# **IDAHO STATE LEGISLATURE**



CHILD SEXUAL ABUSE STATISTICS 20<sup>th</sup> Annual Report I.C. § 67-1405 JULY 1, 2007 - JUNE 30, 2008

Joint Submission by
The Office of the Governor
C. L. Butch Otter
and
The Office of the Attorney General
Lawrence Wasden
January, 2009



#### C. L. "BUTCH" OTTER

Governor STATE OF IDAHO

#### LAWRENCE G. WASDEN

Attorney General STATE OF IDAHO

To: The Idaho Legislature and the Citizens of Idaho

Re: The Prosecution of Child Sexual Abuse

This annual report on the prosecution of child sexual abuse draws our attention to a disturbing fact that sexual abuse of children continues to be a problem in our state. A great deal of the resources of the Department of Health and Welfare, state and local law enforcement agencies, the county prosecuting attorneys, the courts and the Department of Correction are devoted to the apprehension and punishment of the offenders that commit these crimes and to the protection and rehabilitation of the victims of these unspeakable acts.

Too many Idaho children and their families suffer the painful and permanent scarring that such crimes inflict upon the innocent. Parental vigilance and reporting of suspicious behavior to local law enforcement remain the essential protections for children against the real world crimes that occur most frequently in the victim's or the offender's home.

In a time when state and local resources are stretched to the limit, I urge that we not forget the importance of diligent efforts at all levels of government and in our homes, churches and neighborhoods to see our children are protected and that those who commit these heinous crimes are reported, apprehended and held accountable.

We hope this report will be a valuable resource to policymakers, prosecutors, law enforcement officers, parents and others who strive to protect our children.

Sincerely,

C. L. "BUTCH" OTTER

Governor State of Idaho LAWRENCE G. WASDEN

Attorney General State of Idaho

### **ACKNOWLEDGEMENTS**

This twentieth annual report was prepared in accordance with I.C. § 67-1405. With the assistance of the county Prosecuting Attorneys throughout the state, the Supreme Court's ISTARS staff, the Department of Health and Welfare, the Department of Juvenile Corrections and the Commission of Pardons and Parole, the Office of the Attorney General has compiled child sexual abuse statewide case data for fiscal year 2008 as reflected in this report.

# REPORT TO THE IDAHO LEGISLATURE FY08 CHILD SEXUAL ABUSE STATISTICS

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# REPORT TO THE IDAHO LEGISLATURE I.C. § 67-1405 FY08 CHILD SEXUAL ABUSE STATISTICS

#### REPORT SUMMARY

I.C. § 67-1405(1)

Reported

Incidents: IN FY07, THE LAST YEAR FOR WHICH DATA IS AVAILABLE, 452

INCIDENTS OF CHILD SEX ABUSE WERE REPORTED TO THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF FAMILY

AND COMMUNITY SERVICES. I.C. § 67-1405(1).

I.C. § 67-1405(2)

Cases Filed: A TOTAL OF 539 CHILD SEXUAL ABUSE CASES WERE FILED (420

ADULT CASES, 119 JUVENILE PETITIONS) IN DISTRICT AND JUVENILE COURTS IN FY08. THIS REPRESENTS AN INCREASE OF

**87** CASES FROM CASES REPORTED IN FY07.

I.C. § 67-1405(3)

Disposition: CONVICTIONS WERE REPORTED IN **286** CASES; **83** RECEIVED

PROBATION, 51 WERE PLACED ON RETAINED JURISDICTION, AND

**152** WERE COMMITTED TO PRISON.

I.C. § 67-1405(4)

Discharged

Offenders: The Commission of Pardons and Parole granted parole

TO **1585** INMATES DURING THE 2007 CALENDAR YEAR. OF THE INMATES RELEASED IN 2007, APPROXIMATELY **129 (8%)** WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL

ABUSE CRIMES.

