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OFFICE OF THE PRESIDENT

Barbara LaWall
PIMA COUNTY ATTORNEY

November 15, 2006

The Honorable Janet Napolitano
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

The Honorable James P. Weiers
Speaker of the State House of Representatives
1700 West Washington
Phoenix, Arizona 85007

The Honorable Ken Bennett
President of the State Senate
1700 West Washington
Phoenix, Arizona 85007

Re: Annual report on investigation of child abuse in Pima County

Dear Governor Napolitano, House Speaker Weiers, and Senate President Bennett:

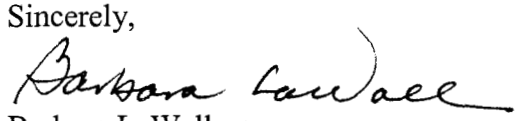
Pursuant to A.R.S. 8-817, The Pima County Attorney's Office is responsible for providing an annual report on the investigation of child abuse in the county to the Governor, the Speaker of the House of Representatives and the President of the Senate.

Enclosed please find the Pima County Attorney's 2005-2006 Annual Report on Child abuse for Pima County, Arizona. The report details all investigations of extremely serious conduct of child abuse, as defined by A.R.S.§ 8-801, that were reported in Pima County during the past year. The data was collected from all of the municipal law enforcement agencies in Pima County, Child Protective Services, the Southern Arizona Children's Advocacy Center and the Pima County Attorney's Office.

At the conclusion of the report several problems with the data collection and reporting process are identified. Although they are identified in the Pima County report these issues are not unique to Pima County agencies and occur statewide. As such, any changes will need to be addressed at the statewide level in order to increase the quality of the reporting process.

If you have any questions concerning this report please feel free to contact my office.

Sincerely,



Barbara LaWall
Pima County Attorney

C: The Honorable Chair and Members, Pima County Board of Supervisors

2005-2006 Annual Report on Child Abuse
Pima County, Arizona

The role of the Pima County Multi-Disciplinary Team (MDT) for Child Abuse Investigation is to insure compliance with the protocol by that name. The protocol was developed in 1992-1994 under the leadership of the Pima County Attorney's Office in response to a perceived community need. In 2003 the state legislature passed A.R.S. § 8-817 requiring the development of and adherence to a multidisciplinary protocol for the investigation of child abuse. The Protocol includes the monitoring all investigations of "extremely serious conduct" defined by A.R.S. § 8-801 to insure that joint investigations are conducted. The Statute (§ 8-801) includes the following statutes in its description of Child Abuse: inflicting or allowing sexual abuse pursuant to section §13-1404, sexual conduct with a minor pursuant to section §13-1405, sexual assault pursuant to section §13-1406, molestation of a child pursuant to section §13-1410, continuous sexual abuse of a child pursuant to section §13-1417, child prostitution pursuant to section §13-3212, commercial sexual exploitation of a minor pursuant to section §13-3552, sexual exploitation of a minor pursuant to section §13-3553, certain domestic violence offenses that rise to the level of a felony 13-§3601, physical injury pursuant to §13-3623.

According to Statute § 8-817, the Pima County Attorney's Office is responsible for providing an annual report on the investigation of child abuse in the county to the Governor, the Speaker of the House of Representatives and the President of the Senate.

This report is the compilation of the information collected from the various agencies on the numbers of cases handled and the frequency of successful joint investigations. The report includes the Child Protective Services data on the reasons for the failure of joint investigations.

Finally, the report also notes problems identified with the reporting and suggests statewide articulation of the definitions surrounding the reporting to maximize the value of the information received.

The Pima County Report By Agency

Pima County Attorney's Office

The Office of the Pima County Attorney shall provide to the MDT, no later than July 15th, the number of "extremely serious conduct" cases reviewed, the number charged, and the disposition results.

Number of cases presented between 7/1/05 & 6/30/06: 601
Number of cases issued between 7/1/05 & 6/30/06: 311
Case Dispositions between 7/1/05 & 6/30/06:

- Pled guilty: 284
- Guilty no contest: 3
- Found Guilty at trial: 24
- Found Not Guilty at trial: 3

Dismissed with prejudice: 4
Dismissed without prejudice: 24
Pending: 123
Referred to Attorney General: 1

Cases presented by Law Enforcement Agency between 7/1/05 & 6/30/06:

Tucson Police Department: 331
Sherriff's Office: 187
South Tucson Police Department: 13
Oro Valley Police Department: 19
Tohono O'odham Police Department: 8
Marana Police Department: 19
Department of Public Safety: 14
University of Arizona Police Department: 9
Pasqua Yaqui Police Department: 3
Department of Corrections: 1
Sahuarita Police Department: 4
Counter Narcotics Alliance: 6
Tucson Airport Authority: 1

Southern Arizona Children's Advocacy Center

The Southern Arizona Children's Advocacy Center shall provide to the MDT, no later than July 15th, the number and category of "extremely serious conduct" cases which were handled by the Center.

