

Anatomy of a Murder

The disappearance of Danielle van Dam was a shocking tragedy that ballooned into more than just a murder case. The parents' lifestyle—and actions by police, media, lawyers and the district attorney—came into question. As the legal team for defendant David Westerfield begins the fight for his life, here's a no-holds-barred look behind the scenes of San Diego's biggest story of 2002.

BY KEVIN COX

AMID THE SUPERSTORES AND STRIP MALLS that pass for community in the suburbs of San Diego, some small-town traditions remain. Parents still come out to watch their kids play Little League baseball, just like their parents did.

There's sunshine and sunflower seeds. Dirt and grass.

But in the Carmel Mountain Ranch Little League, grass is a touchy subject this season. Parents have admitted smoking it, and one of them says a coach supplied it.

Grass. Marijuana, that is.

The coach is Rich Brady (not the well-known San Diego

clothier with the same name). Some wanted Brady to resign, but others involved with his team threatened to pull their children out of the league if he left, according to a league official. Brady declined comment on the subject. The dispute went all the way to Little League headquarters in Williamsport, Pennsylvania.

The Carmel Mountain Ranch league was covering its bases, according to the league official. "The general consensus from everyone involved is unless the man is charged with something, and his performance on the field is affected by choices in his personal life, at this point there are no grounds to remove him," the official says.

Rich Brady is still coaching, but "It's one of those situations where we wish he would go away quietly," says another coach.

And who is the parent who says Brady supplied marijuana? Brenda van Dam.

The disappearance of her 7-year-old daughter, Danielle, set off a San Onofre-size chain reaction in San Diego on February 2. Three days later, Brenda and her husband, Damon, were on national television, pleading for Danielle's return. They kept making pleas in daily news conferences before dozens of reporters and photographers outside their Sabre Springs home—with the man suspected of abducting their daughter just two doors away.

Police quickly focused on the neighbor, David Westerfield, as thousands of volunteers kept searching for Danielle. Twenty days after she disappeared, the cops arrested Westerfield, who pleaded not guilty to murdering her. It took five more days for searchers to find Danielle's body, under a tree by a road in East County.

Westerfield's murder trial—he faces the death penalty—was scheduled to start May 17. A judge imposed a gag order on most of the trial participants—including the van Dams, the police and the district attorney. *San Diego Magazine* offered each a chance to comment for this story. They either declined, citing the gag order, or did not respond.



David Westerfield, two weeks before he was arrested and charged with kidnapping and murdering 7-year-old Danielle van Dam.

PHOTO BY DAN TREVAN/SAN DIEGO UNION-TRIBUNE/ZUMA PRESS. (C) COPYRIGHT 2002 BY SAN DIEGO UNION-TRIBUNE.

The van Dams

Despite the reluctance of many in the media to explore the van Dams' lifestyle choices, one thing is clear: The question of lifestyle—both the Van Dams' and that of their neighbor, David Westerfield—is very likely to be a central issue in Westerfield's murder trial. And it will be impossible for the media to ignore.

Looking back, Brenda van Dam called it a girls' night out. That's how she described an evening of drinking and dancing with her two girlfriends, on the same night her daughter disappeared. Brenda offered the following version of events that evening:

The three women met two men at a bar. Brady was one of them. They went back to the van Dam house about 2 a.m. Damon van Dam, who had remained home with Danielle and her two brothers, joined the group to eat leftover pizza. The pizza party broke up around 3 a.m., and the van Dams went to bed.

Later that morning, about 9 a.m., the van Dams discovered their daughter was missing.

In the days following Danielle's disappearance, allegations about her parents' lifestyle began to emerge. There was talk of spouse-swapping and drug use by the van Dams. It had the makings of a public relations nightmare.

"At that time, attention was starting to get diverted to allegations of family lifestyle," says a spokeswoman for Fleishman Hillard, an international public relations and communications firm. A week after Danielle disappeared, four employees from the firm's San Diego office started working with the van Dams as unpaid volunteers.

The spokeswoman says the van Dams needed help also because of the "news crush"—the sheer number of reporters now working the story—"and the fear other news [stories] would begin to override" the search for Danielle. "At that point, there was still a child missing," she says. "That was the concern."

The Fleishman Hillard employees worked with the van Dams for eight days, but the spokeswoman says the pair didn't need any coaching. "In the media, there was a lot of second-guessing, a lot of speculation that the van Dams were heavily media trained. Frankly, that's not true. They knew what they wanted to say; they knew where they wanted the attention to stay focused. We just helped them along."

The spokeswoman has nothing but praise for the van Dams—as people and as parents. "I don't know that I could have been that strong. I think their strength came from the belief they were doing the right thing in trying to find their daughter. I don't think many people would have been as brave as the van Dams," she says. "They were so selfless ... putting themselves through public scrutiny. They proved themselves to be ... good parents [who] do everything they can for their children. That's exactly what they did."

The public saw another side of the van Dams during David Westerfield's preliminary hearing in March. That's when Brenda described a previous girls' night out—on January 25, a week before Danielle disappeared. On that night, Brenda testi-



During the February search for their missing daughter, Damon and Brenda van Dam display a picture of Danielle.

fied, she saw Westerfield at Dad's, a restaurant and bar in Poway, and he bought her alcohol. But she said she couldn't remember how many drinks she had.

A week later, on February 1, Brenda testified, she, her husband and her two girlfriends smoked marijuana in the van Dam garage. Then the three women went back to Dad's for their second girls' night out in eight days. Westerfield was back at the bar, too. Brenda testified she and her two girlfriends smoked marijuana again that night in the parking lot at Dad's—marijuana supplied by Rich Brady, the Little League coach.

Brenda acknowledged she told police her two girlfriends were dancing in a sexually provocative manner, rubbing their bodies together. One of the girlfriends, identified as Barbara Easton, tried to grab Brenda's breasts, according to the statement Brenda gave investigators.

Westerfield's attorney, Steven Feldman, pressed Brenda about her relationship with Easton. "Would you characterize Barbara Easton as an intimate friend of yours?" Feldman asked.

