

NATION & WORLD / B1



PRESIDENT ANNOUNCES AFGHANISTAN TROOP DRAWDOWN OF 5,000; LIKELY TO REACH 10,000 IN A YEAR



LIFE / D1 **Missing no more**

A WALLET LOST MORE THAN 60 YEARS AGO IN THE MIDWEST RETURNED TO LOCAL MAN

SANTA BARBARA NEWS-PRESS

Our 156th Year —

WEDNESDAY, JUNE 22, 2011

New police officers unfunded as SB council passes budget

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

The Santa Barbara City Council gave its final stamp of approval to the city's fiscal year 2011-12 budget with a unanimous vote on Tuesday.

The budget made its way through 10 council work sessions for fine-tuning before passing Tuesday without changes.

Mayor Helene Schneider commended the city departments for "squeezing more out of the stone" as they balanced their budgets.

The budget still has items that will need to be

addressed during the fiscal year, including three unfunded police positions approved by the council June 2, and commercial recycling rates.

The council briefly discussed the three $unfunded \, police \, positions, the fate \, of which \, be$ addressed at council in August with options for about \$450,000 in funding.

Councilman Grant House said he is concerned that funding the positions later in the year will mean tapping other city departments for money they expected to have.

City Administrator Jim Armstrong told the council his worry is finding an ongoing funding source for the positions. rather than using one-time funding and looking for the money again next year.

"Finding the money for those positions and balancing next year's budget is not going to be easy," he said.

Alongside the budget, the council approved the city Redevelopment Agency's \$31 million capital program through fiscal year 2014-15, as well as the transfer of those projects to the city through promissory notes and project cooperation agreements.

The transfer provides for the use and maintenance of RDA projects after the agency expires in 2015, and adds a layer of legal protection to prevent the state from taking those funds

In another matter Tuesday, the council unanimously reversed its earlier vote on a piece of its legislative platform supporting amendments to the Ralph M. Brown Act, the state's open meeting law, returning to the platform's original language in support of the Brown Act.

Councilman Dale Francisco asked for reconsideration of the section he authored, and which the council approved on a 4-3 vote two weeks ago, saying the item requires more public discussion than a legislative platform approval.

This is an issue of enough importance to people that it needs a public discussion all to itself," he told the News-Press.

The section stated that the council would support legislation revising the law's definition of a meeting "so as to restore to a quorum of the members of local councils, boards, and commissions the normal human right to freely discuss issues that might come before them, both in public and in private, while

Please see COUNCIL on A10

75¢

Controller: Lawmakers get no pay

Legislature to forfeit pay for not presenting balanced spending plan

By SHANE GOLDMACHER McCLATCHY TRIBUNE SERVICE

SACRAMENTO - State Controller John Chiang has decided to deny California lawmakers their pay for failing to produce a truly balanced spending plan, infuriating legislative leaders but pumping new life into budget negotiations just 10 days before the start of the new fiscal year.

Indignant Democratic lawmakers, having passed a budget on the June 15 deadline without input from Republicans or Gov. Jerry Brown, said the controller, who issues state paychecks, was engaged in an illegal power grab. Chiang said in his announcement Tuesday that aspects of the Democrats' budget-which Brown had swiftly vetoed — were incomplete and the plan therefore violated a new law that punishes the Legislature for late spending plans. The impact on legislators' wallets could be severe. Until they approve a budget that Mr. Chiang deems balanced, rank-and-file lawmakers, who are paid at the end of each month, will be docked about \$400 a day. That sum is the daily portion of their \$95,291 salary plus \$142 in per diem allowance. Mr. Chiang said the forfeiture is required because the budget that Democrats approved spent more -\$1.85 billion more, in his analysis - than it collected in taxes and fees. "The numbers simply did not add up," said Mr. Chiang, who is

Cold Case: Search for closure

Digging begins in search for girl's 50-year-old remains



SBPD officer may have manipulated **DUI evidence**

Investigation uncovers inconsistencies, possible forgeries involving Kasi Marie Beutel

First of five parts.

By PETER LANCE SPECIAL TO THE NEWS-PRESS

Walk into the lobby of the Santa Barbara Police Department, turn left and you'll discover the framed poster of a smiling female officer. Affixed with a gold star, the poster reads, "Top DUI Officer - Gold Pin Winner Kasi Beutel."

At the age of 38, only six years into her law enforcement career, Kasi Marie Beutel is the reigning queen of an elite group of cops who specialize in arresting drunken drivers.

Last year she was honored by

Department and a record almost three times as great as the 111 attributed to her next closest Santa Barbara colleague, Officer Doug Klug.

On May 10, she topped her own record, winning the same two awards for 2010 with an astonishing record of 349 purported arrests, beating out 40 other police officers, sheriff's deputies, California Highway Patrol officers and personnel from other state and federal agencies with a record more than 10 times the average arrest figure of the other nominees. Her winning total accounted for 21 percent of the combined 1,656 county-wide DUI arrests last year cited at the MADD and Avoid the 12 awards presentation. A former accountant and mother of three who enrolled in the police academy in 2005, Kasi Beutel has amassed an impressive statistical record. In accepting the 2009 award at ceremonies in Buellton, she told the media that more than half of her arrests were for .15 blood alcohol content, which is almost twice the legal limit of .08 percent. Last year, from a pool of 100 applicants, she was chosen one of eight winners of Project Transformation, a physical makeover program worth \$11,000 conducted at the California Health and Longevity Institute located at Four Seasons Hotel Westlake Village, just a 15-minute drive from her home in Newbury Park, in Ventura County. "I'm not like most women," she told a local newspaper. "I don't just need to make it through an aerobics class. I want to be able to chase down a motivated 25-year-old suspect who's running from me." One press handout for Project Transformation described Officer Beutel as "similar in many ways to a comic book superhero. By day she is a soccermom...Bynight, she guards the community in the role of police officer.' But after a nearly six-month investigation into Kasi Beutel's methods and investigative tactics from 2009 to 2010, as well as into her background in the years leading up to her work as a Santa Barbara police officer, this special News-Press investigation has uncovered evidence that not only raises serious questions about her credibility, but suggests that in some cases she may have effectively framed innocent drivers who were alleged to have blood alcohol levels close to the .08 legal limit. Among the revelations: • Officer Beutel overstated the actual number of DUI arrests she made in 2009 that led to the MADD and Avoid the 12 awards. And in

Please see **BUDGET** on **A5**

STEVE MALONE / NEWS-PRESS

With observers keeping close watch Tuesday, a backhoe digs at the old Winchester overcrossing where authorities suspect a 7-year-old girl's body was buried 50 years ago.

By ANGEL PACHECO NEWS-PRESS STAFF WRITER

"We're getting close to something," said Police Chief Cam Sanchez on Tuesday, relaying the word from dog handlers participating in the dig for the remains of a 7-year-old girl who disappeared 50 years ago.

Three cadaver dogs would return to the same spot at the Winchester overpass each time a backhoe operator scooped away 6 inches of dirt at an "area of interest" in the search for the remains of Ramona Price, Chief

Sanchez said.

"In my heart of hearts, I believe she's right over there," he said, turning to the excavation site on the northbound side of Highway 101 at the foot of the partially demolished overpass.

By quitting time, the Caltrans backhoe operator working with authorities was able to dig down 8 feet. The work will resume today, and Chief Sanchez expects they'll go another 8 to 10 feet. Work could continue Thursday.

Ramona Price went missing

Sept. 2, 1961, and authorities believe she may have been abducted and buried in the spot by serial murderer Mack Ray Edwards, who was a heavy machinery operator in the construction of the bridge.

Mr. Edwards confessed in March 1970 to killing six children from 1953 to 1968. According to police, in most of the cases he said he used his skills with heavy equipment to dig holes at freeway construction sites to bury his victims. Mr. Edwards hung himself in

Please see CASE on A10

Vandenberg a 'crown jewel' for the nation

Commander praises base at Channel Cities Club

By NORA K. WALLACE NEWS-PRESS STAFF WRITER

As an astronaut, Lt. Gen. Susan J. Helms orbited above the Earth and saw its monuments and roads. observed natural disasters and was awed by the lack of obvious regional borders around the planet.

She has floated outside the confines of the International Space Sta $tion \,in \,the \,void \,of \,space \,and \,glimpsed$ the world's fragility.

She has flown in 30 types of military aircraft as a flight test engineer and

hastaught cadets at the U.S. Air Force Academy—where she was among the firstgraduatingclass of females in the institution's history.

Now, the three-star general is in charge of more than 20,500 people around the world as the commander of the 14th Air Force and Joint Functional Component Command for Space, at Vandenberg Air Force Base.

On Tuesday, Lt. Gen. Helmsgave "A Commander's Perspective," a wideranging speech of almost an hour, to a packed audience at the monthly

INSIDE

Channel Cities Club in Santa Barbara, touching on everything from the role of technology in war-fighting to her five space visits.

As 14th Air Force commander for the past five months, she leads the men and women responsible for space launches from the West and East coasts, as well as command and control of orbiting military satellites, missile warning, space surveillance and command and control of joint space forces.

"Vandenberg is a very special place," the 53-year-old told the

audience. "It is the crown jewel of our nation. There are critical launch points around the world and this is one of them. In the United States, we have two national ranges, one is here at Vandenberg and the other is Cape Canaveral. I'm sure you've heard of Cape Canaveral. That's the one that's widely known. The one that's lesser known is Vandenberg ... Vandenberg provides a key critical national resource to what we do in space."

Long fascinated with space, Lt. Gen. Helms said that since she has been in command at her current posting, she has realized that "when

Please see CHANNEL on A5

Mothers Against Drunk Driving and the consortium of a dozen county-wide law enforcement agencies known as Avoid the 12 for her self-professed record of 331 driving under the influence arrests; more the half the felony and misdemeanor DUI collars of the Santa Barbara Police entire

Behind this series

By PETER LANCE SPECIAL TO THE NEWS-PRESS

An investigative reporter has many ways to get onto a story. A tip from a whistle-blower or an anonvmous source, or, as in the case of my three HarperCollins books critical of the FBI's performance on the road to 9/11, the proximity of my son's high school to Ground Zero and the loss of a friend — an FDNY fire marshal who died when the South Tower of the World Trade Center collapsed. Those events led me to a 12-year investigation that is ongoing.

I got into the story of DUI arrests by the Santa Barbara Police Department after being arrested about an hour into New Year's Day for allegedly driving under the influence; a crime, I contend, that I did not commit. On that night, I became the first arrest in 2011 for Kasi Beutel, the award-winning officer assigned to the Santa Barbara Police Department's Drinking Driver Team from 2009 to 2010.

The first hint that Officer Beutel operated outside the conventional rules of police conduct came when I politely inquired if there might be a quota; that being a holiday night.

Please see LANCE on A6

Please see DUI on A6

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Former officer: 349 good DUI collars ... 'strains belief'

DUI

Continued from Page A1

nominating her for the 2010 awards which she accepted, the Santa Bar-Police Department overbara reported her actual number of DUI arrests by almost 15 percent.

• In multiple arrests in 2009 and 2010, she made a number of material misstatements of fact in police

reports, and in at least two of her cases in 2009 that led to convictions, exculpatory evidence was withheld from arrestees later who were found guilty.

• In two other cases, a nationally ranked handwriting expert who examined the files has sworn under penalty of perjury that the signatures of arrestees who purportedly waived blood tests witnessed by Beutel Officer were forged.

• There is evidence that before becoming a police officer, Kasi Beutel committed fraud in a 2000 Chapter 7 bankruptcy by holding onto a \$270,000 home in Agoura Hills under the Homestead Exemption, at a time, she later claimed, she was living in a town-

house just blocks away with thenhusband Todd. A certified public accountant, Todd Beutel had filed a similar Chapter 7 bankruptcy 19 months earlier, claiming that the townhouse was his sole property and thus exempt from creditors.

• The total credit card debt between the two, wiped out by their back-toback bankruptcy filings, amounted to almost\$200,000 and included 24 credit cards between them.

• Then, during divorce proceedings in 2005, Kasi Beutel may have committed perjury when she claimed that her 1997 marriage to Todd, (which she'd previously sworn to) actually took place on January 15, 1999, two days after his bankruptcy was discharged.

• On April 24, 2000, just prior to filing her Chapter 7 petition, Citi

judgment against Kasi Beutel under her maiden name, Kasi M. Moore, in Van Nuys Municipal Court. While the amount of the actual judgment was not listed in her petition, Kasi Beutel listed three separate debts to Citirelated entities totaling \$16,562.00.

The application to become a Santa Barbara police officer lists "lack of well balanced credit" among "Potential Reasons for Rejection." At this

point, for reasons explained below. it's unclear whether Kasi Beutel disclosed hertroubled credit history in her application to the department in 2005.

Comparing her DUI arrest stats to other officers Until recently,

Officer Beutel was the principal officer assigned to the Santa Barbara Police Department's Drinking Driver Team, a that position accounted, in part, for her success, according to Senior Deputy Jeff of the Farmer Barbara Santa County Sheriff's Department, who spoke to reporters at the MADD and

Avoid the 12

awards ceremony

COURTESY PHOTO **Drager Alcotest 7410 evidential** preliminary alcohol screening device.

"That's all she (Beutel) does," said Deputy Farmer. "Just works DUIs. Works nights. So as long as she's working, she'll get the DUI (arrest).'

May 10.

To prevent burnout in the job, according to Deputy Farmer, the Santa Barbara Police Department rotates the DDT officers every two years. But by any measure, Kasi Beutel's arrest statistics are unparalleled.

According to data supplied by the department, the previous DDT Officer Christine Ortega had 164 DUI arrests in 2007 and 96 in 2008. Prior to that, the officer with the highest reported arrests was Mark Corbett, who preceded Officer Ortega on the Drinking Driving Team.

In 2004, Officer Corbett put the handcuffs on 257 DUI arrestees - a benchmark that might make for some interesting talk at the breakfast table, because in early May, he and Officer

Financial Inc. entered a default Beutel were scheduled to be married. And as we'll see in this series, he's been present on the scene of at least two of her most questionable arrests.

In one case from August 2009, Officer Beutel Tasered a man she'd pulled over for a DUI stop; a driver later proven to have a blood alcohol content below the legal limit.

In another case, five months earlier, after an initial breath test failed for a female suspect Officer Beutel pulled over in downtown Santa Barbara, she arrested the woman, handcuffed her, locked her in her patrol unit and drove her to a second location where she allegedly coerced the young woman into taking a second breath test on a different device - with Officer Corbett's help. This second test, 25 minutes later, produced results which appeared to confirm Officer Beutel's initial conclusion that the young woman was driving under the influence.

The credibility of officers is key in DUI cases

"When it comes to the drunk-driving laws, the credibility of the arresting officer is central to a conviction," says Mary Frances Prevost, a San Diegobased criminal lawyer who helped expose Officer Thomas Broxtermann, a San Diego Police Department DUI cop and MADD award winner who had been removed from a DUI enforcement task force for "falsifying police reports of DUI stops," only to return to the job apprehending other DUI suspects.

"Credibility is usually the deciding factor," says Felix D'Amico a 33-year veteran of the San Bernardino County Sheriff's Department who observed more than 5,000 DUI cases in his career. "That's because in a DUI stop, a certified officer like Kasi Beutel can literally arrest a suspect on the basis of whether or not she asserts that they failed a field sobriety test. So at trial, it often comes down to her word versus the word of the accused and in 99.9 percent of the cases, judges favor the police.'

"No judge ever got thrown off the bench by being too tough on a DUI case," says Darryl Genis, the veteran Santa Barbara defense attorney representing me, who has tried a number of cases with Officer Beutel as the principal prosecution witness.

"You've got a perfect storm of potential abuse," says Mr. Genis. First of all, the (Drager) Alcotest 7410 breathalyzer used by the Santa Barbara Police Department can be manipulated to enhance BAC readings. An officer who knows how to cover the exit port can take a .04 BAC, which is half the legal limit and make it appear in an official printout to be a .09 or more, thereby framing a subject. Second, Santa Barbara is the only major department in Avoid the 12 without video in the cars to ensure that field sobriety tests are properly conducted. Add to that, the incentive for a cop like Kasi Beutel to push suspects who are close to the .08 level over the three DUI arrests. The official printout puts the times at 1:55 a.m., 2:18 a.m. and 8:40 p.m.

The first two incidents were only 23 minutes apart, a period that defies the typical length of time required for a legal DUI stop, field sobriety test, breath test and arrest. "It averages about 90 minutes from stop to jail," says Mr. D'Amico, "and if you add a blood test, that could mean another half hour.'

The DUI round-up for that same night also lists three arrests by Officer Beutel, with slightly different arrest times — the first two, only eight minutes apart.



RAFAEL MALDONADO / NEWS-PRESS Poster at Santa Barbara Police **Department hailing DUI arrest** star, Officer Kasi Beutel.

"On 3/20 at 1:42 a.m., Officer Beutel stopped (a 38-year-old) in his large white pickup, at 100 W. Cota Street for running stop signs, crossing into the opposing traffic lane, and weaving. (The man) was arrested for DUI."

"On 3/20 at 1:50 a.m., Officer Beutel responded to 500 E. Anapamu Street on a vehicle collision. (An 18-year-old) had crashed the family van through a fence, down an embankment, and onto the basketball courts of Santa Barbara High School. (He) was arrested for DUI.

On June 13, 2010 the printout and DUI Round-up are in agreement about the two arrests by Officer Beutel, but this time, they're only three minutes apart: "On 6/13 at 2:21 a.m., Officer Beutel stopped (a 21-year-old) at 300 State Street, in his 1996 Pontiac Grand Am, for weaving over the centerline and running a stop sign. (He) was arrested for DUI, unlicensed driver, no insurance, and driving with an open container of alcohol.

"On 6/13 at 2:24 a.m., Officer Beutel responded to 1400 block of Chino

March 20, 2010, Office Beutel made stats — either way it's a problem that goes directly to Kasi Beutel's credibility because she's embraced these statistics as truthful."

Protected by the D.A. and a judge

In recent weeks, scandals have erupted involving two alleged "dirty DUI cops" in California and North Carolina. The cases, in which Officer Brandon Mullock in Sacramento and Barry Grimes in Charlotte, N.C., were found to have lied, have now jeopardized hundreds of DUI cases in both jurisdictions.

We'll have more on those cases later in this series. But as noted, the credibility of a DUI officer is crucial to convictions and in the course of my defense and this independent investigation for the News-Press, the evidence I've uncovered underscores the lengths that both the Santa Barbara County District Attorney's Office and a senior Superior Court judge have gone to protecting the reputation and credibility of Officer Beutel. On April 22, in the case of the People

vs. Peter Lance, we had what is known as a Section 1054 discovery hearing in Dept. 12 of Santa Barbara County SuperiorCourt. It was presided over by Judge GeorgeC.Eskin,a jurist thoughtful

veteran whose reputation rulings is under-Eskin scored by the two ceramic owls he

for

keeps on the edge of his bench. "Given that Kasi's credibility would be crucial at trial," says my lawyer, Darryl Genis, "the only way we could properly impeach her would be to explore various statements we knew she had made."

Mr. Genis wanted to put the officer on the stand at this hearing to answer under oath not only the basis for the 331-arrest-figure for which she won the award in 2009, but for something she apparently told a North County publication: "I am a patrol officer first, and try to give people respect and education. I offer breathalyzer tests to people when they leave the bars downtown, most usually resist and get in their cars anyway. Then I have to pull them over later for driving under the influence.

"Think about the truthfulness of that statement," says Mr. Genis. "From ParkingLotNo. 12 on Gutierrez Street to The Granada Garage 10 blocks north, there are a dozen parking lots or structures in the State Street bar corridor. If Kasi Beutel is in uniform offering breath tests to exiting bar patrons, nobody who refuses is going to let her follow them to their car. That means you'd have to involve a dozen undercover officers who would follow these people. Even then, if they saw these suspects getting into their vehicies, Kasi wouldn't nave a reasonable $suspicion to {\it stop them}, because it `s {\it not}$ illegal to exit a bar and get behind the wheel.'

Not one fact.

The judge denied our request to put Kasi Beutel on the stand under oath to determine whether she was the source of the figure of 331 arrests in 2009

Then, four days later, we got the answer, not via the court and the discovery process, but pursuant to the California Public Records Act. On April 26, the Santa Barbara Police Department turned over an email dated January 5, 2010, from Kasi Beutel to Win Smith of the Santa Barbara County Sheriff's Department in response to an earlier request from Deputy Smith for MADD and Avoid the 12 nominations. In it, she wrote:

From: Beutel, Kasi

Sent: Tuesday, January 05, 2010 11:59 AM

To: Smith, Win Subject: RE: Winter DUI Enforce-

ment Campaign Win, Stats for the annual MADD Awards for 2009

Officer Klug – 111 Officer Beutel - 331 Have a great day!

Thanks, Kasi

> "So the court was accusing my client of having some kind of agenda," says Mr. Genis, "steadfastly protecting this officer and refusing to let her get into a situation where she might be committing perjury, and now we had it via a public records request: she was the one who claimed she'd made the 331 arrests. Nobody else. Kasi Beutel. And now that we have the additional printout via that same law, we can prove that she lied: she over estimated her 2009 stats by 16 and the department lied by overestimating her 2010 DUI arrests by 50."

"You have to appreciate the significance of this in terms of the dozens and dozens of people who have been convicted of a DUI offense or pled guilty largely on the credibility of this officer," adds Mr. Genis. "She's the DUI star. The Gold Pin Winner. If she is willing to lie about her own arrest statistics, what else is she willing to lie about relating to those cases? The underlying facts, perhaps? The breath results perhaps?

I contacted Brenda Frachiseur, the assistant state executive director for MADD. to ask her whether she thought the overstatement by Officer Beutel of her DUI arrest statistics reflected negatively on MADD.

"I believe that it hurts the police officers, or the police agencies or law enforcement agencies that provide us with those statistics," Ms. Frachiseur said.

In early March, we filed a motion asking Judge Eskin to review Kasi Beutel's application to the Police Department (among other aspects of herdepartment file). We wanted to see if she had been honest about disclosing her bankruptcy and credit problems. But the Santa Barbara City



090



erupted across the country

Other scandals have



Continued from Page A1

She immediately flashed anger and told me to shut up. She then put me

in handcuffs, and stated that if I said another word she'd send me to iail. I made a comment about my First Amendment rights, but she kept my hands locked behind myback. Later, Inoticed that when she had me perform a breathalyzer test, she was blocking what I later found out was the exit port on the Drager Alcotest 7410 Plus testing machine.

The blood alcohol

was .09, which is one hundredth of a

percent above the .08 legal limit. I

soon learned that some DUI officers

enhance test results using the

Alcotest 7410 Plus by suppressing

the exiting breath and forcing addi-

tional alcohol into the test chamber.

A few days later, when I got a copy of

my police report, there were so many

material misstatements of fact by

Officer Beutel that I started kicking

over rocks to see if mine was an

isolated case or if there might be a

pattern of misconduct in her DUI

As you'll see from Part One of this

series, scandals have erupted in

recent weeks in Sacramento, and in

Charlotte, N.C., where DUI officers

arrests

level she arrested me for

Investigative

journalist Peter

Lance.

the dismissal of hundreds more DUI cases Driving impaired is a repugnant crime. I've lost several friends over the years to drunken drivers and I've done many stories relating

Vt., the accuracy of breath testing

machines has recently been chal-

lenged; a discovery that may lead to

to auto safety, including pieces that celebrated the work of Mothers Against Drunk Driving, the worthy organization that cited Kasi Beutel as the Top DUI officer for Santa Barbara County two years in a row.

While I was, and remain a defendant in the case of the People vs. Peter Lance,

I am first a citizen and second a journalist. I've devoted much of my career to reporting on law enforcement misconduct. So this probe began, not as some vendetta or attempt to "get" a police officer, but as an honest, dispassionate exercise in truth-finding and it will remain that way as I continue to report the story and defend myself in the criminal case.

that in mind. I'll be attaching links to a number of examples of documenevidence tary at www.newspress.com. Anyone with additional information can contact me by phone at 310-483-8813 or by email at

were found to have lied, putting hundreds of cases in jeopardy. Also, from Ventura to Burlington, email: news@newspress.com



triplecross@peterlance.com.



line for career advancement, awards and, most importantly, overtime."

"An officer can easily double their base salary with the overtime that comes from DUI work," says Mr. D'Amico, the former sheriff's sergeant.

"These guys pick up so much overtime," adds Ms. Prevost, "because they're being called into court for motions, suppression hearings and trials.²

"You work the graveyard shift, like Beutel," says Mr. D'Amico, "and if there's a trial or hearing scheduled the next day, you're on time and a half. And if you schedule your days off in the middle of the week, you're on the clock from the time you leave your house until you finish in court which can mean 10, 15, 20 hours of overtime in a week, till you're back on the clock again.'

"Now take Kasi Beutel," says Mr. Genis, "who got an award for an average of 29 arrests a month last year. If even 10 percent of her cases go to court or the DMV, she's golden.'

The numbers behind Kasi Beutel's DUI arrests

This investigation uncovered some alarming questions about the actual number of arrests that the Santa Barbara Police Department reported for Kasi Beutel between 2009 and 2010.

In response to a request for her statistics filed under the California Public Records Act, the News-Press obtained printouts showing that she made 315 arrests in 2009, compared to the 331 for which she nominated herself resulting in the 2009 MADD award.

The discrepancy in the reporting of her 2010 arrests was more significant. In fact, the department-provided printout that included the date and time of each DUI arrest and the specific Vehicle Code violation, showed that Officer Beutel had actually made 299 arrests - 50 fewer than she wascited for by MADD and Avoid the 12.

But those conflicts pale when one studies the actual Officer Beutel DUI arrest printouts in detail.

Analyzed in conjunction with the DUI round-up, a detailed summary of drunk driving arrests released by the department, they show a repeated pattern of inconsistencies in Officer Beutel's DUI arrests. For example, on

Street on a call of a nit-and-run collision. A taxi driver reported that he wassitting in his parked cab when a 2004 Toyota Corolla with a flat tire came thumping down the street toward him.... Officer Beutel arrested the driver... age 21, for DUI, hit-and-run, and possession of marijuana while driving."

Thirty-six DUI arrests in one month

According to the Santa Barbara Police Department printout, between June 3, 2010, and July 4, 2010, Kasi Beutel made 36 DUI arrests, prompting this comment on a local blog: "Officer Beutel ... probably deserves a 'spa day' more than any other woman in Santa Barbara.'

"Three hundred and forty-nine arrests in one calendar year is an extraordinary number," says former San Bernardino County Sheriff's Department Sgt. Felix D'Amico. "You have to consider that with vacations, training days and sick leave, an officer has probably 215 actual working days in a year. Add to that, my experience that for every 100 stops we did on saturation DUI patrol we got 16 to 18 arrests. Even if she's just sitting on bars, waiting for possible suspects, for this officer to make 349 good DUI collars, she'd have had to have made thousands of stops in the course of that year; a figure that strains belief."

According to both the Santa Barbara Police Department printout and the DUI round-up details supplied by the department, on August 22, 2010, Officer Beutel made four arrests. The problem is two of the arrests took place in different locations at the same time:

"On 8/22 at 12:40 a.m., Officer Beutel stopped (a 24-year-old) in his 1994 Mitsubishi, at 1100 San Andres Street, for speeding, weaving, and for driving over the center line. (He) was arrested for DUI and unlicensed driver; he provided a breath sample of .15 BAC."

'On 8/22 at 12:40 a.m., Officer Gaston stopped (a 54-year-old) in his 2001 Acura Integra at 800 Santa Barbara Street for expired registration. Officer Beutel arrived to assist and arrested (the man) for DUI. He provided a breath sample of .09 BAC

"Something is clearly wrong here," says attorney Darryl Genis. "Either she's not making all the arrests she's taking credit for and piggybacking on other officers, or the department is cooking the books on her DUI arrest

But when Mr. Genis tried to questionOfficerBeutel, who was present at the April 22 hearing, to confirm the quote and whether she had made the 331 arrests that got her the award, Deputy District Attorney Sanford Horowitz objected and Judge Eskin denied the request.

What follows is a section of the hearing transcript:

Judge Eskin: I don't think Officer Beutel is the witness to be called.

Mr. Horowitz: I don't either. Mr. Genis: Your Honor, she's the person who supposedly made these

arrests. Judge Eskin: According to whom? Mr. Genis: Until I put her on the

stand. I don't know. Judge Eskin: You're fishing. You're fishing.

Mr. Genis: No. I'm absolutely not. I am attempting to prevent a situation where Officer Beutel attempts to get on the stand and says whatever she wants and I can't cross-examine her about it... My question to you is, would Officer Beutel accept the 2009 MADD Award for 331 arrests if she knew that she had not made that number of arrests?...And if your answer to that is that she wouldn't ... then why wouldn't you let me put her on the stand to ask her if she made 331 arrests in 2009 under oath?

Judge Eskin: I think it's irrelevant . . . And all I'm involved in is the prosecution of a case involving a .09 blood alcohol level and I'm going to try and control it. I haven't done a good job as Isaid. But I'm not going to let this court be used as a vehicle for Mr. Lance to pursue his agenda.

Mr. Genis: I don't think you're . . . Judge Eskin: His agenda in this courtroom is to prove beyond a reasonable doubt that "I was not under the influence of alcohol." That's his agenda. And it should be your agenda. Not the attempt to destroy the career of Officer Kasi Beutel.

Mr. Genis: I'm not trying to destroy anybody's career.

Judge Eskin: Nobody could read these pleadings and not come to that conclusion ... You have not made one, provided me with one scintilla of evidence, that Kasi Beutel went around telling people that, "I made 331 arrests last year." Not one piece of evidence. Attorney vehemently opposed our motion and Judge Eskin declined to review the application in her file.

Asking that a judge recuse himself for bias

On May 13, I filed a declaration under Section 170.1 of the California Code of Civil Procedure asking that Judge Eskin either recuse himself from my case for prejudice and bias toward Officer Beutel or that, if he refused, he be removed.

Less than three hours after the filing, while denying any prejudice or bias, Judge Eskin removed himself from the case.

Then, on May 27, I sent Kasi Beutel an email describing my findings in general and requesting an interview to get her response. While she didn't get back to me — and still had not by press time — she did answer a series of questions put to her by News-Press Correspondent Catherine Shen, who covered the May 10 MADD awards presentation.

In response to a question about her unparalleled DUI arrest record, Officer Beutel stated, "A large portion of my success can be attributed to the Santa Barbara Police Department and its aggressive approach to public safety. We employ a dedicated DUI enforcement car that is utilized on the busiest days and at the busiest times. It is with the assistance of the public and the patrol officers, I was able to apprehend and arrest so many DUI drivers... I very much approach most DUI arrests as an intervention of sorts.'

There's little doubt that Officer Kasi Beutel has intervened in the lives of hundreds of drivers in Santa Barbara, many of whom came away with indelible marks on their driving records or worse. A number of her arrestees who pled guilty or no contest ended up on house arrest. One of them is a lifelong Santa Barbara resident and commercial fisherman who began wearing an electronic monitoring device on May 26.

His encounter with Officer Beutel in August 2009 began with a routine traffic stop and ended up with him getting shot with two projectiles in his chest that pierced his skin after the officer fired her Taser at him at point blank range. We'll have his story Thursday in Part Two.

e-mail: news@newspress.com

Outlook: Dim

FED CHAIRMAN BEN BERNANKE ADMITS THE CENTRAL BANK WAS CAUGHT OFF GUARD BY THE ECONOMY'S SLUGGISH, SLOW GROWTH





Taste this

OLIVE OIL IS GETTING INTO THE ACT, WITH BRANDS OFFERED AT TASTINGS IN WHAT ONCE WAS THE EXCLUSIVE DOMAIN OF WINE



OUR 156TH YEAR

THURSDAY, JUNE 23, 2011



JOE DAVILA PHOTO

This image provided by Vandenberg Air Force Base shows the launch Wednesday of a Minuteman 3 intercontinental ballistic missile.

Minuteman launched into Pacific from Vandenberg

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

After an unplanned delay of several hours Wednesday morning, crews at Vandenberg Air Force Base launched a Minuteman 3 intercontinental ballistic missile.

The unarmed ICBM blew out of its north base silo at 6:35 a.m. but its ascent was obscured from local viewers by heavy fog.

Crews had a six-hour time frame in which to launch the missile. It was initially expected to blast out of Launch Facility 10 at 3:01 a.m., but it did not begin its mission until more



SANTA BARBARA POLICE PHOTO

Second of five parts

By PETER LANCE SPECIAL TO THE NEWS-PRESS

Michael Kenny is a commercial fisherman who dives for sea urchins in the sometimes frigid waters off the Channel Islands. It's a dangerous job, but nothing he ever encountered at sea prepared him for the lifethreatening event that occurred the night Officer Kasi Beutel of the Santa Barbara Police Department pulled him over for a traffic stop and ended up shooting him at point-blank range with a stun gun.

The stun gun and the DUI stop



RAFAEL MALDONADO / NEWS-PRESS

Michael Kenny wears an ankle bracelet after pleading no contest to resisting arrest. Charges of DUI and battery on Santa Barbara Police Officer Kasi Beutel were dropped for lack of evidence in the August 2009 incident. Officer Kasi Beutel, shown here the night of Michael Kenny's arrest in August 2009, filed a worker's compensation claim over shoulder injuries she said she suffered in the Kenny arrest. But the official report of that night's incident states she was "not injured."

Behind the Series

n the morning of New Year's Day, investigative journalist Peter Lance was arrested on suspicion of driving under the influence by Office Kasi Beutel of the Santa Barbara Police Department. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this five-part series, which began June 22 and runs through Sunday.

