

REPORT TO THE IDAHO LEGISLATURE

THE PROSECUTION OF CHILD SEX ABUSE

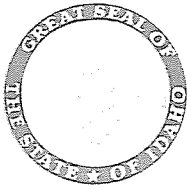
JULY 1, 1992-JUNE 30, 1993

a joint submission by
The Office of the Governor
Cecil D. Andrus, Governor

and

The Office of the Attorney General
Larry EchoHawk, Attorney General

January, 1994



OFFICE OF THE GOVERNOR

STATE CAPITOL
BOISE 83720-1000

CECIL D. ANDRUS
GOVERNOR

(208) 334-2100

January 19, 1994

To the Idaho Legislature and the Citizens of Idaho:

I commend to you this fifth Idaho report on child sexual abuse for your most thoughtful review and consideration.

Child sexual abuse represents society's most tragic moment of neglect. This report, like the others before it, demonstrates that offenders are almost always a family member or acquaintance of the victim. We know that almost all victims are female. We know that far too many convicted offenders are not locked away from future victims.

Well-meaning efforts in the past few years have worked to empower prosecutors and judges to deal with the caught and convicted offender. We are past the time, and must begin now, to empower our children so they do not become victims and statistics in this report.

We must educate all children that child sexual abuse is wrong, it is a crime, and it does not matter who perpetrates the crime against them. Children must be able to make this distinction between right and wrong, they must know their rights, and society must support these fragile victims so that the repercussions of their courageous reporting punish the offender and not the child all over again.

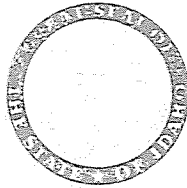
This report is likely to motivate you to seek information regarding the rate of reporting, prosecution, conviction and punishment of child sexual abusers in your community and in our state. More importantly, I hope it will motivate you to support educational and prosecutorial efforts that will work toward protection through prevention, and that will keep offenders from the trust and proximity of their past and potential victims.

With best regards,

Sincerely,

A handwritten signature in dark ink, reading "Cecil D. Andrus". The signature is fluid and cursive, with the first name "Cecil" and last name "Andrus" clearly distinguishable.

Cecil D. Andrus
Governor



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

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LARRY ECHOHAWK
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January 20, 1994

TO: Members of the Legislature

This report continues to reveal the sad and destructive effects of child sexual abuse in Idaho. Unfortunately, child sexual abuse is committed overwhelmingly by those whom our children know and trust the most--their family and "friends." This fact tells us education of our children is the key element in our efforts to prevent this hideous crime from occurring.

We also know the most effective approach to investigation and prosecution of child sex abuse is through the cooperative efforts of multi-disciplinary teams. To facilitate creation of multi-disciplinary teams in every county, in October of 1992 we created the attorney general's Child Sex Abuse Resource Team (CART). I am pleased to report that multi-disciplinary teams have been formed and protocol agreements have been signed in 20 of the 44 counties, and another 12 counties are actively participating in team development and drafting agreements. I thank you for the financial support that has made it possible for the attorney general's child abuse resource team to become an effective program to assist local counties throughout the state.

A problem that should be addressed this year concerns sex offender evaluations. Consistent with past reports, this report points out that a substantial number of convicted sex offenders do not have a specialized sex offender evaluation at the time of sentencing. A simple but effective solution is to provide the Department of Correction with funding (\$300,000) to pay for the cost of a detailed evaluation for every convicted sex offender before sentencing. This will eliminate the need to send any sex offenders to the department's Cottonwood program, actually save the state money and better utilize that exemplary program for other prisoners.

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January 20, 1994

We have made significant gains in our laws and resources committed to fighting child sex abuse. You have my pledge to support any efforts to further protect our children from this deviant and hideous exploitation.

With best regards,

A handwritten signature in dark ink, appearing to read 'L. Echohawk', with a large, stylized initial 'L' and a long horizontal flourish extending to the right.

LARRY ECHOHAWK
Attorney General

LE/ss

THE PROSECUTION OF CHILD SEX ABUSE

JULY 1, 1992-JUNE 30, 1993

January, 1994

SUMMARY OF FINDINGS

>425 TOTAL CASES WERE PROSECUTED (306 ADULTS, 119 JUVENILES) IN DISTRICT OR JUVENILE COURT. THIS REPRESENTS AN INCREASE OF 53 (14%) CASES FROM THE PREVIOUS REPORT. ADULT CASES INCREASED BUT JUVENILE CASES DECLINED.

>30 (10%) OF THE 306 ADULTS HAD PRIOR CONVICTIONS FOR CHILD SEXUAL ABUSE.

>THE GREATEST NUMBER OF VICTIMS (162 OF 383) OF ADULT DEFENDANTS CHARGED WITH CHILD SEXUAL ABUSE WERE BETWEEN 12 AND 15 YEARS OLD. VICTIM GENDER WAS PREDOMINANTLY FEMALE FOR BOTH ADULT AND JUVENILE PERPETRATORS.

>THE GREATEST NUMBER OF JUVENILE OFFENDER VICTIMS (46 OF 149) WERE BETWEEN 4 AND 7 YEARS OLD.

>97% OF THE VICTIMS OF ADULT DEFENDANTS WERE ABUSED BY FAMILY MEMBERS OR ACQUAINTANCES WHERE VICTIM/OFFENDER RELATIONSHIP WAS KNOWN.

>99% OF THE VICTIMS OF JUVENILE OFFENDERS WERE ABUSED BY FAMILY MEMBERS OR ACQUAINTANCES WHERE VICTIM/OFFENDER RELATIONSHIP WAS KNOWN.

>JUDGES ORDERED PRESENTENCE INVESTIGATIONS IN 73% OF ADULT CASES AND SEX OFFENDER EVALUATIONS IN 51% OF THE ADULT CASES WHERE DISPOSITION WAS KNOWN.

>WHERE ADULT DISPOSITION WAS KNOWN, THE IMMEDIATE SENTENCE WAS 23% (28% in '91-'92) PROBATION; 18% (14% in '91-'92) PRISON; AND 43% (50% in '91-'92) RETAINED JURISDICTION. THE INCARCERATION RATE INCREASED TO 32% OF THOSE CONVICTED (AFTER COMPLETION OF RETAINED JURISDICTION) WHERE FINAL DISPOSITION WAS KNOWN.

RESEARCH PROJECT TEAM

The research project team consisted of a large number of people. Professor Ted Hopfenbeck was the Coordinator of Data Collection in eastern Idaho. Michael Gilmore was Coordinator of Data Collection in northern Idaho. Dr. Stephen Patrick conducted the data analysis. Chris Danekas and Lavetra Castles served as Research Associates. Rebecca Howell provided secretarial support.

Robert L. Marsh, Ph.D. was the coordinator of all data collection, Project Director and Principal Investigator.

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INTRODUCTION AND METHODOLOGY

REPORT TO THE IDAHO LEGISLATURE

THE PROSECUTION OF CHILD SEXUAL ABUSE

JULY 1, 1992-JUNE 30, 1993

INTRODUCTION

This study was conducted by researchers at the Department of Criminal Justice, Boise State University in conjunction with the Offices of the Governor, the Honorable Cecil D. Andrus and the Attorney General, the Honorable Larry EchoHawk. As stipulated by House Bill 362 (passed in 1989) adding section 67-1405, the Attorney General's duties were expanded to require a yearly report be submitted detailing the incidence of child sexual abuse cases filed to the legislature. Data on child sexual abuse cases were collected directly from court files covering the stipulated time period.

PREVIOUS RESEARCH

Four annual reports and one special report have preceded this study. The approaches (methodology) of the data collection in the earlier reports have varied widely but the past two reports have utilized a consistent data collection approach. The following synopsis provides an overview of the reports.

FIRST REPORT: January 1, 1988-December 31, 1989

The first report covered a two-year period from January 1, 1988, through December 31, 1989, and analyzed data and information collected by site visitation to all 44 counties under the direction of the Governor's Office. This report also obtained sexual abuse information that was available from the agencies that dealt with some aspect of child sexual abuse. For example, the Department of Law Enforcement provided information on investigation of known cases and the Department of Corrections focused on disposition of offenders under its jurisdiction. The

Department of Health and Welfare reported on child sex abuse and the impact on families and children.

No single department of state government was able to provide a complete accounting for each child abuse case as it was processed through the system. One of the recommendations of the first report was that the state needed a way to "track" child abuse cases and report on the occurrence, nature and treatment of these crimes against children.

SECOND REPORT: July 1, 1989-June 30, 1990

The second report covered child sexual abuse crimes for the period July 1, 1989, to June 30, 1990, utilizing data and information from state agencies. This time, however, an attempt was made to collect data directly from district court records and county prosecuting attorneys.

The second report was based on a review on-site of courthouse case files of the state's six largest counties and nearby smaller communities. This review, together with telephone and mail contact of the remaining counties, provided access to a data base sizeable enough to produce a document for the Legislature.

As with the first report, the 1990 study concentrated on child sexual abuse from the perspective of the criminal justice system. It assessed cases from the time of prosecution to sentencing and disposition. The report provided information on plea bargaining arrangements, suspended sentences, offender evaluation and punishment alternatives.

SPECIAL REPORT: Sex Crimes Against Children

In July, 1991, the Department of Health and Welfare issued a special report entitled Sex Crimes Against Children. This report analyzed complex issues of child sexual abuse from the vantage point of the largest state agency, the Department of Health and Welfare. The report examined nearly 1,900 reported cases of sex abuse from July 1, 1989, to June 30, 1990. It traced cases from initial report to investigation by caseworkers, referral to law enforcement, and disposition by the prosecutor and the courts.

Each county in the state was visited and data concerning sex crimes committed against children were collected by reviewing district court records of individual counties. The report analyzed such specifics as the number and types of crimes experienced for the year, and the reasons why some reported cases were not brought to prosecution by the counties.

THIRD REPORT: July 1, 1990-June 30, 1991

This report provided information on adult and juvenile offenders. The incidence of juvenile sex abuse crimes was not a specific area of attention in previous reports. Offender age data, the relationship of the offenders to victims, demographic data on victims, and system processing information was collected on-site in each county. The data collected from court clerk records were verified with prosecuting attorneys in each jurisdiction.

FOURTH REPORT: July 1, 1991-June 30, 1992

Last year's report provided information on adult and juvenile offenders as provided by the clerk of the court in each county and verified with the county prosecutor. The research staff review the case files on-site to determine offender age, the relationship of the offenders to victims, criminal history, demographic data on victims, and case processing information. Sentencing information included whether presentence and sex offender evaluations were completed on the offenders. Rates of case filings were standardized based on county population.

METHODOLOGY/DATA COLLECTION PROCEDURES

Data collection for the present report was initiated in late October, 1993, and continued through early November. All counties were contacted by mail from the Attorney General's Office explaining the yearly data collection on cases filed in district court for the annual report to the legislature in January, 1994. Follow-up phone calls were made by the Project Team from the Department of Criminal Justice at BSU before data collection began and facsimiles were sent to all county prosecutors requesting the case numbers of all cases filed during the study period. The information was collected by two methods. On-site visits were made to counties reporting more than seven total cases (adult and juvenile) and those counties with fewer submitted the information by mail or facsimile.

(Twenty counties were visited. Six counties reported no cases filed.) The research team reviewed either files supplied by the Court Clerk or the county prosecutor. They were asked to have the files on all felony and juvenile case filings for the period of July 1, 1992, through June 30, 1993, available for review. Only cases formally filed (district court for adults and magistrate's court for juveniles) in that time period were reviewed by the project team.

This study covered the following charges: Sexual Abuse (IC 18-1506), Ritualized Abuse (IC 18-1506A), Sexual Exploitation of a Child (IC 18-1507), Lewd and Lascivious Conduct (IC 18-1508), Sexual Battery (IC 18-1508A), Enticing (IC 18-1509), Rape (IC 18-6101), Attempted Rape (IC 18-6101, 18-306), and Incest (IC 18-6602). These charges are consistent with the charges covered in previous reports.

Many different procedures were used by individual counties to track cases filed during the year. Some counties such as Canyon County utilized the ISTARS system available through the Administrative Offices of the Idaho Supreme Court. (The system will eventually be statewide but is not yet available in all counties.) ISTARS tracks cases that have reached the disposition stage only. Unfortunately, cases that have not reached disposition are not included in the system. The Ada County Prosecutor's Office maintained a separate computerized system that tracked each case filing in both the adult and juvenile courts. Other counties maintained a separate manual system of the pertinent cases. In each adult case and in most juvenile cases the files were made available to the research team. In a small number of juvenile cases, depending on the directions of the judge in the district, court personnel reviewed the files and answered questions of the project team. The project team relied on the individual system that each county utilized to track cases that were filed. After data collection, confirmation letters were sent to respective county prosecutors providing a list of identified cases from their county and requesting any corrections. Every possible attempt was made to insure that all cases were included in this study. Since the state has not designed a standard statewide tracking system, a few cases may not have been reported.

In all instances, the project team collected data in a way to insure the integrity of the data. Only cases filed in the district court for adults and magistrate's court for juveniles and identified by the clerks or county

prosecutors of that county are included in this report. Cases handled informally when charges were not filed are not included.

The absence of a uniform method of tracking cases and retrieving the data remains a serious issue beyond the scope of the present project. Recommendations will be made by the researchers to alleviate problems of data collection in the counties in the future.

ADULT CASES

ANALYSIS OF ADULT CASES FILED-CHARTS 1-10

The information from adult cases is included in Charts 1-10 and immediately follows the discussion of adult defendants. A total of 306 adult cases were filed in district court during the time period of the study.

Adult Defendants: Total Cases and Charges Filed-Chart 1

Chart 1 indicates that a total of 469 charges were filed in the 306 adult cases. This represents an increase of 60 cases from the 246 cases filed in the previous survey period (July 1, 1991-June 30, 1992). There was an average of 1.53 charges filed against each defendant.

Adult Defendants: Victim Gender-Chart 2

The victim gender was predominantly female representing 89% (N=314) of the known victims. Reported female victimization was greater in this study than the 183 victims reported in 1991-2 study. Males victims represented 11% (N=40) of all victims. The gender distribution was approximately the same as the 1991-2 study. The information on victim gender was not available to the research team in 29 cases. Some defendants had no Presentence Report completed and it was impossible to determine victim gender from court files. There was no reason to assume that victim gender would change if the unknown cases were added into this analysis.

Adult Defendants: Victim Age-Chart 3

Only 1% (N=4) of the known victims were under 3 years of age. Children from 4 to 7 represented 18% (N=64) of the victims. Twenty five per cent (N=90) of the total were from 8 to 11 years old. A total of 46% (N=162) of the victims were between the ages of 12 and 15. Ten per cent of the victims (N=35) were between the ages of 16 and 17. Age was unknown for 28 of the victims. The age distribution in this study representing cases filed in the 1992-93 study are quite similar to the distribution in the previous report for the 1991-92 study period.