"What do you mean by 'intimate'?" Brenda said.

"Very close ... sexually very close," Feldman said.

The prosecution objected, and the judge ruled Brenda did not have to answer the question.

When Brenda and her friends came back to the van Dam

PHOTO BY DON BOONER/ZUMA PRESS. © COPYRIGHT 2002 BY DONBOONER.

"There were different approaches in terms of how the van Dams' personal life was reported. We stayed away from getting into that, not knowing if it had anything to do with the actual crime itself."

house on February 1, Easton went upstairs to see Damon van Dam. Under questioning from Westerfield's attorney, Damon admitted he initially withheld information from police about what he did with Easton. When he did provide details, he acknowledged telling investigators that Easton got in bed with him. Later during the same hearing, he testified he and Easton kissed and he rubbed her back while he lay in bed—but she was on top of the covers.

The Media

Every few years, San Diego hits a lottery no one wants to win. Something really bad happens, and it makes national news. Heaven's Gate. Santana High. Danielle van Dam.

She was reported missing at the start of the February ratings period, when TV stations measure audiences to determine advertising rates. There were no other big national stories in early February. There was no news from Afghanistan. The Olympics hadn't started. Enron had already been imploding for a while.

"It's a pretty sensational story," says Mike Stutz, news director for KGTV (Channel 10). "It certainly generated tons of interest. We saw it in the numbers [ratings]. There were different approaches in terms of how the van Dams' personal life was reported. We stayed away from getting into that, not knowing if it had anything to do with the actual crime itself."

At an April 27 Society of Professional Journalists seminar, held on the campus of Point Loma Nazarene University to

examine the van Dam coverage, Stutz and KNSD (Channel 7/39) news director Jim Sanders defended their decisions to not air information about the family's lifestyle. Sanders says he confirmed lifestyle reports from two credible sources, but chose not to air the information "unless the police department told us it was relevant to the case."

Stutz says ratings had nothing to do with way the story was covered. "[But] it's nice to have 'em come along," he says. "I didn't approach it [as] 'Okay, we gotta get a big number here, let's have more Westerfield.'"

But there was a missing girl—wearing a choker and a 7-year-old's smile.

The national networks had their angle. Grieving parents make great television, news professionals say. And those news pros believe the networks go easy on the lifestyle aspect. Shaking her head and looking down, Diane Sawyer seemed barely able to ask the question about the "rumors" when she interviewed the van Dams via satellite on *Good Morning America*.

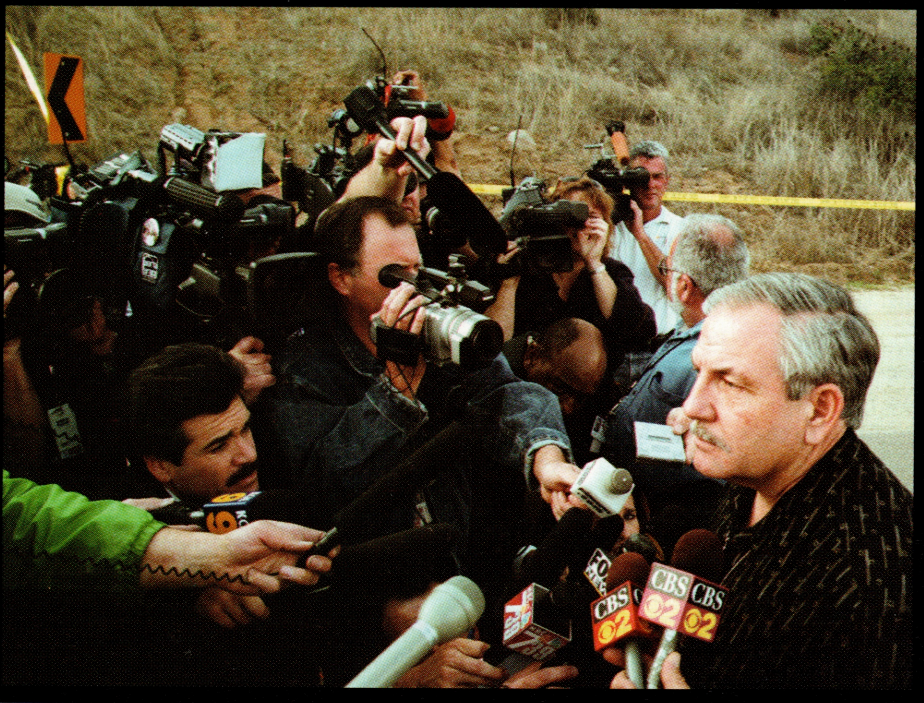
The networks, according to insiders, don't want to ruin their chances for any future access to the van Dams—such as that big sit-down interview—once the trial's over. So they "make nice" with them, in the words of one producer who made a special trip to San Diego for that very reason.

The tabloids were in town as well, and they had their angle. Danielle was the new JonBenet Ramsey. The two had a lot in common. They were cute little girls, both from relatively affluent neighborhoods, and TV stations across the country played home video of them incessantly.

Who can forget the images of JonBenet performing in that cowboy outfit? And who can forget those images of Danielle playing to the camera, being a happy 7-year-old?

The tabloids played up the van Dams' lifestyle, too. But the local media, with the exception of radio talk show host Rick Roberts, didn't talk very much about that. Instead, they were making some bizarre comments about the case.

On the air, KUSI (Channel 51) reporter Paul Bloom said he was "not allowed to think about" certain aspects of the investigation. *San Diego Magazine* asked Bloom what he meant. "As a journalist," he says, "I'm not allowed to speculate, or think that way at all." Bloom adds he was happy with the way he covered the story. "Every day of the week there was a new rumor ... new speculation. There was no confirmation that it had anything to do with Danielle's disappearance."



San Diego Police homicide Lieutenant Jim Collins addresses a media throng after Danielle's body is discovered in East County.

"I think [readers and viewers] were frightened needlessly. I'm not ready to demonize [the media], but I wish they were more skeptical."

