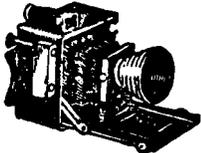




# THE PRINT

*The Official Publication of the Southern California Association of Fingerprint Officers  
An Association for Scientific Investigation and Identification Since 1937*

*May/June 2005 Volume 21 Issue 3*



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## Independent Crime Labs Could Help Stop Forensic Fraud

*(This article was downloaded from the November 7, 2004, issue of the Chicago Sun-Times.)*

By **LOCKE BOWMAN AND ROB WARDEN**

Forensic scientists -- as experience, recent and historic, has shown -- have with disturbing frequency misled juries and sometimes blatantly lied about laboratory results, thus contributing to untold numbers of wrongful criminal convictions in Illinois and throughout the United States.

One example is the case of John Willis, a Chicagoan charged with rape in 1991. Pamela Fish, a Chicago Police Department forensic scientist, performed a serological analysis on semen recovered from the crime scene. The analysis showed that Willis was not the source of the semen. When Willis came to trial in 1992, however, Fish testified that test results were inconclusive. Willis was convicted and sentenced to 100 years in prison, where he languished for more than eight years before the truth finally emerged.

Another example is the case of Gary Dotson, who was convicted a quarter of a century ago of a rape that had not occurred. The purported victim had concocted the allegation to explain what she feared was a pregnancy resulting from sex with her boyfriend. At Dotson's trial, a state forensic scientist, Timothy Dixon, provided highly incriminating testimony to bolster the victim's identification of Dotson. Dixon told the jury that Dotson was among only 10 percent of all men who could have been the source of the semen. In truth, however, the semen could have emanated from roughly two-thirds of the male population. Dotson was sentenced to 30 years in prison and was not exonerated until a decade later, when DNA established his innocence.

Yet another example is the case of Dennis Williams, who was convicted of a 1978 rape and double murder that became infamously known as the Ford Heights Four case. Michael Podelecki, a state forensic scientist, testified that three hairs recovered from Williams' car "matched" the hair of the victims. But Scotland Yard examined the hair evidence eight years later and established that it did not match. Williams was sentenced to death, but exonerated in 1996 by DNA and convictions of the actual killers.

Forensic deception is not only tragic for the wrongfully convicted, their families and friends, and the victims or their survivors who are denied justice, but it also carries significant social and financial costs. The social costs include disrespect for law enforcement among the poor and minorities who bear the brunt of wrongful convictions, and streets that are rendered less safe when law enforcement pursues the innocent rather than actual violent criminals. The financial costs include millions of dollars in litigation expenses that would be substantially reduced by a higher degree of accuracy in the criminal justice system, and the cost of civil rights judgments and settlements -- witness the \$36 million that Cook County taxpayers forked over to the Ford Heights Four.

## Fingerprint Gaffe Spurs Costly Outsourcing

*(This article was downloaded from the April 4, 2005, issue of the Boston Herald.)*

By **MICHELE MCPHEE**

The risk of deceptive forensic practices is heightened by the strong institutional kinship between the technicians who analyze forensic evidence and the law enforcement agencies that investigate and prosecute criminals. Virtually all crime laboratories have direct affiliations with law enforcement agencies. The Illinois laboratories are a division of the Illinois State Police. Subtle bias in favor of law enforcement is an almost inevitable result of this connection. At the extreme, as the Willis, Dotson and Williams cases illustrate, the status quo fosters fraud.

Forensic error and fraud are only two of the systemic flaws that lead to wrongful convictions. Among the others are the use of jailhouse snitch testimony procured via promises of leniency or immunity from prosecution; erroneous eyewitness identification; police and prosecutorial misconduct, and coerced or fabricated confessions. Of these, only forensics was left unaddressed by a sweeping package of criminal justice reform legislation approved a year ago by the Illinois General Assembly legislation that has become a national model. Although the legislative package is no panacea for the ills of the system (some of its provisions apply only to capital cases), it holds the promise of making the Illinois criminal justice system the fairest and most accurate in the nation.

To complete the package, the General Assembly should remove crime labs from the auspices of law enforcement. This would make them truly independent. In 2002, former Gov. George Ryan's Commission on Capital Punishment recommended just that: the creation of an independent state crime laboratory "with its own budget, separate from any police agency or supervision."

