DA Investigators soldier through exhaustion and stress to solve cases, but their stoicism was eating away at some of them. Traumas like the sudden death of Investigator Mike Brown stunned the staff. Lt. Michael Wittington knew peer counseling for investigators was not a human resources perk, it was an urgent need.

He just didn’t know he would be the new program’s first client.

After a successful seven-year career at the San Jose Police Department, Myke came to the DA’s Bureau of Investigation in 2012. Last year, he was promoted to Lieutenant, the youngest in the bureau.

He loved the job, his co-workers, his wife, his two biological kids and the two nephews he considered his sons, who now lived in Mexico. One of them, Javi, called to congratulate him on his promotion.

Peer Counseling Teams have been around for a while. The confidential co-employee sessions are valued in the law enforcement world to help officers deal with the grim realities they wrestle with: violence, death, people on the worst days of their lives. While the practice of non-mental health professionals helping others has become relatively common, mental health issues still rip through law enforcement like plagues of locusts. There were four suicides at the NYPD in one month this summer, prompting the department to launch a peer counseling panel and force-wide efforts to combat the stigma associated with mental health. This summer Dallas PD launched new mental health efforts as many of its officers still suffer from the lingering trauma of an ambush that killed five officers three years ago.

The theory is that talking with a person who does your same unique job can ease the pain. It can make a soldier, a police officer, an investigator feel less alone. “Those folks are warriors, but they are human, and they have to take care of their mental health or they will burn out,” the County’s Employee Assistance Program Manager Patricia Kidd said. “They keep us safe; God bless them.”

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Why not just get professional help? Law enforcement personnel, experts say, are generally distrustful of people outside of their profession. It is hard to explain the combat-like situations they regularly face. One team at the BOI deals strictly with child deaths. Who in the outside world can relate to that? Compound those scenes with the criticism that law enforcement has faced in recent years. Add to that the fear of losing their badges.

“They walk the walk, they talk the talk,” Kidd said of why peer counselors can be more approachable than a psychotherapist - or serve as a bridge to needed professional help. “They are part of the subculture. They make counseling less voodoo.”

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Like Myke, Lt. John Rose had seen his share of bad things as a San Jose Police officer. Thirty years later, John still remembers the children who died when they were trying to make a pipe bomb. In a debrief a day or so later, John felt like he was getting the flu. He turned to his partner, who said the same thing. She was tired, achy, nauseous all the time, couldn’t sleep.

An assistant chief said – Hey, how are you guys doing? Fine, they said. He said: Great, well, you’re all going to counseling right now.

The counselors told the cops: Don’t say a word. Sit on the couch. You probably are all having difficulty sleeping. You probably all feel like you’re coming down with the flu. John and the other officers looked at each other. “What the?” You are all having a mild case of Post-Traumatic Stress Disorder, the counselors said. You are human. It’s not normal for you to see children blow themselves up. You’re normal. You’re healthy. You care and this rocked your world.

“We came out of there relieved,” John said.

And inspired. John quickly volunteered for Peer Counseling at SJPD.

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When his brother-in-law moved to Mexico in 2012, Myke and his wife, Rita, volunteered to keep his two young teen-aged sons here. To raise them, get them educated. To feed them. To bring them to school and swim meets, provide clothes and discipline and cell phones. Erick was the gregarious one. Javi was the quiet one. Erick liked people. Javi liked cars.

When Javi graduated from high school, he decided to go to Mexico for college. Erick followed him soon afterward. Mike was both heart-broken and proud.

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If there had been tremors before, everyone agrees that the death of Mike Brown was the earthquake. The investigator and long-time San Jose cop was widely respected. When he died during a Las Vegas training trip, many investigators were despondent. John said: “These people are carrying a lot: marital issues, aging parents, new parents that are overwhelmed. On top of that every time a cop is shot and

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Serial Scammer Stopped
Between 2010 and 2013, the Defendant preyed on immigrants throughout California. In Santa Clara County alone, he was charged with scamming victims out of over $10,000 by falsely representing himself as an immigration attorney. He avoided capture for over eight years by using at least 16 different identities.

Deputy District Attorney Ann Huntley had little time to get up to speed before the preliminary hearing. She scoured through and organized multiple binders inherited from a long line of prosecutors. When she noticed that there was nothing in the system that tied the Defendant’s cases together, she made sure the amended complaint included all eight of his aliases used in this County, helping other counties connect the dots in their cases. DDA Huntley offered a plea deal prior to the hearing. He pleaded guilty to 19 felonies, betting that he would get out for credit time served. Because of DDA Huntley’s deep sense of justice, ability to convince the judge that he was a threat to the immigrant community, and preparation of reports for the probation department, the Defendant was sentenced to nine years and eight months in county jail. His Santa Clara County felony insurance fraud convictions will serve to make him probation ineligible and add a two-year sentence enhancement to each similar felony insurance fraud charge that he faces in Alameda and San Joaquin counties.

Battle of the Experts
It came down to a battle of the experts in DDA Jason Malinsky’s case. The Defendant killed a grandmother, her daughter and seriously injured two others on their way home from church when he drove his car into oncoming traffic at high speed after a night of drinking. One of his passengers was also seriously injured.