Adult Defendants: Number of Victims Per Case-Chart 4

Data presented in this chart represents the number of reported victims in each of the 306 cases. Defendants in 81% (N=248) of the cases were charged with a crime against only one victim. There were 2 victims

reported in 11% (N=34) of the cases. Nineteen defendants or 6% were charged with crimes on 3 or more victims. The number of victims was unknown in 2% (N=5) of the cases. The information for the number of victims charged against each defendant was based on all of the information available in the court files. It must be noted that research of sources independent of the court files could identify additional victims.

Adult Defendants: Victim Relationship-Chart 5

Chart 5 indicates the relationship between the 340 known victims and the 306 charged defendants. The data indicate that 13% (N=51) of the children were victimized by their actual parents. This was greater than the 9% (N=34) of the victims abused by stepparents. Other family members were named for abusing almost 10% (N=36) of the victims. Acquaintances were identified as the abuser for 56% (N=209) of the victims. Less than 3% (N=10) of the victims in this study were abused by a stranger. The victim/offender relationship for 43 of the victims was unknown.

Most of the 340 known victims in this study were abused by either family members or acquaintances. A total of 97% (N=330) of the victims fit these two categories and only 3% (N=10) were victimized by strangers. Most adults charged with child sexual abuse offenses knew their victims. The children generally had good reason to trust the defendant because the defendant was known by the child. This parallels the findings in the 1991-92 study.

Adult Defendants: Presentence Report /Sex Offender Evaluation-Chart 6

The data in Chart 6 show the number of convicted perpetrators that had a Presentence Report or Sex Offender Evaluation completed before sentencing. The research indicated that 21% (N=62) of the defendants had a Presentence Report only before sentencing. Six per cent (N=17) of the defendants had Sex Offender Evaluation only completed before sentencing. Both Presentence and Sex Offender Evaluations were prepared in 29% (N=86) of the cases. Defendants with neither comprised 13% (N=37) of the study. The remaining represent Dismissed/Acquitted, Pending or Unknown categories. The data presented in the present (1992-3) study is vastly improved over the previous year's study because of the access

granted to the study team by the Supreme Court to court records. Sixty-nine per cent (N=202) of the defendants were convicted. The case is pending (defendants have not plead or gone to trial) for 16% (N=50) of the total. Charges were dismissed against 11% (N=34) defendants, and 2% (N=7) were acquitted. The outcome is unknown against 13 of the defendants.

Adult Defendants: Prior Convictions-Chart 7

Chart 7 shows the prior convictions of adults charged with a child sex abuse crime during this study period. Thirty of the 306 adults charged had prior sexually related convictions. Most adult defendants (N=276) had no prior sex abuse convictions against children. There were 10% (N=30) of the known defendants of the total charged with a prior sex abuse convictions. The majority (43%, N=13) had prior convictions of Lewd and Lascivious Conduct (IC 18-1508). Five (17%) had Rape convictions; 5 (17%) had other sexually-related felony convictions; and in 7 (22%) the previous conviction was not known.

Adult Defendants: Total Charges for Most Frequent Offenses-Chart 8

Chart 8 shows the breakdown of the 469 criminal charges filed against adults. Lewd and Lascivious Conduct (IC 18-1508) charges were most frequently filed representing 289 charges or 62% of the total. Sexual Abuse (IC 18-1506) resulted in the second highest with 83 charges or 18% of the total number of charges filed. Rape (IC 18-6101) charges were filed 59 times (13%) during the year. The remaining 4% of the charges were for Sexual Battery (IC 18-1508A), Attempted Rape (IC 18-6101, 18-306), other related charges, and or were unknown because of incomplete files.

These data were collected to determine which charges were most frequently used against child sex abusers. A more detailed analysis from the case files revealed an exceedingly wide variability in the types of sex abuse behavior and the actual charge filed. The Lewd and Lascivious statute was used to prosecute cases ranging from touching of private sexual organs to copulation.

Adult Defendants: Sentencing Information-Chart 9

Chart 9 shows the sentencing information for the 306 adult defendants in this study. The disposition is known in 202 of the cases.

(The total number used to calculate percentages in this section was 202.) Probation was the disposition in 23% (N=47) of the known cases initially. Retained Jurisdiction was the sentence given by judges in 43% (N=86) of the cases with known dispositions. It was generally recommended by the sentencing judge that these offenders be sent to Cottonwood for evaluation. This evaluation was utilized by the judge to determine the final disposition. A number of convicted defendants (18%, N=37) were sent directly to prison without retained jurisdiction ordered.

Information was requested from the Department of Corrections on the 86 offenders that received a Retained Jurisdiction sentence. Of the 86 convicted, an additional 28 offenders were eventually incarcerated; 34 received probation; 18 were still on Retained Jurisdiction; and the records were not available on the other 6. A complete analysis of the 202 convicted child sex offenders where the final disposition was known showed 32% (N=65) incarcerated.

Adult Defendants: Case Status/Outcome-Chart 10

Sixty six per cent (N=202) of the defendants were convicted. The case is pending for 16% (N=50) of the total. Charges were dismissed against 11% (N=34) defendants. and 2% (N=7) were acquitted. The outcome was unknown against 4% (N=13) of the defendants.

