

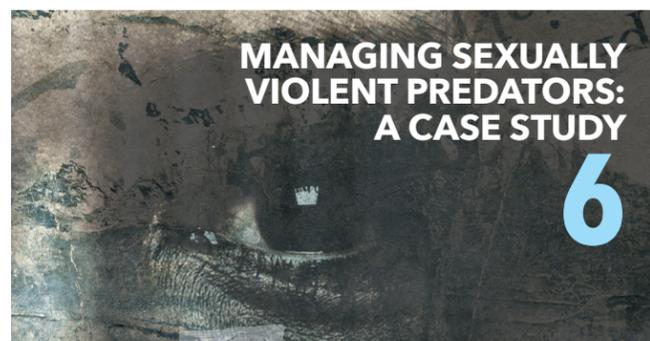
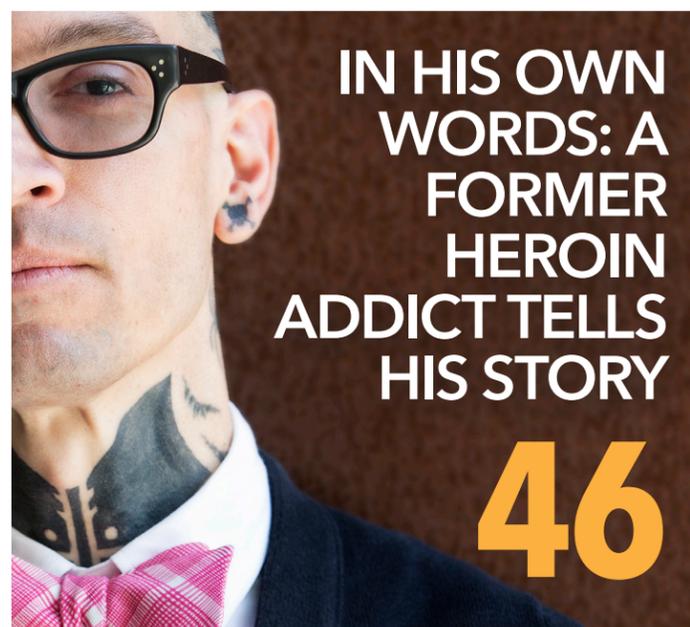
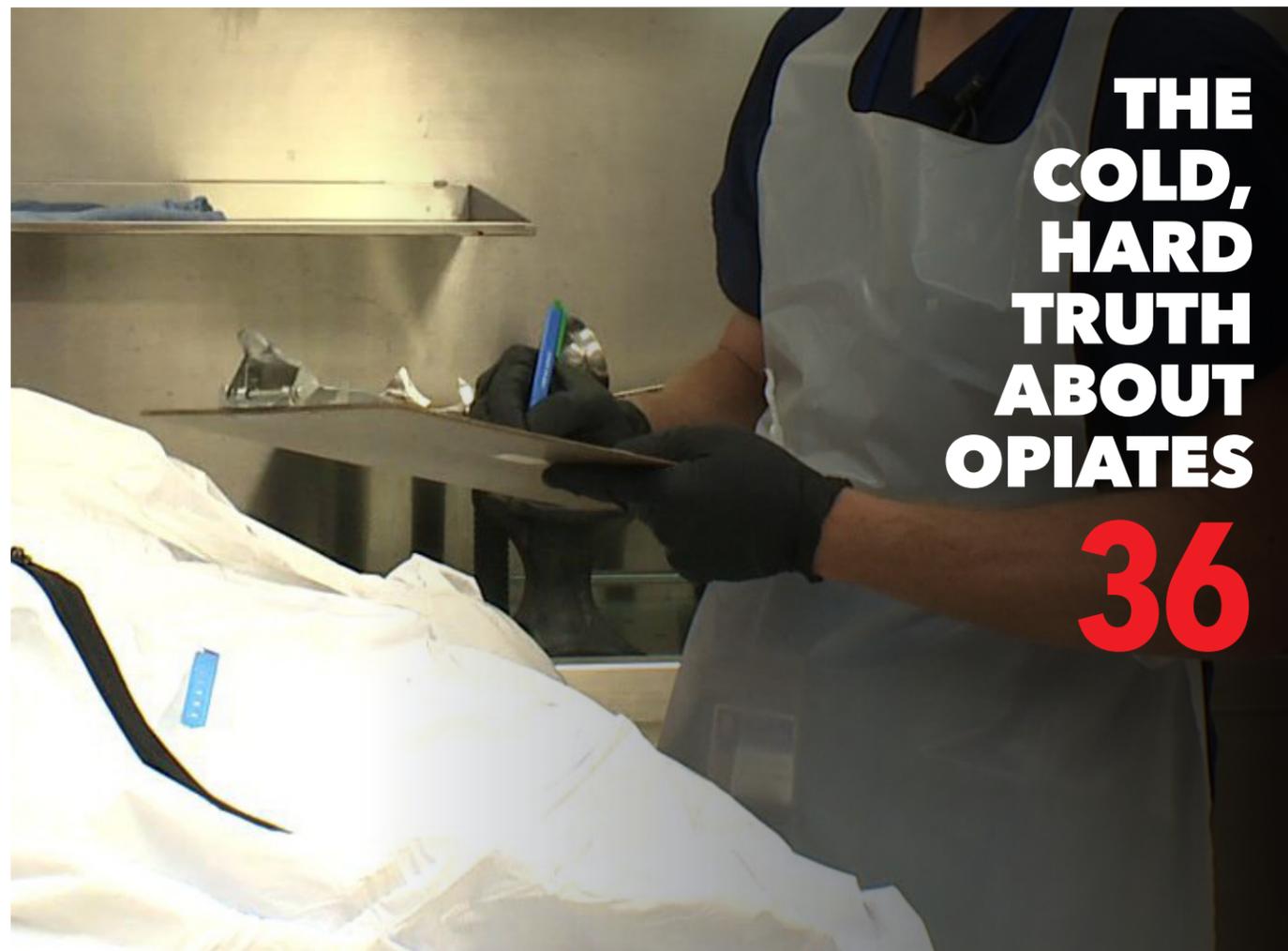
The logo for 'LEO' is prominently displayed at the top. The 'L' is a solid red vertical bar. The 'E' consists of two horizontal blue bars. The 'O' is a solid red circle. The background of the entire cover is a photograph of a warehouse or storage area filled with numerous large, white, crumpled bags, likely containing evidence or supplies, arranged on metal shelving units.

LEO

LAW ENFORCEMENT QUARTERLY
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THE COLD, HARD TRUTH ABOUT OPIATES

How and when the fatal
epidemic began in San Diego
County and what to do about it



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Drug offenses make up the second largest percentage of cases we try at the District Attorney's Office. So, the LEQ would be remiss if we didn't address the drug problem in San Diego County. This issue's cover story is written by the Chief Deputy Medical Examiner, who goes into detail about San Diego's problem with heroin and opiate addiction.

More people die of accidental drug overdoses than they do car accidents. In other words, we have a serious problem on our hands that often ends in a body bag in the Medical Examiner's Office. In addition to Dr. Jonathan Lucas' cover story on opiate addiction, we feature a first-person article from a recovering heroin addict, who has been sober for 10 years.

In this issue of the LEQ, you'll hear from our law enforcement partners including the Coronado Police Department, the Probation Department and the Port of San Diego's Harbor Police. As always, there is a wealth of law enforcement-centered reading, so get started! Let us know what you think and feel free to share the articles with your friends and family.

Bonnie M. Duman





MANAGING SEXUALLY VIOLENT PREDATORS: A CASE STUDY

AS CALIFORNIA'S SVP LAW TURNS 20,
AGING SVPS MOVE TOWARD RELEASE

BY PATRICK ESPINOZA

James is a rare type of sex offender. He's the kind who has been deemed sexually violent by the law and one whom doctors believe will engage in predatory sexual violence again.

The Sexually Violent Predator (SVP) Act, enacted in 1996, allows sex offenders such as James, to be committed to a state mental hospital, so they can receive treatment for their mental disorder.

In James' case, he committed his first sexual offense in 1981 when he was 19. That same year, he pleaded guilty to one count of lewd act with a child and was placed on probation for three years and ordered to serve six months in jail. His second sex offense came four years later, when James posed as a police officer and approached a 9-year-old girl as she was leaving a grocery store in Imperial Beach. He accused her of stealing some items and led her to an alley where he sexually assaulted her.

After his second sexual offense conviction, James was sentenced to state prison for

28 years. He was scheduled to be released from Chuckawalla Valley state prison in 1999 at age 36 after serving half of his sentence. However, by 1999, California had enacted the Sexually Violent Predator law, which meant prior to being released on parole, the Prison Board screened James to see if he met the criteria for commitment to a state mental hospital.

Because James had been convicted of a crime that qualified as a sexually violent offense, he was diagnosed with pedophilia by two mental health experts. They determined James would be likely to engage in sexually violent behavior in the future as a result of his mental disorder, he met all the criteria of the Sexually Violent Predator law. The Director of Mental Health referred the case to the District Attorney's Office with a request that the DA petition the court to commit James to the mental hospital.

James was committed to Atascadero State Hospital for two-years in 1999 after a judge ruled he was a sexually violent predator. He was subsequently re-committed for

additional two-year commitments. In 2006, California voters passed Proposition 83, Jessica's Law. In addition to establishing longer penalties for certain sex offenses, Jessica's Law also changed the length of SVP commitments from two years to an indeterminate term, and reduced from two to one the number of sexually violent offenses required to qualify as a sexually violent predator. In 2007, a San Diego jury found James to be a sexually violent predator once again - he was sent to Coalinga State Hospital for life.

TREATMENT

Coalinga State Hospital in Fresno County operates 1,260 hospital beds. About 73 percent of their patients are sex predators, including 72 San Diego County cases.

The hospital has a treatment team of mental health professionals who provide patients with skills to prevent future sex crimes.

Not all sex offenders participate in voluntary treatment, but James did. His classes were designed to provide him

with skills to manage deviant arousals. In order to assess his ability to manage his deviant arousal management skills, James was exposed to sexually deviant stimuli while a penile plethysmograph measured the presence of arousal. He also had to complete a polygraph test featuring questions about sexual thoughts or fantasies he may be concealing. James hopes to someday earn release from the state hospital through treatment.

James also has the right to petition the court for release from the mental hospital if he can show that he would not be a danger if placed under supervision in the community. In 2015, he filed a petition for conditional release. Conditions include GPS monitoring, announced searches, drug testing, polygraph testing and sex offender outpatient treatment. Conditionally released offenders are placed away from schools and playgrounds, which usually means rural areas. Predators who fail to comply with the terms of their conditional release can be returned to the state hospital.

DECLINING SVP COMMITMENTS

There has been a noticeable decline in recent years in the number of offenders being recommended for initial commitment to the state hospital as a sexually violent predator. In 1996, there were 11 petitions, in 2006 there were eight, and in 2016, only one offender scheduled to be released from prison was recommended for an initial sex predator commitment from San Diego County.

The decline is due in large part to the stricter sex sentencing laws that were enacted in the 1990s. That's when California passed the one strike, three strike and habitual sex offender sentencing schemes that lengthened sentences for many offenders who would qualify for a sexually violent predator commitment. With longer prison sentences, sex offenders who might qualify under the SVP law would remain in prison rather than being committed to a mental hospital for treatment.

California's SVP law is 20 years old and fewer original petitions for commitment

are being filed. Instead, we can expect an increase in the number of petitions for release in the future. Currently, there are nine San Diego County SVPs committed to the state hospital who are at least 70. As committed sex predators grow older, their advanced age and deteriorating health will be significant factors for mental health experts evaluating whether the offenders are still likely to re-offend. For example, in 2016, two sex offenders suffering from deteriorating health died within weeks of filing their petitions for release. The future of sexually violent predators will focus on litigating their petitions for release.

As for James, even though he was making advances in his treatment, hospital staff said he was not ready for release. He can petition the court again in one year.



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



**CHULA VISTA
POLICE CHIEF
ROXANA KENNEDY**

HOW LONG HAVE YOU BEEN THE CHIEF?

I was promoted to Chief of Police on December 30, 2016.

HOW LONG HAVE YOU BEEN WITH THE AGENCY?

I am proud to say that I have worked my entire law enforcement career with Chula Vista Police Department. I was hired in 1992 and plan to stay until I retire.

WHY DID YOU CHOOSE A CAREER IN LAW ENFORCEMENT?

