

THE VOICE

Newsletter Winter 2013

CALIFORNIA SEXUAL ASSAULT INVESTIGATORS ASSOCIATION



President's Message



Dear CSAIA Members,

The 2013 Fall Training Conference has come and gone. I want to personally thank all who attended the 2013 Fall Training Conference in Sacramento, California. I also want to thank the attendees for the thorough evaluations submitted, which were overwhelmingly positive. These evaluations also provided numerous suggestions on future topics and instructors. This feedback is extremely useful to the CSAIA Board, guiding the Board as we strive to provide the highest quality training.

The Board is hard at work planning our next training, 2014 Spring Training. This training will be held at the Cliff's Resort in Shell Beach. This has been a coveted location for CSAIA training for over 30 years. Because of this, the Board has decided to extend Spring Training to 3 ½ days, Tuesday through Friday, March 11-14, 2014. Save the date, mark your calendars and submit your training requests as we hope to see you in Shell Beach. As always, members are welcome to enjoy this prestigious resort through the weekend following training.

I would also like to encourage members to visit www.csaia.org frequently for case law updates, training updates, contacting other CSAIA members and to send group e-mails seeking information. Our goal is to create a web site that is useful to CSAIA members to facilitate the exchange of information. To each of our members, thank you for all you do to help victims of sexual assault and child abuse.

Scott Currie
CSAIA President

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2013 President
Scott Currie

2013 Fall Training Sacramento, CA

The Hilton in Sacramento was the site for the California Sexual Assault Investigators Association 2013 Fall Training. The training was a total success with a variety of expert instructors educating on topics such as: Human Trafficking, Suggestibility of Children, Utilizing the Medical Forms as an Investigative Tool, Cell Phone Investigations and ending with "Getting to the One Word Verdict" by Supervising Deputy District Attorney Charles Gillingham. Overall, the wonderful venue, delicious food and team building between agencies from all over the state proved to be beneficial to all who were in attendance. The week was complimented by a presentation by the California Peace Officers Standards and Training (POST), and a vendor booth California Casualty, insuring law enforcement personnel for years. The 2014 Spring Training will be held at the infamous Shell Beach March 11-14, 2014 and is projected to sell out so look for our announcement for registration beginning in December.

**By Margie Jessen, RN, MSN, FNP
2014 CSAIA President**



Board of Directors Vice President Margie Jessen, introduced Curtis Chastain at the Fall 2013 conference in Sacramento, CA.

2013-One Day Training

The "Team Approach to Child Sexual Assault Investigations" training was offered in Dublin, Clovis and Riverside this year. Representatives from Forensic Nursing, Forensic Interviewing, the District Attorney's Office, the Police Department and Victim Advocacy spoke to attendees and demonstrated the importance of working together to better assist victims and successfully prosecute cases. Check www.csaia.org for the classes offered in 2014.



Riverside County Supervising Deputy District Attorney John Henry instructed in Riverside on November 6, 2013 at Riverside Police Department.



Save the Date 2014 CSAIA Spring Training

The 2014 Spring Training Conference will be March 11-14, 2014 at the **Cliff's** Resort in Shell Beach, CA.

The training registration will \$250.00 for current members and \$300.00 for renewing or new members. The CSAIA annual membership fee is \$50.00. Please remember to keep your membership current.

We are looking forward to seeing everyone at the 2014 Spring Training Conference.

Your Board of Directors is currently finalizing the agenda of instructors for the 2014 Spring Training Conference. A training flyer will be published soon. We hope that you will submit your training request early and register as soon as registration opens in December.

For CSAIA attendees the rooms at the Cliff's Resort during the training conference have been discounted to \$119.00 per night, plus taxes, for single or double occupancy. You will need a Conference Code in order to make a reservation. The Conference Code will be included on the 2014 Spring Training Conference flyer—watch for the flyer and make your reservations early!!!

If you have any other questions, please feel free to contact Steve Welch at 951-955-0742 or swelch@csaia.org.

2014 CSAIA Spring Training Cliff's Resort in Shell Beach

March 11 – 14, 2014



Spring Topics:

The Best Kept Secret: Mother-Daughter Sexual Abuse/Julie Brand M. S.

Introduction to Juvenile Interview and Interrogation in Crimes Against Children Cases/Mary Murphy and Jim Nawoichyk

Legal Updates/ Melissa Moore
AB109/ Sharon Shuster

Groomers and Grabbers
Women Who Molest Children Typologies
Case Study: Michael Devlin Case/Colonel Bill Carson

CHOP/DNA Evidence/Kim Swobodzinski



BOD member Roberta Hopewell at Fall 2013 registration

CSAIA Hosted the 2013 Fall Training Conference at the Sacramento Hilton Arden West on October 13-15, 2013. The conference was well attended with over 80 members participating. The line-up of speakers proved very informative. The feedback from attendees was positive and informative.

