



OF BRITARY KILLGORE

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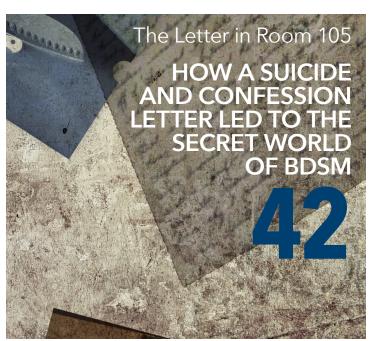






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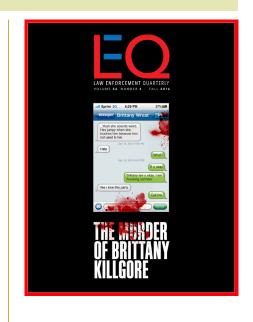
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FROM THE PUBLISHER



an Diego County was captivated in 2012 when a young military wife went missing. As details unfolded about what happened to Brittany Killgore when she fell into the clutches of a trio of local bondage, discipline, sadism and masochism practitioners, the public couldn't get enough of this story. Brittany Killgore's tragic end is featured in the latest cover story and its companion sidebar. The lead homicide detective and the lead prosecutor in this case unveil inside details about the convicted defendants, all of whom are serving life without parole sentences.

For those of us who have a soft spot for our treasured pets, check out the story about how animal cruelty is prosecuted in San Diego County. There is also good information about implicit biases we all have when dealing with others and how it affects law enforcement. For those interested in the judicial system south of the border, there is an excellent explainer piece about how Mexico is moving toward oral trials and the role San Diego lawyers played in training our counterparts to that country. Let us know what you think and feel free to share the articles with your friends and family.

Sonne M. Duman.











































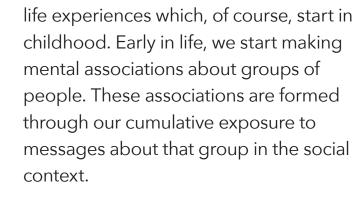












his is known as implicit bias or

unconscious bias. It's involuntary

and resides in our subconscious.

How did it get there? Easy - through our

For example, from early on, we are taught that women are submissive, cook, do housework, and care about beauty and appearance. When we are repeatedly exposed to the same ideas about specific groups of people with particular characteristics, eventually we make automatic and unconscious associations between them.

These associations can be positive or negative - meaning we can develop positive or negative feelings about certain groups of people based on factors such as race, gender, sexual orientation, socioeconomic status, religion, etc.

Are you the type of person who consciously rejects prejudice? Even so, you can still manifest implicit bias, because it happens outside of your awareness or consciousness.

This can be an explosive mix in law enforcement and that's why understanding implicit bias and its ramifications is critical. It affects the conduct and decision-making of officers, deputies, and agents in the field. Recognizing the impact of implicit bias on policing is crucial, because of social justice issues and the perceived inequality in the treatment of citizens.

Sadly, implicit bias has taken center stage, based on escalating racial tensions in the U.S. Much of the dialogue on implicit bias in law enforcement has grown from discussions pertaining to racial profiling and the use of force against minorities. Increased public scrutiny regarding law enforcement conduct has intensified, and has given rise to social movements such as Black Lives Matter. In addition, increased media attention on officer-involved shootings has contributed to the ongoing public discourse on race relations in our society.

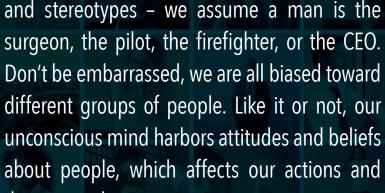
The current social climate has led to increased training on implicit bias for

IMPLICITBIAS: WEALLHAVEIT

By Jerrilyn Malana

Imagine this scene: you're in a hospital bed waiting for the surgeon to arrive. In an annoyed voice, you ask the first woman who comes into the room, "Nurse, when is the surgeon going to get here? I have questions." The woman responds, "I am the surgeon."

It happens every day – because of gender roles and stereotypes - we assume a man is the decision-making.



























EQ

FEATURE STORY

many state and local law enforcement agencies. On the national scene, the U.S. Department of Justice announced in June 2016 that all of its federal agents and prosecutors will undergo implicit bias training to better understand how unconscious biases affect their overall law enforcement decisions. The training will serve to strengthen the public's confidence in law enforcement, and underscores the commitment to fairness, impartiality and procedural justice.

In the business world, corporate giants such as Google and Facebook are in the spotlight for taking proactive approaches to combat the negative consequences of unconscious bias in the hiring process, which resulted in low numbers of women, African-Americans and Hispanics in their workforces. Although critics are skeptical of the effectiveness of implicit bias training, studies show that we can reduce our implicit biases, or mitigate their negative effects.

SO WHAT CAN YOU DO TO REDUCE THE IMPACT OF IMPLICIT BIAS?

- Realize and accept that we all have biases.
- Take a test to identify your own unconscious biases. https://implicit.

harvard.edu/implicit/takeatest.html

- Be motivated and be mindful to change unconscious beliefs.
- Increase positive contact with groups with whom you hold stereotypical views.
- Increase the diversity of individuals within your social and professional circles.
- Put yourself in the shoes of others and understand their perspectives.

Even though implicit bias is part of human nature, we can reduce the negative impact of our unconscious biases through education, introspection and active intervention. For law enforcement, understanding implicit bias is imperative because of its effect on policing activities, and its ultimate impact on public trust and confidence.



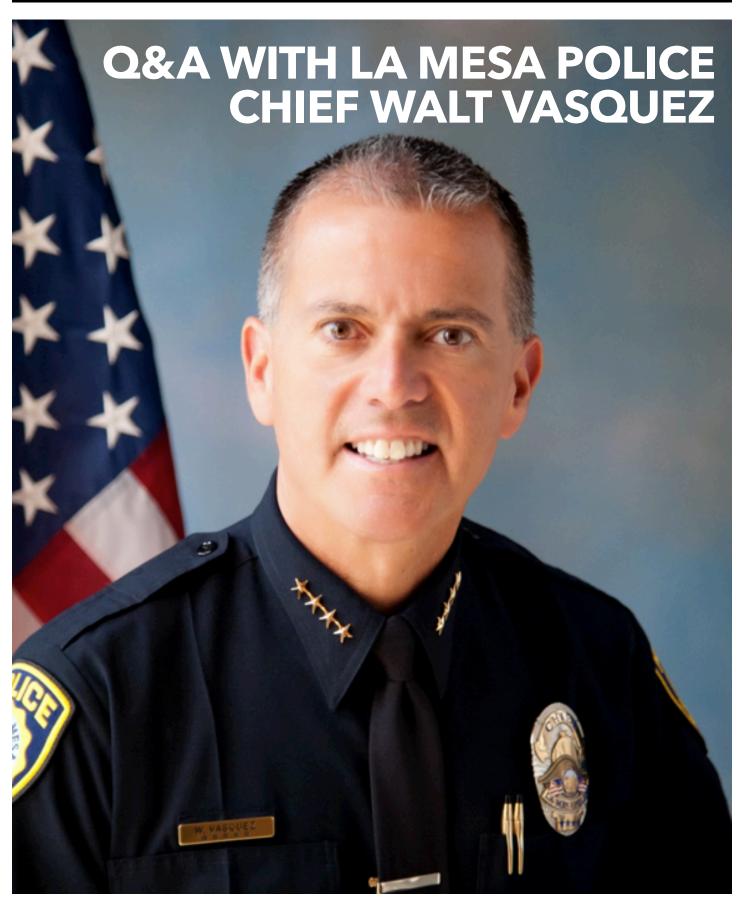
Jerrilyn Malana is a Chief Deputy District Attorney for the San Diego County District Attorney's Office.

IF YOU HAVE A STORY IDEA OR WOULD LIKE TO CONTRIBUTE TO THE LEQ, LET US KNOW.



Thank you for reading the Law Enforcement Quarterly.

If you have story ideas, comments or questions, send them to Tanya Sierra at tanya.sierra@sdcda.org.



HOW LONG HAVE YOU BEEN WITH THE AGENCY?

One year and four months.

WHY DID YOU CHOOSE A CAREER IN LAW ENFORCEMENT?

It has been said before by many law enforcement professionals, that the reason they joined our noble profession is to "help people." I firmly believe helping people is a common statement and theme because that is how the majority of law enforcement professionals feel. The internal satisfaction, pride, and honor you feel when you have truly helped another human being is hard to describe. I wanted to have a positive impact on society, and help the people I swore an oath to protect and serve. It is important to always remember that our citizens expect us to serve with honor and professionalism and to protect them from those who want to harm and victimize them.

WHAT IS YOUR FAVORITE PART OF THE JOB?

I have two answers to that question. The first addresses the citizens we serve and the second covers internal team members, those we lead in the police department. For the citizens we serve, my favorite part of the job is arresting criminals and reducing the fear of crime. For my team members at the station, my favorite part is watching them develop into mature, professional, and dedicated law enforcement employees. I also enjoy guiding, helping and supporting my team members in obtaining their individual goals.

WHAT IS THE MOST CHALLENGING PART OF THE JOB?

LThe law enforcement profession has many challenges, but fighting crime and protecting our citizens from being victimized is always a challenging task. The only way we can meet the challenge of reducing crime and the fear of crime is to engage the community in positive professional relationships and enlisting the community as crime fighting partners.

WHAT RECOMMENDATIONS DO YOU HAVE FOR THOSE WHO ARE NEW TO LAW ENFORCEMENT?

Give 100 percent all the time, and learn from your mistakes! Serve with honor and professionalism and remember that we must work hard to earn the trust and respect of our citizens. Always remember that the majority of citizens sincerely appreciate our service, and expect us to protect them and treat everyone fairly.

NAME A GOOD BOOK YOU WOULD RECOMMEND?

"Give and Take," by Adam Grant.
Professor Grant's book is about
leadership and how successful
a person or leader can be by
focusing on others. He discusses
how our interactions with people
and truly, "giving and not taking,"
will shape our happiness and lead
to success. Some of the examples
and case studies in the book are
amazing!

FEATURE STORY

EQ

By Karra Reedy

citizen reports a dead dog in his neighbor's back yard, the body of a seal pup found bludgeoned to death, residents waking up to the sound of a puppy screaming as its owner beat its head in with a rock, a woman hanging a 6-month-old pit bull from a traffic signal.

All of these incidents were successfully prosecuted and convicted by the San Diego County District Attorney's Office last year. Animal cruelty cases can be as heartbreaking as child abuse cases. In both circumstances, the victims are vulnerable and dependent beings who are quick to forgive. An increase in public awareness and the recognized sensitivity for animal rights has led to a number of animal cruelty prevention programs across the country, as well as a number of successful prosecutions.

The link between animal cruelty and other serious crimes is widely recognized by law enforcement professionals and social science studies; so much so that the FBI criminal database now tracks animal cruelty charges in addition to its existing statistics. The Bureau's National Incident-Based Reporting system collects detailed data from participating law enforcement agencies on instances of animal cruelty,

including gross neglect, torture, organized abuse, and sexual abuse.

Around the country, animal cruelty awareness campaigns have made aggressive strides in educating the public as well as veterinary students. For example, the American Society for the Prevention of Cruelty to Animals mobile crime scene unit began travelling nationwide in 2011 to assist law enforcement in investigating and prosecuting animal cruelty cases. The vehicle has a surgical suite for forensic analysts to examine and treat animals found at suspected crime scenes. A veterinary forensics medicine sciences program at the University of Florida was also established in 2011, in which students receive training similar to traditional crimescene investigation. The program includes a wide-ranging curriculum, with topics including: crime-scene processing, forensic entomology, bloodstain pattern, bite mark analysis, buried remains excavation and forensic osteology. The two organizations collaborated in 2014 to create the first Master's program in veterinary forensic sciences.

