

Fall 2011



Los Angeles County Sheriff's

# Reserve News

Uniform Reserve • Mounted Posse • Search & Rescue • Explorers • Civilian Volunteers



# SHARK\* in the Water

\*Sheriff's High Adventure Responsible Kids. See PAGE 21

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Los Angeles County Sheriff's

# Reserve News

Official publication of the Reserve Forces Bureau

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The Reserve News is produced by the Los Angeles County Sheriff's Reserve Media Company

### Goals:

To inform Reserves of past, current, and future events, activities and information related to Reserve participation in the Los Angeles County Sheriff's Department.

To recognize Reserves for a 'job well done.'

To inform Reserves, LASD personnel, retired Reserve Deputies, other agencies and contract cities of the dedication and services provided by the Reserves of this Department.

To provide an avenue for the recruitment of new Reserve Deputies.



# Reserves Answer The Call

*A visit by the Royal Couple tests the Sheriff's Tactical Planning Unit*

Story and Photos by S/R Lt.  
**NICK SMIRNOFF**

“I would take 100 reserves on every assignment if I could get them,” stated Jim Sully, the Sergeant in charge of diplomatic protection for the visit to Sony Studios of Prince William and his wife Duchess Catherine, in July of this year. A 33-year veteran of the department, Sgt. Sully works for the Sheriff's Department's Emergency Operations Bureau Tactical Planning Unit, a multi-faceted unit with one of their primary responsibilities being the safety of foreign and local diplomats when they visit Southern California.

In this instance a request for mutual assistance was placed by the Culver City Police Department to provide their department with additional personnel and resources for the Royal Couple's visit to Sony Studio located in Culver City. While at the studio, the Royal Couple (Prince William and Duchess Catherine) attended a get together with well wishers, along with an onsite job fair held for veterans and service men, service women, and their dependents.

Sony Studios (Formerly MGM Studios) has a

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**Above: Prince William and Duchess Catherine arrive amid an entourage of security. In keeping with the Royal Couple's request for 'low profile uniformed protection,' Sheriff's Department personnel were ever-present, but always in the background.**



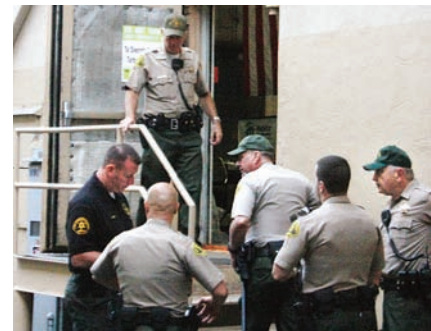
rich motion picture history and is a favorite venue for dignitaries to visit and hold special events. With its many large sound stages, strict limited access, and a walled in outer perimeter it is one of Southern California's safer and more protected event sites. U.S. Presidents have visited and used the studio on various occasions.

Planning with Sgt. Sully's team, the Culver City Police Department, U.S. State Department, Scotland Yard, California Highway Patrol, Sony Security, and the Royal Couple's personal security force began the preparations approximately two months before the visit. One of Sgt. Sully's challenges was in honoring a request by the Royal Couple that all protection be low key and unobtrusive to the general public. With the eyes of the world upon them, Prince William preferred that he and the Duchess, as much as possible not be seen or photographed in the presence of uniformed police. To this end, a sense of calmness with just enough uniformed personnel on site to let their presence be known prevailed as nearly 2,500 people heard Prince William's speech while attending the job fair.

Reserve Forces Bureau was asked to supply uniformed personnel to help secure various sites within the studio compound after the Arson and Bomb squad along with their dogs made their pre-dawn sweeps of the stages, cafeteria and walkways that the Royal Couple would utilize. As the sweeps were completed, a Reserve Deputy was posted at each entry door where he or she would remain for the remainder of the event. Reserve Deputies were responsible for allowing only authorized guests or vendors in. On one occasion Reserve Deputy



Answering the 5 a.m. roll call are Reserve Deputies from stations all across the county.



Left, 6 a.m. roll out from the Culver City Police building on way to the Sony Studio lot. Right, Sgt. Jim Sully of E.O.B. gives Reserve Deputies their assignments.



Sheriffs Dept. Arson and Bomb Squads search every nook and cranny of the lot where the Royal Couple might be in or pass by.

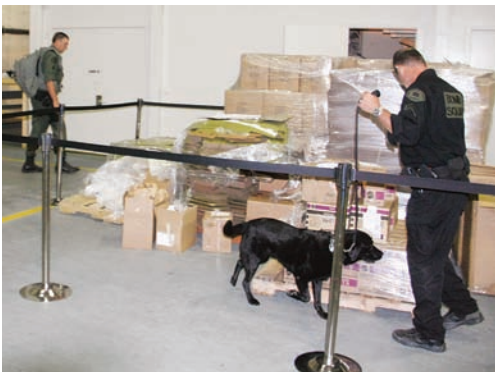


Sgt. Sully notifies command that the sweep of Stage 15 is complete and that he has posted Reserve Deputies at all entry and exit points.



Culver City Police and members of the Sheriffs Dept. manned all entrances into the studio lot.





The entire day, dogs were on patrol checking and re-checking all the previously 'cleaned' sites.



U.S State Department, Culver City Police and Sheriff's Department personnel confer about safety one last time before admitting guests to the studio lot.

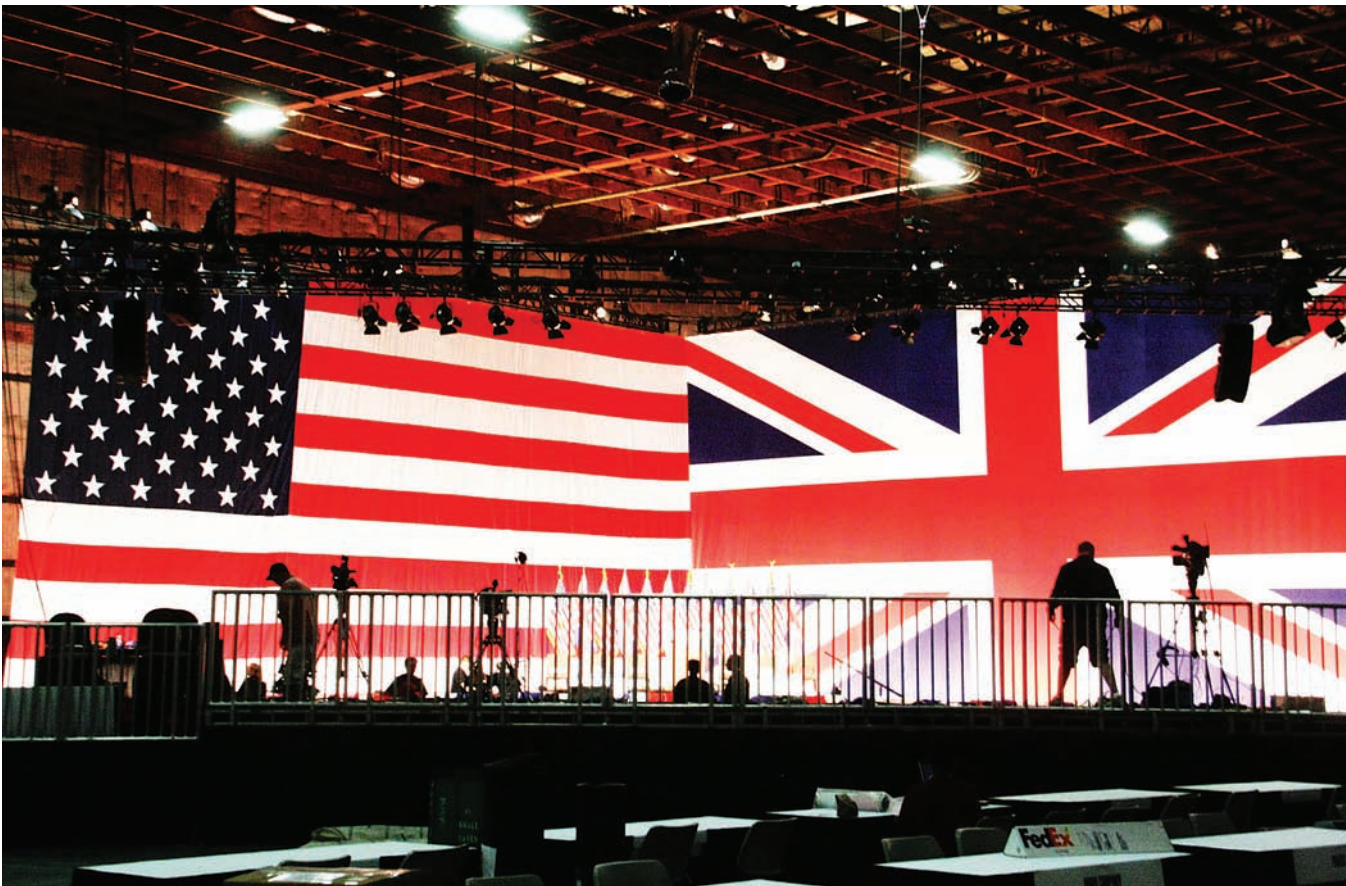


After each sector was swept, a Reserve Deputy was placed in that zone to stand watch the rest of the day.





The Sheriff's Department's 'Long Rifle Team' arrives to take up an observation position prior to the Royal Couple's arrival.



Stage 15 at Sony Studios was decorated to accommodate the visit of the Royal Couple.

John Brickner detained two suspects and deterred a third who tried to gain access to the Stage 15 job fair site. Calling for assistance while he detained the men, the would-be party crashers were questioned and escorted off the lot by Culver City Police officers. Twenty-one Reserves met at 5 a.m. at the Culver City Police Department for briefing and were then

deployed to their respective positions on the studio lot where they remained for the next 12 hours.

After their carefully choreographed 90-minute visit and under the protection of the California Highway Patrol's "Presidential Motorcade Unit," the Prince and Duchess left in several specially equipped right-hand-drive Range

Rovers driven by their personal security staff for Los Angeles Airport and their return flight to England.

In all, Reserves from the Reserve Forces Bureau, under the leadership of Captain Phil Hansen, were able to contribute a total of 250 man hours for an estimated monetary value to the County of Los Angeles of nearly \$10,000. ★





Left, The Royal Couple is cheered by job fair attendees. Right, A watchful eye at all times assured a safe event.



After Prince Williams speech on Stage 15, the Royal Couple visited the set for the television show 'Wheel of Fortune.'

Sheriff's Deputies stayed at a discreet distance, but were vigilant at all times.



Wherever the Royal Couple moved about within the state, the California Highway Patrol Presidential Motorcade Detail escorted and protected the caravan.

# The Death Penalty in California

*An overview of the origins and implementation of the ultimate punishment*

By Guest Contributor  
**TIFFANY ZANIAS**

**T**he death penalty has been authorized as the ultimate penalty in the state of California since California became a state on September 9, 1850 except from 1972, when the California and U.S. Supreme Courts ruled the death penalty unconstitutional, until it was reinstated in 1977. Therefore, during the past 161 years, there have only five years that the death penalty was not legally allowed to be exercised. This paper will explore the origins of the California death penalty, the methods used for carrying out the death penalty sentence, the court cases invalidating the death penalty, and the allegations that a disparate number of African-Americans were subjected to the ultimate penalty.

## **The Origins of the Death Penalty in California**

California was admitted as the 31st state of the United States on September 9, 1850. From this time until 1872, there was no statutory authority for the imposition of the death penalty, although it was widely imposed based on English Common Law definitions of crimes and punishments (Scheb, J.M., 2008). In 1872, the first California Penal Code was established, and in it the statutory authorization for the imposition of the death penalty. However, in those early days, the death penalty was carried out by the elected Sheriff of each county (Gerber, R.J., and Johnson, J.M., 2007). There definitely was a

lack of uniformity in how the death penalty was imposed by the various sheriffs of California.