Instead of questioning the van Dams' lifestyle, the local media went with one of its favorite angles—fear. "[It's] Polly Klaas redux," KUSTV's John Soderman told viewers, referring to the Northern California girl abducted at home and murdered by a stranger in 1993.

The media didn't know if that was the case. David Westerfield was no stranger to the van Dams. Brenda and her daughter even went to Westerfield's house a few days before she disappeared—to sell Girl Scout cookies. Westerfield bought one box of Thin Mints from Danielle and her mother, according to her testimony in court. During that visit, Brenda testified that she asked to go inside Westerfield's house to look at his remodeled kitchen, while Danielle went in the backyard to look at the pool.

Danielle van Dam wasn't another Polly Klaas.

In an interview with *San Diego Magazine*, Soderman defends his Polly Klaas analogy. "Basically, if Westerfield did it, you still have somebody in your neighborhood who scooped up your child," he says.

"I think [readers and viewers] were frightened needlessly," says Dean Nelson, founder and director of the journalism program at Point Loma Nazarene University. "I'm not ready to demonize [the media], but I wish they were more skeptical."

The media have a tough job, Nelson says, because they can't be too skeptical, either. "Let's say something else happened, and a warning could have served the public well . . . Police say 'Lock your doors,' and the media say, 'Oh, that's bogus, they're just buying time.'"

But the police were clearly buying time following Danielle's disappearance, according to Nelson. "The police knew this was not a stranger," he says. "I don't fault the police department, because they knew that was going to be a temporary fear, because they knew who they wanted: 'Now we can all breathe easier. Okay, it was somebody down the street, so I guess it wasn't a stranger after all.'"

The Police

At 2:30 in the morning on February 5, homicide investigators from the San Diego Police Department are standing outside David Westerfield's house, preparing to go inside and search it. Sergeant Bill Holmes is one of the cops.

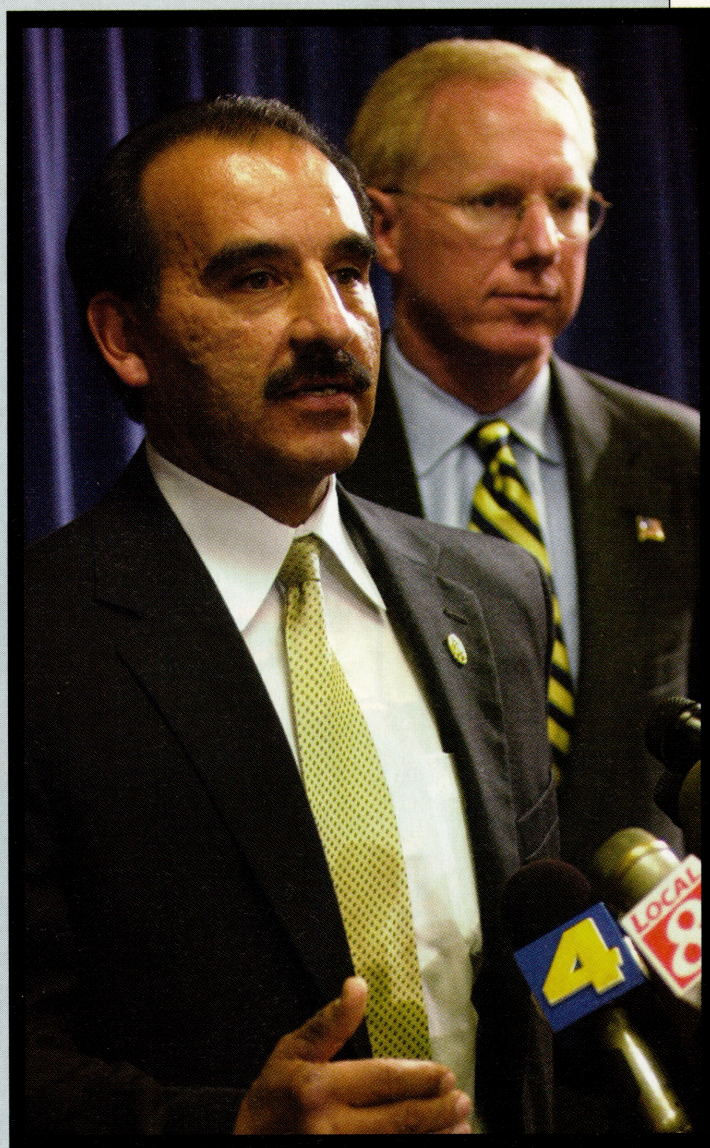
"Sergeant Holmes, what are you doing here?" a reporter asks.

"We're here to relieve robbery," he says. Robbery detectives had also been assigned to Danielle's case.

"At 2:30 in the morning? That's some pretty high-priced talent."

Holmes smiles. "That's the way they want it," he says.

Over the next several hours, Holmes and his crew search Westerfield's house. It's easy to track their progress. They take dozens of pictures before dawn, and the flash from the camera lights up the windows in each room.



San Diego Police Chief David Bejarano and District Attorney Paul Pfbngst announce charges brought against David Westerfield.

"Sergeant Holmes, you weren't here to relieve robbery," the reporter says to him when he comes outside.

Holmes smiles again. "Well, we were. Kinda. Sorta."

Police arranged to have search warrants in the case sealed by the court, so the media couldn't find out what investigators took from Westerfield's home. It was an extraordinary effort to keep the information confidential. And it was a spectacular failure.

Sources close to the investigation started talking about the van Dams' lifestyle almost immediately. Then came reports of blood in Westerfield's motor home, and child pornography on his computer.

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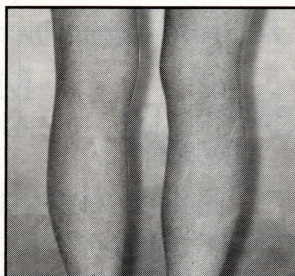
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Before



After

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The cops were furious, according to those same sources. The police department threatened to fire anyone who talked about the case. "They were after the leaks," a source says.

