

THE VOICE

Fall 2007



Special points of interest:

- Spring Training—February 26–29, 2008
- 2007 Award Recipients
- Patrick Sullivan Scholarship Fund
- Capitol Wrap
- Jessica’s Law Update
- New Board Members

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CSAIA President’s Message

It has been a privilege and honor serving this Association as President for the past year and working with the Board of Directors and Association Members to bring the best Training to our members.

Nick Pepper will be Association President in 2008. Nick, as well as all the Board of Directors have worked diligently this past year to keep your Association moving forward in many directions. The Board of Directors continue work on legislation, training conferences, enhancing the CSAIA website, and enabling members to register and renew membership on-line, and electronically contact all CSAIA members, for networking, investigative resources and contacts.

New this year, CSAIA members can track all their training utilizing the Training Jacket option on the CSAIA website. Available only to members, each of you can enter the “My Training” space and use the tool to track all of your training. Not only the

CSAIA training, but any training you attend can be entered by you and utilized as your own personal training record.

Preparation is well under way for the 2008 Spring Training Conference to be held at The Cliffs at Shell Beach, February 26-29, 2008. The Board of Directors has worked hard to bring exceptional instructors to this venue. Check out the CSAIA website for more information and registration information. Join us for an incredible learning and networking experience in a spectacular environment.

The end of this year brought a change in the complexion of your Board of Directors with the election of new Board members at the end of November. I have met with the new Board of Directors and believe that their enthusiasm and dedication will bring a phenomenal year to the Membership.

This year marks the Board retirement of Diane Huddleston, Jeannie Stephenson, Diane Webb and Jo Ubina. I



Weldon “Linc” Lincoln
CSAIA President

would like to personally thank each of them for all that they have contributed to the Association and the dedication they exhibited in the various positions they have held on the Board. Diane Huddleston is a charter member of the Association, Past President and the most passionate Board Member that I have had the privilege to work with. Your absence and the absences of Jeannie, Diane and Jo will be felt for many years to come. Thank you for the opportunity to serve as your Association President.

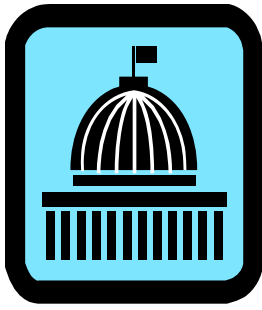
CSAIA Members At Work...

CSAIA members are hard at work each month at the California Sex Offender Management Board meetings in Sacramento. The newly formed board, which was established by legislation last year, has met since June 2007. The board is tasked with ad-

ressing any issues, concerns, and problems related to the community management of the state’s adult sex offenders, with a goal of safer communities and reduced victimization. The first report—only one in a series—is due to the Legislature in January 2009.

CSAIA is well represented with both Sophia McBeth-Childs (Sacramento County Sheriff’s Department) and Diane Webb (Los Angeles Police Department) serving on several subcommittees within the board. Detective Childs

(Continued on Page 2)



Capital Wrap

On September 11, 2007, the California Legislature wrapped up its business for the 2007 Legislative Session. Numerous bills were sent to the Governor's desk that required a signature or veto. Below is a list of the bills CSAIA has been tracking that went to the Governor's desk and were signed into law:

- AB569 Anthony Portantino (D) - Wiretaps
- AB 920 Julia Brownley (D) - Crime Information: Disclosure
- AB 1172 Sharon Runner (R) - Inmate Release
- AB1448 Roger Niello (R) - Peace Officer: Impersonation
- AB 1509 Todd Spitzer (R) - Sex Offender: Community Placement
- AB 1539 Paul Krekorian (D) - Sentencing
- SB 40 Gloria Romero (D) - Sentencing
- SB 542 Gloria Romero (D) - Sexually Violent Predators: DNA Testing

Additionally, SB 172 carried by Elaine Alquist (D) - Crimes: Sex Offenders, was signed into law by the Governor on October 10, 2007 as an urgency statute.

The passing of this legislation made non-substantive, conforming changes to Penal Code (PC) Section 290: Registration of Sex Offenders. Simply, the bill reorganized and renumbered the provisions set forth in PC Section 290, requiring certain persons to register as a sex offender. This bill also made clarifying changes to provisions related to the risk assessment tool to be used to identify sex offenders.

