

REPORT TO THE IDAHO LEGISLATURE

THE PROSECUTION OF CHILD SEX ABUSE

JULY 1, 1995-JUNE 30, 1996

JOINT SUBMISSION OF
The Office of the Governor
Philip E. Batt, Governor

and

The Office of the Attorney General
Alan G. Lance, Attorney General

January, 1997



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PHILIP E. BATT
GOVERNOR

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January 20, 1997

The Idaho State Legislature
The Citizens of Idaho

This marks the seventh year of this report to the Legislature on incidents of child sexual abuse. The good news in this report is that child sexual abuse is on the decline. Since 1993, the year that marked the highest number of reported cases of child sexual abuse, the incidents of reported cases have dropped by more than one-third. In 1993, there were 425 such reported cases. For 1996, there were 271.

Tragically, in fully one-third of these cases, a juvenile was not only the victim of the crime, but also a perpetrator. Most importantly, these juvenile offenders prey on the most defenseless members of our society. Forty-five percent of the victims of these juvenile sex offenders were between the ages of four and seven. Many of these juvenile offenders show little remorse for the crimes that they have committed.

Law enforcement has worked diligently to detect, prosecute, punish and treat those convicted of a child sex abuse crime. However, we must all work together to eliminate this scourge. Vigilance on the part of parents and those who work with children is required.

This report is intended to give parents and professionals alike information that can be used to prevent the crime of child sexual abuse. For law enforcement professionals, counselors and for judges, this report helps to provide information which can be used in detecting child sexual abusers and devising forms of treatment or punishment appropriate to the case.

Very truly yours,

A handwritten signature in black ink that reads "Philip E. Batt". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Philip E. Batt
Governor



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

January 20, 1997

The Idaho State Legislature
The Citizens of Idaho

Re: Prosecution of Child Sex Abusers

While the tragedy of child sex abuse continues to haunt our state, 1996 saw a decline in the total number of these cases. The number of reported child sex abuse cases reported stands at 271 for 1996, down from 295 in 1995. The number of child sex abuse cases has been declining since 1993 when a record 425 cases were reported.

The dramatic reduction in child sexual abuse cases comes from a concerted effort on the part of legislators, law enforcement, prosecutors and state officials. While we can draw some satisfaction from having stopped the rate of increase of these crimes, and having dramatically reduced the reported incidents, we cannot be satisfied until we are sure everything possible is being done to reduce the tragic occurrence of child sex abuse.

As your Attorney General, I will continue to support efforts to protect our children and to use the resources at my disposal to prevent and to punish this heinous crime. This year, I am proposing legislation which will make information on convicted sex offenders more accessible to the public. My proposed amendments to the Public Records Act which will allow greater access to records on convicted sex offenders will provide parents and the public with the information needed to maintain vigilance and protect Idaho's most precious resource, its children.

Next year, I will propose legislation to provide for the mandatory evaluation of those convicted of child sexual abuse. This information will assist judges in determining the appropriate sentence for those convicted and will allow judges to impose punishment and treatment appropriate to the crime. In addition, I will examine the feasibility of legislation which will restrict the ability of child sex offenders to change their names in order to avoid the reporting requirements.

With Best Regards,

A handwritten signature in cursive script that reads "Alan G. Lance".

ALAN G. LANCE
Attorney General

THE PROSECUTION OF CHILD SEX ABUSE

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January, 1997

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SUMMARY OF FINDINGS

>TWO HUNDRED SEVENTY-ONE (271) CASES WERE FILED (195 ADULT CASES, 76 JUVENILE CASES) IN DISTRICT AND JUVENILE COURTS IN FY96. THIS REPRESENTS A DECREASE OF TWENTY-FOUR CASES FROM THE FY95 REPORT AND EIGHTY-FIVE FROM THE FY94 REPORT.

>TWENTY-SIX (13%) OF THE 195 ADULTS HAD PRIOR CONVICTIONS FOR CHILD SEXUAL ABUSE.

>VICTIM GENDER WAS PREDOMINANTLY FEMALE FOR BOTH ADULT AND JUVENILE PERPETRATORS.

>SIXTY-ONE PERCENT OF THE VICTIMS OF ADULT DEFENDANTS WERE BETWEEN TWELVE AND SEVENTEEN YEARS OLD.

>FORTY-FIVE PERCENT OF VICTIMS OF JUVENILE SEX OFFENDERS WERE BETWEEN FOUR AND SEVEN YEARS OF AGE.

>FORTY-EIGHT PERCENT OF THE ADULT ABUSERS WERE ACQUAINTANCES OF THEIR VICTIMS AND 20% WERE RELATED TO THEM.

>TWENTY-SIX PERCENT OF THE JUVENILE ABUSERS WERE ACQUAINTANCES OF THEIR VICTIMS AND 48% WERE RELATIVES (NON-PARENTS).

>WHERE ADULT DISPOSITION WAS KNOWN, THE IMMEDIATE SENTENCE WAS 45% PROBATION; 12% PRISON; 42% RETAINED JURISDICTION. THIS REPRESENTS AN INCREASE IN PROBATION SENTENCES AND A SIGNIFICANT REDUCTION IN PRISON SENTENCES.

RESEARCH TEAM

The research team consisted of Professor Ted Hopfenbeck, Coordinator of Data Collection; Dr. Stephen Patrick, Coordinator of Data Analysis and Co-Principal Investigator; and Robert L. Marsh, Ph.D., Project Director and Co-Principal Investigator. Michael Davis served as Research Associate and Michelle Michalscheck as Research Assistant. Rebecca Howell provided secretarial support.

INTRODUCTION AND METHODOLOGY

REPORT TO THE IDAHO LEGISLATURE

THE PROSECUTION OF CHILD SEXUAL ABUSE

JULY 1, 1995 - JUNE 30, 1996

" INTRODUCTION

House Bill 362, passed in 1989 (adding section 67-1405 to the Idaho Code), expanded the Attorney General's duties to require preparation of an annual report to be submitted to the legislature reporting the incidence of felony child sex abuse charges filed in adult and juvenile courts in the state. A research team from the Department of Criminal Justice at Boise State University worked in conjunction with the Offices of the Governor and the Attorney General to collect data and prepare the report to comply with this legislation. Specifically, information on child sex abuse case filings was collected from district and juvenile court files throughout the state, from July 1, 1995 to June 30, 1996. The data was analyzed by the research team and submitted to the Attorney General's and Governor's offices for review. The completed report was submitted to the legislative leadership by Governor Phillip Batt and Attorney General Alan Lance.

PREVIOUS RESEARCH

A number of 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 five reports have utilized a consistent data collection procedure. The following synopsis provides an overview of the reports and the data collection procedures.

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

The first report covered a two-year period from January 1, 1988 - December 31, 1989, and analyzed data collected by site visitation to all 44 counties under the direction of the Governor's Office. This report included sexual abuse information available from the agencies that dealt with various aspects 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 the impact of child sex abuse 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 to develop a statewide system to record incidence, track case filings, and disposition of child sex abuse cases.

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

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

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

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 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 were collected on sex crimes committed against children by reviewing district court records of individual counties. The report analyzed the number and types of crimes prosecuted or filed for the year.

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

This report provided information on adult and juvenile offenders. The incidence of juvenile sex abuse crimes had not been reported as a separate category in previous reports. A complete section was devoted to juvenile sex crimes for the first time. Offender age data, the relationship of the offenders to victims, demographic data on victims, and system processing information were collected on-site in each county for adults and juveniles. The data collected from court clerk records were verified with prosecuting attorneys in each jurisdiction.

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

This 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 reviewed 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. Presentence and sex offender evaluations as well were completed on the offenders. Rates of case filings were standardized for the first time based on county population. Data on Pre-sentence and Sex Offender Evaluation was collected to determine if they were used in sentencing decisions.

FIFTH REPORT: July 1, 1992 - June 30, 1993

Court records were reviewed for juveniles and adults throughout the state in order to complete this report. Data were collected on the same variables as the previous report to insure consistency. Rates were reported in a standardized format based on county population.

SIXTH REPORT: July 1, 1993 - June 30, 1994

Court records were reviewed throughout the state for adults and juveniles accused of child sex abuse. Data were collected consistent with the reports from the previous two years. In addition to reporting standardized rates comparisons were made of reported incidence in the most and least populated counties.

SEVENTH REPORT: July 1, 1994 - June 30, 1995

Court records were reviewed throughout the state for adults and juvenile cases filed. Data were collected on variables consistent with the previous three years.

EIGHTH REPORT: July 1, 1995 - June 30, 1996

The data collection procedures and methodology were consistent with the previous four reports. Data were collected on site for all counties reporting cases during FY96.

METHODOLOGY/DATA COLLECTION PROCEDURES

This report includes data on adult and child sex abuse cases filed FY96 (July 1, 1995 to June 30, 1996). Actual review of court records for this report was initiated in July, 1996, and continued through early December. All counties were contacted by mail by the Chief Justice of the Supreme Court explaining the yearly data collection on cases filed in District Court for the annual report to the legislature in January, 1996. Follow-up phone calls were made by the Project Team from the Department of Criminal Justice before data collection began. Facsimiles were sent to all county prosecutors requesting the case numbers of all cases filed during the study period. The information was collected by on-site visits to all counties reporting child sex abuse cases (adult and juvenile). Members of the research staff consulted by telephone with any county requesting assistance in identifying child sex abuse cases. A total of 34 counties were visited and the additional 10 counties reported no cases filed. The research team reviewed files identified and supplied by the Court Clerk or the Prosecutor. County Clerks were asked to have the files on all felony and juvenile case filings for the period of July 1, 1995, through June 30, 1996, available for review. Only cases formally filed (district court for adults and petitions filed in magistrate's court for juveniles) in FY96 were reviewed by the research team.

This study covered the following charges: Attempted Rape (I.C. §§ 18-301, 18-306), Sexual Abuse (I.C. § 18-1506), Ritualized Abuse (I.C. § 18-1506A), Sexual Exploitation of a Child (I.C. § 18-1507), Possession of Sexually Exploitative Materials (I.C. § 18-1507A),

Lewd and Lascivious Conduct (I.C. § 18-1508), Sexual Battery (I.C. § 18-1508A), Rape (I.C. § 18-6101), Male Rape (I.C. § 18-6108), Incest (I.C. § 18-6602), Crimes Against Nature (I.C. §§ 18-6605 and 18-6606), Forcible Sexual Penetration with a Foreign Object (I.C. § 18-6608), and Sex Offender Registration (I.C. §§ 18-8304 and 18-8311).

Many different procedures were used by individual counties to track cases filed during the year. Some counties such as Blaine and Canyon 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.) Some counties enter ISTARS data at the outset while others entered the case into the system at the final disposition. The Ada County Prosecutor's Office maintained a separate computerized system that tracked each case filed in both the adult and juvenile courts. Other counties maintained a separate manual system of the pertinent cases. On site data collection was done directly from the files provided to the researchers. The project team relied on the individual system that each county utilized to track cases that were filed. After data collection, confirmation letters/facsimiles 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 have been unreported.

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 petitions filed in magistrate court for juveniles and identified by the clerks or county prosecutors of that county were included in this report. Cases handled informally when charges were not filed were not included. Also, cases that appeared to be in some way child sex abuse related but where prosecutors failed to file a felony or a juvenile petition based on a violation of one of the particular statutes in this study were 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 have been made by the researchers to alleviate problems of data collection by developing a standardized tracking system.

ADULT CASES

ANALYSIS OF ADULT CASES FILED-CHARTS 1A - 18A

(FY96: July 1, 1995 - June 30, 1996)

The information from the adult cases is included in Charts 1A-18A and immediately follows the discussion of adult defendants. A total of 195 adult cases were filed in District court during the time period of the study.

Adult Defendants: Total Cases and Charges Filed-Chart 1A

Chart 1 indicates that a total of 242 charges were filed in the 195 adult cases. This again represents a decline of six cases from the previous survey (FY95) and a decline of thirty-eight cases from the 233 cases filed in FY94. There was an average of 1.24 charges filed against each defendant. This represents a decline from the 1.77 charges filed in the previous report.

Adult Defendants: Victim Gender-Chart 2A

Victim gender was predominantly female representing 80% (N=176) of the victims. Reported female victimization was less in this study period than victim gender reported in the past three surveys. Male victims represented 12% (N=27) of all victims in this survey. The gender distribution was approximately the same as the FY92, FY93 and the FY94 studies. The information on victim gender was not available to the research team in eighteen (8%) cases. Some defendants had no Presentence Report completed and it was impossible to determine victim gender from court files.

Adult Defendants: Victim Age-Chart 3A

Two per cent (N=4) of the victims were under three years of age. Children from four to seven represented 10.4% (N=23) of the victims. Twenty-two per cent (N=49) of the total were from eight to eleven years old. A total of 47% (N=103) of the victims were between

the ages of twelve and fifteen. Fourteen per cent of the victims (N=31) were between the ages of sixteen and seventeen. Age was unknown for eleven (5%) of the victims. Victims under the age of three remained the same. Victims from 4 to 7 decreased by almost half. The number of victims in the older age groups increased.

Adult Defendants: Number of Victims Per Case-Chart 4A

Data presented in this chart represents the number of reported victims. Defendants in 91% (N=201) of the cases were charged with a crime against only one victim. There were two victims reported in 7% (N=16) of the cases. Four defendants (2%) were charged with crimes against three or more victims. The number of single victims increased and those charged for sex crimes against two or more victims declined for the second year.

Adult Defendants: Victim Relationship-Chart 5A

Chart 5 indicates the relationship between the 221 victims and the 195 charged adult defendants. The data indicate that 9% (N=20) of the children were victimized by their actual parents and 5% (N=12) of the victims were abused by stepparents. Other family members were charged with abusing 11% (N=24) of the victims. Acquaintances were identified as the abuser for 48% (N=106) of the victims. Eight strangers (3.6%) were accused of child sex abuse. The relationship was unknown for 23%(N=51).

Of the 221 victims, the relationship between the victim and the accused was known for 170 (51 were unknown) victims. Most of these 170, where the victim/accused relationship was known, were abused by either acquaintances or family members (relatives, parents, or step-parents). A total of 77% (N=188) of the victims fit these two categories. 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 FY92, FY93,

FY94, and the FY95 studies. The findings from this survey have been consistent for the last five years. Children are much more likely to be victims of persons they know (and probably trust).

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

The data in Chart 6 show the number of convicted perpetrators that had a Presentence Report and/or Sex Offender Evaluation completed before sentencing. Both Presentence and Sex Offender Evaluations were prepared in thirty-three (17%) of the cases. The survey indicated that fifty-two (27%) of the defendants had a Presentence Report only before sentencing. There were thirty-five (18%) defendants had neither. The remaining represent Pending Sentencing, Dismissed/Acquitted, Cases Pending or Unknown categories.

Adult Defendants: Prior Convictions-Chart 7A

Chart 7 shows prior convictions of adults charged with a child sex abuse crime during this study period. Twenty-six (13%) of the 195 adults charged during the study period had prior felonies. Nineteen (10%) of the 195 adults charged had prior sex abuse charges. Ninety-six per cent of the adult defendants (N=176) had no prior sex abuse convictions against children. About half of those convicted previously for a child sex offense were convicted of Lewd and Lascivious Conduct.

Adult Defendants: Type of Charges Filed -Chart 8A

Chart 8 shows the breakdown of the 242 criminal charges filed against adults. Lewd and Lascivious Conduct (IC 18-1508) charges were most frequently filed representing 131 charges or 54% of the total. Rape (IC 18-6101) charges were filed forty times (16.5%) during FY96. The charge of Sexual Abuse (IC 18-1506) resulted in twenty-six charges or 11% of the total number of charges filed. The remaining charges were for Sexual Battery (IC 18-1508A), or other sex related charges.

These data were collected to determine which charges were most frequently used against child sex abusers. This is the fifth year this information has been collected. A detailed analysis of case files for the last five years indicates 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 fondling to actual copulation. Most charging decisions continue to reflect a decision in favor of filing the most serious charge possible, not necessarily the most accurate charge. This may create problems in developing treatment programs and education/prevention programs which require accurate data on criminal history.

Adult Defendants: Case Status/Outcome-Chart 9A

Fifty-four per cent (N=106) of the defendants charged plead guilty and were convicted. An additional seven (3%) were convicted by trial. The case is pending for 22% (N=42) of the total. Charges were dismissed against 11% (N=21) of the defendants and 3% (N=7) were acquitted. The outcome was unknown for 3% (N=7) of the defendants because of incomplete records. Four (2%) were amended to a non-sex abuse charge. The outcomes in the FY96 study were consistent with previous studies.

Adult Defendants: Sentencing Information-Chart 10A

Chart 10A shows the sentencing outcomes for the adult defendants in this study. The sentencing disposition is known for 106 of the cases. (The additional defendants are awaiting trial.) Probation Only was the disposition in 45% (N=40) of the known cases. A Retained Jurisdiction sentence was given by judges in 42% (N=45) of the cases with known dispositions. Only 12% of convicted defendants (N=13) were sent directly to prison.

Adult Defendants: Offender/Victim Ethnicity-Chart 11A

Information was collected on ethnicity of the accused offender and the victim. Victim ethnicity was overwhelmingly Caucasian (N=125). Hispanic victims represented only 19 of the 221 victims and Black victims less than 1% (N=1). Victim ethnicity could not be determined in seventy-four cases. One hundred nine (49%) victims were victimized by a member of their own ethnic group. Sixteen (7%) were victimized by a member of a different ethnic group and the ethnicity relationship was unknown for ninety-six (43%) of the remaining victims. As in past surveys, child sex abuse in Idaho is intra-racial.

Offender ethnicity data showed that 78% (N=152) of the total were Caucasian. Approximately 12% (N=24) were Hispanic. Nine of the accused (5%) were Black and one (.5%) was Asian. The remainder (7%, N=9) were recorded as unknown or other. The data is consistent with the ethnicity noted in previous surveys except for Black offenders which increased from 1% to 5% of the offenders.

Adult Defendants: Location of Child Sexual Abuse - Chart 12A

Location was a new variable added to the analysis last year. One hundred twelve (59%) of the alleged offenses occurred in a residence. Thirty-nine (20%) of the locations could not be determined from court or police records. Thirty-six (18%) were in other locations such as a car and eight (4%) occurred outside. This was consistent with the findings last year.

Adult Defendants: Educational Level-Chart 13A

Educational data on adult defendants was available for 98 of the 195 cases filed. Of that ninety-eight, 45% (N=44) had not completed high school. Forty per cent (N=39) had completed high school and 15% (N=15) had some college. Information was not available for 97 of the cases.

Outcomes of Retained Jurisdiction - Chart 14A

This survey marks the first year of the analysis of the Retained Jurisdiction Sentence (Idaho Criminal Code, Section 2601). Although the time frame is short, this research will continue with offenders sentenced under the Retained status in future years.

There were forty-five persons that were sentenced under this statute as of November 15, 1996, representing persons charged in FY96. Of that number, thirty-three (73%) were still completing their period of incarceration and evaluation in the Department of Corrections. It was not known if they would be released on Probation or complete their sentence in prison. Of the twelve that completed the initial incarceration period, eight (66%) were sent to prison to complete their sentence and four (33%) were released on Probation.

Adult Defendants: Offender Occupation-Chart 15A

Defendant occupation data was collected and available for 100 of the 195 adult defendants. Of the 100 where occupation was known, 36% (N=36) were unemployed, 16% (N=32) worked at unskilled jobs, 9% (N=18) worked in skilled labor occupations, 1% (N=2) were in service fields, 1% (N=2) were professionals, 2% (N=4) were students, and occupation was unclear for the remaining 3% (N=6).

