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HIDDEN IN PLAIN SIGHT

The unintended consequences of sloppy policing



By Julius (Jay) Wachtel. In 2006 a 911 caller reported that women and girls were “living in squalor” in the rear yard of a home in Antioch (Calif.) A deputy contacted the homeowner and warned him that living outdoors in a residential area was a code violation. According to the complainant, the officer explained that he didn’t go inside or enter the yard because that would require a search warrant. He then left.

Two years later Phillip Garrido went to the UC Berkeley P.D. to apply for a permit to hold a religious event on campus. He was accompanied by two teens he introduced as his daughters. Worried about their “robotic” behavior and washed-out appearance, an officer asked Garrido to return the next day. Meanwhile she punched his name and birthdate into the computer. Bingo! The 58-year old man was on life parole for kidnapping and rape. He had spent eleven years behind bars.

Called by the cops, a stunned parole agent said no, Garrido didn’t have any children. Why were they asking?

It turns out the 11 and 15-year old girls who were with Garrido were indeed his, fathered with a woman whom he snatched eighteen years earlier in Placerville, a town about two hours’ drive away. Then only eleven, the girl was grabbed at a bus stop outside her home as her horrified stepfather looked on. For the next eighteen years she and the two daughters she would bear lived in a ramshackle arrangement of tents and lean-to’s behind the house that Garrido and his wife Nancy shared.

On September 4, 2009 San Bernardino (Calif.) police went to the group home where [Trevor Castro](#) lived to arrest him on a drunk driving warrant. After six months of being held captive in the squalid facility the 23-year old developmentally disabled youth was delighted to be handcuffed. After what he had experienced going to a *real* jail would be a pleasure.

Once inside officers were horrified by what they saw and smelled. Nearly two dozen elderly and mentally ill persons were living in modified chicken coops with no running water, using buckets as latrines. Running away was impossible, as the compound was encircled by a block fence topped with razor wire. Physical beatings were common.

The home's operator had a history of run-ins with the authorities. Police arrested her on sixteen felony counts of elder abuse.

Neighbors applauded the action but wondered why it took so long. Patrol cops frequently responded to disturbances outside the home but always left without going inside, explaining that they couldn't do so without a warrant. Complaints to code enforcement fell on deaf ears.

Doing nothing for lack of a search warrant is a lousy excuse. Inquisitive cops and detectives often probe private space by obtaining the consent of owners or occupants. There are also plenty of other things that can be done. Had the deputy simply run a criminal record check he would have learned that Garrido was on life parole for an offense that made any contact with teens highly irregular. Officers could have searched the property without a warrant or alerted a parole agent.

But the deputy didn't check. Assuming, perhaps, that the complainant was exaggerating, he reportedly spent a half-hour with Garrido, then left. Too bad for Garrido's victims, who wound up doing another two years in captivity before UC cops stepped in. "We are beating ourselves up over this," [said the Sheriff](#). "I'm first in line to offer organizational criticism, offer my apologies to the victims and accept responsibility." (Click [here](#) for a video of the news conference.)

It was much the same story at the group home. Police could have asked to look around from the very start. If refused (an unlikely event) they could have referred matters to regulators. They, in turn, would have quickly discovered what officers would have learned had they bothered to check: *the home was unlicensed*. It could have been shut down and its owner arrested months earlier.

But officers never checked. [Embarrassed city fathers](#) now promise to investigate.

What trips up ordinary cops can also trip up the almighty Feds. Knowledgeable insiders had warned for decades that [Bernard Madoff's](#) investment returns seemed grossly excessive, yet not once did the G-Men (and women) try to confirm that the trades which supposedly yielded the enormous profits *were actually made* (they weren't.) Why bother? Madoff had a sterling reputation; what's more, no Ponzi scheme of that magnitude could possibly exist!

But it did.

When your blogger ran an ATF gun trafficking group in the nineties he was astounded by the thousands of relatively new guns that LAPD recovered each year. [Where did they come from?](#) It turned out that many had been going out the back door of corrupt gun stores. (One such case accounted for 10,000 guns in two years.) It happened, in part, because ATF inspectors didn't compare what dealers said they bought against distributor invoices, enabling crooked licensees to create piles of firearms for illegal resale by the simple expedient of leaving incoming guns off the books.

For police the first step towards recovery is to concede a weakness for jumping to conclusions. Serious crime isn't always apparent, and as cops filter information through their storehouse of experiences and preconceptions it's not surprising that they'll occasionally goof. Fortunately, testing assumptions is often as simple as grabbing a mike, making a phone call and using a keyboard. Taking the trouble to confirm what's "obvious" can keep officers from overlooking the unexpected, like captives living in tents and chicken coops.