

# JUSTICE FOR ALL

THE OFFICIAL PUBLICATION OF THE HUNTINGTON BEACH POLICE OFFICERS' ASSOCIATION - A NON-PROFIT ORGANIZATION DEDICATED TO SERVE AND PROTECT ITS MEMBERS

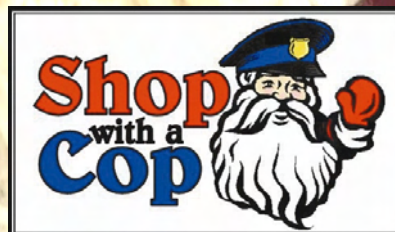
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JANUARY - MARCH 2016

NOTICE: SUBMISSIONS TO THIS PUBLICATION DO NOT NECESSARILY REPRESENT THE APPROVED VIEWS OF THE HBPOA & FOUNDATION OR ITS DIRECTORS.

## Who's the Santa?



<http://www.facebook.com/42HBPOA42>

**COVER STORY Page 6**

### INSIDE THIS ISSUE

- 2 President's Message - *D. Humphreys*
- 4 6 Traits Today's Cops Need in their Chief
- 7 SPORTS
- 9 That's right... Beards. - *B. Gillham*
- 10 Chaplain's Corner - *R. Wing*
- 14 Kabuki Dance continued... - *J. Huss*
- 18 R.I.P. Police Service Dog Rudy - *C. Ortiz*
- 19 In Memoriam

# No Contract 92 DAYS and Counting!

*As of January 1, 2016*



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THE OFFICIAL PUBLICATION OF THE  
HUNTINGTON BEACH POLICE OFFICERS' ASSOCIATION

Post Office Box 896  
Huntington Beach, CA 92648

**Volume 27 – Issue 1  
January – March 2016**

## JUSTICE FOR ALL

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**Huntington Beach Police Officers' Association**  
*Published Quarterly*

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- PORAC** - Peace Officers' Research Association of California
- CCLEA** - California Coalition of Law Enforcement Association
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## PRESIDENT'S MESSAGE

DAVE HUMPHREYS  
*HBPOA President*

**Once** again, our holiday season rapidly approached and I would like to wish you and your families a healthy and prosperous new year. This past year was difficult for law enforcement and I would like to summarize some of the events that ostensibly changed the climate of our profession.

We lost over 100 law enforcement officers last year in the domestic United States due to work related deaths. I have yet to find another profession that parallels such tragedy. Since Ferguson, our profession has become even more criticized and highly publicized which has promoted a public perception causing a crisis of confidence.

When many of our veteran officers began their profession, we were often greeted by the community with a wave or a smile and even confronted and thanked on occasion for our service. Finding an officer working on a holiday some would even apologize. The visual presence and proactive policing was much appreciated. Now, there is a growing trend in not only non-compliance with police contact but integrated with acts of violence.

The climate has dramatically changed but oddly the backbone of our profession and what we do each day has not changed much at all. We are doing the same thing but now with far less people. This makes officers even more vulnerable in the performance of their duties. This too causes officers to function in an environment of hesitation and 'forced' to prevaricate before taking any enforcement action.

Present-day media attention surrounding police activities is portrayed in such a fashion it now perpetuates premature judgment and recurring





falsities. The inaccuracies have created a tangled animosity by those who perversely believe such violence should be endorsed by public opinion. Sadly, with all the adversity in the profession, law enforcement alone has a limited voice. In California, the voice is PORAC (Peace Officers Research Association of California) who are heard by speaking the truth to politicians and representatives. It is PORAC that reporters turn to when in need of a genuine public safety perspective.

While bearing the angst of this up-to-date socially engineered policing, we have others in our backyard and abroad adding insult to our newfangled profession by persecuting our pensions. Former San Jose Mayor Chuck Reed and ex-San Diego Councilmember Carl DeMaio are at it again. They are submitting ballot measures attempting to make far-reaching changes to public safety salaries, pensions and health care benefits. Although their prior efforts have failed and been rejected in the past, we must and will fight their measures. No matter how one feels, public safety matters to all of us. If our communities and families are not safe, nothing else in life matters.

Due to these setbacks, for example, police agencies nationwide are having recruitment problems. It is no different here in Huntington Beach. Our officers are still working under distressing staffing levels. The current amount of sworn officers is at a level we once had in 1988. Our police dispatch staffing has also been grossly ignored the past few years. Huntington Beach has no long-term plan in place to absorb upcoming retirements and employ proper staffing for current or future needs. Therefore, our staffing conditions will continue to deteriorate. The city must place an emphasis on proper and ongoing recruiting, for all positions, as we know good quality candidates are passing up a career in law enforcement for less dangerous career paths.

If Huntington Beach were to follow a staffing level standard, our population and calls

*Continued on the page 6.*



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Huntington Beach Police Officers' Foundation**

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*Terms are from September to September*

*Justice For All is produced as a service of the Huntington Beach Police Officers' Association & Foundation. This newsletter is designed to keep members and friends informed of current activities and events affecting the membership.*

*Letters to the editor are welcome, as are suggestions for articles. Submissions to this publication are always welcomed by the membership as well as outside sources and they do not necessarily represent the approved views of the HBPOA & Foundation or its directors.*

*Correspondence and/or Submissions – Contact:  
[JFAnewsletter@aol.com](mailto:JFAnewsletter@aol.com)*

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# 6 TRAITS TODAY'S COPS NEED IN THEIR CHIEF



Chief Ron E. Lowenberg



Chief Ken W. Small



Chief Rob Handy

**Today's modern officers need a chief with these 6 traits in order to prosper and thrive**

POLICEONE STAFF  
*PoliceOne.com 27 OCT 2015*

**W**hat makes a great police leader? What attributes do cops look for in a police chief that help keep an agency strong in these difficult times? Why are these characteristics important?