Analysis of Determinate and Indeterminate Sentences - Charts 16A and 17A

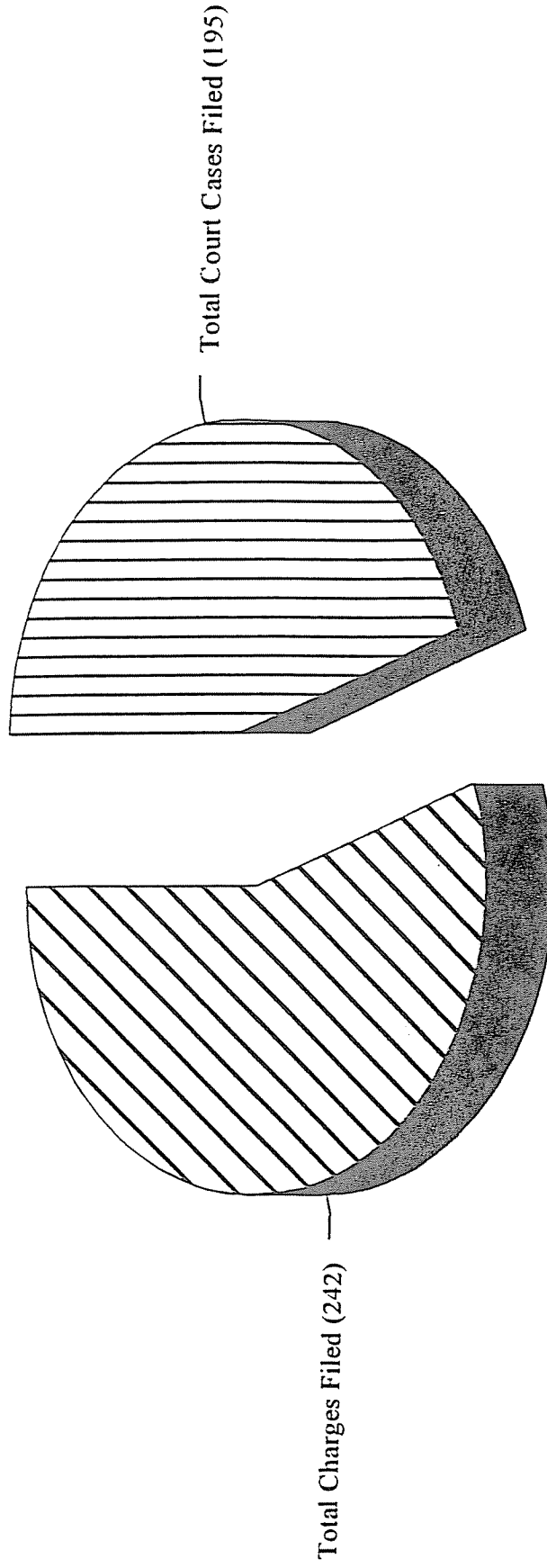
Data was collected on the 113 people sentenced when the report was completed. These data include persons sent directly to prison, those sent directly to probation, and those on a Retained status. Fifty-six percent (N=63) received a fixed or determinate sentence of thirty-six months or less. Fifty percent (N=57) received indeterminate sentences of sixty-one months to life.

Adult Defendants: Income-Chart 18A

Income data was available for seventy-one of the 195 cases. Of that number (71), the majority of the defendants (N=48 or 68%) earned \$15,000 or less annually. The remaining 32% (N=23) earned more than \$15,000 annually. These findings were consistent with last year's survey.

Chart 1A: Adult Defendants

Total Cases and Charges Filed



FY95 Idaho Child Sexual Abuse Study

Chart 2A: Adult Defendants

Victim Gender

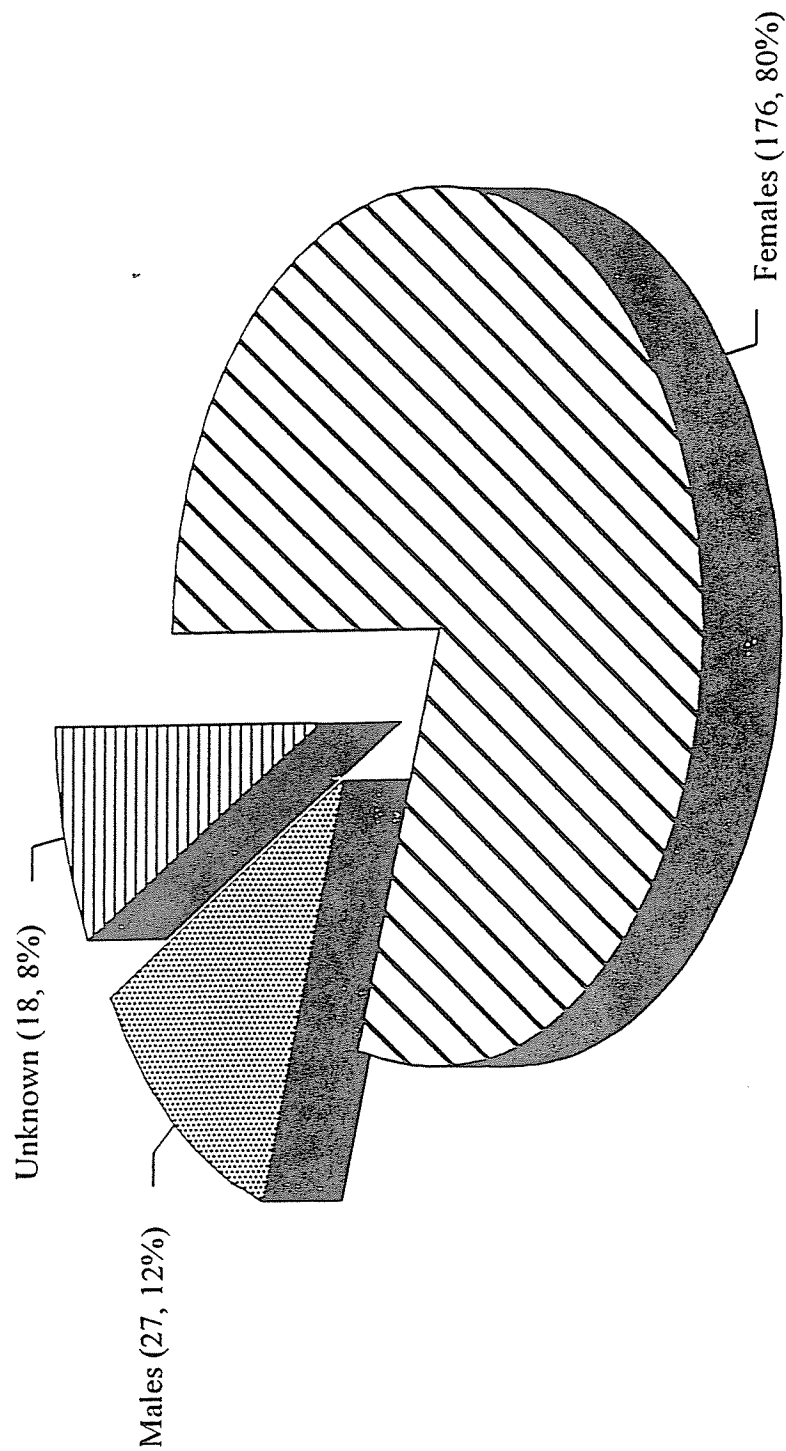
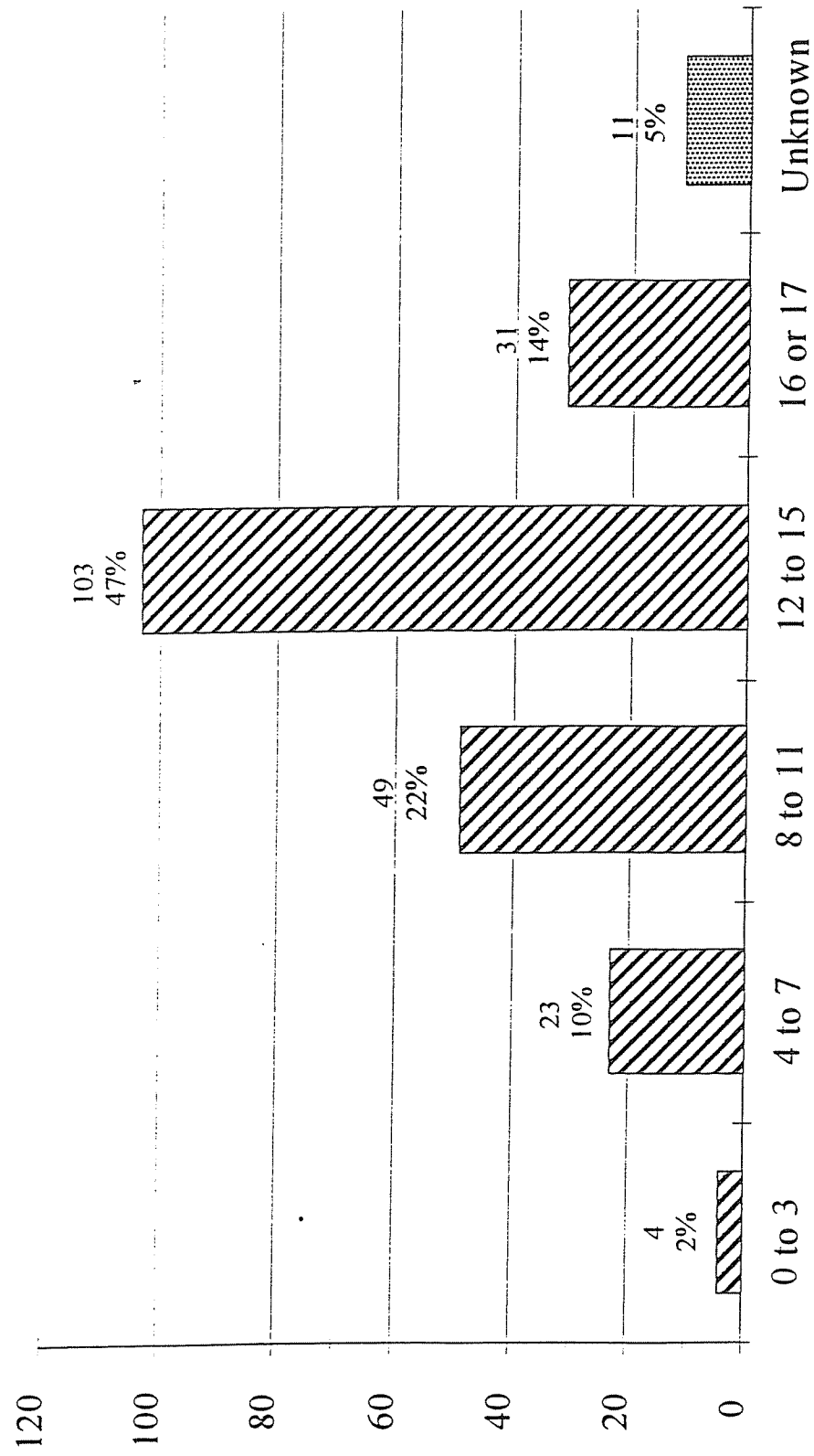