Deputy Attorney General Janet Neeley has provided members of the CSAIA with two documents to assist with the transition of converting old 290 PC Sections to the new numbering provisions provided in SB 172. The two documents, a Conversion Chart and a 290 PC Charging Cheat Sheet, can be downloaded from the *Resource Folder* located on the CSAIA website at www.csaia.org.

Following is a list of three bills that CSAIA has been tracking that the Governor vetoed. All three bills were opposed by CSAIA.

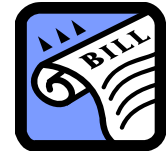
- SB 511 Elaine Alquist (D) - Interrogation: Mandated Reporting
- SB609 Gloria Romero (D) - Criminal Procedure: Informants
- SB 756 Mark Ridley-Thomas - Criminal Investigations: Eyewitness Identifications

These are just a few bills that are being

tracked by CSAIA. More information on these bills and additional two year legislation can be found on the web site at www.csaia.org.

The Board of Directors believes it is very important to provide the California Legislature with the expertise of our members, the men and women that are working with the victims and defendants on a daily basis and are the experts in the area of sexual assault crimes and crimes against children.

The CSAIA Board of Directors has been tracking bills in the California Legislature for several years. If you are one who has an interest in the legislature, you have experienced the massive volume of bills that are introduced and the changes made to each bill as it travels through the legislative process. Continual input from our membership assists the Board of Directors in making decisions on supporting or opposing upcoming legislation. If you have input on a legislative matter please contact our Legislative Coordinator Scott Currie at Scott.Currie@csaia.org.



Article submitted by Scott Currie, Legislative Coordinator

CSAIA Members At Work

(Continued from page 1)

has not only worked on the soon-to-be launched CASOMB website, but is a member of the Investigation/Prosecution/Adjudication and Registration/Notification and Post-Supervision committees. Detective Webb is chairperson of the Supervision subcommittee and also serves on the Re-Entry and Registration/Notification subcommittees.

The 17-member board has taken on the monumental goal of providing recommendations to the state that will improve management practices of adult sex

offenders under supervision in the community, with the goal of improving public safety. Aspects of the comprehensive plan will include supervision, treatment, housing, transition to the community, interagency coordination and the practices of other entities that affect the community management of offenders.

The board has also been asked by California Department of Corrections and Rehabilitation to define terms contained in Jessica's Law as well as advise and clarify regarding its implementation. As a result, your representatives on the board are asking for your expertise in providing

information on what is working, what isn't, and suggestions for change. This is a unique opportunity to have direct access to a system that will affect all aspects of sex offender tracking and management in California.

Please contact your CSAIA representatives with your input:

Detective Sophia McBeth-Childs
Sacramento County Sheriff's Department
Phone 916 874-6514
Email: smcbeth@sacsheriff.com

Detective Diane Webb
Los Angeles Police Department
Phone 213 473 4737
Email: 24834@lapd.lacity.org



www.csaia.org

Save the Date...CSAIA Spring Training Conference

CSAIA 2008 Spring Training Conference

February 27-29, 2008

The Cliffs at Shell Beach

Find registration information at
www.csaia.org



The Cliffs at Shell Beach

2757 Shell Beach Road
Shell Beach, CA 92270

(760) 568-2727
(800) 228-9290

Make Reservations Early!

Rooms will be available at a special rate of \$115.00 dbl or sgl room per night. Cut off date for this rate is February 11, 2008

According to new POST Regulations, all participants must provide their individual POST ID number at the time of the training. Each person MUST obtain their POST ID number from their employing agency.

Litigation over Jessica's Law Continues

Jessica's Law was enacted by ballot initiative (Proposition 83) on November 7, 2006. Since its enactment, a dozen or more lawsuits have been filed challenging two aspects of the new law: lifetime GPS monitoring (Pen. Code, §3004(b)) for those released on parole (i.e. only registrants who received a prison term are subject to the lifetime monitoring provision), and the residence restrictions (Pen. Code § 3003.5(b).) The residence restriction prohibits persons required to register as sex offenders from residing within 2000 feet of any public or private school, or park where children regularly gather.

