

REVIEW

THE NEWSLETTER OF THE KLAASKIDS FOUNDATION

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



A MESSAGE FROM MARC

As our economy recovers, the season of giving is upon us once again. It is important to remember that there are those for whom recovery is more than an economic reality — the lost souls, young and old, who deserve to be reunited their loved ones. You can help the KlaasKids Foundation restore the missing to their families with a tax-deductible donation as part of your charitable giving this holiday season.

KlaasKids offers multiple levels of support for the missing and their families. From grassroots search-and-rescue assistance, to human trafficking intervention; from legislative support to providing experts to the media, KlaasKids remains at the forefront of safety innovation and proactive advocacy.

In 2010, KlaasKids' search and rescue efforts provided assistance in 86 cases. Our search center has also played an active role in 33 missing person/trafficking cases. Of those, eight out of nine children were rescued from human trafficking. In the

other 25 cases, nine were safely located, four were recovered, and 12 remain missing.

As part of our search and rescue effort, we are learning that our disabled children are often our most vulnerable. Starting on page 2, learn about ongoing investigations into the disappearances of two East Coast children with special needs.

KlaasKids actively advocated for California's Chelsea's Law, which increases prison time, prohibits sex offenders from entering parks frequented by children, and increases use of trackable GPS devices to monitor paroled offenders. We also supported California laws AB 33, which requires law enforcement to establish written procedures on how to handle missing child cases; AB 34, which will reduce the time to notify the National Crime

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LEFT BEHIND: THE STORY OF ZAHRA BAKER

Ten-year-old Zahra Clare Baker looked like a survivor. She lived through bone cancer at age five, although she lost her left leg above the knee and had to wear a prosthetic. She outlasted a bout of lung cancer a few years later, although chemotherapy damaged her high frequency hearing and forced her to rely on hearing aids.

Unfortunately, it does not look as though Zahra was able to survive the malignancy of neglect, abuse, and homicide.

At Zahra's home in Hickory, NC, on October 9, a call was made to 911 by Elisa Baker, Zahra's stepmother, who reported a fire in her yard. Upon their arrival, authorities found a ransom note, addressed to the Bakers' landlord, demanding a \$1,000,000 ransom for the return of the his daughter, but the landlord's daughter was not missing. Then, several hours later, Zahra was reported missing by her father.

An Amber Alert was issued for the little Australian immigrant and an investigation begun. However, law enforcement had difficulty finding anyone, friends or neighbors, who had seen or spoken with Zahra within the past couple of weeks. The most recent sighting of the little girl so far discovered was at a furniture store on Sept. 25.

Then, a prosthetic leg was found by a road in some bushes, near a house where Mrs. Baker once lived. Police were able to confirm that it was Zahra's by its transponder serial number. A mattress recovered from a landfill is also being tested for DNA samples.

On October 12, Mrs. Baker went to jail and was awaiting arraignment on unrelated larceny charges. Law enforcement then abruptly cancelled the Amber Alert and announced, without ambiguity, that they were now

investigating Zahra's disappearance as a homicide. Mrs. Baker had allegedly admitted that she wrote the fake ransom note, although her lawyer insisted that she is not a child killer.



Further investigation began to reveal the horror story that was Zahra's home life. Mrs. Baker holds no job and has lived a semi-transient lifestyle, never staying in any place long enough to establish roots. In letters allegedly sent from jail to the owner of a crime memorabilia website, she writes, "We didn't really kill her, but what he did after the fact is kinda horrifying." She has been charged with larceny and other crimes unrelated to the current investigation, as well as obstruction of justice for writing the false ransom note.

Relatives and neighbors are coming forward with stories of how Zahra was frequently seen with bruises, and how they had witnessed Mrs. Baker shouting at the girl for walking too slowly or locking her in a room all day except for meals. On her Goth-inspired MySpace page, she referred to Zahra as the "dark child."

Since Zahra vanished, her father, Adam Baker, has also been arrested. He is charged with passing bad checks and assault with a deadly weapon, charges unrelated to her disappearance. He is currently released on bond, and has reportedly admitted that his relationship with Mrs. Baker, whom he met online, might not be all that he thought it was.

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A MESSAGE FROM MARC

Information Center (NCIC) and California's Violent Crime Information Center (VCIC) from four hours to two; and AB 1022, which establishes a position in the Department of Justice for a new director to oversee missing children recovery processes. All of this legislation was signed into law by Governor Schwarzenegger.

KlaasKids also continues to work with the Flying J chain of truck stops to bring a broadcast quality suite of television options to America's 2,000,000-plus long haul truck drivers, so that they can become an army of first responders whenever a televised Amber Alert is issued in the United States. We are so passionate about the merits of this program that we have traveled repeatedly to Washington, D.C., to meet with FCC commissioners and politicians who are in a position to grant the proper broadcasting licenses.

