

the PRINT

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

31st ANNUAL TRAINING CONFERENCE

SEPTEMBER 30 - OCTOBER 1, 2022

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- President Theodore Roosevelt, 1908

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MESSAGE FROM THE PRESIDENT

My name is Cynthia Williamson and I am the 2022 SCAFO President. I would like to invite each and every one of you to the SCAFO Conference this year. Mark your calendars, September 30th to October 1st, at the Ontario Airport Hotel. We are working hard to bring you great educational speakers. Visit the SCAFO website for information and registration. Friday night will be our 85th Anniversary Banquet. The theme of the night is The Roaring 20's, so come in your best 20's attire to meet new people and see old friends.

At the conference on Saturday, October 1st, we will also be holding our Executive Board elections. Please consider running for a position on the board. If you are interested in running, please send your letter of intent to run for office to the Secretary Denell Payne as soon as possible. If you have any questions about running for the Executive Board, feel free to contact me or anyone on the board and we will help in any way we can.

I would also like to thank each and every one of you for your dedication, and passion to this profession. All of your hard work does not go unnoticed. I know that sometimes it feels that way, but just remember that what you do everyday helps more people than you know. I, as well as the Executive Board appreciate you very much.

Very Respectfully,
Cynthia Williamson
SCAFO 2022 President



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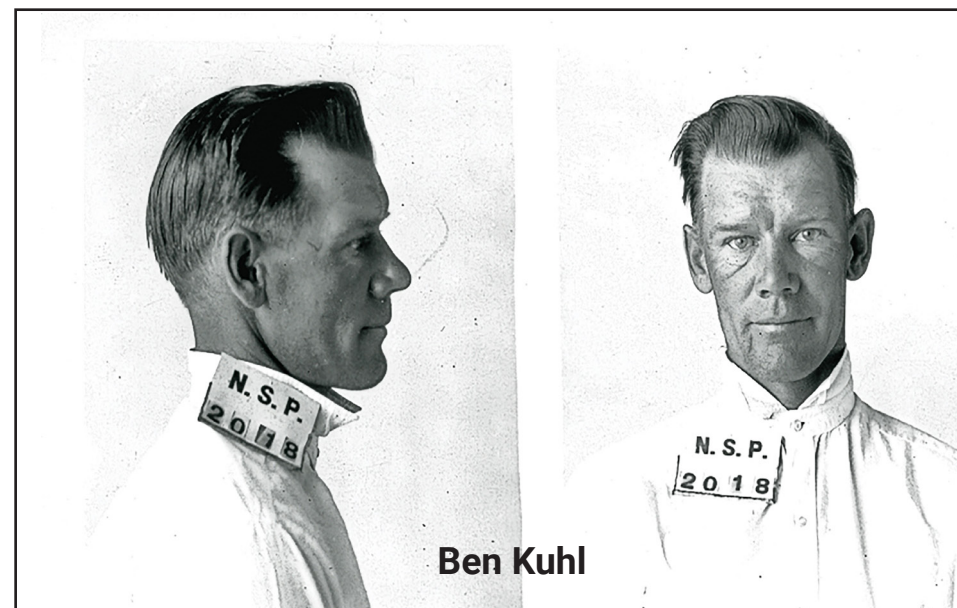
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Editor's Note: The following article was initially published in "The Print", Volume 1, Number 7, in September 1985, submitted by Past President Dick Clason, from Beverly Hills P.D. The subsequent article was obtained from the Nevada Supreme Court record, State v Kuhl 42 Nev. 195 171 Pac 19 (1918), and is submitted edited. The entire article can be read by going to the following link. <https://cite.case.law/nev/42/185/>

This is the story of the last horsedrawn stage robbery in the U.S.A. It is also the story of the first palm print ever to be testified to in court.

By Dick Clason, Beverly Hills P.D. (Retired)

Most of us nowadays think of a "mail stage" as a "stagecoach", like those we see in the western movies with a fancy windowed room for pretty ladies and handsome gentlemen to ride in. Well, this stage I'm talking about was not that kind. It was just an open wagon with some racks for mail sacks built on behind the driver's seat, and two horses pulling it. The robbery happened on the outskirts of Jarbridge, way up in Northern Nevada, and way back in December of 1916.



Fred Searcy was the driver of this mail stage. It was an icy-cold December 5th, and Fred was all bundled up, sitting on the driver's seat gently rein-slapping the team on down the road toward Jarbridge. The wheels were likely crunching in the snow, and maybe that's why Fred didn't hear the man in the long black overcoat climb onto the back of the stage. The man had heard that there was to be a great deal of money in that mail shipment, and he had been waiting in the bushes alongside the road.

Fred Searcy didn't have a chance. The man crouched behind him on the wagon, placed the muzzle of a .44 caliber revolver against the back of his head and pulled the trigger. The projectile tore through his skull and exited his mouth, killing him almost instantly. His blood and tissue emptied out onto the wagon and into the snow, and some of it got onto the bandit's clothes and hands.

The man in the long black overcoat climbed quickly into the driver's seat. He laid the corpse across his lap and covered it with a canvas tarp, then drove the wagon on down the road toward town. He saw Rose Dexter standing outside her place when he drove by, and he hunched up his shoulders and turned his head, hoping she would think he was Searcy. Farther along, a mule skinner hollered "Hi, Kid!" but the bandit just kept his face hidden and drove on. He finally turned off on an old road which wasn't used anymore and hid the team behind some willows. Then he went through the mail sacks and found the money he wanted. He took off his bloody overcoat and shirt and hid them under the Jarbridge creek bridge. One of the sacks was too cumbersome to carry because it had silver coins in it, so he left it under the bridge intending to come back later for it. He then went on into town.

At 9:00 p.m. that night Scott Fleming, the Jarbridge Postmaster, was frantic. He stopped Frank Leonard who was riding past the Post Office and asked him to please ride North away and see if anything could be found of Searcy or the stage. He then called Rose Dexter who advised him that the wagon had gone by three hours ago. He knew, then, that something was very, very wrong!

Frank Leonard returned and reported finding no sign of the stage; it had been snowing quite awhile and probably would have covered up any tracks.

Fleming organized a search party, and with lanterns and flashlights they scoured the road from the bridge back to where Rose Dexter had seen the wagon pass. Two of the searchers, Henry Kensinger and Donald Steele, decided to try the old lane, and that's when Steele found the stage. It was in a willow thicket with the horses still hitched, waiting patiently, their heads lowered. The team and wagon were covered with a light snow. Steele yelled to Fleming who came running with the others. They looked at the canvas covered form on the front seat and then looked at each other, knowing what they'd find. Fleming lifted the corner of the tarp and there was Fred Searcy, slumped forward with his head hanging to one side. The blood was everywhere, even on the ground when the new snow was kicked away.

