



ADDA

Association of Deputy District Attorneys

FALL 2013

Message from the President

Work to support the union that works for you.

Your union's board of directors works hard on your behalf to preserve the workplace gains and benefits you enjoy and to advocate for improvements. Much of the work is done by union members who work in small groups (committees) to promote the success of the union and the DDAs it serves.

Our continued success requires that more of our members become involved in the union that is working to protect those rights and benefits they now enjoy. You can contribute to your union's progress by donating your time to one or more committees. Committee members should expect to devote one to three hours per week to a particular committee project. Some projects may be completed in one or two months or require effort intermittently while others are perpetual. Typically, committee members agree to meet at times convenient to their personal schedules.

Below are listed some of the union's committees along with a brief description of their purpose.

Litigation - Initiates and monitors legal action aimed at protecting the union's existence and the rights of non-management DDAs.

Entertainment - Plans social and political events for bargaining unit members including recommending appropriate venues and

budgets and overseeing all aspects of the event.

Strategic Planning - Considers and recommends the implementation of mechanisms by which the union may progress during the coming three to five years.

Contract Negotiations - Negotiates with management for improvements in our MOU. Recommends to the union membership whether an MOU should be adopted or, when appropriate, extended.

Endorsement - Considers the impact on DDAs of candidates for political and judicial offices and the affect that proposed legislation may have on our union and its members. Recommends support for or rejection of such candidates and legislation.

If any of these committees pique your interest or you have ideas you want to share, you are invited to inquire by contacting the Business Representative, Tris Carpenter, by telephone at 213-252-1313 or by email directed to him at Tris@afscme36.org.



*ADDA President
Donna McClay*

MOU Negotiations: 2013

By Tris Carpenter, ADDA Business Representative

The ADDA's Memorandum of Understanding (MOU) with the County of Los Angeles expires on September 30, 2013. Twice, we have extended the contract we negotiated in 2010. The extensions did not change the 2010 contract, our first since becoming a union. We are now negotiating with the District Attorney management and the County for a successor agreement to that first contract.

The County's finances are far better than they have been in years. Unlike many other counties and municipalities, LA County employees did not suffer layoffs and/or furloughs. In addition, health and pension benefits remained unscathed.

It has been several years since Los Angeles County employees have received a cost of living adjustment (COLA). The last was on January 1, 2009. In the meantime, costs for everyone

have been increasing. The Consumer Price Index for Urban Consumers (CPI-U) rose 10.33% between January 2009 and May 2013. Projected CPI for California, according to the most recent UCLA Anderson forecast, is a rise of another 6.6% between 2013 and the end of 2015.

The loss in real income during the last few years has been difficult to endure but there is some light at the end of the tunnel. Recently, the Safety bargaining units (Sheriffs and Firefighters) agreed to what amounts to a six per cent raise over a two-year period. Non-safety units as well as non-represented (and managerial) employees are expected to get those same increases.

While we expect to receive an identical proposal, we intend to make the case that DDAs deserve more. Working with

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MOU Negotiations: 2013

Continued

District Attorney management, ADDA through the Joint Labor Management Committee, has been instrumental in changing office policies that affect the quality of life at the office. Ideally, those policies will be incorporated into the new contract so that they cannot be unilaterally changed without benefit of negotiation.

In the end, our negotiations are important in continuing to build a foundation for the ADDA and to assist the DDAs we represent now and for generations to come. If you have any questions or comments about the negotiations process, please, feel free to contact me at (213) 252-1313 or at tris@afscme36.org

Who May Vote In Important, Upcoming Union Elections

By Donna Mc Clay, ADDA President

Your union, the Association of Deputy District Attorneys (ADDA), is the largest prosecutors' union in the United States. Certified in 2008 as the exclusive bargaining agent for all Los Angeles County non-management DDAs Grades I - IV, ADDA advocates for them on issues involving salaries, benefits and workplace conditions.

The Association is managed by a board of directors that is ever mindful of its fiduciary duty to represent all DDAs in the bargaining unit. The directors' prime directive is to protect the workplace rights of all non-management DDAs. All bargaining unit members receive the same representation and level of service without regard to whether they pay full dues or the lesser agency shop fee. The board does not discriminate based on the amount of money an individual DDA contributes to our union.

Various committees within the board of directors are working hard to bring important projects to fruition. Dissolution of ADDA's status as a corporation, adoption of new bylaws, ratification of a new contract and elections of the next board of directors are examples of such projects. All DDAs are invited to participate in these important elections. Only full dues paying members will be eligible to vote.

