

BOLO

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The Newsletter for the Los Angeles Airport Peace Officers Association



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Private Security for Public Parks? No — Arming Park Rangers Is the Cost-Effective, Commonsense Solution

LAAPOA reiterates our ongoing call to arm Los Angeles park rangers as news surfaces that City Councilmember Mike Bonin, who voted against a measure that would do just that, has instead hired armed private security guards to protect his own Council District 11 office from unsafe conditions in adjacent Westchester Park.

The *Westside Current* reported in early June that Bonin has been employing GSG Protective Services of Culver City to guard his office five days a week since January.¹ Local resident Debra Huston told the *Current* that when she encountered a guard at the office on June 1, “I asked why there was security. He [the security guard] said it was because of the homeless ... and motioned to the homeless encampments outside Bonin’s office door.” The dangerous state of Westchester Park has been a pressing concern for the community, and Huston said she knew of at least two children who’d been physically attacked in the park restrooms. “Bonin wants security for himself and staff, but he has ignored our pleas for the last year to provide security for the children who want to engage in sports in the park or for the seniors who want to go to the senior center,” she concluded, adding that she planned to insist on security for all park facilities.

Bonin clearly believes Westchester Park is unsafe enough to engage armed security for himself, despite having voted just one day earlier, on May 31, against banning homeless encampments within 500 feet of schools, where residents have noted similar safety threats. The *Current* also reported that he might be considering providing private security at Centennial Park instead of using the Los Angeles Police Department. Yet in November 2021, Bonin cast the lone vote in the Council’s Arts, Parks, Health, Education and Neighborhoods Committee against the motion to arm City park rangers to enforce park safety.² “If having to call the cops is a justification for somebody being armed, then ... are we going to then next month start talking about arming LADOT officers, are we going to start talking about arming parking attendants, are we going to start talking about arming librarians?” he said, per reporting from the *Palisades News*.



Bonin’s specious argument ignores the fact that park rangers are far more qualified than any of those groups — or private security staff — to carry firearms to protect our City parks. L.A. park rangers are experts in their field with thorough knowledge of the terrain they patrol, the people who frequent their parks and the surrounding communities. Accordingly, they have the highest education and training requirements of any law enforcement agency in the city. In addition to receiving the same training as LAPD, park rangers must have a four-year college degree or four years of law enforcement experience, graduate from the

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Los Angeles Police Academy, have California Peace Officer Standards and Training (POST) certification, receive directed mental health awareness training, provide first aid and search and rescue services, and be trained wildland firefighters. Every sworn park ranger is already required to complete a six-month POST-administered certification course that includes firearm training. POST recognizes the City of Los Angeles Park Ranger Division as a law enforcement agency with full police powers to detain, arrest and book violators and conduct investigations into criminal activity. Its park rangers have the same law enforcement officer status under state law as LAPD: Under Section 830.31 of the California Penal Code, “a person designated by a local agency as a park ranger and regularly employed and paid in that capacity, if the primary duty of the officer is the protection of park and other property of the agency and the preservation of the peace therein,” is designated as a peace officer who may carry firearms if authorized by their employing agency.

“So it turns out Mike Bonin actually does support having armed officers in L.A. parks — as long as it’s private security guards and if it’s to protect his own office, while local residents continue to be subjected to dangerous conditions in Westchester Park,” LAAPOA President Marshall McClain says. “And now he might be talking about expanding that private security to other parks? Can someone please explain how park staff, patrons and surrounding neighborhoods are safer with armed private security roaming our parks instead of properly equipping our highly trained park rangers? Could it have anything to do with the approved extension to a \$10 million annual contract³ for this private security company, GSG Protective Services? Fully equipping the existing rangers doesn’t even come close to that cost.

“As rising crime and violence continue to plague our city and its parks, Angelenos are urgently crying out for a solution, and paying a premium for outside security is not the answer when we already have specialized, trained personnel who know our parks and simply require the necessary equipment to protect themselves and others,” McClain continues. “It’s past time for the general manager of the City of Los Angeles Department of Recreation and Parks, who has the authority granted by the state under 830.31, to arm our park rangers to ensure public safety. This measure needs to be brought forward to the Parks Commission and passed immediately for the security of our city workers, park patrons and communities.”

¹ See “Bonin Hires Private Security for Westchester Office” at tinyurl.com/2597a8k4.

