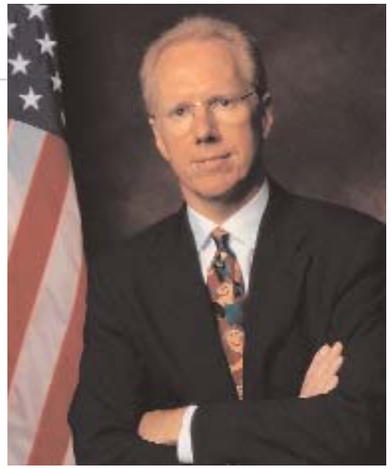
FROM THE DISTRICT ATTORNEY

Paul J. Pfingst



The nation's worst airline disaster. The largest bank failure. Worst one-day massacre. Largest mass suicide. These are only a few of the challenges that San Diego law enforcement has faced.

In this issue of *Law Enforcement Quarterly*, we look at the people, places and events that shaped law enforcement in this century.

The record began when San Diego County was created in 1850. The county was ten times larger in area then, extending east to the Colorado River, and north as far as Death Valley. The U.S. Census listed just 798 persons in the whole county. Today, more than 2.4 million people call San Diego home.

Until about the 1940s, police officers worked long hours for little pay with virtually no training or benefits, or days off. Often, officers had to supply their own uniform, car, and gasoline. Handwriting analysis and dusting for fingerprints were the most common methods of gathering evidence.

In the early days, thieving was the most common serious crime. Valued possessions were hard won, and stealing was considered an offense as bad as murder. A convicted thief was punished by one to ten years in prison, or "by death, in the discretion of the jury." Well-known local character "Yankee Jim" Robinson suffered that ultimate penalty for stealing the only rowboat in San Diego Bay.

Much has changed since. We don't put people to death for stealing anymore. Drugs and drug-related crimes are the most common law enforcement problems.

Better equipment, tactics, and training have improved officer safety immensely. Technological advances – computers, DNA analysis, the 800 MHz communications system – have improved response time and the ability to solve cases. A regional police academy and an emphasis on on-going training are the foundation for the professionalism that is the hallmark of our modern-day police force.

Yet, despite these advances in technology, training, and tactics, a fundamental aspect about police work remains unchanged. Just like those early pioneers who brought justice and order to an untamed land, we who are charged with maintaining law and order in our communities share common motivations; the desire to serve, to help, and to make a difference.

We can only wonder if the next 150 years will come with so much change. But it's a strong bet that public service will remain a rewarding place for those who care for San Diego.

Law Enforcement Quarterly
A publication of the San Diego County District Attorney

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In the next LEQ many of our regular columnists will return. Some will feature articles of historical significance to supplement this special issue. If you have an article you feel would be appropriate, please contact the editor.

The Law Enforcement Quarterly is published four times a year by the Office of the District Attorney, County of San Diego, 330 West Broadway, Suite 1300, San Diego, California 92101, (619) 531-3536. All inquiries or comments should be sent to the editor at this address. The primary purpose of this magazine is to provide police officers and law enforcement executives with assistance in understanding the rapidly changing aspects of the law. No portion of this publication may be reprinted without the written permission of the editor.

Greg Thompson
Assistant District Attorney

Fundamental Things

"You must remember this," goes the old song, "…the fundamental things apply, As Time Goes By."

One of those "fundamental things" is a paradox: human beings desperately desire to live in peace and security. To make that happen, it takes a fight.

Ten years ago, as we entered the decade of the 90s, San Diego, like the rest of California, was in the grip of an unprecedented siege. Crime and fear of crime was rampant.

Criminals flagrantly broke the law. I recall two LAPD narcs who wanted to demonstrate how brazen drug dealers had become. Wearing their police raid jackets and caps, the officers went into MacArthur Park and tried to buy rock cocaine. Not a problem. They were besieged with willing sellers. Police bought the dope and busted the seller.

Violence was flaunted in the form of drive-by shootings. One vivid memory: a seven-year-old girl and her one-year-old brother were walking from their front door to the ice cream truck on the street. They were caught in the crossfire of two street gangs. With bullets flying, the little girl picked up her baby brother and made it back to her front porch, where she immediately collapsed. A bullet had pierced her heart. Miraculously, she lived.

Others were not that lucky.

Those were days of an endless assembly line of cases, of growing frustration among police and prosecutors. What, they wondered, are we accomplishing? Where is this fight taking us?

But they kept at it. Tactics changed, giving greater emphasis to police street teams and to a more visible police presence in the community. Prosecutors created special units, targeting street gangs, narcotics trafficking and family violence. They called upon the public for new tools: dramatic changes in criminal procedure and radical increases in penalties for career criminals and urban predators.

> *Police and prosecutors did what they did because it was right and it made sense – not because they foresaw success.*

And here's the catch. At the time, police and prosecutors did not know what would work.

They did not know that because of these new tools and tactics, the battle would turn; crime would drop a whopping 40% in just five years, that today, as we enter a new century, it's truly a new day and fear of crime no longer has a paralyzing stranglehold on the public.

Police and prosecutors did what they did because it was right and it made sense – not because they foresaw success. And that's a fundamental thing, too.

In the movie that immortalized the song, *As Time Goes By*, Humphrey Bogart plays Rick, a hard-boiled American running a nightclub in Casablanca. The year is 1940 and place is French Morocco, a major route for Europeans escaping the Nazi juggernaut.

One evening, a man by the name of Victor Laslo enters Rick's American Café. Laslo is a leader in the underground resistance in Europe. The normally cynical Rick is clearly impressed. He congratulates Laslo. "For what?" Laslo asks. "For your work," Rick responds. "I try," Laslo humbly says. To which Rick responds, "We all try, you succeed."

It's a great line. But it comes, if you think about it, at an odd time. The reality – large and looming – is Nazi Germany's Third Reich, riding high as it controls Eastern and Western Europe, most of Scandinavia and North Africa. Success against that enemy – if it was to come at all – was a long way off, elusive, uncertain.

Thus, Rick's pronouncement becomes a timeless salute to men and women of action who take on the evils of their day, not knowing if they will succeed or not. It encourages us to keep on going when success is not in sight and the enemy is at the door.

The song calls it "a case of do or die," the "same old story" that plays itself out from generation to generation - as time goes by.

The timeless question is this: Are we in the fight?

100 Years of Crime & Justice

In this special issue, we recall the events and remember the people who affected law enforcement in San Diego County in the last century. We start with a look at the history of the city police and Sheriff's Department. Then, we'll look at criminals whose heinous crimes changed policy and the law. Next, we'll recount the major scandals and catastrophes we've endured as a region. And lastly, we'll explore the history of the District Attorney's office.

THE HISTORY OF SAN DIEGO COUNTY'S POLICE DEPARTMENTS

SAN DIEGO

1908 - SDPD's first detective Harry Von Den Berg (center) and police officers lined up in front of the station, 1026 Second Street.

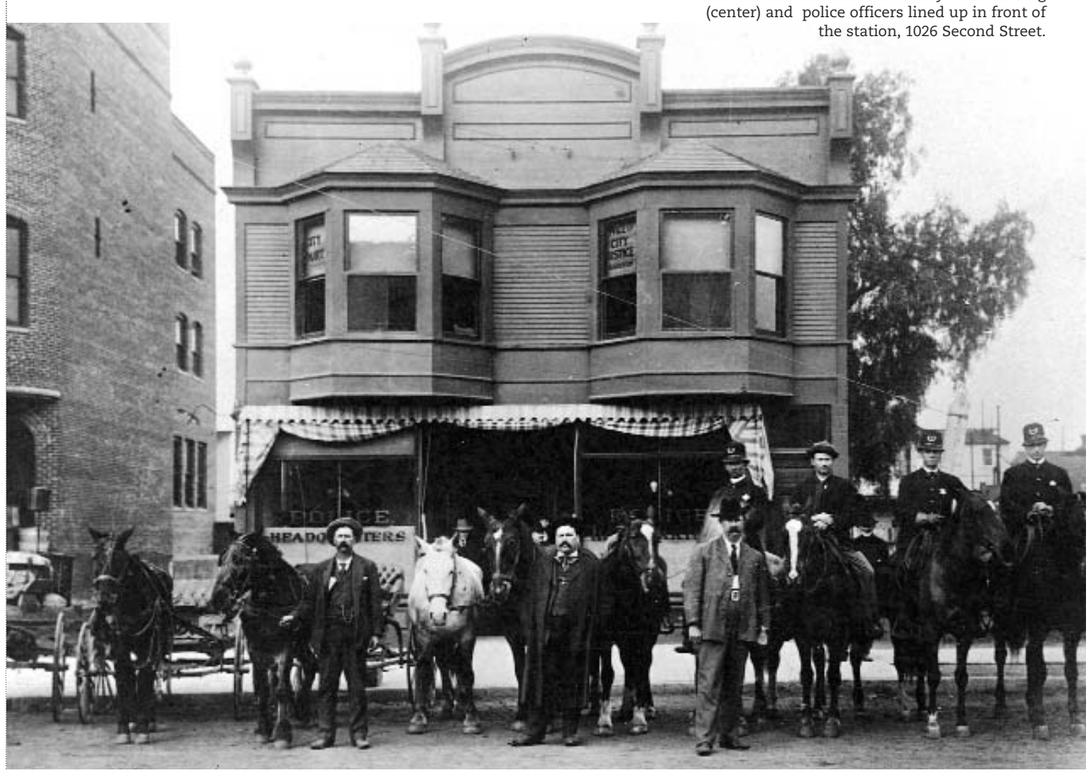


Photo courtesy of the San Diego Historical Society.

THE BIRTH OF A BRAND NEW POLICE DEPARTMENT

By Steve Willard

In July 1891, the San Diego Police Department (SDPD) was in search of a new chief. The previously chosen chief was William Pringle, a local rancher with no law enforcement experience who had not even been asked if he wanted the job.

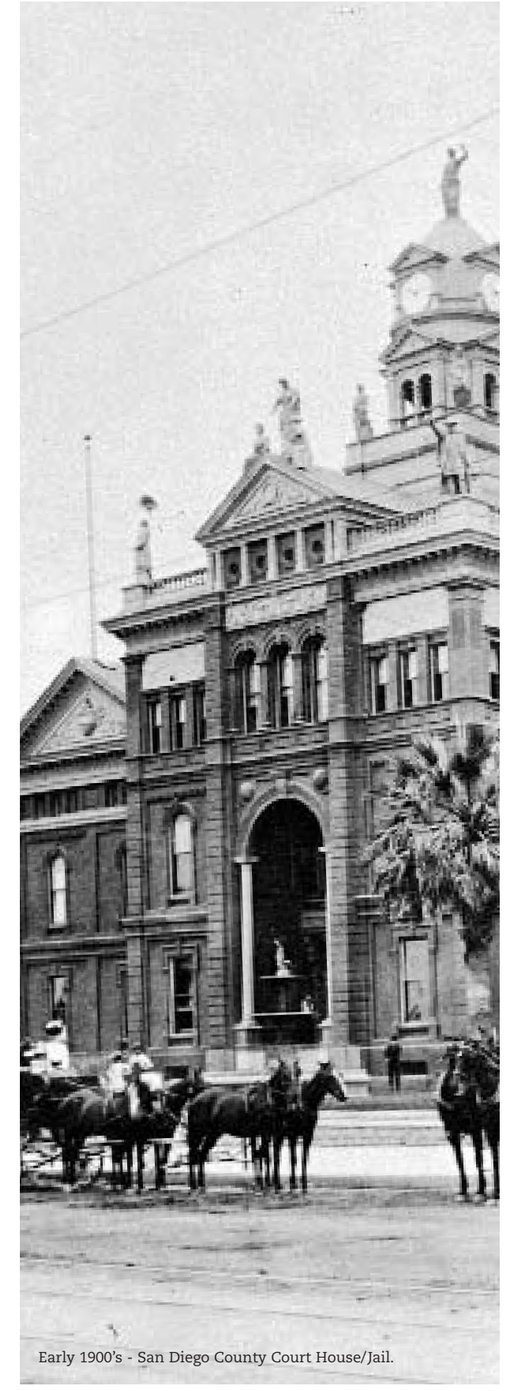
After three months of Pringle refusing to even come into the police station, the city council decided the new chief would be promoted from within the ranks. Their choice was Officer Jacob Brenning. He wore badge number 10 and was one of the original officers hired when the department was formed two years earlier. Brenning was assigned a daytime walking beat in the area of Fifth and H St. (now Market St.). He was there when a reporter from the *San Diego Union* newspaper asked him how he felt about being selected as the new chief. Brenning was astonished. Apparently no one had bothered to ask him if he wanted the job, but he happily accepted.

