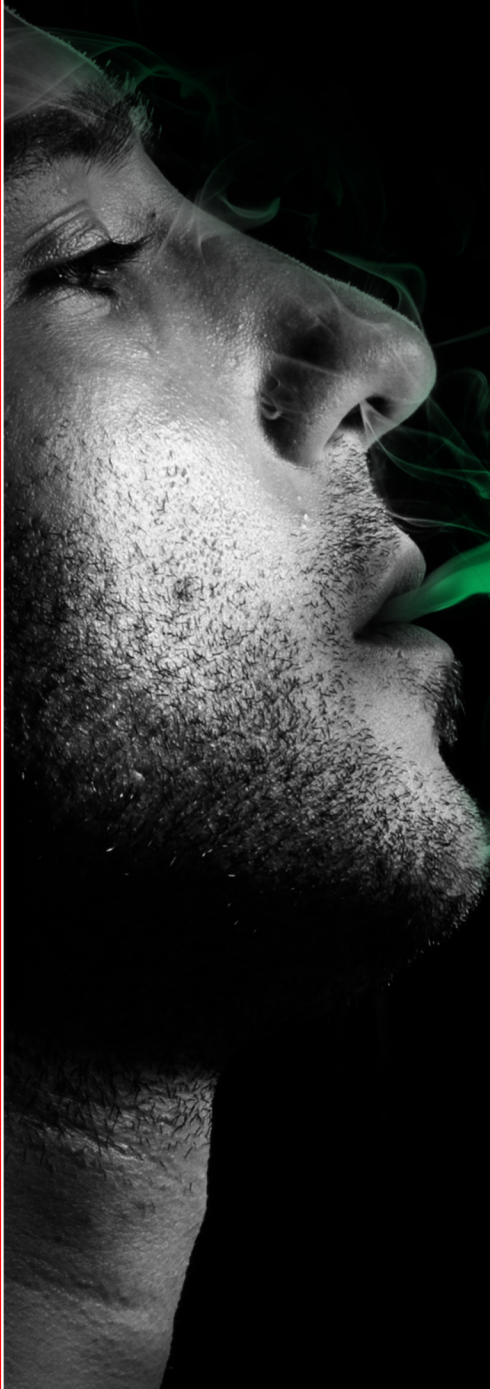


LEOQ

LAW ENFORCEMENT QUARTERLY
VOLUME 37, NUMBER 1 | WINTER 2017

MARIJUANA
IS LEGAL 

NOW
WHAT?





MARIJUANA
IS LEGAL:
**NOW
WHAT?**
40



CALIFORNIA
BRACING FOR
MARIJUANA-
RELATED DUI
ACCIDENTS

50



HOW A PICK-UP ARTIST
SCHEME UNRAVELED
IN SAN DIEGO

6



BORDER PATROL IN THE
COMMUNITY

66



EDITORIAL



PUBLISHER
Bonnie Dumanis



EDITOR-IN-CHIEF
Tanya Sierra



MANAGING EDITOR
Steve Walker



MANAGING EDITOR
Barbara Medina



ART DIRECTOR
Ariel Frenner

CONTRIBUTORS

San Diego County District
Attorney's Office

Lisa Fox

Patty Herian

Matthew O'Deane

Wendy Patrick

Tia Quick

Steve Walter

Garret Wong

Fanny Yu

Chula Vista Police Department

Lon Turner

Port of San Diego

Tanya M. Castaneda

San Diego Police Department

Steve Willard

San Diego County Public Safety
Group

Michele Clock

San Diego County Sheriff's
Department

Kelly Martinez

U.S. Border Patrol

Melissa B. Pena Sellari





California has seen many new laws go into effect in its history. Perhaps one of the most anticipated is Proposition 64, which legalized recreational use of marijuana. This quarter's cover story delves into what's next for law enforcement as it changes its reaction and prepares for issues that the new law may bring. One of the expectations is increased cases of driving under the influence of marijuana, which remains illegal. Captain Kelly Martinez from the Sheriff's Department addresses that issue in her companion piece to the cover story written by our very own Steve Walter, Chief of the Narcotics Division.

In this issue of the LEQ, you'll see expanded content from law enforcement partners including the U.S. Border Patrol - San Diego Sector, Chula Vista Police Department, the Port of San Diego's Harbor Police and the San Diego Sheriff's Department. We also feature a case that got national attention about a group of pick-up artists, who were convicted of sexually assaulting an intoxicated woman. 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.

A handwritten signature in black ink that reads "Bonnie M. Duma".

FROM THE PUBLISHER





HOW A PICK-UP ARTIST SCHEME UNRAVELED IN SAN DIEGO

LAUREN'S LIFE WAS FOREVER CHANGED IN OCTOBER 2013. **THAT'S WHEN SHE WAS RAPED BY TWO MEN FROM A GROUP CALLING ITSELF 'EFFICIENT PICKUP' AND ANOTHER MAN WHO WAS ONE OF THEIR 'BOOT CAMP STUDENTS.'** EFFICIENT PICKUP WAS A COMPANY OF YOUNG MEN WHO MADE IT THEIR LIFE'S WORK TO SEDUCE INTOXICATED WOMEN WHO WERE IN NO CONDITION TO REASON AT THE END OF A NIGHT OUT. **THE COMPANY SPECIALIZED IN TEACHING OTHER MEN WHO WERE INCAPABLE OF ARRIVING AT A MUTUALLY-AGREED UPON AMOROUS EVENING WITHOUT DECEIT, TO DO THE SAME.**

By Lisa Fox

Lauren had been out drinking with her girlfriend earlier that evening and has no recollection of meeting Alex Smith, Jonas Dick or Jason Berlin in the Gaslamp Quarter.

What happened to Lauren was hardly an isolated event. The "art" of picking up women is not new; it's been happening for decades. One of the earliest self-proclaimed "artists" is Albert Ellis, who penned *The Art of Erotic Seduction* in 1967. Today, modern technology brings a

“A LOT OF GIRLS SAY THINGS LIKE WE’RE NOT GOING TO HAVE SEX RIGHT NOW, BUT THEY REALLY DON’T MEAN THAT,”

– Jason Berlin

far more expansive and less romanticized approach.

In 2005, Neil Strauss wrote *The Game: Penetrating the Secret Society of Pickup Artists*, a New York Times bestseller that hit the bookshelves of young men everywhere and even spawned a television series on VH1. In person and online, communities aptly named “lairs” formed.

Men who struggled with meeting women commiserated over their troubles, and learned a formula for getting women to submit to their sexual desires.

After their night of drinking and dancing, according to Lauren’s friend, ‘Pam,’ the friends waited for an Uber ride home, when they were approached by Smith and Dick. The young men invited the women back to their apartment for more drinks.

“A lot of girls say things like we’re not going to have sex right now, but they really don’t mean that,” Jason Berlin said during his trial testimony, at which he was convicted of raping Lauren when she was drunk. “They’re just saying it like a leaf

blowing in the wind. It's not to be taken literal," he said.

Berlin was a UC San Diego business graduate with a promising career. He testified that his lack of social skills led him to the pickup artist community. He began reading online blogs where men were boasting about their sexual conquests. Through the website he was using, he met co-defendants, Alex Smith and Jonas Dick, who were instructors for Efficient Pickup.

Dick's bio described him as being on a "level that no one has ever seen" and bedding women every night sometimes by the twos or threes.

"His lay count is now over 150," the biography read. "At the age of 24 it's hard to believe just three years ago he was a virgin."

Smith, also known as Beryl or Chrysoberyl, was listed as a travelling instructor for Efficient Pickup. His biography was equally graphic. "Beryl has threesomes and group sex on the regular," his bio read. "Most of Beryl's pulls (conquests) are within three minutes of meeting the

girl(s). He is a master of game, logistics, and improvisation and now regularly f---s strippers and porn stars and can deal with any sort of environment for game."

In June, 2013, Berlin became a boot camp student for Efficient Pickup. He initially paid \$300 a night to learn the "art" of picking up women. However, within a few months, Smith and Dick entered into an agreement with Berlin that he would rent an apartment in the Gaslamp District for \$2,000 a month, in exchange for weekend boot camps with Efficient Pickup.

During the trial, Berlin testified to the significance of the apartment's proximity to the bars.

"The further away you are from the bar, then the more likely when you're going home with a girl that there will be objections and...her mood will go down and all of a sudden she's not interested anymore," Berlin said.

After the men invited Lauren and Pam back to their apartment for a nightcap, Pam did not want to go, she said in court. Lauren,

who was drunk, did. Video surveillance captured Lauren, Pam, Dick and Smith in the lobby of their apartment building waiting for the elevator, six minutes after the initial meeting. The footage clearly shows Lauren in an intoxicated state and shows Dick was acting as a “wingman” by trying to distract Pam from paying attention to drunk her friend.

Eventually, Smith led Lauren into the apartment and directly into his bedroom. Dick remained in the hallway with Pam for about 10 minutes, to keep her from Lauren, before entering the apartment. By the time Pam went into the apartment, Berlin was asleep on the couch in the living room. She went with Dick into his bedroom where the talked and drank a beer. After about 30 minutes, she began to worry about Lauren and went looking for her. Pam found Lauren lying nude face down on Smith’s bed. She appeared to be passed out and lying in vomit. Smith and Berlin were also in the room in a physically aroused state.

Pam went into the bedroom to get Lauren, but she was unconscious and unresponsive.

Pam yelled out to Lauren as she pulled her into a seated position and then to standing. While helping Lauren stand, Pam helped put her dress on. Lauren, who came to, began yelling at the men, one of whom boasted that they “tag teamed” her and to get out of the apartment. Once the women made it to the lobby, they called the police.

Lauren was in tremendous pain and had bruises all over her body. In addition to the physical trauma, she continues to struggle with emotional pain. In the minds of these men, women are objects to be conquered through manipulation designed to erode any barriers a woman may have. One instructor, Julian Blanc, who describes himself as the “international leader in dating advice,” has been banned from several countries for his videos and seminars that teach men how to pick up women using force and emotional abuse.

Another instructor and founder of Efficient Pickup, John Mulvehill, was convicted of a lesser charge of conspiracy to commit coercion based on a case in Las Vegas, and is still advertising why Efficient

Pickup’s method is better than other companies.

Jason Berlin pleaded guilty to rape of an unconscious woman on November 15. He is also facing a maximum term of eight years in prison and is due to be sentenced in February. Jonas Dick pleaded guilty in January 2016 to rape of an intoxicated woman. He also pleaded guilty an additional forcible rape of a 17-year-old woman, which was discovered during this investigation. He was sentenced to eight years in the state prison on July 29, 2016 Alex Smith took his case to trial and was convicted by a jury of both counts: rape of an unconscious person and rape of an intoxicated woman. He was sentenced to eight years in prison in December.

As painful as it was, we hope Lauren’s case will shed light on the fact that a pickup artist community exists and is promoting rape culture, so women can be aware and protect themselves.

