conduct a prefiling investigation report to assess the appropriateness of program placement or, if the prosecuting attorney's office operates the program, determine if the case is one that is appropriate to be referred to the program.
- 5) Specified that in determining whether to refer a case to the program, the probation department or prosecuting attorney shall consider, but is not limited to, all of the following factors:
 - a) Any prefiling investigation report conducted by the county probation department or nonprofit contract agency operating the program that evaluates the individual's risk and needs and the appropriateness of program placement.
 - b) If the person demonstrates a willingness to engage in community service, restitution, or other mechanisms to repair the harm caused by the criminal activity and address the underlying drivers of the criminal activity.
 - c) If a risk and needs assessment identifies underlying substance abuse or mental health needs or other drivers of criminal activity that can be addressed through the diversion or DEJ program.
 - d) If the person has a violent or serious prior criminal record or has previously been referred to a diversion program and failed that program; and,
 - e) Any relevant information concerning the efficacy of the program in reducing the likelihood of participants committing future offenses.
- 6) Stated that on referral of a case to the program, a notice shall be provided, or forwarded by mail, to the person alleged to have committed the offense with both of the following information:
 - a) The date by which the person must contact the diversion program or DEJ program in the manner designated by the supervising agency; and
 - b) A statement of the penalty for the offense or offenses with which that person has been charged.
- 7) Stated this authority to create a diversion or DEJ program does not limit the power of the prosecuting attorney to prosecute a theft or repeat theft, except that the prosecuting attorney may enter into a written agreement with the person to refrain from, or defer, prosecution on the offense or offenses on the following conditions:

- a) Completion of the program requirements such as community service or courses reasonably required by the prosecuting attorney; and
 - b) Making adequate restitution or an appropriate substitute for restitution to the establishment or person from which property was stolen at the face value of the stolen property, if required by program.
- 8) Required the Board of State and Community Corrections (BSCC), upon appropriation, to award grants to four or more county superior courts or probation departments to create projects to reduce recidivism of high-risk misdemeanor probationers.
 - 9) Specified that the demonstration projects shall use risk assessments at sentencing when a misdemeanor conviction results in a term of probation to identify high-risk misdemeanants and to place these misdemeanants on formal probation that combines supervision with individually tailored programs, graduated sanctions, or incentives that address behavioral or treatment needs to achieve rehabilitation and successful completion of probation. The formal probation program may include incentives such as shortening probation terms as probationers complete the individually tailored program or probation requirements.
 - 10) Required the demonstration projects to evaluate the probation completion and recidivism rates for project participants and authorizes comparison to control groups to evaluate program efficacy.
 - 11) Required BSCC to determine criteria for awarding the grants on a competitive basis that considers the ability of a county to conduct a formal misdemeanor probation project for high-risk misdemeanor probationers, including components that align with evidence-based practices in reducing recidivism, including, but not limited to, risk and needs assessment, programming to help with drug or alcohol abuse, mental illness, or housing, and the support of the superior court if the application is from a county probation department.
 - 12) Provided that BSCC shall develop reporting requirements for each county receiving a grant to report the results of the demonstration project. The reports may include, but are not limited to, the use of risk assessment, the formal probation program components, the number of individuals who were placed on formal probation, the number of individuals who were placed on informal probation, and the number of individuals in each group who were subsequently convicted of a new offense.
 - 13) Required BSCC to prepare a report compiling the information received from each county receiving a grant, to be completed and distributed to the Legislature and county criminal justice officials two years after an appropriation by the Legislature.
 - 14) Provided that the provisions of this act are severable.
 - 15) Established a sunset for these provisions of January 1, 2026.

16) Declared that these provisions are to take effect immediately as an urgency statute.

SB 731.

DIGEST: This bill permits additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.

Assembly Amendments:

- 1) Provide that relief granted by this bill does not release a defendant from unexpired criminal protective orders.
- 2) Clarify that these provisions do not limit people from seeking relief under any other provisions.
- 3) Provide that a person denied relief continues to be eligible to relief in other provisions.
- 4) Clarify that the provision stating that the order does not relieve them from an obligation to disclose the conviction to any direct question contained in an application for public office or licensure by a state or federal agency to also include applications or licensure by a federally recognized tribe.
- 5) Clarify that Department of Social Services can take action based on records that have been granted relief.
- 6) Change the effective date to July 1, 2023.
- 7) Remove California Department of Corrections and Parole from procedures related to both the petition-based relief and automated relief.
- 8) Limit the expanded availability of this relief, excluding someone who would benefit from the changes in the bill (*i.e.*, was sentenced to prison for a felony) in cases where that felony resulted in a requirement to register as a sex offender.
- 9) Require the Department of Justice to provide background information to school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with any of those entities.
- 10) State that conviction record relief does not affect the authority to receive, or take adverse action based on, criminal history information for purposes of teacher credentialing or employment in public education.

ANALYSIS:

Existing law:

- 1) Provides that on a monthly basis the Department of Justice (DOJ) shall review the records in the statewide criminal databases and shall identify persons with records of arrest that are eligible for arrest record relief, with no requirement that the person file a motion seeking relief. A person is eligible for relief if the arrest occurred on or after January 1, 2021, and meets any of the following conditions:
 - a) The arrest was for a misdemeanor and the charge dismissed.
 - b) The arrest was for a misdemeanor and no criminal proceedings have been initiated one year from the date of the arrest.
 - c) If the arrest was for a jail felony, punishable by eight or more years and no proceedings have been initiated three years after the date of the arrest, and no conviction occurred, or the arrestee was acquitted of the charges.
 - d) If the person successfully completed a specified diversion program.
- 2) Subjects the relief granted to the following conditions:
 - a) It does not relieve a person of an obligation to disclose an arrest in an application for employment as a peace officer.
 - b) It does not limit the ability of a criminal justice agency to access the arrest information.
 - c) It does not limit the ability of a district attorney to prosecute for the offense if it is within the statute of limitations.
 - d) It does not impact a person's authorization to own or possess a firearm
 - e) It does not impact any prohibition on holding public office.
 - f) It does not impact licensing for foster homes and similar facilities.
 - g) It does not limit other motions for relief. (Penal Code Section 851.93)
- 3) Provides that if a person is sentenced to a jail felony, the court, in its discretion, in the interest of judgement may allow a person to withdraw their guilty plea and enter a plea of not guilty and the court shall set aside the verdict and dismiss the accusations or information against the defendant when specified conditions are met. The relief shall be not be granted unless the prosecuting attorney has been given 15 days' notice of the petition for relief. (Penal Code Section 1203.41)
- 4) Provides that commencing July 1, 2022, and subject to a Budget appropriation, on a monthly basis, the DOJ shall review records in the statewide criminal justice databases and shall identify person with convictions that meet specified criterial and are eligible for automatic conviction relief. A person is eligible for relief if they meet all of the following conditions:
 - a) The person is not required to register as a Sex Offender.

- b) The person does not have an active record for local, state, or federal supervision in the Supervised Release file.
 - c) Based on the information available, it does not appear the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.
 - d) There is no indication that the conviction resulted in a sentence of incarceration in state prison.
 - e) The conviction occurred on or after January 1, 2021, and the defendant either was sentenced to probation and appears to have completed their term of probation without revocation or, the defendant was convicted of an infraction or misdemeanor, was not granted probation, and at least one calendar year has passed since the date of judgement. (Penal Code Section 1203.425(a)(1))
- 5) Provides that automatic conviction record relief is subject to the following conditions:
- a) It does not relieve a person of the obligation to disclose a conviction when applying to be a peace officer.
 - b) It does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire for public office or for contracting with the California State Lottery Commission.
 - c) It does not affect a person's authorization to own, possess, etc. a firearm.
 - d) It does not affect a prohibition from holding public office that would otherwise apply as a result of the conviction.
 - e) It does not affect the authority to receive, or take action based on, criminal history information including the authority to receive certified court records.
 - f) It does not make eligible a person otherwise ineligible to provide in-home supportive services.
 - g) It may still act as a prior for future arrests and convictions. (Penal Code Section 1203.425(a)(3))

This bill:

- 1) Makes an arrest for a felony and there is no indication that the criminal proceeding has been initiated at least three years after the arrest eligible for relief and amends existing law to provide that if the arrest was for a jail or prison felony with a sentence of eight or more years shall be eligible for relief when no criminal proceedings have happened six years after the arrest.

