

Winter 2009



Los Angeles County Sheriff's Reserve News

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



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Los Angeles County Sheriff's

Reserve News

Official publication of the Reserve Forces Bureau

Reserve Forces Bureau

Captain ERIC G. PARRA

Lieutenant BRITTA TUBBS

S/R Chief MIKE LEUM
Assistant Director

Reserve Coordinator

Sergeant CHARLES NORRIS

Managing Editor

SAM SNYDER

Editor

S/R Deputy
MARKLEY LUMPKINS

Web & Graphic Editors

S/R Deputy JAMES NG

S/R Deputy
ROBERT FRIEDMAN

Editorial Staff

S/R Lieutenant
GINES ARNAU

S/R Chief
HARRY McQUEEN

KIM SKOKOS,
Volunteer Staff

S/R Lieutenant
NICK SMIRNOFF

S/R Deputy
DAVID CHEN

S/R Commander
PAT YENDES

S/R Sergeant
JAMES ZANIAS

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For article submissions or to contact us:

editorial@reservenews.org

www.reservenews.org

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.



Letter from the Captain

*The Reserve News continues
to serve the department
and the community*

Over the last year, Reserve Forces Bureau has taken on a new look. We have added some new personnel including myself, Lieutenant Britta Tubbs, Sergeant Charles Norris and Deputy Murray Simpkins. Reserve Forces has now moved from STARS Center in Whittier to our new office on the first floor at Sheriff's Headquarters Bureau. There are many changes taking place at Reserve Forces Bureau. We have completely reinvented the Department's Reserve Organizational chart and introduced a Reserve Task Force consisting of reserves department wide that will be dispatched to various stations to address quality of life issues. We are working with POST to correct our

Academy deficiencies and our academies should be up and running in the very near future.

Lastly, as you can see, from cover to cover and everything in between, the Reserve News has a new appearance. It should not go without mention that this periodical has been in existence since 1980, thanks to the many years of hard work and dedication from our Department's very own reserves. While there continues to be change at Reserve Forces Bureau, one thing remains constant. Reserve Forces Bureau is here to support our Department's Reserve personnel. I want to thank each and every one of our reserves on this Department for their hard work and continuous dedication. I hope you enjoy your new magazine. ★

A handwritten signature in green ink, appearing to read "E. G. [unclear]". The signature is stylized and cursive.

Gil Grissom Would be Envious

*The Scientific Services
Bureau's Weapons Library
carries a lot of firepower*

By S/R Sergeant
GEORGE D. DeCESARE

Five thousand three hundred, that is the number of firearms and weapons that can be found in the Los Angeles County Sheriff's Department Scientific Services Bureau (SSB) weapons library. Five thousand three hundred weapons ranging from basic wheel guns to Thompson Submachine guns, "Street Sweeper" shotguns, grenade launchers, automatic weapons, and rocket-propelled grenade launchers to name a few. Rows upon rows of rolling shelves as high as the ceiling, approximately 10 yards deep, containing weapons on each side of the aisle as one walks through them.

The Scientific Services Bureau operates one of the largest full-service crime laboratories in the United States. Housed at the Hertzberg-Davis Forensic Center on the campus of Cal State University - Los Angeles (CSULA), the LASD Crime Lab is a state of the art facility which handles not only forensic investigations for the Sheriff's Department, but supports the majority of law enforcement agencies in the County of Los Angeles, with the exception of the Los Angeles Police Department, which happens to have their own crime lab in the same building on the CSULA campus.

The LASD Crime Lab is composed of many divisions, which conduct specialized forensic examinations of evidence in their respective fields of expertise. Among these divisions are Identification, which specializes in latent print development and identification; Biology, which specializes in the recognition of documentation, collection, characterization, and identification of biological material (such as blood, saliva, semen and fecal material); and Firearms, which focuses on the identification of expended

The Scientific Services Bureau weapons library has one of the most extensive collections in the country in its state of the art facility.



bullets and cartridge cases to specific firearms, bullet and firearms characteristics and recognition.

Visiting the Firearms Division of the LASD Crime Lab is an incredible experience, reminiscent of the popular CSI television shows. The combined experience of the staff in the Firearms Division measures in the hundreds of years, and experts such as Manuel J. Munoz, Senior Criminalist/Firearms Examiner, can tell you the idiosyncrasies of any weapon manufactured to date without having to look the information up in any reference material.

At their disposal, the Firearms Division staff has an abundance of tools available that they utilize on a daily basis in support of solving crimes. As one enters the Firearms Division, one can see several high-powered, and by the looks of them, highly expensive electronic microscopes, which project an image onto a flat screen monitor sitting beside each microscope. These microscopes are utilized by the staff for many objectives, including the comparison of bullet cases and bullets. Moving away from the microscopes, there is an indoor shooting range at the facility that the staff uses to test firearms, determine ballistic characteristics of weapons and bullets, as well as provide support to the Weapons Staff at Biscailuz Center. Next to the indoor shooting range is a room which houses two large, water-filled, rectangular, heavy gauge metal boxes, which ominously resemble large caskets. Each has an opening on one end, and the tops are hydraulically lifted to expose several gallons of water. These boxes are utilized to test fire bullets into them in order to obtain the fired bullets fairly intact.

Right across the hallway from the shooting range is a secured room, which if you are lucky and privileged enough to gain entry to, is the aforementioned weapon's library.



**Reserve Commander
Pat Yendes of the SSB
Reserve Company**

Immediately to your right as you enter the room is a closet which contains boxes upon boxes of every kind of ammunition ever manufactured, all neatly stacked on multiple levels of shelves. On the right side of the room, there is a cabinet with multiple drawers which contain small plastic housings, each housing containing a preserved sample of every bullet caliber ever made and available commercially.

Finally, once inside the main room, hanging on the front wall of the weapon's library are excellent examples of an ARWIN, a small rocket launcher, and a rocket propelled grenade launcher. Venturing further into the library, one can find some of the most obscure weapons ever made, sitting right next to some of the more popular weapons manufactured. Handguns such as 9mm revolvers and automatic Glock pistols sit on the shelves, along with AR-15's, M-16's, M1 Garands, 50 Caliber rifles, Uzi's, Tech 9's, and many others. All these weapons are available to the Firearms Division staff of the SSB in

order to test fire and conduct analysis in their efforts to solve crimes.

All the high tech gadgetry, along with the weapon's library combined with the expertise of the SSB staff makes the LASD Crime Lab a very powerful tool in solving and fighting crime. The Crime Lab staff support the majority of law enforcement agencies throughout the County of Los Angeles, and are highly regarded as experts by our judicial system. If television's CSI character Gil Grissom were to walk through the LASD Crime Lab, he would definitely be envious of the facility and its resident experts.

The LASD Crime Lab is supported by the SSB Reserve Company which is led by Reserve Commander Pat Yendes and Reserve Captain Thomas F. Jones. Members of the SSB Reserve Company provide support to the LASD Crime Lab in various areas; among these areas are the review of procedures in order to assess and create operational efficiencies and the review of available technology in the field of forensic sciences and investigation. ★

A View from the Cage

Tales from an evening with a Lakewood Station Reserve Deputy

By S/R Deputy
JAMES C. ZANIAS

One Saturday this past February, I had the privilege of riding along with Reserve Deputy A. B. Speer and his training officer Deputy Salles (Salles himself a former Reserve Deputy for 1 year and a full timer now for the past 15 years) in Unit 132 “Eddie”. Unfortunately for this reporter my seat for the evening was in the backseat, and standing at over 6’1” with thick socks on, it was a very tight fit!

