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SANTA BARBARA NEWS-PRESS



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WEDNESDAY, SEPTEMBER 7, 2011

75¢

Defense refutes Beutel claim she axed pre-marked DUI forms in '09

By **SCOTT STEEPLETON**
NEWS-PRESS CITY EDITOR

Contrary to prosecution claims that embattled Santa Barbara Police Officer Kasi Beutel sometime in 2009 stopped using photocopied arrest forms in which questions intended to be asked of DUI suspects in the field were answered in advance, the News-Press has learned that a handwriting expert hired by the Peter Lance defense team found that the form used in Mr. Lance's misdemeanor DUI arrest New Year's Day included some boxes that were marked in advance.

The revelation was to have been

Handwriting expert says Jan. 1 Peter Lance arrest report shows advance work

made by James Blanco during a pre-trial hearing before Santa Barbara County Superior Court Judge Brian Hill this morning.

But for the second time in a week, Deputy District Attorney Sanford Horowitz asked the judge to continue the matter, this time to give the people's new handwriting expert a chance to analyze documents entered as evidence by the defense, documents that the defense says suggest Officer Beutel went into the field with the mindset to frame drivers.

Both sides will now return to court again Sept. 16 for a readiness and

settlement conference.

The original form from the Lance arrest nine months ago was destroyed by the Police Department — a controversial move the defense intends to attack as one of several acts of government misconduct in a motion to dismiss the case to be heard Sept. 20. But upon examining the copy of the form, Mr. Blanco says at least two boxes, including one in which Mr. Lance waives his right to provide a blood sample for retesting later — a contention Mr. Lance disputes and about which he claims to be the victim of a forgery — were marked with an

"X" in advance only to have a new "X" written over the photocopied entry.

The other box Mr. Blanco says involved Officer Beutel marking over a photocopied "X" was on the part of the form where she indicates Mr. Lance's balance the morning of the arrest.

The so-called Trombetta waiver that Mr. Lance found in his police report, submitted by Officer Beutel Jan. 1, 2011, contained two pre-checked boxes, according to Mr. Blanco.

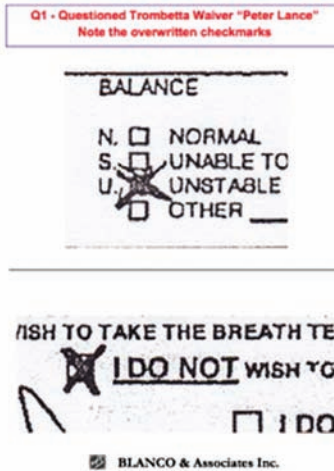
"Keep in mind that I didn't have the original to work with," Mr. Blanco told

the News-Press, "because it was destroyed. But when I enlarged the copy that contains the forged signature of Mr. Lance, I found two of the boxes had double check marks, which means that they appear to have also been pre-checked."

Mr. Blanco's finding contradicts the representation Mr. Horowitz made to Judge Hill on Aug. 30 that at some point prior to Mr. Lance's arrest, Officer Beutel stopped using the photocopied forms.

Precisely when she gave up the

Please see **FORMS** on **A4**



Brown hopes to pass tax changes this week

By **ELLIOT SPAGAT**
ASSOCIATED PRESS

SAN DIEGO — Gov. Jerry Brown said Tuesday that he was optimistic that lawmakers will agree this week to end a tax break for companies based outside the state, signaling he was willing to modify his proposal in an effort to stop what he called a "toxic loophole."

The Democratic governor said some Republican lawmakers already support the plan and that they were working to persuade others in the party.

"I don't want to count the chickens before they're hatched, but there is a lot of cackling going on, so that bodes well," Mr. Brown told employees at the San Diego headquarters of Gen-Probe Inc., a medical diagnostics maker.

The governor is asking lawmakers to change a tax formula passed in 2009 that benefited large, out-of-state corporations. He wants companies to pay taxes based solely on sales of their goods and services.

Currently, they can choose to pay taxes based partly on how many employees and how much property they have in California.