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to not or lange com

arrived.

in order for me to ascertain that he was not too impaired by alcohol to safely drive.

"At this time he began rolling his window up. I placed my hands on his window to prevent the window from being rolled up and ordered Kenny to hand me his car keys. He refused ... and continued to roll the window up. With my left hand on the window in an attempt to keep it down, I placed my Taser, which was in my right hand, against Kenny's shoulder and informed him that he would be Tased if he continued to resist. I also informed him that he was subject to

Panel heeds Coral Casino members' complaints

By KELLY HOOVER NEWS-PRESS CORRESPONDENT

After hearing from outraged Coral Casino members and their attorney Wednesday, the Montecito Planning Commission unanimously rejected a county report that said the club is being operated in compliance with its coastal development permit.

Commission members want more information from Santa Barbara County planning staff before moving forward.

"I am concerned that given the amount of public scrutiny,... that there shouldn't have been a little more due process and that your review should have happened after public testimony," Commissioner Michael Phillips said.

Derek Westen, attorney for members of the Coral Casino Beach and Cabana Club, was thrilled with the outcome.

"We are extremely pleased that the planning commission listened so closely to the testimony of the members," he told the News-Press.

Coral Casino members say Ty Warner Hotels and Resorts is not holding up its end of the bargain on a number of issues, namely the number of guests at the Four Seasons Biltmore Resort who are using the private club for free.

They also complain about the lack of "meaningful consultation" between Coral Casino members and Ty Warner hotels.

The members hired local attorney Mr. Westen to put together their list of complaints and what they say are permit violations.

than three hours later.

The delay, according to base officials, was caused by bad weather at the missile's target zone in the Central Pacific Ocean and an interruption in communication with the Airborne Launch Control System aboard an E-6B Mercury aircraft from Offutt Air Force Base in Nebraska.

With the codename "Looking Glass," the airborne command post is meant to "provide survivable, endurable, reliable airborne command, control and communications support of U.S. nuclear forces should groundbased control become inoperable." The Airborne Launch Control System aboard the plan can transmit launch commands to ground-based ICBMs.

During Wednesday's launch, however, there was an unspecified communication problem with the aircraft during the countdown, so the launch control was switched to the ground

Please see LAUNCH on A5

newspress.com

The arrest occurred in August 2009, the year Kasi Beutel won the Gold Pin from Mothers Against Drunk Driving for achieving the top DUI arrest record in Santa Barbara County.

But the case raises serious questions, not just about how far Officer Beutel was willing to go in pursuit of a DUI arrest, but the lengths to which supervisors at the Santa Barbara Police Department went to protect her and validate her conduct.

Officer Beutel's version of the Kenny case

The following are verbatim excerpts from the official report on the incident submitted by Office Beutel: "On 8/22/09 at approximately 2125 Hours (9:25 p.m.) I was on uniformed patrol...on Cliff Drive when I observed a late model pick-up... driving Eastbound. The truck did not have any rear lights, no tail lights or brake lights...It was a dark area and peteriance.com.

the truck, which is dark in color, was difficult to see. I pulled in behind the truck which was traveling at approximately 45 MPH... and the truck quickly braked and made a sharp right turn onto La Marina Street. I conducted a traffic stop on La Marina just south of Cliff Dr."

"I contacted the driver who was sitting in the driver's seat. He had one female passenger and a medium sized dog in the vehicle. He identified himself as Michael Kenny with his California (driver's license). I immediately noticed a smell of alcoholic intoxicant coming from his person; his eyes were bloodshot and watery. I asked him if he had any alcohol tonight, he stated no. I asked him to look at me so that I could check his eyes, at which time he turned his head away... I asked him to retrieve his registration and insurance and told him that I would be right back." After returning to her patrol unit

aglia says that after her arrival, she moved from the passenger side of the truck to the driver's side "to assist Beutel."

"(Beutel) was holding onto the window to keep Kenny from rolling the window up and demanding that he give her his keys," Officer Battaglia wrote. "I grabbed onto the window to assist Beutel. She retrieved her Taser and pointed it at Kenny and advised him if he did not comply with her commands he was going to be Tased ... Kenny refused, locked his door and continued to roll his window up."

Both officers insisted in their reports that Mr. Kenny was now moving to exit the car on the passenger side. Officer Battaglia

Please see **DUI** on **A6**

However, Santa Barbara County

Please see PLAN on A5

Roundabout plan for 154 and 246 gets mixed reaction

By CATHERINE SHEN NEWS-PRESS CORRESPONDENT

NEWS-PRESS CORRESPONDENT

Public response was mixed Wednesday to a Caltrans proposal to build a roundabout at the intersection of State Routes 246 and 154.

Residents from Solvang, Buellton and Santa Ynez flocked to a Caltrans informational meeting at Solvang's Veterans Memorial Hall to make sure their concerns were heard.

A Santa Ynez Valley mother said her son was involved in a car crash at the intersection.

"It's very hard to see your son in a car that was T-boned," she said. "Whether it's a roundabout or a traffic signal, I just want something done sooner than later."

The purpose of the meeting was to educate the public about roundabouts, to bring information and listen to what the community has to say.

"We want to show the public our thought process," said Colin Jones, public information officer for Caltrans District Five. "We understand this is something new. There is some opposition to it but we want to show them how it could benefit the community."

"If we didn't think it would make safety improvements, we wouldn't even think about putting a round about in," Mr. Jones said.

Please see CALTRANS on A5

K. M. AMERICA	

STEVE MALONE / NEWS-PRESS Huguette Clark's sprawling estate overlooking the Pacific Ocean will be the permanent home to the late heiress' extensive art collection.

To subscribe.

call 966-7171

Clark estate to become art museum

and determining that Mr. Kenny had

a DUI conviction six years earlier,

Officer Beutel called for a "cover

officer" to assist her and shortly

thereafter, Officer Gina Battaglia

Officer Beutel returned to the driv-

er's side of Mr. Kenny's 1978 Ford

truck and asked him to step outside

so that she could perform a field

sobriety test. Officer Battaglia was

standing at the curb on the passenger

side. Heather Vaughn, the young

woman who had accompanied Mr.

As Officer Beutel continued in her

report: "(Kenny) refused to step from

the vehicle. I informed him that he

was being detained and that I

needed him to step from the vehicle

Kenny, was in the passenger seat.

At that point, by her own account,

Will filed Wednesday reflects modesty, generosity and empathy, says attorney

By MORGAN HOOVER NEWS-PRESS STAFF WRITER

The Santa Barbara property belonging to "reluctant heiress" Huguette M. Clark, who died last month and left behind a \$400 million

estate, will become a museum. A copy of the last will and testament of Ms. Clark, who died May 24 in New York City at age 104, was filed Wednesday in Surrogate's Court. It directs executors, including Santa Barbara attorney James Hurley, to

form and serve as the initial board of directors of a private foundation to be called Bellosguardo Foundation named for the 24-acre Clark estate on Cabrillo Boulevard — as an educational organization "for the primary purpose of fostering and promoting the arts."

Filing the document was the New York City law firm Holland & Knight. Ms. Clark, heiress to a copper, timber and railroad fortune built by her father, onetime Montana U.S. Sen. William A. Clark, lived at the Santa Barbara property in her youth but hadn't visited since 1963 — when her mother died.

The Santa Barbara estate, overlooking the Pacific on one side and the Andree Clark Bird Refuge on another, is a 21,000-square-foot mansion.

Ms. Clark was known to be a recluse, withdrawing further from society as time passed.

Her seven-page will, prepared and executed in 2005 when she was 98, states, "Igive, devise bequeath to said Bellosguardo Foundation, my real estate ... at 1407 E. Cabrillo Blvd., known as Bellosguardo and all of the personal property contained therein

Please see CLARK on A5

INSIDEBusinessB5-6CrosswordD2LotteryA2SportsC1-6CaliforniaDearAbbyD2MoviesD3TVD5ClassifiedC7-12FoodD1-8Nation/WorldB1-5VoicesA8-9ComicsD4LocalA2-5ObituariesB2WeatherB8

OUTSIDE _

Fog then sun

Coast: 79/56 Inland: 82/53 COMPLETE FORECAST **B8**



Minutes missing from audio recording of incident

DUI

Continued from Page A1

reported that his "dog was very agitated and was aggressively barking."

Allegations of batterv on Officer Beutel

Officer Beutel recounted, As "Kenny was attempting to scoot out of the vehicle, feet first. I placed myself in front of the open door and ordered Kennyto stay in the car. I had my Taser in my right hand and was attempting to tell Kenny that he was going to be Tased if he continued to be noncompliant. I informed him to stay where he was until a supervisor arrived on scene. With his right foot, Kennykicked me in the right hip. After kicking me, Kenny attempted to push forward. I deployed my Taser at close range, approximately 2 feet. The Taser probes hit him in the chest ... Kenny then pulled the Taser probes from his chest, forcibly pushed me with both hands and shoved me backwards as he exited the vehicle... Kenny then stepped around the open passenger door and began sprinting Southbound on La Marina.'

At this point, another six officers, in addition to officers Beutel and Battaglia, responded and a search commenced. Mr. Kenny was found minutes later with his dog hiding in a nearby house under construction. He was cuffed and ultimately charged with DUI, battery on a police officer and resisting arrest.

Michael Kenny's version of the case

According to Mr. Kenny, 42, a lifelong resident of Santa Barbara who operates the fishing boat Patty Ann, prior to the stop, he had been at the Mesa Café on Cliff Drive attending an informal wake for a fellow fisherman. He offered to give Ms. Vaughn, whom he'd just met, a ride home, because she was living on a boat at Santa Barbara Harbor. In a handwritten report he made shortly after the event, he described what happened after Kasi Beutel pulled him over on La Marina.

"The officer approached the driver side window, which was rolled down about 10 inches. She said that I was pulled over due to my rear lights not working. She then asked me for my driver's license which I provided. She then went back to her car... When she returned she asked for my insurance and registration which I provided."

"I repeatedly requested to be arrested so I could give a (blood alcohol content) sample. I didn't believe I wasdrunk. If she wasn't going to arrest me I asked for her to cite me with a ticket or release me. At this request, she became very loud and aggressive and reached into the truck to unlock and open the door. I put my hand over the lock and she tried to pull the window down with her hands. She then pulled her Taser and put it to my temple and then to my shoulder and chest demanding that I exit the truck."

By Mr. Kenny's account, all of this

proves that Mr. Kenny was fired on at 9:26:29 p.m. — 11 minutes, 29 seconds after the stop.

The police report also contains troubling evidence of a cover-up by Officer Beutel and other officers associated with the incident. Officer Beutel made an audio recording of the incident and a transcript of that recording, when compared against the dispatch log, proves that a number of minutes are missing from the recording that was turned over to Mr. Kenny's lawyer. Those minutes would have documented the period when Officer Beutel attempted to get Mr. Kenny out of the truck by threatening him, through the window with the Taser.

A verbatim transcript of that recording that follows begins 2 minutes, 26 seconds into the stop when Officer Beutel walked back to Mr. Kenny's car after checking his license. It continues to the purported time she fired her X26 model Taser into him with a charge of 50,000 volts. OFFICER BEUTEL: Mr. Kenny, can I have you step out of the car for just a minute?

MR. KENNY: Ma'am, what for? OFFICER BEUTEL: Yeah, I smell a little bit of alcohol and I want to evaluate you out here. I was waiting for my cover officer to arrive. So I just want to make sure you are OK. I know you said you haven't had anything to drink and it's possible you haven't, but I would just like to check your eyes out here at a straight angle, which is easier for me than in the car.

MR. KENNY: OK

OFFICER BEUTEL: OK, so if I can have you step out of the car I'd appreciate it.

MR. KENNY: Well, at this point I would like to ask you to either cite me, release me, or

OFFICER BEUTEL: At this point, what we have an option of doing... **MR. KENNY:** (unintelligible) OFFICER BEUTEL: OK, but that's what I'm going to have you do, I'm going to have you step out so I can check you, to make sure you're not too impaired to drive. OK?

MR. KENNY: Um, not necessarily. **OFFICER BEUTEL:** Well, you don't really have an option. If you'd like me to call the supervisor to come and hang out with us on scene while we do this, I can. But right now, you are being detained because I want to make sure that you're OK to drive because I smell a little bit of alcohol. OK?

MR. KENNY: Um, can I call an attornev?

OFFICER BEUTEL: No. You don't have a right to call an attorney right now. You're simply being detained. You are certainly not under arrest right now . . .

At this point, about 3 minutes, 22 seconds into the recording, there is a decided break, both in tone and content. While Mr. Kenny's voice remains calm as he sits inside his truck, Officer **Beutel becomes suddenly agitat** ed. We hear what sounds like Mr. Kenny attempting to comply with Officer Beutel's request that he get out of the vehicle, but her voice level and direction take a radical turn:

time contained in the police report. It passenger side and Officer Beutel screams at her: **OFFICER BEUTEL:** Stay in the car!

Stay in the car! OFFICER BATTAGLIA: Do you want

me to go get her? **OFFICER BEUTEL** (to Officer Batt-

aglia): Yup. Now I want you to go open the door right there.

MR. KENNY: I haven't been arrested . I haven't done anything wrong. OFFICER BEUTEL: Nope. You're

being detained. Open the car. At this point, Mr. Kenny is still in the

driver's seat. **OFFICER BEUTEL: OK. You drive**

away MR. KENNY: I want to call my sister.

At this moment, 4 minutes, 17 seconds into the tape, Officer Beutel seems bent on keeping Mr. Kenny from driving away.

OFFICER BEUTEL (to Mr. Kenny): Stay here, stay here.

There appears to be another break in the tape. We hear several seconds of dead air and then:

OFFICER BEUTEL: Good god.

OFFICER BATTAGLIA: We're not breaking the law.

MR. KENNY: Yeah, you are breaking the law. I'd be happy to step out of the car.

Now, in a matter of seconds, Officer Beutel goes from demanding that Mr. Kenny get out of the vehicle to ordering him to stay inside.

OFFICER BEUTEL: Nope. Nope. You're gonna stay right there right now until we have a supervisor.

At this point, by Mr. Kenny's account, he began exiting via the driver's side door.

OFFICER BEUTEL (shouting): Stay there! Stay there! Stay there!

MR. KENNY: You can go ahead and Tase me if you'd, like . .

OFFICER BEUTEL: Stay there! Stay in the car! Stay in the car, you're gonna get..

The Taser goes off.

MR. KENNY: Ouch!

OFFICER BEUTEL (screaming): Get down, get down, get down on the ground!

At this point Mr. Kenny pulls the two Taser leads from his chest and takes off running with his dog as Officer Beutel gives chase, calling in her location on her radio.

OFFICER BEUTEL: Foot pursuit down La Marina! Foot pursuit! Affir-

a passenger in his car. As soon as he started going south and rolling up his window, she jumped out and sat on the curb.'

Moments later, Officer Gina Battaglia is seen saying, "I showed up and she(OfficerBeutel)wasonthedriver's side, like starting to argue with him. And like he's trying to roll the window up... Like both her and I are holding the window down so he can't roll it up . The Taser goes off. But it's like, (Mr. Kenny) was (gesture of surprise) ...

launched off and he was gone.

At that point in the "On Patrol" segment, Officer Beutel claims that Mr. Kenny kicked her: "He kicked me once right here (gesturing to her right thigh area) and with his arms, at that point I had the Taser (she pushes out her arms to indicate Kenny's actions) he just shoved me as I was trying to step back, I had the Taser going off...

Missing minutes on the recording

A comparison of the Santa Barbara Police Department dispatch log which has a series of indicators pinpointing events like the Code 3 call against a transcript of the audio recording, shows that almost seven minutes appear to be missing from the audio turned over to Mr. Kenny's lawyer.

Even though by the accounts of officers Beutel and Battaglia, they confronted Mr. Kenny on the driver's side of the truck, and tried to roll the window down, there is nothing on the recording to document when that took place. Also, there is nothing on the recording to document the assertion by Mr. Kenny that Officer Beutel reached through the window and touched the Taser to his body.

"The recorded evidence of Beutel putting her Taser through the window could have been extremely helpful to Kenny's defense," says Darryl Genis, the veteran Santa Barbara DUI defense specialist who is representing me in a DUI case where Officer Beutel was the arresting officer. "The complete recording should have been turned over as exculpatory Brady material by the police. If the tape was edited, that raises serious questions of a cover-up.'

The landmark decision in Brady v. Maryland (1963) requires a prosecutor



"In other words," says Mr. Genis, the lawyer, "this guy gets shot with 50,000 volts after he gets pulled over for a DUI and he wasn't even under the influence as a matter of law.

who examined the Kenny file at our

request. "In this case, the subject, Mr.

Kenny, refused to show her his eyes.

To conduct the test properly and

conclude there was maximum devia-

tion. the officer would have had to test

each eye with the stimulus twice for up

to four seconds per eye for a total of 16

seconds. Only then could she have

determined whether the deviation

was 'distinct and sustained.' That

conclusion just couldn't have resulted

D.A. drops the DUI

and battery charges

report Officer Beutel wrote, "Kenny

attempted to exit the passenger side of

the vehicle and ignored commands

not to move. Kenny kicked me in the

right hip with his right foot. He then

forcibly shoved me backwards as he

The Santa Barbara Police Depart-

ment treats officer battery cases seri-

ously. But there is no evidence, in the

police report, beyond Officer Beutel's

assertion that Mr. Kenny kicked her,

that a battery occurred. Even Officer

Gina Battaglia who backed up Officer

Beutel's claim that Mr. Kenny exited

on the passenger side, failed to men-

tion in her narrative of the events any

contact with Officer Beutel by Mr.

Beutel's alleged injuries in the file

that Kenny received." says Mr. Genis.

'Standard operating procedure in a

battered peace officer case is to take

photographic evidence of the injuries.

But beyond Beutel's claim that Kenny

went after her — a story that might

help explain why she Tased him at

pointblankrange-nootherevidence

In fact, on page nine of the Santa

Barbara Police Department report,

which lists Victim #1 as "Beutel,

Kasi," the entry in the section "Type of

injury" states "none." And in the sec-

tion "Injury sustained by officer," it

Officer Beutel files

workers' comp claim

in the police report beyond Kasi

Beutel's claim that she was injured,

and despite her initial insistence that

Mr. Kenny had kicked her in "the right

Nonetheless, despite no evidence

There were no pictures of Officer

Kenny as he left the truck.

was presented."

says "not injured."

exited the vehicle."

In a booking sheet attached to the

under these testing conditions.³

After months of costly litigation for Mr. Kenny, the D.A.'s office ended up dropping the DUI and battery charges and Mr. Kenny pleaded no contest to the charge of resisting arrest.

Did the tasering violate department policy?

By Officer Beutel's own admission in her police report, she placed the X26 Taser "against Kenny's shoulder."He claimed that she also touched his head. Moments later, she fired the X26 at a range of two feet, indicating that the "Taser cartridge" with its "blast doors" containing the explosive leads, was fixed to the front of the weapon at the time she placed it through the partially open driver's side window.

Just how dangerous was that action? In bold letters, the manual for the X26 from the manufacturer (Taser International) warns officers to **"KEEP BODY PARTS AWAY FROM** the front of the TASER cartridge." Further, the Police Department Policy Manual authorizes Taser use only "to subdue or control: (a) a violent or physically resisting subject or (b) a potentially violent or physically resisting subject if . . . other available options reasonably appear ineffective or would present a greater danger to the officer or subject.'

"In this case you had a suspect who was inside a locked truck," says Felix D'Amico, a retired sergeant from the San Bernardino County Sheriff's Department who spent 23 years working DUI cases and examined Officer Beutel's account of the Kenny incident. "He had no legal obligation to exit the vehicle and perform any field sobriety tests or the nystagmus test. You had a second officer deployed on the other side of the vehicle. I wasn't there, but it's difficult to understand how an officer would use a Taser to coerce a DUI subject out of a vehicle and then deploy that weapon absent solid proof of an attack.

Beutel misstates Kenny's arrest history

At the end of her narrative in the police report on Michael Kenny's 2009 arrest, Officer Beutel writes, "It should be noted, Kenny has an extensive criminal history including prior arrests for DUI, resisting arrest and battery charges.

Yet a computer printout of Mr. Kenny's record, contained in that same police report, shows only the single DUI arrest for a stop in November 2003 and some minor traffic violations. The printout shows no other arrests for resisting arrest or battery, one of the charges in this case that was ultimately dropped by the district attorney.

Thousands in legal fees and lost earnings Apart from surviving the stun gun penetration, Michael Kenny's interaction that night with Officer Kasi Beutel has been costly. After nearly a year of litigation and more than \$8,500 in legal fees, fines and related costs, he's now on house arrest, forced to submit to 35 days of electronic monitoring by the Santa Barbara County Sheriff's Department. The sentence, which began May 26, prevents him from diving for sea urchins; his principal source of income.

took place on the driver's side of the truck.

"At this time, it seemed to be a good idea to comply, regardless of what my rights were. I was exiting the truck as instructed. However, the officer (Beutel) was trying to restrict my movement by leaning on the door . . . I exited with my arms bent and hands up, palms facing her. My dog was agitated, so I had his leash on my wrist. As soon as I cleared the door, the officer shot me at very close range with the Taser. Shocked, I pulled out the projectiles and ran in fear.

In the Rashomon, "she said, he said," world of DUI arrests and investigations, the People vs. Michael Kenny, case number 1327059, was typical in that the ultimate disposition would come down to the word of Michael Kenny, a fisherman with a 6-year-old DUI conviction under his belt, versus the word of Kasi Beutel, the award-winning lead officer on the Santa Barbara Police Department's Drinking Driver Team.

But the evidence uncovered in this investigation demonstrates not only that Officer Beutel lied in her police report, but that key evidence which might have resulted in a dismissal of all charges against Mr. Kenny, was withheld from his defense lawyer.

The officers' accounts versus the dispatch log

The first misstatement of fact in Officer Beutel's police report of the 2009 incident comes in the first line when she cites the time that she pulled Mr. Kenny over on La Marina as "approximately 2125 hours" or 9:25 p.m. In fact, the department's dispatch log on the incident shows that the traffic stop occurred 10 minutes earlier at 2115 or 9:15 p.m. Even fellow officer Gina Battaglia states that she responded at 9:16 p.m. and the dispatch log documents her arrival seven minutes later at 9:23 p.m. As Officer Battaglia noted in her report, "When I arrived, Office Beutel was walking to the driver's window to contact ... Michael Kenny."

But if Officer Beutel's account is to be believed, Mr. Kenny was shot with the stun gun just one minute, 29 seconds into the stop — an impossibility, not just because the dispatch log proves otherwise, but because there's an official report of the Taser's firing **OFFICER BEUTEL:** No, no, no, no! No. You're about to get yourself Tased or in trouble. Hand me the keys. Hand me the keys! MR. KENNY: Oh really, you're going to Tase me?

OFFICER BEUTEL: Hand me the car keys! Hand me the car kevs! Hand me vour car kevs! MR. KENNY: You're really going

to Tase me? **OFFICER BEUTEL:** Right now I'matthepointwhereIfeellike... Hand me the car keys! Hand me vour car kevs!

MR. KENNY: Really? My sister works for the District Attorney's Office

OFFICER BEUTEL: Hand me your car keys.

MR. KENNY: Are you sure you want

OFFICER BEUTEL: Hand me your car keys.

Mr. Kenny's small, gray Australian cattle dog, Pete, who is in the front seat of the truck, starts barking. At this point, 3 minutes, 48 seconds into the tape, Officer Beutel asks Officer Battaglia to call for a supervisor. The dispatch log shows that Officer Battaglia called in a "Code 3 and Supervisor" at 9:26 p.m.

OFFICER BEUTEL (to Officer Battaglia): Call for cover. (to Mr. Kenny) Hand me your keys! (to Officer Battaglia) For a supervisor! MR. KENNY: This isn't legal **OFFICER BATTAGLIA** (calling it in): Code three.

MR. KENNY: It's not legal. OFFICER BEUTEL: Hand me the car keys! Hand me the car keys. Hand me the car keys. You're about to get arrested for resisting arrest. MR. KENNY: You're about ready to break the law

OFFICER BEUTEL: You're about to get arrested for resisting arrest. MR. KENNY: I'm not resisting arrest.

At this point, by Officer Battaglia's account in her report, she was still on the driver's side, attempting to assist Officer Beutel. Then suddenly, Heather Vaughn, Mr. Kenny's passenger, exits the truck on the

COURTESY PHOTO

At left is a June 3, 2011, letter from the city of Santa Barbara urging the Santa Barbara County District Attorney's Office to file additional charges against Santa Barbara fisherman Michael Kenny in connection with injuries he allegedly inflicted on police Officer Kasi Beutel during his arrest in August 2009. At right is a portion of a booking sheet indicating Officer Beutel was not injured in the incident, despite later claims to have been kicked in the right hip by Mr. Kenny and to have suffered shoulder injuries in the incident.

mative. Foot pursuit down La Marina towards the beach!

The aftermath videotaped for 'On Patrol'

The distress call from Officer Beutel resulted in at least three Santa Barbara Police Department patrol units being dispatched to the scene to search for Mr. Kenny. Sergeant Chad Hunt arrived accompanied by a video crew shooting a segment of "On Patrol With Santa Barbara P.D.," the local variation of the Fox series "Cops," which airs weekly on KCOY.

Sgt. Hunt, who narrated the segment, is actually seen passing Mr. Kenny on the street as he walks with his dog, a block away from the Taser incident. Mr. Kenny hid out in a nearby house which was under construction and was apprehended, according to the dispatch log, at 9:35 p.m., less than nine minutes after Officer Beutel fired the Taser

In the video from the "On Patrol" episode that later aired, Mr. Kenny is seen in the construction site lying face down on the floor as Sgt. Hunt and Officer Mark Corbett, the former DDT officer who became Officer Beutel's fiancé, stand him up and walk him out. Moments later, the video shows Sgt. Hunt and Officer Corbett processing the handcuffed Mr. Kenny near a patrol car back at the scene of the initial stop. At that point, on the video, Officer Beutel is heard in voice-over referring to Heather Vaughn: "He had

to disclose exculpatory evidence to a defendant, a duty that, through case law, has been extended to law enforcement agencies.

A questionable account of a test by Beutel

Another contention by Officer Beutel in her report about the DUI stop related to a purported test she performed on Mr. Kenny while he was seated in the truck. "I asked him to look at me so that I could check his eyes, at which time he turned his head away. I again asked him to look at me, he asked me if I wanted his registration and insurance. I told him yes, however I wanted to check his eyes first. I was able to get a brief look at his eyes and was able to see nystagmus at maximum deviation prior to him again looking away from me."

The horizontal gaze nystagmus test is one of three common examinations administered by police officers to test the sobriety of drivers in DUI stops. The testing protocol designed by the National Highway Traffic Safety Administration involves a three-step test lasting up to 80 seconds in which a cooperative DUI suspect is asked to follow a stimulus, like a pen, while the officer checks his gaze.

"Based on my reading of Officer Beutel's report in which she found nystagmus at 'maximum deviation,' I would find that impossible," says Robert LaPier, a former lead DUI investigator for the Idaho State Police

hip with his right foot," a workers' compensation claim was filed on her behalf alleging that she sustained an injury to her shoulder "while taking Kenny into custody.

On June 17, 2011, Mr. Kenny's attorney received a letter from Julia Alcocer, a risk analyst with the city of Santa Barbara's Finance Department stating: "Officer Beutel has now completed treatment for these injuries which included \$2,274.02 in paid medical costs to date and \$5,488.87 in temporary disability payments." The city has asked the District Attorney's Office to "request that charges against Michael Kenny include restitution for the damages," which total \$7,762.89.

"To get this letter 24 months after I was Tasered, when there is zero evidence in the police report beyond Officer Beutel's word that she was injured, is beyond belief," says Mr. Kenny. "Didn't anybody in the risk management department read the police report where it says on page nine that Officer Beutel sustained no injuries?'

Kenny wasn't DUI

Perhaps more troubling than the lack of hard evidence to support the battery claim and this latest claim for workers' compensation damages, was the test of Mr. Kenny's blood alcohol content performed at Goleta Valley Cottage Hospital after he was taken into custody. The report shows a BAC of .07, which is under the legal limit.

'Keeping me out of the water will costanother \$8.000 in earnings." savs Mr. Kennv

Perhaps even worse, when it comes to his reputation, Mr. Kenny has seen the Santa Barbara Police Department version of his case played and replayed on "On Patrol." Even though the DUI and battery charges were dropped months ago by the D.A.'s office, a rerun of that segment titled "Officer in Foot Pursuit," was included in the "Best of On Patrol" that aired April 2. It contains the following commentary from Sgt. Chad Hunt who signed off on Officer Beutel's report of the Kenny incident:

"He's likely DUI, resisting an officer. Battery on an officer, 'cause as he was getting out he kicked her with his foot on her upper leg and hip to get her out of the way."

'They know that the blood evidence didn't support the DUI," says Mr. Kenny. "They also know that there wasn't a shred of evidence presented beyond Beutel's allegation that I kicked her, which is why they dropped $the charges, yet this episode \ continues$ to replay unedited, leaving the impression that I drove drunk and attacked a female police officer.'

"It's amazing that in the year 2009, a U.S. citizen can be driving without being under the influence, have his life threatened and have an indelible mark on his record as a result of an overzealous cop who is willing to lie and get other officers to back her story just to rack up another DUI arrest. How much did my prosecution cost the county of Santa Barbara? There were eight officers involved, a year of litigation, court time, the D.A.'s time, the judge's time. It had to be thousands and thousands of dollars and for what?'

e-mail: news@newspress.com



NATION & WORLD /B1

REPUBLICANS PULL OUT OF BUDGET TALKS IN FLAP OVER TAXES. **DEFICIT CEILING**



BUSINESS / B4

UNEMPLOYMENT APPLICATIONS SHOW **GROWING WEAKNESS** IN JOB MARKET



OUR 156TH YEAR

- FRIDAY, JUNE 24, 2011

Grand jury outlines billions in pension shortfall

Report says many local government agencies are unaware of post-employment obligations

By KATHRYN WATSON NEWS-PRESS CORRESPONDENT

The pension plans of 53 government agencies in Santa Barbara County are underfunded by billions of dollars and many agencies may be unaware of just how much.

That is what the Santa Barbara County Grand Jury found in an investigation of public employee benefits and the obligations of the government agencies, which include Santa Barbara County, cities, school

districts and various service districts. The grand jury released its findings on Thursday.

The grand jury says the Santa Barbara County Employees' Retirement System has an unfunded liability of approximately \$689 million, and participants in the California Public Employees Retirement System and California State Teachers' Retirement System have unfunded liabilities totaling more than \$42.4 billion.

That is how much money the local

government agencies will need to find to support pension benefits for current employees.

Agencies with post-employment health benefits have an additional unfunded liability of \$316 million. The report says health care liabilities can only be expected to grow over time. Some agencies also have obligations in addition to pension and health care. The grand jury, which subtitled the report "Complicated and Costly," said many of the agencies were unaware of their exact amount of underfunding because they jointly participate in oneof several retirement pools to spread both risk and costs of operation.

"The jury believes there is a need to know the extent of these unfunded future obligations, for the agencies, their employees, and for the Santa Barbara County ratepayers and tax-

payers," the report says. The report outlines just how much in post-employment benefits funding each of the 53 government agencies needs to generate. Local agencies listed have fewer than 90 days to

respond to the report.

"The city has received the report," said Marcelo Lopez, administrative services director for the city of Santa Barbara. "The findings and recommendations will be evaluated."

Bob Samario, city finance director, said the hit to the county came when CalPERS, through which many plans are funded, lost close to a third of its assets in the economic collapse.

line

the block greet

By STEVE SINOVIC

NEWS-PRESS STAFF WRITER

It was the roar heard down State

Cheers rose from the 800 block of

H&M opening

Mr. Samario said the city is very

Please see **PENSION** on **A7**



75¢

Randy Rowse, who was appointed in November to his seat on the Santa Barbara City Council, announced Thursday he will seek a full four-year term in this year's council election.

Councilman enters race to retain seat

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

Claiming a simple platform of fiscal conservatism and a clean, safe Santa Barbara, restaurant owner and city council newcomer Randy Rowse announced his run for a full four-year term in November on Thursday.

Mr. Rowse threw some humor into his announcement to the crowd of about 75 in De la Guerra Plaza on Thursday evening, telling them, "If you're in line for the grand opening of the new H&M, it's that way, but to the rest of you, thank you for being here."

Please see ROWSE on A6





About 400 shoppers lined up around the block Thursday morning for the opening of the new H&M store.

who gathered to hail the retailer's arrival.

No local dignitaries or public offi-

"They're the 'stars' today," said Daniel Kulle, U.S. president of Hennes & Mauritz, gesturing to the customers eagerly waiting to score a fashion bargain.

Mr. Kulle, who started his own career with the Swedish-based retailer on the sales floor back in Stockholm, looked sporty in a blue blazer, white jeans and button-down shirt, all from the racks of H&M, of course.

Diehard fans of the retailer known for high fashion and low prices lined

Please see STORE on A4

Forgery claims focus on DUI blood-test waivers

Third of five parts.

By PETER LANCE SPECIAL TO THE NEWS-PRESS

Alison Woolery, a 26-year-old UCSB graduate whose best friend was killed by an impaired driver when Ms. Woolery was a young girl, saw her plans of becoming a nurse shattered after she was arrested by Santa

Barbara Police Department Officer Kasi Beutel on suspicion of DUI.