I knew it was going to be an eventful evening as no sooner had Speer logged onto their MDT a stolen vehicle call was received. This would not be Speer’s first 503 report. At 17:04hrs the call was received and at 17:04:15hrs (yes, literally 15 seconds later!) we were at the site of the stolen vehicle report and making contact with the victim. No, contrary to public opinion Lakewood deputies are not super-human, the call was in fact just across the street from the Sheriff’s station. Double-checking to make sure the license plate was entered into the system it was time for Speer to fill out his CHP 180 form.

Next up was a call regarding suspicious activity at a defunct super market, an apparent victim of the recession. Report of gentlemen using acetylene torches on the building brought a few units in response along with support from the Aero Bureau. It was quickly ascertained that these gentlemen were contractors hired to weld shut steel doors to prevent unauthorized access or vandalism to the inside of the store. Mystery solved, it was on to the next stop.

Deputy Salles drove over to a nearby bowling alley/shopping center and proceeded to “fly the flag” and let the bad guys know that the sheriff was in town! We cruised the parking lot and prowled the perimeter of the buildings, Salles and Speer eyeballing various knots of young men of questionable character (the kind that any father would not want their daughters bringing home). As I peered out from my position in the cage, I could feel the empathy emanating from many of these young men as they looked back at me, one whom they perceived to be a kindred spirit wrongfully picked up by the “man.”

Next up was a reported suspicious person in vehicle located in a mall parking lot. The vehicle appeared to be a relatively brand new Lexus SUV with window shades covering the front windshield. Reserve Deputy Speer made the approach under the supervision of Deputy Salles. The occupant had apparently lost his house due to dire financial circumstances, but was still able to hold on to his Lexus and had found not only did it provide a comfortable ride, it also provided a very comfortable sleep!

Being concerned for the nutritional well being of Salles and Speer, and unaccustomed to their patrol routine, I casually inquired about that Code 7 thing, you know ... like “when are we going to eat?” “Soon” was the reply, as soon as we get a break in calls.

A common refrain in the business world is that no job is complete until the paperwork is done. No truer words have been spoken, especially in the world of a reserve deputy sheriff on patrol.

Next stop, across town to a 415E loud music/party call. The complainant was located about 100 yards across a busy four lane major thoroughfare from the party house. Even at that distance, the music was so loud and the party’s sub-woofer so outstanding that the patrol car literally vibrated from the music. Speer made contact with the hosts of the party and they graciously turned down the music. At last, a break perhaps? Code 7, would it be time to eat? Nope, another call came in dashing my hopes for nutritional salvation.

This call was a Domestic Violence call, a possible 273.5. Arriving on scene along with a couple of other units, contact was made with the suspect and the alleged victim. Sufficient information was gathered at the scene including physical evidence and statements sufficient to constitute probable cause for an arrest. Salles and Speer were the

arresting deputies and transported the suspect to Lakewood station for booking. Reserve Deputy Speer was put through his paperwork paces under the ever present and watchful eye of his training officer Deputy Salles. At the end of it all, they bid a fond adieu to the suspect and proceeded to handle the next call. Unfortunately (in spite of my then “rumbling” stomach) there was still no time for a Code 7.

A fight involving a dozen or more males in the parking lot of a motel across town brought a Code 3 response. As we raced across town to back up their teammates, Salles and Speer were careful to clear each intersection before proceeding through. Their reputation preceding them, the mere thought of Salles and Speer arriving on scene must have taken the fight out of our miscreants and upon arrival, the scene was a Code 4, no further action required.

Eight hours into their shift and still no Code 7! I finally gave up on any hopes of having dinner, when once more into the breach, another call came in. A 415E loud music/party call. At 0:45hrs these revelers were not too keen on seeing tan and green uniforms arriving. But after a few cordial words, the music was adjusted and the call was completed.

A common refrain in the business world is that no job is complete until the paperwork is done. No truer words have been spoken, especially in the world of a reserve deputy sheriff on patrol. It was report-writing time for the Domestic Violence arrest and Reserve Deputy Speer was the author and Deputy Salles his editor.

0200hrs and it’s finally the end of shift. Reserve Deputy Speer has comported himself with professionalism and competence and is a credit to the Reserve program. Deputy Salles apologizes for a relatively “quiet” evening and promises a more exciting evening the “next time” I come out. I’m not sure what he’s talking about. Salles and Speer were going non-stop for ten hours and that’s a relatively “quiet” evening? I’ll have to pack a lunch the next time! ★

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.



Active shooter training puts the Community Colleges Bureau members in situations meant to feel close to the real thing.

Active Shooter Event!

By S/R Captain, Community College Bureau Co.,
JACK McRAE

Do you know what to do if you get a call to respond to an active shooter at a particular location? What if the shooting stops and then starts up again? What if there is a person lying nearby who has been shot, but is quite alive and you hear bullets going on just ahead of you? Do you treat them? Leave them? Question them for some intelligence? What

is an active shooter? Having attended a recent live fire active shooter training course sponsored by Community Colleges Bureau (CCS), I am better prepared and more aware of what the priorities are if such a situation should occur.

We are all aware of the tragedy at Columbine High School in Colorado that occurred in 1999. Two students, embarked on a massacre, killing twelve students and one teacher. The event injured twenty-one other students and three persons were injured while attempting to escape. The murderous pair then committed suicide. Local law enforcement was chastised for seemingly

just “standing around” and not engaging the killers. And while there were individual heroic acts by a few of the officers, as a whole they were doing what they were trained to do. As a result, a review by law enforcement nationwide was done on strategies and tactics for handling “active shooter” situations. Ten years later, we now have to retrain ourselves from the “old way” to the new, more aggressive and engaging method.

Recently, the LASD’s Community Colleges Bureau (CCS), in conjunction with SEB, held “Active Shooter” training at one of the campus’s for which CCS provides law enforcement services.

CCS is charged with being the campus police for all nine of the L.A. City College campus’s as well as three satellite campus’ and the District Office. Student population at the various campus’s range from 3,000 to beyond 21,000. The campus’s have 1-3 deputies on duty at any one point in time, several security officers (SO) and a small core of cadets. Most of the time, campus police work is relatively quiet. However, when an active shooter situation erupts (as it has in 2 separate occasions since LASD-CCS has had the contract to provide campus police) then these few forces need to be able to immediately engage deal with the violent situation.



Trainees go through extensive debriefing after simulated events, and receive expert instruction in techniques.

“Back in the day”, you may have been instructed that if there is a situation of a barricaded suspect or a suspect in a location that was shooting, then we would need to contain the location, setup a perimeter, call for SEB and then sit and wait. And if we needed to make entry, then it was in a team of two or three and we would move slowly while we cleared each room, each door, etc. This tactical position was very appropriate when armed suspects were taking hostages and wanted their demands heard and met. We had time on our hands and could wait them out.

Columbine changed that. The new situation revolves around a person that doesn't want to make demands. They don't want talk with someone. They want to kill; they want to make a “mark”; they want to cause as much carnage as they can before they, typically, take their own life. So when we roll up on such a situation, the first thing we may hear is the sound of gun fire. While that gun fire is going on, you have an “active shooter” situation on your hands. The suspect has changed the

dynamics. The old “Contain & Hold till SEB Arrives” will no longer work. So we must change our approach as well.

The new way to tactically approach an active shooter situation revolves around two precepts:

- Immediately Locate the Active Shooter
- Stop the Active Shooter

During our 6 hour training day at L.A.'s Pierce College in the San Fernando Valley, we started with the customary donuts, coffee, and registration. We had a 1½ hour lecture on what an active shooting situation is, how to make entry/exit with a diamond pattern approach, victim management, shooter identification, & shooter engagement. Then it was on to 3 different, live fire, active shooter scenarios setup by SEB. These scenarios were complete with multiple bad guys, wounded & hysterical victims, blood and carnage (great makeup by some of the theater arts students!), crafty hiding places, barricaded suspects/hostages, etc.