Sometimes, upholding the law requires that we actively demand accountability from our state officials. In September, KlaasKids initiated a lawsuit against California's Department of Mental Health (DMH) for releasing tens of thousands of potential sexually violent predators in violation of Jessica's Law, which was passed in 2006 (see page 5 for more details). Jessica's Law mandates that, prior to release from prison, violent sex offenders who meet certain criteria be evaluated in person by two expert psychiatrists or psychologists. If the experts agree that the prisoner is a violent sexual predator with a high risk of re-offending, they must be referred to the District Attorney for civil commitment proceedings. However, in many cases since 2007, the DMH has provided only a cursory "paper screening," or records review, of potential predators by only one mental health professional in lieu of an expert panel in-person evaluation.

On the proactive front, my long-standing relationship with Fight Crime: Invest in Kids has paid great dividends. As you will read in this edition, the California branch of this national non-profit organization, led by more than 400 police chiefs, sheriffs, district attorneys, and crime survivors, has ensured that this state is the nation's leader in supporting after-school programs.

As 2010 draws to a close, we continue to fight the good fight for America's most vulnerable populations. However, we cannot do this alone. The KlaasKids Foundation needs your help to continue our very important mission. We are resolute in our conviction and strong in our commitment to stopping crimes against children. Please join us today! ■

LEFT BEHIND: THE STORY OF ZAHRA BAKER

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Currently, the FBI is visiting potential crime scenes with Mrs. Baker, many of which are in close proximity to her past residences. She has made no public statement up to this point, though police have said that she appears to be cooperating with the investigation.

With similar cases lately prominent in the news, we are learning that many of our disabled children may be far more at risk than is generally recognized. Authorities believe Zahra Baker is no longer alive, although they still have not located her body. The chilling story of how this smiling little girl was discarded will continue to haunt us until her body is found. ■

DISABLED AND VULNERABLE: THE STORY OF TIA McSHANE

By now, most of the nation has heard the heartbreaking story surrounding the disappearance of ten-year-old Zahra Clare Baker, a cancer survivor who disappeared while living in Hickory, North Carolina. But unless you live in North Florida, you probably have never heard the name of Tia McShane. These two cases have eerily similar circumstances and both beg the question, "Who is watching our special-needs children?"

William McShane, Tia's father, learned that his estranged wife, Alicia McShane, had died in Mobile, Alabama, in June, leaving behind their son and daughter. Mr. McShane began to search for his missing children, whom he had last seen on a supervised parental visit in 2002 when Tia was three. He quickly discovered that his wife had fallen into a cocaine addiction and had given their older son to two female friends in Pensacola two years earlier. The boy, now 12, was located unharmed and has since has moved in with his father. But where was Tia?



Tia McShane had cerebral palsy and used a wheelchair. According to Mr. McShane, his son said he had last seen Tia before he went to live with the two women. Mr. McShane was told by friends of his wife that she had turned Tia over to medical foster care. However, officials in Alabama and Florida had no record of her. Unable to locate Tia, Mr. McShane reported her missing on August 30. The Escambia County Sheriff's Office began to conduct an all-out search to locate her.



The KlaasKids Foundation was contacted by Florida officials in late September to coordinate a search effort centered near a home in Pensacola, FL, where Tia was last believed seen. The search involved the Sheriff's Office, representatives of the National Center for Missing & Exploited Children, and the search teams of the KlaasKids Foundation, Escambia Search and Rescue, and Gulf Coast Search and Recovery.

The search covered inside and under the home, including dense woods and canals. However, nothing was found. Following the search, an investigator with the Florida Department of Children and Families questioned family members to discover Tia's mother's link to a storage facility near the home. Investigators, along with members of the KlaasKids search team, went to the facility, located in a mobile home park, to search for the girl's wheelchair.

The first indications that the storage locker might hold the secret to Tia's disappearance were seen as soon as the locker was opened. Floor to ceiling, boxes, furniture, and toys were crammed into the locker, and many of the items initially

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CHELSEA'S LAW PASSES: WILL WE ENFORCE IT?

Californians have good reason to cheer the September passage of Chelsea's Law. Or do we?

The most recent in a string of sentencing and monitoring laws implemented in response to the brutal murder of young girls, Chelsea's Law enjoys the kind of broadbased public and legislative support experienced by the Three Strikes and You're Out law in 1994, and Jessica's Law in 2006.

Similarly, Chelsea's Law is designed to protect the public from violent and sexual offenders. Chelsea's Law was written to increase prison time for violent offenders, monitor those convicted of forcible violent sex crimes against children, prohibit registered sex offenders from entering parks frequented by children, and track more registered sex offenders with Global Positioning System (GPS) devices.