**names of the victim and her friend have been changed to protect their privacy.*

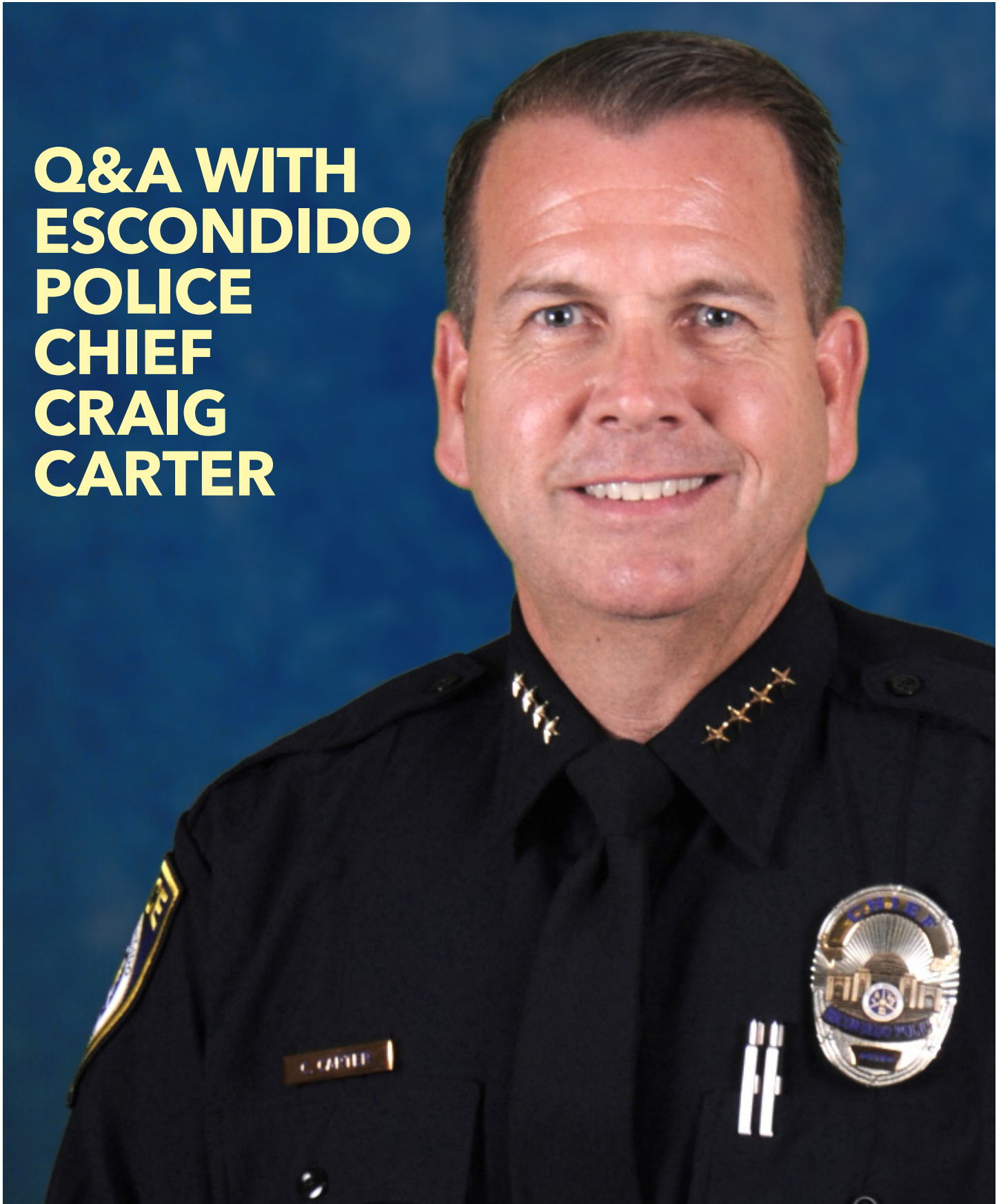
“BERYL HAS THREESOMES AND GROUP SEX ON THE REGULAR”

– Efficient Pickup Bio of Alex Smith.



Lisa Fox is a Deputy District Attorney assigned to the Sex Crimes and Human Trafficking Division.

**Q&A WITH
ESCONDIDO
POLICE
CHIEF
CRAIG
CARTER**



HOW LONG HAVE YOU BEEN THE CHIEF?

Three years and three months.

HOW LONG HAVE YOU BEEN WITH THE AGENCY?

I started with Escondido Police Department in 1990 as a reserve police officer. I was promoted to reserve police sergeant in 1991, and I was hired as an entry-level police officer in 1992.

WHY DID YOU CHOOSE A CAREER IN LAW ENFORCEMENT?

When I was 10 years old, I was stopped by a San Diego Police Department officer while living in Rancho Bernardo. I think I can confess this crime because the statute of limitations has expired. I was riding my bicycle in a new home construction zone and thought it would be cool to write my name – my full name – in a new, wet

sidewalk. The officer was very kind and non-officious. He asked me if I had vandalized the sidewalk. Knowing that I was a smooth talker and could potentially pull one over on the officer, I confidently replied, "No!"

The officer then asked me for my name and I proudly answered, "Craig Steven Carter." The officer said that it must be an incredible coincidence because that was the exact same name that was scrawled in the concrete. At that point I realized he was better at catching crooks than I was at being one. This officer was very kind and never talked down to me or tried to scare me more than I already was. The officer took me home and allowed me to receive a punishment that was far worse than anything the justice system could have dished out. The officer made such an impact on me that I thought it would be cool to be a police officer and help kids learn from their stupid mistakes. I wish I could talk to that officer and let him know the impact he had on me and the influence he had on my career.

WHAT IS YOUR FAVORITE PART OF THE JOB?

My favorite part of the job is that no day is ever the same. Every day I meet new people and am challenged by new issues. Additionally, I am so impressed with the men and women at the Escondido Police Department, and the deep passion they have for keeping complete strangers safe every day! I love to see newly-hired police officers develop into outstanding leaders and role models for our youth.

WHAT IS THE MOST CHALLENGING PART OF THE JOB?

One of the most challenging parts of the job is that we need to frequently reinvent ourselves to serve the ever-changing communities we serve. The days of policing the same way, day in and day out, are over. We must be creative in how we approach our enforcement efforts because



laws are always changing and communities are diversifying. While this can be challenging it is also a wonderful opportunity to get communities involved with their local law enforcement and government. In Escondido, we have a new community policing

tool that incorporates every department in the city along with neighbors in the community to make a positive change. This cohesive partnership allows neighbors to "take back" their community and instill a sense of pride.

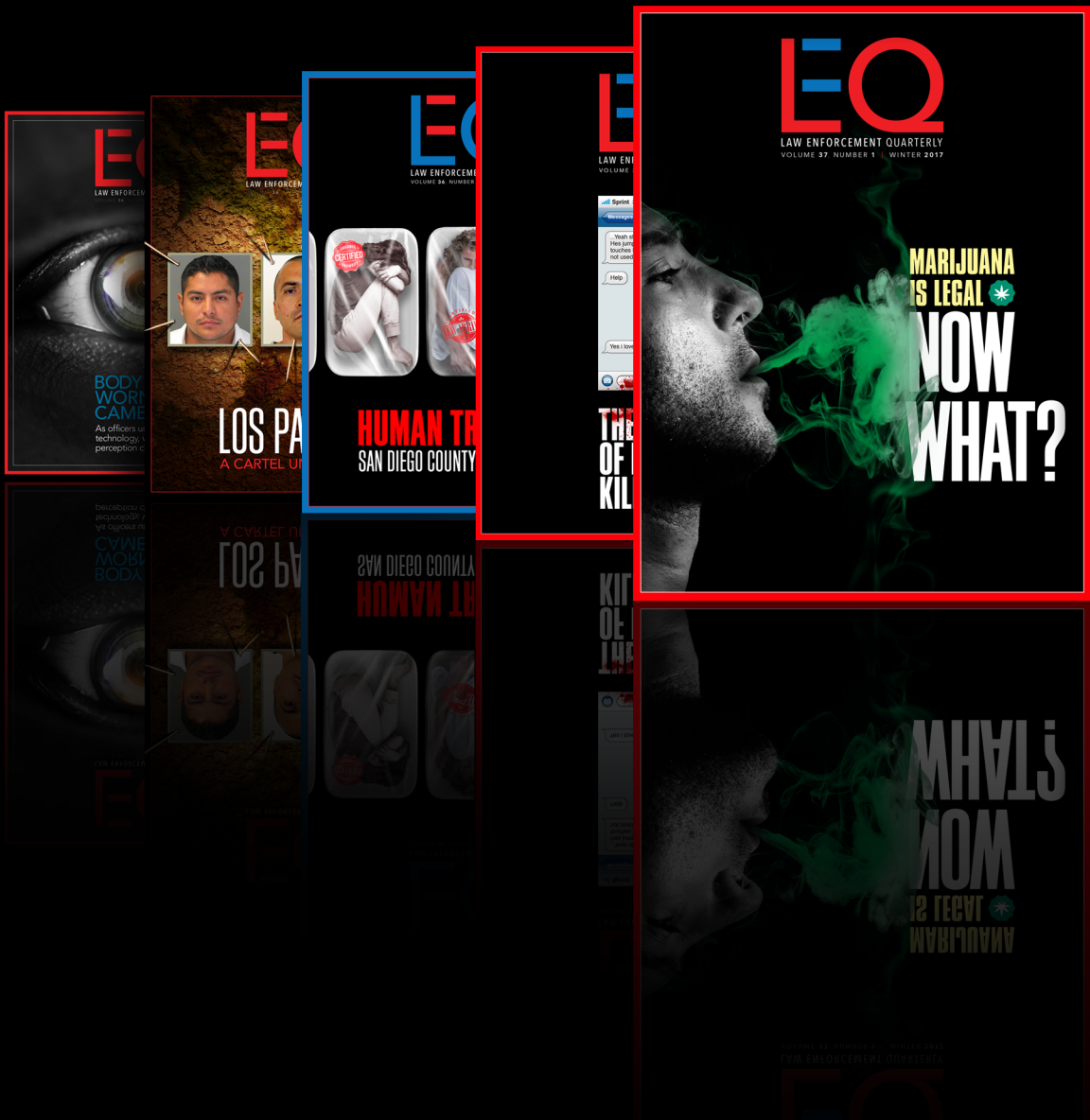
WHAT RECOMMENDATIONS DO YOU HAVE FOR THOSE WHO ARE NEW TO THE LAW ENFORCEMENT COMMUNITY? (THE ROOKIES)

My recommendation to our new men and women officers is simple. Treat every person you come in contact with as if they were one of your family members. Additionally, I remind them to focus on doing the right thing every day and not to worry about the court outcome or the ever-changing laws.

NAME A GOOD BOOK YOU WOULD RECOMMEND.

"It Worked for Me" by retired U.S. Secretary of State, General Colin Powell. The best part of this book is that Powell has a much grounded sense of leadership that works for law enforcement leaders as well. He discusses his career and lessons learned at his first job and as Secretary of State.

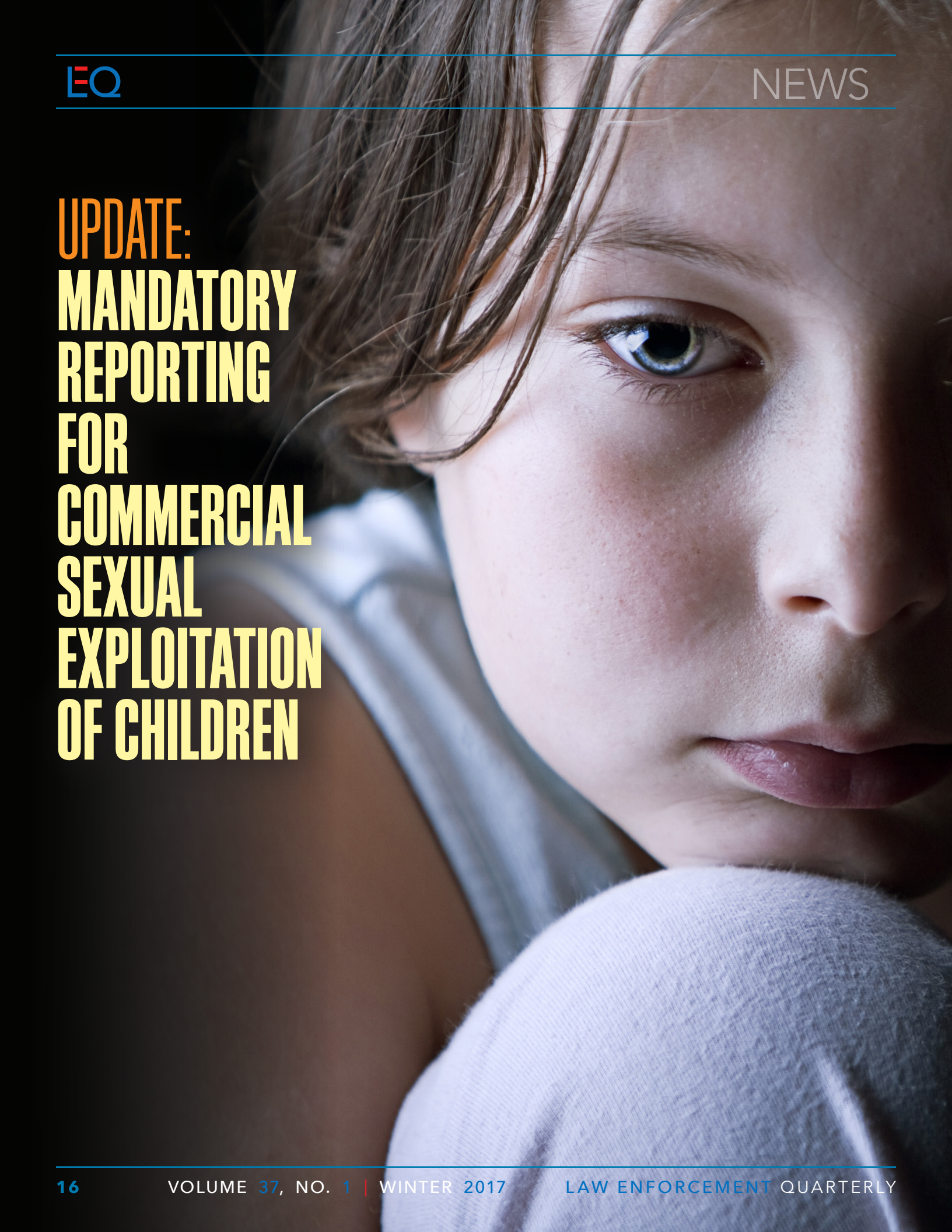
IF YOU HAVE A STORY IDEA
OR WOULD LIKE TO CONTRIBUTE
TO THE LEQ, **LET US KNOW.**



Thank you for reading the Law Enforcement Quarterly.