As the Willis, Dotson and Ford Heights Four cases make abundantly clear, the time has long passed for lawmakers to address the plague of forensic abuse.

*Locke Bowman is director of the MacArthur Justice Center at the University of Chicago Law School and Rob Warden is director of the Center on Wrongful Convictions at the Northwestern University School of Law.*

Two forensic experts hired by the Boston Police Department to clear a backlog of fingerprints have analyzed 1,831 pieces of evidence in six weeks - including a beer bottle that had been clutched by an alleged killer accused of a 2002 homicide, but whose fingerprint had been overlooked.

The bottle was found in one of the 340 cases being reviewed by two scientists from Ron Smith & Associates, a Mississippi firm that was hired in February to study unprocessed latent prints.

The out-of-state experts are a very expensive solution, at a cost of more than \$30,000 a month, to a problem that surfaced in October when police Commissioner Kathleen O'Toole disbanded the department's own fingerprint unit.

O'Toole defended her decision to demolish the unit after it was found that a Roxbury man, Stephen Cowans, spent six years in prison wrongfully convicted based on shoddy fingerprint work.

The costly hire was first reported in the Herald in February.

Capt. Detective Thomas Dowd, who commands the Boston Police Forensic Technology Division, said the Ron Smith scientists are able to process prints from multiple cases, while cops assigned to the unit would ordinarily focus on one case at a time.

The focus is primarily on reviewing upcoming homicide cases - which is how the print was lifted from the beer bottle.

"It was an important find, a confirmation of a fingerprint that had not been found before," Dowd said. "They are very professional, which is good, considering how much money we are spending."

Of the 340 cases examined, 109 produced identifiable fingerprints, 45 of which were sent to a national database, Dowd said.

"We are not at that point where we have lifted a print off a window at a B&E (breaking and entering) and we can say, 'Let's go get him,'" Dowd said. "We have to take those cases, bring them back to the detectives, and find some suspects to match up with those prints."

## Does The FBI Have Your Fingerprints? Find Out For 18 Bucks.

(This article was downloaded from Slate.msn.com. It was posted April 22, 2005.)

By DANIEL ENGBER

**A**nna Ayala, the woman who found a finger in a bowl of Wendy's chili last month, was arrested on Thursday and charged with grand larceny and attempted grand larceny. Police have not been able to determine the origin of the finger, even after searching for matches in "the F.B.I.'s database of about 50 million prints." Who's in the FBI database?

Criminals, suspected criminals, government employees, military personnel, and a few others. The repository has three components: A criminal file, a civil file, and a military file. The criminal file is the biggest and comprises the 50 or so million entries that get searched when police are trying to identify a print left at a crime scene. The civil file, not surprisingly, includes government employees, and the military file covers the armed forces.

Local and federal law enforcement officers typically submit fingerprints to the FBI's criminal file for every person they arrest on a serious charge, whether or not there is an eventual conviction. (The print from the chili finger is not in the database; as a result of her arrest on Thursday, Ayala's own fingerprints are.) The fingerprints of all FBI employees and some other sensitive government employees are also kept in the criminal file—the government wants to know ASAP if these people commit crimes—as are the prints of missing persons, amnesiacs who don't remember their names, and unidentified dead bodies. The FBI says it adds seven or eight thousand entries to the criminal file every day.

If a suspected criminal is found to be not guilty, his or her prints are supposed to be removed from the system, but that doesn't always happen. You can also petition to have your prints removed if you received an official pardon for your crime or if the laws governing the severity of your crime have changed since your arrest.

Dead people are removed from the database when their data is submitted to the FBI by a coroner's office. It used to be that anyone over the age of 65 who hadn't been arrested or imprisoned in 10 years was assumed to be dead or not an active criminal and removed from the file. In more recent years the age limit has been increased.

Law enforcement officials use the criminal file for the identification of crime-scene prints, as well as for criminal background checks. But there are also a number of federal and state laws that permit civilians to consult the database with the help of a state agency in special circumstances. The National Child Protection Act, for

example, allows anyone who works with children to be fingerprinted and checked against the criminal file. Licensed stock brokers, bankers, and gambling-casino employees can all be checked by their employers as well. In recent years, the number of these background checks has increased dramatically; today civil searches account for almost half of all submissions to the bureau.