Police acknowledge being angry over the leaks. "Yeah, we were pissed off," says Steve Creighton, an assistant chief. But he says the leaks did not result in any large-scale internal investigation. "It's not even a blip on the radar screen."

Two police detectives, Michael Ott and Mark Keyser, made big news for the department when they arrested Westerfield. Then they made news again, in a rather embarrassing way. Ott and Keyser attempted to visit Westerfield in jail—without his attorney present. The police department reportedly reprimanded them.

Westerfield's legal team started hammering Ott and Keyser, saying they had repeatedly violated Westerfield's rights during the investigation. The lawyers released a memo from the district attorney's office saying the two detectives made false statements during another murder investigation two years ago. Westerfield's lawyers used that memo in a legal maneuver to review the personnel files of Ott, Keyser and 10 other police officers involved in the case for any reports of misconduct during their careers. Judge William Mudd ruled the defense could have information from the file of one unidentified officer.

"I think it's safe to say Ott and Keyser are the Mark Fuhrmans of the Westerfield trial," says a court insider, referring to the rogue cop vilified by the defense in the O.J. Simpson case.

The pressure of such a high-profile investigation was getting to the cops. "The detectives are sick of it," a source says. Others say there were even references to the case as "The Isle of the van Damned."

Creighton says he had not heard the detectives were sick of the case. "But they're tired," he says. "It's a long and involved case, with a lot of long hours."

The San Diego Police Department

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IN BEAUTIFUL OLD TOWN

anatomy of a murder

continued to handle the case with the utmost of care. Chief David Bejarano himself went to the van Dams' home to meet with the family when Danielle's body was identified. Then he talked to reporters. But at a follow-up news conference downtown, it wasn't the police chief running the show.

It was District Attorney Paul Pfingst, who is running for reelection.

The District Attorney

The timing was interesting. Just four days before the primary election, Pfingst appeared on live television, talking about one of the biggest developments in the case yet. He thanked the volunteers who worked so hard to find Danielle. He expressed the emotions felt by law enforcement and everyone else in San Diego over the murder of a 7-year-old girl.

Politicians live for moments such as this, especially politicians who have not been getting good media coverage. Pfingst's opponents had been relentlessly criticizing him, pointing out ethical lapses and declining morale in his office. But all that was getting pushed aside by news about Danielle—delivered by the district attorney himself.

"He was doing it for one reason only—that is, for the election," says Deputy District Attorney Dave Stutz, a longtime critic of Pfingst. "He was grandstanding and campaigning. He took advantage of free press during a campaign. Once again, it shows he makes his decisions based on politics."

Citing the gag order imposed on everyone involved with David Westfield's trial, a spokeswoman in the district attorney's office says Pfingst won't comment—not even to deny Stutz' accusations. But Pfingst's former spokeswoman, Gayle Falkenthal, comes to his defense.

"I can't believe anyone in their right mind would think that Paul Pfingst wished this case into being, just for an election," says Falkenthal, now the vice president of marketing and communications for the San Diego Convention Center Corporation. Because

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SIMPLY THE BEST

anatomy of a murder

charges had already been filed against Westerfield, she says, the district attorney's office was in charge of the case—not the police. So it was appropriate for Pfingst to take over the news conference, according to Falkenthal.

"In my opinion, if the district attorney had really wanted to grandstand, he could have handled [Westerfield's] arraignment himself, he could have been at the courthouse every day, he could have been at the parents' home," she says. "He didn't do any of that. There were lots of opportunities. He didn't do any of them."

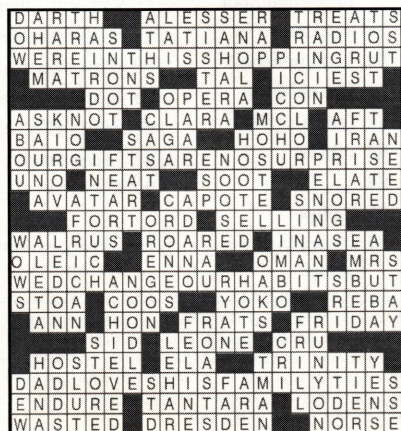
Pfingst is in a runoff in November with the runner-up in the primary, Superior Court Judge Bonnie Dumanis. Westerfield's trial may be a factor in the election.

It's heavy stuff. Careers could be on the line. Reputations may be damaged. Lives have been changed forever. Those are the big themes, playing out before a national audience.

But the case also shows up in small ways, in everyday conversation in Sabre Springs, where Danielle lived. A neighbor tells a story about planning a party. He calls to invite his friends who live in other parts of the city. "What kind of party?" they ask. "A wife-swapping party?"

His neighborhood now has a new nickname: Sabre Swings.

Undeserved or not, such has been the fallout. But is the van Dams' lifestyle relevant in the Westerfield trial? That's a question that was finally left for a judge to decide. ■



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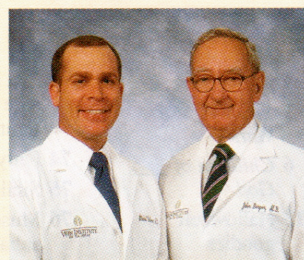
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TO CATCH



The investigation and arrest of David Westerfield for the murder of Danielle van Dam took an extraordinary collective effort by the San Diego Police Department. With access to police interrogation tapes, *San Diego Magazine* got the inside story of the infighting, emotional pressure and controversy—and, in the end, cooperation that brought a murderer to justice.

A KILLER

By Kevin Cox

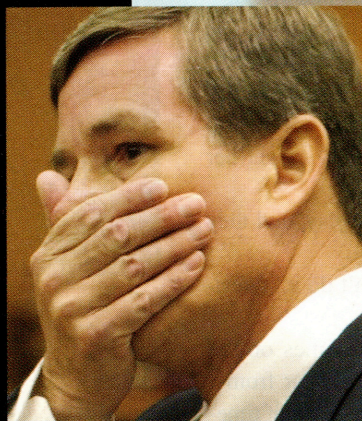
DAVID WESTERFIELD is talking.

