

# BOLO

## Be On the Lookout

The Newsletter for The Los Angeles Airport Peace Officers Association



www.laapoa.com



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## Eight Tips for Being a Successful Police Family

*The wife of a recently appointed police officer turned to Quora.com for advice on what to expect now that her husband has joined the law enforcement world. The forum was flooded with credited responses and advice from current and former police officers of varying ranks. Below is a selection of the best pieces of advice given by Quora members.*

### 1. Talk about how much you want to share about the job.

“You’ll have to decide, and relate, how much you’re comfortable with knowing and not knowing. Are you going to expect a digest of every shift, no matter how mundane, or do you only want a heads up if he’s going to be on the news? If he has a close call with something that ends up okay, do you want to know or not want to know? There are defensible arguments for either side, but he won’t know if you don’t tell him. This will save him a lot of guilt and second guessing when you ask, ‘How was your day?’” — *Justin Freeman, former patrol officer*

### 2. Discuss with whom you will share the knowledge of his/her police status.

“Philosophies run the gamut here — some officers don’t seem to care if the entire galaxy knows what they do, while others zealously guard the fact they’re a cop and don’t willingly disclose this

fact to anyone. Your decision is yours, but I erred toward being a bit guarded — I didn’t advertise my occupation on Facebook, tried to make sure photographs there had limited distribution, and tried to think twice before bringing my job up in conversation. If you decide to be guarded, answering a question about employment with ‘he works for the [city, county, etc.]’ is a truthful out. The goal is to make sure one of you isn’t obtuse with the same person the other’s open with.” — *Justin Freeman, former patrol officer*

### 3. Decide how much off-duty work is permissible.

“Depending on where your husband works, there may be opportunities for him to work off-duty or overtime gigs. Some of them can be fairly lucrative, so you need to establish early what the balance will be here — how many hours a month is acceptable? What’s the cutoff where the time away isn’t worth it, no matter the pay? Obviously you needn’t be constrained by your own parameters if you discuss a specific situation later, but it would help if you both had a general idea of what your needs and desires are here. Bonus tip: Don’t formulate budgets or develop spending habits that require overtime work — if he works overtime, every dime should be butter, totally discretionary.” — *Justin Freeman, former patrol officer*

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Los Angeles Airport Police Athletics and Activities League (LAAPAAL) presents

## Mistletoe Memories

December 7, 2013, 7 p.m.

**You are invited to celebrate the holidays with us!**

Come out with friends and family to enjoy this festive season and good company.

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## EIGHT TIPS

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### 4. Have an off-duty carry plan.

“Some cops carry their guns 24/7, others leave them in their work lockers. If your husband is one of those who prepares for the worst when off duty, encourage him to include you in his tactical planning. If, God forbid, he was to engage someone in a public place, what will you and the kids be doing? Will you know to take cover, or stay behind him, or leave by the most direct exit? Are you supposed to call 9-1-1 on his behalf? Do you know what to tell them if you do (including the off-duty cop’s physical description, clothing and department affiliation can make the difference between a coordinated apprehension and a blue-on-blue tragedy)? The critical thing is that you will have discussed this in advance, and he will know what you are or should be doing while he is otherwise occupied.” — *Tim Dees, retired cop and P1 columnist*

### 5. Get used to unusual hours/going to events on your own.

“You have a right to demand that your family/marriage come first, but know that sometimes his hands will be tied. He will get called in to work unexpectedly, or have to stay longer than expected. There will be last-minute arrests, accidents, reports, interviews. Learn to go to birthday parties, holiday parties or weddings alone. It is part of the job of being an officer’s wife. When he’s working midnights, get used to being alone in the house at night. (A German Shepherd is a great family addition.)” — *Rick Bruno, former police commander*

### 6. Embrace other police families.

“Attend department functions (like Christmas parties or picnics). Get to know the families of the other officers he is working with. They can be a big resource for you, and you for them.” — *Rick Bruno, former police commander*