I was in business for many years and never even considered law enforcement as a possibility. Many friends of mine were in law enforcement and I always enjoyed hearing the interesting stories they shared. Honestly, cops stories are the best. As a joke, I used to make up my own police codes so I sounded like I fit in. It was not until another female officer pointed out that I would be a good cop that I

even considered law enforcement as an option. I just I needed a nudge. I chose law enforcement because it is exciting and challenging. Every day is different and most important, I know my efforts go a long way toward improving peoples' lives.

WHAT IS YOUR FAVORITE PART OF THE JOB?

Helping others. Law enforcement provides each of us with many opportunities to impact lives. On a daily basis, I am afforded the opportunity, like the many men and women of CVPD, to change lives by offering advice, solutions and recommendations. Sometimes arresting an individual is the answer, it changes their lives, corrects the behavior and helps restore order. Police work offers us the opportunity to seek creative ways to help others through problem solving. I have taught community policing and problem solving at the academy almost my entire career. It is one of the things I am passionate about in policing and I am a firm believer that strengthening our relationships with the community is the best way to enhance public safety.

WHAT IS THE MOST CHALLENGING PART OF THE JOB?

Keeping officers motivated and providing the best law enforcement service possible with a limited budget. Chula Vista has by far the lowest officer-to-population ratio in the county, but we have a relatively low crime rate and tremendous community support. This is a result of a great organizational culture that has been built over many decades by my predecessors and my goal is to build upon this foundation.

WHAT RECOMMENDATIONS DO YOU HAVE FOR THOSE WHO ARE NEW TO THE LAW ENFORCEMENT COMMUNITY? (THE ROOKIES)

My entire career, I have focused on relationships. Remember, this career is all about the people and the community we serve.

This is a difficult profession because we sometimes only encounter

people during their worst moments. It is extremely important to realize that despite some recent changes in public sentiment and perception, law enforcement is a noble profession that enjoys tremendous support by the majority of our community. However, it takes constant work and outreach to maintain these relationships.

Take the time to listen to people and show you care – it goes a long way toward building understanding and trust and will make your job easier and more enjoyable.

NAME A GOOD BOOK YOU WOULD RECOMMEND.

I don't want to sound too sentimental, but I read the Bible every day and cannot think of any other book as close to my heart.

Through the Bible and faith, I find the peace, balance, support and wisdom which I hope to bring to this job. It keeps me grounded and gives me the perspective I need to focus on supporting the men and women who serve our city.

NEW CHIEF PROBATION OFFICER, ASSISTANT CHIEF WORK TO CREATE SUPPORTIVE ATMOSPHERE.

INSIDE THE EAST MESA JUVENILE DETENTION FACILITY, THE VISITING CENTER LOOKED QUITE DIFFERENT.



By Michele Clock

Normally bare tables were draped with tablecloths, and adorned with little floral arrangements.

A Thanksgiving buffet spread across a table, with sliced turkey, mashed potatoes and salad. A side room had transformed into a makeshift photo studio, with a backdrop of turkeys and pumpkins. The modest flourishes helped create a special atmosphere.

It worked. As the families and loved ones of youth arrived on this day after Thanksgiving,

there were smiles, hugs and even tears.

The event represented the first time in memory that any San Diego County Probation Department detention facility had opened its doors to visitors in this fashion. As dozens of parents, guardians, neighbors, attorneys and other visitors, walked in, Chief Probation Officer Adolfo Gonzales, dressed in a suit and tie, greeted each with a handshake.

“What we’re trying to do is create a more home-like environment,” said Chief Gonzales, who stepped into his role last

A GROWING FOCUS ON REHABILITATION

March. "We want to reduce recidivism, and we want to make the youth productive members of society so they don't become criminals."

A key way to do that, Gonzales believes, is by increasing community engagement, including through visits like this. It's part of a deliberate, hands-on approach by Gonzales and new Assistant Chief Probation Officer Rueben Littlejohn to increase the department's use of rehabilitative methods to reach its clients. Research has shown that maintaining strong relationships with loved ones while in custody improves outcomes, and lessens the risk to public safety upon return to the community. Family visits and other supportive interaction help sustain these relationships and can reduce behavioral issues.

Gonzales has brought an infectious enthusiasm to the department. A fluent Spanish speaker and the department's first Hispanic Chief Probation Officer, he first became interested in law enforcement after being pulled over by police as a

youth growing up in San Ysidro. Gonzales started out as a reserve officer with the San Diego Police Department and rose to Assistant Chief, before going on to serve as National City Police Chief. He worked as Chief of Investigations for the District Attorney's Office before taking the helm of the 1,240-employee Probation Department. Gonzales holds both Master's and Doctorate degrees. Littlejohn started in his position in late December, also bringing a remarkable passion and depth of understanding of youth, having most recently served as Chief of Police for the San Diego Unified School District.

"We want to help these youth to be better citizens," Littlejohn said. "We want them to take charge of their lives and their own choices, and we're going to be bold in helping them to achieve that."

Probation's population trends continue to move in the right direction. The numbers of youth and adults under the department's supervision have plummeted in recent years, with adults declining from 16,000 in 2010 to 11,000 in

2016, and youth from 4,600 in 2010 to less than half of that, about 2,000, in 2016. The institutions have seen similar patterns, with the average daily attendance dropping from 730 youth in 2012 to 385 in 2016.

Under Gonzales, Probation will continue to take a balanced approach to working with clients, finding ways to hold them accountable while also making sure they receive the assistance and support they need, using evidence-based practices. Gonzales wants to keep youth out of juvenile hall whenever possible. And inside the institutions, the department looks for other new and innovative ways to help youth build confidence. Youth can connect with loved ones through Skype calls, participate in a gardening program, or learn how to make espresso drinks in a barista job training program.

Families of youth participating in Probation's running program can watch them participate at the finish line in local competitions. The department's Trauma Responsive Unit, started in 2016 at Kearny Mesa Juvenile Detention Facility, assists

youth who have experienced physical and emotional trauma. The program has seen zero incidents of physical violence. It has received awards from the California State Association of Counties and the Council on Mentally Ill Offenders. The department plans to apply some of the most successful strategies used in the unit throughout Probation's in custody populations. And of course, an overall continued emphasis on education is essential. Back at East Mesa, staff received thank you notes from some of the visitors who attended the Thanksgiving meal. For one mom, the visit was the first time she had seen her son in five months.

"I hope you will continue to do this in the future, as it helps keep families bonded while their children are away from home," she wrote. "I thank you again for bringing a smile to all of my family [members'] faces."



Michele Clock is a Communications Officer for the County of San Diego Public Safety Group.



SUCCESSFUL ANTI-THEFT PROGRAM TARGETS CORONADO BIKE THIEVES



By Janine Zúñiga

Coronado is a community perfectly suited for bicycling with its largely flat terrain and being nearly landlocked by water. Bikes are everywhere - at restaurants, the movie theater, at shops and at schools. In fact, nearly a quarter of Coronado students ride their bikes to school and the city has nearly a dozen special bicycle parking corrals throughout town. Unfortunately, so many bikes attract thieves. But thanks to an anti-theft program implemented in 2014 using decoy bikes that can be tracked, bike thefts are down considerably, bike theft arrests are way up and a community is sleeping a bit easier.

"Coronado is not like other cities in San Diego County that deal with more serious crimes daily," said Police Chief Jon Froomin. "Along with traffic, bike and property theft are our top crimes. These affect our residents' quality of life and feeling of safety so we're always looking for ways to combat this crime."

Here's how the program works. Officers lock a bicycle equipped with state of the

art technology at various locations around town.

The bike will stay in place until an officer moves it or it is tracked moving. If stolen, an alert is sent using an online mapping program to dispatchers who then alert officers.

So far, the remotely monitored bike has been stolen 39 times resulting in 59 arrests, including two people who were each arrested twice for stealing the same police department bike. Since the remotely monitored bike is valued at more than \$950, stealing it is a felony. Coronado Police say the program has deterred bicycle thefts as intended but also has led to other crimes, including possession of drugs, stolen vehicles and other bikes, even the discovery of a handgun used in another crime.

Most arrests are made overnight in Coronado but the bike has been tracked outside of the city.

Other jurisdictions are notified if that happens. The bike once made it as far



north as Oceanside and as far south as Ensenada, Mexico, where, with help from San Diego Police and federal authorities in Baja California, it was recovered.

Within a four-day period in June, Coronado Police made three arrests using the bike program. Early one Thursday morning, dispatchers received an alert that the bicycle was moving.

Officers arrested a man for grand theft and possession of stolen property after finding him riding the bike. The next

evening, officers arrested a man on the same charges after they found the bike in the front rack of a bus and the man inside with bolt cutters in his pocket. Two days later, a third man was arrested after he was found riding the bike in town. The man was found with bolt cutters, syringes and a knife.

In 2013, the year before the program began, 349 bikes were reported stolen in Coronado. Since the program went into effect, the number of bikes reported

stolen has gone down by 20 percent or more each year. In 2014, there were 277 bikes reported stolen; in 2015, 217; and last year, 170.

Coronado Detective Sam Sellers, who oversees the program, said sentencing depends on a suspect's criminal past and other charges. He said the program is solid.

"I think word has gotten out about the program," Sellers said. "It's been in newspapers and social media. It's made a positive impact."

After each arrest, the bike is booked in as evidence, fingerprints are recovered, if found, and the bike is returned to the field.

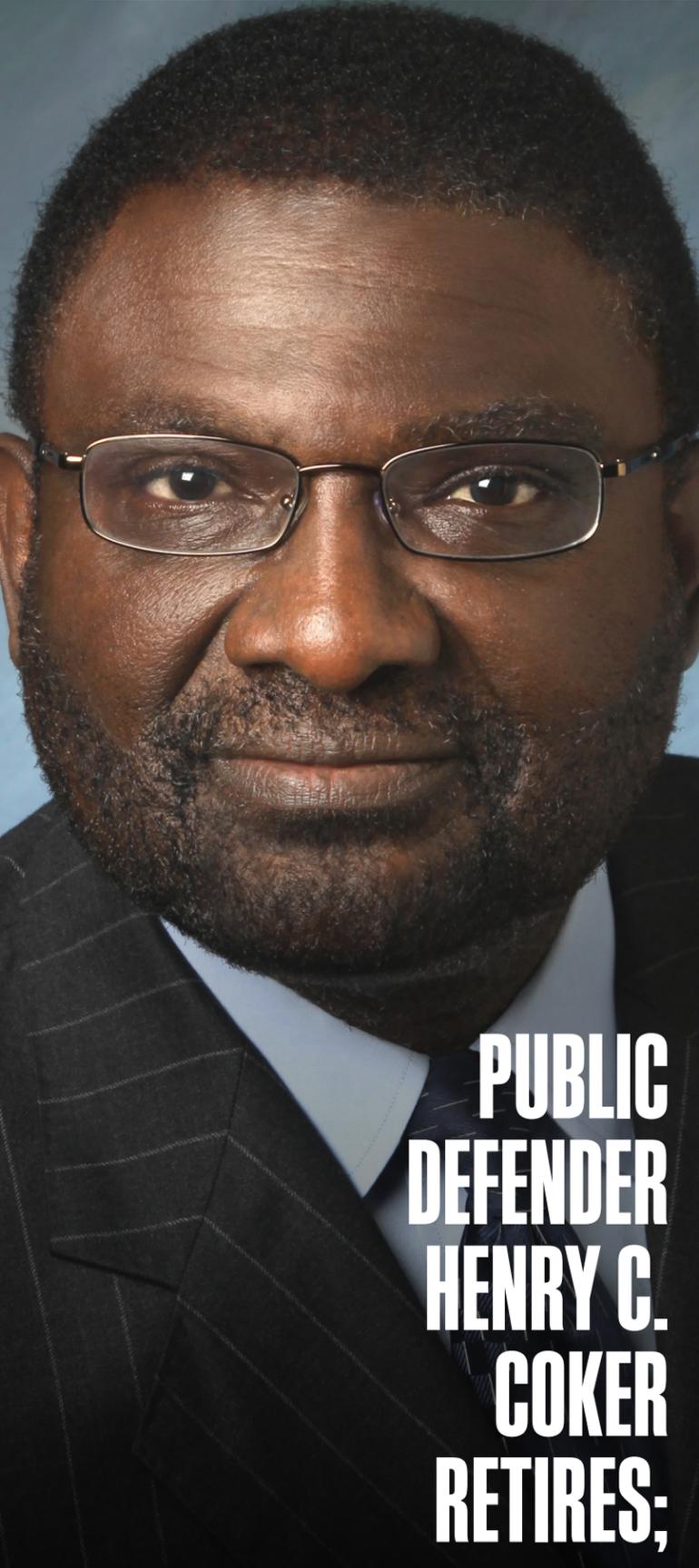
Officers get personal satisfaction after recovering stolen bikes. In October, officers returned a stolen bike to a happy middle school student after it was found along with an electric bike and the remotely monitored bike in a vehicle leaving town. Officers arrested three men, who also were carrying methamphetamine. All three bicycles were locked at the time of the theft.