Right after the stop, Ms. Woolery asked Officer Beutel if she could take a blood test, but the decorated DUI officer, a star of the department's Drinking Driver Team and recipient of Mothers Against Drunk Driving's Gold Pin for her DUI arrest record, reportedly told Ms. Woolery that wasn't "an option."

Behind the Series

n the morning of New Year's Day, investigative journalist Peter Lance was arrested on suspicion of driving under the influence by Office Kasi Beutel of the Santa Barbara Police Department. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started

looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this five-part series, which began June 22 and runs through Sunday.

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com.

Then, when an initial breath test administered by Officer Beutel produced results that made Ms. Woolery's conviction doubtful, the officer handcuffed Ms. Woolery, locked her in the back of her patrol unit and took her to another location where she allegedly coerced her into taking a second set of breath tests that led to a guilty plea.

The case of the People vs. Alison Woolery is one of the most extreme examples, uncovered in this fivemonth investigation of just how far $Kasi\,Beutel\,is\,willing to\,push\,a\,suspect$ to get proof of a blood alcohol content above the legal limit.

But it has even more disturbing implications.

When Ms. Woolery was finally able to study her police report in detail, she noticed something wasn't quite right. While the Notice to Appear — the ticket she signed and stamped with her thumbprint — was in the file, she also came across a form that she had never signed. It was a waiver giving up

Please see **DUI** on **A8**



THOMAS KELSEY / NEWS-PRESS

SANTA BARBARA POLICE DEPARTMENT

By the light of a video crew doing a segment for the Santa Barbara Police Department's "On Patrol" TV series, Officer Kasi Beutel uses the proper technique — holding the device at midsection — to administer an alcohol screening with an Alcotest 7410 Plus. Tests show blocking the exit port of the 7410's mouthpiece can affect the results.

Parents ask faster action on school's mold

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

A local parent group used a sparsely attended special Santa Barbara School Districts Board of Education meeting Thursday to call for more urgent action on air quality issues at Washington Elementary School.

A report by Panacea Inc. on the indoor air quality in portable structures at the elementary schoolconfirmed the presence of mold, including "black mold," as well as poor ventilation, in several of the structures.

Gina Perry, a Washington Elementary parent and member of Parents for Excellence in Public Schools, read a statement to the board Thursday recommending a faster approach to removing mold and replacing the heating and cooling, or HVAC, systems in the portables.

"Unfortunately, the initial district plan is to take over one year to address the ventilation problem and an unspecified amount of time to approach the mold — and then only in a piecemeal pattern," Mrs. Perry said.

"Both of these problems, ventilation and mold, must be addressed urgently for health reasons."

Panacea's report, presented to the board June 16, recommends:

• Optimizing ventilating systems.

· Eliminating all pathways of water intrusion into the portables. · Removing damaged building

materials and remediating any

Please see MOLD on A4

newspress.com INSIDE



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OUTSIDE





By ADAM WEINTRAUB ASSOCIATED PRESS

SACRAMENTO — Gov. Jerry Brown has struggled to find the four Republican votes he needs for the centerpiece of his budget proposal a special election on higher taxes but he also faces resistance from the Democratic Party's most influential supporters.

The public employee unions and labor groups that backed his election last year, fund the campaigns of the Democratic lawmakers who are essential to his success and would be needed to finance a ballot measure campaign have been cool to his push for a special election.

Unions support the higher taxes but are wary of the spending limits and pension reforms Republican lawmakers want as part of any deal they might strike with Brown. They are even more nervous about a special election that could see voters shoot down the taxes and approve the other changes.

Even groups such as the California tax rate expired in January, and the Labor Federation, which stood alongside Mr. Brown last week in support of his budget proposal, want to see details.

"We're open to the governor and the Legislature putting a broad coalition together" to prevent cuts to education and public safety, federation spokesman Steve Smith said. "But if you're talking about gutting retirement for California's workers in exchange for extending taxes for three to five years, we would have to take a hard look at that.'

Mr. Brown and Democratic lawmakers already have trimmed a \$26.6 billion deficit to \$9.6 billion, primarily through spending cuts to welfare, health and social service programs.

The governor, a Democrat, has said deep cuts to schools, public safety and higher education will be needed to balance the budget for the coming fiscal year unless increases to the sales, vehicle and personal income taxes enacted two years ago are renewed. The increase to the income

higher sales and vehicle taxes will expire June 30.

The only budget plans Mr. Brown has presented this year involve asking the Legislature to call a special election so voters can decide whether to extend those taxes for up to five years. He promised during his gubernatorial campaign last year that he would only increase taxes if voters agreed to do so.

Officials with public employee unions are asking whether trading a relatively short boost in tax revenue for permanent pension changes and a spending limit is worth it. They want to cure the ongoing budget uncertainty that has hit their members with pink slips and furloughs without slashing benefits.

"I don't know that we can see spending a bunch of our members' money on something that's a one-time fix," said Ryan Sherman, a spokesman for the California Correctional Peace Officers Association, which represents state prison guards.

Recent surveys by the Field Poll

and Public Policy Institute of California show weak public support for the specific tax extensions Brown desires.

Members of the California Teachers Association spent a week in May protesting at the Capitol and holding rallies throughout the state in support of the tax extensions. But the union wants specifics before it can take a position on Brown's plan for a special election and decide whether to spend money for a ballot campaign, union spokesman Jonathan Goldman said.

"Wedon't know if this would be a tax extension alone or there would be other things attached," he said.

The Service Employees International Union, which represents about 95,000 state government workers and is the largest state employee union, declined to comment on the prospect of a special election.

Earlier this month, a top union official expressed reservations about Mr. Brown's plan to hold a special election that would include the tax increases, pension reforms and a state spending cap.

"I think it's highly likely (the taxes) would lose," David Kieffer, executive director of the SEIU California State Council, told The Sacramento Bee.

Unions fear a special election would lead to a worst-case scenario for them — voters approving a firm spending cap and reduced public employee pensions while defeating the tax extensions and the \$9.2 billion a year they would generate for the state's general fund.

If the matter must be put to the voters, several labor leaders said they would prefer to wait until November 2012, when President Barack Obama will be up for re-election and Democrats can be expected to head to the polls in large numbers.

They also want the ballot questions to be packaged as an all-or-nothing proposition: If one failed, all would fail.

"If their deal is not linked to the passage of the revenue, that's problematic for us," said Willie L. Pelote Sr., a political and legislative director for the American Federation of State,

County and Municipal Employees in California.

The union represents 178,000 workers in the state, including more than 14,000 who work for state government.

Whether Mr. Brown can persuade Republican lawmakers to accept that approach is uncertain.

Weeks ago, the Democratic governor said he was close to reaching a deal with Republicans to put pension reforms and a spending cap on the ballot. Two GOP votes are needed in each house of the Legislature to reach the two-thirds vote threshold needed for passing tax increases or putting measures on a ballot.

A spokesman for one of the Republican lawmakers who has been negotiating with Brown was skeptical about linking the ballot questions. Republicans have expressed confidence that if the issues go before voters, the tax renewals will lose.

"We think each question stands alone on its merits," said Joe Justin, chief of staff for state Sen. Bill Emmerson, R-Hemet.

Attorney: Test device 'vulnerable to manipulation by an officer'

DUI

Continued from Page A1

her right to the very blood test that Ms. Woolery asked Officer Beutel for after her arrest on March 13, 2009.

A nationally ranked handwriting expert who analyzed Ms. Woolery's purported signature on that waiver in the course of this investigation, has concluded it was a forgery.

The signature was reportedly witnessed by Officer Mark Corbett, the former head of the Drinking Driver Team whose wedding to Officer Beutel was scheduled for May 1. To make matters worse, two additional blood waivers examined by the same expert in this investigation were found to contain forged signatures. Both were witnessed by Officer Kasi Beutel.

"The right of a DUI suspect to take a test that saves a sample to measure their BAC is the only safeguard a suspect has after a DUI stop where there is no video evidence from the stop," says defense attorney Darryl Genis who is representing me in a DUI case stemming from a stop by Office Beutel. "The reason is that the Alcotest 7410 Plus breathalyzer used by the Santa Barbara Police Department is so vulnerable to manipulation by an officer in the field, that the only independent proof an arrestee may have is a blood or urine test where the sample can be preserved and retested by the defense. As to video, the SBPD voluntarily removed all such units from their patrol cars years ago.'

Manipulation of the Alcotest 7410 plus Breathalyzer

On March 1, 2006, the California attorney general issued a bulletin to chiefs of police, sheriffs, the California Highway Patrol and district attorneys statewide warning that "Blocking the exit port of the mouthpiece" on the 7410 Plus "can affect the readings of a subject's breath alcohol concentration."

Mr. Genis recently served a subpoena on Drager Safety Inc., the manufacture of the Alcotest 7410 Plus, to obtain the source codes for the devices. He also shot a video, accessible on YouTube in which he demonstrates how covering the exit port on the device and restricting the breath from escaping, can turn a purported BAC of .04 (below the .08 legal limit in California) into a .09 and higher.

"This police unit has the potential to be manipulated to falsely convict innocent people, which is why you should never, ever take a breath test if you are over 21," Mr. Genis says in the video. "Alison Woolery was extremely smart to ask for a blood test," he adds. "The problem was, she had no idea what she was about to encounter when she got pulled over by Kasi Beutel."

Proof that the unit can be manipulated to enhance BAC levels doesn't just come from a defense attorney like Darryl Genis. John Yount, a 29-year veteran criminalist with the California Department of Justice, testified under oath in a Sonoma County SuperiorCourttrial in December 2009 that he had boosted BAC levels by manipulating a 7410 Plus.

After first agreeing that "blocking the exit port of the instrument can affect the readings of the subject's breath alcohol concentration," Mr. Yount went on to describe how he personally tested a 7410 Plus; measuring alcohol concentrations before and after blocking the exit port. Starting with a BAC of .07, which is below the legal limit in California, Mr. Yount testified that "by various techniques of blocking, I was able to get as high as .09."

"And that's just enough for a cop like Kasi Beutel, with a motive to enhance her arrest stats, to push innocent drivers over the line," says Mr. Genis, "effectively framing them."

Officer Beutel's account of the arrest A detailed analysis of the police report in Alison Woolery's case as well as a handwritten account of the events she made shortly after the arrest illustrate how Officer Beutel was willing to put Alison Woolery in handcuffs and take her to a second location, where Officer Corbett was present, in order to get a second breath test with a BAC level that would make the DUI conviction more certain.

"On 3/13/09 at approximately 0133 hours I was on uniformed patrol driving a marked black and white patrol vehicle Northbound in the 600 block of Chapala Street. I observed a Silver Jetta VW northbound in the same block. The vehicle was in the right most lane. I was driving behind the vehicle and noted that the vehicle was weaving within its lane for several blocks... I conducted a traffic stop immediately.

"Woolery had one passenger in the vehicle. I could smell an odor of alcoholic intoxicant coming from her person. Woolery stated she had one beer earlier in the evening. I did a cursory check for nystagmus which was present. I had Woolery step out of the vehicle and onto the sidewalk. . .I asked Woolery if she would voluntarily provide a (preliminary alcohol screening) sample. Woolery refused. I asked why she did not want to provide a sample; she stated she had a right to

refuse, so she was going to."

Later in the report Officer Beutel admitted that, "Woolery chose to take a blood test." But before that point in time, Officer Beutel asked her if she would take a PAS test. "I told her that it would not affect my decision at this time. She voluntarily consented to a PAS test and at 0146 hours on PAS # 010717...her BAC was .142."

"It's significant," says the lawyer Mr. Genis, "that in this PAS screening, the breath testing device Beutel used was an Alco-Sensor IV, manufactured by a company called Intoximeters Inc. This device is much harder to manipulate than the Alcotest 7410 Plus.

And according to Ms. Woolery, the BAC of .142 wasn't the first reading Officer Beutel got from her. In an interview for this piece, Ms. Woolery insisted that her first blow on the Alco-Sensor produced a BAC of .09.

At that point, says Ms. Woolery, Officer Beutel demanded that she

Please see DUI on A9

Among the most popular sites online these days are newspaper websites. Yes, Newspaper sites. Maybe that is because newspaper sites are trusted, cherished and informative local content destinations.

#1 Newspaper websites are locally dominant as the number one local website in 22 of the top 25 U.S. Markets.

74 Million. In September 2009, 74 million unique visitors went to a newspaper website. That represents 38% share of visitors.

3.4 Billion. Visitors looked at 3.4 billion pages and spent 43 million hours on newspaper sites in September 2009.

26.9%. Newspaper share of local online advertising is 26.9% exceeding yellow pages, TV sites and radio sites combined.

S3.1 Billion. Advertising on newspaper websites exceeded \$3.1 billion per year

2.9X. Borrell reports that newspaper website's share of local online revenue is more than that from all other local media combined (2.8x directories; 2.9x that of local tv; 12x radio station sites, 20x business and alternative papers and 28x magazines)

46% People do more than visit a newspaper site. 46% of adults visiting a newspaper website took some action. More newspaper website users took action after seeing online advertising than all other local sites, and portals according to OPA research.

29%. The percentage of newspaper websites visitors who go once a day or more frequently.

Content sites produce greater purchase intent, online ad awareness, brand favorability and message association than the market norms, portals and ad networks according to OPA research.

Sources: MORI Research, Nielsen Online, Borrell Associates, OPA

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SANTA BARBARA NEWS-PRESS

Our 156th Year -

SATURDAY, JUNE 25, 2011 STREET PARTY



ASSOCIATED PRESS

LOS ANGELES — California regulators have expanded a clean-fuel zone to prevent cargo vessels from skirting the world's toughest ship pollution rules.

Ship crews had been traveling farther out to sea to avoid the original zone so they could save money by using heavy, sludge-like fuels instead of more expensive, cleaner fuel.

The Navy complained that by doing so, the ships were entering restricted areas where missile tests are conducted.

To keep ships in compliance, the state Air Resources Board unanimously agreed Thursday to extend the regulatory zone farther than the current 24 nautical miles between the shore and the ChannelIslands.

The Navy complained that ships have been traveling around the island chain and through its Point Mugu Sea Range since California forced ships to switch from burning so-called bunker fuels with high levels of sulfur to more refined, low-sulfur fuels as they enter the buffer zone.

The Navy said the number of ships that entered the 36,000square-mile restricted area jumped from an average of two a day to as many as 15 a day since the rules took effect in July 2009.

Capt. Aaron Cudnohufsky told the board at its meeting in Sacramento that the traffic delayed one major missile exercise. He predicted more conflicts as commercial shipping activity picks up.

TheshipsfromAsiatraditionally travel between the Santa Barbara Channel and the shore on their way in and out of the ports of Los Angeles and Long Beach, which handle 40 percent of U.S. imports. Air regulators estimate that ships save about \$3,000 in fuel each time they travel outside the zone, even though the trip takes longer. Shippers opposed the zone expansion, saying it will require companies to retrofit tanks, pipes and engines. The staff at the Air Resources Board contends the rule will help shippers ease into federal and international ship pollution requirements that will go into effect in August 2012. The international rule will establish a ship emissions control area 200 nautical miles off the U.S. and Canadian coasts.



Diane Stevenett paints a zebra head Friday in preparation for today's Solstice Parade.

Parade today highlight of Solstice Celebration

chicken wire and papier mache. Around this float will be a bevy — no, a dazzle — of costumed dancing zebras.



STEVE MALONE / NEWS-PRESS

75¢

After the search for the remains of Ramona Price ended Friday, heavy equipment works at the site without investigators present.

No results in search for girl's remains

Police will decide Monday how to proceed in 50-year-old case

> **By ANGEL PACHECO** NEWS-PRESS STAFF WRITER

The location of 7-year-old Ramona Price's burial ground remained a mystery Friday as police concluded the week's search at the Winchester overpass

The Santa Barbara Police Department will decide Monday on how to proceed with the 50-year-old cold case.

Missing since Sept. 2, 1961, Ramona's case left detectives and community members scratching their heads for years. But three or four years ago, the Santa Barbara Police Department was able to link the cold case to serial murderer Mack Ray Edwards, a heavy equipment operator who admitted to using his skills to bury victims at freeway construction sites.

Mr. Edwards had worked on the construction

By SONIA FERNANDEZ NEWS-PRESS CORRESPONDENT

Santa Barbara's biggest street party is under way — that's right, Solstice celebrationsaretakingoverdowntownthisweekend with floats, feathers, food and festivities for the family.

'We're really grateful to this community for supporting us," said Claudia Bratton, Santa Barbara Solstice Celebration's executive director.

The festival is going strong when other annual festivals are dropping out for lack of funds, Ms. Bratton told the News-Press.

This year's theme is "Jungle," so be prepared for all kinds of big cats, gorillas, snakes and other jungle dwellers in the parade lineup.

What looks like big, happy, sometimes even chaotic exuberance making its way down State Street is actually the result of weeks of preparation, as Solstice artists sculpt, glue, design, build, sew and construct the wild concepts they have in their head — the more outlandish, the better.

Other artists take time out to practice and rehearse their moves and music.

"It's a meditation," said Diane Stevenett, one of the artists-in-residence.

Ms. Stevenett's float this year is a whimsical black-and-white set of 12-foot-high dancing zebras (never mind that they're not from the jungle) created with coaxial cable,

This year is also a year for inflatable artfloats that, well, float. Artist Pali Ex is renting out these huge and hollow creations, inside which people can walk, dance, strut and perform.

The big festival has its origins in 1974, as a birthday celebration for local artist and mime Michael Gonzales. The parade converged with a music festival to mark the longest day of the year, and the two became one of the city's most popular parties, incorporating wild creativity, music performances, and vendors selling food or arts and crafts.

At some point it became clear that there

Please see SOLSTICE on A8

Winchester overpass, which was taking place at the time of Ramona's disappearance. Just weeks ago, the Police Department received word from Caltrans that the overpass, which has been replaced, was to be demolished. Investigators decided to move on the chance.

Suspicions were gained some confirmation last week when four cadaver dogs canvassed the area and all alerted the same spot on the northbound side of Highway 101. Authorities broke ground Tuesday in the highly publicized dig for Ramona, but after four days searching for signs of bone or clothing, officials were still empty handed when they left the dig site Friday morning.

The resurrection of the 50-year-old case drew attention from national media, and bicyclists and pedestrians stopped throughout the week to watch the backhoe dig and ask whether they had found "the little girl" yet.

Please see SEARCH on A10

Officer credibility key in DUI cases

Fourth of five parts

By PETER LANCE SPECIAL TO THE NEWS-PRESS

On April 15, when Americans were scrambling to send in their taxes, the Ventura County District Attorney's Office sent out a notice to all lawyers with pending driving under the

influence cases warning that the Alco-Sensor V, a breath testing device used to convict or indict hundreds of drivers in Ventura County, had been "pulled from service" over "erratic test results."

Suddenly hundreds of drunken driving convictions could be tossed out.

The Alco-Sensor V has put nearly

Behind the Series

Year's Day, investigative journalist Peter Lance was arrested on suspicion of driving under the influence by Officer Kasi Beutel of the Santa Barbara Police Department. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started

n the morning of New looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this five-part series, which began June 22 and runs through Sunday

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com.

900 drunken driving cases in jeopardy in San Jose. At the same time, dozens more were in question as far away as Burlington, Vt., over accuracy issues raised last month about the Data-Master DMT machine used there to test the breath of drivers in DUI stops. In recent weeks, on opposite coasts, two additional scandals involving the credibility of DUI officers have put hundreds of other pending cases and prior convictions in doubt.

On May 5, a judge in Charlotte, NC, found Charlotte-Mecklenburg police officer Barry Grimes guilty of contempt and sentenced him to 30 days in jail after it was discovered that the officer lied on the stand about performing field sobriety tests on a 24year-old woman he'd arrested on suspicion of drunken driving. As a result of that single case, the Mecklenburg County District Attorney's Office announced a review of up to 100 of the disgraced officer's prior cases for the crime of DWI, driving while intoxicated, as it's known in North Carolina.

Two weeks later, the district attorney in Sacramento County filed perjury charges against Brandon Mullock, a former Sacramento police officer, after discovering discrepancies between his sworn statements and the actual evidence that led to the arrest of dozens of drivers. A total of 79 former Mullock cases were dismissed, most of them alleged DUIs.

"The district attorney should only prosecute cases where the evidence is trustworthy and legally obtained," says Jan Scully, Sacramento County district attorney. "Even though most of the defendants have already been convicted and sentenced, we have taken extraordinary steps to dismiss these cases in the interest of justice.'

In both the Grimes and Mullock cases, the officers were caught on tape, their sworn statements in court conflicting with the onboard video in their patrol units.

But, as I'll detail intomorrow's story, the Santa Barbara Police Department is the only major law enforcement agency in Santa Barbara County



SANTA BARBARA POLICE PHOTO

Kasi Beutel

without such video units, so the credibility of arresting DUI officers is more important here than ever.

You've had these scandals," says Felix D'Amico, retired San Bernardino County sheriff's sergeant, "because particularly in a DUI case, the officer's word can make or break the case. This is the only area of criminal

law where an officer in the field can make three assertions and arrest you on the spot in the absence of any other independent proof: first, 'Ismelled the odor of alcohol;' second, 'The driver's speech was slurred or deliberate;' and third, 'Their eyes were bloodshot and

Please see DUI on A10

newspress.com



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TV D5



Partly sunny

Coast: 67/55 Inland: 79/51 COMPLETE FORECAST **B12**



Bad cops have thrown hundreds of DUI cases

Continued from Page A1

watery.' "

"It's a driver's constitutional right to refuse to take a field sobriety or a breath test," says local DUI defense attorney Darryl Genis. "But if they do, the officer can literally take them to jail and virtually every judge or jury will support that action. Why? Because in these cases in which DUI is considered such a terrible crime, it's the officer's word against the accused. And if an innocent person below (California's legal limit of) .08 gets pushed over the line by an overzealous cop, there's little they can do. The presumption of innocence has no practical meaning."

In few areas the credibility of a single law enforcement officer has taken on more weight than in Santa Barbara, where Kasi Beutel, who led the Santa Barbara Police Department's Drinking Driver Team from 2009 to 2010 has been celebrated for an unparalleled DUI arrest record with a purported total of 680 collars for both years. As such, she won back-to-back awards from Mothers Against Drunk Driving and Avoid the 12, an association of a dozen law enforcement agencies countywide dedicated to reducing the number of drunken drivers

Butafter a five-month investigation, I've uncovered significant evidence that appears to impeach Officer Beutel's credibility, from the official arrest statistics provided by her department that conflict with her award-winning DUI totals, to a series of material misstatements of fact in a number of her DUI police reports, to evidence that in two cases she withheld key evidence from the files of convicted drivers that might have helped their defense.

Most troubling, I've found evidence that blood-test waivers which she witnessed as having been signed by arrestees, were, upon examination by a handwriting expert, said to be forged. That's significant because the blood test is the most accurate measurement of the blood alcohol content in a DUI suspect and as I've demonstrated, the results of tests on the Alcotest 7410 Plus breathalyzer used by the Santa Barbara Police Department can be manipulated to enhance BAC levels above the .08 legal limit.

"And that brings us back to the credibility issue," says Mr. Genis, who is representing me in a DUI case in which Kasi Beutel was the arresting officer.

Evidence of perjury in federal and state litigation

Apart from her conduct on the job, another measure of Officer Beutel's apparent willingness to lie comes from an analysis of a series of civil actions she was involved in before joining the Santa Barbara Police Department in 2005: her 2000 Chapter 7 bankruptcy in federal court and her unable to accept responsibility, unable to get along well with others, and/o 8. Lack of well-balanced credit.

9. Poor community and neighborhood reputation.

Falsification of any required application or report.
Failure to have a high school diploma, GED Certificate, or equivalent.

12. Personality disorders.

Before becoming a Santa Barbara police officer, accountant Kasi Beutel filed for Chapter 7 bankruptcy protection listing total liabilities of \$336,196.85 including seven credit cards totaling \$33,450.41 debt. Documents also show she was living in a house that had been exempted by her onetime husband in a bankruptcy and then in her own bankruptcy claimed another house as a "homestead" while still living in the original house. Such disclosures could have made her ineligible to serve on the force because the application, a portion shown here, states potential reasons for rejection include "lack of well-balanced credit" and "falsification of any required application or report."

Indeed an August 2003 newspaper report on the expensive Renaissance makeover of the couple's bedroom also fixed their marriage date as 1997. A photo taken inside the couple's bedroom showed Kasi in her wedding dress, kissing Todd in the medieval themed nuptials.

But the final divorce stipulation that Kasi signed asserted that "Kasi Beutel ("Petitioner") and Todd Beutel ("Respondent") were married on Jan. 15, 1999," some 20 months later. This time, when Kasi Beutel signed the stipulation she asserted that "The length of the marriage was 6 years and 3 months."

The reason for her acquiescence to a change in her own marriage date may have had something to do with the Chapter 7 bankruptcy that Todd Beutel filed Oct. 1, 1998. In that petition, in which he listed total liabilities of \$251,066.64, Todd filed as an individual claiming as his sole property under the Homestead Exemption a townhouse on Lake Lindero Drive in Agoura Hills which he valued at \$75,000.

"That exemption allows a bankrupt debtor to keep the house that they live in," says veteran Los Angeles-based bankruptcy attorney Douglas Neistat. "It protects what it implies, the 'homestead' and doesn't apply to separate rental property which should be scheduled in the petition as an asset that creditors might seek to collect against."

It's clear from his Chapter 7 filing that CPA Todd Beutel had many creditors. Schedule F of his petition lists debts to 18 separate credit card companies totaling \$161,306.64, including two separate cards issued by Chase totaling \$26,405.46 and other major credit cards from America Express, Discover, Bank of America and Wells Fargo.

A single card from Merchants Bank North America had an outstanding balance of \$18,275.40.

"The fact that a certified public accountant would rack up that kind of unsecured credit card debt is extraordinary," said a CPA interviewed for this series, who asked not to be identified. "It suggests an intent to blow out these cards, knowing that a Chapter 7 filing was in the offing." But Kasi Beutel, Todd's wife with whom he was living at the time, somehow piled up an even greater mountain of debt. In her own separate Chapter 7 filing on May 12, 2000, just 16 months after Todd's bankruptcy was discharged, she submitted a petition listing total liabilities of \$336,196.85 including seven credit cards of her own totaling \$33,450.41.

In that 2003 news report, Kasi Beutel identified herself and Todd as "accountants," and in her 2000 bankruptcy filing she described her occupation as "accountant."

"So she was clearly familiar with a ledger book," says the CPA I interviewed. "To have two purported accountants file one bankruptcy after another in the space of two years with combined unsecured debt of \$194,707.55 with 24 cards between them is mind blowing."

AllegationsbyKasithatToddmisused business expenses

Todd Beutel's run-up of credit card debt takes on new meaning when you consider that in his Chapter 7 filing, he listed his annual disposable income as only \$40,047.12. And in her divorce declaration, under oath, Kasi Beutel estimated the monthly expenses for the couple and their three minor children at \$12,000.

Kasi also alleged that her husband used his accounting business to pay for personal expenses: "We took extravagant vacations," she wrote in a declaration under penalty of perjury, "and we live in a home valued at no less than \$1.5 million. These expenses were always paid by and through the Beutel Accountancy company, Corp... During the course of our marriage, Respondent never traveled for work and never took an airline flight for work purposes. All his work was done within a 2-mile radius of our home or his office. In addition, Respondent never took a client out for a meal. 100% of the roughly \$14,000 in travel and entertainment expenses was for our family's personal use."

On Aug. 22, 2000, Kasi Beutel's Chapter 7 petition was discharged, three months after filing. But a closer look at her petition brings her flip flop, under oath, on the date of her marriage into new focus. While Todd, filing as an "individual" was able to keep his Agoura Hills townhouse worth \$75,000 under the Homestead Exemption, Kasi, filing as married was also able to hold onto a house, just a few blocks away on Passageway Place which she valued at \$270,000.

Evidence of possible bankruptcy fraud

perjury that she and Todd had lived together in his townhouse on Lake Lindero Drive in Agoura Hills from August 1995 to October 2002 when they moved into the house which she claimed as exempt in her bankruptcy filing on Passageway Place. Because she claimed that \$270,000 single family home as her residence under the Homestead Exemption, she, too, got to hold onto it. But in the subsequent divorce, Todd, once again, listed the Lake Lindero Drive townhouse as his separate property.

And in a series of real estate swaps and transactions in the years following Kasi's Beutel's bankruptcy, they made considerable income on both properties.

Flipping the townhouse prior to a final sale

On Oct. 19, 2004, Todd Beutel sold the townhouse on Lake Lindero Drive, valued at \$75,000 in his bankruptcy to three separate entities: Kasi Beutel (trustee), the Beutel Family Trust and to himself, Todd W. Beutel.

Eleven months later, those three entities flipped the townhouse back to Todd and he sold it the same day to Dave and Michele Ruggiero for \$382,000, a profit of \$307,000.

Meanwhile, on Dec. 6, 2002, Kasi sold the Passageway Place house, valued in her bankruptcy at \$270,000 to Jinsong Gu for \$419,000, a profit of \$149,000.

Now the significance of the change in marriage dates comes into play. In the course of the divorce, Todd Beutel produced a marriage certificate from Los Angeles County dated Jan. 15, 1999, two days after his Chapter 7 discharge when he'd filed as an individual. It lists Passageway Place, the property Kasi claimed as exempt as their residence.

"By shifting the marriage dates to 48 hours after his discharge," says the CPA I interviewed, "Todd was able to potentially cure any fraud in his bankruptcy in which he claimed as exempt the townhouse on Lake Lindero Drive that Kasi swore in her divorce petition they were living in. But that raises other questions about whether Kasi committed fraud by claiming the \$270,000 home as exempt, when she swore in her divorce petition that she and Todd had lived in his townhouse since 1995, five years before her bankruptcy and continuing through it."

Meanwhile, in her bankruptcy petition sworn to under penalty of perjury, Kasi valued the Passageway Place home at \$270,000 at a time it was being taxed by Los Angeles County at \$285,600.

"None of these claims may put either Beutel in legal jeopardy with the feds," says bankruptcy lawyer Mr. Neistat, "because the statute of limitations in both filings has long since run. But they certainly raise ethical questions."

Another hint that the Beutels may not have been entirely candid with bankruptcy trustees in their respec-

Was Kasi Beutel honest with sbpd about her credit problems?

Whether she is legally liable under the bankruptcy fraud statutes, one unanswered question at this time is how forthcoming was Kasi Beutel when she applied to become an officer with the Santa Barbara Police Department? The current application for prospective officers lists among potential reasons for rejection, "lack of well-balanced credit" and "falsification of any required application or report."

In the course of her bankruptcy, Kasi Beutel admitted that under her maiden name "Kasi M Moore," she was the subject of a default judgment in Van Nuys Municipal Court from Citi Financial Inc. Her Chapter 7 petition doesn't list the amount of the judgment against her, but in her Schedule of Unsecured Debts she lists three separate Citi-related credit cards, with outstanding balances of \$2,847.00; \$9,645.54; and \$4,069.46.

"When it came to her application to the Police Department, we don't know whether Kasi Beutel lied by omission or commission," says defense attorney Darryl Genis, "because when we filed a motion to get a look at her application, the City Attorney's Office fought us tooth and nail and based upon their misrepresentation of a Pitchessrelated case, the judge was snookered into ruling against full disclosure."

The so-called "Pitchess motion," which I filed in early March asked for any of Kasi Beutel's "employment records including records documenting the base pay and any overtime pay, any internal affairs file; professional standards unit file, divisional file; training file; academy file; human resources file; risk management file; captain's file, any other files herein not listed but that may be maintained by the Santa Barbara Police Department or custodian of records."

The city attorney fights disclosure

In a May 16 response to our March request, Assistant City Attorney Michelle Montez argued that "discovery is limited to the names, addresses and telephone numbers of citizen complaints within the last five years."

At a hearing before Santa Barbara County Superior Court Judge George C. Eskin on April 8, Tava Ostrenger, an attorney for the city, argued that only the complaint files on an officer were eligible for Pitchess Motion review and Judge Eskin agreed, reviewing a limited file "in camera" — in his chambers — that revealed nothing about whether Kasi Beutel lied or omitted key information from her Santa Barbara Police Department application regarding her bankruptcy or credit card debt.

Tracking complaints against officers in the department can be problematic. Michael Kenny, the 42-yearold commercial fisherman (profiled in Part Two of this series on Thursday) who got shot by a stun gun by Kasi Beutel after a routine stop in 2009, said he had trouble filing a complaint against her. "They told me when I called at the time that I couldn't file a complaint until the case I had pending was resolved," Mr. Kenny said. "By the time that happened, months later, I'd forgotten. So you have to wonder how many other complaints like mine go



COURTESY PHOTO

The district attorney in Sacramento County filed perjury charges against Brandon Mullock, a former Sacramento police officer, after discovering discrepancies between his sworn statements and the actual evidence that led to the arrest of dozens of drivers. A total of 79 Mullock cases were dismissed, most of them alleged driving under the influence.

unfiled."

On June 1, I referred a series of questions regarding Kasi Beutel to Lt. Donald Paul McCaffrey, the public information officer for the Santa Barbara Police Department. In an email response he wrote, "I am concerned that this list of questions extends beyond public information and delves into personnel file material protected by law. This E-Mail has been referred to the Santa Barbara City Attorney's Office for review."

SEC charges for Todd for marriage-term accounting

It is unknown precisely how involved Kasi Beutel was with husband Todd's activities as an accountant, or what she knew about the details, but in September 2007, 20 months after their divorce, Todd and his Westlake Village company Beutel Accountancy Corp., were issued a cease and desist order by the U.S. Securities and Exchange Commission for violations that occurred during the marriage term. The firm was one of only 69 nationwide cited for violating the Sarbanes-Oxley Act, a 2002 antifraud law passed in the wake of the Enron scandal.

