

# 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

**A**MID 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-



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

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



**"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*.

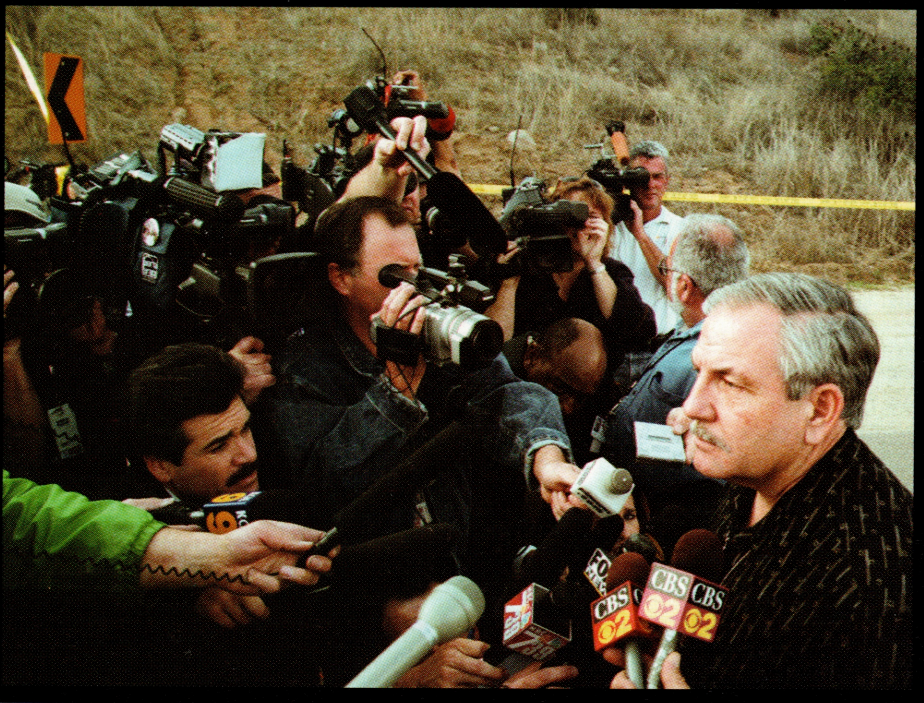
The networks, according to insiders, don't want to ruin their chances for any future access to the van Dams—such as that big sit-down interview—once the trial's over. So they "make nice" with them, in the words of one producer who made a special trip to San Diego for that very reason.

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.

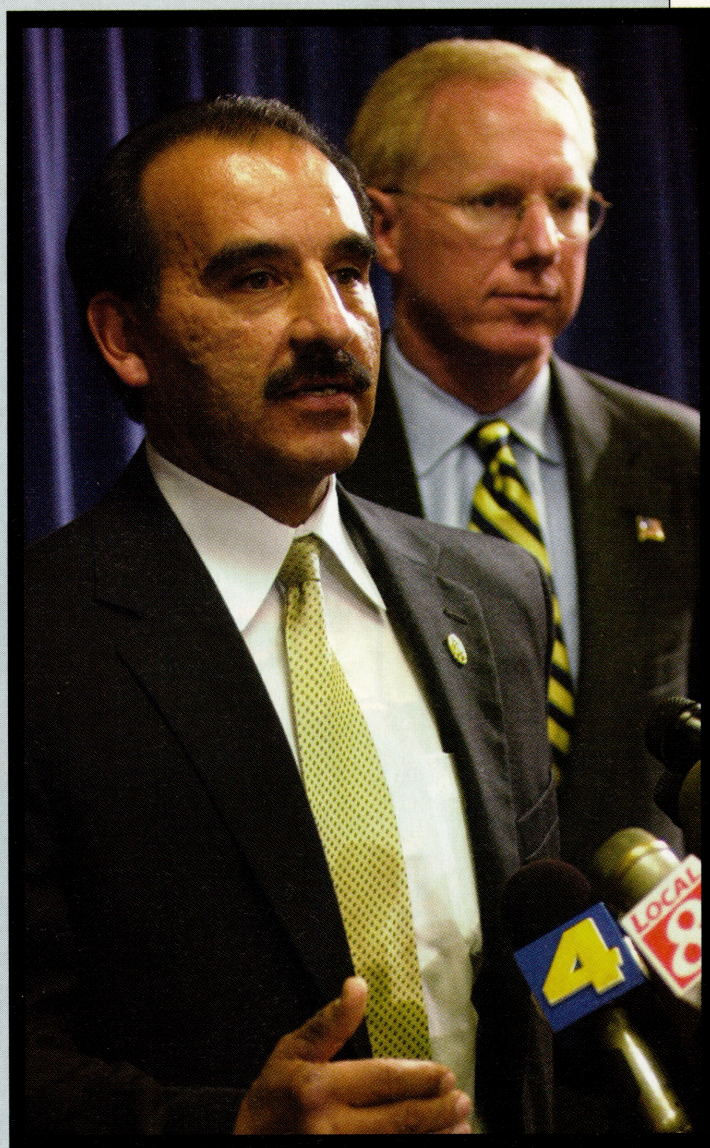
"Sergeant Holmes, what are you doing here?" a reporter asks.

