

# BOLO

## Be On the Lookout

The Newsletter for The Los Angeles Airport Peace Officers Association



www.laapoa.com



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### ★ ★ ★ In Remembrance ★ ★ ★

## California Peace Officers' Memorial Ceremonies

May 6 & 7, 2012

10th Street at Capitol Mall, Sacramento

**Officer Thomas Adams**

California Highway Patrol Garberville  
EOW: February 15, 2011

**Officer Jermaine A. Gibson**

Cathedral City Police Department  
EOW: March 18, 2011

**Officer Andrew Garton**

Hawthorne Police Department  
EOW: May 26, 2011

**Officer Ryan Stringer**

Alhambra Police Department  
EOW: July 10, 2011

**Officer Daniel R. Ackerman**

Buena Park Police Department  
EOW: July 30, 2011

**Officer Jeremy Henwood**

San Diego Police Department  
EOW: August 7, 2011

**Officer James Capoot**

Vallejo Police Department  
EOW: November 17, 2011

**Officer Anthony A. Giniewicz**

Signal Hill Police Department  
EOW: December 7, 2011



*Fallen Officers  
Not Forgotten*

Memorial Website: [www.camemorial.org](http://www.camemorial.org)

# Law Enforcement Tax Deductions List

## Dues

Union Dues  
Other

## Tools & Supplies

Batteries/Bulbs  
Binoculars  
Brasso/WD-40  
Briefcase  
Camera/Film  
Ear/Eye Protection  
Flashlight and Charger  
Gun Cleaning Supplies  
Gun Repairs  
Locks/Locker Supplies  
Notebook/Pens/Paper  
Photo copies  
Shoe Shine Supplies  
Shooting/Safety Glasses  
Tape Recorder/Tapes  
Other

## Education Expenses

(Includes College and Seminars)  
Auto Miles Driven  
Books/Paper/Pens  
Hotel/Motel  
Parking Fees/Valet  
Tuition/Lab Fees  
Number of  
Overnight Stays  
Other

## Self-Defense Training

Arrest Control  
Martial Arts  
Mileage (from work to class)  
Other

## Job Seeking Expenses

Auto Miles Driven  
Airfare  
Hotel/Motel  
Postage  
Resumes/Transcripts  
Number of  
Overnight Stays  
Other

## Uniforms &

### Dry Cleaning

Bicycle Patrol Gear  
Boots/Shoes  
Class A or B

Dept'l T-shirts/Cap  
Dry Cleaning  
Gloves/Leather/Latex  
Jacket/Parka  
Jump Suit/Raid Jacket  
Patches/Chevrons  
Rain Gear  
Tailoring/Alterations  
Tie/Tie Bar/Name Plate  
Thermals/Windbreakers  
Other

## Leather & Safety Gear

Badge Holders  
Baton/Sap/Hobble Rest.  
Baton Holder  
Belts/Keepers  
Cite/Notebook Holders  
Cuffs/Keys/Cases  
First Aid Kit/Supplies  
Flashlight  
Gun Grips  
Gun Safe/Locker  
Holsters  
Key/Radio Holders  
Knife/Leatherman Tool  
Laser Sights/Scopes  
Magazines/Clips  
Pepper Spray Holder  
O.C. Spray  
Posse Box/War Bag  
Vest/Cover/Flak Jacket  
Other

## Books &

### Subscriptions

Dictionary/Spell  
Checker  
English/Spanish Books  
FBI Reports  
Gun Magazines  
Juvenile/Gang Books  
Legal Source Book/  
Rptr.  
Penal/Vehicle/H&S  
Code  
Police Magazines  
Quick Codes  
Self-Defense Books  
Survival Books  
Thomas Guide/Map  
Book  
Thesaurus  
Other

## Miscellaneous

Ammunition/Range  
Fees  
Cell/Home Toll Calls  
GPS  
Guns  
Informant Fees  
Laptop Computer  
Other Computer  
Parking Fees  
P.O. Box Fee  
Safe Deposit Box Fee  
Shoe Shines  
Video Camera  
Other

## Business Mileage

Court  
Dry Cleaners  
Legal (i.e. Union/  
Lawyer)  
Range  
Training  
Temp Job Location (i.e.  
O.T.)  
Uniform &  
Equipment Stores, etc.  
Other