Eventually, the California legislature enacted legislation in 1892 removing the Sheriff's power to impose the death penalty, and instead transferred that power to one of two state prisons. These prisons were Folsom State Prison and San Quentin State Prison (O'Shea, K.A., 1999). The exact number of executions that occurred prior to the transfer of execution power to these two state prisons is unknown; however, it is estimated that since statehood in 1850 through 1972, California had executed over 670 individuals. Since 1976, there have been 142 executions in the United States. However, since 1977, when the death penalty was reinstated in California, there have only been 13 executions during the past 34 years (White, W.S., 1991).

## **Methods of Execution in California**

Prior to statehood, the common method of executions was done by a firing squad. After 1850, and lasting through 1937, hanging was the sole method of execution. However, the California legislature felt that hanging was a cruel form of execution and adopted the gas chamber as the model of humane execution (Nelson, L. and Foster, B., 2001, p.145). The gas chamber was used until 1996 when William Bonin, known as the Freeway Killer, was executed by lethal injection (Owens, R., Hannity, S., and Press, B., 2004). The Supreme Court had ruled that the gas chamber constituted cruel and

unusual punishment and was therefore prohibited by the 8th Amendment of the U.S. Constitution. As a result, the legislature prescribed a three drug cocktail consisting of an anesthetic to be administered first, followed up by a sedative to render the prisoner unconscious, and finally a drug to stop the heart and cause death (Sarat, A. and Martschukat, J., 2011).

## **California and U.S. Supreme Court Cases Invalidating the Death Penalty**

In February 1972, the California Supreme Court ruled that the death penalty was unconstitutional (*People v. Anderson*, 6 Cal.3d 628). The court found that the death penalty as currently employed was "impermissibly cruel." The court reasoned that an evolving standard of the judicial review as it related to 8th Amendment issues required that they rule against the death penalty and that it violated the "dignity of man." They further held that by allowing the continuation of the death penalty, it would be harmful to the society as a whole and would cause deterioration in the moral fabric of society.

Four months later, on June 29, 1972, the United States Supreme Court in *Furman v. Georgia*, 408 U.S. 238 (1972) struck down all death penalty laws in the United States finding that as they were currently written, they violated the 8th and 14th Amendments to the Constitution (Culbert, J.L., 2008). Justice William O. Douglas railed against what he perceived was a "caste" system in the United States where poor people and minorities were singled out





**Justice William O. Douglas believed that the imposition of the death penalty had become arbitrary and that in order to pass constitutional scrutiny the application of death sentences had to be applied in an even-handed manner.**

for harsher treatment than the affluent and Caucasians. Justice Douglas believed that the imposition of the death penalty had become arbitrary and that in order to pass constitutional scrutiny the application of death sentences had to be applied in an even-handed manner.

Thus, these discretionary statutes are unconstitutional in their operation. They are pregnant with discrimination and discrimination is an ingredient not compatible with the idea of equal protection of the laws that is implicit in the ban on “cruel and unusual” punishments (*Furman v. Georgia*, 408 U.S. 238 (1972)).

Both the California and U.S. Supreme Courts felt that the imposition of the death penalty was arbitrary and that poor people and minorities were much more likely to receive the death sentence. Therefore, in order to have a death penalty that would survive constitutional muster, a new system had to be designed that would take these rulings into account and attempt to remove undue bias and allow for mitigating circumstances of the defendant to be taken into account. Furthermore, California limited the types of crimes that would be subject to the death

penalty to include only those that resulted in the death of a human being as in murder and train wrecking, although the death penalty was preserved for treason. These crimes were to become known as special circumstance crimes which could warrant the death penalty (Bedau, H.A., and Cassell, P.G., 2005).

It is worth noting at this juncture, that as a result of the court rulings in *People v. Anderson*, such notorious murderers as Sirhan Sirhan and Charles Manson had their death sentences automatically reduced to life sentences.

In 1977, as a result of the work of a future governor and at the time a state legislator, George Dukemejian, the death penalty was reinstated in California (O’Shea, K.A., 1999). It required a two step approach in any case in which the death penalty was sought. First, there would be the typical trial in which a jury would decide the guilt or innocence of a defendant. Then if the defendant was found guilty, the court would then hold a “penalty phase” in which the jury would decide on whether to impose the death penalty. The defense would be allowed to present evidence on behalf of the defendant

as to why he should not be executed.

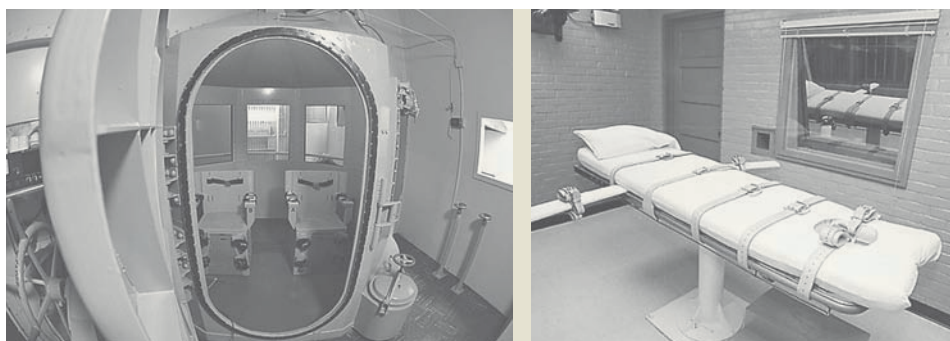
It took from 1977 until 1992 for California to have its first execution under the new program. The first to die under the new law was Robert Alton Harris (O’Shea, K.A., 1999). He was convicted of kidnapping and murdering two teenage boys in San Diego, California. His accomplice in the crime was his brother, who received a six year sentence in exchange for testifying against his brother. Since this execution in 1992, there have been 12 others. The last one occurred on January 17, 2006 when Clarence Ray Allen was executed for the murders of three people.

#### **Discrimination in the Imposition of the Death Penalty**

For decades, beginning in the 1940s, a growing chorus of death penalty opponents claimed that the death sentence was disproportionately applied to African-Americans and other minorities, which violated the 14th Amendment’s equal protection clause. Justice William O. Douglas in his *Furman* opinion believed that executions were arbitrarily imposed and the law was discriminatory in practice.

In California, according to Espy, from





The gas chamber was used for executions from 1938 until 1996. Since then, lethal injection has been used to implement the death penalty in California.

1873 to 1900, there were 118 executions. Of those executed, three were African-American, 71 were Caucasian, 14 were Hispanic, eight were Native American, 15 were Asian, and seven were unclassified. From 1901 through 1920, there were 95 executions. Of those executed, six were African-American, 52 were Caucasian, ten were Hispanic, five were Native American, 13 were Asian, and nine were unclassified. From 1921 through 1940, there were 185 executions. Of those executed, 18 were African-American, 124 were Caucasian, 18 were Hispanic, one was Native American, 17 were Asian, and seven were unclassified. From 1941 through 1960, there were 160 executions. Of those executed, 36 were African-American, 100 were Caucasian, 13 were Hispanic, two were Native American, three were Asian, and six were unclassified. From 1961 through 1972, there were 21 executions in California. Of those executed, four were African-American, 13 were Caucasian, three were Hispanic, and one was Asian. From 1977, when the death penalty was reinstated, until today, there have been 13 executions in California. Of those executed, two were African-American, nine were Caucasian, one was Native American, and one was Asian. To break it down into percentages, from 1873 to 1900, Caucasians accounted for 60.2% of those executed. African-Americans represented 2.5%, Hispanics accounted for 11.9%, Native Americans comprised 6.8%, and Asians comprised 12.7%.

From 1901 through 1920, Caucasians accounted for 54.7% of executions in California, African Americans accounted for 6.3%, Hispanics represented 10.5%, Native Americans were at 5.3%, and Asians accounted for 13.7%. From 1921 through 1940, Caucasians comprised 67% of the executions, African Americans and Hispanics each accounted for 9.7%, and Asians accounted for 9.2%. From 1941 through 1960, Caucasians represented 62.5%, African Americans comprised 22.5%, Hispanics accounted for 7%, Native Americans were at 1.3%, and Asians comprised 1.9%. From 1961 through 1972, Caucasians represented 61.9%, African Americans consisted of 19%, Hispanics accounted for 4.8%, and Asians accounted for 4.8%. Finally, from 1977 through 2011, Caucasians represented 69.2%, African Americans 15.4%, Asians and Native Americans each at 7.7%.

#### Difficult to discern bias

From these numbers alone, it is difficult to discern a bias in the imposition of the death penalty disproportionate to African Americans and other minorities. Although there was an increase in terms of percentage in African American executions during the period of 1941 through 1960 as compared to the preceding time period of 1921 through 1940 (22.5% as compared to 9.7%), Caucasian execution rates throughout these timeframes remained above 60%. In fact, Caucasian execution rates exceeded 60% throughout all

the timeframes listed except for the period between 1901 through 1920 when their execution rate was only slightly above 54%. As far as Hispanic execution rates, their numbers have ranged from 11.9% to as low as 7% before jumping back to 14.3% in the timeframe from 1961 through 1972. There have not been any Hispanics executed since the 1960s. With regards to Asian executions, their percentages have ranged from 13.7% to as low as 1.9% in the most recent timeframe from 1977 through 2011.

It is beyond the scope of this paper, but in order to better evaluate the potential for bias in the imposition of the death penalty, it might be useful to determine the number of murders committed and the racial breakdown of the murderers and compare that number to the racial makeup of those that were executed. Perhaps it is the case that at least for California, as compared to the rest of the country, color or race did not play an important role in its implementation. What is clear however, is that the death penalty fell out of favor beginning in the late 1950s, and by 1967 until 1992, no one was executed in California. Although the death penalty remains on the books, and there are currently several hundred inmates on death row in San Quentin State Prison, it takes almost 25 to 30 years from sentence to execution, and with the state facing serious budget issues, it is possible that there will not be any new executions in the near term. ★



## MISSION

*Lead the fight to prevent crime and injustice. Enforce the law fairly and defend the rights of all. Partner with the people we serve to secure and promote safety in our communities.*

## Dave and Jim's Excellent Adventure

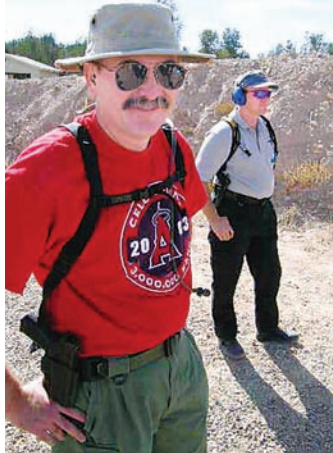
*A week of 'running and gunning' at the Gunsite Academy near Prescott, Arizona*

Story by S/R Deputy  
**JAMES C. ZANIAS**

**D**o you remember during your firearms training when the instructors indicated that once you graduated from the academy you should continue your training with firearms and seek out opportunities for such training?

Well, this past May, my fellow reserve deputy and friend Dave Radin and I traveled to Prescott, Arizona to spend an entire week of running and gunning at the Gunsite Academy. Well actually, for those of you that know Dave and I, less running and more gunning!

Gunsite was founded in 1976 by Lt. Col. Jeff Cooper, who is generally recognized as the father of the Modern Technique of pistol shooting which is taught today by the good folks at Weapons Training. Cooper's vision evolved into the premier privately owned training facility for military, law enforcement and civilians interested in developing and/or honing their proficiency with small arms. There is a class offered for every level of shooter, from beginner to advanced level. Naturally, Dave and I were in the "advanced" level and attended a "Murphy Special" which consisted of one day of pistol training (several hundred rounds), two



**Left, One of the above is a Reserve Deputy and the other is a PJ with the USAF taking a break from the GWOT and hanging out at Gunsite. Right, An assortment of tactical shotguns in use during training.**



**Left, A little long range shooting with carbines at Gunsite on the tower. Right, Dry run in the shoot house before entry with MP-5s.**

days of carbine training (several hundred rounds) one day of sub-machine gun training (yes I know it's not practical but it sure is fun!), and one day of shotgun training.