### 7. Don’t be afraid to ask for help.

“There is no shame in crying. There is no shame in counseling with someone. It takes a very strong person to be honest with himself and know what his limitations are. It is often the weak and fearful who put up a strong front and deny their hurt.” — *William Bolt, police sergeant*

### 8. Be confident in the strength of your relationship.

“It is not all doom and gloom. As high as the divorce rate may be in law enforcement, there are also many families who do just fine. The unique nature of the job and its inherent stresses may make things a little tougher but a good relationship will cruise right by these hardships and endure.” — *Roger Curtiss, retired detective*

*This article originally appeared on PoliceOne.com, the online resource for law enforcement, and is reprinted by permission of the PoliceOne editorial team. Visit Policeone.com to access articles, information and resources that help officers across the United States protect their communities and stay safe on the streets.*



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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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**Number:** 2013-18      **Date:** 10-15-13  
**By:** Devallis Rutledge      **Topic:** Non-custodial Patient

**Issue: Is an injured suspect in *Miranda* “custody” merely because he is unable to leave the ambulance or hospital while undergoing treatment?**

Police often need to question a suspect who was wounded or injured during an incident and is in the process of receiving medical treatment when questioning occurs. Given that the person may be deprived of his freedom of movement to a significant degree during such questioning, are *Miranda* warnings required in order to make his statements admissible?

The **place** where police interrogation occurs does not necessarily determine whether the interrogation is custodial. A person may be in custody in his own home if he is told he is under arrest, or if he is subjected to police-imposed restraints that are the **functional equivalent of formal arrest**. *Orozco v. Texas* (1969) 394 US 324, 327.

On the other hand, a person is **not necessarily** in custody at the police station, *California v. Beheler* (1983) 463 US 1121, 1125 (voluntary stationhouse questioning), or even in jail, *People v. Macklem* (2007) 149 Cal.App.4th 674, 696, or prison, *Howes v. Fields* (2012) 132 S.Ct. 1181, 1191 (no added restraints during inmate questioning).

**Wherever** interrogation occurs, “custody” analysis focuses on the presence or absence of **formal arrest** or its **functional equivalent**, *Berkemer v. McCarty* (1984) 468 US 420, 442. That means that even though a suspect may be physically confined for medical treatment, he is **not in custody** in the absence of **formal arrest** or **police-imposed restraints**, such as handcuffs, four-point restraints or door guards.

- Roylee Martin was making bombs in his apartment when one exploded, sending him to the hospital. An officer went to the hospital and questioned him without *Miranda* warnings, obtaining incriminating statements that Martin tried to suppress on grounds he was in custody because he couldn't leave the hospital. The Ninth Circuit pointed out that Martin's confinement was not caused by **police** conduct and could therefore not be considered custodial:

*“In such circumstances, the district court correctly found Martin was not in custody, and that the procedural safeguards*

*outlined in Miranda were not required before law enforcement personnel spoke with Martin.”*

*US v. Martin* (9th Cir. 1985) 781 F.2d 671, 673

- Quincey Mosley was wounded in a gang shooting. While he was being treated by paramedics in an ambulance, an officer questioned him about the incident, without warnings. Later charged with murder, Mosley sought to suppress his statements, arguing that the fact that he was not at liberty to leave the ambulance rendered him in custody. Citing *Martin* and a similar ruling in *Wilson v. Coon* (8th Cir. 1987) 808 F.2d 688, the California Court of Appeal held that Mosley's interrogation was not custodial:

*“Any restraint of defendant's freedom of action was caused by the need to treat his gunshot wound. ... He had not been placed under arrest. ... [A] reasonable person in defendant's position would not have believed he was in police custody, and [therefore] no Miranda rights were required prior to questioning.”*

*People v. Mosley* (1999) 73 Cal.App.4th 1081, 1091. (Emphases added in quoted material.)

**Bottom Line: Absent formal arrest or police-imposed restraints amounting to the functional equivalent of arrest, a suspect's medical immobility during interrogation does not trigger the need for *Miranda* warnings.**

*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.*





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