- 2) Makes Penal Code Section 1203.41 apply to all felonies not just jail felonies and provides that if the defendant was on mandatory supervision, the parole officer shall notify the prosecuting attorney when a petition is filed.
- 3) Deletes the prohibition on granting relief if the person was incarcerated in the state prison.
- 4) Provides, in addition, that relief granted does not release the defendant from the terms and conditions of any unexpired criminal protective orders.
- 5) Adds an additional criteria for relief providing for relief if the conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based on the disposition date and the sentence specified in DOJ's records, appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction during which the person was not convicted of a new felony. This does not apply to a serious or violent felony as defined in the Penal Code or an offense for which a person must register as a sex offender.
- 6) Provides that existing conviction relief does not limit the ability of an entity to get the information for the purposes of teacher credentialing.
- 7) Contains an effective date of July 1, 2023.

SB 960. DIGEST: This bill removes provisions of existing law requiring peace officers to either be a citizen of the United States or be a permanent resident who is eligible for and has applied for citizenship.

Assembly Amendments ensure that the bill is applied consistently with federal law and include chaptering amendments to resolve potential conflicts with AB 2229 (L. Rivas).

ANALYSIS:

Existing law:

- 1) Requires each class of public officers or employees declared by law to be peace officers to meet the following minimum standards:
 - a) Be a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship.
 - b) Be 18 years of age or older.
 - c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.
 - d) Be of good moral character, as determined by a thorough background investigation.

- e) Be a high school graduate, or satisfy another minimum educational requirement, as specified.
 - f) Be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. (Gov. Code §1031(a)-(f).)
- 2) Contains an exemption from this citizenship requirement for individuals employed as peace officers or peace officer trainees, or applicants to become a peace officer who were so employed or had applied prior to the adoption of that requirement, provided that they apply for and meet the requirements for United States citizenship as soon as possible. (Gov. Code §1031.5(a).)
 - 3) Provides that any resident immigrant who is employed as a peace officer shall diligently cooperate with the United States Citizenship and Immigration Services in the processing of the officer's application for citizenship, and shall be disqualified from being a peace officer if citizenship is not obtained within 3 years of applying due to the officer's failure to cooperate in the processing of the application. Gov. Code §1035(b).)
 - 4) Provides that any permanent resident immigrant who is employed as a peace officer shall be disqualified from holding that position if the officer's application for citizenship is denied. (Gov. Code §1031.5(c).)
 - 5) Provides that no person shall be appointed as a member of the California Highway Patrol who is not a citizen of the United States. (Veh. Code §2267(a).)
 - 6) Provides that a non-citizen member of the California Highway Patrol appointed prior to the effective date of Vehicle Code §2267(a) shall become a United States citizen at the earliest possible time, and that inability or failure to comply with this requirement shall result in termination of employment. (Veh. Code §2267(b).)

This bill:

- 1) Deletes all of the above requirements related to the citizenship or lawful permanent residency of peace officers.
- 2) Instead provides that a peace officer must be legally authorized to work in the United States under federal law.
- 3) Clarifies that specific provisions shall be interpreted and applied consistently with federal law, and that those provisions shall not be construed to permit an employer to override or bypass specified work authorization requirements contained in federal law.

Pete Downs has been a Volunteer in Policing with the Sonoma County Sheriff's Department, a member of CRPOA for many years and its Vice President for Legislative Affairs. He has decades of experience in Sacramento and Washington, D.C. working for major corporations as their legislative affairs liaison. He welcomes your questions and comments at downs@crpopa.org.

A Note on our Headliner Class at ARPOC 2022

By Steven R. Fazio, President

Well, ARPOC 2022 is in the rear-view mirror and, for those who were unable to attend, you missed a really special set of experiences and some outstanding training.

The speakers we had held this year at the Burbank Airport Marriott were literally world class—we kicked off with Best Selling Author, Screenwriter and Producer, Michael Connelly.

Mr. Connelly gave us some insight on his favorite cold case character, homicide Detective Harry Bosch, and told us that Harry will be a Reserve Officer throughout the next series of books. That oughtta help recruitment!

Mr. Connelly was joined by real life LAPD Detective Mitzi Roberts, with whom he fashioned one of his fictional detectives, and Detective Robert's was joined by LA County Deputy District Attorney Beth Silverman—the two took us through a Cold Case Homicide Class using the notorious Sam Little Case, stated by the FBI to have been Americas most notorious serial killer, responsible for 93 homicides. Little was arrested by Detective Roberts, and successfully prosecuted by DA Silverman. The two did an outstanding job explaining the painstaking diligence and detail required to prosecute this serial murderer.

Other instructors included experts on Suicide by Cop, Biker Gangs, Domestic Terrorism, Tactical Medical Response (held at Burbank Airport, just next door), and a world-renowned expert on Human Trafficking. LAPD generously arranged for our attendees to select one of three off-site classes at the Davis Academy, about 20-minutes away: EVOC, Range, or Building Searches.

Each year our conference gets better, and we are now designing ARPOC 2023, which will be back in Lake Tahoe. We encourage you to bring some of your partners, and keep in mind, CRPOA is the only firewall between us and many in the California legislature who aren't always supportive of law enforcement. So, let's get people to join our Association, and ensure that California reserves remain the best trained in the country!

Steve Fazio is President of CRPOA and is an active Reserve Officer with the Los Angeles Police Department. He welcomes your questions and comments at fazio@crpoa.org

California Reserve Peace Officers Association

2022 Annual Awards

Mike Voorhees, the Chief Executive Officer of the California Reserve Peace Officers Association, and co-chairman of ARPOC 2022 emceed this year's annual Awards Luncheon at the Los Angeles Marriott Burbank Airport.

The presentation of the colors was led by bagpiper, Sgt. Mick Rose of Los Angeles Police Department followed by the honor guard from the city of Glendale, Agent Vincent Jackson and Officer Jose Arriaga.

Since we last gathered in August 2021, California has lost twenty-eight law enforcement officers in the line of duty. In remembrance of the sacrifices made by our brothers and sisters who have gone before us in the line of duty, the board and members observed a moment of silence in their honor. Chaplain Bob Wong of Glendale Police Department gave the invocation.

It was pleasure and honor to have the Chief of Police for the City of Burbank, Michael Albanese, attend and welcome the ARPOC2022 participants to this year's conference.

The California Reserve Peace Officers Association has long honored those in volunteer law enforcement throughout the State of California, and the many who have served this association through the CRPOA Awards program. The Awards Committee, Pete Downs, Ed Jones, and Nancy Elam were challenged with reviewing and selecting candidates for appropriate recognition. Utilization of Reserves is diverse and varied depending on the dynamics and needs of each agency and the communities they serve. Those being recognized have earned the acknowledgment of their dedication to providing a wide range of services and time to their departments and/or to this association.

Award of Appreciation

Stephen Marshall

Los Angeles Sheriff's Department



The Award of Appreciation was presented to Stephen Marshall of the Los Angeles Sheriff's Department, in recognition of his service to the California Reserve Peace Officers Association as a member of the board of directors from 2018 to 2022.

