

BOLO

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The Newsletter for The Los Angeles Airport Peace Officers Association



www.laapoa.com



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City Council Approves Plan to Fold General Services into LAPD

As the *Daily News* reported on May 15, 2012, the City Council voted unanimously last month to consolidate the 220 Department of General Services police and security officers with the Los Angeles Police Department (LAPD). The consolidation is expected to take place July 1. The former General Services personnel will become part of a new LAPD division called the Security Services Division.

The following excerpts are from the Public Safety, Information Technology and General Services and Budget and Finance committees' report to City Council relative to and recommendations for consolidating the Department of General Services' Office of Public Safety (OPS) into the LAPD.

Fiscal Impact Statement

The [city administrative officer (CAO)] reports that the above recommendations are estimated to generate \$2.23 million in General Fund savings in Fiscal Year 2012-13. Ongoing General Fund savings of \$2.9 million will be realized once the proposed consolidation is fully implemented. The City will also realize additional equipment savings from the reduced Department of General Services sworn deployment level. The above recommendations are in compliance with City financial policies in that General Fund expenditures and appropriations for mandated and priority programs are to be made against current revenue sources and that multiyear operating cost projections, which forecast expenditures, shall be prepared and updated each year, or as necessary, to identify and evaluate the financial condition of the City and such forecast shall be recognized through City Council action, along with the adoption of the budget for the next fiscal year.

Community Impact Statement

None submitted.

Summary

At its meeting held August 9, 2011, Council considered the motion relative to consolidating OPS into the Police Department. Motion states that over the past year, based on the continuing need to find operational efficiencies and budgetary savings,

discussions have been held to determine the feasibility of transitioning OPS from the Department of General Services to the Police Department. A working group was established consisting of representatives from offices of elected officials, City departments and labor organizations. The Police Department has completed its analysis of the operational and fiscal impacts. The next step is for the CAO to conduct a review and prepare recommendations for Council. Council referred motion to the Public Safety, Information Technology and General Services and Budget and Finance committees.

In a report to Council dated April 17, 2012 (attached to the Council file), the CAO recommends that Council approve in concept the proposed consolidation of OPS into the Police Department. The CAO reports that the proposed consolidation will transition the OPS into the Police Department, meaning OPS will become a new and unique division within the Police Department renamed the Security Services Division. The new Security Services Division will be housed under the assistant to the director, Office of Special Operations. The Security Services Division will be overseen by a police captain. This new division will also have an assistant commanding officer at the rank of police lieutenant. Security Services will be responsible for the following:

- City Security Section: The operation of security posts throughout the city 24 hours per day. The Civic Center, the Parks Program and fixed posts will be the responsibility of these functions.
- Special Services Section: To be comprised of the four major self-contained components of Security Services Division, including the Los Angeles Zoo, the Library system, the Convention Center and the Bureau of Sanitation facilities.
- Administrative Section: The Administrative Section will be overseen by the assistant commanding officer of the Security Services Division. Within the Administrative Section will be the dispatch, training, complaint, contract services, technology and special events units, as well as any other administrative functions.

For a link to the full *Daily News* story and report to the City Council, go to LAAPOA.com/membersonly/news.php.

LAAPOA Board Members Under Attack

Management: Elimination of union ability for membership updates before and/or after roll call.

Management: LAAPOA VP transferred after he filed a discrimination complaint against LAPD. VP-assigned vehicle removed to circumvent response for membership representation and updates.

Management: Removal of full release time position to circumvent LAAPOA community and political influence.

Management: Elimination of release time based on NEW interpretation of release time hour balance, causing membership meetings to be canceled.

Management: Terminated LAAPOA treasurer even after original investigating agency stated there was no evidence of a crime.

Management: Suspended secretary and assistant secretary for 20 days for representing a member.

Management: Wishes to continue allowing LAPD OT positions at LAX before LAAPOA members.

Management: Wishes to continue staffing LAPD officers at LAX while LAAPOA staffing numbers have decreased, causing members to be regularly forced OT by reverse seniority. With the talk of emergency promotions and the LAPD Academy closure due to budgetary constraints, this will negatively impact staffing greatly.

Management: Failure to address equipment needs, staffing concerns, low morale and constant unfair treatment and excessive discipline of members has caused more members to lateral to other police agencies than ever before.

LAAPOA members, with all the attacks externally and internally NOW is not the time for gossip. NOW is the time for a gut check, fact check and to fight back!

You owe it to yourself to get the real story and not be misled by those whose main goal is to bust the union in hopes of making themselves more appealing come promotion time.