Admittedly, the first time

Active Shooter Training

Because of the persistent threat that an active shooter will reappear on one of the CCS' college campus's, active shooter training is constant and ongoing. And because CCS will call on help from surrounding LASD patrol stations if such a situation should manifest itself, CCS routinely encourages other units of assignment to join CCS for this training. If you would like to join us for our next training class, please email Reserve Coordinator & Training Deputy Tom Lynch (tjlynch@lasd.org) or S/R Jack McRae (jmcrae@lasd.org) so we can put you on our mailing list for upcoming training.

a person goes into a live fire situation and you hear bullets ripping through the air, the natural instinct is to take cover. However, if there is an active shooter, and you and some other deputies hear the unmistakable pop-pop-pop of bullets, then you need to start running towards those sounds. That

will be the only way to immediately locate the shooter and, ideally, stop him. As we went through each scenario, we started to get better acquainted with this new, actively aggressive methodology. And the reason for this new strategy and tactic is simple: to minimize any further loss of life.

After we had all gone through the training scenarios and taken our lumps of paint balls, we had a chance to see how SEB would make entry on a barricaded situation with a non-active shooter. And because one of the buildings on the college campus was scheduled for demolition, SEB had a chance to practice several explosive-breach entries. Some of us roll played as hostages inside a locked office. SEB detonated a charge that ripped the door from its frame, allowed them to make entry, all the while leaving us hostages safe from the effects of the blast charges.

The training having come to an end, we were treated to a BBQ lunch with all the trimmings! It was a fantastic way to end the day of new knowledge, hard work, and lessons learned. ★

Suspicious Photography, Photographers' Rights and Law Enforcement

Story and Photo by S/R Deputy **JEFFRY HELLER**

It seems that there are photographers everywhere you look. There are real cameras in the form of big "SLR" type equipment with long lens, mini-cameras with 10-mega pixel capacities and the ever-present cell phone cam. In fact, there are video cameras the size of cigarette packs. What do you do when the cameras are focused on a bridge, public buildings, a stadium, a university science lab, or the local nuclear power plant? What do you do when the cameras are focused on you?

A recent Joint Regional Intelligence Center (JRIC) bulletin, dated August 20, 2009, reports on photographers' rights in the light of suspicious criminal activity. Suspicious photography is one of the most frequently reported tips to JRIC. An important part of the JRIC report is the understanding of the search and seizure law, as it applies to consensual contacts when approaching photographers. The rule of law must be upheld in the light of possible suspicious behavior. The report highlighted "Consensual Encounters" from the California Peace Officers Legal Source Book, which states:

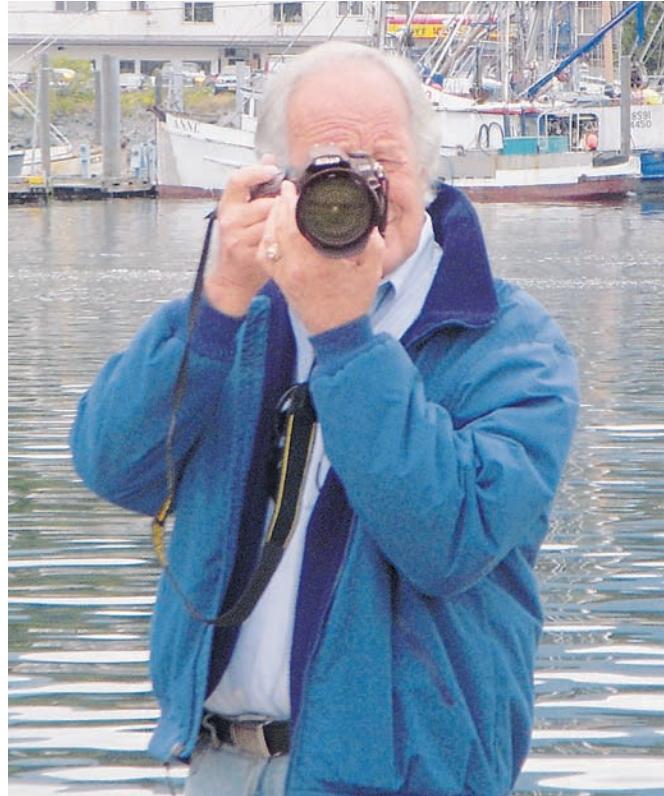
"A police officer may approach an individual in a public place, identify himself as a law enforcement officer, and, in a non-coercive manner, ask the individual a few questions, without reasonable suspicion. Because the officer is on duty is likely to be in uniform, display a

badge, and carry a weapon, those factors are generally irrelevant to determining the nature of a contact. As long as a reasonable person would feel free to disregard the police and go about his or her business, the encounter is consensual and no reasonable suspicion is required on the part of the officer."

It should be understood that law enforcement officers must be aware of the law and rights of photographers. If officers act poorly in an encounter, there is a strong probability that many cameras will be upon them and find themselves on YouTube, Social Websites, and an assortment of internet blogs. Worse yet, the officer gets a lawyer's letter about violation of First Amendment Rights.

After September 11, 2001, there is no law that grants any additional rights to restrict visual newsgathering, photojournalism, or photography in general. Professional photographers know this and carry a law firm product that outlines the rights of photojournalists to make pictures in public places. With exception of public safety, such as a forest fire, a military installation involved with national security, or a designated area of a nuclear facility, permissible subjects for photos (the Kodak moment) are:

- Accident and fire scenes (not deemed a public safety hazard)
- Children
- Celebrities



- Bridges and other infrastructure
- Residential and commercial buildings
- Industrial facilities and public utilities
- Transport facilities
- Superfund sites
- Criminal activities, and Law enforcement officers

Those who are most likely to violate the rights of the photographer are security guards and employees of organizations. They fear photographers and will act to prevent them from taking pictures. These individuals will use security as the reason for their actions, when security is rarely the issue. Legitimate reasons for law enforcement to limit photography, is when photographers' activities are impeding police work and endanger safety. You cannot prohibit photography from another safe vantage point.

Here are guidelines for

photographers that all police agencies should know:

With the knowledge that anyone can approach a person in a public place and ask questions, it is the persistent and unwanted conduct without a legitimate purpose that is a crime in many states.

A photographer is not obliged to explain the purpose or disclose their identity, except in states where it is okay to request ID by a law enforcement officer.

Coercion and harassment of photographers are criminal offenses. Use of fear of injury, damage to equipment, or accusing the photographer of a crime because they are taking photographs is unlawful. If a civilian participates in this behavior, they expose themselves to torts.

In some incidents, owners of shopping malls or industrial plants think they can ask you for your film or memory card. Without a court order,

there is no reason to compel the photographer to hand over the film or card. To threaten use of force or calling law enforcement can constitute a criminal offense such as theft or coercion and result in a civil tort. If law enforcement officers are making an arrest, they have the authority to seize the film/card. But if law enforcement is not making an arrest, they cannot seize film/card without a court order.

Harassment by threat, intimidation, or detaining someone who is taking pictures, may be liable for crimes such as kidnapping, coercion and theft. The civil remedies for this sort of behavior are torts for assault, conversion, false imprisonment, and violation of your civil rights.

Other kinds of actions for harassment can be worse than a tort, because of the potential for wide media coverage. Think about photographers calling local newspapers. Also, consider the

problem when a photographer calls your supervisor. Or even worse, the photographer may place an article or blog on the Internet, with a video attachment.

