



President's Message



Sergeant PAUL M. WEBER, President

10th anniversary of 9/11 — we will never forget

While some extremists take joy in the mass murder perpetrated against America on September 11, 2001, civilized people around the world will always remember September 11 and will never forget the brave public safety heroes and innocent victims who died in the terrorist attacks and their aftermath.

We will never forget the victims — moms and dads, brothers and sisters — who came from more than 80 countries and who died in the largest terrorist attack ever on the United States. We will never forget the children so many of them left behind. And it goes without saying that we will never forget the survivors.

Like so many people, I hope you will find time on September 11 to attend a remembrance event in honor of the victims who died in New York, Washington and Pennsylvania. As many people have said over the years, the terrorists would like nothing more than to silence the world's vocal opposition to their frightening vision.

Football in L.A.?

Until a few months ago, the members of the League's Board of Directors, like most Angelenos, were sitting on the sidelines watching and listening to proposals for developing a world-class football stadium and bringing an NFL franchise back to Los Angeles.

And now, we've finally seen a plan that we can enthusiastically support, and we're urging City leaders to make it happen. We're getting behind AEG's bold plan to build Farmers Field, a 64,000-seat, retractable-roof stadium (expandable to 78,000 seats for NFL Super Bowls and NCAA Final Fours) that would complete the 15-acre space that already includes the Staples Center, Nokia Theater and L.A. Live.

AEG proposes to pick up the stadium complex's \$1.5 billion cost — a laudable investment in Los Angeles that is especially welcome because it requires no public funding.

The complex would give the city a downtown area second to none and generate economic benefits for the entire region. L.A. would also finally be in a position to compete for every convention and entertainment and major sporting event in the world, including Super Bowls, Final Fours, World Cups and the Olympic Games.

We've seen the positive impact of the Staples Center and L.A. Live: more jobs, greater tax revenues and reduced crime in the downtown district. The overall development is a magnet that attracts people to our once overlooked downtown. For all these reasons, it is time City leaders build on the momentum and make the downtown stadium a reality.

LAPD Purple Heart

This month, I am pleased that after many years of working toward creating a new award for the LAPD, Commissioner Alan Skobin's goal has been realized. The LAPD has created the Purple Heart, a medal that recognizes those who have been seriously injured or killed in the line of duty.

Commissioner Skobin, who is also a reserve commander for the Los Angeles Sheriff's Department, requested that the Purple Heart be created several years ago after he had dinner with five LAPD officers to thank them for all they do, and to ask them for their thoughts on things he could do to be a better police commissioner. Commissioner Skobin learned that two of the officers had been shot in the line of duty, with five bullets entering their bodies. Thankfully, they both survived, and after numerous surgeries they are both back to full duty.

While the idea of the medal has been raised before — and rejected — Commissioner Skobin should be thanked for pushing the Department to adopt the LAPD Purple Heart because it is the right thing to do.

The medal *will not* replace the Medal of Valor, which recognizes LAPD officers who have gone above and beyond the call of duty to protect our city. While medals alone can never reflect fully the dedication to duty of these police officers, they are emblematic of courage beyond the common human experience. The LAPD can award officers an array of medals that casts light on the variety of situations where

officers serve the community and reflects the gratitude of the city. The medals that the LAPD currently awards are:

- Los Angeles Police Medal of Valor
- Police Commission Distinguished Service Medal
- Police Distinguished Service Medal
- Police Commission Integrity Medal
- Police Commission Unit Citation
- Los Angeles Police Medal
- Los Angeles Police Star
- Police Meritorious Service Medal
- Police Meritorious Achievement Medal
- Police Meritorious Unit Citation
- Police Lifesaving Medal
- Community Policing Medal
- Human Relations Medal
- Reserve Police Officer Service Ribbon

It is fitting that the Purple Heart is being awarded to Department members in the month that we remember the victims of September 11. The award honors officers who have suffered extremely serious physical injuries, death, permanent disfigurement or protracted or permanent impairment of health. The medal will represent the extreme sacrifices of officers and their families.

The pension attack

Earlier this year, the California Foundation for Fiscal Responsibility (CFFR) released a fundamentally flawed report on California pensions. You may recall that at the time of its release, I wrote that the report is nothing more than a political document relying on outdated, skewed data that provides an inaccurate view of retirement benefits for public employees. Further, you will remember that the CFFR is headed by Marcia Fritz, an accountant with no public policy experience, who hired Mike Genest, the architect of Governor Schwarzenegger's failed budgets, to author its "reform" proposals.

That is why it came as no surprise when a CalPERS review of CFFR's proposals raised serious concerns about the methodologies of the report, among other fundamental flaws.

As if the issues raised by CalPERS were not enough to raise major questions about the CFFR proposals, an in-depth analysis released by the experts at CalSTRS recently found that the proposed CFFR "reforms" and recommendations simply don't add up. In conducting its thorough analysis of CFFR's report, CalSTRS relied upon its actuary, Milliman, to review the report and its recommendations. According to the actuary's review, "the CFFR proposal would reduce benefits paid at retirement to more typical CalSTRS members, either at a greater cost to fund the retirement plan or a greater risk to the member's retirement security."