Steve received the Meritorious Service Award from CRPOA for lifesaving in 2017 and the Search and Rescue member of the year in 2018.

While on the board, Steve served as a valued member of the recruitment and retention committee and as vice president.

The members and board of CRPOA, thank Steve for his service.

Distinguished Service Award

Carlos Fandino

San Fernando Police Department



Carlos Fandino has served as a Reserve Police Officer with the San Fernando Police Department for the past 18 years, currently the with the rank of Captain. Prior to that he was a Reserve Officer with the Los Angeles Police Department for 9 years, and a reserve deputy with the Los Angeles Sheriff's Department for 12 years.

As a Level I Reserve Officer, Captain Fandino is an invaluable member of San Fernando PD. He assists in patrol, works specialized uniformed events, conducts background investigations for reserve officer candidates, and has supported the department with more critical tasks. Reserve Captain Fandino dedicates countless hours each month to these duties as well as to administrative duties with visits to the department nearly daily.

Carlos Fandino is respected by his peers in the Reserve Division, and by all members of the department. In fact, the department command staff often call on him for assistance, support, and guidance. He is a dedicated, committed, passionate and competent leader with unwavering service to his department and his community.

The California Reserve Peace Officers Association was proud to recognize **Reserve Captain Carlos Fandino with the Distinguished Service Award.**

Distinguished Service Award

Fernando Miranda

San Fernando Police Department

For 25 years, Fernando Miranda has served as a Reserve Police Officer with the San Fernando Police Department. His interest in law enforcement began much earlier as he was a member of that department's Explorer program. Fernando currently holds the rank of Reserve Sergeant.

Sergeant Miranda has dedicated his time and energy to supporting his department's explorer Program. He serves as the Lead Advisor and has mentored a large number of youths over the past two decades, staffing and supervising the Explorers for special activities and events. Many of those young men and women have become police officers with San Fernando Police Department or other agencies in the area.

In addition to being the Explorer Program advisor, Sergeant Miranda works special community events and performs jail/custody duties on the weekends. Regardless of the assignment or duty, Sergeant Miranda has always been ready to step up to the task to serve the community and support the mission of the San Fernando Police Department.

Fernando Miranda's volunteer efforts and dedication to service have not gone unnoticed. He has received many commendations and appreciation and recognition awards from his department, nearby law enforcement agencies and from the State of California.

It was a distinct honor for the California Reserve Peace Officers Association to present **Reserve Sergeant Fernando Miranda of the San Fernando Police Department with the Distinguished Service Award.**

Distinguished Service Award

James V. Schultz

Fresno County Sheriff's Department



In 1980, James Schultz joined the Fresno County Sheriff's Department as a member of the Uniformed Field Reserves. Throughout the years, he rose through the ranks and now serves as the captain of the Uniformed Field Reserves, overseeing the unit's daily operations. He has worked continuously and tirelessly to improve its function to best serve the department and community. During his 40-year tenure, Reserve Captain Schultz has contributed more than 15,000 hours.

Captain Schultz has distinguished himself as a valuable asset based on his selfless sacrifices of action and effort, and with his exemplary long-standing service. Over the years, recognition for his service has included a Medal of Valor for rescuing a driver from a burning vehicle; a commendation from the California Attorney General's Office for his assistance in the apprehension of robbery suspects who had committed fourteen robberies and shootings; a letter of appreciation for his service during a traffic accident on the interstate involving 104 vehicles, 140 injuries and 17 deaths; acknowledgment by the US Forest Service for his law enforcement involvement during a large fire; and numerous letters of appreciation from the Rotary Club, Lions Club and other community groups.

The California Reserve Peace Officers Association were delighted to be able to honor **Reserve Captain James V. Schultz of the Fresno County Sheriff's Department with the Distinguished Service Award.**

Distinguished Service Award

Mitchell Thomas

Sierra Madre Police Department



In May 1984, Mitchell Thomas joined the Sierra Madre Police Department as a Reserve Officer. During those 38 years, he has been assigned to patrol, assisting full-time officers, and augmenting regular staffing levels. He currently serves as Reserve Commander.

Because Mitchell was trained to POST standards as a background investigator, he has conducted hundreds of background investigations for Reserve Officer applicants saving the City of Sierra Madre thousands of dollars while freeing the full-time investigators to concentrate on other applicants.

Mitchell established the first Reserve Motor program and with it a support policy assuring that the city would avoid incurring expense. That program has been a tremendous success, enhancing patrol enforcement and community relations. Mitchell did much of his volunteer service on motors at community events, including parades, holiday programs, races and festivals.

With Sierra Madre Police Department being a small agency, Mitchell assisted during many critical incidents and high-profile cases by supplementing patrol, enabling the full-time officers to concentrate their efforts on investigations.

His selfless commitment of contributing his time has had an incredible impact on patrol operations, and his dedication to the community illustrates his leadership and devotion to the city.

It was a pleasure for the California Reserve Peace Officers Association to present **Reserve Commander Mitchell Thomas of the Sierra Madre Police Department with the Distinguished Service Award.**

Meritorious Service Award

Sal Petrelli

San Fernando Police Department



Sal Petrelli has served with the San Fernando Police Department as a Reserve Police Officer for 38 years. Rising through the ranks to his current position of Captain he is tasked with the leadership of the Reserve division and is a well-respected and invaluable member of the department's command team. Not only has Sal donated thousands of hours of service, but he has also donated tens of thousands of dollars to police community activities, and to purchase equipment for the reserves not available from the department.

Captain Petrelli is a POST-certified instructor in less lethal weapons and the patrol rifle, handgun and shotgun training courses. He is a member of the department's range staff and conducts training for full-time and reserve personnel. His interest and advanced knowledge of weapons qualified him to be the primary author of the department's 8-hour advanced rifle training and the 16-hour patrol rifle training courses, both POST approved for certified instruction.

As a Level I Reserve Police Officer, Sal Petrelli works many hours on patrol and provides law enforcement services at numerous community events. He often responds to emergency call-outs and provides the management oversight for many special events through-out the year. Captain Petrelli is respected by every member of his department and is heavily relied upon for his guidance and wisdom as well as his leadership.

It was an honor for the California Reserve Peace Officers Association to present **Captain Sal Petrelli of the San Fernando Police Department with the Meritorious Service Award.**

Meritorious Service Award

Michael Sellars

Los Angeles Police Department



Michael Sellars was sworn as a Reserve Police Officer with the Los Angeles Police Department in 1993 and served on the streets of Hollywood until his recent retirement. He was a devoted member of the reserves, engaging in regular patrol activity along with special events which earned him numerous commendations over the years. While performing his duties, Michael developed a real passion in recognizing others who serve in law enforcement

capacities. In 2009, he was elected as a Director of the Los Angeles Police Foundation, and since 2013 has been the Co-President of the Foundation.

His guidance and leadership lead to the establishment of several vital initiatives that support the men and women of the Los Angeles Reserve Corps. The Foundation, working with the LA Police Protective League, created the Legal Defense Plan Reimbursement initiative which funds a portion of the League's legal plan. Other initiatives have led to an annual scholarship, grants for laundering uniforms during the pandemic and reimbursement for attending ARPOC training. Michael Sellars sat on LAPD's Reserve Advisory Group to help propose updates and changes to the Department's Reserve Program.

Michael is also the editor-in chief of the Rotator, a newsletter for the Los Angeles Police Reserves, a position he has held since 2008. This publication is a valuable tool to disseminate information to LAPD Reserve officers. News in the magazine not only focuses on current events, news and updates, but also the history of the LAPD Reserve Program and its Officers.