Unfortunately, Brenning would not be the last SDPD Chief to learn about the decisions of city leaders from the morning newspaper.

The SDPD was officially formed with the passing of a new Freeholders Charter in 1889. Prior to its passage, a force of 25 Deputy City Marshals (also called San Diego Police) patrolled the city of approximately 5,000 citizens.

The requirements set forth by the council to be a San Diego police officer were pretty straightforward and simple: 1. You must be between the ages of 25-50 and in good health. 2. You must be no less than 5 feet 9 inches tall nor weigh less than 150 pounds. 3. You must be a resident of the city of San Diego and of good moral character. 4. You must be male. 5. You must be white. If you successfully passed your interview, you were required to get a complete physical examination. Of course, you paid for it. If you were hired, you would start immediately. Since there was no such thing as a police academy, the only thing to slow you down in getting to your beat would be the purchase of your uniform at a cost $42.50. You guessed it; you paid for that too.

Deciding which shift these new officers would work would not be difficult, as there were only two, 7 a.m. to 7 p.m. or 7 p.m. to 7 a.m. Days off wouldn't be difficult to schedule either, there were none. All officers worked seven days a week. The first day off wouldn't be given until 1891.



Early 1900's - San Diego County Court House/Jail.

Photo courtesy of the San Diego Sheriff's Museum.

1968 - Enforcing crowd control in Ocean Beach.

These new officers would be assigned walking beats in downtown, Golden Hill, Old Town and Coronado. (Until 1891, Coronado was part of the city.) The starting salary for the new officers would be set at $80 per month.

All officers walked the beat until 1891, when Chief William H. Crawford instituted a mounted officer position within the department. Vehicles were put into service around 1927. Officers had to buy their own cars, but were given an allowance for upkeep.

Officers during this time often patrolled alone, with no radio to call for help. As one officer put it, "Just me, the law and whatever else came up."

The first uniforms worn by the first SDPD officers were thigh-length dark blue coats and blue trousers. The uniforms were patterned after the San Francisco Police Department.

Firearms were carried under the coat and away from public view. The officers were required to wear a dark blue pith style helmet at all times when in uniform. In addition, officers were required to wear the uniform at all times when in public, on duty or off.

The look of the officers had the *San Diego Union* newspaper commenting, "People are going out of their way to get arrested just to be seen with these fine looking officers."

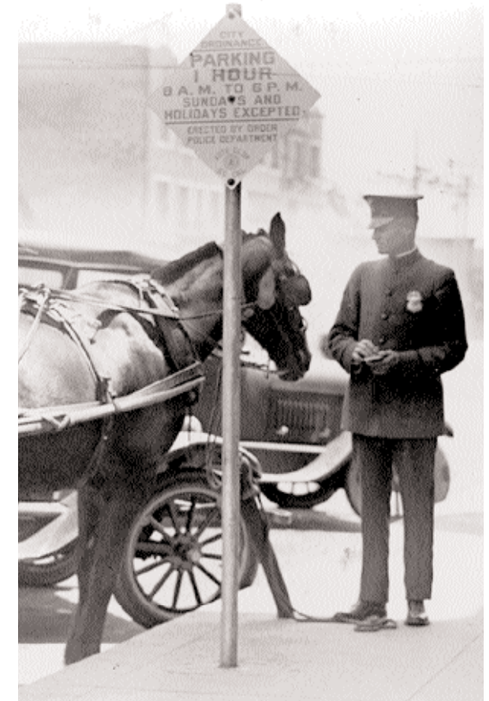
By the end of 1889, there had been 388 arrests made by the SDPD of which only 56 (54 burglaries, 2 assaults) could be classified as serious crimes. By the 1930s, all of the officers wore a blue overcoat under their "Sam Brown belt." The coat was made of heavy wool and, as one retired officer once said, "That coat would be warm in Alaska in the dead of winter. Imagine wearing it on a hot July day in San Diego." The coat was dropped as part of the uniform requirements in the late 1930s in favor of a uniform consisting of a long-sleeved dark-blue shirt, necktie and dark-blue pants. A hat was also mandatory. By all accounts, it wasn't much cooler.

In the 1940s and 50s, SDPD had a policy to adapt to hot weather. If temperatures reached 90 degrees, a Code-9 would be called. The Code-9 allowed officers to remove their neckties and roll up the sleeve one quarter on the arm. (Until the 1960s, the only approved uniform was long sleeves and tie.) Remember, the cars of the 1940s-50s had black roofs and no air conditioning.

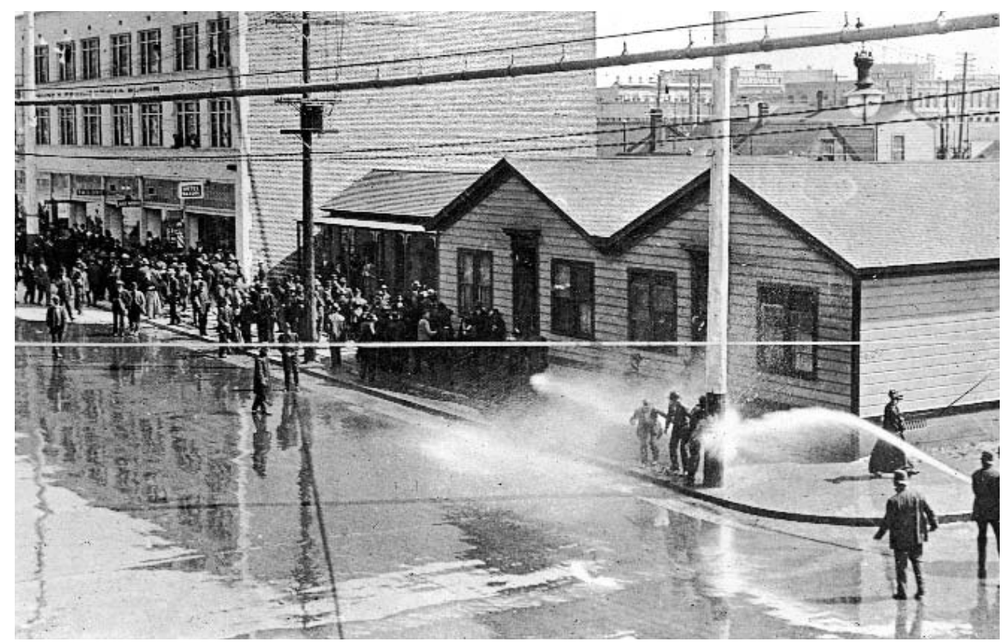
From the time they first appeared in the early 1900s until the early 1950s, San Diego police officers who rode motors were designated as motorcycle officers. Many of these officers started and ended their careers on a motorcycle. In the 1920s the officers actually wore badges stating "Motorcycle Officer, San Diego Police." In the mid 1930s, all San Diego Police officers wore dark blue uniforms. Traffic officers,however,split with the norm and elected to wear all tan to enhance their public image. The officers wanted to look more like the newly formed California Highway Patrol officers. For about 12 years, patrol officers and traffic officers wore completely different uniforms. On July 1, 1947, all SDPD officers converted to tan uniforms. It wasn't until the 1990s that the officers would go back to wearing the traditional blue uniform.

One hundred and eleven years and 32 chiefs later the San Diego Police Department has grown to more than 2,000 sworn officers and almost 600 civilian employ-ees. Proudly calling itself "America's Finest", the SDPD now serves a city of more than 1.1 million citizens and millions of more tourists who visit our city annually. San Diego police officers now patrol in cars, motorcycles, helicopters, boats, bicycles, and on horseback, in addition to the old-fashioned foot beat. Suffice to say the last 50 years of the SDPD has seen salaries and working conditions improve much more than they did in the first 50 years.

Steve Williard is the Promotional Director of the San Diego Police Historical Association.



1926 - Horse gets parking ticket. As autos began to take over the streets of downtown, parking laws were strictly enforced - no exceptions!



1912 - "Water Cure" given to I.W.W. demonstrators outside city jail. Police and union organizers had frequent clashes from 1910-1912.

Photos courtesy of the San Diego Historical Society.

OCEANSIDE

1946 - Officers in front of the station.

During the early 1880s, a Town Marshal and township constables policed the city of Oceanside. The main function of the constable was to transport prisoners to the San Diego Jail. The constables' only pay was what they received for each prisoner transported ($2 per prisoner).

In 1906, the City Council passed an ordinance, which provided for the creation of a "Special Policeman" who would be paid $50 per month. His function would be to patrol the city from sundown to sunup. This was actually very easy, since the city was not very big at the time.

The police officer's main job was "keeping an eye on those who were just passing through town." The city's first armed robbery occurred on September 5, 1905 when John Manning, doorman of the Oceanside Opera House, was "waylaid by subjects unknown." The loss was $10 in quarters; the culprits were never caught.

The first telephone in the city was installed in 1904. It served as a rapid means of communication between officers in San Diego and Oceanside. More than one wanted person was arrested in Oceanside, as they attempted to flee to Los Angeles from San Diego.

Until 1935, no two officers wore the same uniform, or even had the same type of badge. According to notes of the time, "You wore whatever you could afford to buy or put together that would resemble a police officer's uniform." Badges were obtained at the officer's own expense or purchased from other cities. That city's name would then be scratched off the badge.

In 1941, with the government's purchase of Santa Margarita Ranch, now renamed Camp Joseph H. Pendleton, Oceanside began to suffer an influx of "outsiders."

Problems also arose in retaining qualified men due to the war effort. With the influx of off-duty Marines, it was not unusual for an Oceanside Police vehicle to have one police officer and one MP in it. This continued until 1978, when MPs were no longer allowed to patrol the area outside the base. New bars, jewelry shops and pawnshops sprang up in the downtown area during the 1940s. Brawls were commonplace and the Justice Court was kept busy on Monday mornings.

For the first time, prostitution was a problem. Taxi drivers would bring the "b-girl" from San Diego and Long Beach. Unlike today, once identified, the girls had the choice of getting out of town or going to jail. If found in town a second time, no choice was allowed.

One officer who served in the 1940s recalled that the city was "pretty tight" when it came to purchasing needed equipment. One night it raining hard and the windshield wipers on his patrol car were completely worn out. He stopped at the all-night garage, and mindful of the cost, purchased one wiper for the driver's side. When reprimanded the next day for "squandering city funds" the officer said he would pay the 59 cents out of his own pocket, provided that if it rained again, he'd get assigned the car with the new windshield wiper.

Today, there are 168 sworn officers who serve OPD.

Photo courtesy of the Oceanside Historical Society.

CARLSBAD

1954 - Carlsbad now has a force of four sworn police officers.

1960 - Patrolling the Lagoon.

Until 1952, Carlsbad was part of the city of Oceanside. When the city incorporated, the Chief was the only paid staff member. He quickly recruited six volunteers to help him. There were no funds for a car, so he used his own. In 1953, another officer was hired, so each worked a 12 hour shift, seven days a week.

By 1954, there were two more full-time officers were hired. The first station was a room in a renovated church the city converted into a City Hall.

In 1986, the new, 563,000 square foot Carlsbad Safety Center was completed.

There are 96 sworn officers on the force today.

Photos courtesy of the Carlsbad Police Dept.

ESCONDIDO

What is now the city of Escondido was part of a large rancho, named Rancho Rincon del Diablo. There is no record of the reason it was named for the devil. Local historians speculate that the rancho was not part of the California Missions. At that time, either a rancho was part of the missions, or it belonged to the devil.

In 1888, a group of investors purchased the land grant, and subdivided it. They advertised to people on the East Coast and in the Midwest that Escondido was the perfect climate for growing crops.