Passing the Law is Not Enough

Unfortunately, overwhelming public support for well-intended legislation does not necessarily translate into full implementation or anticipated outcome. Historically, we have already seen the damage that can be done when California officials decide not to follow mandated requirements or to simply not utilize laws already on the books.

For example, among other guidelines, Jessica's Law mandates that, prior to release from prison, violent sex offenders who meet certain criteria be evaluated in person by two expert psychiatrists or psychologists. If the experts agree that the prisoner is a violent sexual predator with a high risk of reoffending, they must be referred to the District Attorney for civil commitment proceedings.

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DISABLED AND VULNERABLE: THE STORY OF TIA MCSHANE

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pulled out belonged to a little girl. A K-9 with the KlaasKids Foundation was called to search. The K-9's body language indicated there was more to this locker than met the eye, so investigators began removing more of the containers. It was then that investigators found a large blue Rubbermaid container with a foul odor. Upon opening the container, it became apparent that Tia had finally been found.

This heart-wrenching, month-long search for a girl whose absence raised no alarm for years was finally over. How long she had been dead isn't known, nor is how she died. Why social service agencies didn't know she was missing isn't clear.



Such cases highlight just how vulnerable our special-needs children can be. As devastating as the discovery was, another missing child is found. ■

CHELSEA'S LAW PASSES: WILL WE ENFORCE IT?

However, since 2007, California's Department of Mental Health has provided a simple "paper screening," or records review, of potential predators by only one mental health professional, in lieu of an expert panel in-person evaluation. This violation of Jessica's Law has so far dumped more than 22,000 potential sexual predators back into society, including Gilton Pitri, who was recently convicted for raping and murdering 15-year-old Alyssa Gomez within four days of his release.

A lawsuit is currently pending against the Department of Mental Health for its refusal to follow the requirements of Jessica's Law.

Attempts to Overturn Three Strikes

Californians are very clear about how we want violent criminals punished, especially those who target women and children. Polly's killer has been on death row for 13 years, yet he remains one of California's most despised inmates from both sides of the prison wall. By kidnapping, raping, and then murdering my Polly, he triggered broad public support for "Three Strikes and You're Out" legislation. The Three Strikes sentencing structure has two main penalty enhancement features. In both, the prior felony conviction must be serious or violent to qualify as a "strike," but the present crime can be any felony offense. Also, most criminals qualifying pursuant to either provision are not eligible for probation and must serve at least 85% of their mandated prison term.

By most accounts, Three Strikes has been successful. Crime has dropped precipitously in California since its implementation. As of August 2009, 166,569 inmates were housed in California prisons. That included 32,660 second strikers and 8,454 third strikers. Despite the fact that third

strikers constitute only 5% of California's prison population, detractors including Steve Cooley, the current Republican candidate for California Attorney General, continue to distort the record in their attempts to overturn this landmark legislation. If we are going to continue to enjoy the benefits of this no nonsense law, we must remain steadfast in our support.

Previous One Strike Law Unused

The greatest change Chelsea's Law will make is that for some crimes, one strike can become a life sentence, without the possibility of parole. Now, an offender who violently sexually assaults a child will go to prison until he or she dies. This seems a powerful tool to use against exceptionally violent offenders.

California's history in enforcing such laws, however, gives one pause. In 1994, the California legislature passed a one strike law (CA Penal Code sec. 667.61) that gives child molesters and rapists sentences of 15 or 25 years to life. Those convicted of molesting multiple victims already qualify for life sentences under the statute, as do child molesters or rapists who inflict great bodily injury, kidnap, or tie up a victim.

Unfortunately, the sad reality is that this law has never been used. It apparently was passed as a "showpiece" during a special legislative session, as a way to demonstrate that California's elected leaders were serious about protecting women and children from known predators.

Let's hope that the current generation of California's elected leaders takes their responsibility to the public seriously and applies the one strike clause in Chelsea's Law whenever it is appropriate and necessary to do so. As citizens and as voters, we need to remain vigilant in holding state officials accountable for utilizing this new law to assure public safety. ■

FIGHT CRIME: STOPPING CRIMES BEFORE THEY HAPPEN

The KlaasKids Foundation works hard every day to help the victims of violent crime. But wouldn't it be even better if the crime never happened in the first place? Punishing offenders is only half the battle—as Marc Klaas once said, “Thinking that you can solve crime by putting everyone in prison is akin to curing AIDS by building more cemeteries.”

KlaasKids is a long-time friend and ally of Fight Crime: Invest in Kids. Members of this national organization research and lobby for social strategies that stop crime before it happens and provides the highest return on investment for our children and our future. Members include police chiefs, sheriffs, district attorneys, and crime victims. Marc Klaas joined Fight Crime's California chapter in 2000 as a crime survivor, and has remained active ever since.