Even though he has retired as a Reserve Police Officer, Michael Sellars continues his efforts to “serve those who serve” as Co-President of the Los Angeles Reserve Foundation and as Editor for the Rotator newsletter for the Reserves.

The California Reserve Peace Officers Association was honored to present **Michael Sellars of the Los Angeles Police Department with the Meritorious Service Award.**

Volunteer In Policing of the Year

Norm Goodkin

Los Angeles County Sheriff’s Office



Since 1980, Norm Goodkin has volunteered with the Malibu/Lost Hills Station Disaster Communications Team and has contributed more than 10,000 hours of time during his service. He helped design and initiate the Malibu/Lost Hills Station Emergency Operations Radio Room.

Norm has taught amateur radio classes to the public as well as officers, including a majority of the Search and Rescue Team. He is helping to build an email-over-radio capability to cover areas within the Lost Hills Station’s cities.

InterOp22, which Norm assisted in organizing, is an on-the-air weekly network of cities represented by amateur radio operators. This includes stations in Ventura County.

He has been instrumental in the organization and operations of the Topanga Coalition for Emergency Preparedness Team serving stations in the county areas of Topanga. Norm has recruited most of the radio team members to join the Disaster Communications Service which provides even greater communications and coordination. Currently, he is facilitating the build-out of a mobile EOC and Radio vehicle.

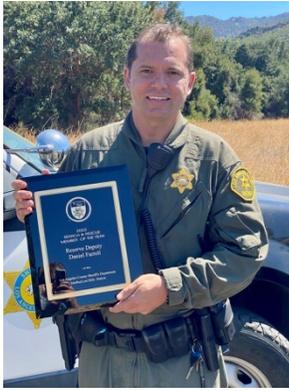
Serving as the Training and Recruiting officer for the Disaster Communications Service, Norm has introduced digital communications which is now a standard tool for all County Sheriff’s DCS groups. He is a member of the county-wide technical team, and is on the Board of DCS Ten, Inc., a non-profit established to provide financial support for the group of radio communication volunteers at the Lost Hills Station.

The California Reserve Peace Officers Association was proud to recognize **Norm Goodkin of the Los Angeles Sheriff’s Department as Volunteer in Policing of the Year.**

Search and Rescue Member of the Year

Daniel Farrell

Los Angeles County Sheriff’s Office



Reserve Deputy Daniel Farrell has served with the Malibu Search and Rescue Team for eight years, and in October of 2020, he took on the role of the Search and Rescue Training Leader.

Daniel is a very active member of the Malibu Search and Rescue Team, volunteering nearly 400 hours in 2021. His time has been spent on organizing and conducting specific training and responding to various callouts with the Search and Rescue Team. Daniel received a commendation this past January for a rescue in Malibu Creek State Park which he supervised. He deployed a rescue raft in wet, freezing conditions to retrieve five hikers who were surrounded by flood waters in darkness.

As the Training Leader, Daniel has made a positive impact on the training program. He has developed new and interesting scenario and drill-based training complete with comprehensive training materials. Additionally, Daniel established a training committee, a full-scale new-member training manual and a new-member training program.

Reserve Deputy Farrell has actively acquired and adopted new equipment for the Search and Rescue Team, developing appropriate training protocols which has included memos and handouts with step-by-step instructions for the proper use of the new equipment.

Because of Daniel expertise, perseverance, energy and extensive amount of donated time to the training program, the Search and Rescue Team is benefiting from heightened levels of training.

It was an honor for the California Reserve Peace Officers Association to recognize **Reserve Deputy Daniel Farrell of the Los Angeles Sheriff's Department as Search and Rescue Member of the Year.**

Accepting the award for Daniel Farrell was David Katz who later presented Daniel with his award plaque.

Reserve Officer of the Year
Thomas Fakehany
Los Angeles Sheriff's Department

For 52 years, Thomas Fakehany has served as a Reserve Deputy with the Los Angeles Sheriff's Department. During the past eight years, he has been the team leader for the Malibu/Lost Hills Station and has been a leading member in the Station's Disaster Communication Team.



As Team Leader, Reserve Deputy Fakehany oversees about 60 patrol reserve deputies. He conducts training, briefings and meetings pertaining to Department policy, procedures, and protocol. During the Covid-19 lockdown, he converted meetings and training to a Zoom

format, and now, many Reserves from other stations attend his Zoom meetings. Additionally, Thomas prepares the station's mobile range schedule. He ensures that each month the range is properly staffed so that members can meet their quarterly firearms qualification.

Thomas has served on OCSINT (Open-Source Intelligence Team), scouring the internet for social media posts that could present a danger to law enforcement and the public. He is certified with Special Traffic Details ARIDES and is a POST certified LE Armorer.

During his time as the Reserve Team Leader, Thomas has been patient and approachable by the reserves and volunteers he supervises. He is trusted by the team members who often contact him for assistance and guidance. Reserve Deputy Fakehany has dedicated an enormous amount of time to the Los Angeles Sheriff's Department, and over the years, has taken on responsibilities that no one else would.

Over the years, Thomas has received over 70 commendations from his department and community members. His department has presented him with many recognition awards, and he has also been honored by an extensive number of groups and organizations for his law enforcement contributions.

The California Reserve Peace Officers Association is proud to join those who have previously honored him by recognizing **Reserve Deputy Thomas Fakehany of the Los Angeles Sheriff's Department as the 2022 Reserve Officer of the Year.**

Award of Appreciation for a Lifetime of Service

Jim Lombardi

Los Angeles Police Department



CEO Voorhees took great personal pleasure in announcing the last award. To do some credit to the recipient, Voorhees confessed that he was going to cheat and read from another award this fellow received a few years before, the 2019 Andrea Friedman Award. He was recognized at the Twice a Citizen gala for his above-and-beyond service to the LAPD Reserve Corps.

CEO Voorhees then quoted:

“Officer James Carl Lombardi began a 50-year career of dedicated service with the LAPD when he graduated from the Academy in December 1969. When he entered the Academy, Jim was the owner of Lombardi’s Restaurant at 7th and Flower streets, then the hottest ticket in town. Among the restaurant regulars were some of LAPD’s finest, who told him how the Reserve Police Officer Program had been newly overhauled with an emphasis on patrol and field enforcement and persuaded him to become a reserve policeman.

His entrance into law enforcement progressed into a lifetime of accomplishments that continue to this day – from patrolling the streets to becoming a longtime leader in the LAPD

and to helping make the Department's Reserve Corps the gold standard of reserve law enforcement that it's known for today.

Officer Lombardi became president of the California Reserve Peace Officers Association (CRPOA), representing reserves statewide on countless legislative issues, from firearms to workers' compensation. His fingerprints are indelibly marked on codes and laws that we now take for granted in California and throughout the country.

The Rotator newsletter for LAPD reserve officers, in its winter 2012 interview of Jim, wrote: "If you are an LAPD reserve police officer; you should know of Jim Lombardi – unless you've lived under a rock. Reserve Officer Lombardi has lived and breathed the LAPD Reserve Corps, and California reserve law enforcement, for a very long time." Jim has spent his entire LAPD career in Central Division and has received the Reserve Officer of the Year Award, at the division and at the bureau, for the Department numerous times.

He continues to serve in the Department, in CRPOA and on the board of directors of the Los Angeles Police Reserve Foundation. Always ready to explore new pursuits, he recently embarked on a project with his daughter to record the stories of his life, resulting in the newly released book, A Sense of Humor. Along with details of events such as his childhood in North Hollywood and those years at Lombardi's Restaurant "with colorful characters, famed musicians and notorious gangsters" are several chapters devoted to when he began wearing the most famous badge in the world.