The charges stemmed from Todd Beutel's auditing of Vital Health Technologies, aka Caribbean American Health Resorts, a Barbados-based company with offices in Beverly Hills. The audit period was for 2003 and 2004 during the time he and Kasi were married and living together.

According to the SEC filing, at the time Todd audited the company, "Vital Health reported revenues of \$10,500 and total assets of \$1 million."

Repeated attempts to get a comment from Todd Beutel for this article

2005 divorce from Todd Beutel, a certified public accountant, in Ventura County Superior Court.

According to a sworn declaration in their divorce proceedings which Kasi Beutel commenced April 27, 2005, she and Todd were married May 31, 1997. "We have been married," she declared, under oath, "for approximately 7 years and 11 months." "As a general principle, you can't be living in one house that's been exempted by your husband in a bankruptcy," says lawyer Mr. Neistat, "and then claim another house as your homestead in a subsequent bankruptcy while you're still living in that original house."

In Kasi Beutel's divorce petition in 2005, she swore under penalty of

tive filings came in their final divorce settlement. Rather than listing the Lake Lindero townhouse as community property and dividing its value 50/50, Todd claimed it as his own and agreed to pay Kasi an equalization payment of \$286,000 — \$257,000 of which he was obligated to pay within five days of the divorce decree becoming final on Feb. 23, 2006. were unanswered.

In the final part of this series on Sunday, I examine why the Santa Barbara Police Department is the only major member of Avoid the 12 without video recorders in its patrol units and the implications of that for DUI suspects.

e-mail: news@newspress.com

Private donors fund second nonprofit for Brown

By SHANE GOLDMACHER

LOS ANGELES TIMES

SACRAMENTO — Friends of Jerry Brown who have acknowledged raising money from private donors to pay the California governor's Sacramento rent said Friday that they are also running a second nonprofit for Brown that his predecessor tapped to fund luxury travel around the world.

The nonprofit, called the California State Protocol Foundation, was used by supporters of former Gov. Arnold Schwarzenegger to pay for private jet trips, luxury hotel stays and other expenses incurred by the governor and his entourage. Special interests with business before the state footed many of the bills.

Mr. Schwarzenegger's supporters turned control of the nonprofit over to Brown backers in March, said the nonprofit's new president, George Kieffer, who is also helping to run the residence fund. The Protocol bank account currently has just one deposit, \$25,000 left over from Mr. Brown's inaugural fund, he said. Mr. Brown's office said Friday that the Protocol Foundation had already begun to pay for some staff travel and that no international trips are in the works. Spokesman Gil Duran said Mr. Brown had not decided whether to ask for a cap on contributions, as he did for his inaugural committee, but pledged there would be "no secret donors."

Mr. Kieffer, who had previously said that donors to the residence fund would remain undisclosed until January, said Friday that the fund has also received \$25,000 in leftover inaugural money. The residence account, which is paying Mr. Brown's \$3,000 monthly rent and utility bills, has not yet received any other donations, Mr. Kieffer said.

Mr. Brown has declined up to \$35,000 in taxpayer money available to offset his living arrangements, opting instead to rely on the private donors. California is one of only a handful of states not to offer its governor an official residence in the capital city.

For decades, governors have used nonprofits to "lessen the burden of government," as the Protocol Foundation's mission statement says. But the practice has come under increasing criticism from ethics watchdogs who say it is a means for well-heeled donors to curry favor. the Protocol Foundation, Mr. Kieffer said, are Antonia Hernandez, chief executive of the California Community Foundation;

Supporters of Mr. Schwarzenegger and former Gov. Gray Davis, for instance, directed millions in donations into the foundations. Some checks exceeded \$100,000.

"If it were a collection of a million people paying a dollar, I wouldn't care," said Bob Stern, president of the Center for Governmental Studies. But it's wealthy donors giving thousands, and that's "usually people who want something from the state. People just don't contribute without a reason," he said.

The nonprofits are supposed to be independent, though Mr. Duran said Mr. Brown suggested names of potential Protocol board members, such as Mr. Kieffer, who served as counsel for Mr. Brown's 1976 presidential bid.

Mr. Kieffer is now a lawyer at Manatt, Phelps & Phillips, a firm with a lobbying wing in Sacramento that represents companies such as AT&T Inc., SunEdison and Oracle America. Other board members of the Protocol Foundation, Mr. Kieffer said, are Antonia Hernandez, chief executive of the California Community Foundation; Stewart Kwoh, president of the Asian Pacific American Legal Center; Gary Toebben, head of the Los Angeles Area Chamber of Commerce; and Zack Wasserman, a lawyer who is also on the residence group's board.

Nonprofits such as the Protocol Foundation have existed since patrons of former Gov. George Deukmejian created one in the 1980s. Mr. Davis dramatically expanded their use, tapping them for millions of dollars for travel, housing and even a party at the 2000 Democratic National Convention.

Mr. Schwarzenegger, who traveled the world by private jet, drove up the expenditures — and public scrutiny. New rules were drafted to stop large donations from funding gubernatorial globetrotting. But unlimited checks continued to flow without being earmarked specifically for the governor.

Mr. Brown has not indicated how he will use the nonprofits.

Chief: 'Because it's a cold case doesn't mean it's a forgotten case'

Continued from Page A1

Among those who spent the week waiting and wondering was Visalia resident Michael J. Robb, who told the News-Press he went to Garfield Elementary School with Ramona and would walk home with her.

In an email to the News-Press on Wednesday, Mr. Robb said he would like to attend a memorial service if the remains are found, and if nobody claims the remains, he wants to pay for a funeral.

He described Ramona as being his best friend in first grade, and he recalled on Friday the entire city going out to search for her when she disappeared.

For a time, Mr. Robb said, he grew up picturing Ramona living in another state under a different name, as he wasn't able to fathom that people would kill children.

On the morning she was last seen, Ramona's family was moving from Oak Avenue in Santa Barbara to Kirk Drive in Goleta. The 7-year-old had three older siblings, including two sisters and a brother. Ramona's mother is in her 90s and was aware of the search, police said.

Edwards confessed in March 1970 to killing six other children from 1953 to 1968. According to police, Edwards said in most of the cases he used his skills with heavy equipment to dig holes at freeway construction sites to bury his victims.

He bragged while on death row at San Quentin that he killed 18 people who would never be found because no one will ever dig up a freeway. He hung himself at San Quentin in 1971.

The death of Ramona is one of the Santa Barbara Police Department's 20 cold cases and it's one that Police Chief Cam Sanchez has said intrigued him.

"Because it's a cold case doesn't mean it's a forgotten case," he told reporters Tuesday,

"The Price family deserves closure," Chief Sanchez said.

email: apacheco@newspress.com

Brown, Democrats working two fronts on budget

By JUDY LIN ASSOCIATED PRESS

SACRAMENTO—Gov. Jerry Brown and his fellow Democrats in the Legislature worked Friday along two different tracks with the hope that one will lead to a budget deal before the start of California's new fiscal year next week.

Mr. Brown met with Assembly Speaker John Perez and Senate President Pro Tem Darrell Steinberg to discuss an alternative budget plan the governor could support if it were passed by a simple majority of Democrats.

The governor, meanwhile, continues to insist he still has time to persuade Republican lawmakers to support his call for a special election so voters can decide whether to increase taxes.

"The speaker continues to meet with the governor, the pro tem and Republican leaders to find a comprehensive budget solution and will continue to do so over the weekend," said Mr. Perez's spokeswoman Robin Swanson. "He is focused on delivering a budget agreement that doesn't make further devastating cuts to schools and public safety."

California's fiscal year ends Thursday and for the first time, lawmakers are feeling additional pressure to resolve the state's budget crisis in a timely manner. They are losing their salaries and living expenses until they balance the state's annual spending plan by closing a \$9.6 billion

budget deficit

Lawmakers from both parties this week sounded increasingly pessimistic that Mr. Brown could get a special election. Some even proclaimed the governor's plan dead.

"Is Plan A dead? I'll leave it to the governorto announce the wake and the funeral services but we are proceeding to try to develop again the best majority vote budget that we can with the governor," Mr. Steinberg said Thursday.



Our 156th Year – **SUNDAY, JUNE 26, 2011** AIDSUMMER RITES

Solstice parade makes State Street a 'Jungle'

By SONIA FERNANDEZ NEWS-PRESS CORRESPONDENT

Santa Barbara sun worshippers welcomed the start of summer with the Solstice Celebration parade on Saturday.

Revelers danced, drummed, strutted, rode, pranced, and found other ways to make it up State Street from Cota to Micheltorena in a movable celebration that converged at Alameda Park. It was the second day, and for some the apex of, a three-day community party.

This year `s theme was ``Jungle, " andthe parade participants did their best to give their interpretations, clad in the jewel tones of dense foliage and bright flowers, the camouflage of big cats, or resplendent in fancy plumes.

Participants flaunted their costumes, complete with body paint, animal-print fabric, grass skirts and all kinds of adornment, from eyecatching Aztec headdresses to whimsical monkey tails. Others took the opportunity to dress in far less.

"You should have seen this in the '80s," said Angela Retamoza, longtime Solstice celebrant.

The costumes were often little more than strips of fabric — sometimes not hiding enough, she said.

Saturday's parade was the height of the Santa Barbara Solstice Celebration, one of the community's biggest events along with Old Spanish Days Fiesta



Please see SOLSTICE on A14 Nicole Arnold, 9, twirling a hula hoop at the top of her float, was a crowd favorite in Saturday's Solstice Celebration parade.

MIKE ELIASON / NEWS-PRESS

·\$2.00



With no video in patrol units, it's cop's word against DUI suspect's

Michael Clayton and Associates wave from their float in Lompoc's Flower Festival parade Saturday. For full parade coverage, see A7.

Flush with funds, California is key to presidential candidates

By SEEMA MEHTA LOS ANGELES TIMES

LOS ANGELES — California voters will play a nominal role in the presidential campaign. But a steady stream of candidates is circling the state, wooing wealthy donors who will probably spend well over \$100 million on the 2012 election.

Romney on Thursday finished a three-day, five-city swing, picking up checks from GOP lawmakers at a luncheon in Sacramento, tech titans at a barbeque in a tony Silicon Valley enclave, and moneyed Republicans at events in Southern California. Former Utah Gov. Jon Huntsman will hold four events on Sunday and

Former Massachusetts Gov. Mitt Monday, ending with a dinner at the upscale Island Hotel in Newport Beach. Former Minnesota Gov. Tim Pawlenty also recently visited the state.

"They're coming here because they're smart. California is home to the largest Republican donor base upon the planet, and any wellorganized candidate who's going to

work to raise money must include California," said Ron Nehring, former chairman of the state GOP.

Many candidates are more focused on donors than voters at the moment, as the fundraising quarter ticks to a close June 30. and candidates seek to demonstrate their fiscal might in

Please see FUNDS on A9

Final of five parts.

By PETER LANCE SPECIAL TO THE NEWS-PRESS

In the 680 DUI arrests she took credit for from 2009 to 2010. Santa Barbara Police Officer Kasi Beutel put the handcuffs on drivers of every race and economic background. Rich, poor, student or scholar, her arrestees represent a true cross section of the community.

Among them John Thyne III, a prominent lawyer and real estate broker whose run for the Santa Barbara City Council was derailed after the publicity he got following an encounter with Officer Beutel.

Mr. Thyne's case, which took several twists and turns, and a related traffic stop initiated by Officer Beutel are important for what they reveal, not just about the lengths she is willing to go to get a DUI collar, but the need for onboard video in Santa Barbara Police Department patrol units.

"The legal fate of drivers in this city shouldn't hinge solely on the word of an officer or a breath testing machine that can be manipulated," says local

NATION & WORLD / B1

Please see DUI on A15



CARPINTERIA ARTIST BEGAN PAINTING A PICTURE A DAY IN FALL 2009



NEW YORK PREPARES TO MAKE GAY MARRIAGE A REALITY AS SUPPORTERS CELEBRATE

New Year's Day, investigative journalist Peter Lance was arrested on suspicion of driving under the influence by Officer Kasi Beutel of the Santa Barbara Police Department. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this five-part series, which began June 22 and ends today.

Behind

the

Series

n the morning of

To read the entire series and for links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com. To contact Mr. Lance, call 310-483-8813 or email triplecross @peterlance.com.



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Charge dropped after cop misses hearing on questionable stop

DUI

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DUI defense attorney Darryl Genis. "The Sheriff's Department has video in its units, so does the CHP and the police departments in Santa Maria and Lompoc. Even the campus police at UCSB have it. But not the biggest police agency in the county. It's no mistake that the SBPD boasts the highest DUI statistics."

In a spreadsheet of DUI arrests compiled by Mothers Against Drunk Driving for 2009, the Santa Barbara Police Department was credited for 442 of 1,739 arrests—about one in four —in Santa Barbara County, with Kasi Beutel boasting 331.

Her purported figure for 2010 was 349, but as I've documented in this series, official Santa Barbara Police Department statistics put her two-year arrest total much lower, 615 vs. 680.

Three encounters with John Thyne

On Aug. 25, 2007, while returning from a fundraising event, Mr. Thyne's Mercedes-Benz collided with an abutment near the San Marcos Pass Road exit on Highway 101. A breath test performed by the California Highway Patrol registered a blood alcohol content of .18, more than twice the legal limit in California of .08. Mr. Thyne spent three days in jail, paid a fine of \$1,455 plus costs and was sentenced to three years probation. Then on Jan. 1, 2009, a new provision of the Vehicle Code went into effect making any driver on probation for a DUI conviction liable for driving with any concentration of alcohol above .01.

Five months later on May 14, after announcing his campaign for City Council, Mr. Thyne visited some victims of the Jesusita Fire. "My car was covered with ash," he said, "and after having dinner and some drinks downtown, I went to use the car wash on the corner of Anacapa and Cota streets. As I was heading east on Cota, to turn left into the lot, I hit my blinker and accidentally flashed my high beams."

As he pulled into the lot, Mr. Thyne was suddenly confronted by Officer Kasi Beutel, who roared into the car wash in her patrol unit, using the momentary flash of high beams as probable cause to stop Mr. Thyne, according to her police report.

"A police unit came rushing in with its high beams on," said Mr. Thyne. "I'd already exited my car with a handful of quarters, about to use the car wash, when an officer, who I later learned was Kasi Beutel, confronted me. She walked up to me, outside in this open lot."

Officer Beutel's arrest report narrative states that: "I could smell an odor of alcohol emanating from Thyne and noted his eyes were bloodshot and glassy."

"She told me she smelled alcohol and my eyes were bloodshot," says Mr. Thyne. "Given that she was at least that point she had me blow into a breathalyzer."

The reading on the Alcotest 7410 Plus was .063, below the legal limit. "But since I was on probation," said Mr. Thyne, "she arrested me and impounded my car."

Because Mr. Thyne is a real estate broker who also teaches at Ventura College of Law and needed use of his car, Ronald Jackson, his lawyer at the time, filed a writ of mandamus to stay the DMV's license suspension. It was heard in Santa Barbara County Superior Court on Oct. 14, 2009, and denied, but Mr. Jackson, who admittedly arrived late for the hearing, mistakenly thought that the motion had been granted and advised Mr. Thyne of that by phone before leaving on vacation.

Mr. Thyne found out the hard way that Mr. Jackson was wrong.

"Thinking I had my license back, I was driving home on Oct. 23," said Mr. Thyne, "when I passed an accident scene near my house and encountered Kasi Beutel. I proceeded home, unaware that she had followed me, and she later filed a report with the D.A. recommending that I get charged with driving on a suspended license."

In her referral to the D.A., Officer Beutel went to the extreme of attaching a copy of a local news story noting the electronic monitor in a headline; a move highly unusual for an officer who regularly refers cases for prosecution.

"Once my lawyer got back, we cleared up this misunderstanding," said Mr. Thyne, "and that charge was dropped, but it wasn't my last meeting with Officer Beutel."

Following his car up State Street

On Feb. 25, 2010, Mr. Thyne was on his way back to his office at Mission and State streets from Ventura where he'd taught a law class. He was in the passenger seat of his Mercedes-Benz, which was being driven by Paul Krawchuck, a fellow professor at the Ventura law school who worked in Mr. Thyne's office. "We'd stopped at my office so I could retrieve a backpack before I went home," said Mr. Thyne. "Then we exited to get into my car."

"We're both about the same height and weight. If someone was watching from a distance, they couldn't see for sure who was driving. At that point, the last thing I was going to do was get behind the wheel, so Paul was doing me a favor. He started the car and we began to head up State Street toward Hitchcock (Way) where I live. That's when Paul looked in the mirror and spotted a female officer in a patrol car following us. It was Kasi Beutel."

As Mr. Krawchuck later related it in a letter written to his lawyer, "I could see the police car heading in the same direction we were (north on State)." Realizing it was Officer Beutel, Mr. Krawchuck wrote, he drove up State Street "very carefully and obey(ing) the speed limit."

Then, after following Mr. Thyne's car for more than two miles, Officer

had pulled me over," wrote Mr. Krawchuck, "she said that I had been weaving and straddling the line. However, since I had been driving as perfectly as humanly possible, it was very obvious to me that this was a lie."

"She had recognized John's vehicle parked in front of our office, and decided to follow us and pull us over to harass John and engage in a fishing expedition," the letter states.

"I told her that I had seen her following me since Mission Street," Krawchuck wrote, and. . .that she had fabricated this story as a pretext to pull me over. She then became very hostile and said, 'You'd better be careful about calling an officer a liar when you're getting pulled over."

Moments later, Officer Beutel cited Mr. Krawchuck for a violation of Vehicle Code section 21658 (a) "Unsafe lane change."

But on the day of Mr. Krawchuck's court hearing, she reportedly failed to show up and, according to Mr. Krawchuck, the citation was dropped.

As John Thyne remembers it, "that same day, because she was absent, a DUI case got dismissed."

In his letter, Mr. Krawchuck wrote, "There is one thing I cannot abide, and that is a crooked cop. And this is why I was so deeply offended by what Officer Beutel did... I felt that she was not only intentionally abusing her police power and violating my rights, but that she was doing it in a way to make it very clear to me that there was nothing I could do about it."

"It was another case of Kasi Beutel's word versus a suspect," said Darryl Genis, who is representing me in a DUI case from New Year's Day 2011, when Officer Beutel arrested me on suspicion of DUI. At that time, when I politely asked her if she had a "quota" of arrests, she put me in handcuffs and angrily told me that if I didn't "shut up" she'd take me to jail.

"This Krawchuck case is a textbook example of the need for onboard video," said Mr. Genis. "With a video camera tracking her movements from the moment she started shadowing Thyne's car, I believe that Beutel would have been much more reluctant to execute an illegal stop. But keep in mind that right now these Santa Barbara cops operate with no video accountability. And if this happened to a John Thyne, it could happen to anybody."

Why the CHP and sheriff use patrol unit video

Since 2008, the California Highway Patrol has deployed MVARS, a mobile video/audio recording system which uses a DVD-based recording unit. The CHP began using it in Santa Barbara County in September 2010 and it's now in use in 2,000 CHP patrol units statewide.

"The MVARS have cameras that provide visual feeds from inside and outside the squad car," said Sgt. Scott Payson who overseas the Fallbrook and Pauma Valley patrols. "At the end of each patrol, the CHP officer removes the DVD and logs it in to "An extensive in-car camera study by the International Association of Chiefs of Police determined that cameras were found to present credible evidence, improve officer safety, as well as exonerate officers during citizen complaint investigations 93 percent of the time," said Jaime Coffee, CHP spokesman. "Not only do they ensure that officers maintain a high level of integrity, but their mere presence serves as a deterrent to individuals who might choose to assault an officer."

The Santa Barbara County Sheriff's Department has a video system called COBAN in its 55 units. Department spokesman Drew Sugars said the units have resulted in a "reduction of potential litigation and complaints against deputies doing their jobs."

The Sheriff's Department has been usingCOBAN since 2003, but the Santa Barbara Police Department stopped using it in its patrol units in 2006.

Lt. Donald Paul McCaffrey the Police Department's public information officer, blames the removal of the system on "upkeep."

"The system was based on videotape technology and was not replaced after nearly 10 years in use. We could not afford the new digital based upgrades, and the old system became obsolete. The newer vehicles were not fitted with the old camera systems. Those systems were retired when the vehicle went out of service," he said.

But Jaime Coffee of the CHP says that with the digital/disc-based MVARS, the cost per unit is low (\$3,322 each) and upkeep is "minimal."

Hundreds of thousands of dollars to SPBD in DUI grants

"A cost effective way of paying for a new video system for the SBPD would be to apply for an equipment grant from the Office of Traffic Safety," said Darryl Genis. From November 2006 to November 2009, the Santa Barbara Police Department received a total of \$609,851.00 in DUI related grants from the OTS. The department got another \$223,000.00 from the state Department of Alcoholic Beverage Control.

"That's more than \$277,000 in DUIearmarked grant money for the department every year," said Mr. Genis. "And it underscores the profitability of the DUI suppression business in Santa Barbara, which boasts the highest DUI arrests statistics on the Central Coast."

The direct link between DUI arrest volume and grant money was confirmed in a 2006 release from the Santa Barbara Police Department heralding a \$123,000 grant from the ABC: "Reasons SBPD received the grant include: Per capita statewide, SBPD has one of the highest rates of DUI arrests," the release stated.

Another release from the department in 2008 announcing a \$100,000 ABC grant noted that, "The city of Santa Barbara has approximately 530 establishments which are licensed to serve alcohol." The release noted that "During 2007 the SBPD made 5,278 arrests for alcohol related crimes department like SBPD wants to go up," said Mr. Genis. "Murders, rapes and assaults, they want to go down. But the more DUI arrests they get, the more grant money they get. It's an insidious relationship that pushes overzealous officers like Kasi Beutel who enjoy the fame from the awards and the stunning overtime a DUI cop makes, to put more and more people in handcuffs. If the (Drinking Driver Team) patrol unit she used had onboard video, I believe her arrest rate would have been a fraction of the 349 arrests the department claimed for her last year."

"You have to wonder," said Michael Kenny, "if there had been onboard video in Kasi Beutel's police car, whether she would have gone so far as to Tase me with 50,000 volts." (I detailed Mr. Kenny's encounter with Officer Beutel in Part Two of this series, on June 23.)

"The Office of Traffic Safety doles out millions of dollars for this kind of equipment," said attorney Mr. Genis. "It's there for the asking SBPD knows how to the get grant money if they really wanted to put video in their units to stop this kind of DUI arrest abuse."

The responsibility of the D.A. in pushing DUI arrests

District Attorney Joyce Dudley was interviewed for a recent episode of "On Patrol with Santa Barbara P.D.," the "Cops"-like program that airs weekends on KCOY.

"It's my job to ensure that the guilty are prosecuted," she said, "and to ensure that the innocent are protected. We do this by carefully prosecuting cases. When cases come into the office, we determine whether there has been proof beyond a reasonable doubt to prosecute that crime. If anywhere along the line we have a doubt that the case should be pursued, then we either seek further investigation or we reject that case."

One case the D.A.'s office continues to pursue involves Mr. Kenny, the commercial fisherman who was shot with a stun gun by Kasi Beutel after a routine traffic stop, only to have a blood test showing that he was not driving above the .08 legal limit.

Threatening a probation violation over an \$8 fish

On Jan. 21, on the second day of a trip in search of sea urchins off Santa Rosa Island, Mr. Kenny's 35-foot commercial fishing boat, the Patty Ann, was boarded by two wardens from the state Department of Fish and Game. By Mr. Kenny's written account, after a routine check of the vessel's papers, the wardens passed up the 1,873 pounds of urchins in the boat's hold — the catch from the previous day — and, instead, examined a small quantity of fish that Mr. Kenny and his mate William Eggers caught with rod and reel for personal use.

That catch included "10.2 pounds of rock fish, and one 24.5-inch ling cod," wrote Mr. Kenny. "While checking our fish, the wardens asked if we had measured the ling cod, which we had. They then asked if they could use our measuring device, since they did not have one. We then provided a

measuring tape for them. The ling was found to be of legal size."

Nonetheless, two hours later, when they arrived in the harbor, the men were shocked to find officers from the Santa Barbara Harbor Patrol at the dock. They were ordered to wait before unloading the perishable sea urchins and after about 90 minutes, according to Mr. Kenny, he was given a citation for violation of Section 8067 of the California Fish and Game Code. It's an amorphous regulation declaring it unlawful "to land any load of fish in violation of . . .federal ground fish regulations."

The code section then references the Magnuson-Stevens Fishery Conservation and Management Act, a federal statute embodied in a 426page compendium of Federal Pacific Coast Groundfish Regulations. On page 413, there's a small box noting that the season for ling cod is "closed between January and April."

"I'm a commercial fisherman," said Mr. Kenny. "I dive for sea urchins. How was I, or anybody who might have pulled this fish in, supposed to be carrying 400 pages of federal regs on myboatin order to determine whether or not this fish was caught in season?"

Soon Mr. Kenny learned that he was being charged by the Santa Barbara County District Attorney's Office with a misdemeanor.

"This caused me concern," he said, "because I was about to start serving 35 days of house arrest for resisting arrest following the incident in which Kasi Beutel shot me with the stun gun. My lawyer went back to court at a cost of \$500 in legal fees, and we've now had five court dates over a fish with a market value of about \$8."

Mr. Kenny has been subject to electronic monitoring since May 26. On June 3, during one of his hearings in the fish incident, he was told that the D.A. was threatening to add another 30 days of electronic monitoring to his sentence due to this ling cod charge.

On June 17 at another hearing, his attorney was served with a notice from the city of Santa Barbara Finance Department requesting that the D.A.'s office expand the current charges against him. The city wants Mr. Kenny to pay restitution of \$7,762.89 in worker's compensation damages incurred after Officer Kasi Beutel claimed that Mr. Kenny injured her shoulder during his August 2009 arrest.

As reported in Part Two of this series, despite Officer Beutel's claim at the time of Mr. Kenny's arrest that he kicked her in the "right hip," battery charges against Mr. Kenny were dismissed after zero evidence of injuries appeared in his police report.

And later after a test of his blood at Goleta Valley Cottage Hospital, Mr. Kenny was found to be under the legal limit and DUI charges were also dropped.

These new allegations that he injured her shoulder in the incident came to light 22 months after Officer Beutel pulled him over for a traffic stop, alleging that he was DUI and shot him with 50,000 volts from a stun gun.

four feet away from me, it was a lighted lot and she couldn't possibly have smelled alcohol or examined my eyes, I found that difficult to believe. But at

Beutel suddenly flashed her roof rack and pulled them over as Mr. Krawchuck was about to turn left onto Hitchcock. "When I asked her why she

evidence."

While some CHP officers balked at the systems when first deployed, they've become widely accepted. including 509 DUI arrests (and) 2,951 open container of alcohol arrests."

"Driving under the influence is the only crime statistic that a police

e-mail: news@newspress.com



BUSINESS / B4

LABOR DEPARTMENT SAYS **UNEMPLOYMENT RATES WENT** UP IN MORE THAN HALF OF **STATES IN JUNE**



NATION & WORLD / B1

DEBT TALKS BETWEEN OBAMA AND BOEHNER BREAK DOWN **AFTER HOUSE SPEAKER REFUSES TO PARTICIPATE**

SANTA BARBARA NEWS-PRESS

Our 156th Year

SATURDAY, JULY 23, 2011

Terror in Norway



In the deadliest day of terror in Western Europe since the 2004 Madrid train bombings, at least 80 people were killed at a Norwegian youth camp Friday after a bomb blast in downtown Oslo killed seven. A Norwegian man has been arrested and authorities say he



75¢

Hundreds lined up for the recent opening of the H&M store on State Street. The discount retailer was expected to give a bump to the city's workforce numbers.

Joblessness jumps almost 1 percent in county

By STEVE SINOVIC NEWS-PRESS STAFF WRITER

Santa Barbara County's unemployment rate spiked to 8.9 percent in June, up from a revised 8.0 percent in May. It was the biggest single-month jump in the county since January 2009, according to labor statistics compiledby the state Employment Development Department. The rate was unchanged from a year ago.

Trying to make sense of the trends and offer some clarity - especially to job seekers - economists had various takes on the news, ranging from somewhat a larmed to don't read to o much into a single-month's datain an economy that has defied the recovery patterns of previous recessions.

"Whoa!" said economist Bill Watkins of California Lutheran University, a notable South Coast analyst

"That was a little worse than we are expecting," he said of the nearly 1 percent rise. Most aggravating was news of the loss of 700 positions in the government sector. 'Certainly, state and local governments are shrinking. Unfortunately, these tend to be some of the better-paying jobs in the Santa Barbara economy," Mr. Watkins said.

apparently acted alone and isn't connected with international terrorism. An official said the attack "is probably more Norway's Oklahoma City than it is Norway's World Trade Center." Above, victims receive emergency treatment outside government buildings after the bomb blast. For full coverage, see B1.

Military service by employees costly for county, city

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

War comes at a cost, and with our troops nearing a decade in the Middle East, the nation's budget inevitably reflects the expense of fighting two wars.

But those costs also hit much closer to home. With 43 county employees called up on active duty with their reserve units since 2001, many of them serving two or three tours, the wars in Iraq and Afghanistan have cost Santa Barbara County nearly \$1 million.

Employees called up on active duty often receive military differential pay from their employers, making up the difference between their salaries and their military pay. Employees receiving this differential pay also continue to receive retirement benefits.

The county has paid \$727,336 in military supplemental leave pay on a combined total of 77 military absences since 2001.

Retirement contributions have cost another estimated \$206,373 over the past 10 years, said Toni McDonald, payroll division chief for the county

She added that those numbers

Please see COST on A6

Asking the minister to backdate a marriage license

Sixth in a series

By PETER LANCE SPECIAL TO THE NEWS-PRESS

Five years before she won an award from Mothers Against Drunk Driving as the top DUI arresting officer in Santa Barbara County, Kasi Beutel was a bride-to-be planning an elaborate Renaissance-style wedding. One

of the principal planners for the nuptials to take place on a Los Angeles ranch with the wedding party in period costume was Pamela Kay James, the seamstress wife of the man who would officiate, the Rev. Thomas D. James.

"I made all the groomsmen's costumes," said Mrs. James, "the bridesmaids' costumes, the flower girl's and mother of the bride's costumes, over a span of about six months."

The Jameses had met Kasi Beutel, then an accountant, and her fiancé Todd, a CPA, just after moving back to Ventura from Washington State in September 1996. The ceremony with the wedding party dressed like members of a royal court was meticulously planned by Kasi and attended by upwards of 100 guests on a hot afternoon at the end of May 1997. But just before the event, the storybook festivities took an unusual turn.

"Before the day of the ceremony," said the Rev. James, "we were notified by the Beutels that there was a `problem' and that the couplecould not go through with a legally binding wedding.

So, with 100 assembled guests, musicians, a caterer and Kasi's own father due to arrive dressed as King Henry VIII, the Rev. James performed the wedding stopping short of the legally binding words, "I now pronounce you husband and wife."

The significance of that act wouldn't be

apparent to the Jameses until just this past weekend, after they read the first five parts of the News-Press investigative series on Kasi Beutel, which suggests that between 2009 and 2010 she inflated the number of her DUI arrests, lied in police reports, withheld potentially exculpatory evidence from suspects and witnessed a series of blood test waivers that a nationally ranked handwriting expert has concluded were forgeries.

But for the Jameses, the revelations in the series about Kasi Beutel's troubled financial history underscored the real significance of unconsummated 1997 wedding that ceremony.

"We didn't realize at the time," said Pam James, "but that last-minute change in the ceremony might have had something to do with the BKs that Todd and Kasi later filed." As documented in Part Four of the series, the Beutels filed back-to-back Chapter Seven bankruptcy petitions in federal court over a 22-month period between 1998 and 2000. In those serial filings, the two accountants wiped out almost \$200,000 in unsecured



PETER LANCE PHOTO

credit card debt with 24 cards between them and deftly held onto two separate properties under the homestead exemption, which they later flipped post-bankruptcy for hundreds of thousands of dollars profit.

The question of whether either Beutel committed bankruptcy fraud lies in the legal date of their marriage. "If they had been legally bound on May 31, 1997 as they'd planned in this Renaissance ceremony,' says a certified public accountant who examined the evidence uncovered in this series, "Todd couldn't have filed as an individual in 1998 as he did.

So two days after Todd's BK was discharged in January of 1999, the Beutels called up Rev.

Please see DUI on A5

Behind the Series

n the morning of New Year's Day, Office Kasi Beutel of the Santa Barbara Police Department arrested investigative journalist Peter Lance on suspicion of driving under the influence. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this series, which began with five original installments June 22-26 and continues today through Monday.

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com.

Please see **UNEMPLOYMENT** on A10

Philip Myers in Georgia jail

Faces extradition to, charges in SB County

> By SCOTT STEEPLETON NEWS-PRESS CITY EDITOR

A former attorney accused of bilking an elderly local woman out of money in an alleged phony investment scheme, is being held in a Georgia detention facility as a fugitive from justice and faces extradition to Santa Barbara County.

Philip Eric Myers, 59, was booked into Gwinnett County Jail at 12:40 a.m. Friday, according to jail personnel.

The Gwinnett County Sheriff's Department arrested

him as a fugitive from justice. He will remain in Georgia until authorities here bring him back.

Mr. Myers, a onetime Santa Barbara resident and principal in Typhoon Security Technology Inc., is the subject of investigations into possible phony investment schemes involving what some former associates say are really shell firms that Mr. Myers props up for a time with money from unsuspecting investors - or pil-



Philip Eric Myers

fered trust funds-before filing for bankruptcy and then starting the whole process over again.