On Sunday evening, all the attendees met up at the Palace Restaurant & Saloon in Prescott. Established in 1877, the Palace has seen

customers such as Wyatt Earp and his brothers, Teddy Roosevelt and his Roughriders and now Dave and Jim. Okay, maybe we don't quite belong in the same sentence as Earp and Roosevelt, but we had a good time exploring the memorabilia placed throughout the restaurant

and succumbing to a little bit of a Walter Mitty fantasy.

On Monday morning we headed north about 25 minutes towards Paulden, Arizona. Nestled in the hills just west of the highway is Gunsite. It comprises 2,000 acres and includes a classroom, indoor and outdoor firing simulators and shoot



houses, various pistol and long-barrel ranges and a pro shop where you can spend lots of money!

Our chief instructor, William J. Murphy, led us through the classroom stuff and because we were all advanced students, by 10 a.m. we were on the range. Lot's of shooting drills ensued and my Sig 229 received a workout. Before we could break for lunch, we each had to shoot a little steel target at 50 yards. Naturally, I didn't miss! But as I recall now, perhaps Dave needed to take a couple of extra shots. You see, even though Dave's Sig 229 pistol and mine have consecutive serial numbers, mine has a much better trigger and shoots much better as our instructor Mr. Murphy repeatedly emphasized throughout the week to Dave!

Later in the day we practiced Dozier drills, went through a couple of different shoot houses and capped off the day with a little shoot-off amongst the students. Need I say who won?

Tuesday morning was a late start as the program required an evening shoot. Tuesday and Wednesday were carbine days. Most shooters fired semi-automatic 5.56mm M-4s although one student (Dave) tried to outshine the rest of us and used a Sig 556.



**The symbol of Gunsite, the raven, tops the entry into the facility in Paulden, Arizona.**

One of the training events consisted of shooting on steel and moving through various positions and obstacles while being timed. It is called the "Scrambler" for good reason. At 5,000 feet in elevation, running around up and down at the end of the course of fire, you feel a little scrambled. Our instructors informed us that the Special Forces folks that come through Gunsite get through the scrambler in about 40 seconds. Each student got to go through it twice. On my first try I achieved a score of 1 minute and forty seconds. Better than most in the group, but atrocious when compared to the warrior elites that come through the scrambler. It was at this point I figured

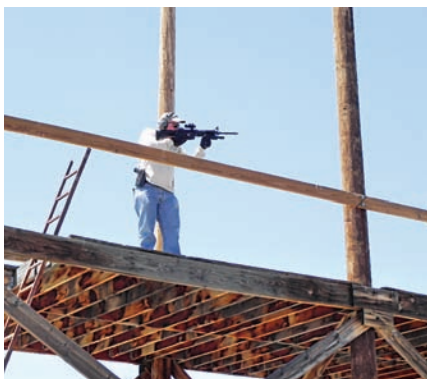
out I might be getting old. But with age comes wisdom. Therefore, when I did it again I achieved a score of 63 seconds! Unfortunately, my fellow classmates led by my friend Dave, accused me of violating the rules by failing to crawl into a long box, finding the target some 80 plus yards away, firing two shots on the steel target and then exiting the box the same way I crawled in. Just because I figured that I could shoot two shots more accurately over the box than crawling inside of it they wanted me disqualified. Does that seem fair? After all, I shortened my time by almost 40 seconds. But alas, I was forced to relinquish my claim as champion of the carbine scrambler course.

In addition to outdoor

courses of fire on steel, paper and moving targets we also fired inside various shoot houses using frangible ammo. Most, if not all of these ranges or shoot houses are named after Medal of Honor recipients with the recipients' citations posted on a nearby wall or bulletin board.

On Wednesday, we took our carbines out to a shooting platform where we could test our skills from 100 yards to 400 yards (okay, maybe it was meters, but I'm old school and never liked the metric system) shooting on steel silhouettes. At a hundred yards, no one had any problems hitting the targets. At two hundred yards, most everyone connected. At three hundred yards it started getting interesting and at 400 yards, the vertical line on my 1 power reticle was no longer visible as the width of the steel target exceeded the width of the reticle's vertical line. I had found my practical limit. Dave on the other hand, with his fancy Sig 556 and optics, was popping the steel at up to 400 yards without a miss. Okay, mostly without a miss!

Thursday was H&K MP-5 day. I realize that the Sheriff's department is not going to be issuing us MP-5s or expect us to use them, but it sure is fun! The weapons are rented from the pro shop and come



**Left to Right: Long range shooting with the carbine from the shoot tower; MP-5 day; This attendee was perhaps the best shot during MP-5 day.**

equipped with attached Surefire lights for low light situations. The only down side is the ability to rip through six dollars worth of ammo it about 2-3 seconds. We spent the morning re-acquainting ourselves with it on the square range and then moved on to moving targets, tactical scenarios and shoot houses. In one scenario, we were supposed to shoot through an open window of a vehicle and hit the bad guy metal silhouette on the other side. Let's just say that after I shot, the interior of the vehicle might have needed some upholstery work!

Friday was shotgun day and I used a Remington 870 similar to the Department issued 870 while my cohort, Mr. Radin used his Benelli 1014. Once again it was some square range practice with 00 Buck, testing the patterning of the shotguns and then some slug work on paper before proceeding to test the slugs out to 100 yards on steel. The day's shooting ended on the Scrambler, the same course I was accused of manipulating on the second day (I still think they were jealous they hadn't thought of it first!). However, I was compliant and shot the course as prescribed with my trusty 870 (well actually it was Radin's as my Beretta FP 1201 was having some issues). You'll have to ask Mr. Radin who was the Scrambler champion on Friday with a borrowed gun, because it would be impolite for me to tell.

To sum it up, Gunsite was a great week of training and an excellent adventure! I'm looking forward to November and another week of fun in the sun. If you want to learn some new skills and brush up on some old ones, you should consider giving Gunsite a try. ★

## Gear 'n' Stuff

By S/R Deputy  
**JAMES C. ZANIAS**

This is the first of what is hoped to be an ongoing and useful column highlighting some product or products that I've found helpful. If you the reader have some experience with a product that you'd like to highlight, feel free to write something up and we'll include it in one of our upcoming publications.

I'm sure many of our readers during their careers as Reserve Deputies have experimented with various off-duty or "plain clothes" holsters. If you're like me, you've tried and discarded way too many holsters looking for the ultimate in concealment, comfort and the ability to draw the weapon quickly if needed and to be able to re-holster the weapon with one hand. My search for the ultimate concealment holster ended when I found the Minotaur MTAC Holster made by Comp-Tac Victory Gear in Spring, Texas (in the interest of full disclosure, I'm not getting paid to write this, nor did Comp-Tac provide me with a free holster!).

The MTAC takes the comfort of leather and combines it with the strength and durability of Kydex. The Kydex holster is mounted on a leather backing, so that when you're wearing the rig, the soft leather is up against your body. With this combination, you don't get the chafing that comes with wearing all day a full Kydex IWB holster. Additionally, with the Kydex holster, you can achieve one-handed re-holstering which is something that is not easy to do with most full leather holsters. I know, some of you are saying "I have a full leather Galco or De Santis



### PRODUCT REVIEW

**What:**

Minotaur MTAC Holster

**Rating:** Buy

**Website:** [www.comp-tac.com](http://www.comp-tac.com)

All products reviewed are purchased through the normal channels of commerce. No discount or any other incentive was requested from the manufacturer.

that I can re-holster with one hand." Yes, that may be true, but to make that full leather holster stiff enough to remain open after drawing the weapon from it, the top or mouth of the holster is reinforced with a lot of additional

leather making the holster much thicker and less concealable than the MTAC.

The MTAC has a slim profile, it has an adjustable cant, you can raise or lower the depth that your weapon rides inside your waistband and last but not least, the holster is "tuckable" which means that you can tuck in your shirt and "blouse it" around the holster without screaming to the world that you are carrying a gun.

For \$85 it's a hard holster to beat. You can find out more about the holster at [www.comp-tac.com](http://www.comp-tac.com). Reserve Deputy James Ng was kind enough to model the holster in the accompanying photos. He is demonstrating the holster with the duty issue Beretta 92 FS. The holster can be ordered for pretty much all the various weapons currently authorized by the Sheriff's Department.



# Super Puma

*A new aircraft designed to upgrade operational capabilities for law enforcement missions*

By  
**RESERVE NEWS STAFF**

**T**he Eurocopter AS332L1 Super Puma is a four-bladed, twin-engine, medium-size utility helicopter marketed for both civil and military use. Originally designed and built by Aérospatiale, it is an enlarged and re-engined version of the original Aérospatiale Puma. The Super Puma first flew on 13 September 1978.

The AS332 L1 changes included a new energy-absorbing landing gear with increased wheel base and track, a lengthened nose section, more efficient fiberglass main and tail rotors, greater fuel capacity, and revised fin and tail plane contours to improve handling. Subsequently in 1980 a fourth prototype introduced a cabin stretch of 0.76m with two additional windows and accommodation for up to three more passengers.

The AS332 L1 is a twin engine medium-weight civil helicopter equipped with a new avionics and glass cockpit.

The extensive power reserve, its safety level, and comfort make the SUPER PUMA AS332 L1 an aircraft perfectly suited for offshore or other civil operations.

The County of Los Angeles has approved the acquisition by the Los Angeles County Sheriff's Department Aero Bureau in 2011 of three previously owned Super Pumas primarily as the main rescue helicopters known as Air Rescue 5. These will replace the aging



**Originally designed and built by Aérospatiale, The Super Puma is an enlarged and re-engined version of the original Puma.**

ex-United States Navy Sikorsky H-3 Sea Kings currently operated by the department.

On August 3, 2011, three AS 332 L1 Super Puma helicopters arrived in Long Beach following, (in addition to many other things successfully occurring first), a cross country flight from Jacksonville Florida to Long Beach over the course of three days and about 18 flight hours.

The successful H-3 Replacement Project took the support of so many dedicated individuals from Sheriff Baca through his chain of command to Captain Louis Duran of Aero Bureau. Sgt. Casey Dowling was the dynamo from Aero Bureau who did whatever it took to ramrod the project. Deputy Pat McKernan, Chief Pilot of the Air 5 Program,

perhaps knows more about the technical features of the Pumas than the manufacturer. Lt. Jack Ewell of SEB provided needs of our SAR, Homeland Security and SWAT missions, he was intensely motivated to move the project along. The support of the Director and Assistant Director of the Administrative Services Division (ASD), Victor Rampulla and Glen Dragovich provided the driving force to get CEO and Board of Supervisor approval. Angelo Faiella, Manager in ASD Contracts was vital to completion. S/R Posse Chief Pete Burnstein was the consultant for financial analysis. Jan Takata and Peter Burgis of the CEO's Capitol Projects were extremely helpful. Lt. Robert

Wheat and Sgt. Morrie Zager of Aero Bureau along with so many others contributed so very much to the project's success.

Sheriff's Reserve Chief Mike Leum informed the Reserve News that "all of us in the SAR program are excited to see delivery of the new Super Pumas. The current H-3 Sea King is a great rescue platform, but parts availability and the thousands of flight-hours on them dictate replacement. When we are in the middle of nowhere, there is no better sound than hearing the distinct turbine engine of Air 5 working its way up-canyon to extract us from the field. We work closely with the outstanding H-3 pilots and the superior ESD crew chiefs and medics to successfully search for and rescue lost and injured people in the forest. The Super Pumas will take our program to a much higher level. Current limitations of altitude on the H-3s will be non-existent with the Super Pumas. When we are requested to go out of county on mutual requests, such as Mt. Whitney, the Super Pumas will be able to also get detailed for those missions and safely take us where we need to go. We work with other agencies aircraft, such as Blackhawks, Hueys and Chinooks, but we would always rather work with our own Department's aircraft and crew. The avionics in the Super Pumas will further assist our phenomenal pilots with the very technical hovers and insertions/extractions which they perform on a weekly basis. Thanks to the Sheriff, Chief Grossman, Captains Duran and Washington, the LASD res-

cue program shall continue to be the leader in providing technical rescue services.”