Chart 3A: Adult Defendants

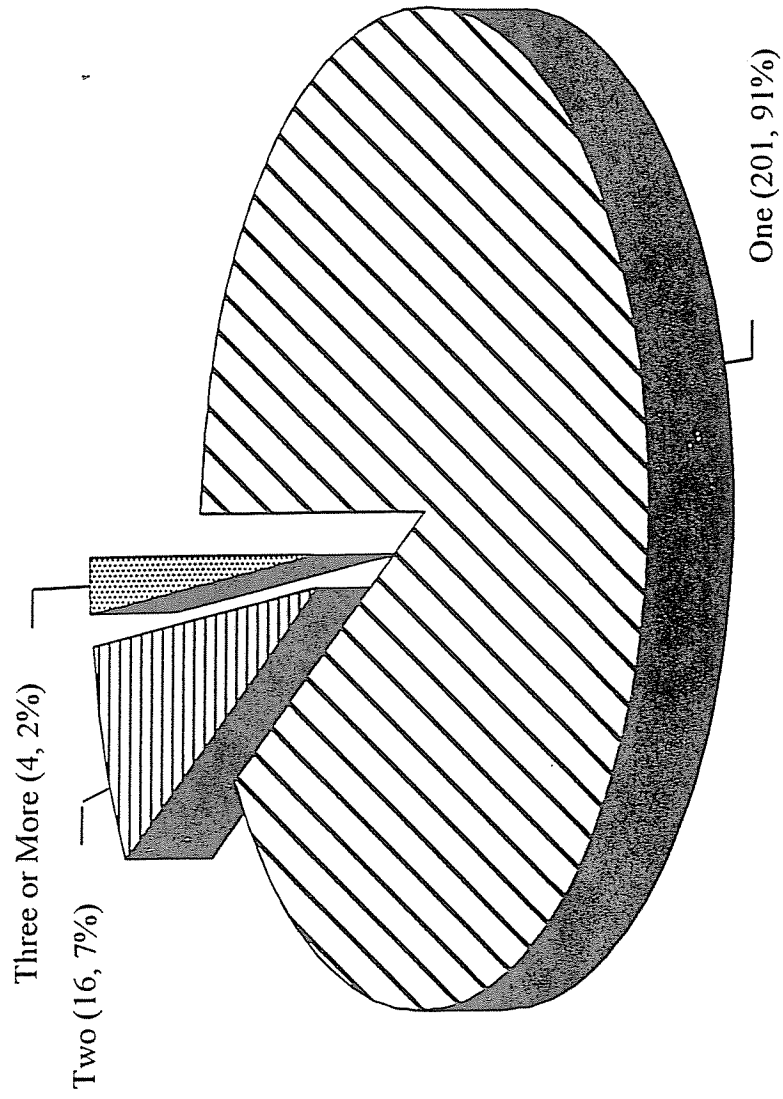
Victim Age



FY96 Idaho Child Sexual Abuse Study

Chart 4A: Adult Defendants

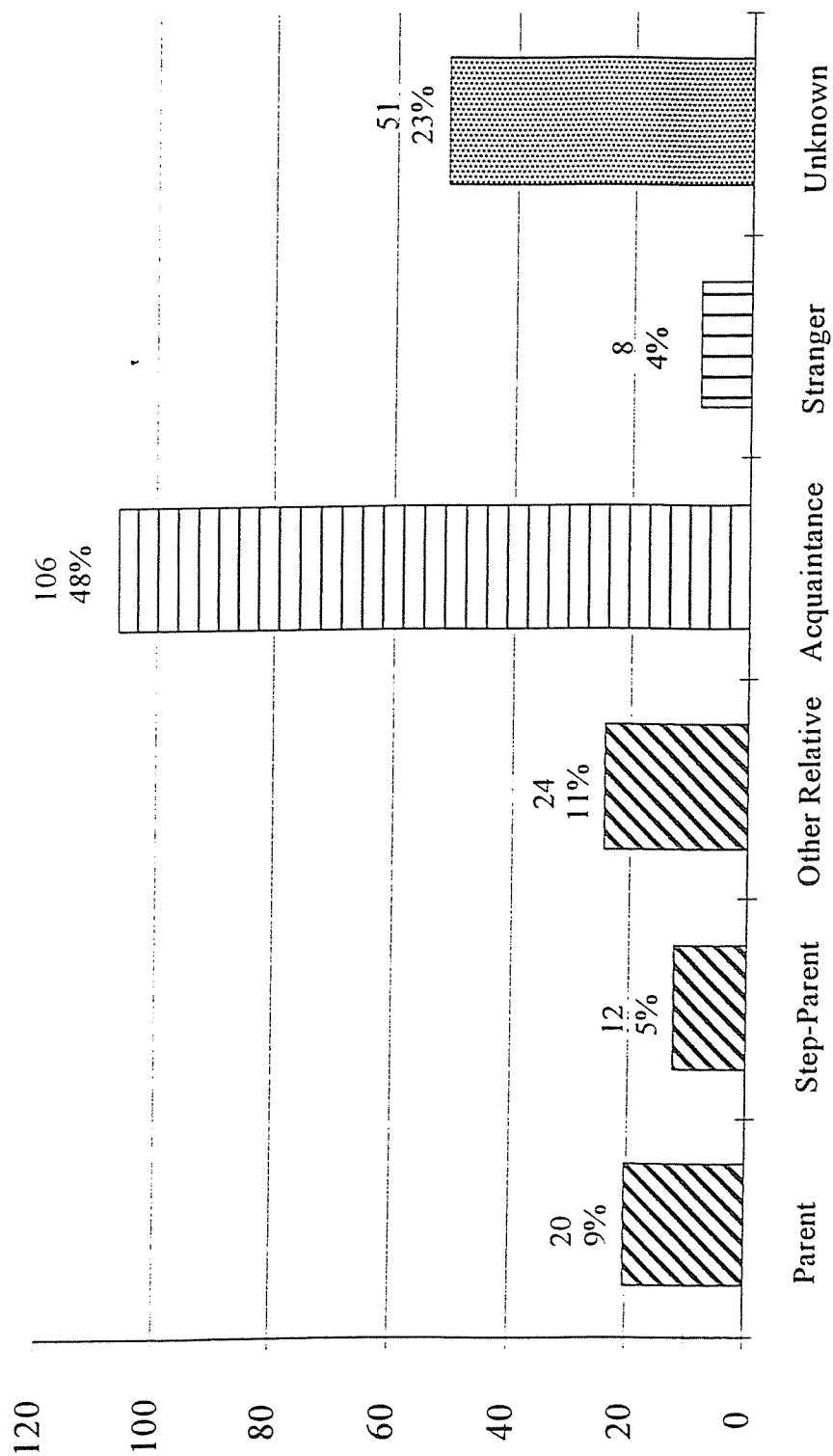
Number of Victims per Case



FY96 Idaho Child Sexual Abuse Study

Chart 5A: Adult Defendants

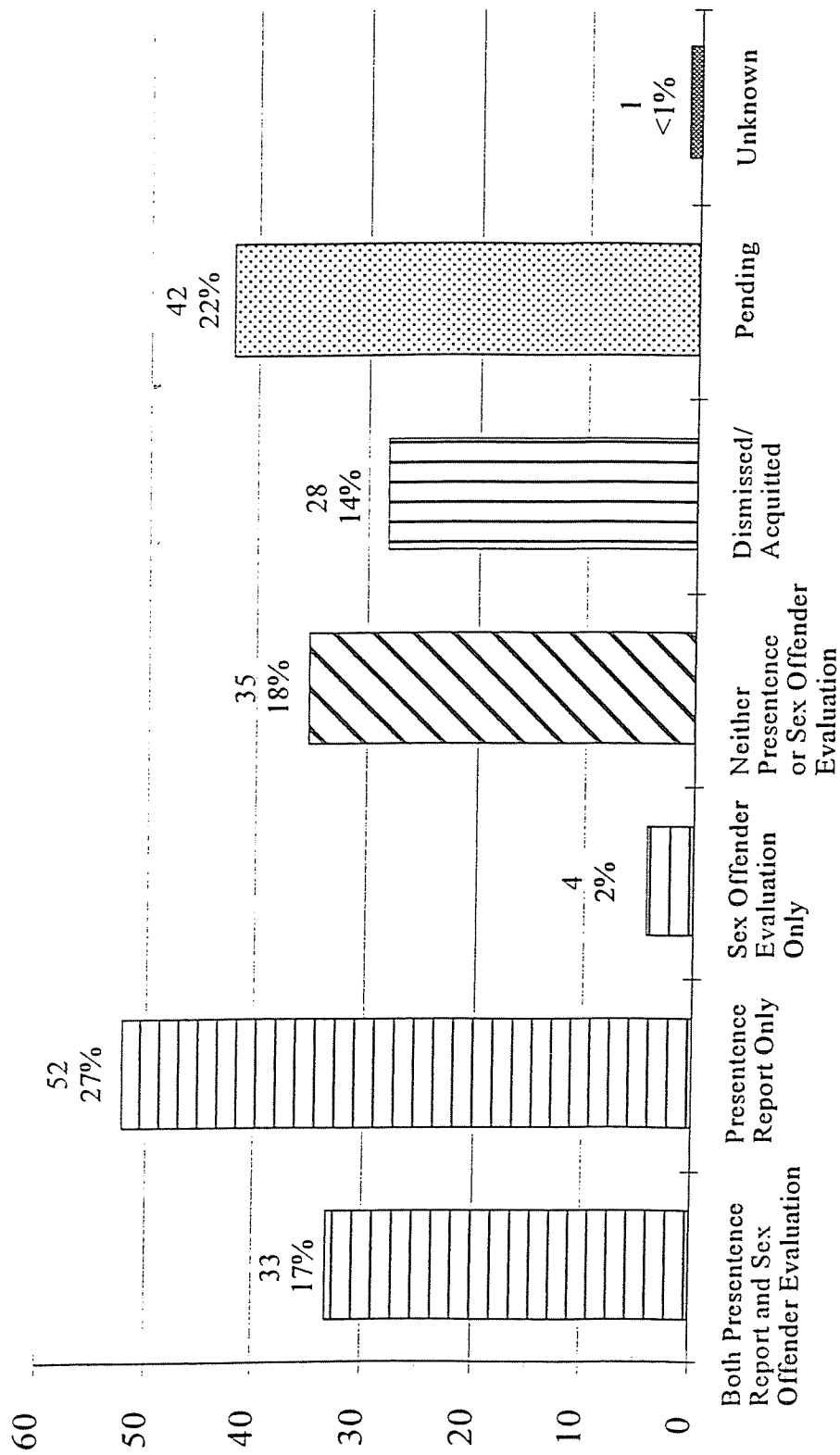
Relationship to Victims



FY96 Idaho Child Sexual Abuse Study

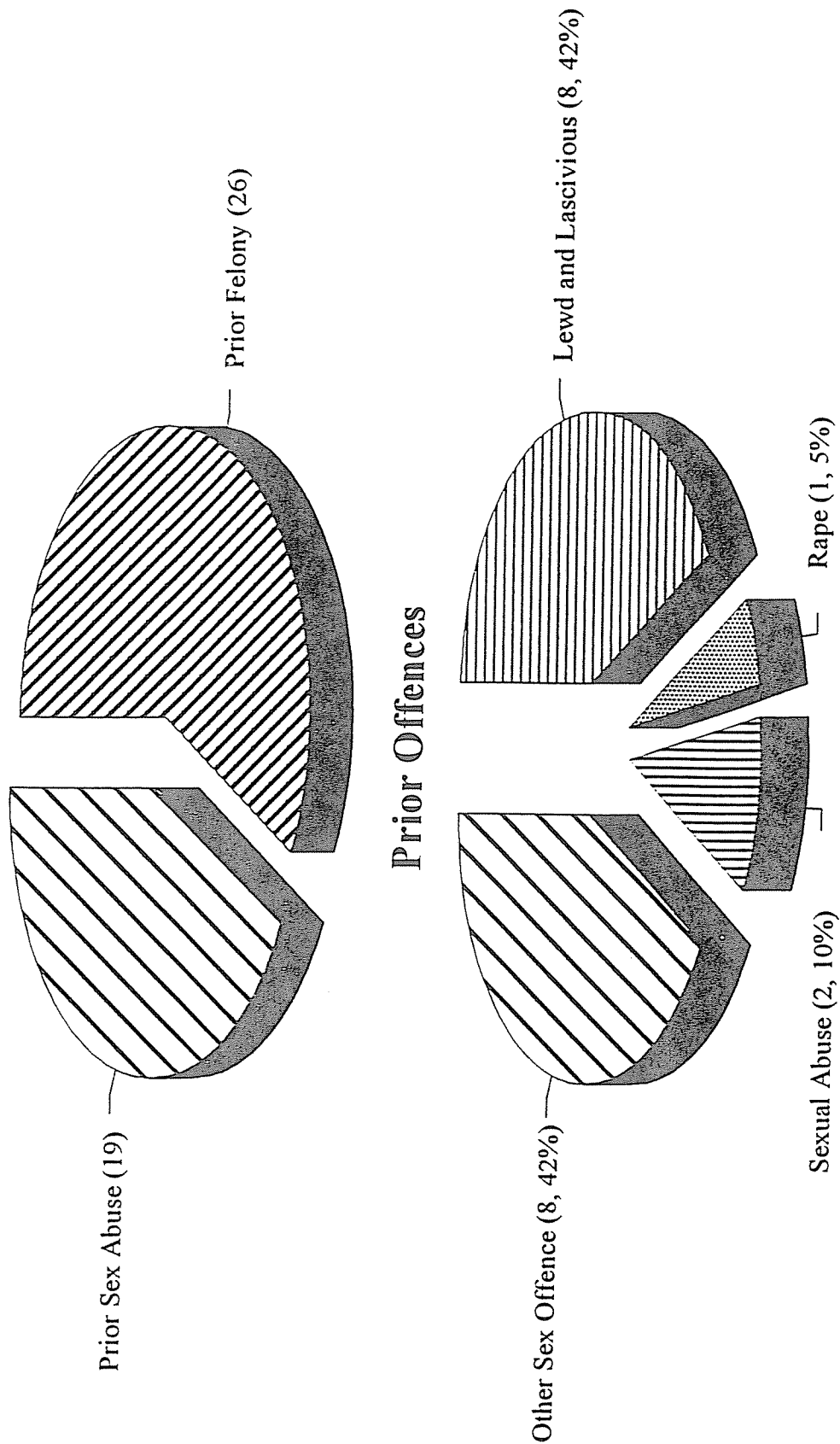
Chart 6A: Adult Defendants

Presentence Report and Sex Offender Evaluation



FY96 Idaho Child Sexual Abuse Study

Chart 7A: Adult Defendants

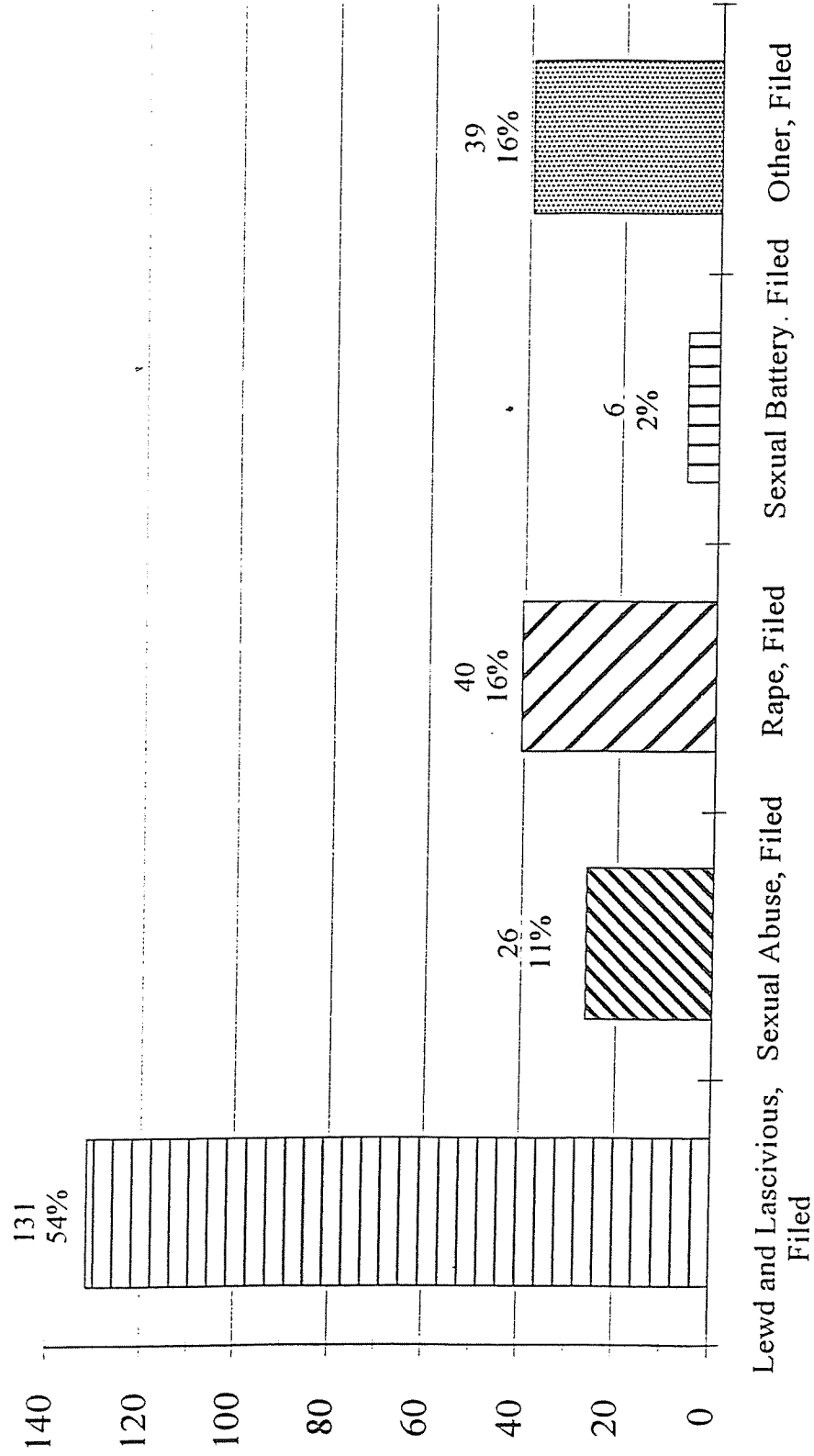


Types of Prior Child Sexual Abuse

FY96 Idaho Child Sexual Abuse Study

Chart 8A: Adult Defendants

Most Frequently Filed Charges

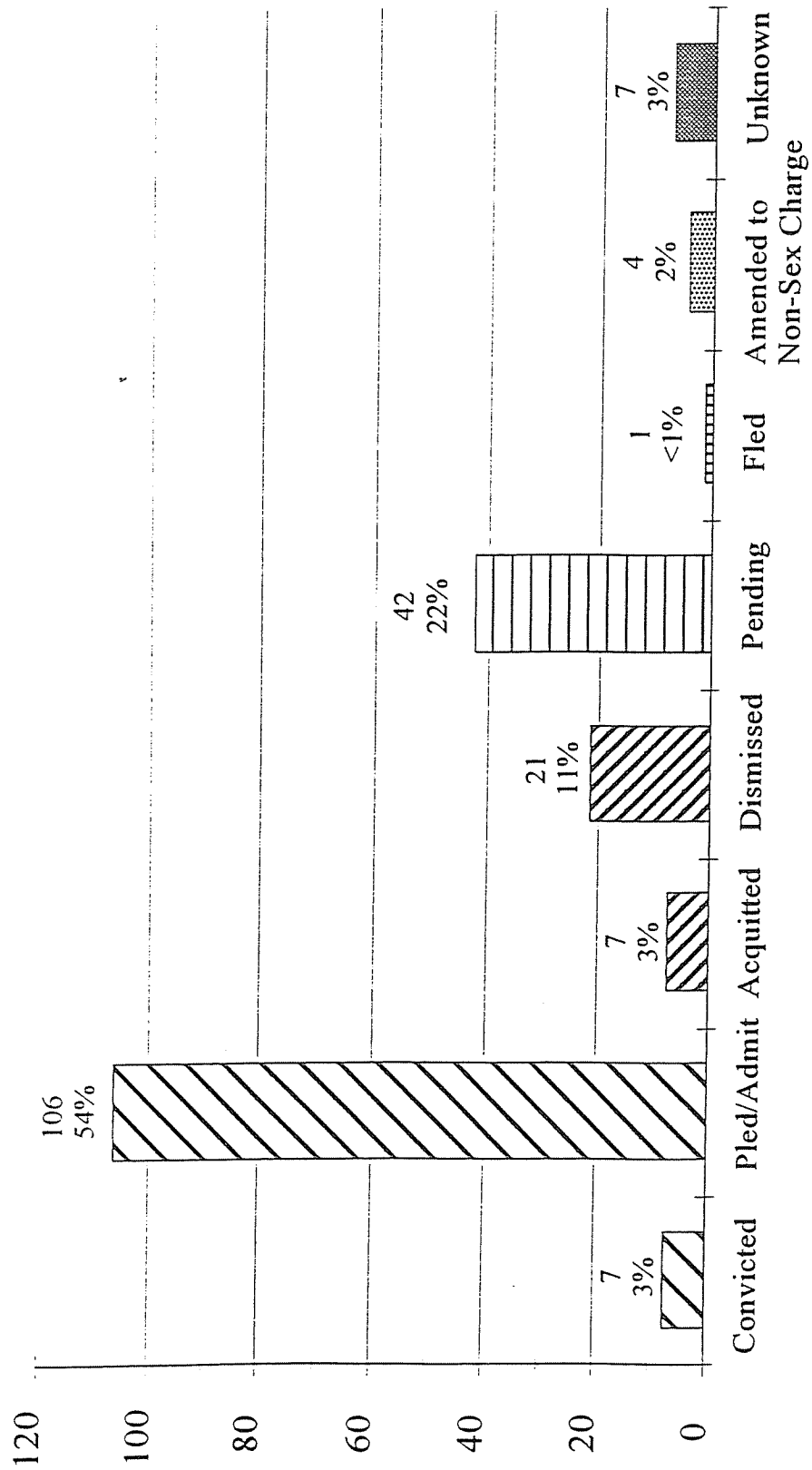


FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 99