Escondido had no bars until after Prohibition. One of the original investors was a very strident teetotler and had a prohibition on hard liquor written into the deeds of all the property.

City records show that B. MacFadden, who served from 1889 to 1899, was the first marshal to patrol the city. In addition to patrolling the streets, he was also the dog catcher and superintendent of streets.

The first Chief of Police, Andy Andreasen was appointed in 1928, when the police force began to grow in size with the rigid enforcement of prohibition laws.

One of the "Dry Squads" largest raids during Prohibition was on a still located in the back country in Escondido.

Today, the department has 158 sworn officers.

This special edition could not have been possible without the assistance of many people who shared their stories and their knowledge of local police history and events. A special thanks to the following people:

Reenie Shea, San Diego Union-Tribune photo collection
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San Diego District Attorney Major Violators Unit

Early 1900s - Ed Stiles, one of the first city marshals.

Photo courtesy of the Escondido Historical Society.

LA MESA

1950s - Policeman and his standard issue tools.

In the 1940s, one of Mrs. Beckmans' duties as police matron was to walk the streets after the curfew bell had rung and escort stray children home. She also attended movie matinees to watch for rowdiness and chaperoned USO dances.

All the police chiefs, except for the current chief, Walter Mitchell, have been appointed from within the ranks of the La Mesa PD.

Currently 63 sworn officers serve on the La Mesa police force.

Illegal sale of alcohol and public drunkenness were the two major crime problems in 1911 La Mesa. Alcohol was shipped by rail from San Diego to La Mesa where there was limited law enforcement. It was then off loaded into wagons and taken into El Cajon Valley.

Another problem seemed to be juvenile crime a 1916 newspaper article warned "the boys of La Mesa" to "cut out some of their rowdyism and misconduct on the streets at night and in the moving picture shows."

The first use of radar to enforce speed limits in San Diego Co.

1946 - Spring St. police station, officers and police matron.

1970s - Police capture a suspected felon.

HISTORY OF THE SAN DIEGO COUNTY POLICE DEPARTMENTS

Photos courtesy of the La Mesa Police Dept.

EL CAJON

Late 1800s - Downtown El Cajon.

Although the city of El Cajon was organized in 1912, there was no official police force until around 1940. Law enforcement was conducted by constables, and then by individuals, many of them volunteers who acted as police officers and fire fighters.

A Chief and a small force of officers was formed in the early 1940s to patrol the city (population 1500, one square mile.)

Approximately 200 sworn officers work the beat today (100,000, 13 square miles).

Early 1900s - Downtown El Cajon.

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Photos courtesy of the San Diego Historical Society.

CORONADO

In 1890, the first police constable was appointed and the first crime recorded. A convicted felon was shot while trying to rob the Ferry Company's vault.

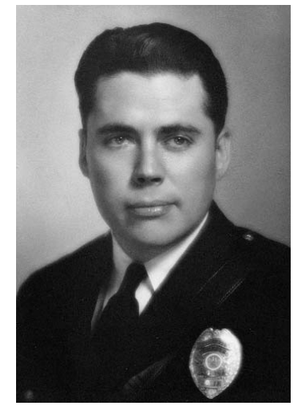
Traffic control, which continues to be one of the top law enforcement priorities in Coronado, began in 1894. The first speed limit was set at six miles per hour for horses and animal driven wagons on public streets.

The 1916 *Coronado Strand* newspaper declared that the city had the highest standard of public conduct and no disorderly element. "The two (marshals) are seldom called upon to exert their authority." Only one arrest had been made in the past few months, and that was for a San Diego visitor who "imbibed too freely on the waterfront and wandered aboard a Coronado ferry"

Forty-one sworn officers make up the current Coronado police force.

1931 - Coronado police force.

December 31, 1936 - Grounding of gambling ship SS Monte Carlo. Because the ship was illegal once beached, no one claimed ownership. The wooden hull can still be seen during low tide.



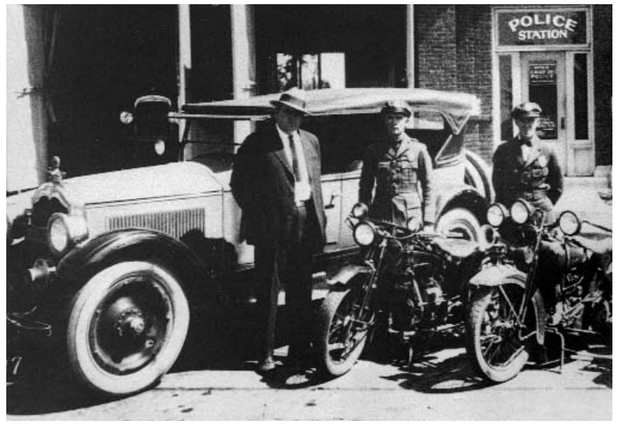
1938 - Chief of Police J.W. Jordan, one of Coronado's most popular chiefs.

1950s - Police department & staff.

HISTORY OF THE SAN DIEGO COUNTY POLICE DEPARTMENTS

Photos courtesy of the Coronado Police Dept.

NATIONAL CITY



1929 - Police Chief, W. D. Gardner, and officers in front of the station house.

The first arrest in National City was in 1887 for drunk and disorderly conduct. The original court docket is currently on display in the National City Library.

After a series of town marshals, the first Chief was appointed in 1919. Like many of the small town chiefs, he had numerous other duties, including dog collector and horse impounder.

Two more officers were added in the 1920s, mainly to handle traffic problems associated with tourists visiting Tijuana.

1930s - National City motorcycle police force.

In a 1929 article, Police Chief W.D. Gardner implored motorists to heed the red light and the siren. Just days before, motorists refusing to pull over forced an officer to abandon his motorcycle and proceed on foot to an accident scene.

Another newspaper article, written in the 1930s reported that one of the worst sections for a traffic cop to work in San Diego County was the National City beat due to people crossing the border. "Sometimes it is not a pleasant sort of a job to handle these motorists who have been over the line and sometimes it is hard to handle those who have started that way and, becoming thirsty, are in a hurry to get to the land of the "free."

There are 75 sworn officers on the force today.

Photos courtesy of the National City Library Collection & the San Diego Historical Society.

CHULA VISTA

During the early part of the 1900s, Chula Vista was policed by a series of town marshals. No one kept the job for very long, since the pay was low, the hours long (24/7) and the duties numerous, including fire marshal, building and electrical inspector and tax collector.

1931 - Chula Vista police force in front of City Hall.

1980s - Officers in front of Chula Vista station.

Like National City, Chula Vista experienced major problems with motorists passing through to Tijuana to drink and gamble.

In 1918, the Chief got permission to employ a motorcycle officer and a deputy to control Model T "hot rodders." The officers were paid according to the number of convictions.

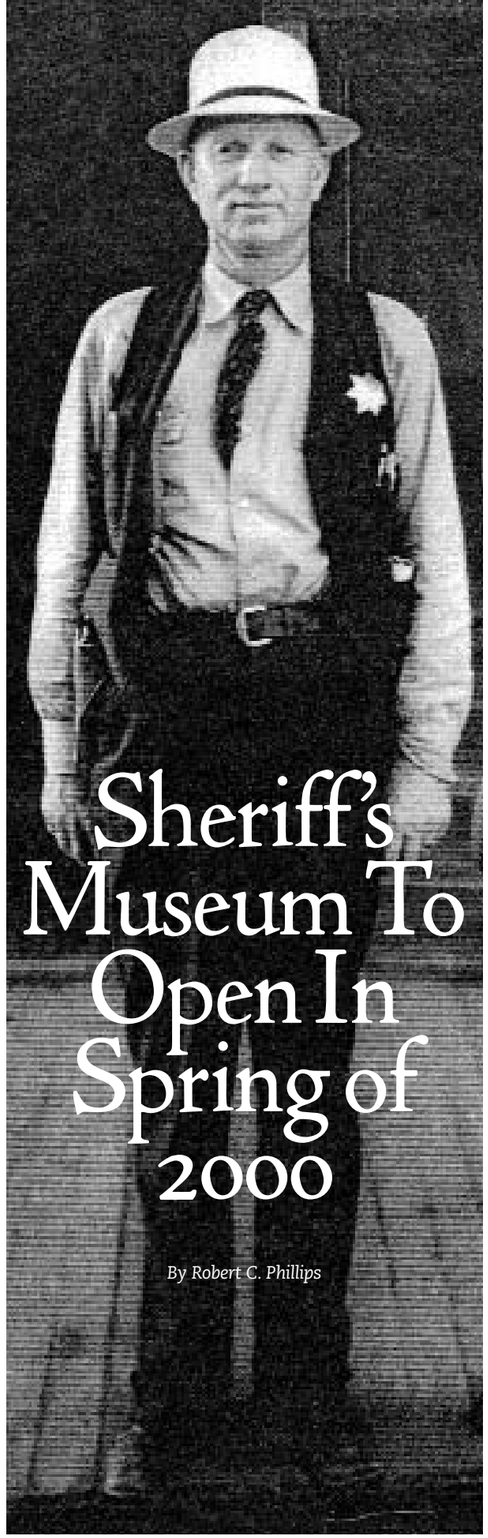
Speeding continued to be such a problem, wearing out city streets, that by 1921, five officers were employed and $20 was tucked away in the city treasury to buy a new stop watch for the Chief.

There are 200 sworn officers who serve the growing city, making it the second largest police dept. in the county.

1970s - Police officers in front Civic Center.

HISTORY OF THE SAN DIEGO COUNTY POLICE DEPARTMENTS

Photos courtesy of the Chula Vista Police Dept.



Sheriff's Museum To Open In Spring of 2000

By Robert C. Phillips

Photos courtesy of the San Diego Sheriff's Museum

Museums really bore me. But history intrigues me, particularly when it deals with the "Old West."

If you could show me a museum that describes the history of not only the Old West, but also San Diego and law enforcement – the Sheriff's Department in particular – you could really capture my interest.

Well, guess what. There is just such a museum. Scrunched into some 525 square feet at the Sheriff's Santee station, you'll find patches, hats, uniforms, badges, guns, jail-produced weapons and other such inmate "souvenirs," and, more importantly, art work, photos and old newspaper articles summarizing some 150 years of San Diego Sheriff's Department history.

And perhaps MOST importantly, you'll find Don Van Hooser who, without even being asked, will regale you with story after story of some of the most exciting and interesting criminal cases, investigations, shootouts and, of course, the sheriffs and deputy sheriffs themselves, each of whom have left his or her individual mark on San Diego history.

In 1981, nearing the end of some 28 years as a deputy sheriff, Van Hooser was tasked by then-Sheriff John Duffy with the creation of a museum dedicated to the department they both loved and served so long and faithfully.

Van Hooser, embodied with the title of "department historian," thus began a long and arduous reconstruction of the history of the San Diego Sheriff's Department. And a colorful history it is.

Beginning in 1850 with San Diego's first elected sheriff, the Hungarian-born Count Agoston Haraszthy, to Sheriff Bill Kolender, who has probably never even been to Hungary, let alone enjoy the title of "Count," San Diego County is no exception to the exciting times chronicled in the many rough and tumble Old West towns.

For instance, Van Hooser will tell you how one of Haraszthy's most noteworthy accomplishments in his short one-year tenure as sheriff (not too long before migrating north to become one of California's first wine vintners and later being eaten by crocodiles in Nicaragua) was to build San Diego's first jail. So what is the significance of a simple jail, you might ask? Well, it was this very jail, known affectionately as the "cobblestone jail" because of the materials used in its construction, that literally melted in the first rainstorm of the season.

1935 - Sheriff's detectives dusting for fingerprints at a crime scene.

Perhaps an omen? It seems that the locals used a cheap mortar – a poor excuse for cement and previously untested by the elements – to hold the cobblestones together. This unfortunate happenstance was what allowed one of the jail's first tenants, a 25-year old ruffian by the name of Roy Bean, who was being held for the misdemeanor of shooting someone in a duel, to use a penknife to dig his way out of what was left of the jail walls. He eventually fled to Texas where he later became the famous judge known as the "Law West of the Pecos."