The Air 5 rescue program provides some of the most advanced technical rescue capabilities available in the nation. With a flight crew of two deputy pilots a sergeant crew chief and two Emergency Service Detail deputy paramedics, the team is deployed on search and rescue and over-water operations, and can rapidly deploy Tactical Response Forces during major incidents.

The three twin engine AS 332 L1 Super Puma helicop-

ters, which cruise at 141 knots, are expected to replace the aging Sikorsky Sea Kings in mid-2012.

This purchase supports the County Strategic Plan Goals of Operational Effectiveness by enhancing the safety and productivity of the Department’s helicopter patrol services.

The replacement AS332 L1s will increase the safety and capabilities of Air Rescue 5. The Super Pumas are being upgraded for the Aero Bureau’s missions. At this point in time, the aircraft are expected to have

external hoists, nose-mounted forward-looking infrared cameras, and night-vision compatible cockpits. Other upgrades will include multiple-patient medical interiors and other airframe modifications specific to Aero Bureau’s requirements.

Although primarily tasked as rescue aircraft, other missions expected of the Super Pumas will include SWAT team insertion and extraction, homeland security support, maritime interdiction, and personnel transport after natural disasters such as earth-

quakes. Other missions may include over-water rescues and transports to Los Angeles County-jurisdiction islands off the coast of L.A., including Catalina and San Clemente islands.

The new aircraft will provide upgraded operational capabilities to meet current and anticipated future mission requirements. ★

*The Reserve News wishes to thank S/R Chief Peter Burnstein and S/R Chief Mike Leum for assisting staff in putting this article together.*

## Hikers Rescued

By  
**RESERVE NEWS STAFF**

Three hikers were reported missing in the Angeles National Forest at 10:45 p.m. on Monday August 29th, and were found by Sheriff’s Search and Rescue teams at 8:40 a.m. the next morning. Family members notified Crescenta Valley Sheriff’s Station deputies that the men were supposed to return by 6:00 p.m. on the 29th, but were missing. The hikers are male residents of Los Angeles and Torrance, ages 32, 45, and about 50. The men began their hike at 9:00 a.m. Monday morning and planned on completing it by 6:00 p.m. The Montrose Search and Rescue team and Sierra Madre Search and Rescue team of the Los Angeles County Sheriff’s Department were activated at 11:00 P.M. Monday night, and immediately began their foot search of the area in the dark. Reserve sheriff’s



deputies and civilian volunteers compromise most of the team members, volunteering their time on a moment’s notice, using their mountaineering experience and skills, as well as their personal time to help strangers in harm’s way. Search & Rescue team members found one of the hiker’s vehicles in the Mount Waterman area and a second was found at the Devil’s Canyon Trail head near Mile Marker 50.50 on Angeles Crest Highway. The hikers had possibly intended to hike a one-way, 15-mile day hike from one vehicle to the other and had not taken gear to stay overnight.

The search teams began their search near Mount Waterman and inserted a second rescue team into the Devil’s Canyon area at 3:00 A.M. Crescenta Valley Sheriff’s Station patrol deputies and a Sheriff’s Aero Bureau patrol helicopter are assisted with the search. Family members said one of the three hikers has extensive survival and backpacking experience, the group has a compass, and that each man was equipped with a backpack. Two of the men are not experienced hikers. “It’s a very rugged area,” said Sheriff’s Montrose Search and Rescue Team member

Steve Goldsworthy. “In some places there is no trail, it’s just slate and rock.” Ground crews and helicopters found the men in Devils’ Canyon at 8:40 a.m. Tuesday.

KCBS-TV 2 and KTLA-TV 5 periodically showed visuals of the Search and Rescue operation from their news helicopters.

“The sheriff’s volunteer Search & Rescue Team members throughout Los Angeles County work closely with Sheriff’s patrol helicopters and Air-5 rescue helicopter deputies, and Emergency Services Detail paramedics, and make rescues on a regular basis,” said Sheriff’s Reserve Chief Mike Leum. The Air-5 Rescue helicopter crews and eight Search and Rescue teams of the Los Angeles County Sheriff’s Department average about 350 search and rescue missions every year, making it one of the most active counties for search and rescue missions in the nation. ★



# Reality-Based Training

By  
**GINES ARNAU**

**P**olice officers live with the reality that at any time they may be called on to make a split second decision to use deadly force. That split second decision may come once in a police officer's career, or never at all. But when the officer comes face to face with that decision, it is the most important moment of his life. It is crucial that today's police officer be prepared to make the right decision about the use of force, especially deadly force. Being fully prepared on the legalities of the use of deadly force and what to expect in the investigation and litigation which follow is absolutely essential, yet this area of police training is often neglected. Most programs "train to the test," meaning they practice the skills necessary to get a passing score on the training course. Unfortunately, these tests are an adaptation of a technique. Many agencies are training to a "test" that has no similarity whatsoever to a police fight.

We need to be prepared for the next fight, not the next training class. We must train for deadly force in a manner that will ensure officer survival. Not taking an award winning training class that is cool, but surviving and winning your first deadly force fight which is way cooler.

A training program which emphasizes the management of combat stress, with real world techniques may save your life and the life of your partner as well. If you can master stress, even someone in below average condition can win a deadly force confrontation. If you can master combat stress, the perfect technique may prove to be a minor part of the fight equation. If you can't master stress, even the very best technician may miss a move and die.

The only way to gain combat "experience" is through Reality-Based Training (RBT). I'm not suggesting we ignore the basic skills development. Instead, we need to develop and test our ability and skills against real world dynamic threats, not stationary targets that do not hit back. Once you can reliably react against moving targets which in itself creates

stress you can build your timing and confidence. When your training is realistic you will quickly realize if you are in the needed physical conditioning needed to last in a fight. This conditioning does not come overnight you must train for it and maintain it as part of your regular training. Chances are your opponent is training regularly in boxing or mixed martial arts and he or she is practicing on how to take you down and disarming you. Will you be ready?

In times of economic distress, when training budgets often fall victim to immediate political needs, police departments of any size have a tendency to cut back on training events and requirements. You should recognize this as a time to develop your own personal training regime that integrates the full spectrum of your force tools including your personal weapons. One area that is especially ripe for this type of approach is the "use of force".

Most current law enforcement training is focused on certifying officers in a particular tactic, technique or procedure, with new technology driving many of the innovations. The technology and

training are often, and rightly, seen not only as a tool to help protect officers, but also as a necessary edge against potential lawsuits. Use of force is the issue at the root of many of these lawsuits.

Specialized Training This, in turn, has contributed to an observable increase in specialized training certifications. Much of this occurs outside the department and is sponsored by any one of a number of different organizations that are either promoting a particular technology (such as ) or have developed specialized expertise in areas like "Verbal Judo" or firearms or defensive tactics.

Specialization is a natural byproduct of the evolution of law enforcement practice. But this also means that it is increasingly rare that officers attend outside training that encompasses integrated use of force options, from presence to deadly force. Such training is time consuming and often not as dynamic as many officers require. Untimely, it's your responsibility to maintain your fitness and training skills with the motivation that your life and mine might depend on it! ★

## The Pen Is Mightier Than ...

By S/R Deputy  
**JEFF HELLER**

**M**any of use have experienced the restrictions upon law enforcement employees with regard to restrictions related to defensive carry tools. Here is a possible answer to this issue, which can provide some defensive opportunities.

The Tuff-Writer tactical pen is widely used by military, SWAT, EMT and civilians that require a pen built to function under extreme conditions. This pen is designed to function under the harshest of environmental conditions, but also as a defensive tool where life-saving reliability is an unconditional must. Both ends

are machined to a point.

The Tuff-Writer pen is precision machined from 6061-T6 aluminum, hard anodized to MIL-A-8625 "F" standards, for maximum durability. The pen's custom designed spring steel clip is attached with hardened bolts and then chemically bonded. Tuff-Writer pens utilize a pressurized cartridge,

which writes at any angle, even upside down. The pens are designed with a screw-on cap so when the pen is closed, it functions as one solid piece, critical as a self-defense tool.

The pen is great for venues where personal carry of defensive tools is restricted.

Do not leave home without it.

For more information, visit [www.tuffwriter.com](http://www.tuffwriter.com).

## COMMUNITY

### Graduating Reserve Academy Class No. 122

By  
**JAY NG**

Photos by  
**RYAN FURUYA**

**O**n Monday evening, August 1st, Sheriff Lee Baca welcomed the Reserve Academy Class #122 into the Department. The graduation ceremony took place at the Board of Supervisors' Hearing Room, located at the Kenneth Hahn Hall of Administration, 500

West Temple Street, in Los Angeles. Presenters, speakers, sponsors, and graduating cadets were in full regalia, uniform class "A" long-sleeve shirt with tie, white gloves, and Sam/Sally Browne.

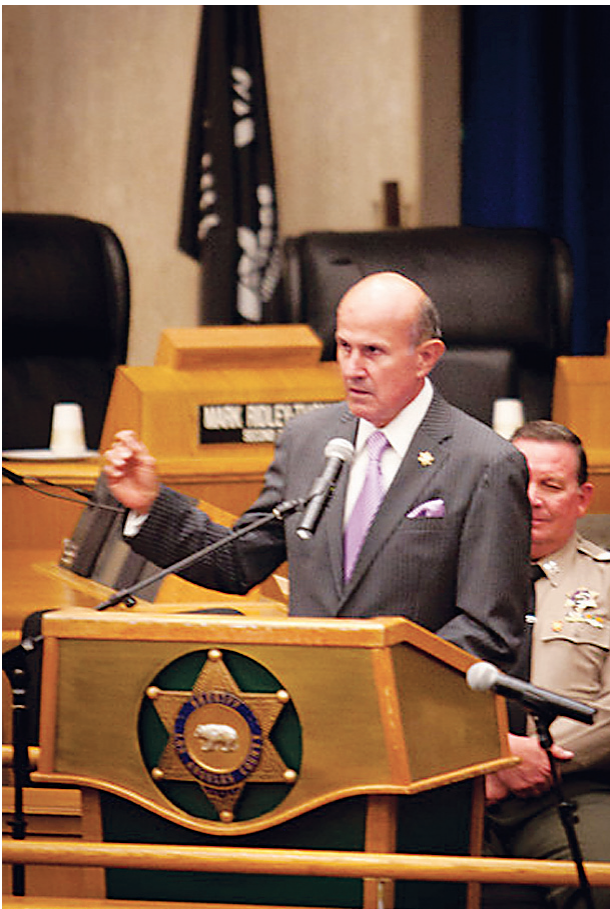
During the commencement speech the Sheriff spoke about patriotism, volunteerism, and community service. He emphasized the high standards, core values, and key beliefs embodied in LASD. He further shared the complexity of law enforce-

ment today, and noted it is always based upon "the Constitution, Bill of Rights, civil rights, and human rights." He also reminded the new Reserve Deputies, that above all, the duty to public trust. Sheriff Baca closed by sharing his vision for a new recruit and how simple it is to find them. He just looks "for a good human being."

Graduate Mark Shmagian joins the Emergency Operations Bureau, describing the LASD Peace Officer

Standards and Training as "enjoyable and excellent."

Dennis Tamashiro, a new reserve deputy to the Walnut Station, added that it was a challenge with responsibilities to the family, academy and work. But, at the end, the whole experience was worth it. He iterated that it was "a way to give back to the community, that (reserving) was the right way to do it." He added, LASD is a "brotherhood and that everyone is like a big family." ★



Sheriff Lee Baca spoke at the graduation ceremony at the Board of Supervisors' Hearing Room in the Kenneth Hahn Hall of Administration. Presenters, speakers, sponsors, and graduating cadets were in full regalia.