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

TURN
THE PAGE
TO KEEP
READING!

A close-up, high-angle photograph of a young child's face, looking slightly to the right. The child has light brown hair and blue eyes. The lighting is soft, highlighting the texture of the skin and the fabric of a light-colored shirt. The background is dark and out of focus.

**UPDATE:
MANDATORY
REPORTING
FOR
COMMERCIAL
SEXUAL
EXPLOITATION
OF CHILDREN**

By Fanny Yu

For the past year, the San Diego County District Attorney's Office in collaboration with County's Probation Department and Child Welfare Services have been training law enforcement and social workers about the updated mandated reporting law, which made all police officers mandated reporters when they suspect a youth under age 18 could be a victim of commercial sexual exploitation.

The mandated reporting statute changed last January, to include commercial sexual exploitation of a child as part of the definition of child abuse. This was done because so many child victims who had been sexually exploited were escaping detection.

Now, police are seeing an increase in commercial sexual exploitation case referrals from Child Welfare Services. In addition, law enforcement is required to cross reference any suspected or known exploited youth to Child Welfare Services and the District Attorney's Office. If a law enforcement officer suspects a youth has been, or currently is a victim of commercial sexual exploitation, they must call the 24 hour child abuse hotline dedicated for law enforcement at 888-242-5722. Here is what the intake screener will want to know:

- Do the parents have a role in the exploitation?
- Who is the perpetrator (exploiter, gang, and/or John)?
- Have you contacted the parents? What did they say?
- Did a sex act occur within the last 72 hours? Will the youth need medical attention?
- Where was the youth located? Who were they with?

- Did the youth appear to be under the influence?
- Does the youth have a safe place to go?
- If the youth was advertised on websites, Facebook, Instagram, etc., direct the hotline screener to those ads, if still available.
- Was the youth trafficked in other locations? Are there records from other jurisdictions?

If the minor is receiving services from Child Welfare Services, a social worker will be notified of the referral. In addition, it is important for law enforcement to determine if the youth is on probation. To confirm whether the youth is on probation, contact juvenile probation at 858-694-4600 during business hours or contact the Juvenile Probation Detention Center Unit after 5 p.m. at 858-694-4505. If the youth is on probation, also ask whether the youth has 4th waiver search conditions extended to all electronic devices.

- When communicating with sexually-exploited youth, keep these tips in mind:
 - Be mindful of your strategy and approach.
 - Similar to child molest or sexual assault cases, minimize the number interviews.
 - Presume the youth has had trauma; include a victim advocate in your interaction.
 - If the youth is being recruited or exploited by a trafficker, contact the Human Trafficking Task Force at 858-627-3987.
 - Gather information from parents or guardians regarding runaway frequencies.

- Find out who the youth has been calling or texting.
- Document information on all of the youth's social media profiles.
- Document signs of physical abuse and tattoos.

San Diego County's law enforcement agencies collaborate with Department of Justice, FBI, Homeland Security, CHP, Probation, Child Welfare Services, and the District Attorney's Office to fight commercial sexual exploitation of children. A comprehensive study in 2015 surveying survivors and documented gang members in local jails and prisons found that the local sex trade is an \$810 million underground industry. On average, victims enter the sex trade at age 16. The study also concluded that out of the 3,000 victims in a given year, over half have had law enforcement contact but did not receive any intervention or victim services.

More often than not, victims of sex trafficking do not see themselves as victims and many do not disclose their victimization, which has made investigating these crimes difficult. In addition, social media plays a huge role in recruiting victims for the sex trade, which is done outside of mainstream view.

To address concerns that victims were going undetected, Probation and Child Welfare Services now assess certain youth for commercial sexual exploitation and are finding that many of them have been victims. Law enforcement must take a closer look at the youth they come into contact with and document the details so we don't miss the warning signs of a youth being exploited for the sex trade.



Fanny Yu is a Deputy District Attorney assigned to the DA's Juvenile Branch.

INSIDE THE HARBOR POLICE DIVE TEAM

A young girl is missing. Investigators follow the clues to a lake where her body may have been dumped.

A helicopter pilot is forced to make a crash-landing in the bay.

Under police questioning, a witness reveals that a murder weapon was thrown into San Diego Bay from the shoreline of a waterfront park.

These are all jobs for the Dive Team, a unique service provided by the Port of San Diego's Harbor Police Department.

By Tanya M. Castaneda

Photos by Arash Afshar - Port of San Diego

With a 21-member squad of sworn police sergeants, corporals and officers, the Dive Team handles evidence searches, body recovery and emergency rescue situations. The team also supports the Navy by checking hulls for Improvised Explosive Devices.



“We tell our divers who want to join the team that we are not looking for someone to just come out and dive,” said Sgt. Jeffrey Geary, Dive Team Leader. “We want every diver to be a leader, to take ownership of the team. There’s planning, equipment and budget - so much more to it than diving.”

“HAVING A WELL-TRAINED AND WELL-EQUIPPED DIVE TEAM IS ESSENTIAL TO OUR OVERALL MISSION OF PUBLIC SAFETY IN AND ON THE WATER”

Harbor Police Chief
John Bolduc

The San Diego Harbor Police Department is the law enforcement authority for the Port of San Diego, the government agency established by state legislation as the steward of San Diego Bay. Harbor Police provide law enforcement services on the water, at San Diego International Airport, and in the Port cities of San Diego, Chula

Vista, Coronado, Imperial Beach, and National City.

“Having a well-trained and well-equipped dive team is essential to our overall mission of public safety in and on the water,” said Harbor Police Chief John Bolduc.

Since 2005, the Dive Team has obtained \$1.1 million in equipment through the federal Port Security Grant Program including two dedicated vessels, video cameras, a metal detector, sonar for low-visibility searches, and a Remote Operated Vehicle. This year, a grant will fund a new diver tracking system.

The Harbor Police Dive Team is a member of a regional dive response group within SDR ALERT (San Diego Regional Aquatic Lifesaving Emergency Response Taskforce), which includes county lifeguard, police and sheriff’s agencies; as well as the U.S. Coast Guard and Customs and Border Protection in San Diego.

Lt. Rich Stropky of the San Diego Fire Rescue Department Lifeguard Division, who leads the SDR ALERT dive team



committee, said the Harbor Police Dive Team is “a powerhouse team and a major player in the region” because of their experience, professionalism and access to grant-funded technology.

In one of the most high-profile examples of mutual aid, the Harbor Police Dive Team was among dozens of professionals from around the region who assisted in the Chelsea King case in 2010. The San Diego high school student went missing after going for a run in a park by Lake Hodges. After a massive search effort, the body was found in a shallow grave 10 feet from the shore.

The Harbor Police Dive Team is on 24-hour standby. A memorable case in 2010 involved rescuing a helicopter pilot who crash-landed in the bay. The pilot told authorities that he had lost power; he unsuccessfully attempted to make an emergency landing on the San Diego-Coronado Bay Bridge before landing in the water. A diver pulled the injured pilot from the mangled cockpit, saving his life.

In another recent case, divers assisted

a cold-case detective in searching for a handgun that a witness said had been thrown into the bay from a park decades earlier. In the cold case investigation, the handgun was not found.

The initial cost of equipping a new diver is approximately \$10,000, including SCUBA gear, masks with communication capability and in-water weapon belts and holsters.

To join the dive team, an officer must be SCUBA certified. Each officer receives in-house training in basic dive skills, and attends courses in evidence, underwater explosives, and specialized rescue, as well as an FBI course in underwater investigations.

The most important quality in a diver, said Geary, is a can-do attitude. “They have to be driven and they have to have an interest,” Geary said.



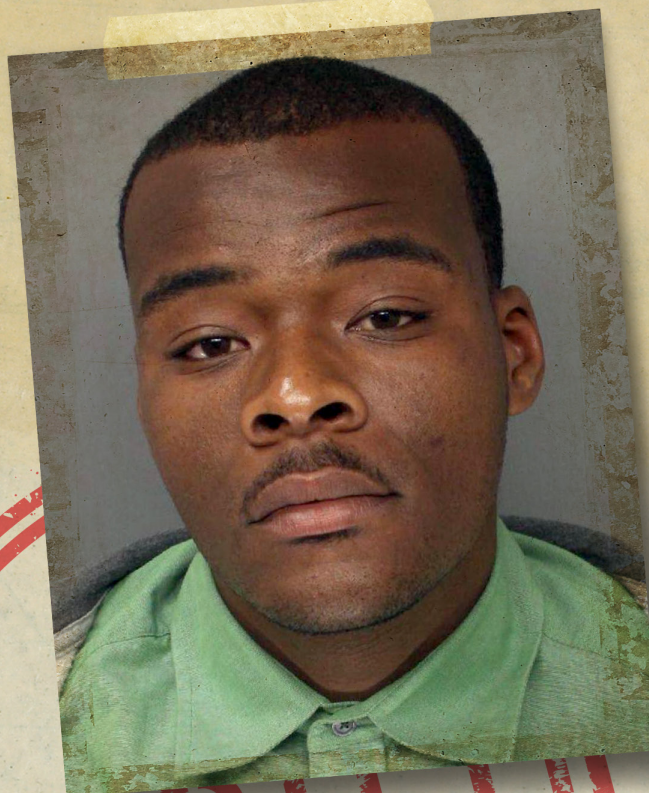
Tanya M. Castaneda is the Public Information Officer for the Port of San Diego.

JEREMIAH IRA WILLIAMS

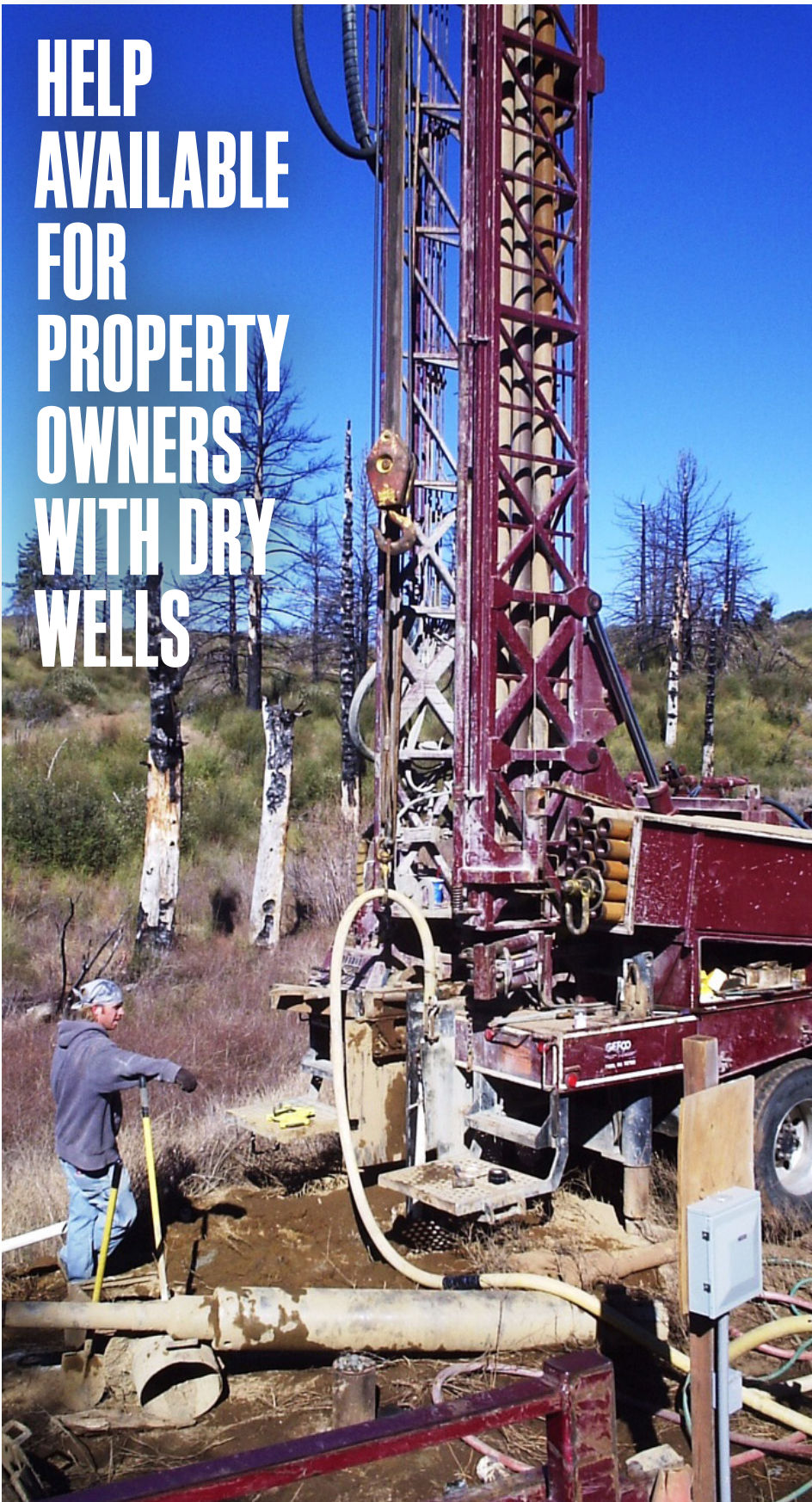
Jeremiah Williams, 25, was wanted in connection with two sexual assaults in San Diego. He was arrested in Arizona on October 27. He has been charged with 14 felony counts including rape, robbery and making criminal threats.



