

THE VOICE



Newsletter Winter 2011

CALIFORNIA SEXUAL ASSAULT INVESTIGATORS ASSOCIATION



President's message

The New Year is upon us! As we close 2011 I reflect fondly on all of the great training and networking the California Sexual Assault Investigators Association has participated in during the year. This year brought many challenges for the Association and for all the law enforcement agencies and medical professional across the board. We again suffered a poor economy and budget cuts, resulting in a lot of us doing more with less. Your Association continues to stand tall and provide you with the best ever available training and resources.

As we have over the past thirty years, we started the year with the 2011 Spring Training Conference in Shell Beach with training classes for law enforcement and medical practitioners. For the first time ever, your Board of Directors had a training class, Courtroom Testimony from the perspective of a Defense Attorney (Jeff Moore) and then from the perspective of a Deputy District Attorney (John Henry). These two speakers received evaluation comments such as "Good speaker-Good idea to have a defense attorney so we can see the other side of law enforcement;" "Great speakers and topic to have at a conference;" "I appreciated the honest and open approach to the idea of opposing sides of the criminal justice system." The training conference also saw exciting presentations on Investigations Involving Social Networking Sites, Tracking Cellular Phones in Criminal Investigations, Preserving Forensic Evidence, and Healing of Genital and Anal Trauma-What We Know and What We Don't to just name a few.

Your BOD had one day training on Child Abuse and Sex Crimes for First Responders in Dublin and Innovative Investigative Responses to Sex Assault Cases / Intoxication, Credibility and Consent training in Riverside. Your BOD is always looking for one day training topics and instructors, so if you have an idea, please email a BOD member. All BOD contact information can be found at www.csaia.org.

We are moving swiftly in to a new year, and as we move forward I want to take the opportunity to remind each and every one of you that CSAIA is YOUR Association. The Board of Directors are diligent in listening to evaluations and comments from members. We can make a difference in the quality of the investigations we provide for prosecution if we work together, with other law enforcement officers and with our forensic partners. We continue to grow as an organization, changing our network opportunities, training opportunities, Internet access through our website (www.csaia.org), and encouraging a growing membership. Take the challenge and encourage your colleagues to join our Association and become a participant.

I would also like to Thank each and every member of the Board of Directors for all the hard work, making this a very successful year. Each Board member participated in their field of expertise bringing skill and information to the Association. In 2012, your President-Elect Roberta Hopewell, Detective with the Riverside Police Department, will bring her wealth of knowledge and experience to the Association. I am looking forward to a truly exciting year with this Association.

Good luck to each of you in 2012, I wish you all a very happy, healthy and prosperous New Year!

Steven Welch President, 2011 CSAIA

Contents

Save the Date	2
2012 Spring Training	3
Legislation	4
Achievement Awards	5
Membership Corner	5
Jessica's Law	6
Familial DNA	7
CSAIA Board Members	8



2011 President
Steven Welch

Spring 2011 Raffle Funds go to OPERATION CARE



It was a privilege to donate the Spring Training 2011 Raffle proceeds in the amount of \$803.00 to Operation Care. Thanks to all of our members for their generosity and support.



Sexual Assault & Domestic Violence Support Services Since 1980

This is just a quick note, but it comes from my heart to yours. I want to thank you all for the very kind gift of \$803.00. Your generosity will make an immediate difference in the lives of so many people. We at Operation Care are working hard to make it a safer place for everyone.

Your generous gift will help to keep our important programs available, provide families with safe harbor and out of harm's way. This coupled with our 24 x 7 crisis and support line will make a difference in so many lives.

If you have any questions about our organization, please do not hesitate to call (209) 223-2897. You can stay informed about Operation Care by visiting our website (www.operationcare.org). The site is updated several times a year to enable you to see how important your role is in our success and how your donations may be used. You can also view our newsletter and upcoming activities and events.

*Thank You again for your kindness,
Sincerely,
Linda Zender
Board President*

Save the Date ... CSAIA Spring Training Conference

Don't miss the Spring training

Conference!