How do you know if you're in the FBI database? According to Department of Justice rules, you have the right to submit your own fingerprints for a background check on yourself. (This allows you to contest anything that might be on your rap sheet.) Just write out a formal request and send it to the FBI, along with a full set of fingerprints and a money order for \$18.

*Explainer thanks Ken Moses of Forensic Identification Services and Peter Higgins of the Higgins-Hermansen Group.*

*Daniel Engber is a writer in New York City.*

## Police Say Drug Suspect Obliterated His Own Fingerprints With Acid

(This April 9, 2005, Associated Press article was downloaded from Boston.com.)

SALEM, Mass. --A man charged with trafficking in cocaine in Salem burned his fingertips with acid to obliterate his fingerprints and hide his identity, police say.

The man, who gave the name Jorge Lopez when arrested, was ordered held on \$250,000 cash bail after pleading innocent at his arraignment Friday while authorities try to figure out who he is.

Salem police Lt. Brian Gilligan told a judge that when they took fingerprints of Lopez after his arrest Wednesday, they were surprised to find that there were no prints.

Police do not think he gave his true identity and asked that he be held without bail. Police think he burned his fingers deliberately, noting there were no other scars or burn marks on his hands.

Lopez claims he burned his fingertips while working as a mechanic and grabbing hot exhaust parts, his court-appointed lawyer said.

Police arrested Lopez after receiving a tip that a man was selling cocaine from a car that traveled around the city. Police allegedly found a tin stuffed with 23 bags of cocaine hidden under the passenger seat of the suspect's vehicle.

The roughly 14 grams of cocaine has a street value of about \$1,100, police said.

# PROPOSED BYLAW CHANGE

# Letter re: Bylaws Change

## Current

### ASSOCIATE MEMBERS

Associate Members are those non-tax paid professional men and women engaged in business similar to, or supplying equipment for scientific criminal investigation and identification. College students whose study relates to the forensic sciences including volunteers to a law enforcement agency whose duties relate to the forensic science or criminal justice and volunteers in a law enforcement agency whose duties relate to forensic science are also eligible for associate membership. Upon admission to membership they shall enjoy all rights and privileges of active members except voting and holding office.

## Proposed Change

### ASSOCIATE MEMBERS

All reputable persons, fully or partially engaged in or supplying equipment for the various segments of the science of Forensic Identification and Investigation, and who are not qualified for Active Membership, are hereby eligible to become Associate Members. They shall, in all respects, be subject to the same rules, fees, and charges and shall be entitled to the same rights as an Active Member, except that they shall not be entitled to vote or be elected to the Executive Board. The annual membership dues for Associate Members shall be in conformance with provisions set forth in Article 6 of these By-Laws.

*[Editor-This proposal was made and approved by the Board of Directors at the January Board Meeting. In accordance with Article 11 of our bylaws, it was proposed to the membership at the February 2005 meeting. It is now published and can be amended as necessary and voted on by the general membership at the next regular meeting.]*

## ARTICLE 11 AMENDMENTS TO THE CONSTITUTION AND BYLAWS

*The Constitution and Bylaws may be amended, changed, or altered by a two thirds vote of the active members present at a regular meeting, provided that a period of one (1) month shall have elapsed between the proposal date and the voting date and provided further that the Secretary shall have published in the monthly bulletin the proposed change.*

In 1996, during the year I was President and at my request, Past President Clark Fogg wrote a bylaws change that was approved by the membership to allow students to become associate members.

After a few years, in an attempt to address the issue of a revolving door of student members and the problem of business meetings being dominated with the introduction and readings for students, the bylaws were changed to address these issues: Students are now required to provide proof of being a full-time student (12 units) in a major related to our field, and readings for students have been eliminated. Unfortunately, this did not correct the issue of the revolving door.

Since then, other issues relating to students have surfaced. It has been pointed out that students have not been subjected to any type of a background check, unlike our active members who have all been through rigorous background investigations. There have been a couple of high-profile crimes involving students in local "forensic programs". In one case, two students committed a quadruple murder and, in a second incident, a student obstructed police during a kidnap and rape investigation. Some speakers have turned down requests to speak before our group because of student members being present and the topic was "law enforcement sensitive material". At some of our dinner meetings, active members could not make dinner reservations or were unable to be seated because we were overbooked for the facility. Our organization has become so big (which is a good thing) that many restaurants cannot accommodate a group of our size. At some of our dinners, the students have out numbered the active law enforcement members.

