IDAHO STATE LEGISLATURE



CHILD SEXUAL ABUSE STATISTICS 22nd Annual Report I.C. § 67-1405 JULY 1, 2009 - JUNE 30, 2010

Joint Submission by
The Office of the Governor
C. L. "Butch" Otter
and
The Office of the Attorney General
Lawrence Wasden
January 2011



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 TWENTY-SECOND 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 AND THE COMMISSION OF PARDONS AND PAROLE, THE OFFICE OF THE ATTORNEY GENERAL HAS COMPILED CHILD SEXUAL ABUSE STATEWIDE CASE DATA FOR FISCAL YEAR 2010 AS REFLECTED IN THIS REPORT.

REPORT TO THE IDAHO LEGISLATURE FY10 CHILD SEXUAL ABUSE STATISTICS

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REPORT TO THE IDAHO LEGISLATURE I.C. § 67-1405 FY10 CHILD SEXUAL ABUSE STATISTICS

REPORT SUMMARY

I.C. § 67-1405(1)

Reported Incidents:

IN FY09-FY10, 385 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 514 CHILD SEXUAL ABUSE CASES WERE FILED (385 ADULT

CASES, 129 JUVENILE PETITIONS) IN IDAHO DISTRICT AND JUVENILE COURTS, IN FY10. THIS REPRESENTS A DECREASE OF 155 CASES FILED

SINCE FY09.

I.C. § 67-1405(3)

Disposition: CONVICTIONS WERE REPORTED IN 275 CASES; THAT INCLUDES 92 ADULT

OFFENDERS RECEIVING PRISON, AND **21** JUVENILE OFFENDERS COMMITTED TO THE CUSTODY OF IDJC; THERE WERE **60** ADULTS AND **64** JUVENILES PLACED ON PROBATION; AND **38** ADULTS WERE GIVEN

RETAINED JURISDICTION.

I.C. § 67-1405(4)

Discharged

Offenders: The Commission of Pardons and Parole granted parole to 103

INMATES AND DISCHARGED AN ADDITIONAL 51 INMATES WHO HAD SERVED THEIR ENTIRE SENTENCES DURING THE 2010 FISCAL YEAR 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 FY10 IS THE RESULT OF THE ATTORNEY GENERAL'S STAFF EFFORTS TO PREPARE A REPORT THAT COMPLIES WITH 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 FY10 (July 1, 2009 to June 30, 2010); the adult and juvenile child sex abuse cases filed by county prosecutors in FY10; the dispositions of the child sexual abuse cases during that period, and information concerning the discharge of inmates in 2010 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 2010.

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 2009-2010: A report prepared by the Idaho Department of Health and Welfare." FY10 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 parole release data was collected from existing Commission of Pardons and Parole data for fiscal year 2010.

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 SEXUAL OFFENSES INVOLVING CHILDREN:

INJURY TO CHILDREN (I.C. § 18-1501);

SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS (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 CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE (I.C. § 18-1508A);

ENTICING OF CHILDREN (I.C. § 18-1509);

ENTICING OF CHILDREN OVER THE INTERNET (I.C. §18-1509A)

CONSISTENT WITH THE STATUTORY MANDATE, THIS REPORT INCLUDES ONLY INFORMATION AVAILABLE THROUGH EXISTING SYSTEMS AND RESOURCES RELATING TO REPORTED INCIDENTS, CASES FILED, DISPOSITIONS, AND OFFENDERS DISCHARGED IN CHILD SEXUAL ABUSE CASES INVOLVING THE ABOVE STATUTORY SECTIONS.

Ι.

REPORTED INCIDENTS

I.C. § 67-1405(1)

I.C. § 67-1405(1) PROVIDES:

THE 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 REPORTED TO EACH AGENCY OF STATE OR LOCAL GOVERNMENT. THE REPORT SHALL CONTAIN SUCH INFORMATION AS SPECIFIED BY THE ATTORNEY GENERAL. 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.