Stay tuned for updates with the State of the Union address with the launch of LAAPOA TV.



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The Board of Directors meets on the third Thursday of each quarter at the LAAPOA Headquarters.

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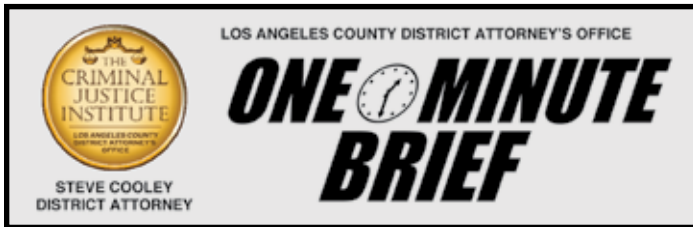
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Number: 2012-08 **Date:** 04-09-12
By: Devallis Rutledge **Topic:** Arrestee Strip Searches

ISSUE: Must law enforcement officers have reason to suspect that a prisoner arrested for a misdemeanor or infraction is concealing weapons or contraband in order to conduct a strip search before placing the prisoner into the general jail population?

A recent decision of the U.S. Supreme Court held that the Fourth Amendment does not preclude a strip search of those arrested for minor offenses before being placed into the general jail population. This constitutional ruling applies, said the court, even when officers have **no reason to suspect** that the arrestee is concealing weapons or contraband. The ruling **does not address** situations where arrestees are held in individual cells or otherwise detained without placement in the general population. *Florence v. Board of Chosen Freeholders* (2012) 566 U.S. ___, WL 1069092.

This ruling means that evidence discovered in a strip search of a misdemeanor or infraction arrestee before being placed into the general population is not suppressible. *In re Lance W.* (1985) 37 Cal.3d 873, 888-90. It also means that officers and their departments face no civil liability for Fourth Amendment violations when conducting such searches. *Florence; Bull v. City and County of San Francisco* (9th Cir. 2010) 595 Fed.3d 964; Govt. Code § 844.6(a)(2).

However, the *Florence* court noted that “Individual jurisdictions can of course choose to impose more restrictive standards through

statutes. ...” California has long done so, with respect to certain **pre-arraignment** detainees and juveniles (PC § 4030(b)).

“No person arrested and held in custody on a misdemeanor or infraction offense, **except those involving weapons, controlled substances or violence ... shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population, unless a peace officer has determined there is reasonable suspicion ... to believe such person is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband. No [such] search may be conducted without the prior written authorization of the supervising officer on duty.**” PC § 4030(f).

Further, “A person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in violation of this section is **guilty of a misdemeanor.**” PC § 4030(n). However, any evidence obtained in a search that fails to comply with PC § 4030 is not subject to suppression on that ground. *People v. Wade* (1989) 208 Cal.App.3d 304, 309.

- Because it is not inconceivable that a civil rights claim alleging a violation of PC § 4030(f) could be based on the argument that California’s statute creates mandatory protection for prisoners and thus a “**liberty interest**” protected by the 14th Amendment due process clause, it would be important for peace officers to have the advice of civil counsel when establishing practices regarding the strip searching of misdemeanor and infraction arrestees. *Cf., Carlo v. Chino* (9th Cir. 1997) 105 F.3d 493, 499-502 (liability predicated on violation of statutorily mandated arrestee phone calls).

Bottom line: Although the Fourth Amendment is not violated by a strip search of a person arrested for a misdemeanor or an infraction before placement into the general population, California peace officers must still comply with the statutory restrictions in PC § 4030 when they apply.

For information on prosecutorial and law enforcement training offered by the Los Angeles County district attorney’s Criminal Justice Institute, please visit <http://da.lacounty.gov/CJI>. This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.

Union Updates

- The LAAPOA Negotiations Committee has received LAWA’s last, best, final offer. We have submitted our counter with LAAPOA’s last, best, final offer, and by the time you receive this we will be in the process of presenting the proposal to the full membership for a vote.
- We still are waiting for replacement police vehicles to arrive. The delay may have to do with management’s poor prioritizing of public safety. LAWA Risk Management responded to our OSHA

complaint filed on December 4, 2011, re hazardous vehicle conditions, and the response from LAWA management was this: “The Fleet Division would not allow any vehicle deemed by maintenance staff to be unsafe or unfit for service to be used by our police division.” To review the complete complaint and LAWA’s response, see the LAAPOA Board or members-only area online at www.LAAPOA.com.

- For more union updates, stay tuned for the launch of LAAPOA TV.
— Marshall



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