These are pages of interest and significance to those of us in law enforcement because they shed an informative and often entertaining light on how the job was done "in the old days" as well as allowing a glimpse into what it takes to legislate a bill in Sacramento. Officer Lombardi has seen a lot of changes in law enforcement during his career, and perhaps his most meaningful advice to young officers is to "maintain a sense of humor ... smile and laugh off a lot... you can get so much done and feel so much better about it with a sense of humor."

In summary, Jim Lombardi volunteered more than 50 years as a Reserve Police Officer and is now retired; he was a past recipient of the Reserve Officer of the Year Award from CRPOA; Jim diligently campaigned for reserves statewide on key on legislative matters for more than four decades: and he was the longest serving president in the history of our association, retiring in May 2022.

It was an extraordinary honor for the California Reserve Peace Officers Association to present Jim Lombardi with an Award of Appreciation for a Lifetime of Service. With the plaque came a special thanks and a new title, President Emeritus of CRPOA.

California Peace Officers Murdered in 2020 and 2021

By Charles Moorman and Richard Wemmer

Today, policing has become more demanding, difficult, and dangerous. Although peace officers learn how to be resilient, the disrespect, distrust, and hostility toward law enforcement is at an all-time high. More people are refusing to comply with lawful commands or requests and willing to be brazen, confrontational, defiant, and resistant.

This article provides an analysis of California peace officers murdered in 2020 and 2021. It is offered to law enforcement agencies and personnel to identify lessons learned with a life-saving goal of preventing future peace officer killings. Continuous research is necessary to enhance public and officer safety.

Lacking thorough evaluations of critical policing incidents, peace officers will repeat previous mistakes. It is through this information sharing that we strive to improve police operations and responses. As the authors have voiced over decades of research, publications, and training, *“From where I have gone, I cannot return... Learn from my passing!”*

In 2020 and 2021 eight California law enforcement officers died from felonious assaults [1]. The Federal Bureau of Investigation (FBI) Law Enforcement Officers Killed and Assaulted (LEOKA) Program defines “feloniously killed” as: “Incident type in which an officer, while engaged in or on account of the performance of their official duties, was fatally injured as a direct result of a willful and intentional act by an offender” [2]. The peace officer deaths reviewed do not include accidents - aircraft or automobile, duty related illnesses, fires, heart attacks, or other physical causes.

This article has two parts, with the first section providing a brief account of each attack. The second portion presents views regarding leadership, officer safety and welfare, tactical considerations, and training.

2020 In the Line of Duty Summaries

Nationwide in 2020, 46 victim peace officers (VPOs) were feloniously killed. This was a decrease of two VPOs from the 48 killed in 2019 *ibid* [2]. In 2020, two California Peace Officers died from a felonious assault. This was a decrease from the six California Peace Officers killed in 2019 *ibid* [1].

On Thursday, April 23, 2020, San Diego Police Officer Daniel Walters, died of complications from a gunshot wound that occurred on Wednesday, November 12, 2003. Officer Walters and his partner had backed another officer on a car parked in a travel lane. Upon their arrival, the parked vehicle’s driver was standing nearby on the sidewalk. When the officers approached, the assailant shot Officer Walters once in the neck at zero to five feet. Officer Walters was 36 years old and had been a police officer for five years. After being shot the VPO fell into a traffic lane and a passing vehicle struck him. The attacker had been previously involved in a domestic incident and was shot and killed by the VPO’s partner.

On Saturday, June 6, 2020, around 1:30 PM, Santa Cruz Sheriff's deputies responded to a service call of a suspicious vehicle (van) parked off-road in the Santa Cruz mountains. The person reporting said he saw bomb making materials and firearms in the van. The van's driver left the area, was later observed and followed to a driveway in the Ben Lomond area. Shortly thereafter, deputies and a California Highway Patrol (CHP) officer were assaulted with gunfire and an improvised explosive device (IED). Santa Cruz Sheriff Sergeant Damon Gutzwiller, age 38 years, with 14 years at the Sheriff's Office was struck by gunfire and killed. Two other peace officers were also injured. After the assault and murder, the assailant, Steven Carrillo, age 32 years, an off-duty Air Force Sergeant who was assigned to an elite Air Force security team, fled on foot, and carjacked a vehicle. When located, he was shot and captured in a subsequent encounter with officers.

Ironically, Carrillo was the rifle shooter from the same van in the drive-by killing of a uniformed Federal Security officer in Oakland, on Friday, May 29, 2020, at a Black Lives Matter rally. Carrillo was affiliated with the extremist movement "Boogaloo." According to experts, the followers believe in a concept embraced by a loose network of anti-government, firearm, and militia-style extremists [3].

2021 In the Line of Duty Summaries

Compared to 2020 when 46 VPOS were killed, the intentional killing of law enforcement officers spiked by an alarming 59% in 2021 according to the FBI when 73 VPOs were killed *ibid* [2]. This was the most nationwide peace officer deaths since 1995. In 2021, six California Peace Officers died from felonious assaults. This was an increase of four VPOs from 2020 when two California Peace Officers were killed *ibid* [1].

On Tuesday, January 19, 2021, around 10:00 PM, Sacramento County Sheriff's deputies attempted a traffic stop that escalated into a vehicle pursuit ending in a crash at the CAL Expo and State Fair grounds. Despite verbal police commands, the driver refused to exit his vehicle and his rear window was broken out with non-lethal force. A K-9 dog, "Riley," was sent into the vehicle, resulting in the canine being shot to death. Additional shots were fired and a second K-9 handler, Deputy Adam Gibson, age 31 years, with six years law enforcement experience, was killed. The assailant, a 40-year-old man with a record of crime, drug abuse, and mental illness was shot and killed at the scene.

On Monday, May 10, 2021, at 5:20 PM, a regional Special Weapons and Tactics Team (SWAT) in San Luis Obispo County was serving a stolen property search warrant at a second story, corner residential apartment. After various verbal attempts directing the occupant to open the locked door, a forced entry was made. The first SWAT team member into the apartment, San Luis Obispo Police Department Detective Luca Benedetti, age 37 years, with 12 years of law enforcement experience, was shot fatally at close range with a round of birdshot in the head. The assailant, a 37-year-old man with a record of mental illness, retrieved the fallen detective's shoulder firearm and continued firing at team members. He subsequently took his own life with the fallen officer's weapon.

On Tuesday, May 11, 2021, at 10:07 AM, a Stockton Police Officer, Jimmy Inn, age 30 years, with six years of law enforcement experience, responded to a domestic violence service call at a private residence. As he approached the front door the assailant exited and killed the officer with a handgun. Subsequent shots were fired by responding officers with

the assailant, age 30 years, being shot and killed while attempting to strangle his eight-year-old son in the front yard.

On Monday, May 31, 2021, Memorial Day, at 12:40 PM, a San Bernardino County Sheriff's Motorcycle Patrol Sergeant, Domenic Vaca, age 43 years, with 17 years of law enforcement experience, attempted a traffic stop. The vehicle involved was a street motorcycle being operated without a license plate, riding off-street in the desert near Yucca Valley. Following a vehicle pursuit, the driver stopped, waited for the deputies, and fatally shot the Sergeant. The 29-year-old assailant was shot and killed by other deputies in an exchange of gunfire. He was a parolee with a felony criminal record.

On Sunday, July 25, 2021, at 3:00 PM, a Kern County Sheriff's SWAT team member, Deputy Phillip Campas, age 35 years, with 10 years of law enforcement experience, was shot and killed while deployed at the scene of a Wasco residential house, shots-fired incident. Three hours later, the assailant exited onto the roof and was shot to death by other team members. The 41-year-old assailant had a criminal record of domestic violence, was under a current court restraining order, and earlier had killed his wife and two sons inside the private residence.