Photographers know that they should be civil in conflict situations. Good judgment is always the best policy, and hopefully, they will exercise this judgment. If photographers are harassed when they are within their rights, they will want to take the offending person's name and their employer. They will ask "am I free to leave the area?" If someone demands the film or memory card, they can ask "What legal basis do you have for this confiscation?" The photographers want this information when their civil rights are being challenged. So the officer must know the rights of photographers to properly enforce the law and not to violate civil rights.

As law enforcement officers, we need to know how to handle the ever-present

photographer in public places. In secured areas and where public safety is a concern, the law enforcement officer must take measures for protecting the public, including photographers. By being aware of the civil rights issues in encounters in public, we will remain within the law, as we maintain the safety of others.

This article does not mean that you do not pay attention to "suspicious photographers". Remember, you can engage photographers in public, consensual encounters and ask questions. If you are photographer, you can ask about typical photography questions, such as: Do you have good light for your photos? How do you like your camera, I am thinking of buying one? Have you considered using faster film? How do you like your digital camera, I am thinking of purchasing one? In the meantime, you are checking-out the photographer.

The Joint Regional

Intelligence Center does encourage reporting of suspicious photography. But one must keep in mind the rights of the photographers, through consensual encounter in a public place. A JRIC bulletin entitled Identifying Suspicious Photography, published in October 2008 can help law enforcement personnel determine legitimate photography and potential criminal behavior.

In any case, remember to smile, you may be on candid camera. ★

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Remington 870 Transition Course

By S/R Deputy
JAMES C. ZANIAS

As all of you are aware, or least you should be, the Remington 870 is the replacement shotgun for the venerable Ithaca 37. In an ongoing effort to provide the best and most reliable equipment to its members, the Los Angeles County Sheriff's Department adopted the Remington 870 this past year. As a result of its adoption, all reserves are required to take and pass a

five-hour transition course. (*See the Transition Course Test on the facing page.*)

This course is made available to reserves every other Saturday and is conducted by Sgt. Nell of Bizcaluz Center Range assisted by several reserve deputies. This article is intended to allay the fears you may have regarding the transition course and assure you, as one who has recently gone through it, Sgt. Nell and his people make it very easy (if you pay attention!).

First of all, you need to make a reservation for the class by e-mailing Sgt. Nell at DANell@lasd.org. Reservations are made on first come – first served basis and class size is limited to 20 people.

ited to 20 people.

Next, you need to show up bright and early at 8 A.M. at the lower range at the Pitchess Detention Facility, sign in and then caravan to the upper range parking lot. No need to panic, the 870 in its LASD configuration has very little perceived recoil!

Up the hill you'll go to a very nice spot with metal silhouettes evenly spaced out awaiting your arrival. Once there, Sgt. Nell will give a safety lecture, overview the highlights of the 870 shotgun and provide an entertaining demonstration designed to dissipate all the bad memories of the hard-kicking Ithaca 37. You will also meet several fellow

reserves assisting Sgt. Nell in range safety and monitoring.

The fun then begins. You get to practice loading and unloading the shotgun with dummy rounds. You then get to load live rounds and fire the shotgun. All of the drills and weapon manipulations that are tested at the end of the day are practiced several times throughout the course of the morning, making the actual test very easy.

If you've paid attention throughout the morning, the test will be a piece of cake, especially after reading this article and knowing what the test consists of ... as they say, forewarned is forearmed! ★

Reserve Task Force

By S/R Deputy
SCOTT MATTHEWS

Reserve Forces Bureau is proud to introduce the newly developed Reserve Task Force. The Reserve Task Force was designed to be a tool for station Unit Commanders to address “quality of life” issues in the communities they serve without utilizing existing sworn personnel and funds. The Reserve Task Force is managed by Reserve Forces Bureau personnel who also deploy with the task force.

Since its inception in July 2009 the Task Force has had 11 deployments throughout the County of Los Angeles. These missions included an Illegal Street Racer Sting, Illegal Vendor Sweep, Curfew Sweep, Cross Walk Sweep, Vandalism Sting, and many more.

Teams are comprised of a Sergeant, Team Leader (Deputy) and up to 12 Deputy Sheriff Reserves. Reserve Task Force members are Reserve Deputies assigned to units from all over the Sheriff's Department. They are all Level I and Level II patrol trained Deputies. Though they are assigned to units other than Reserve Forces Bureau, the Reserve Task Force is a collateral assignment. The ideal and philosophy of the Reserve Task Force is an example of how the Sheriff's Department in partnership with community volunteers can help address community issues. ★



REMINGTON 870 TRANSITION COURSE TEST

The actual test consists of the following:

1. Load four rounds into the magazine
2. Unload the magazine (without chambering a round)
3. Load four rounds into the magazine
4. Chamber one round
5. Unload the chambered round and load it back into the magazine
6. Chamber one round
7. Shoot two rounds on your target
8. Shoot one round on your target (strong side shoulder)
9. Shoot one round on your target (support side shoulder)
10. Shoot two rounds from the kneeling position.
11. Perform a chamber check

Note: 5 of 6 hits required to pass.

LAPD Motors Unit Celebration

The Sheriff's Department Motors Unit participated in the Los Angeles Police Department Motor Squad's celebration of its 100-year anniversary in a special two-day event. A motorcade rode from L.A. Memorial Coliseum to the Police Academy on Oct. 2. The public was invited to attend. A special reunion and lunch for active and retired officers featuring speaker Darryl F. Gates was held the next day. The Sheriff's Department Reserve congratulates the LAPD Motor Squad.



COMMUNITY

Gifts for Guns 2009

Story and photos by
KIM SKOKOS

The “Gifts for Guns” program was developed by the Los Angeles County Sheriff’s Department in 2005 to provide a unique

opportunity for area residents to safely surrender any firearm, anonymously and without questions, to Sheriff’s personnel in exchange for a \$100 gift card for any handgun or rifle, or a \$200 gift card for an assault weapon. The gift card participants could choose from Target, Wall mart or Ralphs. They also got a special edition Arnold

Schwarzenegger T-shirt. The “Gifts for Guns” had 21 drive-thru stations participating. In Rowland Heights, the sheriff’s Walnut/Diamond Bar Station collected 244 guns, including more than a dozen assault weapons. San Dimas Station collected 246 guns and the sheriff’s Altadena Station gathered 87 weapons. The two-day collection event in City

of Industry brought in 298 guns!

Last year, the Sheriff’s Department collected more than 3,000 guns, which were later destroyed.

The 2009 event was very successful and collected 3924 guns, 1735 handguns, 1400 rifles, 608 shotguns and 110 assault weapons. ★



Clockwise from top: Explorer Juan Sucilla and Volunteer Gilbert Delgadillo interview citizens participating in the event. Deputy John Price and Deputy Gordon Baker examine a rare specimen; Explorers Nelson Barrios and Carlos Foyain helped out in the collection; some of the hardware turned in at the event.

Youth Activity League at Jack Bones Equestrian Center

Reserve deputies and posse volunteers give kids their first taste of horsemanship

Photos by S/R Lieutenant
NICK SMIRNOFF



10 kids arrive from the Antelope Valley YAL.



Plans for the day discussed by Reserve Deputy Tony Pepe, YAL Palmdale Deputy Johnnie Oats and Posse Volunteer Dave Hauser.



The kids were given a short lesson on horse anatomy, safety and grooming by Posse Volunteer Elaine Rose.



YAL member Mynette Braxton shows off her team bandana.



Reserve Posse Chief Pete Burnstein with some participants.



A YAL member meets his first horse.



Young riders are led around the Jack Bones Arena.



YAL member Antonetie Hawkins on a horse for the first time.



Arena Master and event coordinator Dave Hauser.