### **HISTORICAL OVERVIEW OF ANNUAL REPORT**

WITH THE PASSAGE OF HOUSE BILL 362 IN 1989 (ADDING SECTION 67-1405 TO THE IDAHO CODE), THE DUTIES OF THE ATTORNEY GENERAL WERE EXPANDED TO INCLUDE PREPARATION OF AN ANNUAL STATISTICAL REPORT REGARDING CHILD SEXUAL ABUSE IN IDAHO. THE ANNUAL REPORTS PRESENTED TO THE IDAHO LEGISLATURE SINCE 1990 ARE AVAILABLE AT www2.state.id/us/ag/sexual\_prosecution\_reports/reports\_index.htm.

THE COLLECTION OF DATA AND PREPARATION OF THIS REPORT FOR FY08 IS THE RESULT OF ATTORNEY GENERAL'S STAFF EFFORTS TO PREPARE A REPORT THAT REFLECTS THE STATUTORY DIRECTIVES OF I.C. § 67-1405. THIS REPORT IS JOINTLY SUBMITTED BY GOVERNOR C.L. BUTCH OTTER AND ATTORNEY GENERAL LAWRENCE WASDEN.

#### **DATA COLLECTION PROCESS**

THIS REPORT INCLUDES DATA ON "INCIDENTS" OF CHILD SEX ABUSE REPORTED TO THE DEPARTMENT OF HEALTH AND WELFARE IN FY07, THE ADULT AND JUVENILE CHILD SEX ABUSE CASES FILED BY COUNTY PROSECUTORS IN FY08 (JULY 1, 2007 TO JUNE 30, 2008), THE DISPOSITIONS OF THOSE CHILD SEXUAL ABUSE CASES DURING THAT PERIOD, AND INFORMATION CONCERNING THE DISCHARGE OF INMATES IN 2007 WHO WERE CONVICTED OF CHILD SEXUAL ABUSE CRIMES. THE PROCESS OF GATHERING INFORMATION INCLUDED IN THIS REPORT WAS INITIATED AT THE CLOSE OF THE FISCAL YEAR IN JULY 2008, AND CONTINUED THROUGH JANUARY 2009.

In Keeping with the Intent of I.C. § 67-1405, the Office of the Attorney General collected data through systems and processes presently utilized by the contributing governmental entities. For example, information concerning the reporting of child sexual abuse incidents was gathered from "Facts, Figures, Trends 2007-2008: A report prepared by the Idaho Department of Health and Welfare." Case and disposition information was initially obtained through the Supreme Court's ISTARS statewide case management database and then presented to each county prosecutor's office for review and verification. Discharge and release data was collected from the Commission of Pardons and Parole "End-of-Year Statistical Information" for Calendar year 2007.

In this report, the Office of the Attorney General has endeavored to collect and include child sex abuse data pertaining to: (1) incidents; (2) cases; (3) dispositions and (4) discharged inmates as required by I.C. § 67-1405. This report includes cases involving the following statutory offenses:

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ATTEMPTED RAPE (I.C. §§ 18-301, 18-306, 18-6101)
BATTERY (I.C. § 18-903);
INJURY TO CHILDREN (I.C. § 18-1501);
SEXUAL ABUSE OF A CHILD (I.C. § 18-1506);
RITUALIZED ABUSE OF A CHILD (I.C. § 18-1506A);
SEXUAL EXPLOITATION OF A CHILD (I.C. § 18-1507);
Possession of Sexually Exploitative Materials (I.C. § 18-1507A);
LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. § 18-1508);
SEXUAL BATTERY OF A MINOR (IC § 18-1508A);
ENTICING OF CHILDREN (I.C. § 18-1509);
ENTICING OF CHILDREN OVER THE INTERNET (I.C. §18-1509A);
STATUTORY RAPE (I.C. § 18-6101(1));
MALE RAPE (I.C. § 18-6108);
INCEST (I.C. § 18-6602);
CRIMES AGAINST NATURE (I.C. §§ 18-6605 AND 18-6606), AND
FORCIBLE SEXUAL PENETRATION WITH A FOREIGN OBJECT (I.C. § 18-6608)
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SOME REPORTS IN PRIOR YEARS INCLUDED INFORMATION COLLECTED THROUGH INDEPENDENT ON-SITE FIELD AUDITS OF CASE FILES FROM AROUND THE STATE. AS A RESULT INFORMATION BEYOND THAT REQUIRED BY THE STATUTE WAS INCLUDED IN PRIOR REPORTS (E.G. OFFENDER ETHNICITY, INCOME, OCCUPATION, VICTIM RELATIONSHIP, ETC.). THIS PRACTICE WAS DISCONTINUED FOR THIS REPORT. CONSISTENT WITH THE STATUTORY MANDATE THIS REPORT INCLUDES INFORMATION AVAILABLE THROUGH EXISTING SYSTEMS AND RESOURCES RELATING TO REPORTED INCIDENTS, CASES FILED, DISPOSITIONS, AND OFFENDERS DISCHARGED IN CHILD SEXUAL ABUSE CASES.