That old jail, before it melted, was located in what is known today as Old Town, in the city of San Diego. The significance of this location is that it is next door to where the new Sheriff's Museum will be opening in April 2000.

But the Sheriff's Museum isn't just starting there. The museum has a history of its own, having first opened some 18 years ago in a room on the first floor of the Sheriff's Main Office. The ever-expanding museum was moved from there to a corner garage at the Sheriff's old Communications Center and, in 1988, to its present location at the Santee station. Largely through the efforts of the Honorary Deputy Sheriff's Association, the Sheriff's Posse, and the Deputy Sheriff's Association, and with the enthusiastic support of Sheriff Kolender, the next, and presumably final location is to be a two story building in Old Town. This former motel will provide Van Hooser with some 6,000 square feet in which to display the many mementos he has collected over the years. The new location will include room for current displays at the Santee station, as well as a number of vintage police vehicles, a full reproduction of a jail, and innumerable photos and news articles which today must be stored in file cabinets due to the lack of wall space and glass counter displays. And, there will of course, be the obligatory museum gift shop.

The project is receiving community-wide support from such organizations as the Old Town Community Planning Committee, the Old Town Association and Business Improvement District, and, because the new facility will provide an excellent vehicle for educating the youth of San Diego about their Sheriff's Depart ment, the San Diego City Schools District. New Sheriff's recruits are already given tours of the museum as a means of instilling pride in the organization they are joining.

Take it from me, you don't have to be a fan of museums to appreciate the careful planning, organization and creative thinking which Don Van Hooser and his many volunteers have put into this historical masterpiece over the years.

You will find this to be a museum rich in law enforcement history, detailing any number of significant events, and the unique people involved, which have helped shape the history of crime fighting in San Diego County.

Should you choose to do more than just patronize the museum, memberships sold for a nominal fee will soon be available. And you will be able participate in other fundraisers such as purchasing pavers which will be set in cement (presumably of a better quality than used 150 years ago) at the new museum, with the contributor's name or company inscribed.

Until then, you can talk with Van Hooser and view the displays any Friday between 8:30 a.m. and 3 p.m. at 8811 Cuyamaca Street, in Santee (619) 258-3049.

Robert Phillips is a Deputy District Attorney and liaison to the Sheriff's office and five local police departments.

1937 - Under Sheriff George H. Brereton

FACES of Evil

We'll Never Forget

Picking out just 10 faces of evil was no easy task. Any violent act – large or small – against another person offends our humanity.

However, after talking to a number of prosecutors and officers, there are criminals who stand out in our minds as truly evil. Those who kill, hurt or maim children. Killers who clearly show no remorse. Cop killers and a cop who killed. Multiple murderers.

These, then, are the faces that still haunt our memory of the 20th century. Let us hope that when the list is compiled at the end of the 21st century, the list won't be so long.

KID KILLERS

Brenda Spencer
Sentence: 25 to life

"I don't like Mondays" was the excuse 16-year-old Brenda Spencer gave police for opening fire with a .22 caliber rifle on an elementary school from the window of her home on January 29, 1979. The school principal and a custodian were killed, eight children and a police officer were wounded before Spencer surrendered to police after a seven hour standoff.

She told police negotiators that she had fantasized about being a sniper and wanted to "liven things up." Referring to her victims as "easy pickings," Spencer said she liked "watching the children squirm once they had been shot" and that she was "having a lot of fun" while shooting into the crowd. She had received the gun a month earlier as a Christmas present from her father. Police found nearly 600 rounds of ammunition.

Because of pre-trial publicity, her court hearings were moved to Orange County. Spencer, who stands 5'2" tall and weighs 89 lbs., pled not guilty by reason of insanity.

Veronica and Ivan Gonzales
Sentence: Death

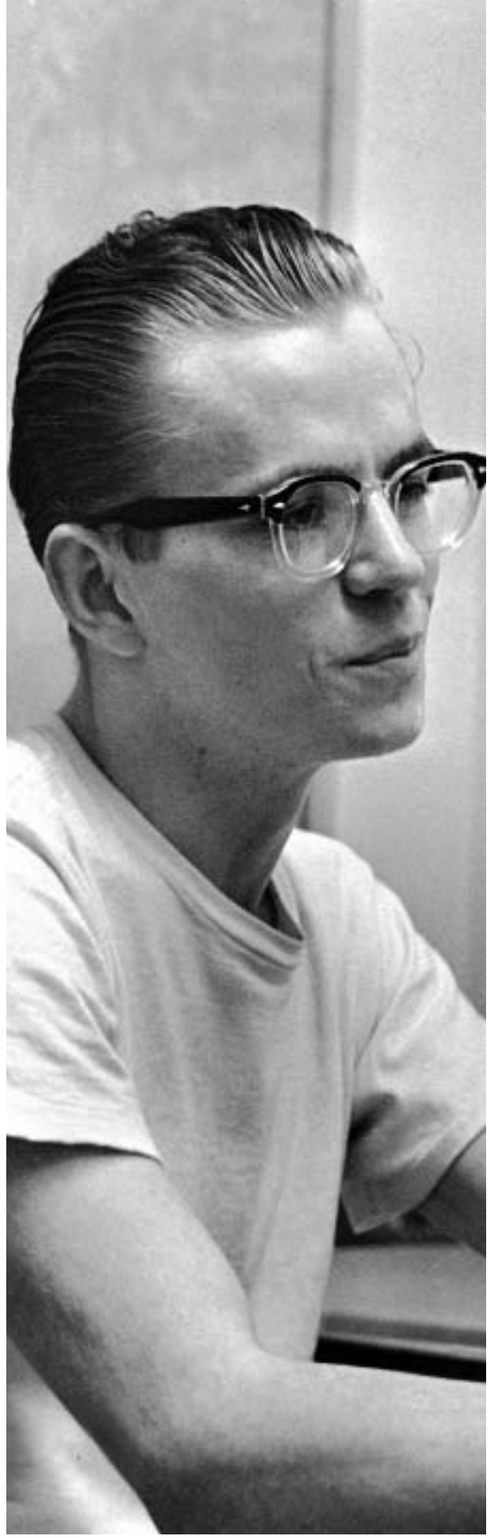
Genny Rojas, who was tortured to death in 1995 by her caretakers, touched the lives of everyone involved in the case. Seasoned police officers and prosecutors said this was clearly the worst case of child abuse they had ever seen. What made it so horrific, they said, was not the way Genny died, but the way she lived. Her little body was covered with scars of the abuse she had to endure every day of her short life. She was made to sleep in a wooden box on a blanket covered with blood and feces. She was whipped; burned with a blow dryer; hung by her hands in a closet. Genny eventually died when she was put into a bath of scalding water until her skin peeled. No one called for medical help and she died a slow agonizing death while the other children in the home were forced to watch.

Her aunt and uncle, Veronica and Ivan Gonzales, stood trial in 1997 and 1998 and were both eventually sentenced to die for their part in Genny's death. They are the first married couple in California to be on death row.

On September 30, 1979, she changed her plea and pled guilty to two counts of attempted murder. In exchange, nine counts of attempted murder were dismissed. She was sentenced in April 1980 to 25 years to life and to a concurrent sentence of 48 years plus seven for assault with a deadly weapon. Spencer waived her last parole hearing in order to pursue a challenge to her conviction.

In a strange twist, her father, with whom Spencer lived when she committed the murders, married her 17-year-old juvenile hall cellmate in 1980.

Gonzales Photo by Gerald McClard, *Union-Tribune.*



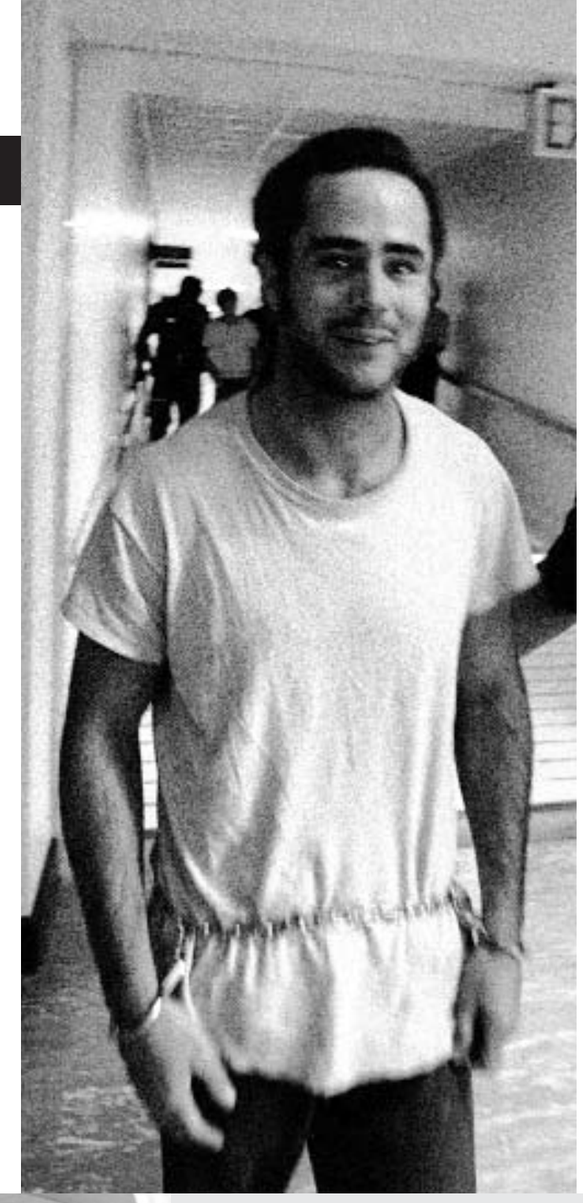
NO REMORSE

Triple Killer Joseph Bernard Morse Sentence: 25 to life

At 19, Joseph Morse became the youngest person to receive a death sentence in California. In 1962, he took a rock and crushed his mother's skull and then beat his invalid sister, who was only 12, to death with a baseball bat. His only explanation was that his mother had yelled at him for drinking and using drugs. While awaiting trial in 1964, he confessed to strangling a fellow inmate over a carton of cigarettes. In a 1968 interview with author Truman Capote, Morse said he would probably kill again.

Despite his confessions, Morse had five trials over eight years. Two of the trials were held out of the county because of media coverage in San Diego. One of the death penalty recommendations was thrown out because jurors had been told if he was not executed, Morse might be paroled. This ban on discussing the probability of parole is still known as the "Morse Rule."

In 1972, his death sentence was commuted when the United States Supreme Court declared the death penalty unconstitutional. In 1978, a parole date for the following year was set. Former Deputy District Attorney John Hewicker, who prosecuted Morse, mounted a campaign to bring public pressure on the parole board. His parole date was revoked, and Hewicker, who retired from the D.A.'s office in 1995, has vowed to continue appearing at Morse's parole hearings as long as his health permits.



Robert Alton Harris Sentence: Death

"Quit crying and die like a man" Robert Alton Harris told his 16-year-old victim Michael Baker. His friend, John Mayeski lie dying, mortally wounded a few feet away, still clutching the hamburger he had purchased earlier.

The year was 1978. Harris and his brother Danny had walked up to the boys in a Mira Mesa parking lot and ordered them at gunpoint to drive to a remote location. The Harris brothers had planned to commit a robbery and needed a car. Instead of letting them go and stealing the car, Robert Harris decided to summarily execute the boys. In a final act of callousness, he took the hamburger from Mayeski and finished eating it.

Later that day, the Harris brothers would commit their robbery. Two bank customers followed the robbers to a nearby residence. Within minutes, police surrounded the house. SDPD Officer Steven Baker arrested Robert when he wandered outside. As he led Robert away, Baker had no idea that his son lay dead just a few miles away. Harris had been out of prison for less than six months when he murdered the two teenagers, serving less than three years for beating a neighbor to death.

Interrogation of Danny Harris on the bank robbery led to the revelation of the murders. In March 1979, Robert was tried and found guilty of two counts of first degree murder, kidnapping and robbery.

During the penalty phase of the trial, jurors heard emotional testimony about the tortured childhood of Robert. At that time, victims were not allowed to testify.