One of the most fundamental rights bargaining unit members have is the right to vote on issues that affect them personally! This Fall, union members will have the opportunities to vote on three issues of particular importance to

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their futures:

1. Your union is negotiating with the County and District Attorney management for a successor contract to our union's first (2010) Memorandum of Understanding (MOU). When ratified by the union membership and the County Board of Supervisors, its terms will apply to all Los Angeles County non-management DDAs. Only union members will be eligible to vote on whether the proposed contract should be ratified.

2. In light of ADDA's status as a labor union and the dissolution of ADDA as a corporation, the board of directors will recommend that the members adopt new bylaws. The bylaws are analogous to a constitution for our Association. They will serve as our principal governing document for many years to come. Only union members will be eligible to vote in the election to adopt new bylaws.

3. The union's principal caretakers are its board of directors. The board members are empowered to make important decisions on behalf of the Association and all members of the bargaining unit. Elected officers make decisions that affect all members. Financial decisions, interaction with management, contract negotiations, initiating and monitoring litigation are among the issues that the officers decide.

As our association's current bylaws provide, the directors' terms of office expire next January. Board elections will be held in late Fall or early Winter. Only union members may run for office and only union members will be eligible to vote for the new board.

Are you ready to vote in the upcoming elections? Only those DDAs who pay full dues will be eligible to vote in these elections. Now is the time to become a full union member. If you are unsure of your status as a full member or an agency shop fee payer, you may inquire of our union's business representative, Tris Carpenter. You are invited to contact him via email at tris@afscme36.org or you may telephone him at 213-252-1313.

Recent U.S. Supreme Court Cases and California Supreme Court Cases of Interest:

Compiled by Frank Tavelman

***D*etaining Suspect in Immediate Vicinity of Searched Premises May Not be Valid - Bailey v. United States - (2013) 133 S.Ct. 1031** – Officers had a search warrant for an apartment for a handgun based on an informant who saw the gun when he bought drugs from a “heavy set black male with short hair.”

Immediately prior to executing the warrant, officers saw two men matching the description leave the immediate area of the apartment, and drive off. Officers stopped the car and detained the defendant about a mile away from the location. The Supreme Court ruled the stop a violation of the Fourth Amendment. The

right to detain occupants during a search warrant under Michigan v. Summers did not extend to suspects who were a mile away from the location. The justification to detain only extends to individuals who are in the immediate vicinity of the location because the basis of a Summers detention is to help ensure the safety of the search team and the integrity of the search. There is simply no justification for detaining a person who is not in a position to threaten either of these interests.

Mobility of a Package is Not Necessarily Exigency - Robey v. Superior Court (2013) 56 Cal.4th 1218 - A FedEx employee notified police she could smell marijuana emanating from a package for shipment. The employee said that FedEx would not deliver a package containing drugs, so the officer took it to the police station where it was opened without a warrant. Inside, officers found a large quantity of Marijuana. The Court ruled that a container seized by officers is no longer "mobile" and vulnerable to loss or tampering. As a result, there is no reason justifying an exception to taking the package to the police station and applying for a warrant. There is an important exception when an immediate search is permitted if there are "unusual circumstances where transporting or storing a container poses practical difficulties for law enforcement," for example, if officers had probable cause to believe the package contained hazardous materials or explosives. Marijuana did not qualify and the evidence was suppressed.

DNA from Arrestees is not a Violation of U.S. Constitution - MARYLAND v. KING (2013) 133 S.Ct. 1958 - U.S. Supreme Court upheld a Maryland statute that requires the collection, analysis, and storage of DNA data from people arrested for certain "serious" offenses. The California Supreme Court is currently reviewing the constitutionality of California's law in the case of *People v. Buza*.

No Fifth Amendment Violation to Mentioning Silence During One Question - Salinas v. Texas (2013) 133 S.Ct. 2174

– During a murder investigation, defendant was asked to come to the police station and was questioned about the homicide. He clearly was not in custody, and at the conclusion of the questioning he was released. Salinas answered all the questions until they asked if he thought the ballistics test would prove that his shotgun was the murder weapon. He did not respond verbally, but his physical reaction was "surprise and anxiety." He "looked down at the floor, shuffled his feet, bit his bottom lip, clenched his hands in his lap, and began to tighten up." After a few moments of silence, the officers asked him some additional questions which he freely answered. At trial, the prosecutor was permitted to present testimony from the officers that Salinas remained silent when asked whether the shotgun was the murder weapon. In addition, the prosecutor elicited testimony as to Salinas's physical reaction to the question. The prosecutor later argued that both of these circumstances were indications that he was guilty. The Supreme Court did not find a Fifth Amendment violation in admitting the evidence because the defendant did not clearly invoke his Fifth Amendment right, his silence could have been for other reasons.