# I. REPORTED INCIDENTS I.C. § 67-1405(1)

### I.C. § 67-1405(1) PROVIDES:

[T]HE DEPARTMENT OF HEALTH AND WELFARE, EACH CITY POLICE DEPARTMENT, EACH COUNTY SHERIFF AND THE IDAHO STATE POLICE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE INCIDENT REPORT TO EACH AGENCY OF THE STATE OR LOCAL GOVERNMENT. IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO THE GREATEST EXTENT POSSIBLE TO USE AND DEVELOP THE INFORMATION REQUIRED IN THIS SECTION ON FORMS CURRENTLY IN USE BY EACH GOVERNMENTAL ENTITY, THUS AVOIDING UNNECESSARY PAPERWORK.

PRIOR REPORTS HAVE NOT INCLUDED DATA OR INFORMATION REGARDING THE INCIDENTS OF CHILD SEX ABUSE REPORTED TO AUTHORITIES. IN THIS REPORT, THE OFFICE OF THE ATTORNEY GENERAL HAS INCLUDED THE CHILD SEX ABUSE INCIDENT DATA REPORTED BY THE DEPARTMENT OF HEALTH AND WELFARE FOR FY04 – FY07, WHICH IS SUMMARIZED AS FOLLOWS:

FY07 FY06	<u>Incidents</u>		
FY07	452		
FY06	475		
FY05	458		
FY04	540		

THE STATISTICS MAINTAINED BY THE DEPARTMENT OF HEALTH AND WELFARE INCLUDE THOSE REPORTS OF CHILD SEXUAL ABUSE WHICH REQUIRED THE DEPARTMENT'S INVOLVEMENT. THESE STATISTICS DO NOT INCLUDE INCIDENTS OF CHILD SEXUAL ABUSE WHICH WERE REPORTED TO LAW ENFORCEMENT BUT DID NOT REQUIRE THE SERVICES OF THE DEPARTMENT OF HEALTH AND WELFARE.<sup>2</sup>

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<sup>&</sup>lt;sup>1</sup> See "Facts, Figures, Trends 2007-2008: A report prepared by the Idaho Department of Health and Welfare."

<sup>&</sup>lt;sup>2</sup> The Attorney General recognizes that some incidents of child sexual abuse are reported to local law enforcement entities but not reported to or investigated by the Department of Health and Welfare; however, there are no systems presently in place to identify such reports or account for duplicate reporting of the same incident. Therefore to the extent incident information is included in this report, it is presently limited to those incidents of child sexual abuse reported to and investigated by the Department of Health and Welfare.

### II. **CASES FILED** I.C. § 67-1405(2)

#### I.C. § 67-1405(2) PROVIDES:

IT SHALL BE THE DUTY OF EACH COUNTY PROSECUTING ATTORNEY TO SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY THE PROSECUTING ATTORNEY. THE REPORT REQUIRED PURSUANT TO THIS SECTION SHALL BE DESIGNED BY THE ATTORNEY GENERAL TO MINIMIZE THE PAPERWORK IMPACT ON EACH COUNTY PROSECUTOR.