On April 21, 1992, 13 years later, Robert Alton Harris became the first murderer in California to be executed in 25 years. He was executed by cyanide gas. Since then, death row inmates now have the choice of their method of death – cyanide gas or lethal injection.

Raymond Goedecke Sentence: Death

At the time, in 1968, this crime shocked the small community of Chula Vista, where the defendant and his family were well-known. He received the death penalty, but was granted parole in 1975 after his death sentence was commuted when the U.S. Supreme Court declared the death penalty unconstitutional in 1972.

In 1978, Goedecke killed again. The victim was his live-in companion, 60-year old Marjorie Lawrence. Goedecke was convicted of second-degree murder, served six years, and then was paroled again!

Because of this case, another murder, Joseph Morse, had his parole date revoked. Goedecke died in 1995 of AIDS.

Photos courtesy of the San Diego Historical Society.

COP KILLERS & EVIL COPS

Charles Tyberg
Sentence: 17 to life

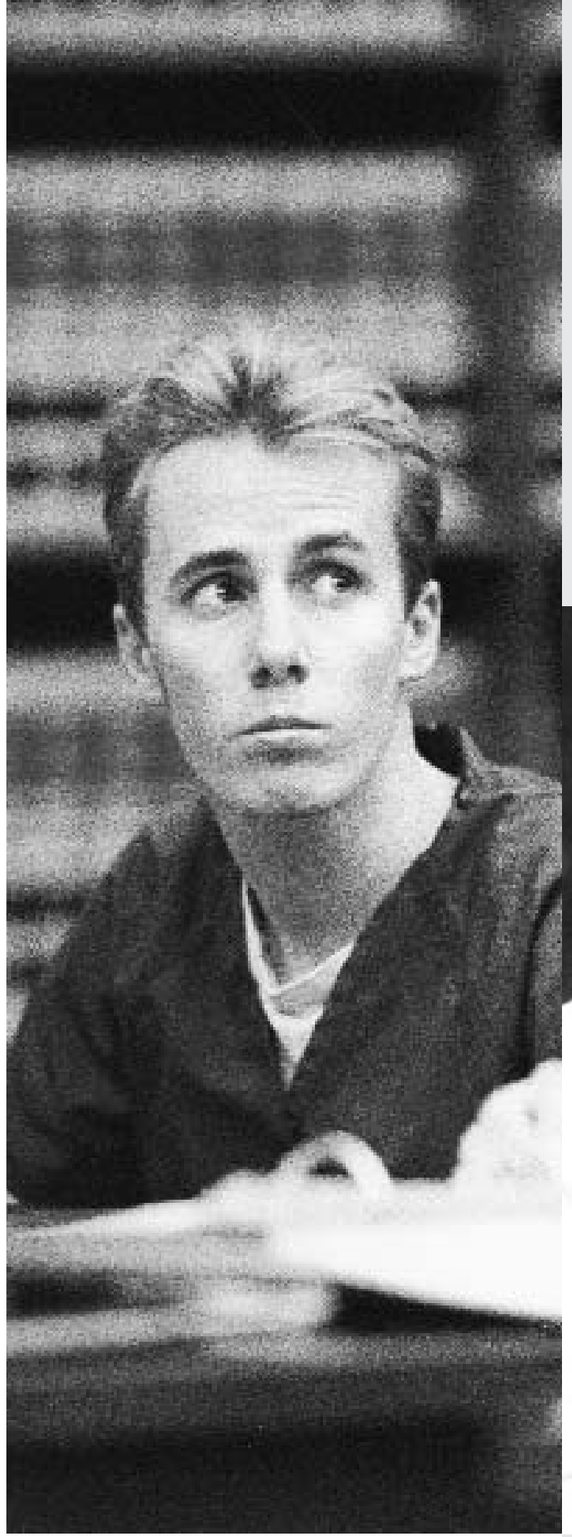
On February 20, 1983, San Diego Police Officer Kirk Johnson, 26, thought he was pulling up to say hello to a brother peace officer. Instead, Charles Tyberg, 16, dressed in his stepfather's sheriff's uniform and driving his armed patrol vehicle, shot Johnson and left him to die.

His parents gone for the weekend, Tyberg and two friends had planned to commit a robbery. Failing to find any robbery victims, they stopped in San Clemente Canyon to shoot at rabbits. Johnson mistook Tyberg for a fellow officer and pulled up parallel to speak to him. Instead of conversation, Johnson was met with six rounds at close range from a .357 revolver.

In one of San Diego's longest and most intensive criminal manhunts, Tyberg was not arrested until five weeks after the crime. The only evidence at the scene of the murder was tire tracks from a police vehicle.

A break in the case finally came when one of the teenagers in the car confessed to his father he was with Tyberg at the time and the father called police. The trial was moved to Orange County because of pre-trial publicity. Although Tyberg was found guilty of first degree murder, his sentence was overturned on appeal. A judge ruled his confession could not be used because among other things, police had offered to "help" him if he confessed. He later pled guilty to second degree murder.

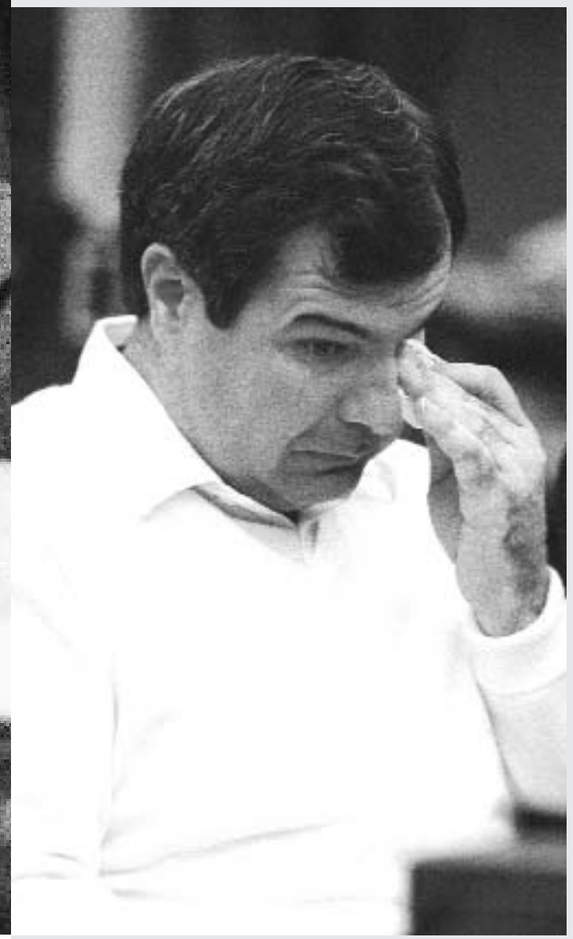
In April 1999, a three-year parole denial was imposed.



Joselito Cinco
Sentence: Death

Late Friday night, Sept. 14, 1984, Officer Timothy Ruopp spotted two men sitting in a parked car and drinking with two teenage girls at the Grape Street section of Balboa Park. He radioed for a cover officer, and Kimberly Tonahill responded. During a routine patdown, Jesolito Cinco shot the officers. Tonahill, the first and only SDPD female officer to be killed in the line of duty, died at the scene. Ruopp died two days later. Cinco also tried to kill a third officer, Gary Mitrovich, who was hit in the shoulder, but survived. Because of pretrial publicity, the trial was moved to Orange County, where a jury took less than two hours to convict him. Cinco was sentenced to death, but hanged himself six months later in his San Quentin cell. The shooting

prompted police to make immediate improvements in contact and cover training. It also was the first case in California where the legal defense costs of a death-penalty case were made public.



Craig Peyer
Sentence: 25 to life

On December 27, 1986, 20-year-old Cara Knott was driving home from her boyfriend's house in Escondido to her parent's home in El Cajon. She never made it. Her body was found the next morning in some brush. She had been strangled and dumped off an isolated bridge near Rancho Peñasquitos. Tire tracks from a law enforcement vehicle, citizen's reports of a patrol car at the scene and female motorists' complaints of bizarre encounters with a uniformed officer were among the clues that led to the arrest of California Highway patrol Officer Craig Peyer just 19 days later.

Other incriminating evidence included videotape of Peyer talking to a television reporter about personal safety for women just two days after the murder. Peyer's face had scratch marks on it.

The case sparked a wave of fear among women in the region who were now anxious about how to handle a routine traffic stop. Police were likewise concerned about motorists who might now be carrying firearms in a perceived attempt to protect themselves.

Peyer's first trial ended with the jury deadlocked seven to five for conviction. District Attorney Paul Pfingst, who was a Deputy D.A. at the time prosecuted during the second trial. Peyer was found guilty of first-degree murder.

Peyer is the only CHP officer ever convicted of committing a murder while on duty.

Peyer is serving his time in a medium security prison in Central California and will be eligible for parole on January 2, 2005.

Photos courtesy of the San Diego *Union-Tribune*.

Photos courtesy of the San Diego *Union-Tribune.*

SERIAL KILLERS

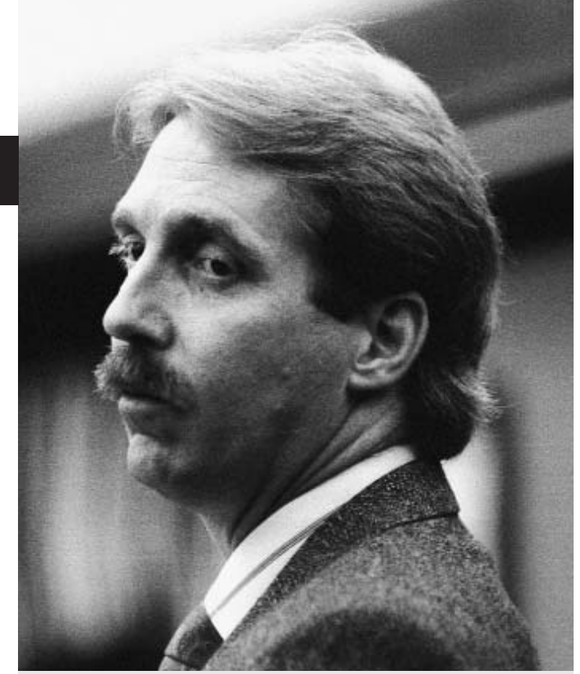
Cleophus Prince Jr.
Sentence: Death

"He would hunt, stalk and terrorize women like another person might go out to shoot rabbits," said Deputy District Attorney Dan Lamborn, who prosecuted serial killer Cleophus Prince for the stabbing deaths of six women in 1993. Prince broke into the victim's homes in broad daylight, stabbed them with their own kitchen knives and then dripped blood on their upper legs. Only one of the victims was raped.

The 1990 search to find the "Clairemont Killer" – so named because of the location of most of the murders – touched off one of the largest manhunts in San Diego County history. Hundreds of blood samples were taken from young men fitting the description of a man seen running from one of the victim's apartments.

Although police were beginning to pinpoint him as a suspect, Prince was finally arrested after he tried to break into the home of a woman after following her home from a local gym. During his sentencing, Prince proclaimed his innocence saying, "I did not kill your daughters." DNA evidence, which was a relatively new process at the time, and jewelry he had taken from the victims told a different story. On November 5, 1993, Prince was sentenced to six death sentences, one for each of his victims.

His trial was one of the first death penalty cases in San Diego County in which victims' emotional testimony was heard by a jury. Previously, testimony from victims in death penalty cases had been prohibited because judges feared jurors would become too emotional. Rulings from the United States and the California Supreme Courts in 1991 opened the door to allow impact statements during the penalty phase.



David Lucas
Sentence: Death

"He was San Diego's first identified serial killer," said George "Woody" Clarke, one of the prosecutors who helped to put David Lucas on death row. In December 1984, Lucas, a self-employed carpet cleaner, was arrested for the throat-slashing murders of a 22-year-old USD student, a 31-year-old babysitter, and a 3-year-old girl.

Another victim, Jody Santiago, who had been abducted and left for dead by Lucas, survived the attack and positively identified Lucas after he became a suspect in the other murders.

