

BOLO

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The Newsletter for The Los Angeles Airport Peace Officers Association



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Congresswoman Waters Addresses Security Concerns at LAX

November 14, 2013

Washington, D.C. — Today on Capitol Hill, Congresswoman Maxine Waters (CA-43) addressed safety and security concerns at Los Angeles International Airport (LAX) in the wake of the shooting incident that occurred on November 1, 2013. She addressed the remarks to Transportation Security Administration (TSA) Administrator John Pistole, who testified during a hearing held by the Subcommittee on Transportation Security of the House Committee on Homeland Security, entitled “TSA’s SPOT Program and Initial Lessons From the LAX Shooting.”

Remarks as prepared for delivery:

“I would like to thank Homeland Security Committee Chairman Michael McCaul, Ranking Member Bennie Thompson, Transportation Security Subcommittee Chairman Richard Hudson and Ranking Member Cedric Richmond for allowing me to participate in this hearing, which will consider the initial lessons learned from the tragic LAX shooting incident, which occurred on November 1 at Los Angeles International Airport (LAX) in my congressional district, as well as the Screening of Passengers by Observation Techniques (SPOT) program, which involves Transportation Security Administration (TSA) officers observing the behavior of passengers.

“I want to begin by joining with my colleagues to honor the life and service of Gerardo Hernandez, the TSA officer who was killed in the line of duty during this tragic incident. I offer my deepest condolences to his family and friends. I also honor all of the TSA officers, LAX police officers and other first responders who risked their lives to stabilize the situation and protect the public.

“LAX is the sixth busiest airport in the world and third in the United States. LAX offers 680 daily flights to 96 American cities and

additional flights to 30 foreign countries. In 2012, LAX served more than 63 million passengers, processed more than 1.9 million tons of air cargo and handled more than 600,000 landings and takeoffs. The safety and security of all of the people who work in and pass through LAX is of paramount importance.

“The LAX shooting incident raises two specific security concerns that I will highlight today. The first is the need for law enforcement officers to be stationed at passenger screening checkpoints. The second is the need for airport police to have access to airport security cameras.

“Both of these issues were raised in a letter from the American Alliance of Airport Police Officers to TSA Administrator John Pistole on September 28, 2012, more than 13 months before this tragic incident occurred. The letter was signed jointly by Marshall McClain, the President of the Los Angeles Airport Peace Officers Association, and Paul Nunziato, the President of the Port Authority Police Benevolent Association.

“In a response dated October 12, 2012, Administrator Pistole agreed that both of these issues merited further discussion. I hereby request that the committee include both the Airport Police Officers’ letter and Administrator Pistole’s response in the record for today’s hearing.

“There are two methods by which police may provide law enforcement support for TSA’s passenger screening checkpoints. The ‘fixed-post’ method requires a police officer to be stationed at the passenger screening checkpoint. The ‘flexible response’ method allows police to roam the surrounding area but requires that they be able to respond to a problem at the checkpoint within a specified time period.

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Congratulations, Marshall McClain!

Elected for a fourth consecutive year to the PORAC Board of Directors, representing the Los Angeles South Chapter.



CONGRESSWOMAN WATERS

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“The Airport Police Officers’ letter explained that it is virtually impossible for an individual police officer to respond quickly to a problem at a screening checkpoint if the officer is responsible for patrolling an entire terminal area and performing other police functions. The letter recommends a uniform standard for all major airports, which would require a law enforcement officer within 300 feet of the passenger screening area.

“It is my understanding that LAX police officers did indeed provide both fixed-post and roaming police officers at LAX at the time this letter was written. Then, last April, six months after Administrator Pistole agreed to discuss the issue, a decision was made to waive the requirement for fixed-post officers at LAX. In any event, there was apparently no fixed-post officer stationed at the affected LAX checkpoint when the shooting began.

“The Airport Police Officers’ letter also raised the issue of real-time airport police access to airport security cameras. As the letter explained, most airports do not have a coordinated airport-wide security camera system. Instead, TSA, airport management, airlines and vendors own and operate their own security camera systems, and there is no requirement that they provide airport police with a camera feed should an incident occur. This is certainly the case at LAX.