Chart 1 - Adult Defendants: Total Cases and Charges Filed

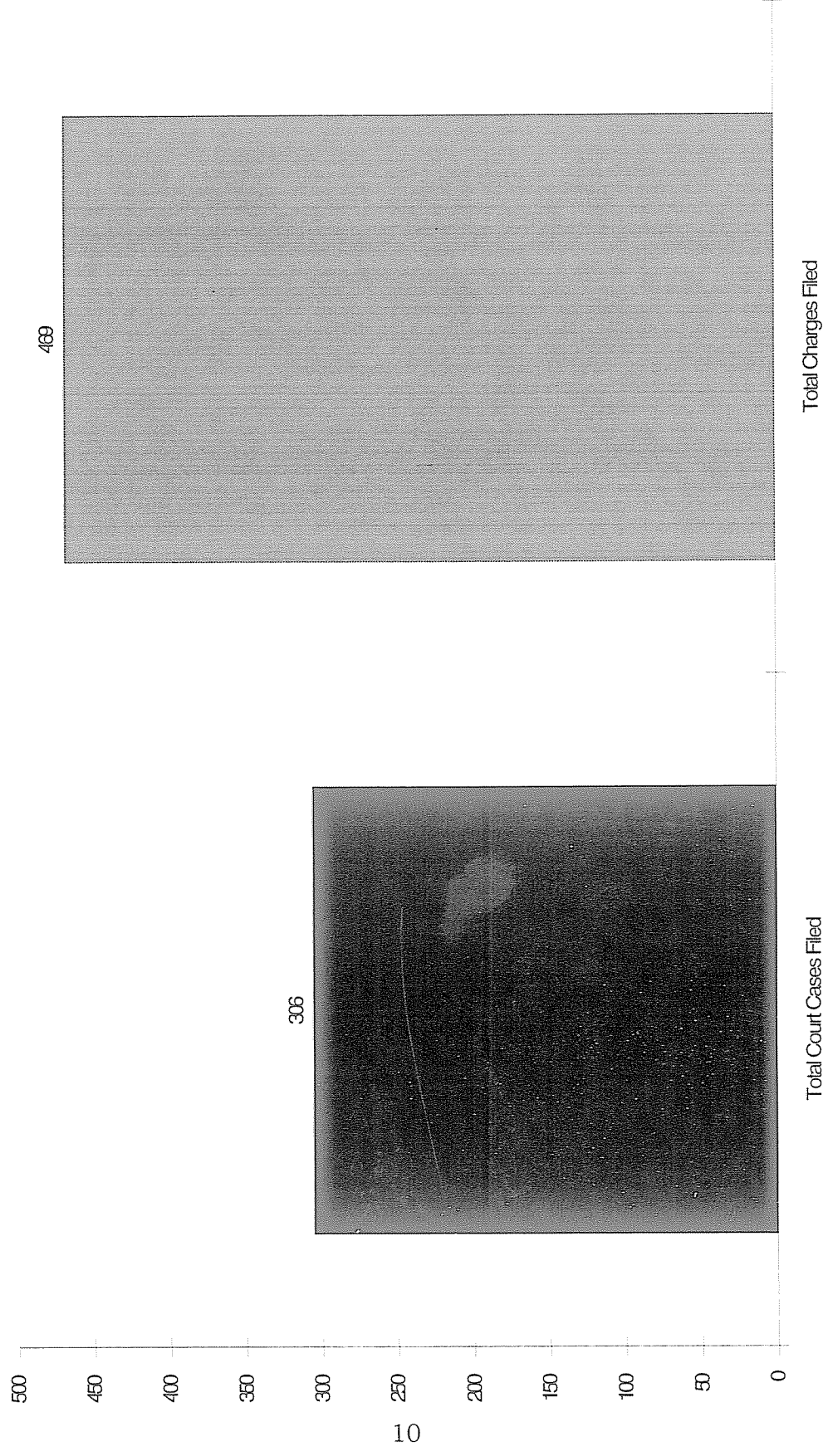


Chart 2 - Adult Defendants: Victim Gender

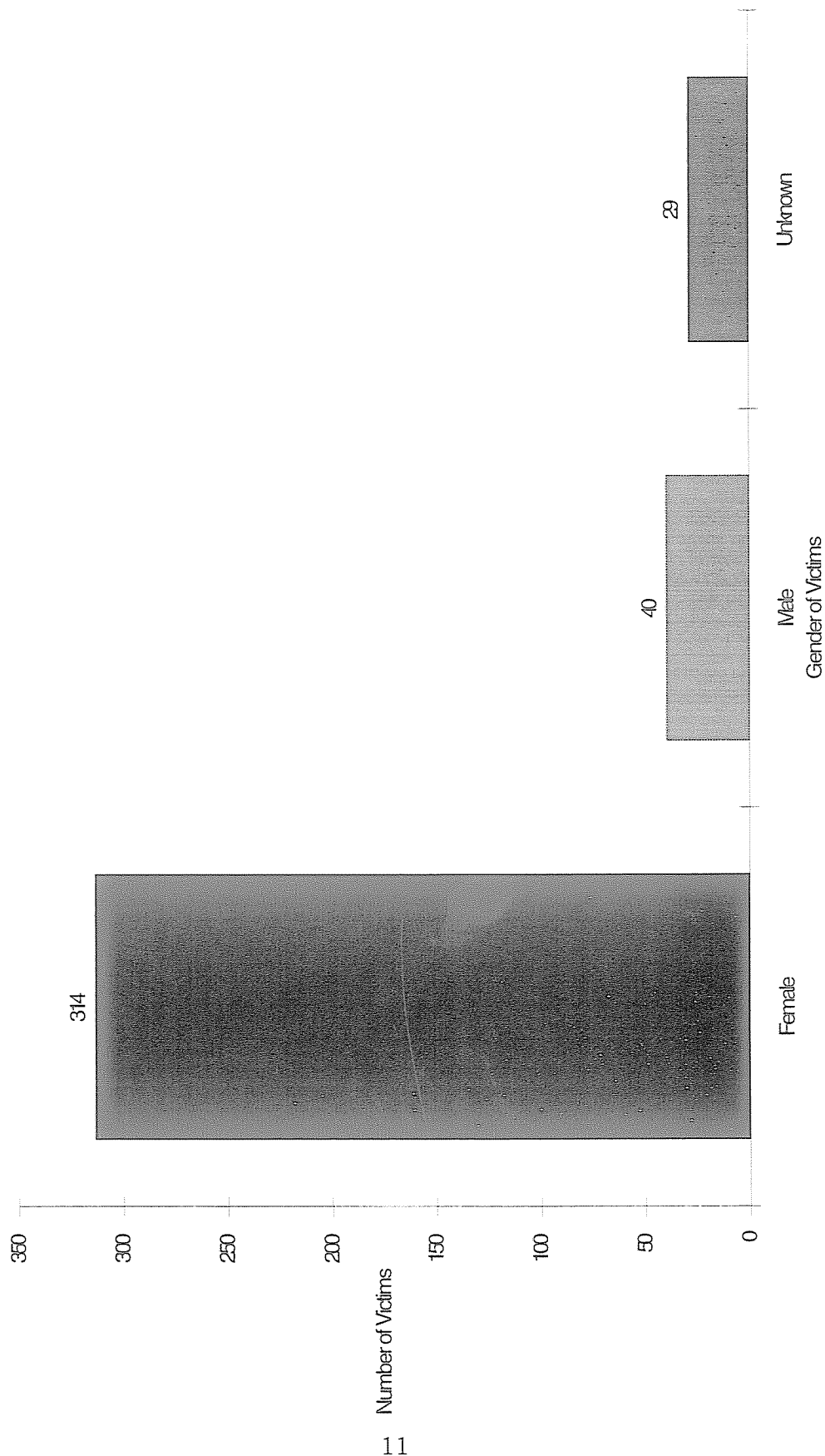


Chart 3 - Adult Defendants: Victim Age

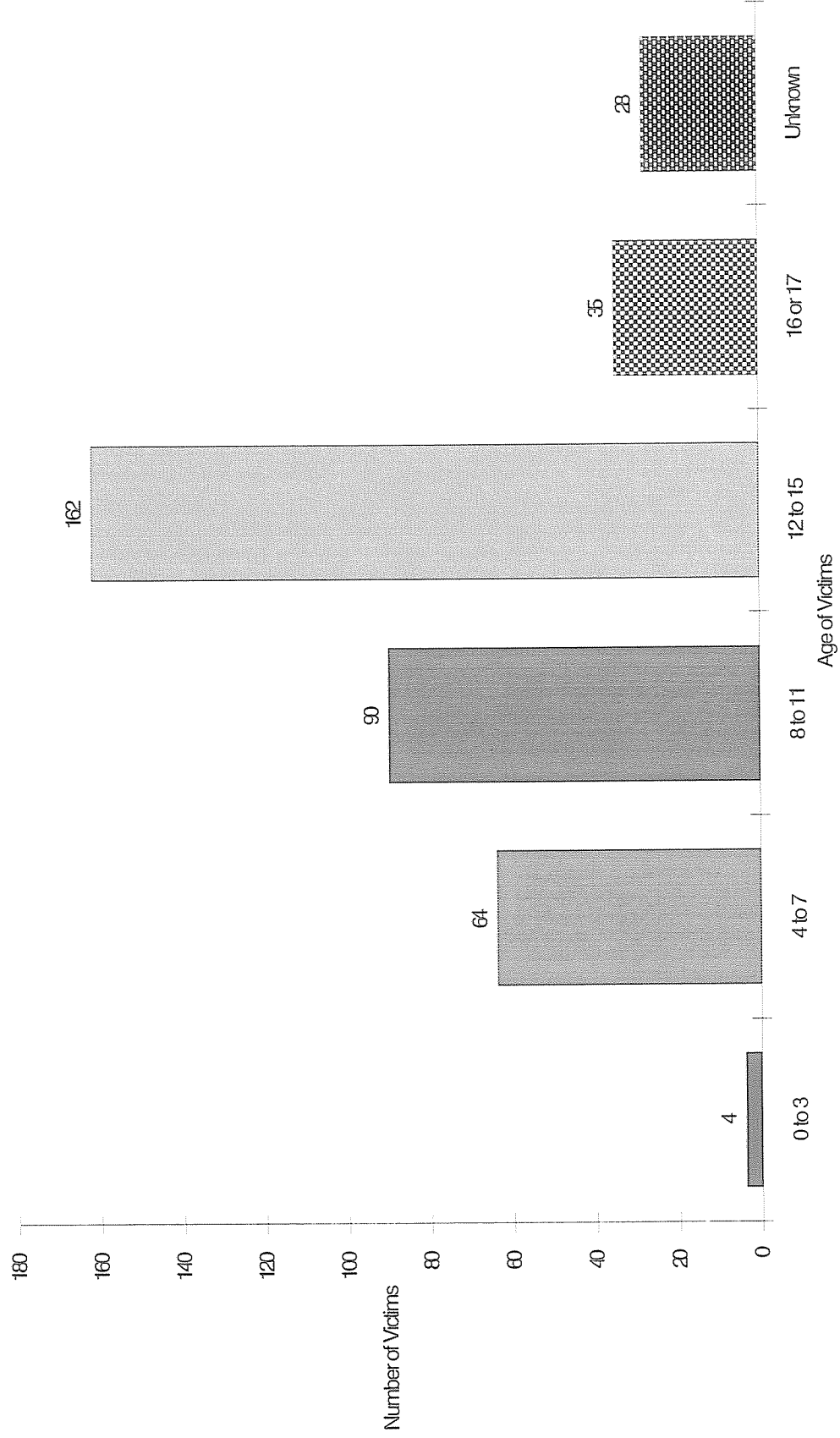


Chart 4 - Adult Defendants: Number of Victims Per Case

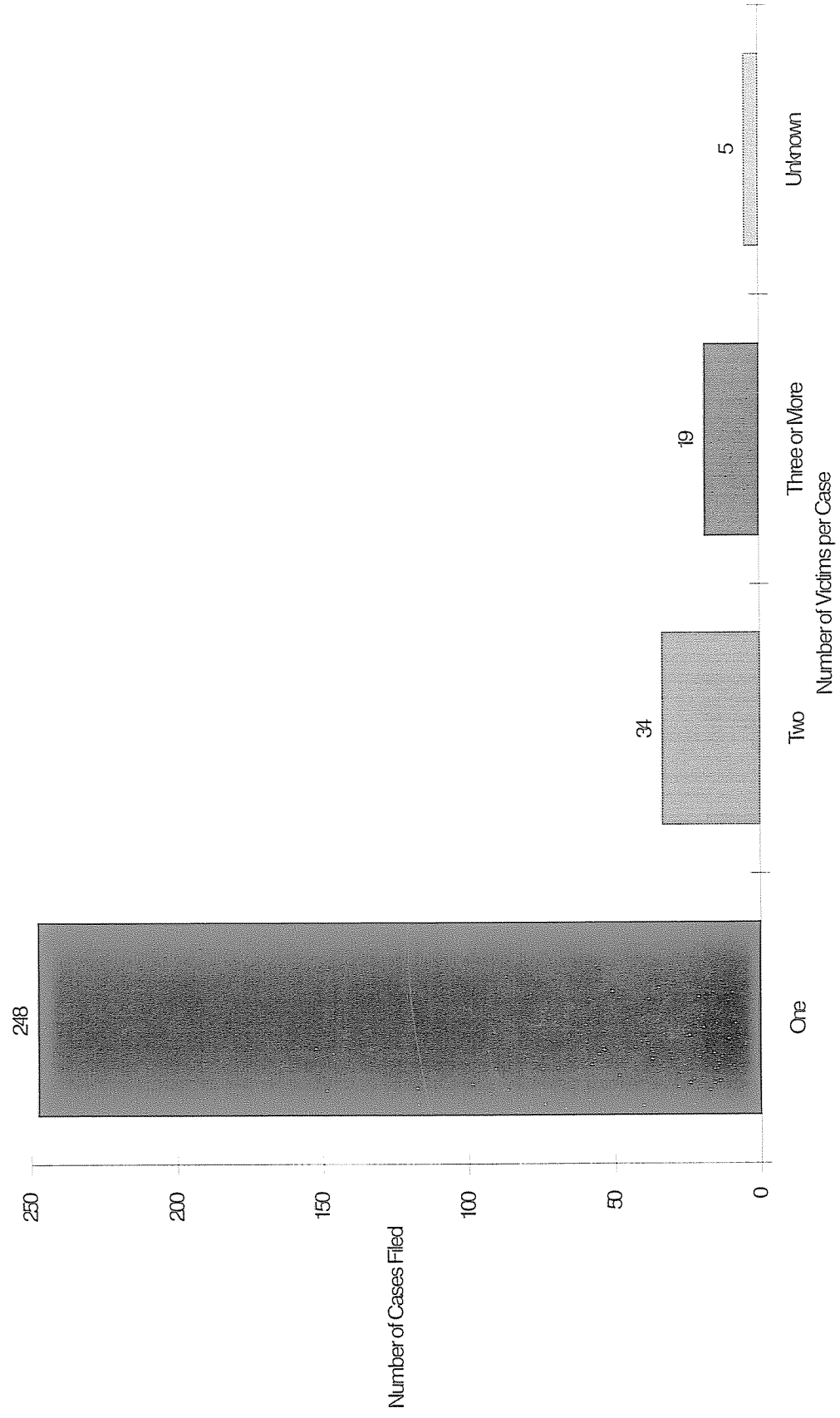


Chart 5 - Adult Defendant-Victim Relationship

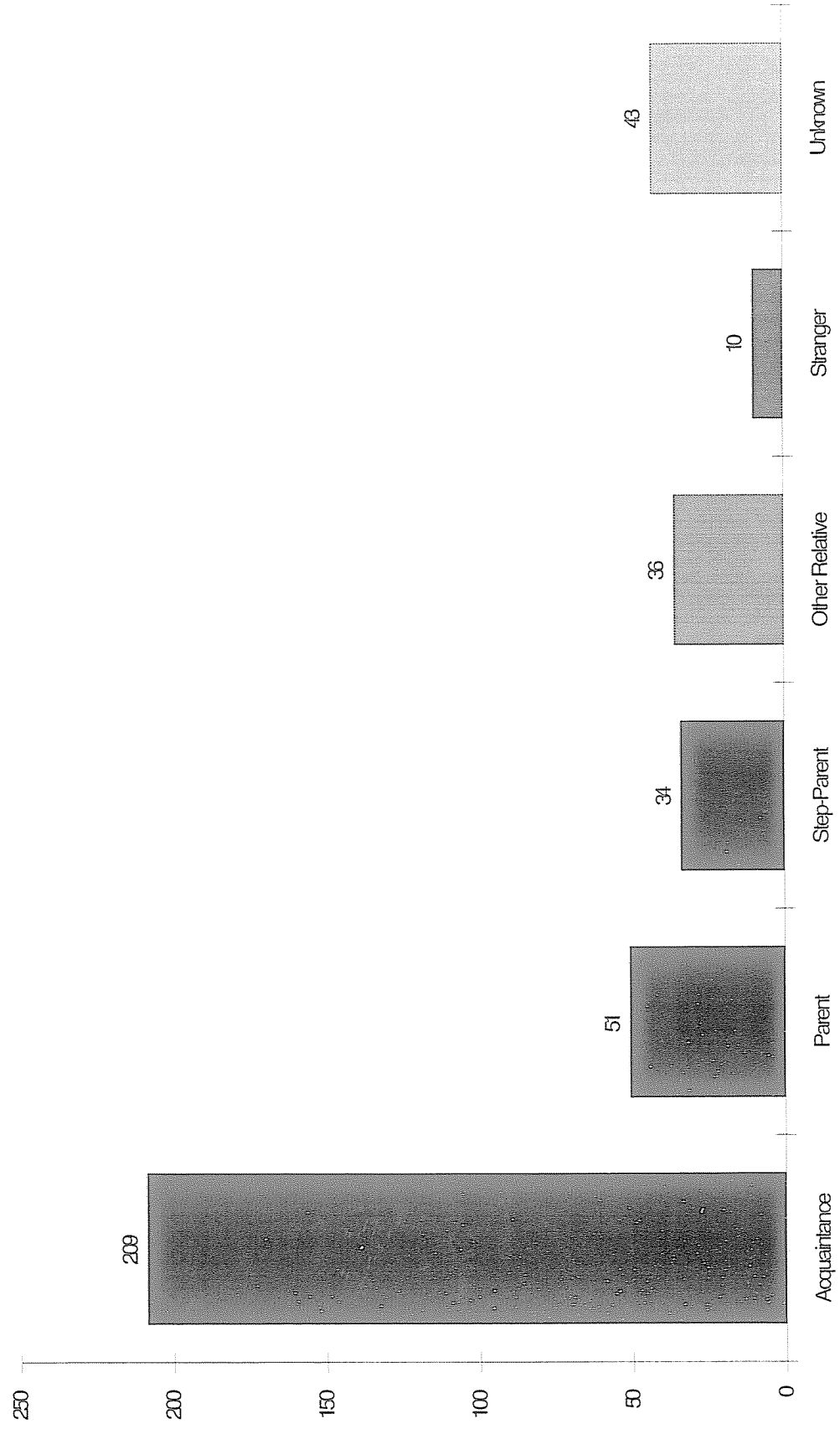


Chart 6 - Adult Defendants: Presentence Report and Sex Offender Evaluation

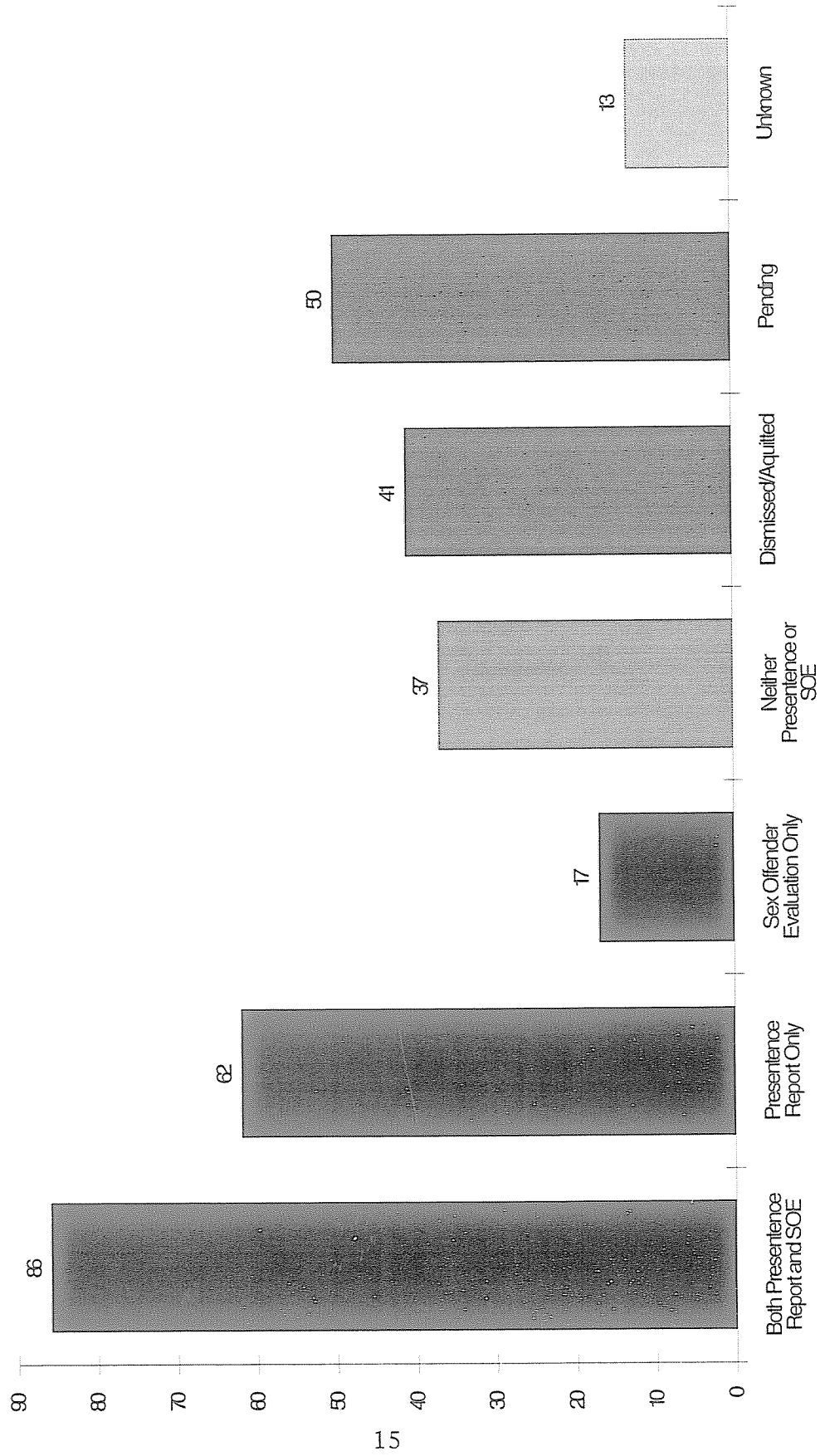


Chart 7 - Adult Defendants: Prior Convictions