The first smartphone crime tip application, LifeSave, was created in 2013 to simplify reporting animal abuse to law enforcement. Users can submit audio, video, picture, and GPS information of In San Diego, the Animal Cruelty Task Force formed to coordinate efforts among the San Diego Humane Society, law enforcement, prosecutors, investigators, and the community in an effort to prevent animal cruelty and prosecute offenders.

cruelty prosecution units.

Even with all of the progress over the last several years, proving animal cruelty cases is often difficult. The same factors that are common in other types of abuse cases persist in animal cases. For one, the abuse many times occurs behind closed doors to nonverbal and vulnerable victims. Second, there are often no cooperative witnesses to the actual abuse. Offenders may attribute the animal's condition to other benign illnesses or disease so causation of the abuse becomes an issue. Successful prosecution typically begins with a report to animal protection or law enforcement agencies by a Good Samaritan or a veterinarian. Either agency is responsible for investigating the alleged crime.

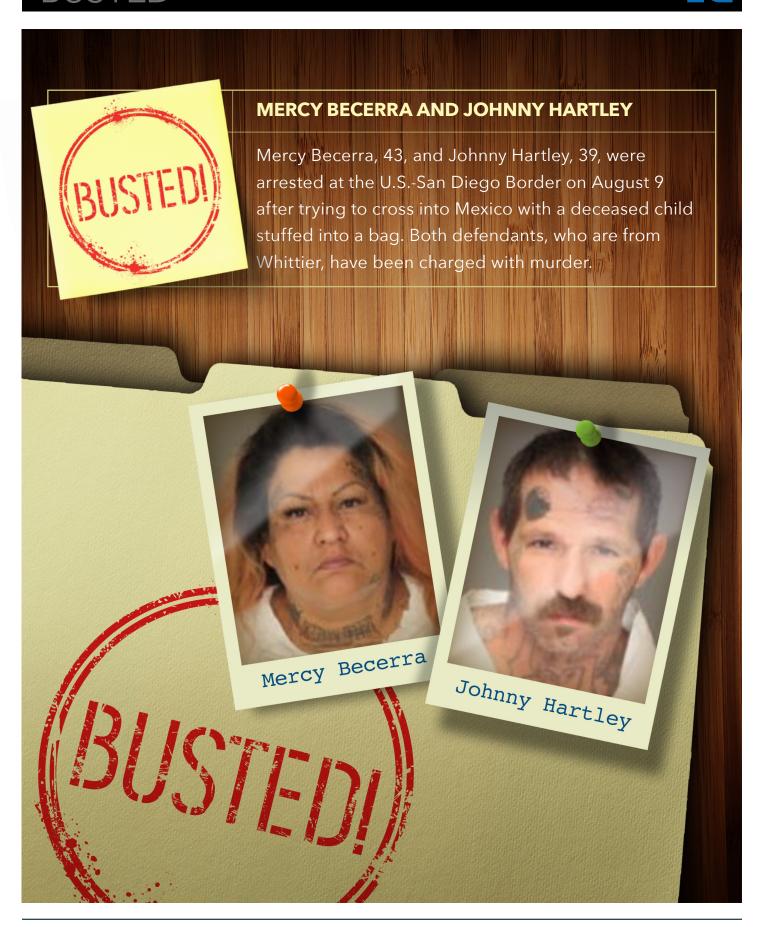
Although the animal cannot speak, its body is evidence and depicts a history of what occurred. Similar to child abuse cases, the animal must be examined in great detail by an expert. In determining whether an injury is non-accidental, the examiner must determine whether the findings are consistent with the initial history provided by the caretaker of the animal. It is crucial for law enforcement to obtain a thorough history and timeline including details about had who had access to the animal, what the animal had access to, when the event occurred, where the event occurred, how it happened, and why it happened.

Much like raising children, it takes a village to keep animals at-risk for abuse, safe. In this case, the village includes veterinarians, community members, law enforcement, animal protection agencies, courts, probation officers and prosecuting agencies.

Mahatma Gandhi said it best, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."



Karra Reedy is **Deputy District** Attorney assigned to the Superior Court Division



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COLUMN



FAMILIES OF HOMICIDE VICTIMS: UNDERSTANDING SURVIVORS

By Wendy Patrick

WHEN DAYNA HERROZ' DAUGHTER AND GRAND-DAUGHTER WERE BRUTALLY MURDERED, SHE WAS THROWN INTO THE CRIMINAL JUSTICE SYSTEM - A CONFUSING SYSTEM THAT SOMETIMES TREATED HER LIKE AN OUTSIDER WHO WAS LEFT TO DEAL WITH HER GRIEF ON HER OWN. AS A RESULT, HER INTERACTIONS WITH LAW ENFORCEMENT BECAME CONTENTIOUS AS PROSECUTORS PURSUED JUSTICE FOR HER LOVED ONES. UNFORTUNATELY, DAYNA'S EXPERIENCE IS NOT UNIQUE.

Family members can feel sidelined when they are left out of the criminal process or when they are rebuked by the judge for being too emotional.

hen dealing with victims of domestic violence, human trafficking, or sexual assault, we often talk about turning victims into survivors. But, it's not so easy when the loved ones are surviving family members of homicide victims. They often find the criminal justice system to be cold and difficult to navigate. They sometimes encounter an unmeant impassiveness that is confused for a lack of empathy. This can change the tide of emotion against law enforcement. Our job is to be aware of that possibility and prevent the tide from changing.

Family members and close friends of homicide victims are often severely

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traumatized. Research shows the grief of suffering families is often more complicated and acute than those who lose a loved one to non-homicidal death. In a research article by Darren Thiel, a sociologist from the University of Essex, he says that sentiment is particularly true for parents of a homicide victim.

Much of how grieving families adapt to losing a loved one by homicide is affected by their interaction with law enforcement, according to a study by Christine Englebrecht, a criminal justice professor at Bowling Green State University. Families often feel re-victimized and marginalized if they have a negative experience with law enforcement and are more likely to suffer

from mental health difficulties such as anxiety, and experience an exacerbation of post-traumatic stress symptoms.

Families who met with victim advocates for example, were more positive about the experience. Tending to their needs from the very beginning of the case, can prevent dissatisfaction and foster a climate of patience and respect.

The first opportunity to show support begins with first responders, but it's also the first place where empathy may be overlooked. Law enforcement is focused on the suspect and the victim, which is why the victim's family members are seen as important players in the investigation. Whether the family becomes allies or antagonists depends on their interaction with law enforcement.

For example, family members describe being treated with skepticism and suspicion after their loved one is murdered, according to Englebrecht's research. They can become discouraged when they perceive a lack of empathy. Further, once charges have been filed, family members can feel sidelined when they are left out of the criminal process or when they are rebuked by the judge for being too emotional.

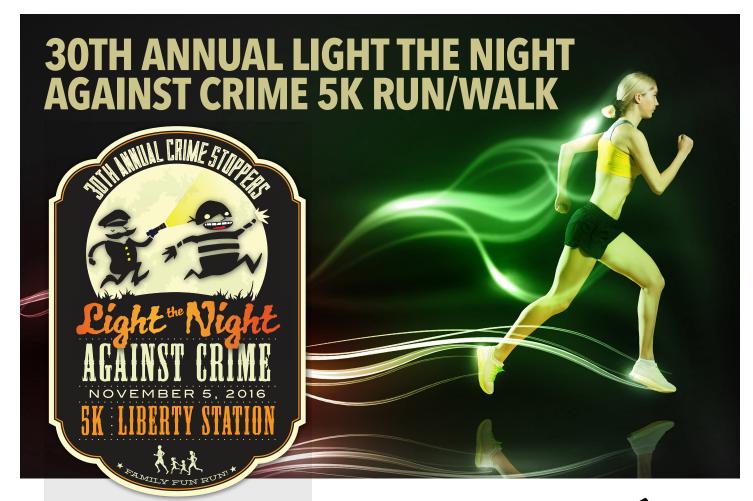
In cases where police and prosecutors carefully choose their words and demeanor when interacting with surviving family members, they report a more positive experience. When a prosecutor involves family members in the discussion of the appropriate punishment of a defendant, for example, it becomes a positive experience for the survivors.

Clearly, attending to the practical and emotional needs of the family of homicide victims facilitates healing, improves relationships with law enforcement, and promotes mutual respect and cooperation while allowing law enforcement to better pursue justice.



Wendy L. Patrick is a Deputy District Attorney in the **Special Operations** Division of the San Diego County District Attorney's Office. She teaches pretrial publicity to prosecutors and law enforcement professionals around the country on a regular basis.

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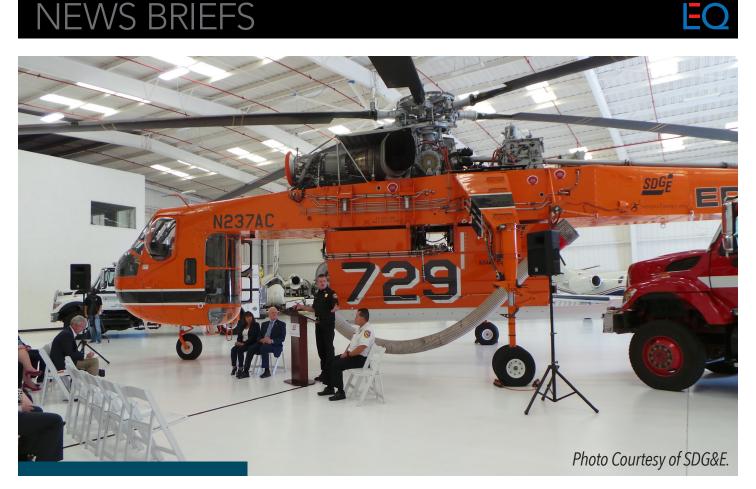


MISS THE 30TH ANNUAL LIGHT THE NIGHT AGAINST CRIME 5K RUN AND WALK IN ITS **NEW LOCATION AT LIBERTY STATION** ON NOVEMBER 5.

Participants are encouraged to dress as cops and robbers. The first 25 pair of handcuffed cops and robbers to cross the finish line will win a bag of loot filled with goodies. Discounts are available for law enforcement and their friends and family. Contact your agency team captain. The family event is open to the public and features activities, exhibits and food. Sign up at www. lightthenightagainstcrime.com. Make this the biggest turn out, yet! For more information on finding a team captain, contact Mark Herring at SDPD: msherring@pd.sandiego.gov or Adriana Uribe at the Sheriff's Department: adriana.uribe@sdsheriff.org.



Light the Night T-shirt.



SKYCRANE RETURNS IN TIME FOR PEAK FIRE SEASON

A big addition to the region's firefighting arsenal is back again this year. For the seventh straight year, SDG&E and the County of San Diego have partnered to cover the costs of keeping a helitanker on hand through October, or longer if necessary. Under a recently updated agreement between SDG&E and the County, the Erickson Skycrane "Sun Bird" will be available for regional fire

suppression each fall through 2022. SDG&E covers the expense of keeping the aerial asset based in San Diego, and the operating cost for the first two hours of flight time whenever the helitanker is called into service. The County covers the cost of the next two hours. San Diego Fire-Rescue provides contract management, operational oversight and dispatches calls involving the helitanker.

The helitanker is capable of holding up to 2,650 gallons of water or fire suppressant and can become

airborne in 15 minutes. Based at Gillespie Field in El Cajon, the Skycrane has already assisted in the fight against five wildfires this year, including the Pointe Fire in Spring Valley and Gopher Fire in Bonsall in August and the Feather Fire in Barona in July.

The helitanker is the tenth air attack weapon in the region that is now available to fight fires.

The County of San Diego's County News Center covered the return of the helitanker with this video.

NATIONAL PREPAREDNESS MONTH: A GREAT REMINDER TO GET READY!