The environment cops operate in today is unlike any other time in history. As use of force incidents are broadcast and scrutinized nationally, agencies have relied on their chiefs to lead them out of the storm. We asked our Facebook fans what characteristics they look for in a leader and found six common qualities. Here they are:

## **1. Experienced**

Most commenters expressed appreciation for a cop's cop: someone who has been there, done that, and seen it all. They want someone with experience who knows what officers go through on a daily basis. Leaders who don't sit behind a desk all day were highly regarded by commenters.

*"I look for a leader that is actually 'boots on the*

*ground'. Be out in the field with the troops. Understand what we are going through on the front lines,"* Mike Weinsheimer wrote.

## **2. Supportive**

In light of national media coverage of officer-involved shootings, most officers are looking for someone who supports them during their career - particularly when they are under the magnifying glass.

Marcus Rummel wrote that a good leader needs to trust his or her team.

*"Seems like anytime something happens it's assumed that the officer messed up,"* Rummel commented.

But support goes beyond just trusting your cops — it also means being involved.

*"A chief should know each and every officer and have an open door policy for those*

*Continued on the next page.*

*Chiefs - Continued from page 4.*

*officers in any need of assistance,” David Parchim said.*

### **3. Honest**

Another common characteristic officers want in a chief is honesty. Integrity and humility were two common components listed by many of our commenters on the topic of what makes an honest police leader.

*“A chief should be able to admit their mistakes and work to resolve them,” Matthew Ellis wrote.*

Joshua Stone defined an honest chief as a *“person who totally respects the profession, the badge, and their oath.”*

### **4. Forward-thinking & Open-minded**

As the world advances from a technological, political, and legal standpoint, a chief needs to be able to evolve with the environment. Stagnant chiefs stuck in the past and old ways of doing things can hinder growth in a department, most commenters said.

Chiefs need *“the ability to relate to both the younger and new generation coming in, the middle ground (10-15 year officers) and the salty veterans,”* Matt BigMlittleorgan wrote.

### **5. Transparent**

Another important characteristic cops want in their chief is being transparent and inclusive in major departmental decisions. While the chief may have the final authority, officers don't want to feel blindsided.

*“Clearly articulate expectations, guidelines, and parameters. Those that fail at leadership surround themselves with sycophants, and conduct business in the shadows,”* Eric Anderson said.

### **6. Inspiring**

An attribute of any great leader is the ability to inspire. Chiefs need to bring out the best in their officers and the community they serve.

Eric Mercier said *“a true leader inspires his/her people to achieve.”*

Chiefs who go beyond their day-to-day work and try to connect with people inside the department and outside of it are well-received.

David Parchim wrote chiefs need to *“be out in the community communicating with business owners, citizens and schools.”*

Great leaders can be hard to come by — and in today's difficult environment, cops need strong leadership more than ever. See anything missing from the list that you'd like to add? ♥

JFA NOTE: Most of us at the department have worked during the tenure of the three chiefs pictured. Let us know if our chiefs have possessed these traits or not.

Maybe you are a lateral officer and saw other traits not listed that you liked, share them with us.

Email us at the [JFAnewsletter@aol.com](mailto:JFAnewsletter@aol.com) with your comments, which will be held in confidence.

## RETIREES

### *Save the Date!*

The annual qualification date for retired members of the department has been set for **MARCH 3 & 4, 2016** between **9:00 am – 3:00 pm** at

Mike Raahauge's Shooting Enterprises  
14995 River Road | Corona, CA 92880

As in preceding years the POA will be supplying food for a BBQ on both dates, but most of the old timers arrive on the first day to share their tale tails and embellish them some.

The HBPD Training Bureau will be sending out email reminders as the date gets closer and if you don't have your email on file with the, please do so. ♥

**HBPD Training Bureau**  
**714-536-5629**



*President's Message - Continued from page 3.*

for service would require employing about 293 police officers. We sit on a diluted 228 budgeted positions with only 214 of those sworn positions filled. Our staffing levels are extremely unsafe and the recent crime rate in Huntington Beach shows an increase in almost every category. I expect a further upswing once spring and summer months arrive. Lower staffing and less time off means more grief for the people that have made HBPD a success from sheer determination against their own leadership. The Chief wants to further erode our benefits by making it more difficult to take time off.

Along with this undernourishment, our membership is striving to understand why 'some' in our city government don't want to provide compensation packages with respect to negotiations. The current discussions seeking a fair and reasonable labor contract has been strenuous. Based to the direction our compass is pointing, I see even more strife with this labor contract which will strain efforts to not only recruit qualified candidates but retain the limited staffing we currently have. There is no meat on the labor carcass, at the present, to net any up tick for our city employees. And, the city is certainly capable of nourishing their greatest asset, public safety. Without it, they will miscarry.

Dr. Esmael Adibi, a Professor and Director for Economic Research at Chapman University, recently interviewed with the CEO of the Orange County Business Council. They shared their forecast saying Orange County will likely remain an economic powerhouse in the coming years. Since the recession, the economy has - 'turned around' with 2015 being the best year - our economic growth has surpassed pre-recession values largely due to our diversity of cross-cutting industry clusters and our broad base sectors. It was said the Orange County leisure and hospitality industry has been doing extremely well. This being a vast monetary benefit to Huntington Beach - Surf City, USA. ♥



## **COVER STORY**

### ***Shop with a Cop -- Who's the Santa?***

**T**his past holiday season was the department's first participation in the "*Shop with a Cop*" program, which was a charitable holiday event for underprivileged children. Many of the children live in cars with their families or came from shelters from within the city.