The Association was formed for and by members of law enforcement for the purpose of networking with their peers to improve the identification profession. Some active members have expressed concerns that the Association is becoming a "forensic club".

At the January Board of Directors' meeting, the issue of "student membership" was addressed and **this bylaws change proposal was endorsed by the Board** to eliminate further student memberships and return the Association to its traditional role as a professional organization. Students who are attending as guests of active members will still be allowed to attend meetings. Unless seating is limited or restricted because of the nature of the training, students will still be allowed to attend. Membership in the Association has never been a requirement to attend training. Current student associate members would be continued until the completion of their studies or change in their student status.

The bylaws change was authored by Past President Clark Fogg and presented to the membership at the February meeting by Past President Steve Tillmann.

I strongly recommend this bylaws change be approved.

*Bill Leo, SCAFO Historian (President, 1996)*

## Letter re: Bylaws Change

**“College students whose study relates to the forensic sciences, including volunteers to a law enforcement agency whose duties relate to the forensic science or criminal justice and volunteers in a law enforcement agency whose duties relate to forensic science, are also eligible for associate membership”.**

As a present board member, Second Vice President, I have reservations about changing the bylaws to discontinue student/volunteer membership. I, for one, became a student/intern member in 1998. Since then I have had the opportunity to meet many student/intern members who have gone on to become active members with productive careers in the field of forensics.

A major concern, as discussed by some members, includes how to oversee integrity issues of students/interns who may apply for membership. That question could be posed of any associate member or, for that matter, any active member who has not undergone a background check with a law enforcement agency. In most cases, volunteers/interns have been subjected to a thorough background check because of the sensitive nature of the information involved in our field of endeavor.

A thorough screening of prospective or current student/volunteer associate members by our association may not be realistic; although, any problems that may occur would be covered under Article 8, of the bylaws, which states:

“Members may be suspended or expelled for any of the following reasons:

1. Conduct detrimental to the good name of the Association.
2. Professionally unethical conduct.
3. Dishonesty.
4. Disloyalty to the profession of law enforcement.
5. Conviction of a felony.
6. Any violation of the purposes or objectives of the Association.
7. Falsification of application or any misrepresentation therein”.

Other concerns have included monitoring the requirements for student membership and the tedious bookkeeping involved with these typically short-term memberships. Having served as the secretary in the past, I recognize that this task seems superfluous; this issue could be addressed by designating one of the directors to assist the secretary with this particular responsibility.

Asking the student to provide student I.D. at the time of application would be simple. Most students have been referred to SCAFO by college forensic program instructor(s), including many of our prominent members such as George Durgin, Bill Leo, Ed Palma, Rodrigo Viesca, Diana Castro, Janis Cavanaugh and more. As for unit fulfillment requirements, I suggest that a student’s workload can vary each semester depending on their current job status and other commitments. Perhaps we should

look at this membership requirement more closely.

As a former student/intern member I have had the opportunity to network with professionals in our field who have since become valuable colleagues. I believe membership with our association is important for those making an effort to start in the field of forensics. If the opportunity is seized, there are many bilateral advantages that can be obtained by networking with all of our members. An invitation to simply attend meetings but not being allowed to participate in the membership is just short of meaningless. As well as benefiting from our expertise and experience, many of these students will bring new ideas to our association and to the field of forensics. They will be our future..... our colleagues.

*Gina Russell Durgin, 2nd Vice President*

## Editor’s Comment: Bylaws Change

I was unable to attend the January Board of Directors’ meeting when the officers discussed this proposal. However, I am confident that as a board they expended the appropriate effort to thoroughly discuss the topic before making the recommendation for the change. I agree with the board’s recommendation.

As an organization, we don’t benefit from a simple increase in our membership numbers. That is why we publish *The Print* online and do not encourage subscriptions. Financially, our mailing fees approximate the actual publishing costs. The real benefit of additional members to the organization is realized through new members who actively participate in the organization. Attending meetings, networking with other professionals, and exchanging ideas with other professionals are the things that make the organization beneficial to its members.

Although it seems a worthy goal to encourage forensic students to join professional organizations, I have felt for some time that the massive student memberships that we have experienced in SCAFO are a detriment to the objectives of the association. Students are students. They are not yet working in the field and as a result cannot provide any meaningful experience base for members to gain knowledge from. Student members may benefit, but the organization does not benefit until the students have gained experience as professionals.