September is National Preparedness Month and San Diego has no shortage of potential disasters! So it's a great time to make sure that you, your family and home are all prepared. Here are a few quick, but critical steps that the County Office of Emergency Services recommends San Diegans take to prepare not just for wildfires but for just about any type of emergency:



Get prepared!

- ► Register your cell phone with AlertSanDiego, the County's emergency notification system. Go to ReadySanDiego.org/alertsandiego to register. This will enable you to receive critical instructions from police or fire such as when to evacuate, even if you aren't home or don't have a landline.
- ► Complete a Family Disaster Plan. Having a plan can help you react calmly and with purpose during an emergency. Creating an emergency plan includes establishing family meeting points, in case you are separated when disaster strikes, and backup communication plans if phone service is degraded. Everyone in the household should also know how to turn off utilities too. Visit ReadySanDiego.org/make-a-plan for assistance.
- ▶ Be ready to evacuate your home in just 15 minutes. During the 2007 wildfires, many residents had only 15 minutes to gather essential items, pets and family members ahead of the fires. Conduct an evacuation drill with your family at least twice a year and have items you want to take with you within easy reach. Items should include important paperwork such as insurance documents, passports and birth certificates, prescription information and medicines, and family pictures/heirlooms.
- ► Have emergency supplies to last at least 72 hours. Store at least a gallon of water per person for three days, as well as non-perishable food. You should also have at least a week's worth of medications on hand. Special items for children should be included. For a full list of items, visit ReadySanDiego.org/resources/ checklist_1.pdf.

For more information on how to prepare for emergencies, visit ReadySanDiego.org, or ListoSanDiego.org (en español), and download the County Emergency app, SD Emergency, at the App Store or through Google Play for both preparedness information and updates during emergencies.

WANTED



WHO: Jeremiah Ira Williams

DOB: 10/17/1991

DESCRIPTION: Black male, 5 feet 11 inches tall, 180 pounds with black hair and brown eyes.

WHY: Jeremiah Ira Williams is the named suspect in the UTC sexual assault case that occurred on August 13, 2016. He has "210" tattooed on his right wrist and an outline of the state of Texas tattooed on his left forearm as well as wings tattooed on both upper arms.

WANTED By San Diego Crime Stoppers - 888-580-8477



WANTED



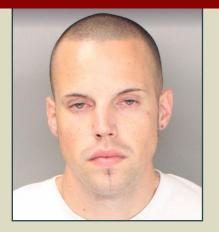
WHO: Edward Alvarez

DOB: 5-27-1995

DESCRIPTION: Hispanic male, 5 feet 8 inches tall, 150 pounds with black hair and brown eyes.

WHY: Edward Alvarez has two felony warrants for his arrest: the first is a no-bail warrant for forcible rape and gang violations. The second is a \$50,000 bail felony warrant for failure to register as a sex offender. Alvarez frequents Oceanside and is a documented gang member. He is considered armed and dangerous

WANTED



WHO: Joseph Noah Daley

DOB: 5-5-1990

DESCRIPTION: White male, 6 feet 4 inches tall, 200 pounds with brown hair and green eyes.

WHY: Joseph Noah Daley has a no-bail felony arrest warrant for robbery and a \$55,000-bail misdemeanor warrant for theft. His criminal history includes possession of narcotics, theft, resisting arrest, and possession of stolen property. He tends to migrate throughout San Diego County.



By Yvette Urrea Moe

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In an emergency, firefighters often need to knock on doors to evacuate residents. But sometimes, the person answering may have a cognitive brain injury, dementia or mental illness that makes understanding important information more challenging.

In an emergency, of course, it is important that residents understand and take direction for their safety. So, how can a first responder differentiate between someone with a disability and someone who is simply uncooperative? And, what's

the best approach to get that person to comply?

Since residents don't usually offer up their disability, they may initially seem frightened, confused or even defiant when given instructions. That's why The San Diego County Office of Emergency Services began working with subject matter experts, first responders and a production company in 2014, to develop a video training series to address this issue.

"We saw a need for specific and additional training, to be better able to provide



effective and compassionate methods for evacuating people with disabilities," said Holly Crawford, director of the County Office of Emergency Services.

NEWS

The video training series includes eight videos that are 8 to 10 minutes long. They address autism, Alzheimer's disease and memory loss, blind and low vision, chronic illness, cognitive disabilities, deaf and hard of hearing, mental illness, and physical disabilities.

Each video provides information regarding visual cues and mannerisms that may assist in identifying a disability. It also discusses dos and don'ts, proper behaviors, and sensitivities to be aware of. There are also demonstration scenes featuring people exhibiting disabilities and emergency responders having a positive interaction with them.

"I think the videos are very well done. They're concise and its valuable information," said San Diego Police Sqt. Jonathan Lowe, who was involved in the project. "We come in contact with people in different communities, and if an officer is not properly trained they can misinterpret a behavior as aggression when it's not meant to be."

> For more information on the videos, click here.



Yvette Urrea Moe is a Communications Specialist with the San Diego County Communications Office





BACK?

By Doemoni Eynon

our back is responsible for holding you up and carrying you through life. But, chances are you don't pay much attention to it until it hurts. Poor posture, prolonged periods of sitting, and wearing heavy equipment belts can all lead to back pain later in life. When back pain strikes, it's common to head to the chiropractor or pop pain medication for relief.

However, routine maintenance can greatly increase your back health and help alleviate pain. Incorporating yoga into your daily routine is similar to getting regular oil changes for your car, and it can help you avoid expensive repair bills in the future.

Don't think you can do yoga? Wait, don't stop reading! You can start by integrating modified yoga stretches into your workday, which can help counteract

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extended periods of sitting. When your body is immobilized in a chair for eight hours a day, your hips stiffen, the hip flexors shorten, and the glutes relax, creating imbalance and instability in your body. Sitting with your head, shoulders and back rounded forward not only make your shoulders and neck stiff, but it can cause compression on the discs of the spinal column. That's not it. By rounding your back, the chest constricts, making breathing more difficult.

There's more. Craning your neck forward to look at your computer or cell phone can seriously undermine your back health and negatively impact your posture. But, what are we supposed to do? We work at least eight hours a day in these conditions, right?!

It's not all bad news. Here's where I come in. Let's start with the upper back.













UPPER BACK TENSION

- ► Roll your shoulders up to your ears then squeeze your shoulder blades together down your back. (Notice the instant upper back release and improvement to your posture.)
- ► Clasp your hands behind your back and squeeze your shoulder blades together (If that is too intense, take your hands behind your back and take opposite hands to opposite elbows and try to squeeze your shoulder blades together.)
- ► Align your posture throughout the day. Keep your head over your shoulders, your torso over your hips, and draw your belly in to support your lower back.

LOWER BACK PAIN:

- Stand up and move frequently throughout the day.
- ► Take a forward fold (Uttanasana). From standing, bend your knees and place your hands on your shins or on the floor allowing your lower back to lengthen towards the floor.
- Let gravity do the work by using the weight of your head to stretch your back. (Intensify this stretch by clasping opposite hands to opposite elbows and allowing the weight of your arms to stretch your back more deeply.)
- ► Think of the space between each vertebrae lengthening and decompressing, while you breathe deeply, allowing your breath to make space and relieve tension in your back.



GENERAL BACK RELIEF

- ► Cat cow pose effectively stretches your back and helps relieve back discomfort. Start on your hands and knees with your wrists aligned underneath your shoulders and knees directly under your hips.
- As you inhale, drop your belly, arch your back, and lift your sit bones, use your exhale to draw your navel towards your spine, press firmly through your hands and round your back up towards the ceiling.

STRESS RELIEF

- ► Child's pose relieves stress, helps elongate the back, and gently stretches the hips.
- ► Begin on your hands and knees with your arms stretched in front
- ► Allow gravity take over as you sit back towards your heels.
- ► Move the knees out wide and bring the heels together to get deeper into this posture.
- With your arms stretched out in front of you, press your palms firmly down to help stretch your shoulders.

HEALTH









If you wear an equipment belt during the day, sit in a car for long hours, and get in and out of a car throughout the day, consider adding cat cow, child's pose, and a forward fold (Uttanasana) to the end of your day to help alleviate stress to the back and hips. Ending your day with these basic yoga stretches can help improve your posture, balance, strengthen and stretch your spine, neck, hips and back.

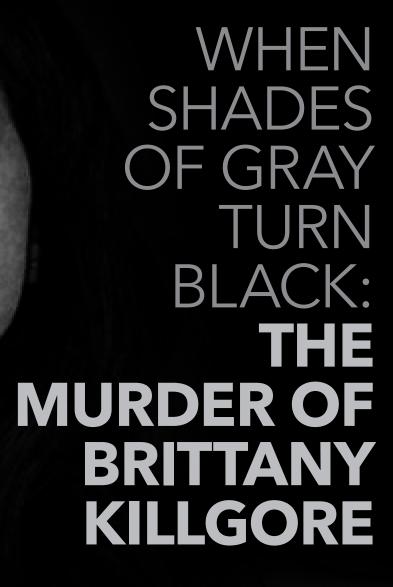
Moving, stretching, and correcting your posture throughout your workday can have a profound effect on the way you feel at quitting time. If you are ready to take basic stretching to the next step, it may be time to discover yoga. It incorporates stretching, breathing, strengthening and lengthening, into what is commonly called Vinyasa, (special placement of movement with Ujjayi breath.) This breath is an integral part of yoga practice because it focuses your mind and sends a signal to the muscles that is OK to stretch.

The benefits of yoga are numerous:

increased flexibility, improved athletic performance, protection from injury, relief from chronic back pain, and improved posture. Mental benefits include stress and anxiety reduction, increased focus and concentration, and even relief from insomnia. As if that weren't enough, yoga also keeps your spine supple and healthy by taking your body through a series of forward bends and backward bends. If you are not ready to begin a yoga practice, try incorporating basic yoga stretches as described above to your daily routine, as a way to start improving your posture and back health. Namaste.



Doemoni Eynon is a Paralegal and Background Investigator of the District Attorney's Office and yoga instructor certified in Ashtanga Vinyasa.



By Brian Patterson

BRITTANY KILLGORE WAS LURED FROM HER FALLBROOK APARTMENT ON FRIDAY THE 13TH UNDER THE GUISE THAT SHE WAS GOING ON A HORNBLOWER DINNER CRUISE ON THE SAN DIEGO BAY. BRITTANY, WHO WAS JUST 22, HAD WANTED TO EXPERIENCE THE CRUISE FOR HERSELF AFTER HEARING A FRIEND TALK ABOUT IT. EARLY THAT DAY, DOROTHY MARAGLINO AND LOUIS PEREZ CONVINCED BRITTANY THAT SHE WOULD BE ON THE CRUISE LATER THAT NIGHT. LITTLE DID SHE KNOW, SHE WOULD NEVER STEP FOOT ON THE HORNBLOWER. IN FACT, SHE WOULDN'T EVEN MAKE IT OUT OF FALLBROOK.

rittany was about to be exposed to a world of sexual torture and ultimately, a gruesome death. Her captors, Perez, Maraglino and Jessica Lopez, were members of the BDSM community - bondage, discipline, sadism and masochism. The trio had tastes for extreme sexual violence and fantasies of kidnapping and torturing a victim.

Perez arrived to pick up Brittany just after 7:30 p.m. in his white Ford Explorer. About 12 minutes later, she sent the last text message of her life: "Help."

LAW ENFORCEMENT QUARTERLY



Her text for help would be answered by so many people over the next three years. Friends, family and hundreds of dedicated professionals in the law enforcement community would have a part in responding to her cry for "Help."

After initially receiving the troubling text, Brittany's friends frantically tried to contact her, but her captors fooled them with feigned texts and calls. The false messages tricked her friends into putting off a missing person's report until the following day.