Save the Date

CSAIA
2012 Spring Training Conference
March 14-16, 2012
Shell Beach



The Cliffs at Shell Beach

2757 Shell Beach Road Pismo Beach, CA 93449
Tel. 800.826.7827
Tel. 805.773.5000

Look for registration information at www.csaia.org

2012 Spring Training Conference Highlights



California Sexual Assault Investigator's Association Presents:

2012 Spring Conference

This course will be POST approved (non-reimbursable) and will include the following highlights:

- *Investigation of Internet related cases
- *Pedophilias
- *Gardner and Garrido cases from the legislative and psychological perspectives
- *Case study of an Asian gang rape case
- *Retired FBI Agent Bob Hamer presents his undercover work in NAMBLA

CSAIA in Collaboration with CCFMTC will present
Advanced Medical Techniques for Examiners for our nursing track

Date: March 14, 15, and 16, 2012

Pre-Registration: January 9, 2012

Location: The Cliffs Resort, 2757 Shell Beach Road, Pismo Beach, Ca 93449

*Rooms are \$119.00 a night plus tax for single or double occupancy

Cost: \$250.00 per person (members) and \$300.00 (non-member)

Questions? Contact Jesse Grant at jgrant@ci.berkeley.ca.us or (510) 501-4513 and MJ Jessen at mjessenfnp@att.net

Legislation

In March, 2011 SB 534, authored by Senator Ellen M. Corbett, Senate Majority Leader, was brought to the attention of the CSAIA Board of Directors. This act amended several sections relating to victims of sexual assault and medical examinations. Some of these changes are as follows:

Delete the provision giving the local law enforcement agency a say on whether a sexual assault examination is necessary or even useful if the case were to be prosecuted.

Would provide that victims of sexual assault who request a medical evidentiary examination shall be provided with one without requiring their participation in the criminal justice system although local law enforcement agencies will be burdened with the initial costs. Local law enforcement agencies may seek reimbursement from the California Emergency Management Agency with funds only available until January 1, 2014.

The amount that may be charged by a qualified health care professional, hospital, or other emergency medical facility to perform the medical evidentiary examination portion of a medical examination of a victim of a sexual assault shall not exceed three hundred dollars (\$300).

When the Board learned of this bill, communication was initiated with Senator Corbett's Office. Senator Corbett's Office was accepting of several suggestions and some changes were made however there are still several concerns. This Bill was signed into law by Governor Brown September 29, 2011.

The Board wanted to bring this issue to the attention of the membership and point out some concerns that may cause issues within your jurisdiction.

- \$300 per examination? Who pays only \$300 for an adult or child sexual assault examination? How is this going to affect private SART companies conducting examination for this price?
- Which law enforcement agency is going to pay the bill? Without some communication with the victim, how is the location of occurrence going to be determined?
- How is reimbursement going to be handle and it appears local law enforcement is going to be burden with this cost with no chance for reimbursement after January 1, 2014.
- Who is going to maintain the evidence and for how long?
- What about chain of custody?
- Some professionals believe that the evidence should be given to law enforcement with no victim information. Under these conditions, how does law enforcement keep track of the evidence and connect it to the victim if she decides later to seek prosecution.
- What would prevent an alleged victim from reporting an incident that did not occur just to receive free contraceptive medications?
- How does this law affect mandated report under 11160 and 11166 PC?

The Board is also interested in the memberships input into this issue, sharing your concerns and solutions with fellow members.

Please send comments to Board Member / Legislative Liaison Scott Currie at sdcurrie@sbcglobal.net.

CSAIA 2011 Achievement Awards



Awards:

- The Michiel Hyder Sustained Achievement Award
- Sustained Achievement Award in Forensic Services
- Legislator of the Year Award
- Outstanding Agency of the Year Award
- The Patrick Sullivan Investigator of the Year Award



CSAIA will be presenting the Sustained Achievement Awards at the 2012 Spring Training Conference in Shell Beach, California.

Membership Corner



Weldon "Linc" Lincoln

We are currently 315 members strong! If you have any recruitment ideas or would like to encourage members of your team or organization to become members of CSAIA, please contact our Membership Coordinator at boardmembers@csaia.org

Check out your membership status at www.csaia.org. All memberships are now based on an annual renewal from the date you joined the Association!

Training Ideas??

CSAIA is always looking for new and innovative ideas in training to bring to membership.