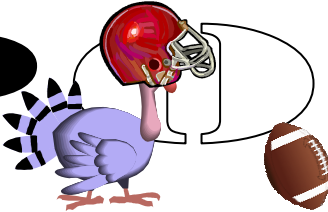
A few weeks before Christmas, 25 Huntington Beach City, Ocean View and Westminster School District students were treated to a shopping spree after being partnered up with a police officer from the department. They enjoyed a warm breakfast complements of the Huntington Beach Police Officers' Association and prepared by the Market Broiler Restaurant.

After breakfast, the students headed off to Target with their partnered officer who was holding \$200 worth of gift cards courtesy of the Huntington Beach Police and Community Foundation and the Nobles Family Foundation. The students were able to spend this money while shopping with their officers for their families and themselves. In a few instances, officers as well as Anthony 'Tony' Nobles and his wife, Rhonda reached into their own pockets to make sure the students were able to get everything they wanted/needed.

There were many additional volunteers who came out and helped wrap gifts with Christmas paper donated by Target. Siblings were given coloring books and crayons to play with while their brothers and sisters shopped. All the children enjoyed making cookies and visiting with Santa. But who was the real Santa?

*Continued from page 11.*

# SPORTS



## Annual Flag Football Classic | Turkey Bowl XII

Team Pham 10 – Team G. Ricci 8

ANTHONY PHAM

*HBPOA Member & Turkey Bowl Coordinator*

The 14<sup>th</sup> Annual HBPD Turkey Bowl flag football game took place this past Thanksgiving Day. Through the years, many players have come and gone. One can assume that those that have moved on are almost certainly more intelligent than the ones that continue to play and abuse their bodies. The first game was in 2001 and only three players have played every time. The three that have chosen to ignore Father Time are myself, Craig Reynolds, and Rodney Besuzzi.

The original game included Shanona Phillips battling it out with Tom Wood and his Mechanix gloves in the trenches. During that game, Scott Winks intercepted a pass, zig-zagged for 175 yards, only to net 40+ yards for the stat book. Both were quite the spectacle.

This year, Gabe Ricci requested that I captain a team against him. A few days before the game, we conducted the “draft.” The teams were set and colorful pre-game “discussions” were abundant.

Just before game-time, the largest crowd to date had formed. I couldn’t hear what all was said, but there was a lot of laughter. I am convinced that they were laughing with us, not at us. Rich Eidhuber was back as the referee in his borrowed, bright yellow uniform.

At the beginning of the game, it was back and forth. Insight and commentary may have been provided by a PA, but I couldn’t tell who it came from because of the black and white helmet.

First timers Joe Baugh and Mike Aspeitia immediately made an impact for Team Ricci. Baugh was all over the place and had to battle it out with Jason Melschau on both sides of the ball. They went at it the entire game. Aspeitia covered a lot of ground in the secondary and was later able to intercept a pass of mine. He will not be invited back next year.

Several plays in our team had two receivers run a crossing route to “cross-up” the defense. Unfortunately, it worked too well and there may or may not have been a violent collision. HIPAA does not allow me to disclose any further.

OC Probation was well represented by our in-house guys Tim Guthrie and Steve Berry. Guthrie played defense very well and Berry was able to snag a touchdown for our team.

After halftime, we were able to build a comfortable lead. Mike Thomas, another first timer, was able to consistently get open and catch what was thrown his direction. Thoby Archer was able to beat their coverage a few times for long touchdown passes from Reynolds. On defense, Besuzzi shut down his side of the field.

Steve Wickser was the steady rock that Team Ricci needed. He had quite a few catches and a touchdown or two. Brian

*Continued on page 11.*

# HBPD Annual Flag Football Classic Turkey Bowl XIV



Spectators and players pose for a photo before the annual football game commences. Future games sponsored by... AFLAC?



## Anaheim Ducks First Responder Appreciation Night



Anaheim Ducks vs. Los Angeles Kings  
Sunday, February 28th at 6 p.m.

Join the Anaheim Ducks, National Law Enforcement Officers Memorial Fund, and California Law Enforcement & Community organizations in an appreciation event honoring our law enforcement heroes. A donation of \$5 from every ticket sold will help support the initiatives of the National Law Enforcement Officers Memorial Fund, which is dedicated to honoring all of America's law enforcement heroes – those who have died in the line of duty and those who continue to serve.

Orders must be placed online at least two (2) days prior to event date



Supporting the NLEOMF

[WWW.ANAHEIMDUCKS.COM/NLEOMF](http://WWW.ANAHEIMDUCKS.COM/NLEOMF)

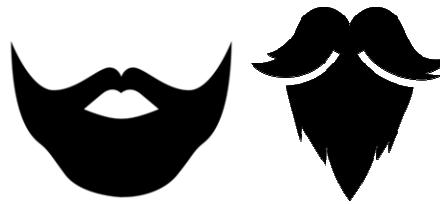




# That's right... Beards.

BRETT GILLHAM

HBPOA Member – Movember Coordinator



**F**or those of you reading this that don't regularly roam the halls of HBPD, Officers were given the opportunity to show their support for Prostate Cancer Research by participating in the "Movember" campaign.