Chart 9A: Adult Defendants

Dispositional Information

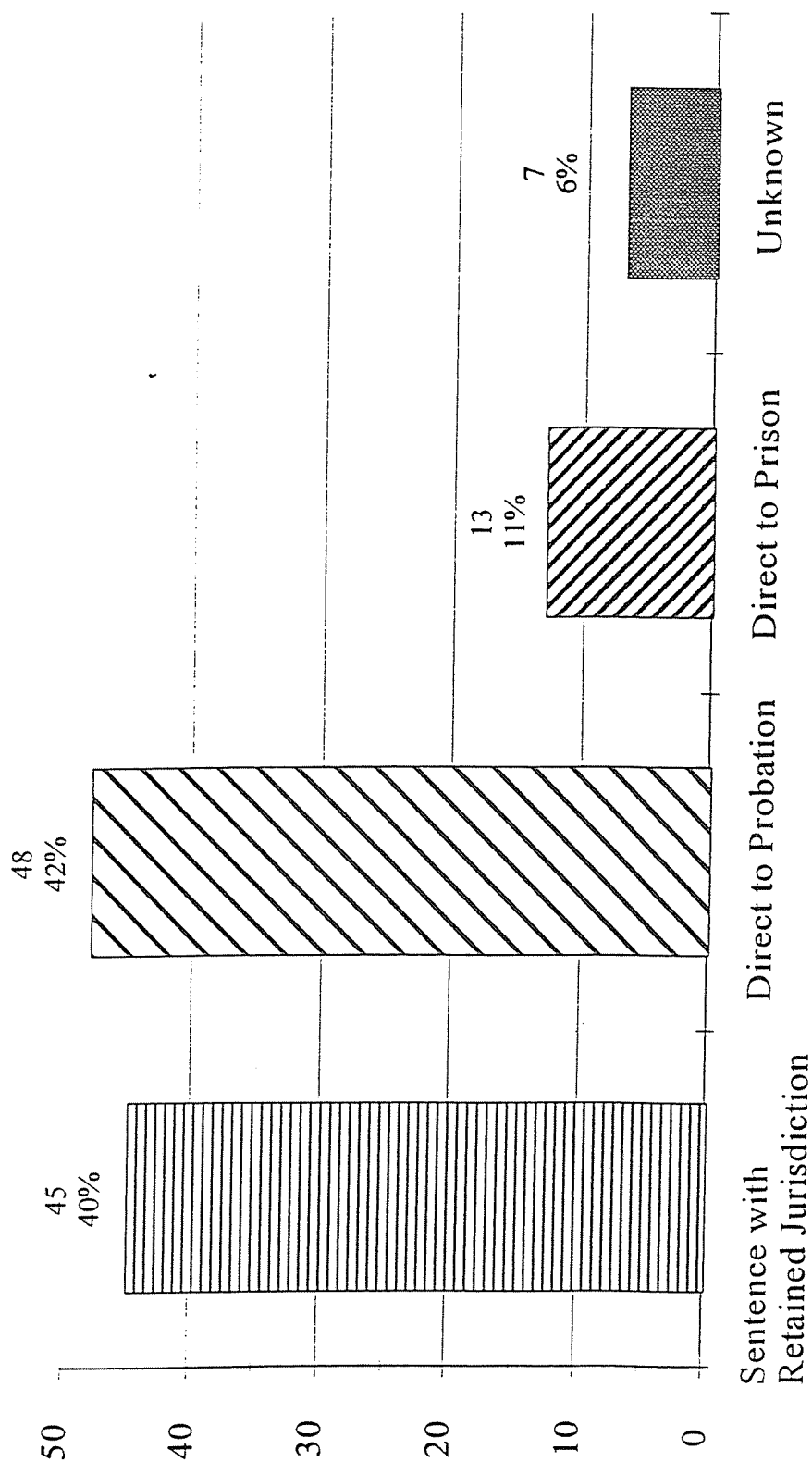


FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 99

Chart 10A: Adult Defendants

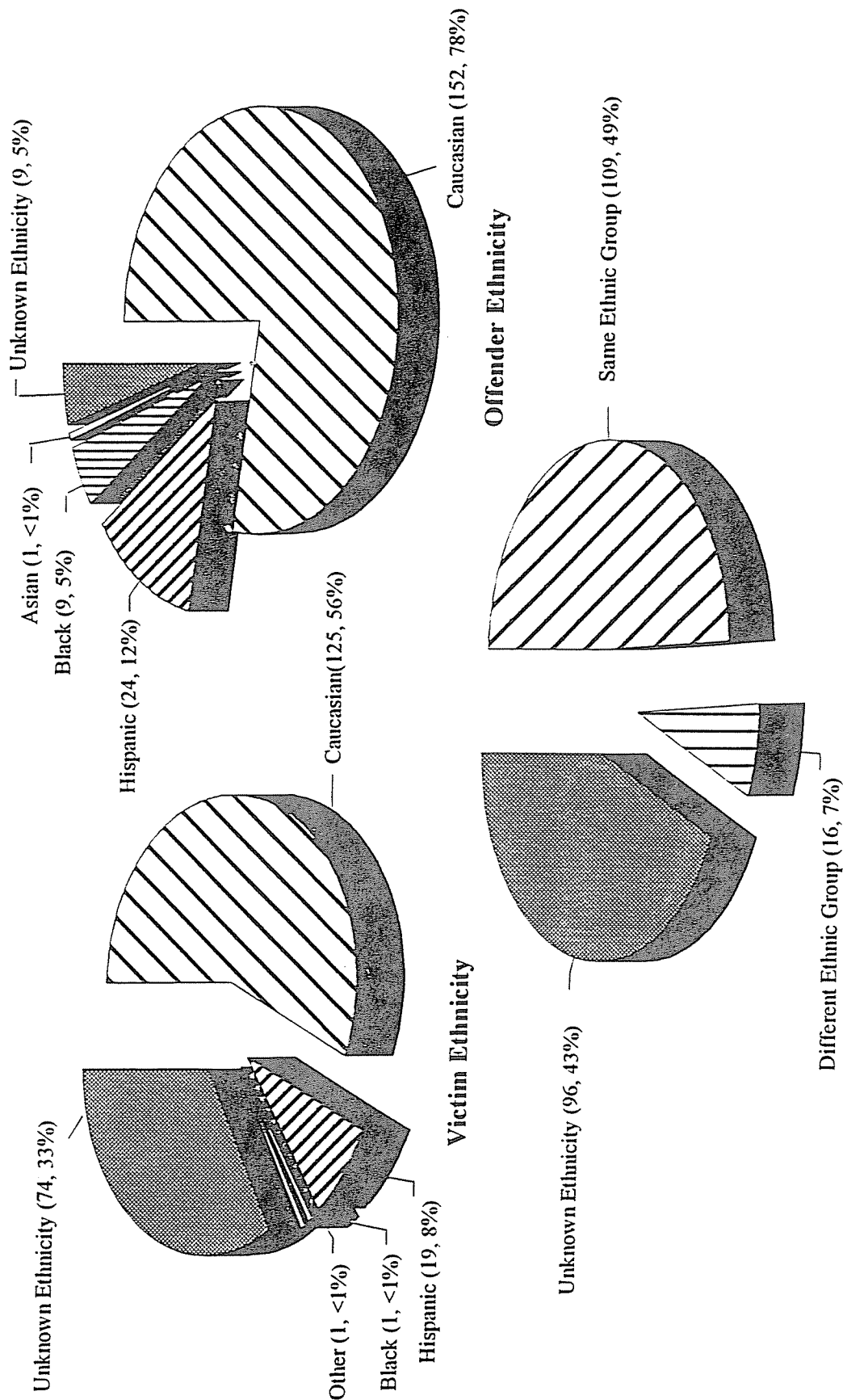
Outcomes for Convicted Offenders



FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 99

Chart 11A: Adult Defendants

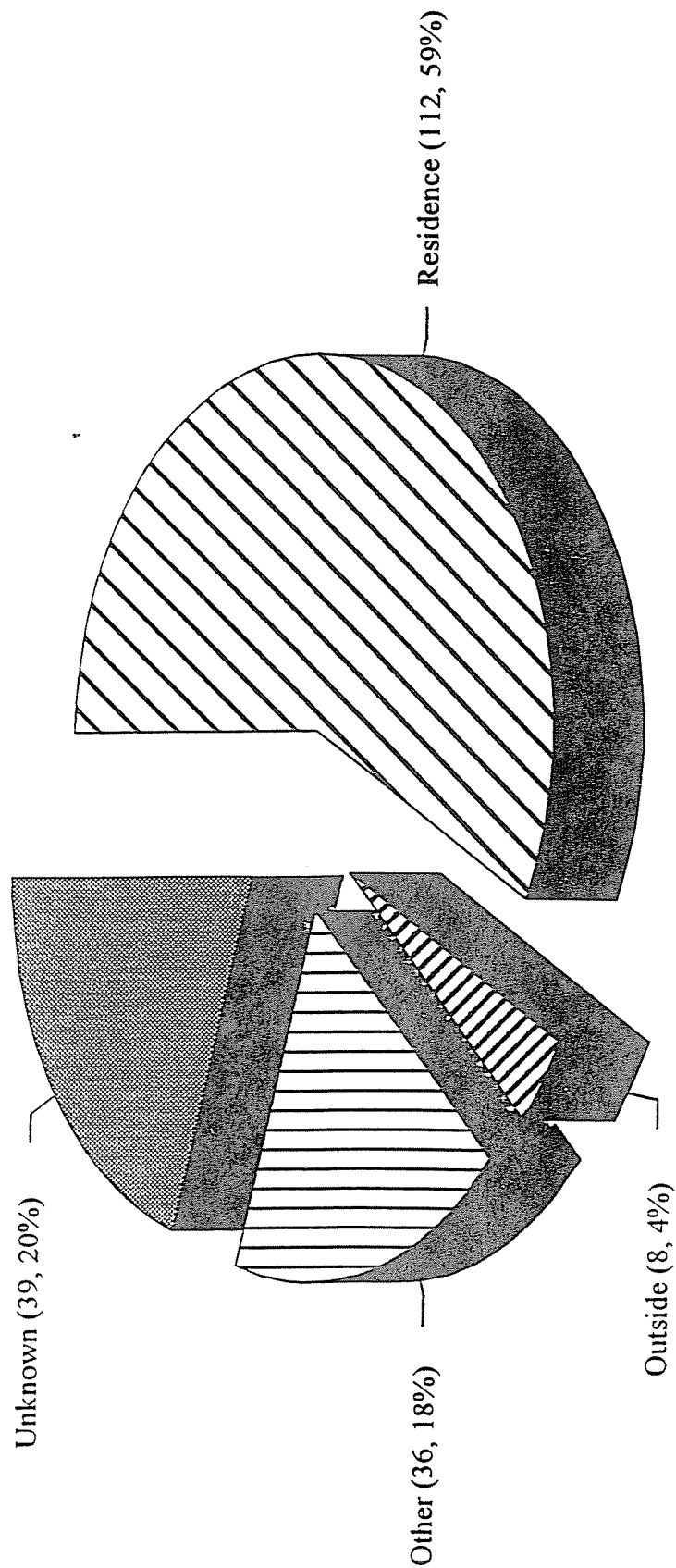


Offender/Victim Ethnicity

FY96 Idaho Child Sexual Abuse Study

Chart 12A: Adult Defendants

Location of Child Sexual Abuse



FY96 Idaho Child Sexual Abuse Study

Chart 13A: Adult Defendants

Offender Education

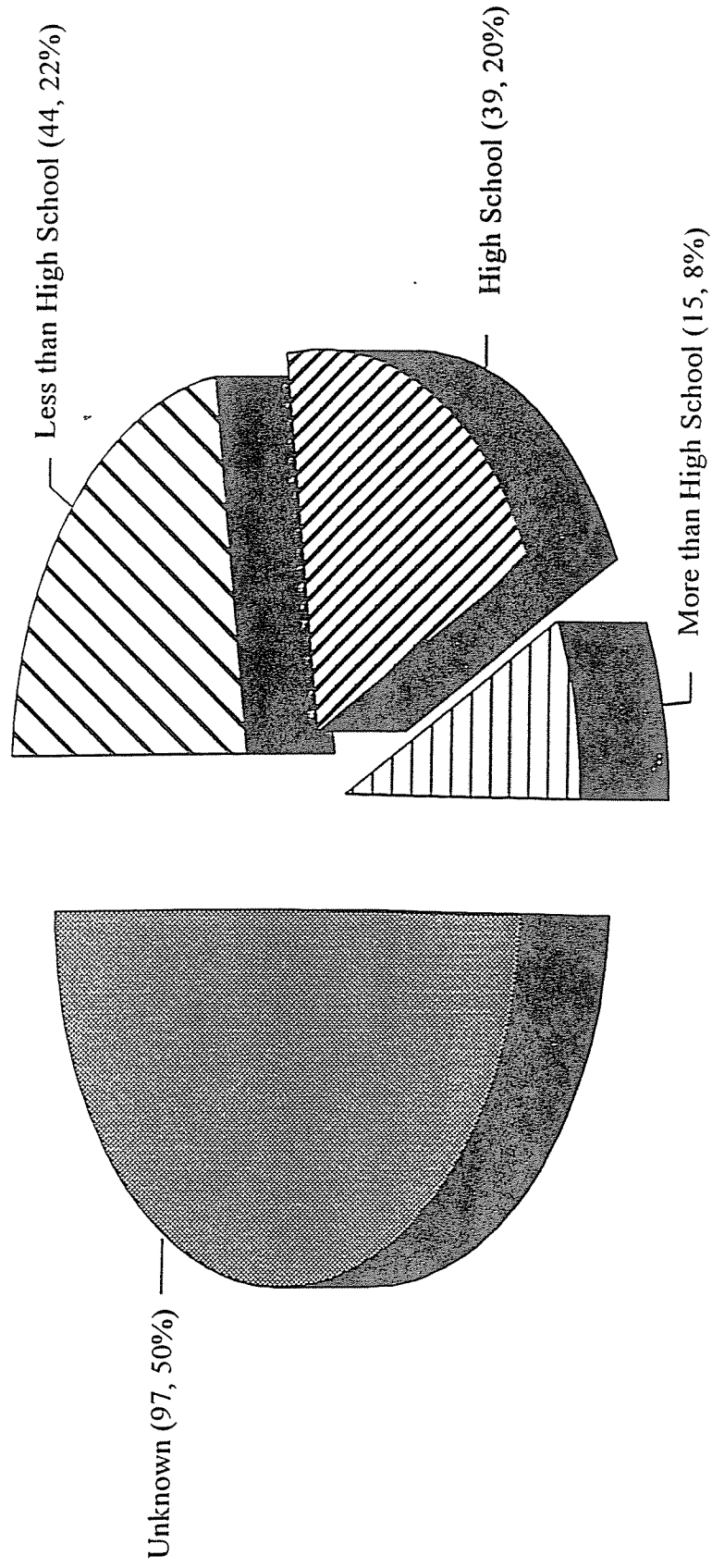


Chart 14A: Adult Defendants

Outcomes of Retained Jurisdiction

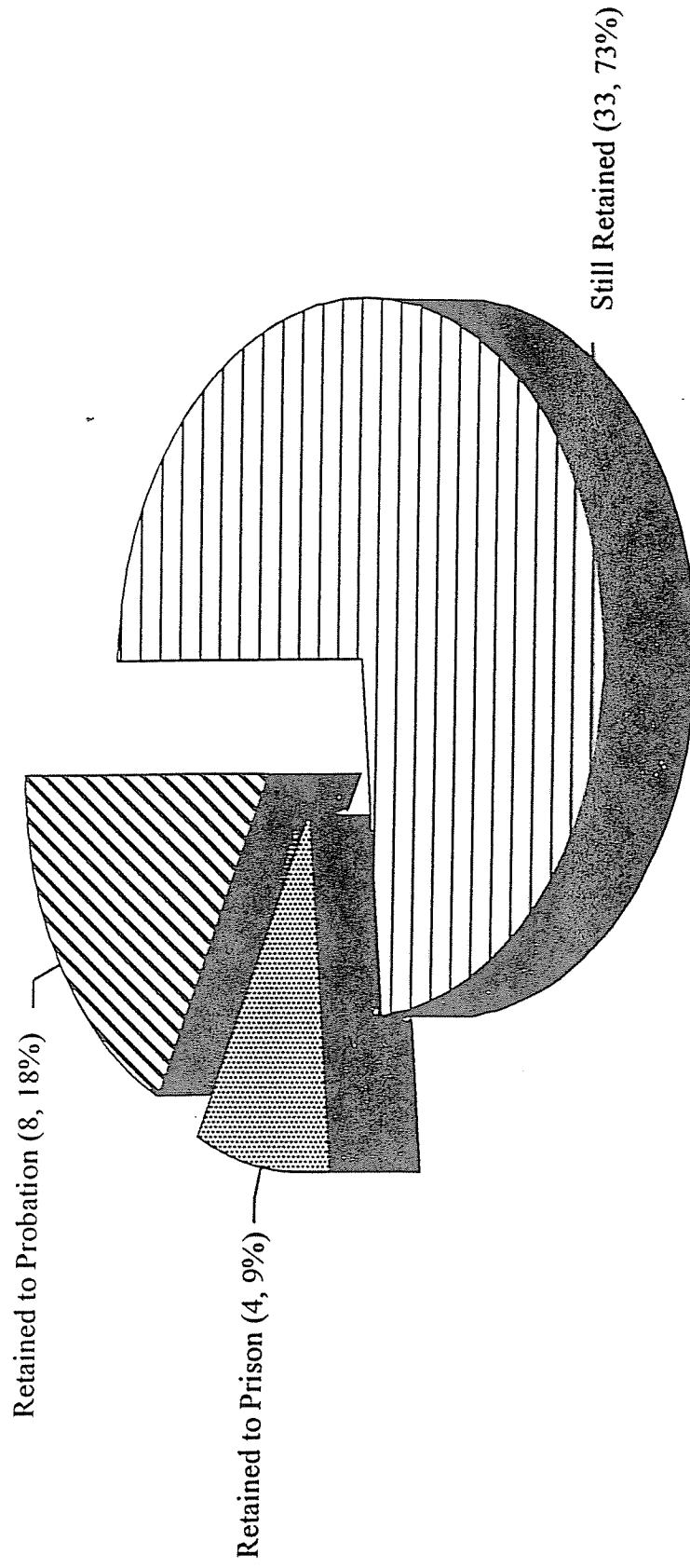
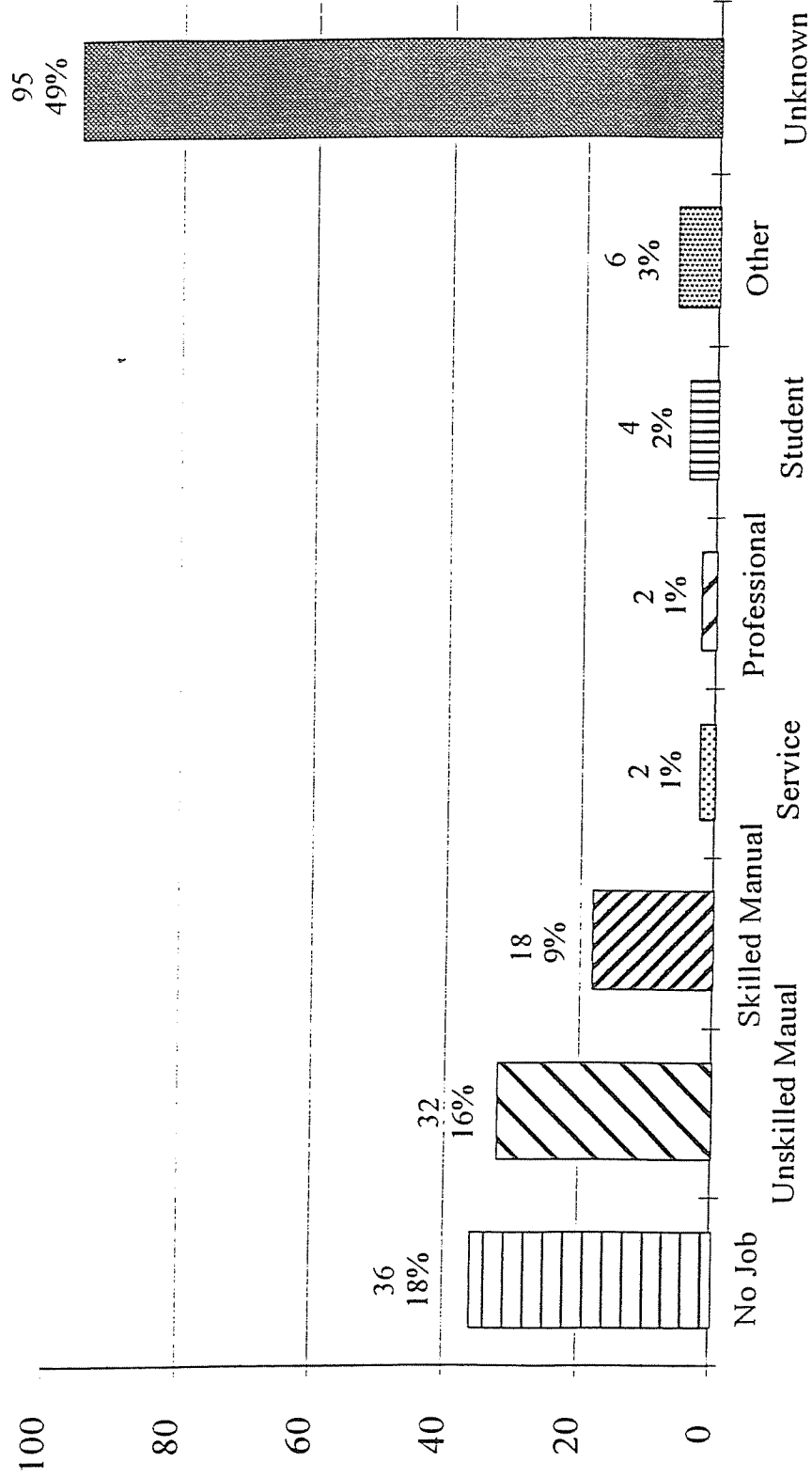