#### A. SUMMARY OF ADULT CASES FILED

(JULY 1, 2007 - JUNE 30, 2008)

#### ADULT OFFENDERS: CASES AND CHARGES FILED

THE INFORMATION FROM THE ADULT CASES FILED IN FY08 IS INCLUDED IN CHARTS A1 – A2. A TOTAL OF 420 ADULT CASES WERE FILED IN DISTRICT COURT DURING THE TWELVE-MONTH PERIOD OF JULY 1, 2007 - JUNE 30, 2008.

**CHART A1** SHOWS THE BREAKDOWN, BY IDAHO CODE SECTION, OF THE TYPE OF CHARGES FILED AGAINST ADULT OFFENDERS IN THE 420 CHILD SEXUAL ABUSE CASES REPORTED.

Adult Offenders: Most Frequently Filed Charges Cases 250 214 200 150 100 59 46 45 32 50 24 0 -18-6101(1) 18-1508A 18-1501 Other 18-1508 18-1506 Statutory Sexual Injury to Lewd Sexual Children Conduct Abuse of Rape Battery with Minor Minor (16/17)Under 16 Under 16 yoa)

**CHART A1: Type of Charges Filed** 

LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. § 18-1508) CHARGES CONTINUED AS THE CHARGE MOST FREQUENTLY FILED, REPRESENTING 214 OF THE CHARGES FILED IN THE 420 ADULT CASES (51%).

**CHART A2** REFLECTS THE CHILD SEXUAL ABUSE CASES FILED AGAINST ADULT OFFENDERS IN EACH OF THE STATE'S SEVEN JUDICIAL DISTRICTS.

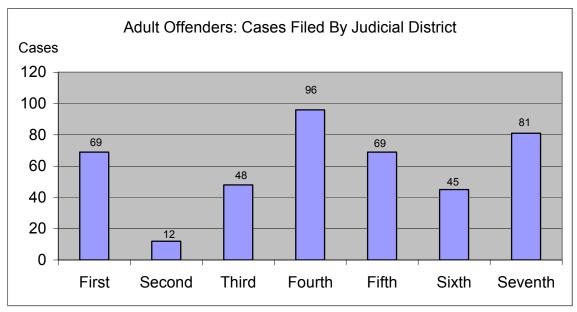


CHART A2: CASES FILED BY JUDICIAL DISTRICT

THE FIRST, FOURTH AND SEVENTH JUDICIAL DISTRICTS OF IDAHO REPORTED FILING THE HIGHEST NUMBER OF CASES, REPRESENTING 246 (59%) OF THE TOTAL CHILD SEXUAL ABUSE - ADULT OFFENDER CASES FILED IN FY08.

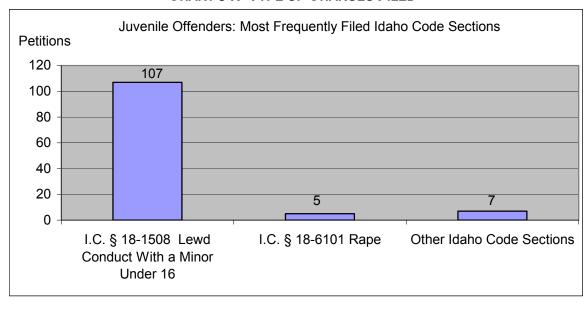
#### B. SUMMARY OF JUVENILE PETITIONS FILED

(JULY 1, 2007 - JUNE 30, 2008)

A SUMMARY OF THE JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE FOLLOWS IN CHARTS J1 AND J2. A TOTAL OF 119 JUVENILE PETITIONS WERE FILED DURING THE TWELVE-MONTH PERIOD OF JULY 1, 2007 - JUNE 30, 2008.