Chief Handy approved a memo allowing police personnel to grow out of policy mustaches, goatees, or maintained beards during the month of November provided they make an appropriate donation to [www.PCF.org](http://www.PCF.org). Donations were \$25 for a mustache, \$50 for a goatee, and \$100 for a beard.

A number of officers, detectives, jailers, and supervisors participated in the effort. There were some fantastic displays of man whiskers seen around the department and out on the town.

As far as I know, the effort put forth by PD employees was well received by the community. I know I received a number of positive comments that opened a dialogue for the explanation of the beard I wore. The public was very receptive to idea that we would embrace the opportunity to make a charitable donation to such a worthy cause.

HBPD employees raised approximately \$3,000 in donations toward Prostate Cancer research at [www.PCF.org](http://www.PCF.org). A number I am sure we can surpass next year!

A huge thank you to all who supported "Movember" in its inaugural year at HBPD. It is truly appreciated. ♥

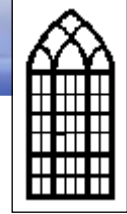


## Finally...

*Beards: They grow on you.* – Author Unknown

*You can measure time in days, weeks, months, or in beards.* – Author Unknown  
[At least 30 days...]

*I'm not growing a beard – I'm just too lazy to shave.* – Author Unknown



*"I press toward the goal for the prize of the upward call of God in Christ Jesus."*

(Philippians 3:14)

## KEEPING YOUR EYE ON THE PRIZE

ROGER WING  
HBPD Police Chaplain

**P**erseverance isn't a word that most people are comfortable with. Most Americans just don't have a persevering spirit or a lot of patience. Even a microwave oven doesn't cook fast enough for us and having one or two people in front of us at an ATM or checkout line tries most people's patience. As police officers, most of you understand what patience and perseverance are all about. You just don't rush into a crime scene. You strategize and plan before moving into gear. You're focused on the end result and the best way to achieve it. And this attitude and process should also carry over into our spiritual life.

God calls us into a deep relationship with Himself. In Isaiah 1:18, God calls us to ***"Come now and let us reason together."*** He wants us to think things through and focus on the final result. When we think of all the Lord has done for us, how He died for our sins and redeemed us from an eternity separated from Him to an eternity in Heaven in His presence, a sacrificial life doesn't seem to be all that demanding. Our life on earth is but a miniscule window in the light of eternity. The few years we have here on earth are our opportunity to determine where we will spend eternity.

We don't see competitive athletes give up when the game is on the line. They may be mentally exhausted, in pain and physically worn out, but they persevere because they have their eye on the prize. A woman doesn't decide in the 10<sup>th</sup> hour of labor that the end result isn't worth the process. We know what it means to persevere and endure but many of us often fall short. Our problem is that we view persevering as a mountain and the end reward as a molehill.

What kind of faith do you have in a difficult situation? The issue isn't that you'll be disappointing

God if you give up. The issue is how much you'll miss and forfeit if you don't persevere. The Lord wants us to persevere for our ultimate pleasure. We need to have and live an enduring faith that can only come from God. There will be highs and lows in everyone's life, but an enduring faith does not waver even when circumstances seem insurmountable because we know that ***"all things are possible with God to him who believes"*** (Mark 10:27). And the only way we can persevere to the end is to keep focused on the Rewarder and the final reward.

Ponder all that God has told us in His Word. All of those terrible news reports that make us sick to our stomachs will become ancient history. All of the illnesses we and our loved ones have endured will vanish away. All of the conflicts we've had, the wars we've waged, and the stress we've endured will be finished. There are no broken hearts in Heaven. Those that persevere in their personal relationship with the Lord and keep focused on the prize will reap an eternity in Heaven. Paul tells us to ***"set our hearts on the things above"*** (Colossians 3:1). You can get through a lot of trails when you stay focused on the prize.

Every person is given the freedom to choose what kind of life they will lead. But every choice has a consequence. ***"Do not be deceived, God is not mocked; for whatever a man sows, that he will also reap. For he who sows to his flesh will of the flesh reap corruption, but he who sows to the Spirit will of the Spirit reap everlasting life. And let us not grow weary while doing good, for in due season we shall reap if we do not lose heart. (Galatians 6:7-9)"***

Be blessed and stay safe. ♥

*Turkey Bowl XIV- Continued from page 7.*

Schreiber and Brett Gillham were able to throw a few late touchdowns to bring Team Ricci back; but a game ending walk-off “pick 6” by Thomas put an end to their comeback. The final score was 70-56. Although everyone on our team played a significant role in the defeat of Team Ricci, Thomas was voted the MVP.

As always, fun was had by all, the complaint of pain lasted several days, but we all made it back to work. Thanks again to everyone that came out and watched; including retirees Jeffrey T. Huss and Mike Freeman. There were definitely too many people that attended to thank individually. Anytime we can all get together outside of work and share a laugh or two, it is a success. If any of you, retirees included, would like to participate next year, look for my recruitment email.

Happy holidays to everyone. ♥



Huntington Beach Masonic Lodge 380, F.&A.M.  
Recently honored

**Motor Officer John Baggs III**  
*As their Recipient of the*  
**“Volunteer Police Officer Award”**

*Congratulations John on this and all of the recognition you have recently received ...*

*Shop with a Cop - Continued from page 6.*

To uplift disadvantaged kids in the community inventor and entrepreneur Tony Nobles launched the “*Shop with a Cop*” concept locally with police, businesses, and local schools. Perhaps due to his own challenging childhood, Tony Nobles has initiated or supported children centered charitable events over the years, such as a recent Halloween extravaganza for Orange County, a tradition that’s lasted 17 years; working with Las Damas, a women’s non-profit organization in Sunset Beach that supports charities for the mentally ill, homeless, and at-risk teenagers.