If you have any ideas for our Conference Training or One-Day Training, please contact:

boardmembers@csaia.org
with your ideas

Jessica's Law and Residency Restrictions by DAG Janet Neeley

Jessica's Law and the Slippery Slope of Residency Restrictions

I reported in the CSAIA newsletter in spring 2010 that transient sex offender registration had dramatically increased, in large part due to the 2000-foot residency restriction enacted as part of Jessica's Law in 2006. Things have only gotten worse since then. In December 2011, transients made up nearly 10% of all registered sex offenders in the community in California. But since the law is mostly being enforced against parolees, their rate of transience is more predictive of what will happen if the law is applied to all 290 registrants. About 1/3 of all parolees are transient. Depending on what the California Supreme Court decides in the pending case of *People v. Mosley*, we could see the majority of registrants become transient—or stop registering.

In 2010, the California Sex Offender Management Board said that homelessness is one of the most serious issues facing the field of sex offender management. "Where, and how, sex offenders should live has become the central crisis of sex offender management in California. No other emerging issue has demonstrated the same potential to fray community re-entry collaborations, complicate supervision, and undermine the offender's long-term stability...Appropriate housing, homelessness and the instability created by transience are public safety concerns." (Homelessness Among California's Sex Offenders, Aug. 2011, www.casomb.org.)

The whole point of sex offender registration is to be able to readily locate offenders in the event of an investigation into a new sex crime. There is little evidence that registration deters reoffending, but it is an important tool in locating recidivists. The use of DNA to solve cold cases has made registration even more important. For example, the Westside Rapist case in Los Angeles was solved by taking the DNA of all 290 registrants in L.A. who had not been previously swabbed for DNA and comparing it to crime scene DNA evidence. The combination of the Jessica's Law residency restriction, and myriad conflicting local, city and county ordinances limiting where registrants can live, has made it less likely that we can readily locate sex offenders when we need to.

The California Supreme Court has asked the parties in *Mosley* to discuss whether (1) the law validly created a misdemeanor offense that applies to all 290 offenders regardless of their parole status, and (2) if section 3003.5(b) is not separately enforceable as a misdemeanor offense, whether the residency restriction can be enforced through the penalties available to enforce 290 violations? The Attorney General's office argued that the law should be found to apply to parolees only, and that it did not create a misdemeanor offense, so is enforceable only via parole violation. Mosley is arguing that the residency restriction made his registration duty a punishment, and he should have gotten a jury trial before he was ordered to register for a sexually motivated assault conviction.

The Supreme Court has already ruled that the residency restriction is a prospective, not retroactive, law. If the residency restriction is held to apply to all registered sex offenders released from supervision after the Jessica's Law Initiative, about 1/3 of the database is already impacted. That number will increase by about 6,000 every year (generally about 3,000 new registrants are paroled and 3,000 are put on probation annually).

Other constitutional challenges based on the amount of housing available in each county are pending. This year a judge in San Diego ruled the residency restriction is unconstitutional and cannot be applied in that county due to the lack of available rental housing for registrants. That decision is on appeal. It is possible that the residency restriction will be upheld in some counties and found unconstitutional in others, depending on housing availability.

Broad application of a residency restriction in Iowa led to half the database refusing to register. If the Court finds that the Jessica's Law residency restriction applies broadly, and if local ordinances continue to restrict where registrants can live on top of that, California is headed in the same direction. It took every district attorney and law enforcement officer in Iowa begging the Legislature to amend the law to change it. In California, it would take a 2/3 vote of the Legislature to amend this law because it was created by an initiative. We may have to have a meltdown on the scale seen in Iowa before that happens here.

Familial DNA by Jill Spriggs

Familial DNA is nothing new to the fields of genetics or forensics. We all inherit our DNA from our mother and father. Because of the way our DNA is inherited, it allows us to perform paternity tests to determine the father of a child or identify human remains in mass disasters. Familial DNA searching in a criminal investigation uses the way that genetic markers are inherited from our parents to provide an investigative lead. Specifically, familial DNA searching looks at the genetic markers shared between a father and his son or two brothers to aid in helping solve crimes. Another kind of DNA called Y STRs (Short Tandem Repeats) is also used. This DNA can be found on the Y chromosome of male individuals. A father and son or two brothers will have the same Y STR type, if they are related.