"Everything in your life comes back and bites you," he says. "You ever notice that?"

Those words, along with many others, offer an extraordinary look at a killer. It's all on video, but the judge in Westerfield's murder trial kept it from the jury and the public.

The successful prosecution of Westerfield this summer, following the disappearance of 7-year-old Danielle van Dam, received unprecedented media attention in San Diego. But the press conferences and courtroom coverage didn't go all the way inside. Sources close to the police investigation of Danielle's murder gave *San Diego Magazine* a look at the video of Westerfield, along with the inside story of the case—the one the public never got.

The story begins in an interrogation room at San Diego Police headquarters, on the evening of February 5. The tape shows Westerfield with his head down on a table, sleeping. He's been up for almost two days straight. Detectives



PHOTOS BY DAN TREMAN/SD UNION-TRIBUNE/ZUMA PRESS. © COPYRIGHT 2002 BY SD UNION-TRIBUNE.

Opposite page: David Westerfield, seated in the back of a police car, is taken to county jail after his February 22 arrest. This page, top: Westerfield's defense attorney, Steven Feldman, questions a witness. Middle: In court, prosecutor Jeff Dusek describes the kidnap of Danielle van Dam. Bottom: Westerfield listens as Dusek questions Danielle's father. Right: Westerfield sits in front of a photo of Danielle during closing arguments by the prosecutor.

**"If you want to leave your gun here for a few minutes,
I'd appreciate it," Westerfield tells Detective Mark Keyser.
His voice is subdued and eerily calm.**

have been with him around the clock, questioning him and searching his house.

That morning, Westerfield took detectives to all the places he'd driven his RV the previous weekend, when Danielle's parents reported her missing. It's a 600-mile drive. The road trip ends at police headquarters.

Westerfield, wearing dark clothes and a baseball cap, wakes up as detectives Michael Ott and Mark Keyser enter the interrogation room. Ott sits next to Westerfield, and Keyser takes the other chair, face-to-face with the killer.

Ott played football in high school, and he's still built like a lineman, with his brown hair combed straight back. Keyser is built more like a kicker. They're on offense, and they go right at Westerfield.

"I know you had something to do with it," Ott says.

Westerfield protests, saying he's trying to be helpful. "Have I cooperated?" he asks.

"Let's help Danielle's family," Ott continues. "Let her go to heaven in peace. Get her a proper burial. This can't go on any longer." His voice is full of emotion, and it appears he's getting to Westerfield.

"As far as I'm concerned, my life's over," he tells the detectives.

Keyser takes over. "Help us get Danielle back," he tells Westerfield. "Have the common decency to help us. Show a little remorse and help us get her back."

Ott and Keyser have made their play, and they wait for Westerfield's confession.

"As far as I'm concerned, I didn't do it," Westerfield tells them.

That's as close as Westerfield comes on the video—not quite a complete denial, but far from what Ott and Keyser want. But the two detectives have lots of time—and videotape. They keep reminding Westerfield that he killed Danielle.

"You got too many things stacked against you," Ott tells him. On the interrogation tape, the two detectives tell Westerfield that his ex-wife, Jackie, has been talking to other cops about his deviant sexual behavior.

"Deviant?" Westerfield asks. "In your opinion," he concludes.

According to the video, Jackie Westerfield told police her then-husband would come back to their home late at night, carrying binoculars. She also told the detectives Westerfield would cut off her underwear while she was sleeping.

"Pure experimentation," David Westerfield says.

"What led you to do that?" Ott asks.

"I don't know," Westerfield replies.

They ask Westerfield about his ex-wife's reaction. "She'd say, 'Oh, Dave,' and roll over and go back to sleep," he says.

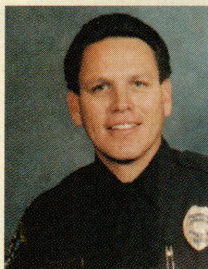
The two detectives aren't buying it. They have one final



Lieutenant
Jim Collins



Detective
Michael Ott



Detective
Mark Keyser

shot, courtesy of Westerfield's ex-wife. "What about the situation with the Ping-Pong ball?" Ott asks him.

"We got it stuck, and we didn't do that anymore," Westerfield replies, as if he's discussing a home remodeling project that didn't quite work out. "We were just experimenting and doing stuff," he continues. Put a big screen and some nachos in the interrogation room, and he could be making small talk at halftime.

Ott leaves the room, and Westerfield is alone with Keyser.

"If you want to leave your gun here for a few minutes, I'd appreciate it," Westerfield tells Keyser. His voice is subdued and eerily calm.

"That's silly, that's silly," Keyser tells him.

"Silly in your opinion," Westerfield replies.

Then the interrogation goes from strange to surreal. "I think you and your partner are very good at what you do," Westerfield tells Keyser. It appears he's trying to work the cops.

"Nobody's looking after Dave's rights," Westerfield says. On the tape, he says he wants a lawyer, but he's not ready to stop talking. "I'm only intelligent in certain directions, and I tend to do what I want to do," he says. "That's not a good thing at all times."

Ott and Keyser ask Westerfield about the child pornography found on his computer. "It was perfectly innocent," he tells them. "I know it looks bad, but I would tell you it's not something I'm directly interested in."

Westerfield sounds like an anthropologist, discussing some obscure civilization instead of adults forcing children to engage in sex acts. "All I was doing was documenting it," he says of his porn collection.

"For who?" Ott asks.

"I can't answer that," Westerfield replies. "I wasn't paying attention to what was going on there."

ONE POLICE SOURCE doesn't buy any of it. "It's classic pedophilia," the source says. "Documenting. Categorizing."

According to this source, Westerfield knew that Danielle's father, Damon, was planning a snowboarding trip with one of her brothers on February 1. Brenda, Danielle's mother, had planned the infamous girls' night out with friends at Dad's Café & Steak House that evening. Danielle and another brother were supposed to stay home with a babysitter, presumably a teenage girl.

