

# BOLO

## Be On the Lookout

The Newsletter for The Los Angeles Airport Peace Officers Association



[www.laapoa.com](http://www.laapoa.com)



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JUNE 2013

## From the Mayor-Elect



### ERIC GARCETTI

COUNCILMEMBER, CITY OF LOS ANGELES • DISTRICT 13

May 28, 2013

Honorable Steven Bradford  
State Capitol,  
Room 5136  
Sacramento, CA 94249-0062

SUPPORT AB 128 (BRADFORD) PEACE OFFICERS: Airport Law Enforcement

Dear Assembly Member Bradford,

It's critically important that the Los Angeles Airport Police – the first line of defense against potential terrorist attacks on LAX and other LAWA airports – be granted the authority outlined under Penal Code Section 830.1, which has been recommended by the Commission on Peace Officer Standards and Training. Therefore, I support of AB 128.

The passage of AB 128 would grant the Los Angeles Airport Police the same authorities as other airport police agencies in protecting the airports managed by Los Angeles World Airports, including LAX – one of the world's busiest airports – considered one of our nation's top terrorist targets.

AB 128 would have no financial impact to State or City budgets: Los Angeles Airport Police are employees of LAWA, an entirely independent entity funded by traveler user fees.

I join Mayor Villaraigosa, LAPD Chief Beck, LAX Police Chief Gannon, LA Port Police Chief Boyd, former LAPD Police Chief and current LA City Council Member Bernard Parks, PORAC, and Los Angeles World Airports in supporting AB 128.

Sincerely,

ERIC GARCETTI  
Councilmember, 13<sup>th</sup> District

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## LAX Police Reach New Heights

LAX Police Officer Doug Scarborough fulfilled a major personal goal when he successfully reached the summit of Mount Everest at 6 a.m. (Nepalese time) on Wednesday, May 22, 2013.

Officer Scarborough is a skilled climber whose attempt to ascend to the top of Mount Everest last season was terminated when a fellow climber had an oxygen malfunction. Despite last year's disappointment, Officer Scarborough committed to completing his journey this month and has joined the ranks of the most experienced and dedicated climbers in the world.

"Doug exemplifies the best of our police officers. His determination and skill are consistent in his professional and personal lives, and he serves as a great example to all of us to persevere and continue to strive to achieve our highest aspirations in spite of setbacks along the way. The payoff is well worth the effort to accomplish great feats," said Marshall McClain, president of LAAPOA. "We wish him a safe descent and speedy return home and look forward to Doug regaling us with stories of his adventures."

Officer Scarborough is a seven-year veteran of LAXPD, a pilot and a mountain climber extraordinaire.



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*BOLO* is a publication of the Los Angeles Airport Peace Officers Association (LAAPOA). Opinions expressed by individual Board members or contributing authors in this publication do not necessarily reflect the opinions of the entire Board.

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

### SAVE THE DATE

Los Angeles Airport Peace Officers Association  
&  
Los Angeles Airport Police Athletics & Activities League

### STATE OF THE UNION DINNER RECEPTION

Thursday, July 25, 2013

5:30 p.m.

The Proud Bird Restaurant - Grand Ballroom

11022 Aviation Blvd., Los Angeles, CA 90045

More Details to Follow

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**Issue: May police bring a dog onto a residential “curtilage” to**  
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 (drutledge@da.lacounty.gov).

**Number: 2013-09      Date: 03-26-13**  
**By: Devallis Rutledge      Topic: Canines at the Gate**

**obtain information without a search warrant or some exception?**

Last year, 1MB 2012-04 discussed the Supreme Court’s GPS decision in *US v. Jones* (2012) 132 S.Ct. 945. As the 1MB indicated, a majority of the *Jones* court **expanded the definition** of a Fourth Amendment “search,” **adding to** the traditional inquiry into governmental infringements of legitimate privacy expectations a new **alternative test** of whether police conduct involves a “trespass” onto protected objects (persons, houses, papers and effects), in an attempt to obtain information. This broader definition has broader implications for Fourth Amendment analysis **beyond** the installation and monitoring of GPS tracking devices.

