

THE VOICE

Newsletter Winter 2014

CALIFORNIA SEXUAL ASSAULT INVESTIGATORS ASSOCIATION



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Message from the CSAIA Board of Directors

Our spring 2014 conference in Shell Beach, CA was extended a full day and due to its success; our 2015 Training Conference will also be three and a half days. Unfortunately with the increased training time, there will be an increase in tuition to cover the cost of presenting the additional day.

The CSAIA Board of Directors is dedicated to bringing training and support to sexual assault investigators and forensic examiners throughout the state. In 2014, the CSAIA Board of Directors serving the membership is: Margie Jessen, Tim McFadden, Roberta Hopewell, Richard Nickel, Karen Sherwood, Steven Welch, Karla Beler, Rick Barton and Dustin Bruzee.

CSAIA presented two one day training events in Riverside, CA and Chico, CA. The topics were well received and we look forward to hosting future events.

There will be no Fall Training Conference for 2015.

Please watch the CSAIA web site for updates on dates and locations for training opportunities and updates.



2015 Spring Training Shell Beach, CA

The Cliffs Resort in Shell Beach, CA will be the site for the California Sexual Assault Investigators Association 2015 Spring Training.

The training will include a variety of topics. Retired Las Vegas Sgt. Clarke Paris and Tracie Paris, R.N. will be presenting, "The Pain behind the Badge." We are very excited to have them join us. In the full day presentation, they address PTSD/Cumulative Stress/Depression, Progression of Stress, Perception Protection, Stress and Women in Law Enforcement, Officer Involved Domestic Violence, Cop Stew, Spousal and Family Involvement, Perception Protection, and Suicide/Prevention. Please visit their website, thepainbehindthebadge.com

Retired Chico Police Det. Stan Duitsman, FBI Special Agent Andrew Forristel and Butte County's DDA Stacey Edwards will be presenting a case study and Fresno County's ICAC unit will teach us about investigating internet crimes. San Diego County's DDA Trisha Amador is scheduled to present a course on sexual assaults with drug and alcohol intoxication. The Board of Directors is working to bring you another great line-up of instructors for the 2015 Spring Training. Please check the CSAIA website for the complete agenda and instructor listing for the conference.

The Cliff's Resort always provides us with great accommodations and food. There will be coffee service each morning of the conference. CSAIA will host lunch on three days of the training conference.

The conference is a perfect opportunity for team building and networking between various agencies throughout California and a time to gather and share knowledge about handling sexual assault investigations. We look forward to seeing you!



The Pain Behind the Badge Film is available at: thepainbehindthebadge.com



Retired Las Vegas Sgt. Clarke Paris and Tracie Paris, R.N. will be presenting, "The Pain behind the Badge."



2015 CSAIA Spring Training Cliff's Resort in Shell Beach March 10 – 13, 2015



One Day Training in Riverside, CA

On November 5, 2014, Riverside Police Department hosted a one day training event: Sexual Assault Investigator's Update. Twenty-five students attended from various agencies. Along with her presentation on search warrants, Riverside County DDA Melissa Moore included a timely update on how the passing of Proposition 47 affects law enforcement. DDA Sharon Shuster presented AB109 and Riverside DOJ Senior Criminalist Daniel Gregonis taught about DNA analysis. Regional CPS Supervisor Lori Fineman presented on Human Trafficking and included a guest survivor's account of her experiences and how she benefited from the services of various agencies. Due to an unforeseen evacuation the afternoon class was cancelled and rescheduled for December 2, 2014. Thank you for your participation and patience!

Save the Date

2015 CSAIA Spring Training



The 2015 Spring Training Conference will be March 10-13, 2015 at the Cliff's Resort in Shell Beach, CA.

We are looking forward to seeing everyone at the 2015 Spring Training Conference.

Your Board of Directors is currently discussing the agenda of instructors for the 2015 Spring Training Conference. A training flyer will be published with additional information. We hope that you will submit your training request early and register as soon as registration opens in December 2014.

For CSAIA attendees the rooms at the Cliff's Resort during the training conference have been discounted to \$125.00 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 2015 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 951-290-8261 or swelch@csaia.org.



DNA/ Daniel Gregonis, Senior Criminalist, Riverside DOJ and officers from Riverside Police Department at a 2014 one day training event.