Lucas was eventually charged with three additional throat-slashing murders. A jury convicted him of three of the six murders and the attempted murder. They dead-locked 11-1 for conviction on two of the murders and acquitted him of one. On September 19, 1989, Lucas was sentenced to die.

A record $2.7 million was spent to defend Lucas. The case inspired a legislative effort to require defense attorneys to account for the costs to defend murderers facing the death penalty.

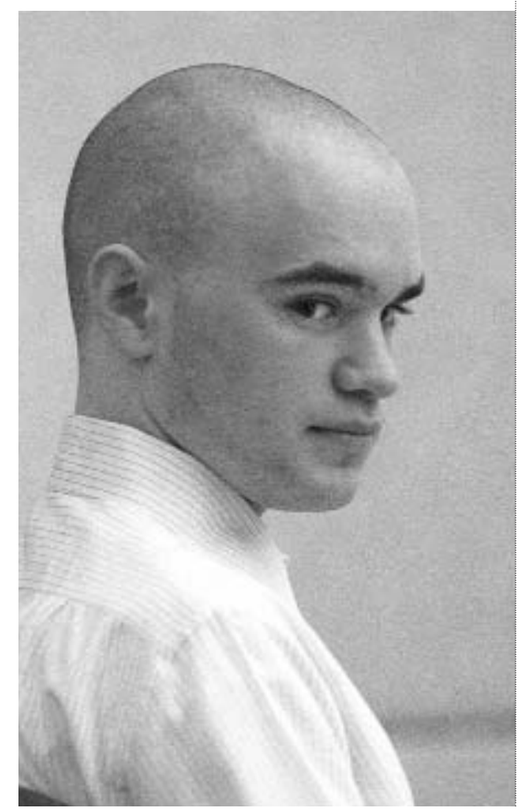
Lucas' first set of appeals to the state supreme court was just filed this year.

Brandon Wilson
Sentence: Death

Calling him "every parent's worst nightmare" and describing his conduct as "twisted and selfish," a North County judge recently sentenced Brandon Wilson, 21, to death. He is now San Diego's most recent murderer on death row.

Saying that he was directed by God to exterminate humanity, Wilson followed nine-year-old Mathew Cecchi into a restroom at the Oceanside harbor and slashed his throat. Cecchi, who was in San Diego visiting relatives, was left to die as his aunt waited outside for him. Wilson fled to Los Angeles, where he was caught by passersby who saw him try to slash a woman's throat.

The crime put fear into the heart of every parent who heard about it. A countywide effort to make more family restrooms available is currently underway.



FACES OF EVIL

Wilson Photo courtesy of the Associated Press.

People & Places

That shaped law enforcement in the 20th century

Bordered by the ocean, a desert, mountains, a large military base and the largest international border, San Diego is a unique law enforcement environment. But it's just not geography that has shaped San Diego law enforcement. Extraordinary circumstances have shaped it as well.

Looking over the past 100 years, it's difficult to select just a few influential events. But when talking to seasoned police officers and prosecutors, some names and events just seem to keep coming up. Some experiences made us realize that San Diego was no longer a sleepy navy town. Others shocked and surprised us. San Diego is a 21st century city with urban problems, dangers and potential.

In the end, the events selected, although tragic, helped us to mature. Officer safety and professionalism were improved. Future victims – both law enforcement and civilian – have been spared the heartache of those who lived and died as a result of these events.

Here are times we can't – and shouldn't – forget.

PSA Crash

"It was the closest thing to an Armageddon that this city has ever seen," said San Diego Police Department PIO Bill Robinson describing the carnage left after a Pacific Southwest Airlines plane collided with a single engine Cessna over San Diego skies.

Within minutes of the crash, more than 700 San Diego Police officers were on the scene in North Park to look for survivors and to rescue people from the burning homes. When police arrived, the local media was already there and throngs of reporters were arriving from all over the world to witness the nation's worst air disaster. Police also had to deal with hundreds of spectators who saw the billowing black smoke over the city.

A mobile command post was set up at a nearby high school. The football field became a landing pad for Sheriff's helicopters. The baseball field was a booking station for arrested trespassers. The gym was to be used as a first aid station, but quickly was converted to a morgue. The primary job of the police became preserving the accident scene for investigators and the recovery of bodies.

By day's end, more than 1,500 officers from the Sheriff, SDPD and CHP would assist with sifting through the wreckage and putting body parts into plastic bags. Complicating matters was the heat of the September sun.

When the dead were counted, 150 were killed – 135 passengers and crew and 13 on the ground. "A number of officers had to take disability retirement after that day," Robinson said. "It took me 10 years before I could go back to that area."

One of the major changes to come out of the tragedy, was the development of a regional disaster plan. "Before this tragedy occurred, local agencies were not coordinated in their response to a disaster," Robinson said. "Now we have a plan in place that outlines action for more than two dozen different disasters. Every major agency knows exactly what to do if and when disaster should strike."

A Woman Scorned

On the morning of November 5, 1989, Elisabeth (Betty) Broderick broke into the home of her ex-husband and his second wife, using keys Broderick had stolen from her 19-year-old daughter. She brought with her a .38 caliber gun she had loaded with hollow point bullets. Broderick went directly into the bedroom where she unloaded her five shot revolver into the two of them and then pulled the phone out of the wall.

It took nearly two years to bring her to justice. The first jury deadlocked over whether Broderick was an "abused" woman. The second found her guilty and she was sentenced to 32 years to life.

The case received national attention when it became one of the first court cases televised on the newly launched "Court TV" network. A made-for-TV movie was also produced, giving the case further notoriety.

According to prosecutor Kerry Wells, who tried both cases, stalking laws, which became effective just about 60 days after the murders, would have allowed law enforcement to intervene and possibly prevent the killing of Dan and Linda Broderick.

PSA photos courtesy of the San Diego *Union-Tribune*

Photo by Scott Linnett, *Union-Tribune.*

City Hall Scandals

Roger Hedgecock was indicted by a grand jury in 1984 of 14 counts of perjury and one count of conspiracy. He was also re-elected that year with 58% of the vote.

Later, the Fair Political Practices Commission filed a $1.2 million civil lawsuit, the largest lawsuit in its history against him and financier J. David Dominelli and former Del Mar Mayor Nancy Hoover. Dominelli, who was already serving a federal prison term for swindling investors, eventually pled guilty to illegally funneling money into Hedgecock's 1983 mayoral campaign.

After the first trial ended in a hung jury, Hedgecock was found guilty in 1985 of 13 felonies. Allegations of jury tampering, including the rumor that a bailiff supplied alcohol to jurors and urged them to reach a resolution, surfaced on the eve of Hedgecock's planned resignation. Although a motion for a new trial was filed, it was denied and Hedgecock was forced to resign. After five years of appeals, the State Supreme Court reversed 12 of the convictions. To avoid a third trial, the District Attorney's office worked out a plea that involved Hedgecock dropping any further appeals and paying a $5,000 fine.

Hedgecock was not the first San Diego Mayor to suffer the scandal of a trial. Frank Curran, who was mayor from 1963-1971, was indicted in 1970 by a grand jury of taking $3,500 in bribes in return for pushing through a rate increase requested by the Yellow Cab Co.

Seven other members of the 1967 City Council were also indicted in the case, which has become known as the "Yellow Cab Scandal." Of the eight officials charged, Curran and three others were acquitted by juries, three had charges against them dismissed, and one pled no contest and paid a fine.

"I knew I was innocent; I knew I'd be vindicated – but I also knew my political career was over," Curran said in a 1989 interview with a *San Diego Union* reporter.

The first mayor to be convicted of a felony was Mayor Rutherford B. Irones. In 1935, he was convicted of felony hit and run driving involving an injury after he crashed his city-owned car into a telephone pole.

Heaven's Gate

An anonymous tip sent two Sheriff's deputies to a mansion in Rancho Santa Fe on Wednesday afternoon, March 26, 1997.

As deputies entered the residence, they realized something was terribly wrong. The terrible stench of decomposing flesh was overwhelming.

That evening, news media from all over the world were converging on the scene. By morning, the grisly news was public: 39 bodies had been discovered, lying face up in bunk beds, dressed in black, wearing Nike tennis shoes and covered with purple shrouds.

The Medical Examiner determined the cause of death was suicide as a result of ingesting a mixture of phenobarbital and alcohol. Plastic bags were found over each head. Letters were sent to former cult and family members with the message "By the time you read this, we will have shed our containers."

Detectives soon learned the dead were members of a little-known cult called Heaven's Gate. Among other thing, they believed they needed to commit suicide to catch a spaceship that trailed comet Hale-Bopp. This act would move them to a higher form of life.

It was and still is the largest mass suicide on U.S. soil. Sheriff and Medical Examiner staff were later commended for their handling of the affair and the open way they dealt with the hundreds of media requests from national and international sources. In an unprecedented action, the videotaped "last messages" from the cult members, along with photos and video taken by homicide detectives of the crime scene were released to the media.

Photo courtesy of the Associated Press.

McDonald's Massacre

Officer Miguel Rosario, now a lieutenant at San Diego Police Department's Mid-City division, was the first officer on the scene. He had just started his shift, and volunteered to take the call. Thinking he was responding to a 245 shots fired call, Rosario assumed it was a DV-related case. He knew a child had been shot, and was thinking about getting medical aid to the scene. He had no idea what he was about to encounter would later be called the nation's worst one day murder toll.

As Rosario approached the restaurant, he saw people hiding behind cars. Suddenly the gunman appeared at the doorway with a rifle in his hand. Rosario still did not know the gunman's intent – was it a DV incident, a robbery gone bad? His mind raced with possibilities. All of a sudden, the gunman took a shot at him. Rosario dove for cover. The gunman began shooting at the firemen who had just arrived on the scene. Frustrated, the gunman went back inside to look for more victims. There was now no doubt that police were dealing with a deadly and extremely dangerous situation.

Witnesses inside the restaurant said the gunman went from table to table sipping soft drinks and dancing to music from a portable radio as he shot randomly at anyone who moved.

Before SWAT arrived and the gunman was shot and killed by a police sniper's bullet, 21 men, women, children and babies would be murdered; 19 more would be wounded.

The gunman, later identified as James Huberty, had told his wife earlier in the day that he was going to "hunt some humans."

Following this tragedy, SDPD implemented several changes to its SWAT team. Ten officers, including Rosario, were selected for a Special Response Team and received hostage rescue training. Machine guns and semi-automatic weapons were also added to police arsenals.

Shoot Out in San Diego

On April 8, 1965, a 28-year-old customer at the Hub Pawnshop at Fifth and F Streets in downtown San Diego managed to load a rifle. He shot two employees, killing one. The other saved his life by running upstairs and hiding throughout the gun battle. The gunman had an estimated 27 rifles, 50 pistols, and hundreds of rounds of ammunition at his disposal inside the shop. Police estimated they fired 800 rounds during the four-hour siege. Tear gas was ineffective because of changing winds.

A crowd of a thousand gathered on the street, risking ricocheting bullets, to watch the action. In the end, officers stormed the building and Sergeant A.D. Brown, father of Superior Court Judge Frank Brown, risked his life to wound the gunman and end the biggest gun battle in downtown San Diego.