## Cash Donations

Church  
City of Hope/United  
Way  
Heart/Lung/Cancer  
Sheriff/Police/Fire  
Relief  
Station/Unit Funds  
Toys for Tots  
Other

## Non-Cash Donations

Clothes to Thrift Shop  
Furniture to Thrift Shop  
Value or FMV  
Other

## Non-Law

### Enforcement Items

Boat/Trailer Fees  
DMV Fees  
Mortgage Interest  
Second Home Interest  
Property Taxes  
Other



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

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Number: 2011-22      Date: 12-14-11  
By: Devallis Rutledge      Topic: Confessions

## Confessions after a Miranda Violation

**ISSUE: If an interrogating officer deliberately omits Miranda warnings before attempting custodial interrogation, can subsequent warnings and waiver allow the officer to take an admissible statement at a later session?**

*Oregon v. Elstad*, (1985) 470 U.S. 298, held that even though an arrestee was briefly questioned without warnings (causing his initial statements to be inadmissible), officers could later give warnings and take an admissible statement. *Missouri v. Seibert*, (2004) 542 U.S. 600, created an exception to the *Elstad* rule, holding that a calculated “two-step” strategy of conducting **exhaustive** pre-warning custodial interrogation, followed by a “mid-stream” warning and the **continuation and repetition** of the pre-warning interrogation, would make even the post-waiver statements inadmissible. (See 1MB 2009-06). The Supreme Court has declined to extend the *Seibert* exception to instances of deliberately-unMirandized questioning lacking the “two-step” features.

In Toledo, Ohio, Archie Dixon and an accomplice wanted to steal Chris Hammer's car, so they tied him up and buried him alive. Because of Dixon's pre-custodial references to an attorney, officers decided not to Mirandize him when he was later arrested for forgery of Hammer's signature. Dixon denied knowing what had happened to Hammer. Dixon was booked for forgery. Four hours later, officers re-approached Dixon, who said he had talked to his attorney and wanted to speak with the police. Following a warning and waiver, Dixon

confessed. The post-waiver confession was admitted at trial, and he was convicted of murder. Finding no *Miranda* error, the Ohio Supreme Court affirmed.

Granting Dixon's *habeas* petition, the Sixth Circuit disagreed with the state courts and ruled that the confession was inadmissible under *Seibert* because of the “intentional *Miranda* violation” by police. The U.S. Supreme Court unanimously reversed the Sixth Circuit (*per curiam*).

Under the “Antiterrorism and Effective Death Penalty Act,” federal courts are not allowed to grant *habeas* relief unless the state-court decision is contrary to or involves an unreasonable application of U.S. Supreme Court precedent. The Supreme Court held that the Ohio Supreme Court's ruling was not inconsistent with *Seibert*, and its judgment therefore could not be vacated, per the AEDPA:

*“In this case, no two-step interrogation technique of the type that concerned the Court in Seibert undermined the Miranda warnings Dixon received. ... Dixon received Miranda warnings before confessing to Hammer's murder; the effectiveness of those warnings was not impaired by the sort of ‘two-step interrogation technique’ condemned in Seibert; and there is no evidence that any of Dixon's statements was the product of actual coercion. ... Because no precedent of this Court required Ohio to [suppress the confession], the Sixth Circuit was without authority to overturn the reasoned judgment of the State's highest court.”* *Bobby v. Dixon* (2011) 565 US \_\_\_, 132 S.Ct. 26

See also, *People v. Williams* (2010) 49 Cal.4th 405, 448; *People v. San Nicolas* (2004) 34 Cal.4th 614, 639; *People v. Haley* (2004) 34 Cal.4th 283, 304; and *U.S. v. Williams* (9th Cir. 2006) 435 F.3d 1148, 1158. (“*In situations where the two-step strategy was not deliberately employed, Elstad continues to govern the admissibility of postwarning statements.*”)

**Bottom line:** “Even when a first statement is taken in the absence of proper advisements and is incriminating, so long as the first statement was voluntary, a subsequent voluntary confession [following *Miranda* warning] ordinarily is not tainted simply because it was procured after a *Miranda* violation.” *People v. Scott* (2011) 52 Cal.4th 452, 477 (quoting *Elstad*).

*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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