

KLAAS ACTION REVIEW

THE NEWSLETTER OF THE KLAASKIDS FOUNDATION

A mile a minute....
that is how fast your child can disappear



A MESSAGE FROM MARC

My initial response to the news that Jaycee Dugard had been recovered alive was disbelief, followed by joy for Jaycee and her family. My elation is not diminished as the details of her 18 years of captivity are revealed, but it is moderated by the emerging facts about her captors, the reality of her life in captivity, and the struggle of reunification with her family.

Jaycee's tormentor "Creepy Phil" Garrido had no business being on the streets. Throughout his criminal history he had abused and manipulated women. He was a known menace to society with at least two rapes in his history. A 1976 court ordered psychiatric evaluation diagnosed Creepy Phil as a "sexual deviant and chronic drug abuser." In 1977, he was tried for sexual crimes against a young woman. In trial testimony, he described himself as a habitual sexual predator, yet he was released back into society after serving only 11 years of a 50-year sentence for

kidnapping and aggravated sexual assault. Within three years, he had successfully kidnapped Jaycee Dugard.

Creepy Phil benefited from the travesty that was the United States' criminal justice system during the last decades of the twentieth century. Deferred responsibility and skewed priorities had created an environment that allowed stone-cold predators to spend a small percentage of any given sentence behind bars, only to be regurgitated back into society to commit ever more violent offenses. In the final analysis, little girls weren't safe in their own bedrooms, let alone walking to meet the school bus in the morning.

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A MESSAGE FROM MARC

Like my daughter Polly, who was a year younger and also lived in Northern California, Jaycee Dugard was as much a victim of bad policy as of Creepy Phil Garrido and his wife, Nancy. It wasn't until 1994, when President Clinton signed the Violent Crime Control and Law Enforcement Act and Governor Wilson signed the Three-Strikes-And-You're-Out law, that criminals were finally held accountable and the revolving door was finally closed. Had Creepy Phil committed his initial kidnapping and rape under current Truth-In-Sentencing statutes, he would still be in prison, Jaycee Dugard would have made it to school that day, and she would have had an opportunity to live life on her terms and not those of a sexually sadistic psychopath.

Phil and Nancy Garrido are responsible for shattering the lives of Jaycee and her family. Although they face 29 felony counts for crimes committed against Jaycee over the past 18 years, the agony that they caused to this family cannot be calculated in terms of crime and punishment. Therefore, it is incumbent on the criminal justice system to ensure that they

be held accountable for their destructive behavior and that they die in prison. To do less is to diminish the enormity of their crimes and the individuals they have victimized.

There are many lessons to be learned from the Dugard tragedy. An Amber Alert would have helped Jaycee, because there are few roads into and out of Tahoe, it is 171 miles to Antioch, and the call to the authorities occurred within two minutes of a witnessed kidnapping. Megan's Law, mandating sex offender registration and community notification, is a tool that should be taken advantage of by anyone with small children, or who is involved with a business or charity that provides employees or volunteers with unsupervised access to children.

The Contra Costa sheriff's deputy who visited Creepy Phil's home in 2006 after a neighbor complained that children were living in his back yard may not have been aware that he was a top-tier sex offender, but that does not mean that we have to share his ignorance.

We have been given proof, yet again, that neither pedophiles nor psychopaths can be cured, and

society must be protected from them once they are identified. But we have also seen that, as with Steven Staynor, Tara Burke, Elizabeth Smart, and Shawn Hornbeck, cases where children are returned may provide both recovery and redemption. They demonstrate that hope can reign eternal, and sometimes, after years pass and pictures fade, hope is all that families of the missing have to hold onto.

We all wish Jaycee and her family good grace. Reuniting with a child in the aftermath of violence and trauma is a unique experience that cannot be adequately understood by or communicated to those who have not walked in their shoes. My limited advice is that they find professional counselors who can help them to reconcile the lost years and the mixed emotions. They should avoid the blame game, because the individual who is to be blamed has been caught and will be judged. Things will never be as they were for Jaycee's family, because the past cannot be recovered. However, they can create a "new normal" that allows them to heal and move forward. ■

STOP THE RAIDING OF VICTIM COMPENSATION PLANS

With an economy in crisis and governments scrambling to make up for budget shortfalls, social service agencies are hard-pressed to secure necessary resources for providing much needed services. In these hard times, it is incumbent upon all of us to keep an eye on victim compensation funds. Recent actions in California and Nevada illustrate just how much of a priority crime victims really are.

In California, the Victim Compensation Fund was established to provide monetary assistance to victims of violent crime. The fund is a last resort for those who need assistance with funeral and burial expenses, emergency relocation, medical and mental health expenses, income loss, loss of support for dependents, job retraining, home or vehicle modifications, home security, crime scene clean up, or childcare. These expenses are endured by many victims of crime are often not covered by insurance.