Familial DNA searching was first used in the United Kingdom about a decade ago to help solve several high-profile homicides. On April 24, 2008, the former California Attorney General, Jerry Brown, unveiled the familial DNA search policy and announced to California that the California Department of Justice will use a new genetic search technique called "familial DNA searching."

Currently, the FBI software used nationwide in the CODIS (Combined DNA Index System) is designed to look for a direct match between a DNA profile developed from crime scene evidence and an offender's profile. It can also look for case-to-case matches. The CODIS is not configured to count shared alleles or types, looking for a close relationship between a crime scene sample and a convicted offender. Although one could do this manually by hand, although it would take a great deal of time to do so, especially if you are comparing the crime scene sample to the approximately 1.3 million convicted offender profiles in the California DNA Data Bank. (For familial searches, the CA DOJ does not search the crime scene sample against arrestee samples.) Software called the Ratio meter, created by the CA DOJ, does this for us. Not only does it compare the number of shared alleles, but more importantly, it focuses on the rarity of the alleles that are shared between family members.

There is nothing new or novel about comparing the number of shared alleles from the DNA of a crime scene sample to the DNA of a convicted offender sample-- but what is new and novel is the software developed by CA DOJ to do this. At the click of a computer button, the crime scene sample is compared to over 1.3 million convicted offenders, who are then ranked using kinship likelihood ratios to indicate those who have a greater likelihood of being related to the crime scene sample-- based on the number of shared alleles and their rarity. CA DOJ's validation studies indicate that the most likely candidate among the over 1.3 million convicted offenders is within the top 200 ranked offender samples. Y STRs are run on the approximately 200 candidates and compared to the crime scene sample Y STR type. If a match is found, the CA DOJ Familial Search Committee meets to discuss issuing the name to the CA DOJ Bureau of Investigation and Intelligence (BII). BII conducts a computer-style investigation to assess additional information bearing on possible kinship between the perpetrator and the convicted offender. The Familial Search Committee reviews the computer data provided by BII and discusses whether to provide the name to the law enforcement and prosecuting agencies as an investigative lead.

In order for the CA DOJ to consider a familial DNA search request, the law enforcement agency attests that all other investigative leads have been exhausted, the crime is of a violent nature (examples: rape or homicide) and it is an ongoing public safety issue. In addition, the crime scene sample should be from one individual (single-source), contain a complete DNA profile (15 loci) and Y-STR typing must be completed in advance.

Currently, the CA DOJ has completed nineteen familial DNA search requests, with two familial search hits. Both resulted in apprehension of the perpetrator. Under the direction of Attorney General Kamala Harris, the familial search unit presently does two searches per month. Unlike routine CODIS searches in which all unknown evidence profiles are searched against all offenders at the same time, familial searches are conducted for a specific profile within a single case. The Familial Search Committee meets regularly to discuss incoming cases and prioritizes the requests. The Familial Search Committee Chairperson, Gary Sims, can be contacted at the Jan Bashinski Laboratory in Richmond, CA by calling 510.620.3305 or by email at gary.sims@doj.ca.gov.

Jill Spriggs is the Bureau Chief for the California Department of Justice, Bureau of Forensic Services. Jill can be reached at jill.spriggs@doj.ca.gov or 916.319.9368.

CSAIA 2011 Board of Directors



Top row from left to right:
Member – Weldon “Linc” Lincoln
President – Steven Welch
Treasurer – Tim McFadden
Member – Richard Nickel
Member – Scott Currie

Bottom row from left to right:
President Elect – Roberta Hopewell
Secretary– Jesse Grant
Member – Margie Jessen, RN
Member– Karen Sherwood
Member– Anthony Hickman

About Our Organization



**CSAIA NEW PHONE
NUMBER:**
(951) 290-8261

<http://www.csaia.org>

**California Sexual Assault
Investigators Association**

**750 S. Lincoln Avenue
#104-287
Corona, CA 92882**

Membership is now on a 12 month annual cycle! Watch your e-mail for an electronic notification to renew your membership. RENEW ON-LINE!

You must renew to continue to have access to the Members Area on the website and to continue to receive information by mail!!