When Brittany was still nowhere to be found, her friends reported her missing, triggering an investigation that lasted nearly four years. By the time the investigation was complete, it amassed more than 17,000 pages of discovery, 200 interviews, 50 search warrants or court orders, more than 700 items of evidence, 20,000 videos, 500,000 photographs, 10,000 documents and writings, 20,000 text messages, blogs and thousands of jail telephone calls and correspondence.

The first law enforcement response to Brittany's text for help was Sheriff's Deputy James Brenemen, Jr. Instead of taking the missing person report and moving on, he asked to meet with Perez, the last known person to be with Brittany. The two met at the missing woman's apartment, where Perez explained what had happened the previous night. Breneman immediately noticed something was amiss. Inside Perez's Explorer was a stolen assault rifle. The rifle would not have a connection to Brittany's murder, but it provided a legal justification to seize the vehicle that night. He was subsequently arrested later that night for possession of an illegal firearm.

Breneman and the Fallbrook detectives who were working the case began collecting stories and evidence, which would prove critical during the trial. My partner, Sgt. Todd Norton, and I were called to assist the Fallbrook deputies.

By the second day Brittany was missing, every detective assigned to the Sheriff's Homicide Detail was working

the case. Multiple searches would occur during the coming days and years including Maraglino and Perez's homes, along with vehicles, hotel rooms and an apartment in Lake Saint Louis, Missouri. Although we still held out hope we would find Brittany alive, we also searched the rural Fallbrook area for her body.

COVER STORY

During the searches, we began to uncover a secret world none of us was prepared for: a very dark side of the BDSM lifestyle

LAW ENFORCEMENT QUARTERLY

full of extreme sadomasochism in which people lived as slaves and masters to others. What we at first believed to be a harmless role-playing lifestyle was a deviant, tortuous world of secrets and murder. Documents, photos, and videos depicted unbelievable acts of sexual deviance and fetishes, including kidnappings, torture,



In one of the many interviews conducted about the BDSM lifestyle, a dominant told us that this was the perfect lifestyle in which a sociopath could hide.

THE INVESTIGATION

Many people and law enforcement agencies came together to assist throughout the Killgore murder



investigation. They include crime labs across the country such as the Regional Computer Forensic Laboratory, the California Department of Justice Laboratory, the U.S. Secret Services Laboratory and the FBI's Cryptanalyses Unit.

Of course, the Sheriff's Crime lab also assisted in the investigation. DNA criminalists spent nearly 500 hours processing more

than 100 items. Forensic Evidence Technician Brande Silverthorn, who took thousands of photographs and processed hundreds of items of evidence, became a critical part of the prosecution because of her ability to remember details and facts years after they occurred.

Some of the seized writings were written in code, which were analyzed by Forensic Document Examiner Brenda Lanners. After decoding the writings, Lanners

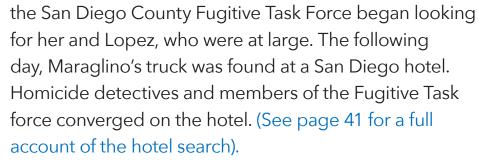
COVER STORY

uncovered a detailed plan to kidnap, torture and murder an acquaintance of Lopez's. The FBI Cryptanalysis Unit confirmed the decoding was accurate, making this piece of evidence an important part of information used during the trial.

As my partner, Sqt. Dan Pearce, began examining the cell phone data, we realized Brittany never left the town of Fallbrook and was more than likely taken to Maraglino's

house. The cell phone data was clear: the feigned text messages and calls made from Brittany and Perez's phones occurred in the Fallbrook area. Data from the phone companies and the mobile phones showed location points all in the Fallbrook area up until 9:23 p.m., long after Perez picked up Brittany.

While Maraglino's residence was being searched a second time,



Officers found Lopez, self-mutilated, inside the hotel room. Maraglino was not there. Lopez was taken to the

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hospital where she was treated and later booked into jail for the murder of Brittany Killgore.

Clipped from a hanger above the bathroom sink, a note read: "Pigs Read This." Below the note was a seven-page confession and suicide letter which attempted to exonerate Maraglino and Perez. The letter detailed the strangulation, torture murder, attempted dismemberment and disposal of Brittany's body.

We had worked more than 60 hours with little or no sleep looking for Brittany. The hope that we would find her alive dwindled. It was apparent this journey was no longer a rescue - but a recovery mission.

Deputies, pilots and detectives from the San Diego and Riverside Sheriff's Departments began looking for Brittany near Lake Skinner. She was eventually found by a maintenance road worker.

THE TRIAL

As the evidence continued to unfold, it became clear this was a conspiracy to kidnap Britany. In the process, she was tortured and murdered. All three defendants were arrested and charged with conspiracy to commit kidnapping, kidnapping, murder, torture and attempted sexual battery. Special circumstances were later added and the death penalty was considered, but ultimately not pursued.

The case was now in the hands of Deputy District Attorneys Patrick Espinoza and Garrett Wong. Along with their team, they spent hundreds of hours sifting

JUSTICE

through the evidence, organizing the massive amounts of information and preparing for trial.

Three and a half years after Brittany's young life was so violently taken, a trial date of September 8, 2015, was set for her murderers. About 3,000 jury summonses were sent out for potential jurors. We would need to pick a jury and six alternates from a pool of a few hundred people. We expected the selection process to take about a week, but it took only two days.

The trial was estimated to last two to three months, which would pose a problem with some potential jurors. During the voir dire process, the jurors were told about the horrible things they would see or hear. After seeing these images and writings for years, we realized how we had become numb to the extreme nature of the evidence. Several potential jurors broke down and cried and asked to be dismissed.

In six weeks, the trial was over. The prosecutors presented the case to the jury with extreme precision. All three defendants were tried together, which meant witnesses were cross examined by each defense attorney and then re-crossed, adding to the stresses of testifying. By the time Perez took the stand in his own defense - a somewhat rare move - Deputy DA Espinoza was able to get Perez to admit that he lied to the jury on the first day. Perez admitted on the stand that all three defendants played a role in what happened to Brittany.

The jury deliberated for three days while we waited with anticipation.

I will never know what it is like to hit a home run in a

World Series game or throw a touchdown pass to win a Super Bowl, but it cannot be much better than the feeling we had the day the jury reached its verdicts. After so much work by so many people, justice was finally served. The jury answered Brittany's text for help by convicting Perez, Maraglino and Lopez. They were

found guilty of kidnapping, torture, first-degree murder

with special circumstances and attempted sexual battery. Perez and Maraglino were also found guilty of conspiracy to commit kidnapping.

COVER STORY

All three were sentenced to life in state prison without the possibility of parole plus a second life term.

Nearly all the jurors attended the sentencing one month later. They wanted closure because of the toll the case took on them mentally and emotionally. And, they wanted to thank everyone for their hard work.

Brittany Killgore-Wrest's text, "Help" didn't save her the night of April 13, 2012. But, over the next three years, more than 100 people did respond, and they delivered justice.

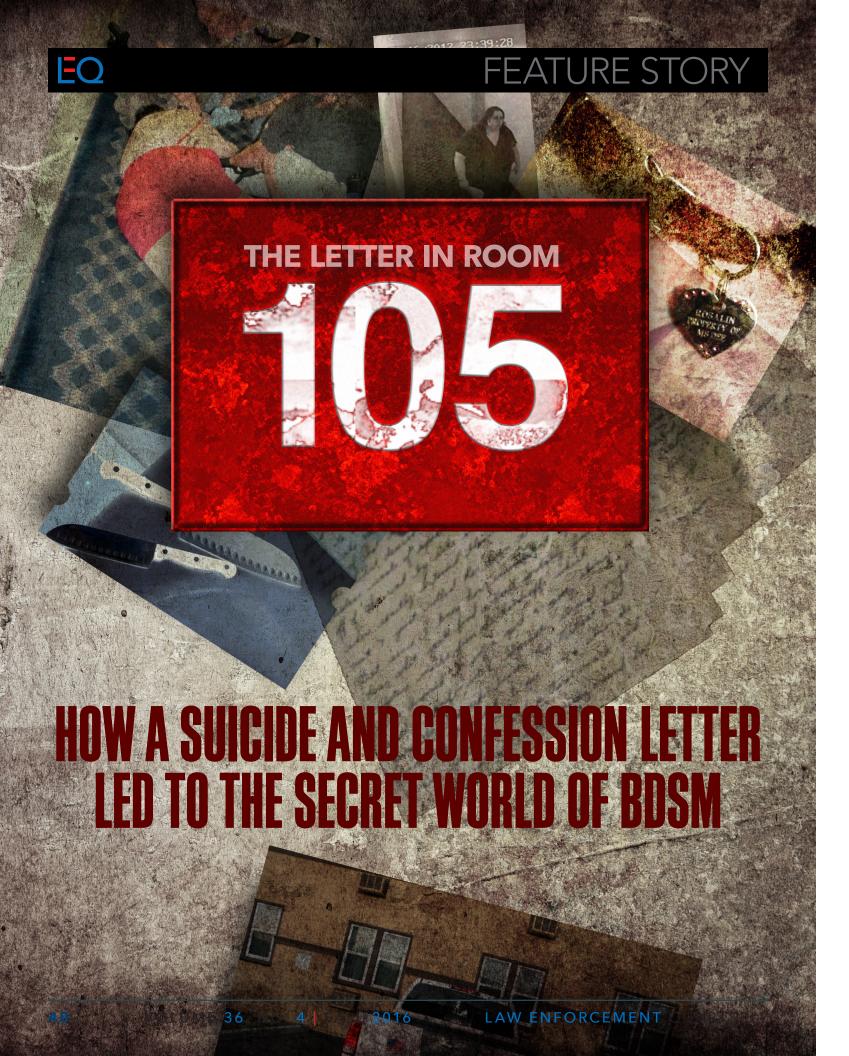
LAW ENFORCEMENT QUARTERLY

נוולוות בנותו לנות לנולא. לאו של לצוגנון ז יוטואוו ל בכל בלט יוד טבו. ללא כלמולוו באא; שלח של בצאשירל, במבשות, באאורבו-שולנו, "וצאק, למקאמון, קטונאון, ככל ליטו-מאזלאון דיף יש אינון כנו יונוקבו ע לבול זו אולמיה מחוצו. לכל ע בלכוהו על יונוא שלים אלים לאנול בי שלים "12444 fyers. Of HILL 4911 42+4 אליבא יוא יש לנוא אנולוי אלבאו שניבאר שנוש און שבו, ללא ז אמולטנוג ליבא שנולאל בוד לתובאא הוא לאבטר. ע בח יוֹכ ב אינו לו אנו שׁנוֹ בינוֹ און און און און און און ען אנטיי אינואיו יושליו לניה חד שנילא though pact among fan hin. 24 מול אוובווכא מטראופי, שלוו לצי ליווור בוגליורוואל אנו אויי לצואל בול ב 70144 ग्रेसरम. र्मुस ग्रंभ ग्रंभ रास स्पेरस かりかきり いいかんかいま りい、ナジカマサ まりい ווצליאור ביונטיא ליות אמומודלים לבאו שלח אטונושוו שנוגון בנה קנוגוו מל לחות דנולות. לכל שני אליו כבאלמו נולי p+ first y+ +0. tfz y 221722 +40kms למה אנורל מינוללי. זכל שנו יוז ישל ש אוניוליו ליול אינוא אנואניאאניו "ולוור ע אוואא דמן אליו לעוצייריב ל. בליתוקי.

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Brian Patterson is a Detective with the San Diego Sheriff's Department Homicide Detail.



FEATURE STORY





STANDING OUTSIDE OF ROOM 105 OF THE RAMADA INN, SHERIFF'S DEPUTIES CONTEMPLATED WHAT THEY WOULD FIND INSIDE. THEY HOPED IT WOULD BE A NEW LEAD IN THE CASE OF THE MISSING FALLBROOK WOMAN - BRITTANY KILLGORE - WHO HAD VANISHED A FEW DAYS BEFORE.