BUSTED!



HELP AVAILABLE FOR PROPERTY OWNERS WITH DRY WELLS



DO YOU OWN A PROPERTY WITH A WELL IN SAN DIEGO COUNTY? IS IT DRY DUE TO OUR PROLONGED STATEWIDE DROUGHT? HELP IS AVAILABLE.

A new emergency water distribution program is offering assistance to residents without access to running water for drinking and sanitation due to a dry well. Residents who qualify can receive low-interest loans to replace individual water well systems and install temporary water tanks. The water assistance is not for landscaping or agricultural needs.

The program was created as a result of an executive order by California Governor Jerry Brown. Local assistance is available through the County of San Diego and the Rural Community Assistance Corporation.

For more information, visit the County Office of Emergency Services' [emergency water program webpage](#), email the department at readysd@sdcounty.ca.gov or call 858-565-3490.



Eligibility requirements include but are not limited to:

FOR A LOW-INTEREST LOAN, APPLICANTS MUST:

- ▶ Own and occupy the property or plan to purchase the property with the dry well
- ▶ Earn an annual gross household income of \$62,883 or less

FOR THE EMERGENCY WATER DISTRIBUTION PROGRAM, APPLICANTS MUST:

- ▶ Own a property with a well that has gone dry due to drought
- ▶ Earn a total gross monthly household income less than or equal to 200 percent of the federal poverty level (here's a breakdown of those income

levels)

- ▶ Own and live in a primary residence on the property with the well
- ▶ Own and live in a legal dwelling on a legal parcel
- ▶ Have plans for a long-term water supply solution



EARTHQUAKE SWARM REMINDS US OF NEED TO PREPARE

A recent swarm of seismic activity on the southernmost end of the San Andreas Fault had scientists on alert for a larger quake. Fortunately, the threat did not take form, but it was a reminder that we live in earthquake country and that a rupture on a fault line is unpredictable.

The best way to survive and reduce your chances for injury, should a significant earthquake rattle the region, is to know what to do before an earthquake strikes. Everyone should be prepared for an earthquake. Learn the key steps

to take: Drop, Cover, and Hold On, and practice at least once so the reaction becomes automatic. A quick, practiced response can help in the stressful and frightening seconds after a quake hits.

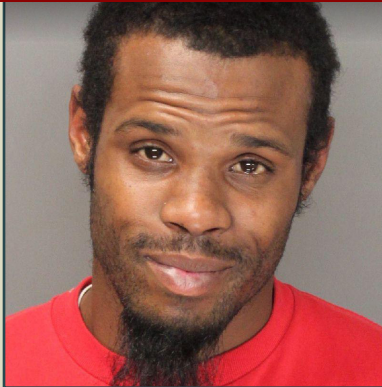
Nearly one million San Diego County residents participated in the 2016 Great ShakeOut earthquake drill on October 20 at 10:20 a.m. and in the weeks that followed. The annual event, held on the third Thursday of October, promotes earthquake preparedness. Participants take part in the mass earthquake drill wherever they are: at home, work, school or in the community. The earthquake drill can also be planned for any day and

time of the year if that time and day isn't convenient. The main point is to help families, individuals and organizations prepare to survive.

Residents, businesses, schools and other organizations can find more information about earthquake preparedness or how to practice Drop, Cover and Hold On by visiting the ShakeOut.org website or the Office of Emergency Services' website in English at readysandiego.org or in Spanish at listosandiego.org.

Check out this recent CountyNewsCenter.com video on the biggest earthquake threat facing San Diego County: the Rose Canyon fault.

WANTED



WHO: Elan Gwynn

DOB: 2-4-1985

DESCRIPTION: Black male, 6 feet tall, 170 pounds with black hair and brown eyes.

WHY: Elan Gwynn has a no-bail felony warrant for narcotics possession and possession of narcotics for sale. Criminal history includes multiple narcotics convictions for possession of narcotics for sale, and felony vandalism. He is known to frequent the Spring Valley and Lemon Grove areas of San Diego County.

WANTED By:



WANTED



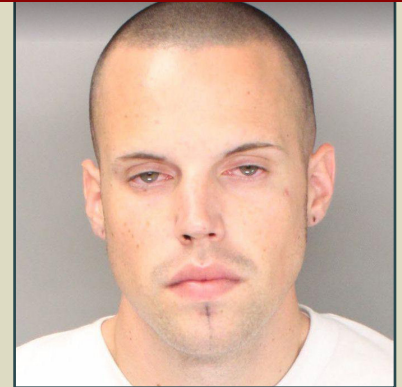
WHO: Michael Lynn Salisbury, also known as Michelle Lynn or Michelle David Salisbury

DOB: 6-8-1964

DESCRIPTION: White male (who cross dresses as a woman), 5 feet 8 inches tall, 165 pounds with blond hair and hazel eyes.

WHY: Michael David Salisbury has three felony arrest warrants including a \$300,000 warrant for burglary, battery, and victim intimidation; a \$250,000 warrant for grand theft and credit card theft; and no-bail warrant for a probation violation (AB109). His criminal history includes possession of narcotics, probation violations, grand theft, multiple burglary convictions, credit card theft, possession of a stolen vehicle and parole violations.

WANTED



WHO: Eduardo Moran

DOB: 12-13-1968

DESCRIPTION: Hispanic male, 5 feet 8 inches tall, 165 pounds with black and white hair and brown eyes.

WHY: Eduardo Moran is wanted by the California Parole Apprehension Team for violating the terms and conditions of his parole. Moran is currently on parole for narcotics related offenses. He has previous convictions of assault with a deadly weapon, DUI, multiple narcotics related convictions, domestic violence, and multiple parole violations. Moran is a known street gang member. He frequents the area of 43rd and Epsilon Streets in the Shelltown area of San Diego.

CALIFORNIA

**ROLLS OUT
THE GREEN
CARPET**

By Wendy Patrick



CALIFORNIA'S WARM WEATHER, SANDY BEACHES AND PALM TREES HAVE NEW COMPETITION: MARIJUANA. NOW THAT THE DRUG IS LEGAL HERE, TOURISM AND ASSOCIATED BUSINESS ENTERPRISES ARE BOUND TO EXPAND. BUT FOR GOVERNMENT AND LAW ENFORCEMENT NOW COMES THE HARD PART - REGULATING ALL OF THE ISSUES THAT COME ALONG WITH LEGALIZATION. SINCE IT'S ONLY LEGAL TO CONSUME MARIJUANA IN ONE'S HOME, NOT PURCHASE IT, DON'T EXPECT TO BE SEEING ANY KITSCHY 'BUD AND BREAKFAST' OR 'WAKE AND BAKE' BUSINESSES FOR A WHILE. HERE ARE SOME OF THE MORE OBVIOUS SMOKE SIGNALS:

MISTAKEN IDENTITY

Maybe you have a great nose and can smell marijuana a mile away. Not everyone has that ability. Children, for example, cannot visually distinguish spiked goodies from the virgin variety (neither can many adults). Childproofing marijuana edibles will be an important part of marijuana regulation in California, as it has been in other states.

In 2014, nine children were taken to Colorado's largest pediatric emergency department after accidental marijuana

ingestion - almost double the number from a year earlier, according to a *Denver Post* news article. Their symptoms included agitation as well as extreme sedation; one of those children was suffering from breathing difficulty and needed to be treated with a respirator.

Parents should take a lesson from statistics like these and ensure that children do not have access to marijuana products that can look like innocuous baked goods. Following the lead of states like Colorado, California may decide to require that marijuana products carry specific markings

on the items themselves, not just the packaging, in an effort to distinguish pot-laced edibles from drug-free treats.

THE ILLUSION THAT LEGAL MEANS SAFE

Many people believe that even though other legal substances, such as alcohol and cigarettes, are harmful, marijuana is not. Advances in research, however, continue to produce results to the contrary. According to a 2015 *Boston Globe* article, there is growing evidence that marijuana is addictive. These problems are similar to those that arise in connection with prescription drug use, where people fall prey to the dangerous myth that a substance prescribed by a doctor must be harmless.

Pregnant women consuming marijuana

are endangering their unborn children. There are reports of more babies being born with marijuana in their systems, which doctors say may be harmful to their developing brains. When confronted with these findings, a pediatrician and medical director of the Pueblo, Colorado's, St. Mary Corwin Medical Center newborn intensive care center, said that many of the mothers are not surprised that their babies tested positive, but were unaware of the danger. He says the women actually question how it could be harmful given that it is a legal drug.

SHARING POT WITH PETS

It is not only children who may have access to the drug. Some dog owners are reportedly already sharing medical marijuana with their dog to treat a variety



of ailments. This practice could increase with the legalization of recreational use, when marijuana becomes even easier to obtain. And like children, dogs will no doubt be drawn by the appearance and smell of marijuana edibles, creating the same issues, and potential hospitalizations from possible side effects.

LAW VS. ETHICS

Despite marijuana now being legal in California, it is still illegal under federal law. California lawyers are bound by the State Bar Act to obey the laws. That means law enforcement is sworn to uphold the laws as well, both state and federal. Ethics opinions around the country have reached conflicting opinions about whether it is ethical for lawyers to smoke marijuana in their state if it is legal under state law.

Several states including Colorado and Connecticut believe it to be ethical for lawyers to use medicinal marijuana, while one Washington State Bar Association Advisory Opinion finds it to be ethical for lawyers to use marijuana recreationally – while also noting that if it leads to other

unethical behavior the lawyer would be subject to discipline.

Ohio and North Dakota, on the other hand, believe even medical marijuana use violates American Bar Association Rule 8.4(b), prohibiting misconduct.

The opinions note that consistent marijuana use in violation of federal law would constitute a “pattern of repeat offenses” that can indicate an “indifference to legal obligations.”

Many of these issues and contradictions will be addressed over time, through legislation and litigation. In the short term, January 1 has arrived, awareness and working knowledge of these various concerns can help governments, health providers, and law enforcement to address the green flash that’s on the horizon.



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

THE PROBLEM WITH SITTING

By Garret Wong

WHY DOES SITTING GETTING SUCH A BAD RAP? IT'S EASY AND COMFORTABLE AND FOR MANY OF US - IT'S REQUIRED FOR OUR JOB.



WE MAY NOT REALIZE IT, BUT THOSE HOURS OF SITTING ADD UP - WORKING AT OUR DESK, TYPING IN FRONT OF THE COMPUTER, COMMUTING IN OUR CARS, WATCHING TV IN OUR FAVORITE EASY CHAIR. LET'S FACE IT, FOR ALMOST ALL OF US, WE'RE SITTING THE MAJORITY OF OUR DAY.

But is sitting really that bad? Obviously an overly sedentary lifestyle is not optimal for our health; numerous studies are also confirming the consequences from prolonged sitting. Here are some of the negative consequences from sitting too long.

ORGAN DAMAGE

Muscles burn less fat and blood flows more



sluggishly during prolonged sitting, allowing fatty acids to more easily clog the heart. Prolonged sitting has been linked to high blood pressure and elevated cholesterol. People with the most sedentary time are more than twice as likely to have cardiovascular disease than those with the least sedentary time.