## LA County Lifeguard and LASD Civilian Volunteer Finds New Way to Save a Life

By  
**RESERVE NEWS STAFF**

On September 13, 2011 at County USC University Hospital, after months of tests and hopeful expectation, Two Harbors' Baywatch County Fire Captain and LASD Civilian Volunteer Lance Dempsey will help save the life of Two Harbors Harbor Patrolman and LASD Civilian Volunteer Dave Coiner, by donating a kidney for transplant.

For nearly two years, after learning that he suffers from Polycystic renal disease (PKD), a genetic phenomenon that apparently affects quite a bit of the population, Two Harbors Harbor Patrolman Dave Coiner, 57 is going to get a new lease on life due to the generosity of fellow Lifeguard and long-time friend, Two Harbors' Baywatch Captain Lance Dempsey, 43. It wasn't surprising that Lance would

donate a kidney as those who knew him well, said he was a very compassionate person.

A long time Search and Rescue Team member and Dive Technician on Catalina, Dave Coiner, and a low key kind of guy did not expect that a donor organ would materialize. "A lot of the learning curve in life is learning to accept things that you can't change. I just accepted that this is my condition- it could change, but it might not. It is astonishing to me that anybody would be willing to give me this kind of a gift. I was also surprised anytime anyone said they wanted to get tested. I hardly know how to describe it, but for somebody to be willing to go through something like this is such an incredible gift. The compassion and the generosity are off the scale, beyond expectations," said Dave."

A mutual friend from a local dive shop told Lance about Dave's condition. The friend said she had gone in to

be tested, but was not the same blood type. She said that Dave was "O-" which meant that it would take a long time for him to get a transplant. "O" is the blood type called the "Universal Donor." Lance knew he was "O+" and did some research then he went home and talked to his wife and three kids. The wonderful news came back and apparently, it was a perfect match like they were siblings.

"The transplant allows me to talk to my kids about friendship and doing the right thing for people. Dave is a real good example of character counting. If you have good character, people will want to help you when times are tough. You may not see the benefits of being an honest person in the moment, but when it comes to tough times, people will take it into consideration," said Dempsey.

Dave said he would have to quit the SAR team, because of his major surgery. The team would not allow

him to leave, because he was an important and integral part of the team. So, he was given a leave of absence and was assisted in going back and forth from Catalina to USC Hospital with funds from the Team that was due to fund raising. He was given funds for any boat tickets and any car rentals as well as anything else that had to do with impending surgery.

As of September 21, 2011, the surgery was a great success, Lance has already returned home to recuperate for six weeks and Dave will be released in the next day or two.

Greater love has no one than this, that one donates an organ or his life to save the life his friend. ★

*The Reserve News would like to thank Captain Michael J. Parker (SHB) for his contribution in reporting the original story and to SAR Team member and LASD CV JJ Poindexter for adding a human touch and follow-up to this wonderful story.*

## Making a Difference in His Community

By Assistant Director CLEPP  
Unit/Volunteer Program  
**CATHY STAPLETON**

Time to toot the horn of one of our distinguished volunteers! The Temple station Volunteer, Kenneth Hennings, was recently recognized by his employer, Securitas USA, in their May 2010 newsletter, for his outstanding volunteer service to the Los Angeles Sheriff's Department.

On April 24, 2010, the

Securitas USA Officer, Kenneth Hennings was honored by Sheriff Leroy D. Baca and State Cabinet Secretary of Service and Volunteers, Karen Baker, for volunteering over 1,000 hours of service to the Los Angeles County Sheriff's Department at Temple Station. Officer Hennings began his volunteer service in July of 2007 and worked at the front counter pulling traffic accident reports, vehicle release forms, and writing up reports for missing

items such as cell phones and passports. He went on to the "Volunteer-on-Patrol Academy" where he graduated and began driving a patrol unit with a partner. In this position, he patrolled the five cities and county areas in the Temple Station Area, directed traffic for accidents, worked the special parades, and performed special assignments for the Sheriff's Department.

From here, Officer Hennings decided to pursue additional training and is now

a part of the Temple Station Call Out C.E.R.T (Community Emergency Response Team). C.E.R.T. assists with evacuations during natural disasters such as the La Canada floods when they were activated, performing various functions and assisting the Fire and Sheriff's Departments.

This year's pinning ceremony took place in Norwalk, CA at the S.T.A.R.S. Center (Sheriff's Training Academy) and Officer Hennings received his pin for his volun-

tary services. “I became a volunteer to join my mother who had joined a year and a half before me. I really enjoy helping my community and proud that I am another set of eyes and ears for our local Sheriff’s Department,” says Officer Hennings. Serving Securitas USA for over 5 years, he is a fine example of going above and beyond. Officer Hennings is a true asset to Securitas USA, the clients he services, and the community in which he volunteers.’

As Assistant Director of the Department’s Volunteer Program, I couldn’t agree more with the accolades stated in the article. Ken and his mom, Dorris Hennings, are true to their commitment as volunteers and consistently exemplify the Department’s mission and ‘enhance a tradition of service’. Thank you for a job well done! ★



**From Left: California State Cabinet Secretary of Service and Volunteers Karen Baker; Securitas USA Officer Kenneth Hennings, LASD volunteer and 1000-hour pin recipient; Los Angeles County Sheriff Leroy Baca.**

## A True Leader

By  
**RESERVE NEWS STAFF**

**A**s a young man, while attending Business School at California State University Northridge, Phillip C. Hansen worked in a hardware store where some off duty law enforcement officers worked security. He found that he enjoyed the company of police officers, and a Deputy Sheriff talked him into joining the Los Angeles County Sheriff’s Department. He began his career in 1976 as a Reserve Deputy after completing the Academy and being assigned to the West Hollywood Station.

In 1978, he graduated from the Department’s Training Academy as a Regular Deputy Sheriff and

was assigned to Men’s Central Jail where he completed his business degree and enrolled in law school at Whittier College School of Law. After three years at Central Jail, he went on to the Employee Relations Bureau-Legal Unit at the Hall of Justice where he did legal research, and authored legal training bulletins.

After doing a stint at the Hall of Justice, he returned to West Hollywood Station, where he served as a Field Training Officer. In 1985, he was promoted to Sergeant and was assigned to Lennox Station patrol for three years. Sergeant Hansen applied to the Special Enforcement Bureau and after being accepted, he served for 13 years as a Special Weapons Team



**Phillip C. Hansen with a colleague in 1988.**



Leader. In 2000, he was promoted to Lieutenant and held assignments at Malibu/Lost Hills Station and at the Emergency Operations Bureau, where he managed the Tactical Planning Detail and sections of the Los Angeles Terrorism Early Warning Group. In 2003, he returned to the Special Enforcement Bureau, where he served an additional six years as the Special Weapons Team Commander.

Captain Hansen is quite proud and grateful for the fact that during the nearly twenty years that he served as a SWAT Team Leader and Team Commander, none of his personnel were seriously injured. He is also proud of the fact that during his six years as Team Commander, none of his personnel were the subject of a lawsuit relating to a SWAT activation. He attributes this to the intelligence, tactical acumen, and compassion his personnel displayed while performing their duties. Captain Hansen says that SWAT is about problem solving, that the most important attribute for a SWAT officer is character,



**Hansen**

and the most critical piece of equipment sits atop their shoulders.

Among the actions that Captain Hansen was involved in during his time with SEB include high risk warrant services, barricaded suspect and hostage operations, the tracking of escapees from Wayside Detention Center and SCUBA operations to recover drowning victims or evidence. On one occasion, he was among the divers who recovered a handgun that a perpetrator tossed during a gun fight with Deputies. The suspect was killed in the fight and it was critical that

the weapon be recovered. The weapon was retrieved to the cheers of fellow deputies on shore!

Phillip C. Hansen, a 34-year veteran was promoted in 2010 to the rank of Captain by Sheriff Lee Baca and assumed command of the Reserve Forces Bureau. He strongly believes in the value of continuing education and in May 2011, he graduated from the University of Southern California, earning his Executive Master of Leadership degree.

Captain Hansen serves as Chairman of the Board of Directors for the National Tactical Officers Association; a nonprofit organization that provides training and information exchange for Law Enforcement and U.S. military tactical personnel. He has also been called as a SWAT tactics expert to serve on Boards of Inquiry for the Los Angeles Police Department and for the Oakland Police Department in the wake of the tragic murder of four Oakland police officers.

Captain Hansen resides in Santa Clarita with his wife

of 36 years, Debra. They have a daughter, April who resides in Malibu and is an employee of the City of Santa Monica who was recently elected as president of her employees union. His son Kelly, resides in Seattle Washington, and is a management employee with Microsoft, who is highly dedicated to his job and is working toward his goal of becoming a vice president within that organization.

In his spare time, Captain Hansen enjoys long distance swimming and recently completed his third swim as a member of a relay from Catalina to the mainland, raising funds for the Department's "999 For Kids" program. In 2005 and again in 2007, Captain Hansen lived aboard a boat for 12 days, diving around the Solomon Islands among World War II wrecks. For the second trip, he had trained his wife Debra in SCUBA at a local pool and she completed 25 dives.

Captain Hansen is a man for all seasons, and thanks to Sheriff Baca's vision, Reserve Forces Bureau has a true leader. ★

## Meritorious Service Award for Reserve Deputy

Joseph Korpziel is a Level one Reserve Deputy, who was promoted to the rank of Reserve Chief in 2002. His present assignment as Chief is the LASD Reserve Training Academy and Field Operations Region I. Chief Korpziel is a veteran of the Korean War and served in 1953. He has received numerous awards over his 25 years of Service and this Meritorious Service award is the latest in his illustrious career.



## Service, Dedication and a Promotion

On September 1st, Commanders Matt Wollman and Gary Nalbandian were both promoted to the rank of Chief by Sheriff Baca. We congratulate Matt and Gary on their promotion and thank them for the many years of dedicated service to the Los Angeles County Sheriff Department.

# SHARK: Sheriff's High Adventure Responsible Kids

Story and Photos  
by S/R Deputy  
**KIM SKOKOS**



**Left, Deputy Bickel teaching how to recover your regulator underwater while diving, at the Bassett High School pool; Right, Instructor Angel Garcia explains how the octopus works to a student.**



**T**he Sheriff's High Adventure Responsible Kids (SHARK) program is organized by the Sheriff's Industry Station, Youth Activities League. The program provides free scuba training for youths. Three training sessions in a local high school pool beginning with a swim test, discover scuba diving lessons and finishing with a trip to Catalina Island. This last dive is at the Casino Point scuba diving park.

This summer the program had 3 classes including 15 to 20 kids per class. The kids who participated were from La Puente, Los Altos and Bassett high schools. The class and pool sessions teach the kids many skills such as equalization and breathing underwater, as well as being familiar with all of their equipment. Master Scuba Diver Trainer Deputy Jim Bickel and Coordinator Deputy Scott Adamson headed up this sum-



**Learning how to breathe underwater.**

mer's program.

On the final day of the program they took the Catalina Express to the island. The young divers meet Avalon Sheriff's Station Deputy Burt Lyon, who always looks forward to the kids coming to the island. He made arrangements with "Scuba Luv", a local dive shop on the island, who generously donated the use of their scuba cylinders and air

refills for the program. The kids are divided into pods and each pod consists of SHARK kids and their Deputy or Reserve Deputy partner and a dive instructor. All of our dive instructors are civilian volunteers for Industry Sheriff's Station as well as PADI dive instructors for Sports Chalet. They volunteer their time and expertise to be a part of this program to make sure the kids

have a safe and educational experience. They give the kids a guided dive in the dive park where the kids don't dive deeper than 35 feet. Most of the kids have never experienced swimming in the ocean. In some cases, some of the participants had never been on a boat. Some of the sea creatures the kids got to see up close were the giant black sea bass, sheep-head, beautiful blue banded gobies, bright orange garibaldi and even lobsters and a couple of bat rays. They were all very excited.