"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.

continued on page 170

PHOTO BY EARL CRYER/ZUMA PRESS. © COPYRIGHT 2002 BY EARL CRYER.



# Combining The Art & Science of Modern Vein Treatment

## We Offer:

- Comprehensive medical evaluation of the venous system
- Endovenous Laser Therapy and Ultrasound-guided sclerotherapy of large varicose veins, non-surgical alternatives to vein stripping
- Treatment of varicose & spider veins and venous ulcers



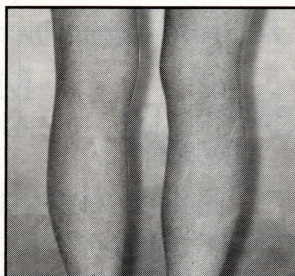
**Helane S.  
Fronek, M.D.**  
**Tonia  
Vyeniello, M.D.**

**(858) 450-4646**

Enjoy a relaxed, caring environment. Conveniently located at  
9834 Genesee Avenue, Suite 316 in La Jolla



**Before**



**After**

## anatomy of a murder

continued from page 81

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

## Visit San Diego's Tempur-Pedic® Headquarters!

Most people aren't truly comfortable, whether they're at the office, lounging at home, or even when they're lying in bed. Stop by the **Healthy Back® Store** and let our knowledgeable product consultants show you how to get comfortable with world-famous Tempur-Pedic® mattresses, chairs and pillows. You won't believe how comfortable life can be until you try Tempur-Pedic®!



- ✓ Memory-Foam Pillows
- ✓ Adjustable Beds
- ✓ Pressure-Relieving Mattresses
- ✓ Ergonomic Chairs
- ✓ Many more comfort products!

**HealthyBack®**  
You'll feel better than ever before.

**1-800-4-MY-BACK®**

[www.healthyback.com](http://www.healthyback.com)

Encinitas  
Arbor Center  
1403 Encinitas Blvd.  
760/633-2225

Hillcrest  
1201 University Ave.  
619/299-2225

La Jolla  
904 Pearl St.  
858/456-9225

La Jolla  
Village Square  
8715 Villa La Jolla Dr.  
858/558-2225



# "Experience the Unusual in Carpet Design" Grand Opening

## New Beautiful Showroom at Wurts Carpets & Interiors

- Plushes, Tip Shears, Wool Berbers, Sisals, Cords, Random Shears, Wiltons, Axminsters Hand Etched, Hand Carved and Many More.
- Worldwide selections of beautiful carpets that are not available at other stores.
- Junckers Danish Hardwood Flooring, Limestone, Marble, Granite.
- Window treatments, verticles, shutters, draperies and blinds.