By Patrick Espinoza

orothy Maraglino was the registered guest for room 105. She and another woman had checked into the hotel late Monday night. Officers surrounded the Ramada Inn when they discovered Maraglino's Nissan Titan parked in the hotel parking lot.



Until that point, teams of homicide investigators had been traversing San Diego County searching for Maraglino's white truck, with "IVNS KTN" vanity plates. Maraglino and her roommate, Jessica Lopez, were wanted for questioning because of their connection to Louis Perez, a suspect in Killgore's disappearance.

Perez, a married Camp Pendleton Marine, was the last known person with Killgore disappearance. They also hoped Maraglino before she went missing on Friday the 13th and Lopez could provide more definitive in 2012. He was under arrest for being in answers about Perez's role in Brittany's possession of a stolen AR-15 rifle, which disappearance.

was found in his Ford Explorer when he was questioned about his time with the missing woman.

With Perez in custody, the crime lab could develop DNA profiles from the latex gloves, the prongs of the stun baton and the red bloodlike stains on plastic bags found in his vehicle. Investigators believed these items would provide some clues about Killgore's

when the team of law enforcement officers contained a separate copy of the letter. knocked. But, they heard something - a One of the envelopes was addressed to faint noise that sounded like a woman in the parents of Jessica Lopez. Another was distress. They kicked open the hotel room addressed to a local television news station door and found a woman naked from the and the third to "Master Ivan." Experts waist up. When police walked her out of would later determine that each envelope the room, she collapsed in the carpeted was penned in the handwriting of Lopez, hallway. Her red dress barely covered her the bleeding woman who collapsed in the body. She wore combat boots on her feet. hotel hallway. She told police her name Back in the room, a red dog collar rested at was "Rosalin" before she was taken to the the foot of the bed.

FEATURE STORY

Upon closer inspection, there were gaping wounds in the woman's neck and deep lacerations on her forearms. Blood stained the white bed sheets and the hotel room floor. There were large knives on the edge of the bathtub along with a bloody blade handle near the empty bottle of Chambord liqueur on the bathroom sink.

The woman in no way matched Killgore's description. After police assisted her, they sealed off the room and obtained a search warrant.

THE LETTER

Inside the room, a handwritten note that said "PIGS READ THIS!" was attached to a hanger above the vanity mirror. Beneath the note, was a seven-page letter placed on the bathroom sink counter alongside

No one answered the door to room 105 three sealed envelopes. Each envelope hospital.

> Lopez was a 25-year-old certified nursing assistant who lived as a sex slave in





Maraglino's Fallbrook home. In the that took place on a bottom-floor room of parlance of BDSM, she was a submissive i Maraglino's home. Sadomasochistic "play to Maraglino, a 36-year-old unemployed homeowner. Maraglino was a submissive dungeon-like room. to Louis Perez. He went by "Master Ivan," Lopez went by "Rosalin" and Maraglino was known as "Mistress Dee." Together they were part of the bondage, discipline, sadism and masochism (BDSM) underworld. They were known for their extreme tastes in sexual violence. In this lifestyle, dominantsubmissive relationships are governed by a contract.

Because Lopez was a slave, she was technically submissive to both Perez and Maraglino. However, her true devotion and loyalty was for Maraglino. Lopez entered into a formal slave contract with Maraglino, who performed a collaring ceremony that details about Killgore's disappearance and formalized the slave status. The ceremony it also tried to convince police of Maraglino involved placing a red dog collar around and Perez's innocence. It also laid out a Lopez's neck in a pseudo-religious ritual second narrative about the murder.



sessions" were practiced with abandon in a

WhenLopezcarefullypennedeachsentence of the seven-page letter, Maraglino was with her. Hours later, Maraglino left for her family reunion on the East Coast. That's when Jessica Lopez arranged the envelopes on the vanity, took a green handled Bard-Parker surgical blade, sliced her wrists and neck and prepared to die - until officers interrupted her plans.

Writing the letter was risky. The women had no way of knowing what facts the homicide detectives had already uncovered during their investigation. The letter provided

Perez's original version of events pointed at the side of a two-lane road. As described to unknown young men who allegedly met in the note, Killgore's neck had a distinct red up with Brittany outside the Whiskey Girl ligature mark on her decaying skin and her club in downtown San Diego. During his interview with police, Perez concocted an elaborate tale of driving the missing woman to the Gaslamp Quarter and dropping her off outside a bar, before she disappeared with two Marines. In contrast, Lopez's letter detailed a very different sequence of events.

EATURE STORY

To divert attention away from Perez and Maraglino, Lopez took the blame. In convincing detail, she wrote that she alone tortured and killed the missing woman inside Maraglino's home. A new homicide suspect had emerged, although the newest suspect seemed to exonerate the original suspect.

The letter directed deputies to Lake Skinner, in the southern part of Riverside County. They would find Killgore's body in a ditch on the side of the road. It detailed unsuccessful attempts to dismember the young woman's body while Perez and Maraglino were asleep upstairs. The missive created a dilemma for investigators: Was it true?

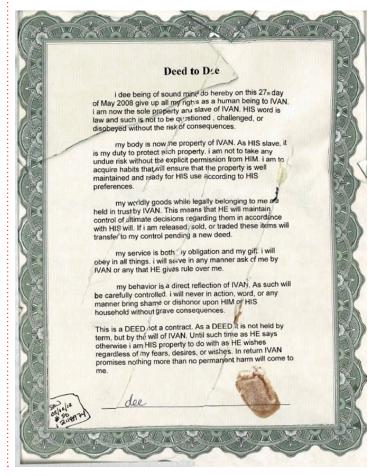
Within hours of finding the confession letter, Killgore's nude, decomposed body was located at the bottom of an embankment

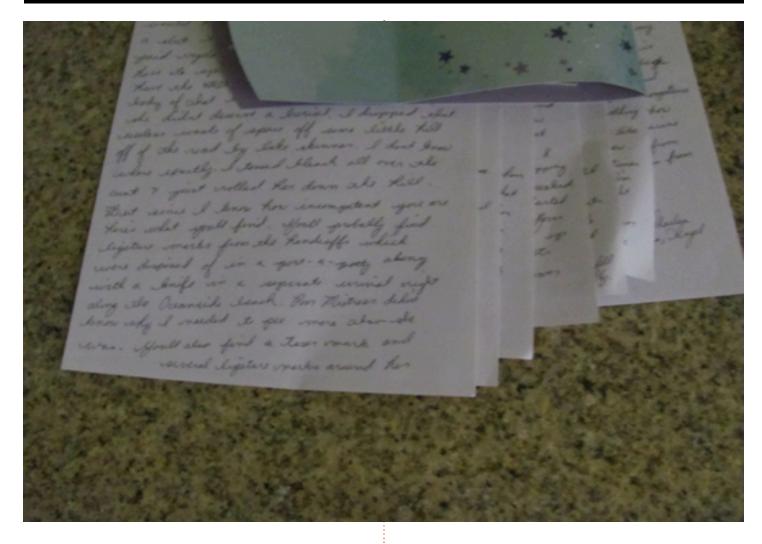
LAW ENFORCEMENT QUARTERLY

DNA was found on the prongs of a Taser found in Perez's Ford Explorer.

THE LIFESTYLE

Over the previous few days, Sheriff's Homicide Detective Brian Patterson and his team were scratching the surface of how the BDSM lifestyle was connected to Killgore's disappearance. Perez, a 45-yearold staff sergeant, had a dark side. He lived a secret life.





The homicide team's probe into this secret investigators pored over text messages, lifestyle was causing ripples within parts of cell tower data, and surveillance videos to the San Diego BDSM community. People piece together the suspects' whereabouts were talking and word was getting back to and communications before, during, Maraglino. The investigation was generating and after Killgore's disappearance. They a great deal of attention from the local and i discovered a plot to kidnap Brittany was national media. With Perez in custody, Killgore dead, the public scrutiny and the the 13th. Perez showed up unannounced ongoing investigation, Maraglino and Lopez to Killgore's apartment, trying to convince realized they needed to act. That's when they her to go with him on a Hornblower dinner checked into a hotel and wrote the letter.

Armed with a growing understanding of the trio's BDSM hierarchy and its lifestyle,

put into motion about 4:30 p.m. on Friday cruise. She initially rejected the invitation, but later changed her mind at Maraglino's urging. She persuaded Killgore not to let the

no pre-paid tickets. When Perez showed up for Killgore at 7:30 p.m., the dinner cruise had already departed one hour earlier - 50 miles away.

Perez and Maraglino, who were expecting a child together, had much more terrifying plans. They had long wanted to expand their fetishes beyond consensual participants. Within the BDSM community, the pair was well-known for practicing on the edge of acceptable behavior. Maraglino was completely devoted to Perez. So much so, that he had a framed deed to ownership of But, at the same time, it also provided her, signed in her blood. It was called, "The a defense for Perez and Maraglino. Deed to Dee." Together they dreamed Prosecutors and investigators worked of running a home full of sex slaves. Their on building a circumstantial case against extremist preferences were revealed Perez, Maraglino and Lopez, which would through interviews with members of the establish their guilt separately from the BDSM community, who described Perez content of the letter. and Maraglino's affinity for severe sexual violence.

Their conduct was well-documented in profiles located on BDSM websites, video recordings stored on computer hard-drives walked a factual and evidentiary tightrope seized from their homes, and graphic by introducing the letter and arguing that sadomasochistic fantasies contained it was evidence of Lopez's guilt but was not in writings collected during searches. credible evidence of Perez and Maraglino's Likewise, Lopez's desire for torture, innocence. The jury would have to mutilation, and murder was uncovered in understand the complicated relationships cryptic coded writings that were cracked by between slave and master and dominant an FBI cryptanalysis expert and a Sheriff's and submissive.

pre-paid tickets go unused. But, there were document examiner. She was an intensely loyal slave, who wore a dog collar and ate her food out of dog bowls.

> Killgore was not a member of the BDSM community and in no way was connected to this lifestyle. She was a casual acquaintance, and an innocent victim.

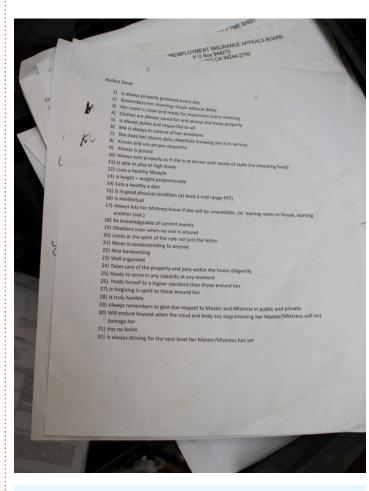
THE LETTER'S SIGNIFICANCE **DURING THE TRIAL**

The letter was problematic for the prosecution. On one hand, it provided a powerfully compelling case against Lopez.

The trio was charged with conspiracy to commit kidnapping, kidnapping, torture, attempted sexual battery and murder with special circumstances. The prosecutors The prosecution never embraced Lopez's Despite the letter in room 105, the truth admissions as absolute truth. Instead, it surrounding who actually killed Brittany carefully avoided identifying which of three ! Killgore remains a mystery to all but the defendants actually committed the fatal three convicted murderers who took part act of placing a ligature around Brittany's in her kidnapping. Perhaps it's best that neck and causing her death. From opening way, because truth can often be more statement to closing argument, prosecutors frightening than fiction. never identified who committed the fatal act. They relied on a concept established during jury selection that emphasized felony murder liability – the legal principle that extends murder liability to certain felonies even when the perpetrator did not personally commit the killing. By proving all three defendants were legally responsible for kidnaping Brittany Killgore, their liability for murder would be established without having to determine which of the three actually killed her.