Chart 15A: Adult Defendants

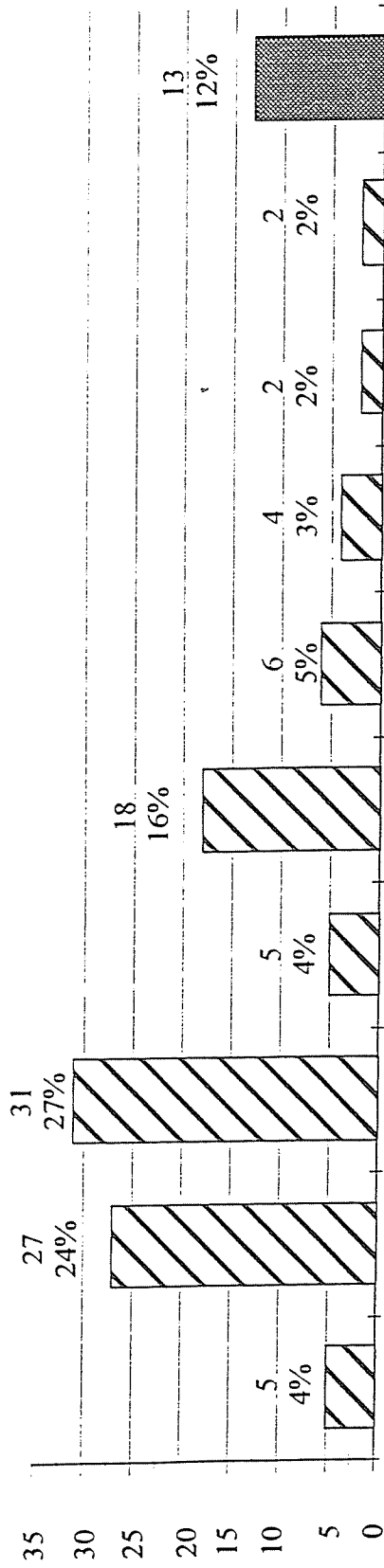
Offender Occupation



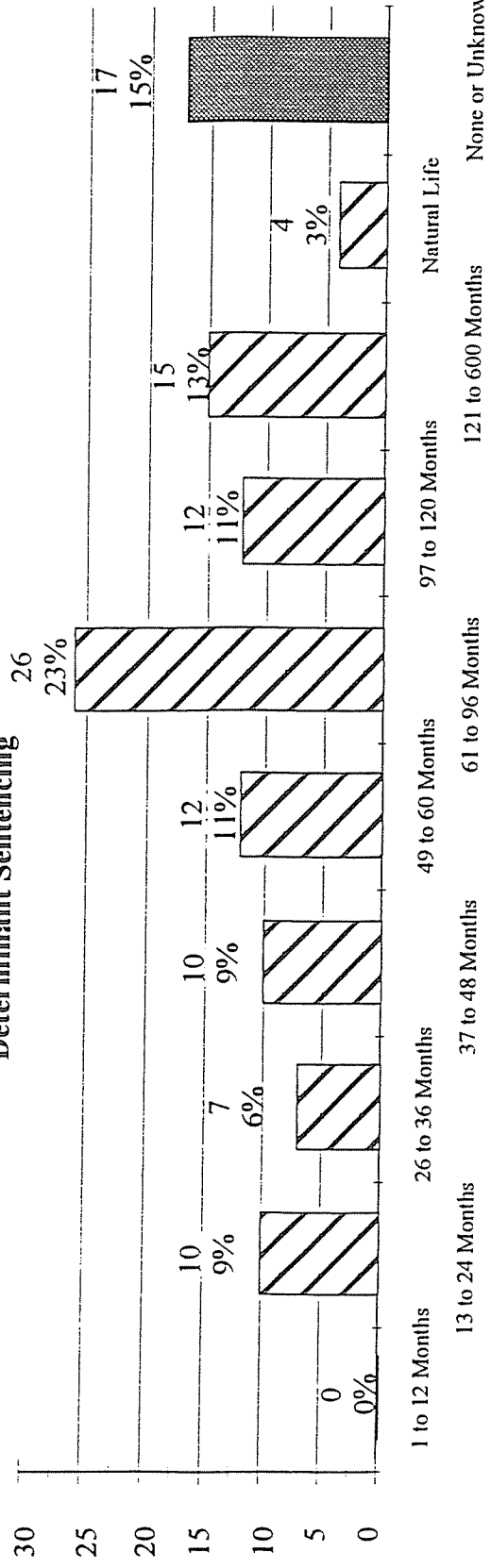
FY96 Idaho Child Sexual Abuse Study

Chart 16A: Adult Defendants

Sentencing for All Convicted Defendants



Determinant Sentencing

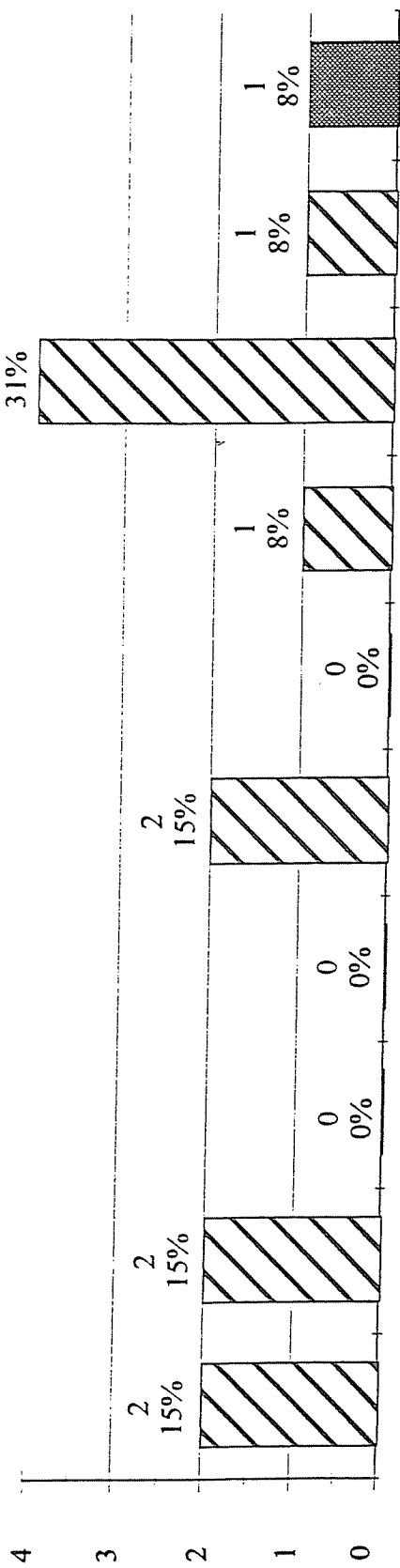


Indeterminate Sentencing

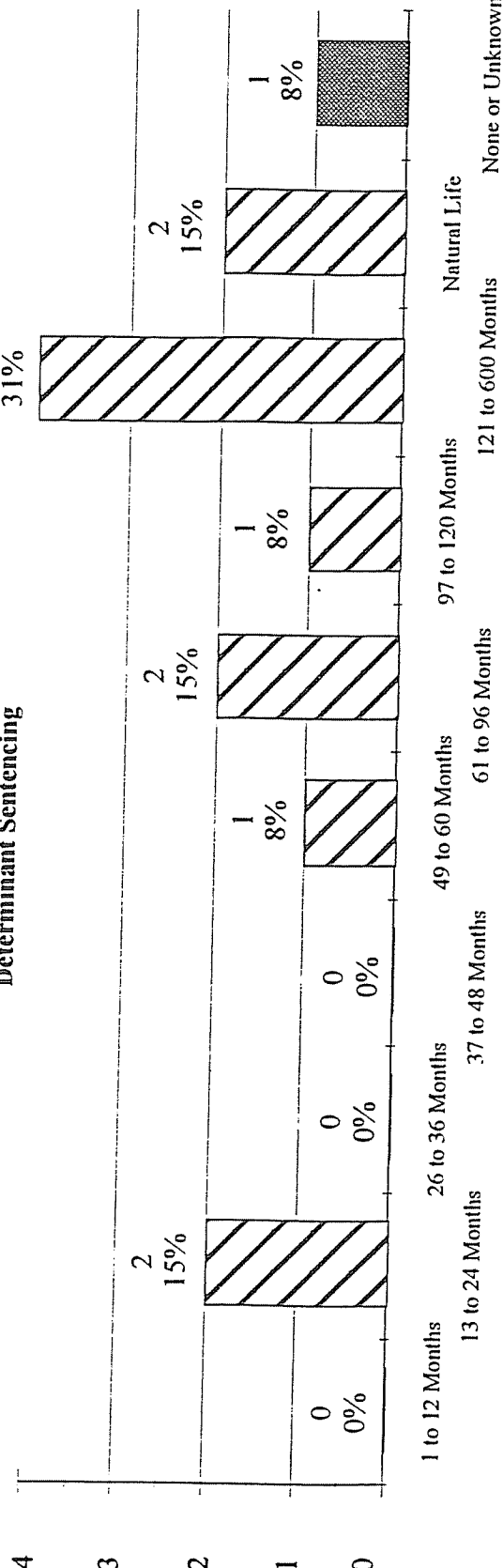
FY96 Idaho Child Sexual Abuse Study

Chart 17A: Adult Defendants

Sentencing for Those Released to DOC



Determinant Sentencing

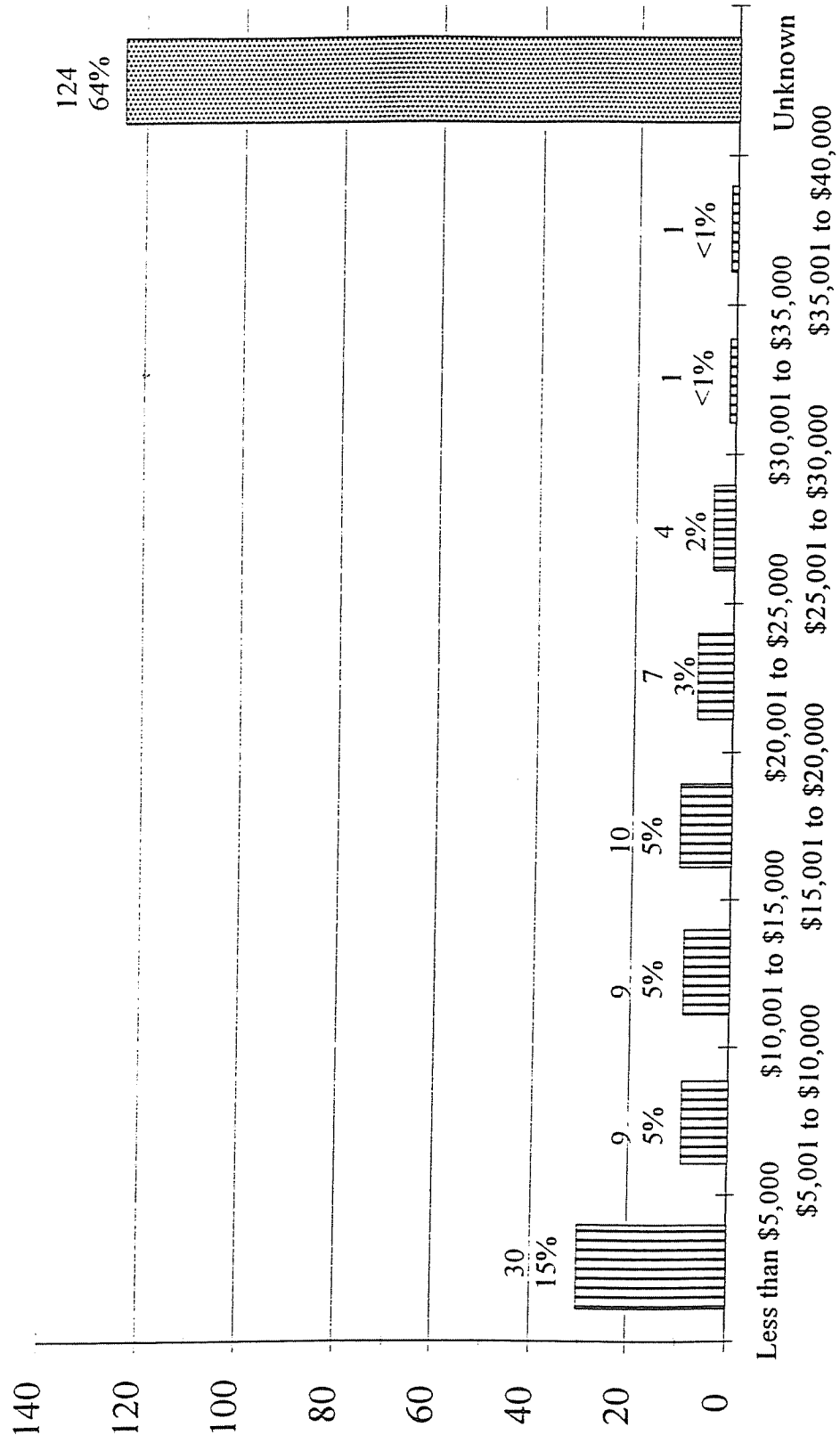


Indeterminant Sentencing

FY96 Idhoo Child Sexual Abuse Study

Chart 18A: Adult Defendants

Defendant Income



FY96 Idaho Child Sexual Abuse Study

JUVENILE CASES

ANALYSIS OF JUVENILE CASES FILED-CHARTS 1J-12J

There were a total of seventy-six juvenile cases filed in FY96.

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

Chart 1J indicates that 76 petitions were filed against juveniles representing 166 offenses. This represents a decrease of 18 cases from FY95 and a decrease of 47 from the 123 juvenile cases filed in FY94. In this report there was an increase in offenses filed against each juvenile from 1.64 in FY95 to an average of 2.18 in FY96.

Juvenile Offenders: Victim Gender-Chart 2J

There were 96 victims listed in the juvenile petitions. Victim gender was overwhelmingly female representing 71% (N=68) of the total number of known victims. (Females represented 80% of the victims for adult offenders.) Male victims represented 21% (N=20) of the total for juveniles. Female victimizations increased dramatically and male victims declined. The information on victim gender was not available to the research team in 8% (N=8) cases. Some juveniles had no Social History available in the files and it was impossible to determine victim gender from the petition.

Juvenile Offenders: Victim Age-Chart 3J

For the 76 juvenile cases reported during the study period, the age of the victims was known for 91 of the 96 victims. Victims under three years of age comprised 8% (N=8) of the total study population. Victims from four to seven years comprised 45% (N=43) of the study population. Children eight to eleven years were victims in 23% (N=22) of the cases. Another 17% (N=16) were from twelve to fifteen years of age and the remaining 2% (N=2) were sixteen or older. Age was unknown for 5% (N=5) of the victims.

The number of four to seven year old victims increased from 33% in FY95 to 45% in FY96 but children from eight to eleven declined by 11%.

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

The number of victims was known for all of the 76 juveniles petitioned. Seventy-nine per cent of the juveniles (N=60) had been charged with violations against a single victim. There were two victims in 18% (N=14) of the cases and three or more victims in 3% (N=2) of the cases.

Juvenile Offenders: Victim Relationship-Chart 5J

Chart 5J indicates the relationship between the 96 victims and the 76 petitioned juveniles. Relatives (non-parents) were named for abusing 48% (N=46) of the victims. Acquaintances were identified as the abuser for 26% (N=25) of the victims. One percent (N=1) was abused by a stranger. The relationship could not be determined for 25% (N=24) of the victims. No victims in this study were abused by a parent or step-parent where victim relationship was known.

Most juveniles charged with child sexual abuse knew or had some familiarity with their victims. The children generally had good reason to trust the offender because the offender was known by the child or their family. Fifty-three per cent (N=51) of the victims were seven years old or younger.

The surveys for the past four years have indicated that only two strangers have molested children where victim relationship was known. This is a dramatic indication that children are at risk from persons they know (or parents know) and have some legitimate access to the children.

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 and they were available in court files. (The percentages are based on the thirty-one cases that were not pending, dismissed or unknown). Eighty-seven percent (N=27) of the known juveniles had a Sex Offender Evaluation only completed before disposition. Both a Social History and Sex Offender Evaluation was prepared in only 3% (N=1) of the known cases. Juvenile offenders with neither comprised 10% (N=3) of the study. The petition was Dismissed or they were acquitted in ten cases and eight cases were Pending. The information was unavailable or incomplete in twenty-seven cases. Although it was assumed that the majority had some type of investigation completed before disposition, incomplete records and the absence of a tracking system made it impossible to determine whether a Sex Offender Evaluation and Social History were completed.

Juvenile Offenders: Prior Adjudications

No juveniles petitioned during FY96 had known priors as indicated by data collection for this report.

Juvenile Offenders: Types of Charges-Chart 7J

Chart 7J shows the types of petitions (charges) filed against juveniles. Lewd and Lascivious Conduct (IC 18-1508) petitions were most frequently filed representing eighty (81%) of the total petitions. Rape (IC 18-6101) charges were filed seven times (4%) during the year.

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 most frequently.

Juvenile Offenders: Dispositional Information-Chart 8J

Chart 8J shows Dispositional information on juveniles. The outcome was not available in the court records for two juveniles. Sixty-six were sentenced under the Youth Rehabilitation Act. Twelve were Detained under the YRA and forty-four were released under supervision. The petitions were dismissed against ten of the juveniles and the disposition was pending in eight of the petitions. This indicates a decline in the Detained Status and increase in the Released to Supervision from the previous survey.

Juvenile Offenders: Offender/Victim Ethnicity-Chart 9J

Forty-five (59%) of the juveniles petitioned into court committed the sexual offense on a child of the same ethnic status. Four (5%) abused a child of a different ethnic group and ethnic relationship was unknown in twenty-seven (36%) cases.

Juvenile Offenders: Offender Ethnicity-Chart 10J

The petitioned Offender's ethnicity was overwhelmingly Caucasian representing 87% (N=66) of the offenders. Ten per cent (N=8) were recorded as Hispanic. The remaining two (3%) had no race recorded in their files. This represents an increase of 5% in Caucasian offenders but more than a doubling of Hispanic offenders from the previous survey. The current figure represents the proportion of Hispanics in the state according to census data.

Victims where ethnicity was known were primarily Caucasian representing 54% (N=52) of the children abused. Only four (4%) of the victims were Hispanic but the large number of victims whose ethnicity was unknown limits any conclusion that might be drawn.

Juvenile Offenders: Location of Child Sexual Abuse-Chart 11J

Fifty-nine (78%) of the juveniles committed their offense in a residence. Location was unknown for nine (12%) juveniles. Two (2.6%) occurred outside and six (8%) in other locations such as a car.