YAL member Talon Morch meets "Pawnee"



Adult Posse members

Annual LASD Explorer Competition

By S/R Sergeant
CHARLES NORRIS

On October 3, 2009, Reserve Forces Bureau hosted the annual Explorer competition at STARS center in Whittier. The competition consisted of six events (459 J/O, 415F, T-Stop, Felony T-Stop, Active Shooter, Suspicious Persons) that each explorer post would take part in. 160 explorers and 40 support staff consisting of RFB personnel, station advisors and volunteers attended.

The problems were held throughout the STARS center campus. Each scenario was run by an Explorer coordinator that was attending the competition. There was plenty of fun and food for all that attended and a good time was had by all.

Carson Station won "Best overall", Industry Station won the 415f, Century Station won



the t-stop, Carson Station won the felony t-stop, Carson Station won the 459j/o, Industry Station won the

active shooter and Carson Station won the suspicious persons problem.

Thanks to everyone who

took part in making this event a huge success. See you next year! ★

Antelope Valley Fair in Lancaster

Story and photos by S/R Lieutenant **NICK SMIRNOFF**

Bigger, Better, Safer! was how the Antelope Valley Fair in Lancaster was advertised this year. With the better part being a new midway vendor, the safer part was due in no small measure to the dedication and expertise of the men and woman of the Los Angeles County Sheriff's Department. Working out of the

Lancaster Station, a Field Command Post was set up at the fair grounds and available to Sworn Deputies, Uniformed Reserve Deputies, and Explorers who worked this detail. Some on foot, others mounted on horseback or bicycle, who worked along side the fairs private security forces. All this, to insure a safe and pleasant experience for thousands of visitors.

Working along side this pro-active unit was a cadre of department trained civilian volunteers, the "Volunteers on Patrol". As well as being the eyes and ears of the department, these white



LASD volunteers patrolled the grounds on foot.

shirted volunteers walked countless asphalt miles answering questions and giving visitors directions to the various fair venues.

For over thirty years, the contract City of Lancaster has

utilized the services of Los Angeles County Sheriff's Department for its law enforcement needs and the annual summer fair is just one small part of the overall services provided by department. ★

The Bassett Homeless Operation

Story and photos by
KIM SKOKOS

Deputies didn't realize that there were homeless people still living in the closed-in area under the freeway, until a USC journalism student Len Ly, researching homelessness discovered "the cave". She was on a ride-along with a Deputy from Industry stations COPS team. They spotted an opening in the underpass of the 605 and 10 freeway in Baldwin Park. When they investigated this opening they discovered that it was an entrance into an area under the freeway that many homeless people called "the cave".

The opening was about 15 feet off of the ground and for these people to get into "the Cave", they must climb a ladder to a small opening in a concrete wall, that helps support the freeway, they then squeeze beneath a rusty metal grating that they had cut back and bent to make a hole, they balance on a ledge and climb down a second ladder into a huge dark room. The area under the freeway is about the size of two high school gyms.

On May 27th, 2009 Authorities entered an area thru a metal door that was welded shut and only used for limited access for official DOT use only. We entered through this welded door that Caltrans had cut open. We followed a little path thru the garbage-filled rooms that had reflectors the inhabitants had removed from road barriers to line



Authorities entering "the cave" found mountains of trash.

their walkway. We found a man sleeping near the rotting carcass of what appeared to be a cat. Deputy Archambault described it as "a hidden city" and said that he had not seen anything like it in his 27 years with the Sheriff's Department.

Inside, the floor was covered in old clothes, torn pages from porn magazines, dirty syringes, burnt spoons, cotton balls, children's toys and ladies purses and make up. We also found other drug paraphernalia, knives, an M-16 and a 9mm magazine and the carcass of what appeared to be a cat and a fur pelt of what looked like a Pomeranian. They may have possibly had a nursery set up in there, because there were a lot of children's toys, cribs, children's books and baby clothes in two of the overhead caverns.

This place appeared to be

a massive homeless camp that was also a "shooting gallery" for drug users.

The California Department of Transportation has tried to close it before. Between May 27th and June 3, 2009 authorities planned to clear out the area and evict the people who live there. They will close it off for good. Caltrans engineers assessed the freeway's structure, and contractors hauled out piles of garbage. It took a dozen men five days to remove most of the debris from the many caverns inside. Don Griffiths, from the Caltrans bridge crew told me this was the biggest one he'd seen.

Deputy Archambault organized a special clinic to offer a variety of social services aid to the homeless at San Angelo Park. Booths were set up to help homeless people find shelter. Speaking with Deputy Archambault we

Thank you to all of the providers that helped makes this event a success.

- Victory Outreach Whittier
- East Valley Community Health Center
- County of Los Angeles Department of Public Health, Pomona Health Center
- El Monte-Rosemead Adult School
- Mobile Free Clinic of Buddhist Tzu Chi Foundation, Taiwan
- U.S.C. Department of Psychiatry
- Azusa Pacific University School of Nursing
- East San Gabriel Valley Coalition for the Homeless
- Cory's Kitchen
- Department of Housing and Urban Development
- Catholic Charities of Los Angeles
- God Provides Food Bank
- Greater Los Angeles health Care System Veterans Affairs
- County of Los Angeles Department of Public Social Services
- County of Los Angeles Department of Mental Health
- Los Angeles Homeless Services Authority
- Monrovia Health Care for the clearing and cleaning of the San Gabriel Riverbed and 10 Freeway (Rosa Parks Freeway)
- California Department of Transportation
- Los Angeles County Department of Public Works, Flood Maintenance Division

discussed all of the planning that went into this operation to see that the people got some kind of assistance. At the event at the park he told me, "We don't have to do all of this, it's just the right thing to do."

We had to turn people away at the end due to the fact that we were running out of time and resources. The operation serviced one hundred and eighty people, including forty children. The dentists did tooth extractions and cleanings

for one hundred people. Twenty-five people participated in the genetic research for finding a cure for bi-polar and schizophrenia disorders. One hundred and fifty people got immunizations. Several people were also screened or given treatment for high blood pressure, diabetes, STD and HIV. The Homeless authority and the other providers helped to place fifty-two people into some type of housing. ★



An operation to aid the homeless was held at San Angelo Park. Volunteers provided a wide array of services to those displaced by the cleanup of the highway overpass.

SCV Search & Rescue Golf Tournament

By Civilian Volunteer
KEN WISEMAN

Move over bad economy, it was time for some fun, generosity and some amazing golf scores! 88 golfers snubbed their noses at the economic situation and decided to take some swings at TPC Valencia golf course in support of the SCV Search & Rescue Team this Monday, June 22, 2009. The all volunteer team works under the direction of the Los Angeles Sheriff Dept., and in conjunction with 7-other Search & Rescue teams spread throughout Los Angeles County, they are ready at a moment's notice to search for lost hikers, downed aircraft, assist with evacuations, over the side rescues and more. But putting that aside for a moment, Monday was fortunately only about rescuing the occasional errant golf ball as team members took to the course in conjunction with several gener-



ous sponsors, volunteers, and golfers for this 3rd annual event, and raised record funds to support the team. Ken Wiseman, CEO of Valencia-based AMS Fulfillment (and volunteer with the team) spoke to the golfers at the start: "Please take a moment to look at our new Toyota Tundra truck parked at the start. It was your support over the last 2-

years that bought this important new addition to replace our retiring Suburban that had logged over 200,000 miles."

Mike Stuart, owner of MT Stuart & Company (a local Insurance brokerage), coming in from the course after passing out drinks and cigars, commented: "It seems like the best year! We've got a great day, great people and this is all for a cause I believe in." Together

with Anthem Blue Cross, MT Stuart has been a 3-year major sponsor of the SCV Search and Rescue golf event.

Golfers, Sponsors and volunteers were treated to a delicious continental breakfast, BBQ lunch, and buffet dinner, numerous raffle and auction items, a visit from the Laker Girls, and lots of fun! The TPC Valencia

course was in great shape and the weather certainly cooperated.