Fleming woke up the Justice of the Peace, J.A. Yewell, at about 11:00 p.m. and they went to the willow thicket. Yewell took charge of the investigation. Mr. Kensinger found overshoe and dog prints leading away from the stage toward town, and he followed them about 100 yards where he lost the trail in the darkness. He also found a mail sack under some bushes. Fleming picked up some of the mail bags, letters, and packages that were scattered about. They then drove the team and rig to the Post Office and laid Fred Searcy out on the Post Office floor. Yewell called Sheriff Joseph Harris in Elko, then posted guards all around the town to prevent anyone from leaving.

When they continued the investigation, they followed the trail of blood to the main road where they found Searcy's hat in a pool of congealed blood. Powder burns around the bullet hole in the hat showed that the weapon had been pressed against Fred's head when fired.

J.B. McCormick, who was helping with the investigation, kept thinking about the dog tracks he had seen and wondered if he might figure out which dog it was. There weren't a lot of big dogs in town. He looked around, spotted a big dog, and began following it. After a while the dog put his nose to the ground and started following a trail, while McCormick and others followed. The trail led to the bridge and there they found a cloth bundle containing a black over-

coat. Farther along they came across a sack filled with \$182 worth of coins.

During the investigation almost fifty pieces of evidence were collected, the most important of which were the overcoat and a letter with a bloody palm print on it. Yewell and several others discussed the long black overcoat and remembered distinctly that such a coat had been won by a drifter who'd been around Jarbridge awhile. Yewell recalled that his name was Ben Kuhl and that he had a trial pending for trespassing. Yewell signed a complaint and sent the town Marshall, I.C. Hill, to arrest him. Hill did so and also arrested three of Kuhl's shady pals, Ed Beck, William McGraw, and B.E. Jennings. Jennings was released shortly thereafter when it appeared he had no knowledge of the crime. McGraw likewise was not prosecuted although he was apparently a co-conspirator in the crime (he testified as a State's witness). Kuhl and Beck were both tried for first degree murder.

The prosecutor in the case was District Attorney E.P. "Ted" Carville. (Please keep the name "Carville" in mind). He and Sheriff Joe Harris called upon a couple of Californians to do the expert latent print work. Two identification bureau superintendents, O.W. Bottorff of the Fresno Police Department and C.H. Stone of the Bakersfield Police Department teamed up and presented outstanding court presentations at the trial.

Bottorff testified that he had done thirty palm identifications in the past year and that the latent palm on the envelope and the inked palm on Kuhl's card were made by the same person. He remarked that he had taken the prints to the fingerprint specialists convention and that all there agreed they were made by the same person.

As palm prints had never been testified to in court before, the defense tried to say that they were "like handwriting, just a matter of opinion." Bottorff persuaded the judge to allow him to take several palm prints from persons in the court. He then identified each of them correctly!

Both experts testified that this was the first time, to their knowledge, that palm prints were used in court.

It took the jury just two hours to find Kuhl guilty of first-degree murder. Judge Erroll J.L. Taber sentenced him to death, and he was given his choice of hanging or firing squad. Kuhl selected the latter. Kuhl's co-conspirator, Ed (Cut-Lip Swede) Beck was subsequently tried and received a life sentence, of which he served six years.

Kuhl's conviction was appealed. He contended the trial court erred in admitting the testimony of the witnesses on palm print identification. Chief Justice Patrick A. McCarran of the Nevada Supreme Court stated: "The main contention here is that the experts who testified were not qualified to give an opinion as to the identity of palm print impressions ... will the same rule which has led the courts to recognize experts on fingerprint identification permit such palm print identification? This is the one vital question here."

Justice McCarran then presented a rather lengthy opinion, during which he referred to such authorities as Kumagusu Minakata, Berthold Laufer, Kai Kung-Yen, Mark Twain, Sir Francis Galton, Sir Edward Richard Henry, Frederick A. Braley, Tighe Hopkins, Dr. Hans Gross, Sir William J. Herschel, Henry Faulds, Rai Sakib Hem Chandra Bose, Frederick Kuhne, Harold J. Shepstone, M.V. Balthazard, Harris Hawthorne Wildes, and Bert Wentworth. Significant among McCarran's remarks was this passage: "A student of the subject may have confined his study largely to impressions made only by the fingertips, but the knowledge and experience thus

gained, and the methods of determining identity thus established and used, are applicable with the equal significance and effect to any given surface of the palm of the hand". This is true because of the truth of our former assertion as to a common physiological basis underlying this established method of identification. Thus, the death sentence stood and Kuhl was rescheduled to die on December 20, 1918. However, the sentence was commuted to life, and Kuhl served almost 28 years in the Nevada State Prison where he was placed in charge of the chicken house.

On April 16, 1945 Ben Kuhl, now white-haired, was paroled by Governor E.P. Carville. That's right! The same Carville who successfully prosecuted Kuhl back in '17 gave him his freedom in 1945.

But the Grim Reaper himself, carried out the death sentence only a year later when Ben Kuhl died of tuberculosis.

Information for this article was obtained from the Nevada Supreme Court record, State v. Kuhl 42 Nev. 195 175 PAC 19 (1918), and from the excellent documented story "Last Horsedrawn Stage Robbery" by Howard Hickson in Quarterly, the publication of the Northeastern Nevada Historical Society (Winter, 1981 issue).



State v. Kuhl, 42 Nev. 185, 175 P. 190 (1918)

July 1918 · Supreme Court of Nevada · No. 2327

42 Nev. 185, 175 P. 190

STATE OF NEVADA, Respondent, v. B. E. KUHL, ED. BECK, and WM. Mc-GRAW, Appellants

[175 Pac. 190]

1. CRIMINAL Law- — Evidence—Palm Prints — Experts.

Evidence of experts as to identity of palm prints of defendant in a homicide case with that found upon a blood-smearred envelope found at place of crime was properly admitted.

2. Criminal Law — Evidence—Photographs—Enlargements.

In a homicide case, photographic enlargements of palm prints were properly admitted; no question being raised as to accuracy of exhibits.

3. Witness — Use of Projectoscope.

In a homicide case, a projectoscope was properly used to illustrate the testimony of experts.

1. Criminal Law — Evidence—Photographs.

Photographs of palm prints were properly admitted in evidence, although experts who testified in regard to them had previously placed certain lines upon them; their existence and significance being fully explained by the witnesses.