-“I love the training events that you put on, and I am looking forward to going back to Pismo Beach. Thank you.”

-“Excellent job putting on this training conference! Everyone was professional and personable.”

-“This is my first conference. I enjoyed the presentations and learned a lot that I will be applying to my investigations. The conference was well organized. The colored evaluation form is a great idea. The board is welcoming and engaging.”

-“Excellent speakers and topics! Great food for lunch! Very well organized! Thank you for your commitment and dedication! And hard work!”



Attendees enjoyed the 2013 Fall Training Conference in Sacramento

2013 Fall Training Conference Raffle Winners

Deputy Maria Gomez, Stanford University Department of Public Safety, was awarded tuition and lodging for a 2014 conference.

Congratulations to all of the winners!



The entire proceedings from the raffle were donated to the B.E.A.R. Center Sutter Children's Center.

Thank you to all who participated!

B.E.A.R. Center Sutter Children's Center, Sacramento, CA

The Bridging Evidence Assessment & Resources (BEAR) Center is a joint program between [Sutter Medical Foundation](#) and [Sutter Children's Center, Sacramento](#), which provides care to infants, children and teenagers that have been seriously neglected or physically or sexually abused.



BOD Secretary Karen Sherwood introduced presenter Mike Prodan. Kurtis Stenderup spoke on Cell Phone Investigations and presenter Curtis Chastain spoke on Human Trafficking

Updating the 923 Form and Evidence to Collect in Adult Sexual Assault Cases

By Malinda Wheeler, March 28, 2013

It has been ten years since the last formal update to the statewide mandated form for use by medical professionals conducting sexual assault evidentiary examinations. On August 2 and 3, 2012, representatives from ten SART examiner programs and 12 crime labs across the state met to discuss the first round of revisions. Revisions discussed were from the adult/adolescent 923 form only and evidentiary collection procedures. The meeting was co-sponsored by the California Clinical Forensic Medical Training Center (CCFMTTC) and the Department of Justice, Bureau of Forensic Services.

Several meetings and a progression through formal approval process still need to be completed, but it was agreed to publish a preliminary list of recommended changes for any discussion or feedback. Please send comments to Marilyn Peterson [marilyn.peterson@ccfmtc.org]. Here are just a few of the recommendations that are up and coming:

Extend collection time for entire exam from 3 days to 5 days, maybe even 7 days

1. Extend oral sample collection time from 12 hours to 24 hours
2. Delete all standard hair reference samples for victims and suspects
3. Delete saliva reference - use buccal swab collection and/or blood cards to establish victim's DNA profile
4. Delete all control samples
5. Routinely collect 2 cervical swabs on all victims
6. Eliminate vaginal wet mount slides
7. Water soluble lubricant acceptable for exam (plain or containing lidocaine -does not affect DNA recovery)
8. Eliminate oral and anal dry mount slide preparation; use swabs only
9. Eliminate recommendation for oral rinse
10. Expand number of swabs collected from the victim's body in the search for assailant DNA.
 - a. These should be routine, if the victim history is incomplete:
 - (1) Collect 2 moistened swabs from perioral region
 - (2) Collect 2 moistened swabs from external genitalia (vulvar)
 - (3) Collect 2 moistened swabs from each side of the neck region.
 - (4) Collect 2 moistened swabs from the left breast
 - (5) Collect 2 moistened swabs from the right breast
 - b. Collect from the victim's body, if indicated by specific history of contact:
 - (1) If history of touch to external genital region, collect 2 moistened swabs.
 - (2) If history of assailant touching/licking abdomen, collect 2 moistened swabs.
 - (3) If history of masturbation of suspect, collect 2 swabs from each palm.
 - (4) If history of manual strangulation and not showered, collect 2 neck swabs.



Board Member and Presenter, Malinda Wheeler



Roberta Hopewell presented the 2012 Patrick Sullivan Investigator of the Year Award to Sgt. Dan Scott of the Los Angeles Sheriff's Department.

CSAIA 2014 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

Please nominate someone who has affected change, increased victim awareness, made a difference in their community as it relates to the Sexual Assault Response Team concept, overcame obstacles to investigate, close or prosecute a case; supported work toward protective legislation or has contributed to the overall forensic science in the investigation of sexual assault cases. We want to recognize excellence!