"It's toxic because it rewards companies for creating jobs not in California but somewhere else," Mr. Brown said.

Mr. Brown faces a tight deadline, with lawmakers going on recess Friday until January. He said he was entertaining proposals from Republican lawmakers in an effort to pick up votes.

"I assume Republicans are going to want to create as many jobs as they can, so whatever they come up with, I'm sure it'll be good," he said.

GOP leaders criticized the proposal when Mr. Brown unveiled it last week, casting it as a business tax increase. They said the Legislature should focus on reducing regulations and frivolous lawsuits, as well as lowering public pension burden on taxpayers.

"It still appears to be an attack on one set of job creators to benefit a

Please see **JOBS** on **A10**

FIERY COLLISION



DANIEL RANDOLPH / NEWS-PRESS

Vehicles blaze after a three-car collision Tuesday afternoon on State Route 154. Six people were injured.

Head-on crash on the 154 leaves six injured

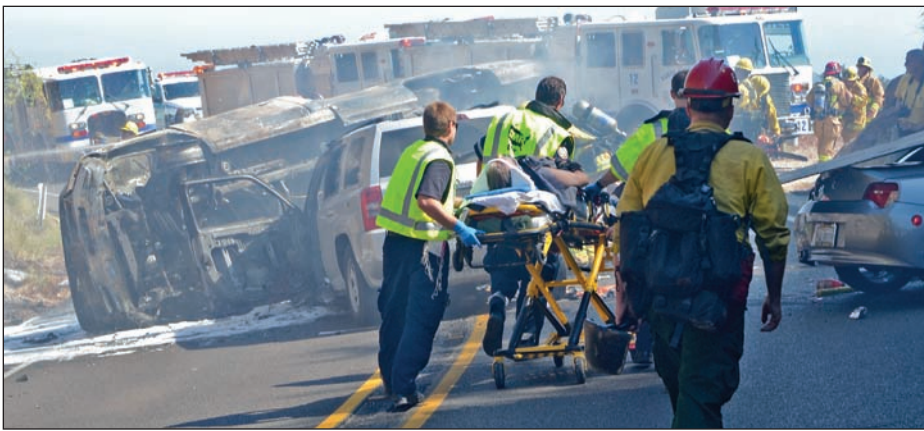
By **MORGAN HOOVER**
NEWS-PRESS STAFF WRITER

Six people were injured Tuesday afternoon in a three-vehicle collision on State Route 154 in Windy Gap, authorities said.

Two patients suffered moderate injuries and were transported to Santa Barbara Cottage Hospital and four suffered minor injuries, said a news release from the Santa Barbara County Fire Department.

Authorities were called to the area at

Please see **COLLISION** on **A4**



STEVE MALONE / NEWS-PRESS

A person injured in Tuesday's collision on State Route 154 is wheeled to an ambulance.

Union concessions save county \$24 million

By **NORA K. WALLACE**
NEWS-PRESS STAFF WRITER

In a contract deemed "a huge, huge deal," the Board of Supervisors on Tuesday voted unanimously to approve a major labor union agreement that will save the struggling county more than \$24 million in the coming years.

The memorandum of understanding with Service Employees International Union, or SEIU, Local 620, covers some 1,920 workers and includes major wage concessions for Santa Barbara County's

largest bargaining unit.

The contract, CEO Chandra Wallar told the board, "protects our employees and helps the county meet ongoing and one-time financial needs."

The contract runs through June 23, 2013. SEIU Local 620 members ratified the MOU last week.

"We're trying to protect jobs and the services we work on," said Bruce Corsaw, executive director of SEIU Local 620. "We're glad we could minimize the impacts on our members."

But the county, Mr. Corsaw said, is for the

fourth year "balancing the budget on our backs."

The major element of the contract rescinds and eliminates a 2.5 percent salary increase that was previously voted upon by union members. It also freezes any merit or step increases for the terms of the agreement and eliminates the employees' ability to cash out as much as 40 hours of accrued vacation leave annually.