In this report, the Office of the Attorney General has included the child sex abuse incident data reported by the Department of Health and Welfare¹ for FY05 – FY10, which is summarized as follows:

FISCAL YEAR	<u>INCIDENTS</u>
FY10	385
FY09	385
FY08	415
FY07	452
FY06	475
FY05	458

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 MAY HAVE BEEN REPORTED TO LAW ENFORCEMENT BUT DID NOT INVOLVE THE SERVICES OF THE DEPARTMENT OF HEALTH AND WELFARE.²

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¹ See "Facts, Figures, Trends 2009-2010: A report prepared by the Idaho Department of Health and Welfare."

² The Attorney General recognizes that some "incidents" of child sexual abuse may be 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 to account for duplicate reporting of the same incident. Therefore incident information included in this report is 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, 2009 - JUNE 30, 2010)

ADULT OFFENDERS: CASES AND CHARGES FILED

Information on the adult cases filed in FY10 is included in Charts A1 and A2. A total of 385 adult cases were filed in district court during the twelve-month Period of July 1, 2009 - June 30, 2010.

CHART A1 SHOWS THE BREAKDOWN, BY IDAHO CODE SECTION, OF THE MOST FREQUENT CHARGES FILED AGAINST ADULT OFFENDERS FROM AMONG THE 385 CHILD SEXUAL ABUSE CASES REPORTED.

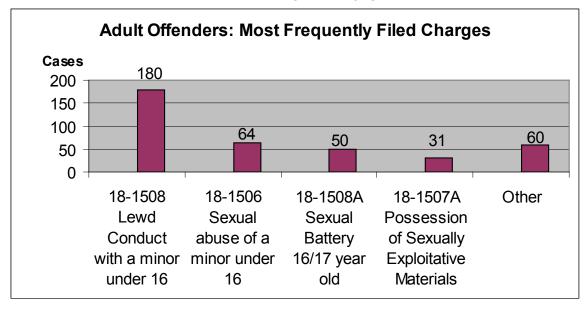


CHART A1: TYPE OF CHARGES FILED

Lewd conduct with a minor child under sixteen (I.C. \S 18-1508) charges continue to be the charge most frequently filed, representing 180 of the charges filed in the 385 adult cases (47%).

CHART A2 REFLECTS THE NUMBER OF CHILD SEXUAL ABUSE CASES FILED AGAINST ADULT OFFENDERS IN EACH OF THE STATE'S SEVEN JUDICIAL DISTRICTS DURING FY10.

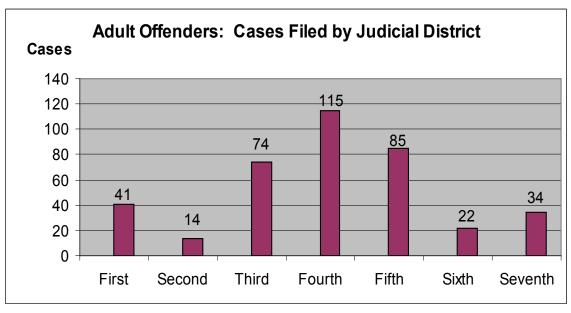


CHART A2: CASES FILED BY JUDICIAL DISTRICT

THE FOURTH AND FIFTH JUDICIAL DISTRICTS OF IDAHO REPORTED FILING THE HIGHEST NUMBER OF CASES, REPRESENTING 200 (52%) OF THE TOTAL CHILD SEXUAL ABUSE ADULT OFFENDER CASES FILED IN FY10.

B. Summary Of Juvenile Petitions Filed

(JULY 1, 2009 - JUNE 30, 2010)

A SUMMARY OF THE JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE FOLLOWS IN **CHART J1**. A TOTAL OF 129 JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE WERE FILED DURING THE TWELVE-MONTH PERIOD FROM JULY 1, 2009 - JUNE 30, 2010.

JUVENILE OFFENDERS: PETITIONS FILED

ALL BUT TEN OF THE 129 JUVENILE PETITIONS REPORTED IN FY10 CHARGED LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. §18-1508). THUS, LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. §18-1508) IS CLEARLY THE PREDOMINANT CHARGE IN CHILD SEXUAL ABUSE CASES WHERE THE OFFENDER IS A JUVENILE.

CHART J1 SHOWS JUVENILE PETITION DATA IN SEXUAL ABUSE CASES BY JUDICIAL DISTRICT ACROSS THE STATE OF IDAHO IN FY10.