Mr. Myers has maintained his innocence.

Please see MYERS on A6

newspress.com



INSIDE Business California

Business B4-9	Crossword D2	Lotter
California A2	Dear Abby D2	Movie
Classified E1-10	Food D1-8	Nation
Comics D4	Local . A2-4, 6-7, 10	Obitua

Crossword D2	Lottery A
Dear Abby D2	Movies D
Food D1-8	Nation/World . B1-
Local . A2-4, 6-7, 10	Obituaries B

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AZ	Sports 61-8	
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d . B1-3	Sports C1-8 TV D5 Voices A9 Weather B10	
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OUTSIDE

Cloudy

Coast: 68/60 Inland: 83/54 COMPLETE FORECAST **B10**



and his wife, Pamela Kay James.

Pictured are the Rev. Thomas D. James

court proceeding where, on their

word, a defendant might be convicted, reeks of lack of credibility," says

retired Public Defender Michael

Ganschow, who was so incensed by the

Batalas hearing that he circulated a

"Clearly Kasi Beutel was being

The day after that hearing Judge

Eskin declared a mistrial in People vs.

AVOIDING THE MARRIAGE QUES-

On June 30, at a hearing in my case

before Michael Windover, a hearing

officer for the DMV, my attorney,

Darryl Genis, sought to examine

Officer Beutel on the divorce-related

perjury question. Again she had her

private attorney Mr. Goldwasser ather

side and once again, when Mr. Genis

sought to question her about whether

she'd lied under oath in her divorce

petition, Mr. Windover declared the

About 20 minutes into the hearing,

Mr. Genis handed Officer Beutel a

copy of the April 27 divorce pleading

which she filed in Ventura County

Superior Court. On the first page of the

petition next to a line that read "Date of Marriage" it said "05/31/1997."

Below that on the next page the doc-

ument stated, "I declare under pen-

alty of perjury under the laws of the

State of California that the foregoing is

Kasi Beutel and her lawyer at the time.

attached declaration under the sub-

heading"SPOUSALSUPPORT,"Kasi

Beutel declared that "Respondent

(Todd Beutel) and I were married on

May 31, 1997. We have been married

for approximately 7 years and 11

Yetbythe end of her divorce, having

reached a settlement with Todd that

allowed her to effectively keep the

entire value of the house she

exempted in her bankruptcy, Kasi

Beutel acquiesced to the January 1999

Below that are the signatures of

At the bottom of page 6 of an

line of inquiry off

true and correct."

months.

limits.

protected by the triumvirate of Eskin,

transcript on the Internet.

Horowitz and Goldwasser."

Batalas.

DUI

Continued from Page A1

James and his wife and said, effectively, 'let's now make it legal.'

According to a sworn declaration signed under penalty of perjury and filed July 20 in Santa Barbara County Superior Court, the Rev. James confirmed that on Jan. 21, 1999, the Beutels "came to our home in Ventura, California on a Thursday dressed casually and accompanied by a woman, whom I believe was the maid of honor in the original 'wedding' ceremony from May 31, 1997. In less than 20 minutes, I performed the marriage ceremony a second time, this time ending it with the words, I now declare you husband and wife. I also signed the marriage license certifying under penalty of perjury that the 'Bride and Groom were joined by me in a marriage in accordance with the laws of the State of California,' and filed it with the L.A. County Recorder's office.'

The Rev. James, a former Methodist minister who has performed more than 2,500 ceremonies across Central California, didn't comprehend the significance of the two ceremonies until he read the News-Press series. "That's when it became clear to my wife Pam and I," said the Rev. James, "that years later, Kasi Beutel had attempted to get me to perjure myself."

ASKING REV. JAMES TO BACKDATE THE MARRIAGE LICENSE

"One night, around the time Kasi was about to file for divorce in April of 2005, she called my husband," remembers Pam James. "He was shocked at what she asked him to do."

"She said that she needed me to backdate the marriage certificate to the date of the May 31, 1997, event," the Rev. James wrote in his sworn declaration. "She said that she and Todd had separated and divorce was imminent. She said that she needed to be able to have the length of her marriage extended back to 1997 in order to maximize her child support."

Under California law, the length of a marriage does not affect child support, but if she had been legally married for seven years and 11 months the date of the Renaissance nuptials -Kasi Beutel's spousal support could have increased substantially.

"I told her that I could not do this," the minister wrote in the declaration, "that it would be perjury for me to tamper with the marriage license, an official instrument that had already been filed with the L.A. County Recorder. At that point she began sobbing and sobbing on the phone and imploring me to backdate the license for the

sake of her children.

"I remember the conversation vividly," the Rev. James wrote. "I was in Police Chief Cam Sanchez, District Attorney Joyce Dudley and her Chief Deputy Gordon Auchincloss.

As another indication of Kasi Beutel's willingness to deceive the minister, the Rev. James told me in a separate email that "she called sobbing that Todd was leaving her and the three kids.'

But court documents filed by Kasi Beutel April 27, 2005, in Ventura County Superior Court prove that she initiated the divorce.

In fact, in his responding papers, Todd Beutel alleged that, "at separation, Kasi took \$9,000 in community funds. She also purchased a new car the day before filing her (divorce) Petition instead of keeping her paid off vehicle.

THE 1997 MARRIAGE DATE AND **OFFICER BEUTEL'S CREDIBILITY**

Since the original News-Press series, which ran June 22-26, the precisedate of Kasi Beutel's marriage has become a central issue that goes to her credibility. That's because in an April 27, 2005, divorce pleading which I uncovered, she swore under penalty of perjury and in direct conflict with what the Rev. James now swears to, that she was legally married in that May 31, 1997, Renaissance ceremony.

But since the original series ran, the Police Department, the District Attorney's Office, a Superior Court judge, a California Department of Motor Vehicles hearing officer and the two separate private attorneys representing Officer Beutel have gone to extraordinary lengths to keep her from having to test if y as to the full truthbehind her two marriage dates.

"The idea that Kasi Beutel swore under oath in her April 27, 2005, divorce petition that she was married on May 31, 1997, goes directly to her credibility," says William Makler, a Santa Barbara defense attorney who defended Jonathan Batalas, the first Beutel DUI case to come to trial after publication of the original series.

"Under the evidence code, a prior bad act like perjury, if it can be proven, is directly relevant to an officer's truthfulness," says Mr. Makler. "Any lawyer worth his bar card, in the face of this kind of evidence that Officer Beutelmayhaveliedunderoathinher divorce, would have used it to impeach her attrial. In fact, if I had not attempted this line of questioning, my client might have sued me for malpractice.'

Still, when Mr. Makler attempted to cross-examine Officer Beutel on that issue, he was repeatedly thwarted by Deputy District Attorney Sanford Horowitz and George C. Eskin, the judge who presided at the Batalas trial.

It was Judge Eskin himself who opened the door to the impeachment line of question relating to Office Beutel's bankruptcy and marriage. At a hearing on June 27, Judge Eskin related from the bench how on the previous Friday he had told Mr. Makler and Mr. Horowitz that he would "permit ... a limited inquiry based upon some of the allegations published in the media ... including newspaper articles" in the News-Press series.



Pictured is Kasi Beutel's wedding party.

a barrage of objections, which Judge Eskin sustained. At the same time, Officer Beutel was

counseled on how to answer by Mr. Goldwasser, the L.A.-based attorney she had just retained.

times Sandy "Twenty-seven Horowitz objected as to relevance,' says Mr. Makler, "and 27 times Judge Eskin sustained him.'

The following are portions from the June 28 transcript, which underscore how Officer Beutel was able to sidestep the perjury question with respect to her marriage date:

Mr. Makler: At one time you were TION AT THE DMV

married to Todd Beutel? Officer Beutel: Yes.

Mr. Makler: That marriage ended in

divorce. Mr. Horowitz: Objection. Relevance.

Judge Eskin: Sustained. Mr. Makler: When were you married? Mr. Horowitz: Objection. Relevance.

Judge Eskin: Sustained.

Moments later, when Mr. Makler asked Officer Beutel who presided at the May 31, 1997, ceremony Mr. Horowitz objected again. Then, later in the hearing, Mr. Makler asked Officer Beutel whether she believed if she was legally married in 1997:

Mr. Horowitz: Objection. Calls for a legal conclusion.

Mr. Makler: Your Honor, it's foundation.

Judge Eskin: No, it calls for a legal conclusion.

Mr. Makler: Did you ever think you were married to Mr. Todd Beutel? Mr. Horowitz: Objection. Asked and answered.

Judge Eskin: Sustained.

Later, Mr. Makler asked Officer Beutel if back in 1997 at the time of the Renaissance wedding she and Todd had decided to "delay applying for a marriage license."

Mr. Horowitz: Objection. Relevance. Judge Eskin: Sustained.

Mr. Makler: When did you first become aware that a marriage license had been filed relating to your marriage to Todd Beutel? Mr. Horowitz: Objection. Relevance. Judge Eskin: Sustained.

RESPONDENT: TODD W. BEUTEL **PETITION FOR Dissolution of Marriage** X Legal Separation Nullity of Marriage 1. RESIDENCE (Dissolution only) X Petitioner

of this county for at least three months immedia

2. STATISTICAL FACTS

- a. Date of marriage: 05/31/1997
- b. Date of separation: 04/27/2005

I declare under penalty of perjury under the laws of the 5	Bate of California that the foregoing is true and correct.
I declare under penalty of perjury under the laws of the 5 Date: 42705	- AB AD
CASI N. BEUTEL	- Salt Concercion
Doto 4-27-05	0

The images above show that Kasi Beutel stated her date of marriage as May 31, 1997 on her petition for dissolution of marriage.

Officer

Beutel is proof positive of how the powers that be are circling the wagons on this scandal.'

OFFICER BEUTEL'S SECOND SET **OF LAWYERS**

On July 11, the News-Press and I received an 11-page letter from Nye, Peabody, Stirling, Hale & Miller, the second law firm Kasi Beutel had retained since the original series ran. Alleging a number of inaccuracies in the DUI series, which we have denied, and demanding a retraction, the letter sought to explain Officer Beutel's conflicting

marriage dates this way: "The truth is that Officer Beutel participated in a common law marriage ceremony on May 31, 1997. On Jan. 15, 1999, just before the birth of their first son, the couple signed their marriage license.

Obviously the legal date of the marriage is the date the couple signed the marriage license, although they were married via common law for several years prior."

"That's an oxymoron," says expublic defender Mr. Ganschow. "By definition, a common law marriage is one without a ceremony that is later recognized by law. In this case there was an elaborate Renaissance ceremony. Further, the letter from the Nye law firm doesn't explain why Kasi Beutel would swear in a divorce petition under penalty of perjury to a legal marriage date that she's now calling 'common

two

"More importantly," argues Mr. Genis, "Kasi and Todd Beutel took out their marriage license, not sometime in 1997 as the Nye firm implies, but on Jan. 15, 1999, just two days after Todd's

and entered the judge's chambers for what `s called an ``in-camera ``review ofOfficer Beutel's file. At that time, continuing under oath, Sgt. Stoney repeatedly stated that there were no complaints in Officer Beutel's file regarding untruthfulness, integrity or the falsification of reports.

But since the original five-part series ran, I uncovered evidence of at least one and possibly two complaints in Officer Beutel's file at the time of that hearing. Both went to her integrity and willingness to lie in the police reports of two Mexican-American U.S. citizens.

In a detailed email I sent on July 9, I sought to question Sgt. Stoney as to the details of those complaints, raising the specter that he, too — the head of Internal Affairs for the Police Department — might have lied under oath.

In that email, followed up with a hard-copy letter, I sent Sgt. Stoney a portion of the Pitchess Hearing transcript, which I had obtained after the Court Administrator's Office sold mea CD of the April 8 hearing. There were no restrictions on the CD, nor does the recording reflect anywhere that the proceedings were under seal or offlimits to transcription.

But on July 15, after the City Attorney's Office learned that I was going to raise questions of perjury with respect to Sgt. Stoney, Darryl Genis and I were summoned to a hearing in front of Brian Hill, the presiding judge of the Santa Barbara County Superior Court, who took over my case after I filed a motion to remove Judge Eskin for prejudice.

At the hearing, which was also attended by an attorney for the News-Press, Judge Hill ruled that I was forbidden from publishing the contents of the in-camera transcript Threatening to impose sanctions on me and the News-Press, he issued a gag order. I argued that I had a First Amendment right to publish whatever was on that CD, which I had legally obtained and that there were no restrictions on the record with respect to the use of the hearing content. Judge Hill disagreed. Though to date he hasn't issued a written order, he suggested from the bench that the News-Press and I could face sanctions if we publish. In Part Seven of this series tomorrow, the reader can learn how we decided to tell the story. 'Between the D.A., Judge Eskin, the DMV officer, Michael Windover, her own private lawyers and the city attorney and now Brian Hill, the presiding judge," says Darryl Genis, "the law enforcement arm of the Santa Barbara legal establishment is going to amazing lengths to keep Kasi Beutel from taking the Fifth. Keep in mind that whether or not she's liable for perjury and bankruptcy fraud due to the technical defense that the statute of limitations has run, she may also be liable for a host of DUI related violations including falsification of records, manipulating breath tests and witnessing, if not forging herself, blood test waivers. This is a scandal that takes on new dimensions day by day and Chief Sanchez and the D.A. are going to have to address it."



my bedroom and my wife Pam realized, based on what I was saying on the phone, that Kasi was acting distraught, so she picked up an extension and heard her as she continued to sob and beg me to backdate the marriage license.'

"I was shocked and saddened," Mrs. James wrote in a separate sworn declaration filed with the court, "that (Kasi) would encourage him to break the law this way.'

"When I continued to refuse" to backdate the license, said the Rev. James,"the phone conversation ended. I was shocked ... that Kasi Beutel, whom I knew at the time was either about to enter the police department or had already done so, would encourage me to break the law.'

Under the California Penal Code, certifying to a marriage license and then changing the date after the fact, knowing that the previous date was false, could have subjected the Rev. James to a perjury charge. The act of attempting to get him to falsify such a record is known as subornation of perjury, a felony punishable by up to four years in state prison.

At the time of her alleged subornation in April 2005, Kasi Beutel was about to enter the police academy. Six months later, in early November, she was officially sworn in as an active duty officer of the Santa Barbara Police Department.

I contacted Officer Beutel and sent heracopyofthesworndeclarationsby the Rev. James and his wife. I also sought a reaction from the two law firms she has retained since the series ran. I also sought a reaction from

At that point Judge Eskin went so far as to advise Mr. Horowitz that Officer Beutel might want to consult with 'counsel independent of the district attorney."

In other words, says Mr. Makler, "he was suggesting she lawyer up and that's just what she did. Four days later on June 28, an L.A.-based attorney named Charles Goldwasser was standing next to her at the witness box, to prevent her, in my opinion, from having to take the Fifth Amendment against self-incrimination. It was in that context and with those stakes, that I attempted to cross-examine Officer Kasi Beutel."

THE JUDGE OPENS THE DOOR THEN SLAMS IT SHUT

Early on in the hearing Judge Eskin referred back to the Friday (June 24) session and noted that, "I have previously ruled that I considered this inquiry which Mr. Makler wishes to pursue with regard to the credibility of the witness to be relevant and that's why I'm permitting it."

But as Mr. Makler attempted to question Officer Beutel about the April 2005 divorce petition where she'd sworn to the 1997 marriage date, Mr. Horowitz, the prosecutor, fired off At this point, an exasperated Mr. Makler appealed to Judge Eskin:

Mr. Makler: Your Honor, I'm going to object at this point. The frequent objections and the Court's frequent upholding or sustaining of those objections is interfering with my basic right to get at the truth, which is when did this witness get married. And I still contend that her subjective belief as to when she was legally married is relevant to

this inquiry. It seems to me there are so many barriers around me that I can't get at the basic information, which is when did this individual get married.

Judge Eskin: When this individual got married is wholly irrelevant to these proceedings.

"At the time of this hearing," says Mr. Makler, "Judge Eskin clearly understood the relevance of the timing of Kasi Beutel's marriage and the significance of her swearing to the May 31, 1997 marriage date under penalty of perjury, but try as I did, he would simply not let me put her in a position of having to admit that she lied in a court document in her divorce proceeding.'

In six separate instances when Mr. Makler tried to pin down Officer Beutel on the marriage date issue or how she described it in the sworn court filing, her private attorney Mr. Goldwasser, invited by Judge Eskin to stand next to her near the witness stand, intervened.

"Any sworn police officer who would dance around the basic question of when they were married in a marriage date, which had been validated by the Beutels' second wedding performed by the Rev. James.

At the DMV hearing, when Darryl Genis sought to challenge her on this contradiction in dates by handing her the 2005 divorce petition, Officer Beutel herself objected:

Mr. Genis: I'm handing you a document, which is a Petition for Dissolution of Marriage. It's a complete document. Do you recognize this document?

Officer Beutel: I'm not going to discuss the divorce or that document with you, Mr. Genis.

Mr. Windover: This Mr. Genis, this is outside the scope of the hearing. Mr. Genis: Excuse me, Mr. Windover. This document has signatures under penalty of perjury and in this document the witness, on at least two occasions, under penalty of perjury declares that she was married on May 31 of 1997. At the end of the document, she declares that she was married on a different date. ... The credibility of the witness is central.

Mr. Windover: I am not going to consider anything related to a document filed in the court on April 27, 2005, related to a marriage, a dissolution of marriage or whatever.

"That is simply astonishing," says Mr. Ganschow who spent 27 years in the Public Defender's office. "The credibility of a police officer is the bedrock on which our legal system rests. If she can be shown to have previously lied before a court, that is directly relevant to whether she would falsify an arrest report or witness a forged blood waiver. The fact that this DMV hearing examiner also shielded

BK discharge. Knowing what we now know from Rev. James and his wife about Kasi's attempts to backdate the marriage license, it's my clear opinion that she and Todd acted with malice aforethought back in 1997, knowing they were going to max out a fortune in credit card debt and attempt to keep

properties in their his and hers bankruptcies. Then in 1999 they sought to make it all legal by running up to Ventura on a Thursday to induce the unsuspecting reverend to perform a fixit ceremony. The idea that years later, in contemplation of divorce, she would attempt to induce this man of the cloth to perjure himself by validating the 5/31/97 marriage date she swore to in her divorce petition is double repugnant,

especially since she did it in the name of her children."

THE CHIEF JUDGE AND THE GAG ORDER

The next part of this series will involve an examination of the shortcomings of the Santa Barbara Police Department's complaint system, which is coordinated by Sgt. Todd Stoney, the 17-year veteran who is supervisor of Internal Affairs.

On April 8, in the case of The People vs. Peter Lance, we had what is known as a Pitchess Hearing before Judge Eskin, who was then presiding over my DUI case. In the proceedings we sought to have the judge examine whether there were complaints against Officer Beutel in her file.

Sgt. Stoney was placed under oath

email: news@newspress.com



SANTA BARBARA NEWS-PRESS

Our 156th Year

SUNDAY, JULY 24, 2011

FIESTA FLOWER GIRLS



his year's Fiesta Flower Girls and Las Señoritas were presented Saturday at the Santa Barbara Courthouse's Sunken Garden. The 120 girls were introduced to La Presidenta Joanne Funari and Primo Caballero Carlos Plascencia and received their badges, in turn giving Ms. Funari and Mr. Plascencia roses.

The Flower Girls range from 6 to 13 years old, and Las Señoritas from 14 to 17. The girls act as the official greeters of Old Spanish Days and participate in the Aug. 5 Historical Parade and the Aug. 6 Children's Parade.



MICHAEL MORIATIS / NEWS-PRESS

Black hole for complaints at SBPD

Seventh in a series

By PETER LANCE SPECIAL TO THE NEWS-PRESS

Taurino Torres is a 47-year-old naturalized U.S. citizen from Mexico who works as a handyman. Cruzito Cruz is a 38-year-old U.S.-born citizen and activist who ran for City Council in 2009.

The two Santa Barbara residents had never met, but fate joined them as complainants to the Santa Barbara Police Department after they each had separate run-ins with Kasi Beutel. the award winning "Top DUI officer for 2009

and 2010 in Santa Barbra County. On the night of Feb. 4, 2011, just before 10 p.m., Mr. Torres was driving his 1999 Dodge SUV on Carpinteria Street approaching the roundabout on Milpas Street. By Kasi Beutel's account in her handwritten summons, she was on patrol when she observed Mr. Torres' vehicle "rapidly accelerating."Officer Beutel then alleged that she "paced the vehicle at 45 mph."

Mistakenly noting that she observed Mr. Torres proceed "northbound on Chapala," a street 10 blocks west of Milpas, Officer Beutel claimed that she "conducted a traffic stop and the driver Torres was not in possession of a valid (driver's license)." Eventually, she cited him and his vehicle was towed.

TAURINO TORRES' VERSION OF EVENTS



COURTESY PHOTOS

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Cruzito Cruz

In a Police Department complaint form which he filled out on March 22, Mr. Torres wrote that when Officer Beutel approached his SUV, "She was really aggressive." When she told him he was driving "at an unsafe speed," and Mr. Torres denied it, he wrote that "she became more aggressive and asked for my car keys. This was before

Please see DUI on A6

Plaza improvement plan headed to council

San Marcos football coach Hesselmeyer dies



Solvang council to tackle water rate hike

By ERICA WENIG NEWS-PRESS CORRESPONDENT

Solving the water utility insolvency in Solvang will be the task for City Council members Monday as maintenance funds dry up in the Santa Ynez Valley

A proposed hike in water rates will

the city through the 10-year capital improvement projects.

Solvang's general fund is "healthy," but the water department is run through an enterprise fund, like a separate business the city owns. Part of the problem — why the revenue reserves would expire during the 2012/2013 fiscal year — began in 1991 when the city decided to join the State Water Project, Mr. Richardson said. Costs of joining the system were underestimated, causing rate hikes. The city receives revenues of approximately \$4 million annually and pays about \$3 million to the State Water Project. The rest used for overhead and maintenance. 'We encourage the folks to come to the public hearing when we discuss it," Mayor Richardson said. "We are not taking this increase lightly.' Councilman Ken Palmer and Councilwoman Joan Jamieson said they couldn't comment on the vote, since they just received the information packet with changes made by consultant Jeanette Hahn since it was last presented to the council on July 11. Councilman Hans Duus and Mayor Pro Tem Tara Wood could not be reached for comment.

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

The most recent version of the De la Guerra Plaza improvement project is set to go before the Santa Barbara City Council on Aug. 16.

The plan was most recently revised in February and submitted to the city's development application review team process.

The historic plaza at the heart of downtown Santa Barbara has always been tied to Casa de la Guerra, one of the oldest buildings in town. It is home to several community events, including Fiesta.

The project has gone through several designs in the past 10 years, when plans for a revitalized plaza first got under way. The version to go before the council is scaled back compared to the original plans, which proposed to add a water feature and make the plaza a pedestrian-only attraction for events

Ultimately the goal for De la Guerra Plaza is to improve the historic site while maintaining its character, said Elizabeth Limon, a redevelopment specialist with the city.

Today's version preserves the roadway and all but five parking spaces, Ms. Limon said.

newspress.com

Please see **PLAZA** on **A8**

MIKE ELIASON / NEWS-PRESS

Longtime local football coach Jeff Hesselmeyer is shown in 2010, when he coached San Marcos High.

2007.

By GERRY FALL

NEWS-PRESS STAFF WRITER

Jeff Hesselmeyer, a longtime football coach in the Santa Barbara community, died at his home Saturday morning.

Mr. Hesselmeyer was 59. The cause of death was not immediately known.

Mr. Hesselmeyer had been the head coach at San Marcos High since 2009 after joining the staff as an assistant, under Dare Holdren, in

"I hired him to help us with our offense," Mr. Holdren said. "He was an awesome guy and the kids loved him. He was an excellent football coach and he had a great football mind."

According to a source who spoke to the News-Press on the condition of anonymity, firefighters found Mr. Hesselmeyer to be unresponsive at his desk when they arrived at his

home at approximately 10:30 a.m. Saturday.

Mr. Hesselmeyer was a staple in the Santa Barbara sports community after he began his coaching $career as an assistant at {\tt Dos} {\tt Pueblos}$ High in the late 1970s.

"He was an incredibly good person and I'm so sad," said San Marcos High athletic director Abe Jahadhmy, who was in Washington, D.C.,

Please see **HESSELMEYER** on **A11**

be addressed during the council meeting.

Mayor Jim Richardson told the News-Press he anticipates council will accept a proposal to increase rates would increase by 5.25 percent each year for four years. The fifth and final year would have a 3.71 percent increase.

Single-family rates sit at approximately \$89.75, and the proposed increase could push itto \$94.46, \$99.42, \$104.064, \$110.13, and finally to \$114.22.

"That's if the council approves of the plan that is being presented by a consultant," Mayor Richardson said. A public hearing to discuss the decision will be held 45 days following the anticipated approval, on Sept. 26. If 50 percent plus 1 of utility users should protest the decision, the city can't go forward with that particular planned increase.

The council approved a rate increase in 2006 with only a 6 percent protest, Mr. Richardson said.

"I think most folks understand that we can't run in the red," he said. "Water is a serious subject and everyone realizes that."

Drilling new wells and developing a new water treatment facility are a few capital improvement projects planned. Mr. Richardson anticipates the five-year rate increase will carry

LIFE / D1

email: ewenig@newspress.com



NATION & WORLD / B1

SI INDAY

NORWAY BEGINS PROCESS OF **RECOVERY AFTER MASS** SHOOTING, BOMBING



LOCAL **AFICIONADOS EXPLAIN THEIR ATTACHMENT TO HAWAIIAN SHIRTS**

SPECIAL ON SUNDAY

Books: Santa Barbara author's magic D4 Travel: Opening Wisconsin's Door D12

Mostly sunny

Coast: 70/58 Inland: 89/58 COMPLETE FORECAST **B6**



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Man alleges speeding ticket shouldn't have been issued

DUI

Continued from Page A1

she asked for my driver's license." Mr. Torres filled out the complaint in the offices of PUEBLO, a lowincome rights group.

'There's a serious problem in this city with law enforcement officers racially profiling and attempting to confiscate vehicles they think are being driven by unlicensed drivers," says Laura Ronchietto, a former PUEBLO coalition coordinator. "Many of these drivers, the police suspect are undocumented immigrants. But Taurino Torres is a hard-

working U.S. citizen and had a valid license at the time of the stop. In his complaint, Mr. Torres wrote

that when he refused to turn over his keys to Officer Beutel, she called for backup. After they arrived he exited the SUV and showed them an expired license. But according to the complaint, he told them that he had a temporary license that was in a truck parked near his house.

Rather than cite Mr. Torres with 'fix-it ticket" that would have allowed him to prove to the department the next day that he had a valid license, Mr. Torres wrote in the complaint that "Beutel charged me with a 12,500 (a) Vehicle Code violation as an unlicensed driver.'

His SUV was then towed and he was driven home by the other responding officers

"Upon arriving," Mr. Torres wrote, "I showed the officers the permit I had." But rather than confirming his valid license, Mr. Torres says the officerstold him to "tell it to the judge."

Later, in an interview for this article, Mr. Torres told me he was 'stunned that this Officer Beutel had just assumed he was undocumented. Worse, she easily could have run my

license to see that it was valid. Instead, she towed my truck and charged me with a full blown 'driving without a license' violation. She was completely without mercy or any sense of fairness," he said. "And that's why I had to file a complaint about her.

He furnished me with a copy of his Interim Driver's License from the DMV which proves that his license was still in effect at the time Officer Beutel cited him for driving without a license, an infraction punishable by up to a \$250 fine. Once Mr. Torres demonstrated that he had a valid license, he was permitted to pay \$25 for a fix-it ticket.

Still, the other two vehicle code violations alleged by Officer Beutel (driving at an unsafe speed and making unsafe turns) cost him \$391 in fines and he had to pay another \$589 to get his SUV from the tow yard.

"For me, as a working man, this was



devastating," he said. "I can swear with the same kind of oath I swore to when I became a citizen that this Officer Beutel lied about me speeding and making those turns. And that's why I couldn't rest without filing my complaint."

GETTING HIS COMPLAINT BACK WITHOUT A TIME OR DATE STAMP

After filling out the complaint form on March 22, Mr. Torres waited for the executive director of PUEBLO to return from vacation. Daniella Rodriquez, the former PUEBLO assistant who helped him with the documents, says he came back to pick it up for filing "around April 3rd or 4th," at which point, Mr. Torres says he walked into the lobby of the Santa Barbara Police Department to file it.

'Theytook the original from me," he said, "and made a copy. I didn't realize it at the time but when I handed it in there was no time or date stamped on it to prove when I filed it.'

Mr. Torres didn't hear a word about the complaint for months. Then on June 28, after reading the five-part series on Office Beutel in the News-Press, he called Sgt. Todd Stoney, the supervisor of Internal Affairs, who is ultimately responsible for complaint investigations.

"He didn't call me back," says Mr. Torres, "so I asked Tom Griffin, an attorney I was working for at the time, to follow up.'

"I called Sgt. Stoney the next day and asked about the status of the complaint," says Mr. Griffin. "After all, it had been almost three months since Taurino filed it.'

On June 30, Sgt. Stoney sent Mr. Torres a letter stating "our records indicate that you came to the Santa Barbara Police Department on Monday April 11, 2011, to file a written complaint against Officer Kasi Beutel. This complaint stemmed from a traffic stop on February 04, 2011."

Neither Mr. Torres nor Mr. Griffin has heard back from Sgt. Stoney since then. Meanwhile, Mr. Torres insists that he filed the complaint the week before April 11, and as we'll soon see, the date of his filing could have significant consequences for Sgt. Stoney.

A SECOND **KASI BEUTEL COMPLAINT**

It was pouring rain the night of March 25, when Cruzito Cruz, a community activist who just announced his second run for Santa Barbara City Council, was stopped in his 1995 Chrysler LeBaron at 203 E. Carrillo St. According to her police report,

Officer Kasi Beutel claimed that Mr. Cruz had stopped "with the entire vehicle over the limit line" at the intersection of Santa Barbara Street. She also alleged that she'd observed Mr. Cruz "driving for a majority of the time on the far right side."

With the rain continuing to come

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down, Officer Beutel approached Mr. Cruz's driver side window, stating in her report that she "could smell a strong odor of burnt marijuana wafting from the vehicle."

After she interrogated Mr. Cruz on the last time he'd smoked pot, Mr. Cruz invoked his right to remain silent, so Officer Beutel called for backup.

Office Aaron Tudor, who succeeded Officer Beutel in January as lead officer on the department's Drinking Driver Team, arrived and performed a series of field sobriety tests. Then by Mr. Cruz's account, after offering him the option of taking a breath or a blood test, Officer Tudor used an Alcotest 7410 Plus breathalyzer, which generated a

reading of 0.00 blood alcohol content. Officer Tudor's police report later noted the discovery of "less than a gram" of marijuana in the LeBaron and Mr. Cruz produced a medical marijuana certificate.

"But as soon as Officer Beutel saw the marijuana she became amped up and aggressive," Mr. Cruz told me.

"I only live a few blocks away," he said. "It was raining cats and dogs and I asked her to let me walk home. I told herthatmypowersteeringwasbroken which is why I was veering to the right. I begged Tudor to check under the hood, but he didn't care. They were bound and

determine to bust me, so they put me in handcuffs and took me to jail."

Mr. Cruz says that at the jail he refused the blood test, "because the conditions were incredibly unsanitary. Besides I'd already proven I was alcohol free. But as soon as I protested, Tudor threatened to Taser me if I didn't comply.'

Mr. Cruz was then booked in county jail with bail set at \$5,000. "They didn't let me out until about 3 p.m. the next afternoon." he said.

"What was particularly outrageous was that when I got the blood results, it showed exactly what the breath test had, that Ihad 0.00 alcohol in myblood.The D.A.'s office kept me dangling until the middle of June when they finally dropped the charges.²

On June 16, Senior Deputy District Attorney Lee Carter signed a Notice of Dismissal of Charges against Mr. Cruz, writing, "The driver tested positive marijuana but there was no way to prove that there was enough impairment.

Mr. Cruz didn't wait for the charges to be dropped before he filed a complaint.

On April 7, he went into the lobby of the Santa Barbara Police Department with a complaint form filled out. In it he alleged that, "Officer Beutel wanted to create one more statistic in her record and go for the DUI arrest without investigating the statements which I made to her.'

MONTHS GO BY BEFORE THE POLICE INVESTIGATE

As in the case of Taurino Torres, Cruzito Cruz waited for someone from

We wanted to determine, among other things, whether in her application to the department, she had reported her 2000 Chapter 7 bankruptcy or the previous bankruptcy of her ex-husband Todd, in which they were able to hold onto two homes while liquidating 24 credits cards with upwards of \$200,000 in unsecured debt from companies like American Express, Discover, Bank of America and Wells Fargo. Kasi herself discharged

seven separate cards with \$33,450.41 in debt.

But early in the hearing, Santa Barbara County Superior Court Judge George C. Eskin, who was then presiding over my case, sided with Deputy City Attorney Tava Ostrenger and agreed that the only portion of Officer Beutel'sfile he would review would be the complaint file.

THE POSSIBILITY THAT SGT. STONEY **COMMITTED PERJURY**

At 11:03 a.m. on April 8, Sgt. Stoney raised his right hand in Dept. 12 and was sworn in by Judge Eskin's clerk, affirming "under penalty of perjury to tell the truth, the whole truth, and nothing but the truth" in his testimony before the court. Initially Mr. Genis had sought the personnel files of all three officers involved in my arrest: Kasi Beutel, Bruno Peterson and Heather Clark. But Judge Eskin ruled that only Beutel's complaint file was viewable.