5. Criminal Law — Appeal—Objection to Evidence.

Where the only objection to evidence was that the question had already been answered, appellate court need not consider assignment that an expert testified positively as to a matter of opinion.

6. Criminal Law — Expert Testimony.

While it is the usual practice for expert witnesses to testify as to their belief in a given conclusion, no rule of law prevents them from testifying positively on such subjects.

7. Witnesses — Impeachment.

If statement on a former occasion was brought home to witness on cross-examination, with elements of impeachment incorporated therein, as to time, place, and party to whom made, which she denied, it was proper for state, on rebuttal, to present party to whom former statement was made, and to propound, after fixing time and place, exact language of witness sought to be impeached.

8. Sunday — Court Proceedings.

Under the power given the court by Rev. Laws, 4870, subd. 2, to sit on Sunday to receive a verdict, the court is necessarily authorized to remand a defendant and fix a date for further proceedings.

Appeal from Fourth Judicial District Court, Elko County; E. J. L. Taber, Judge.

B. E. Kuhl and others were convicted of murder, and Kuhl appeals.

Affirmed, with directions.

Edwin E. Caine and Harold P. Hale, for Appellant:

Where there is no evidence at all tending to prove that the witness is qualified to testify as an expert, or where there is palpable abuse of discretion, the ruling of the trial court is subject to review. Jones on Evidence, vol. 2, p. 898.

None of the witnesses for the state, upon their foundation testimony, qualified as experts upon the proposition of the palm print. "The rules with respect to the use of expert evidence are numerous". They follow, in the main, the principle of furnishing assistance to the jury upon the subject to which the evidence relates." McKelvey on Evidence, p. 228. "In a great variety of cases where the subjects under investigation are wholly unfamiliar to the jury, or even to the judge, there would be no adequate mode of arriving at any satisfactory conclusion, if expert testimony were rejected. In recognition of this fact, the courts have adopted the rule of permitting the opinions of witnesses whenever the subject-matter of inquiry is such that the inexperienced are unlikely to prove capable of forming a correct judgment upon it without assistance; in other words, when it so far partakes of the nature of a science as to require a course of previous habit or study in order to attain a knowledge of it." Jones on Evidence, vol. 2, pp. 891, 892. "To qualify, a general knowledge of the department to which the subject belongs would seem sufficient." Idem, 896. However, it seems an impossibility to require a man to have a general knowledge of a science which apparently does not exist. The state endeavored to present expert testimony upon a point never before discussed. The case falls within the class where an opinion is asked upon an unknown quantity. "Opinion evidence has sometimes been excluded on the ground that the subject was beyond the powers of any person, expert or nonexpert, to express an opinion, and in such case the jury must be left to reach a result from the facts testified to in the best manner possible." McKelvey on Evidence, p. 228. The matter of palm prints is in such a condition, statistically and otherwise, as not to permit of reasonably correct testimony in regard to it.

It was error to admit in evidence photographs containing lines and markings placed thereon by the expert witnesses, the originals of the photographs being in the court for the inspection of the jury. "Pictorial evidence is not admissible where the original objects are before the jury." McKelvey on Evidence, p. 424.

It was error to ask the expert witness whether or not he could make a positive statement as to the identity of the hand that made certain prints. All that the witness could be permitted to state was his opinion. Jones on Evidence, vol. 2, pp. 906, 908, 914.

Geo. B. Thatcher, Attorney-General, *E. T. Patrick*, Deputy Attorney-General, *Wm. McKnight*, Deputy Attorney-General; *E. P. Canille*, District Attorney, and *Chas. A. Cantwell*, Deputy District Attorney, for Respondent:

Admitting that there is a scientific basis for fingerprint identification, is there a scientific basis for palm-print identification? This is the main point relied upon by appellant. Identification by finger prints rests upon the primary assumption, made by writers and students on the subject, that the papillary ridges which occur on the inner surface of the hands and on the soles of the feet occur in countless variety of pattern and with innumerable characteristics and distinctive marks of identification, and persist without change throughout life. From that primary assumption, it follows that an imprint of those papillary ridges furnishes an infallible means of identification. Identification by finger print has received the unqualified sanction of the courts. State v. Cereiello, [52 L. R. A. 1010](#); People v. Jennings, [43 L. R. A. 1206](#); State v. Miller, [60 Atl. 202](#); State v. Conners, [94 Atl. 812](#); People v. Roach, Ann. Cas. 1917a, 410. "The palms of the hands and the soles of the feet are covered with two totally distinct classes of marks. The least conspicuous marks, but the most numerous so far, are the so-called papillary ridges. They are in some respects the most important of all anthropological data. They

have the unique merit of retaining all of their peculiarities unchanged throughout life, and in consequence an incomparably surer criterion of identity than any other bodily feature.” Galton on Finger Prints.

Photographic enlargements of prints were admissible in evidence. Where the court is of the opinion that comparison of the writing or matter in dispute may be facilitated by the use of enlargements, it is proper to admit them. *People v. Jennings*, [supra](#); *Parker v. Rex*, 8 Brit. Rui. Cas. 68; *Dederichs v. S. L. C. R. Co.*, [35 L. R. A. 802](#). Nor does the admissibility of the enlargements seem to be at all affected by the fact that the originals are already in evidence. “However, photographs of instruments already in evidence, which are so enlarged as to make the proportions plainer and to illustrate the testimony of witnesses, may go to the jury in the same way as would magnifying glass or microscope.” 17 Cyc. 420; *Dederichs v. S. L. C. R. Co.*, [supra](#).

The admissibility of the enlargements was not affected by having on them lines and figures made in ink by the expert (Sir E. R. Henry, *Classification and Uses of Finger Prints*) ; and an expert may, instead of using enlargements, exhibit prints on a screen in the presence of the jury, by means of a projectoscope, using plates prepared for that purpose. [35 L. R. A. 813](#).

An expert who has given his opinion as to identity may answer a subsequent question calling for his positive statement. It is usual for expert witnesses to testify that they believe or think, in their best judgment, that such and such a thing is true, and no rule of law. prevents them from testifying positively on such subjects. *State v. Jennings*, [supra](#).

It was not error for the trial court to receive and record a verdict on Sunday and on that day set a time for sentence. *State v. Rover*, [13 Nev. 18](#).

By the Court,
[McCarran, C. J. :](#)

In this case we are dealing with the appeal of B. E. Kuhl only. The appeal of Ed. Beck, who was tried separately, is dealt with by this court in another opinion. [See No. 2330, immediately following this case.]