We will continue to keep you updated on this important issue throughout the year.

Did you know?

Under most circumstances, the City of Los Angeles does not charge the public for law enforcement services. However, under California law, municipalities *are allowed* to charge a vehicle release fee (VRF) to anyone who has had their vehicle impounded by a police or traffic officer. Most government agencies in the state, including the City of Los Angeles, currently charge the VRF, which is intended to cover the municipalities' costs for impounding vehicles.

Municipalities are not allowed to make a profit with the VRF, and therefore the fee can only be a cost-recovery fee. LAPD and Department of Transportation (DOT) officers incur significant costs during the removal and impounding of vehicles; therefore, the current VRF is appropriate to recover the costs. Last year, the Official Police Garages (OPGs) *remitted to the City* a whopping \$20,652,507.50. That is more money than the OPGs made.

What is interesting, and somewhat surprising, is that the number of impounds citywide is going down. In 2010, the City impounded 139,292 vehicles. In 2005, with fewer LAPD and DOT officers, the City impounded 171,799 vehicles.

While many officers have solved many crimes by impounding a vehicle and finding evidence of another crime, as Devallis Rutledge has pointed out in articles, "with most search-and-seizure activity, your subjective reason for doing something has no effect on the constitutional reasonableness of what you do. As a general rule, as long as there is an objective justification for your actions, it makes no difference that you may have had a different purpose in mind. One exception to this general rule is the impound inventory."

Rutledge, a well-known former police officer and veteran prosecutor who currently serves as special counsel to the Los Angeles County district attorney, added, "When a suspect's vehicle is lawfully impounded (such as when the driver is arrested where the vehicle cannot be safely parked and locked, and there is no sober, licensed driver to take custody of it), it is usually permissible to conduct a standard inventory of the vehicle and its contents. The U.S. Supreme Court has explained that such inventories serve three legitimate purposes:

"When vehicles are impounded, local police departments generally follow a routine practice of securing and inventorying the automobiles' contents. These procedures developed in response to three distinct needs: the protection of the owner's property while it remains in police custody, the protection of the police against claims or disputes over lost or stolen property and the protection of the police from potential

danger. The practice has been viewed as essential to respond to incidents of theft or vandalism. These caretaking procedures have almost uniformly been upheld.” In a series of decisions, the court has made it clear that two conditions have to be met to justify an impound inventory. The officer must be following the department’s standardized inventory procedure, and the inventory must not be misused as a search for contraband or criminal evidence.

While there has been much confusion about Department policy regarding impounds, the LAPD policy remains that employees should continue to enforce the provisions set forth in the California Vehicle Code and, when warranted, impound the vehicles of those drivers who are unlicensed or have a suspended or revoked license. However, in any circumstance involving the impounding of vehicles, officers shall be guided by the Community Caretaking Doctrine, which allows officers to take action based upon public safety, even if that action is not related to an investigation. The decision to impound any vehicle must be reasonable and in furtherance of public safety.

Below are several examples of situations officers may encounter and the recommended enforcement actions:

A driver without a valid license is the only occupant of vehicle

- If the unlicensed driver is the sole occupant of the vehicle, it is both reasonable and in furtherance of public safety to prevent that driver from continuing the immediate and unlawful operation of the vehicle from the location of the traffic stop. If the traffic stop is conducted at a location other than the driver’s residential driveway or a legal parking space in the vicinity of the driver’s residence, impoundment would be warranted.

Passengers are present in a vehicle where the driver is unlicensed

- If one or more passengers are present in a vehicle driven by an unlicensed driver, but none of those passengers are validly licensed, impoundment is also clearly justified based upon public safety. Similarly, even if there are licensed passengers in the vehicle, impoundment is justified if the registered owner cannot be contacted or does not give permission for one of the licensed passengers to operate the vehicle.

- If both the registered owner and a validly licensed driver are present in the vehicle and the registered owner gives permission for the licensed driver to operate the vehicle, the impoundment of the vehicle is not appropriate.

Impounding vehicles when the driver is arrested

- Some traffic stops may result in the driver being arrested. If there is a licensed passenger present in the vehicle who can lawfully assume control, with the registered owner’s permission, then impoundment of the vehicle is not appropriate.

- The Community Caretaking Doctrine will, in most instances, justify impoundment of the stopped vehicle if its location is impeding traffic, causing a hazard to other motorists or is otherwise not lawfully parked. However, if the arrestee’s vehicle is parked in a legal parking space where it is not posing a traffic hazard and is not likely to be a target for vandalism or theft, and the driver requests that the vehicle remain at the location, impoundment of the vehicle is not required.

If you are ever told to not impound a vehicle or conduct an inventory search when you are legally required to do so, please notify a League director.

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