On Tuesday, October 12, 2021, a Fresno County Sheriff's Deputy, Toamalama Scanlan, age 46 years, with 18 years of law enforcement experience, succumbed to complications from a gunshot wound to the head suffered on Tuesday, September 4, 2016, while assigned to jail duties. Deputy Scanlan and another deputy were armed with only tasers. The deputies were shot in the jail lobby by a male assailant, Thong Vang, age 37 years, who was attempting to jump the visitation line. The assailant, high on methadone, was a convicted child molester on parole. He was sentenced in 2018 to 112 years in prison for the deadly assault. The other deputy eventually recovered.

Tactical and Training Considerations

Leadership, mentorship, supervision, and contemporary training are key essentials to the safety and welfare of peace officers. Absent consistent and continuous efforts from the peer level to the agency's chief or director, complacency will occur, and the lessons learned in these tragic critical incidents will be repeated.

The peace officers murdered in 2020 and 2021 engaged in various law enforcement activities. Unfortunately, these incidents escalated into armed responses and refusals to cooperate culminating in shots fired. Based on the circumstances described, peace officers, training officers, supervisors, and trainers should consider their current tactical option and response practices to the following dangerous confrontations:

- Ambush
- Barricaded person inside a vehicle
- Building entry and search
- Domestic violence
- Operations at a law enforcement facility
- Shots fired
- Vehicle pullovers and pursuits

Law Enforcement Facilities

Over the years in California, there was little that was unusual in these peace officer attacks that has not repeatedly confronted law enforcement officers before. An exception is the shooting death and wounding of the Fresno County Sheriff Deputies inside a law enforcement facility.

This incident is reminiscent of the murder of San Francisco Police Sergeant John Young, on Tuesday, August 29, 1971, at the Ingleside Police Station. Young's murder involved multiple attackers and was connected to the Black Liberation Army (BLA), not just a single drug addict as was the case of the Fresno County Deputy's killing. According to a Justice Department report on the BLA, the BLA was a revolutionary Black power organization involved in over 70 violent incidents between 1970 through 1976 [4]. The national Fraternal Order of Police has attributed 13 peace officer murders throughout the United States to the BLA [5].

Over the years police station security procedures, restricted access areas, and site-hardening construction has vastly been improved. Despite these precautions, this continues to be a notable high-risk activity for facilities and personnel due to the countrywide unrest involving policing actions, controversial use of force incidents, and defunding law enforcement budgets.

It is also important to note that nationwide, various police facilities, unoccupied marked and unmarked police vehicles, and officers in and around their police stations have been recently attacked with explosives, firebombs, and gunfire. This trend has been accompanied by anti-policing demonstrations at and near police buildings where destruction, injuries, vandalism, and violence occurred. These incidents deserve further study to determine the lessons learned and steps to improve facility, public, and officer safety. Policing agencies should assess operational plans, policies, and procedures involving law enforcement station security.

Complacency, Criminal Behaviors, and Mental Attitude

Complacency is a law enforcement officer and agency's deadliest enemy. If not seriously addressed it can lead to civil litigation, community unrest, serious bodily injury, and death. This can occur in both the experienced and inexperienced officers despite their ages. Field training officers and front-line supervisors, especially at the sergeant rank, must be consistently charged with monitoring complacency and duty performance, including their own.

The average policing experience of the California VPOs in 2020 and 2021 was 12 service years with a range from six to 18 years. As to age, the VPOs' average age was 37 years, ranging from 30 to 46 years. The assailants' average age was 35 years, varying from 29 to 41 years. Despite the VPOs' ages and tenure, continuous training and dedication to tactical details are necessary *ibid* [1].

Over 60 years ago in the police academy, the authors were referred to as "rookies" and introduced to the term "routine." This was frequently used to describe policing

activities, including patrol activities, service calls, and traffic stops. Additionally, the danger of minimizing repetitive service calls hinders the recognition of the threat for potential violence. With no exceptions the term “routine,” should never be a part of law enforcement’s tactical vocabulary today. The unknown factors of danger and violence can occur anytime and anywhere, and complacency is only reinforced by minimizing these risks in police work. It is extremely important that peace officers remain balanced in their personal and professional lives as they read the scene for criminal and unusual behaviors and differentiate between community members and criminals.

It is highly recommended that the four-page FBI report, *The Assailant Study - Mindsets and Behaviors* be reviewed. These findings are worthwhile for training, especially when detaining or stopping people. The assailants’ commonalities in 53 incidents where 64 VPOs lost their lives include key facts regarding the assailants’ desire to kill for political or social reasons and to remain free from jail or prison. Additionally, the killers of peace officers in this study had the following common characteristics [5].

- Prior criminal histories - 86%
- History of drug abuse - 60%
- Known to local police or sheriff departments - 56%
- History of domestic violence - 44%
- Mental health identified as a contributing factor - 40%
- Under the influence - 32%
- On probation or parole - 32%
- Presence of warrants - 26%
- Known gang affiliations - 24%
- Diagnosed mental health issues - 18%

Vehicle Pullovers and Foot/Vehicle Pursuits

Due to the vehicle pursuits preceding the actual vehicle stops, the danger signs, red flags, and risk signals were heightened in the Sacramento and San Bernardino incidents. The question arises as to why the driver/occupant(s) is fleeing? Is there a criminal motive that exceeds the initial observation? Could there be contraband, drugs, a stolen vehicle, a vehicle carjacking, or a parolee with a concealed or disguised weapon, i.e. blunt object, edged weapon, explosive device, firearm, and or a personal weapon, who does not want to return to prison? The risk factors have clearly escalated and a high-risk vehicle pullover should be initiated.

In these car stops with potential flight, the utmost caution must be adhered to when dealing with people inside the car when the traffic, investigative, or high-risk vehicle stop is initiated. Officers should always plan physical and verbal tactical options prior to starting an approach, exercise caution due to concealed hands, and consider hidden occupant(s) or vehicle areas not visible, such as a tinted window hatchback door, or trunk.

Building Entries and Searches

Two felonious assaults involving County Sheriff’s deputies occurred despite the advance knowledge of a firearm, and the potential for deadly force being involved. Both law enforcement VPOs were SWAT team members with advanced tactical training who were

exposed during deadly gunfire. The team debriefing and supervisor review process are best and essential critique practices in enforcing safe and effective tactics.

A third county regional SWAT team member was shot while executing a stolen property search warrant during an announced forced entry. The use of tactical analysis or a risk assessment matrix in such incidents, including arrest and search warrant service and eviction operations is essential to creating an applicable and safe operational plan, including a location history and neighborhood review, i.e., drugs, gangs, recent controversial policing action, etc.

This is particularly true when assessing the person of interest's background, i.e. criminal, or mental health history potential for associates, friends, or relatives being present or nearby, and prior police contacts. When time permits, consider the use of a surveillance camera for recording a person's ingress and egress. The possibility of contact outside a structure rather than an entry into an unknown environment provides tactical advantages. Also, the use of electronic detection and entry devices should be reviewed and explored in arrest/warrant entry situations.

Technology has provided powerful detection and entry tools to law enforcement for implementation in such situations that may preclude law enforcement personnel placing themselves unnecessarily into a hazardous position. Among these instruments are infrared heat signature seeking devices and cameras mounted on armored mobile robotics. These technological devices are already used in large law enforcement agencies. Additionally, financial costs can be lowered by sharing the resources on a county or regional basis.

It is recommended that two reports, "*The Eviction Murders*" and "*The Minkler Incident*" at leoka.org be reviewed. The reports' findings and recommendations provide building entry and search information for consideration [6].

Initiated Activities and Service Calls

One deadly assault occurred in response to a domestic disturbance, not an uncommon service call. The possibility of physical violence, and the potential for the use of weapons is always present when responding to a private residence, especially where alcohol or drug abuse, arguments, and child custody disputes are present.