Encouraging students to be aware of professional organizations for future participation is mutually beneficial and should be encouraged. Students should be encouraged to attend as guests on occasion to establish this awareness. A better opportunity for the students would be for professional organizations to support forensic student organizations with speakers (for topics of specific interest to students) and professional guidance. I applaud the Board of Directors in their decision and join in recommending this bylaws change.

*Alan McRoberts, Editor (President, 1991)*

## MINUTES OF APRIL MEETING

**DATE:** April 2, 2005  
**LOCATION:** Alcatraz Brewing Co., Orange  
**HOST:** Past President Ed Palma  
**SECRETARY:** Susan Garcia  
**SPEAKERS:** Detective Steve Booze and  
Forensic Specialist Trish Sharkey  
**PROGRAM:** Cold Case Homicide

Presentation of a cold case homicide from 1965 of an elderly woman, and how diligence on the part of fingerprint personnel paid off. By continuing to search the print in the AFIS system, the case ultimately was solved with a system "hit" and fingerprint identification.

**CALL TO ORDER:** Luncheon announced at 1330 hours.  
Meeting called to order at 1440 hours  
by President Dennis Uyeda.

### ATTENDANCE:

**PAST PRESIDENTS:** Barbie Beghtol (1979), Tim Golt (1992), Robert Goss (2001), Steve Tillmann (2002), George Durgin (2003), and Ed Palma (2004).

**EXECUTIVE BOARD:** Dennis Uyeda, Susan Garcia, Gina Russell-Durgin, Steve Tillmann, Lisa DiMeo, Sarah Watson, Susannah Baker. (Absent: Bill Leo, Craig Johnson, Clark Fogg, Mari Johnson, Chuck Russell, Alan McRoberts).

**Members and guests present:** 80

### OLD BUSINESS:

#### Second Readings:

Cynthia Andrus  
Shirley Braggs

Motion to accept: Bob Goss  
Second: George Durgin

#### Swear Ins by Past President Ed Palma:

Karen France, Los Angeles Sheriffs Dept.  
John Pedroza, Riverside Sheriffs Dept.

### NEW BUSINESS:

#### First Readings for Active Membership:

Amy Hines - Riverside District Attorneys Office  
Recommended by: Marvin Spreyne

Matt Law - Escondito Police Dept (Intern).  
Recommended by: Regina Russell-Durgin

Jessica Almeida - San Diego Police Dept.  
Recommended by: Ed Palma

### ANNOUNCEMENTS:

A vote will be taken at the next meeting on the subject of Student membership.

The next meeting will be held on June 4th - Speaker will be Professor Elizabeth Miller - Cal State University and member of the Los Angeles Coroner's SORT team. Location to be announced.

### ATTENDANCE DRAWING:

\$25.00: won by Susannah Baker

**GIFTS:** Donated by Ed Palma & Don Garcia (DJ Designs).

### MOTION TO ADJOURN:

Marvin Spreyne  
Second: Teri Eklund

**MEETING ADJOURNED:** 1530 hours

## Open Letter to Members

The April Past Presidents' meeting had several problems. I will be the first to say that hosting a meeting is not as easy as going to dinner with your family and friends. A lot goes into setting up a meeting for a group as large as SCAFO. As a host you must find a venue that can handle anywhere from 60 to 100 + people, you must try to keep the cost down, make it somewhere convenient for the members (who come from all over Southern California), have good food, find an interesting speaker, buy door prizes, arrive early, and a load of other things.

Members who show up (and members who make reservations and do not show up) create the biggest problem for our dinner meetings. The April meeting was a perfect example of when things go bad. We had six members who reserved and didn't show up and 15 who showed up without reservations. I know things usually work out: five or six are no-shows and a few others show up unreserved. This location was not prepared to accommodate more than had reserved. Many locations charge for the meal count provided prior to the meeting, and some places can only accommodate a few extra meals. The decision to charge members who are no-shows and don't cancel in advance has been approved at past board meetings. I know that, because of the nature of our jobs (being out all night on a call or getting called out on the way to the meeting), charging for no-shows is a tough call. I would suggest that at future meetings we should not let anyone be seated who has not made reservations until all reserved members are accounted for. I would ask all members to please keep these things in mind when they plan on attending a meeting.