MUSCLE DEGENERATION

When you stand, move or even sit up straight, abdominal muscles keep you upright. But when you slump in a chair, they go unused. Tight back muscles and weak core muscles form a posture-wrecking alliance that can result in rounder shoulders, rounded back and various other issues. Flexible hips help keep you balanced, but chronic sitters so rarely extend the hip flexor muscles in front that



they become short and tight, limiting range of motion and stride length. Studies have found that decreased hip mobility is a main reason elderly people tend to fall.

Sitting requires your glutes to do absolutely nothing, and they get used to it. Soft glutes hurt your stability, your ability to push off and your ability to maintain a powerful stride.

MUSCLE IMBALANCES

If most of your sitting occurs at a desk at work, craning your neck forward toward a keyboard or tilting your head to cradle a phone while typing can strain the cervical vertebrae and lead to permanent imbalances. When we move, soft discs between vertebrae expand and contract like sponges, soaking up fresh blood and nutrients.



But when we sit for a long time, discs are squashed unevenly. Collagen hardens around tendons and ligaments. People who sit more are at greater risk for herniated lumbar disks.

A muscle called the psoas travels through the abdominal cavity and, when it tightens, pulls the upper lumbar spine forward.

Upper-body weight rests entirely on the ischial tuberosity (sitting bones) instead of being distributed along the arch of the spine.

WHAT SHOULD WE DO?

Although we can't completely give up sitting, there are a couple things we can do to reduce our hours of sitting, and/or mitigate these problems!

1. GET A STAND-UP DESK!

What's the best way to reduce your sedentary time? Remove temptation! Ditching your chair and getting a stand-up desk is incredibly effective in increasing your activity (because you have no other choice!) There are several varieties and styles of stand-up desks available now. Most even adjust so you can still use it as a sitting work station, if you aren't ready to completely ditch the chair.

2. GET UP AND MOVE!

Not sold on the stand-up desk idea? Make it a point to get up and walk around every 15 minutes. It requires a little more attention to the clock, but sometimes those frequent breaks can be a welcome distraction!

3. SIT PROPERLY!

If you have to sit, be tactical about it –

- Don't lean forward
- Shoulders relaxed
- Arms close to sides
- Elbows bent at 90 degrees
- Lower back may be supported
- Feet flat on the floor

4. DAILY MOBILITY!

Even by implementing these options, you should also be diligent about addressing the mobility issues that go hand-in-hand with prolonged sitting.

A good rule of thumb is working on your mobility for four minutes for every 30 minutes of sitting.

Try adding in these mobility exercises into your daily routine:

Leg Swings

Begin with forward leg swings. Find something to hold for balance. To start,

swing your right leg backward and forward as high and as far back as you comfortably can. Do 20 swings and then switch legs. Next are side-to-side swings. Again, find something to hold for balance. Swing your right leg out to the side as high as possible and then in front of you towards your left as far as you can go. Perform 20 swings and then switch legs. Depending on how tight you feel, you may need another set.

Caveman ("Grok") Squat

The Caveman ("Grok") Squat is very similar to a catcher's stance in baseball.

Try squatting down until your butt touches your ankles. Keep your heels firmly on the ground and your back straight. Hold that position for 30 to 60 seconds. You should feel your hamstrings, quads, Achilles tendons, lower back, and groin gently stretching.

If you're super stiff, it may take a few days of practice to sink into a full squat. You can also find a vertical post or object to help keep your balance and assist you in getting down (and up out of) the squat. Keep at it! Your back and hips will thank you.

Table Pigeon Pose

If you've done yoga, you're probably familiar with the pigeon pose. This stretch is similar, except you use a table, which makes it a bit easier to perform and allows you to stretch out your muscles from different angles. Start by placing your leg on a tabletop (you could also use your bed) with the knee bent at a 90-degree angle. Place one hand on the table and one hand on your foot for support. Lean forward and hold for 60 to 90 seconds. Next, lean to the 10 o'clock then 2 o'clock position and hold for another 60 to 90 seconds each. Repeat on the other leg. If you have knee problems, rotate your body so that your ankle hangs off the table and place a pillow underneath your knee.

Couch Stretch

You actually don't need a couch for this stretch; it just makes it a bit more comfortable (if that's even possible!) You can also do it on the floor by putting your knee against a wall, and resting your knee on a pillow or mat. For the "easy" version, place the knee of the leg you're stretching

against the back of your sofa. Place the foot of your other leg on the floor. Slowly raise your torso to a neutral spine position (i.e. standing straight and tall).

As you raise your torso, squeeze your butt and abs. Hold the position for up to four minutes. Switch and repeat on the other leg. You should feel things really stretch in your hip flexor area – just don't push yourself too hard. To up the ante, bring your non-stretching leg up onto the seat of the couch. Keeping a straight, neutral spine, squeeze the butt and abs and work your way up to holding the position for four minutes. Keep in mind that it may be awhile before you can get your torso to a straight position.

We may not be able to give up sitting completely, but we can (and should!) try to sit less and move more! So let's stand up against sitting!



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



**MARIJUANA
IS LEGAL** 

**NOW
WHAT?**

I STARTED MY FIRST ASSIGNMENT IN THE DA'S MAJOR NARCOTICS UNIT IN 1993. HAD YOU TOLD ME THEN THAT MARIJUANA USE WOULD BECOME LEGAL IN 23 YEARS, MY RESPONSE (LIKE MANY OF YOURS) WOULD HAVE BEEN TO LAUGH OUT LOUD. WELL, HERE WE ARE. WITH THE RECENT PASSAGE OF PROPOSITION 64 ADULT USE OF MARIJUANA IS NOW LEGAL IN CALIFORNIA. SOME PEOPLE ARE CELEBRATING, BUT IN LAW ENFORCEMENT – WE'RE ROLLING UP OUR SLEEVES AND PREPARING TO GO TO WORK.

...MARIJUANA PRODUCTS ARE NO LONGER CONSIDERED CONTRABAND AND CANNOT BE SEIZED BY LAW ENFORCEMENT...

HERE'S THE SHORT OF IT. IF YOU'RE 21 OR OLDER, YOU CAN NOW:

- Possess up to 28.5 grams of marijuana
- Have up to eight grams of concentrated cannabis
- Cultivate up to six marijuana plants and possess the marijuana produced by the plants, so long as:
 - ▶ *The person plants, cultivates, harvests, dries, or processes the plants in accordance with any local ordinances; and*
 - ▶ *The living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person's private residence, or on the grounds of the residence in a locked space and are not visible from a public place.*
 - ▶ *No city or county may completely prohibit cultivation of these six plants or the storage of any excess marijuana produced from the plants.*
- Smoke or ingest marijuana or marijuana products
- Possess marijuana accessories.

LEGAL VS. ILLEGAL

So what does this mean for San Diego County? Aside from a change in mindset, the first thing you have to know



is that marijuana and marijuana products are no longer considered contraband and cannot be seized by law enforcement, so long as they comply with legal activities under the law. And, you can no longer arrest, detain or search someone because you suspect they are using marijuana or have marijuana paraphernalia.

Even though recreational marijuana is now legal, it's not a free-for-all. Police officers need to be mindful that although many aspects of marijuana use are now OK and most penalties for illegal marijuana activity have been reduced, there is still stuff you can't do, such as:

- Smoke or ingest marijuana or marijuana products in any public place
- Smoke marijuana or marijuana products in a location where smoking tobacco is prohibited
- Smoke marijuana or marijuana products within 1,000



feet of a school, day care center, or youth center while children are present

- Possess an open package of marijuana or marijuana products while driving, operating, or riding in a motor vehicle, boat, vessel, or aircraft



- Smoke or ingest marijuana or marijuana products while driving, operating a motor vehicle, boat, vessel, or aircraft; or
- Manufacture concentrated cannabis using a volatile solvent, unless done with a license

Employers are also authorized to maintain a drug-and-alcohol-free workplace and comply with federal laws.

There have also been changes to the Health and Safety Code sections that cover illegal conduct involving marijuana. For example, possessing personal use quantities of marijuana over 28.5 grams is still illegal, but only an infraction or a misdemeanor depending on the circumstances.

Also, cultivating excessive numbers of plants is no longer a felony unless the individual has two prior convictions under Health and Safety Code 11358, is a registered sex offender, or has a “super strike” conviction – a sex offense with a child under 14, murder, solicitation of murder, assault with a machine gun on a peace officer or possession of a weapon of mass destruction.

Selling and transporting marijuana is now a misdemeanor, no matter what quantity is involved; however, it is a felony to import or export marijuana into or out of California. An important note in all of this – it is still a felony to manufacture hash oil using butane, alcohol, or some other volatile solvent.

**...SELLING AND
TRANSPORTING
MARIJUANA
IS NOW A
MISDEMEANOR,
NO MATTER
WHAT
QUANTITY IS
INVOLVED.**

OVERSIGHT

The new law has created an entire commercial regulatory scheme that will be implemented and

PEOPLE WITH PAST CONVICTIONS FOR MARIJUANA OFFENSES, MAY HAVE THEIR RECORDS CLEARED.

enforced by the Bureau of Marijuana Control. The Bureau has merged with the former Bureau of Medical Cannabis Regulation to oversee both the medical and commercial marijuana programs. It will operate in a fashion similar to the California Department of Alcoholic Beverage Control. The Bureau will create the underlying regulatory requirements for 21 types of medical marijuana licenses and 19 types of commercial marijuana licenses that will be issued no sooner than January 2018. Commercial licenses will be required for anyone cultivating, manufacturing, testing, selling or distributing marijuana.

Anyone applying for a state license must first comply with all local marijuana regulatory requirements. If the local jurisdiction has chosen to prohibit any commercial marijuana activity, then a state license cannot be



obtained. One of the requirements for any commercial marijuana business is that they participate in a statewide “track and trace” system that is intended to document all marijuana transactions from “seed to sale.”

Anyone who conducts commercial marijuana activity without a required license will be subject to civil penalties of up to three times the license fee for each violation and faces having their marijuana destroyed. Each day that the unlicensed marijuana activity occurs will be a separate violation, which is subject to civil penalties. The offices of Attorney General, District Attorney, County Counsel or City Attorney may prosecute for civil penalties and any action seeking civil penalties for unlicensed commercial marijuana activity does not preclude a parallel criminal prosecution for the same conduct.

TAXES

Commercial marijuana will be subject to heavy taxation including production taxes ranging from \$2.75 to \$9.25 per ounce of marijuana that will be paid by the grower; a 15 percent excise tax and 7.5 percent state sales tax on purchases of marijuana; and any local sales tax. Revenue generated from production and state taxes will go into the Marijuana Tax Fund, which will be used to pay for establishment and oversight of the program. It will also fund research on drugged driving, will pay for a study on the



effects of the new law, will provide grants to local health departments, will fund medical cannabis research, and will provide funding for environmental restoration, education, prevention, and will provide competitive grants to law enforcement. Currently, there is no ability to use commercial marijuana tax revenue for any purpose other than these.

EXPECTATIONS

There is a restorative component under the new law that allows people with past convictions for marijuana offenses, who are no longer illegal, to petition to have their records cleared. This remedy is also available to individuals currently serving time for marijuana related convictions.

Already, local law enforcement in San Diego County met with officials in Colorado to understand side issues that come after legalizing marijuana. Some of those issues include a spike in black market marijuana sales and cultivation to avoid paying taxes. Other problems include an increase in violent crime and property crime in and around commercial marijuana businesses, increased on-campus marijuana use by underage students, and more cases of motorists driving under the influence of marijuana.

Our office also expects to begin dealing with an onslaught of petitions to expunge marijuana related





convictions and has planned to handle them in the same manner as we did with Proposition 47 reduction petitions.

It truly is a new day and mindset for those involved in investigating and prosecuting marijuana related crime. This is by no means an exhaustive summary of all components of the Adult Use of Marijuana Act. I limited this to only those areas most applicable to law enforcement. If you have questions please, don't hesitate to contact me or anyone else in the Major Narcotics Unit.



Steve Walter is a Deputy District Attorney and the Chief of the Narcotics Division.

CALIFORNIA BRACING FOR MARIJUANA-RELATED DUI ACCIDENTS

By Kelly Martinez

Now that marijuana is legal in California, law enforcement is bracing for an onslaught of side issues – one of the biggest will be a possible increase of motorists driving under the influence of marijuana.