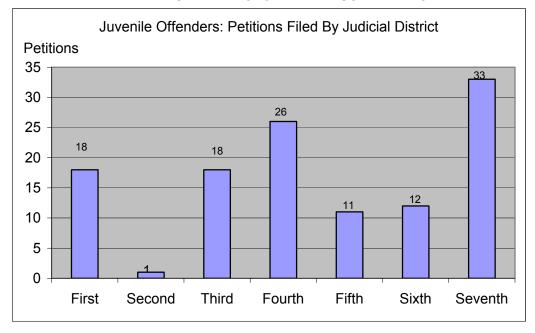
#### JUVENILE OFFENDERS: PETITIONS FILED

**CHART J1** SHOWS THE BREAKDOWN, BY IDAHO CODE SECTION, OF THE TYPE OF CHILD SEXUAL ABUSE CHARGES FILED IN THE 119 JUVENILE PETITIONS REPORTED IN FY08. LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. §18-1508) REMAINED THE MOST COMMON CHARGE IN JUVENILE PETITIONS ALLEGING CHILD SEXUAL ABUSE.



**CHART J1: TYPE OF CHARGES FILED** 

**CHART J2** SHOWS JUVENILE PETITION DATA BY JUDICIAL DISTRICT ACROSS THE STATE OF IDAHO IN FY08.



**CHART J2: PETITIONS FILED BY JUDICIAL DISTRICT** 

THE FOURTH AND SEVENTH JUDICIAL DISTRICTS OF IDAHO REPORTED HANDLING THE HIGHEST NUMBER OF PETITIONS, REPRESENTING 59 (50%) OF THE TOTAL CHILD SEXUAL ABUSE - JUVENILE OFFENDER PETITIONS FILED IN FY08.

# III. **DISPOSITION INFORMATION**I.C. § 67-1405(3)

#### I.C. § 67-1405(3) PROVIDES:

THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE DISPOSITION OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY EACH OF THE DISTRICT COURTS THROUGHOUT THE STATE. THIS REPORTING REQUIREMENT MAY BE SATISFIED BY SUBMISSION OF A COPY OF A JUDGMENT MADE AND ENTERED IN EACH CASE.

#### A. SUMMARY OF DISPOSITIONS FOR ADULT CASES FILED IN FY08

#### ADULT OFFENDERS: DISPOSITION INFORMATION

**CHART A3** SHOWS THAT IN FY08, CONVICTIONS WERE OBTAINED IN 286 CASES; AQUITTALS WERE OBTAINED IN 3 CASES AND DISMISSALS WERE ENTERED IN 21 CASES.

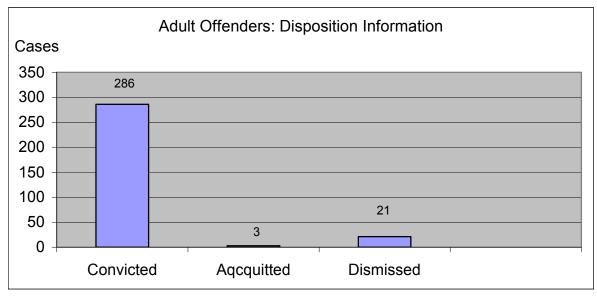
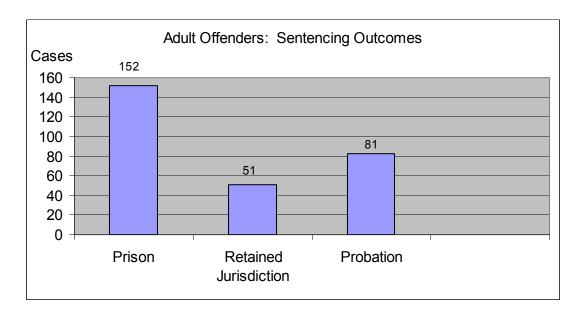


CHART A3: DISPOSITION INFORMATION FOR ADULT CASES FILED IN FY08

## ADULT OFFENDERS: SENTENCING DATA

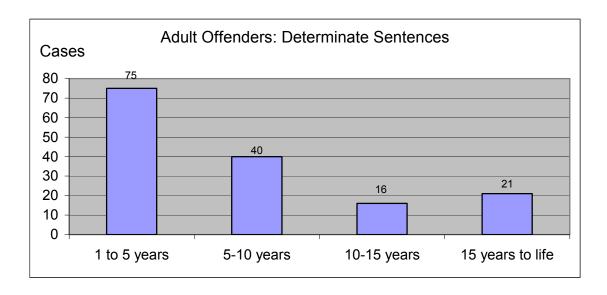
**CHART A4** REFLECTS THE GENERAL SENTENCING OUTCOMES FOR THE **286** CASES IN WHICH CONVICTIONS WERE OBTAINED.