“*Shop with a Cop*” was a rewarding, warm and joyful holiday experience for the kids, their families, the police, volunteers, participating businesses, schools, and everyone involved!

We would like to thank the many community businesses that contributed to the success of this event through their sponsorship: the Nobles Foundation, the Huntington Beach Police Officers Association, the Huntington Beach Police and Community Foundation, Target Corporation, the Market Broiler Restaurant, Woody’s Restaurant, Buon Gusto Restaurant, Pick-up-Stix Corporation, In-n-Out-Burger Corporation, Expertech Automotive, Best Chauffered, and Lucci’s Deli.

Well, back to the original question... jolly old Saint Nicholas, casts his vote toward Anthony “Tony” Nobles, as being the real Santa on this adventure. ♥





# History of Dispatch Comm Center by the Numbers

## \_JFA STAFF REPORT

Here are some interesting historical facts about the staffing levels in dispatch that you may not be aware of.

1. From 2001 thru 2015, there have been only 3 years where the total number of dispatchers at the end of the year has been less than 20. Of those years, 2 of them have occurred in the last 3 years with 2013 and 2015 ending the year with 18 dispatchers. The third year was 2005 that ended with 19 dispatchers.
2. The remaining 12 years have ended with 20 or more dispatchers employed. 2007 was the highest with 24 while 2008 had 23. 2004, 2006 and 2009 had 22 dispatchers. 2010, 2011, and 2012 had 21 dispatchers with 2001, 2002, 2003, and 2014 ending the year with 20 dispatchers.
3. 2008 never dropped below 23 dispatchers and had three months with 25 and three months with 24.
4. 2009 experienced three months with 24 dispatchers, four months with 23 and five months with 22.
5. From January 2010 thru March 2012, a total of 27 months, there were 21 dispatchers with no new dispatchers hired or leaving during the same time.
6. Since January, 2002 to present, there have been 39 people hired as dispatchers. Of those, 26 or 67%, lasted less than one year before resigning. During this time, 15 dispatchers who had been working for several years either retired, resigned, or changed to part time.
7. A reason there is currently only 18 dispatchers is because over the past 14 years (2001 thru 2015), the City has hired only 39 dispatchers while losing 41 (26 with less than 1 year + 15 with several years = 41) which results in a loss of 2. In 2001 there were 20 dispatchers - 2 over the past 14 years = 18 the current number of dispatchers.

Not making hiring dispatchers a priority is causing the scheduling problems; not the use of comp time.



Law  
Enforcement  
Appreciation  
Day

JANUARY  
**9**  
2016



Annual  
Huntington Beach Police Department  
Employees Awards & Recognition  
Ceremony

COMING SOON – DATE TO BE DETERMINED





# FIRST RESPONDER APPRECIATION TICKET PACKAGE

SUNDAY, MARCH 20TH  
FONTANA, CA

TICKETS ON SALE  
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SPECIAL RESPONDER-ONLY OFFER

# \$99

A \$213  
VALUE!

INCLUDES:  
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TICKET, ROWS 15-23

• PRE-RACE PIT PASS  
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• \$44 DONATION  
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TICKETS TODAY!

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YOUR DONATION WILL BENEFIT THESE ORGANIZATIONS



AVAILABLE WHILE SUPPLIES LAST.  
OFFER SUBJECT TO CHANGE.  
CANNOT BE COMBINED WITH ANY  
OTHER OFFER. FEES APPLY.



# CALENDAR OF EVENTS

## Martin Luther King Jr Day

JANUARY 18

CITY OBSERVED HOLIDAY

## President's Day

FEBRUARY 15

CITY OBSERVED HOLIDAY

## Retiree Range Qualification

MARCH 3 & 4 - 2016

RAAHAUGE SHOOTING RANGE



## St. Patrick's Day

MARCH 17

KISS ME I AM IRISH!



## 32<sup>nd</sup> Challenge Cup Relay Race

MARCH 19-20

BAKER, CA TO LAS VEGAS, NV

[www.bakertovegas.org](http://www.bakertovegas.org)



## CA Peace Officers' Memorial

MAY 1-2

SACRAMENTO

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



## National Police Week

MAY 15-21

WASHINGTON, DC

[www.nationalcops.org](http://www.nationalcops.org)



## US Police & Fire Games

JUNE 18-25

SAN DIEGO AREA

[www.uspfg.org](http://www.uspfg.org)



## ACTIVE, RETIRED & ALUMNI MEMBERS

If you want to be updated on events  
Make sure the POA has your current email

EMAIL: [HBPOA42@gmail.com](mailto:HBPOA42@gmail.com)

Got Event?

[JFANEWSLETTER@AOL.COM](mailto:JFANEWSLETTER@AOL.COM)

# KABUKI DANCE

*Otherwise known as Contract Negotiations...*

*My oh my, some things never change.*

JEFF HUSS

*HBPOA Dinosaur Member (Retired)*

Well, another year has come and gone, actually, my best to all of you for a safe, healthy and prosperous New Year. Seems like only a year ago I was still chasing after a good hot meal, I mean the criminal element, whatever. To answer your question... yes, I am busier now being retired than before.

As we enter into 2016 you'll not be surprised to know that as of January 1, 2016 the POA will have been without a contract for 92 days. Not quite a record yet, but with a new mayor at the helm I am sure something will be resolved in the next 30, 60 or 90 days. It'll depend upon how the morale holds up against El Nino I guess!