"Before we implemented the program, it was difficult to make any headway," Froomin said. "It's the type of crime that is almost impossible to detect while it's occurring. We've had a lot of interest from other agencies who've heard about our success and we're happy to talk to anyone about it." After meeting with Sellers, Carlsbad Police started a similar program based on Coronado's and one the agency ran years ago. Sellers said they rolled out the program in January and in a one-month period had nine arrests.

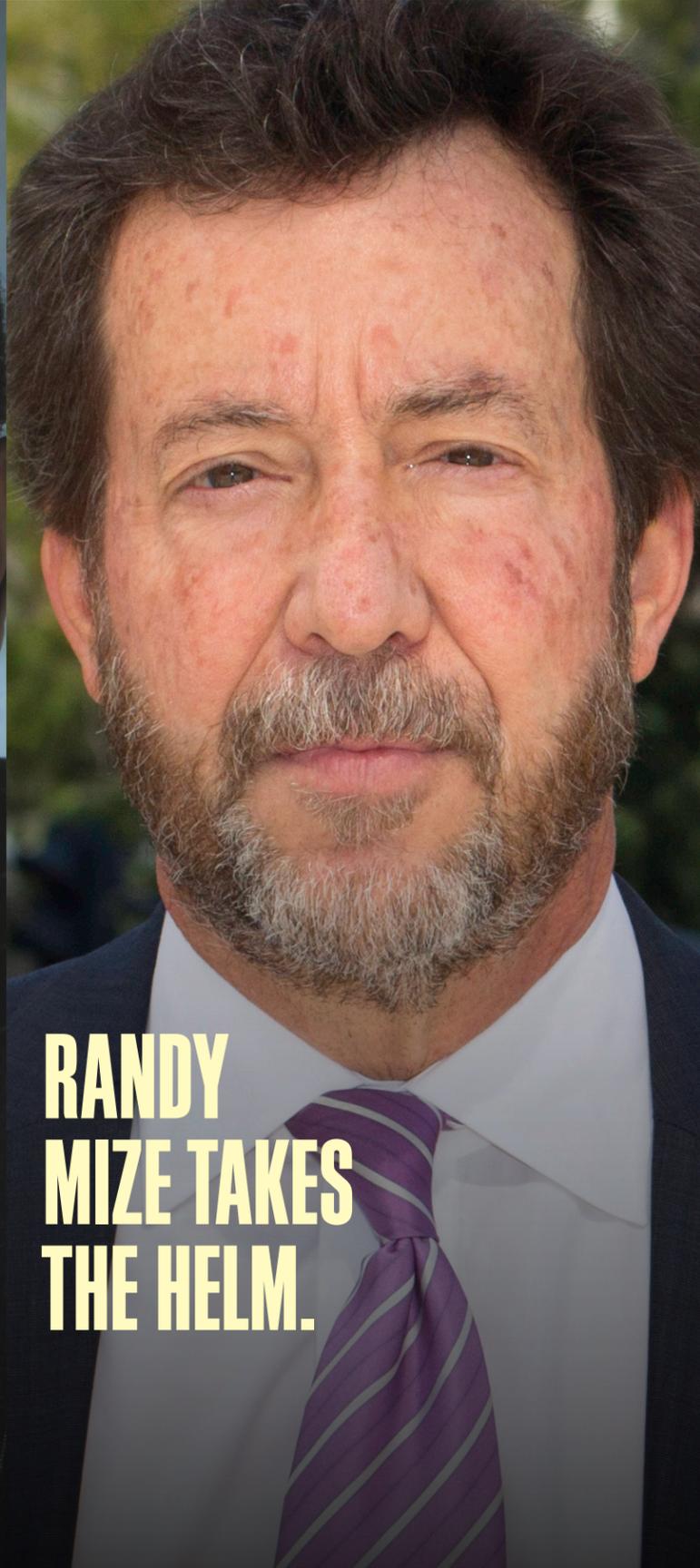
Criminals will continue to come to Coronado. Police urge residents to lock their bicycles using U-locks. Residents also are encouraged to register their bikes with the Police Department at www.coronadopd.com. For more information about the program, contact Detective Sellers at (619) 522-7350.



Janine Zúñiga is a Senior Management Analyst for the City of Coronado.



**PUBLIC
DEFENDER
HENRY C.
COKER
RETIRES;**



**RANDY
MIZE TAKES
THE HELM.**

“Being the Public Defender of San Diego County has been the highest privilege of my life”
Coker said.

Public Defender Henry C. Coker retired on March 30 after nearly three decades of service with the County of San Diego. He said the time had come for him to switch gears, after a lengthy and fulfilling career. He plans to spend more time with his children and playing tennis, a lifelong passion.

Coker has served as the County's top Public Defender since 2009. In this role, he has managed a staff of 365 employees working out of a dozen offices. The Public Defender's Office is one of the largest legal operations in the region, representing more than 90 percent of those criminally charged in San Diego County.

“Being the Public Defender of San Diego County has been the highest privilege of my life,” Coker said. “Working with the staff here, the law enforcement community, the District Attorney, Chief Probation Officer, Superior Court and the people we represent—it's an enormous responsibility, but it's been extremely satisfying.”

Randy Mize, who rose through the ranks of the department to an executive role over the past 29 years, was named the new Primary Public Defender. Mize previously served as the Chief Deputy of the Primary Public Defender.

“I am humbled by the opportunity to lead such a dedicated team of attorneys, investigators, administrators and support staff”
Mize said.

Among his priorities as Public Defender are to continue increasing access to mental health services, substance abuse treatment, and other services, for clients. Recently, the department brought on two full-time mental health clinicians to assess clients and develop tailored rehabilitation plans that attorneys can present in court as alternatives to incarceration when appropriate. Read more about Randy Mize, [here](#).

COUNTY PROCLAIMS LOCAL EMERGENCY DUE TO JANUARY STORMS



The County of San Diego proclaimed a local emergency February 3, due to damage caused by the severe winter storms that hit the region in late January.

The proclamation was made in response to damages incurred by the County, cities, special districts and unincorporated areas, making the region eligible for state and/or federal disaster assistance if it is granted. These resources could help repair roadways, public infrastructure and cover emergency response costs. While funding may be available for local government response and recovery costs, private property storm damage will likely not meet minimum federal thresholds for assistance to individuals and businesses.

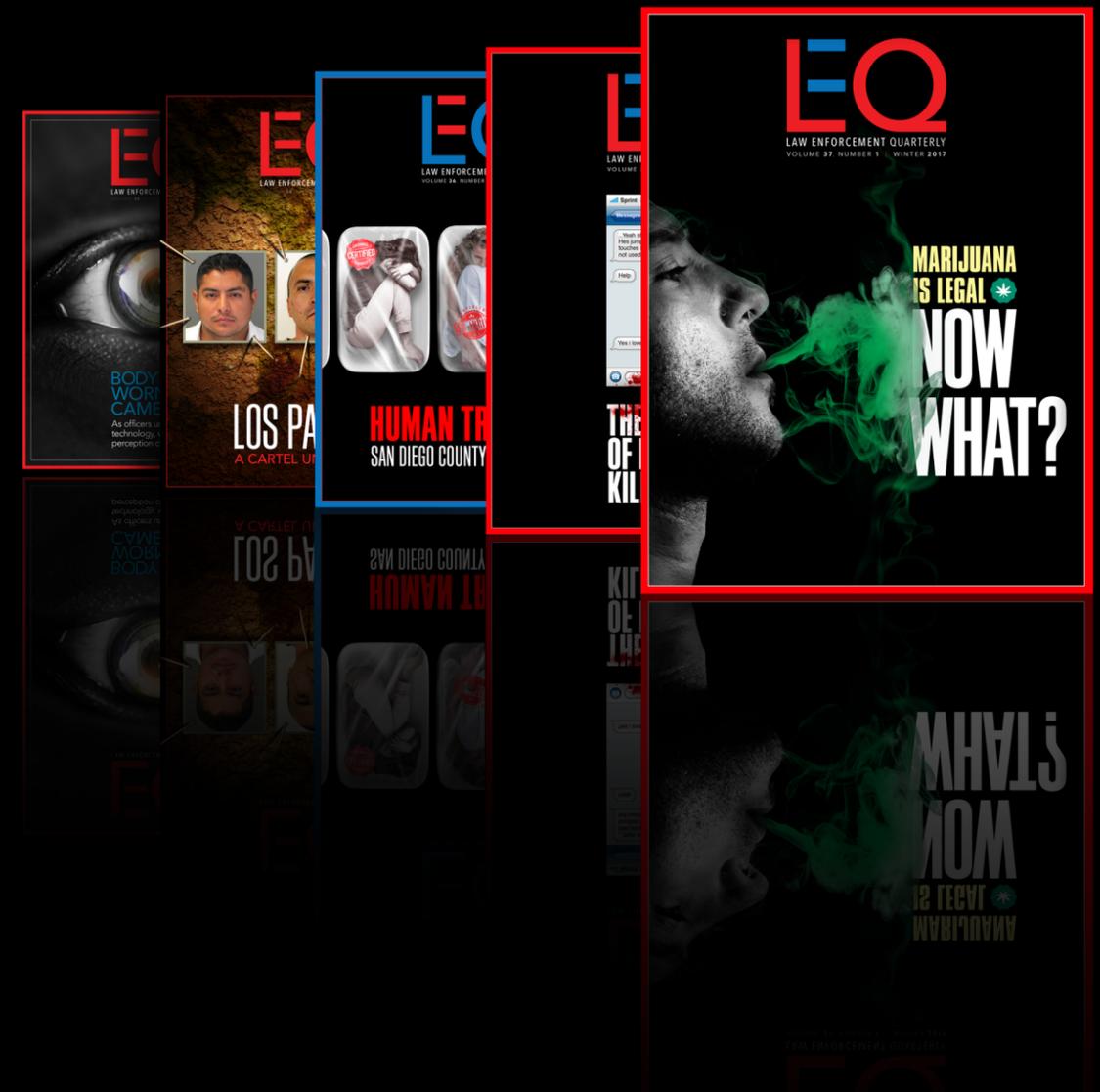
"Our recent storms took a big toll on some of our

communities and we need to do all we can to tap into whatever federal assistance may be available," said Board of Supervisors Chair Dianne Jacob.

For tips on how to prepare for emergencies, including storms and flooding, visit ReadySanDiego.org, or in Spanish, ListoSanDiego.org. Also, be sure to register your phone and email address for AlertSanDiego, the region's mass notification system, to receive notifications in case of emergency or disaster.

Download the SD Emergency app to your smartphone or other mobile device to access disaster preparedness information, interactive checklists on how to create an emergency plan, build an emergency supplies kit and get updates during disasters.

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@sdcdca.org.

WHITE COLLAR
DRUG USERS:
**PROTECTION
INVOLVES
PERCEPTION**

By Wendy L. Patrick

A LAW ENFORCEMENT CAREER IS FILLED WITH ACTION, EXCITEMENT, AND ADVENTURE... PUNCTUATED BY PERIODS OF STRESS AND ANXIETY. YET WHETHER YOUR ASSIGNMENT INVOLVES ADRENALINE OR ADMINISTRATION, EVERY FACET OF LAW ENFORCEMENT WORK REQUIRES THE POWER OF PERCEPTION. BECAUSE COMPROMISED ATTENTION CAN IMPACT PUBLIC SAFETY, MODERN DAY PERCEPTION INCLUDES BEING ABLE TO PERCEIVE SIGNS OF IMPAIRMENT FROM AN EVER-EXPANDING RANGE OF CONTROLLED SUBSTANCES - BOTH ILLEGAL AND LEGAL. **WELCOME TO THE OPIATE ABUSE EPIDEMIC.**

LEGAL DOES NOT MEAN SAFE

Investigating non-violent or white-collar crime often involves interacting with suspects who are drug users of a different type. White-collar users might be high right under the well-trained noses of their coworkers - literally.