The appellant, Kuhl, with his codefendants, were jointly informed against by the district attorney of Elko County for the crime of murder. They were specifically charged with the killing of one Fred M. Searcey, a United States mail-stage driver, at or near Jarbidge, in Elko County, Nevada. The testimony was wholly circumstantial. One of the elements in the case was an envelope, secured from one of the rifled mail sacks, on which was a bloody print or impression of a portion of the palm of a human hand. The trial of the defendant Kuhl resulted in a verdict of murder in the first degree, by reason of which the death penalty was imposed. From the judgment, and from the order denying a new trial, this appeal ensues.

It is the contention of appellant here that the trial court erred in admitting the testimony of the witnesses Stone and Botorff, offered in behalf of the state, as experts on palm-print identification. From the record it is disclosed that the impression found upon the envelope taken from the rifled mail sack was made by that portion of the palm which is immediately below the base of the little finger of the left hand. In offering the testimony of the experts, photographic enlargements and projectoscope views were used and presented to the jury. Objections were interposed to these methods of presenting the evidence, and with such we will deal during the course of the opinion.

The first question which we propose to discuss is a novel one, inasmuch as our research has failed to

disclose an expression from any court from which we might gain aid or guidance. After the arrest of the appellant, Kuhl, and while he was confined in the jail at Elko, an impression was taken of the palm of his left hand, and particularly that portion of the palm below the base of the little finger. The fact that the witnesses Stone and Botorff testified that the two impressions were made by the same hand gives rise to that phase of the appeal most strongly contended for by appellant.

Before testifying to their opinion as to the identity of the defendant’s palm print with the impression found upon the bloody envelope taken from the mail sack, each of the witnesses fully explained his qualifications. Mr. Stone related in detail as to his study on the subject of finger-print identification and classification. It is disclosed that his investigation and research in this line had taken up his time almost continuously from the year 1908 or 1909 to the time of the trial; that during that time he had been engaged by at least two recognized identification bureaus,- one under the state police department of the State of Nevada, the other under the police department of the city of Fresno in California. He testified to having visited numerous identification bureaus and to having attended conventions held by those engaged in this science in the United States. The witness Botorff related an experience entailing research and investigation in the line of finger-print identification and classification continuing from the year 1903 up to the time of the trial. Each of the witnesses was, as the record discloses, exhaustively and skillfully cross-examined on every phase of the subject that would bring forth to the jury their ability or lack of ability to give a correct or worthy conclusion as to the identity of finger-print impressions.

We are dealing here with a finger-print impression, or the question of the comparison or identity of fingerprint impressions, our course would be easy, for the courts of this country, and of England as well, have paved the way for the recognition of this science as an evidentiary element in criminal prosecutions. The main contention here is that the experts who testified were not qualified to give an opinion as to the identity of palm-print impressions; and, as we understand the contention of appellant, it is that science has not yet developed this question sufficiently to bear out the conclusion of an expert on the subject. Will the same rule which has led the courts to recognize experts on fingerprint identification permit such experts to testify as to their conclusion upon palm-print identification? This is the one vital question here.

The origin of finger-print identification may be traced back to a period a hundred years before the birth of Christ. *Scientific American*, April 1, 1916, p. 356. By a Japanese scholar, Mr. Kumagusu Minakata, in an article entitled “The Antiquity of the Finger-Print Method,” we are told that the discovery of this phenomenon of identity, as it may be termed, was made by the Chinese. In a most interesting article, entitled “History of the Finger-Print System” (Annual Report of the Board of Regents of the Smithsonian Institution for the year ending June 30, 1912, p. 631), Mr. Berthold Laufer traces the subject back to an era before the birth of Christ. He refers to the writings of Kai Kung-Yen, an author who wrote about the year 650 A. D., and who makes allusion to the employment of finger-print impressions in his time, and earlier, for the purposes of identification.

It may have come as a result of the diversified and extensive reading of the learned author that, in his famous novel, “Puddin’ Head Wilson,” Mark Twain causes one of his characters to make the significant speech:

“Every human being carries with him from his cradle to his grave certain physical marks which do not change their character and by which he can always be identified — and that without shadow of doubt or question. These marks are his signature, his physiological autograph, so to speak; and this autograph cannot be counterfeited, nor can he disguise it or hide it away, nor can it become illegible by the wear of the mutations of time. This signature is each *man’s* own — there is no duplicate of it among

the swarming millions of the globe. Upon the haft of this dagger stands the assassin's natal autograph, written in the blood of that helpless and unoffending old man who loved you and whom you all loved. There is but one man in the whole earth whose hand can duplicate that crimson sign."

When these lines were written by the beloved author modern science and modern culture had as yet failed to grasp the full significance of his words. Indeed, it was not until recent years that the true force of the lines of the great Westerner could be fully appreciated. However ancient may be the origin of this means of identification, it remained for Sir Francis Galton to bring forth the principle in such a way as to gain the recognition of the world of science. In his book published in 1892, we find the following significant paragraph:

"We read of the dead body of Jezebel being devoured by the dogs of Jezreel, so that no man might say, 'This is Jezebel,' and that the dogs left only her skull, the palms of her hands, and the soles of her feet; but the palms of the hands and the soles of the feet are the very remains by which a corpse might be most surely identified, if impressions of them, made during life; were available."

All of the writers upon the subject, to whose lines we have had access, agree that the palmar surface of the hands and the soles of the feet in men and monkeys are covered with minute ridges that bear a superficial resemblance to those made on the sand by wind or flowing water. Galton first gave expression to this fact; and Sir E. It. Henry, commissioner of police of the metropolis of London, corroborates with the statement that the inner part of the hand and the sole of the foot are traversed in all directions by lines of varying length. He says that the most conspicuous are the creases caused by the folding of the skin, and the least conspicuous but much more numerous lines are the papillary ridges which exist over the whole palmar surface, giving it an appearance that may be likened to that of a newly plowed field with its ridges and furrows, or to sand which the water, in receding from, has left ribbed. In Mr. Frederick A. Brayley's book, entitled "Finger-Prints Identification," we find the following significant language:

"'God's finger-print language,' the voiceless speech, and the indelible writing imprinted on the fingers, hand palms, and foot soles of humanity by the All-Wise Creator for some good and useful purpose in the structure, regulation, and well-being of the human body, has been utilized for ages before the civilization of Europe as a means of identification by the Chinese, and who shall say is not a part of the plan of the Creator for the ultimate elimination of crime by means of surrounding the evilly disposed by safeguards of prevention, and for the unquestionable evidence of identity in all cases where such is necessary, whether it be in wills, deeds, insurance, or commercial mediums of finance, as well as in the discovering and identification of lawbreakers."