At the end of the summer the SHARK program offers a chance to earn a scuba scholarship for a few deserving participants. The scuba scholarship is an open water scuba diver certification sponsored by the dive instructor team. This year we had several interested young applicants turn in essays anxious to dive again soon. ★



## Mounted Posse Volunteer Horses for Youth Activity League



By Civilian Volunteer,  
Temple Posse  
**K.C. SWANSON**

**T**he Los Angeles County Sheriff's Department's Youth Activity League (YAL) is an opportunity for kids to experience positive interaction with the Sheriff's Department during the off-school months. This is a match made in heaven for

Posse members hoping to share their passion for horses to another generation which might not otherwise ever have the chance. For the last few years Temple Posse, along with Altadena, Industry and San Dimas have joined together for this annual event. Two weeks prior, participants meet at the Ridge Riders Arena in West Covina going over the plans and procedures and

working out a few kinks, so by the morning arrival of 12 to 15 kids from ages 10-15, horses and handlers are waiting to introduce them to riding. After a safety and saddling course, the kids are assigned a helmet and a colored bandana and must find the horse sporting a matching bandana. Each child is supervised while grooming and tacking up their horse and helped to mount by

their instructor and safety assistant. The student then learns to maneuver around the arena and through simple obstacles. Set stations, such as a serpentine cones and ground poles, are timed to help the kids learn the best way to turn and balance on their horse for the day. Often, the child who is clearly intimidated by the 1000 lb. or more horse at the beginning of the day is smil-





ing and confident by the end. Included also is a demonstration by another young and accomplished rider. One year, we were treated to a no saddle/bridle reining demonstration by the Rudy Vega family, which included a demo of stepping off a down horse, and then remounting as the horse lifted himself and the rider back to standing. Shortly thereafter, while the YAL students were riding their assigned mounts, a misstep occurred when a horse's lead rope got tangled under his feet. The horse wisely chose lying down rather than bolting. The student also wisely chose to emulate the earlier demonstration and merely stepped off the

horse as he would lay down! She was then provided another horse and handler so the first horse could be inspected for injuries. Everyone was fine and all turned out well.

In a previous year, a very energetic pony in addition to a young rider performing barrel races amazed kids and Sheriff staff. Speed events and a young trick roper had shown impressive lariat skills. Special thanks go to Lillian Turnley of Norco and her Quarter Pony, Comet and Explorer Luis Hernandez and his horse, Mosaico, who had shown us exceptional riding and roping technique.

Temple Station Posse has a secret weapon that assures

these events are well organized and a big success. C/V Dick Maddalena, father of retired Sergeant Rick Maddalena, secures the arena, organizes the schedule within minutes, and obtains business donations and borrowed helmets. After a catered lunch, each YAL participant received a personal plaque, with a picture of himself or herself riding their horse for the day. Other gifts include donated caps from Broken Horn, and of course, their bandanas for the day to remind them of the team which helped them groom, tack and ride a certified Sheriff Posse horse. Broad smiles from the kids show us that our day was a success.

It's an experience that definitely makes an impression as the Deputies from the full time LASD County Parks Mounted Unit discovered. While patrolling at Pamela Park in Duarte they were approached by several neighborhood children. The kids gleefully told the Deputies that they had already ridden "Sheriff's" horses that day. One boy solemnly checked with Deputy Dave Swanson to make sure he had cleaned out the hoof on his horse before riding him. Thanks to the Posse/YAL events, these kids have an exciting and positive interaction with LASD. Who knows, they may even grow up to be future Posse members! ★



# Sheriff's Department Personnel Awarded Meritorious Conduct Medals

## Station Fire

**O**n August 26, 2009, the largest and deadliest wildfire in Los Angeles County, the Station Fire, burned over 160,000 acres and killed two heroic firefighters who were tasked with finding a safe escape zone for Fire Camp 16, which housed about 55 inmate workers and fire camp personnel.

On the fifth day of the fire, Sheriff's Department personnel were notified by Los Angeles County Fire personnel that assistance was needed to respond to a fatal accident at Fire Camp 16. It was learned that two firefighters were presumed dead as a result of their vehicle going off a steep embankment. In addition, Fire Camp 16 was in the direct path of the fire and had been engulfed by flames. Fifty-five inmate workers and several Fire Department personnel were presumed to be seriously injured or dead as a result of the blaze.

Several attempts were made by helicopter to rescue the injured or recover the dead. It was determined, however, that conditions were far too dangerous to land. Based on this, two Sheriff's response teams worked in concert with Fire personnel to find a way up to the camp and deceased firemen. Their mission also involved handling any crime scenes and finding a way to rescue surviving inmate workers and Fire personnel.

Sheriff's team members were briefed on the grave



and life-threatening circumstances of the mission and were offered the opportunity to opt out. Not one team member requested reassignment. They were told to remove their bulletproof vests to help deal with dehydration and intense heat from the fire.

Despite road closures to the camp, increasing dense smoke, intense heat, and burning debris, the teams left the command post to proceed with their missions. Team members were sent northbound and southbound to find a route to the camp. On several occasions they were forced to stop their convoys to wait for passing flames and landslides on both sides of the road and to remove burning debris, trees and boulders from their paths, without the benefit of proper safety equipment and breathing apparatus.

As one of the convoy teams neared the summit, they were advised by California Highway Patrol

and Fire Department personnel to turn around because the roads had been declared impassable. Despite the warnings, the convoy carefully scouted the roadways ahead and proceeded to the camp as strong wind funnels blew large embers and debris, severely diminishing their visibility. Along the way, both teams considered the option of turning around if necessary.

However, it became apparent this would not be an option. The cliff side roads were now too narrow and visibility became increasingly poor, making a retreat impossible. At one point a large, thick fire cloud rushed over the vehicles, shaking them as it passed.

Despite the life-threatening challenges, both teams persisted and arrived at their destination. They observed that most of the camp had already burned to the ground. It was also apparent that all of the fire camp vehicles were destroyed in the blaze, leav-

## Awards

**F**or displaying great courage above and beyond the call of duty to perform an act of exceptional heroism, Reserve Volunteer Christopher Neal and Civilian Volunteer Andrew Petty are awarded the Sheriff's Star Scroll, and the following team members are awarded the Meritorious Conduct Medal, Gold: Retired Sergeant Vincent Burton, Sergeant Robert Farkas, Sergeant Eric Fox, Sergeant David Valentine, Deputy Tina Alvarez, Deputy Phillip Briones, Deputy Francois Chang, Deputy Michael Fairbanks, Deputy Dennis Gill, Deputy Darryl Ketchens, Deputy Jeffrey Martin, Deputy Marlana Martinez, Deputy Lloyd McCullough, Deputy Rowell Quemuél, Reserve Chief Michael Leum, Reserve Captain Janet Henderson, Reserve Captain John Johnston, Reserve Sergeant John McKently, Reserve Sergeant Bruce Parker, Reserve Deputy Doug Cramoline, Reserve Deputy Fred Koegler, and Reserve Deputy Fred Wenzel.

ing the inmate crews and camp personnel with no means of escape. The response team members quickly began coordinating the safe transportation of the crews and fire camp personnel. They also coordinated the recovery and transportation of the two deceased firemen from the bottom of the steep canyon with team members from the Antelope Valley Search and Rescue, and Montrose Search and Rescue.

Each team member knew the danger and challenges they faced. They weighed their own personal safety against the need to rescue the people at the fire camp and each chose to risk his or her life to save the lives of others. ★

## Highway 210 Rescue

**O**n May 15, 2010, while off duty, Reserve Chief Michael Leum and his family were traveling on the 210 freeway when he and his wife noticed an adult male, with blood all over the front of his clothing, running in traffic lanes. The man had previously been a patient at Olive View Hospital and had just attempted to kill himself by cutting his neck several times.

After narrowly missing the man with his car, Reserve Chief Leum pulled his vehicle off to the side of the freeway to see if he could be of assistance. As vehicles sped by, Reserve Chief Leum realized it would just be a matter of time before the man was hit

and possibly killed.

Although oncoming traffic was quickly approaching, Reserve Chief Leum carefully ran into the lanes of traffic and pulled the man to safety toward the shoulder of the road, narrowly escaping being struck by oncoming vehicles. He directed his wife to call 911, and while they waited for emergency aid to arrive, Leum noticed the man was extremely agitated and still armed with the knife. He engaged the distraught man in conversation, then quickly disarmed him. Leum also had to physically restrain the man from running back into traffic lanes.

An officer from the California Highway Patrol arrived and with Reserve

Chief Leum's assistance, they took the man into custody. While securing him in the vehicle's back seat, the man once again tried to run out into oncoming traffic and again had to be physically restrained.

Had Reserve Chief Leum not stopped and pulled the distraught man out of traffic lanes, the man most certainly would have been gravely injured or killed, or potentially caused injury or death to others by causing an accident.

For his quick actions and decisiveness under life-threatening danger, with complete disregard for his own personal safety, Reserve Chief Michael Leum is awarded the Meritorious Conduct Medal, Gold. ★

## Medal of Valor and Meritorious Conduct Awards Ceremony and Luncheon

**T**he Annual Medal of Valor and Meritorious Conduct Awards Ceremony and Luncheon was held on Tuesday, September 6, 2011, at the Quiet Cannon, in Montebello. We salute the heroic actions of the brave

men and women of our Department. The guest narrator this year was ABC-7 Eyewitness News Reporter Robert Holguin.

The Valor Awards Program was established to officially and publicly recognize the exception-

ally heroic acts performed by members of the Los Angeles County Sheriff's Department.

The following team members were awarded the Meritorious Conduct Medal, Gold: Chief Michael Leum, Reserve Captain Janet

Henderson, Reserve Captain John Johnston, Reserve Sergeant John McKently, Reserve Sergeant Bruce Parker, Reserve Deputy Doug Cramoline, Reserve Deputy Fred Koegler, and Reserve Deputy Fred Wenzel.

### Team members awarded the Meritorious Conduct Medal, Gold:



Leum



Johnston



Wenzel



Neal



Cramoline



Petty



Henderson



## American Heroes 5K/10K and Family Fun Run

Story by S/R  
**JAY NG**

Photos by S/R  
**RYAN FURUYA**

**E**arly on Saturday, September 10, approximately 500 runners participated in the second annual American Heroes 5K/10K and Family Fun Run. The start/finish line began and ended at the STAR Center entrance, at 8 a.m. The course looped around the neighborhood.

The proceeds from the Run benefits the Military Activation Committee, a LASD group founded by Sheriff Lee Baca, that assists deputies and their family who serve actively as military reserves.

Special guest Major General Mark MacCarley, stated during the kickoff speech, "Today we run together as Americans!" Expressing heart felt patriotism and noting the camaraderie of the run.

Event organizer, Detective Billy Lovell of the Commercial Crimes Bureau explains, "It's an honor to put this event on." He added, "It is a way to honor our nation and commemorate 9/11." As a former Marine himself, he proudly shares that there was strong military support for the event. "The race shows that partnership between law enforcement and the military demonstrates the idea of community service, and not just our own community, but as a country as a whole." He was quick to point out, "we were able to get a Blackhawk helicopter, which is unheard of," for display.

Other military vehicles, such as the High Mobility Multipurpose Wheeled



Approximately 500 runners participated in the event.



A Stryker armored fighting vehicle and Blackhawk helicopter were among the military vehicles on exhibit.



Vehicle (Humvee) and Stryker armored fighting vehicle were on exhibit. Other agencies, such as the Los Angeles County Fire Department, the California Highway Patrol, and a variety of LASD units were on hand to meet and greet the public. Music was provided by the Rock Club. Additionally, there were vendor booths offering food, merchandise, and services.

Participants and volunteers were civilians, Civilian Volunteers, Military, dignitaries, Cadets, Explorers, and both Military and Sheriff Reserves.

LASD stations from across the county sent volunteers to help and support this function. Jason Kim, a station explorer from Cerritos, assisted by checking the time for the runners and cheered them on to finish the race.