Overall first place with a gross score of 61 was Mark David, Tom Drake, Mike Tunget, and Dick Engel. Second place went to Chris Velona, Damon Huffman, Scott Maza, and Molly Carver. Third place was Mark Flick, Jason Edwards, Justin Courter, and Alex Zlidenny. Mixed awards included: 1st Place Tony Demma, Justin Wiseman, Evan Aldrich, and Hope Vega, 2nd place Jim Fisher, Betty-Lou Wiseman, Jeff Peterson, and Kent Pachl, 3rd Search & Rescue Team, Suzanne Towry, Emile Pourroy, Robert Stanley, and Bernie Courville. Longest Drive was achieved by Rob Kazmirski; Closest to the pin Damon Huffman, Straightest Drive, Signal's very own Paul De La Cerda. The putting contest was won by Toby Coe.

With attendance and fun at a 3-year high, the only sign of the down economy was the "Stimulus Plan" Mulligan Package, which was purchased by most, and directly contributed to golfers scores and the success of the event. ★

DEPARTMENTS

Recent Court Decisions

Summarized by S/R Deputy
HORST FÜNSTÜCK

PEOPLE V. McNEAL

Case No. S157565
California State Supreme Court

*Intoxication while operating
a vehicle*

Court of Appeals judgment is affirmed where evidence about partition ratio variability is relevant in generic DUI cases to rebut the presumption of intoxication in Vehicle Code sec. 23610 and support an inference that the defendant was not under the influence, but may not be used to negate the basic fact triggering the Vehicle Code sec. 23610 presumption and thereby defeat operation of the presumption itself. Conviction for driving under the influence is affirmed where:

1. although defendant was prevented from introducing evidence about partition ratio variability, the error was harmless, as there was significant evidence of his intoxication; and
2. the jury's verdict indicated that the admission of partition ratio evidence was not reason-

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.

ably likely to have produced a more favorable result.

Defendant was charged with generic and per se DUI after he produced a breath sample indicating a blood-alcohol concentration of 0.10 percent. By statute, if a chemical test within three hours of driving measures a driver's blood alcohol at 0.08 percent or more, the driver is presumed to have been driving "under the influence" of alcohol.

Defendant was stopped after an officer saw him drive through two red lights. Defendant's eyes were watery and bloodshot, his speech was slurred, he smelled of alcohol, and he admitted he had consumed a beer. Defendant was arrested and given a breath test about an hour after the initial stop. Defendant blew into the machine five times but produced only two samples sufficient for testing. Both valid samples registered a blood-alcohol level of 0.10 percent.

The question for the jury was whether defendant was under the influence of alcohol when he drove through two red lights. Defendant was stopped at 11:00 p.m. When asked to produce his driver's license, he initially could not find it. Asked why he ran the lights, defendant replied, at first, that he was chasing someone who had threatened him with a gun. Later, he said he was looking for his wife, or that his wife was following right behind him. The arresting officer saw no one else around. Defendant's eyes were watery and bloodshot, his speech was slurred, and a strong odor of alcohol came from the interior of his car and from his person. His face was flushed and he had difficulty answering questions. When he

got out of his car, he leaned on the vehicle for support as he made his way to the sidewalk. Defendant said he had consumed one beer and had taken medication that morning for diabetes; however, no evidence offered at trial showed defendant was diabetic. Defendant failed every one of the field sobriety tests he tried to perform. A preliminary alcohol screening test given at the scene showed the presence of alcohol in his breath. Based on defendant's driving, appearance, and performance on the field sobriety tests, the arresting officer formed an opinion that defendant was impaired due to the influence of alcohol.

The Court of Appeal transferred the case to itself on its own motion. That court distinguished between evidence about the variability of partition ratios in the general population and evidence showing the defendant had a nonstandard ratio. It concluded evidence challenging the validity of the statutory 2,100-to-1 ratio was irrelevant, but evidence that this particular defendant had a different partition ratio should have been admitted. The court reasoned that if the defendant's own ratio differed significantly from the standard ratio, this fact could support an inference that the defendant was not actually impaired at the time of the offense. The court therefore held such personal partition ratio evidence is relevant and admissible in generic DUI cases. Although it found the defendant's offer of proof insufficient to determine the precise nature of the partition ratio evidence he sought to introduce, the Court of Appeal concluded that even assuming

defendant intended to present evidence about his own ratio, and assuming the issue was preserved for review, any error was harmless under *People v. Watson*.

DISPOSITION

We do agree with the Court of Appeal, however, that partition ratio evidence may not be used to negate the basic fact triggering the section 23610 presumption, and thereby defeat operation of the presumption itself. Because section 23610 expressly incorporates a 2,100-to-1 partition ratio, the defendant may not argue the presumption does not apply because a different ratio should have been used. The result of the statutorily mandated test remains admissible, and the jury is still properly instructed on the presumption. Defense evidence is relevant to rebut the presumption that the defendant was intoxicated, but not to remove the presumption altogether. *The judgment of the Court of Appeal is affirmed.*
George, C. J., Kennard, J., Baxter, J., Werdegar, J., Chin, J., and Moreno, J., concurred.

DESROCHERS V.

CITY OF SAN BERNARDINO

No. 07-56773 (07/13/09)
Ninth Circuit Court of Appeals

*Constitutional Law / Public
Employee Speech / Whether
Policeman Had First
Amendment Right to Voice
Interoffice Complaints*

OPINION (O'Scannlain):

Desrochers and Lowes (Employees) brought interdepartmental complaints against a supervisor because they did not agree with the supervisor's

managerial style. Desrochers and Lowes claimed that they were retaliated against when they did not drop their complaints and brought a claim under a First Amendment Retaliation claim against their government employer. The District Court dismissed the Employees' claims. The Ninth Circuit first noted that the five factor test announced in *Connick* applied: (1) whether plaintiff speaks on matter of public concern; (2) whether plaintiff spoke as private citizen or public employee; (3) whether the plaintiffs protected speech a substantial or motivating factor in the adverse employment action; (4) whether the state had adequate justification for treating employee differently; and (5) whether the state would have taken adverse employment action without the protected speech. The Ninth Circuit held that the State Employees did not meet their burden as they were speaking only on personality differences between them and their employer, which was not an area of public concern. The Ninth Circuit specifically held that these employer-employee issues were not public concern because they did not affect the ability of the police to protect citizens or any other aspect that might pertain the public. The Ninth Circuit holding that the Employees had not satisfied the first factor of *Connick*, declined to reach the other factors.

AFFIRMED.

Dissent by Judge Wardlaw.

UNITED STATES V. MICHAEL YOUNG

No. 07-10541 (07/14/09)

Criminal Procedure / Fruit of a Warrantless Search and Seizure / Expectation of Privacy as a Hotel Guest

OPINION (Goodwin): While staying at the San Francisco Hilton,



Michael Young was mistakenly given a key to James Johnson's room. When Johnson reported missing personal items, hotel security searched Young's room and in the course of their search found a firearm. Hotel staff then locked Young's room with all of his belongings still inside. Upon his return, Young discovered that his room key no longer worked, and contacted hotel staff. The hotel then phoned police, who arrested Young for being a felon in possession of a firearm. The district court granted Young's motion to suppress the fruits of the search, and the government appealed, arguing that Young did not have a reasonable expectation of privacy because the hotel had evicted him prior to the search. The Ninth Circuit first held that Young had a reasonable expectation of privacy because nothing the hotel did prior to Young's arrest, including locking him out of his room, constituted sufficient notice of eviction to preclude Young's expectation of privacy as a hotel guest. The Ninth Circuit further held that an exception to any privacy interest in containers that "contain nothing but contraband" did not apply in this

case because both the room and the backpack contained other articles besides contraband. Finally, the Ninth

Circuit held that the inevitable discovery exception does not apply in this case because the government failed to show that Young would never have been allowed back in his room: in fact, hotel policy allowed for Young to return to his room provided he agreed to store the weapon either off-site or in hotel custody.