I would also like to mention that if ANY of the members have ideas, such as guest speakers or locations that they would like to use for a SCAFO meeting, please let any of the board members know. Our emails and phone numbers appear on the front of *The Print*. Thank you.

Yours fraternally,

*Susan Garcia, Vice President*

## President's Message

On February 26 the SCAFO business meeting was held at the Jolly Roger restaurant in Oceanside. A 1999 high profile homicide case was presented by Chuck Russell of the San Diego Sheriff's Department. There were informative colorful pictures presented to explain the homicide, nice job Chuck.

Successful workshops were held in February in San Diego and Los Angeles. SCAFO presented Dick Warrington's Fingerprinting Technique Workshop, his gizmos and gadgets are very informative, thanks Mr. Warrington.

Take note Past President Steve Tillmann has proposed a By-Laws change that you will be voting on. Your comments are important so if you have any input please present it.

Suggestions have been presented on the annual Forensic Training Seminar and are being considered as possible presentations. Keep the ideas and suggestions flowing to the Board as this will help us in preparing the seminar. Preparations for the seminar are already being set, thanks to Bill Leo.

If you have any suggestions for the SCAFO 70th anniversary please let a board member know. Also if you are interested in hosting a meeting or presenting a program contact one of the board members. I hope to see many of you at our next meeting.

Fraternally yours

*Dennis Uyeda, President*



**Upcoming  
SCAFO Meeting**

**June 4, 2005**

Elizabeth Miller  
Professor of Anthropology  
Cal State University at Los Angeles  
and member of the  
Los Angeles Coroner's SORT team

Lunch Meeting at:  
Buster's Longboard  
Long Beach, CA

For additional information contact:  
Susannah Baker  
(800) 974-4522  
baker@scafo.org

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***"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere."***

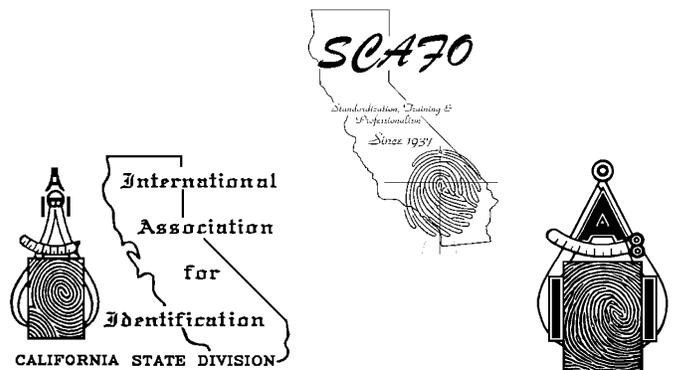
***- President Theodore Roosevelt, 1908***

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SCAFO Members:  
Get "yourname@scafo.org".  
See instructions on the  
website's email page.

### *-- Upcoming Events/Schools/Seminars--*

- |                        |  |  |
|------------------------|--|--|
| May 22 - 26, 2005      |  | C.S.D.I.A.I.<br>89th Annual Educational Seminar<br>San Jose, CA          |
| June 4, 2005           |  | <b>S.C.A.F.O. Meeting</b><br>Sue Baker<br>Los Angeles Sheriff's Dept.    |
| August 6, 2005         |  | <b>S.C.A.F.O. Meeting</b><br>Lisa DiMeo and Gina Russell-Durgin          |
| August 7 - 13, 2005    |  | International Association for Identification<br>Dallas, TX               |
| August 21 - 26, 2005   | <i>Standardization, Training &amp; Professionalism</i> | 17th Meeting of IAIFS<br>Hong Kong, China<br>www.iafs2005.com            |
| October 7 - 8, 2005    | <i>Since 1937</i>                                      | <b>S.C.A.F.O. Annual Training Seminar</b><br>Covina, CA                  |
| December (TBA), 2005   |  | <b>S.C.A.F.O. Meeting</b><br>Susan Garcia<br>Los Angeles Sheriff's Dept. |
| February 20 - 25, 2006 |  | AAFS 58th Annual Meeting<br>Seattle, WA                                  |

*Southern California Association of Fingerprint Officers*  
*An Association for Scientific Investigation and Identification Since 1937*