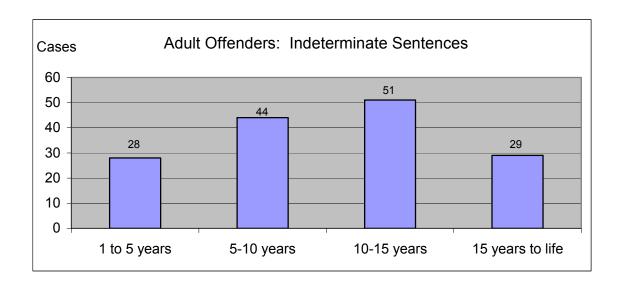
**CHART A4: SENTENCING OUTCOMES** 



**CHART A5** REFLECTS THE LENGTH OF INDETERMINATE AND DETERMINATE (FIXED) SENTENCES GIVEN TO THE ADULT DEFENDANTS SENTENCED TO PRISON IN FY08.

CHART A5: DETERMINATE AND INDETERMINATE SENTENCES FOR CONVICTED ADULT OFFENDERS





#### B. SUMMARY OF DISPOSITION INFORMATION FOR JUVENILE OFFENDERS

#### JUVENILE OFFENDERS: DISPOSITION INFORMATION

**CHART J3** SHOWS THAT OF THE 101 JUVENILES DISPOSITIONED IN FY08 IN CHILD SEX ABUSE CASES. PROBATION WAS GRANTED IN 73 CASES; 17 JUVENILES WERE PLACED IN DETENTION AND 11 PETITIONS WERE DISMISSED.

Juvenile Offenders: Disposition Information Petitions 80 73 70 60 50 40 30 17 20 11 10 0 Probation Detained Dismissed

**CHART J3: DISPOSITION INFORMATION** 

# IV. **DISCHARGED OFFENDERS** I.C. § 67-1405(4)

#### I.C. § 67-1405(4) PROVIDES:

THE COMMISSION OF PARDONS AND PAROLE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE RELEASE OR DISCHARGE OF ANY INDIVIDUAL CONVICTED OF A CRIME INVOLVING CHILD SEXUAL ABUSE. SUCH REPORT SHALL BE DESIGNED TO MINIMIZE THE PAPERWORK IMPACT UPON THE COMMISSION.

THE COMMISSION OF PARDONS AND PAROLE REPORTED THAT IT GRANTED PAROLE TO 1585 INMATES DURING THE 2007 CALENDAR YEAR. OF THE INMATES RELEASED IN 2007, APPROXIMATELY 129 (8%) WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES. THE COMMISSION OF PARDONS AND PAROLE TRACKS AND REPORTS THIS RELEASE INFORMATION ON A CALENDAR YEAR BASIS RATHER THAN USING A FISCAL YEAR. 2008 NUMBERS WERE NOT AVAILABLE AT THE TIME OF PREPARATION OF THIS REPORT.