CHART J1: PETITIONS FILED BY JUDICIAL DISTRICT

The fifth and seventh judicial districts of idaho reported handling the highest number of petitions, representing 59 (46%) of the total child sexual abuse juvenile offender petitions filed in FY10.

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 FY10

ADULT OFFENDERS: DISPOSITION INFORMATION

CHART A3 SHOWS THAT IN FY10, CONVICTIONS WERE OBTAINED IN 190 CHILD SEXUAL ABUSE CASES WHERE THE OFFENDER WAS AN ADULT; DISMISSALS WERE ENTERED IN 47 CASES, 2 CASES RESULTED IN ACQUITTALS AND 146 CASES REMAIN PENDING.

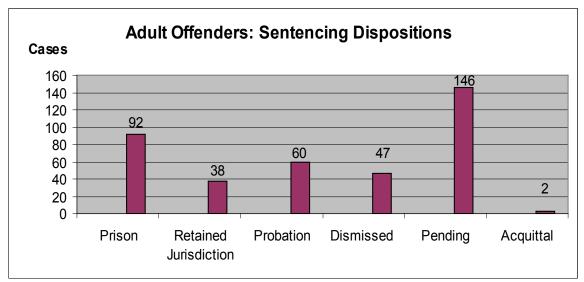


CHART A3: DISPOSITION INFORMATION FOR ADULT CASES FILED IN FY09

CHART A3 ALSO SHOWS THAT OF THOSE CONVICTED IN FY10, 92 (48%) WERE SENTENCED TO PRISON; 38 (20%) WERE GIVEN RETAINED JURISDICTION; AND 60 (32%) WERE PLACED ON PROBATION.

B. SUMMARY OF DISPOSITION INFORMATION FOR JUVENILE OFFENDERS

JUVENILE OFFENDERS: DISPOSITION INFORMATION

CHART J2 SHOWS THAT OF THE 85 JUVENILES DISPOSITIONED IN FY10 IN CHILD SEX ABUSE CASES; PROBATION WAS GRANTED IN 64 CASES (75%); AND 21 JUVENILES (25%) WERE COMMITTED TO THE CUSTODY OF THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS.

Juvenile Offenders: Disposition Information Petitions 70 64 60 50 35 40 30 21 20 9 10 0 -Commitment Probation Dismissed Pending

CHART J2: DISPOSITION INFORMATION

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

I.C. § 67-1405(4) PROVIDES:

THE COMMISSION ON 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 DURING THE 2010 FISCAL YEAR IT GRANTED PAROLE TO 103 INMATES AND DISCHARGED AN ADDITIONAL 51 INMATES WHO HAD COMPLETED THEIR SENTENCES. THESE INMATES WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES.

V. STATEWIDE CASE COMPARISON

THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED IN FY10 WAS 514 (385 ADULT CASES AND 129 JUVENILE PETITIONS). FOR THE PAST TEN FISCAL YEARS, THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED EACH YEAR WAS AS FOLLOWS:

TEN YEAR SUMMARY OF CHILD SEXUAL ABUSE CASES FILED

FISCAL	TOTAL
YEAR	CASES
2010	514
2009	669
2008	539
2007	430
2006	324
2005	422
2004	371
2003	459
2002	434
2001	386
2000	364

The total number of child sexual abuse cases filed for each county in Idaho by type of offender (adult or juvenile) follows in **Table 1: FY10 Case Filings By County**. Five (5) counties (adams, camas, clark, lewis & oneida), reported filing no child sexual abuse cases in FY10 under the statutes tracked in this report and, as such, their rates are reported as zero.