"Westerfield really wanted the babysitter," the source says. But the snowboarding trip got canceled, and Damon stayed home with all three children. Once Westerfield got in the house that night and saw Damon, he ducked into Danielle's room, according to the source.

**"I'm only intelligent in certain directions,
and I tend to do what I want to do," Westerfield tells police interrogators.**

"That's not a good thing at all times."

"[Danielle] would have recognized him," the source believes. "He hit her, and that was it."

Only Westerfield would be able to confirm it, and as of early September, he wasn't talking. However, he had plenty to say on the February 5 interrogation video, and the jury in his trial undoubtedly would have been interested in seeing it. But Judge William Mudd ruled the tape inadmissible.

Police sources described their fears of a hung jury as deliberations dragged on for more than a week during the guilt phase of Westerfield's trial. The video could have helped jurors, according to one source. "I think had they seen the other stuff, they may have come back sooner," the source says.

As it was, the jury found Westerfield guilty on all counts—murder, kidnapping and possession of child pornography. By early September, the penalty phase of Westerfield's trial had not concluded. The jury was to recommend the minimum sentence of life in prison without the possibility of parole, or find that Westerfield should be sentenced to death.

Either way, the police department deserves major credit for building the case against Danielle's killer, say former San Diego deputy district attorneys. They weren't bound by Judge Mudd's gag order, which prevented the police, prosecution and Westerfield's attorneys from commenting on the case.

"I can't recall ever seeing a case proceed to trial this quickly, with this complexity, in this county," says Colin Murray, a prosecutor for more than seven years. "It's clear that Westerfield chose to rush the case, hoping that the crime lab wouldn't be able to process all the work in time."

The police crime lab analyzed DNA and fiber evidence in the case, which prosecutors used to link Westerfield to Danielle van Dam. But the prosecution had only 60 days to prepare for trial—the minimum allowed by law—which made the crime lab's job that much tougher, according to Murray.

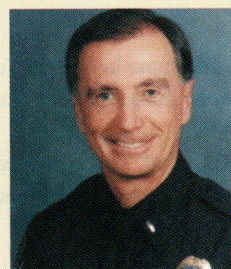
"In light of the tremendous pressure that was on them, they really did a phenomenal job, doing the fiber and DNA analysis," he says. Murray also praises police officers and criminalists who worked on the rest of the investigation, analyzing all the child porn and other images on Westerfield's computer and interviewing witnesses for the prosecution's case.

"They had to do an extraordinary amount of work in an incredibly short period of time," says Mike Still, another former prosecutor. Still worked for the D.A.'s office for almost 12 years, using DNA evidence to prosecute homicide, rape and child molestation cases. "I know what it takes to coordinate all those efforts," Still says. "That was an incredible team effort by everyone involved."

During Westerfield's trial, the police crime lab was still analyzing evidence and providing results to the prosecution, accord-



Assistant Chief
Steve Creighton



Lieutenant
Jim Duncan



Detective
Johanna Thrasher

ing to Still. "So that shows the time crunch they were up against," he says.

The police department is relatively modest about its achievement. "I'm very pleased with all of our police work, by detectives, patrol and our lab people, and I'm pleased with the outcome," says Assistant Chief Steve Creighton. Citing the gag order in the case, Creighton wouldn't comment about anything else, including the February 5 video of Westerfield's interrogation.

THE STORY BEHIND THE VIDEO gives insight into the complicated nature of police work, especially on a big case. On the evening of February 4, sources say, an SDPD robbery detective told Westerfield he was being detained—without reading him his Miranda rights. Detectives had just taken a break from the interview of Westerfield. Another detective, robbery's Johanna Thrasher, was walking past the room.

"They asked her to sit with the guy, so he didn't do anything stupid," one of the sources said. "She was babysitting him." But Westerfield didn't want a babysitter. This time. He wanted to go home. Detective Thrasher told him no.

"'Hey, you're not free to leave yet,'" the source quotes her as saying. But Westerfield was still weeks away from being charged in the case.

Criminal defense attorneys tell *San Diego Magazine* that visit from Detective Thrasher could have been enough for Judge Mudd to exclude additional statements by Westerfield to the cops—including the February 5 interrogation tape. Mudd held closed hearings on the evidence that was introduced during

Westerfield's trial.

Some cops don't blame Thrasher for the Westerfield episode. The other detectives interviewing Westerfield didn't tell her what to do if he started asking questions, those sources say. But a robbery detective's misstep in what was becoming a homicide investigation didn't help relations between those two SDPD divisions.

Robbery got Danielle's case initially. That's where the department assigns all abduction cases—until they turn into murder investigations and homicide detectives take over. But robbery didn't want to let it go.

"There was a big power struggle between robbery and homicide," a source says. "Robbery never gave up the case."

Another source sees it differently: "Robbery did all the work, and homicide took all the glory. At one point, they were trying to give it to homicide, but they were backing away, [saying] 'We don't have a body yet.'"

It was the robbery lieutenant, Jim Collins, who handled the
continued on page 136

to catch a killer

continued from page 59

media briefing when Danielle's body was discovered—at what immediately became a homicide scene. The homicide lieutenant, Jim Duncan, didn't like Collins' taking over, the source says. "He was pissed about it. But Duncan's a company man. He's been around a long time. He knows how the game's played."

In an interview with *San Diego Magazine*,

Lieutenant Duncan called the source's account "completely inaccurate. There's no truth to the fact I was upset with Collins at all."

Duncan said he didn't handle the press conference when Danielle's body was discovered because he was several hours away in the desert—investigating the Westerfield case. Collins was closer to the scene, and *should*

have briefed the media, according to Duncan.

And Collins did know all about the case, a source says. "Since Collins had been there from day one, and he'd been with the van Dams, Captain [Ron] Newman pretty much let him stay."

As the supervisor of both lieutenants—homicide and robbery—Newman kept both divisions involved in the case. But robbery and homicide started fighting over it, sources say. "It was about who was going to get the credit. It was almost childish. There was enough emotional stuff going on with the investigation that they didn't need crap like that going on."