Mr. Tighe Hopkins, in his work, "Wards of the State," makes extended reference to the papillary lines as covering the palms of the human hands and the soles of the human feet. In a work entitled "Criminal Investigation," translated by John and J. Collyer Adam from the work entitled "System der Kriminalistik," by Dr. Hans Gross, extended reference is made to the general subject. In a pamphlet published by Sir Wm. J. Herschel, dealing with the subject of finger-print identification, we find a most interesting history of experiments made by the learned author while acting in the British service in India. He interestingly relates of his experimentation with his own whole hand and with his right foot, which he says after an interval of fifty-seven years remained irresistibly unchanged. "The Origin of Finger Printing," by Sir Wm. J. Herschel, Humphrey Milford, Oxford University Press, June, 1916, p. 11.

In his work "Guide to Finger-Print Identification," by Henry Faulds; late surgeon superintendent of Tsukiji Hospital, Tokyo, Japan, reference is made to the papillary ridges found covering the face or palmar surface of the hands and feet of the human being. In a terse and graphic little work entitled

"Hints on Finger Prints," written by Rai Sahib Hem Chandra Bose, finger-print expert of Bengal, India, and a pupil of Sir Edward Henry, we find that, after dwelling on the possibility of error in finger-print comparison, the author makes this most significant assertion:

"In fact, the indications on the inner surface of the hand are so numerous that, if half a square inch of any part of it were all that remained, that would be enough in that it would prove identity by comparison." -

In his work entitled "The Finger-Print Instructor," Mr. Frederick Kuhne, of the bureau of criminal investigation of the police department of the city of New York, after dwelling at length on the basis of fingerprint identification and the methods of classifying finger-print impressions, and especially upon the extent and usefulness of such identification, tells us that in some European cities impressions of the palms of the hands are utilized as an additional means of identification, especially because numerous patterns and characteristics appear in the palms as well as in the fingers, and in his work (page 96) he sets forth an illustration vividly portraying the truth of his assertion.

The lines on the palms of the human hand and the soles of the feet, which form the basis of individual identification, are the papillary ridges. They serve the office of raising the mouths of the ducts, so as to facilitate the discharge of the sweat, and perhaps perform the additional functions of aiding the sense of touch and of giving elasticity to the skin of the hand, and, having a vacuumistic tendency, they assist in preventing against slipping. These papillary ridges form figures, patterns, or designs, which research, study, and science have divided into classes named after their particular form, to wit, arches, loops, whorls, and composites. These patterns, as they have been established and named by those who have become devotees to the science of fingerprint identification, while they have been discussed principally in connection with finger impressions, are not confined to the human finger alone, but are found with equal importance and equal persistency in the human palm and the sole of the human foot.

Mr. Harold J. Shepstone, in an article entitled "The Finger-Print System of Identification," appearing in the Scientific American of date October 1, 1910, at page 256, after dwelling upon the wonderful lineations in the form of ridges and patterns which adorn the palmar surface of the human hand, says:

"One of the most interesting facts about this system is that every member of the human race, irrespective of age or sex, carries in person certain delicate markings by which identity can be readily established."

The learned author illustrates his article by a whole-hand impression showing the systems and the identifying markings. In the issue of the Scientific American of date August 19, 1911, there appears an article entitled "No Two Finger Prints Alike," and there reference is made to a communication addressed to the French Academy of Science by Mr. M. V. Balthazard, a student of the finger-print science. This learned authority declares his findings to the effect that, if any finger print be divided into a hundred squares, each square will contain some distinctive mark. He says that two finger prints will differ from each other, either in the arrangement of the marks in the different squares or in the character of the marks in a particular square. He says the total number of combinations of the two kinds of marks (branching or termination of ridges) in the 100 squares is the 100th power of 4. "This," says the author, "is a number that no one can possibly imagine. It is equal approximately to a number that would be represented by the figure 1 followed by 60 zeros. This means that there are possible just so many different kinds of prints, and that no particular combination will occur more frequently than others. The chances of any particular combination of marks occurring may be represented by a fraction with 1 as the numerator and a denominator represented by 1 followed by 60 zeros, a very tiny fraction of a chance indeed." To the suggestion as to how many points must agree in two finger prints

to make sure of identity, this author bases his reply on mathematical grounds, to the effect that, when two finger prints agree in 17 out of the 100 squares, it is practically certain that they were made by the same finger. His reasoning in establishing this basis is most interesting and instructive.

In the issue of Law Notes of February, 1917, there appears an article entitled "Finger-Print Evidence," in which the subject is treated at some length. In an issue of the same publication of date January, 1918, and under the same caption, attention is directed to the learned discussion of the subject by Judge Wadhams, of the Court of General Sessions of the Peace of New York, where, in the case of *People v. Sallow*, [100 Misc. Rep. 447](#), [165 N. Y. Supp. 915](#), the matter is historically dealt with in the consideration of the validity of an act requiring the taking of the finger prints of persons arrested for crime.

In a most exhaustive work that has just come to our attention, in the writing of which Mr. Harris Hawthorne Wildes, Ph.D., and professor of zoology in Smith College, and Mr. Bert Wentworth, former police commissioner of Dover, N. H., collaborate, a system somewhat similar to that established by Galton is made the basis of sectional investigation by which palm-print identification may be carried out by means of the human hand. On page 138 of the work, illustrations are set forth in which the several sections of the hand are portrayed. By this work our attention is called to a term applied to the skin of the palmar surface of the hand and the sole of the foot which we think most appropriate, to wit, "friction skin." After dwelling upon the nature and character of this, the authors reassert the statement found in the works of all the other writers to whom we have referred, to the effect that this friction skin is covered by breaking, forking, splitting ridges, which ridges form patterns and designs most irregular and individual, and say the authors:

"As these features remain absolutely constant throughout the entire life, and are far too complicated to make a duplication of even a single ridge probable, it naturally follows that a small area of friction skin, no matter where taken, is sufficient for an absolute and positive identification, provided only that a record of it, in the form of a 'print,' or some other form of accurate reproduction, has been previously made and is available for comparison."

On page 126 of the work the authors refer to an instance where a small square area was cut out from the same place in the hand prints of two individuals, the place selected being one which has never occasioned any special interest among investigators, and where the ridges run monotonously in straight or slightly curved parallels. The area from which this patch of friction skin was taken lies above the proximal end of the metacarpal bone of the thumb, which would be approximately at the base of the first system of the hand under Galton's plan of subdivision. The authors refer to the fact that this region, or area, from which the experimental patch was taken, is the most featureless and monotonous of any of the parts of the human hand. Yet they say a careful scrutiny of the prints, especially when aided by a slight magnification, shows such marked differences that even a beginner in the work of identification would have no trouble in distinguishing them at once.