Officers in Florida, acting on an informant tip, took a drug-detector dog to the front porch of suspect Joelis Jardines’ residence. The dog soon alerted on the front door. Officers left the residence and used the results of the K-9 sniff to obtain a search warrant, with which they confiscated marijuana plants. Jardines moved to suppress this evidence, on the ground that the K-9 sniff was an unlawful search. A 5-4 majority of the U.S. Supreme Court, applying the broader *Jones* test, has agreed.

The court accepts that members of the public, including police, are impliedly invited to approach an accessible door where letter carriers, deliverypersons, Girl Scouts and trick-or-treaters routinely go. But since the yard, driveway, walkway and porch are within the residential curtilage (to which full Fourth Amendment protection extends), police may not go there, without a warrant or recognized exception, for a **purpose** that is not within the scope of the implied invitation to approach:

*“The **scope** of a license — express or implied — is limited not only to a particular area but also to a specific **purpose**. ... Here, the background social norms that invite a visitor to the front door do **not** invite him there to conduct a **search**. ... [W]hether the officers had an implied license to enter the porch ... depends on the **purpose** for which they entered. ...*

*“The government’s use of trained police dogs **to investigate the***

*home and its immediate surroundings is a ‘search’ within the meaning of the Fourth Amendment.”*

*Florida v. Jardines* (2013) 569 US \_\_\_, WL 1196577 (Emphases added.)

- The *Jardines* decision is **not a bar to traditional “knock-and-talk” procedures**, because knocking and talking (even though to discover information) would not exceed the scope of the implied invitation that everyone enjoys: *“Thus, a police officer not armed with a warrant may approach a home and knock, precisely because that is ‘no more than any private citizen might do’. ... [I]t is not a Fourth Amendment search to approach the home in order to speak with the occupant, because all are invited to do that. The mere ‘purpose of discovering information’ in the course of engaging in that permitted conduct does not cause it to violate the Fourth Amendment.”* *Jardines*, Slip. op., at 4 and fn. 4.
- This decision **does not affect** prior rulings to the effect that a non-trespassory K-9 sniff is not itself a search, *US v. Place* (1983) 462 US 696; that lawfully stopped vehicles can be subjected to a K-9 sniff, *Illinois v. Caballes* (2005) 543 US 405; and that the alert of a reliable K-9 is PC to search a vehicle, *Florida v. Harris* (2013) 133 S.Ct. 1050. (Arguably, trespassory use of a K-9 when attempting a rescue, tracking a dangerous offender or looking for explosives would be justified by those exigencies.)

**Bottom line: Bringing a K-9 onto the curtilage for the purpose of obtaining information is a “search,” requiring a warrant or recognized exception.**

*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.*



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# WE'LL PAY FOR IT!

## THE CLUB WILL PAY FOR YOUR TERM LIFE INSURANCE PREMIUM FOR THE REST OF THE YEAR! \*

- ✓ You are **GUARANTEED** up to \$50,000 of coverage
- ✓ No Medical Exams or Questionnaires to fill out
- ✓ Available to Club Members, Spouses, or Domestic Partners age 40 or below.  
*(Member must be an active City or DWP employee to enroll in this program.)*
- ✓ Your coverage is portable. If you leave the City or DWP, you can take your coverage with you.

### Here's How to Qualify

You are guaranteed up to \$50,000 of Term Life Insurance coverage if you can answer "yes" to the following questions

**Yes**

- Are you age 40 or younger?
- Are you currently working at least 20 hours at your job in the City or DWP?
- It is true that the United States Life Insurance Company of New York has never declined you for life insurance.

\* The club will pay for your term life insurance premiums until Dec 31, 2013. Payroll deduction for your premium will start after Feb 1, 2014. Club Special Enrollment is open to all Club Members who do not have currently pending, declined, or cancelled applications with the Club who meets the above requirements.

**LET US KNOW WHERE TO SEND  
YOUR ENROLLMENT FORM  
CALL US - (213) 225-1792**



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