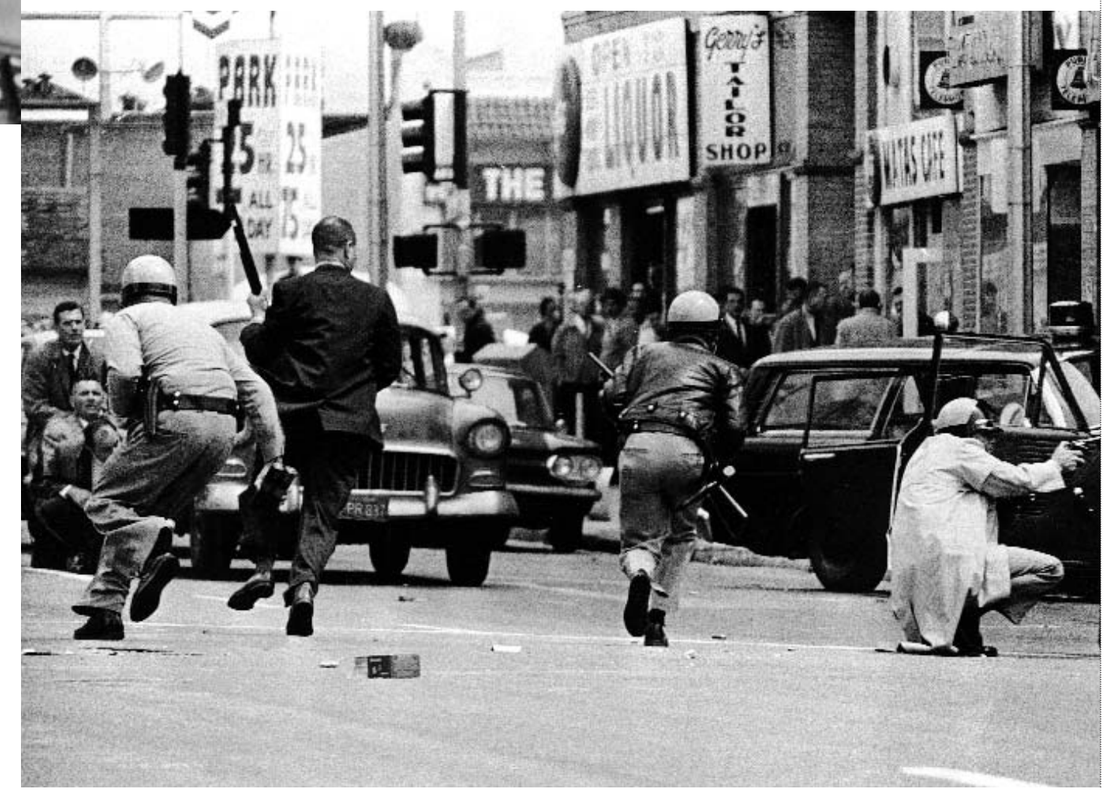
As a result of this shootout, the SWAT – Special Weapons and Tactics – team was formed.

Prohibition

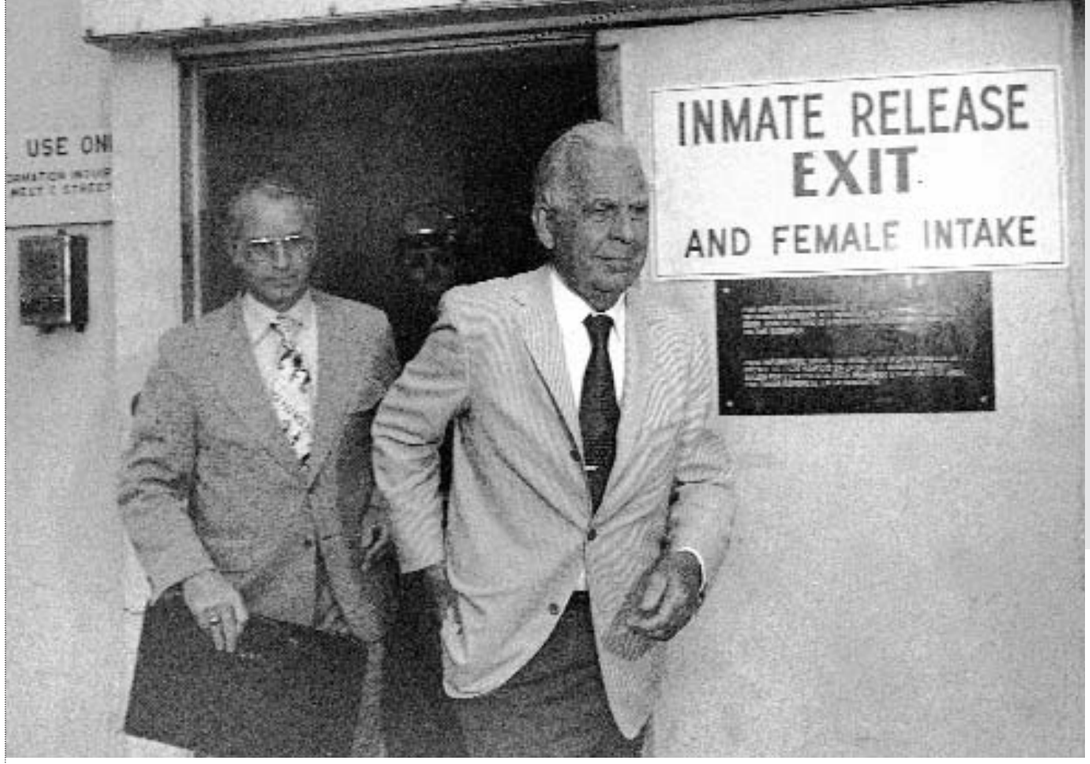
During the 1920s and 30s, the primary law enforcement actions were raids on bootleggers and stills. Because of its proximity to Mexico and the ocean, San Diego was on the front lines and bootlegging was big business.

In 1929, two Mexican guards, transporting money from the popular Agua Caliente resort in Tijuana, were killed in their car by machine gun fire near National City. It was the first time machine guns, which were the weapons of choice for East Coast gangsters, had been used to commit a crime in San Diego. A massive manhunt was launched to find the robbers.

Law enforcement officials worried that big time crime had now come to San Diego. One suspect was found in an apartment near Balboa Park; the other in Los Angeles. The robbers were found guilty and sentenced to life in state prison. It turned out they had no gang connections, and appeared to be acting alone.



Photos courtesy of the San Diego Historical Society.



Three Strikes

Fed up with career criminals being released from prisons and the rising crime rate of the 1980s, voters overwhelmingly ratified sweeping legislation in 1994 that fundamentally changed sentencing law in California. Two cases in particular fueled the public's rage: the senseless murder of Kimber Reynolds and the kidnapping and murder of Polly Klass. Both had been murdered by men with long histories of violent crime.

Nicknamed, "three strikes and you're out" the legislation imposed a mandatory 25-to-life sentence for a third felony conviction of any level. The initiative also required that at least 20 years of the sentence be served.

Critics warned of overburdening an already overloaded court system and massive prison overcrowding. But those predictions have not come to pass. In fact, by locking up the career criminals, crime rates throughout the state have declined 50 percent or more. San Diego County, noted for its aggressive prosecution of Three Strikes cases, has seen crime rates decline nearly 30 percent since passage of Three Strikes.

Since its passage, a few changes have occured. In 1996, the California Supreme Court ruled that trial judges had the power to "strike strikes" in the interest of justice. The decision resulted from a San Diego case, which was the first challenge to the Three-Strikes law to reach the state Supreme Court. In 1997, the state Supreme Court ruled that serious juvenile crimes could qualify as "strikes."

Passage of Three Strikes paved the way for the legislature to pass other tough-on-crime measures, including the 10-20-life measure passed in 1997, which adds additional time to the sentence if a gun is used in the commission of a crime.

The real legacy of Three Strikes, says Deputy District Attorney Gregg McClain, Three Strikes expert for the San Diego County District Attorney, is that for the first time, the people took the power away from lawyers and judges by institutionalizing laws so they could not be tampered with. "The public said to the criminal justice system 'we don't trust you, so we are going to pass legislation that keeps the law from being undermined by the system.' "

On the anniversary of the legislation, California Secretary of State Bill Jones commented, "No other factor, not other law, no other condition in the history of California has had the dramatic impact Three Strikes has had in reducing crime in this state."

More than 25 states have enacted some form of Three Strikes legislation.

Mr. San Diego Falls From Grace

Known as Mr. San Diego among civic leaders before his financial and legal troubles began in the late 1960s, Conrad Arnholt Smith was a multi-millionaire who was convicted of embezzling $8.9 million from his properties. In addition to his United States National Bank, Smith's vast empire included fleets of Yellow Cabs, tuna boats, numerous real estate and farm land holdings. He is responsible for bringing the Padres baseball team to town in 1955 and building the Westgate Hotel.

When his bank collapsed in 1973, with an outstanding debt of $400 million, it was the largest bank failure in U.S. history.

In 1979 he was sentenced to three years for tax evasion and grand theft. Through a series of delaying motions and appeals, Smith did not serve any time until 1984, nearly 11 years after he was convicted by a federal grand jury. In spite of his age and failing health, Superior Court Judge Kenneth Johns felt he should serve some time for his crimes, saying "The community has a right to expect that after all this time he will be committed to custody." But because of his age and failing health, Smith served only about seven months. He died in 1996.

Runaway Tank

On May 17, 1995, a man walked into a National Guard Armory in Kearney Mesa and stole an Army tank.

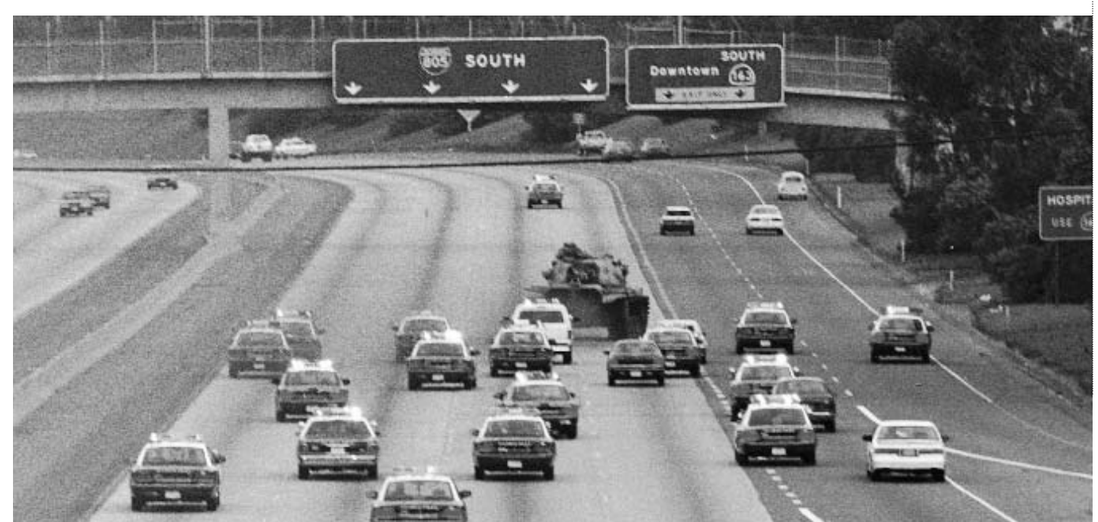
Shawn Nelson, 35, sped through the streets, toppling telephone poles, crushing vehicles, and knocking over fire hydrants. He then drove onto Route 163, where he tried to crash through the center divider north of Genesse Ave. The collision tore off one of the tire's treads, disabling it.

Fortunately, one of the police officers on the scene was an Army reservist who was familiar with the operation of the M-60 tank. Police were able to jump on top of the stalled tank and, using bolt cutters, open the hatch.

Nelson was ordered to come out. Instead, he continued to try to put the tank in gear in a possible attempt to throw police off the turret. With no other alternative, police shot and killed Nelson. Traffic on both North and South 163 was closed, stranding thousands of motorists.

National City Police Chief Skip DiCerchio was a San Diego Police Captain at the time. "God only knows what could have happened had Nelson not gotten hung up on the freeway median," DiCerchio said. "Nothing we could put in front of him could stop a tank. We were in contact with the military and National Guard and the only suggestion was to get another tank to take him on, which was not a viable option. It was obvious the guy (Nelson) knew how to handle the tank and probably would have thrown the officers off the top and proceeded to the other side of the freeway and possibly on to a nearby hospital if he had more time."

Although only one other incident of tank-stealing has ever been reported – and that was in Germany – changes were immediately implemented. Tanks have been moved to military bases. Military vehicles stored at National Guard and other military armories are disabled and not filled with gas to prevent an incident like this from happening again.



Photos courtesy of the San Diego Historical Society.

1926 - DA Kempley, middle, and the Assistant DA, left, faced bribery charges for withholding evidence in the murder trial of a Chicago mobster.

THE District Attorney's Office: A Brief History

"History is the story of the great men who have worked here." – Thomas Carlyle

By Gayle Falkenthal

The San Diego County District Attorney's office is rich with the stories of the people who turned the frontier's rough justice into law and order. As we mark the 150th anniversary of the organization, it's only natural to look back in amazement, amusement, and admiration. Since World War II, only three men have served as District Attorney – two of them for more than two decades each. But in the county's first 20 years, 23 men held the office.