This fund was not established to be a grant source or to help programs experiencing financial difficulty. However, California State Senator Yee has drafted a piece of legislation, SB 662, which will take \$16.3 million dollars from the Victim Compensation Fund to cover funding recently vetoed by the Governor for domestic violence centers. If this happens, the fund will lose approximately \$10 million additional dollars in federal matching funds as well — meaning that if SB 662 passes, the Fund will lose a total of \$26.8 million dollars. At the end of fiscal year 2009, the fund had a balance of around \$36 million dollars. In other words, the Fund will lose no less than three-quarters of its funding, making it virtually useless to the victims of many crimes.

The KlaasKids Foundation condemns California's callous disregard for crime victims. Certainly the state is in poor financial shape. However, creative law-making can offer far more beneficial results than the gutting of a fund that is often crime victims' sole source of financial assistance.

For example, in Nevada, the state has responded to today's fiscal crisis in a much more positive fashion. On June 21, 2009, Governor Jim Gibbons signed an anti-human trafficking law, AB 380, which authorizes the court to impose additional criminal fines on individuals convicted of pandering or prostituting children under 18 years of age. If the victims are between 14 and 18 years old, the fine can be up to \$100,000. If the victims are under the age of 14, the fine can be up to \$500,000. If the offense involves conspiracy to commit the crime, the fine can be up to \$500,000. One hundred percent of the assets secured via AB 380 will be deposited directly into programs for the prevention child prostitution.

This creative new law enables society to employ a victim-centered approach to human trafficking that addresses rescue, rehabilitation, and reintegration by offering those injured restitution through court proceedings. We applaud Nevada for helping to ensure that future victims will be able to acquire needed services regardless of their economic circumstances.

California's SB 662 has already been reviewed by the Assembly and the Senate, and was re-referred to the Rules Committee on August 27. I urge you to contact your State representative in California today to fight against the passage of SB 662 and support the continued work of the Victim Compensation Fund. ■

REPEAL THE CALIFORNIA STATUTE OF LIMITATIONS ON SEXUAL ASSAULT

Achieving justice for victims of sexual assault can be a long and painful process. However, it does give victims some form of closure in the end. It is during this time of healing, or acceptance of the ordeal through therapy, that the clock can run out for pursuing justice for victims, many of whom are children.

In California, the Statute of Limitations gives adult victims of sexual assault just ten years to have charges brought against their attacker. Child victims have only until their 28th birthday. In many cases, this is hardly sufficient time for any victim, particularly a child, to recover from the trauma of the attacks and the many accompanying mental health challenges that often follow. Today, we need your help to persuade the California Legislature to join 24 other states in repealing the Statute of Limitations on these heinous crimes.

As the first woman chair of the California Senate Public Safety Committee, I have heard many stories of how child sexual assault victims struggled with their abuse, and then were prevented by the Statute of Limitations from seeking justice. This is when I began to work on changing the laws for victims of these unconscionable crimes, because I believe that the rights of victims should not be overshadowed by the rights of predators. Justice should never have a time limit.

Our efforts to take this issue on have over the past few years strengthened penalties for rape and other sexual assault crimes, extended the statute of limitations for child sexual abuse victims, and helped protect our citizens from sexual predators. In all, we have been able to pass seven major pieces of legislation since 2001.

The original bill that started my eight-year quest for justice was the 2001 Maricela's Law, which extended the arbitrary time limit on prosecuting child sexual assault cases from age 18 to 21. It was inspired by 15-year-old Maricela, who was repeatedly raped



Senator Elaine Kontominas Alquist
California District 13

when she was seven years old by her mother's live-in boyfriend. Threatened by her attacker, she repressed the memories of her childhood abuse until her 15th birthday. She asked me to get the law changed to help other innocent victims.

Since the ten-year Statute of Limitations had passed on Maricela's case, her rapist was not brought to justice. I knew I had to do something to make sure that no other victims of sexual assault were unable hold their rapist accountable.

As my work continued in this area, it became clear to me that we needed to completely eliminate the Statute of Limitations on felony sexual assaults, because that time limit does not reflect today's understanding of the psychology of sexual assault. We know that victims may repress memories of their ordeal and are often threatened to keep silent, resulting in an inability to report the crime within the arbitrary Statute of Limitations.

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FOUNDATION SUPPORTS CRIMINAL DNA LEGISLATION IN NEVADA

It is a well-known adage in law enforcement that “ten percent of the criminals commit 90 percent of the crimes.” Certainly, studies show that being able to identify suspects from the time of their first felony arrest by taking their DNA can not only solve previously committed crimes, but help to stop career criminals in their tracks by locking them up for good.