Chart 1J: Juvenile Offenders

Total Offenses and Petitions Filed

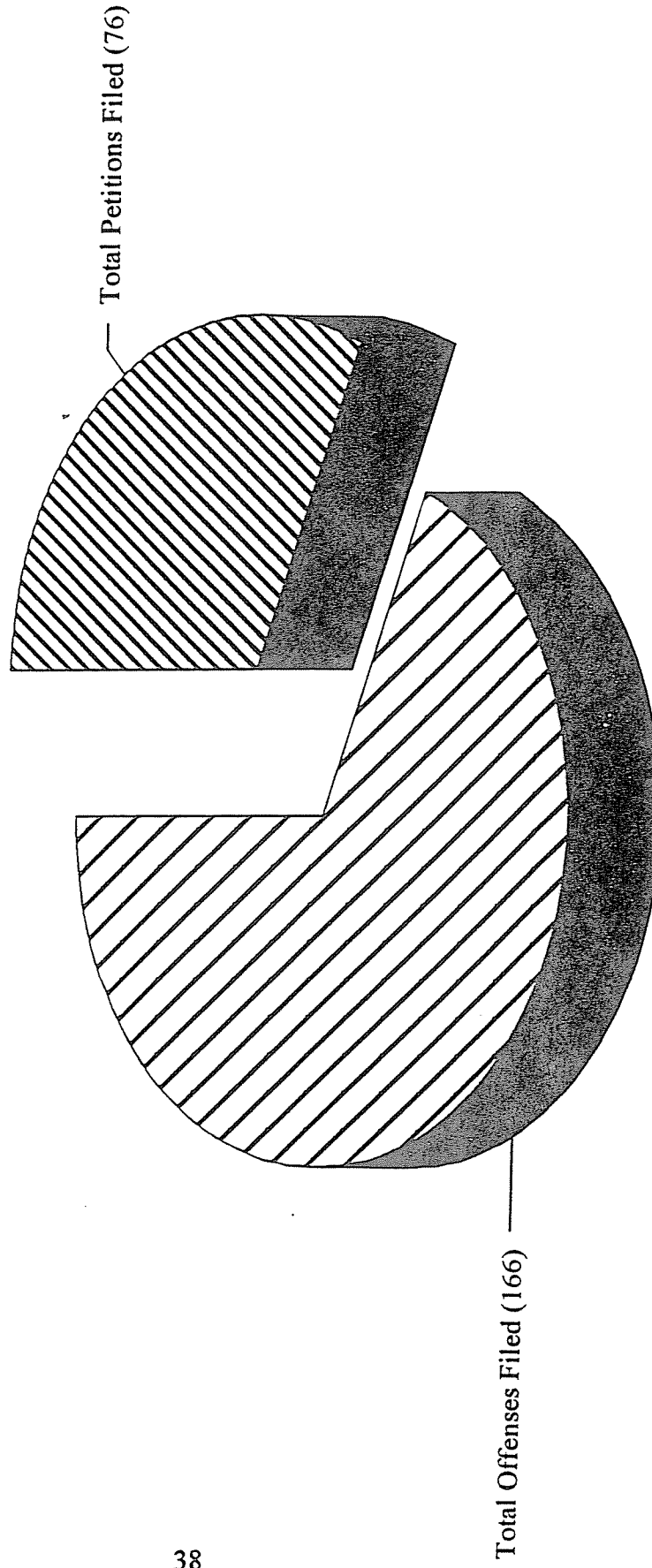


Chart 2J: Juvenile Offenders

Victim Gender

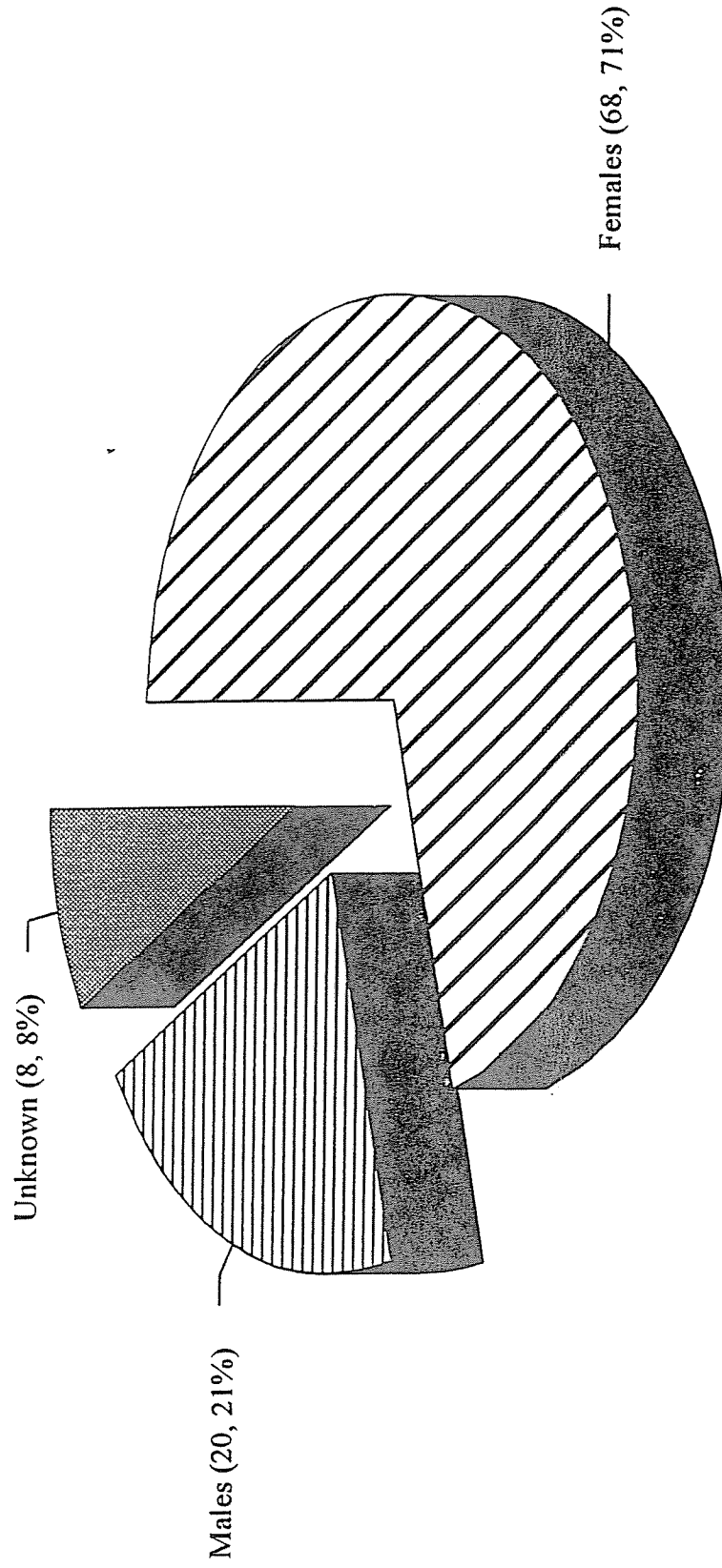
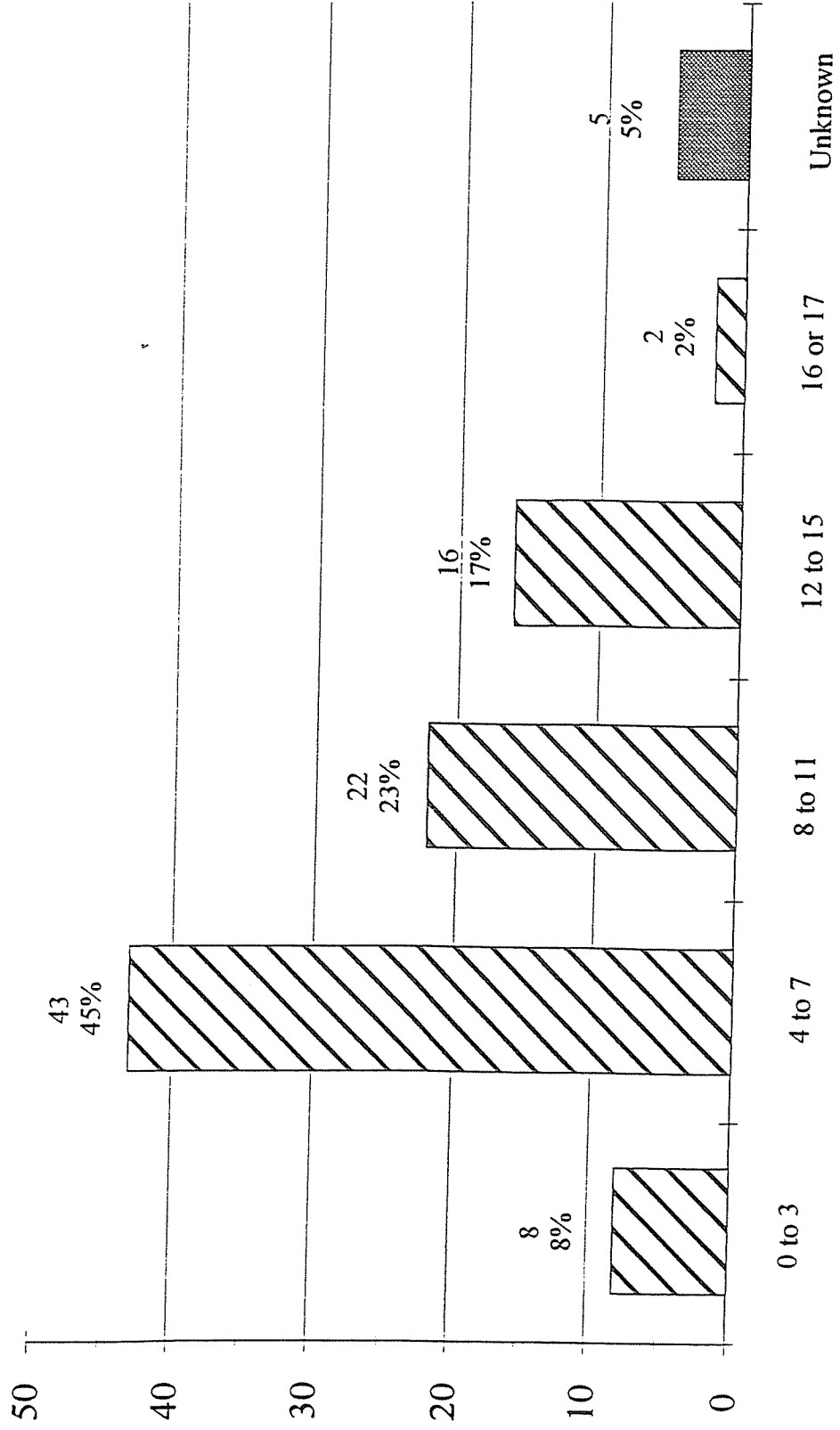


Chart 3J: Juvenile Offenders

Victim Age



FY96 Idaho Child Sexual Abuse Study

Chart 4J: Juvenile Offenders

Number of Victims per Petition

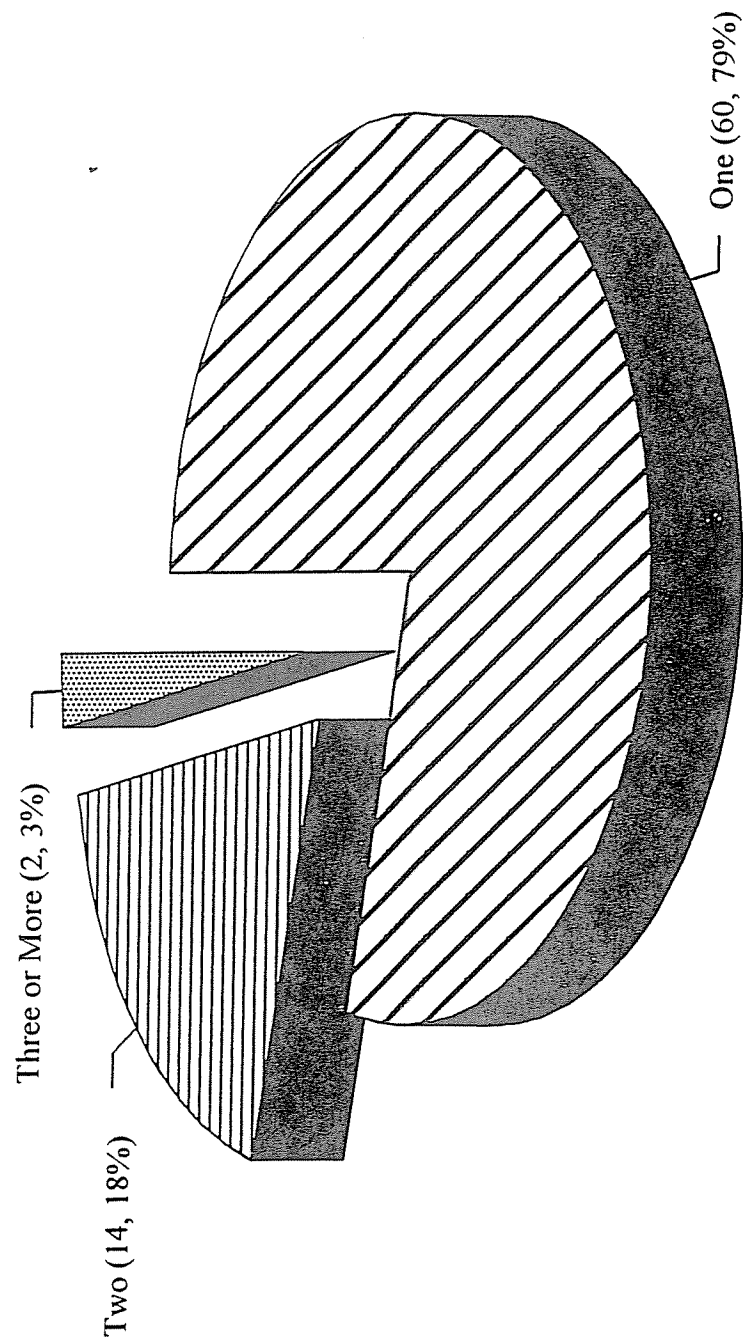
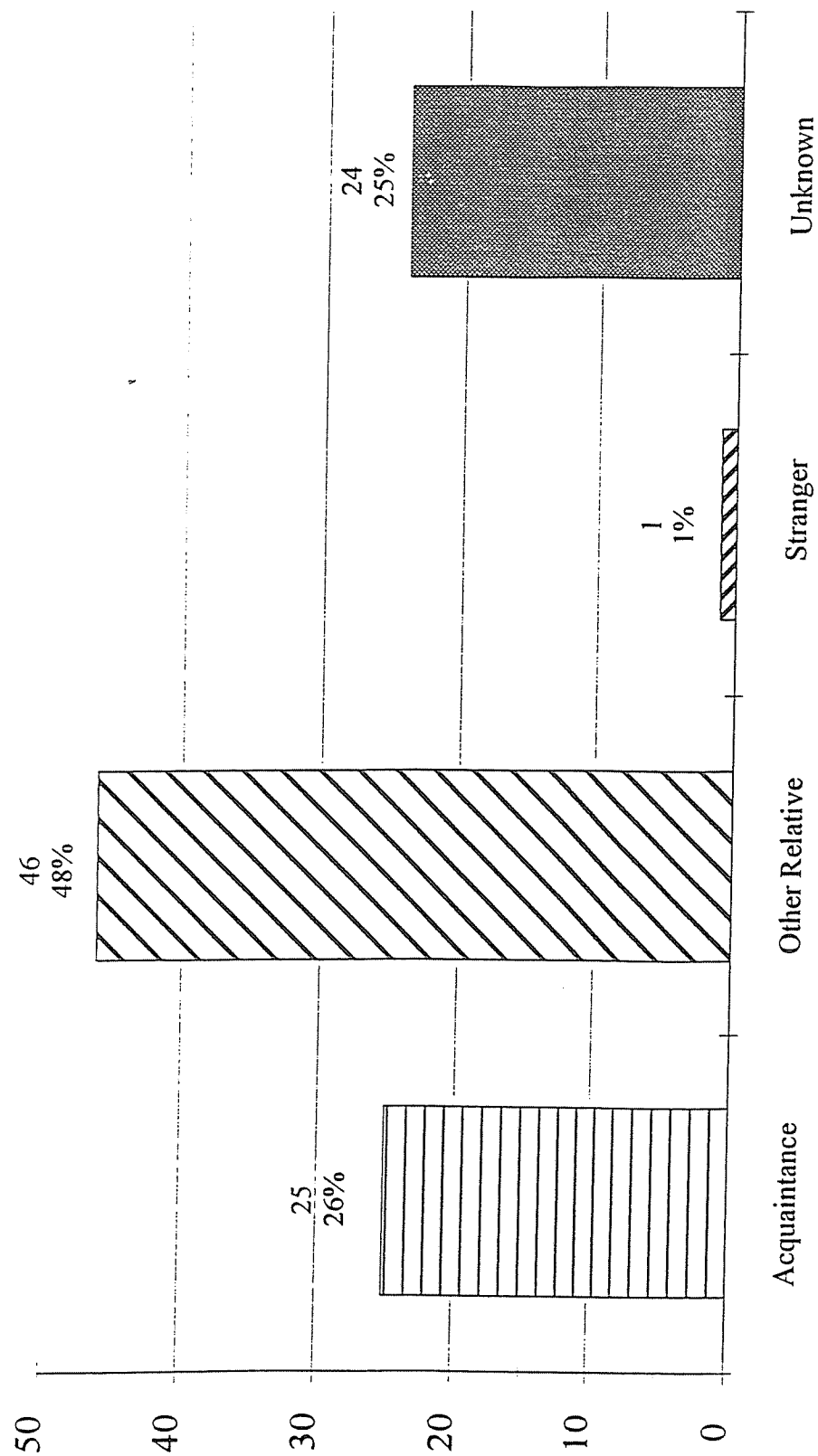


Chart 5J: Juvenile Offenders

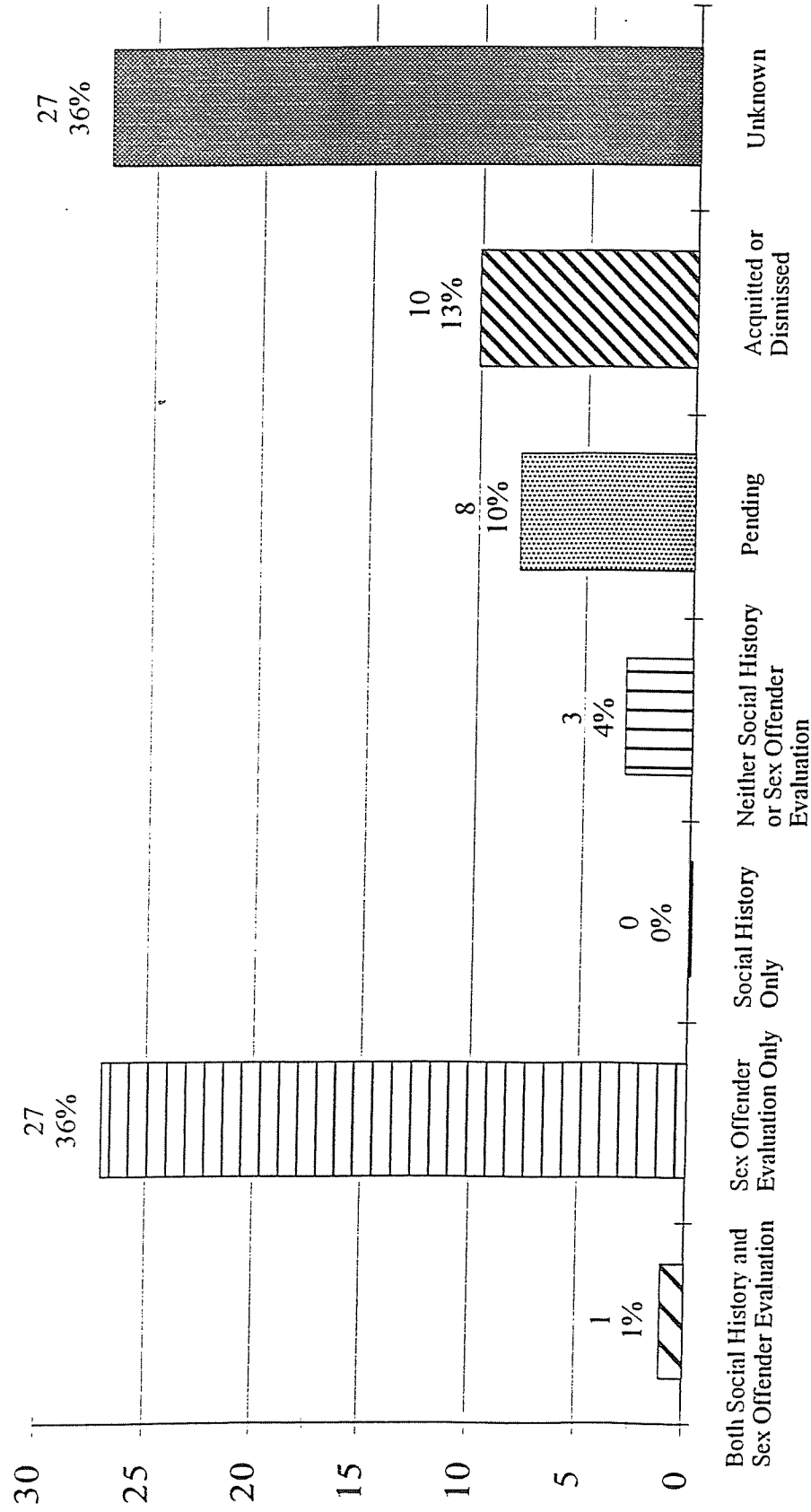
Relationship to Victim



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Chart 6J: Juvenile Offenders