The challenges to this law have been filed in habeas petitions, appellate briefs, and federal civil rights lawsuits. Two federal cases were resolved in February 2007, with the district court judges holding that the law did not apply retroactively. Because the law did not apply to the plaintiffs in those cases, who were convicted and released on probation or parole prior to the enactment of the law, the courts did not decide the constitutional issues. These cases by lower federal courts are not binding precedent on California courts.

A case now pending in the California Supreme Court should resolve some of the issues surrounding who is affected by the law. Four parolees challenged the residency restrictions in the case of *In re E.J., S.P., J.S., and K.T.* The parties to the pending cases have taken different positions on the retroactivity of the law. Although all agree it was not made retroactive, the issue is when it applies. The Attorney General's Office position is that it applies to a person who moves to a location within 2000 feet of a school or park after 11/7/06. The other parties contend it applies only to those whose offenses occurred after that date (mostly the sex offenders take this position); to those who were convicted after that date (district attorneys' position); or to those 290 registrants released on parole for any offense after that date (Parole's position).

No California court has yet ruled on whether either the GPS lifetime requirement or the residency restriction is constitutional. Three lower federal courts have stayed cases pending on these issues until a decision by the California Supreme

Court. A similar law in Iowa (applied only to child molesters) was upheld by the U. S. Court of Appeals, 8th Circuit, and an Arkansas law which restricted where sex offenders assessed as high risk could live was also upheld by the 8th Circuit. However, in November 2007 the Georgia Supreme Court struck down a law restricting where registered sex offenders could live, on the ground that it constituted an unconstitutional taking of property. Several other lower state appellate courts have ruled that residency restriction laws are punitive, and cannot be applied retroactively. Since the California law was not intended to be retroactive, the issue remains as to how retroactivity will be determined, and even if the law is properly applied, whether it is constitutional.

A common question from all of law enforcement, investigators and prosecutors, is the question of when these issues will be resolved. Unfortunately, we do not know exactly and we will simply have to wait as our Courts decide the future of this Initiative.

Article submitted by Deputy Attorney General Janet Neeley, California Attorney General's Office



Jessica Lunsford



CSAIA 2007 FALL TRAINING IN RANCHO MIRAGE!

CSAIA was proud to present this year's 2007 Fall Training Conference at the Rancho Las Palmas Resort and Spa in Rancho Mirage. This location is a favorite to many members and because of its popularity we returned for another year of fun in the sun in the desert! Not to mention, of course, the walking distance to the local refreshments and fine restaurants.

This year's Fall Conference featured a cadre of instructors from many different topics including Sexual Assault Legal Update, Federal Child Exploitation Guidelines, and Megan's Law Public Notifications and Education—all on the first day! On the second day we enjoyed instructors from the FBI on the

Federal Response to Child Abductions, and breakout sessions that included Effective Strategies for Handling Sexual Assault Cases, Understanding the Sexual Assault Medical Forms, Sex Registrant Legal Update, and SART Peer Review. The final session of the second day included a Deputy Attorney General speaking on how to successfully investigate cases involving Internet Crime.

On the third day, a clinical Psychologist talked to us about the Techniques for Interviewing Juvenile Sexual Offenders, and what conference wouldn't be complete without having some insight in to the emergence of the latest social web sites, like Facebook, MySpace and Second Life. There are a lot of resources out there for

detectives investigating crimes committed over the Internet. On the last day, a Pediatric Physician spoke to us about suspected child abuse injuries.

Check out the *Resource Folder* of the Members Area on the website at www.csaia.org for downloads and information from the instructors.

Article submitted by Vice President Nick Pepper



CSAIA Members Learning and Networking



CSAIA Member is Honored Among Top Ten Professional Women of the Year

Margie Jessen, a member of California Sexual Assault Investigators Association's Board of Directors, was recently honored at a luncheon in Fresno. The Marjaree Mason Center, a domestic violence shelter, recognized Margie on October 24 as one of the Top Ten Professional Women of the Year.

Margie is the owner and director of Forensic Nurse Specialists of Central California. Once a veteran emergency room nurse, Margie, now a family nurse practitioner, opened Forensic Nurse Specialists in 2002. This privately owned company changed the way victims of sexual assault and domestic violence are treated. They no longer have to endure long waits in a busy hospital ER. Victims are cared for and evidence is collected in private medical offices. Forensic Nurse Specialists has grown from one examination center to five in the San Joaquin Valley and has treated

more than 1,700 victims. Margie's passion for her business extends far beyond a professional career. She has dedicated many hours educating law enforcement, rape crisis agencies and district attorneys about forensic nursing and victims. She continues this endeavor with CSAIA. Congratulations MJ! We are proud of you!