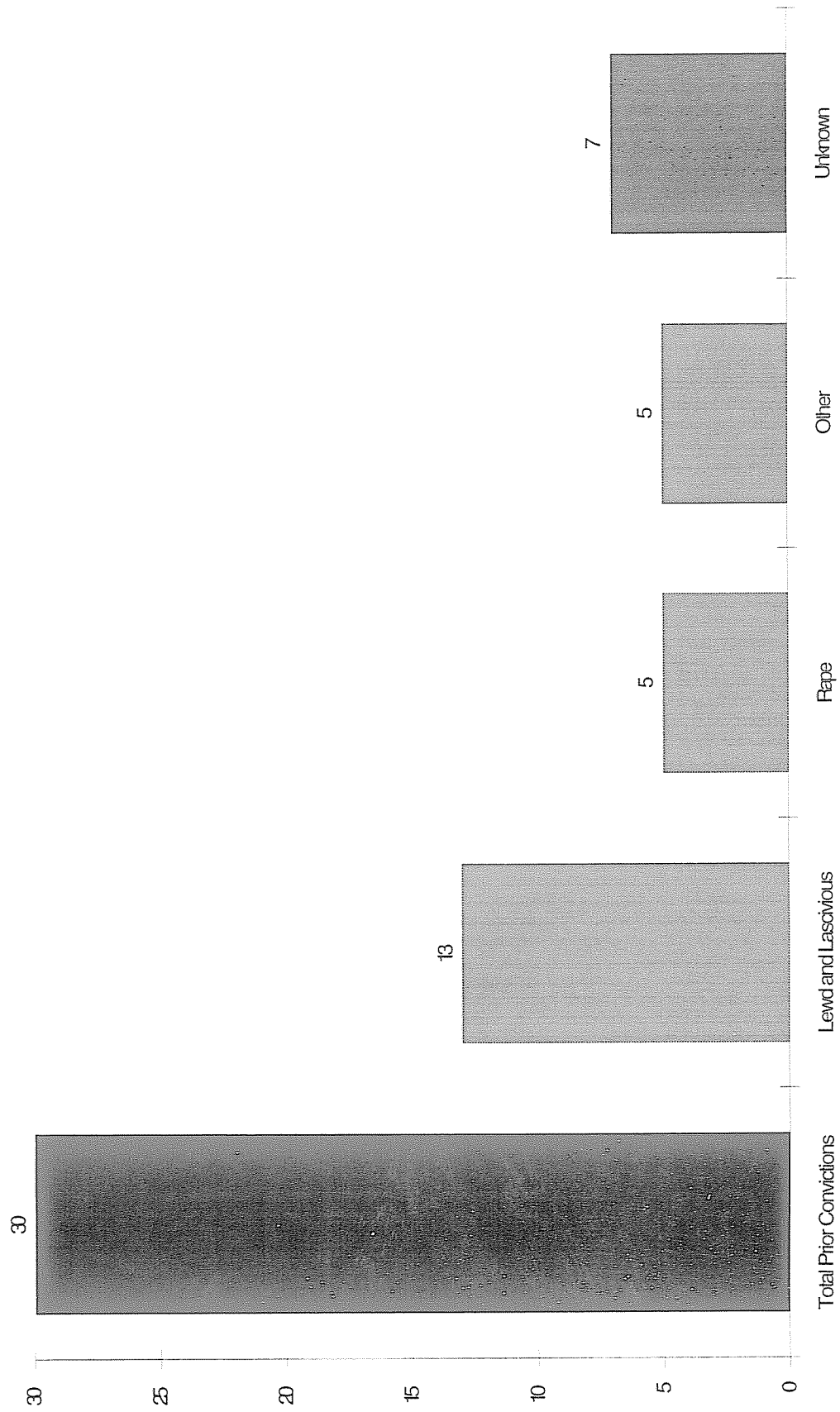


Chart 8 - Adult Defendants: Total Charges for Most Frequent Offenses

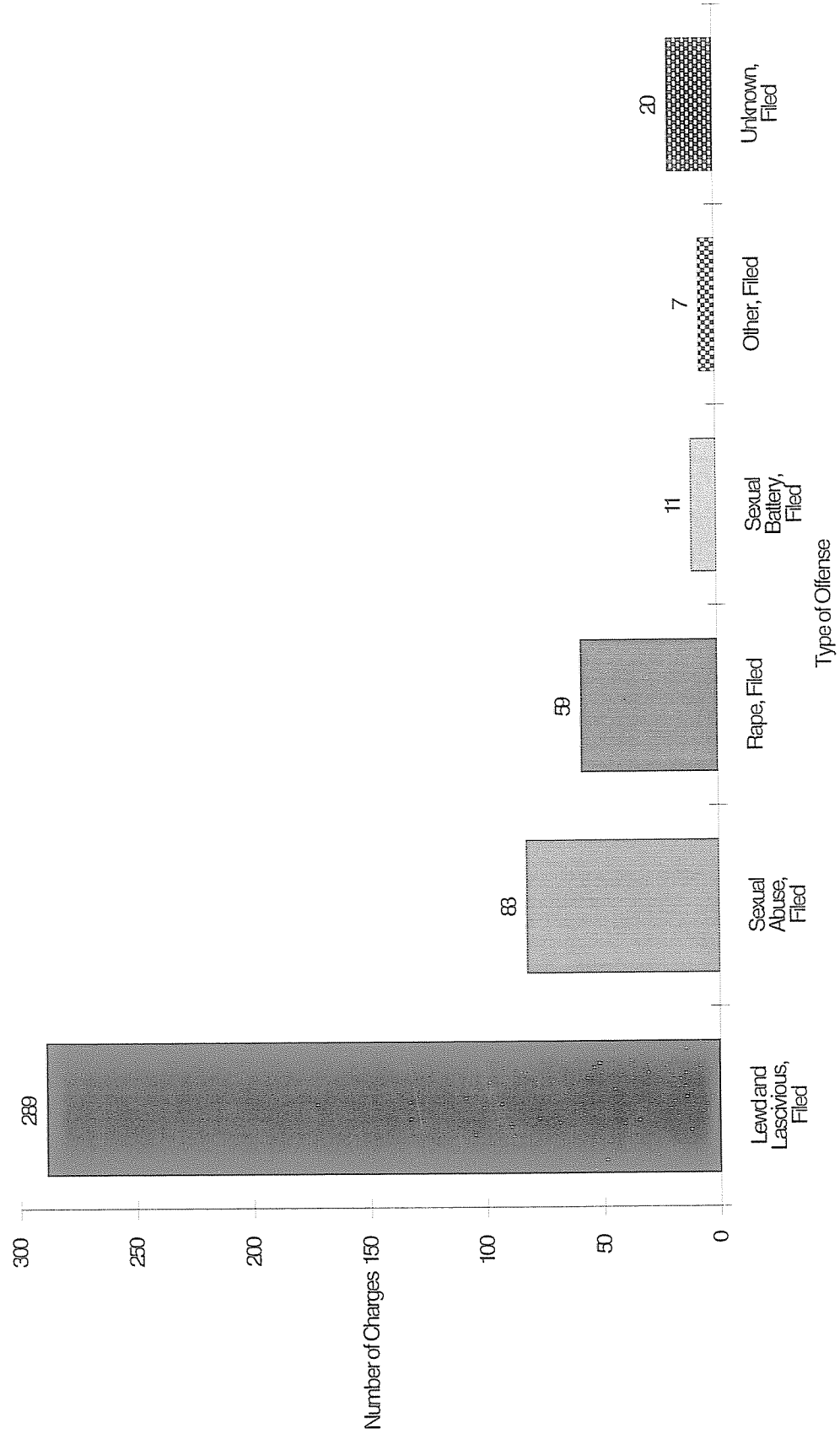


Chart 9 - Adult Defendants: Sentencing Information

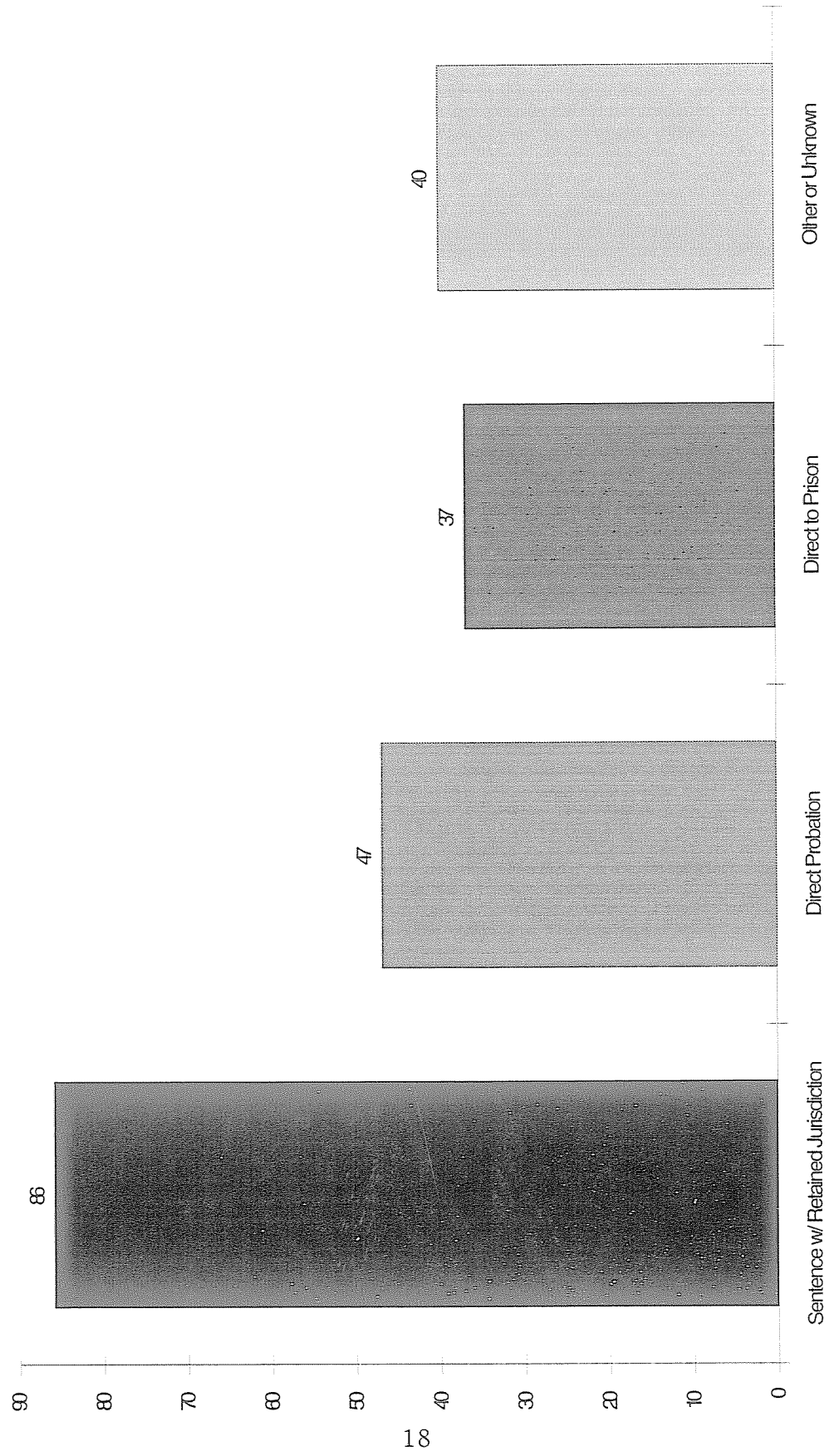
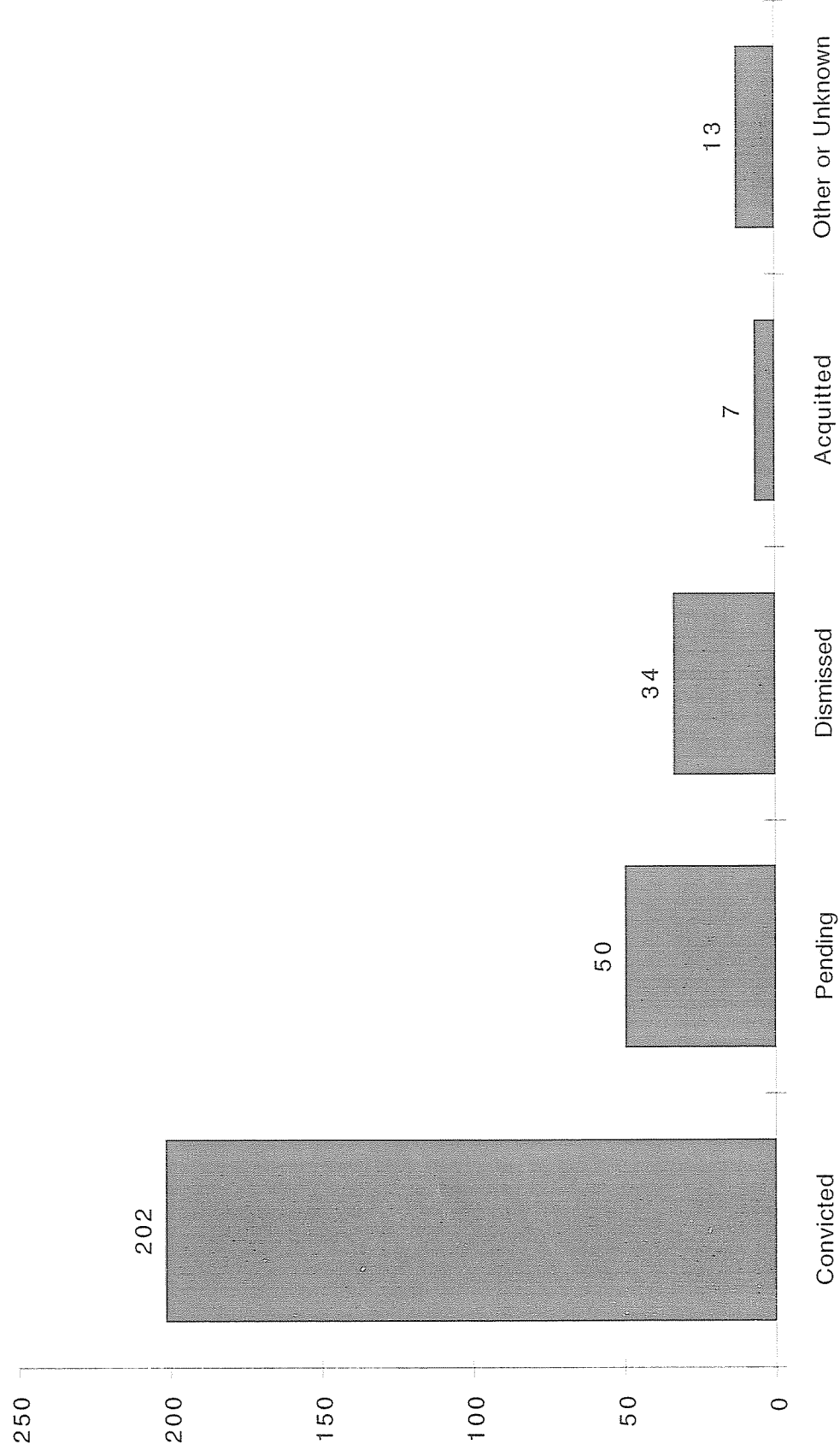


Chart 10 - Adult Defendants: Case Status/Outcome



JUVENILE CASES

ANALYSIS OF JUVENILE CASES FILED-CHARTS 1J-10J

There were a total of 119 juvenile cases filed from July 1, 1992, to June 30, 1993. Accurate and complete information on juveniles was much easier to obtain during this study period than the previous survey.