² See “Bonin Lone Dissenting Vote in Motion to Arm Park Rangers” at tinyurl.com/2pja5xs7.

³ See the contract summary sheet at tinyurl.com/3fwnf2ny.



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The Board of Directors meets quarterly on the third Thursday of January, April, July and October at the LAAPOA Headquarters. Additional meetings and/or times are subject to change and will be posted as they occur.

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Understanding President Biden's Police Reform Executive Order

By David E. Mastagni and Taylor Davies-Mahaffey

The historic executive order (EO) on police accountability signed by President Joe Biden on May 25 mandates measures for all federal law enforcement agencies and is advisory for state and local agencies. The use-of-force standards set forth in the EO largely follow the lead of California, adopting a necessary standard (consistent with *Graham v. Connor*) and the de-escalation policies set forth in SB 230.

Notably, the EO orders all federal law enforcement agencies to adopt use-of-force policies with requirements that meet or exceed those in the Department of Justice's updated use-of-force policy. The DOJ's use-of-force policy takes effect on July 19, 2022.

The DOJ policy authorizes force only when no reasonably effective, safe and feasible alternative appears to exist. The force policies ban the use of chokeholds and carotid restraints unless deadly force is authorized. It also restricts the use of no-knock entries to limited circumstances, such as when an announced entry would pose an imminent threat of physical violence. Like the law enforcement-sponsored SB 230, the policy also imposes a duty to intervene to stop excessive force and a duty to render medical aid.

One notable concern with the DOJ policy is the ambiguity it creates regarding the continued applicability of *Tennessee v. Garner*, which permits deadly force to prevent the escape of violent fleeing felons who are a threat to the public if not immediately apprehended. The policy purports to uphold the standards set forth in *Graham* and *Garner*, yet also states that "deadly force may not be used solely to prevent the escape of a fleeing suspect." It's unclear if the "solely" limitation is intended to bar ever using deadly force to prevent an escape rather than limit force used to prevent the escape of nonviolent suspects.

Garner adopted the California Supreme Court's requirement that "police may use deadly force to arrest only if the crime for which the arrest is sought was 'a forcible and atrocious one which threatens death or serious bodily harm,' or there is a substantial risk that the person whose arrest is sought will cause death or serious bodily harm if apprehension is delayed" (*Tennessee v. Garner* [1985] 471 U.S. 1, 1, FN 15 [citing *People v. Ceballos*, 12 Cal.3d 470, 477]). AB 392 codified these restrictions by limiting the use of deadly force against a fleeing suspect of a "felony that threatened or resulted in death or serious bodily injury" where "the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended."

California struck the proper balance in permitting deadly force only to prevent the escape of suspects posing a serious threat to



cause death or serious bodily harm if their apprehension is delayed. California's policy recognizes that in limited circumstances, officers might have to use deadly force to prevent the escape of a terrorist or mass shooter likely to kill or injure other members of the public if allowed to escape. Hopefully, the final version of Biden's EO will retain this important public safety measure.

The EO orders the attorney general to establish the National Law Enforcement Accountability Database of records of officer misconduct (including convictions, terminations, de-certifications, civil judgments, resignations and retirements while under investigation for serious misconduct and sustained complaints or records of disciplinary actions for serious misconduct), as well as commendations and awards. The EO also requires federal agencies to adopt measures to promote thorough investigations and preservation of evidence after incidents involving the use of deadly force or deaths in custody, as well as to prevent unnecessary delays and ensure appropriate administration of discipline.

The EO mandates all federal agencies to use body-worn cameras and publicly post body-worn camera policies that mandate the activation of cameras during activities like arrests and searches. Similar to California's SB 1421, the EO also provides for the expedited public release of footage following incidents involving serious bodily injury or deaths in custody.

Additionally, the EO requires the development of an evidence-informed training module for law enforcement on implicit bias and avoiding improper profiling based on the actual or perceived race, ethnicity, national origin, limited English proficiency, religion, sex (including sexual orientation and gender identity) or disability of individuals. It also establishes a committee to produce a strategic plan that advances front-end diversion, alternatives to incarceration, rehabilitation and re-entry. The order directs the attorney general to fully implement the First Step Act. Learn more about the EO at tinyurl.com/yc5yyed2, and read the full version of this article at [LAAPOA.com](https://www.laapoa.com).



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