Social History and Sex Offender Evaluation

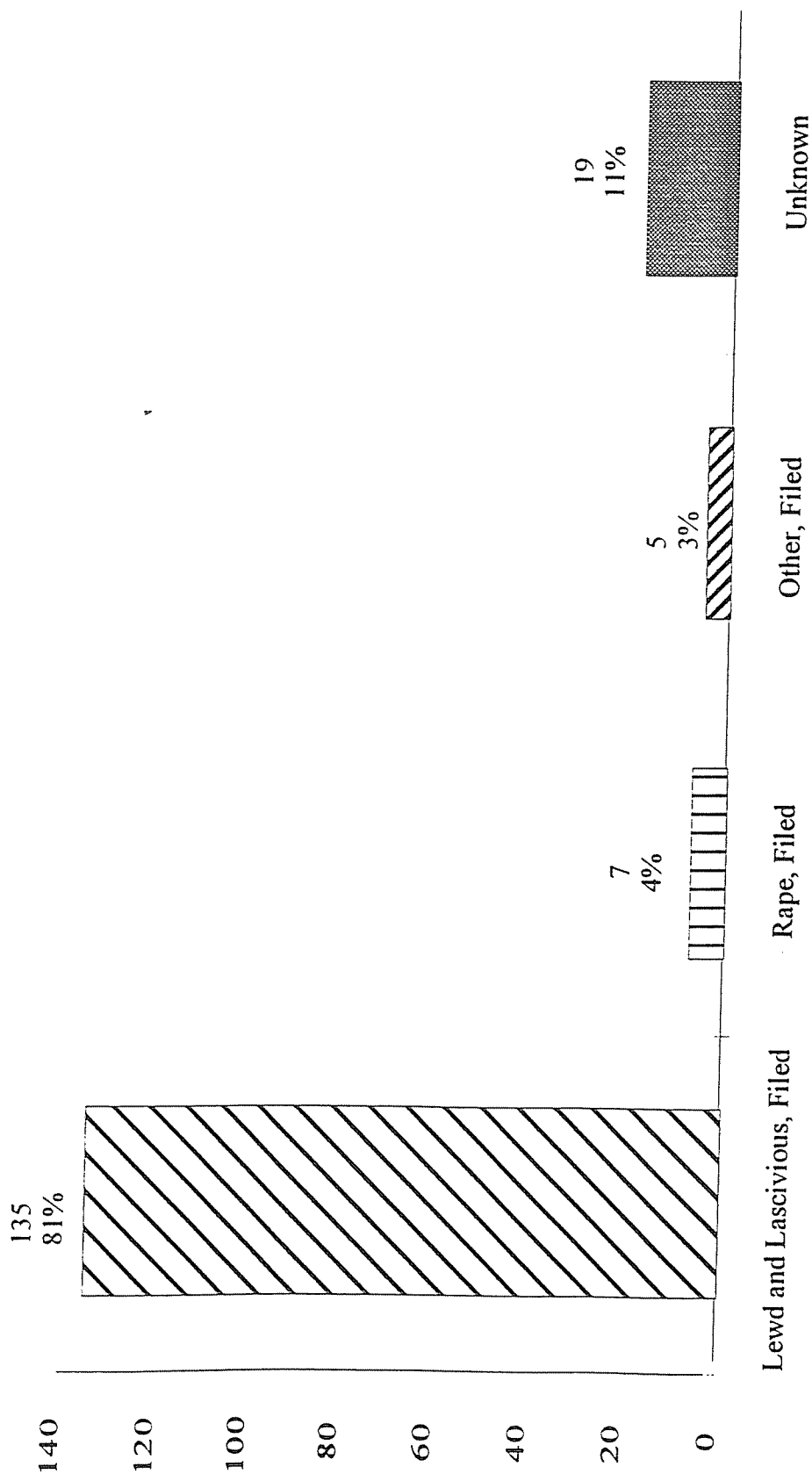


FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 101

Chart 7J: Juvenile Offenders

Most Frequently Filed Charges

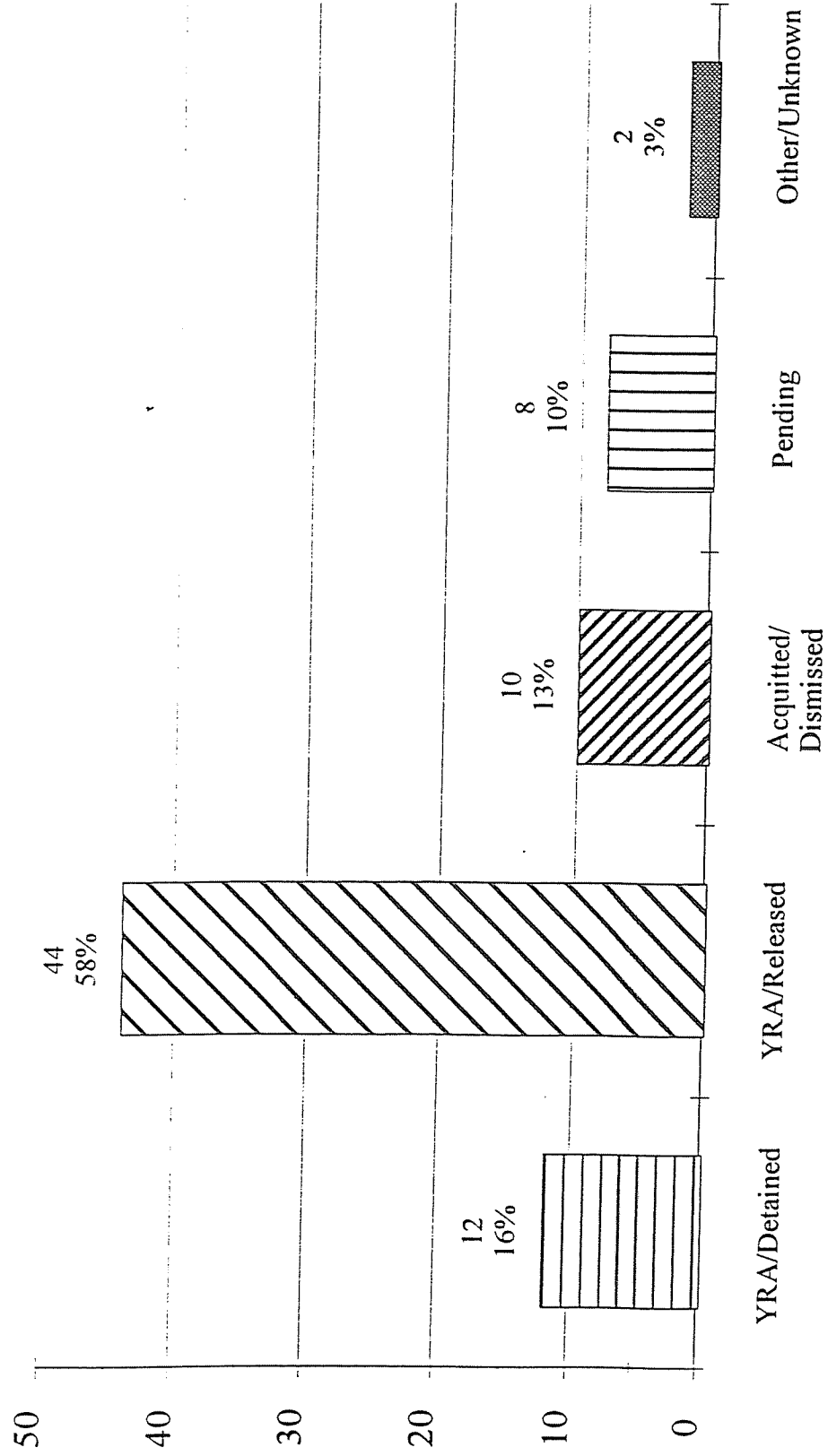


FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 99

Chart 8J: Juvenile Offenders

Dispositional Information



FY96 Idaho Child Sexual Abuse Study

Chart 9J: Juvenile Offenders

Offender/Victim Ethnicity

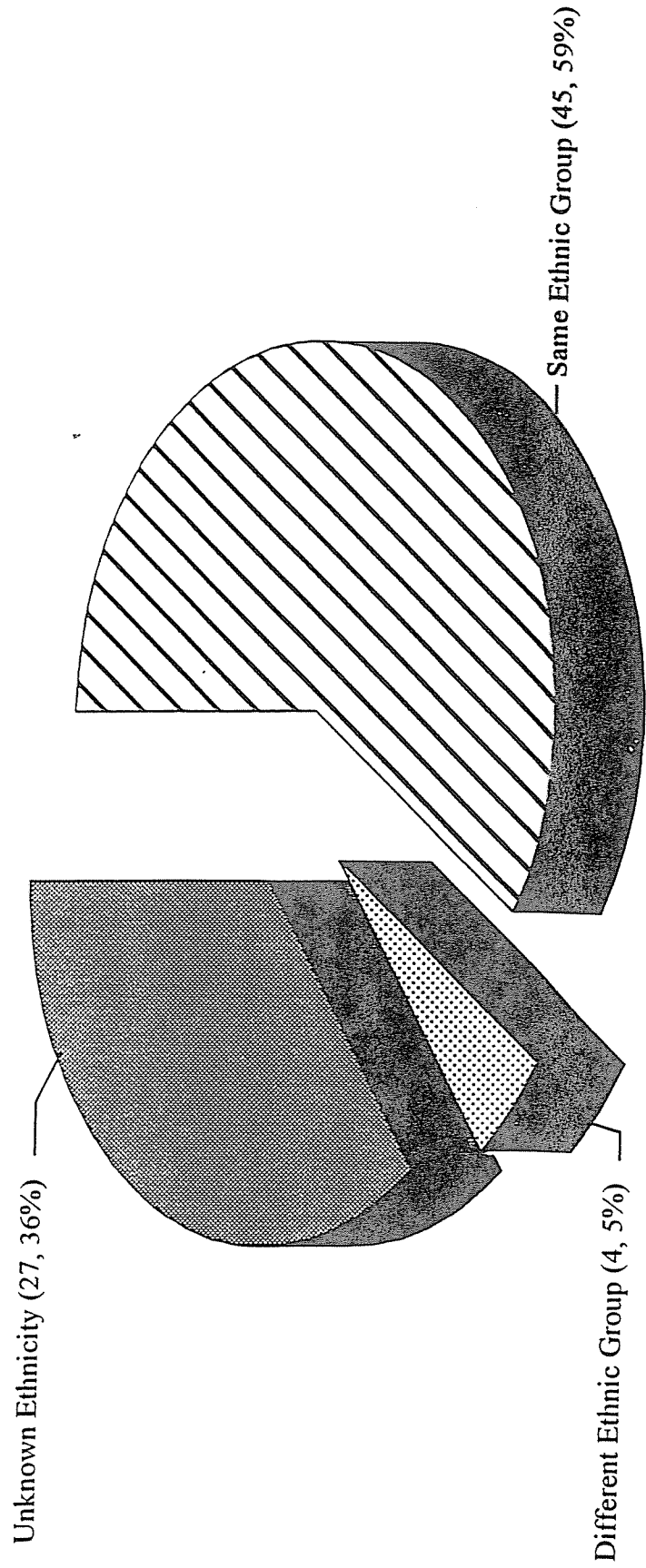
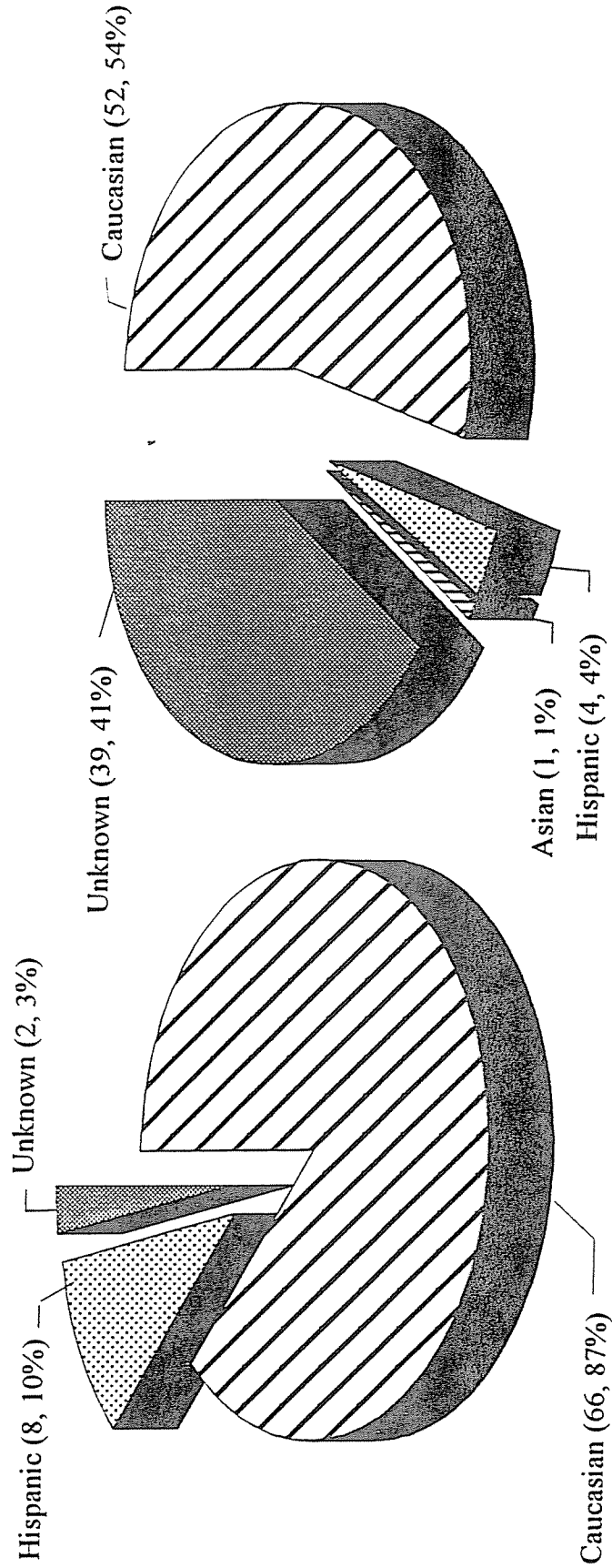


Chart 10J: Juvenile Offenders



Offender Ethnicity

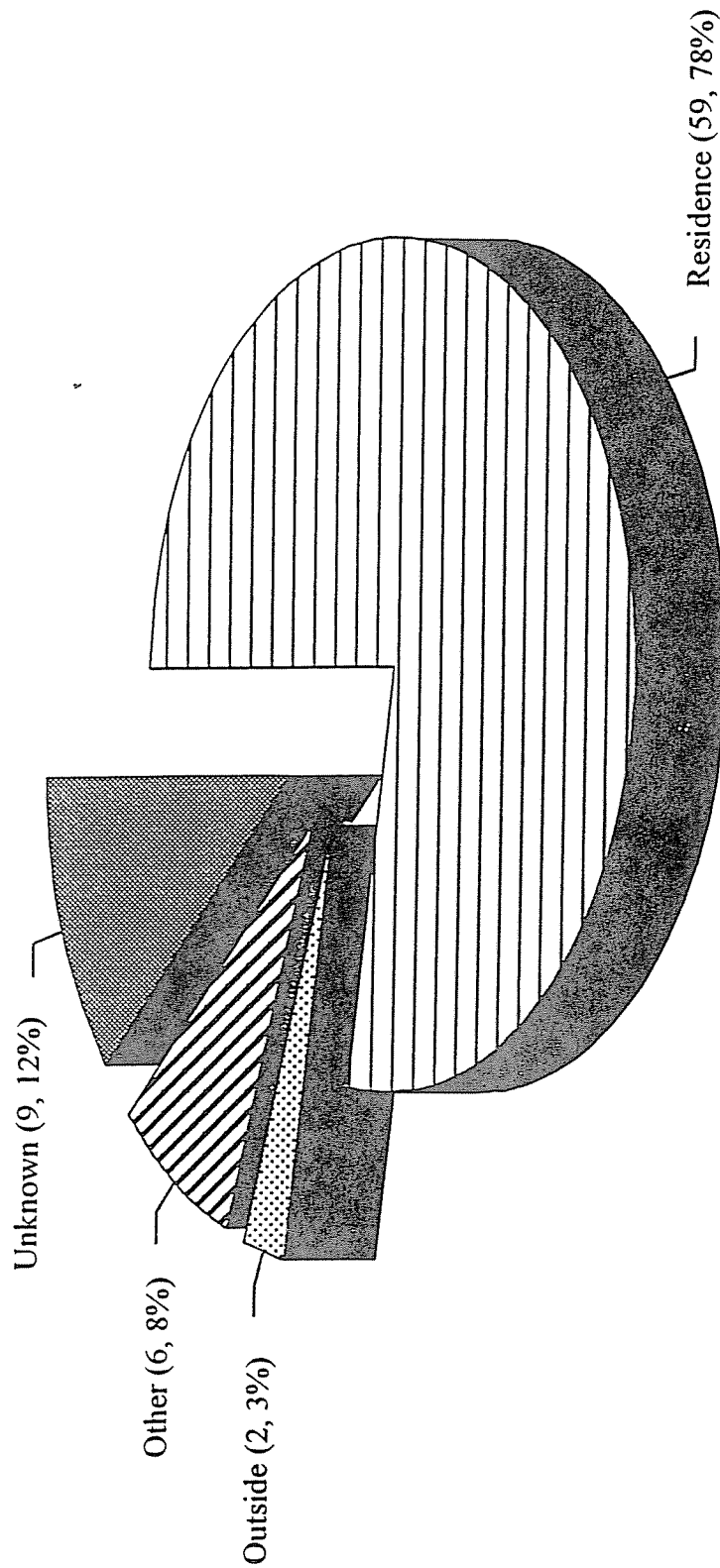
Victim Ethnicity

FY96 Idaho Child Sexual Abuse Study

Rounding error results in percentages adding to 101

Chart 11J: Juvenile Offenders

Location of Child Sexual Abuse



FY96 Idaho Child Sexual Abuse Study

Rounding errors result in percentages adding to 101

STATEWIDE CASE ANALYSIS

STATEWIDE CASE ANALYSIS

This year's report includes the fifth 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 prosecutions across 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 the comparisons (rates) are accurate throughout the state.

There were 195 adult and 76 juvenile cases of child sex abuse filed in district and juvenile courts during FY96 (July 1, 1995-June 30, 1996). The total number of cases filed in the period covered by this report was 271. This represents a decrease of 24 cases from the 295 in FY95, a decrease of 85 cases from the 356 reported for FY94, a decrease of 154 from the 425 cases reported in the FY93 study and a decrease of 101 cases from the FY92 survey when 372 cases were reported.

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 Idaho's forty-four counties.

Case filings were standardized and a rate calculated based on the most recent census data. The rate for adults was calculated and is reported for each county in the column Adult/Rate. The rate for juveniles was calculated and is reported for each county in the column Juvenile/Rate. A total rate for each county was calculated and the combined adult and juvenile rate is reported in the column Total/Rate. Benewah, Boundary, Butte, Camas, Caribou, Cassia, Clark, Custer, Lincoln, and Teton reported that no cases were filed and their rate is reported as zero.

The Total (mean) Rate of the child sex abuse court cases filed by county for the study period was 2.78/10,000. The standard deviation was 2.48/10,000. Over 95% of the counties fall within a range of plus or minus two standard deviations ($2.48 \times 2 = 4.96$) from the average of 2.48 cases per 10,000. This means that 95% of Idaho counties reported from zero (0) to 7.44/10,000 child sex abuse cases filed during the study period.

The average rate for adults (Adult/Rate) in each county was 2.17/10,000 with a standard deviation of 2.12/10,000. The total rate for juveniles (Juvenile/Rate) was .61/10,000 with a standard deviation of .97/10,000.

Filing Rates in the Most Populated Counties-Chart 1T

Chart 1T shows the incidence of child sex abuse in the ten most heavily populated counties. County population varies in these ten counties from a high of 205,775 in Ada County to 26,622 in Bonner. Total/Rate varies from a high of 4.09/10,000 in Bannock County to a low of 1.0/10,000 in Kootenai County. Bannock and Kootenai fall within one standard deviation of the Total (mean) Rate of 2.78/10,000. This indicates that all of the ten most populated counties are grouped around the average incidence for the state.

Filing Rates in the Least Populated Counties-Chart 2T

Chart 2T shows the incidence of child sex abuse in the ten least populated counties. The Total/Rate varied from a low of 0.0 in Butte, Camas, Clark, Custer and Lincoln to a high of 8.55 in Boise County. The rate of case filing is above the expected but the small county population of 3509 exacerbates their average. There were three cases filed in FY96 but zero cases filed in FY95.