Being a part of the Negotiations Team for the POA I think we have submitted some very clear and concise proposals, which given the marketing results for other contracts recently negotiated in Orange County ours was pretty straight forward. However, the City Council hasn't seen it that way. Even with the members' offer of picking up more of their pension cost, which use to be all the hue and cry before.

Oh yeah, speaking of morale I have heard some good and some not so good topics of discussion recently. First, there has been a more watchful eye on the "In-Time" scheduling to help maintain a true "adequate" staffing level for patrol. Kudos to the cooperative effort there by all parts involved. Secondly, it seems that instead of posting in advance for training situations, it is easy to rob Peter to pay Paul or translated have detectives suit up and roll out to patrol when a shortage is discovered. Finally, I guess with the retirement of our Police Administrative Services Manager the department and city conducted the best search it could to find a very experienced and knowledgeable person to fill those shoes as no one was capable of doing it as an interim position?

My understanding is that this might be to facilitate a change that is coming in the organizational



CONTINUES...



table. One toward clipping the wings and rights of law enforcement leadership to becoming a civilian captain or deputy chief at will position seems to create an erosion of POBR (The Public Safety Officers Procedural Bill of Rights Act) by there being a desire to create at-will position(s). However, with good leadership and strong public support across the nation these days what could go wrong? Maybe it is summed up best by those famous words of Alfred E. Newman, “*What me worry?*”

I guess the men and women of the department will see just how beneficial it will be in only 960 hours. Because when many heard the news of what had happened you could almost hear the other shoe drop I was told.

Now that I am a private citizen of the city I had an opportunity to file an online CopLogic report recently. More so out of frustration because the theft did a ransack job and took more than the spare change, as was the only thing taken on past occasions. It was easy to complete except for space in the narrative on the loss description. Processing of the report to get assigned a case number seems not to be a high priority, possibly due to either very busy detectives or a lack thereof to review “my” case. Either way I will be submitting a supplemental report whenever I receive my assigned case number. Should I toss out that Prop 47 might be involved here? Nah, I am sure it’s a starter crook working their way up the ladder to support a bad habit... of taking someone else’s \$h#!. Back to the Kabuki Dance... ♥

## WANTED

### CHIEF WIGGUMS IS GONE!

A display poster of the Chief was stolen from the 7-11 Market at Warner Ave. & Newland St. and his return is a high priority! The poster was marked with a name and is easily identifiable.

This is the image of Chief Wiggums that has been stolen...

IMAGE WAS ICONIC FOR THAT LOCATION.



# PORAC & HBPOA

## Benefit Contact Information

### City of Huntington Beach

Human Resources – Employee Benefits

Tel: 714-375-8456

Verify your benefits:

[http://www.huntingtonbeachca.gov/government/departments/human\\_resources/employee\\_benefits/](http://www.huntingtonbeachca.gov/government/departments/human_resources/employee_benefits/)

### CalPERS Medical & CalPERS Retirement

[www.calpers.ca.gov](http://www.calpers.ca.gov)

Tel: 888-225-7377 or 888-CAL-PERS

### PORAC Retiree Medical Trust (RMT)

Benefit Solutions Inc. BSI

Suzan Kolb – Plan Administrative Agent

Tel: 877-808-5994

Email: [porac@bsitpa.com](mailto:porac@bsitpa.com)

Dennis Hashin – PORAC Region IV Trustee

Tel: 714-842-8851

Email: [cfo@hbpoa.org](mailto:cfo@hbpoa.org)

### Long Term Disability & Long Term Care Plans

Exclusive POA Providers CLEA & NPFBA

[www.caladmin.com](http://www.caladmin.com)

Tel: 800-832-7333

### AFLAC

AFLAC for PORAC Service Center

Tel: 888-712-3522

Email: [poaservicecenter@gmail.com](mailto:poaservicecenter@gmail.com)

[www.AFLAC.com/PORAC](http://www.AFLAC.com/PORAC)

### Adams, Ferrone & Ferrone

LDF | Workers Comp Cases

[www.adamsferrone.com](http://www.adamsferrone.com)

Westlake Village

Tel: 866-373-5900

### PORAC Legal Defense Fund

[www.PORAC.org](http://www.PORAC.org)

Tel: 209-955-5700

Tel: 888-556-5631

### California Casualty Auto | Home

Diane Munck | Field Marketing Manager

[www.calcas.com/dmunck](http://www.calcas.com/dmunck) or Tel: 877-264-3854

# SUPREME COURT EXPANDS REACH OF IMMUNITY AFFORDED TO PEACE OFFICERS WHEN USING DEADLY FORCE

ZACHERY A. LOPES

*Rains Lucia Stern, PC*

**I**n *Mullenix v. Luna*, 577 U.S. \_\_\_\_ (2015), decided by the United States Supreme Court on November 9, 2015, the Court further defines and seemingly expands the reach of the doctrine of “qualified immunity” afforded peace officers when they use force alleged to be in violation of the Fourth Amendment. Now, “qualified immunity” should shield “*all but the plainly incompetent or those who knowingly violate the law*” from civil liability.

