



Death penalty legislation

With the help of the League's efforts, led by Director Scott Rate, legislation seeking to eliminate the death penalty was put on hold by the Legislature. Senate Bill 490 would have placed before voters in November 2012 a measure to close death row and replace the death penalty with life in prison without parole.

After heavy lobbying from the League and other law enforcement groups, the bill was put on the suspend file. The backstory on the legislation is fascinating. Having failed to convince the U.S. Supreme Court that the death penalty was unconstitutional, failed to convince voters it was immoral and failed to stop executions with attacks on the lethal injection, opponents tried a different track. The argument they put forward to advance the legislation was cost. But it is precisely death penalty opponents in the Legislature and on the federal bench who have caused the cost to climb because of their deliberate and — to be blunt — dishonest efforts to thwart executions.

On average, five years pass before appellate counsel is appointed to death row inmates, and at least another five years pass before their first appeal is heard. These delays happen because death penalty opponents in the Legislature refuse to authorize market-rate pay for the attorneys, thereby creating a shortage of appellate lawyers for these cases. The Legislature also refuses to consider having California appellate courts hear the appeals, ensuring a lengthy wait before the backlogged California Supreme Court hears the appeal.

The League refuses to stand by silently when, as described above, death penalty opponents deliberately drive up the cost of implementing the death penalty, and then cite cost as a reason to stop executions. There is no doubt that cost and delay would no longer be issues if we could substitute the justices of the 5th Federal Circuit Court of Appeals (Louisiana, Mississippi, Texas) for the 9th Circuit and have a legislature that would adequately fund the appeals process.

I strongly believe that the death penalty provides a deterrent to murder, and that eliminating it would be a betrayal to the families of homicide victims. In fact, a Field Poll last year found that 70 percent of Californians support the death penalty.

I cannot stress enough the tireless work Scott Rate put into helping stop this and other negative legislation like pension takeaways, invasion of officers' privacy and the fight to preserve *Copley Press, Inc. v. the Superior Court of San Diego County*.

Violence against police on the rise

At the time I am writing this article, violence against police officers is on the rise substantially: 29 percent. The number of instances that people have attempted to murder LAPD officers is cause for great concern.

In fact, in one seven-day stretch in late August, officers were assaulted with murderous intent four times.

Nearly 40 percent of police officers fatally shot this year have been slain in ambush-style attacks or surprised by suspects with firearms, according to a *USA Today* review of officer deaths. Of the 50 officers killed by gunfire as of this year — a 32 percent increase from the same time last year — at least 19 were victims of ambush or surprise attacks.

Sadly, statistics released this week by the National Law Enforcement Officers Memorial Fund bear out our worst fears. Ninety-eight law enforcement officers died in the line of duty during the first half of this year, up 14 percent over the 86 officers who lost their lives during the same period last year. As we've noted, it is very troublesome that police officer deaths are on the rise while overall crime rates are generally on the decline across the U.S.

These are sobering statistics and serve as a reminder that police officers work in a dangerous world. A death in the law enforcement family is felt deeply by everyone in the public safety profession, regardless of where it occurred. As we reflect on the grim statistics for the first half of 2011, let us resolve to do everything possible to protect ourselves and our colleagues from the dangers we face every day in our profession.

Measure to hike state retirement age

The legislative analyst's office has determined that a flawed proposed ballot measure to raise the retirement age for public employees "raises several significant legal and implementation issues that make it uncertain as to how its provisions would be implemented."

Even analysts experienced in reading propositions found the jumbled language undecipherable and determined that the measure will certainly face legal challenges. The analyst also found the proposition would likely amount to additional costs in other areas and would force local governments to end their contracts with CalPERS, which drives important economic activity in communities across the state.

As the analyst's independent analysis discovered, this ballot measure is a Pandora's box of half-baked ideas. It is fundamentally flawed, likely unconstitutional and will cost taxpayers more in the long run. As we see a flurry of ballot measures crop up to attack public employees, we must shield taxpayers from this type of ill-conceived effort that would do more harm than good. The full analysis can be read at www.lao.ca.gov/ballot/2011/110522.aspx. See Director Scott Rate's article in this issue for further information.

Harvard program on policing and public safety

I am honored to have been invited to participate in the Harvard Kennedy School's Executive Session on Policing and Public Safety, which brings together police professionals from around the country for a three-year program. Members of the executive session will elaborate on the strategies and frameworks needed for policing in this new century. I will be one of three police labor leaders in this group. There is no cost to the League since the Department of Justice pays all the costs. *Being selected is a testament to the respect others in the nation have for LAPD police officers.*

The program's focus is on police agencies across the United States that are dealing with a frightening array of new challenges, in many cases while still being equipped with organizational and strategic frameworks from an earlier era. The challenges themselves are many: Some flow from new threats of international terrorism; others involve new forms of crime made possible by the Internet and other technologies; and still others are intangible yet galvanizing as rising fear of crime and feelings of insecurity. I will periodically report on my findings in future *Blue Line* articles.

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