Liz Harrison, a local new anchor with MJ Jessen



Patrick Sullivan Scholarship

Thanks to everyone who made a donation to the Patrick Sullivan Scholarship by purchasing raffle tickets at the Fall Training in Rancho Mirage. CSAIA was able to donate \$2000 to the Patrick Sullivan scholarship fund at Archbishop Riordan High School.



NEWS FROM THE SEXUAL ASSAULT RESPONSE TEAM (SART)



Salt Lake City offered a great conference and wonderful attendance for the International Association of Forensic Nurses (IAFN). The talk of the day was the "virtual exam" whereby forensic nurses are able to transmit findings to another program

for validation. This is actually an old concept but vastly improved. Much like the FDSI system that was bombarded by nurses who wanted to see the answer to the colposcope replacement. Not that all agree that the colposcope can or should be replaced, but for those who are using it, they swear by it!

A Forensic Examiner Course will be offered on January 21, 2008 at the Eisenhower Medical Center. Our own members, Diane Faugno, Jeannie Stephenson, and Clare Nelli will be instructors for this event. See more information about this training at the CSAIA website.

Interesting to note is the difference in the way county crime labs collect evidence. Some are utilizing more dynamic processes and procedures, and still others are somewhat archaic in their collection procedures. Many forensic nurses are calling for a statewide standard. We are repeatedly confronted with some Crime Labs that will not process evidence collected from suspects!

Jeannie Stephenson, former President of CSAIA, strongly hopes to confront some of these issues through her membership on the Los Angeles County Lab Committee. Any suggestions or comments can be forwarded to Jeannie at Jeannie@SDFL.com.

Article submitted by Jeannie Leach Stephenson R.N.

INTRODUCING...Your New Board of Directors



New Members
Elected to the
Board!

The CSAIA Board of Directors is a panel of eight (8) volunteer members elected to the Board to assist the President and outgoing President in accomplishing the goals of the Association. Directors are elected every two years and serve for a minimum term of two years.

On December 1, 2007, as a result of on-line voting, the following CSAIA members were elected as your 2008-2009 Board of Directors:

Tim McFadden, Incumbent, Retired, Fresno Police Dept.

Margie "MJ" Jessen, Incumbent, Registered Nurse, Owner/Director, Forensic Nurse Specialists of Central California

Scott Currie, Incumbent, Sergeant, Corona Police Department

Karen Sherwood, Incumbent, Special Agent in Charge, California Department of Justice

Steven Welch, DA Investigator, Riverside County District Attorney's Office

Richard Nickel, Detective, Santa Monica Police Dept.

Roberta Hopewell, Detective, Riverside Police Department.

Linda Richards, RN, Santa Clara County SART Coordinator, Santa Clara County.

Nick Pepper, Sergeant, Gardena Police Department, will serve as the 2008 President.

Weldon "Linc" Lincoln will round out the 10-member Board as the Past President.

Meet and Greet all your Board members on-line or at our next training event in Shell Beach!

Thanks to all who voted in this election!

SEX AND ARSON OFFENDER REGISTRATION...ENTERING A "PAPERLESS" ERA

Here is a trivia question! What is the last remaining offender-based process that requires use of the traditional "ink to card" method of fingerprinting? If you answered the registration of sex offenders, you are correct! However, this statement may not be true much longer.

On July 1, 2007, the California Department of Justice (DOJ) released the Live Scan Registration Type-of-Transaction (REG TOT) to local law enforcement agencies (LEAs) for use in registering both sex and arson (Penal Code §290 and 457.1, respectively) offenders. It is the fourth TOT released by the DOJ, joining the Criminal (CRIM), Custody (CUS), and Applicant (APP) TOTs.

Live Scan is simply the electronic transmission of both fingerprint impressions and associated subject data. You are probably most familiar with its use during the arrest and booking of of-

fenders through the CRIM TOT. However, you may be less familiar with the APP and CUS TOTs, used to fingerprint subjects attempting to meet licensing and certification requirements and to process inmates entering the California Department of Corrections and Rehabilitation, respectively.