The employees have agreed to a 40-hour mandatory furlough each year of the contract, preferably taking the time between the Christmas and New Year's Day

holidays. The contract also eliminates the employer-paid offset of employees' share of funding the cost of retirement benefits.

Ms. Wallar said the concessions will result in one-time annual savings of more than \$5.1 million in each year of the contract, and permanent ongoing annual savings of about \$6.9 million, beginning this fiscal year.

It would be a total savings of approximately \$24 million, she said.

The county and the union have been

Please see **CONTRACT** on **A10**



STEVE MALONE / NEWS-PRESS

Mentor Worldwide has corporate headquarters in Goleta. An unspecified number of positions are being eliminated at the company, which is a division of Johnson & Johnson.

Goleta firm announces layoffs this month

By **STEVE SINOVIC**
NEWS-PRESS STAFF WRITER

Mentor Worldwide corporate officials are being tight-lipped about their plan to cut their workforce but local employees will feel the impact.

A company spokesman said the cosmetic-product and breast-implant maker in Goleta will downsize an unspecified number of employees at its 400-person corporate headquarters within the month.

The company, which became a unit of conglomerate Johnson & Johnson two years ago, said the jobs are being eliminated in the face of waning demand for its product line.

Chris Allman, a Mentor spokesman, told the News-Press that the reduction in force is occurring "in all departments across the organization here," but did not pinpoint what types of jobs will be affected by the cut or if they will be absorbed by employees at other J&J-affiliated companies.

He said the people whose jobs are being eliminated locally received 30-day notifications effective Sept. 1.

Mr. Allman believes the layoff isn't large enough to trigger a Worker Adjustment and Retraining Notification to state and federal labor authorities, who provide unemployment and job training assistance. WARN offers protection to employees, their families and communities by requiring employers to give affected employees and other state and local representatives notice 60 days in advance of a plant closing or mass layoff.

"I have not received a WARN notice, but it could be delayed because of the Labor Day holiday," said Ray McDonald, executive director at Santa Barbara County Workforce Investment Board, an agency that assists dislocated workers. "The WARN notice is triggered by 50 employees laid off."

"The (business restructuring) decision was difficult, but necessary, given the current economic challenges and the impact they have had on demand for elective aesthetic procedures," said Mr. Allman. "We appreciate the contributions our associates have made to our company and the patients we serve. We will make every effort to help these employees with outplacement assistance and services."

Affected employees can apply for positions with other J&J-owned companies, he said.

Mentor, which has an estimated 2,000 employees worldwide, used to have manufacturing operations in

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MARKETS



Dow Jones
11,139.30
(-100.96)



Nasdaq
2,473.83
(-6.50)

FUEL PRICES **BUSINESS / B6**

Investigator: ‘Checking the unknowns is absolutely wrong’

■ FORMS

Continued from Page A1

practice, however, is something about which even Mr. Horowitz is unsure. “At some point in 2010,” she stopped, he told Judge Hill, according to a recording of the hearing obtained by the News-Press. “She tried it as a practice,” Mr. Horowitz continued. “It was too cumbersome for her in the final analysis, so she stopped and she believes she stopped at some point at the end of 2009 or in the early part of 2010.” “I’m most troubled by her practice of filling out these forms ahead of time,” said the judge, later asking the prosecutor how exactly Officer Beutel, who has avoided several subpoenas to testify and is on extended medical leave until at least Sept. 14, intends to nail down the date when she stopped using the photocopied forms. “She can’t remember,” replied Mr. Horowitz. “She has to go back to her notes, her reports.” But the judge seems to express some skepticism. “Unless she can say with certainty that, ‘On Dec. 15 I was using the forms and then on January the first, 2011, I arrested Mr. Lance and was using a non-pre-filled-out form and I know that because I wrote it down in my