Juvenile Offenders: Total Cases and Offenses Filed-Chart 1J

Chart 1J indicates that 119 cases were filed against juveniles. A total of 149 offenses were filed in the 119 juvenile cases. This represents a decline of 7 cases from the 126 juvenile cases filed from July 1, 1991, to June 30, 1992. There was an average of 1.3 offenses filed against each juvenile.

Juvenile Offenders: Victim Gender-Chart 2J

There was a total of 149 victims listed in the juvenile petitions and the victim gender was available for 139 victims. (The number of the victims is higher than the total number of defendants because of multiple victims.) The victim gender was predominantly female representing 76% (N=106) of the total number of known victims. (Females represented 89% of the victims for adult offenders.) Male victims represented 24% (N=33) of the victims where gender information was available. The information on victim gender was not available to the research team in 10 cases. Some defendants had no Social History completed and it was impossible to determine victim gender from court files. There was no reason to assume that victim gender would change if the unknown cases were added into this analysis.

Juvenile Offenders: Victim Age-Chart 3J

Of the 119 juvenile cases reported during the study period, the age of the victims was known for 141 of the 149 victims. Victims from 0-3 years of age comprised 7% (N=9) of the study population where age was known. Victims from ages 4-7 years comprised 33% (N=46) of the study population. Children 8-11 years were victims in 29% (N=41) of the known cases. Another 28% (N=39) were from 12-15 years of age and the remaining 4% (N=6) were 16 or older. (Forty-six per cent of the victims of adult offenders were 12-15 years old.) Age was unknown for 8 of the victims.

Juvenile Offenders: Number of Victims Per Case-Chart 4J

The number of victims was known for 109 of the 119 offenders. Of the 109 offenders, 75% (N=82) had been charged with violations against a single victim. Two victims were involved in 16% (N=17) of the cases and three or more victims in 9% (N=10) of the cases.

Juvenile Offenders: Victim Relationship-Chart 5J

Chart 5J indicates the relationship between the 149 victims and the 119 petitioned juveniles. (The percentages are reported for the 127 known victims.) The data indicate that slightly less than 1% (N=1) of the children were victimized by one of their parents. Other family members were named for abusing 46% (N=59) of the victims. Acquaintances were identified as the abuser for 52% (N=66) of the victims. Less than 1% (N=1) of the victims in this study were abused by a stranger.

Most of the 127 victims where the victim/offender relationship was known were abused by either family members or acquaintances. A total of 99% (N=126) of the victims fit these two categories. This is comparable to the victimization analysis for adult offenders. Most juveniles charged with child sexual abuse offenses knew their victims. The children generally had good reason to trust the offender because the offender was known by the child. An important difference is that the majority of the victims of juveniles were between the ages of 4 and 11. This parallels the findings in the 1991-92 study.

Juvenile Offenders: Social History/Sex Offender Evaluation-Chart 6J

The data in Chart 6J show the number of adjudicated juveniles that had a Social History or Sex Offender Evaluation completed before disposition. (The percentages are based on cases that were not pending, dismissed or unknown.) The research indicated that 8% (N=3) of the juveniles had a Social History only before disposition. Thirty-eight per cent (N=15) of the juveniles had Sex Offender Evaluation only completed before disposition. Both a Social History and Sex Offender Evaluation was prepared in 53% (N=21) of the cases. Juvenile offenders with neither comprised 3% (N=1) of the study. The petition was Dismissed in 13 cases and 18 cases were Pending. The information was not available or complete in 51 cases. Although it was assumed that the majority had some type of

investigation completed before disposition, the time constraints of the final report did not allow the research team time to further investigate these cases. The data presented in the present (1992-3) study is vastly improved over the previous year's study because of the ready access granted to the study team by the Supreme Court to court records in each of the counties.

Juvenile Offenders: Prior Adjudications-Chart 7J

Six of the juveniles in this study had prior adjudications for child sexual abuse. All were petitioned into the Juvenile Court on Lewd and Lascivious Conduct. There was a wide disparity of behaviors among the juveniles charged with Lewd and Lascivious Conduct.

Juvenile Offenders: Types of Charges-Chart 8J

Chart 8J shows the charges filed against juveniles. Lewd and Lascivious Conduct (IC 18-1508) charges were most frequently filed representing 130 charges or 87% of the total offenses. Rape (IC 18-6101) charges were filed 15 times (10%) during the year. There was 1 (.7%) charge filed of Sexual Abuse (IC 18-1506). (For adult offenders, Lewd and Lascivious Conduct was filed in 62% and Rape in 13% of the cases.)

These data were collected to determine which charges were most frequently used against juvenile child sex abusers. As with adults there was an exceedingly wide variability in the types of sex abuse behavior and the actual charge filed. The Lewd and Lascivious statute was used to prosecute cases ranging from a request by a teenager of a child to have oral sex to the touching of private sexual organs to copulation. Simply analyzing the case charges provides little meaningful information on the types of sexual abuse behaviors perpetrated against children.

Juvenile Offenders: Sentencing Information-Chart 9J

Chart 9J shows dispositional information on juveniles. One juvenile was convicted as an adult and sent to the Department of Corrections. This male offender was charged with one count of Rape (IC 18-6101) with one female victim age 16. He was sentenced to three years determinate and seven years indeterminate. Jurisdiction was retained for 180 days. His Sex Offender Evaluation noted a High chance to re-offend. He had been convicted of another count of Lewd and Lascivious Conduct within

the past year.

The vast majority (N=79) were sentenced under the Youth Rehabilitation Act with most receiving Probation and treatment in the community. The petitions were dismissed against 13 of the juveniles and the disposition was pending in 15 of the petitions.