Paul Wynman and Cheryl Brezina, 5 year LASD reserve veterans from the San Dimas station both stated, "we've been here before 5:30 a.m. and this is a way to give back to the community." They added, "it's a super event and we'll be here again next year."

Event sponsors included Don Knabe, Supervisor of the County of Los Angeles, All American Asphalt, and Unified Grocers. Corporate Sponsors included International AntiCounterfeiting Coalition, FirstCity credit union, Snail's Pace, United Fabricare Supply Inc., Industrial Valco, Angels Watch Homecare, Cobra Tactical, Haddick's Auto Body and Towing and Starbucks Coffee. ★

For more information, visit [www.americanheroes10k.com](http://www.americanheroes10k.com).

### MILITARY ACTIVATION COMMITTEE

There are more than 50 men and women, sworn and professional staff, currently performing military duties both domestic and abroad for the National Guard, U.S. Coast Guard, Marine Corps, Army, Air Force, and Navy. For them, the once day-to-day life of working for the Los Angeles County Sheriff's Department was altered by the events of September 11, 2001.

Over 350 Department members were put on notice of pending activation. During the first two years after 9/11, Department personnel were activated and deployed to military duty. Many left for several months, returned home and to the Department, only to be redeployed again weeks later for undetermined and varied tours in Iraq and Afghanistan.

In 2003 under the leadership of Sheriff Baca, the Military Activation Committee (MAC) was formed. Through the various MAC programs, the Department ensured our military reservists and their families were supported and never forgotten. The appointment of Military Liaison Officers (MLO) at each unit was instrumental in assisting Unit Commanders solve issues that Departmental reservists or their family members experienced.

Today, the Military Activation Committee is a consortium of Departmental Bureaus such as Risk Management Bureau, Data Systems Bureau, Custody Operations Division, Medical Services Bureau, Personnel Administration, Sheriff's Headquarters Bureau, Field Operations Divisions and Office of Homeland Security. The latest addition to the support effort is the newly developed Los Angeles County Sheriff's Department Military Database, allowing individuals to access updated status information regarding Department reserves and veterans.

The Military Activation Committee continues to evolve to meet the needs of all Sheriff's Department members who are serving in the military. The MAC remains dedicated to supporting those who serve both community and country.

## West Hollywood Reserves at the Hatzolah Disaster Preparedness and Safety Fair

Story by S/R  
DR. Yael HELLMAN

On Father's Day (Sunday, June 19) Hatzolah of Los Angeles Volunteer EMS held its Fifth Annual Disaster Preparedness & Safety Fair in the Mid-City locale. The Fair gathers city, county, and other agencies protecting the public, this year hosting the Los Angeles City, Los Angeles County, and Beverly Hills Fire Departments; the Los Angeles and Beverly Hills Police Departments; the CERT Program; the CHP; the DWP; the Los Angeles County Coroner; Los Angeles County Sheriffs, and more. In the family-friendly, festive environment, children could shake, rattle and roll in the Earthquake Simulator and douse a car fire with a real fire department hose. A "Jaws of Life" demonstration was another crowd-pleaser, and many cheerfully rolled up their sleeves for the blood drive.

The function of the Hatzolah Fair is to educate the Mid-City orthodox Jewish community about the need for disaster preparedness and about Hatzolah's services. Reserve Sgt. Marvin Goldsmith and Reserve Deputies Rabbi Ben Zion Kravitz and Dr. Yael Hellman represented the West Hollywood Station and Sheriff's Department, and delighted visitors young and old with pamphlets about safety and goodies including notepads, pencils and erasers, bookmarks, and, of course, gold "Sheriff badge" stickers.

### What is Hatzolah?

Hatzolah of Los Angeles is a non-profit incorporated in the state of California, with

elected officers and a board of directors. Its primary goal is to provide equipment and trained volunteers capable of responding to all emergency situations in the orthodox Jewish Mid-City community. With the support and endorsement of community leaders and EMS providers, nearly 100 Hatzolah volunteers have been trained as Emergency Medical Technicians and certified by Los Angeles County EMS Agency.

### Why Does the Mid-City Need Hatzolah?

The orthodox Jewish community is unique in character. So having trained emergency professionals familiar with Jewish laws, languages and cultural nuances provides a great deal of comfort to both patients and their families. For example, on the Jewish Sabbath (Friday sundown to Saturday sundown), many orthodox Jewish patients neglect health concerns out of ignorance that Jewish law not only allows, but explicitly commands, breaking the usual Sabbath laws for the purpose of needed medical intervention. For this reason Hatzolah volunteers are knowledgeable about Jewish legal and ritual guidelines.

Hatzolah covers specific Los Angeles locations such as Hancock Park, Beverly-La Brea, Park La Brea, part of the Mid-Wilshire area, part of the Fairfax district, the Pico-Robertson area, and Valley Village in North Hollywood. It actively educates residents regarding fire safety, safety in the home, safety on the road, providing training in basic first-aid and

CPR (led by American Heart Association certified instructors) as well as emergency preparedness and prevention classes led by LAFD instructors. Hatzolah's interaction and full cooperation with city and county agencies lead to better understanding, and consequently a better relationship, between these agencies and orthodox Jewish neighborhoods.

### Partners with the 911 EMS System

Hatzolah supports, but does not substitute for, the 911 EMS system. Its mission is to bridge the first critical moments before the EMS provider arrives by providing immediate interventions, preventing additional deterioration of the patient's health, and reassuring the patient. Members are linked to a dispatch center via a sophisticated communication system and are ready to respond to all medical emergencies 24/7. Hatzolah ambulances are equipped with lifesaving equipment including oxygen, airway management devices, trauma management accessories, and AEDs (Automatic Defibrillators), and the organization regularly consults with its Medical Advisory Board of distinguished physicians within the district. Once local EMS resources are in place, Hatzolah members transfer patient care to them but stand ready to render any assistance needed.

Hatzolah's volunteer corps consists of individuals who reside in and, in most cases, work within the region they cover, so they are seconds away from any emergency.

Members must be at least 21 years of age, be gainfully employed and married, and have a proven track record of community service—qualities that symbolize responsibility, commitment and dedication to the people they serve. No Hatzolah volunteer is paid for any service, and Hatzolah neither requests nor uses any city, county, state, or federal funds, obtaining support only through private donations.

### Working With Local Fire and Police Departments

Hatzolah consistently cooperates with county and city Emergency Services as partners in emergency medical response. Together they continue to develop an integrated protocol ensuring appropriate response, quality service and optimal use of resources. Hatzolah's dispatch center is located within the community and is staffed around the clock by Hatzolah Dispatchers trained to assess the nature, urgency, and location of any emergency. In county-wide emergencies (natural or man-made) its volunteers augment local emergency resources by providing immediate medical relief. They participate in search-and-rescue missions after mass casualty incidents. Many Los Angeles volunteers have been trained in Israel in Advanced Disaster Rescue and Recovery Operations, and Hatzolah is now forming an advanced Recovery Team in conjunction with the Los Angeles County Coroner. For all these reasons, Hatzolah provides a valuable service to the Los Angeles area communities we serve. ★



# DEPARTMENTS

## Recent Court Decisions

Summarized by S/R Deputy  
**HORST FÜNSTÜCK**

### Kentucky v. King (09-1272)

United States Supreme Court Justice Alito delivered the opinion of the court, in which Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, Breyer, Sotomayor, and Kagan joined. Justice Ginsburg filed a dissenting opinion.  
Decided: May 16, 2011

CRIMINAL PROCEDURE (The exigent circumstances rule applies when the police do not create the exigency by engaging in or threatening to engage in conduct that violates the Fourth Amendment.)

The information was selected or copied from several sources. Some of the cases may not be final, and petitions for re-hearing or hearing before the Supreme Court may order a case to be revised or republished at a later date, rendering it invalid to be cited as law.

Police officers entered an apartment building in hot pursuit of a person who sold drugs to an undercover informant. They were not certain into which of two apartments the person fled. The police officers knocked on an apartment door in which they smelled marijuana, theorizing the person had fled into that apartment. They heard noises, which indicated that physical evidence was



The California Supreme Court

being destroyed. The officers entered the apartment and found large quantities of drugs. At trial, King’s motion to suppress the evidence discovered during the warrantless entry was denied reasoning that the smell of marijuana provided probable cause and that exigent circumstances existed as a result of the occupants’ failure to respond and the noises inside. The Kentucky Supreme Court held that the exigent exception did not apply because the police had created the exigent circumstances.

The Supreme Court reversed the Kentucky Supreme Court holding that the exigent circumstances rule applies when the

police do not create the exigency by engaging in or threatening to engage in conduct that violates the Fourth Amendment. They reasoned that because in this case the officers did not violate or threaten to violate the Fourth Amendment prior to the exigency, the exigency justified the warrantless search of the apartment.

Note: Police were only at King’s apartment building because they were chasing a man who sold cocaine to a police informant. The man entered King’s building and ducked into an apartment. The officers heard a door slam in a hallway, but by the time they were able to look down it, they

saw only two closed doors.

They didn’t know which one the suspect had gone through, but, smelling the aroma of burnt pot, chose the apartment on the left.

In fact, the suspect had gone into the apartment on the right. Police eventually arrested him, too, but prosecutors later dropped charges against him for reasons that were not explained in court papers.

### Williams v. Illinois (10-8505)

United States Supreme Court Certiorari granted:  
June 28, 2011

EVIDENCE (Whether a state evidence rule that permits an

expert witness to testify about the results of DNA testing performed by a non-testifying analyst violates the Confrontation Clause where the defendant has no opportunity to confront the actual analyst.)

The victim in this case was sexually assaulted and kidnapped by an unknown assailant. Soon after the incident, a rape kit was conducted and sent to Cellmark, a diagnostic laboratory, for DNA testing. A year later, defendant Williams was positively identified by the victim and charged with her assault. At trial, a forensic scientist expert witness testified that the DNA profile provided by Cellmark statistically matched the profile for Williams contained in the police crime database. The expert also testified that Cellmark's report indicated the presence of genetic material that matched neither the victim's nor William's profile. No one from Cellmark testified at trial and Cellmark's report was not introduced into evidence. The expert was not involved in making the analysis, and had no personal knowledge of how the test was conducted. Williams moved to have evidence excluded under the Sixth Amendment confrontation clause. His motion was denied and the court found him guilty of two counts of aggravated criminal sexual assault, and one count each of aggravated kidnapping and aggravated robbery.

The Illinois Supreme Court affirmed holding that there was no confrontation clause violation because the evidence regarding the DNA analysis was presented merely to explain the expert's opinion, not for its truth.

#### **United States v. Park**

No. 09-50609  
Ninth Circuit Court of Appeals  
Decided: June 17, 2011  
Circuit Judge Wallace for the Court; Circuit Judge Graber,

Senior District Judge Mills.

#### **CRIMINAL PROCEDURE:**

Because of the risk of violence inherent in first-degree burglary, it is considered a "crime of violence" and therefore triggers enhanced custodial sentences for defendants who are subsequently convicted of federal firearms offenses.

In 2009, Park was convicted in United States District Court of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). He was sentenced to a 37-month custodial sentence. The government appealed, claiming that the district court should have imposed a "crime of violence" sentence enhancement because Park had previously been convicted of first-degree burglary in California. Defendants who have been convicted of federal firearms offenses are subject to enhanced sentences if they have already been convicted of at least one "crime of violence." The Ninth Circuit determined that the only question raised on appeal is whether first-degree burglary in California falls under the "residual clause" in the U.S.S.G. § 4B1.2(a)(2) definition of a crime of violence, which states that it is "burglary of a dwelling, arson or extortion, involves use of explosives or otherwise involves conduct that presents a serious potential risk of physical injury to another." The Court held that California first-degree burglary is a crime of violence because it meets two criteria. First, there is the substantial risk that the burglar will end up using force against a victim during commission of the crime. Second, California first-degree burglary is "roughly similar" to the offenses enumerated in 4B1.2(a)(2) because, under normal circumstances, the offense involves "purposeful, violent and aggressive conduct." Therefore, Park was sub-

ject to enhanced sentencing. REVERSED, VACATED AND REMANDED FOR RESENTENCING.