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

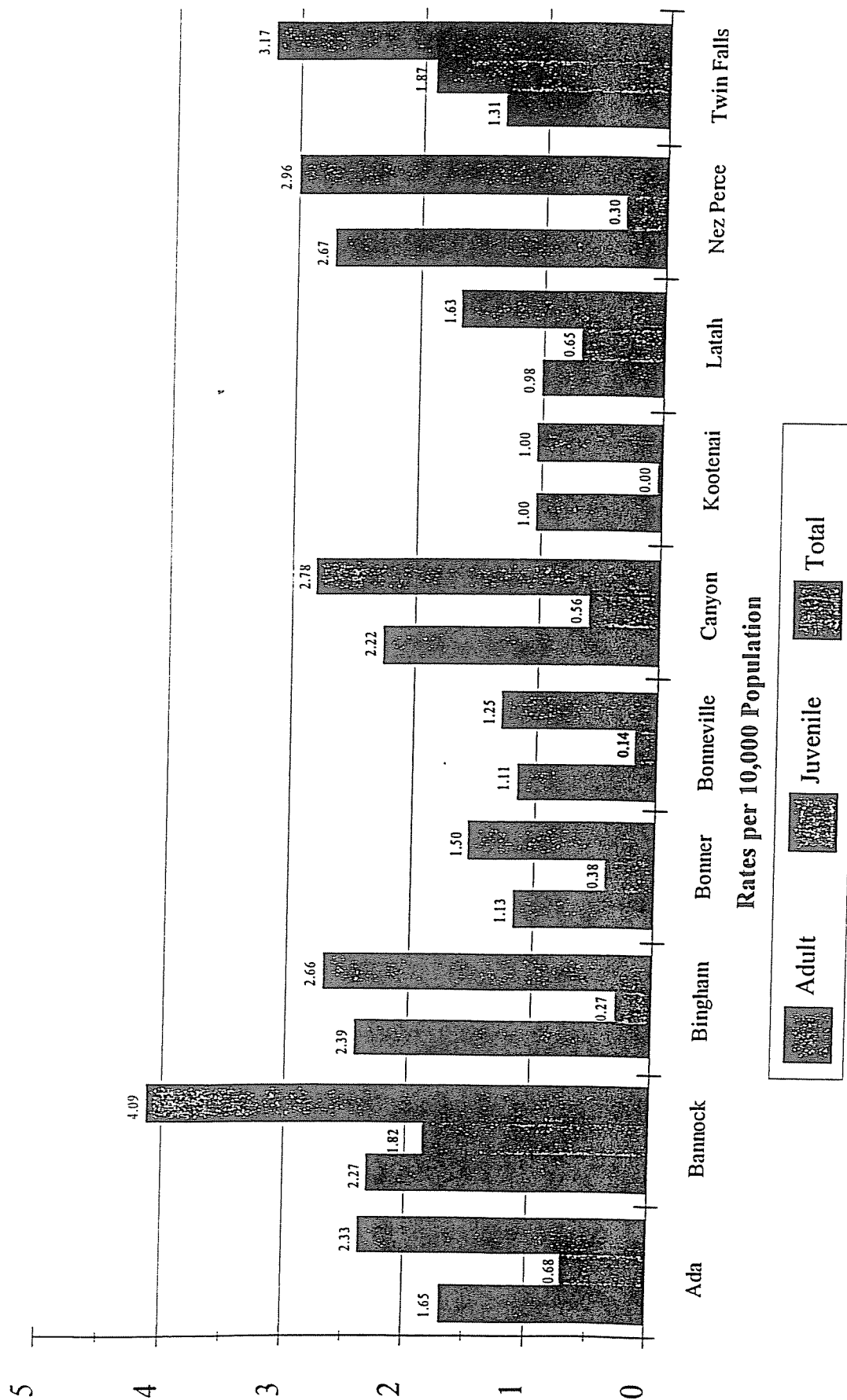
Chart 3T shows the counties with the highest incidence of cases filed for child sex abuse. The rate is shown for Adults, Juveniles and the Total/Rate per 10,000. The figures are standardized based on 1990 census data allowing for valid comparisons among the counties regardless of population density. Based on this analysis, Jerome County (15,138) had the highest Total/Rate with 9.91/10,000 representing 11 adult cases filed and four juvenile petitions. Boise County (3,509) had the second highest with a Total/Rate of 8.55 (three adults and no juveniles).

Again, as mentioned in the previous reports, the small population of many Idaho counties skews the findings. Also, the dynamics of this type of crime as well as the age of the victims may account for under-reporting. The higher reported numbers may also indicate more aggressive enforcement efforts and prosecution. Trend analysis over time should provide a clearer picture of incidence by county and across the state.

Table 1: Incidence of Prosecution by County
(Rate per 10,000 Population)

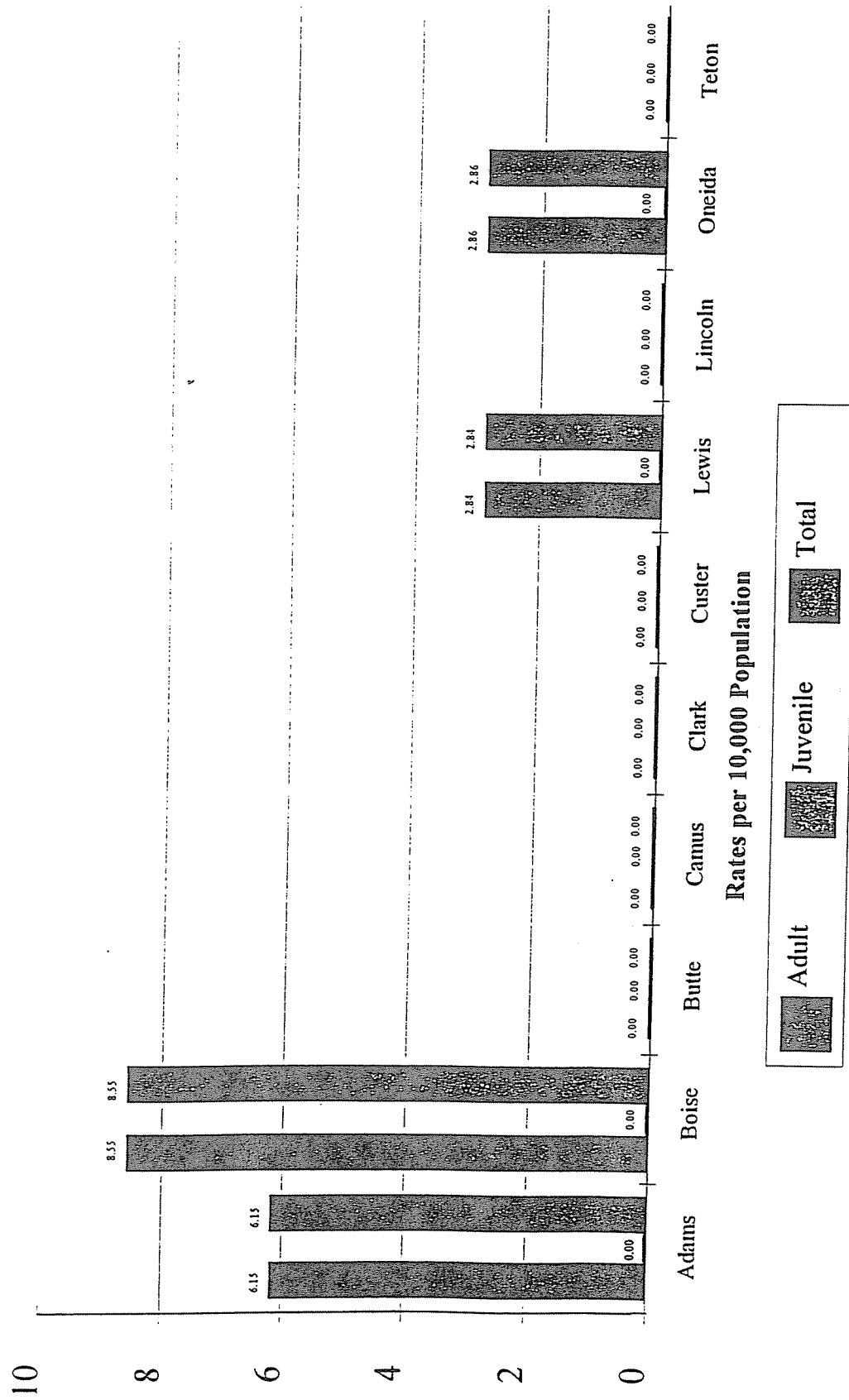
County	Pop	Adult Count	Juvenile Count	Total Count	Adult /Rate	Juvenile /Rate	Total /Rate	County	Pop	Adult Count	Juvenile Count	Total Count	Adult /Rate	Juvenile /Rate	Total /Rate
Ada	205775	34	14	48	1.65	0.68	2.33	Gem	11844	8	2	10	6.75	1.69	8.44
Adams	3254	2	0	2	6.15	0.00	6.15	Gooding	11633	3	0	3	2.58	0.00	2.58
Bannock	66026	15	12	27	2.27	1.82	4.09	Idaho	13783	5	0	5	3.63	0.00	3.63
Bear Lake	6084	3	0	3	4.93	0.00	4.93	Jefferson	16543	3	3	6	1.81	1.81	3.63
Benewah	7937	0	0	0	0.00	0.00	0.00	Jerome	15138	11	4	15	7.27	2.64	9.91
Bingham	37583	9	1	10	2.39	0.27	2.66	Kootenai	69795	7	0	7	1.00	0.00	1.00
Blaine	13552	7	0	7	5.17	0.00	5.17	Latah	30617	3	2	5	0.98	0.65	1.63
Bolse	3509	3	0	3	8.55	0.00	8.55	Lemhi	6899	1	0	1	1.45	0.00	1.45
Bonner	26622	3	1	4	1.13	0.38	1.50	Lewis	3516	1	0	1	2.84	0.00	2.84
Bonneville	72207	9	3	12	1.25	0.42	1.66	Lincoln	3308	0	0	0	0.00	0.00	0.00
Boundary	8332	0	0	0	0.00	0.00	0.00	Madison	23674	2	1	3	0.84	0.42	1.27
Butte	2918	0	0	0	0.00	0.00	0.00	Minidoka	19361	6	9	15	3.10	4.65	7.75
Camas	727	0	0	0	0.00	0.00	0.00	Nez Perce	33754	9	1	10	2.67	0.30	2.96
Canyon	90076	25	20	5	2.22	0.56	2.78	Oneida	3492	1	0	1	2.86	0.00	2.86
Carlbou	6963	0	0	0	0.00	0.00	0.00	Owyhee	8392	1	1	2	1.19	1.19	2.38
Cassla	19532	0	0	0	0.00	0.00	0.00	Payette	16434	1	0	1	0.61	0.00	0.61
Clark	762	0	0	0	0.00	0.00	0.00	Power	7086	3	0	3	4.23	0.00	4.23
Clearwater	8505	1	1	2	1.18	1.18	2.35	Shoshone	13931	5	1	6	3.59	0.72	4.31
Custer	4133	0	0	0	0.00	0.00	0.00	Teton	3439	0	0	0	0.00	0.00	0.00
Elmore	21205	7	0	7	3.30	0.00	3.30	Twln Falls	53580	7	10	17	1.31	1.87	3.17
Franklin	9323	2	2	4	2.15	2.15	4.29	Valley	6109	2	0	2	3.27	0.00	3.27
Fremont	10937	0	1	1	0.00	0.91	0.91	Washington	8550	1	2	3	1.17	2.34	3.51
								Total/Ave /Std Dev		195	76	271	2.17	0.61	2.78
													2.12	0.97	2.48

Chart 1T - 10 Largest Counties



FY96 Idaho Child Sexual Abuse Study

Chart 2T - 10 Smallest Counties



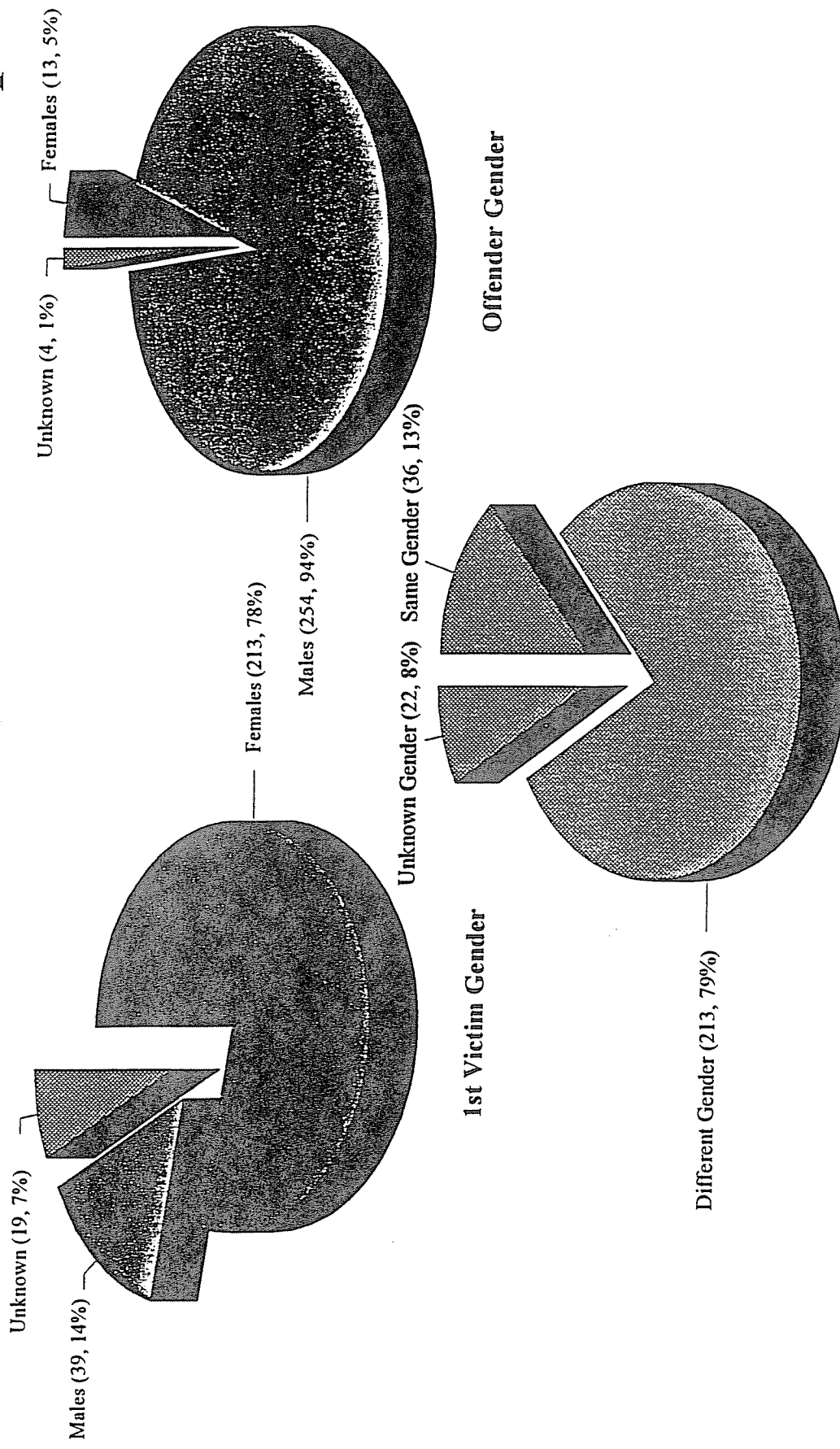
FY96 Idaho Child Sexual Abuse Study

Chart 3T - 10 Counties with Highest Rates



FY96 Idaho Child Sexual Abuse Study

Chart 4T - Gender and Gender Relationships



TREND ANALYSIS

TREND ANALYSIS

Trends In Incidence and Prosecution of Child Sex Abuse - Table 2

Table 2 shows the reported rate of prosecution over a five-year period for both adults and juveniles. This provides a more accurate picture of the variation of prosecution over time. Based on the four year rates (per 10,000 population) of prosecution, most counties that reported higher rates in a particular reporting year regressed toward the state averages in subsequent reporting periods.

Table 2 and Chart 5T show a trend analysis of prosecutions in this state over time. The year reporting the highest number of adult prosecutions and juvenile petitions occurred in FY93. After relative stable rates from FY92-FY94 the prosecution rates have declined for the past two years. Data collection and analysis in the forty-four counties have provided few clues to this phenomenon. This annual survey continues as a useful tool to continue to monitor the trend over time.

The increased attention of the state to child sex abuse crime may have sensitized parents to taking precautions with their children as well as made children aware of appropriate and inappropriate touching.

The increased use of prosecution, evaluation, and punishment/treatment of offenders may also contribute positively to reducing incidence. Still it is important to note that a trend in this type of crime emerges only slowly and a decline in a one or two year period may be the normal variation that would be expected.

Table 2: Trends in Prosecution by County between 1992 and 1996
(Rate per 10,000 Population)

County	Population	Rate 92	Rate 93	Rate 94	Rate 95	Rate 96	5 Year Average	County	Population	Rate 92	Rate 93	Rate 94	Rate 95	Rate 96	5 Year Average
Ada	205775	3.84	5.54	4.18	3.35	2.33	3.85	Gem	11844	1.69	5.07	3.38	3.38	8.44	4.39
Adams	3254	6.15	6.15	9.22	3.07	6.15	6.15	Gooding	11633	3.44	1.72	4.30	1.72	2.58	2.75
Bannock	66026	5.00	5.60	2.88	2.57	4.09	4.03	Idaho	13783	2.18	0.00	5.08	4.35	3.63	3.05
Bear Lake	6084	1.64	4.93	4.93	1.64	4.93	3.61	Jefferson	16543	4.23	0.60	7.25	1.81	3.63	3.40
Benewah	7937	1.26	6.30	3.78	1.26	0.00	2.52	Jerome	15138	5.28	2.64	9.91	3.96	9.91	6.28
Bingham	37583	5.32	5.06	3.73	4.26	2.66	4.21	Kootenai	69795	3.30	2.72	1.86	1.72	1.00	2.12
Blaine	13552	2.95	0.00	2.21	5.90	5.17	3.25	Latah	30617	4.57	1.63	0.98	1.31	1.63	2.02
Boise	3509	19.95	2.85	0.00	0.00	8.55	6.27	Lemhi	6899	1.45	2.90	5.80	1.45	1.45	2.61
Bonner	26622	4.13	5.26	1.50	4.51	1.50	3.38	Lewis	3516	0.00	0.00	0.00	14.22	2.84	3.41
Bonneville	72207	4.29	2.35	4.29	1.66	1.66	2.85	Lincoln	3308	6.05	6.05	0.00	0.00	0.00	2.42
Boundary	8332	7.20	4.80	2.40	6.00	0.00	4.08	Madison	23674	0.84	0.84	0.84	2.96	1.27	1.35
Butte	2918	0.00	0.00	0.00	0.00	0.00	0.00	Minidoka	19361	5.17	2.58	0.00	0.00	7.75	3.10
Camas	727	0.00	0.00	0.00	0.00	0.00	0.00	Nez Perce	33754	5.33	2.96	1.48	0.59	2.96	2.66
Canyon	90076	2.78	5.66	3.00	4.00	2.78	3.64	Oneida	3492	2.86	5.73	0.00	0.00	2.86	2.29
Caribou	6963	1.44	2.87	12.93	0.00	0.00	3.45	Owyhee	8392	7.15	4.77	2.38	4.77	2.38	4.29
Cassia	19532	3.07	3.58	2.56	2.05	0.00	2.25	Payette	16434	7.91	3.04	4.87	2.43	0.61	3.77
Clark	762	0.00	13.12	0.00	0.00	0.00	2.62	Power	7086	1.14	12.70	15.52	7.06	4.23	8.13
Clearwater	8505	1.18	10.58	7.05	3.53	2.35	4.94	Shoshone	13931	1.44	13.64	10.77	7.90	4.31	7.61
Custer	4133	0.00	0.00	0.00	2.42	0.00	0.48	Teton	3439	0.00	0.00	0.00	5.82	0.00	1.16
Elmore	21205	6.13	2.83	2.36	4.72	3.30	3.87	Twin Falls	53580	2.61	2.61	3.17	2.99	3.17	2.91
Franklin	9323	1.07	4.29	3.22	0.00	4.29	2.57	Valley	6109	11.46	9.82	6.55	3.27	3.27	6.87
Fremont	10937	5.49	0.91	0.00	0.91	0.91	1.64	Washington	8550	3.51	1.17	5.85	2.34	3.51	3.28
								Total 5 Year Average / SD							3.40 / 1.77

CONCLUSION

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. On-site visits were made in thirty-four counties reporting one or more cases. 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 8, 1996 were included in this analysis.

This report marks the fifth 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 271 cases of child sexual abuse were prosecuted during the study period FY96. Of that number, 195 were adults and 76 were juveniles. The Total (Mean) Rate of cases filed by county (standardized to census data) was 2.78/10,000.

The average Total Rate (Adult/Rate) for adult child sex abuse felony filings was 2.17/10,000. The average Total Rate (Juvenile/Rate) for juvenile child sex abuse petitions filed was .61/10,000. The Adult and Juvenile rates have declined from FY95.

The data in this study further indicated that child sexual abuse occurs most frequently between the victim and an acquaintance or relative. 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 and the low incidence of reporting. More detailed research should be conducted to determine the actual trends over time. This would be greatly facilitated by the development of a state-wide standardized tracking method.