diary and here’s a copy of my diary,’ that’s a stretch,” he told the prosecutor. Mr. Horowitz sought to delay the hearing again after his original handwriting expert, Joseph Merydith, withdrew over a previously undisclosed conflict of interest involving Mr. Blanco. Mr. Horowitz would not elaborate Tuesday, but Senior Deputy District Attorney Gordon Auchincloss told the News-Press it was Mr. Merydith who brought the matter to the attention of the District Attorney’s Office. But the disclosure was not made until Mr. Merydith had already done some work on the case and offered opinions siding with some of Mr. Blanco’s findings. Sean Espley, a colleague of Mr. Merydith’s, is the new expert for the prosecution. Having examined eight pre-checked forms for Beutel DUI arrests spanning two distinct periods, Mr. Blanco found that she used two separate templates. The first period, beginning with the arrest of a female driver on Nov. 18, 2009, concluded with the arrest of another female on Dec. 12. By order of the court, the identities of the arrestees from the newly released original reports were redacted. Within that first November-December 2009 period, Officer Beutel

also pre-checked the field evaluation report of John Eric Page, whose pre-checked blood test waiver, aka the Trombetta waiver, Mr. Blanco previously concluded had been forged with Mr. Page’s signature. In a declaration submitted to the court Aug. 5, Officer Beutel claimed that she “witnessed Page sign the waiver on scene.” But the declaration, submitted in lieu of testimony under oath, was unsworn. “That means it was not submitted to the court under penalty of perjury,” said Darryl Genis, the attorney representing Mr. Lance. “Therefore the declaration is meaningless and carries zero probative weight.” Mr. Genis has twice sought Officer Beutel’s sworn testimony, but his request was denied by Judge Hill on Aug. 1. It’s unclear, even to Mr. Horowitz, when the officer would testify, if ever. “We’re trying very hard to get Officer Beutel here,” he told Judge Hill Aug. 30. “We haven’t had a chance to get her under subpoena to actually speak to her.” At the time, Mr. Horowitz wanted to have Officer Beutel testify at a pre-trial hearing Aug. 31. “Oh, I do too,” said Mr. Genis. “I’m sure you would,” replied the judge. That hearing, like Tuesday’s, was

also put off. As reported in the News-Press Sept. 3, Lt. Paul McCaffrey of the Santa Barbara Police Department filed a declaration of unavailability on Officer Beutel’s behalf, seeking to excuse her sworn testimony in a DMV hearing on a separate matter that is set for this afternoon in Ventura. As a result of that declaration, Officer Beutel is not expected to attend. The second series of pre-checked forms spans Dec. 1, 2009, to Jan. 8, 2010. Among the drivers Officer Beutel handcuffed after using pre-checked forms was Cody Zoesch, arrested in the early morning hours of New Year’s Eve 2009. Mr. Blanco previously concluded in a separate declaration that Mr. Zoesch’s Trombetta advisement was forged. Based on his most recent analysis, he has also concluded that a box indicating that Mr. Zoesch did not want a blood test was pre-checked on the form used by Officer Beutel. In a July hearing in Mr. Lance’s case, Mr. Page and Mr. Zoesch testified under penalty of perjury that they did not sign the waivers. Mr. Genis sought the originals of the Page and Zoesch forms as part of seven other waivers Mr. Blanco has identified as forgeries, five of which were witnessed by Officer Beutel and two of which were witnesses by Officer Mark

Corbett, the former lead officer on the Police Department’s Drinking Driver Team who was engaged to be married to Officer Beutel on May 1. But after Judge Hill ordered prosecutors to produce the seven originals, Police Department officials claimed that six — including Mr. Lance’s — were destroyed and only Mr. Page’s waiver had survived. In response, Mr. Genis filed a motion to dismiss the Lance case claiming that failure to preserve the originals, which the defense had sought for months, was “outrageous governmental conduct.” That question will now be taken up Sept. 20. Deputy Police Chief Frank Mannix told the News-Press that officers fill out some sections of the DUI forms in advance to make their investigative work “more efficient.” But as Mr. Horowitz told the judge Aug. 30, Kasi Beutel, who joined the force in 2005, didn’t see it that way. “What would have been the impetus for her to stop using the pre-filled-out forms?” the judge asked. “Because it’s too much of a pain, in terms of having a pre-filled-out form asking the question, getting a different answer, crossing it out, augmenting, putting in a different answer, changing the form,” said Mr. Horowitz. “It creates a very messy form. It’s a