In the end, the jury found the defendants guilty and they were sentenced to two life terms in prison without the possibility of parole.

When some of the jurors showed up to attend the sentencing, they were asked who they believed committed the actual killing. A juror explained they never discussed who actually killed Brittany Killgore because the jury instructions did not require them to answer that question to reach verdicts in the case. Legally, it didn't matter.

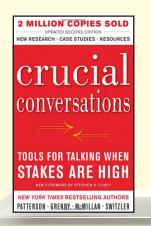


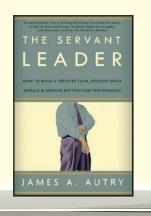


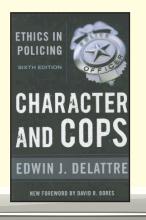
Patrick Espinoza is a Deputy District Attorney and the Assistant Chief of the Sex Crimes and **Human Trafficking** Division.

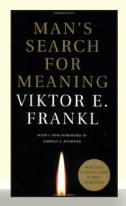
GOOD READS

BOOK 'EM! There is an array of law enforcement related books on the market. Here are a few worth re-visiting.









CRUCIAL CONVERSATIONS: TOOLS FOR TALKING WHEN STAKES ARE HIGH

By: Kerry Patterson and Joseph Grenny

Prepare for high-stakes situations Transform anger and hurt feelings into powerful dialogue Make it safe to talk about almost anything Be persuasive, not abrasive.

THE SERVANT **LEADER: HOW TO BUILD A CREATIVE TEAM, DEVELOP GREAT MORALE**, **AND IMPROVE BOTTOM-LINE** PERFORMANCE

By: James A. Autry

James A. Autry reveals the servant leader's tools, a set of skills and ideals that will transform the way business is done. It helps leaders nurture the needs and goals of those who look to them for leadership. The result is a more productive, successful, and happier organization, and a more meaningful life for the leader

CHARACTER AND COPS, ETHICS IN POLICING

By: Edwin J. Delattre

Character and Cops has been considered the bible of police ethics training. The book is a comprehensive guide to the ethical challenges faced daily by police officers, especially in times of heightened security.

MAN'S SEARCH FOR MEANING

By: Viktor E. Frankl

Psychiatrist Viktor Frankl's memoir has riveted generations of readers with its descriptions of life in Nazi death camps and its lessons for spiritual survival.



NEW SAN DIEGO COUNTY REGIONAL LEADERSHIP INSTITUTE DEBUTS

By Matthew O'Deane, Ph.D.

INSTITUTE, OR SDCRLI FOR SHORT. IT'S A FIRST-CLASS LEADERSHIP INSTITUTE CREATED SPECIFICALLY FOR SAN DIEGO COUNTY LAW ENFORCEMENT AGENCIES WHICH DEBUTED THIS SUMMER WITH A PILOT IN AN EFFORT TO DEVELOP LEADERS THROUGH A DISTINCT PROGRAM THAT FOCUSES ON SELF-AWARENESS, LEADERSHIP THEORY AND PREPARATION. THE LEADERSHIP INSTITUTE, FOUNDED BY THE DISTRICT ATTORNEY'S OFFICE BUREAU OF INVESTIGATION, IN COLLABORATION WITH 21 DIFFERENT LOCAL AND FEDERAL LAW ENFORCEMENT AGENCIES, IS MADE UP OF THREE TRACKS DESIGNED TO DEVELOP LEADERSHIP COMPETENCIES AND FUNCTIONAL SKILLS.

COLUMN





t's unlike anything I've seen in my 25 years as a police officer in San Diego and I'm proud to say I played a role in conceptualizing, planning and rolling out the institute. Shortly after drafting the initial proposal for the institute, I was joined by Anne Calle, our in-house leadership coach for the DA's Office. Anne was on board to assist and quickly took charge and has dedicated herself to the development and success of the institute.

In my opinion, this leadership institute is exceptional in every way when compared to existing schools on the subject. For example, the courses are specifically designed to get to the core leadership in each individual focusing on our regional issues. In addition, the training institute will enhance local leaders; will build bridges between law enforcement and the communities they serve, and it will address the current state



of affairs of law enforcement. The first track provides participants with five selfassessments that target key leadership characteristics we must know before we can be great leaders. The participants then apply the knowledge from those assessments and correlate training in the classes offered in the second track, which is based on the San Diego County Leadership Development Model. Topics in track II focus on developing six key leadership competencies: initiative, results orientation, interpersonal relationships, problem solving, development of others and organizational acumen. The final track

is made up of functional skills courses, such as media and PIO's, finding solutions for the effects of racial profiling, civil liability, organizational cultures, etc.

A series of three courses called "Let's Be Real" are included in the institute. This series is designed to focus on current, regional issues affecting law enforcement. For the pilot, the participants discussed such topics as Black Lives Matter, and the how our local law enforcement agencies are viewed by their communities. The institute invited leaders from the Iranian-American, Chaldean Middle Eastern, and African American communities to speak

COLUMN

Eventually, the institute will create a standard baseline for police leadership and management in our county. Our vision is to ensure that we collectively learn from each other, improve leadership and improve service to San Diego County citizens.

to our law enforcement leaders. Guests included the president of NAACP and leaders and activists from community newspaper Voice and Viewpoint. These courses generated healthy and open discussions on how to improve relations and build bridges with all of our neighboring cultural communities. The series was powerful and resulted in several connections being made between the agencies and their local communities.

The leadership institute is designed for all levels of supervisors, such as sergeants, lieutenants and captains. There are many talented and articulate leaders in San Diego County law enforcement. By sharing knowledge on a regional level, we can all learn from each other in ways that will reduce conflict and improve supervision.

Any police department's culture and leadership starts with the Chief and senior executives and works its way down the ranks. They establish direction and standards for our agencies. Regional leaders set the tone for their departments and develop their people to be the best they can be. We are very fortunate to have presented the outline for this institute to all SD County Chiefs, the Sheriff and the District Attorney and we have received unanimous support from every agency



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in the county. A special thanks to District Attorney Bonnie Dumanis and Probation Chief Adolfo Gonzales for their support. The institute would not exist without them. The DA, Sheriff, and Chiefs understand that providing a local leadership institute, dramatically cuts training costs, eliminates the need for travel, hotels, rental cars, and it avoids existing limitations on attending some of the current schools. In addition, the training content can be focused on issues affecting San Diego County.

The Leadership Institute pilot consisted of over 35 trainers from 12 agencies, ranging from sergeants to chiefs. The participants of the pilot consisted of an equal mix of sergeants, lieutenants and captains or commanders from most local agencies including CHP, and included supervising special agents from the FBI, DEA, and the Department of Homeland Security. The collaboration didn't end there. Retired Undersheriff, Ed Prendergast, joined our efforts as a leadership/law enforcement consultant and trainer, and the San Diego County Medical Examiner's Office is providing training facilities. Core staff is made up of DA employees, Anne Calle, Claudia Delgadillo, Emalee Bowles, Roxanne Grooms and I. Also, the Probation Department provided a student worker to help operate the institute.

BOOKS AND ASSESSMENTS USED IN THE PILOT INCLUDE:

- The Leader's Compass for Law Enforcement Professional by Roy E. Alston, Ph.D. and Dennis F. Haley
- The Front-Line Leader by Chris Van Gorder
- Emotional Intelligence 2.0 by Travis Bradberry and Jean Greaves
- Strength Based Leadership by Tom Rath and Barry Conchie
- DISC Communication/Work Style Assessment

GUEST PRESENTERS AND SPEAKERS INCLUDE:

- Robert Vernon, retired LAPD Assistant Chief and founder of Pointman Leadership Institute
- Roy E. Alston, former patrol supervisor of the Dallas Police Department and author of The Leader's Compass
- Chris Van Gorder, former police officer, CEO of Scripps Health and author of The Front-Line Leader

The pilot launched on July 18, 2016. The institute is a three-week course, one week per month for three consecutive months. It



features more than 40 classes on a variety of topics. The institute is academic and involves a significant amount of critical thinking and assignments to test our leaders.

I am working with our regional POST representative, Val Wilson, to get the San Diego County Regional Leadership Institute POST certified. We also partnered with National University, to give credit for their Master of Science in Organizational Leadership Program. The full program launches in February of 2017. Registration information will be provided to every law enforcement agency in the county and will include dates, times and location. Keep in mind; we will always need instructors, back up instructors, and ideas for content to keep the institute current and relevant.

Arguably one of the most significant issues facing law enforcement is the need for quality leaders to take our organizations to the highest level of excellence

LAW ENFORCEMENT QUARTERLY



possible. We must continue to focus on accountability, integrity, discipline, and professionalism to maintain public trust. By working together, helping each other, learning from each other and building relationships between our agencies and the communities, we all benefit.

If you are interested in attending the SDCRLI please contact Claudia Delgadillo at Claudia.delgadillo@sdcda.org.



Matthew O'Deane is a DA Commander assigned to the **Gang Prosecution** Unit and developed the initial proposal for this institute. Matthew has a Ph.D. in **Public Policy** and a Master's Degree in Public Administration.

SEARCH AND SEIZURE QUIZ VEHICLESEARCHES

By Tia Quick

Vehicle stops and searches are often the subject of legal questions. The fact that vehicles are mobile creates challenges to law enforcement with regard to transporting and storing evidence as well as officer safety concerns. Because of the inherent risks of losing evidence and officer safety, the courts have long recognized as a general rule that a warrant to search a vehicle in transit is not needed provided there is

probable cause to believe there is contraband in the vehicle. This is often referred to as the "fleeting target," which is the exception to the warrant requirement. To explore this and related topics further, let's assume the following: Patrol officers see a vehicle traveling at a high rate of speed down a residential street. They catch up to the car and determine the driver is speeding. They pull the vehicle over and approach to make contact with the occupants.



1

Officer Smith approaches the driver's side and Officer Jones approaches on the passenger side. They note that both occupants are moving around quite a bit and seem to be speaking to each other. When Officer Smith gets to the driver side window, he knocks and asks the driver to roll down the window. When he does, Officer Smith is hit with the overwhelming odor of marijuana. Officer Smith decides to search the vehicle for the source of the odor.

- a. Officer Smith cannot search the vehicle unless he gets a search warrant first.
- b. Officer Smith can search the car but only if he can articulate that the smell suggests there is more than an ounce of marijuana in the car.
- c. Officer Smith cannot search the car because less than an ounce of marijuana is an infraction and police cannot search based on an infraction.
- d. Current case law says that the smell of marijuana gives Officer Smith probable cause to believe there is marijuana in the vehicle and thus, he can conduct a probable cause or "fleeting target" search of the portion of the vehicle where he believes the contraband is.

2

Officer Smith gets both the driver and the passenger out of the car and searches the passenger compartment. At the conclusion of the search, he does not find marijuana in the passenger compartment. But as he was searching the back seat area, he noted that smell of marijuana was stronger in the back of the passenger compartment. He now wishes to search the trunk, believing that is where the marijuana is.

- a. Officer Smith can search the trunk because as he got closer to the trunk, the smell of marijuana got stronger making it more probable than not that marijuana is in the trunk.
- b. Officer Smith cannot search the trunk because he did not find marijuana in the passenger compartment.
- c.Officer Smith cannot search the trunk because he smelled marijuana in the back seat and that means any marijuana in the car was likely removed by a previous passenger and is no longer in the car.
- d. Officer Smith needs to determine if the driver or passenger has a medical marijuana card before he can go any further.