**Wurts**  
CARPETS & INTERIORS  
Since 1937



George Saadeh  
President

**Why Settle For The Same Old Carpet Look?**  
**FAST INSTALLATIONS • COURTEOUS SERVICE • GREAT SAVINGS**

A DIVISION OF WURTS CONTRACT FURNISHERS INC.  
1851 SAN DIEGO AVE., 110 B • SAN DIEGO, CA 92110

**(619) 293-3131**

IN BEAUTIFUL OLD TOWN

# SAN DIEGO to LAX

**Cloud 9**  
**LA Porter**

Cloud 9 Shuttle introduces  
scheduled service to LAX and the  
San Pedro Cruise Terminal!

**\$30/One way**  
**\$50/Round trip**

**SAN DIEGO'S**  
**TRANSPORTATION SOLUTION**

**877-Cloud 9-LA**  
**877-256-8395**



ICC-MC 276289  
PSC-TCP 9512-P

Designed by Studio M  
www.studiom.com



All LA Porter passengers  
receive a free Old Town Trolley  
tour pass and a Papa John's  
two-for-one pizza coupon!



www.cloud9shuttle.com

**SIMPLY THE BEST**

## 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 Westerfield'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



## 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."

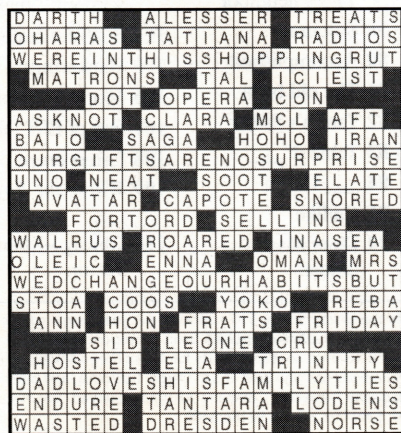
Pfingst is in a runoff in November with the runner-up in the primary, Superior Court Judge Bonnie Dumanis. Westerfield's trial may be a factor in the election.

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. ■



# Vein, Vein, Go Away!

## THE VEIN INSTITUTE OF LA JOLLA—FOR THE BEST IN VEIN CARE

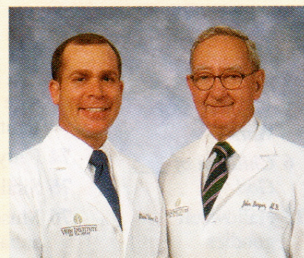
*Are you one of more than 80 million Americans who suffer from symptoms related to unsightly, painful varicose and spider veins? If so, you should know about the Vein Institute of La Jolla.*

Founded by world-famous vascular surgeon, Dr. John Bergan, the Vein Institute of La Jolla is a specialized medical clinic staffed by Board-certified physicians who provide prompt, expert consultation and exact diagnosis of vein problems. The Institute is one of the first centers to use the most advanced medical treatments, including the VNUS Closure®, as well as the Cool Touch Varia™ and Altus Cool Glide™ lasers. These treatments are outpatient procedures that are fast, minimally invasive and affordable.

*Call today for your consultation. Beautiful, healthy legs can be yours tomorrow!*

**(858) 550-0330**

Scripps XIMED Office Building 9850 Genesee Avenue Suite 410 La Jolla, CA 92037-1212 [www.veininfo.com](http://www.veininfo.com)



Board-Certified Physicians:  
Mitchell P. Goldman, M.D.  
John J. Bergan, M.D., Medical Director



**VEIN INSTITUTE**  
OF LA JOLLA

*Excellence In Vein Care*

## 4 WEEKS WITH ME CAN CHANGE YOUR LIFE... YOUR SHAPE!



**Julie Castro**  
lost 23 inches &  
31 lbs. in 12 weeks.  
The results of 18  
hours total training.



- Professional and Personalized Fitness Programs for Weight Loss or Gain with Nutritional Guidance
- Private Studio (not a public gym)
- One-on-One Training, by appointment only
- We Tone Your Body... Whatever your Age or Lifestyle

STRONG POINT FITNESS SYSTEMS  
ASK FOR BRET BORDEAUX

**(858) 587-0451**