One Day Training in Chico
Working with Victims: Interviewing and Pretext Call Strategies
November 18, 2014

On November 18, 2014, the CSAIA held its first ever One Day Training hosted by the Chico Police Department at the Police and Fire Training Center in Chico, California. This was the first time in a long time that CSAIA has been able to put on training in the north central part of the state, and even though we had some last minute cancelations, the training was well attended and received, with a total of 38 students participating from local, state, federal and out-of-state agencies.

The topic for the One Day Training was *Working with Victims: Interviewing and Pretext Call Strategies*. The instructors for the training were Sarah Meredith, Education & Outreach Coordinator with UC Davis Police Department, and Rick Barton, DA Investigator (Retired), Butte County DA's Office, SVU, and Child Abuse.

Local agencies who attended included Chico PD; Butte County SO; Plumas County SO; Siskiyou County SO; Sutter County SO; Citrus Heights PD; Trinity County SO; Plumas County DA; Shasta County SO; Trinity County DA; Solano County SO; Placer County SO; Butte College PD; Santa Rosa PD; Contra Costa SO; WEAVE (Sacramento); Sacramento County SO

State agencies included the Department of Consumer Affairs, Division of Investigations; Humboldt State University PD; Department of Corrections & Rehabilitations (OIA).

We also had one investigator with the US Air Force (Beale AFB) attend, as well as two detectives from the Washoe County (Reno, Nevada) Sheriff's Department!

CSAIA is also presenting this same One Day Training on January 8, 2015, in Alameda County. While the training is currently full at 90 participants, we encourage anyone interested to add their name to the waiting list as we may get some cancellations. The CSAIA will attempt to bring the course back to Dublin, CA area and has received requests to present *Working with Victims: Interviewing and Pretext Call Strategies* One Day Training in the Paso Robles and Southern CA areas. CSAIA hopes to be able to accommodate the requests in 2015. Putting yourself on the Waiting List for Dublin helps us to determine if there is enough interest to put on an additional training in the future.

CSAIA welcomes thoughts on topics and locations for future One Day Trainings. Please email your suggestions and requests to the Board of Directors at boardmembers@csaia.org. Many thanks to all who participated in Chico!





CSAIA Board Member Rick Barton and Sarah Meredith from UC Davis Police Department presented at a 2014 one day training event in Chico. An additional presentation is scheduled for January, 2015 in Dublin, CA.



For future dates and locations for the one day training event: *Working with Victims: Interviewing and Pretext Call Strategies.*

The 2015 Spring Raffle proceeds Will be donated to a well deserving agency

Roberta Hopewell presented the donation check to the Children's Assessment Center in 2014.



Topics:

Please notify the CSAIA Board of Directors of topics and suggested instructors for conferences and one day trainings.



Our training is recognized by POST, BRN and MCLE - You get credit for attending! All courses presented by the California Sexual Assault Investigators Association are POST Certified. For peace officers, this means you as an officer get POST Continuing Education Credit for the time you attend the class! CSAIA Courses are also recognized by the Board of Registered Nurses and for Mandatory Continuing Legal Education for attorneys. All continuing education credit requires certification by the presenting organization.

The POST Administrative Manual (PAM) requires each student sign in on the POST Course Roster along with their POST ID number (not your social security number). *Students may not sign the Roster for another student.*

POST further requires that the Course Presenter (CSAIA) keep an attendance roster for every day of training, verifying each student's attendance. Within 10 days of the end of the course, the CSAIA must submit the Course Roster to POST, documenting each student's total hours.

Per the PAM, students may miss up to 10% of the class for "valid reasons" (e.g. work related callouts, court appearance, etc.), or other "extraordinary circumstances." POST may require the Course Presenter (CSAIA) to obtain supervisor verification for any time missed, and/or POST themselves may contact the student's employer to verify that the missed time meets these criteria.

Please be aware that the CSAIA could lose its status as a POST Course Presenter if we do not ensure all of these regulations are met. We appreciate your cooperation and understanding!





Roberta Hopewell presented the 2012 Patrick Sullivan Investigator of the Year Award to retired Los Angeles Sheriff's Department Sgt. Dan Scott. Dan Scott also presented "Interviewing the Traumatized Victim: A Cognitive Approach" at the Spring 2014 Training.