#### **Sykes v. United States**

(09-11311)  
United States Supreme Court  
Decided: June 9, 2011  
Justice Kennedy for the Court, Joined by Chief Justice Roberts, Justices Alito, Breyer, and Sotomayor. Justice Thomas filed a concurring opinion. Justice Scalia filed a dissenting opinion. Justice Kagan, joined by Justice Ginsburg, filed a separate dissenting opinion.

CRIMINAL PROCEDURE: (Felony flight in a vehicle is a violent felony for purposes of the Armed Career Criminal Act (ACCA).)

The ACCA subjects an armed defendant who has three prior violent felony convictions to a mandatory minimum sentence of 15 years. The residual clause of the ACCA provides that a crime that "otherwise involves conduct that presents a serious potential risk of physical injury to another" is a violent felony. When Marcus Sykes pleaded guilty to being a felon in possession of a firearm, he had two previous robbery convictions and a felony conviction for intentionally using a vehicle to flee from law enforcement. The District Court held that Sykes' vehicle flight conviction was a violent felony for purposes of the ACCA. The Court of Appeals for the Seventh Circuit affirmed.

The Supreme Court affirmed the Seventh Circuit decision, holding that intentionally or knowingly fleeing from law enforcement in a vehicle is a violent felony for purposes of the ACCA. Fleeing from law enforcement in a vehicle is considered a violent felony because the perpetrator demonstrates a lack of concern for the safety and property of

others, creating the possibility that police will be forced to engage in high speed pursuit or to use their weapons in order to apprehend him. These situations may have collateral consequences for others that are comparable to those of the ACCA's enumerated offenses of arson, burglary, and extortion.

#### **Davis v. United States**

(09-11328)  
United States Supreme Court  
Decided: June 16, 2011  
Justice Alito for the 7-2 court, in which Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and Kagan joined. Justice Sotomayor concurring in the judgment. Justice Breyer filed a dissenting opinion, in which Justice Ginsburg joined.

CRIMINAL PROCEDURE: (Searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule.)

Willie Davis was arrested by police during a routine vehicle stop for giving a false name. The police searched the car and found a revolver. Davis was indicted on charges of being a felon in possession of a firearm.

At trial, he moved to suppress the evidence of the search, although he knew that the search had complied with existing Eleventh Circuit precedent. Davis also raised a Fourth Amendment challenge to preserve on appeal. The motion was denied and he was convicted. While his appeal was pending, the Supreme Court announced a new rule, from *Arizona v. Gant*, on automobile searches incident to arrests of recent occupants. On Davis' appeal, the Eleventh Circuit held, under *Gant*, that the vehicle search in his case violated the Fourth Amendment, but declined to suppress the evidence and affirmed his conviction.



The Supreme Court affirmed, holding that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule. The purpose of the exclusionary rule is to deter future Fourth Amendment violations. The court explained that *Gant* may be applied retroactively, but the remedy of exclusion does not automatically follow from a Fourth Amendment violation. In this case, the police conduct was not culpable because it was in compliance with the then-binding circuit court precedent. Further, the Court did not find persuasive the argument that applying the good-faith exception will stunt Fourth Amendment law by discouraging criminal defendants from attacking Fourth Amendment precedent.

*J.D.B. v. North Carolina*  
(09-11121)

United States Supreme Court  
Decided: June 16, 2011

Justice Sotomayor delivered the opinion of the Court, in which Justices Kennedy, Ginsburg, Breyer, and Kagan joined. Justice Alito filed a dissenting opinion, in which Chief Justice Roberts and Justices Scalia and Thomas joined.

**MIRANDA RIGHTS:** (A court may consider a juvenile's age a factor in a Miranda custody analysis.)

Police questioned J.D.B., a 13-year-old student, at his school about a string of neighborhood burglaries. The police had information that he was in possession of a stolen digital camera. He was escorted to a school conference room and interrogated in the presence of school officials. J.D.B.'s parents were not contacted, and he was not given a Miranda warning. J.D.B. confessed to the crimes. At trial he moved to suppress his incriminating statements, arguing that because he was effectively in police custody when he incriminated himself

and was not afforded his Miranda warnings, his statements were involuntary. The trial court denied his motion and he appealed arguing that age should be a factor in considering whether a defendant is in police custody for Miranda purposes.

The North Carolina Supreme Court held that age is a subjective factor and so it could not consider J.D.B.'s age in determining whether he was in custody for Miranda purposes. The Supreme Court reversed, holding that a child's age properly informs Miranda's custody analysis so long as the child's age was known to the officer, or would have been objectively apparent to a reasonable officer.

The Court explained, however, that a child's age is not determinative, or even a significant factor in every case, but including age in the custody analysis is consistent with the Miranda test's objective nature.

**Bullcoming v. New Mexico**  
(09-10876)

United States Supreme Court  
Decided: June 23, 2011

Justice Ginsburg for the court, joined by Justices Scalia, Sotomayor, Thomas, and Kagan. Justice Sotomayor filed a concurring opinion. Justice Kennedy, joined by Chief Justice Roberts and Justices Breyer and Alito, filed a dissenting opinion.

**CONFRONTATION CLAUSE:** (Reports documenting blood alcohol test results constitute testimonial statements and require the report maker to testify at trial, subject to the Crawford analysis.)

A forensic analyst created a report documenting the results of a blood-alcohol test and then certified the report. The prosecutor did not call the analyst who certified the test without explaining why and called another forensic analyst to tes-

tify about the report. The defense objected, arguing violation of the Confrontation Clause. The trial court overruled the objection. The jury convicted Bullcoming of aggravated DWI. Both the Court of Appeals and the Supreme Court of New Mexico affirmed the decision.

The Confrontation Clause does not recognize a forensic evidence exception. The Court found that the tests were testimonial, as the report required not only taking numbers off a machine but also involved interpretation and documenting "past events and human actions". Therefore, a defendant must be allowed to cross-examine the report writer/declarant. In such a case, the prosecution cannot introduce as testimony a forensic laboratory report as evidence against a defendant by using an out-of-court report as stated in-court by personnel who did not certify, create or observe the performance or documentation of the test reported. This evidence must comply with *Crawford v. Washington*. The court held that because the prosecution did not provide that the declarant was in fact unavailable and that the defendant had not had an opportunity for prior cross-examination, the report was inadmissible.

**Ocampo v. Vail**

Ninth Circuit Court of Appeals  
No. 08-35586

Decided: June 9, 2011  
Circuit Judge Berzon for the Court; Circuit Judges Canby and Noonan

**CONSTITUTIONAL LAW:** Under the Confrontation Clause, police officers may not testify in general terms on an unavailable witness's testimonial statements, and barring an exception, the witness must testify.

A jury found Ocampo guilty

of murder. Vasquez, an unavailable witness, was interrogated by police but had fled to Mexico before trial. Vasquez confirmed Ocampo's presence at the scene. During trial, a police detective that had not interrogated Vasquez testified that Vasquez's statements helped narrow down the search for suspects. Ocampo's counsel objected to some of the questioning on hearsay grounds, and the trial court sustained. The prosecutor then questioned the detective on corroborating Ocampo's presence on the scene without using Vasquez's statements. A second detective, who had interviewed Vasquez, testified that Vasquez's interview statements put Ocampo at the scene during the murder. In closing, the prosecutor used Vasquez's statements to put Ocampo at the scene. Ocampo appealed, and the Washington Court of Appeals and the district court affirmed. The Ninth Circuit reversed, holding that Vasquez's statements were "testimonial" under *Crawford* because they were taken by police officers in the course of interrogation. The Court found that the detective's testimony about Vasquez's statements indisputably conveyed some of the critical substance of Vasquez's testimony to the jury. The Court found that it would be an "unreasonable application of the Confrontation Clause to allow police officers to testify to the substance of an unavailable witness's testimonial statements as long as they do so descriptively rather than verbatim or in detail." Finally, the Court found that Ocampo never had an opportunity to cross-examine Vasquez. Therefore, the exception to the Confrontation Clause did not apply. **REVERSED and REMANDED.**

# In Memoriam

## EXPLORER

### Cesar Rodriguez

**T**ragedy struck the unincorporated community of Whittier, when two young men were senselessly killed in a drive-by shooting. One of the men, a Los Angeles County Sheriff's Department Explorer who has volunteered for his community through the Norwalk Sheriff's Station for the past four years, just took the first steps toward realizing his dream of becoming a deputy sheriff. Cesar Rodriguez, 19, was gunned down in front of a home in the 11800 block of Painter Avenue as he was leaving a party. He was pronounced dead at the scene, by Los Angeles County Fire Department rescue personnel.

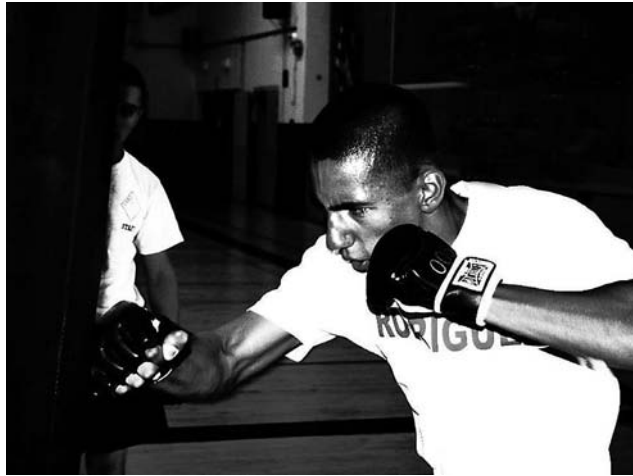
On Sunday, August 28, at 3:10 A.M., the driver of a gray Scion fired several shots at both victims and fled the location with three other men in the car.

Larry Villegas, a 24-year old area resident was also killed in the shooting.

"It was Cesar's lifelong dream to become a deputy sheriff," said Norwalk Sheriff's Station Capt. Patrick Maxwell. "He was preparing himself to do that and was making the right choices in life."

Rodriguez was a respected member of the Explorer Post at Norwalk Sheriff's Station, and had risen to a leadership position among his peers, including serving as a leader of the Honor Guard.

Deputies and Explorers at



the station remember Rodriguez as a good person who continually made the right decisions. He had just submitted his application to become a deputy sheriff a week ago, and everyone expected him to be hired by the Sheriff's Department and embark on a successful career serving the people of Los Angeles County.

"It's ironic," commented Captain Maxwell. "He wants to join the Sheriff's Department to fight crime and he dies a victim of crime."

Sheriff's Homicide Bureau detectives are continuing their investigation into the deaths of the two men that occurred in the 11800 block of Painter Avenue, Unincorporated Whittier.

Sheriff's Homicide Detectives are looking for the driver of a gray Scion. According to witnesses, the driver of the vehicle pointed a handgun at the victims and fired multiple times. The suspect vehicle occupied by three or four male Hispanic occupants drove away northbound on Painter Avenue. Both gunshot victims were pronounced dead at the scene.

• Donations are being accepted on behalf of the family to help pay for the costs of Rodriguez' funeral. Checks can be made out to "Norwalk Sheriff's Station Explorer Post #1085," 12335 Civic Center Drive, Norwalk, CA 60650.

## SHERIFF'S RESERVE (RET.)

### Alvin Hartenstein

**T**he retired reserve is Alvin Hartenstein, who worked at the old Malibu Station. He began as a reserve in 1968 and retired in 1978. Since then, he has been involved in most of the retired reserve events, most recently the annual Laughlin Trip this past spring. He is survived by his son, Erin Hartenstein, who was a former explorer at the old Malibu Sheriff's station and is now a police officer in Missouri. Hartenstein passed away in Las Vegas, Nevada on August 8, 2011.

• Hartenstein's son's address for any cards is 11603 E. 75th Street Raytown, MS 64138



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