Chart 1J - Juvenile Offenders: Total Cases and Offenses Filed

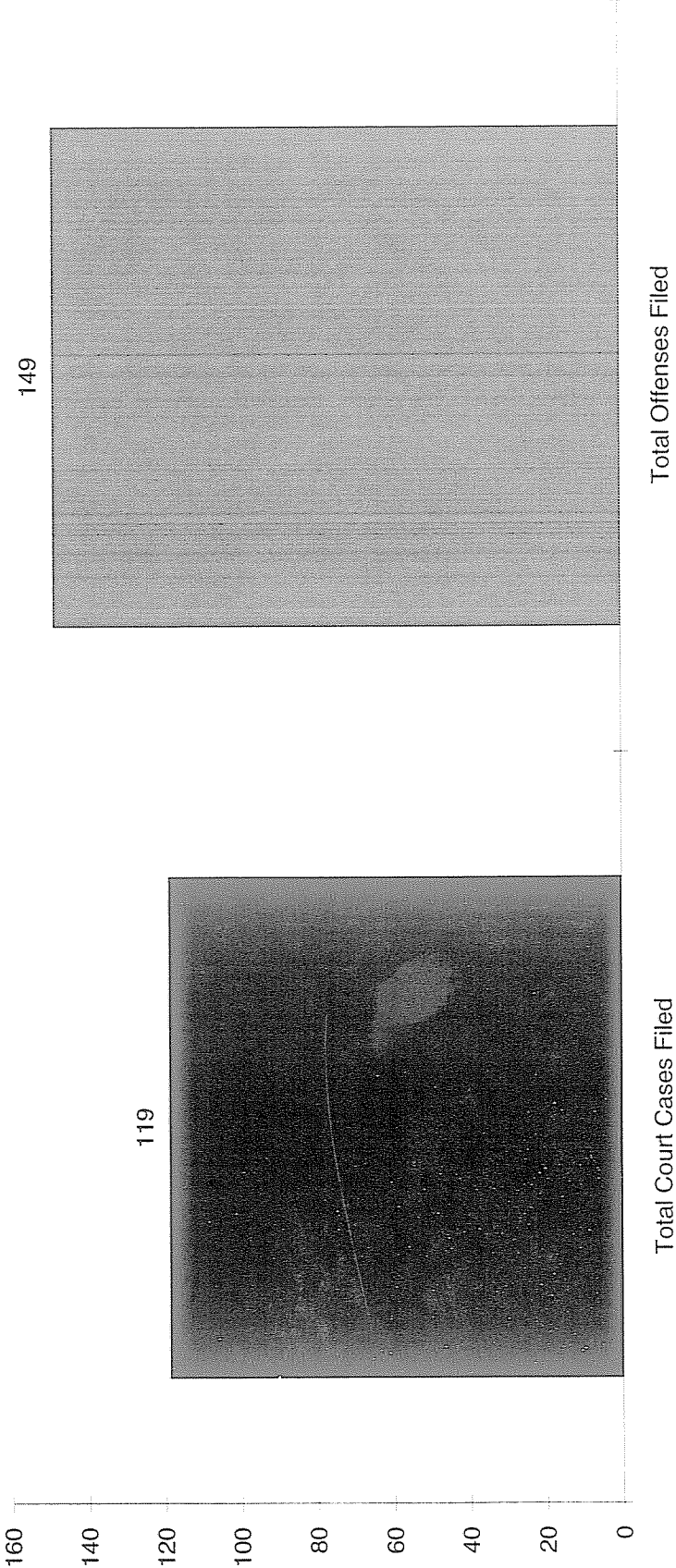


Chart 2J - Juvenile Offenders: Victim Gender

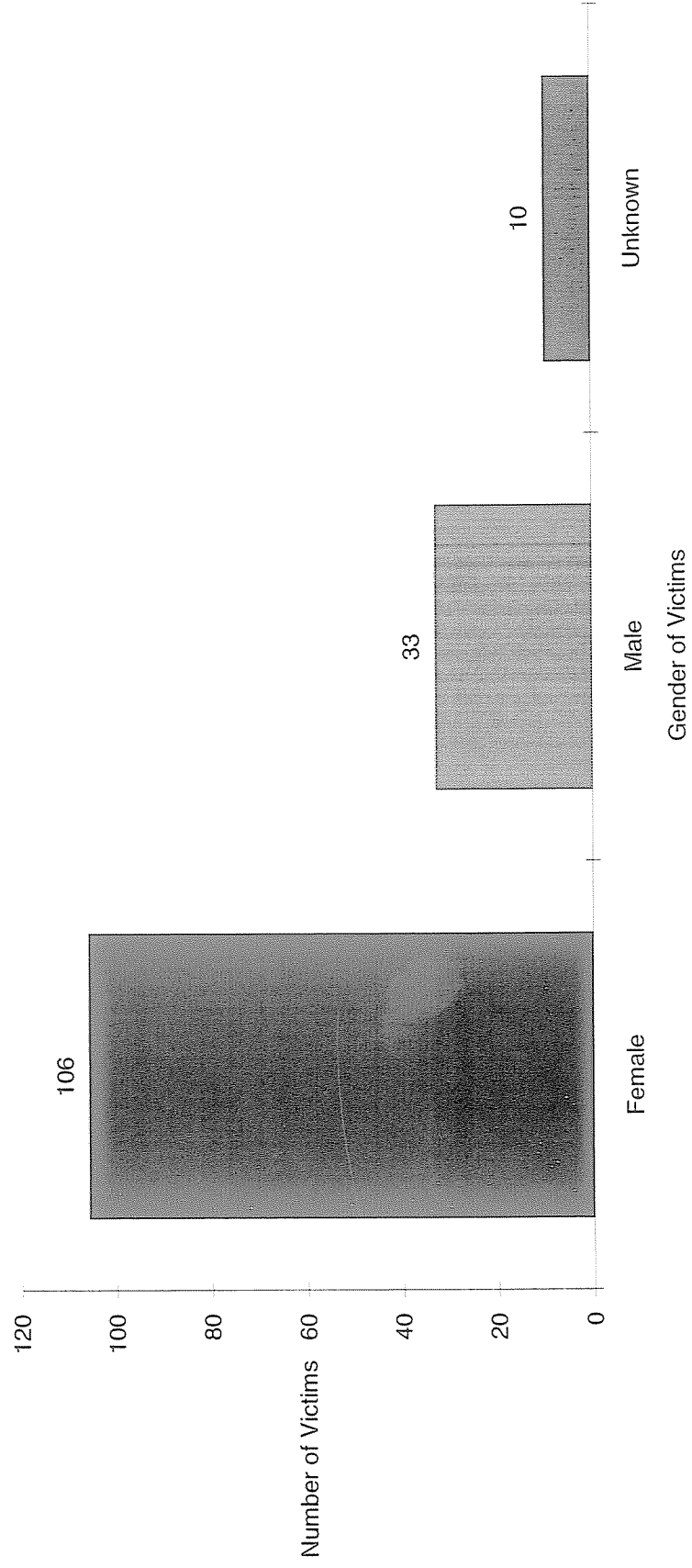


Chart 3J - Juvenile Offenders: Victim Age

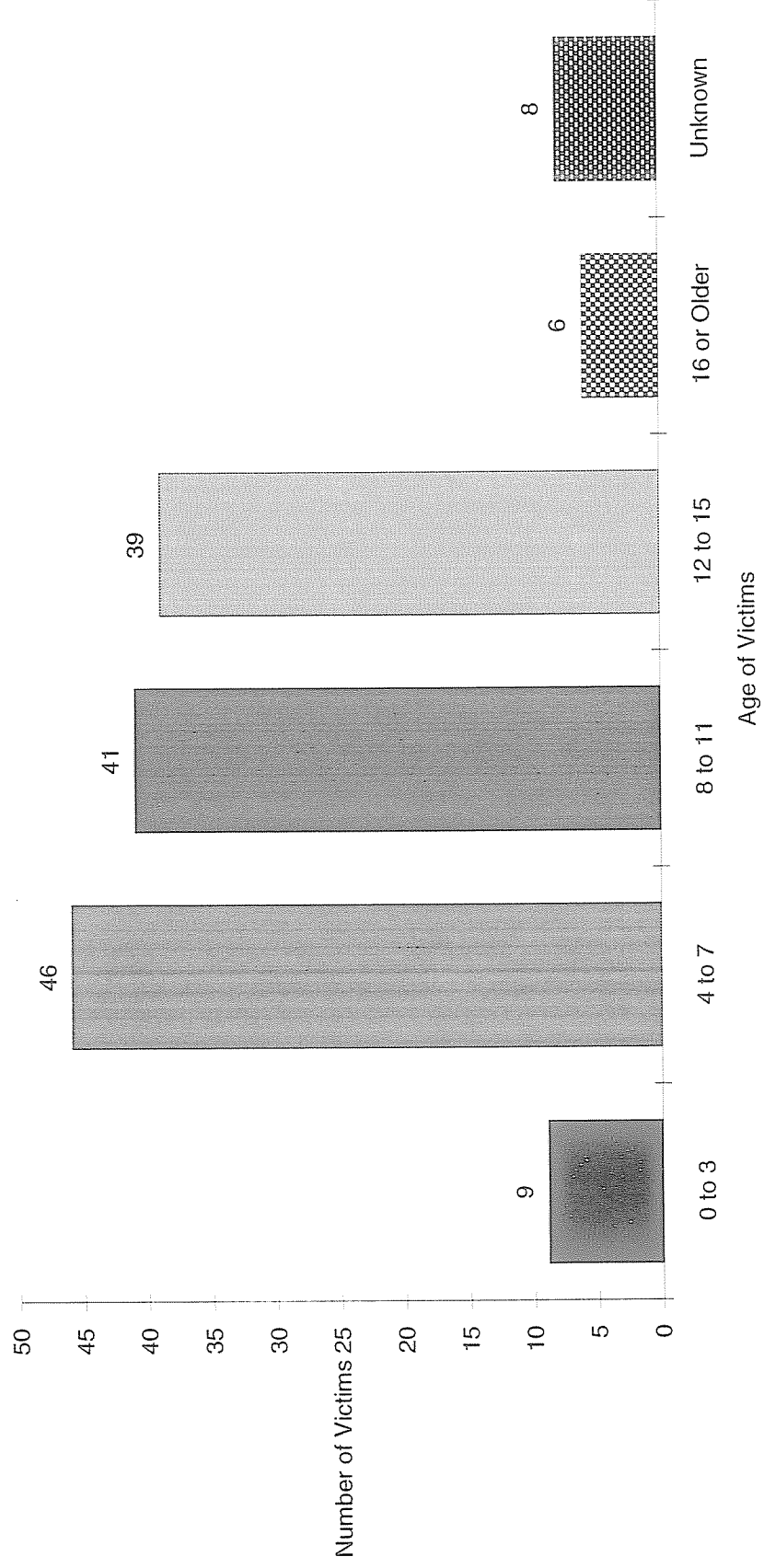


Chart 4J - Juvenile Offenders: Number of Victims per Case

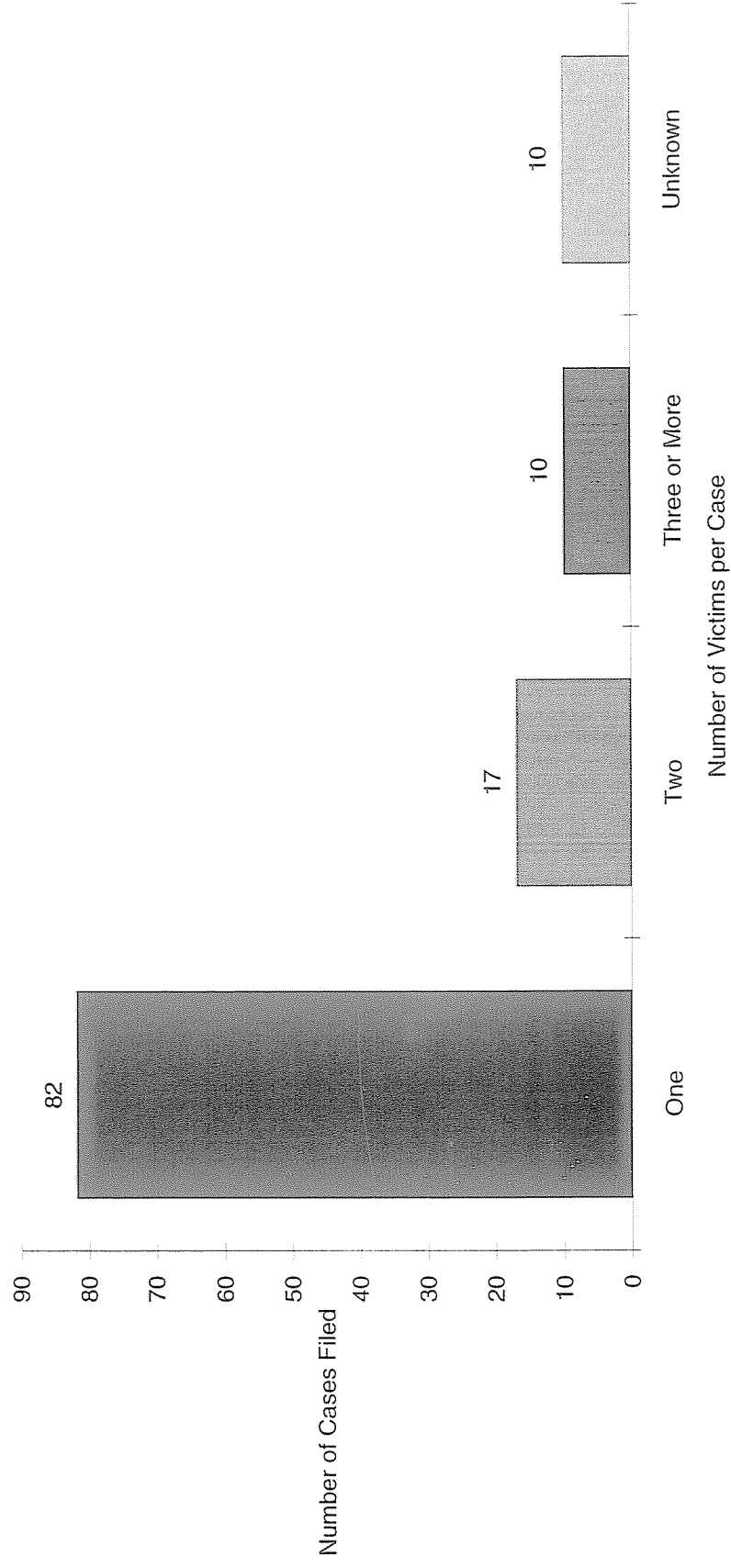


Chart 5J - Juvenile Offenders - Victims Relationship

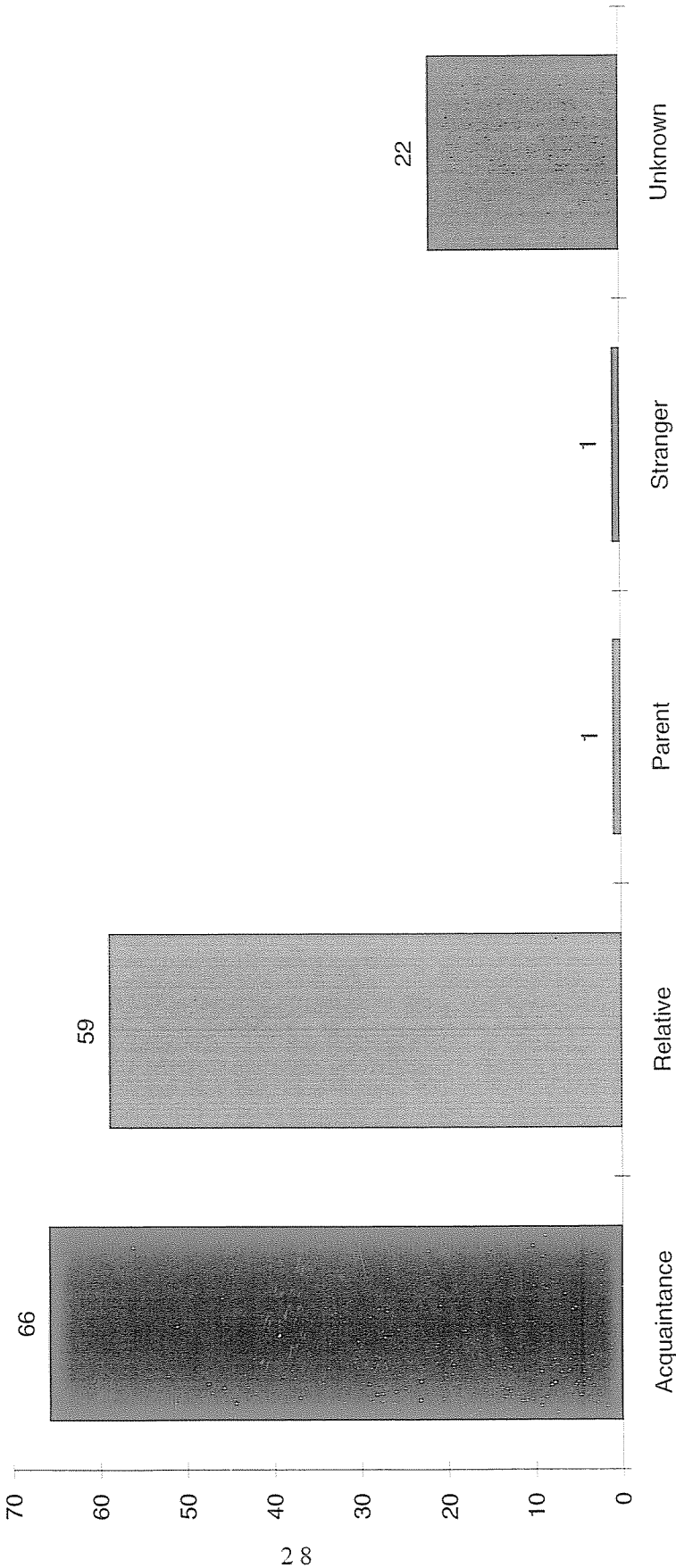


Chart 6J - Juvenile Offenders: Social History and Sex Offender Evaluation

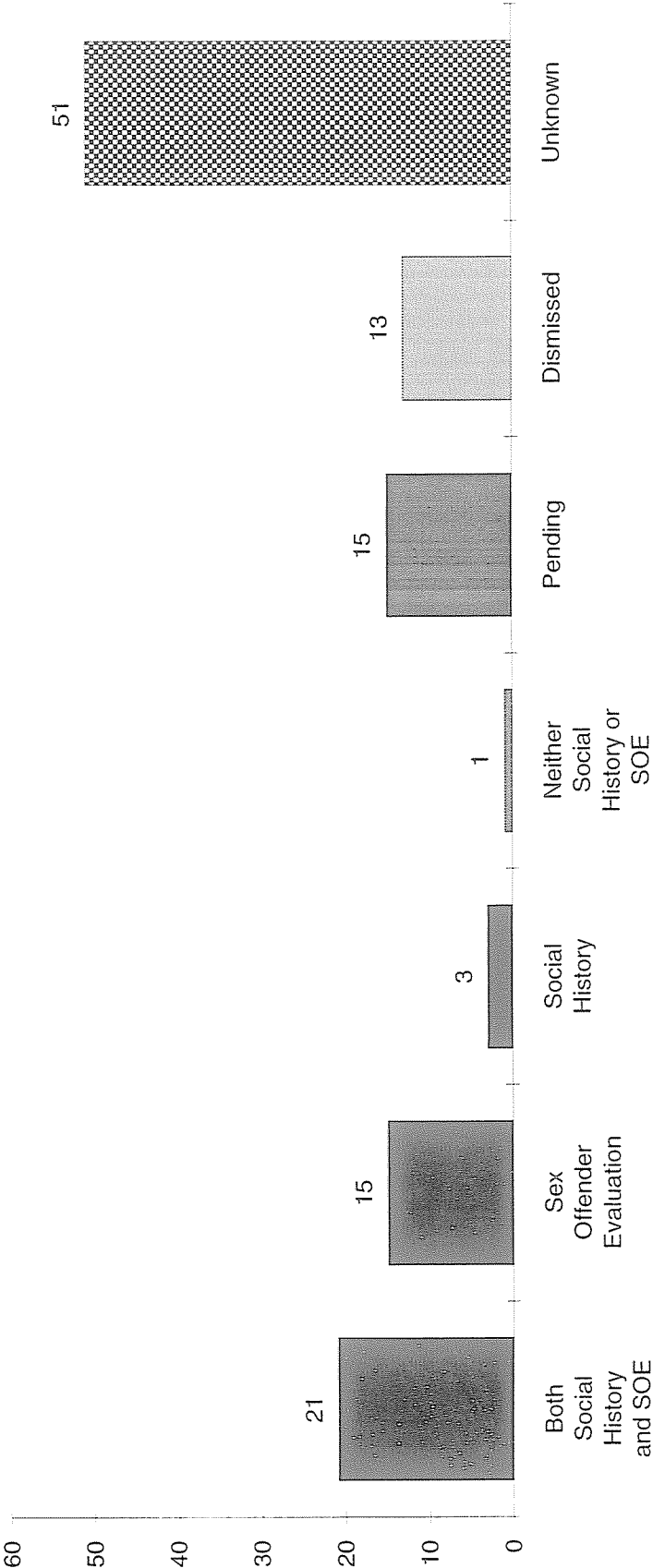


Chart 7J - Juvenile Offenders: Prior Adjudications

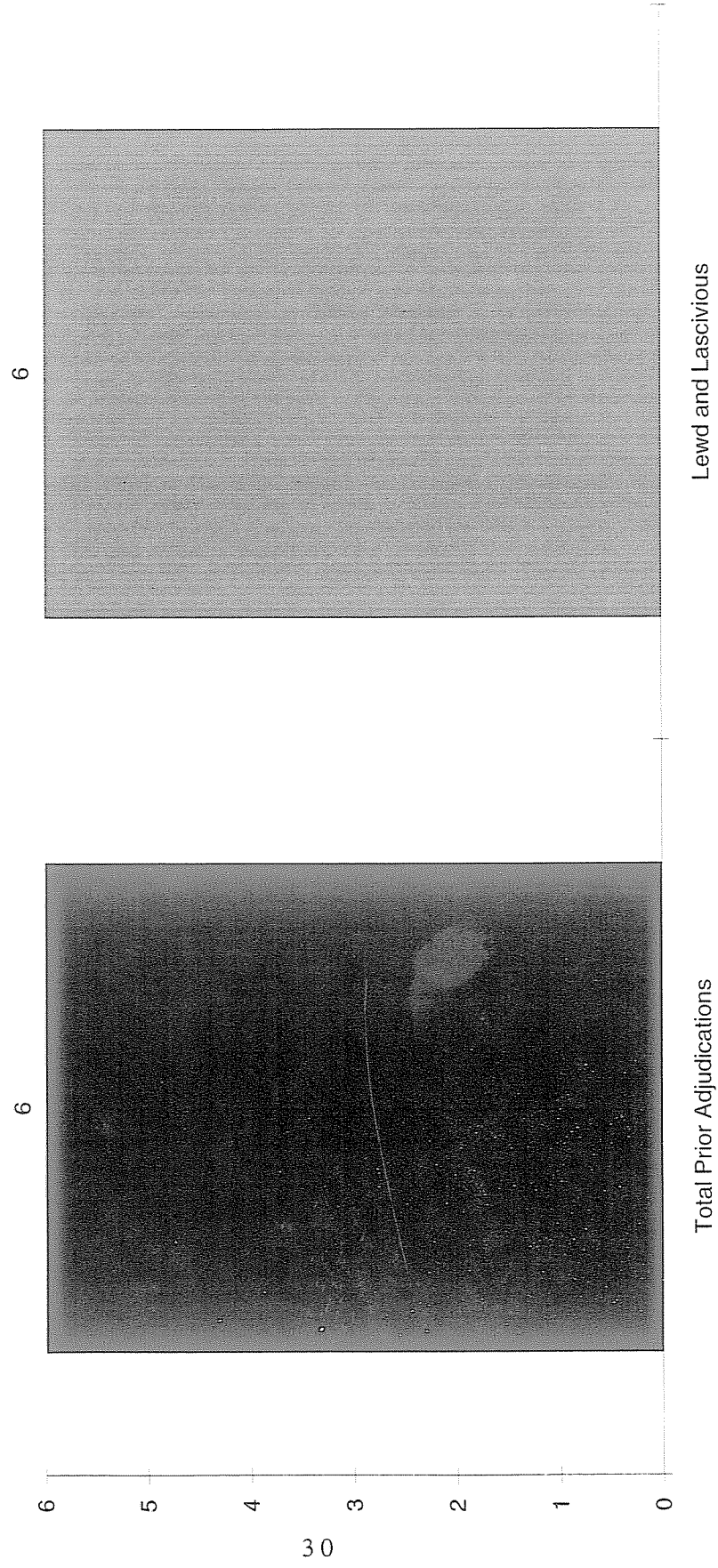


Chart 8J - Juvenile Offenders: Total Charges of Most Frequent Offenses

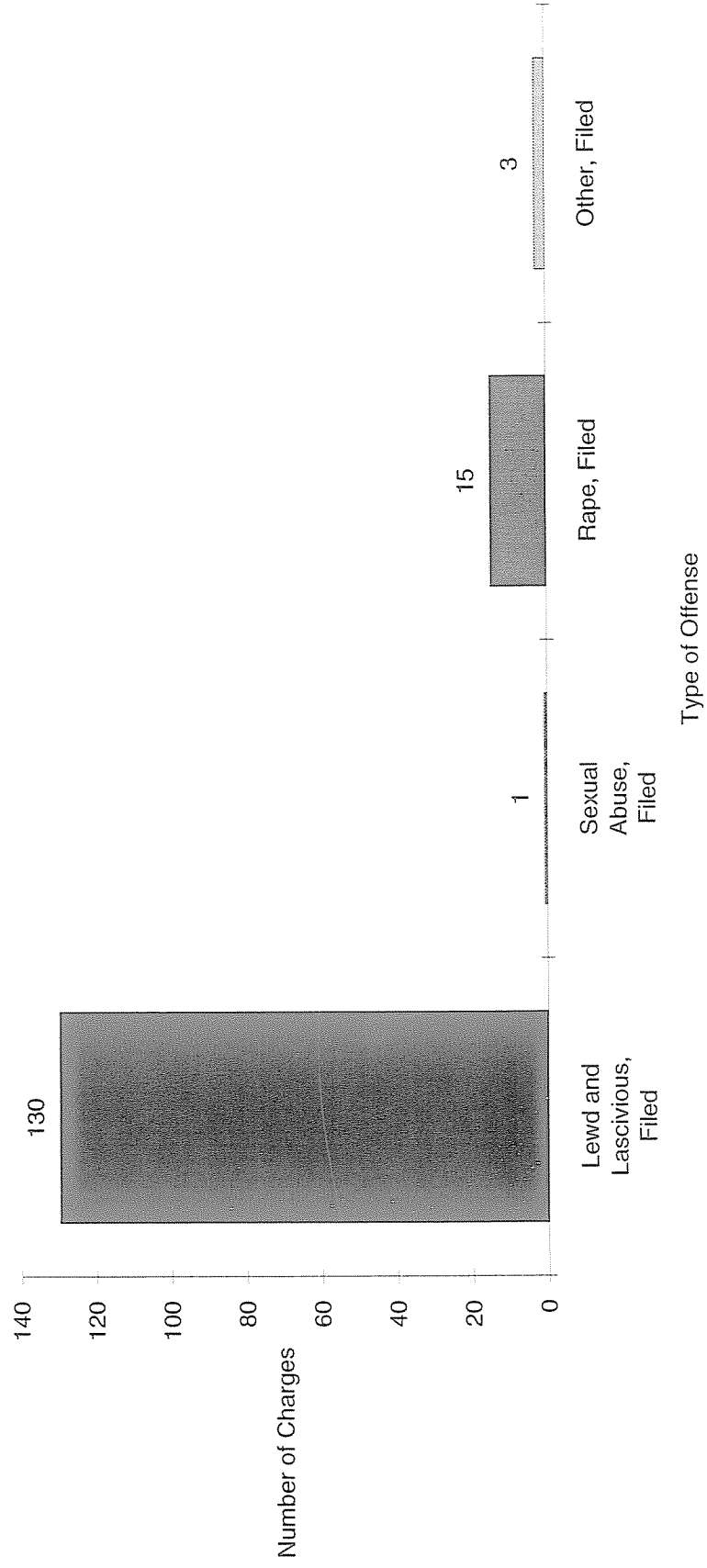
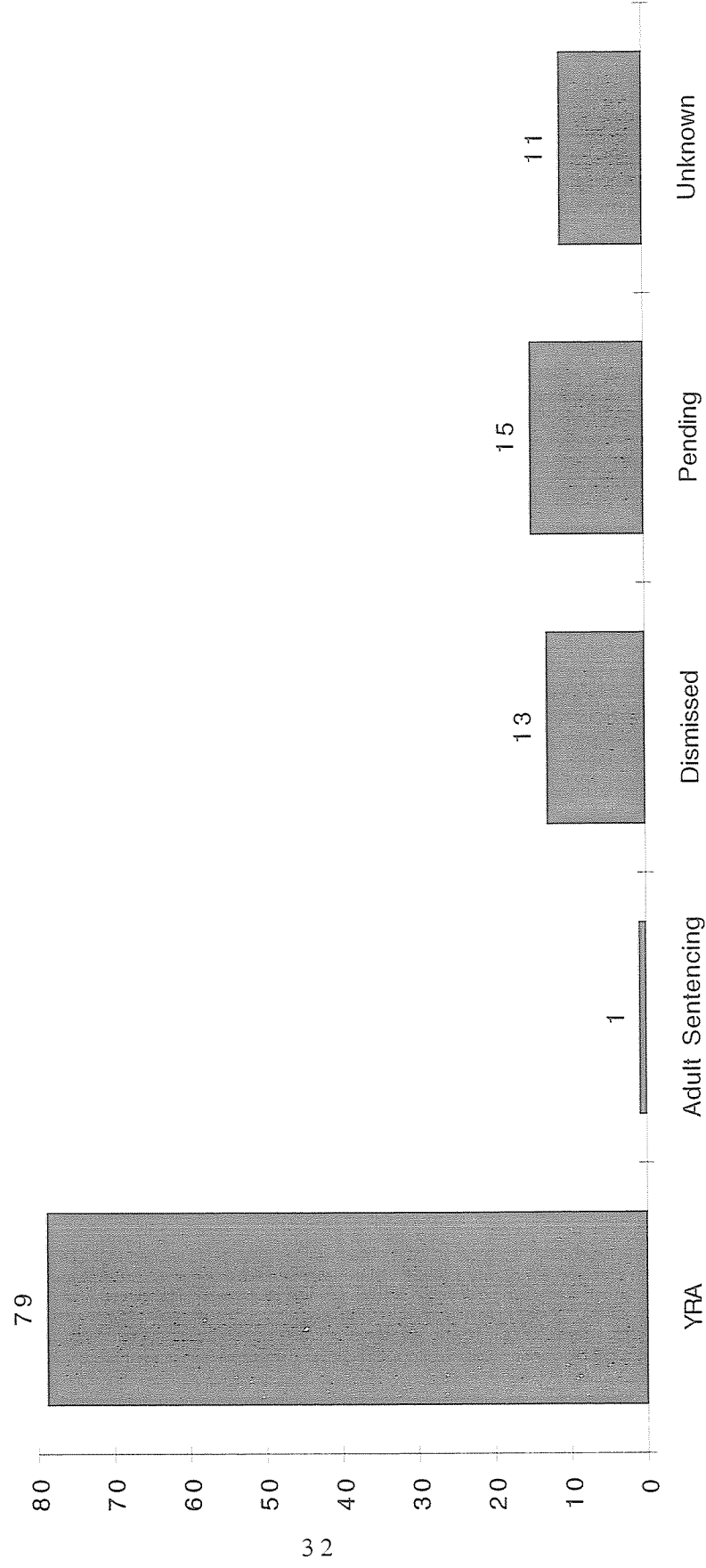


Chart 9J - Juvenile Offenders: Dispositional Information



STATEWIDE CASE ANALYSIS

STATEWIDE CASE ANALYSIS

This year's report includes the second analysis of data standardized to the population in each of the forty-four Idaho counties based on the 1990 U.S. Census. This allows for a valid comparison of the incidence of child sexual abuse throughout the state. The data is reported based on a standard of 10,000 persons. Smaller counties are corrected to conform with this reporting standard and therefore the comparisons are accurate throughout the state.

There were 306 adult and 119 juvenile cases of child sex abuse filed in district and juvenile courts during the period of July 1, 1992-June 30, 1993. The total number of cases filed for the period covered by this report was 425. This represents an increase of 53 cases from the 372 reported for the previous year, a 14% increase. Adult child sex abuse cases increased and juvenile cases declined.

Incidence of Case Filings by County-Table 1

The overall incidence of child sex abuse is reported by county and type of offender (adult or juvenile) for every county in Idaho. This information was taken from the records provided to the research team by the county clerk's office and the county prosecutor in the 44 counties of the state. This information was verified with the Prosecutor in each county.

Case filings were standardized based on the most recent census data. The rate for adults was calculated and is reported for each county in the column Rate/A. The rate for juveniles was calculated and is reported for each county in the column Rate/J. A total rate for each county was calculated and the combined adult and juvenile rate is reported in the column Tot/Rate. Butte, Camas, Custer, Idaho, Lewis, and Teton reported no cases and their rate is reported as 0.