Even though many people pride themselves on their ability to smell alcohol and marijuana from a mile away (or at least this is what they tell their teenagers), most people cannot detect opiates. Facing this

reality is important because stereotyping is rampant when it comes to making on-the-job judgments about what type of suspects, victims, and witnesses use drugs.

Many opiate users mistakenly believe that legal means safe. For white-collar users, opiate addiction is created and maintained not by a drug dealer, but a doctor. Many people become hooked not through a crooked pill mill clinic, but a legitimate pain medication regimen, which can lead to unintended consequences.

DRUGS INCREASE DANGER

In the field, threat assessment requires quick decision making when confronted with potentially dangerous people; especially when they are under the influence. Many of us have seen devastating crimes perpetrated by suspects high on methamphetamine or PCP.

Yet so-called “hard drugs” are not the only substances that compromise public safety. “Party” drugs, “designer” drugs, prescription drugs, and newly legalized drugs are involved in a significant amount of criminal activity. Opiates are as well – more so all of the time.

Drug abuse and addiction has infiltrated the ranks of a wide variety of professions, according to The Recovery Village, including law enforcement. Drug abuse while on the job affects judgment, productivity, and behavior. Even though it’s not always obvious, people under the influence of opiates often suffer from compromised attention and poor judgment.

Driving, childcare, and other routine, daily activities can be impacted, resulting in unfortunate, sometimes tragic consequences. And withdrawal, especially after sustained heavy use, can lead to illegal attempts to acquire the next dose.

PRACTICAL TIPS FOR DETECTING POTENTIALLY COMPROMISED COLLEAGUES

We pride ourselves in our ability to spot strangers under the influence, focusing on physical symptoms such as dry mouth, or muscle rigidity. Yet opiate addiction affects professionals in the workplace as well.

Opiate abuse off the clock manifests through behavioral changes on the clock. Assuming a baseline of familiarity with coworkers, here are some potential tells:

- **Decreased productivity:**
Reduction in the volume of assignments performed can be a consequence of compromised concentration and alertness.
- **Quantity over quality:** On the other hand, an increase in routine, mindless tasks can

masquerade as productivity, when it is actually a cover for reduced investigatory heavy lifting.

- **Disassociation as a disguise:**
Opiate abuse can be a lonely experience. Co-workers may disassociate from lunches, workout partners and colleagues in the workplace.
- **Addiction breeds alienation:**
One step beyond disassociation is alienation, where a colleague’s increasing aloofness may signal dependence fueled defensiveness and distrust – lest you learn the truth.

For help with drug or alcohol abuse, visit the County’s Health & Human Services Agency Alcohol and Other Drug Services website.

NEIGHBORHOOD WATCH DOES NOT WORK IF NO ONE IS WATCHING

The proliferation of opiate abuse has required law enforcement professionals to master an expanded range of

symptomology. Yet even the most pronounced visual or behavioral indicators will fly under the radar if no one is looking at the screen. While a swerving car on the freeway at midnight captures our full attention, the glowing screen of our device is often our focal point as we walk down an office hallway, right past an embezzling employee sitting at her desk high as a kite. Because opiate symptomology can be subtle, its detection requires a greater amount of attention.

The bottom line is that although not everyone in the law enforcement community is a certified drug recognition expert, we should all be familiar with common signs and symptomology of opiate use. And we should make it a point to look. Let us all be good neighbors and work together to cure this epidemic.



Wendy Patrick is a Deputy District Attorney assigned to the Special Operations Division.

FIGHTING FIRES ON THE WATER

HARBOR
POLICE'S UNIQUE
MARITIME
CAPABILITIES



Photo credit: Arash Afshar Port of San Diego



By Natalia Xibille Miramontes

It was a peaceful early morning at Humphrey's Marina - until a small pleasure boat burst into flames, sending columns of smoke into the air.

The 21-foot day cruiser was fully engulfed. Flames licked dangerously at boats in slips just a few feet away. With hundreds of vessels in close quarters, the fire was a great threat.

This was a job for the Harbor Police Department, one of San Diego's main maritime firefighting forces.

"Maritime firefighting is a critical component of our public safety mission here at the Port," said Harbor Police Chief John Bolduc.

Harbor Police Officer Chris Scheil pulled his patrol car up to the marina, lights flashing.

"The fire was burning so hard that I could actually see the smoke coming out of the boat from the distance even though it was completely dark out," he said.

Another Harbor Police team arrived by water, tying a fireboat to adjacent

docked boats. A San Diego Fire-Rescue Department engine pulled up to the scene.

With surgical precision, Harbor Police officers along with San Diego Fire-Rescue grabbed hoses and blasted the flames with water. They stepped on nearby boats and the bobbing dock to avoid damaging nearby vessels.

Thirty minutes and \$15,000 worth of damage later, the fire was out - contained to that single vessel.

This is just one out of almost two dozen maritime fires the Harbor Police handled from 2015 to 2016, in partnership with fire departments in the Port's five member cities: Chula Vista, Coronado, Imperial Beach, National City and San Diego. Firefighting is part of Harbor Police's diverse job description that also includes policing San Diego Bay and the San Diego International Airport, with expertise in specialties such as human trafficking, K-9 detection of explosives/narcotics and dive operations.



“I COULD HEAR IT IN THE DISPATCHER’S VOICE THAT WHAT WAS COMING WAS BIG.”



FEATURE

Maritime firefighting is different from fighting land fires because it requires officers to adapt to the boat’s movements, consider the sensitivity of the marine environment, and understand vessel structures and how to gain access. There’s also the issue of claustrophobia, with tight spaces in many boats and ships.

“You can take the most seasoned land-based firefighter and put them in a maritime environment and they are extremely unfamiliar with it,” Scheil said.

To accustom officers to this environment, Harbor Police recruits undergo 120 hours of additional training after graduating from the Police Academy.

“The value in Harbor Police Departments cross-training and interdisciplinary synergy is the ability to rapidly identify a public safety problem regardless of the complexity, effectively plan and rapidly intervene with the appropriate resources,” said Harbor Police Corporal Troy Nicol. “This allows us to pack a bigger punch at the problem relative to our size.”

Aside from basic firefighting gear, Harbor Police is equipped with five Metalcraft

FEATURE

Firestorm 36 fireboats. These 36-foot vessels carry firehoses with a variety of diameters and a water jet propulsion system that can pump 2,400 to 2,600 gallons of water per minute.

The fireboats also have a tank filled with the F500 encapsulating agent, a combustion-preventing agent, which can be injected directly into the water pump system.

Proper maritime firefighting also protects the environment. Boats contain materials such as fiberglass, paint, oil and gas. Officers can stop pollutants from harming the bay by preventing the sinking of vessels, as they did in the Humphrey’s Marina fire.

After that incident, officers packed up and went on to continue their patrolling.

Then came another call. Two fires in one day.

“I could hear it in the dispatcher’s voice that what was coming was big,” Scheil said. “I’ve been with Harbor Police for 14 years and as far as I know it was the first time two fires in a row had ever happened.”

A burning sailboat was reported floating out on South San Diego Bay. Harbor Police, the U.S. Coast Guard and National City Fire Department rushed to the scene. The passenger aboard the ship had jumped off the boat into the bay and was picked up by a civilian.

The fire was growing bigger and hotter. Officers used their deck guns to spray the F500 agent onto the flames. The fire subsided and the smoke lifted.

Another crisis averted thanks to a team effort and the unique skills of the Harbor Police.

The Harbor Police Department is currently hiring. For more information, visit <https://www.portofsandiego.org/>



Natalia Xibille Miramontes is a student at San Diego State University and is currently serving as an intern with the Port of San Diego’s Marketing & Communications Department.

THE COLD, HARD TRUTH ABOUT OPIATES

How and when
the fatal epidemic
began in San Diego
county and what to
do about it

By Jonathan Lucas, M.D., Chief Deputy Medical Examiner

Few would guess an ordinary broken leg could lead to drug addiction and then a fatal heroin overdose. But it does. And it's happening more and more in San Diego County.

Statistics from the Medical Examiner's Office show a significant rise in fatal heroin and other opiate drug cases in recent years. You've seen the powerful images in the news and on social media, with parents and adults passed out from an overdose in front of children in their cars, in stores and in other public places.

The trend is unmistakable. More residents are dying each year of accidental substance abuse intoxication than car accidents or suicides.

Heroin is perhaps the best known drug in the family of opiates, which are powerful drugs made from naturally occurring substances in poppy plants. Opiates, and their synthetic cousins known as opioids, affect our bodies

in many ways. There is also oxycodone - known in its prescription form as Oxycontin, hydrocodone, the active ingredient in the prescription drug, Vicodin, and fentanyl.

These substances can effectively treat pain, but they also severely affect the brain, triggering euphoria, and diminishing our drive to breathe, which can lead to death. Street drugs, such as heroin, are typically injected directly

into the veins or smoked, while prescription versions commonly come in pill forms.

The link between street and prescription opiates is becoming more pronounced nationwide, and it's no different in San Diego County.

There is a clear problem of growing prescription medication overuse, abuse and addiction.

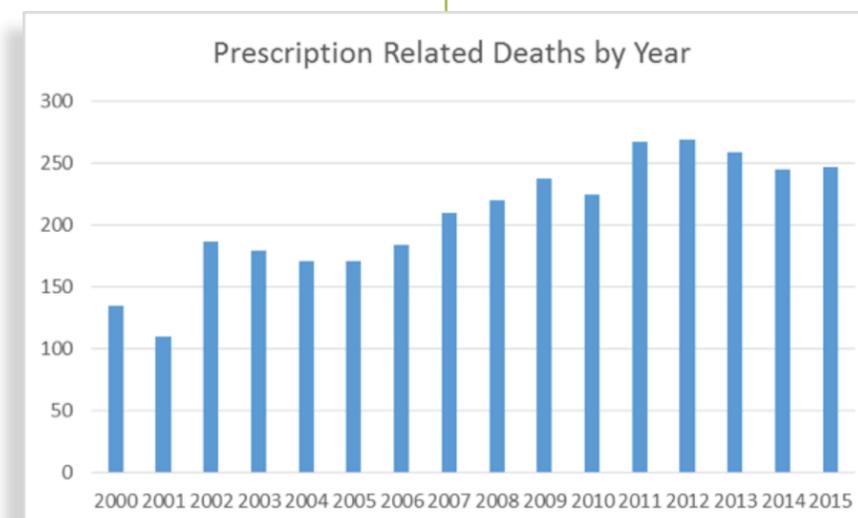
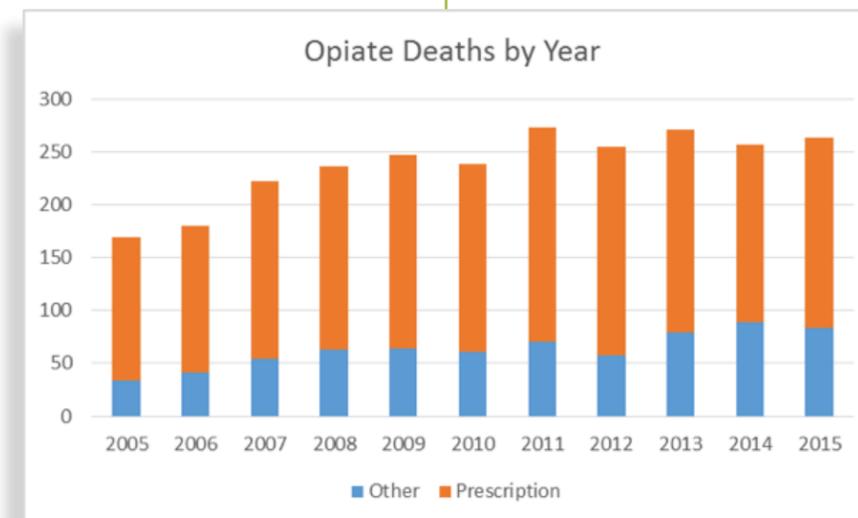


EARLY SIGNS

Concerns over local prescription medication abuse first came to light in the mid-2000s, when in one year, oxycodone deaths jumped from 17 in 2006 to 45 in 2007. The following year, the number rose to 52. It became apparent the problem was larger and more complex than even oxycodone and hydrocodone abuse.

Oxycodone deaths peaked in 2014 with 71 deaths that year. In 2015 there were 57 total deaths from oxycodone overdoses and 28 in the first half of last year. Deaths related to prescription drug overdoses are about 250 a year throughout the county.