The honor of serving as the first District Attorney of the California's fell to William C. Ferrell. At the time, there were only five men with legal training in San Diego County.

Ferrell's salary as D.A. was $2,000, plus 10 percent of civil awards collected, along with fees paid by the county treasury allowed by the court in every successful criminal prosecution. If you were convicted of robbery, the D.A.'s take of the $50 fine was $41. Ferrell lived well on this generous income until May 1851, when the state legislature caught on and cut the salary down to $500 plus the criminal fees. Ferrell was so outraged that he quit on the spot.

The same legislature decided to combine the jobs of D.A. and "County Attorney," known today as County Counsel. The outgoing County Attorney, Thomas W. Sutherland, was happy to become D.A. He wasn't so happy a year later in 1852 when the County of San Diego went bankrupt and stopped paying him. He then moved to San Francisco.

This left the last of the lawyers to take up the reins as D.A. of these, James W. Robinson took a leading part in public affairs in San Diego from the start. A former Governor of Texas under the Mexican Republic in 1835. He was a founder of the San Diego and Gila Railroad, and he bought and developed large amounts of property in Point Loma. He was, by all accounts, a fine legal mind and was inde-pendently wealthy enough to hold the job of District Attorney from 1852-1856. He was defeated for reelection in 1856 by Joseph R. Gitchell.

Gitchell was an aggressive prosecutor frequently in the headlines. He succeeded in raising the D.A.'s salary back to $500, payable in advance. Gitchell resigned two years into his term to become U.S. Attorney in Los Angeles. James Nichols, a local justice of the peace who had been a minister, was appointed. But the office didn't suit him, and he resigned in just seven months.

Meanwhile, William Ferrell was busy at work on his resumé. He became the chief of customs, chairman of the first Board of Supervisors in 1853, county assessor in 1854 and 1858 and was elected to the state assembly in 1855. He was persuaded to become District Attorney for the second time in 1859.

Ferrell had a longstanding reputation as an eccentric, but there wasn't much choice as there were few lawyers available for the job. He lived up to his billing. A few months into the job, District Judge Benjamin Hayes decided a long-forgotten case against Ferrell. Ferrell became so enraged, he banged his law books on the table, stomped out of court and never again returned to San Diego.

The best medicine for the ailing state of the office turned out to be a physician. Dr. David B. Hoffman was appointed physician to the County in 1853. This also made him chief medical official of the jails, and the county coroner.

Dr. Hoffman enjoyed being District Attorney and brought some sorely needed stability to the office for the next three years. Hoffman left for Sacramento and a new position in the State Assembly in 1861. During the rest of the 1860s, seven different men served as D.A.

In 1870, the new D.A. William T. McNealy, was one of the most highly regarded attorneys of his day. He was the youngest District Attorney ever elected at age 21. He was quickly nominated for District Judge in 1873 after an exceptional three years as D.A., handling civil cases for the county and representing the railroad company in legal matters.

A dozen men served as District Attorney following the well-regarded McNealy before the turn of the century. One of them, James Copeland, nearly made legal history when he appointed Mrs. Clara Foltz, California's first woman lawyer, as his Assistant District Attorney in 1887. But it was discovered at her swearing-in that women were only eligible to hold the positions of School Trustee or Superintendent of Schools, and Mrs. Foltz' appointment was denied. She eventually was appointed California's first female deputy D.A. in Los Angeles County in 1910 at the age of 61.

William M. Darby won a heated election campaign in the fall of 1894 to succeed Martin L. Ward. But six weeks after his election, Darby committed suicide by hanging himself from his bedpost at his Old Town home.

The lame-duck Board of Supervisors appointed incumbent Ward to the "vacancy." But the Board membership shifted in the new term to a Democratic majority, and it appointed Adelbert H. Sweet to the Darby vacancy. Sweet wrote to D.A. Ward, politely insisting he step aside. This set up a five-month legal battle that eventually made its way to the California Supreme Court. The Court upheld the claim of Sweet.

Ward and Sweet continued to tangle for years. Eventually, despite their duels in court, Ward came to respect Sweet deeply, and eulogized him at his funeral in 1924. Sweet's private firm, Sweet, Stearns, and Forward, became the backbone of the well-known San Diego law firm of Luce, Forward, Hamilton, & Scripps.

The name on the door of the D.A.'s office in 1902 is a name still familiar to local playgoers. Cassius Carter served three years as district attorney. He was also a recognized Shakespearean scholar. The acclaimed Old Globe Theatre's small theatre in the round was named after Carter when it opened for the second California Exposition in 1935.

After Lewis Kirby served in 1907-08, the modern era of longer tenures in office began. Harry S. Utley, a naturalized British citizen, served until 1922 with the World War I years excluded (four local lawyers each served for 12 months as "caretakers" of the office). Chester Kempley and Stephen Connell each served a full four-year term, followed by Thomas A. Whelan.

Whelan was elected D.A. at the age of 28 with the largest majority of anyone ever elected to the office. Whelan was a vigorous crusader against all forms of vice: alcohol, drugs, prostitution, and gambling. In 1934, Whelan went to battle with the members of a proposed nudist colony, "Campo Nudisto," in Jamul. He was very concerned about the effect on public morality. But after three D.A. investigators paid a visit to the remote spot (and took photos of the residents playing volleyball in the nude), Whelan was satisfied that it was a small group well out of view, and decided to leave them alone.

No mercy however was shown to the operators of 23 down-town hotels and rooming houses when Whelan filed abatement actions against them in December 1935. He pledged to dismiss the civil suits if the property owners could satisfy him and the courts they were no longer housing "dissolute" women.

In 1937, the Board of Supervisors asked Whelan to draft an ordinance licensing gambling devices in the county. Whelan, a staunch opponent of gambling, refused and said any such ordinance would be illegal. The board members assailed Whelan in the press. Whelan responded by threatening to arrest any supervisor who voted in favor of such an ordinance.

With Whelan so stubborn, the Board simply hired a private attorney to draft the ordinance. A few weeks later, Whelan conducted a raid on the first slot machine operations in town. This began months of battling over

Photos courtesy of the San Diego Historical Society.

the fate of gambling in San Diego County. By March 1938, Whelan was completely fed up and resigned in protest to return to private practice. The Board of Supervisors appointed Deputy District Attorney James Abbey as Whelan's successor. He ran for a full term eight months later and won handily.

But just halfway through the term, the Board of Supervisors announced Abbey's resignation to go into private practice. While this news was sinking in, the real surprise was unveiled: Thomas Whelan was the unanimous choice to replace Abbey. Abbey agreed to swap jobs and take over Whelan's booming practice at his private firm. Whelan said some of the "happiest years of my life were spent as district attorney… it is with extreme pleasure that I return…" Whelan was also assured by the Supervisors that there would be a substantial pay raise for the succeeding term. Whelan's relationship with the Supervisors was repaired, and he served throughout the booming World War II years. He decided not to run in 1946.

1937 - DA Whelan (far right) in court.

Thanks in large part to the increasing military presence, San Diego was growing. Times were looking good and people wanted to have fun. Sometimes, too much fun. James Don Keller was elected on a "reform" ticket. Keller was known as a very modest, straight-arrow personality not given to any frivolous moments. This meant no more drinking during the day by D.A. staff. Knocking back a martini (or three) during the lunch hour was perfectly routine behavior. Keller would have none of this, which was considered terribly strict.

Keller and his senior staff were responsible for the modern structure of the D.A.'s office. Retired Deputy District Attorney John Hewicker, Jr. was among 28 prosecutors on the staff in the mid-1960s. Hewicker recalls that each prosecutor handled the whole gamut of criminal cases, and the growing workload threatened to overwhelm the group.

One Saturday morning, senior deputies gathered at Keller's house in La Jolla. Out of that meeting, Appellate, Special Operations, Municipal and Superior Court Divisions were created.

When Keller retired after a distinguished 24-year career, respected former United States Attorney Ed Miller defeated Assistant District Attorney Bob Thomas and took office in 1971.

It's hard to believe that just 30 years ago, the office was so small that all the attorneys could meet once a week in the grand jury chambers, where the assistant D.A. would pass out the cases for the coming week.

From his first weeks in office, Miller initiated a series of innovative contributions. He created the Family Protection Division, Victim/Witness Assistance Program, the state's leading Insurance Fraud Division, Bad Check Restitution Program, Lifer Hearing Unit, and the first Hate Crimes prosecution unit. (Dare we say that one of the highlights of his tenure was creation of the award-winning *Law Enforcement Quarterly* magazine?)

Today, 285 prosecutors, 140 sworn investigators and hundreds of skilled legal support staff work in the D.A.'s office of the fourth largest county in the United States.

As we begin a new century of service, with challenges and crimes that we can't even begin to predict, some things will stay the same, as they have for the past 100 years. Crimes will still be committed, victims will suffer, and dedicated men and women in the District Attorney's office will do their best to bring every case to a just conclusion.

Gayle Falkenthal is the Public Affairs Director for the District Attorney's Office.

An Interview with June Moeser

By Denise Walker Vedder, LEQ Editor

June Moeser is a San Diego law enforcement pioneer. In 1955, she was one of two women to attend the police academy. The other woman dropped out, but June went on to serve two years as the first policewoman for the Chula Vista Police Department.

Prior to the late 1950s, women in police work were generally relegated to handling woman prisoners, dealing with juveniles and working dispatch. June was one of the first to wear an officer's uniform and to go out on patrol. A couple of years later she applied to be a County Marshal. Out of 127 applicants she was number one and served for 12 years. June later served as a reserve sheriff's deputy and founded the Women's Reserve Deputy Sheriff's Association.

In 1977, a judge nominated her for the grand jury, and she was selected as the foreperson, becoming the first woman to hold that position.

Then, in 1984, while researching the first meeting place of the grand jury, she learned that there had been a courthouse in Old Town that predated the Whaley House. She put together a citizen's group to raise money through private donations. She then oversaw reconstruction of San Diego's first courthouse. "Justice was swift in those days," she said. "A trial was over in 24 hours; there was no court of appeal dragging things out. The death penalty meant the death penalty."

June has also worked to improve law enforcement professionalism and education. She developed a curriculum and taught administration of justice courses for the San Diego Community College district. She is also an accomplished artist, and has written and illustrated a book on San Diego lighthouses.

June is now retired and lives in Mission Hills.

Why did you decide to become a police officer?

I was working as a legal secretary in the San Diego City Attorney's office when a friend of mine told me about an opening for an officer with Chula Vista Police. I was not worried about qualifying, but I was concerned about meeting the physical requirements – there were minimum height, weight and vision specifications. By the way, I still have the specs.

Did any of the men give you a hard time?

Some of the officers were wondering if I could do the job, others knew I could. I knew I had made it when instead of calling me a "sister" officer, they called me a "brother" officer. I still keep in touch with some of them.

What accomplishment makes you proudest?

In 1964, while working as a deputy marshal, I overheard a prisoner tell of his plans to donate blood even though he had once had hepatitis. At that time, prisoners serving a term of 30 days or longer could get five days deducted from their sentence for donating one pint of blood. I worked with then-DA James Keller to get legislators to pass a bill to stop this practice. A significant health threat was removed by passage of this bill.

What has changed since you were on the beat?

Police officers had an authoritative voice that people listened to. Also, we had the right to stop people for loitering and vagrancy, so that got people off the streets before a crime could be committed. The Feds paid us $3 a person for any non-citizen we picked up. Also, drugs, which are a huge problem today, were not as prevalent.

What do you think has stayed the same?

The eagerness of a new officer. You are sworn to protect life and property 24 hours a day as long as you live. This feeling and responsibility never leaves you. I still do it today. I walk into a situation and I want to organize it and take control. My husband and my dogs have to put up with me.

What principles have guided you throughout your career?

Stand by the truth and it will set you free. It may take years, but the truth will prevail.

No one is exempt from the law. Even if you disagree, you should always obey the law.

Color photo by Scott Linnett.