AFFIRMED.

Judge Ikuta, dissenting.

UNITED STATES V. JUAN VASQUEZ-ROSALES

No. 08-50114 (07/23/09)

Criminal Procedure / Search and Seizure / Validity of Stop under Extended Border Doctrine

OPINION (Fogel): Vasquez and co-defendant Guzman were stopped by a Controlled Tire Deflation Device (CTDD) approximately 10 miles outside of the Imperial Sand Dunes on the border of Mexico and the U.S. Defendants were driving an unmodified vehicle down a valley which began in Mexico and ended in a U.S. campsite. Other suspicious circumstances such

as the lack of a federal permit, orange safety flag, Mexican plates, back covered in a tarp, excessive speed in the dunes, running a red light and others convinced patrol agent Battaglini that a border crossing had occurred. In Battaglini's experience, attempting to stop a vehicle that had just crossed the border with lights and sirens usually began a desperate chase that often killed innocent bystanders. Because of the risk he utilized a tire deflation tool that slowly released air and allowed the vehicle to be driven for another quarter mile. The district court ruled that the stop and seizure was appropriate under the extended border doctrine. The Ninth Circuit agreed that once an officer has a reasonable certainty that a crossing has occurred and that the vehicle is not vulnerable, the extended border doctrine applies. A vulnerable vehicle is one that has interaction with individuals and property in the U.S. so that it is impossible to say that the contents of the vehicle came from Mexico. In this instance, the vehicle was in view of a patrol agent from the valley to the use of the CTDD.

AFFIRMED

UNITED STATES V. NOBARI

No. 06-10465 (7/24/09)

Criminal Law / Prosecutorial misconduct / Ethnic Generalizations and Harmless Error

OPINION (Clifton): Appellant Nobari, along with several others, appealed their jury trial convictions for conspiracy to manufacture methamphetamine and possession of pseudoephedrine. Nobari also appeals his conviction of possession of a firearm in furtherance of a drug trafficking crime. Appellant, along with three other convicted individuals, was arrested by undercover DEA agents after attempting to pur-

chase 200 cases of pseudoephedrine. Appellants claim the prosecution violated their constitutional rights to due process, equal protection, an impartial jury, and a fair trial using “ethnic generalizations” as evidence of guilt.

During trial, the prosecution provided testimony that within the context of methamphetamine manufacture, individuals of Middle Eastern descent typically serve as pill brokers while individuals of Mexican descent typically obtain pills for manufacturing. After the testimony, defense counsel moved to strike the testimony which was denied by the district court. The Ninth circuit noted that the standard of review for alleged prosecutorial misconduct is abuse of discretion, however to sustain a reversal, the conduct must have been prejudicial. The Ninth Circuit held that three forms of error were present in the case: testimony and argument that employed ethnic generalizations; prosecution appeals to the passions and fears of the jury; and improper questions to an appellant. However, the Ninth Circuit held that the errors, even if considered together, were harmless to defendant’s right to a fair trial given the overwhelming evidence presented against them. **AFFIRMED.**

UNITED STATES V. DAVID HARRIS
No. 08-10370 (07/24/09)

Criminal Procedure / Career Offender Sentencing / Qualifying Crimes of Violence

OPINION (Per Curiam): David Harris was convicted and sentenced for bank robbery. He appealed the district court’s sentencing as a career offender. Harris argued that his prior convictions in Nevada did not qualify as crimes of violence under U.S.S.G. § 4B1.2. The Ninth

Circuit held that any conduct under Nev. Rev. Stat. § 200.380 that is not robbery satisfy requirements for extortion. Further the Court held that the degree of force required under the statute to satisfy the requirements were immaterial as long as force was used to compel acquiescence, and that his conviction under the Nevada law qualified as a crime of violence. **AFFIRMED.**

UNITED STATES V. RICARDO FRAIRE
No. 08-10448 (08/04/09)

Criminal Procedure / Search and Seizure / Stop at a Checkpoint

OPINION (Silverman): Fraire was arrested for driving under the influence when stopped at a checkpoint at the entrance to a national park. Uniformed park rangers were stopping every vehicle entering the park to ask whether they intended to hunt. Fraire argued that the suspicionless stop of his vehicle was an unreasonable search and seizure in violation of the Fourth Amendment. The Ninth Circuit used a two-step analysis to hold that the stop was not a violation of the Fourth Amendment. The first inquiry is whether the primary purpose of the checkpoint was as a general crime control device. The Ninth Circuit held that the checkpoint was not a general crime control device, rather a mechanism to prevent poaching and inform visitors of the hunting prohibition. The second step in the test is whether the checkpoint was reasonable based on individual circumstances. The Ninth Circuit held that the checkpoint was reasonable. The benefit of the checkpoint is the protection of wildlife and the safety of park visitors. The checkpoint advanced the public interest to a significant degree because of its location at the entrance and

the targeted questioning about hunting. Finally, the checkpoint did not significantly interfere with individual liberty because of the short amount of time for questioning visitors. Therefore, the Ninth Circuit held that the checkpoint was not a violation of the Fourth Amendment. **AFFIRMED.**

UNITED STATES V. MONGHUR
No. 08-10351 (08/11/2009)

Criminal Procedure / Search and Seizure / Expectation of Privacy

OPINION (Tallman): Defendant was arrested pursuant to a state warrant for attempted murder and battery. While detained, he was permitted to use the prison’s phone system. The prison phone system has a nearby sign advising prisoners that all inmate calls are subject to monitoring and recording. During one of the defendant’s telephone calls, he communicated that he had put “the thing” in “the green.” The FBI reviewed the telephone conversation and subsequently conducted a search of defendant’s apartment, finding a firearm located in an opaque green plastic storage container. Defendant was charged with one count of being a felon in possession of a firearm, and unsuccessfully moved to suppress the weapon. The Ninth Circuit held that a direct and explicit statement of the contents of a package or container obviates the warrant requirement and waives any reasonable expectation of privacy. However, the Ninth Circuit found that the defendant attempted to disguise the subject matter in the instant case by using ambiguous, generic language. Consequently, the defendant had not waived his expectation of privacy for the contents of the green container. The Ninth Circuit reversed and

granted the motion to suppress, but remanded with instructions directed from *Herring v. U.S.*, which states that before applying the exclusionary rule, courts should examine whether the benefits of deterring police misconduct outweigh the social costs of applying the rule and potentially letting dangerous defendants go free. **VACATED and REMANDED.**

UNITED STATES V. PHILLIP GEORGE
No. 08-30339 (8/25/09)

Criminal Law / Sex Offender Registration and Notification Act (SORNA) / Obligation to register not dependant on states implementation of SORNA

OPINION (Thompson): Defendant-Appellant Phillip George (George) appealed the district courts denial of his motion to dismiss for failing to register as a sex offender in violation of the Sex Offender Registration and Notification Act (SORNA). George was convicted of sexual abuse of a minor in Idaho and served his sentence for that offense but failed to register in Washington upon moving there. George contended that because Washington had not implemented SORNA that he was not required to register. The Ninth Circuit noted that there was no clear direction from congress instructing that an individual’s obligation to register is dependant on a states implementation of SORNA. The Ninth Circuit held that although states had until July 2009 to implement the administrative portions of SORNA, the statute itself became effective on the date of its enactment and registration requirements became federal law at that time. Rejecting petitioner’s claim that SORNA exceeded congressional power under the commerce

clause, the Ninth Circuit held that since SORNA was enacted to track the interstate movements of sex offenders, the statute fell within Congress's power to regulate "persons or things in interstate commerce". Lastly the Ninth Circuit held that George committed a continuing offense by failing to register, and thus because George violated SORNA after it was enacted it cannot be ex post facto as applied to him.
AFFIRMED

UNITED STATES V. GONZALEZ
No. 07-30098 (8/24/2009)

Criminal Procedure / Search and Seizure / Retroactivity of U.S. Supreme Court Decisions

OPINION (Fletcher): On remand from the U.S. Supreme Court, following the decision in *Arizona v. Gant*, the Ninth Circuit reversed the district court and granted Gonzalez's motion to suppress evidence improperly obtained.