“It is my understanding that the absence of airport police access to airport security cameras at LAX complicated the efforts of LAX police to apprehend the shooter after he shot Officer Hernandez, passed through the checkpoint and began to roam through the terminal, where he shot additional victims. Fortunately, these victims all survived.

“I hope that Administrator Pistole will address both of these two issues during his testimony.

“Finally, I did not focus my remarks today on the SPOT program. However, I will say that I do believe it is racial profiling. It is also ineffective, and so I chose to focus my remarks on more effective security methods.

“I thank the Chairman and the Ranking Member for the time.”



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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 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: 2013-21 **Date:** 11-13-13
By: Devallis Rutledge **Topic:** New Laws for 2014, Part 1

Below are *summaries* of selected legislation effective January 1, 2014 (unless otherwise noted). The full text of the statutes should be consulted for application.

PC § 148.3 (amended): False report of emergency (“swatting”) may also be prosecuted under other statutes with greater punishment, and convicted offenders are liable for costs of emergency response.

PC § 261 (amended): Rape by pretense includes induced belief that the rapist is another acquaintance (not just a spouse), abrogating the decision in *People v. Morales* (2013) 212 Cal.App.4th 583. Same amendment to **PC §§ 286, 288a**.

PC § 273.5 (amended): Categories of domestic violence victims now also include fiancées and former “dating relationship” partners.

PC § 288.2 (amended): Punishment for sending harmful matter to minors is increased if minors are depicted.

PC § 311.12 (added): Producing, possessing, etc., of child pornography on government property or via government-owned computers adds an extra \$2,000 fine to any other punishment imposed for the crime.

PC § 519 (amended): “Fear” for extortion may be caused by a threat to report the victim’s immigration status.

PC § 647(j)(4)(A) (amended): Misdemeanor to intentionally cause serious emotional distress by distributing intimate images that were expected to remain private.

PC § 666 (amended): Theft-related priors that may be used to enhance subsequent petty theft to a felony now also include embezzling from elder or dependent adults.

PC § 803(j) (amended): Statute of limitation for hit-and-run with death or permanent serious injury to another is the later of three years after the crime or one year after identification of the driver, but not to exceed six years after the crime.

PC § 817 (amended): Allows probable-cause arrest warrants to be obtained by email, with digital signatures by officers and magistrates.

PC § 851.87 (added): Two years after completing pre-filing diversion, defendants may petition to seal records and may lie about the arrest, except peace officer applicants.

PC § 859.5, W&I § 626.8 (added): Custodial interrogations of juvenile murder suspects must be audio/video recorded, unless the minor objects, equipment malfunctions, exigency intervenes or doing so would endanger someone. Sanctions include possible suppression and adverse jury instructions. Recordings must be kept until all habeas appeals are exhausted, which essentially means until the person is no longer in actual or constructive custody. This statute applies not only to law enforcement officers but also to “any other person who is acting at the request or direction” of an officer, which might include relatives, accomplices, informants, cellmates, etc. **PC § 859.5(g)(4)**.

(This statute mandates local costs, which are required to be reimbursed by the state. Every agency that investigates murders committed by minors must, prior to January 1, train officers to comply with this section and acquire recording equipment and the capacity for long-term storage and retrieval of recordings. Because this may necessitate extraordinary supplemental budget requests and processing, this One-Minute Brief is being distributed to subscribing agencies as early as possible.)

PC § 1203.41 (added): On 15 days’ notice to the prosecution, specified felons sentenced to county jail per “realignment” may, within one or two years after finishing their sentences, petition the court to withdraw their pleas or set aside verdicts of guilt and be released from “all penalties and disabilities” resulting from their felony convictions, except for prohibited possession of firearms, disqualification from public office and CDL suspensions for DUI. Expunged convictions may still be pled and proved as priors, and they must be disclosed in applications for public office or state licenses.

PC § 1524(a)(13) (amended): Authorizes magistrates to issue search warrants to draw blood in DUI refusal cases. (Urgency legislation, effective September 20, 2013.)

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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Please visit us online and read the Law Enforcement Legal Reporter at <https://laapoa.com/membersonly/officer-safety.php>





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Enrollment Deadline DECEMBER 31, 2013

What is a Special Enrollment

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*Enrollee must be an actively working City Employee and a City Employees Club Member in good standing as of September 9, 2013.

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