Finally, after conferring with Sgt. Stoney, Ms. Ostrenger questioned him on the witness stand:

Ms. Ostrenger: Sgt. Stoney have you brought all files that may contain any complaints for Officers Beutel, Petersen and Clark?

Sgt. Stoney: Yes. Mr. Genis: Your Honor, for purposes of clarification of the record, in light of the last question, the question that I would like the answer to is what files related to these three officers did he not bring and

why? Judge Eskin: Ms. Ostrenger?

Ms. Ostrenger: They're not related to your ... request. They're not part of a personnel file and they are not part of the Pitchess ...

Mr. Genis: Well they wouldn't have to be related to personnel file in order to contain a complaint. That's

Ms. Ostrenger: I just told you and Sgt. Stoney testified under oath that if there is a complaint in any file, he has that file with him. He has brought all files that would contain any complaints. You can't use this Pitchess as a fishing expedition to harass an officer, Mr. Genis.

 $Later after Judge \, Eskin \, had \, granted$ a part of our motion and agreed to review any complaints against Officer Beutel, he withdrew into his chambers with Sgt. Stoney, Ms. Ostrenger and Reed Gallogly of the Santa Barbara City Attorney's Office.

What happened next was recorded

Amendment interests in publishing the text of the in-camera proceeding verbatim far outweighs the risk of sanctions - or, in my case, the possibility that Judge Hill will seek to jail me for contempt.

What follows is the legally obtained record of what Sgt. Stoney, the supervisor of Internal Affairs for the Santa Barbara Police Department, swore to under oath regarding any citizen complaints in Kasi Beutel's file atthetimeoftheApril8,2011, hearing: Judge Eskin: We're on the record.

Ms. Ostrenger: We're on the record?

Well this is Tava Ostrenger, deputy city attorney. I'm here with Sgt. Todd Stoney, the custodian of records and Attorney Reed Gallogly from the city of Santa Barbara. Sgt. Stoney is prepared to turn over and let you review, the personnel file for Kasi Beutel that would contain, if there are any, complaints against Ms. Beutel.

Judge Eskin: Sgt. Stoney.

Sgt. Stoney: Your Honor, I'm handing you a blue binder with the name Kasi M. Beutel on the front.

Ms. Ostrenger: Can you explain to your Honor what that is?

Sgt. Stoney: Your Honor, I'll open it up. On the left hand side, is ... these are our yearly evaluations. On the right hand side, it deals with any training issues or certificates the officer received. The department does not have any complaints either civilian initiated or

internally initiated on Officer Beutel. Ms. Ostrenger: Are there any complaints whatsoever contained in that blue file regarding untruthfulness, integrity, falsification of reports?

Sgt. Stoney: Your Honor, I reviewed that file before coming today and I found nothing that is of relevance in there

Judge Eskin: Nothing?

Sgt. Stoney: Nothing of relevance, based on the motion.

Judge Eskin: I think Ms. Ostrenger just invited me, and you correct me if I'm wrong — interpose objection, I think Ms. Ostrenger just asked me or invited me to ask you whether there is anything in Officer's Beutel, in Officer Beutel's file that could be characterized in the nature of a complaint by a citizen about anything?

Sgt. Stoney: No your Honor.

Judge Eskin: There is none. Sgt. Stoney: There is nothing. The

court has our record. Judge Eskin: You just went beyond the scope of my limited inquiry. (to Ms. Ostrenger)Seekingguidancefromyou and recognizing that we're on the record, indicating that it's recording my inquiry, I have a tendency to say much more than is required just generally and in this particular situation, I'm wondering whether I should confine my comments to there is nothing in the records provided by the Police Department that is responsive to request or whether I can go beyond that and make a statement with regard to the exemplary officer

described here? Ms. Ostrenger: Your Honor, I really wish that you could do that and say

and a data file in his phone documents the moment that he took the picture: "Thursday, April 7, 2011. 11:58:12 AM."

At the same time, Mr. Cruz asked to speak to anyone in authority at the Police Department regarding his complaint and he was introduced to the watch commander on duty, Sgt. T. Rauch. Mr. Cruz spoke to him for a time and noted his name in his copy of the complaint before exiting the station.

THE CRUZ COMPLAINT AND SGT. STONEY'S TESTIMONY

"I don't see how that can be construed any other way than as a perjurious statement," says an attorney who reviewed the transcript but asked not to be identified. "We don't know at this point whether Tava Ostrenger, the city attorney knew the truth, but the Cruzito Cruz complaint at least raises the question that Sgt. Stoney may have lied.'

Will Sgt. Stoney take the position as he did with Taurino Torres that Mr. Cruz's complaint came in after the Pitchess hearing? He'd be hard pressed to do that now, because since June 25. Mr. Cruz has traded emails with Sgt. Todd Johnson, the supervisor who first endorsed Kasi Beutel's work and is now charged with investigating it.

In two emails on June 28 and July 2, Mr. Cruz writes to Sgt. Johnson, citing the date he filed his complaint -"04072011" — and not once does Sgt. Johnson contradict that.

"The question is, what is Judge Brian Hill going to do with this evidence," asks that same attorney. "He circled the wagons and went out of his way to impose a prior restraint on Peter Lance and the News-Press. Now confronted with the evidence that the head of Internal Affairs may have lied to protect Kasi Beutel, the ball is in his court. Is he going to continue to ignore the compelling evidence that this award-winning DUI officer has lied to frame innocent citizens, or is he going to say 'enough' and take action?'

In a detailed email to Police Chief Cam Sanchez on July 20, I asked him why in the press release that went out one day into the News-Press series, he described Kasi Beutel as having an "unblemished career."

This was at a time that by anyone's account the complaints of Taurino Torres and Cruzito Cruz remained open in Kasi Beutel's file.

That same release insisted that: "Anyone, including Lance, has the right to file a personnel complaint against an officer. This leads to an internal investigation to determine the facts.

Yet with this piece we've demonstrated the inadequacies of the Santa Barbara Police Department's complaint investigation process, which is supervised by Sgt. Stoney.

CHIEF SANCHEZ IGNORES THE SBPD'S OWN POLICY MANUAL

County of Santa Barbara Planning Commission



NOTICE OF PUBLIC HEARING Initiation of the Goleta Valley Community Plan for Eastern Goleta Valley as Project Description for Environmental Review

Wednesday, August 3, 2011

County Planning Commission Hearing Room 123 E. Anapamu St. 1st Floor Santa Barbara, CA 93101 Hearing begins at 9:00 a.m.

On Wednesday, August 3, 2011, the Santa Barbara County Planning Commission will conduct a public hearing to consider a recommendation to the Board of Supervisors regarding the initiation of environmental review of the draft Goleta Valley Community Plan (GVCP) for Eastern Goleta Valley as the recommended project description for environmental review, pursuant to Government Code §65350 et seq. The County of Santa Barbara would be the lead agency preparing environmental review documentation to inform decision-makers and the public regarding potential environmental impacts related to the draft GVCP in compliance with the California Environmental Quality Act (CEQA), (Public Resources Code §21000 et seq.).

The public hearing is part of a multi-year project by the Eastern Goleta Valley community and the County to update the 1993 Goleta Community Plan in the Eastern Goleta Valley planning area only. The Draft GVCP for Eastern Goleta Valley includes amendments to the Santa Barbara County Comprehensive Plan, Land Use and Development Code/Article II, and County land use and zoning maps.

The Initiation Draft GVCP for Eastern Goleta Valley was publicly released on June 1, 2011 and includes proposed policies, development standards, and actions to achieve the community's land use planning goals of the community for the next 10-20 years.

To review the draft GVCP for Eastern Goleta Valley, please visit the project website the following online address:

http://longrange.sbcountyplanning.org/planareas/goleta/gcp.php

The document may also be reviewed at the Planning & Development office located at 123 East Anapamu Street, Santa Barbara, or purchased at Wilson Printing, 5777 Hollister Ave. Goleta, CA.

Written comments can be sent to: Santa Barbara County Planning Commission, 123 East Anapamu Street, Santa Barbara, CA, 93101, or you may provide verbal comments in person at the Planning Commission hearings

For additional information, please contact the Long Range Planning Division of the Planning and Development Dept. as follows:

Email: TRodrigu@co.santa-barbara.ca.us | Tel: 805-568-3380

Attendance and participation by the public is invited and encouraged. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Suppor Staff (805) 568-2000. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable arrangements.

the Police Department to contact him so that his complaint could be vetted. But $2\frac{1}{2}$ months went by and he heard nothing.

"Then, when I read your series on Kasi Beutel," he told me, "I called the department and finally I got some action."

On June 25, four days into our DUI series which focused on multiple allegations of misconduct by Officer Beutel, Mr. Cruz got an email from Sgt. ToddJohnson informing him that he'd been "assigned to follow up the complaint regarding (his) DUI arrest in March.

But Sgt. Johnson wasn't exactly an impartial third party. An examination of Mr. Cruz's police report shows that the supervisor who signed off on the work of Officer Beutel and Officer Tudor the night of the arrest was ID number 4889, "Johnson, Todd."

"Talkabout the fox investigating the chicken coop," says Mr. Cruz, who has filed new papers to run for City Council again. "It's clear to me from my own experience and what I've read in the News-Press series, that Officer Kasi Beutel lies with impunity. She turned a non-event — a man driving home on a rainy night with a broken car—into a criminal matter involving at least four officers, a forced blood draw at the end of a Taser, and 16 hours of jail time for me. I lost my liberty, my vehicle and I was made to feel like a common criminal.'

"The fact that in the face of all the charges alleged against Beutel, that the Police Department would have the arrogance to assign the very sergeant who first endorsed her work to investigate my complaint, proves what a sham the complaint process really is."

THE LARGER REVELATION IN THE CRUZ INCIDENT

As noted in the open to this piece, Sgt. Todd Stoney, the Santa Barbara Police Department's supervisor of Internal Affairs — the man with overall responsibility for the investigation of complaints against officersclaimed that Taurino Torres didn't file his complaint until April 11.

That's a critical date for Sgt. Stoney because three days earlier, he was on the stand, under oath in my DUI case, The People vs. Peter Lance. My attorney Darryl Genis and I had filed what's called a Pitchess Motion so that we could get a look at Kasi Beutel's

on a CD of the hearing that I obtained after paying a fee of \$5 to the Court Administrator. There were no restrictions on the CD and I had it transcribed by a researcher who worked on this series.

At no time on the transcript do we hear Judge Eskin describing the incamera session in his chamber as off limits. Nor does he impose any seal on the contents of that session.

But on July 14, after I'd copied a portion of Sgt. Stoney's in-camera testimony and notified him about it, City Attorney Tava Ostrenger contacted Judge Brian Hill who took over my case after Judge Eskin recused himself following a motion I filed alleging bias.

"What happened next was the stuff of a Grisham novel," says Mr. Genis. "I get a call late Thursday afternoon from Judge Hill's clerk literally summoning me and my client to his courtroom the next day.'

At that hearing we were joined by Matt Clarke, an attorney who represents the Santa Barbara News-Press. As Judge Hill looked down from the bench, Mr. Genis explained that I did, in fact, have a transcript of the incamera proceedings which was part of the unrestricted CD that I bought.

After some discussion, Judge Hill took the unusual step of issuing a gag order on me and the News-Press. Asserting that the contents should be sealed, he warned us not publish the contents of that behind-closed-doors session.

Against my lawyer's advice I spoke up and reminded Judge Hill that I had a First Amendment responsibility to tell a story of important public interest. In this case, there was evidence on that transcript that Sgt. Stoney, the head of Internal Affairs for the Santa Barbara Police Department, may have lied under oath.

If, in fact, the man charged with investing the integrity of other officers had himself committed perjury, then the public interest in that revelation far outweighed the interest of keeping the proceedings sealed. Further, I argued, there was nothing contained in that

in-camera session that would impact at all on Kasi Beutel's privacy.

FACING SANCTIONS AND JAIL FOR **CONTEMPT IF WE PUBLISH**

The Santa Barbara News-Press has agreed that the compelling First

what a good officer Kasi Beutel is particularly in light of the defamatory comments that have been made against her in an open court, but I would ask that you simply say that there is nothing responsive so

that in the future any other officers that come in, should they have something, would get the same answer.

Judge Eskin: And is, is that, does that capture what I would propose to say There's nothing Does that sufficiently respond to the request of production of records pursuant to the Pitchess case?

Ms. Ostrenger: Yes, your Honor. There are no documents that are responsive in Ms. Beutel's files that were provided to you.

Judge Eskin: Thank you.

When the parties emerged into open court Judge Eskin made this pronouncement:

"Continuing on the record in open court, the court has examined the Police Department file which I represent ... which I understand to be the personnel file of Officer Kasi Beutel and there is nothing in the file to justify an order requiring its production to the defense pursuant to the motion for disclosure. And therefore, the request is denied.

THE CRUZ COMPLAINT: WHEN DID SGT. STONEY KNOW?

Under oath in open court, Sgt. Todd Stoney, the head of Internal Affairs, represented that he had brought "all files" relating to any complaints against Kasi Beutel - the central focus of the in-camera session.

Yet the evidence I've uncovered demonstrates that he wasn't entirely candid with the court. Cruzito Cruz, a highly visible figure in Santa Barbara — a former City Council candidate filed his complaint against Officer Beutel the day before the Pitchess Hearing and it's clear that Sgt. Stoney was on notice to prepare for the hearing by bringing any files containing "complaints for (Officer) Beutel" as Ms. Ostrenger noted in open court. Just as with Taurino Torres, there was no time or date stamp on Mr. Cruz's complaint, but he can be precise about the date and time he filed it, because as he was leaving the Santa Barbara Police Department lobby, he snapped a picture of the poster of Kasi Beutel that hangs on the left wall inside the main door. The picture actually bears Mr. Cruz's reflection

Section 340.4 of the Police Department's Manual titled "Investigation of Disciplinary Allegation," mandates that "Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with the Personal Complaint Procedure Policy Manual Section 1020." Section 1020.5 of the Policy Manual titled "Allegations of

Criminal Conduct" mandates that "Any time an allegation of criminal conduct is made ... The Chief of Police Shall be Notified Immediately."

On July 21, we sent Chief Sanchez the sworn declaration of the Rev. Thomas D. James, the minister who alleged that Kasi Beutel asked him to backdate her marriage license, a potential felony. With this piece today, he's on notice of the possible perjury of Sgt. Stoney who works directly under him on the chief's staff. Periury is also a felony.

In that email we asked Chief Sanchez how he would respond and whether or not he would consider giving Kasi Beutel a polygraph - a standard procedure used by the FBI to vet the credibility of Special Agents. At press time, we had not heard back from the chief.

e-mail: news@newspress.com

Behind the Series

n the morning of New Year's Day, Office Kasi Beutel of the Santa Barbara Police Department arrested investigative journalist Peter Lance on suspicion of driving under the influence. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this series, which began with five original installments June 22-26 and continues today through Monday.

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com.

BUSINESS / B4

LOS ANGELES ENTREPRENEUR'S **COMPANY SPECIALIZES IN PROVIDING** A SAFE WAY FOR MUSICIANS TO STORE AND ACCESS THEIR DIGITAL FILES



NATION & WORLD / B1 DEBT DEAL ON HOLD AS **REPUBLICANS**, **DEMOCRATS READY THEIR RESPECTIVE PLANS**

SANTA BARBARA NEWS-PRESS

OUR 156TH YEAR

MONDAY, JULY 25, 2011

DUI suspect in fatal collision dies in SB **County Jail**

By MORGAN HOOVER NEWS-PRESS STAFF WRITER

A 29-year-old Lompoc man accused of causing a fatal collision in March while DUI died Friday while incarcerated at the Santa Barbara County Jail, said a news release from the Santa Barbara County Sheriff's Department.

According to the release, Juan Rodriguez-Zepeda was discovered unconscious just after 3:30 p.m. Friday in a single-person cell.

AMR paramedics were unable to revive the inmate, says the release, and he was pronounced dead less than 20 minutes after being found.

Authorities do not believe Mr. Rodriguez-Zepeda was the victim of foul play, but Sheriff's detectives are investigating the incident.

Mr. Rodriguez-Zepeda was originally arrested in connection to a March 19 crash near Lake Cachuma that sent three men to a local hospital.

The California Highway Patrol says Mr. Rodriguez-Zepeda was driving west in a Lincoln automobile about 9:45 p.m. in a pouring rain when he slammed into a Honda Element heading east.

The driver of the Honda, Willy Wood, suffered a broken hand and rib and knee injuries, but was able to get out of the car on his own.

His two passengers, Danny Ordas, who was in the front seat, and Ted Adams, who was in the back seat, were taken to Santa Barbara Cottage Hospital after fire crews freed them from the wreckage

Mr. Ordas was in the intensive care unit for nearly a week, when he was taken off life support and died.

Mr. Adams, 71, who suffered

Former San Marcos students pass the test of time



Above, San Marcos teacher Aaron Solis unveils the time capsule that the class of 1961 had placed in the cornerstone. Below left, the capsule waits for its unveiling at the hiding spot that held the box for 50 years. Below right, items placed in the time capsule by the class of 1961 sit on

SB council to look at Plan Santa Barbara

75¢

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

Plan Santa Barbara, the city's general plan update, goes back before the Santa Barbara City Council on Tuesday.

The council will discuss recommendations from a council subcommittee on the plan's elements for open space and recreation; environmental resources; economy and fiscal health; and public services and safety.

Thegeneral plan sets the tone for the policy decisions that shape the city's growth over the long-term, with different elements guiding policy on everything from development to historic land use to economic policies.

Updates to certain elements such as residential density and design have been divisive issues in the five years the council has spent on Plan Santa Barbara.

Plan adoption requires a supermajority vote, which has hindered implementation because of council members' widely opposing views on density allowances.

Most of the changes to be considered Tuesday are clarifications and minor amendments to policies already in the city's general plan. The council will also work out policies in the environmental resources element governing highway setback distances and low-emissions vehicles.

Councilman Frank Hotchkiss also has challenged goals in the environmental resources element related to greenhouse gases, reduction in fossil fuel use and climate change adaption, according to the agenda report on the item. The contentious land use, housing and circulation elements are set to go to the council Sept. 8. The American Institute of Architects has conducted two design sessions to illustrate the most recently discussed residential density policies and gather comments on the issue. AIA will present the results to the council onAug. 2. Once the council has given final direction on Plan Santa Barbara, the plan will receive two weeks of public review before adoption.

compound fractures of the neck and other major injuries, was hospitalized for weeks.

email: mhoover@newspress.com

State's courts endure third year of cuts

By PAUL ELIAS ASSOCIATED PRESS

SAN FRANCISCO — This county's presiding superior court judge stood at the lectern and looked out at the bank of television cameras and assembled press. She took a deep breath.

'This is the saddest and most heartwrenching day I have experienced in my professional life," said Judge Katherine Feinstein, the daughter of California's senior U.S senator.

As San Francisco's top judge, it fell to Judge Feinstein to close the court's \$13.75 million budget hole. On Monday, she announced that she was laying off 40 percent of the court's work force and shuttering 25 of 63 courtrooms and all but putting the civil division out of business.

It will now take up to five years for some lawsuits to come to trial and an average of 18 months to finalize divorces in San Francisco. Lines to pay traffic fines in person are expected to be daunting.

And itstill could getworse. Judge Feinstein warned that further cuts could be on their way in January if optimistic revenue projections don't materialize.

"We will be a shell of what we

Please see COURTS on A10

the right as new items placed by the current class of seniors take their place awaiting future discovery.



Time capsule opening part of 50-year anniversary celebrations

By BRETT LEIGH DICKS NEWS-PRESS CORRESPONDENT

the results of a high school assignment. But that is how long a collection of former San Marcos High School Fifty years is a long time to wait for students have been waiting to glean



the results of an assignment they undertook in 1959.

As part of a weekend-long reunion and celebration to mark the 50th anniversary of San Marcos High's first graduating class on Sunday morning, members of the Class of 1961 and their families returned to the school for the opening of a time capsule that has

been lying in wait since May 1959. "I have no idea what we put in there

as it was so long ago," admitted Carol Bowie, a Class of 1961 graduate and one of the students involved in casting the time capsule, prior to the vessel's opening Sunday.

Please see CAPSULE on A7

Evidence of more forged blood waivers in Beutel/Corbett cases

Eighth in a series

By PETER LANCE

SPECIAL TO THE NEWS-PRESS

In my initial five-part series on Kasi Beutel, the Santa Barbara Police Department's star DUI officer who received back-to-back awards from Mother's Against Drunk Driving as the "Top DUI officer" in 2009 and 2010, one of the first revelations was that theactual number of her purported 650 arrests was exaggerated by almost 10 percent.

Those calculations were based on a compilation of Officer Beutel's DUI arrests furnished to me by the Santa Barbara Police Department itself via California Public Records Act requests. Yet in a letter attacking the series sent to the News-Press on July 11, the law firm of Nye, Peabody, Stirling, Hale & Miller, claimed that our count was wrong and that Beutel "did, in fact, make 331 arrests in 2009." While ignoring my findings that Officer Beutel received the 2010

MADD Award for 50 DUI collars more than her own department reported she'd made, the Nye firm included as an attachment to its letter an unofficialspreadsheet with a series of arrests unsubstantiated by the official numbers.

In fact, two of the new Beutel arrests purportedly took place March 19,2009, just six minutes apart: at one Alameda Padre Serra and Moreno Road at 11:11 p.m. and the other at the corner of Chapala and Gutierrez streets downtown at 11:17 p.m.

David Nye and Jonathan Miller,

who sent that letter, represent the second set of private attorneys retained by Officer Beutel since the initial five-part series ran. On June 28 she showed up to court with Charles Goldwasser, a lawyer with offices on Wilshire Boulevard in Los Angeles. During a hearing in the case of the People vs. Batalas, involving a Beutel DUI marijuana arrest, Mr. Goldwasser counseled her on how to

Please see DUI on A4

email: melseth@newspress.com

Carpinteria City Council again addresses Paredon Project

By MORGAN HOOVER NEWS-PRESS STAFF WRITER

After Measure J was rejected by voters more than a year ago, the Paredon Project will tonight come back in front of the Carpinteria City Council in the form of an update.

Measure J would have allowed Denver-based oil company Venoco to intensify operations of its existingoil processing facilities with the intention of using slant-drill technology to extract oil from oil beds just off the Carpinteria Coast.

According to a staff report, Venoco requested in February of 2009 that all-permit processing work on the original project be suspended.

Though voters defeated the

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ELSEWHERE

QUAIDS SPEAK OUT ON SB CHARGES A3

Professor says BAC reading can be manipulated

DUI

Continued from Page A1

respond under oath as defense attorneyWilliamMaklersoughtto impeach her credibility. The next day, the case ended in a mistrial.

But private attorneys are not the only ones circling the wagons to defend OfficerBeutel. One day into my initial five-part series, the Police Department issued a press release titled, "SBPD SUPPORTS OFFICER BEUTEL. Police Chief Denounces One-Sided Article."

While describing Officer Beutel as having an "unblemished career," the release claimed, "In her two-year tenure as the DUI enforcement specialist for the Santa Barbara Police Department, Officer Beutel has conducted hundreds of DUI investigations. She has testified in court many dozens of times. Every one of her arrest cases have been reviewed by the District Attorney's Office."

But what that release didn't mention is how many of Officer Beutel's arrests never made it to court because the evidence was too weak to ensure a conviction. One of them involved Chris Jackson, a 22-year-old basketball coach at San Marcos high school.

"YOU'RE BLOWING LIKE A GIRL"

Justafter midnight on April 30, 2010, Mr. Jackson was behind the wheel of his Ford Taurus, the designated driver for four of his friends who had been at a house party on East Micheltorena Street.

"I happened to notice this police car following us for a few blocks," says Mr. Jackson. "She pulled us over around Anapamu and Olive streets and asked if I'd been drinking. I told her I'd had two beers—the last one more than two hours ago — and that I'd never get behind the wheel if I was even the least bit buzzed."

Reciting an almost identical narrative to those contained in more than a dozen DUI arrest reports examined for this series, Officer Beutel later wrote that when she approached Mr. Jackson's window, "I could immediately smell an odor of alcohol ... I also noted Jackson's eyes were bloodshot and watery.... I did a cursory check for nystagmus and noted that Jackson had nystagmus at the extremes and was exhibiting some lack of smooth pursuit. I informed Jackson that he appeared to have some alcohol in his system."

At that point, Officer Beutel asked Mr. Jackson to take a preliminary alcohol screening breathalyzer test. Again, she followed the same protocol reported by every one of the arrestees that I interviewed.

"She was yelling at me to 'blow hard, blow harder,' " says Mr. Jackson. "I was doing my best but she said, 'you're blowing like a girl.' "

In her arrest narrative, Officer Beutel claimed that Mr. Jackson "gave

UNREADABLE PRINTOUT DOCUMENTING THE TEST RESULTS

But when Mr. Jackson got his police report, he noticed that the two printouts from the Alcotest 7410 Plus breathalyzer that Officer Beutel used were so difficult to read that Officer Beutel had actually written what she alleged to be the test results in the margin next to them.

Within a month of the arrest, the District Attorney's Office dismissed Mr. Jackson's case for "lack of probable cause." On the dismissal notice, Deputy District Attorney James Kreyger wrote, "Low B.A. .06-.08 and no driving observed. Cannot prove charge."

Despite the fact that the charges against him were dropped and the Police Department sent him a notice acknowledging that he had been "detained" and not arrested, the experience cost Mr. Jackson weeks of lost work time and several thousand dollars in fees.

"They may have been saying that I was just detained," Mr. Jackson told me. "But those cuffs Beutel snapped on my wrists when she pulled my hands behind me, felt cold and very hard."

POLICE DEPARTMENT CLAIMS JACKSON ARREST IN BEUTEL'S STATS

Perhaps the most revealing aspect of Chris Jackson's case was the fact that despite its dismissal, the Santa Barbara Police Department still claimed it as one of Officer Beutel's arrests in that official compilation of statistics I received pursuant to a public records request.

"This calls into question the entire validity of both of her MADD awards," says Darryl Genis, the attorney representing me in a DUI case filed after Kasi Beutel arrested me in the early morning hours of 2011. "Not only is she exaggerating the total number of her arrests by a factor of 10 percent between 2009 and 2010, but she and the department have claimed an arrest that was so specious the D.A.'s office wouldn't touch it. I don't know how much more damaged this woman's credibility can get."

BEUTEL ARRESTS JACKSON'S ROOMMATE

As an indication of just how wide a net Kasi Beutel cast in the year 2010 when the Santa Barbara Police Department claimed she'd made 349 DUI arrests, consider the case of Blake Bender, a 23-year-old college basketball player who was arrested by Officer Beutel March 26, 2010, just shy of a month before Chris Jackson. As fate would have it, the young men were roommates.

In Mr. Bender's case, he ended up pleading guilty to what's called a "wet reckless," a charge below a full-blown DUI, but his police report shows striking similarities to Mr. Jackson's. More importantly, it represented additional evidence, as in the three cases cited in my initial series, that Kasi Beutel routinely witnessed blood tests waivers that were forged. she'd used on Mr. Jackson and as with his roommate, she had him "blow harder, blow harder," in two additional breath tests, which she claimed showed a blood alcohol content of .08 and .08, identical to Chris Jackson's highest reading and right on the cusp of the legal limit.

"Given the fact that an officer like Beutel could pump up her BAC readings by 40 percent by yelling for hertestsubjects to 'blow harder," says Dr. Hlastala, "it's quite possible that this young man had an actual BAC of .04, .05 or .06" And .06 was the level at which the D.A. dismissed Mr. Jackson's case.

Perhaps more indicative of Officer Beutel's willingness to overreach for a conviction were the printouts in Mr. Bender's case produced by a different Alcotest 7410 Plus. Once again, they were unreadable. And again she wrote numbers in the margin representing what she claimed was Mr. Bender's BAC: .08. and .08.

The only legible printout was from the PAS test she administered first to Mr. Bender. In her arrest narrative, Officer Beutel claimed that the reading had been .084; a figure she wrote by hand in the margin.

But the actual PAS printout shows a reading of .083.

As marginal as it was at a .08 and .08, the Police Department counted Mr. Bender's collar in Officer Beutel's 2010 statistics for the MADD award.

Still, as determined as she seemed to be to make that arrest stick, Mr. Bender's police report, examined for this series, contained evidence that might eventually lead to his conviction being vacated.

ANOTHER FORGED TROMBETTA WAIVER WITNESSED BY BEUTEL?

In Part Three of the initial series, I reported the discovery that in my case and two others Officer Beutel's DUI police reports contained blood test waivers that we did not sign.

Known as Trombetta advisories, they're akin to Miranda warnings in that DUI arresting officers like Kasi Beutel are legally bound to warn suspects of their right to get a blood test with a re-testable sample as an alternative to the easily manipulated breath tests on machines like the Alcotest 7410 Plus.

James Blanco, a nationally ranked handwriting expert, examined the waivers, comparing the signatures on them to the Notices to Appear, which the three arrestees acknowledged signing and marking with their thumbprints. Two of the waivers were witnessed by Officer Beutel, and a third was reportedly witnessed by Mark Corbett, the department's Drinking Driver Team officer from 2003 to 2005 whom Officer Beutel was engaged to marry on May 1.

On May 31, Mr. Blanco submitted a declaration, sworn to under penalty of perjury, concluding that those three Trombetta waiver signatures were



Chris Jackson is shown with his notice from the District Attorney's Office that DUI charges against him were dismissed.

initial News-Press series ran, he sent the following note to his superiors:

"In light of the recent articles by Peter Lance, I have had the chance to reflect on my 10 months spent doing arraignments in Santa Barbara, from January 2010 to November 2010. As you are surely aware, one of Mr. Lance's chief allegations is that Officer Kasi Beutel intentionally neglected to inform him of his right to a re-testable blood sample. In order to cover up her failure to properly advise him of his Trombetta rights, it is also Mr. Lance's allegation that Kasi Beutel either forged or had someone forge his signature on his Trombetta waiver. He has also indicated that other arrestees are making similar allegations of Trombetta failures and possible forgeries during Kasi Beutel arrests.

"While I was working in Department 8, I handled the majority of DUI cases and made notes on the salmoncolored interview sheets.

"Soon into my assignment, I began to notice that Kasi Beutel was showing up far more often than the average law enforcement officer. As such, I made it my practice to make a note on the salmon sheet every time I saw she was present for a DUI arrest. I probably noted a couple (maybe a few) dozen incidents during my ten months.



The unreadable printouts from two breathalyzer tests taken by Chris Jackson, with results handwritten by Officer Kasi Beutel.

says Darryl Genis. "But it's highly significant that independent of Peter Lance's forgery findings, a respected Santa Barbara defense attorney also believes that there could be a pattern."



several insufficient samples."

"She put me through a whole series of sobriety tests, which I felt I nailed," says Mr. Jackson, an athlete who prides himself on being in excellent physical condition. "In between tests she had me blow two more times always yelling that I wasn't blowing hard enough."

In Part Three of the series, I quoted Dr. Michael P. Hlastala, a professor at the University of Washington who told us that "the longer and harder (a potential DUI arrestee) blows (it) will increase the (blood alcohol content) by up to 40 percent. An officer experienced in this area can easily elevate a BAC of .07 to a .11."

In Mr. Jackson's case, despite Officer Beutel's admonition for him to "blow harder," the highest reading she could get out of him was a .08 — right at the legal limit. Then, claiming that he had "failed to successfully complete" the series of field sobriety tests, she arrested him, cuffed and had his car towed.

The language in Mr. Bender's arrest report feels like a carbon copy of Officer Beutel's narrative in the Jackson case: "I contacted the driver at the driver side window," she wrote. "I noted that I could immediately smell an odor of alcohol coming from the cab of the vehicle. I also noted Bender's eves were bloodshot and watery... I checked him for nystagmus and noted it was present and distinct. I asked him if he would voluntarily provide a PAS sample, he consented and at 0030 hours his BAC was .084. I asked him if he wanted to complete an additional voluntary PAS test, he consented and at 0043 hours his BAC was.083."

Officer Beutel then subjected Mr. Bender to the same field sobriety tests probable forgeries.

After receiving Blake Bender's file, I sent Mr. Blanco copies of his signatures along with documents from the police reports of three other Beutel arrestees who had contacted me after the DUI series first ran. Analyzing them along with multiple examples of known instruments signed by the four parties, Mr. Blanco concluded that the waiver bearing Mr. Bender's signature and the three others were probable forgeries.

One of those was also purportedly witnessed by Mark Corbett.

On Tuesday, Mr. Blanco will submit a second sworn declaration at a hearing in my case in which most of the forgery victims will appear.

PUBLIC DEFENDER'S OFFICE LAUNCHES A FORGERY PROBE

Hogan Ganschow is a deputy public defender who spent almost a year in the arraignment part of Santa Barbara County Superior Court. After the "Additionally, when a blood sample was absent, I made it my practice to always ask clients if they had been offered a re-testable blood sample. If the clients claimed that they had not been advised (and the police report said otherwise), I also made it my practice to make a note on the salmon sheet reflecting the discrepancy, regardless of whether it was a Beutel case.

"I understand that most, if not all, of these files are now in storage. I believe it may be in our clients' interests to look at these files in order to see if there are any consistencies between Peter Lance's stories and those of our clients. Further, I would personally be willing to undertake the project of digging up all my DUI arraignments from 2010. If you agree that this is a worthy project, please advise."

On July 18, Mr. Ganschow confirmed that such an investigation had been authorized by his superiors in the Public Defender's Office.