Except for what a dispatcher can glean from the initial call and the location's incident history, the responding field officer will have limited information when approaching an unknown environment. When the circumstances permit in these potentially explosive incidents, a single officer should wait for backup to arrive, use cover ideally away from the police vehicle, and gather intelligence at a safe distance from available sources prior to making entry or physical contact with the person(s) involved.

Unless there is an imminent need to save lives, the time-honored practices of slowing it down and not rushing in should be followed. Communications personnel must receive training on gathering additional information to provide field personnel with tactical intelligence. Such details may dictate greater caution, and the implementation of

additional/different field tactics or resources. This training must include checking any available local, state, or federal data bases or records systems.

Whenever there is a service call involving a subject with a background of mental illness, the responding officers must recognize that there is an increased risk of violent behavior and the potential to escalate use of force options. In these known cases mental health or social services specialists are invaluable. The United States Department of Health and Human Services have conducted assorted studies and published articles on law enforcement response when dealing with individuals with mental health challenges.

Reality-Based Training

In these times of economic turmoil and demands for cultural changes, and challenges to defund the police, it is law enforcement's incumbent necessity to be efficient with training activities. One avenue has been an ever-increasing reliance on virtual training, the use of videos, and desk-top simulations of potentially dangerous and violent service calls. These are valuable and economical training tools, but trainers should continue using reality-based training scenarios with noisemaking or paint marking cartridges with safety modified firearms. Comments from officers involved in actual incidents where public and police lives were saved have frequently acknowledged that their scenario training was like what they survived.

Annual reviews and updates of the field and safety manuals and materials related to tactical/technological advances, and the reviews of violent encounters must be conducted. Certainly, changes or additions should be addressed in training sessions.

Training costs of on-site field exercises and reenactments can be lowered by offering on a regional basis with integrated multi-agency training sessions, particularly for smaller law enforcement departments, at fairgrounds, parks, or in less densely populated industrial areas. In California, the Commission on Peace Officer Standards and Training (POST), through their regional training centers, may be useful in coordinating such events. The feasibility of federal or state training grants for such training should be explored.

Law enforcement administrators and elected officials may cringe at the costs of doing such reenactments and field exercise training as not being cost-effective. However, what is the cost to a law enforcement agency that loses an officer to a felonious assault that may have been prevented by those training means? The cost is in the millions of dollars to duplicate the application process, physically train, and replace that valuable person, plus make up the future years of service that the victim would have provided. The VPO's agency may be understaffed for months until a replacement can be trained and put in the field, often incurring expensive overtime costs. Consider the additional cost to the law enforcement agency, the community, and the family of the VPO, not only in dollars, but emotionally and psychologically. Cutting corners should have no place in personnel staffing or law enforcement officer safety and field tactics training.

Ambushes, Assaults, and Attacks

Due to the increase in ambushes, assaults, and attacks, nationwide, agencies must assess training practices. The simple ambush response of exiting the kill zone must be supplemented with contemporary information and realistic firearm and scenario exercises. The following are areas for consideration:

- Pros and cons of driving through or toward, engaging with lethal force, or exiting the police vehicle.
- Use of a police vehicle against an immediate and lethal threat.
- Best police vehicle locations to use as cover.
- Result of a ricochet on bullet behavior.
- Gunfire outcome when fired through a police vehicle's glass - back, front, or side.
- Firearm draw and exhibit from a seated position inside the vehicle.
- Firearm techniques when shooting from inside a police vehicle.
- Wrap around eye protection.
- Movement that might cause less body armor protection.
-

When conducting firearm training from inside a police vehicle, loaded firearms and live fire present significant safety challenges. This training can be replaced with noise or paint marking cartridges from firearms that do not fire live ammunition.

Since 1970, the assaults and killings of hundreds of California law enforcement personnel has reinforced that field and safety tactics must be regularly addressed with all law enforcement personnel. Basic cardinal concepts include:

- Criminal behavior distraction techniques and control of the hands, fists, and feet.
- Positions of advantage and disadvantage, remember cover plus distance equals a position of advantage.
- Benefits of cover versus concealment.
- Communication both verbal and non-verbal.
- Utilization of backup, air, K-9, supervisor, or specialized resources (Special Weapons and Tactics).
- Reading the scene - taking the time to assess and analyze the situation, especially the behavior of people in and around the area.
- Directing the criminal(s) to a position of disadvantage, reducing the officers' approach.
-

There is no substitute for using common sense and reacting to an officer's intuitive knowledge. Following a critical incident, countless officers have cited the recognition of something that was unusual or not ordinary, causing them to react quickly and saving life.

Conclusion

Readers of this article are urged to examine current policing actions and determine what personal or agency practices need change, improvement, or training. The greatest loss

to our community and profession is a severe injury or death among those who protect and serve in the highest traditions of law enforcement.

Sources

- [1] California Peace Officer Memorial Foundation, <https://camemorial.org>
- [2] FBI Crime Data <https://crime-data-explorer.app.cloud.gov/pages/le/leoka>
- [3] Wikipedia, <https://en.wikipedia.org/wiki/BoogalloMovement>, References 3-15
- [4] Wikipedia, <https://en.wikipedia.org/wiki/BlackLiberationArmy>, Reference 10
- [5] Wikipedia, <https://en.wikipedia.org/wiki/BlackLiberationArmy>, Reference 11
- [6] Edward Duel and Richard Wemmer, “*The Minkler Incident*” and “*The Eviction Murders*,” <https://www.leoka.org>

The Authors

Richard Wemmer and Charles Moorman have accumulated over 95 years of California law enforcement experience. Starting in 1970, they pioneered research and studies of peace officers feloniously killed in California, beginning with the killings of four young California Highway Patrol Officers in Newhall, California on April 6, 1970. They have continued these studies for the purposes of extrapolating lessons learned to improve decision-making skills, field tactics, officer safety, and training. Their research has covered over 400 murders of California peace officers, dating back to 1960, and resulted in dozens of studies published in law enforcement journals.

To further review the authors’ law enforcement backgrounds, refer to the Peace Officer Safety Institute, LEOKA, Law Enforcement Officers Killed and Assaulted, at www.leoka.org.



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Mongols Motorcycle Club Says Its Leader Was an Informant

The biker group hopes to set aside a \$500,000 racketeering conviction, alleging that its former president cooperated with the government during a trial.

By **Serge F. Kovalski**
June 5, 2022

For more than two decades, federal law enforcement authorities pursued the Mongols, a notorious motorcycle club whose members had a long history of murder, assault, drug dealing and robbery.

In 2018, the government scored a victory of sorts. Prosecutors convinced a jury in California that these crimes were not just the result of individual bikers behaving badly, but the work of an organized criminal enterprise that had participated in a campaign of mayhem. The club was ordered to pay a \$500,000 fine in what prosecutors hoped would be a down payment on putting it out of business.



But the group that was once the most powerful biker organization in the West other than its archrivals, the Hells Angels, is returning to court next week, hoping to set aside the racketeering and conspiracy convictions based on what it says is new evidence about its previous leader, David Santillan. The Mongols are now claiming that throughout their attempt to defend the club in the long-running criminal case, their own leader was secretly talking to the government.

A petition for a new trial and reversal of the half-million-dollar fine, which is scheduled for an initial hearing on Monday in the U.S. District Court in Santa Ana, Calif., claims that Mr. Santillan, 52, covertly cooperated for years with a special agent from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. In exchange, the club said in its motion, the agent appears to have spared Mr. Santillan from serious legal consequences for several offenses since 2011.

The unusual legal imbroglio provides a rare glimpse into the hidden and volatile politics of the outlaw motorcycle club and the degree to which law enforcement and its targets may engage in limited cooperation when it is seen as mutually beneficial.