Additionally, studies show that taking DNA at the first felony arrest saves taxpayers huge amounts of money that would otherwise be spent on unsolved murder and rape investigations.

For this reason, the Bring Bri Justice Foundation has announced its support for new



Brianna Denison

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REPEAL THE CALIFORNIA STATUTE OF LIMITATIONS ON SEXUAL ASSAULT

Regardless of age or gender, the mental implications of sexual assaults are vast. Child molesters almost never just have one victim in their lifetime. If we continue to impede victims from seeking justice, we free the perpetrator from any accountability, and subject other children to the same threat.

I therefore authored two more measures in 2005 and 2007 that would have completely repealed the Statute of Limitations. Those bills were held in committee on fiscal grounds. This year, in 2009, I reintroduced the bill (Senate Bill 46), because it is time for California to join the 24 other states that have no Statute of Limitations for sexual assaults. Unfortunately, the measure was held again for non-policy reasons.

We need your help in order for this vital piece of legislation to get passed. Please call your Legislators and the Governor. Write letters of support to the Senate Public Safety Committee and ask them to allow SB 46 to be voted on based on its own merits.

Let's join together and get this legislation passed! It will send a message to perpetrators that the sexual assault of anyone — young or old, male or female — will be taken as seriously as murder in our state. The Maricelas in California deserve no less. ■

Senator Elaine Kontominas Alquist represents California District 13 and has authored numerous bills on behalf of assault victims.

© 2009 by the KlaasKids Foundation. The *Klaas Action Review* is published quarterly for Foundation members. Dedicated to the memory of Polly Klaas, the Foundation's purpose is to inform parents, children and communities about how to prevent crimes against children through personal action and support of legislation. Design Concept: Blackburn Design, Petaluma, CA. Printing: MSI Litho, San Rafael, CA.

FOUNDATION SUPPORTS CRIMINAL DNA LEGISLATION IN NEVADA

DNA legislation in the state of Nevada called “Brianna’s Law,” which would require that every felony arrestee be swabbed and their DNA added to the state database. This would in turn be added to CODIS, the national database.

Twenty-one states, as well as federal law enforcement, currently require DNA to be taken at a felony arrest.

The Bring Bri Justice Foundation

The Bring Bri Justice Foundation (BBJF) was founded by the family and friends of Brianna Denison. This 19-year-old Santa Barbara college student disappeared from a friend’s house near the University of Nevada, Reno campus on Jan. 20, 2009. Her body was found on Feb. 15 in southeast Reno. She had been strangled and sexually assaulted.

After his arrest in November, suspect James Biela also was charged with raping a UNR student on Oct. 22, 2008, and kidnapping and sexually assaulting another UNR student on Dec. 17 of the same year. The Foundation has focused on the issue of DNA collection because Biela would have been caught much sooner, and Brianna’s life and perhaps others spared, if a DNA collection process had been in place as part of the arrest process.

Nevada currently only requires felony *convicts* to be swabbed, and has provided no means for the local governments to pay for the processing of those samples. Brianna’s Law exposes arrestees’ entire criminal history, and in doing so will save lives, eliminate unneeded spending and manpower, solve cold cases, and exonerate the innocent.

Passing Brianna’s Law

The Bring Bri Justice Foundation is being joined by the Secret Witness Foundation and the KlaasKids Foundation in supporting this new law, making it a primary focus for the next 18 months. A campaign has been launched by a meeting with Nevada Attorney General Catherine Cortez-Masto, who, along with law enforcement, has taken the first steps toward supporting this legislation.

In order to ensure the passing of Brianna’s law, these Foundations are working toward not only getting the law passed, but getting it funded. It has already been seen that an unfunded mandate from the state puts tremendous pressure on cash-strapped local law enforcement and governments. Ultimately, this law will save local law enforcement from spending on unneeded investigations, but initially it could be costly to start up. We intend to work with the Nevada legislature to find a way to provide local governments with the needed funds.

Extending the Campaign to Other States

Bring Bri Justice Foundation’s objective is to ensure that no other family or individual is forced to go through what Brianna and her family had to endure. As such, they feel this legislation is the most important step our society can take at this time to uphold that principle and support law enforcement, not only in Nevada, but throughout the country. The BBJF has a stated goal of continuing to work until every state has passed DNA arrestee legislation. ■

For links to the studies referenced here and additional information about this legislation, please see www.DNASaves.org, and visit us at www.briannadenison.org

WE NEED YOUR SUPPORT - HELP FIGHT CRIME!

DONATE OR CALL 888-99 KLAAS (995-5227)

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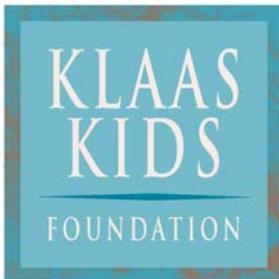
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