“The only true, final way to achieve a safe community is to prevent crimes from happening at all,” he said. “Fight Crime works on giving at-risk kids more options, helping them to avoid involvement in drugs, gangs, and ways of thinking that lead to more serious crimes as they grow older.”

Studying the Root Causes of Violence

A high percentage of children who become adult criminals fall into antisocial habits early on. One of the first studies Fight Crimes ever did was with the U.S. Department of Justice in 1996. It determined that most crimes committed by young people take place, not at traditional curfew times, but in the hours after school and before parents come home from work. This study was one of the first to identify the phenomenon of “latchkey kids” as a major source of child criminal behavior and a source of future law enforcement problems.

These findings were recently supported by another study released this fall by members of Fight Crime. “California's After-School Commitment: Keeping Kids on Track and Out of Trouble” examined in detail how the single most likely

hour on school days for a juvenile to commit or become the victim of a violent crime—homicide, rape, robbery, or assault—is between 3:00-4:00 p.m. After-school programs that target low-income areas with the highest-need, at-risk youth provide alternatives to gangs, drugs, and criminal activity for hundreds of thousands of students at more than 4,000 schools statewide. They also keep kids engaged in school and can boost school-day attendance, test scores, and graduation rates.

“The after school hours are critical to public safety,” said Alameda County D.A. Nancy O'Malley while visiting a program in her district in May. “After-school programs encourage kids to thrive in school and life, while helping them to avoid the traps of delinquent behavior.”

A second Fight Crime study examines how investing in our children early on not only helps prevent crime, but saves valuable public dollars in both the short and long term. Released in September by Concord Chief of Police David Livingston and Pleasant Hill Chief of Police Pete Dunbar, it is entitled “High-Quality Early



Pleasant Hill Police Chief Pete Dunbar works on an art project with preschool students following a 'Back to School Report' release at Cambridge Child Development Center in Concord.

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FIGHT CRIME: STOPPING CRIMES BEFORE THEY HAPPEN

Education: Cutting Crime and Saving Up to \$300 Million a Year in Bay Area Education Costs.”

Studies have long shown that early education can save up to \$16 for every dollar invested. This research demonstrates that high-quality programs can also produce significant short-term savings by reducing special education costs by ten percent. At a press conference, Chiefs Livingston and Dunbar urged state and federal policymakers to support investments that give more children access to high-quality early education that engages parents, teaches children social skills, and individually assesses the support each child needs for success. As Congress works to reauthorize the Elementary and Secondary Education Act (ESEA), the organization is also advocating for a shift from the traditional K-12 approach to a preschool-12 approach.

“Everything we do as law enforcement has to be in the best interest of public safety. Investing in high-quality preschool will reduce crime, save taxpayer dollars, and help make sure that all kids have a better start to their education,” said Chief Livingston.

Advocating to Prevent Crime

KlaasKids regularly joins California members to meet with policymakers to share the research about proven crime-prevention techniques. In April 2010, Marc Klaas joined more than a dozen members to advocate for after-school programs, early education, and dropout prevention at the organization’s annual Legislative Day in Sacramento. Members met with Attorney General, the Governor’s Chief of Staff and key legislators.

A number of legislative victories were achieved this year, and the state budget maintained hundreds of millions of dollars in funding for preschool and after-school programs,

even in these difficult economic times. Other key wins:

SB 1357 supports the collection of individualized student attendance data and the development of an early warning system, which will help school district administrators identify potential dropouts and effectively target interventions to improve student achievement and increase graduation rates.

SB 1381 changes the birthday deadline for entering kindergarten in order to reserve kindergarten for five-year-olds and creates a “transitional kindergarten” program for older four-year-olds, thereby expanding access to quality early education to better prepare students for success in kindergarten and beyond.

AB 12 extends foster care benefits for youth who are pursuing an education until age 21, instead of cutting off all support at age of 18.

AB 2178 allows school districts to provide student evaluation information to after-school providers, helping them to design programming that best serves their students.

Making Our Kids a Top Priority

Despite decades of research, inadequate investments still leave millions of children needlessly at risk of becoming delinquent teens and violent adults. Waiting lists for existing programs are long and many communities seeking grants have been turned away due to insufficient funding. Given the ability of these programs to keep kids off the streets, California must continue to make access to them a top priority. Helping our kids get the right start in life will save money, build a stronger America, and protect our communities. It is time to invest in what works. ■

To learn more about *Fight Crime: Invest in Our Kids California*, please visit the website at <http://www.fightcrime.org/state/California>.

WE NEED YOUR SUPPORT - HELP FIGHT CRIME!

PLEASE MAKE YOUR SECURE DONATION ONLINE @
<https://secure.vwswebs.com/klaaskids/pg-help.htm>

Contributions to the KlaasKids Foundation are tax deductible.

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