In concluding a most interesting chapter on the subject of structure and development of friction ridges on the palmar surface of the human hand and the sole of the human foot, dealing with details of their course and arrangement, the authors conclude that these surfaces furnish a basis upon which to found a system of identification positive and absolute. Here we find the unequivocal declaration that the patterns of the friction skin are individual, and, taken together, impossible to duplicate in another individual. Further, they declare that the separate ridges, too, show numerous details, which are in themselves so individual that a small area of friction skin, taken even in the most featureless portion, cannot be matched by any other piece. "Personal Identification," by Wildes and Wentworth.

All of the learned authors, experts, and scientists on the subject of finger-print identification, and each of those to whom we have heretofore referred, agree that these patterns, formed by the papillary ridges on the inner surface of the human hand and the sole of the foot, are persistent, continuous, and unchanging, from a period in the existence of the individual extending from some months before birth until disintegration after death. While most of the experts on finger-print identification deal most extensively with impressions on the human fingers, we find that some, of whom Mr. Galton is first and foremost, have divided the palmar surface of the human hand into what they term well-marked systems of ridges.



The cuts are from the palm impressions as admitted in evidence at the trial in the lower court.

Figure A — The impression found on the envelope taken from the mail sack found at the scene of the crime.

Figure B — The impression made by the palm of the hand of defendant after arrest.

We have gone at length into the subject of palm-print and finger-print identification, largely for the purpose of evolving the indisputable conclusion that there is but one physiological basis underlying this method of identification ; that the phenomenon by which identity is thus established exists, not only on the bulbs of the finger tips, but is continuous and coexisting on all parts and in all sections and subdivisions of the palmar surface of the human hand.

History of the Finger-Print System, by Berthold Laufer, *supra*. The rules and systems established by students of the subject, through which identification is made positive, apply no more to one section or system of this palmar surface than to another. A student of the subject may have confined his research and study largely to prints or impressions made only by the finger tips or by the bulbs on the ends of the fingers, but the knowledge and experience thus gained, and the methods of determining identity thus established and used, are applicable with equal significance and effect to any given surface of the palm of the hand. This is true because of the truth of our former assertion as to a common physiological basis underlying this established method of identification.

Two leading cases in this country have gone at length into this question. In *People v. Jennings*, [252 Ill. 534](#), [96 N. E. 1077](#), [43 L. R. A. \(N. S.\) 1206](#), the Supreme Court of Illinois, speaking through Mr. Chief Justice Carter, on an appeal from conviction of murder in the first degree, upheld the trial court, wherein it admitted the evidence of experts as to the comparison of photographs of the finger prints found on a railing in the premises with the enlarged finger prints of the defendant. The opinion of the chief justice of the Illinois court is to our mind exhaustive of the subject, and we cite it here with approval.

In the case of *People v. Roach*, [215 N. Y. 602](#), [109 N. E. 618](#), Ann. Cas. 1917a, 410, Mr. Justice Seabury went at length into the subject and referred approvingly to the case of *People v. Jennings*, supra, and upheld the ruling of the admissibility of such evidence. In the *Roach* case, as in the *Jennings* case, the appeal was from a conviction of murder. The appellant assigned as error the testimony of an expert as to finger-print impressions found upon the clapboards of a house where the homicide was committed. There the experts testified positively that the impressions on the clapboards were finger prints of the left hand of the defendant. This testimony was rendered after the expert had opportunity to compare the finger prints of the defendant with those markings found in the house. The Supreme Court of New York in that case held that the evidence was admissible, its weight being for the determination of the jury.

These cases, and others to which we might properly refer (*Young v. State*, [68 Ala. 569](#); *People v. Storrs*, [207 N. Y. 147](#), [100 N. E. 730](#), [45 L. R. A. \(N. S.\) 860](#), Ann. Cas. 1914c, 196), establish the rule of the admissibility of this character of evidence, and in the light of progressive science, and inasmuch as the underlying principle of this science as recognized in the cases cited is directly applicable and is the underlying principle here, the foundation was sufficiently laid for the testimony of the witnesses Stone and Botorff. The evidence of these experts as to the identity of the palm print of the defendant with that found upon the blood-smear envelope taken from the rifled mail sack was a proper subject for the consideration of the jury. The weight to be given to this testimony was for the jury to determine.

It is contended by appellant here that the court erred in admitting certain photographic enlargements and in permitting the witnesses Stone and Botorff to illustrate their testimony by the use of a projectoscopy by means of which an enlarged photograph of the impressions was displayed to the jury. It might suffice to say that no question is raised as to the accuracy of the photographic exhibits, nor is any question raised as to the method of identifying the photographs or as to the manner in which the palm-print impression of the defendant was taken or as to the correctness of the enlargements. The appliances used and the methods resorted to, so far as we are able to determine, were those appliances and methods recognized by science. By these appliances, the jury was afforded an opportunity to follow the testimony of the experts in their direct and cross-examination. By this means they were better able to judge of the correctness of the testimony as it was being given and to estimate its weight and significance. This method of presenting proof has received the sanction of the highest authority. Wharton on Criminal Evidence (8th Ed.), sec. 544; Wigmore on Evidence, vol. 1, sec. 795; Rogers on Expert Testimony (2d Ed.), sec. -140; *Dederichs v. Salt Lake C. R. Co.*, [14 Utah, 137](#), [46 Pac. 656](#), [35 L. R. A. 802](#), and note; *State v. Connors*, [87 N. J. Law, 419](#), [94 Atl. 812](#). That instruments may be photographed for the purpose of so enlarging as to make the proportions plainer, and such photographs, when already in evidence, may be projected to illustrate the testimony of witnesses, is a rule that has found general sanction. *First National Bank v. Wisdom*, [111 Ky. 135](#), [63 S. W. 461](#); *United States v. Ortiz*, [176 U. S. 422](#), [20 Sup. Ct. 466](#), [44 L. Ed. 529](#); *Howard v. Illinois Trust Co.*, [189 Ill. 568](#), [59 N. E. 1106](#); *Marcy v. Barnes*, [16 Gray \(Mass.\) 161](#), [77 Am. Dec. 405](#).

Appellant complains of the act of the trial court in admitting photographs of the palm impressions, when upon such photographs there were certain lines and markings, placed there by the witnesses Stone and Botorff before their testimony was given. These lines, as appears from what record there is before us, were placed on the photographs by the experts for the purpose of more clearly illustrating their testimony. They indicated the points of similarity and identity to which the experts testified. Their existence and significance were fully explained by the witnesses. These markings in no wise affected the photographs, and we are at a loss to discern any prejudice or injury that could have thus accrued to the appellant.