"We don't know where this will go,"

QUESTIONS SUBMITTED TO CHIEF SANCHEZ

On July 20, I sent an email to Police Chief Cam Sanchez with copies to District Attorney Joyce Dudley and her Chief Deputy Gordon Auchincloss. Among the questions I raised, following this latest alleged Trombetta forgery discovery, was why Chief Sanchez had not subjected Officers Beutel and Corbett to polygraph tests, "so that, if innocent, they could clear their names?"

I ended the email with this question: "In the face of the evidence ... published in the News-Press ... would you be willing now to initiate a full investigation into all of my findings?"

At press time, we have not heard backfrom the chief, the Santa Barbara Police Department or the district attorney.

email: news@newspress.com

the Series

n the morning of New Year's Day, Office Kasi Beutel of the Santa Barbara Police Department arrested investigative journalist Peter Lance on suspicion of driving under the influence. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this series, which began with five original installments June 22-26 and concludes today.

For daily updates and links to documents used in the research for this series, see newspress.com. For more on Mr. Lance, go to peterlance.com.

Complaint reveals gruesome details of fan beating

By THOMAS WATKINS ASSOCIATED PRESS

LOS ANGELES — A criminal complaint against two new suspects describes in graphic detail the injuries suffered by a San Francisco Giants fan who was beaten nearly to death outside Dodger Stadium including cuts to the victim's face and tongue.

The charges filed Friday against Louie Sanchez, 29, and Marvin Norwood, 30, were announced by Police Chief Charlie Beck as he exonerated a man initially named as the prime suspect.

Mr. Sanchez and Mr. Norwood were charged with one count each of mayhem, assault by means likely to produce great bodily injury, and battery with serious bodily injury, all felonies, in the attack on Bryan Stow. Both were being held on \$500,000 bail after being arrested Thursday.

Mr. Stow, a 42-year-old paramedic,

remains hospitalized in serious condition from the attack after the Giants-Dodgers game on opening day, March 31. Mr. Stow's family said in a blog post Friday that he appeared to mouth his last name and might have tried to give a thumbs-up.

The complaint alleged both men personally inflicted great bodily injury on Mr. Stow, "causing him to become comatose due to brain injury and to suffer paralysis." The mayhem count alleged that they "did cut and disable the tongue, and put out an eye and slit (Stow's) nose, ear and lip."

Dorene Sanchez, believed to be the sister of Louie Sanchez, had been arrested on suspicion of being an accessory after the fact then released. She was not charged.

A message left at a number for the parents of Mr. Sanchez was not returned, and contact details for Mr. Norwood's family could not be found. The arrests came two months after

an emotional Chief Beck trumpeted

the arrest of the initial suspect Giovanni Ramirez, who was never charged. Despite his exoneration, Mr. Ramirez remains jailed on a parole violation.

For months, Chief Beck had steadfastly maintained his confidence that Mr. Ramirez was the right suspect.

"In policing, it's just as important to exonerate the innocent as it is to implicate the guilty," Chief Beck said Friday at a terse news conference. "I want to tell the world that Giovanni Ramirez is no longer a suspect in this case."

Chief Beck did not provide details on the evidence against the two men but said more details would be released Monday.

The Los Angeles Times reported Saturday that tips from the public about a pair of aggressive fans sitting in the stands on opening day led detectives to focus on Mr. Sanchez and Mr. Norwood. A law enforcement source, who requested his name not be used because of the ongoing investigation, told the newspaper that detectives noticed that several people who had been sitting in the same section of the stadium had reported seeing a pair of belligerent men seated nearby.

From interviews with the fans, detectives were able to narrow down the area and then compiled a list of possible suspects from ticket sales records. Mr. Norwood and Mr. Sanchez emerged as prime suspects.

"The Los Angeles Police Department never gave up on this case," District Attorney Steve Cooley said in a prepared statement.

Earlier Friday, a law enforcement official with knowledge of the case who spoke on condition of anonymity because the investigation was ongoing, said police had no forensic evidence against the latest suspects but they had made incriminating statements.

Court records show Mr. Norwood

was sentenced in 2006 to three years' probation and served 118 days in jail after pleading guilty to one felony count of inflicting corporal injury on a spouse or cohabitant.

In 2003, Louie Sanchez pleaded guilty to one felony count of inflicting corporal injury on a spouse or cohabitant, and the following year he pleaded no contest to one misdemeanor count of carrying a loaded firearm in a public place.

Despite those run-ins with the law, neighbors described the men as friendly, baseball-loving fathers.

Neighbor Danyelle Dickson said Louie Sanchez and his family are quiet, friendly people, with whom she had exchanged greetings but had little other contact.

She often saw Mr. Sanchez playing catch on the family's lawn with a woman and boy whom she believed to be his wife and son.

"It's just a really nice family, a really quiet family," she said.

Mr. Sanchez also was charged Friday with two misdemeanor counts of battery stemming from a separate incident the same day as the beating.

Meanwhile, Soledad Gonzalez, the mother of Mr. Ramirez, said she was upset about the arrest of her son in May.

"If you don't have any proof, why did you put the picture of him in public?" she asked at a separate news conference. "That's wrong. There's a big, big mistake that they made."

She said her son would have to decide whether to sue the LAPD.

"We can live with them sending us a letter of apology," said attorney Anthony Brooklier, who represents Mr. Ramirez.

Mr. Brooklier said attorneys plan to file a writ next week challenging the parole board's decision to keep Mr. Ramirez in prison for 10 months after police investigating the beating found a gun in the house where he was staying.







NATIONAL DEFAULT



DANCE DANCE DANCE

FIESTA PARTICIPANTS READY THEIR MOVES



OUR 156TH YEAR

TUESDAY, AUGUST 2, 2011

Solvang mourns community leader

Leo Mathiasen served as city manager, council member, mayor

> By NORA K. WALLACE NEWS-PRESS STAFF WRITER

The bells of Solvang's Bethania Lutheran Church pealed 83 times Monday afternoon, recognizing the long and varied life of community leader Leo Mathiasen.

Mr. Mathiasen, Solvang's first city manager and later its mayor and longtime council member, died July 25 at the age of 83 while visiting his daughter in Visalia.

A standing-room-only crowd of more than 200 mourners listened Monday to tales of a man often called "Mr. Solvang" for his passionate dedication to his community. That fervor took the form of doing everything from watering the city's trees while holding one of the top jobs in town, to tirelessly talking to city leaders about the preservation of the Danish-themed community, to serving on the board of a retirement home for more than four decades.

The memorial service was a veritable who's who of Solvang and the Santa Ynez Valley-elected officials, business owners, city employees, Sheriff's deputies, civic activists and others crowded into the church in Mr. Mathiasen's honor.

"Merciful and compassionate God, we bring you our grief in the loss of Leo Mathiasen, and we ask for courage to bear hisdeath,"said the Rev. Jarmo Tarkki in his opening prayer.

Mr. Mathiasen and his wife of 60 years. Mary, moved to Solvang in 1960, when he became the secretary manager of the Solvang Municipal Improvement District, which pre-dated the formation of the city in 1985. He later served 12 years on the city council, including two stints as its appointed mayor.

Born in Iowa and reared in Mississippi, Mr. Mathiasen liked to joke that he was "made in America, with Danish parts," said his daughter, Janice Zigler. His life, she noted, was dedicated to service, leadership, conversation, fellowship and hard work. He was tenacious, she added, and a 'bit of a perfectionist.'



People arrive at Solvang's Bethania Lutheran Church for a service recognizing longtime community leader Leo Mathiasen.

to lighten the burden of others."

Noting that the Solvang City Hall flags were at half-staff in his honor this week, his daughter-in-law, Melissa Mathiasen, commented that it made her think of "what an impact Leo and Mary have had on Solvang. I think we all feel a little half-staff today."

Her father-in-law, she noted, was a true servant to his family, church, his city and his community

"He didn't just live here, he made it a better place to live," said Mrs. Mathiasen, who is married to the late city leader's son,

Stan. She spoke of his prolific abilities to do



State launches criminal fraud probe of Beutel workers' comp claim

Police officer took money, time off for shoulder injury after stating she was not injured

By PETER LANCE SPECIAL TO THE NEWS-PRESS

The News-Press has learned that the fraud division of the state Department of Insurance has opened a criminal investigation into whether Officer Kasi Beutel of the Santa Barbara Police Department committed workers' compensation fraud for receiving medical treatment and paid temporary disability payments for an alleged shoulder injury in connection with a 2009 DUI-related stop and arrest.

The investigation, which was confirmed by Capt. Randall Richardson of the department's regional office in Valencia, represents the first admission by a government official that any investigation exists into all egationsthat first came to light in this ongoing series, which began June 22.

Since then, the News-Press has published a total of nine installments that raise multiple questions about Officer Beutel's conduct as the county's award-winning "Top DUI officer" from 2009-2010. The series also presented evidence that the Police Department's internal affairs supervisor may have committed perjury in conjunction with an April 8 Santa Barbara County Superior Court hearing during which Judge George C. Eskin considered whether there were any complaints in Officer Beutel's file.

Officer Beutel's worker's compensation claim first came to light in mid-June after Julia Alcocer, a risk analyst in the city's Finance Department, sent a letter to the District Attorney's Office asking that Michael Kenny, a commercial fisherman who Officer Beutel shot with a Taser in August 2009 after a routine DUI stop, be compelled to pay "restitution" to the city amounting to \$7,762.89 for an alleged shoulder injury Officer Beutel claimed she sustained "as a result of the actions by Mr. Kenny.'

The letter dated June 3, 2011, states, "Officer Beutel has now completed treatment for these injuries which included \$2,274.02 in paid medical costs to date and \$5,488.87 in temporary disability payments.'

PHIL KLEIN / NEWS-PRESS PHOTOS

Her father, Mrs. Zigler said, "held no ill will toward anyone. He was also one to want to make things better, to share a smile and

home improvement projects — not just at his own home, but at theirs and others. At their home, she said to some laughter, the older man had re-roofed their barn, painted their home, landscaped their yard and more.

Please see MATHIASEN on A6



Fiesta's 'Rib Man' to debut new barbecue pit this year

By MICHAL ELSETH NEWS-PRESS STAFF WRITER

"Larry the Rib Man," whose barbecued ribs have been a Fiesta fixture for 15 years, will man his shack in the Mercado De la Guerra this year serving an old recipe hot off a new barbecue pit making its Fiesta debut.

Larry Cook is a Santa Barbara resident and fourth generation Santa Barbara Mason, and for 15 years he used the same grill to prepare a special recipe for slow-cooked barbecue passed down by former rib-cooking Masons.

This year those famous ribs will slow-cook on the new, hand-made barbecue pit Mr. Cook fashioned just for Santa Barbara's biggest party.

"It's really neat," he said, eagerly showing off his clever creation.

The steel-and-wood pit is Mr. Cook's own design and handiwork. He has spent the past month building the oversized trailer-mounted grill in his Mesa driveway using skills he learned at Santa Barbara Junior High.

'That's when the men built everything," he said. "They rarely bought anything.'

One of his earliest projects in his shop classes, in fact, was a barbecue. 'The first barbecue I made was in

seventh grade," he said. "The first thing I cooked on it was a halibut I caught at Stearns Wharf.'

Four decades later, Mr. Cook's second hand-built barbecue was created



especially for the purpose of making the perfect ribs.

The planed steel pit is inlaid with fire bricks, an idea Mr. Cook said he borrowed from the Carpinteria Fire Department's barbecue. One side has space for an oven underneath a shallow fire that can be used to keep cooked ribs hot, and the other side is a dedicated fire pit.

The project took him and several friends months to plan and and a month to build. On Monday afternoon the barbecue was very nearly finished and ready to set up shop in the Masons' booth.

It was constructed with donations from several locals. Rick's Auto Repair did the wheel bearings; Dan Patterson, owner of Santa Barbara Forge+Iron and grandson of a Mason. discounted the fabrication of the hand

Please see **BARBECUE** on A6



STEVE MALONE / NEWS-PRESS

Larry Cook, who serves up the Santa Barbara Masons' famous barbecue ribs, will debut a new handcrafted barbecue pit at Fiesta this week.

WAS UNINJURED IN THE KENNY INCIDENT As detailed in Part Two of the series, Santa Barbara Police Department dispatch logs prove that Office Beutel pulled Mr. Kenny over on Marina Drive at 9:15 p.m. on the night of Aug. 22, 2009. She stated in her subsequent official arrest narrative that his Ford truck,

"did not have any rear lights, no tail lights or brake

lights...."

Please see DUI on A7

Lance forcibly removed from court

DUI defendant and a would-be SB councilman defy court order on decorum

> By SCOTT STEEPLETON NEWS-PRESS CITY EDITOR

It's not every day a misdemeanor DUI case sees two people — the defendant and a would-be city council candidate — forcibly removed from court.

But the Santa Barbara County Superior Court case of People v. Peter Lance is anything but ordinary

With allegations of an officer from the Santa Barbara Police Department committing unlawful acts in this and other cases, and as a story elsewhere on this page asserts being the focus of a workers' compensation fraud information the defense hopes to use at trial to impeach the officer's testimony — as well as claims of a cover-up by others who took oaths to uphold the law, an otherwise routine case is causing waves inside and outside the local justice system.

That investigative journalist Mr. Lance has published in the News-Press accounts of alleged misdeeds by Officer Kasi Beutel in his case and others, has given the case a prominence unlike others involving misdemean or driving under the influence.

The News-Press learned Monday the District Attorney's Office might also be looking into matters involving Officer Beutel

'Our office has a team of investigators that do

Please see LANCE on A7

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DUI

Continued from Page A1

According to the police report, after first ordering Mr. Kenny to exit the truck,OfficerBeutellaterinsisted that he remain inside. By Mr. Kenny's account, after he got out on the driver's side, she fired an X 26 model Taser at him at point-blank range, striking him in the chest with a charge of 50,000 volts. Mr. Kenny, who pulled the Taser leads out and ran, was later cited for driving under the influence, battery on a peace officer and resisting arrest.

As reported in the series, the District Attorney's Office dropped the DUI charge after a blood test proved that Mr. Kenny had a blood alcohol content of .07, which is under the .08 legal limit. Prosecutors also dropped the battery charges.

Despite Officer Beutel's claim in her arrest narrative that Mr. Kenny "kicked (her) in the right hip with his right foot (and) forcibly shoved (her) backwards as he exited the vehicle," there was no evidence elsewhere in the report to support the battery charges.

None of the other seven of ficers whoresponded to the Kenny incident offered any corroborating evidence of an injury sustained by Officer Beutel. Page nine of the Kenny police report lists "Victim #1: Beutel, Kasi." But, next to the designation Type of injury it reads: NONE. Further, on that same page, next to the designation Injury sustained by Officer, it says NOT INJURED.

While the official police report showed pictures of the injuries that Mr. Kenny sustained in the Tasering, there were no pictures of any injuries to Officer Beutel.

And as reported in this series, some six minutes and 48 seconds of audio recorded by Officer Beutel during the stop and arrest were missing from the CD that was turned over to Mr. Kenny's lawyer at the time.

An analysis of the police reports, including certain admissions made by Officer Beutel in her arrest narrative and a comparison of the audio recording against the dispatch log, suggests that the missing minutes covered a period during the stop in which Officer Beutel reached through the driver's side window and touched the Taser to Mr. Kenny's shoulder.

In a separate written statement made shortly after his arrest, Mr. Kenny wrote that Officer Beutel, in fact, "pulled her Taser and put it to my temple and then to my shoulder and chest demanding that I exit the truck."

TWO AND A HALF MONTHS GO BY BEFORE A CLAIM IS FILED

In response to a series of questions I raised involving Officer Beutel's workers' compensation claim, Mark Howard, the city's risk manager, wrote in a July 6 email that under "federal law known as HIPPA (the Health Insurance Portability and Account-

questions relating to the "shoulder injury" claim.

But Mr. Howard did admit in the email that a workers' compensation claim, designated with the Claim Number 0908002690, did not get filed until Nov. 14, 2009, more than two and one half months after the Kenny incident.

"That would be a definite red flag," said a veteran workers' compensation attorney interviewed for this article who routinely represents insurance companies in such claims.

"In this case, from my reading of the police report, there was no mention of injury to a shoulder, and if anything, there was contact with the right hip,' said the lawyer, who asked not to be identified because his firm does business with the city of Santa Barbara.

"It's difficult to understand, in the absence of seeing the medical records, how this officer could have sustained a shoulder injury. And you have to ask why she waited so long to report it if, in fact, it had anything to do with this arrest of Michael Kenny."

A former regional officer for the California Applicants' Attorneys Association, who also spoke on background for this piece, put it this way: "Officer Beutel's reporting of a shoulder injury 2.5 months after she filed a police report describing only a possible kick to the hip and the report listing 'no injury' clearly raises the suspicion of workers' compensation fraud," he said. "That it is a claimed injury to a body part not described in the report of the incident from the nightofMr.Kenny's arrest and that the official police report lists 'no injury' are further indications of fraud.

"We have a no-fault workers' compensation system with a presumption for police officers that injuries they sustain are in the line of duty," the attorney said. "Police officers enjoy this presumption because they are expected to be honest in their reporting of injuries and because we appreciate the dangers of their service to our communities.'

According to the California Penal Code, individuals convicted of workers' compensation fraud for the amount in question in Officer Beutel's claim can be sentenced to up to five years in prison and pay fines up to \$50,000.

UNDER OATH, KASI BEUTEL AVOIDS DETAILS OF THE CLAIM

On June 30 at a hearing before California Department of Motor Vehicles hearing officer Michael Windover in Ventura, Officer Beutel was questioned under oath by Darryl Genis, the attorney who is representing me in conjunction with my DUI arrest by Officer Beutel in the early morning hours of New Year's Day 2011.

At the time of the hearing, Officer Beutel was represented by Charles Goldwasser, a Los Angeles-based attorney who was admitted to the hearing at her request. The following is a verbatim transcript of excerpts from the proceedings at the point where Mr. Genis began questioning Officer Beutel about the alleged shoulder injury: Mr. Genis: Officer Beutel, have you a suffered any injuries that have caused you to take off any extended time from work? Officer Beutel: Yes.

Officer Beutel: I don't know what you refer to as recently?

Mr. Genis: Within the last year.

Officer Beutel: I... I don't know. At this point Mr. Genis showed Officer Beutel the June 3 letter from Julia Alcocer to the D.A.'s office on the Michael Kenny "shoulder injury" claim.

Mr. Genis: She claims in the report that she was not injured. And now we have what appears to be a month off, so I'm asking her, did you take a month off?

Officer Beutel: I'm not sure. I don't believe I took any time or very little time off for that injury.

Mr. Genis: O.K. Well how do you justify almost \$5,500 in disability payments? That's not medical. That's time off.

Mr. Goldwasser: She doesn't have to justify any payment she's received.

Mr. Windover: If she was on disability, she was on disability.

Mr. Genis O.K. Did you receive \$5,588.47 in temporary disability payments from the city?

Officer Beutel: I have no idea what you're referring to, Mr. Genis.

Mr. Genis: Did you get a check from the county for these disability payments?

Officer Beutel: Did I receive a check from the county? No. Mr. Genis: From the city? From

anybody for that amount of money for those injuries?

Officer Beutel: I don't believe so.

Mr. Genis: Didyoutake any time off? Officer Beutel: I don't know.

Mr. Genis: Is it your testimony, your credible testimony under oath today that you don't remember whether you took any medical leave or time off fromyour duties as a peace officer within the last 12 months?

Officer Beutel: No I don't. . . Within the last 12 months. . .

Peter Lance: Twenty four months. Mr. Genis: Is it your testimony that you received a shoulder injury?

Officer Beutel: Anytime in my life? Mr. Genis: No. Within the last 24 months. Did you receive a shoulder

njury? Officer Beutel: Did I sustain a shoulder injury while on duty, I believe so, yes.

Mr. Genis: Yes. O.K. When did you sustain that injury?

Officer Beutel: I couldn't give you an exact date.

Mr. Genis: O.K. Did you see a physician for that injury?

Officer Beutel: I believe I did, yes. Mr. Genis: Who?

Mr. Goldwasser: She doesn't have to private medical disclose her information.

Mr. Genis (to Officer Beutel): I'm you another showing document...that comes from the Michael Kenny arrest . . . Do you admit that in your report for that case, you indicated that you were not injured? Mr. Lance: It's page 9 from Michael

Kenny's report. Mr. Genis: O.K. Do you recall who

Mr. Genis: What did you arrest him for?

Officer Beutel: I believe I arrested himforDUI, battery on a peace officer, resisting arrest. There might be other charges but I don't recall at this time. And I believe it's the nine o'clock hour and I have to be in court at ten a.m.

Mr. Windover: That clock's about four minutes fast. Officer Beutel: Oh, it is. O.K.

Fantastic....We'll be done in four minutes. Mr. Genis: Is the Michael Kenny

case where you got your shoulder injury?

Officer Beutel: Is the Michael Kenny case where I got my shoulder injury? I believe so, yes.

Mr. Genis: O.K. Were you injured on any other case subsequent to the arrest of Michael Kenny?

Officer Beutel: O.K. I need you to go back here. Have I ever been injured while on duty prior to that? Is that what you're asking?

Mr. Genis: Subsequent.

Windover: Afterwards. Mr.

Afterwards. Officer Beutel: O.K.

Officer Beutel confers with her counsel. Mr. Genis shows her page 9 of the Michael Kenny arrest report.

Mr. Genis: Is this a portion of your narrative report in Michael Kenny's case?

Officer Beutel: I would have to see the entire report. Mr. Lance: You didn't ask for it

earlier. You looked at a portion of the report and you didn't say you needed to see the entire report.

Mr. Genis: In your Michael Kenny report, did you write, "I informed him to stay where he was until a supervisor arrived on the scene." Period. New sentence. "With his right foot, Kenny kicked me in the right hip and after kicking me Kenny attempted to push me forward. I deployed my Taser at close range, approximately 2 feet." Do you recall writing that?

Officer Beutel: Without seeing the entire report to review I can't testify to that report.

Mr. Genis: O.K., so your testimony under oath as a credible witness is looking at these typewritten pages is insufficient for you to refresh your recollection. Is that your testimony?

Officer Beutel: I don't know if there's been any alteration to these pages

Mr. Genis: You wrote it. Shouldn't you remember what you wrote?

Officer Beutel: Again, I would need to see the report in order to review it. You're talking about an arrest in 2009 Mr. Genis.

Mr. Genis: O.K. You took medical leave based on these alleged injuries. You don't have a recollection of it.

Mr. Windover: Let's move on Mr. Genis, you've made your point. Mr. Genis: Well, Officer Beutel

obviously has pressing business up in Department 12 and she has to be there by ten o'clock and I gave everybody my word that we'd break at nine o'clock,

remember a shoulder injury like that or when she took time off work to the tune of \$5,500.00 in temporary disability leave? She clearly didn't want to have to take the Fifth, so she repeatedly skirted my questions. What does that say about the legitimacy of her claim?"

QUESTIONS FOR CHIEF SANCHEZ ON THE BEUTEL CLAIM

On July 20, I sent Santa Barbara Police Chief Cam Sanchez an email with a series of detailed questions regarding Officer Kasi Beutel. Attached to the email was the June 3 letter from the Risk Management Department to the D.A. asking that Michael Kenny pay for the alleged shoulder injury.

My question to the chief was, "What are the dates when Officer Beutel took this temporary disability leave? Given that public funds were expended, it should not be a state secret or the violation of her privacy for you, as Chief, to simply state the specific time she took off relating to this claim."

I have yet to hear back from Chief Sanchez or the District Attorney's Office, which was copied on that email.

HOW THE BEUTEL CLAIM

COULD IMPACT OTHER OFFICERS The former CAAA regional officer raised another question with respect to the shoulder injury claim: "If a police officer who we depend on to be honest files a fraudulent (workers' compensation) claim, that fraud could threaten the entire system for legitimately injured officers," he said. "Police officers get full pay up to a year while out on workers' compensation leave, while other applicants get only two-thirds pay. This means there is a greater incentive for police officers to go out on industrial injury leave. If the city of Santa Barbara has evidence that raises the suspicion of Officer Beutel committing fraud in this instance, they have a statutory duty to report it for investigation.

"If it is proved that Officer Beutel did commit workers' compensation fraud this could harm her fellow officers who are honestly injured in the line of duty. Is it fair to saddle Mr. Kenny with illegitimate expenses just because he has the stigma of a DUI?"

WHAT THE CLAIM MAY SAY ABOUT THE RISK MANAGEMENT DEPARTMENT

"There's a larger question here," says Mr. Genis. "How could the city's Risk Management Department have approved that claim by Kasi Beutel in the face of overwhelming evidence in the Kenny police file that she was not injured? How could they approve a claim filed two and a half months after the incident in which she never even mentioned a contact between Kenny and her shoulder? Why didn't the alarm bells go off? Certainly by June 3 when this letter from Risk Management went to the D.A., the City Attorregarding this claim and 10 meaning maximum credibility, I'd rate this as a 'three' at this point.

"Based on what we see here it looks like there was an incident — the Kenny Tasering — and she tried to attribute a right shoulder injury to this incident when in fact, it wasn't a part of that incident. And that raises questions about whether in fact she even had a right shoulder injury. Clearly, if there was fraud the city should be receiving compensation from her and not Mr. Kenny.'

IF FRAUD IS FOUND WHO WILL PROSECUTE?

According to Capt. Richardson of the Department of Insurance Fraud Division, if a case is made against Officer Beutel, typically it would be "presented to the local district attorney" for prosecution. "But in this instance," he noted, "it's also possible that the attorney general could prosecute if we had any sense of a conflict of interest with the D.A.'

As to Michael Kenny, he vows to cooperate fully with the state's investigation.

"The only physical contact I had with Officer Kasi Beutel was when I passed her my license and registration and when the probes from her Taser hit me," Mr. Kenny said in an interview

"I'm prepared to testify under penalty of perjury that I never pushed, kicked or struck her in any way. I'll take a lie detector test on that and I welcome the investigators from the Department of Insurance Fraud Division to contact me any time so that I can do that. It seems to me that Kasi Beutel should also be willing to submit to a polygraph."

"The idea that this officer who so traumatized my life would put in a claim for workman's comp benefits and generate up to \$7,762 for the taxpayers of Santa Barbara is a crime unto itself. And it's indicative of her audacious behavior.'

IsentOfficer Beutel an email asking for her side of story with respect to the "shoulder injury" claim, but at press time she had not responded.

email: news@newspress.com

Behind the Series

n the morning of New Year's Day, Office Kasi Beutel of the Santa Barbara Police Department arrested investigative journalist Peter Lance on suspicion of driving under the influence. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this series, which began with five parts June 22-26. With today's installment, there have been nine installments altogether and more are in the works. For updates, see newspress.com. For more on Mr. Lance, go to peterlance.com.

ability Act); employee personnel records are exempted from disclosure under the Public Records Act; and the workers' compensation claim for Officer Beutel constitutes pending litigation that involves the city.'

Noting that "The city does not comment or discuss matters of pending litigation," Mr. Howard referred me to the City Attorney's Office, which has failed to respond to repeated

Mr. Genis: Recently?

Michael Kenny is?

Officer Beutel: I'm sorry... Mr. Genis: Do you know who Michael Kenny is?

Officer Beutel: Personally, I'm not sure what you mean by do I know who Michael Kenny is?

individual by the name of Michael Kenny?

Mr. Genis: Did you ever arrest an

Officer Beutel: I believe so, yes.

so I'll ask for a reconvene with Office Beutel. I'm not finished. I'm not even close to finished.

"It's patently clear from that transcript," says Mr. Genis, "that when asked basic questions about how she got the alleged shoulder injury and when she took time off, Kasi Beutel, with the help of her lawyer, would not be pinned down. Who wouldn't ney's Office knew that we were raising serious questions in our case that impeached Kasi Beutel's credibility. Why rubber-stamp this claim when at that point they had every reason to be wary of Kasi Beutel's word?

The defense attorney who handles workers' comp claims for insurance companies put it another way: "On a scale of 1 to 10 with zero meaning that this officer has no credibility

Lance removed after refusing to follow court procedure

I LANCE

Continued from Page A1

investigate issues relating to pending litigation," said District Attorney Joyce Dudley. "People v. Lance is pending litigation."

Acontinuing pre-trial hearing in the Lance case Monday was expected to see at least two witnesses take the strand before Judge Brian Hill, to testify that signatures purported to be theirs on blood-test waiver forms as part of stops and arrests involving Officer Beutel were forged. Then, just as two others did during the first part of the hearing one week ago today, it was expected these witnesses would affix their signatures to a number of blank waiver forms as part of handwriting analysis prompted by the defense.

Instead, the judge started the hearing by bringing the hammer down after letting things get a bit out of hand last week. His first order of the day: no cameras.

"The court is a little bit concerned with the amount of pre-trial publicity," said Judge Hill, who allowed cameras last week

Noting the "huge amount" of coverage in the News-Press as well as some blog postings, he sent a loud and clear message of what would happen going forward: "There will be no cameras in the courtroom.'

He then turned his attention to the defense, which, at the July 26 hearing, engaged in behavior the judge called contemptuous. This included Mr. Lance "engaged in a kind of cheerleading" of witnesses, said the judge, images of which were published in the News-Press and elsewhere.

The judge also said he had information that Mr. Lance got up during the hearing to answer his cell phone.

'What happened in court last week is not going to happen again under any circumstances," Judge Hill said in a stern voice.

He then took defense attorney Darryl Genis to task for his tone in court a week ago. Judge Hill was particularly incensed by two comments by Mr. Genis, including referring to a lengthy explanation by the judge about the First Amendment and prior restraint of the media as "filibustering to burn up my time.'

The judge said he looked up filibuster in the dictionary, the meaning of which includes a deliberate attempt to delay or to obstruct justice.

"I probably took more time than I needed to," the judge conceded. But filibustering? No way.

Judge Hill also took issue with Mr. Genis stating last week that the judge's analysis of an order for Mr. Lance and the News-Press not to publish certain information in the Lance matter amounted to an unconstitutional 'Mother, may I?'' moment.

"You can object in a professional way," said the judge. "What I'm not going to do is tolerate an attack on this court or the process.

Lose the sarcasm, said the judge; and use proper legal language to make your points in court.

As for the filibuster reference, Mr. Genis said he was expressing frustration at the judge's "punch list."

"What's a punch list? It's something a contractor uses, replied Mr. Genis.

"I'm not a contractor. I'm a judge," said Judge Hill.

Deputy District Attorney Sanford

Horowitz did not escape the judge's ire. In a heated exchange about the way the attorneys communicate with each other outside court, the judge told him, "You don't need to yell at me.'

The judge suggested the men communicate only in open court, and if either feels the other has done something wrong, to put the complaint in a written motion.

"I have not communicated with Mr. Genis." said Mr. Horowitz.

"I don't want to hear an oral claim that he did something," replied the judge.

After some more sparring, over whether restraining orders were in order so that neither side communicates with the media, Mr. Genis sought from the judge an order limiting the number of Santa Barbara police officers in the courtroom. He noted that in addition to Officer Beutel and another officer with direct connection to the case at hand, at least eight were present last week, leading to possible intimidation of defense witnesses who were in court to testify that they, too, were the victims of the forged bloodtest waivers.

Suddenly from the back of the room came loud clapping. Judge Hill: "Who's clapping in the

back of the room?"

"Is that important?" replied the man, who turned out to be Santa Barbara City Council hopeful Cruzito Cruz, who says he was threatened with being shot with a stun gun after refusing to submit to a blood test after being stopped by Officer Beutel earlier this year.

The judge ordered him removed. "There's 40 cops here, man," Mr. Cruz cried out as he was pushed into the hall of the County Courthouse. "There's 40 cops. Kick them out."

Returning to Mr. Genis' request, the judge said he wouldn't grant the order, noting the courtroom is probably filled with people on both sides, as well as curiosity seekers, people from the District Attorney's Office, interns and others.

Soon, Mr. Genis was on to his theory of admissibility of evidence of prior bad acts and alleged forgery on the part of Officer Beutel.

This alleged common plan and scheme ends with an officer willing to forge or witness the forgery of a DUI suspect's signature on a form waiving a blood test because the officer knows the test is the only sure-fire way the suspect could ultimately prove that he or she did not have a blood alcohol content that a trumped-up breathalyzer test showed.

The judge said he was willing to accept the theory, but he also said the prosecution might well bring people to the stand who say the officer advised them about waiving the blood test and that they willingly signed the form.

The next item of business set up another forcible removal from the court, this of Mr. Lance.

The judge, with another case pending on the day's docket, said he wanted to alter course on the rest of the blood-test waiver witnesses. Instead of having them take the stand, testify to alleged forgeries and then fill outtheblankforms—asthetwoothers did last week — the judge simply wanted them to sign the forms and follow up with signed declarations about the alleged forgeries.

Mr. Genis fought back. "You set the procedure," he told the judge. "I did," Judge Hill replied, yielding no ground.

Mr. Genis again protested, saying that if the witnesses crumbled under cross-examination, the proceedings could end.

He then called Officer Beutel to the stand, hoping together to test if y underoath about all those people willingly signing the waivers.

Judge Hill said no, instead ordering the officer to file a declaration to that effect.

That wasn't good enough for Mr. Genis, who reminded Judge Hill of something the judge said last weekthat he finds it significant that there are people coming forward under the penalty of perjury to say their signatures were forged.

Mr. Genis tried again to convince the judge that the time was right for Officer Beutel to take the stand and face cross-examination herself.

"If in fact you determine her testimony to be so credible," he said, "you can shut the case down now.' The judge was having none of it.