Since police noted that both occupants were moving around quite a bit and that the vehicle stop was in an area known to be Crip gang territory, Officer Smith remembered details from an earlier briefing. Graffiti strike force detectives said members of the Crips were tagging more frequently and using references to "187." Based on this, Officer Smith tells Jones to be careful because there might be a weapon in the vehicle. When Officer Jones comes within a foot or so of the back window, he sees the passenger place "something" under his seat. Officer Jones draws his weapon and orders both occupants to get out of the car. After patting them down and finding no weapons, Officer Jones has the two men sit on the curb. He calls for a second patrol car and describes what he saw to Officer Smith. When the second patrol car arrives, Officer Jones states he is going to conduct a pat-down search of the vehicle.

- a. Officer Jones cannot conduct a pat-down of the vehicle because one simply cannot pat down a car.
- b. Officer Jones cannot pat down the vehicle for a weapon because neither of the occupants had a weapon on their person.
- c.Officer Jones can conduct a pat down on the vehicle but only if he can articulate that he actually saw a weapon being handled or moved by the driver or the passenger.
- d. Officer Jones can conduct a pat down of the vehicle if he or if Officer Smith can articulate based on their training and experience the facts presented at the traffic stop, the nature of the area, and that they believe that there is a weapon in the vehicle.

Note: Despite the fleeting target exception to the Fourth Amendment, if law enforcement believes the vehicle is evidence or may contain evidence of a serious offense such as a homicide, rape, or a crime of violence, it is always suggested that they seize the car and then get a search warrant prior to searching the vehicle.

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Officer Smith turns on the overhead lights and siren to stop a car, which slowly pulls to the side of the road. Smith notes that they are stopping in a Crip territory and that one of the houses they are near is a known gang member's home. Just after the car stops, Smith and Jones immediately get out of their patrol car and walk to the vehicle. As they approach, the passenger gets out of the car and starts to walk towards the known gang member's home. Jones orders the passenger to stop and get down on the ground. The passenger states that he is going to his friend's home and not staying at the car. **Jones takes control of the passenger and keeps him at the car while Smith contacts the driver.**

- a. Jones' actions in grabbing the passenger resulted in an unlawful seizure since the passenger has the right to walk away from a traffic stop and there is nothing the cops can do about it.
- b Jones ordering the passenger to stop and taking control of him was justified in that the passenger is equally at fault for the traffic violations and can be cited just like the driver.
- c. Jones taking control of the passenger and keeping him at the scene is lawful if Jones can articulate an officer safety reason for not letting him walk away.
- d. Jones can keep the passenger at the scene of the traffic stop because he is likely a gang member and it is illegal to be a gang member.



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EO

A NEW WAY OF SEEKING JUSTICE IN MEXICO

"The clearest way to show what the rule of law means to us in everyday life, is to recall what has happened when there is no rule of law." –

Dwight D. Eisenhower

A NEW CRIMINAL JUSTICE SYSTEM

In 2008, the Mexican government passed a series of ambitious federal constitutional and legislative reforms aimed at transforming virtually every aspect of the Mexican criminal justice system. The most heralded of these reforms was a shift away from a closed door, paperdriven court system where a defendant rarely saw a judge. Under the reforms, the accused is presumed innocent until proven guilty in an oral adversarial trial open to the public. The hope is that the new criminal justice system will be transparent, impartial, and less prone to corruption. A deadline of June 2016 was set for its full implementation. The legislative mandate kickstarted an eightyear program to prepare Mexican police officers, prosecutors, defense attorneys, and Judges for the momentous change.

San Diego prosecutors, judges and defense attorneys have played a key role in the training effort.

VICTIMS DON'T REPORT CRIME; SUSPECTS LANGUISH IN PRISON

The reforms were motivated by a number of factors. The traditional system was considered inefficient and lacking transperancy. In Mexico, victims of crime seldom report it because they lack confidence in law enforcement's ability to solve crime and there's an ingrained distrust of what some consider a corrupt criminal justice system. Surveys suggest that 25 percent or fewer crimes are reported and 98 percent of crimes go unsolved. Many of these problems are owed to persistent problems in law enforcement, the functioning of courts, and penal institutions. Under Mexico's old justice system, prosecutors had wide latitude to gather evidence they deemed



appropriate that is then submitted to judges in a written dossier that is rarely challenged. Trials were closed to the pubic and conducted primarily using written evidence and arguments. Judges rendered their decisions behind closed doors. Because of the slow nature of written proceedings, a massive backlog of cases formed in Mexico's courts. Many of the criminal cases that actually made it through the court system resulted in suspects languishing in prison for years awaiting trial. These factors led to a strong push for judicial reform.

FORCED TO ADAPT

Law students in the U.S. learn oral advocacy skills the moment they walk into a classroom. They learn to think on their feet by orally responding to tough questions their professors pose. In trial advocacy courses, law students learn to present witnesses, evidence and argue in mock trial settings. After law school, those skills are fine-tuned through years of practice in a real courtroom setting. Conversely, in Mexico, about 40,000 experienced lawyers have been reluctantly thrust into a new system many of them don't understand and want nothing to do with. Now, they have to argue their case orally, where as before, they were

presented in written court filings. Lawyers and judges question and contest the arguments in an open, adversarial setting and the hearings are conducted in public, and filmed for the record.

The reforms require judges to render decisions in public based on evidence presented at a public trial rather than issuing decisions behind closed doors based on written dossiers. An entire profession has been forced to learn an entirely foreign way of doing their job. It has been such an undertaking, that some lawyers guit the profession instead of adapting.

ENORMOUS UNDERTAKING

The scope of the judicial reform in Mexico is huge and the United States has provided significant funding to assist. Every part of Mexico's judicial system must be updated. That includes revising existing legal codes, building and enhancing courtrooms with video recording equipment and training police officers, judges and lawyers to understand the purpose and implications of the new system. And, they have to learn how to effectively perform in it. Already about 300,000 police officers have been trained for their roles in the new system. The same goes for lawyers and judges. San Diego prosecutors and defense

attorneys have traveled throughout Mexico to conduct community forums and to provide legal training through a series of courses. Training covers basic trial skills, such as direct examination, cross examination, and introducing evidence in

a trial.

FEATURE STORY

In Mexico City, a group of law students and law school professors completed a series of two-week workshops on oral advocacy led by San Diego lawyers. Law schools across Mexico are now preparing law students to operate under the new system. In a recent community forum in Tijuana, San Diego prosecutors and public defenders spoke to 2,500 law students, lawyers, and members of law enforcement about the different aspects of the oral adversarial system.

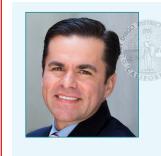
In Yucatan, a San Diego prosecutor and public defender spoke to 4,000 community members about the reforms and its impact on the community. The forum concluded with a dramatic mock trial presented by Yucatan attorneys and judges to give the community a first-hand look at the new way of imparting justice in Mexico. Funding has also allowed Mexican lawyers and judges to travel to the United States to observe the American court system and learn from experienced

LAW ENFORCEMENT QUARTERLY

bilingual attorneys.

Mexican President, Enrique Pena-Nieto, on June 18, signed into law reforms that altered hundreds of years of independent legal tradition. If successful, the reforms will increase the Mexican public's faith in legal institutions by bringing greater transperancy to court proceedings. The changes will also expand the rights of the accused and institute the presumption of innocence until proven guilty.





Carlos Varela is a Deputy District Attorney and the Assistant Chief of the South County branch.

1. A VALID ARREST WARRANT CAN ATTENUATE AN ILLEGAL DETENTION

UNITED STATES SUPREME COURT - FILED JUNE 20, 2016

UTAH V. STRIEFF (2016) 136 S.CT. 2056

After receiving a tip of drug activity at a particular house, a police detective surveilling it noticed that visitors consistently left a few minutes after arriving. He saw a man leave the house, although did not know how long he had been inside. As the man walked to a nearby store, the detective stopped him and asked why he was at the residence. The detective obtained the man's identification card and ran a records check. He had an outstanding traffic warrant, for which the detective made an arrest. While conducting a search incident to arrest, the detective found drugs and drug paraphernalia.

The state prosecuted the defendant for possession of drugs; however he moved to suppress the evidence as a product of an unlawful detention. The trial court denied the motion. The defendant appealed. The Utah Supreme Court called the search unlawful based upon lack of

reasonable suspicion to initially detain the defendant. But the U.S. Supreme Court disagreed and determined that the doctrine of attenuation applies where an illegal detention leads to the discovery of a valid arrest warrant.

Trial courts must exclude unlawfully obtained evidence. Exclusion serves to deter Fourth Amendment violations by law enforcement. But there are exceptions to that rule, including the attenuation doctrine. That doctrine allows for the admissibility of evidence when the connection between the illegal police conduct and the discovery of the evidence "has been interrupted by some intervening circumstance...." In such cases, suppression would not serve to deter future Fourth Amendment violations.

In this particular case, the People conceded a lack of reasonable suspicion to initially detain the defendant. (The Supreme Court assumed this to be true. It did not specifically find that this detention violated the Fourth Amendment.) There was, however, a valid, pre-existing and untainted arrest warrant in place. The Supreme Court looked at three factors to determine if this was enough to break the



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the presence of intervening circumstances; and 3) the purpose and flagrancy of the official misconduct.

The short time period between the unlawful detention and the search favored suppression. But once the detective discovered the pre-existing arrest warrant, he had an obligation to arrest the defendant. The arrest was "a ministerial act that was independently compelled" by the warrant. Additionally, the court decided the detective was, at most, negligent in his bona fide investigation and made a couple of good-faith mistakes. But his conduct did not rise to the level of a flagrant violation of the defendant's constitutional rights. Further, there was no evidence that this type of conduct was systemic or recurrent police misconduct. Under a totality of the circumstances, the Supreme Court decided the connection between the unlawful stop and the discovery of evidence was broken by the pre-existing arrest warrant. The

attenuation doctrine applied in this case and the evidence found incident to that lawful arrest was admissible.

2. DETENTION CANNOT BE BASED ON A HUNCH

CALIFORNIA SUPREME COURT - FILED FEBRUARY 4, 2016

PEOPLE V. CASARES (2016) 62 CAL.4TH 808

The defendant was convicted of murder with a verdict for death. During the penalty phase of the trial, evidence of his prior encounters with police was introduced. For two of those contacts, the defense moved to suppress the evidence based on Fourth Amendment violations. The motion was denied by the trial court. The defendant appealed his conviction, in part on the erroneous admission of those two incidents. The California Supreme Court determined that both contacts were in violation of the Fourth Amendment and should not have been admitted into evidence.

In one of the two contacts, the defendant was present when a search warrant was

served for a house where he did not live. He was detained and searched. Officers found the keys to a car that was parked on the street next to the house. They searched the car and found a gun. Neither the defendant nor the car was named in the search warrant. The defendant told officers that the car did not belong to him. The trial court interpreted that to be a denial of any possessory interest in the car and ruled that the defendant lacked standing to contest the search.

LEGAL UPDATE

The California Supreme Court disagreed with the trial court's analysis. It determined that the defendant's denial of ownership did not implicitly mean he had no possessory interest in the car. Further, the court found that because the car was not parked on the property named in the search warrant, it was not proper for the police to search it. The court expressly rejected the argument that it was reasonable to search the car to determine if it was associated with the residence.

In the second of the contested contacts, the defendant was alone and in the driver's seat of a van. The van was legally parked in a dark part of a convenience store lot, despite available spaces in front of the

store. Officers knew this store to be the target of frequent robberies and thefts. The officer pulled in behind the van and approached the defendant. When asked, the defendant could not produce any identification. He did have the van's registration and said the van belonged to his friend's uncle. The defendant gave permission to search the van. About this time, the defendant's friend returned from the store. Store workers confirmed that no theft had occurred. Because the officer could not confirm the defendant's identity and because the van did not belong to him, the officer conducted a pat-down of the defendant for officer safety. He found cash totaling \$1,464. He then searched the van and found a gun.