*Mullenix* considered a civil lawsuit brought against a Texas Department of Public Safety (DPS) Trooper alleging the Trooper violated a deceased fleeing-felon’s Fourth Amendment right to be free from unreasonable force. The fleeing felon, Israel Leija, Jr., fled an attempted arrest which culminated in an 18-minute chase at speeds between 85 and 110 miles per hour. Twice during this chase, Leija called a police dispatcher, claimed to have a gun, and threatened to shoot police officers if they did not abandon their chase. In an effort to stop the pursuit, the Defendant DPS Trooper set up on an overpass above the highway Leija was traveling and readied a service rifle, in anticipation of shooting at Leija’s car to disable it. Another peace officer was under the same overpass monitoring a “spike-strip” intended as another means to disable Leija’s car. After the Defendant DPS Trooper spotted Leija’s car approaching, he fired six shots, causing the car to roll two and half times. Leija was determined to have died as a result of the gunshots, with four hitting him directly. None of the gunshots hit the car’s radiator, hood, or engine block.

The firing DPS Trooper was sued, alleged to have violated Leija’s Fourth Amendment right to be free from unreasonable force. The DPS Trooper argued he was immune from suit under the doctrine of “qualified immunity.” Qualified immunity protects government employees, including peace officers, from civil liability so long as their alleged conduct “*does not violate clearly established statutory or constitutional rights of which a reasonable person*

*would have known.*” *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). A right is “clearly established” where it is “sufficiently clear that every reasonable official would have understood that what [the official] is doing violates that right.” *Reichle v. Howards*, 566 U.S. \_\_\_\_ (2012). Thus, as long as the alleged right to have been violated was not “clearly established,” a peace officer is immune from suit.

The *Mullenix* District Court found that the DPS Trooper was not entitled to qualified immunity. The Fifth Circuit Court of Appeal agreed with the District Court, because “*the law was clearly established such that a reasonable officer would have known that the use of deadly force, absent a sufficiently substantial and immediate threat, violated the Fourth Amendment.*” The Supreme Court reversed both, and found that the DPS Trooper was immune from suit. In its opinion the Supreme Court notes, a few times, the facts confronting the DPS Trooper when he fired the shots: “*In this case, [the DPS Trooper] confronted a reportedly intoxicated fugitive, set on avoiding capture through high-speed vehicular flight, who twice during his flight had threatened to shoot police officers, and who was moments away from encountering an officer*” positioned beneath the overpass. On these facts, it was not “clearly established” that deadly force violated the Fourth Amendment.

More important than the factual analysis, however, is the legal standard the Supreme Court employed in its “qualified immunity” analysis. The Supreme Court reminded that is has “repeatedly told courts...not to define clearly established law at a high level of generality.” Rather, “existing precedent must have placed the statutory or constitutional question beyond debate.” “Put simply, qualified immunity protects ‘all but the plainly incompetent or those who knowingly violate the law.’” Thus, the Fifth Circuit’s proclamation that “*use of deadly force, absent a sufficiently substantial and immediate threat, violate[s] the Fourth Amendment*” was much

*Continued on the next page.*

*Supreme Court - Continued from page 16.*

too general. “The relevant inquiry [in this case] is whether existing precedent placed the conclusion that [the DPS Trooper] acted unreasonably in these circumstances ‘beyond debate.’” After a survey of fleeing-felon cases, the Supreme Court found that “none of our precedents ‘squarely governs’ the facts here. Given Leija’s conduct, we cannot say that only someone ‘plainly incompetent’ or who ‘knowingly violate[s] the law’ would have perceived a sufficient threat and acted as [the DPS Trooper] did.”

The Court’s use of phrases such as “beyond debate,” “plainly incompetent,” and “knowingly violates” expresses an expansion of the analysis for determining whether qualified immunity applies. Now, arguably, plaintiffs’ lawyers alleging excessive force in violation of the Fourth Amendment must demonstrate “plain incompetence” or specific intent to violate another’s constitutional rights. These are very high burdens.

*Mullenix* represents a continuation of the Supreme Court’s recognition that peace officers are “often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation,” and that “the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” ***Graham v. Connor*, 490 U.S. 386 (1986).** ♥

JFA NOTE: Zachery A. Lopes – Rains Lucia Stern, PC ([www.RLSlawyers.com](http://www.RLSlawyers.com)) is an associate in the firm’s Northern California practice, representing public safety employees in civil, criminal, labor and administrative matters.

## FINALLY...

### SERGIO MALDONADO RECEIVED HIS RETIRED ID & FLAT BADGE



At the Regular Board of Directors Meeting held on December 16, 2015, President Humphreys was able to present Sergio with his retired Department ID and flat badge. Congratulations to Sergio and his family.

Pictured L-R: President D. Humphreys, Retired Officer S. Maldonado (Patriot’s fan) and Vice President Y. Nikitin.

An advertisement for Knott's Berry Farm Fire &amp; Law Tribute Days. The top part features a cartoon illustration of Snoopy and Woodstock from Peanuts. Snoopy is wearing a red fire helmet and driving a red fire truck with "FD" on the side. Woodstock is also wearing a red fire helmet and riding a motorcycle. The background is a wooden wall. To the right of the illustration is a white sign with the text "Knott's BERRY FARM FIRE &amp; LAW TRIBUTE DAYS" in purple and black. At the bottom of the advertisement is a red banner with the text "Now 'til JAN 31, 2016" in white.



# R.I.P. POLICE SERVICE DOG RUDY

CAROLE ORTIZ  
 HBPD Police Officer/ K9 Handler (Retired)

**M**y K9 Partner Rudy passed away 08/21/15 at the age of 15. He battled a genetic disease called Fibrotic Myopathy/Semintendosis. That coupled with the arthritis a working dog will get was more than he could overcome as he eventually could not get up/walk. Making the decision to end his life was very difficult, but the right thing for him. He was cognizant and happy up until the end.