The deaths are rarely attributed to a single medication. More often, multiple medications combine to create adverse effects. If taken alone and as prescribed, opiates can provide positive, powerful pain relief. But multiple opiates taken together, even



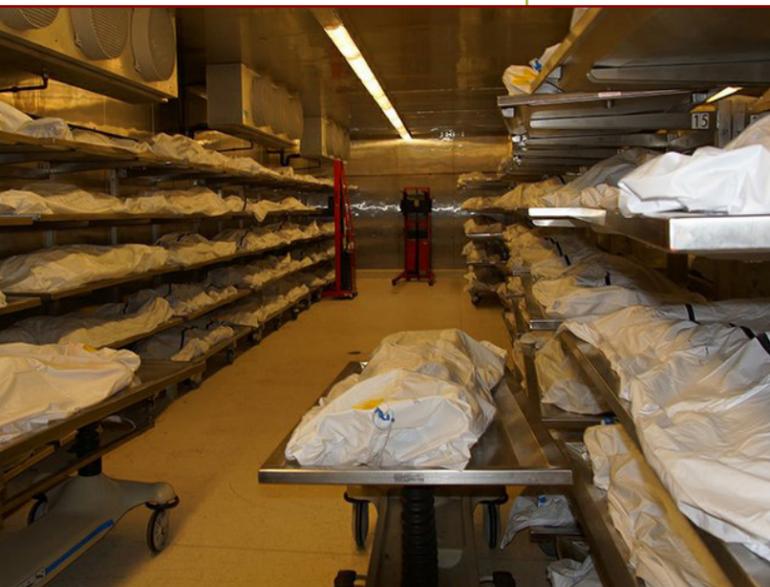
at therapeutic concentrations, can take a life due to the additive effects. The combinations can result in drowsiness, unconsciousness, slowed and diminished respiration, and death.

Other medications such as benzodiazepines, including diazepam (known as Valium), alprazolam (known as Xanax), temazepam (known as Restoril) and muscle relaxants such as cyclobenzaprine (known as Flexeril) and carisoprodol (known as Soma) can also heighten these adverse effects.

Medications we don't normally think of having the potential for adverse reactions can also contribute, such as gabapentin (also known as Neurontin) or diphenhydramine (Benadryl). A lack of awareness of the possible central nervous system effects when the medications are combined has

exacerbated the issue. Patients wrongly

assume that since the medication is prescribed by a doctor, it is safe, despite the dangers when taken alongside other medications. Physicians may not be aware of the dangers of mixing certain medications, and even if they are, they may not know of medications prescribed a patient by other physicians. This can cause a deadly mixture.



DEADLY ADDICTION

The euphoria that can result from opiate consumption, and the tolerance that can develop, lead some to keep increasing dosages. This can lead to addiction. On top of the new addiction, these types of medications are expensive and can be unaffordable once a person is hooked. The expense, combined with dependency, can lead to a critical point where the search begins for a cheaper alternative. Painkillers on the street can be expensive, and it turns out heroin can provide the same high at a much lower price.

Often intertwined with prescription medication overuse or abuse are illicit drug use and alcohol use. And the results are tragic. Deaths due to these unintentional combinations have roughly doubled in the last 15 years, following a steady, upward trend. The number of substance abuse-related deaths in San Diego County alone surpassed both the numbers of motor vehicle-related fatalities and suicides in 2003, and has continued to increase since. Prescription pills account for a large portion of this total increase in substance abuse-related deaths. Deaths due partly or entirely to prescription medications rose 140 percent since 2001, to a high in



2012. Not surprisingly, opiates and benzodiazepines account for 90 percent of these prescription deaths. Heroin kills another 100 people per year in our county, the same number of people who die annually from homicide.

Who are the most common victims? More than half of those dying of unintentional prescription medication overdoses are between 45 and 64 years old, and 56 percent are male. In one in five prescription medication deaths, alcohol was also present, and about one in three showed an illegal drug in the blood stream as well.

HEROIN'S COMEBACK

The stereotypical, strung out heroin addict of the 1970s, with needle track marks and poor hygiene is out-of-date. Today's users range from teenagers to grandparents. They rarely have obvious track marks and are more concerned about dirty needles. There is no typical opiate user or opiate death, they cross all demographics.

Heroin addiction and overdoses have hit the Midwest and East Coast hard with large numbers of recent deaths. Heroin abuse is driving the problem. Drug manufacturers are including cheaper and alarmingly stronger substances in their medications, which prompt more powerful highs and, of course, bring bigger profits. Among those potent substances are pharmaceuticals like fentanyl, and also

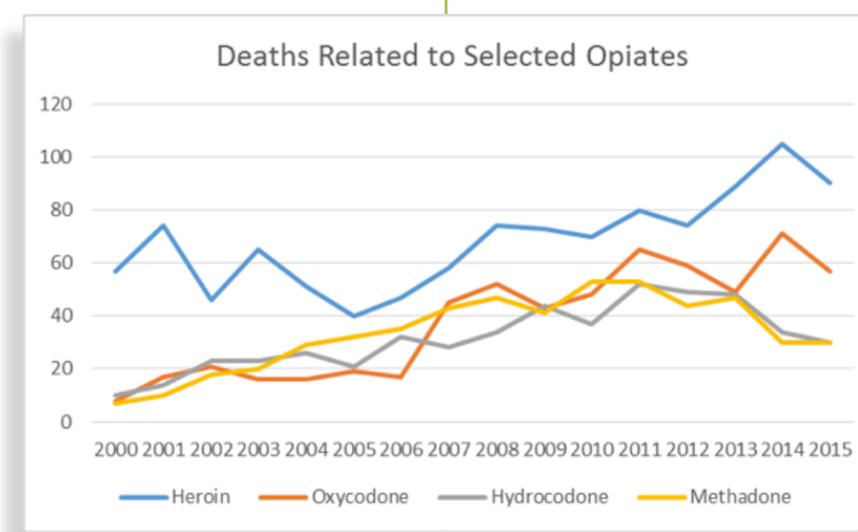
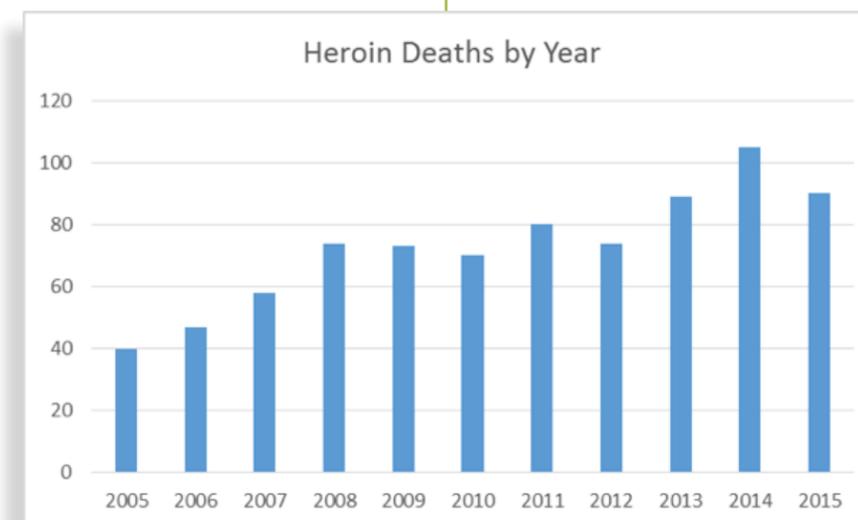
newer synthetic fentanyl derivatives like acetyl-fentanyl, butyl-fentanyl and carfentanil.

Forensic toxicology laboratories and investigators are challenged to stay ahead of the curve of these constantly moving targets. Worse, the user who thinks he or she may be buying the "usual" heroin may actually be getting a much stronger and potentially fatal hit. In fact, this phenomenon is not limited to illicit drugs. Earlier this year, 14 people died in Northern California after taking pills they thought were Norco (hydrocodone), but in fact were laced with fentanyl, a much more powerful opiate.

Many die from heroin use alone, but when people die of heroin combined with something else, it is usually methamphetamine.

In other common cases, heroin is mixed with a pharmaceutical opiate and/or a benzodiazepine.

Even though doctors legitimately prescribe strong painkillers for broken leg pain,





More than 130 bottles of medication found at the home of a deceased woman in her 50s who had become addicted to opiates following a car accident 30 years ago and nine subsequent back surgeries. She died of a lethal combination of hydrocodone, diazepam, diphenhydramine, and fentanyl and her medical condition.

that painkiller can lead to dependency, addiction and given the wrong circumstances: a stretcher.

WHAT YOU CAN DO?

Law enforcement agencies can help the Medical Examiner by paying attention to all the medications at a death scene, not just the opiates. When investigating a case, consider them as significant as unspent ammunition. Legitimately prescribed drugs also can carry serious risks. When speaking with relatives and friends, make it routine to ask about problems with pain medications or sedatives. Medications are generally safe if taken as prescribed. But they can be deadly if taken in combination with similar acting medications.

Putting an end to this complex problem requires all of us to understand the changing landscape of prescription medication abuse. We must do what we can to limit the availability of old, unneeded medications by taking advantage of local Prescription Drug Take Back Days, where we can drop off medications for proper disposal at many locations throughout the County.

You can also drop off unused medication at one of many drop boxes throughout the County any day of the year. Physicians must also learn about all the prescriptions a patient is taking prior to prescribing a painkiller, information that can be obtained through California's prescription drug monitoring program, CURES.



Jonathan Lucas is the San Diego County Chief Deputy Medical Examiner.



IN HIS OWN WORDS:

A FORMER HEROIN ADDICT TELLS HIS STORY

By Daniel Darko Marciano

I was 12-years old... when my father went to prison for abusing my sisters. It wasn't the first time, but it was certainly the last. That summer, I ran away with my cousin who was a 'graffiti artist.' We stayed on the streets where I found solace in alcohol. It was the first time I wasn't ashamed of my father for being poor. The graffiti got me arrested and landed me a summer job washing cop cars. I didn't mind; it just added to my already growing reputation as "that kid."

Before I started high school, I had already been expelled from middle school for disruptive behavior - knocking the principal's wig off with a Capri Sun. I had a penchant for stealing, booze and graffiti. After 72 absences and another trip to the Sheriff's station, I was kicked out of high school. With my thefts piling up, my mother was done with me and I wasn't even 18 yet.

By the time I did make it to 18, I was drinking every day. I had begun dabbling in pills and spiraling out of control. I didn't

really have a home; I was couch surfing. By the time I was 21, I got a felony DUI hit-and-run while evading arrest. I was drinking and driving when my beer rolled under my seat. I reached to grab it, still doing 55

WHAT HAPPENED NEXT IS STILL SHOCKING, EVEN TO ME. IN ONE MONTH, I WAS HOMELESS AND NO LONGER WELCOME AT ANYONE'S HOME.

miles an hour. I rear-ended a car that was stopped at a light. The airbag deployed knocking my glasses off, but I kept driving – drunk, high and blind. I didn't make it far; the police had a barricade at the bottom of the hill.

I only made it to two DUI classes before I found a bar two blocks away. It's amazing the oblivion and subterfuge created by a constant state of inebriation.

It's as if the bubble you're in is the only reality. When that reality was shattered and it could no longer satisfy my needs, I found opiates. Pills were short lived because they took too long.

What happened next is still shocking, even to me. In one month, I was homeless and no longer welcome at anyone's home. Since I had never worked, I was a career criminal. I slept in alleys, abandoned buildings or in a motel, when the money wasn't spent on heroin and cocaine. I was arrested two to three times a year.

I had a running partner as many junkies do. She was 18 when we met and a stripper/hooker. She was smart and beautiful, but she contracted necrotizing fasciitis – known as the flesh-eating bacteria – from dirty dope. I watched her slowly die from the infection.

I did a few years in a work camp. But three

days after my release, I got high. I was in complete despair over what my life had become. I only made it six months before I got busted again. After watching a kid get his head cracked for taking a candy bar from another inmate, I decided jail was not my place in life.

I was facing four years in prison, when I heard about Drug Court. The judge looking at my file reminded me of the 15 other programs I had flopped out of. But I had written a ridiculously long essay about why I deserved another chance, which moved the judge to give me another chance.

I made it through Drug Court and graduated. I was grateful to take the bus six hours a day from Spring Valley, where I was living in my sister's shed, to Hillcrest. I was determined to do something with my life. I owed it to the dearly departed and to myself. It wasn't easy, but I did it.

It took me nearly two years to find a job. In the meantime, I was paying my fees through a morbid job I found that involved recovering dead bodies. Lucky for me, the

judge kindly said this work wasn't helping my reintegration into society and that it was time for me to join the living.