THE TOTAL (MEAN) RATE OF THE CHILD SEX ABUSE COURT CASES FILED BY COUNTY FOR THE STUDY PERIOD WAS 4.13/10,000. THE STANDARD DEVIATION WAS 3.48/10,000. THIS INDICATES THAT OVER 95% OF THE COUNTIES FALL WITHIN A RANGE OF PLUS OR

MINUS 2 STANDARD DEVIATIONS ($3.48 \times 2 = 6.96$ CASES FROM THE AVERAGE NUMBER OF CASES). THE RANGE WAS 0-11.

THE TOTAL (MEAN) RATE FOR ADULTS (RATE/A) IN EACH COUNTY WAS 3.49/10,000 WITH A STANDARD DEVIATION OF 3.22/10,000. THE TOTAL RATE FOR JUVENILES (RATE/J) WAS .64/10,000 WITH A STANDARD DEVIATION OF 1.04/10,000.

Filing Rates in the Most Populated Counties-Chart 1S

Chart 1S shows the incidence of child sex abuse in the 10 most heavily populated counties. The population varies from 205,775 in Ada County to 26,622 in Bonner. Total/Rate varies from a high of 5.64/10,000 in Ada County (closely followed by Bannock at 5.6/10,000) to a low of 1.63 per 10,000 in Latah County. Both Ada and Latah fall well within one standard deviation of the mean of the total rate (TOT/RATE) of 4.13.

Filing Rates in the Least Populated Counties-Chart 2S

Chart 2S shows the incidence of child sex abuse in the 10 least populated counties. Butte, Camas, Custer, Lewis, and Teton reported no cases. The Total/Rate varied from a low of 0.0 in Butte, Camas, Custer, Lewis, and Teton to a high of 13.12 in Clark County. This is skewed by the one adult case reported and the extremely small population of 762 in the county.

Idaho Counties with Greatest Incidence of Child Sex Abuse Case Filings-Chart 3S

Chart 3S indicates the counties with the highest incidence of filings for child sex abuse. The rate is shown for Adults, Juveniles and the Total Rate per 10,000. The figures are standardized based on 1990 census data allowing for valid comparisons among the counties regardless of population density. Based on this analysis, Shoshone County (Pop.-13,931) with 20 Adult cases had the highest Total/Rate with 13.64. Clark County (Pop.-762) with only 1 Adult case had the second highest incidence with 13.12/10,000. (The small population of this county skews the rate.) Power County (Pop.-7,086) had 5 Adult and 4 Juvenile defendants for a total rate of 12.7. Oneida County (Pop.-3,492) reported 2 Adult cases for a Total/Rate of 11.45.

Any analysis of incidence must be tempered by the fact that child sex abuse may be dramatically under reported. It is also important to note that a few cases in a small population county can indicate a very high incidence. Trend analysis over time should provide a clearer picture of incidence.