NOTE: Make sure you bring an EC 402 motion to flush out all the facts prior to trial, and to get a ruling as to whether the judge will permit the testimony.

Elections that Affect Us: Los Angeles County Board of Supervisors

By Tris Carpenter, ADDA Business Representative

Due to term limits, in the next three years, four of the five Los Angeles County Supervisors will be ineligible to run for that office. The seats now held by Gloria Molina (District 1 - East Side, San Gabriel Valley) and Zev Yaroslavsky (District 3 - West Side, San Fernando Valley) will be filled by new supervisors. There will be a primary election in June 2014 and, if necessary, a runoff the following November. Additionally, the positions held by Don Knabe (District 4 - Long Beach) and Michael D. Antonovich (District 5 - Antelope Valley) will open in 2016.

Although the seat that we care about most is held by the District Attorney, we cannot escape the fact that the Supervisors hold the purse strings. Their decisions affect our pay and benefits. While the ADDA has always been active in the District Attorney's race, there has not been much concerted activity in the elections for Supervisors.

ADDA's affiliate, AFSCME, is already mobilizing for the elections of the replacements for Supervisors Molina and Yaroslavsky. In early July, approximately twenty leaders of various AFSCME County locals, including ADDA Director, Jeff McGrath, met with Hilda Solis, former U.S. Secretary of Labor and Congresswoman, at AFSCME's offices in Los Angeles. While

servicing in Congress, the Secretary represented the citizens of District One. During the meeting with AFSCME affiliates, immigration reform and the effects of Proposition 109 on Los Angeles County were discussed. Secretary Solis has been favored to succeed Supervisor Molina.

Former State Senator Sheila Kuehl is the only announced candidate for the District 3 seat. Other names have been mentioned (most notably, former LA City Councilwoman and mayoral candidate, Wendy Gruel), but none have officially entered the race as of this writing.

Obviously, these races have tremendous bearing on us individually, and the ADDA as an institution. While there are some exceptions, most DDAs live in Los Angeles County, and much of the government services we receive are provided by the County in some way. For the union, a friendly Board of Supervisors would make improving the lives of DDAs easier and would help us to protect the health benefits and retirement plans we've come to expect. AFSCME and the ADDA will be considering endorsements in all of these races. Watch the AFSCME District Council 36 website (www.AFSCME36.org) or the ADDA website (www.LA-ADDA.com) for details.



2013
Annual ADDA Awards Dinner
November 14th, 2013

Now Accepting Nominations for:

Prosecutor of the Year

Career Prosecutor of the Year

Branch and Area Region 1 Attorney of the Year

Branch and Area Region 2 Attorney of the Year

Central Operations Attorney of the Year

Fraud and Corruptions Attorney of the Year

District Attorney Investigator of the Year

Young Attorney of the Year

Specialized Prosecutions Attorney of the Year

Address Nominations to:

Bobby Grace ADDA Awards Dinner Nomination Chair
bobbygdax2@yahoo.com

Anyone affiliated with the District Attorney's Office may submit nominations in the form of a single-page Word document detailing Nominees qualifications, extra-curricular activities, and community service.

The deadline for nominations is Friday, September 27, 2013

ADD A

c/o AFSCME District Council 36
514 Shatto Place
Los Angeles, CA 90020

ADD A Awards Dinner to be held November 14, 2013

Nominations Due on September 27

The best of the Los Angeles County District Attorney's Office will be honored this Fall. Save the date and make sure to attend the ADDA "Celebration of Excellence" on November 14, 2013 at the historic Biltmore Hotel in downtown Los Angeles.

The ADDA will host its highly anticipated Awards Dinner honoring your colleagues in Specialized Prosecutions, Fraud, Branch and Area, and Central Operations. Major awards will also be given to the Prosecutor of the Year, Outstanding Young Prosecutor, and Career Prosecutor.

District Attorney Jackie Lacey will be our featured guest and help us highlight the cream of the District Attorney crop at one of downtown's most beautiful venues.

You can help by nominating potential honorees in the following categories:

- Prosecutor of the Year
- Career Prosecutor (for career body of work)
- Outstanding Young Prosecutor (five years or less)
- Outstanding Prosecutor in:
 - Branch and Area 1 • Branch and Area 2
 - Central Trials • Fraud Divisions
 - Specialized Prosecutions

*N*ominations can be made

by submitting a single-page Word document detailing why a particular deputy district attorney should be honored in a particular category. Awards are given for work during the calendar years of 2012/2013.

Please submit nominations to Bobby Grace at bobbygdax2@yahoo.com.

Nominations are due by 5:00 pm
September 27, 2013.