Now that marijuana is legal in California, law enforcement is bracing for an onslaught of side issues – one of the biggest will be a possible increase of motorists driving under the influence of

marijuana. In anticipation and preparation for Proposition 64's passage, law enforcement in California spent months studying the impacts in Colorado and Washington State after legalization

occurred there. Driving under the influence of marijuana came up again and again. Data from Washington State showed that fatalities in marijuana-related DUI accidents had doubled. In Colorado there was a 92 percent increase in these cases.

An additional dilemma in Colorado includes marijuana influenced drivers at non-traditional DUI times. People use marijuana at all times of the day and night. This alone puts more impaired drivers on the roadway, and it's what law enforcement is bracing for in California.

There is work being done on these issues. A UC San Diego professor, Thomas D. Marcotte, PhD, is working with a grant-funded team to study driving under the influence of marijuana.

These studies are in their infancy and the largest take away so far is that we don't have enough information at this time to quantify impairment related to marijuana in the system. Marcotte is an Associate Professor of Psychiatry in the HIV Neurobehavioral Research Program

Center for Medicinal Cannabis Research at UCSD.

According to Marcotte, marijuana affects the brain and body differently than alcohol. Cannabis and driving is displayed in attention span, processing speed, reaction time, psychomotor abilities and time perception. Cannabis users may judge themselves to be more impaired and possibly use compensatory strategies such as allowing more headway, driving more slowly, avoid passing other cars and by showing more caution when driving.

Also, the body does not absorb marijuana in the same way it absorbs alcohol. Where alcohol leaves our system after a period of time and is detected at lower levels in our blood and urine as it works its way out of our system, marijuana is absorbed into our body. Even though our blood may not show high levels of intoxication over time, impairment will increase as the marijuana is absorbed in the brain and other areas of the body. People will actually feel "higher" when the blood shows lower levels of the drug, Marcotte said.

UCSD researchers are working with Drug Recognition Experts at the California Highway Patrol to identify ways in which law enforcement can measure impairment. One possible solution is attention tests using an iPad or other device that records responses and can later be used in court.

For now, the recommendation is that in order to successfully prosecute DUI marijuana cases, it is required that impairment be demonstrated. This is commonly accomplished through the use of Standardized Field Sobriety Tests.

The three validated tests are the Horizontal Gaze Nystagmus, Walk and Turn, and One Leg Stand. It is recommended that law enforcement officers also include the Modified Romberg, Finger to Nose, Lack of Convergence of eyes and a pulse check.

Impairment may also be documented through poor driving behavior or involvement in an at-fault collision. Typically, marijuana users will exhibit one or more of the following signs and symptoms:

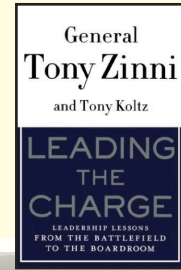
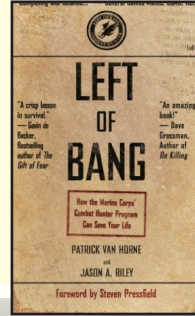
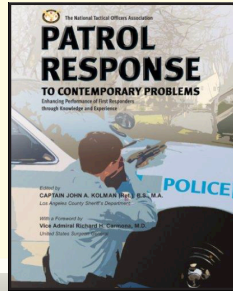
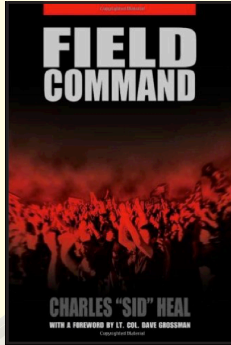
- Lack of convergence
- Dilated pupils
- Elevated pulse
- High blood pressure
- Bloodshot eyes
- Marijuana odor on the breath or person
- Discolored tongue
- Lack of focus or inability to concentrate
- Lethargic movements

As with all cases, suspect and witness statements, video evidence, independent observations, marijuana in the vehicle or on the person, and any other related evidence will help to prove the case.



Kelly Martinez is a Captain with the San Diego County Sheriff's Department and assigned as a Special Assistant to Sheriff Gore.

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



FIELD COMMAND

By: Charles "Sid" Heal

This book is a first-of-its-kind in that it introduces and explains more than 250 time-tested, tried and true tactical concepts in an easy to understand format, tightly focused on domestic law enforcement applications. Charles "Sid" Heal is a retired Commander from the Los Angeles Sheriff's Department, where he spent more than half of his career in units charged with handling law enforcement special and emergency operations.

PATROL RESPONSE TO CONTEMPORARY PROBLEMS
ENHANCING PERFORMANCE OF FIRST RESPONDERS THROUGH KNOWLEDGE AND EXPERIENCE

By: John A. Kolman

Each chapter in this textbook addresses important diverse and evolving skill sets that the patrol officer must possess in order to protect the public, reduce risk and maximize success during every encounter. Of particular interest are some of the new and evolving threats and responses to critical incidents that once again have broadened the scope of responsibility of the patrol officer.

LEFT OF BANG:
HOW THE MARINE CORPS' COMBAT HUNTER PROGRAM CAN SAVE YOUR LIFE

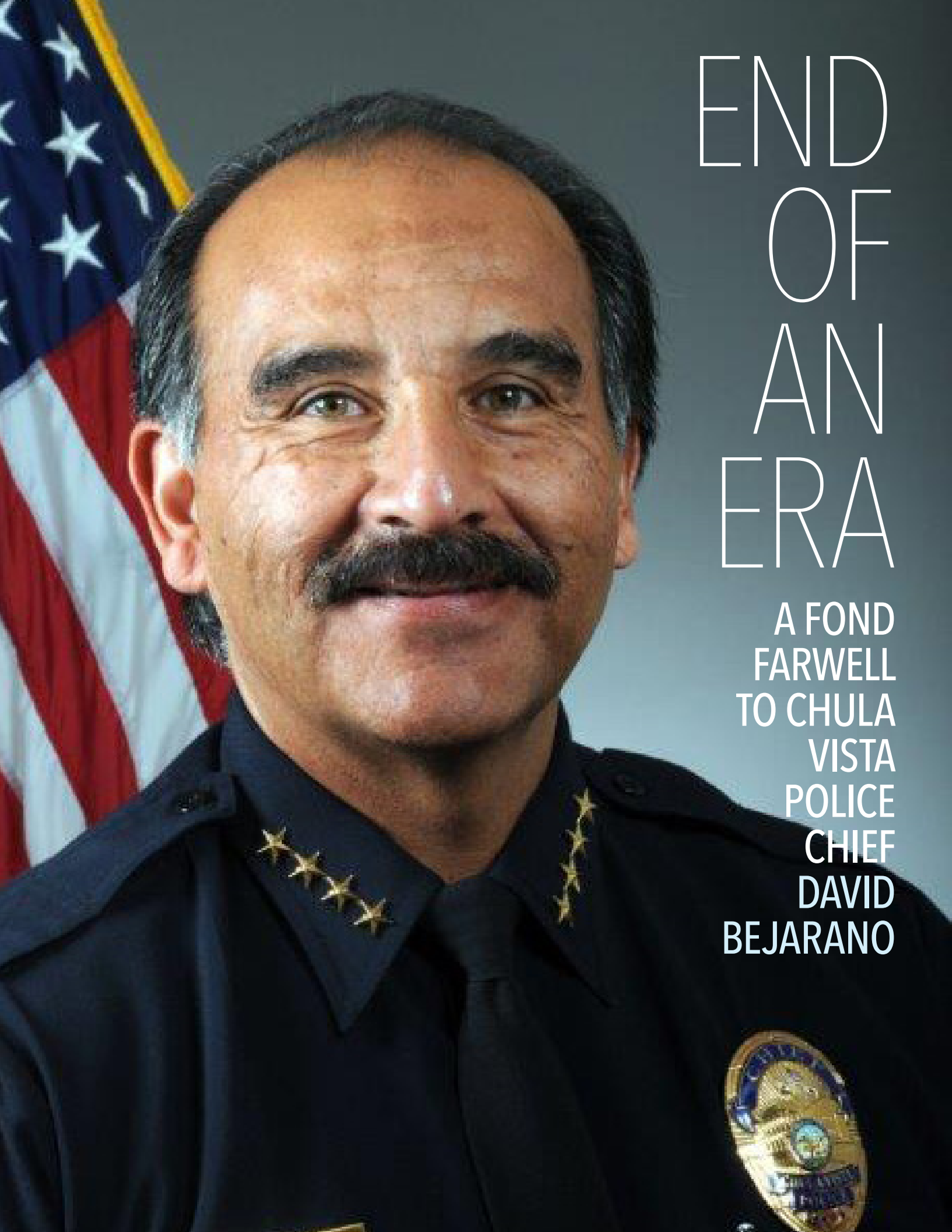
By: Patrick Van Horne

Patrick Van Horne is the founder and CEO of The CP Journal, a behavioral analysis training company. His firm provides training support to the U.S. military, federal and local law enforcement agencies and the private security industry. "Left of Bang" is a comprehensive and no-nonsense approach to heightening each and every one of our gifts of fear.

LEADING THE CHARGE:
LEADERSHIP LESSONS FROM THE BATTLEFIELD TO THE BOARDROOM

By: Gen. Anthony Zinni and Tony Koltz

"Leading the Charge" is a visionary leadership book that examines the trends that have reshaped our world and the ways in which visionary leaders and organizations can effectively respond. Tomorrow's successful leaders-in all fields, including the military, academia, politics, and business-must know how to create, operate, and thrive in very fluid, flattened, and integrated structures that are remarkably different from the traditional organizations we are used to seeing.



END OF AN ERA

A FOND
FARWELL
TO CHULA
VISTA
POLICE
CHIEF
DAVID
BEJARANO

By Chula Vista Police Captain Lon Turner

The Chula Vista Police Department said goodbye to longtime Chief, David Bejarano, who retired last month after seven years at the helm of the police department. He capped a 35-year career in San Diego County law enforcement which began in 1979 at the San Diego Police Department. He retired there as Chief of Police in 2003. Next, Bejarano was appointed by President George W. Bush to serve as the U.S. Marshal for the Southern District of California. In 2009, Bejarano was named Chief of the Chula Vista Police Department.

During his tenure as Chief in Chula Vista, Bejarano accomplished a number of feats, one of which is the city's recognition for the last eight years as one of the safest cities in San Diego County. It was also named one of the 10 safest cities in the nation with a population over 200,000 by Forbes magazine in 2012.

In 2015, Bejarano was selected as President of the California Police Chiefs

Association. He served as the voice and leader of 330 California police chiefs. During this time, he worked closely with the Governor and state legislators on public safety legislation and policy on controversial topics including medicinal marijuana and body-worn cameras.

Later, thanks to his ability to work with diverging viewpoints, Bejarano was appointed by Governor Brown to serve on the Board of State Community Corrections. He also served as President of the San Diego County Chiefs' and Sheriff's Association and as the regional leader for San Diego County law enforcement executives from 2010 to 2015.

Community engagement has been central to Bejarano's leadership. He established the Chula Vista Police Foundation, which is comprised of community and business leaders. The foundation has raised \$1.1 million over the last seven years. The funds have been used to purchase critical safety equipment for officers, to produce the annual Awards and Recognition Ceremony, and for supporting the Senior

Volunteer and Explorers Programs as well as promoting community participation.

Chula Vista became one of the first police departments in the county to test body-worn cameras under Bejarano's leadership in 2010.

"Using advanced technology improves confidence, trust and transparency with the community," Bejarano said.

In addition, Bejarano worked in partnership with Chula Vista Police Officers Association, to establish a patrol "hybrid staffing" model, which doubled the number of patrol units on the weekend. This new staffing model increased police officer proactive time from 30 percent to 40 percent. He also developed a Security Alarm Ordinance, which modified verified response requirements, resulting in a 40 percent reduction in false alarm responses and reduced patrol calls for service.

Chief Bejarano's leadership style is second to none. When he first arrived at the Chula

Vista Police Department, he made it a priority to get to know the members in the organization. He reminded staff of the need to always take care of the three priorities: people, crime fighting and budgets. He never had a cross word to say, was always a steady leader when facing a crisis and making decisions, and he brought out the best in his employees. We will truly miss his leadership.

Even though Bejarano has retired, he continues to serve on several local and statewide boards and is enjoying spending more time with his wife, children and grandchildren.

"Retirement is bittersweet," Bejarano said. "I've developed a family within CVPD, and I'll certainly miss them. I've shaped the organization to address future challenges, so I'm ready to let the next generation of leaders take the helm."