Many of you who knew him may remember you couldn't get near his car without him going off and wanting to take your head off. Well, that never changed, and on his last day I drove him through McDonald's for a couple of Big Macs and he scared the crap out of the drive thru workers with his ferocious barking. They say all dogs go to heaven, but I sure hope he spends some time in hell biting bad guys!

**K9 RUDY**  
 2000-2015



I think of him and miss him every day, but the thoughts are good ones because the time I spent working with him were the best times I had at HBPD. Jackie Ogren called him my "...once upon a time dog." and he truly was.

Rudy was laid to rest yesterday [16 NOV 2015] at Sea Breeze Pet Cemetery along side the K9s that passed before him.

Rest in Peace my Big Boy. ♡

JFA NOTE: RUDY was a Belgian Malinois, born in Holland where he received his initial training in KNPV. In 2005, RUDY joined HBPD and was a patrol/detection dog and also served on the Department's SWAT Team.



## + + IMPORTANT TAX INFORMATION + + California's Professional Peace Officers



### Step 10 Contributions

CA Seniors Special Fund	52	00	CA Firefighters' Memorial Fund	58	00
See instructions, page 25			Emergency Food Assistance Program Fund	59	00
Alzheimer's Disease Related Disorders Fund	53	00	<b>CA Peace Officer Memorial Foundation Fund</b>	<b>60</b>	<b>00</b>
CA Fund for Senior Citizens	54	00	Aspirina and Lung Disease Research Fund	61	00
Rare and Endangered Species Preservation Program	55	00	CA Missions Foundation Fund	62	00
State Children's Trust Fund for the Prevention of Child Abuse	56	00	CA Military Family Relief Fund	63	00
CA Breast Cancer Research Fund	57	00	CA Prostate Cancer Research Fund	64	00

### CA PEACE OFFICER MEMORIAL FOUNDATION FUND

California Resident Income Tax Return 2015



✓ **California Peace Officer Memorial Foundation Fund.....\$20.00**



## California's Fallen...

Source: [www.camemorial.org](http://www.camemorial.org) | [www.ODMP.org](http://www.ODMP.org)



### Line-of-Duty Deaths – 2015

♥ Officer Michael Johnson  
San Jose PD

♥ Sergeant Scott Lunger  
Hayward PD

♥ Officer David Nelson  
Bakersfield PD

♥ Officer Bryce Hanes  
San Bernardino PD

Officer Ricardo 'Ricky' Galvez  
Downey PD

### Other

K9 Sultan  
Riverside County SD

K9 Nitro  
Stockton PD

### *2015 California Peace Officers' Memorial Ceremony*

Candlelight Vigil – Sunday, May 1, 2016 | Enrollment Ceremony – Monday, May 2, 2016  
Sacramento, CA

### *2015 National Police Week*

May 15 – 21, 2016  
Washington, DC



Officer Retired  
Huntington Beach PD  
**James A. Rubin**  
1938 - 2015

Our Department Friend  
Vicki Shroyer

**George "Shep" Shepherd**  
1926 - 2015

### *Nationally...*

Source: [www.odmp.org](http://www.odmp.org)



### 2015 Firefighters

Source: [usfa.dhs.gov](http://usfa.dhs.gov)

Nationally:	78	87
CALIFORNIA -	6	2

### 2015 Line of Duty

Deaths: 119  
CALIFORNIA – 5

### 2014 Line of Duty

Deaths: 124  
CALIFORNIA – 15

### 2013 Line of Duty

Deaths: 112  
CALIFORNIA – 10



# JUSTICE FOR ALL

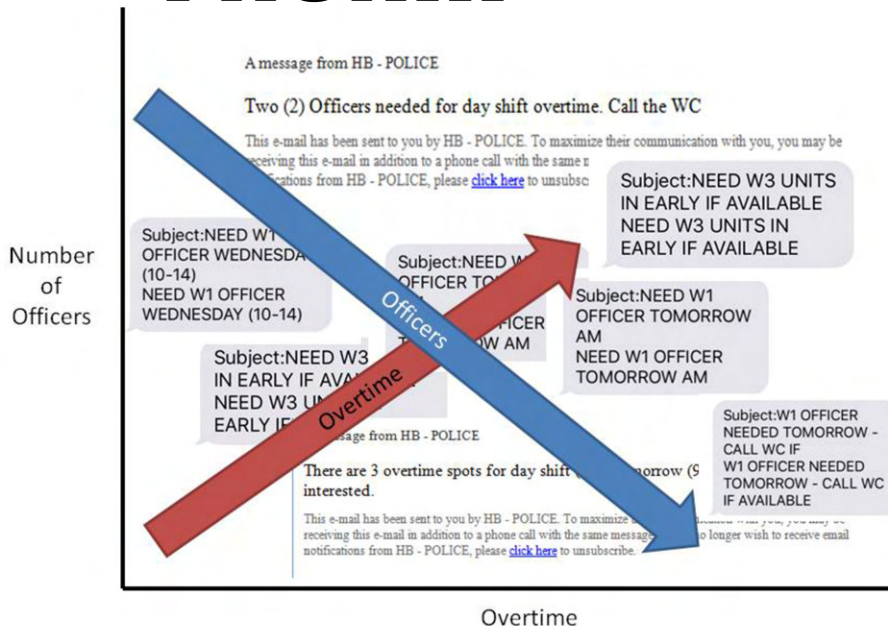
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# Then...



# Now.

Ade  
Adequ  
Adequate

**ad·e·quate**  
*adjective*

1. satisfactory or acceptable in quality or quantity.