TABLE 1: FY10 CASE FILINGS BY COUNTY

County	Population	FY10	FY10	FY10
	2009 Census	Adult	Juvenile	Total
Ada	384,656	106	20	126
Adams	3,520	0	0	0
Bannock	82,539	8	0	8
Bear Lake	5,774	1	0	1
Benewah	9,258	3	0	3
Bingham	44,668	7	12	19
Blaine	22,328	0	1	1
Boise	7,445	2	0	2
Bonner	41,403	9	0	9
Bonneville	101,329	15	10	25
Boundary	10,951	0	2	2
Butte	2,764	0	2	2
Camas	1,109	0	0	0
Canyon	186,615	54	20	74
Caribou	6,914	6	1	7
Cassia	21,698	4	2	6
Clark	952	0	0	0
Clearwater	8,043	1	2	3
Custer	4,240	3	0	3
Elmore	28,820	6	1	7
Franklin	12,676	5	1	6
Fremont	12,691	0	2	2
Gem	16,437	9	3	12
Gooding	14,430	8	3	11
Idaho	15,461	5	0	5
Jefferson	24,802	2	2	4
Jerome	21,262	10	6	16
Kootenai	139,390	23	10	33
Latah	38,046	6	0	6
Lemhi	7,908	2	0	2
Lewis	3,735	0	0	0
Lincoln	4,645	2	2	4
Madison	38,440	4	2	6
Minidoka	19,226	3	6	9
Nez Perce	39,211	2	1	3
Oneida	4,221	0	0	0
Owyhee	11,223	2	0	2
Payette	23,099	7	2	9
Power	7,734	2	1	3
Shoshone	12,660	6	2	8
Teton	9,337	2	0	2
Twin Falls	75,296	57	9	66
Valley	8,726	1	2	3
Washington	10,119	2	2	4
Totals	1,545,801	385	129	514

FY10 cases for child sexual abuse prosecutions in the 10 most populated counties are set forth in **Table 2**.

TABLE 2

FY10 Cases for Ten Most Populated Counties

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
ADA	384,656	106	20	126
CANYON	186,615	54	20	74
Kootenai	139,390	23	10	33
BONNEVILLE	101,329	15	10	25
BANNOCK	82,539	8	1	9
TWIN FALLS	75,296	57	9	66
BINGHAM	44,668	7	12	19
Bonner	41,403	9	0	9
Nez Perce	39,211	2	1	3
MADISON	38,440	4	2	6

FY10 cases for child sexual abuse prosecutions in the 10 least populated counties are set forth in **Table 3**.

TABLE 3

FY09 CASES FOR TEN LEAST POPULATED COUNTIES

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
CLARK	952	0	0	0
CAMAS	1,109	0	0	0
BUTTE	2,764	0	2	2
ADAMS	3,520	0	0	0
Lewis	3,735	0	0	0
ONEIDA	4,221	0	0	0
CUSTER	4,240	3	0	3
LINCOLN	4,645	2	2	4
BEAR LAKE	5,774	1	0	1
CARIBOU	6,914	6	1	7

FY10 discharges of adult child sexual abuse offenders by county and type of discharge are set forth in **Table 4**.

TABLE 4
FY10 DISCHARGES OF ADULT CHILD SEXUAL ABUSE OFFENDERS

COUNTY	ADULT CHILD SEXUAL STATUS	TOTAL
ADA	Discharge	12
ADA	Parole	32
BANNOCK	Discharge	1
BANNOCK	Parole	8
BEAR LAKE	Discharge	2
BENEWAH	Discharge	1
BINGHAM	Discharge	1
BINGHAM	Parole	2
BLAINE	Discharge	1
BLAINE	Parole	2
BONNER	Discharge	3
BONNER	Parole	2
BONNEVILLE	Discharge	2
BONNEVILLE	Parole	6
CANYON	Discharge	8
CANYON	Parole	9
CARIBOU	Parole	2
CASSIA	Discharge	1
CASSIA	Parole	4
ELMORE	Discharge	2
ELMORE	Parole	1
FRANKLIN	Discharge	2
FRANKLIN	Parole	3
FREMONT	Parole	3
IDAHO	Discharge	1
JEFFERSON	Parole	1
JEROME	Discharge	1
KOOTENAI	Discharge	4
KOOTENAI	Parole	8
LATAH	Discharge	1
LEWIS	Discharge	1
MADISON	Parole	4
MINIDOKA	Discharge	1
MINIDOKA	Parole	2
NEZ PERCE	Discharge	3
NEZ PERCE	Parole	1
OWYHEE	Parole	2
PAYETTE	Discharge	1
POWER	Parole	3
SHOSHONE	Discharge	1
TWIN FALLS	Parole	5
VALLEY	Parole	2
WASHINGTON	Discharge	1
WASHINGTON	Parole	1
Total Paroled		103
Total Discharged		51
Grand Total		154