Lieutenant Duncan acknowledges there were rivalries between detectives, but says both robbery and homicide were needed because of the sheer size of the investigation. "Maybe there were some inconsistencies as far as being able to get along," Duncan says, "but overall, both units did an outstanding job."

Because of Lieutenant Collins' high profile in the Westerfield case, some thought he would be promoted to captain, but it didn't happen. "I thought this would be his stepping stone," says one cop. "He's been passed over quite a few times."

THE INFIGHTING GOT even worse when police arrested Westerfield, the cop says, offering the following account:

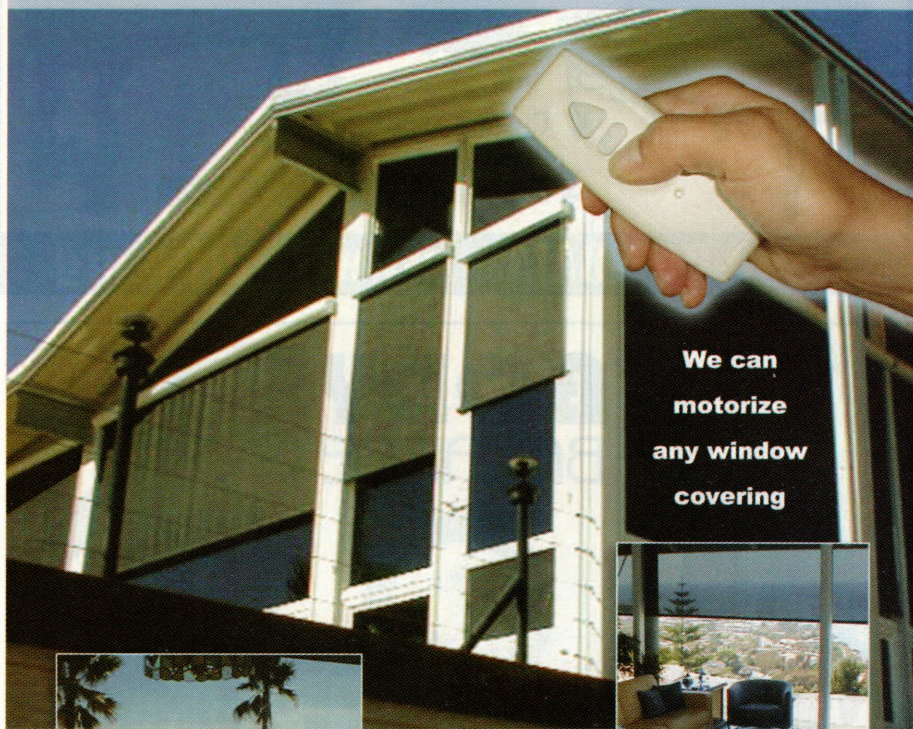
The arrest was the biggest development in the three-week-old investigation, which had already developed several leaks. Police were determined to prevent anyone from finding out until detectives Ott and Keyser took Westerfield into custody.

On the morning of the arrest, police headquarters was more like the CIA. "Newman goes and gets Ott and Keyser," a source says. "[He] takes them out of the office, the back way, so no one can see. They're just following him. They don't know where they're going.

"They get on the elevators and go to the seventh floor [the chief's office]. 'Uh-oh,' they're thinking."

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Newman takes them to Assistant Chief Creighton's office. Creighton comes in, along with Mike Grubb, who heads up the department's crime lab, and Lieutenant Chris Ball of the Criminal Intelligence Unit.

"They tell Ott and Keyser that the blood came back," the source says. Ott and Keyser think they're talking about Westerfield's motor home, where investigators found Danielle's DNA. "But Grubb tells them they also got blood on his jacket," he says. "Ott and Keyser are going, 'Wow, we didn't know about the blood on the jacket.' They kept it from them because they were worried about the leak."

Then Creighton told Ott and Keyser to go out and arrest Westerfield, on the strength of the blood evidence. But the two detectives would have company—to make sure they didn't leak the news. "They're basically told, 'Lieutenant Ball's going to ride with you. Don't call anybody. Don't page anybody. Stay off the radio.'"

Before heading out, Ott and Keyser had to stop by their desks to get some equipment for the arrest. "They knew this was going to piss a lot of people off," says the source. "If they come back with Westerfield, everybody's going to be upset, saying 'Why don't we know about this?'"

Ott tried to tip off Sergeant Bill Holmes, his supervisor in the homicide division. "Ott tries to give him a head nod—'Something's going on'—but he didn't catch it," the source says.

The detectives arrested Westerfield and brought him back to police headquarters. "You could just sense the anger in the air," the source says. "People were pissed off. Holmes was so mad he was pale. Holmes had it out with Creighton, almost to the point where Holmes thought he was going to be transferred."

(Assistant Chief Creighton had no comment, citing the gag order. *San Diego Magazine* also contacted Lieutenant Collins, Sergeant Holmes and Detective Thrasher. They either did not return phone messages, or declined comment because of the gag order.)

When Police Chief David Bejarano went on live TV and gave Ott and Keyser credit for the arrest, the anger only intensified. "It really, really, really pissed people off," says another cop. "Those two got credit for what robbery did."

Homicide Lieutenant Duncan has an entirely different memory of that day. "I've been a San Diego police officer for more than 30 years," he says. "But when we arrested Mr. Westerfield, and when we put that case together, I was never more proud of being a San Diego police officer than I was at that moment. To me, that was the whole spirit of this thing."

WESTERFIELD WAS NOW in custody, but it would be five more days before searchers found Danielle's body. "It was unbelievable, the kind of pressure everybody was under," says a source. "In their hearts, they wanted to get that little girl back. They didn't want to see her laying out there, ending up the way she did. It was a very emotional time for everybody."

As Westerfield sat in a holding cell in homicide, Ott and Keyser reportedly briefed their sergeant, Bill Holmes, about the arrest. "That's when Newman comes back," says one source. "Newman wants to know if Westerfield said anything, if he told them where Danielle is. Newman tells Holmes, 'Send Ott and Keyser back in there... find out where that little girl's at.'"