Lon Turner is a Captain with the Chula Vista Police Department

THE LAW ENFORCEMENT QUARTERLY WELCOMES CHULA VISTA POLICE CHIEF ROXANA KENNEDY



Congratulations to Roxana Kennedy, who was sworn in as the Chula Vista Chief of Police on December 30, making her the 24th chief in the city's history. She is the first woman to hold this position. After graduating from the Southwestern College Police Academy in 1992, Chief Kennedy embarked on a law enforcement career that included various assignments.

They include patrol officer, street team officer, field agent, background investigator, patrol sergeant, street team sergeant, watch commander, geographic policing district commander, and investigative division lieutenant.

During her career, she served on both the Crisis Negotiation Team and the Mobile Field Force Unit for 22 years, including 12 years as the unit commander for

each team. She also directed a very active Wellness/Peer Support Team for the Chula Vista Police Department.

As a police officer, Chief Kennedy developed a reputation for an outstanding work ethic, professionalism, commitment to the community, and dedication to the job. Her passion for police work and providing high quality service to the community propelled her through the ranks to become Chula Vista's first female police lieutenant and then in 2013, police captain.

Chief Kennedy has a Bachelor's Degree in business management from California Coast University. She graduated from the FBI National Academy, and serves on the FBI National California Chapter Board of Directors. In addition, she serves as the president of the San Diego Chapter of Woman Leaders in Law Enforcement.

SEARCH AND SEIZURE QUIZ

CAN POLICE STILL SEARCH FOR MARIJUANA? TAKE THE QUIZ!

Even though Californians legalized recreational marijuana for adults, there are still times when its use is against the law. Consider the following situations:

Patrol Officer Smith is sitting on the side of the road in a school zone, watching for speeders. The school zone is in front of a public elementary school and has a posted speed limit of 20 miles per hour. The school is 200 feet from Smith's location. While there, a car drives by bringing with it an odor of fresh marijuana. Officer Smith jumps in his car and turns on



his overhead lights and siren and pulls over the vehicle. Inside the car, he sees about a quarter ounce of marijuana in a baggie, a brownie wrapped in packaging marked "Edible Heaven, Kush for Kisses," and a clean marijuana bong.

1

Based on what he sees, the stop of the driver is:

- a. Legal, the smell of marijuana alone is a reason to detain to make sure the suspect is following the law.
- b. Not legal, now that marijuana is legal to possess, there is no crime and the smell does not make it so.
- c. Legal, the smell of fresh marijuana is probable cause to search so a detention for the same would be reasonable.
- d. Not legal, the law states that the odor of marijuana alone cannot be used to detain and or search the vehicle.

The law specifically states that now that it is legal to possess, the smell of marijuana alone is not grounds for detention or a basis to search.



2

As the car passes by, Officer Smith watches as the female passenger looks in his direction and lets out a huge cloud of smoke, which has the distinct odor of burnt marijuana and is holding what appears to be a joint.

- a. Officer Smith cannot do anything about this obnoxious gesture as it is protected by free speech or free smoke.
- b. Officer Smith cannot stop the car as the driver has no control over the passenger and has done nothing wrong.
- c. Officer Smith can stop the vehicle. The law is clear that neither the driver nor the passenger can smoke marijuana in the vehicle.
- d. Officer Smith can stop the vehicle for the disrespectful actions of the passenger, it's called contempt of cop.

Even though it is now legal to recreationally use marijuana, the law does not allow it to be smoked in a public place in full view of the public or in a moving vehicle.

3

As Officer Smith watches for speeders, a school teacher approaches him and tells him that a 15-year-old high school student, who volunteers at the elementary school, brought marijuana onto campus. The principal insists that the student be arrested and taken to juvenile hall.

- a. Officer Smith can take the student and book her into juvenile hall because it is illegal to possess marijuana on school grounds.
- b. Officer Smith cannot do anything since marijuana is legal.
- c. Officer Smith cannot take the student into custody, but can and should, issue the student a citation because it is not legal for anyone under the age of 21 to possess marijuana.
- d. Officer Smith can book the juvenile into adult jail because this crime is so egregious.

Even though it is still illegal for a minor to possess marijuana, it is only an infraction that cannot result in custody time, so issuing a citation is the only remedy available.

4

The 15-year-old tells Officer Smith that her new step dad makes her sell the marijuana to her fellow students and to his friends. He has told her that as long as she sells it, she cannot get in trouble and the police cannot do anything to him. She shows Officer Smith text messages from her step dad telling her how much to charge.

- a. Officer Smith takes this information and writes a search warrant for the residence where they both live.
- b. Officer Smith tells the juvenile that her step dad is correct and there is nothing the police can do about it.
- c. Officer Smith can write a search warrant, but only if he can articulate probable cause for a felony child endangerment charge.
- d. It's only an infraction so there is absolutely no way any judge will sign a search warrant.

It is still a felony to use a child to sell marijuana under the law. This means Officer Smith has enough probable cause based on the information and corroboration to write a search warrant to seize additional evidence of the crime.

5

As the car comes into his line of sight, Officer Smith notes the vehicle is weaving slightly in the lane, the driver's head seems to nod down lower and lower, and as the car gets closer he smells the overwhelming odor of burnt marijuana.

- a. Officer Smith can pull the vehicle over if he believes that the driver is under the influence of marijuana.
- b. Since marijuana is now legal for personal use, Officer Smith has to let the driver go on about his way.
- c. Officer Smith can pull the driver over, conduct Field Sobriety Tests to determine if the driver is under the influence. If Officer Smith believes the driver is under the influence, he can search the vehicle for marijuana incident to arrest.
- d. Officer Smith can pull the driver over, conduct Field Sobriety Tests to determine if the driver is under the influence and if Officer Smith believes the driver is under the influence, he can arrest him. But, he cannot search the vehicle because the law says the odor of marijuana does not constitute probable cause for the search.

The law changes nothing with regard to the Gant doctrine of search incident to arrest. When the driver is arrested for being under the influence of marijuana – just as with alcohol – the officer can search for evidence of the crime to include additional marijuana.



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 (THE
FIRST OF A SIX-PART SERIES)**

PILLAR ONE
**BUILDING
TRUST
AND
LEGITIMACY**

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 FIRST PILLAR - BUILDING TRUST AND LEGITIMACY - AND WHAT WE'RE DOING IN SAN DIEGO COUNTY TO ACHIEVE IT.

WHAT IS TRUST AND LEGITIMACY?

Trust is a firm belief in the reliability, truth, ability or strength of someone or something. Research shows that people are more likely to obey the law when they trust those enforcing it. That means law enforcement must be carried out in a fair and impartial manner. We all know building trust is difficult, but it's not impossible. We do this by collectively engaging with the community. It takes a great deal of continuous effort.

Legitimacy is being lawful, or acting in accordance with established rules, principles, or standards. I believe legitimacy is based on several key judgments. First is public trust and confidence in police. The public must believe that police are honest and are trying to do their jobs well. Second, legitimacy reflects the willingness of citizens to defer to law and authority. Third, legitimacy involves the belief that police actions are morally justified and appropriate.

WHAT IS BEING DONE IN SAN DIEGO TO BUILD TRUST AND LEGITIMACY?

First, to obtain trust and legitimacy, law enforcement agencies should only hire the best people to be police officers.

Like Plato wrote, "Only those with the most impeccable character should be chosen to bear the responsibility of protecting the democracy." I think we all agree on that. When we lower hiring standards, we can easily miss psychological red flags and past unethical conduct.

One way to accomplish our goal is to not wait for young people to grow up and decide to join our profession; we need to go get them now. It is imperative to recruit and hire individuals who are service oriented and who have the character to uphold high standards of integrity.

Programs such as the San Diego Sheriff's Explorer program motivate young people to consider law enforcement as a career and take steps to ensure they will meet our high standards when they reach the age to apply.

Encouraging good citizenship, ethical conduct and respect for law and order early, we will build the next generation of police officers. Explorers and cadets serve as mentors for other youth; so the characteristics we instill in them, they will instill in others and they will help dispel the view that the police are "the enemy."

We also need to aggressively seek out a diverse mix of officers. We want our police force to mirror the cultural and ethnic makeup of our communities, which further builds trust and legitimacy.

MORE ACCOUNTABILITY

The bottom line? Trust and legitimacy require accountability and transparency. We have 20 California POST law enforcement agencies in San Diego with more than 6,000 officers and about 2,000 more when we add the Probation Department and our federal partners.

Unfortunately, it only takes one unethical peace officer to undo the work of the thousands of ethical officers. That's why it is our responsibility to identify and address

problem behavior immediately. When the public knows our policies and procedures, and sees us following them, it creates trust.

In addition, chiefs and managing supervisors need to foster a culture within their departments in which ethical behavior is expected and anyone displaying less is promptly held accountable.

LET THE PUBLIC SEE OUR WORK

San Diego police agencies collect data on all police-citizen interactions and we share our policing data such as officer-involved shootings, uses of force, traffic and pedestrian stops, and arrest information.

The most significant issue related to transparency is officer-involved shootings. The San Diego County District Attorney's Office recently released a regional protocol on releasing officer-involved shooting video evidence.

This protocol attempts to balance the public's right to know with the due process rights of those involved. This is believed

to be the first time in the U.S. that law enforcement in an entire region has agreed to a video release protocol.

Another way to develop positive relationships with the community is by inviting them to participate in our law enforcement programs such as citizen academies, ride-a-longs, and youth mentorships or through events such as Shop with a Cop and the San Diego Regional Teddy Bear Drive.

Transparency and legitimacy must be a part of each agency's culture. Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundation of police community relations. Trust is earned not given, and it's a two-way street.



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



BORDER PATROL IN THE COMMUNITY

By **Melissa B. Pena Sellari**

The San Diego sector of the United States Border Patrol is taking a fresh approach on the traditional method of community engagement. In 2011, we adopted the Border Community Liaison Program in an effort to increase transparency and reaffirm public

trust. This effort has evolved, bringing neighborhood partnerships and allowing our agents to collect valuable intelligence. With this new approach, combined with a mix of agents from different careers backgrounds, the liaison program has engaged the community in a way like never before. We still host and attend

traditional community events, but we've boosted our outreach to include public speaking events, educational discussions, and hosted tours.

Our Border Community Liaison Agents now travel up and down the California coast conducting maritime outreach efforts. Our primary objective is to educate the community on current immigration trends that are taking place in the maritime environment, such as smugglers on jet skis. These smugglers assist undocumented aliens by furthering them into the U.S., crossing the border via

ocean and leaving undocumented aliens in the middle of the ocean bay to swim to shore, which can sometimes turn into a rescue mission. Other maritime outreach events include providing information to fire departments, lifeguards, and park rangers on the Regional Coordinating Mechanism (ReCom).

The ReCom is a local, state, and federal approach aimed at dismantling smuggling groups that attempt to take advantage of our maritime environment. In their speaking engagements, Border Community Liaison Agents inform





community associations and government groups about how to identify and what to do if they encounter a maritime smuggling event. To date, San Diego community liaison agents have visited areas including Los Angeles, San Luis Obispo, Malibu, and the Catalina Islands. Each visit to these marine areas helps foster positive relationships.

Other non-traditional outreach endeavors currently underway are our cross-border tunnel outreach efforts. We combined Border Community Liaison Agents with our tunnel taskforce agents, which includes members from Homeland Security Investigations and the Office of Field Operations. Over the last 23 years, the U.S. Border Patrol in San

Diego has discovered approximately 62 cross-border tunnels in the San Diego sector community. Last year, an agent's conversation with a community member led to the discovery of a cross-border tunnel located in Otay Mesa. This tunnel is known as the 'pallet tunnel discovery' and resulted in the largest cocaine seizure in Southern California history.

The most intriguing addition to our community relations unit is that we now host educational discussions with universities and community colleges. This is where incorporating agents with different career backgrounds in the community liaison program plays a vital role in recruitment. Some have worked for the agency for more than 15 years. Some



have dedicated most of their career to operational enforcement teams, others are emergency medical technicians, and many of these agents were part of our intelligence unit. With a combination of experience and motivated personnel, the program has engaged with colleges. We hosted information sharing discussions with the University of California Law School, Miami Dade College, and Gonzaga University. Once our classroom discussion wraps up, we take the students on a tour of the border. Combining the discussion with a tour gives students an immersed sense for what we do and the breadth of our responsibility. Topics of discussion range from use-of-force scenarios, modern technology use, and tracking footprints.

In addition, facts and statistics from our headquarters in Washington D.C. are provided to each student.

These are just a few examples that highlight last year's Border Community Liaison Program's evolution. As we move forward this year, our community engagement efforts will continue to expand in a continuing effort to build public trust and foster strong community relationships.



Melissa B. Pena Sellari is a Border Patrol Agent for the San Diego Sector Information and Communication Division.