I now have two jobs. I've been sober and clean since September 28, 2005. I paid off fees from 27 trips to jail and court and I've published two children's books. Both have been featured in the local author's exhibit at the San Diego Public Library. I've released a children's album and played at over a dozen children's festivals. I was reconnected with my daughter who I hadn't seen since she was four and I connected with my faith. Faith and the assurance of things hoped for. Just because your circumstances are less than ideal doesn't mean you can't rise above them.

"He who steals must steal no longer; but rather he must labor, performing with his own hands what is good, so that he will have something to share with one who has need." – Ephesians 4:28



Daniel Darko Marciano has been sober for 10 years.

SEARCH AND SEIZURE QUIZ

TAKE THE SEARCH AND SEIZURE QUIZ!

By Tia Quick

With new California laws on the books that reduce certain drug offenses to misdemeanors and legalize recreational marijuana for adults, police officers often have questions on their narcotics cases about when they can search and when they cannot. Given the rise in overdose cases involving many substances including heroin, questions about searches abound.

This quiz focuses on possession of controlled substances for personal use. Here's the backstory: Outside of bars and restaurants, East Village is known for its homeless population and for drug users. Police officers are sent into the area to see what services can be offered and to combat the drug problem.

Click on your answer to see if you're right!

1

Officers arrive on scene to a person lying on the sidewalk. Several people are standing around the individual, but no one seems to be helping him. Officer Smith contacts the man, who is non-responsive, and who has a belt hanging loosely around his arm with a small amount of blood running down his elbow. Officers revive him and after conducting a series of field sobriety tests, determine he is under the influence of a controlled substance. Officer Smith arrests the man, whom he now knows as Peter Jones. **Smith asks Jones for a urine or blood test, but Jones refuses.**

- a. Smith can compel Jones to give a sample incident to arrest.
- b. Smith cannot compel Jones to give a sample nor can he get a search warrant since the law does not allow for this type of a search.
- c. Smith can write a search warrant under Penal Code section 1524 to draw Jones' blood.
- d. Smith can write a common law search warrant to draw Jones' blood, but most judges prefer not to sign these types of warrants.

2

Officer Smith and his partner are on patrol. They see a person they later identify as Peter Jones on a bike riding down a sidewalk. As they continue to watch, Jones starts riding erratically and ends up riding off the sidewalk into traffic almost colliding with a car. Officer Smith turns on his overhead lights and stops Jones, who complies. While talking with Jones, the officer notices Jones appears to be under the influence of a controlled substance. **After a sobriety test, Smith arrests Jones and demands he provide a urine or blood sample. Jones refuses.**

- a. Smith can compel Jones to give a sample incident to arrest because he was riding a bicycle.
- b. Smith cannot compel Jones to give a sample because he is not operating a motor vehicle.
- c. Smith can write a search warrant under PC section 1524 to force a blood draw because riding a bike under the influence of a controlled substance is a DUI.
- d. Smith can write a search warrant for Jones' blood but it would be a common law search warrant.

3

After being arrested for riding his bike under the influence of a controlled substance, Officer Smith takes Jones' backpack (which Jones was wearing) and wants to search it for further evidence of narcotics or paraphernalia. **Jones refuses to consent to a search of his backpack.**

- a. Officer Smith cannot search the backpack without a warrant.
- b. Officer Smith can search Jones' backpack incident to the arrest for riding his bike under the influence because there is probable cause to believe that there are narcotics or paraphernalia in it.
- c. Officer Smith can search Jones' backpack only if he has waived his Fourth Amendment rights pursuant to probation or parole.
- d. Officer Smith cannot search the backpack under any legal grounds

4

After arresting Jones, he tells Officer Smith he is living in a tent on the sidewalk just down the block and he would like to secure his property if he is going to jail. Jones shows Smith which tent is his. **Smith would like to search the tent but Jones says no and adds that there are no drugs in the tent but that his "hype" kit and pipe are in there.**

- a. Smith writes a warrant for the tent but the Judge refuses to sign it saying it's only a misdemeanor.
- b. Smith writes a warrant but the judge refuses to sign it because the warrant is only for paraphernalia.
- c. Smith can search the tent for exigent reasons so that someone doesn't steal Jones' property.
- d. Smith writes the warrant and points out that a search warrant for paraphernalia and personal possession amounts of controlled substances is allowed under Penal Code section 1524.

5

After the arrest, Jones tells Officer Smith that he is willing to give Smith the name of his drug dealer. Jones says his drug dealer is a parolee with the street name of "Dealer" who lives in a tent near the overpass. He says that Dealer will take money, property, or sex in exchange for drugs. Smith advises narcotics Detective Watkins who immediately recognizes Dealer as Eddie Munroe, who is on parole for residential burglary and sales of a controlled substance. Watkins locates Munroe at his tent. He searches the tent pursuant to Munroe's parole search conditions and finds one gram of heroin, three syringes, and three cell phones. **Eddie says the phones are his and that Watkins cannot search them without a warrant.**

- a. Watkins has to get a warrant to search the cell phones because he knows that Eddie takes stolen property in exchange for drugs and they may not belong to Munroe.
- b. Watkins cannot get a search warrant for the phones because he does not have probable cause to establish that Munroe sells controlled substances based on the small amount found and the word of another crook.
- c. Watkins could get a search warrant for

the phones but it would be pointless because no prosecutor is going to file sales charges on only one gram of heroin.

- d. Watkins can search the cell phones pursuant to Munroe's search conditions because the Electronic Communications Privacy Act was amended to allow parolees' phones to be searched pursuant to their Fourth waiver status.



Tia Quick is a Deputy District Attorney and the DA's liaison to the San Diego Police Department.

**ADVANCING 21ST
CENTURY POLICING IN SAN
DIEGO COUNTY (SECOND
OF A SIX-PART SERIES)**

PILLAR TWO
**POLICY
AND
OVERSIGHT**

By Matthew O'Deane, Ph.D.



LAST MAY, PRESIDENT BARACK OBAMA RELEASED A FINAL REPORT FROM THE TASK FORCE ON 21ST CENTURY POLICING, WHICH IS AN EFFORT TO IMPROVE COMMUNITY POLICING, IDENTIFY BEST PRACTICES AND PROMOTE EFFECTIVE CRIME REDUCTION WHILE STILL BUILDING PUBLIC TRUST. THE REPORT IS DIVIDED INTO SIX PILLARS.

HERE ARE SOME THOUGHTS ON THE SECOND PILLAR – BUILDING TRUST AND LEGITIMACY – AND WHAT WE'RE DOING IN SAN DIEGO COUNTY TO ACHIEVE IT.

First, let's start by saying a policy is meaningless if it is not understood and enforced. Misunderstood and unenforced policies can increase a police department's exposure to civil liability.

That's why policymakers must develop comprehensive, clearly-written and easy-to-use policies and procedures. On top of this, policies should be considered living documents that are reviewed and updated to reflect state and national best practices. And, of course, police officers should receive adequate training on policies and the reasons for their existence.

INTERNAL & EXTERNAL OVERSIGHT

In San Diego, law enforcement agencies have internal and external oversight of their policies. Internal affairs units, for example, help maintain integrity and professionalism inside police departments. The most effective first line of defense is having engaged supervisors. Much of the police misconduct in San Diego over the past decade indicates a lack of adequate first-line supervision. In these instances, supervisors were not engaged with the

behaviors and actions of their subordinates. In my view, if there had been internal oversight in the field, these supervisors may have been able to intervene before bad behaviors escalated to misconduct.

If first-line supervision is not monitored, there is a risk for policies and procedures to be inconsistently enforced, squad by squad.

Inconsistencies in supervision undermine the trust officers have in their leaders, their department, and their agency policies.

External oversight can be from any entity which is not part of the agency involved in the incident. There is no one-size-fits-all form of community oversight, so all agencies should assess this idea to determine what will work best for them.

A citizen's review board is comprised of community representatives who review

complaints by members of the public concerning misconduct by police officers. They can be a party of the police agency or independent. Generally, the power of a civilian review board is restricted to reviewing an already completed internal police investigation, and commenting on it to the Chief of Police or Sheriff.

In San Diego County, seven cities with municipal police departments including Carlsbad, Chula Vista, Coronado, El Cajon, Escondido, La Mesa, and Oceanside do not have external citizen oversight, they investigate citizen complaints internally.

LOCAL HISTORY

Back in 1988, City of San Diego voters approved Proposition G, which gave the city manager the authority to create and establish a citizen's review board on police practices to review complaints against San Diego police officers and the discipline arising from such complaints. So far, only the City of San Diego, the County of San Diego (created CLERB in 1990), and the City of National City (Created CRB in 2003) have citizens' review boards. Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, Santee, San Marcos, Solana Beach, and Vista contract with the Sheriff's Department for law enforcement services and use the CLERB to investigate citizen complaints.

In the November 2016 election, voters approved Measure G, a police oversight proposal that increases scrutiny of San Diego police by giving officials greater discretion to make policy changes. The panel was also renamed the Community Review Board on Police Practices. The group will review all fatal and non-fatal

police shootings. In addition to this external review, the District Attorney will continue to review these cases as well.

All police agencies should evaluate and assess whether they need or want additional civilian oversight. Either way, there should be officer input in the process. When everyone affected is involved in the process, there is a higher chance of obtaining justice. There are important arguments for having civilian oversight, even though we lack strong empirical research and evidence that it is effective. That's why I'm calling for more research on this topic, so we can find evidence-based practices to implement successful civilian oversight. Allowing the community to have a voice in police operations will help to improve transparency, accountability, and ultimately build trust and legitimacy.



Matthew O'Deane is a District Attorney Investigator assigned to the Gangs Division.



PROVING
GROUNDS
COMPETITIONS

IN A NEW YEAR'S RESOLUTIONS RUT?

SIGN UP FOR THE CROSSFIT OPEN



PROVING
GROUNDS
COMPETITIONS



PROVING
GROUNDS
COMPETITIONS



By Garret Wong

It's that time of year when New Year's fitness resolutions start to waver and it seems a little harder to keep the health goals we made for ourselves in January. Fear not! Fortuitously and perhaps deliberately, the annual CrossFit Open is just around the corner.

WHAT IS THE CROSSFIT OPEN?

The CrossFit Games are a premier test to find the Fittest on Earth™. They are renowned for their grueling tests for the toughest athletes on Earth as well as for being a thrilling experience for spectators. The CrossFit Games are made up of a broad range of functional movements.

Functional movements move large loads, long distances, quickly. These movements also form the basis of CrossFit training. Make no mistake – the CrossFit Games are designed to test not train.

The goal is to find the fittest athletes, not to produce a workout program. The first stage in the games season is the CrossFit Open.

HOW DOES IT WORK?

The games season is broken up into three stages. The first stage is the open, held in the winter in CrossFit affiliates and garage gyms around the world. Workouts are released online each Thursday for five weeks. Athletes have until the following Monday to submit their scores. Anyone 14 or older can sign up for the first stage.

The top athletes from each of the 17 regions qualify for the second stage of the competition – regionals. The regionals are live three-day competitions held in May. The top athletes from two or three regions combine and compete for the five qualifying spots for the CrossFit Games.

The season culminates with the 2017 Reebok CrossFit Games. At this point in the season, the field has been whittled down from hundreds of thousands of athletes in the open to the world's fittest. They are: 40 men, 40 women, 40 teams, 80 teenagers, and 240 masters. The CrossFit Games rank the world's fittest and determine who is the Fittest on Earth™.

WHAT ARE THE WORKOUTS?

A key element to a fair test of fitness is the unknown and unknowable. Athletes cannot train for what they do not know. At each CrossFit Games, athletes engage in a series of challenges unknown to them until right before the competition. The combination of highly-trained athletes and unknown events creates an explosive mix.

WHY SHOULD I COMPETE?

The CrossFit Open is an opportunity to test your fitness. Are you starting to get bored with your workouts? Do you feel like your motivation is starting to waver? Time to put that fitness to task! It's not uncommon to stick with doing the things



we're already good at. For example, endurance athletes may focus more on conditioning than strength training and vice versa. Committing yourself to one mystery workout per week for five weeks forces you to face your weaknesses – and smash them.

You can perform the workouts on your own and upload your results, or find a registered CrossFit affiliate and complete the workout there.

LAW ENFORCEMENT/MILITARY/FIRST RESPONDER DIVISION

There are several divisions available for all fitness levels and ages, including a new "masters" age category for those 35 to 39. There will also be a scaled division for

athletes who want to scale their workouts.