"Holmes tells him, 'Captain, he's got a lawyer. Are you sure you want me to send my guys back in there? They could be sued.'"

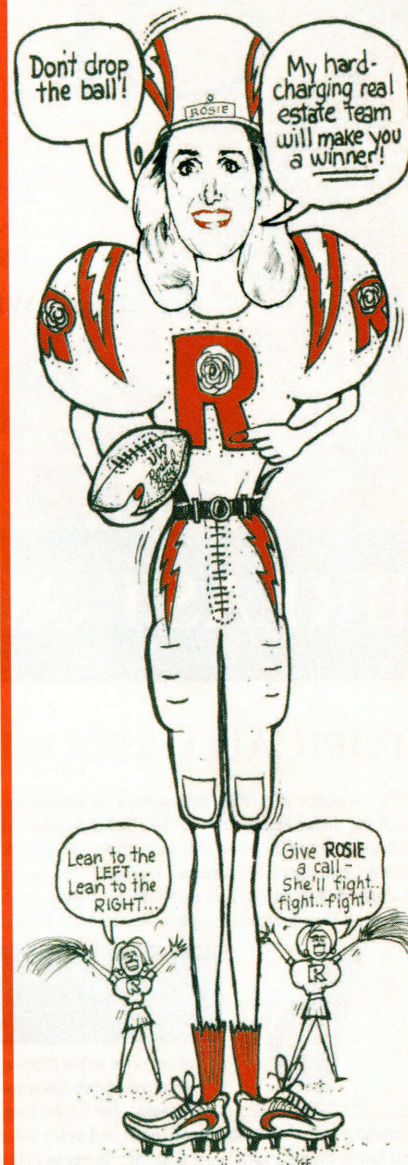
"Newman's response is: 'I don't care. I want to know where that little girl's at.'"

(Contacted twice for this story, Newman twice offered "No comment" for the record.)

Since Danielle's disappearance, the cops assigned to the case had been working 18 to 19 hours a day, every day. They were taking it personally. They were thinking of their own children. Danielle wasn't just another missing person. She was their little girl.

"Put it this way," says one cop. "There were a few tears shed by some pretty experienced investigators. You don't see that very often."

On February 27, a volunteer search party discovered Danielle's body in a field off Dehesa Road in East County. It took more than a day for SDPD to process the crime scene. Around 5 p.m. on February 28, investigators decided they'd collected all the evidence they were going to find.



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It was time to go home, but that's not what cops do. Nearby Singing Hills Golf Course had been providing food and water to everyone at the scene. So the detectives and their supervisors decided to go to the bar at the golf course.

But according to two sources, Newman told Ott and Keyser to take crime-scene photos of Danielle's body to the jail to show to Westerfield. "Newman told them to go down there and show him the photos, and make sure they tape-recorded it," one source says. "He wanted to see the exact photos Ott and Keyser were going to show him."

So Ott and Keyser headed for the jail, while everybody else went to the bar at Singing Hills. "It wasn't a celebration," says an insider. "Guys were just kinda winding down. People had been working nonstop on this thing, so they were having a drink, relaxing ... doing the cop thing."

But it didn't take a detective to figure out Ott and Keyser were missing. "Somebody asked, 'How come they're not here?'" a source says.

"Sergeant Holmes said to the group, 'They went down to the jail, to talk to Westerfield,'" according to the source.

WESTERFIELD DECLINED to meet with the two detectives, but news of the attempted visit got out. The controversy would occupy its own ring in what became the Westerfield circus — right alongside Danielle's parents, with their admissions of marijuana use and sex-swapping. Steven Feldman, Westerfield's attorney, pounded away at Ott and Keyser, saying they violated his client's rights. Ott and Keyser were ridiculed as bumbling detectives, or compared to Mark Fuhrman, the rogue cop in the O.J. Simpson trial.

"It obviously raised concerns with the seventh floor, the chief's office," according to one source. "Everything rolls downhill from there."

Four days after they tried to visit Westerfield, Ott and Keyser were called into the homicide lieutenant's office, sources say. Sergeant Holmes was there, along with two other detectives that make up Homicide Team 4. "Duncan [the homicide lieutenant] reads them the riot act,"

a source says. "He's angry, and he wants to know whose bright idea it was to go to the jail."

"Duncan makes his point, and Team 4 leaves the office. They go back to their cubicles, kinda sitting there, not really dejected but feeling the pressure and all the emotional stuff that went with the investigation.

"That's when Newman comes in. He calls

Team 4 into the conference room around the corner. He's not upset at all. He kinda pats them on the back, tells them they've done a good job [and] he's proud of them.

"He tells Ott and Keyser directly, 'You're going to have to take the hit. You're going to be the fall guys. It's gonna be rough for a while, but it will eventually get better.'"

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(Newman retired from the police department in March, and is running for city council in Escondido.)

Following their trip to the jail, Ott and Keyser were pulled off the Westerfield case. Keyser transferred out of homicide because of the stress, according to sources. Ott is still investigating murders, but defense attorneys are challenging the credibility of both detectives as pending cases go to court.

Veteran cops say they're troubled by the treatment of Ott and Keyser. "They were betrayed," says one officer. "Nobody from the department stood up, when all the media started, and said, 'Hey, these cops didn't do anything wrong.' That's all it would have taken. Since nobody from the police department said anything, [it] left the impression they did something wrong."

"You had guys who were just trying to do their job, and nothing more. They just wanted to get somebody off the street who did a terrible thing to a 7-year-old girl."

For the announcement of the Westerfield verdicts in August, homicide detectives went to the robbery division to watch it on television. "It was really good," a source says. "Everybody was happy."

But the Westerfield case has wounded many in San Diego, including the robbery and homicide cops who squabbled over the investigation. "There's still some bad feelings there," a source acknowledges. "I couldn't care less about that. All I wanted was to make sure we had the right guy." ■

