

# 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

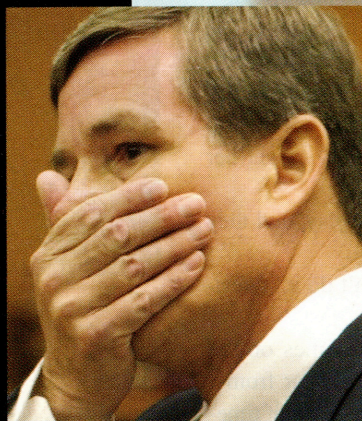
**D**AVID WESTERFIELD is talking.

"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



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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.

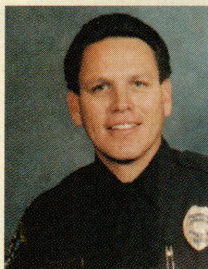
The two detectives aren't buying it. They have one final



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."

**O**NE 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.

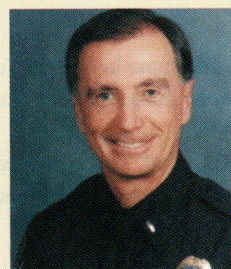
"In light of the tremendous pressure that was on them, they really did a phenomenal job, doing the fiber and DNA analysis," he says. Murray also praises police officers and criminalists who worked on the rest of the investigation, analyzing all the child porn and other images on Westerfield's computer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

**T**HE 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  
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## to catch a killer

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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:

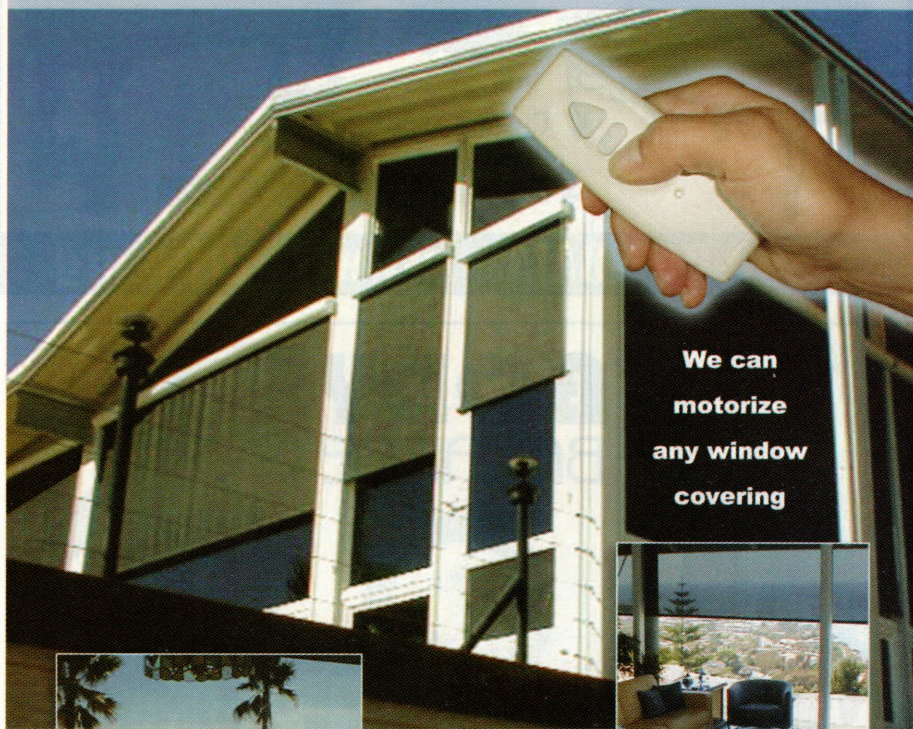
The arrest was the biggest development in the three-week-old investigation, which had already developed several leaks. Police were determined to prevent anyone from finding out until detectives Ott and Keyser took Westerfield into custody.

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.'"

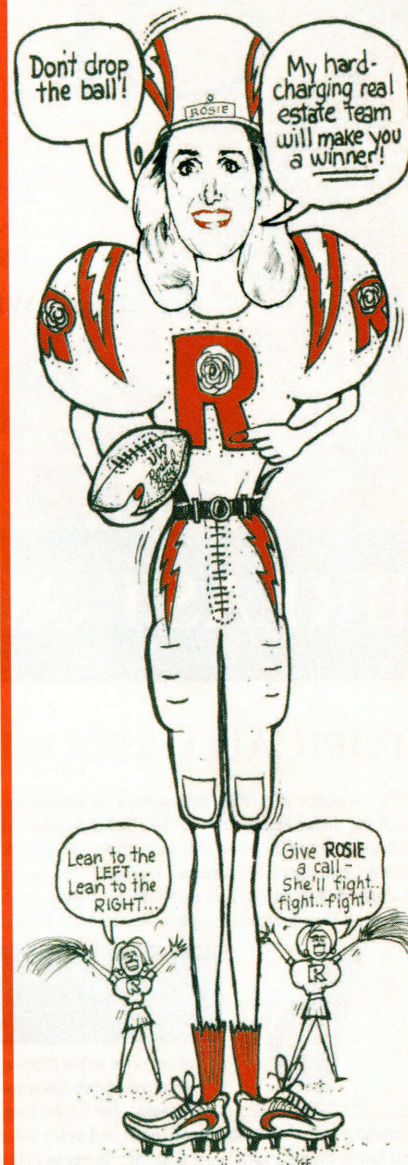
"Newman's response is: 'I don't care. I want to know where that little girl's at.'"

(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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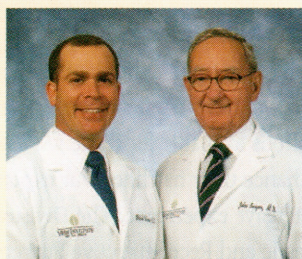
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## to catch a killer

(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." ■