In addition to simplifying the registration process, the DOJ is encouraging all LEAs to transition to the REG TOT in order to increase the number of electronic fingerprint impressions captured in both the State's Automated Fingerprint Identification System (AFIS) and those systems maintained by counties. As AFIS files expand, so too will the number of identifications, particularly those originating from latent fingerprints.

The DOJ started development of the REG TOT in 2003. A "test-ready" version became available in early 2007. At the request of the DOJ,

several LEAs were asked to voluntarily integrate the REG TOT into their existing sex and arson registration programs. These "pilot" agencies included the Stockton Police Department and the sheriff's offices in Sacramento, San Diego, San Joaquin, and Sonoma counties. As a result of this successful testing, a decision was made to release the application to all LEAs.

Following are the benefits associated with using the REG TOT as part of your agency's registration program:

- Eliminate the need to manually fingerprint an offender.
- Receive a notification that the transmitted fingerprint impressions have been received by the DOJ.
- Transmit simultaneously the registration data associated with the offender to the DOJ's Violent Crime Information Network database, otherwise known as the California Sex

Offender Registry.

- Print required registration forms (except the Registration Receipt) from the Live Scan terminal with data Fields populated.

Some preparation will be required to get you to the point where you have the latest, installed version of the REG TOT on your agency's Live Scan device and you are ready to begin registering offenders. That preparation will be less, if your agency is already using Live Scan, or unfortunately, more, if it is not.

Every agency strives to reduce their "paper trail." At least for the registration of sex and arson offenders, this can become a reality.

Further information on the REG TOT can be obtained by contacting the manager of the DOJ's Sex Offender Tracking Program, Randy Poole, (916) 227-3506 or via e-mail at Randy.Poole@doj.ca.gov.

Article submitted by Randy Poole, DOJ

CSAIA Awards Superior Accomplishments

At the 2007 Fall Training Conference the CSAIA honored professionals for Outstanding Performance in the field of sexual assault investigations and forensics. The awards were based on nominations detailing the individual and team superior accomplishments, dedication and professionalism demonstrated by the nominee. The CSAIA Board of Directors were very pleased and honored to present the following awards for outstanding performance:

The Michiel Hyder Sustained Achievement Award

Corry Rytterager, Santa Monica Police Department

Sustained Achievement in Forensic Sciences Award

Betsy Swanson, Los Angeles Police Department, Scientific Division

The Patrick Sullivan Outstanding Investigator of the Year Award

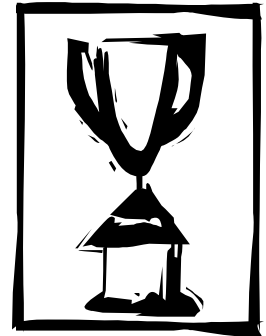
Juan Mendez, San Joaquin County Sheriffs Office

The Outstanding Agency of the Year Award

All members of the Rape Special Section Unit of the Los Angeles Police Department

Each award recipient was honored during an awards luncheon held during the 2007 Annual Fall Training Conference and Awards Presentation. Please join the CSAIA Board of Directors in Congratulating the Award Recipients for their continued dedication and outstanding performance and their continued successes in the field of Sexual Assaults and Forensic Sciences.

Award nominations for the 2008 Superior Accomplishment Awards will be accepted by the Board of Directors in August 2008. Please watch the www.csaia.org for information about making nominations.



Congratulations to the 2007 Award Recipients for Outstanding Performance in their Fields!

Members Training and Learning...



Training Ideas??

CSAIA is always looking for new and innovative ideas in training to bring to the membership. If you have any ideas for our Conference Training or One-Day Training, please contact: Margie.Jessen@csaia.org or Karen.Sherwood@csaia.org with your ideas.



***Fall Training Conference
Rancho Mirage
2007***



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12 month annual cycle!
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electronic notification to
renew your membership.**

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have access to the Members Area
on the website and to continue to
receive information by mail!!**

www.csaia.org

The Voice is published by the CSAIA Board of Directors, Editor Karen Sherwood. If you have any suggestions or would like to submit an article please contact Karen at Karen.sherwood@csaia.org