The Supreme Court decided the defendant's mere presence in a legally parked van in a dark part of the store lot did not justify the initial detention. The officer's knowledge of prior thefts and robberies at that store did not raise a reasonable suspicion that the defendant was engaged in criminal activity. A detention cannot be based on a hunch. When the officer initiated the identification procedure, the contact was a detention

without reasonable suspicion. Because the detention was illegal, the subsequent search of both the defendant and the van were also unlawful.

Ultimately, the Supreme Court determined that although admission of that evidence was in error, it was harmless in light of all of the other evidence against the defendant. The defendant's conviction and death penalty sentence were upheld.

3. NO PROBATION SEARCH OF SPACES UNCONNECTED TO PROBATIONER

CALIFORNIA COURT OF APPEAL - FILED JUNE 30, 2016

PEOPLE V. CARREON (2016) 248 CAL. APP.4TH 866

Officers conducted a probation search of a probationer's house. When they arrived, the defendant answered the front door. She and her child lived in the converted garage. On the day of the search, the probationer told the officers that the house was hers and that the defendant stayed in the garage. There was no information given as to whether the defendant paid rent, or to what extent

the probationer had access to the garage. The officers accessed the garage from inside the house, through a laundry room and a closed but unlocked door. The officers could not recall whether the door had a lock. A few feet into the garage, an officer saw a purse. No questions were asked of the probationer or the defendant as to whose purse it was. Inside the purse, the officer found a baggie with shards of apparent methamphetamine (presumptively confirmed by a test). The officer also found a pay/owe sheet inside a drawer next to the purse. The defendant was arrested and charged with possession of methamphetamine for sale.

The defendant moved to suppress the evidence. At the hearing, one officer testified that once the probationer said the house was hers, he assumed she had access to the whole house unless a door was locked. There was, in fact, one bedroom that was not swept or searched because the door was locked and the probationer claimed to have neither access nor the key. There was also testimony that it was common for probationers to hide contraband in other people's rooms to deter law enforcement

from finding it. The trial court denied the motion to suppress and the subsequent motion to dismiss that was based upon Fourth Amendment violations.

LEGAL UPDATE

The Court of Appeal reversed.

It determined that, under these circumstances, the search of the purse and drawer in the garage was unlawful. Guests in a home are afforded some reasonable expectations of privacy. It is incumbent upon officers to consider a guest's privacy rights before intruding into that guest's assigned space.

In this case, there was no evidence to suggest that the relationship between the probationer and the defendant was such that the probationer would have authority over the contents of the garage. There was also no evidence that the probationer had recently been inside the garage. The court repeatedly referred to the officers' affirmative knowledge that the defendant lived in the garage, not the probationer. Under those circumstances, the probationer's search terms did not extend to the garage.

The court did consider that both the probationer and the defendant were

female. In some cases, that might be justification to search the purse, but not in this case. There was no evidence that any officer subjectively entertained the belief that the purse might belong to the probationer. It was found in the garage which was connected to the defendant, not the probationer. Thus, there was no ambiguity as to which female owned the purse. The Court of Appeal ultimately ordered that the defendant's motion to dismiss be granted.



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LOSTBROTHER

By Steve Willard

My brother's gone. I didn't actually know him. We'd never met. I didn't know he was married with kids. My brother and I had different last names and different parents. We hailed from different parts of the world. Despite everything, he was still my brother.

On Friday, July 29, 2016, I woke to the radio news. The talking heads always provide the daily weather report that helps decide my wardrobe. It was just another routine day. Then, I heard an announcement that pierced me like a rusty kitchen knife: a San Diego Police officer was killed in the line of duty overnight...

In disbelief, I changed the radio station. They were reporting the same: the officer had passed away.

I uttered a loud expletive. Tears welled up. Questions flooded my mind. What happened? Who was it? Did I know him?

Then it occurred to me. Sorry Mr.

Newscaster, the officer didn't "fall" nor did
he "pass." Fallen implies clumsy. Passing
sounds peaceful. Like every cop who has
their life violently stolen, Officer Jonathan
De Guzman didn't fall. He was murdered.

It matters little if I actually knew him. We're brothers because we're in the same profession. That makes him family.

Murder is an ugly word, and it should be. It describes the ultimate evil act. Such an ugly word is reserved for ugly people who do ugly things. Stealing someone's life is ugly, so don't sugarcoat it.

Like previous times in my 31-year career, I drove to work with a heavy heart. I'll never forget walking into my office to the somber faces of some of SDPD's most senior staff. We all shared the same expression; they too had lost a brother.

I remember Officer Jerry Hartless, when he was a trainee in the late 1980s. I ribbed him about his name and the flack he'd get whenever he took enforcement action. He laughed, as if he hadn't heard my dumb joke thousands of times. I was working January 9, 1988, when Jerry was shot. He lingered in a coma for 22 days before succumbing to a senseless murder. It was a blow I hoped my beloved department would never experience again. Wishful thinking.

Officer Ron Davis was murdered in the line of duty of September 17, 1991. Officer Chris Wilson was murdered in the line of duty on October 28, 2010. I still felt the loss.

In August of 2011, Officer Jeremy Henwood was murdered shortly after buying a box of cookies for a young boy.

Perhaps the mercy of time dulls the pain of those previous murders. This murder will be different.

When my four brothers were murdered

there wasn't a national movement of people expending energy to vilify police while down playing the pervasive violence in gang territories, where young men die for a lifestyle glorified in movies and music.

Where did society go so askew that we now vilify our protectors? The closest I can remember is how we treated our military during Vietnam. Fifty years ago, there were violent riots across America as young people demanded peace. Apparently no one saw the irony. Now, half a century later, we collectively regret it. Will we learn the same lesson here?

Shortly after the announcement of yet another police officer murdered, I couldn't help but wonder if there would be protest marches proclaiming "police lives matter." Would young people, often recycled ones from other protests, grab signs and block freeway traffic only this time demanding a stop to the onslaught of police?

I've been in this profession too long to linger on such ridiculous notions. Selected outrage is the national trend and many in the media and elected office passively encourage it.

Life will go on in the SDPD, but we won't be better for it. Soon, letters that spell "Jonathan De Guzman" will be carved

in the granite memorial outside SDPD headquarters and his picture will reside forever in the San Diego Police Museum.

TIME WARP

As with Jerry Hartless, Ron Davis, Chris Wilson and Jeremy Henwood, all cops who were murdered during my SDPD tenure, time will pass. As it does, please remember Jonathan De Guzman was my brother. If you work in this profession, regardless of your title or your duties, he was your brother too. You didn't have to know him personally to feel the loss. Our nation mourns a hero.

Steve Willard is an Associate Management Analyst at the San Diego Police Department, a published author and the Vice President and a founding member of the San Diego Police Museum.



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EXPERTS TEAM UP TO HELP PREVENT STRANGULATION

In cases where domestic violence victims are strangled but survive, it's more likely they will eventually be murdered by their intimate partner. That's why national experts gathered in San Diego recently to try and prevent these occurrences. Deputy District Attorney Brian Erickson explains in this video.

CHIEFS AND SHERIFF RELEASE **OIS VIDEO POLICY**

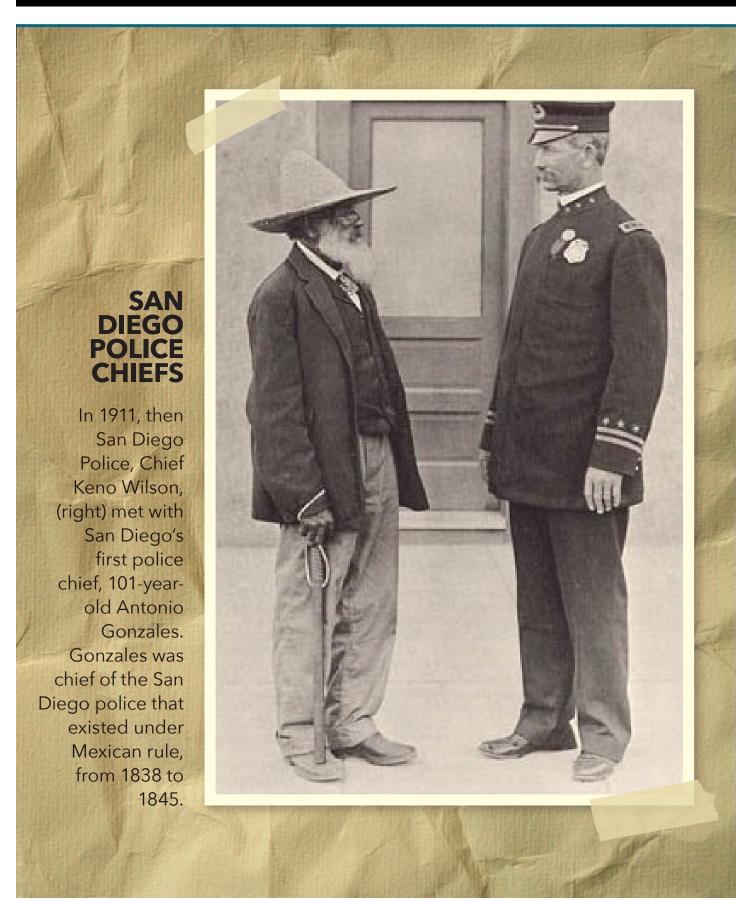
Taking a big step toward increased transparency, law enforcement in San Diego County announced a policy to release video evidence of officer involved shootings - believed to be the first of its kind in the U.S. Watch more, in this video.

NEW CENTER PROVIDES KEY SERVICES IN SOUTHEAST SD

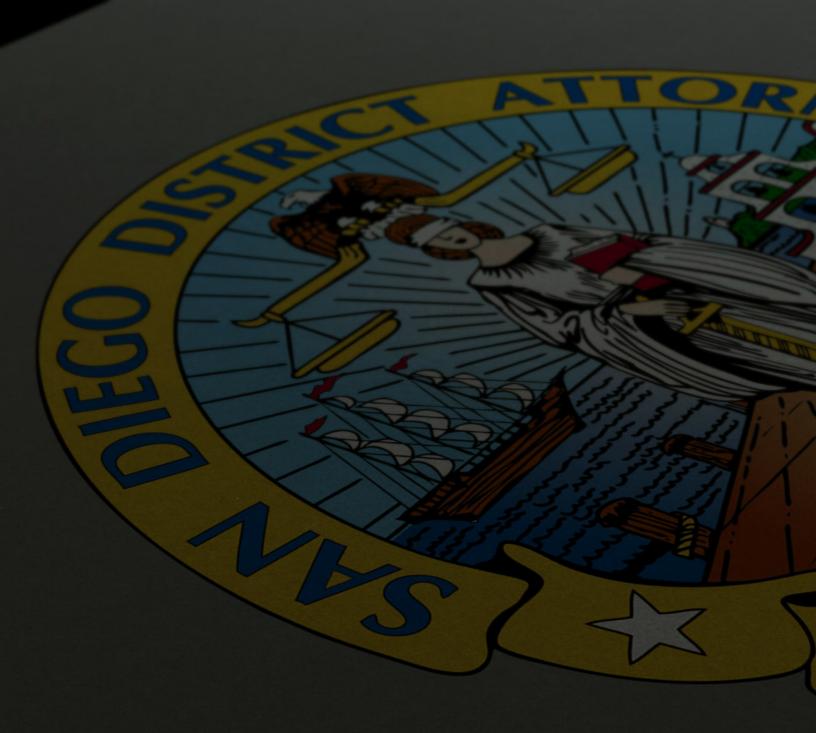
Residents of Southeast San Diego won't have to go very far to obtain social services and access to DA programs such as Community Youth Court and prisoner reentry services thanks to a new community center opened in National City. Watch more in this video.



Watch more LAW ENFORCEMENT related videos at DANewsCenter.com



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Thank you for reading the Law Enforcement Quarterly.

If you have story ideas, comments or questions, send them to Tanya Sierra at tanya.sierra@sdcda.org.