CSAIA Sustained Achievement 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, closed or prosecuted 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 Annual CSAIA Training Conferences. Due to lack of nominations, the CSAIA Sustained Achievement Awards will not be awarded in 2015.

Please consider nominating recipients for the above Sustained Achievement awards in 2016. There is great work being done by law enforcement officers and forensic examiners, and CSAIA would like to recognize the dedicated efforts of those that sacrifice and make a difference for sexual assault victims.



Membership Corner



Richard Nickel, Membership Director

We are currently **303** 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. Membership is \$50.00 a year.

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 on-line resources to enrich your professional career as well as the connection with law enforcement and forensic 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

November 7, 2014

DCA – an officer's "threat" to obtain a search warrant is not necessarily coercive.

People v. Rodriguez (DCA) an officer's "threat" to obtain a search warrant is not necessarily coercive. Here, officers suspected defendant possessed child porn. Officers spoke to defendant's wife at the front door: "Here is the reality. We could go get a search warrant and come; you know, kick the door in and do it that way." Defendant eventually consented to the entry. DCA approved; an officer can enter a home to conduct a warrantless search if consent is voluntarily given. Consent is not voluntary if it is given under duress or coercion, express or implied, based on the totality of circumstances. Here, the wife closed the front door after her encounter with the police and defendant returned and let the officers in. Further, even if the officer's statement was a "threat," the judge was entitled to find that it was "only a declaration of the officers' legal remedies should consent be denied."

October 2, 2014

DCA – a defendant's crime of oral copulation with a minor can be punished more severely than sexual intercourse with a minor.

People v. Fields (DCA) a defendant's crime of oral copulation with a minor can be punished more severely than sexual intercourse with a minor. Here, a jury convicted defendant of "voluntary" oral copulation with a minor as a felony [[PC 288a\(b\)\(1\)](#)]. Defendant argued that since "voluntary" sexual intercourse with a minor can only be charged as a misdemeanor [[PC 261.5\(b\)](#)], felony punishment for oral copulation violates his constitutional right to [equal protection](#) (*Hofsheier*). DCA disagreed; generally, the Legislature can treat similarly situated groups in an unequal manner if there is any *conceivable* rational basis (legitimate purpose) for the distinction. It is not irrational for the Legislature to want to deter offenses it perceives as more common, more difficult to detect, and more likely to be committed than similar offenses, by imposing more severe punishment. "Whether that legislative distinction is wise or effective is not for this court to determine."

[Editor's note: "We use the term 'voluntary' in the special and restricted sense in which it is used in the Hofsheier opinion to indicate the minor victim willingly participated in the act and none of the statutory aggravating circumstances—such as the defendant's use of force or the victim's unconsciousness or intoxication—apply. (See [People v. Hofsheier \(2006\) 37 Cal.4th 1185, 1193, fn. 2.](#)) We recognize, however, a minor is not capable of legally consenting to a sexual act and do not intend to intimate otherwise."]

August 29, 2014

DCA – a prosecutor commits misconduct by arguing defendant's sexual orientation was relevant to establish motive.

People v. Garcia (DCA) a prosecutor commits misconduct by arguing defendant's sexual orientation was relevant to establish motive. Here, prosecutors charged a female defendant with sexual abuse of a girl she babysat. Before trial, the prosecutor argued to the judge that defendant's sexual orientation was relevant to establish intent. During closing argument, the prosecutor argued to the jury: "[Defendant is] attracted to women? Okay? She has the motive." DCA reversed; intent refers to the mental state required for a particular offense, while motive describes the reason a person chooses to commit a crime. By linking defendant's sexual orientation to the issue of motive, the prosecutor essentially told the jury the reason defendant chose to victimize the child is because she is gay. The error was not harmless. "Due process and the interests of fairness dictate that [defendant] be judged by what she did, not who she is. Nothing less will do."

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CSAIA 2014 Board of Directors

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Members registered at the 2014 Spring Training Conference in Shell Beach, CA.



About Our Organization

Membership is now on a 12 month annual cycle! Watch your e-mail for an electronic notification to renew your membership. RENEW ON-LINE! Annual membership is \$50.00.



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

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Happy Holidays!