For the second time in CrossFit Games history, there will be a law enforcement/military/first responder division in the CrossFit Open. Think you're fitter than law enforcement officers in San Francisco? Want to see how you stack up against paramedics in Santa Barbara? This is your chance.

HOW DO I SIGN UP?

You can register for the CrossFit Open and get more information at: <https://games.crossfit.com/>. And if you're looking for some company while you crush the open, don't forget the District Attorney's CrossFit AEQUITAS affiliate is also a registered CrossFit affiliate, so feel free to drop us a line <http://www.crossfitaequitas.com/>



Garret Wong is a Deputy District Attorney dedicated to health and fitness and assigned to the DA's North County Branch.

WANTED



WHO: Christopher Warren Paipa

DOB: 3-6-1995

DESCRIPTION: Native American male, 6 feet tall, 300 pounds with brown hair and brown eyes.

WHY: Christopher Paipa is wanted by the San Diego Fugitive Task Force for two separate outstanding felony warrants. The first warrant is for evading police and the second warrant is for assault with a deadly weapon. Paipa is known to frequent the Valley Center and Pechanga Casino areas.



WANTED



WHO: Larry Bornell Jones

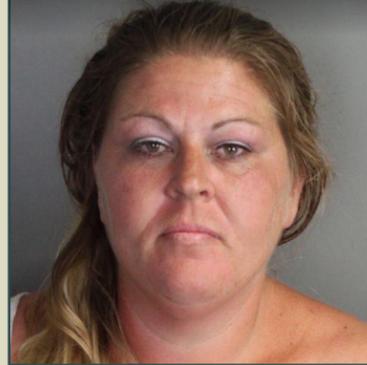
DOB: 3-20-1987

DESCRIPTION: Black male, 5 feet 9 inches tall, 150 pounds with black hair and brown eyes.

WHY: Larry Jones is wanted by the San Diego Fugitive Task Force for an outstanding felony warrant for robbery and assault with a deadly weapon. Jones has previous convictions for felony battery, parole violation, assault with a deadly weapon, felony evading, and for possession and transportation of a controlled substance. He is known to frequent Southeast San Diego and specifically the Skyline Neighborhood.



WANTED



WHO: Sheri Lynn Crum

DOB: 5-10-1977

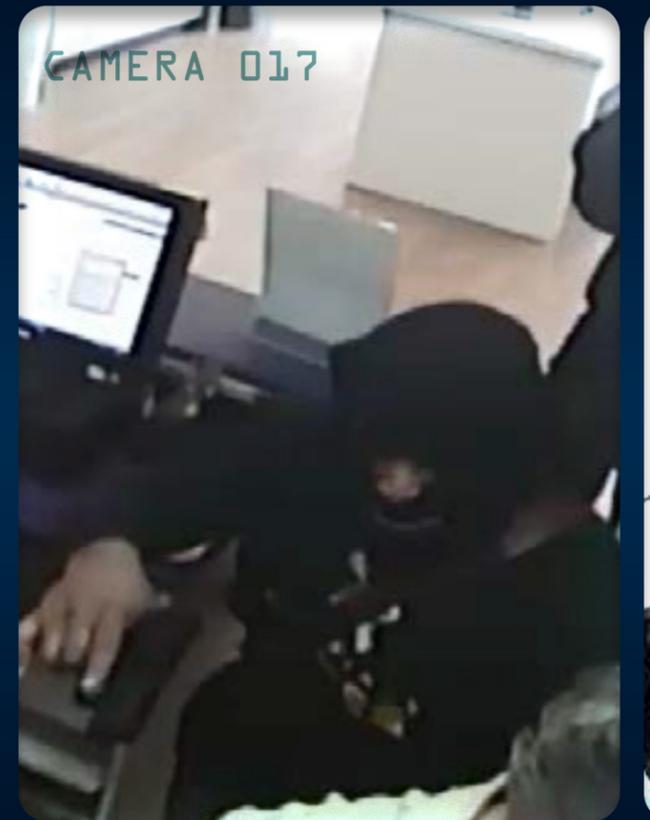
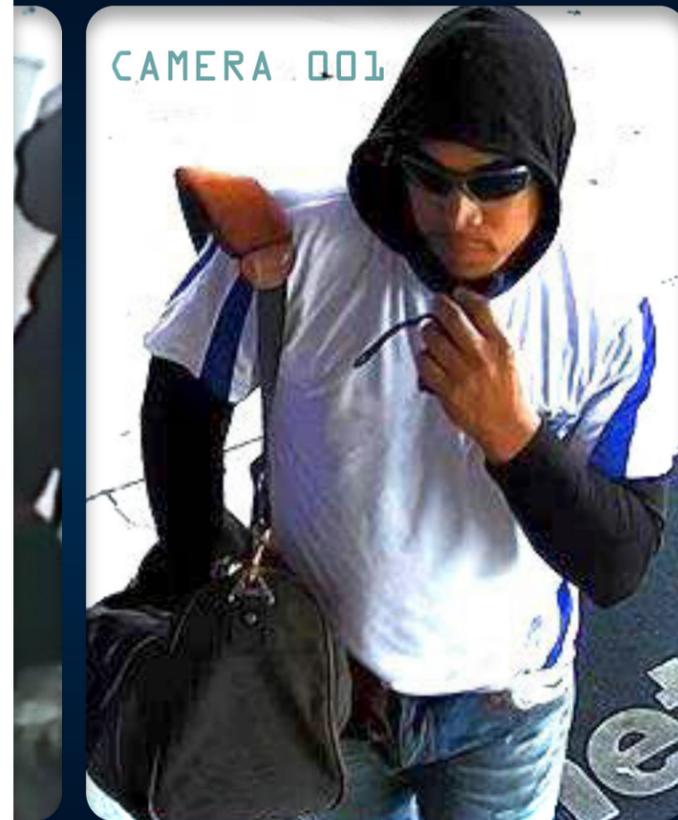
DESCRIPTION: White female, 5 feet 8 inches tall, 185 pounds with blonde and white hair and hazel eyes.

WHY: Sheri Lynn Crum has a felony no-bail warrant for assaulting a peace officer and for being in possession of a dirk or dagger. Her criminal history includes possession of stolen property, burglary, and multiple parole violations. She is known to frequent the North Park area of San Diego and National City.



CARLOS SOTO AND JUSTIN CALDWELL

Carlos Soto, 39, and Justin Caldwell, 30, were arrested in connection with a series of Metro PCS robberies in January and February. The two have been charged with robbery in Federal Court.



SUBPOENAS: A PARALEGAL'S PLIGHT

By Tom Velasquez

ATTENTION

POLICE OFFICERS:

EVER WONDER WHY YOU GET FRANTIC CALLS AND MESSAGES ABOUT WHETHER YOU'VE RECEIVED A SUBPOENA FROM THE DA'S OFFICE?

LET ME TELL YOU A LITTLE STORY.

It's Friday morning and I'm preparing my calendar for the following week's preliminary exams and trials. As I thumb through the stack of subpoenas I sent a few days earlier, my Spidey senses tell me danger is on the horizon. I notice that one of the police officers scheduled to appear in court next week has not confirmed he received the subpoena. My mind starts to race, thinking of the ways this could go wrong. Having to tell your Deputy DA that you cannot locate a witness is a lot like telling Darth Vader you lost the Millennium Falcon (again). I turn to my three-inch binder, filled with notes and contact information for witnesses, and I get to work.

My first thought is to wonder how the officer could have so rudely disregarded my subpoena. But, then I calm down, telling myself, "They receive dozens of these every day, and a lot of preliminary hearings and trials don't go forward, so cool it." I call headquarters for the officer I'm looking for and wait patiently for the

Did officer so-and-so get service on my subpoena for Wednesday of next week?

subpoena clerk to answer. I'm sure she has my number on ignore by now.

"Good afternoon!" I greet the clerk warmly. "Did officer so-and-so get service on my subpoena for Wednesday of next week?" I ask. As the clerk goes through her subpoena list, I get another email from my Deputy DA asking if all of the officers are subpoenaed for next week's hearing. "How is it that she always seems to email just as I am working on her case?"

I wonder.

The clerk finally finds my officer and tells me that he indeed signed for the subpoena. This is great news. I ask her if the officer is on duty today so I can contact him. That's when I then get the response that most paralegals do not want to hear. "He's on vacation," she said.

That phrase sends paralegals into bounty hunter mode.

When a police officer is on vacation, we can never assume he or she will show up in court, even though the clerk confirmed the officer received the subpoena - and this sends us into a panic. Paralegals can have some hang-ups.

We all have that story of the one officer, who for whatever reason, was served but missed the hearing.

Since it falls on us to inform the Deputy DA when the law enforcement officer can't make the hearing, we usually push every boundary to contact the officer so we can be ready for any curveballs. This includes attempting to contact an officer

on vacation, which of course, we reserve for only the key players in our prosecution. Before you call me a stalker, keep in mind, it's not just my reputation at stake with my Deputy DA, it's the integrity of the prosecution, the victims of the crime and ultimately the pursuit of justice that is on the line.

As luck would have it the following Monday, I am relieved to receive a message from my officer saying that he did get the subpoena and will be there for the hearing.

As a bonus, he leaves his contact number. This is the sweet spot when we can confirm to the prosecutor that the officer was served, that he or she contacted us and that the officer will be present at the hearing.

But, hearings never go as planned. After I got everything in order, I learn the officer can be on standby because there's a good chance the case will settle. I contact the officer and let him know that he can be on standby, which he is glad to hear, since he has to pick up his kids from school and did

not want to be waiting around to testify all morning. Later that afternoon, of course, the case is still on for Wednesday's preliminary hearing. I quickly shift gears letting the witnesses know to show up to court.

My officer, who I just told to be on standby, does not seem amused, but like a dedicated police officer, he will be present.

The morning of the hearing, I am corralling witnesses, which can be as hard as herding cats, when I get a call from my officer. He says he is driving from northern San Diego and will be there as soon as he can. By the time he is 10 minutes away, I get a text from the Deputy DA saying: "Def pled send the witnesses home, tyty!" Laughing to myself, I call the officer who just parked his car. "I'm on my way up" he said. Before he can say anything more, I tell him, "I have great news, the defendant pled guilty."



Tom Velasquez is a paralegal in the District Attorney's Office.

THIS DA UNIT TAKES NO PLEA DEALS

“Career criminals” are prosecuted by the DA’s Major Violator Team and unfortunately, their caseload is up. Deputy District Attorneys James Koerber and Lucy Yturralde reveal the type of crimes that qualify. Watch more in this video.

DRUG COURT AFTER PROP. 47

Even though Proposition 47 has had an impact on Drug Court, it continues to be one of the best programs to help rehabilitate offenders with drug addictions to become productive members of society. See how this collaborative court works to turn lives around, in this video.

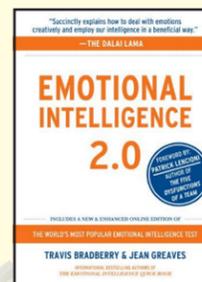
3D EVIDENCE IN THE COURTROOM

Computer animation technology is no longer limited to television crime shows or movies. DA Investigative Technician Nathan Cunningham explains how the DA’s Office is using new technology to present evidence in the courtroom, in this video.



Watch more LAW ENFORCEMENT related videos at DANewsCenter.com

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



EMOTIONAL INTELLIGENCE 2.0

By: Travis Bradberry and Jean Greaves

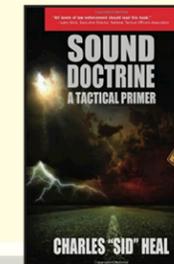
By now, emotional intelligence (EQ) needs little introduction—it’s no secret that EQ is critical to your success. But knowing what EQ is and knowing how to use it to improve your life are two very different things. *Emotional Intelligence 2.0* delivers a step-by-step program for increasing your EQ.



STRENGTHS BASED LEADERSHIP: GREAT LEADERS, TEAMS AND WHY PEOPLE FOLLOW

By: Tom Rath and Barry Conchie

In *Strengths Based Leadership*, #1 *New York Times* bestselling author Tom Rath and renowned leadership consultant Barry Conchie reveal the results of this research. Based on their discoveries, the book identifies three keys to being a more effective leader: knowing your strengths and investing in others’ strengths, getting people with the right strengths on your team, and understanding and meeting the four basic needs of those who look to you for leadership.