That's when Mr. Lance, who had been admonished earlier to speak through his attorney, said, "The only reason you wouldn't want her to do that is Mr. Goldwasser isn't here and you don't want to see her take the Fifth," a reference to the Officer Beutel's attorney, Charles Goldwasser.

The judge told Mr. Lance to stop; Mr. Lance essentially dared the judge to hold him contempt of court.

Then the judge ordered bailiffs to remove Mr. Lance. Four swarmed him as he sat at the defense table, and one took him by the arm

Mr. Lance said he couldn't be

removed because he was voluntarily leaving.

After some more words to the judge, a bailiff grabbed Mr. Lance by the arm and, with help from the others, forced him out of the courtroom.

The News-Press followed them into the hallway, but a bailiff prevented anyone from going any further as Mr. Lance, pushed along by two bailiffs, disappeared down a stairwell on the Santa Barbara Street side of the courthouse.

'They're twisting my arm," Mr. Lance called out. "They're twisting my arm.'

"What we saw today is a starchamber proceeding," Mr. Lance said outside after being told not to re-enter the courthouse for the day.

Back inside, the two witnesses who were expected to testify instead sat at the defense table signing blank waiver forms, 10 in blue ink, 10 in black ink and then two in their "off" hand, exemplars that will be forwarded to the two handwriting experts for examination.

Standing behind them and observing were Mr. Horowitz and Officer Beutel, who, in a departure from last week's hearing and an earlier hearing at the California DMV office in Ventura where she wore her curly hair pulled back tight, wore it down, with a white fabric flower barrette to the left.

In his final request of the day, Mr. Genis asked the judge to order the District Attorney's Office "dust off" all of its Kasi Beutel DUI files, those that were prosecuted and those that weren't, and hand them over.

The hearing continues Friday.

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NATION & WORLD / B1





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EL MERCADO DE LA GUERRA OFFERS BOOTHS OF TASTY DISHES, AND WE HAVE THE GUIDE FOR IT ALL

SANTA BARBARA NEWS-PRESS

Our 156th Year –

WEDNESDAY, AUGUST 3, 2011

DA admits blood waivers may have been destroyed

By PETER LANCE SPECIAL TO THE NEWS-PRESS

The dog-eared copy of the Black's Law Dictionary Fourth Edition that takes up four inches of my bookcase, defines "obstructing justice" as "Impeding or obstructing those who seek justice in a court, or those who have duties or powers of administering justice.'

On June 22, in the sidebarthat accompanied the first part of what has now become a 10-part series for the News-Press, I noted, "While I was, and remain a defendant in the case of the People vs. Peter Lance, I am first a citizen and second a journalist. I've devoted much of my career to reporting on law enforcement misconduct. So this probe began, not as some vendetta or attempt to 'get' a police officer, but as an honest, dispassionate exercise in truthfinding and it will remain that way as I continue to report the story and defend myself in the criminal case.'

Just yesterday, for the first time since the series ran, the city of Santa Barbara issued a statement acknowledging the "serious allegations" I have reported and stating that it is 'the duty of the City Administrator, City Attorney and Chief of Police to review" them.

Promising that officials "will carefully review the allegations and take appropriate action, if it is merited by the facts," the city also used that statement in the form of a press release to effectively justify a news blackout on this growing scandal.

But despite that promise of a review, there is a mounting body of evidence that may suggest a concerted effort continues to exist on the part of the Santa Barbara Police Department, the office of the City Attorney, Santa Barbara County District Attorney's Office and the presiding judge of the Santa Barbara County Superior Court, not only to obstruct discovery

in my criminal case, but to impede my journalistic investigation.

That seven-month probe has uncovered evidence presented in prior articles suggesting that Kasi Beutel, the "Top DUI Officer" for Santa Barbara County from 2009-2010, exaggerated the number of her arrests and framed innocent drivers by lying in police reports, manipulating breath tests, withholding exculpatory evidence from defendants and witnessing forged waivers in which arrestees gave up their rights to blood tests; the most reliable measure of their blood alcohol content, which is used to determine guilt in a DUI

case.

In a June 23 press release, sent to the media one day into my series, the Police Department sought to try my case in the press. On July 11-12, letters were sent to the media by a local law firm representing Kasi Beutel which also attacked the series.

Until now I have steadfastly avoided describing the factual details of my arrest by Officer Beutel on New Year's Day. The only reference to a specific element of my case came in Part Three of the series on June 24

Please see **DUI** on **A3**

Campaign watchdog focuses on judges

By DON THOMPSON ASSOCIATED PRESS

SACRAMENTO — The chairwoman of the agency that monitors campaign donations and political conflicts of interest in California said Tuesday that she intends to draw attention to the increasing partisanship of judicial elections and the potential influence of campaign contributors on the courts.

Ann Ravel said the California Fair Political Practices Commission plans to begin posting information about political donations to incumbent judges and judicial candidates on its website next year.

"It seemed to me there has not been aspotlight on this issue," she said in an interview with The Associated Press. "People should know if there are some interests that are providing a lot of campaign contributions." Ms. Ravel was a deputy assistant U.S. attorney general handling civil cases when Gov. Jerry Brown appointed her in February to head the commission that regulates campaign financing. The commission was created when voters approved the Political Reform Act of 1974, during Brown's first term as governor.

County redistricting passes



Former Supervisor Brooks Firestone implores the Board of Supervisors to listen to North County residents. From left, Supervisors Joni Gray, Salud Carbajal and Steve Lavagnino engage in discussion about redistricting.

It's back to Santa Barbara for Philip Myers

Arrest warrant affidavit says his swindling could top \$20 million

> By SCOTT STEEPLETON NEWS-PRESS CITY EDITOR

Philip Eric Myers, the disbarred Santa Barbara attorney facing several charges stemming from sales of alleged phony securities and defrauding an elder, was released from a Georgia detention facility and was presumably on his way back to Santa Barbara County.

The Santa Barbara County Sheriff's Department, lead investigator in at least two local cases against Mr. Myers

involving several felonies, has refused to comment on when the 59-year-old, who was in custody since July 22, would return, citing security concerns.

But personnel with the Gwinnett County Sheriff's Department said Mr. Myers was released at 1:51 p.m. Tuesday Georgia time for extradition to Santa Bar bara County. As of late Tuesday, Santa Barbara County Jail personnel had no record of Mr. Myers being booked there. The News-Press obtained a copy of the June 30 arrest warrant affidavit, later



Please see CAMPAIGN on A12

Jesusita Fire victims sue maker of brushcutter

By MORGAN HOOVER NEWS-PRESS STAFF WRITER

A group of property owners who suffered structural losses in the Jesusita Fire is suing the manufacturer of a brushcutter blamed for starting the fire.

About 50 plaintiffs are listed in the lawsuit against STIHL Inc., A-OK Mower Shops Inc., and Orchard Services Inc.

In June, Craig Ilenstine and Dana Larsen were sentenced to 250 hours of community service after they pleaded no contest to charges related to the fire, which they are thought to have started using STIHL FS 110R brushcutters.

Mr. Larsen purchased his brushcutter in 2006 at Orchard Services, and Mr. Ilestine's borrowed brushcutter was purchased in 2008 by a friend at A-OK.

Please see FIRE on A12

Map keeps Lompoc in one district; Isla Vista stays in 3rd

trading stinging barbs and accusations of political financial motives. Catcalls erupted from the audience at some points during the testy meeting and several supervisors appeared visibly shaken.

Mr. Carbajal's map was approved with minor tweaks on the boundaries at the 4th and 5th districts solely to preserve the continued participation of the 5th District planning commissioner, whose address was suddenly in another district.

Mr. Carbajal, along with 3rd District Supervisor Doreen Farr and 2nd District Supervisor Janet Wolf, voted in favor of the new districts, while 4th District Supervisor Joni Gray and 5th District Supervisor Steve Lavagnino dissented.

The chosen map was unveiled late last week by Mr. Carbajal, after a citizen map voted upon during the July 12 board meeting had already been tentatively approved by the board majority. That map, created by Goleta resident George Relles, was controversial, particularly since it split the city of Lompoc between districts.

Mr. Carbajal said he put forth his map to meet the letter of the law in terms of population and communities of interest, but also to prevent "disenfranchising voters."

"This map isn't perfect like any other map presented," he said. "The challenge is to come up with the best map possible. ... No

Please see COUNTY on A8

GWINNETT COUNTY SHERIFF Philip Eric Myers was extradited to Santa **Barbara County from** Georgia on Tuesday.

signed by Santa Barbara County Superior Court Judge Jean Dandona, in which Sheriff's Department Detective Robert Minter recommends bail of \$1 million, based "on the reported amounts of money that have been stolen by Philip Myers.'

In one case under investigation by the Sheriff's Department, Mr. Myers is accused of swindling a woman out of \$1.6 million.

In another case first reported by the News-Press, an

Please see MYERS on A12

The secret is out La Fiesta Pequeña dress rehearsal draws a crowd

By KELLY HOOVER NEWS-PRESS CORRESPONDENT

By NORA K. WALLACE

NEWS-PRESS STAFF WRITER

The county Board of Supervisors, in a

contentious and at times acrimonious

meeting that ended with supervisors prof-

fering hugs to one another, approved a new

map that will set local political boundaries

Ultimately, the board opted not to move

forward on any of the 16 boundary maps

previously created by members of the

public and organizations, but instead to

favor a newly created proposal by 1st Dis-

They did so on a 3-2 vote, and not before

trict Supervisor Salud Carbajal.

for the next decade.

Cameras were flashing Tuesday night as hundreds of proud parents and family members brought out their lawn chairs and sat as close as possible to the action on the Santa Barbara Mission steps.

The dress rehearsal for La Fiesta Pequeña, one of the most anticipated shows of the year in Santa Barbara, is becoming more popular every year. It's a great way to see a preview of the show without all the hassle.

"We are having a ball watching these beautiful dancers," said firsttime Fiesta-goer Cris Arklin. "My aunt is 89 years old and we thought tomorrow night might be too much so we got the inside scoop to come to the dress rehearsal."

Of course, you don't get the ambience and magic you get with the colored lights that brilliantly backlight the mission and show off the brilliant



Fiesta costumes that you do at the actual show.

For the parents of the more than 200 dancers, flower girls, singers and musicians who will take to the stage tonight for La Fiesta Pequeña, this might be their best up-close and personal photo opportunity.

Wendy Moran, who has a daughter dancing for her first time at the mission and another as a first-time flower girl, getting a front row spot

was important.

"I'm a hands-on mom. I like to be involved and taking photos. This is something my daughter has wanted to do since she was 4 years old."

The La Fiesta Pequeña dress rehearsal is also a great time for dancers to work out any kinks and hopefully get over any stage fright they have. Many admit they are nervous and that dancing at the mission is not only a dream but a lot of pressure.

Spirit of Fiesta Marisa Leon-Haro opened the rehearsal with her solo performance. It was more nervewracking than she imagined.

Thankfully, tonight those faces will be harder to see when the show starts at 8 as opposed to the 6:30 start time of the rehearsal.

Also nervous but overwhelmingly proud and excited are the five great-granddaughters of Fiesta

Please see SECRET on A9



NIK BLASKOVICH / NEWS-PRESS

The Santa Barbara Mission forms the backdrop for La Fiesta Pequeña rehearsal Tuesday.

newspress.com



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Questions arise about destruction of arrest-related documents

Continued from Page A1

when I presented evidence from nationally ranked handwriting expert James Blanco that my blood-test waiver — known as a Trombetta advisement — and those of two other Kasi Beutel arrestees, had been forged.

In Part Eight of the series I reported evidence of four potential additional forgeries confirmed by Mr. Blanco in a sworn declaration.

But in recent days new evidence has surfaced suggesting key evidence that mighthavebeenhelpfultothedefense in my case was destroyed by one of the Santa Barbara police officers involved in my stop and arrest and further, that originals of the Trombetta blood waivers that the district attorney was ordered to produce in court may have been shredded.

In this installment, I'll report on the perception of mounting efforts by government officials to restrict the flow of evidence in this investigation and my criminal case.

JUDGE HILL STOPS OPEN COURT TESTIMONY OF WITNESSES

After a hearing on July 26 in Dept. 2 of the Santa Barbara County Superior Court in which he encouraged two of seven alleged Trombetta forgery victims to testify under oath in open court, Judge Brian Hill, who is presiding over my case, refused at a hearing on Monday to let me or two other alleged blood-test waiver arrestees testify.

He also denied repeated requests by my attorney Darryl Genis to put Officer Beutel, who was present in court, on the stand so that Mr. Genis could examine her under oath about the forgery allegations. Finally, toward the end of the hearing Judge Hill, who is also presiding judge for the entire Santa Barbara County Superior Court, ordered me forcibly ejected from the courtroom after I questioned his decision to limit testimony in my case.

Surrounded by three deputies including Sgt. Michael Skall who twisted my arm behind my back, I was not only removed from the courtroom but the Courthouse. The judge took that action after denying a request by a producer for Channel 17, the community access channel, to videotape the proceedings — another change in his previous courtroom policy—after he had allowed still photographers from the News-Press and other media to cover the start of the blood-waiver forgery hearing July 26.

At Monday's hearing, after previously refusing to cite or sanction me or the News-Press for violating a gag order he imposed on July 15, Judge Hill also invited the District Attorney's Office to prepare a motion preventing any of the participants in the case including me — from commenting about it in the media; suggesting another effort to impose a prior restraint on me personally and my

Mr. Gallogly and Ms. Ostrenger played a key role in the controversial April 8 Pitchess hearing in which we sought an inspection of Officer Beutel's personnel file by Judge George C. Eskin, then presiding in my case.

 $\ Arguing in open \ court at the hearing$ that the only "relevant" material in her file would be complaints that Judge Eskin might examine in response to our motion, Ms. Ostrenger went into a closed-door session with the judge, attended by Mr. Gallogly. In that session Sgt. Todd Stoney, the Police Department's supervisor of internal affairs, testified under oath that there were no citizen complaints in Officer Beutel's file. As I later disclosed in the series, that testimony came at a time when at least one, and possibly two complaints were in the Beutel file, raising the question of whether Sgt. Stoney, the principal officer monitoring officer integrity at the department, committed perjury.

When I attempted to publish a portion of the in-camera transcript that I obtained legally via the Court Administrator's Office, it was Ms. Ostrenger from the City Attorney's Office who contacted Judge Hill on or about July 14.

Later that day Mr. Genis and I were summoned to a hearing before Judge Hill in which he issued the aforementioned gag order, threatening me and the News-Press with sanctions if we published that transcript.

We did just that in Part Seven of the series on July 24, and in that hearing in Dept. 2 two days later, Judge Hill backed down; announcing that he would not seek to punish either me or the newspaper for what we contended was a proper exercise of our First Amendment rights.

CITY ATTORNEY SILENCES

THE FINANCE DEPARTMENT Meanwhile, in the course of researching Part Nine in the series, published Tuesday, in which we reported for the first time that the state Department of Insurance Fraud Division had opened a criminal investigation into whether Officer Beutel committed workers' compensation fraud, the city attorney was, again, involved in refusing to immediately provide details from the city's Risk Management Division in the Finance Department, which approved a total of \$7,762.89 in medical and temporary disability payments to Officer Beutel.

The payments were purportedly for a shoulder injury Officer Beutel claimed she suffered as a result of her DUI stop and arrest of commercial fisherman Michael Kenny, on the night of Aug. 22, 2009. After initially claiming Mr. Kenny "kicked" her in the "right hip" and after Mr. Kenny was charged with battery on a peace officer, the district attorney dropped the battery charge as well as a DUI charge when Mr. Kenny's blood tested below the legal limit of .08.

Further, the official police report in Mr. Kenny's case stated that Officer Beutel was "not injured." Nonetheless, two-and-a-half months later she sought copies of their police reports, they were typically furnished within 48 hours of the request by Susan Segura, the Police Department's records supervisor. I personally filed two police report requests on behalf of Mr. Torres and Chris Jackson whose DUI arrest by Kasi Beutel was later rejected by the D.A.'s office. Two days later Mr. Segura produced hard copies of the requested reports.

But on July 29 when I sought to pick up the police report of another Kasi Beutel arrestee named Aaron McCann, I was told by the watch commander at the time, Sgt. Warren Holtke, that I could not get Mr. McCann's report and that if I wanted it, I would have to "speak to the city attorney.'

"It appears that in their effort to reduce the flow of information in the Kasi Beutel investigation," says attorneyTomGriffinwhorepresented Taurino Torres, "the city is using the issue of police officer privacy as a shield to prevent the kind of full disclosure that this issue urgently requires at this time."

"But from a reading of that Pitchess transcript that the city attorney fought to keep secret, it seems that there was nothing in that proceeding that impacted the privacy of Officer Beutel. In my opinion they petitioned Judge Hill to issue an order to stop its publication because they were embarrassed by what that transcript documented about the sworn testimony of the supervisor of internal affairs. In a matter like this, where such serious charges are coming forth, it benefits all sides, including the police department and Officer Beutel for the city to be as forthright and transparent as possible.

"All I wanted was to be able to get my police report," says Mr. McCann. "The police told me I could get it. They had me fax over a copy of my driver's license and a signed authorization for it to be picked up by Peter Lance and after taking a lot of time off from work to accomplish this, we were told, 'No. You can't have it. Call the city attorney.

A RESPONSE FROM THE CITY ATTORNEY TWO MONTHS LATE On July 281 sent a five-page email to City Attorney Steve Wiley entitled 'Obstruction by The City Attorney's Offices in the Kasi Beutel Investigation." In it I detailed most of the allegations cited in this article, and noting that, "What began as a probe of Office Kasi Beutel has now expanded into a broader examination of the SBPD after new information emerged following publication of my initial fivepart series in the News-Press from June 22nd to June 26th, 2011."

The next day, Tava Ostrenger from Mr. Wiley's office finally complied with the public records request we had filed on July 19-taking 10 days to deliver on the kind of public information we got previously from the Police Department in 48 hours.

"Among the information that we had to drag from the City Attorney's Office," says Mr. Genis, "was a simple When defense attorney William Makler sought to get Officer Beutel to testify regarding her possible perjury in court filings in 2000 and 2005 - revelations first published in the series -Mr. Horowitz objected 27 times on the grounds of relevance and Judge Eskin sustained him each time, even though he had opened the door to that line of questioning.

The day before that hearing on June 28 in the case of the People vs. Batalas, Mr. Horowitz filed a 15-page memorandum titled "In Opposition to Defendant's Request to Conduct Irrelevant Cross Examination During Motion to Suppress." As an exhibit he attached Part One of the series.

In that memo, Mr. Horowitz argued that my article was "Inflammatory, slanted and (a) hearsay account of allegations of misconduct," further alleging that "none of these allegations against officer Beutel are substantiated by admissible evidence."

LAST MINUTE ADMISSION EVIDENCE MAY HAVE BEEN DESTROYED

On July 26, at a hearing in Dept. 2 on my case, convened to examine whether Officer Beutel and Mark Corbett may have witnessed forged Trombetta waivers, Mr. Horowitz failed to comply with an earlier order from Judge Hill commanding him to bring to court all of the original signed Trombetta advisories. After the judge admonished him, Mr. Horowitz was told to bring those original waivers to a continuation of the hearing on Monday.

"We had been asked for this material for over half a year," says Mr. Genis, "but suddenly after almost a dozen court appearances and for the first time Mr. Horowitz made the shocking eleventh-hour announcement that some or all of those original waivers may have been shredded. If this is true, it would constitute a flagrant violation of the discovery and disclosure which carries grave sanctions against the prosecution withholding and/or destroying exculpatory evidence.'

AUDIO RECORDING OF

LANCE ARREST DESTROYED When Kasi Beutel arrested me, claiming that I had a BAC of .09, one hundredth of one per cent over the legal limit of .08, I was initially stopped just past the corner of Santa Barbara and Micheltorena streets by a patrol car driven by Officer Bruno Peterson. In a DMV hearing on June 30, testifying under oath, Kasi Beutel admitted that she did not see that stop, yet in her arrest report she accused me of making "unsafe turning movements." At an earlier DMV hearing on June 24, Officer Peterson testified under oath that he had "never (told) Officer Beutel" that Peter Lance "made any kind of unsafe or illegal turning movement."

At that same hearing Officer Peterson swore that when his patrol unit pulled up next to my vehicle on Santa Barbara Street I was "looking down at (my) lap." When asked by Mr. Genis if he thought I was "asleep at a green light," Officer Peterson said "No." He estimated the time that I was "looking down" at "a couple of seconds."

His partner that day was Officer Heather Clark, a five-year veteran of the Santa Barbara Police Department who attended the police academy with Kasi Beutel. At the time the police report on my stop and arrest was approved by an department sergeant on Jan. 2, Officer Clark had submitted no arrest narrative or other written notes on the incident.

At a DMV hearing on July 28, testifying under oath, Officer Clark admitted she "couldn't say" if I was "looking down," at the time she and Officer Peterson rolled up next to my vehicle in their patrol unit. Yet in a supplemental report that she wrote on May 19, more than five-and-a-half months after the arrest, Officer Clark stated that she observed "a white male adult behind the wheel with his head drooping and his chin nearly resting on his chest.'

 $When \, pressed \, by \, Mr. \, Gen is a stowhy$ she used such a phrase, the exchange at the hearing went like this:

Mr. Genis: So, when faced with the opportunity of writing an unbiased report that would simply say his head was looking in a downward direction or using a term which suggests intoxication, you elected to use the word, "drooping," implying intoxication. Correct?

Officer Clark: I don't necessarily define intoxication using the word, "drooping," no.

Mr. Genis: What was it that motivated you out of all the possible modifiers to use the word, "drooping?"

Officer Clark: Just the word I chose at the time.

Mr. Genis: And it just so happens that would be a word that would be consistent with creating the image of somebodywhoisintoxicated;correct? Officer Clark: I suppose that would depend on the reader.

SBPD USES OFFICER CLARK'S PHRASE IN PRESS RELEASE

In that June 23 press release attacking the News-Press DUI series that was released under Chief Cam Sanchez's name, it states that on the night of my DUI stop, "One officer described Lance as looking down at his lap; the other described him as head drooping, chin nearly on his chest.

Behind the Series

n the morning of New Year's Day, Officer Kasi Beutel of the Santa Barbara Police Department arrested investigative journalist Peter Lance on suspicion of driving under the influence. The case is pending. After finding a number of misstatements of fact in the report of the incident, Mr. Lance started looking into other arrests involving the officer. The investigation, including interviews with others, resulted in this series, which began with five parts June 22-26. With today's installment, there have been 10 altogether — and more are in the works.

For updates, see newspress.com. For more on Mr. Lance, go to peterlance.com.

"So they took this loaded description of Peter Lance by Heather Clark, says Mr. Genis, "one that goes way beyond what her own partner Peterson wrote in his narrative the night of the arrest and five-and-a-half months later, at the request of Sandy Horowitz the Deputy D.A, Officer Clark, Kasi's Academy colleague, casts my client as a drunk. That would be outrageous enough, but later on in that hearing, Heather dropped a bomb.'

Continuing under oath, Officer Clark admitted that she had a "pocket digital recorder," that she used to record some portion of the events surrounding my stop and arrest, but "at some point later there was nothing evidentiary (on it) and it was erased.'

> HOROWITZ ADMITS THAT BLOOD WAIVERS MAY HAVE BEEN DESTROYED

At the end of Monday's hearing in Dept. 2, after being twice ordered by Judge Hill to furnish originals of the Trombetta blood-test waivers so that they could be examined by handwriting experts for both sides, Mr. Horowitz admitted for the first time that some of the waivers may have been shredded by the department.

As far back as our first discovery request sent to the District Attorney's Office on Feb. 24 we asked for "the originals of all forms and documents filled out by Officers Peterson, Clark, Beutel and their superiors relating to (Peter Lance's) stop, testing and arrest."

Please see **DUI** on **A9**



ongoing coverage of the Beutel investigation.

CITYATTORNEY'SOBSTRUCTION OF THE INVESTIGATION

For months, during the course of my investigation, in response to a series of Public Records Act requests filed by the office of Darryl Genis, Lt. David Whitham, the records custodian for the Police Department, responded expeditiously, providing the requested information within a matter days and often within as little as 48 hours.

But when we filed our last request on July 19, Lt. Whitham told me in a follow-up call, that "everything now is being run through the City Attorney's $Office.\,If you want anything you'll have$ to deal with them." As a result, for a request we filed on July 19, Deputy City Attorney Tava Ostrenger took 10 days to comply.

During the months of May and June I had a regular exchange of emails and information with Lt. Donald Paul McCaffrey, the department's former public information officer. Initially he furnished information regarding the department's use of video in patrol units, the department's "DUI Round-Up" published in the local media and details about the tenure of Kasi Beutel, Mark Corbett and Christine Ortega, on the Department's Drinking Driver Team.

But two months ago on June 2, in response to my most recent request to him, Lt. McCaffrey sent me an email refusing to furnish further information relating to Officer Beutel and stating that he had "referred the matter to the Santa Barbara City Attorney's Office for review." To date, I've received no response to that query.

FILING A MOTION TO QUASH A SUBPOENA

On July 21, Mr. Genis filed a subpoena on Police Chief Cam Sanchez requesting an explanation for various allegations about my arrest contained in the June 23 press release that went out under the chief's name. Five days later, Reed Gallogly from the City Attorney's Office responded by filing a motion to quash the subpoena on the grounds that it was "irrelevant," "unduly onerous, burdensome and overbroad."

While that matter is still pending,

filed the workers' comp claim for injury to her shoulder. And on June 3, in a letter to the D.A., city risk management officials asked that Mr. Kenny pay "restitution for damages that he caused."

In a detailed email sent July 6 to Robert Samario, the city's finance director and Mark Howard, the risk manager who works under him, I asked a series of detailed questions regarding this Beutel claim.

Mr. Howard later got back to me in an email that same day refusing to provide any details beyond the claim number and the date of filing (Nov. 14, 2009) referring me — as did Lt. McCaffrey and Lt. Whitham — to the city attorney.

CITING THE CITY ATTORNEY ON POLICE

COMPLAINT QUESTIONS Nine days later, I had different question for Mr. Howard relating to the Kasi Beutel investigation. As it turned out, a number of her former DUI arrestees who had contacted me or the News-Press after the initial five-part series ran, wanted to file complaints against her with the Police Department but were frustrated when copies of the complaints were returned to them after filing without a time or date stamp.

In Part Seven of the series I discussed the cases of two Beutel arrestees: Taurino Torres and Cruzito Cruz, a City Council hopeful who each waited months before hearing back from the department after filing complaints that the department accepted but failed to date at the time of submission.

When I learned that the City Clerk Services Office also allows people to file police officer complaints which are time- and date-stamped, I contacted Mr. Howard because his office accepts hard copies of the complaints from the city clerk. On July 15, I sent an email asking for copies of any Kasi Beutel complaints he had on file.

Three days later, Mr. Howard replied with this response: "Mr. Lance, your questions have been referred to the City Attorney's Office for an appropriate response."

CITY ATTORNEY NOW BLOCKS ACCESS TO POLICE REPORTS

As recently as the week of July 18. when people arrested by Kasi Beutel

printout indicating that Kasi Beutel had entered the police Academy on Nov. 28, 2005, a little over seven months after she had contacted Rev. Thomas James, who she asked to backdate her marriage license from Jan. 21, 1999, to May 31, 1997, the date she had sworn to under penalty of perjury in her divorce pleadings in April of 2005."

"You tell me why Steve Wiley, a public official, dragged his feet on the release of that data which my client, Peter Lance, first asked Lt. Donald Paul McCaffrey for on June 1. Why did it take the city attorney almost two months to furnish that simple information?"

THE D.A.'S TACTICS IN KEEPING KASI BEUTEL OFF THE STAND

In Part One of my series, I reported on how Deputy District Attorney Sanford Horowitz sought to prevent Officer Kasi Beutel from taking the stand and testifying under oath to the 331 DUI arrests she claimed credit for in 2009—a total that won her the "Top DUI Officer" award from Mothers Against Drunk Driving. A transcript of that hearing in front of Judge Eskin on April 22 can be downloaded at: www.peterlance.com/

People vs Lance 4.22.11 hearing transcript.pdf.

I believe Judge Eskin's behavior in mocking our efforts to get Office Beutel to testify under oath was so extremethatIfiled a motion on May 13 seeking to get the judge recused for and bias prejudice: www.peterlance.com/

P.L._Dec_170.1_Motion filed 5.13.11-.pdf.

Within three hours after the motion was filed, while denying any bias, Judge Eskin stepped down. Within days of that hearing we got confirmation via a Public Records Act request filed with Lt. Whitham, that Officer Beutel, in fact, had claimed that 331 figure, which other Police Department records proved was an exaggeration of her true DUI arrest count for 2009. "In other words," says Mr. Genis, "if we'd had a chance to pin her down under oath on the 22nd, she might have had to take the Fifth to avoid perjuring herself."

But Mr. Horowitz continued to protectOfficerBeutelatthefirstofher DUI cases to come to trial after my initial five-part series was published.

VIVA LA FIESTA? August 3rd - 7th

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Blood waivers may have been lost

DUI Continued from Page A3

To underscore the importance of being able to examine the original blood test waivers to determine whether Kasi Beutel may have forged my waiver, handwriting expert James Blanco suggested in his sworn declaration filed with the court May 31 that "the original Trombetta waivers in question be examined by a fingerprint expert in an attempt to identify any possible writer's palm prints. The purpose of this examination is to potentially provide exculpatory evidence to show that Peter Lance's writer's palm print does not appear near the signature on the document, and this examination may also produce the writer's palm print of the person who actually forged Peter Lance's signature on the document. To this end, the writers' palm prints (of both hands) need to be produced by the arresting officers and by any other persons suspected of writing the 'Peter Lance' signature on Trombetta waiver."

"This is the textbook definition of obstruction of justice and outrageous governmental conduct," says Mr. Genis. "Coming less than a week after the admission by Officer Clark that shewrote an ex-post-facto version of the events surrounding Peter Lance's stop and arrest and then destroyed an audio recording of it, we learn from the very deputy district attorney who asked her to prepare that report (used in the Police Department's press release) that crucial evidence that could prove definitively that Kasi Beutel was a forger is now missing. Evidence that could be exculpatory to my client? Unbelievable. I urge Judge Hill to stop threatening gag orders and contempt and take control of these proceedings before there are any further violations of my client's rights and the D.A.'s office makes a mockery of the judicial process.'

email: news@newspress.com

1 death, 76 illnesses linked to ground turkey

ASSOCIATED PRESS

The government is scrambling to find the source of a salmonella outbreak likely linked to ground turkey that has killed one and sickened dozens more.

Finding the source of an outbreak hasn't been easy; the government has been chasing the illnesses for months. The Agriculture Department, which oversees meat safety, said it is still investigating who produced the meat,

5 great-granddaughters of Fiesta legend Juan Cota to dance

SECRET Continued from Page A1

legend, famed dancer and choreographer Juan Cota.

The cousins will be together on stage for one dance and realize the historical significance of their performance.

"I am really proud to be keeping up with a family tradition and to be dancing here with my cousins. I am proud to be a member of the Cota family," said 13-year-old Victoria Gonzalez.

"I've always wanted to dance where my great-grandfather danced. We are all so proud," chimed in 11-year-old Olivia Ochoa. "This is the first time all five of us have been together dancing. It is special because it makes our family proud."

Juan Cota's daughter, Kathy Cota, said she knows her father, who died in 1975, would be "tickled pink."

"He is up there in heaven and just smiling down," Ms. Cota said. "To see his great-granddaughters dancing would be just amazing for him.'

KEYT News anchor Paula Lopez will emcee the show, which will be broadcast live. She is also a member of the Cota family and the mother of the twin daughters in the greatgranddaughter group who are also dancing at the mission for the first time.

It's a lot of emotion and excitement for one night, admits Ms. Lopez. La Fiesta Pequeña is at 8 p.m. today

at the Santa Barbara Mission.

To learn more about the history behind one of Santa Barbara's richest and important Fiesta traditions be sure to turn to page A6.

email: news@newspress.com



NIK BLASKOVICH / NEWS-PRESS

Alma de Mexico performs "Son De los Capires" during Tuesday's rehearsal for La Fiesta Pequeña at the Santa Barbara Mission.

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and the department hasn't initiated a recall.

California state health officials said Tuesday that the one death was in Sacramento County. Seventy-six people in 26 states have been made sick from the same strain of the disease.

The illnesses date back to March, and the federal Centers for Disease Control and Prevention said Monday that cultures of ground turkey from four retail locations between March 7 and June 27 showed contamination with the same strain of salmonella, though those samples were not specifically linked to the illnesses.

County farmers can get disaster aid

SANTA BARBARA COUNTY The U.S. Department of Agriculture has designated Santa Barbara County a contiguous disaster county, said a news release from the office of Rep. Lois Capps, D-Santa Barbara.

San Luis Obispo was designated a primary disaster county due to losses caused by freezing temperatures on April 8 and April 9.

According to the California Emergency Management Agency, the San Luis Obispo county agricultural commissioner reported losses to the wine grape harvest at more than 32 percent and estimates current losses at more than \$47 million.

With the disaster designation, farm operators in both counties are eligible to be considered for assistance from the Farm Service Agency for emergency loans, which can be used to restore or replace essential property, pay all or part of production costs associated with the disaster year, pay essential family living expenses, reorganize the farming operation, and refinance certain debts.

Farmers also are eligible for the Supplemental Revenue Assistance Payments Program, which provides financial assistance for crop production and/or quality losses due to a natural disaster.

For more information contact the Santa Barbara County Farm Service Agency at 928-9269.

- Morgan Hoover





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