Gonzalez had been riding as a passenger in a car that was pulled over for a traffic stop. Upon the arrest of another passenger in the car, and while Gonzalez watched, handcuffed in the back of a squad car, the police found a firearm in the glovebox. Gonzalez filed a motion to suppress the evidence pursuant to the Fourth Amendment, but it was denied by the district court and he was subsequently convicted of Possession of a Firearm and Ammunition by a Prohibited Person. Gonzalez appealed and the Ninth Circuit affirmed, relying on Supreme Court precedent that the Ninth Circuit has interpreted so as to permit a warrantless search as long as it is 'roughly contemporaneous with the arrest' of an occupant of the vehicle. After the Supreme Court's decision in *Gant*, the Government conceded that the search was improper because

the firearm was not within Gonzalez's reach, but argued that the officers acted in good faith under previous precedent and, therefore, the exclusionary rule should not apply.

The Ninth Circuit disagreed, finding that, since Gonzalez's appeal was on direct review at the time of the *Gant* decision, it could not apply the good faith exception and confirmed "long-standing precedent," that new Fourth Amendment rules announced by the Supreme Court retroactively apply to all cases that are not final at the time.

REVERSED and REMANDED.

UNITED STATES V. RIVERA-RAMOS
No. 08-10174 (8/21/09)

Criminal Procedure / Sentencing / Attempted Robbery Constitutes Crime of Violence for Purposes of Sentencing Guidelines

OPINION (Reinhardt): Rivera-Ramos, an illegal alien, was convicted of attempted robbery in New York in 2002 and subsequently deported in 2004. Rivera-Ramos was charged with illegal reentry after deportation and a sentence enhancement due to his prior attempted robbery charge. The Ninth Circuit noted that the Federal Sentencing Guidelines require an enhanced sentence of 16 levels if defendant was deported after being convicted of a felony that is a crime of violence. Rivera-Ramos argues that his attempted robbery conviction was not a crime of violence within the scope of the federal guidelines because the New York's definition of "attempt" is broader than the common law definition. The Ninth Circuit held that despite the plain language of the New York Penal Law, New York courts maintain a stricter standard that aligns with the common law

"substantial step" test. The Ninth Circuit, considered and concurred with Second Circuit's holding on this issue that the difference is "more semantic than real." The Ninth Circuit therefore held that Rivera-Ramos' prior conviction of attempted robbery was a crime of violence within the definition of the Sentencing Guidelines.
AFFIRMED.

UNITED STATES V. JOSE MARTIN SAAVEDRA-VELAZQUEZ
08-10078 (8/21/09)

Criminal Procedure / Sentencing / Attempted Robbery Constitutes a Crime of Violence for Purposes of Sentencing Guidelines

OPINION (Reinhardt): Jose Martin Saavedra-Velazquez was arrested and convicted of attempted robbery. At sentencing the district court found that attempted robbery was a crime of violence, which increased his base offense level 16 steps upward. Saavedra-Velazquez appealed to the Ninth Circuit Court of Appeals, which affirmed the district court. The Ninth Circuit first determined that a completed robbery was a crime of violence.

Next the Ninth Circuit held that the California definition of attempted robbery was not broader than the common law definition, which would have made it not a crime of violence. As such, the district court correctly ruled that an attempted robbery is a violent crime and that the base level was appropriately calculated.
AFFIRMED.

UNITED STATES V. TODD JOHNSON
No. 08-30094 (9/10/09)

Criminal Procedure / Fourth Amendment Seizures /

Reasonable Suspicion to Detain Temporarily

OPINION (Tallman): Johnson pled guilty to the charge of felony possession of a firearm. He was found in possession of a semi-automatic handgun by Alaska State Trooper Vic Aye ("Aye") and US Marshall Troy Meeks ("Meeks"). Aye and Meeks observed Johnson and two other men suspiciously assessing the First National Bank in ("Bank") from its parking lot. The suspicious activity by Johnson and his associates continued inside the bank, after which the officers stopped Johnson and his cohorts, asserting that they were only conducting a preliminary investigation based on the suspicious behavior; if the officers found no reason for further detention, Johnson and the other men would be free to go. Johnson cooperated, and upon a patdown, the officers found the loaded handgun and an extra clip. Johnson was charged, at which time he filed a motion to suppress this evidence, claiming a violation of the Fourth Amendment. Johnson appealed of both denial of the motion to suppress and the district court's decision to decline a one-level downward adjustment to his sentence. The Ninth Circuit held Aye and Meeks detained Johnson under reasonable suspicion and under the circumstances a reasonable person would have believed that detention to be temporary. Further, under USSG Sec. 3E1.1(a) the government reasonably refused to move to grant a third sentence reduction because Johnson announced his intention to appeal and there was no sign of the government acting arbitrarily or unconstitutionally.
AFFIRMED. Dissenting and Concurring opinion by Smith.



PHOTO BY KIM SKOKOS

2009 Memorial Torch Relay Run

By S/R Lieutenant
JAMES R. WELLS

Once again, the challenge of the annual Memorial Torch Relay Run was held on May 22 through May 24, 2009. Each year, our hearts swell with pride and joy as we prepare for the annual run to honor our brothers and sisters who have made the ultimate sacrifice for the citi-

zens of Los Angeles County. The personnel from the City of Industry Sheriff's Station ran legs 10 and 11 of this yearly event. Every year, hundreds of personnel throughout Los Angeles County run over 350 miles, with each sheriff's station in the county (yes, even Avalon) carrying the memorial torch.

Everyone is invited to participate in this event. This is a family run, so kids were welcomed. Industry Station had a wonderful participation this year with about 80 participants. This was the largest turnout of personnel that has ever supported this memo-

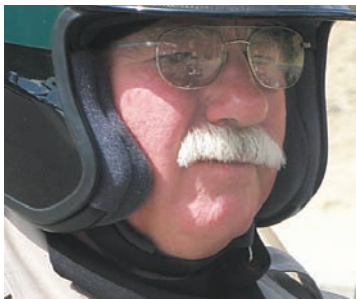
rial run from Industry Station. People ran, rode bikes with their kids, and we even had some jail deputies run with us. The Captain, several lieutenants, sergeants, deputies, volunteers, reserves, service assistants, law enforcement technicians, parking control officers, community service assistants, custody assistants, explorers and law enforcement academy students walked, ran, crawled, rode bicycles, or meandered their way through the course.

We ran two legs of the relay, totaling ten miles. We picked up the torch from Walnut Station at

1650 hours in front of the McDonald's at Valley Boulevard and Nogales Avenue. The first leg of the race ended at the driveway to Industry Station at approximately 1740 hours. The second leg ran from Industry Station to the small burger stand on Workman Mill Road at the 60 Freeway overpass. We handed off the memorial torch to Pico Rivera Station at approximately 1830 hours.

Industry Station reserves once again helped by driving support vehicles and instituting traffic control for the safety of our personnel by blocking intersections. ★

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or call 1.866.232.7373