LEGAL UPDATES

EXISTENCE OF COERCION DEPENDS UPON ALL OF THE CIRCUMSTANCES

CALIFORNIA SUPREME COURT – FILED FEBRUARY 4, 2016

PEOPLE V. PEOPLES (2016) 62 CAL.4TH 718

In this case, the defendant was arrested for multiple murders committed with a stolen firearm, along with various other crimes. After waiving Miranda, the defendant was questioned for over 12 hours. The interview was recorded. During the course of the interview, the defendant showed signs of mental and physical exhaustion. He was provided with bathroom breaks as well as food and water. The police never threatened the defendant with a harsher penalty if he did not confess, nor did they make any promises of leniency. Toward the end of the interview, the police confronted the defendant with his wife's statements (which implicated him) and told him she would be dragged into the case if he did not confess. They showed the defendant pictures of his family and told him not to make his family's life more difficult than he already had. The defendant eventually made incriminating statements that were used against him during the trial and he

was convicted, among other crimes, of four counts of murder with a firearm. He was sentenced to death.

One of the issues the defendant raised on appeal was whether or not his statements were a product of coercion. The question "is whether defendant's choice to confess was not 'essentially free' because his will was overborne." That determination depends on all the circumstances, not any single factor. Among the considerations are any element of police coercion, the length of the interrogation, its location and continuity, and the defendant's maturity, education and physical and mental health.

In this case, the California Supreme Court decided the circumstances did not constitute coercive police tactics.

Despite the lengthy interrogation, the defendant was provided with breaks, drinks and food. The police made clear they had no influence over how he would be treated in court, and did not threaten him in any way. The statements made about the defendant's wife did not equate to a threat to prosecute her. Based on all of the circumstances, the defendant's confession was voluntary and admissible

against him at trial. His convictions and sentence were affirmed.

LAW MAY REQUIRE OFFICERS TO PLACE ARRESTEES IN CIVIL PROTECTIVE CUSTODY

CALIFORNIA COURT OF APPEAL - FILED
APRIL 6, 2016

IN RE JORGE D. (2016) 246 CAL.APP.4TH
363

An officer stopped Jorge D., a minor, and determined he was intoxicated pursuant to Penal Code section 647(f). The officer drove the minor home and released him to his mother. At the jurisdictional hearing, the defense moved to dismiss the case because the officer failed to follow the provisions of Penal Code section 647(g). That section requires civil protective custody in lieu of prosecution. The juvenile court denied the motion and declared Jorge D. a ward of the court. The minor appealed.

The Court of Appeal agreed with the defense. Section 647(g) states that if

a peace officer is reasonably able to do so, he or she shall place a section 647(f) arrestee in civil protective custody for 72 hours. A person who has been placed in civil protective custody under this statute cannot be later subjected to criminal proceedings, including in juvenile court, based on the facts giving rise to that placement. Although there are some exceptions to this requirement (e.g. drug-related intoxication, other crimes committed in addition to section 647(f), escape risk), none of them applied in this case.

To determine whether an officer can reasonably comply with section 647(g), he or she may consider factors such as distance to the nearest detoxification facility, availability of bed space, the arrestee's willingness to cooperate, police department resources to transfer an arrestee to a facility, and whether it would better serve the minor to be released to a parent or guardian. In this case, Jorge D.'s release to his

mother was not based on the officer's reasonable decision-making process to assess the situation in light of the statute's requirements. To the contrary, the officer admitted he was unaware of those requirements. Further, none of his testimony established any reason why he would not have been "reasonably able to" place Jorge D. into civil protective custody. As a result, Jorge D. could not be held criminally liable for the violation of Penal Code section 647(f).

AN RV MAY QUALIFY AS AN INHABITED DWELLING FOR A RESIDENTIAL BURGLARY

CALIFORNIA COURT OF APPEAL - FILED
JULY 12, 2016

**PEOPLE V. TREVINO (2016) 1 CAL.APP.5TH
120**

Cathy Coggins-Allen and her husband Mike Allen lived in a recreational vehicle (RV) with a truck-style cab with doors and a bed over the cab. It was described as a C-style RV. They used it for sleeping

and storing their possessions, and had done so for several years. One night, after dinner and drinks with the defendant and his wife, Linda, the Allens returned to their RV. The defendant and his wife remained in their van parked next to the RV. In the middle of the night, Cathy heard the defendant arguing with his wife. The defendant drove away in the van, only to return to punch and kick his wife. He drove off again. The Allens invited Linda into the RV. The defendant returned and pounded on the RV, demanding that Linda come out. He kicked the door several times, causing severe damage. The defendant then tried to crawl through a window. Mike tried to keep the defendant out and was injured in the process. The defendant successfully entered the RV and hit and kicked his wife. He eventually fled in his van.

The defendant was convicted, among other things, of first-degree burglary.

He appealed and argued that an RV does not qualify as an “inhabited dwelling house.” Penal Code section 459 generally defines a burglary while section 460(a) sets forth what locations qualify as a first-degree burglary. The defendant argued that section 459 includes specific terms referring to types of vehicles, but section 460(a) does not. The absence of those terms in section 460, according to the defendant, meant those locations could not be the subject of a first-degree burglary. The Court of Appeal disagreed.

The question is whether the location, including an RV, qualifies as an “inhabited dwelling house,” not whether the location is specifically mentioned within section 460(a). The court recognized “it is the element of inhabitation, not the nature of the structure that elevates the crime of burglary to first degree.”

In this case, the Allens clearly used

the RV as their home. They had lived in it for several years. Under those circumstances, the RV qualified as an “inhabited dwelling house.” The court also found no merit in the defendant’s argument that an inhabited dwelling house must be fixed to the ground. The defendant’s first-degree burglary conviction was upheld.

ENTRY BEYOND A PERMANENT SCREEN DOOR CONSTITUTES A BURGLARY

CALIFORNIA COURT OF APPEAL - FILED
APRIL 20, 2016

**PEOPLE V. MCENTIRE (2016) 247 CAL.
APP.4TH 484**

The victim was lying on her living room sofa when she saw the defendant in her back yard. She watched as he approached her home and tried to pull open the sliding glass door. That door also had a sliding screen that was open and had been pulled off the tracks. The victim grabbed her dog and phone and ran out the front door to find help.

After she was out of the home, she heard glass break. During the ensuing investigation, the victim noticed drawers inside the house had been opened and a cell phone had been taken. The defendant was later convicted of first-degree burglary with an allegation that a person was present at the time of the burglary (i.e., a “hot prowl”).

The defendant appealed and argued the evidence did not support the victim was present inside the residence during the commission of the burglary. He based this upon the evidence that she was already outside the home when she heard the sound of glass breaking.

The court decided that it was the defendant’s entry past the area protected by the screen door, not the glass door that mattered. A window or door screen that is a permanent part of a dwelling affords a reasonable expectation of privacy from intrusion. Whether or not the screen is open is

irrelevant. “[R]easonable persons understand the social convention that portals may not be crossed without permission of the structure’s owner.” Even the slightest entry past the threshold of the exterior screen door qualified as an entry for the purpose of a burglary. The victim was clearly still inside the home when the defendant grabbed the sliding glass door handle and tried to open it – she watched him do it from inside her living room.

To do so, the defendant necessarily crossed the threshold of the area protected by the screen door. Further, it was reasonable to infer the defendant knew of that boundary because the screen door was physically present. The Court of Appeal upheld both the conviction and the hot prowl allegation.



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

WANTED

STRANGE LAWS

By Steve Willard

Watch enough Westerns and inevitably you'll see the town marshal nailing a "Wanted Dead or Alive" poster to a tree or see one hanging in a saloon. According to Western lore, the practice was fairly common but in reality it was illegal. In 1872, the California State Legislature passed a law banishing the practice.

In retrospect, the law made sense and was perhaps even slightly ahead of its time given a 1930's scandal where the Texas Bankers Association offered \$5,000 rewards for dead bank robbers and not one cent for live ones. That quickly led to a rush of dead "bank robbers" - many of whom were guilty of nothing more than being railroad tramps and hobos.

Dead or alive rewards were not just limited to America. On September 4, 1939, the London newspaper, The Daily Mirror, cast Adolf Hitler as a 'reckless criminal' who was 'wanted dead or alive' by the British government.

The most recent example of dead or alive was used by United States government in their global search for Osama Bin Laden after the September 11 attacks in 2001. To sweeten the deal, the U.S. added a \$27 million reward for information leading to the world's most wanted terrorist.

So if it made sense for California to banish dead or alive in 1872, why did the Legislature repeal it in 1994?

The answer is convoluted.

According to Dwayne Crenshaw, an aide to then Assemblyman Jack O'Connell, "Constituents were complaining about how complicated our laws are so we thought this would help make things a little less cumbersome."

So did repealing dead or alive suddenly open the door to homicide solicitation? Not exactly.

Shortly after the bill was signed into law, Crenshaw told the Los Angeles Times, "You can't hire people to commit a crime these days and it's not an accepted means of law enforcement any longer."

That point was reinforced in 2011, when an El Cajon man was sentenced to more than seven years in prison for posting a dead or alive notice because he was upset at his white daughter dating a black man.

SUFFICE TO SAY, IT PAID TO EITHER BE A GOOD SHOT OR HAVE A PREPAID FUNERAL.

Dead or alive wasn't the only law repealed in 1994. O'Connell also sponsored a bill to repeal laws against dueling - a common way to settle debts until the end of the American Civil War.

Most people conceptualize dueling as an armed event where

two individuals stand back to back then walk 10 paces to turn and shoot.

The truth is, during the 17th and 18th centuries, duels were mostly fought with swords. It wasn't until the late 18th century when pistol duels became more common. Even then, there were strict rules as to how a duel was to be conducted. According to tradition, the participants would walk 10 steps then turn and fire. If one missed the target, he or she would then have to allow the opponent to take aim and return fire. Suffice to say, it paid to either be a good shot or have a prepaid funeral.

While killing someone is arguably an extreme way to settle one's affairs, the practice was used not only to settle Old West quarrels, but also between aristocratic members of society and even elected officials.

Perhaps the most high-profile case of dueling occurred on July 11, 1804, on the New Jersey side of the Hudson River, in a spot known as the Heights of Weehawken. Because the area then sat in a no man's land of law enforcement, the site was a popular dueling ground below the towering cliffs of the Palisades.

The pistol match was over honor and was between the former Secretary of State, Alexander Hamilton and the sitting Vice President of the United States, Aaron Burr. Hamilton lost the duel and his life and the Vice President was indicted for murder but never charged. Today the pistols from the most famous duel in American history are on display in the headquarters of Chase Manhattan investments located at 270 Park Avenue in New York City.

Along with California's repeal of the

dueling law, went a provision that required the winner of the deadly contest to compensate the loser's spouse.

So would a duel be legal today? Not exactly. Like the El Cajon case where a man was convicted for solicitation of murder even after dead or alive was repealed, a duel would be covered under more modern laws, specifically homicide.

So what other California laws should legislators consider repealing these days? Perhaps one imposing a \$500 fine for detonating a nuclear device within the city limits of Chico would be one.



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.

OPERATION KWIK BOOST

After a 10-month crackdown on car thieves in San Diego County, 42 suspects have been indicted for auto theft and other charges. The Regional Auto Theft Taskforce (RATT) began their undercover operation in January, which resulted in 117 stolen autos valued at more than \$ 1 million. Law enforcement also seized firearms and drugs. Watch more in this video.

DETECTING HUMAN TRAFFICKING ON PLANES

Airline and airport employees can play an important role in stopping human trafficking. A special training on how to recognize and help human trafficking victims was held at the San Diego airport recently. Watch this video to learn more.

AVOIDING FAKE DOCTORS

"If it sounds too good to be true, then it probably is." That is just one piece of advice Deputy District Attorney Gina Darvas offers to help people avoid becoming victims of fake doctors. More important tips and warning signs to watch out for, in this video.



Watch more LAW ENFORCEMENT related videos at DANewsCenter.com

Photo credit: AP



**THE
CLEVELAND
ELEMENTARY
SCHOOL
SHOOTING
TOOK PLACE
ON JANUARY
29, 1979, IN
SAN DIEGO,
CALIFORNIA.**

Shots were fired at a public elementary school. The principal and a custodian were killed. Eight children and a police officer were injured. A 16-year-old girl, Brenda Spencer, who lived in a house across the street from the school, was convicted of the shootings. Tried as an adult, Spencer pleaded guilty to two counts of murder and assault with a deadly weapon, and was given an indefinite sentence. As of December 2016 she remains in prison.



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.