Error is 'assigned to the ruling of the trial court in permitting the witness Stone to make a positive statement as to the identity of the palm impressions. In this respect he testified positively that these palm prints were made by one and the same hand. We might with propriety pass this assignment without comment, for the reason that the only ground of objection assigned in the trial court was that the question had already been answered. Aside from this, it may with propriety be said that, while it is the usual practice for expert witnesses to testify as to their belief in a given conclusion or as to their best judgment, no rule of law prevents them from testifying positively on such subjects. Whether they give their best judgment or belief, or testify positively as to their conclusion, the fact remains that it is for the jury to determine the weight to be given to their testimony. *People v. Jennings*, supra.

The verdict in this case was rendered and received by the court on Sunday, and, after the recording of the verdict, the court proceeded to fix a date on which judgment would be pronounced.

At the outset of our opinion, we made mention that the proof of guilt in this, case rested entirely on circumstantial evidence. We are not advised as to the completeness of the circumstantial chain connecting the appellant with commission of the crime. We note, however, in the brief of his able and painstaking counsel, the following assertion :

"It is fully appreciated that this is one of those curious cases where every link in the chain of circumstantial evidence seems satisfactorily forged."

We find nothing in the appeal from which it might be inferred that appellant received other than a fair trial, or that there was other than the utmost, diligence put forth by able counsel.

The judgment is affirmed. The court below is directed to fix a time and make all necessary orders for having its sentence carried into effect by the warden of the state penitentiary.

Let the order be entered accordingly.

Sandebbs, J.: I concur.

[By reason of the unavoidable absence of Mr. Justice Coleman, he did not participate in the foregoing-opinion.]

February 2022 Meeting

SOUTHERN CALIFORNIA ASSOCIATION OF FINGERPRINT OFFICERS
Meeting Minutes

DATE: February 5, 2022
LOCATION: Virtual meeting held via Zoom
HOST(S): Cynthia Fortier - Parliamentarian
SECRETARY: Denell Payne
PROGRAM: "Back to Basics: Avoiding Cross Contamination with DNA Evidence" – Sean Yoshii

CALL TO ORDER: 1105 hours by President Cynthia Williamson

PLEDGE OF ALLEGIANCE led by Mariana Flores

President Cynthia Williamson led a moment of silence for those who have fallen in Law Enforcement and Military.

ATTENDANCE:

PAST PRESIDENTS Present: Clark Fogg (1994 & 2020), Amy Rodriguez (2009), Cynthia Fortier (2013), Tony Nguyen (2015), Angela Schouten (2021)

EXECUTIVE BOARD Present: Cynthia Williamson- President, William Jugle – 1st VP, Suzette Young– 2nd VP/Treasurer, Denell Payne – Secretary, Mariana Flores – Director, Cynthia Fortier – Parliamentarian, Angela Schouten – Chairwomen of the Board, Clark Fogg - Historian

MEMBERS & GUESTS Present: 37

OLD BUSINESS:

December 2021 meeting minutes

Motion to Accept: Cynthia Fortier
Second: William Jugle
All in favor

SECOND READING:

GABRIELA GARCIA with SANTA ANA POLICE DEPARTMENT

LORENA CORDOVA with SANTA ANA POLICE DEPARTMENT

Motion to Accept: William Jugle
Second: Cynthia Fortier

SWEAR IN:

Sworn in by Past President Angela Schouten

NICOLE VETERE with ONTARIO POLICE DEPARTMENT

ANNOUNCEMENTS:

Member Kristine Duran received her Lifetime Membership this year. She has been a member since 1998 and has held the position of Director on the Executive Board.

Announcement made regarding vacancies on the Executive Board. There are current openings for Sgt at Arms and 3 Director positions. If interested, please submit a letter of intent to President Cynthia Williamson and to Secretary Denell Payne.

California State Division of IAI will hold their annual conference April 24-29th in Santa Rosa, California.

The IAI will hold their annual conference July 31-August 6th in Omaha, Nebraska.

All future SCAFO meeting dates were announced; 4/2/22, 6/4/22, 8/13/22, 10/1/22 (Conference), and 12/3/22.

Two-day Courtroom Testimony class in the works. Date and time to be determined, it's possible this will be an in-person training.

There are two positions open in San Diego County for Fingerprint Examiners. Santa Clara County also has an opening for a Fingerprint Identification Director. All job postings can be found on our SCAFO webpage. These are nationwide postings, not just Southern California.

An announcement was made regarding a Membership Drive. The member who sponsors the most members to be sworn in, will win an Amazon Fire Tablet at the December meeting.

President Cynthia Williamson announced that if anyone is interested in running for the Executive Board in 2023, they should be sure to get in at least three meetings this year. That is one of the requirements of being a member in good standing.

Door prize winners: Amy Rodriguez and Mariana Flores

NEXT MEETING:

Date: April 2, 2022
Location: Virtual via Zoom

MOTION TO ADJOURN:

Motion by William Jugle
Second: Cynthia Fortier

MEETING ADJOURNED 1208

SOUTHERN CALIFORNIA ASSOCIATION OF FINGERPRINT OFFICERS
Meeting Minutes

DATE: April 2, 2022
LOCATION: Virtual meeting held via Zoom
HOST(S): Angela Schouten – Past President
SECRETARY: Denell Payne
PROGRAM: Steve Scarborough – “The Hijack of Forensic Science”

CALL TO ORDER: 1105 hours by President Cynthia Williamson

PLEDGE OF ALLEGIANCE led by Past President Cindee Lozano

ATTENDANCE:

PAST PRESIDENTS Present: Bill Leo (1996), Amy Rodriguez (2009), Cynthia Fortier (2013), Tony Nguyen (2015), Sheri Orellana (2016), Cindee Lozano (2018), Angela Schouten (2021)

EXECUTIVE BOARD Present: Cynthia Williamson- President, William Jugle – 1st VP, Suzette Young– 2nd VP/Treasurer, Denell Payne – Secretary, Mariana Flores – Director, Cynthia Fortier – Parliamentarian, Angela Schouten – Chairwomen of the Board

EXECUTIVE BOARD Absent: Clark Fogg - Historian

MEMBERS & GUESTS Present: 53

OLD BUSINESS:

February 2022 meeting minutes

Motion to Accept: Mariana Flores
Second: Bill Jugle
All in favor

SECOND READING:

MATTHEW NEAL with RIVERSIDE COUNTY SHERIFF’S DEPARTMENT
SARAH JACKSON with RIVERSIDE COUNTY SHERIFF’S DEPARTMENT

Motion to Accept: Cynthia Fortier
Second: Denell Payne

All in favor

SWEAR IN:

Sworn in by Past President Mark Waldo

GABRIELA GARCIA with SANTA ANA POLICE DEPARTMENT
LORENA CORDOVA with SANTA ANA POLICE DEPARTMENT
DEBORAH WOLEN with SANTA ANA POLICE DEPARTMENT

NEW BUSINESS:

FIRST READINGS:

DENISSE HEREDIA with VENTURA COUNTY SHERIFF
Recommended by Mariana Flores

COURTNEY HAYES with OCEANSIDE POLICE DEPARTMENT
Recommended by Elizabeth Bunn

OMOLOLA ODENIYI with LONG BEACH POLICE DEPARTMENT
Recommended by Cynthia Williamson

ANNOUNCEMENTS:

Announcement made regarding vacancies on the Executive Board. There are current openings for Sgt at Arms and 3 Director positions. If interested, please submit a letter of intent to President Cynthia Williamson and to Secretary Denell Payne.

California State Division of IAI will hold their annual conference April 24-29th in Santa Rosa, California.

The IAI will hold their annual conference July 31-August 6th in Omaha, Nebraska.

An announcement was made regarding a Membership Drive. The member who sponsors the most members to be sworn in, will win an Amazon Fire Tablet at the December meeting.

Escondido Police Department will be hosting two Ron Smith & Associates training classes within the next few months. They will be the Basic and Plantar ridge classes. Information will be sent to membership when it becomes available.

There will be a Ron Smith & Associates ACE-V class in Irvine June 6/27 – 7/1/22.

Dr. Janis Cavanaugh shared information on an upcoming presentation at East Los Angeles College. The presentation will be put on by Lt. Gil Carrillo who was instrumental in the Night Stalker investigation. This will be held on May 7th. More information will be distributed to the Membership.

Two door prize winners: Dulce Aguayo and Kathleen Rosario.

NEXT MEETING:

Date: June 4, 2022

Location: TBA – Will be hybrid

MOTION TO ADJOURN: Mariana Flores

Motion by Mariana Flores

Second: Cindee Lozano

MEETING ADJOURNED 1215 hours

June 2022 Meeting

SOUTHERN CALIFORNIA ASSOCIATION OF FINGERPRINT OFFICERS
Meeting Minutes

DATE: June 4, 2022
LOCATION: Dave & Busters – Orange, CA
HOST(S): Suzette Young – 2nd VP/Treasurer
SECRETARY: Denell Payne
PROGRAM: Elizabeth Henderson – Genetic Genealogy: Identifications Using the Family Tree

CALL TO ORDER: 1238 hours by President Cynthia Williamson

PLEDGE OF ALLEGIANCE led by Past President Susan Garcia

ATTENDANCE:

PAST PRESIDENTS Present: William Evans (1986), Clark Fogg (1994 & 2020), Steve Tillmann (2002), Susan Garcia (2006), Cynthia Fortier (2013), Tony Nguyen (2015), Josie Mejia (2017)

EXECUTIVE BOARD Present: Cynthia Williamson- President, William Jugle – 1st VP, Suzette Young– 2nd VP/ Treasurer, Denell Payne – Secretary, Mariana Flores – Director, Clark Fogg – Historian, Cynthia Fortier – Parliamentarian

EXECUTIVE BOARD Absent: Angela Schouten – Chairperson of the Board

MEMBERS & GUESTS Present: 40

OLD BUSINESS:

April 2022 meeting minutes

Motion to Accept: Steve Tillmann
Second: Cynthia Fortier
All in favor

SECOND READING:

IGNACIO LOZA with SANTA BARBARA SHERIFF’S DEPARTMENT
OMOLOLA ODENIYI with LONG BEACH POLICE DEPARTMENT

Motion to Accept: Susan Garcia
Second: Josie Mejia
All in favor

SWEAR IN:

Sworn in by Past President Tony Nguyen
MATTHEW NEAL with RIVERSIDE COUNTY SHERIFF’S DEPARTMENT
SARAH JACKSON with RIVERSIDE COUNTY SHERIFF’S DEPARTMENT

NEW BUSINESS:

FIRST READINGS:

DIANA BARRIENTOS CERDA with BURBANK POLICE DEPARTMENT
Recommended by CARLY LOTT
RAISSA ORTEGA with BURBANK POLICE DEPARTMENT
Recommended by CARLY LOTT
KATIE HAUB with BAE SYSTEMS, INC
Recommended by WILLIAM JUGLE

ANNOUNCEMENTS:

Announcement made regarding vacancies on the Executive Board. There are current openings for Sgt at Arms, Editor and 3 Director positions. If interested, please submit a letter of intent to President Cynthia Williamson and to Secretary Denell Payne. In the interim, Steve Tillmann will be doing Editor duties and is willing to train someone on becoming the Editor.

The IAI will hold their annual conference July 31-August 6th in Omaha, Nebraska.

An announcement was made regarding a Membership Drive. The member who sponsors the most members to be sworn in, will win an Amazon Fire Tablet at the December meeting.

There will be a Ron Smith & Associates ACE-V class in Irvine June 6/27 – 7/1/22.

SCAFO will hold it’s 31st Annual Conference September 30 – October 1, 2022 in Ontario, CA. Clark Fogg reminded members and guests that they should talk to their RAN Board regarding conference, they should have money allocated for trainings.

Announcement made that if anyone is interested in assisting in the planning of our upcoming conference, please contact Denell Payne. This is a great way to learn what goes on behind the scenes and especially helpful to those wanting to join the Executive Board.

Attendance Drawing for \$25: Susan Garcia

RAFFLE PRIZES:

Provided by: SCAFO

NEXT MEETING:

Date: August 13, 2022
Location: San Diego, CA

MOTION TO ADJOURN:

Motion by Cynthia Fortier
Second: Tony Nguyen

MEETING ADJOURNED 1417 hours

CELEBRATING 85
YEARS!

Anniversary Dinner

JOIN US FOR OUR
ANNIVERSARY
DINNER
09/30/2022

Theme is Roaring 20's!! Come dressed in
1920's attire or formal attire!



TICKETS \$45 EACH

The poster features a black background with a pattern of small gold stars. The text is centered and uses a mix of serif and script fonts. The illustration at the bottom shows three stylized figures: a woman in a blue dress and hat, a man in a red suit and hat, and a man in a white shirt and dark vest holding two cameras. A decorative gold geometric pattern is also present in the center.