process that she’s stopped doing because it caused just a messy form,” Mr. Horowitz added. “And it took longer, as it turns out, than to simply just take a blank form and ask the questions.” That answer would appear to contradict the explanation given by Deputy Chief Mannix as to why the forms might have been filled out in advance in the first place. No matter the reason, a veteran law enforcement official with much DUI case experience said going into the field with standard forms having been filled out is not good police work. In an interview with the News-Press, Robert La Pier, a former lead DUI investigator for the Idaho State Police who now provides DUI case evaluations, said, “Checking the unknowns is absolutely wrong. What she checked is absolutely unknown, so that is absolutely wrong and unethical in my opinion.” “It’s common sense. You don’t answer questions ahead of time that you don’t know the answers to,” Mr. La Pier added. “It runs counter to the entire investigative process where a police officer is supposed to presume innocence and keep an open mind when they go into the field.” email: sstepleton@newspress.com



KEITH CULLOM / NEWS-PRESS

A helicopter performs a drop on a fire Tuesday in Winchester Canyon.

Brush fire quickly contained

SANTA BARBARA Firefighters held a Tuesday vegetation fire in Winchester Canyon to a quarter acre, authorities said. The fire on a private ranch was reported at 4:13 p.m., said Capt. David Sadecki, spokesman for the Santa Barbara County Fire Department. Four county engines and a helicopter responded along with four engines from the U.S. Forest Service. The fire was quickly contained partly because of a plowed field on one side, no wind and moderate humidity. The fire may have been related to a power pole in the area but the investigation is continuing, Capt. Sadecki said. No injuries were reported and no structures were threatened.

—Merrill McCarty



STEVE MALONE / NEWS-PRESS PHOTOS

Richard Reyes, 63, of Saugus, walks beside a gurney carrying his wife, who was injured in Tuesday’s collision. At right, occupants of one of the vehicles embrace following Tuesday’s fiery collision on State Route 154 near Windy Pass.

Firefighter hosed down burning cars

■ COLLISION

Continued from Page A1

about 2:27 p.m. and found two of the three vehicles engulfed in fire that was spreading to surrounding vegetation. Preliminary investigation indicates Santa Barbara resident Ann Jackson was driving a Dodge Ram pickup westbound when she lost control on a sweeping right-hand curve and the pickup slid sideways around the curve and into the eastbound lane, said Officer Jeremy Wayland, spokesman for the California Highway Patrol Santa Barbara area, in a news release.

The pickup collided with an east-bound BMW driven by 63-year-old Richard Reyes of Saugus. The BMW went into a ditch on the right shoulder. The pickup rolled onto its passenger side and came to rest straddling both lanes. An eastbound Jeep, driven by Dominik Lelienberger, 28, of Switzerland, was behind the BMW and collided with the pickup, Officer Wayland said. All of the drivers and passengers escaped the fire. Three people were transported by American Medical Response to Santa Barbara Cottage Hospital for minor to moderate



injuries.

San Pedro resident Daniel Randolph, 65, happened upon the collision minutes after it occurred, as he headed to Santa Barbara from Cachuma Lake. “As I came around the curve and the smoke got really black,” he said. “I saw a person laying on the side of the road with a girl looking over him.” Mr. Randolph described the scene as “chaos.” “I saw all that smoke, and I worried about a possible fire in the hillsides,” he said. “It was a pretty horrifying scene, you know, a body laying there.” Mr. Randolph described bystanders “holding their heads in disbelief.” “Metal was melting on the ground,”

he said. “The smell got really bad.” The former Santa Barbara resident said a fireman who hosed down the vehicles was a hero. “He has to be very heroic for how close he got to it,” Mr. Randolph said. The vegetation fire was contained to a quarter acre. Water was dropped from a helicopter to prevent it from spreading up the hill. State Route 154 was closed in both directions for the remainder of the afternoon but reopened by 6 p.m. The California Highway Patrol was investigating the cause of the collision late Tuesday.

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