CSAIA presents Sustained Achievement Awards at CSAIA conferences. Please think of recipients for the above awards and submit your nominations. All nominations need to be submitted to **Roberta Hopewell** by **January 20, 2014**. All nominations need to include a nomination form as well as a letter describing the nominee and his/her qualifications.

Please visit the web site at www.csaia.org for nomination forms.



Membership Corner



Richard Nickel, Membership Director

We are currently **384** 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 Richard Nickel. Richard can be reached at richard.nickel@csaia.org or boardmembers@csaia.org.

Membership Status

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

Members **make the difference!** Join today!

There are many benefits simply from belonging to your association. The greatest benefit to joining CSAIA is the networking and camaraderie that takes place between members. As a CSAIA member, you have access to many resources to enrich your professional career and connect with law enforcement and nurse specialists who have a real passion for what they do.

Website:

Resource's area

The resources area provides Presentations, downloads, interesting articles, and other Web sites that are relevant to you. It is driven by Members postings, which means the more items that are posted, the more resources will be shared. Examples of resources in this area are: 290 Information, Case Law, Legislation, Los Angeles County District Attorney's Office One Minute Brief by Devallis Rutledge and lots more.

Training Events

Education and Training programs will help you build new skills and reinforce your own experiences and knowledge.

E-Mail Members

The California Sexual Assault Investigators Association email system allows members to exchange information. Members who are current can send, can share ideas, get information, and ask questions on important issues. **Each email sent is stored for members to view on-line at a later date.**

California CaseALERT

Riverside County District Attorney's Office
May 20, 2013

DCA – a jury can unanimously agree that a defendant committed repeated indistinguishable acts of child molestation.

People v. Fernandez (2013) 216 Cal.App.4th 540, a jury can unanimously agree that a defendant committed repeated indistinguishable acts of child molestation. Here, a jury convicted defendant of child molestation counts involving indistinguishable acts over a period of years. A jury is usually required to agree as to the acts constituting each offense [CALCRIM 3500]. But this jury was allowed to simply agree that defendant committed all the acts alleged to have occurred [CALCRIM 3501]. DCA affirmed; the unanimity rule is refined in some child sexual molestation cases. Although a jury may not be able to distinguish between the various alleged acts, it is capable of unanimously agreeing that they took place in the number and manner described. The modified instruction should be given "if it is not reasonably likely that jurors will disagree as to which particular act the defendant committed and the only issue is whether they were committed at all"

Riverside County District Attorney's Office
November 18, 2013

DCA – a defendant convicted of committing a lewd and lascivious act on a child can now be relieved of the duty to register as a sex offender.

- (1) *People v. Tirey* (DCA) a defendant convicted of committing a lewd and lascivious act on a child can now be relieved of the duty to register as a sex offender. Here, defendant was convicted in 1998 of committing six lewd and lascivious acts on two girls under 14 years of age. In 2013, a trial court denied defendant's petition for a certificate of rehabilitation, which generally relieves defendants of any further duty to register as a sex offender unless the underlying offense is specifically excluded. DCA reversed; under the current statutory scheme, defendants who commit lewd acts against children under 14 years of age are excluded from obtaining relief from lifetime sex offender registration while defendants who commit sexual acts against children 10 years of age or younger are not excluded. Thus, the statutory scheme violates the equal protection clause because there is no rational basis for the unequal protection of similarly situated defendants.

"[W]e observe the Legislature may wish to consider amending section [4852.01\(d\)](#) and section [290.5\(a\)\(2\)](#), to treat section [288\(a\)](#) offenders and section [288.7](#) offenders equally for these purposes, and to ensure the overall certificate of rehabilitation and relief from sex offender registration scheme reflects the public policy objectives it was intended to accomplish."

Police, prosecutors, students, and others can receive the California Case ALERT. Just send an e-mail with the word "subscribe" in the subject line to: mareilly@rivcoda.org. Your questions and/or comments are welcome. California Case ALERT may be reproduced and distributed if attributed to the Riverside County District Attorney's Office. Copyright © 2013.



CSAIA 2013 Board of Directors



Top Back Row (left to right): Karla Beler, Secretary Karen Sherwood, Malinda Wheeler, Vice President Marjorie Jessen, Monica McPortland, and Roberta Hopewell. **Bottom Front Row (left to right):** President Scott Currie, Treasurer Tim McFadden, Richard Nickel, Steven Welch



About Our Organization

CSAIA 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!!



❄️ Have a Happy and Safe Holiday Season! ❄️