The A.T.F. and other law enforcement agencies have long gone after biker organizations by co-opting members as informants and infiltrating the groups with their own undercover agents.

The Mongols are relying on an explosive video shared by Mr. Santillan's wife, Annie Santillan, who, during a stretch when she was angry with her husband over his infidelity, had her daughter record a conversation in which he appeared to refer to protection he had received from the A.T.F. agent.

She also said in a text message to other Mongols, now filed with the court, that her husband had acted for a time as a confidential government informant. “In other words,” she wrote, “he is a rat.”

Both Mr. Santillan, a Mongols member for almost 25 years who was voted out of the club in July, and the agent, John Ciccone, who retired in December after 32 years at the A.T.F., deny that Mr. Santillan was acting as an informant during the trial, though Mr. Ciccone’s sworn declaration does not address whether Mr. Santillan had acted as a confidential informant in the past. Both men also rejected the claim that Mr. Santillan had revealed privileged defense information to the government while his motorcycle club was on trial.

The current national leaders of the Mongols said they were convinced that the club’s former president, who controlled the Mongols’ defense team, had acted improperly. “It became clear that Dave had betrayed the club, his oath and everything we hold sacred,” the club said in a statement.

Mr. Santillan has acknowledged that he talked often with Mr. Ciccone for a period of years, usually in the presence of other Mongols members. He said they discussed matters such as public safety when the Mongols or other clubs were planning parties or motorcycle rallies to ensure that members stayed in line and that rival groups kept their distance.

“Never in my life have I ever implicated anybody in the club for some kind of nefarious activity. If you’re a rat, you’re the scum of the earth,” he said in an interview.

In the video, Ms. Santillan was talking to her husband on speakerphone when he told her that Mr. Ciccone was retiring. “He can’t protect me, he told me, so we have to have an exit strategy, he told me,” an apparently agitated Mr. Santillan said to her.

Ms. Santillan said that she now felt “horrible” about disclosing the communications and that her husband was not, in fact, an informant.

“The only thing he is guilty of is talking to John a lot and having some kind of rapport with him,” she said in an interview.

Mr. Santillan said he talked with the A.T.F. agent over the years because it helped avert trouble. “John looked out not just for me but the club,” Mr. Santillan said. “That’s what I meant by ‘protect’ in the video.”

The Mongols have been fixtures on the biker scene since 1969, when the club was founded in Montebello, Calif. The group has about 1,200 members in the United States, most of them Hispanic, and numerous chapters around the world.

During the almost 13 years he led the Mongols, Mr. Santillan appeared to steer the organization away from its past recruitment of Mexican criminal gang members and a culture of “total underworld activity that the feds feasted on, in terms of prosecutions,” said William Dulaney, an expert on motorcycle groups who was formerly an associate professor of national security at the U.S. Air Force’s Air Command and Staff College.

Mr. Dulaney said that Mr. Santillan “instituted new policies, like no more club-driven drug business, and made it mandatory that members had to have a motorcycle and things like a valid driver’s license and registration and a job.”

As for Mr. Ciccone, he had mastered the craft of executing complex investigations “using everything from undercovers to informants to wiretaps to subpoenas and surveillance,” said Frank D’Alesio, a retired A.T.F. agent who infiltrated three biker clubs.

“And he was tireless,” Mr. D’Alesio said. “He was the guy outside all the time providing cover support in case something went wrong with the undercovers.”

In the case that led to the racketeering conviction against the Mongols, Mr. Ciccone had acted as the case agent. The U.S. Attorney’s Office had earlier tried and failed to force the Mongols to forfeit their rights to the club’s trademarked logo, a drawing of a brawny Genghis Khan-like figure riding a chopper while brandishing a sword, a landmark case that prosecutors felt would help weaken the club by undermining its visual identity. A jury sided with the prosecution in 2019 and ordered the group to give up the emblem, but Judge David O. Carter rejected the verdict as an infringement on the club’s constitutional rights.

That quest to seize the Mongols’ patch was part of a criminal case brought by the U.S. Attorney’s Office in 2013 under the Racketeer Influenced and Corrupt Organizations Act. The indictment did not target any individuals but alleged that the club itself had engaged in an organized conspiracy of crimes such as murder, attempted murder and drug dealing. That is the conviction and fine the Mongols are now trying to have set aside.

“In my opinion, the only reason the government brought this RICO case was to take another run at the patch, having failed each time in the past,” said George L. Steele, a lawyer for the Mongols who is handling a separate appeal in the case. Federal prosecutors have been focusing on the Mongols’ logo since 2008.

The government, in its own appeal, is making another run at the Mongols’ logo, renewing an earlier request for a narrower forfeiture order that would take away the club’s right to trademark exclusivity over the emblem. Such an order would allow anyone to use the image.

The lawyer in charge of the retrial motion, Joseph A. Yanny, said the Mongols hoped to prove that an improper relationship between Mr. Santillan and Mr. Ciccone during the 2018 trial allowed the government to hear things it should not have about the Mongols’ defense strategy – and even adversely influenced the Mongols’ presentation of their case.

On one occasion during the trial, Judge Carter expressed his displeasure to lawyers for both sides after being told by a U.S. Marshal that Mr. Santillan and Mr. Ciccone had been seen chatting at a Starbucks near the courthouse.

In their petition, the Mongols argue that Mr. Santillan could have been pressured to leak strategy and other information to the government as a result of lenient treatment the defense claimed he received during his brushes with the law.

In one of them, according to their court papers, Mr. Santillan crashed his Mercedes in 2017 while driving impaired, damaging numerous cars parked on the street. In another instance, in 2014, Mr. Santillan and his wife got into a brawl with other people at a racetrack, the Mongols’ filing says.

“There is no way he’s gotten away with these incidents without more significant legal repercussions unless someone in law enforcement is in the background greasing the slides for him,” Mr. Yanny said.

Mr. Santillan said it was “ridiculous” to think that Mr. Ciccone smoothed things over for him. Mr. Santillan provided records from the cases to show he had been convicted of offenses including driving under the influence, leaving the scene of an accident and disturbing the peace, and that he had been arrested, fined and put on probation.

Jonathan Turley, a constitutional law expert at George Washington University, said that if a federal agent was seeking confidential information about a criminal defense, that would be “an extraordinary transgression.”

“There could be a particular concern that the defense lawyer was unwittingly receiving directions from someone aligned with the government,” he said.

Both Mr. Ciccone and the U.S. Attorney’s Office declined to comment on the motion beyond the government response filed in court, which said the petition for a new trial was “replete with false and unsupported allegations and speculation.”

The judge will most likely consider a series of procedural matters on Monday, lawyers said, with additional hearings expected before any final ruling.



For those who missed the opportunity to attend the Domestic Violent Extremist class with Kim Turner at ARPOC 2022 or for those who enjoyed it and would like to learn more, the POST approved, 8-hour version is available online for free.

The course explores the US domestic violent extremists threat landscape and is designed for first responders to include 9-1-1 and field personnel. In partnership with the Upland Police Department, this presentation is presented tuition free for California public safety personnel; specifically, 9-1-1 and field

first responders.

Please use the following link to sign up:

[DomesticViolentExtremist](#)

Highlights from ARPOC 2022



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:

Charles Moorman and Richard Wemmer for their article California Peace Officers Murdered in 2020 and 2021

New York Times - <https://www.nytimes.com/2022/06/05/us/mongols-new-trial.html>
Mongols Motorcycle Club Says Its Leader Was an Informant by Serge F. Kovalski

A special thanks to Hans Gutknecht who, at the last minute, provided photography services at the Awards Luncheon. He is a staff photographer for the Southern California News Groups, and is a reserve officer with San Fernando Police Department.