At trial, Supervising Criminalist Mark Burry testified to the Defendant’s blood alcohol level at the time of the crash explaining why he was too impaired to drive safely. Because officers were unable to draw his blood for over four hours after the crash, the defense expert attacked the reliability of the blood sample and the validity of a hospital blood draw just 50 minutes after the crash. But as Burry testified, the defense expert’s conclusions were based on dishonest statistical analysis and faulty science. He admitted to DDA Malinsky that his opinion relied in part on an article written by a purported expert who had been convicted of nine counts of felony perjury for giving false testimony as an expert witness in DUI cases. Criminalist Burry’s testimony gave DDA Malinsky everything he needed to convince the jury. The Defendant was found guilty as charged and sentenced to eight years and eight months in prison.
Q. So tell me how you ended up going to Montgomery with members of the GLIDE Memorial Church in San Francisco?

A. About a year or so ago, someone introduced me to a rabbi named Michael Lezack who works at GLIDE Memorial Church as a social justice director. He mentioned that they were taking a group of people to Montgomery, Alabama to visit the site where slaves were sold and housed and to learn about the history of slavery in the U.S. In addition to congregants, supporters, and people who worked at GLIDE, he was trying to bring prosecutors and police officers as well. I said that’s great, it’s something that I’ve wanted to see for a while. It turned out I was the only prosecutor or law enforcement person on the trip. It was a mixed blessing. I think almost everyone there had a very critical view of the criminal justice system in our country. It’s not that I don’t have criticisms of our criminal justice system as well. I do, but I think by-and-large the people that went on this trip had really what I would think is a caricature of what our criminal justice system is.

Q. What were some of the most moving things, or interesting things, that you saw at both the Legacy and Lynching Museums?

A. It was the first time I had been to The South. The city of Montgomery is not very large. You have the Montgomery River, which flows right next to the downtown, and that’s the river where all kinds of goods and commodities were bought, including slaves. And then they showed us where slaves were then walked about half a mile in chains to this warehouse, where they were kept and then walked again, chained, another half a mile or so to the center of the city where they were auctioned. Just seeing that is very powerful. The Legacy Museum that Bryan Stevenson built is housed in a former slave warehouse. I thought that was a very powerful way of telling the story of slavery in our country and how it continues to reverberate. I thought that was very moving.

Another mile away is The National Center for Peace and Justice Memorial. The Equal Justice Initiative researched and documented over 4,400 lynchings of black people in this country from after the civil war until the 1950s. It was a very moving exhibit.

Q. What lessons did you derive from that experience, that you could apply as the District Attorney of Santa Clara County and what ways do they relate to justice here and the applications of justice that you are trying to figure out?

A. The past is not the past. The past is actually in the present. A lot of the issues we are confronted and dealing with in the criminal justice system are a direct result of the things that happened in the previous 10, 20, 50, 100, 200 years in our country. Just having a broader perspective is helpful in trying to understand what is driving crime, what is causing crime, and how to address different crime problems. I think that it also gives me as the DA a tremendous dose of humility as to our efforts and to be mindful that the tool of prosecuting people is a very blunt tool that has a lot of collateral consequences. We have to be careful about when we use this tool. I would much rather prefer that we think of prosecuting as a scalpel as opposed to a mallet or a hammer, something that is more focused and targeted. I think that a trip like this to Montgomery brought home to me the importance of trying to be more careful, focused, deliberate, when we prosecute individuals and when we try to come up with policies to help reduce crime.
killed – anywhere - it breaks you. Mike was the final blast that shattered that shield.”

The managers of the third floor could sense the trauma in many of the 80 investigators: people stopped kidding around. It was too quiet. After thinking about it for years, Chief Pete Oliver and John launched the peer counseling process.

They sent out a survey that asked: “Would you go to somebody if you were hurting?” The results were mixed. Some people flat out said they wouldn’t.

Even so, the commanders decided there was enough interest that they sent out a second survey: Write in the people on staff that you would talk to. The top seven names were asked to serve as peer support counselors for the BOI. Every one of them – John, Myke, Lt. Tanaya Rose, Inv. Nicholas Olsen, Inv. Bruce Wiley, Inv. Desiree Thompson, and Inv. Patricia Jaime – agreed. The new counselors were trained in active listening, alcohol counseling, marital issues, substance abuse, suicide.

The Peer Support Project was launched just before Christmas last year. Investigators attended a “Roll Out” session with Peer Supporters, EAP Counselors, and a Chaplain. Myke broke the ice about EAP services by sharing how Javi had such angst about being separated from his father that Myke went with him to EAP.

That same day Myke got a call from Mexico. Javi had been in a car accident. He didn’t make it. The former gang cop cried, thinking: I taught Javi to drive. It was Christmas. He and his wife had two young children at home. His responsibilities rose up in front of him like a wave. One by one, his fellow peer counselors, his fellow investigators, began to call.

**Help is Here...**
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**WEST WING GALLERY**

(CLICK each photo to read a story in electronic version or visit www.santaclara-da.org)

**WHAT’S GOING ON?**

Deputy District Attorney Michel Amaral received the Employee Excellence Award for June 2019.

Criminalist Matt Riles received the Employee Excellence Award for August 2019.

Deputy District Attorney Erin West helped the County kick off Pride month by speaking at a rally to denounce violence faced by the transgender community in June.

District Attorney Jeff Rosen hosted the Association of Prosecuting Attorneys’ Major Prosecutors Council meeting in July.

**Signs you may need help:**
- Feeling unusually overwhelmed or stressed
- Experience life loss or grief
- Having difficulty sleeping
- Feeling you need resources with depression or alcohol use

Santa Clara County Behavioral Health Services: (800) 704-0900
Santa Clara County Employee Assistance Program: (408) 241-7772