SOUND DOCTRINE: A TACTICAL PRIMER

By: Charles “Sid” Heal

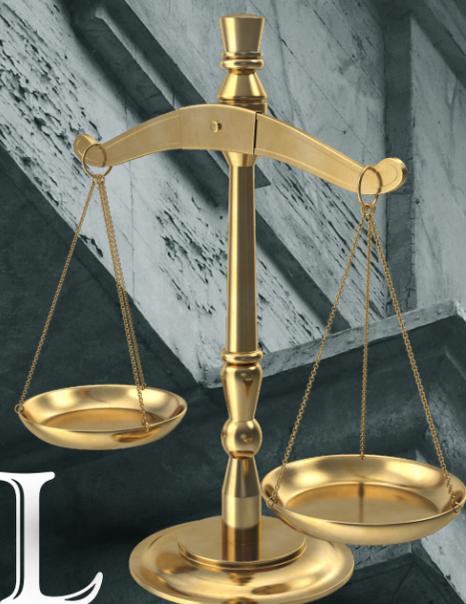
Unlike most tactical books, which teach tactics as a “skill set,” this book emphasizes an intuitive application of fundamental principles. These principles have evolved over centuries of tactical operations and form a body of “sound doctrine.” Charles “Sid” Heal not only presents a distillation of the more than ninety tactical texts, but provides an insightful and compelling call for rethinking tactics of law enforcement. Because the fundamental concepts Heal explores apply to all types of emergencies, *Sound Doctrine* is suitable for not only law enforcement, but firefighters, private security, and other emergency responders.



ON KILLING: THE PSYCHOLOGICAL COST OF LEARNING TO KILL IN WAR AND SOCIETY

By: Lt. Col. Dave Grossman

Upon its initial publication, *ON KILLING* was hailed as a landmark study of the techniques the military uses to overcome the powerful reluctance to kill, of how killing affects soldiers, and of the societal implications of escalating violence. Now, Grossman has updated this classic work to include information on 21st-century military conflicts, recent trends in crime, suicide bombings, school shootings, and more. The result is a work certain to be relevant and important for decades to come.



LEGAL UPDATES

ENCOURAGING HONESTY IS NOT A COERCIVE TACTIC

CALIFORNIA COURT OF APPEAL - FILED
JULY 29, 2016

**PEOPLE V. FALANIKO (2016) 1 CAL.
APP.5TH 1234**

The defendant was charged with numerous crimes, including murder, stemming from three separate shootings that occurred over several months. All were gang-related. After his arrest, the defendant made statements on several occasions after proper Miranda advisement and waiver. Some of the interviews were recorded, but others were not. At the end of one of the recorded interviews, the defendant acknowledged the police had made no threats or promises to him and that he had been treated respectfully and fairly.

During interviews, officers told the defendant it would be in his best interest to cooperate and that his honesty would demonstrate that he was being cooperative. One officer said, "With everything you got going on, the judge is going to look at that and say, you know, that you're being cooperative." The officers

also encouraged him to "be 'honest about exactly what happened,' but they were not going to tell him what to say."

The defendant was ultimately convicted and sentenced to 330 years in prison. He appealed and argued, among other things, that his statements to police were coerced by promises of leniency. A confession is involuntary if it is elicited by any express or implied promise of benefit or leniency. But the Court of Appeal decided there was nothing about the police conduct in this case that rose to the level of promises of benefit or leniency. Encouraging a suspect to be honest is permitted. Officers may also discuss any "naturally accruing" benefit, advantage, or other consequence that flow from a truthful statement. The court determined that the defendant's statements were not coerced and were voluntarily given. His convictions were upheld.

VALUE OF PROPERTY TAKEN DETERMINES 'SHOPLIFTING' OR 'BURGLARY'

CALIFORNIA COURT OF APPEAL - FILED
OCTOBER 5, 2016

PEOPLE V. PAK (2016) 3 CAL.APP.5TH 1111

The defendant was convicted of felony burglary for going into a pawn shop and exchanging stolen items for cash. After the passage of Proposition 47, the Safe Neighborhoods and Schools Act, the defendant petitioned the court to reduce her felony burglary conviction to a misdemeanor. She argued that even though she pawned stolen items worth over \$5,000, she received less than \$950 in cash from the pawn shop. The court declined to reduce her conviction. The court based its decision upon the value of the items the defendant brought into the store to pawn and the idea that a defendant would intend to get as much value as possible. The defendant appealed.

The Second District Court of Appeal looked at the plain language of Penal Code section 459.5, which has become known as the “shoplifting” statute. If a crime qualifies under section 459.5, it must be charged as a shoplifting, not a burglary. Accordingly, a burglary is a misdemeanor shoplifting under this section if a defendant: 1) enters a commercial establishment, 2) with the intent to commit larceny, 3) while it is open during regular

business hours, and 4) takes or intends to take property valued at \$950 or less. The Court of Appeal first noted that a theft by false pretenses (such as giving false information about a person’s ownership interest in property) is included in the definition of “larceny.” Pawning stolen goods is a situation covered by section 459.5. The appeal court then determined that the relevant value to consider is that of the property the defendant successfully obtained. To look at “the value of stolen goods brought into a pawn shop is not consistent with the plain language of the shoplifting statute.” In other words, the value of the stolen property would be relevant to prosecution for the theft of those goods, not the theft resulting from pawning them. Pawning \$5,000 worth of stolen property for \$950 or less in cash, therefore, is properly classified as a misdemeanor shoplifting.

NO PRIVACY ON COMPUTER FILES SHARED ON PEER-TO-PEER NETWORK

CALIFORNIA COURT OF APPEAL - FILED ON OCTOBER 27, 2016, REVIEW DENIED ON FEBRUARY 1, 2017

PEOPLE V. EVENSEN (2016) 4 CAL. APP.5TH 1020

Local law enforcement used a software tool known as RoundUp to search for digital files of child pornography in shared folders on peer-to-peer networks. The software does not search any other location of a computer other than shared folders and files. The defendant used a peer-to-peer file-sharing network called eDonkey to access child pornography. RoundUp identified the IP address used by the defendant. The history list for that IP address showed over 200 files flagged as files known to contain child pornography. A detective got a search warrant for the internet service provider for that IP address and a subsequent search warrant for the defendant’s home. The defendant’s laptop and external drives were seized and examined. They contained over 200 videos and images of child pornography. After his arrest was made public, sexual assault victims came forward.

In the trial court, the defendant sought to suppress all of the evidence against him. He argued that the use of the RoundUp program was a violation of the Fourth Amendment, and that he had a reasonable expectation of privacy on his computer. The trial court denied his

motion. The defendant was convicted of various sex crimes. He appealed the trial court’s denial of his motion to suppress.

The First District Court of Appeal upheld the defendant’s convictions. While people generally have an expectation of privacy in the contents of their personal computer, someone who uses a file-sharing network has no reasonable expectation of privacy in the contents of a publicly accessible folder. The defendant knew that others could access the shared folder, and he admitted that he did not always immediately move files out of the shared folder. Evidence also supported that RoundUp would not have detected the child pornography files on the defendant’s computer if they had never been publicly accessible. Even if the files were no longer publicly accessible at the time the search warrant was executed, the information provided by RoundUp constituted probable cause to issue the ensuing search warrants.



Patty Herian is a Deputy District Attorney assigned to the Appellate Division.

RUSSIA'S ELECTION

IN THE HIGH STAKES WORLD OF INTERNATIONAL ESPIONAGE, NATIONS BATTLE FOR ANY ANGLE TO GAIN AN UPPER HAND ON THEIR RIVAL. AS THE UNITED STATES ALLOWS THE MOST OPEN PRESS COVERAGE OF GOVERNMENT ACTIVITY IN THE WORLD, IT MAKES SENSE OUR NATION WOULD BE UNDER THE SPOTLIGHT FOR ITS ACTIVITIES IN FOREIGN AFFAIRS. SO WOULD IT BE OUT OF THE REALM OF POSSIBILITY FOR THE RUSSIANS TO TRY AND INFLUENCE AN AMERICAN PRESIDENTIAL ELECTION?

HAS THERE EVER BEEN AN AMERICAN CANDIDATE SO EAGER TO ATTAIN OUR NATION'S HIGHEST OFFICE HE WOULD STRIKE A DEAL WITH THE KREMLIN IN ORDER TO MAKE IT HAPPEN? THE ANSWER IS YES AND THERE IS SOLID PROOF THAT IT'S HAPPENED.

By Steve Willard

The candidate was ambitious. His family name represented the pinnacle of American power and wealth and he wanted the White House in the worst way. The problem was he had enough political baggage to sink him – especially with the female vote.

...SECRETS OF JOINT DEMOCRAT-SOVIET EFFORTS TO MANIPULATE PRESIDENTIAL ELECTIONS WOULD HAVE COME TO LIGHT...

Enter the Russians. If the candidate could use their vast intelligence service to unseat his rival, perhaps he could take his party nomination straight to 1600 Pennsylvania Avenue. To maintain plausible deniability should something go wrong, the candidate used a former United States Senator to open a dialog with the Russians.

While this may seem like an allegation from the 2016 presidential campaign, this real life cloak and dagger story comes from the 1980's and involves attempts to unseat presidents Jimmy Carter and, later, Ronald Reagan.

The information comes from former intelligence officer Herbert Romerstein who researched Soviet archives after the fall of the USSR. In his examination of the notorious Soviet secret police Romerstein uncovered classified documents written by KGB agent Victor Chebrikov.

First, the plan to unseat Jimmy Carter. KGB documents reveal Massachusetts Senator Edward M. "Ted" Kennedy asked former California Senator John Tunney to contact the KGB. On March 5, 1980, as Kennedy was challenging Carter in the Democratic primaries, Tunney met with Soviet agents and urged the Soviets to sabotage Carter's foreign policy efforts.

One document stated Kennedy offered to condemn President Carter's policy toward the Soviet occupation of Afghanistan in exchange for KGB help. This claim

coincides with news accounts of that period where Kennedy did openly criticize Carter's Afghanistan policy.

Perhaps even more amazing is KGB archives show President Carter himself reached out to the Soviets so he could remain in office! As the November 1980 election date loomed Carter (rightfully) feared defeat. KGB documents reveal Carter sent political ally Armand Hammer to a secret meeting with Soviet ambassador Anatoly Dobrynin at the embassy in Washington. A wealthy industrialist, Hammer asked the Soviets to help Carter win votes in key states by allowing Jewish "refuseniks" to emigrate to Israel. According to the KGB the Soviets rejected the proposal.

January 1984. KGB documents states now former President Carter contacted Soviet Ambassador Dobrynin asking for help in derailing President Reagan's defense buildup. It's not clear what the Soviets did with the request.

Incredibly, Kennedy and Carter were not the only 1980s politicians contacting the

Soviets. House Speaker Thomas P. "Tip" O'Neill privately told Soviet Ambassador Dobrynin that it was in everyone's best interests if they'd help the Democrats keep "that demagogue Reagan" from being re-elected. O'Neill warned Dobrynin that the "primitive instincts" of this "dangerous man" would plunge the world into war.

Ironically, none of these secrets of joint Democrat-Soviet efforts to manipulate presidential elections would have come to light without the collapse of the Soviet Union – an event some historians credit Ronald Reagan as having played a part in orchestrating.

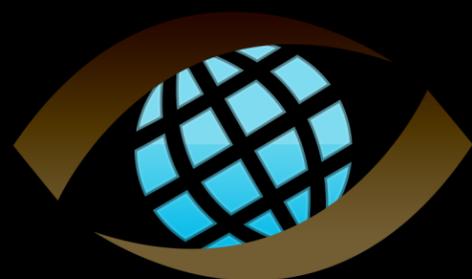


Steve Willard is an Associate Management Analyst at the San Diego Police Department, a published author and the Vice President and a founding member of the San Diego Police Museum.



LEQ MAGAZINE RECEIVES TWO AWARDS FOR DESIGN

The Law Enforcement Quarterly was awarded an Excellence in Illustration and Excellence in Redesigns News Page from the Society for News Design in its 38th Annual Competition.



VINTAGE

EQ



Photo credit: AP

CORONADO SHOE BANDIT CAUGHT

Shoe bandit Navy Lt. Wayne Snow McFarland, (sitting) is being interrogated by Coronado Police in May 1958. During a two-year period, McFarland assaulted women in Coronado and San Diego, and burglarized two dozen homes stealing hundreds of single shoes during the attacks. He was finally caught in the act as he was burglarizing a home in Coronado when the victim's boyfriend found McFarland hiding inside the house. He was ultimately charged with 15 counts of burglary, robbery, assault and attempted rape.



Thank you for reading the
Law Enforcement Quarterly.

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