Table 1 - Incidence of Prosecution by County (Rate per 10,000 population)

COUNTY	POPULATION	ADU	JUV	RATE/A	RATE/J	TOT/RATE	COUNTY	POPULATION	ADU	JUV	RATE/A	RATE/J	TOT/RATE
Ada	205,775	77	39	3.7	1.9	5.6	Gem	11,844	5	1	4.2	0.8	5.1
Adams	3,254	2	0	6.1	0	6.2	Gooding	11,633	2	0	1.7	0	1.7
Bannock	66,026	19	18	2.9	2.7	5.6	Idaho	13,783	0	0	0	0	0
Bear Lake	6,084	2	1	3.3	1.6	4.9	Jefferson	16,543	1	0	0.6	0	0.6
Benewah	7,937	5	0	6.3	0	6.3	Jerome	15,138	4	0	2.6	0	2.6
Bingham	37,583	13	6	3.5	1.6	5.1	Kootenai	69,795	11	8	1.6	1.2	2.7
Blaine	13,552	6	0	4.4	0	4.4	Latah	30,617	3	2	1	0.6	1.6
Boise	3,509	1	0	2.8	0	2.8	Lemhi	6,899	2	0	2.9	0	2.9
Bonner	26,622	10	4	3.8	1.5	5.3	Lewis	3,516	0	0	0	0	0
Bonneville	72,207	12	5	1.7	0.7	2.4	Lincoln	3,308	2	0	6	0	6
Boundary	8,332	4	0	4.8	0	4.8	Madison	23,674	2	0	0.8	0	0.8
Butte	2,918	0	0	0	0	0	Minidoka	19,361	5	0	2.6	0	2.6
Camas	727	0	0	0	0	0	Nez Perce	33,754	8	2	2.4	0.6	3
Canyon	90,076	33	17	3.7	1.9	5.6	Oneida	3,492	2	0	5.7	0	5.7
Caribou	6,963	1	1	1.4	1.4	2.9	Owyhee	8,392	3	1	3.6	1.2	4.8
Cassia	19,532	6	1	3.1	0.5	3.6	Payette	16,434	3	2	1.8	1.2	3.0
Clark	762	1	0	13.1	0	13.1	Power	7,086	5	4	7.1	5.6	12.7
Clearwater	8,505	9	0	10.6	0	10.6	Shoshone	13,931	18	1	12.9	0.7	13.6
Custer	4,133	0	0	0	0	0	Teton	3,439	0	0	0	0	0
Elmore	21,205	8	1	3.8	0.5	4.2	Twin Falls	53,580	10	4	1.9	0.8	2.6
Franklin	9,323	3	1	3.2	1.1	4.3	Valley	6,109	6	0	9.8	0	9.8
Fremont	10,937	1	0	0.9	0	0.9	Washington	8,550	1	0	1.2	0	1.2

Chart 1S - Filing Rates in the Most Populated Counties

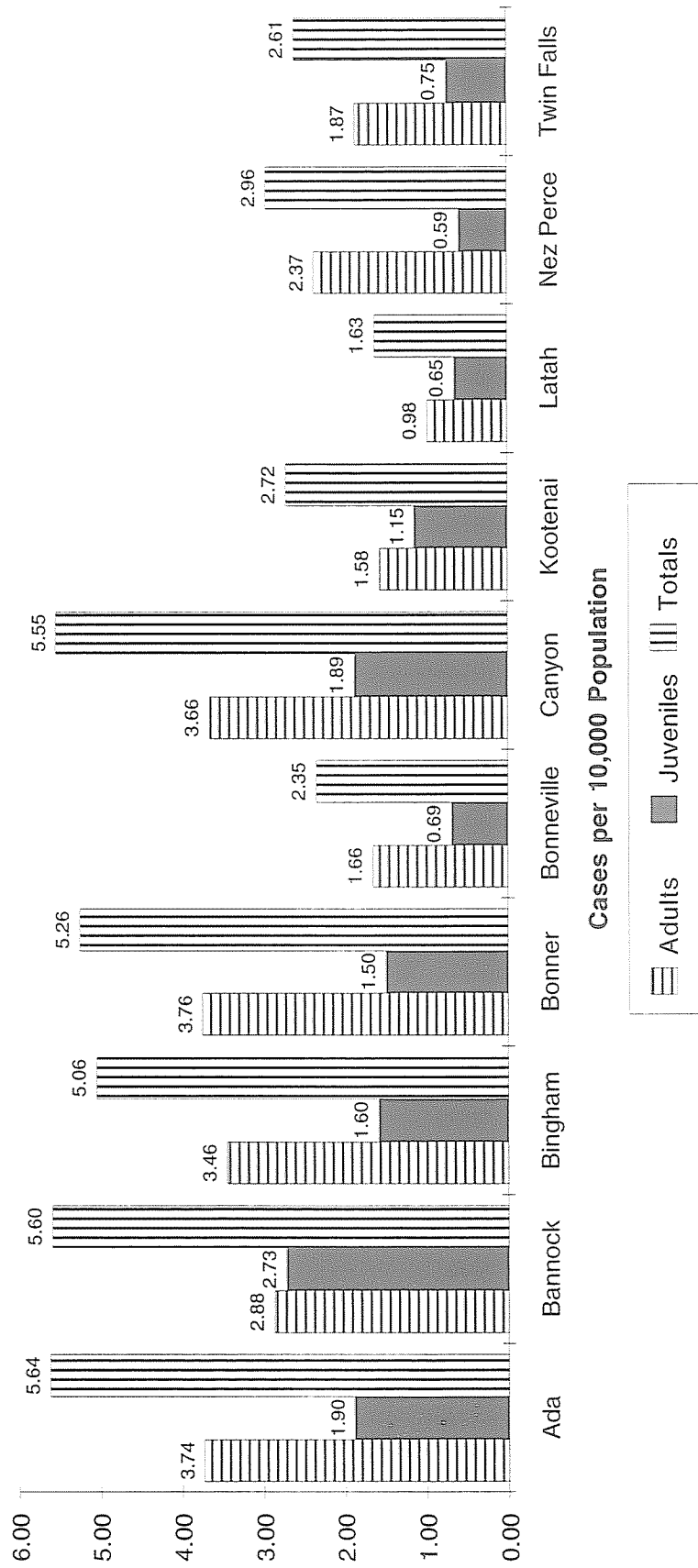


Chart 2S - Filing Rates in the Least Populated Counties

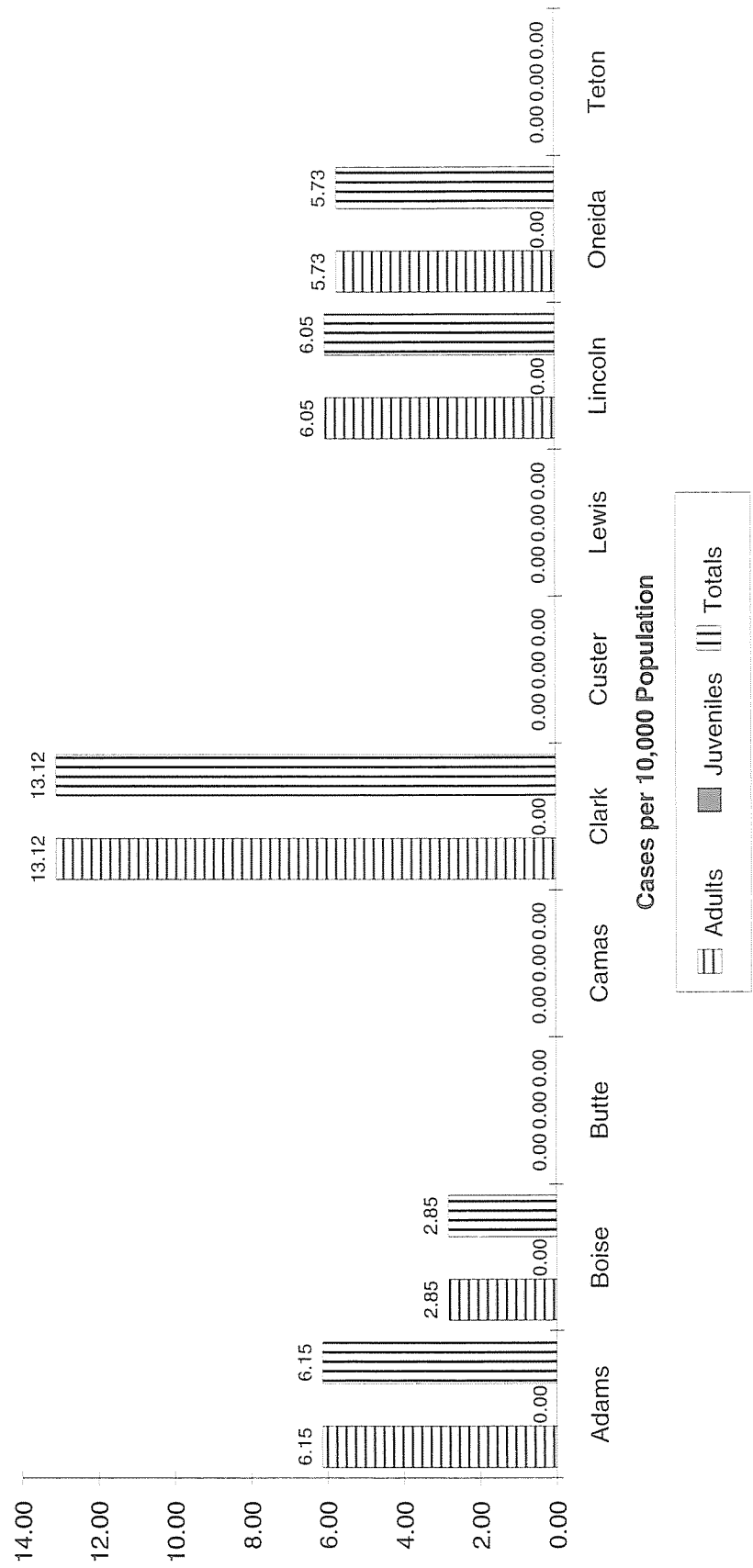
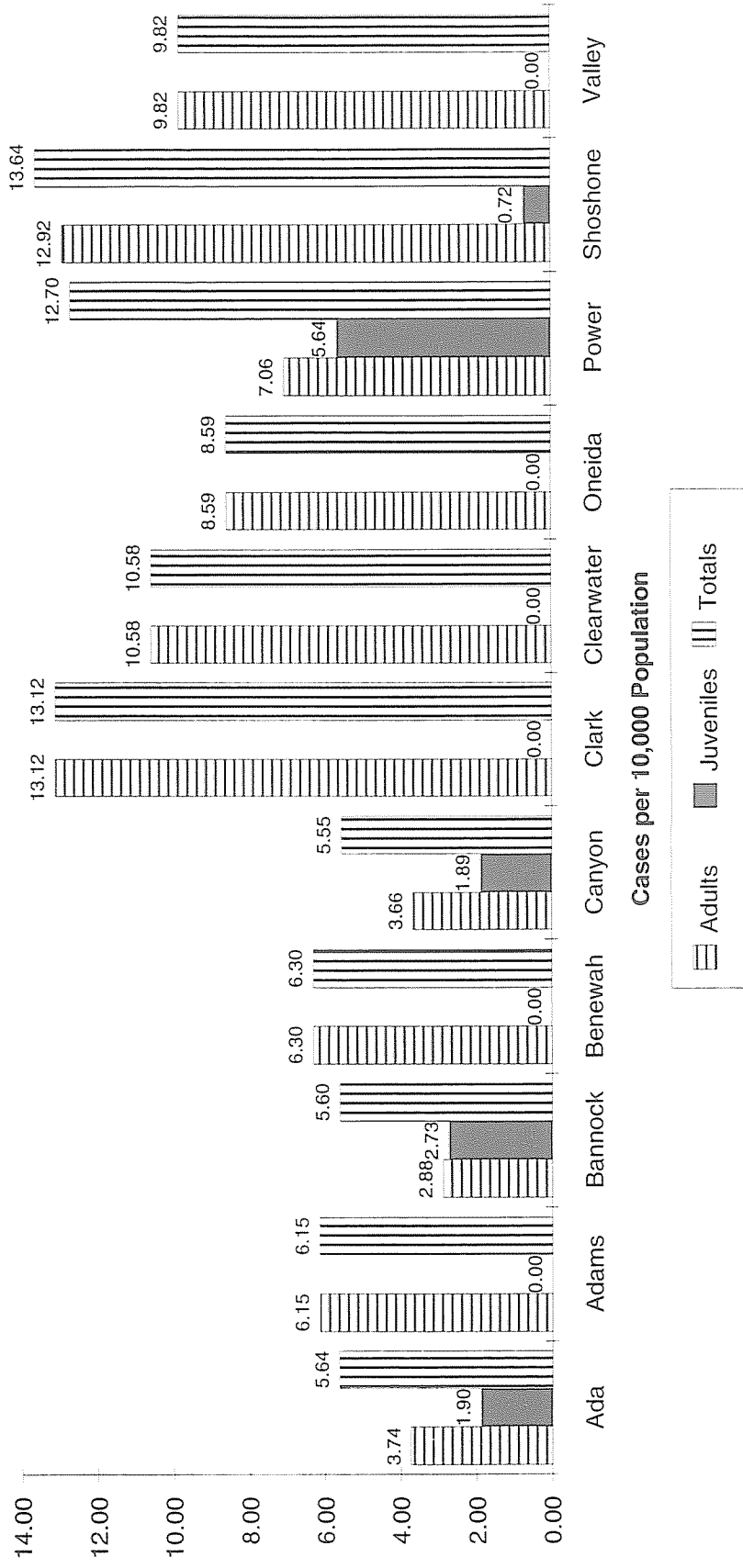


Chart 3S - Idaho Counties with Greatest Total Rate of Child Sex Abuse Filings



CONCLUSION

The data in this report covers the period as designated by the Idaho Legislature for the annual report. Data was collected throughout Idaho by a Research Project Team in accordance with the guidelines specified by the Governor's and Attorney General's Offices. In addition to on-site visits with the court clerk in each county, the number of actual cases was sent to the prosecuting attorney in each jurisdiction for verification. All corrections that were sent to the project team by December 10, 1993, were included in this analysis.

This report marks the second year that data has been standardized for cross county comparisons. This type of analysis provides policy makers at the local and state levels with accurate comparative data to determine the counties with higher incidence.

A total of 425 cases of child sexual abuse were prosecuted during the study period (July 1, 1992-June 30, 1993). Of that number, 306 were adults and 119 were juveniles. The Total (Mean) Rate of cases filed by county (standardized to census data) was 4.13/10,000.

The data in this study further indicated that child sexual abuse occurs most frequently between the victim and a relative or acquaintance. This has significant implications for policy makers in preventing child sexual abuse and treating those persons convicted of this type of crime.

Any conclusions about this information should be guarded because of the nature of child sex abuse, low incidence of reporting, and the lack of adequate data for a trend analysis. More detailed research should be conducted to determine the actual trends over time.

RECOMMENDATIONS

This report reveals an increase of 53 (425 cases compared to 372 cases) child sexual abuse cases files against adult and juvenile offenders as compared to last year's report. From the data collected, it is not possible to identify a specific reason that adequately explains the increase. The increase does tell us that child sexual abuse continues to be a devastating problem in Idaho.

Unfortunately, those numbers also reveal that 97-99% of offenders are either family members or acquaintances. These are the people that our children know and trust. Because child sex offenders exploit and manipulate established relationships, efforts to prevent child sexual abuse must include appropriate and effective education of our children.

The report also supports the past efforts of the legislature. Mandatory minimum sentencing for repeat sex offenders was approved in 1993 and the report continues to document a disturbing increase of repeat sex offenders. (1991 - 16 cases, 1993 - 22 cases, 1994 - 30 cases.) The increase in filings in this report also underscores the importance of the Sex Offender Registration Act adopted by the legislature in 1993. Since the number of registered convicted sex offenders in Idaho currently exceeds 700, this statute provides law enforcement with a method to identify and track convicted sex offenders living in our communities.

In October of 1992, the Attorney General's Child Abuse Resource Team (CART) was created with partial funding from the legislature. This mission was to facilitate and develop multi-disciplinary teams and protocols throughout the state. Today, 20 counties have formed multi-disciplinary teams and completed protocols, 12 more counties are actively working toward that goal. In addition, CART has provided legal and investigative assistance on numerous cases and has conducted training for hundreds of professionals involved in the protection of our children.

One area that has not yet been addressed by the legislature is funding necessary to guarantee that a detailed sex offender evaluation will

be prepared for each convicted child sex offender prior to sentencing. The report reveals that a sex offender evaluation prior to sentencing is lacking in approximately one half of the cases. Although many sex offenders are sentenced to the Cottonwood program for "evaluation", the state can provide a detailed evaluation for every convicted sex offender at a substantial savings compared to the Cottonwood alternative.