# V. STATEWIDE CASE COMPARISON

THE TOTAL NUMBER OF REPORTED CHILD SEXUAL ABUSE CASES FILED IN THE FY08 PERIOD WAS 539 (420 ADULT CASES AND 119 JUVENILE PETITIONS). FOR THE PAST TEN FISCAL YEARS, THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES REPORTED EACH YEAR IS AS FOLLOWS:

#### TEN YEAR SUMMARY OF REPORTED CHILD SEXUAL ABUSE CASES

FISCAL	Total
YEAR	CASES
2008	539
2007	430
2006	324
2005	422
2004	371
2003	459
2002	434
2001	386
2000	364
1999	432

THE TOTAL CHILD SEXUAL ABUSE CASES REPORTED FOR EACH COUNTY IN IDAHO BY TYPE OF OFFENDER (ADULT OR JUVENILE) FOLLOWS IN **TABLE 1: FY08 CASE FILINGS BY COUNTY**. THREE (3) COUNTIES (ADAMS, CAMAS, AND LEWIS), REPORTED FILING NO CHILD SEXUAL ABUSE CASES IN FY08 AND THEIR RATES ARE REPORTED AS ZERO. TWO (2) COUNTY PROSECUTORS FAILED TO REPORT ANY CASE DATA AND THEIR COUNTY RATES ARE REFLECTED AS NR.

TABLE 1: FY08 CASE FILINGS BY COUNTY

County	Population	FY08	FY08	FY08
	2000 Census	Total	Adult	Juvenile
Ada	300,904	89	65	24
Adams	3,476	0	0	0
Bannock	75,565	34	23	11
Bear Lake	6,411	4	4	0
Benewah	9,171	5	2	3
Bingham	41,735	34	19	15
Blaine	18,991	11	8	3
Boise	6,670	2	2	0
Bonner	36,835	19	18	1
Bonneville	82,522	47	35	12
Boundary	9,871	3	3	0
Butte	2,899	3	3	0
Camas	991	0	0	0
Canyon	131,441	34	21	13
Caribou	7,304	3	3	0
Cassia	21,416	13	12	1
Clark	1,022	3	3	0
Clearwater	8,930	5	5	0
Custer	4,342	3	3	0
Elmore	29,130	20	18	2
Franklin	11,329	14	13	1
Fremont	11,819	5	5	0
Gem	15,181	11	10	1
Gooding	14,155	11	9	2
Idaho	15,511	NR	NR	NR
Jefferson	19,155	3	3	0
Jerome	18,342	6	6	0
Kootenai	108,685	54	44	10
Latah	34,935	2	2	0
Lemhi	7,806	3	2	1
Lewis	3,747	0	0	0
Lincoln	4,044	4	4	0
Madison	27,467	11	7	4
Minidoka	20,174	11	9	2
Nez Perce	37,410	6	5	1
Oneida	4,125	2	2	0
Owyhee	10,644	7	5	2
Payette	20,578	10	9	1
Power	7,538	NR	NR	NR
Shoshone	13,771	6	2	4
Teton	5,999	2	1	1
Twin Falls	64,284	24	21	3
Valley	7,651	11	11	0
Washington	9,977	4	3	1
TOTAL		539	420	119

CHILD SEXUAL ABUSE PROSECUTIONS REPORTED FOR FY08 IN THE 10 MOST POPULATED COUNTIES ARE SET FORTH IN **TABLE 2**.

TABLE 2
FY08 CASES FOR TEN MOST POPULATED COUNTIES

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
ADA	300,904	65	24	89
BANNOCK	75,565	23	11	34
BINGHAM	41,735	19	15	34
BONNER	36,835	18	1	19
BONNEVILLE	82,522	35	12	47
CANYON	131,441	21	13	34
KOOTENAI	108,685	44	10	54
LATAH	34,935	2	0	2
Nez Perce	37,410	5	1	6
TWIN FALLS	64,284	21	3	24

FY08 cases for child sexual abuse prosecutions in the 10 least populated counties are set forth in **Table 3**.

TABLE 3
FY08 RATES FOR TEN LEAST POPULATED COUNTIES

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
ADAMS	3,476	0	0	0
Boise	6,670	2	0	2
BUTTE	2,899	3	0	3
CAMAS	991	0	0	0
CLARK	1,022	3	0	3
CUSTER	4,342	3	0	3
LEWIS	3,747	0	0	0
LINCOLN	4,044	4	0	4
ONEIDA	4,125	2	0	2
TETON	5,999	1	1	2

17