Number of Interviews - 912
Number of Medical Evaluations only - 27
Number of children - 997
Jointly Investigated – 422
Case reviews conducted by the Multidisciplinary team: 84

Child Protective Services And Law Enforcement (By Agency)

Child Protective Services and each law enforcement agency shall provide to the MDT, no later than July 15th, the following information:

1. The number of extremely serious conduct allegations received during the previous fiscal year; how many were jointly investigated. Where joint investigations did not occur, the reasons or barriers should be included.

2. The number of extremely serious conduct allegations referred for prosecution.

Child Protective Services

Number of cases with a tracking code of ES (Extremely Serious Conduct) 1118
Joint investigation conducted: 222
No Joint investigation: 801
Reasons for No Joint Investigation:

Child not available: 13
CPS unavailable: 15
No Jurisdiction: 107

Language Barrier: 4
Law Enforcement not available: 198
No Referral: 95 (this number appears to have been double counted)
Out of Home Perpetrator: 6
Time Frames: 12
Other reasons: 446

There is no indication in the CPS system to identify how many cases were referred for prosecution.

Tucson Police Department

438 assigned cases
178 joint investigated with CPS
Reasons for no joint investigation: database carries no code to distinguish between misdemeanor and felony so some cases reported are not extremely serious conduct; report includes Out of Home Perpetrators which CPS does not investigate. There is no indication in the TPD system to identify how many cases were referred for prosecution.

Marana Police Department

20 cases - involving serious child abuse conduct allegations
11 cases- jointly investigated with Child Protective Services
5 cases- were prosecuted under the following statutes:

2 cases under A.R.S. § 13-1405: sexual conduct with a minor
1 cases under A.R.S. § 1410: Molestation of a Child
2 cases under A.R.S. § 13-3623: Child Abuse

Sahuarita Police Department

15 cases - involving serious child abuse conduct allegations
Based on FBI UCR classification for Offenses Against Family and Children:

7 cases – Physical Abuse (UCR 20.01),
5 cases - Neglect (UCR 20.02)
3 cases – Child Molesting (UCR 17.02)

All 15 cases- jointly investigated with Child Protective Services.
All 15 cases referred to the Pima County Attorney for prosecution

South Tucson Police Department

14 cases - involving serious child abuse conduct allegations based on FBI UCR classification for Offenses Against Family and Children. All cases were joint investigated: There was no indication of how many cases were referred for prosecution.

Pima County Sheriff's Office

Offense	Received and Reviewed	Assigned
Sex Abuse	568	300
Physical Abuse	417	105
Neglect	76	17
Sexual Exploitation	17	10
Missing/Endangered Juveniles	1578	1578

Totals	2656	2010

90% of PCSO sex abuse/sex offense cases are jointly investigated with CPS, unless the case does not meet the criteria for CPS involvement. On physical abuse cases PCSO works joint investigations only 45% of the time and CPS conducts their own follow up.

Oro Valley Police Department
10 cases - involving serious child abuse conduct allegations. All cases were jointly investigated with Child Protective Services.
All 7 cases were referred for prosecution under the following statutes:
1 case under A.R.S. § 13-1405
2 cases under A.R.S. § 13-1410
7 cases under A.R.S. § 13-3623

Forensic Interview Training
Agencies with personnel involved in conducting forensic interviews of children should have completed the 8 hour Basic Forensic Interview course prior to conducting such interviews. It is expected that said personnel will also have completed the 40 hour Advanced Forensic Interviewing Training Course as soon as is practicable.
Number receiving 8 hour training: 74 CPS, 15 TPD, 3 Advocacy Center
Number receiving 40 Hour training: 29 CPS, 13 TPD, 2 Advocacy Center

Problems Identified With The Reporting

There appears to be a problem with each agency defining "extremely serious conduct allegations" differently and collecting and reporting on different types of data. In the Pima County Attorney's Office it is defined it according to A.R.S. § 8-801 which lists the child abuse statutes:

> 2. "Extremely serious conduct allegation" means an allegation of conduct by a parent, guardian or custodian of a child that, if true, would constitute any of the following:
>
> (a) A violation of section 13-3623 involving child abuse.
> (b) A felony offense that constitutes domestic violence as defined in section 13-3601.
> (c) A violation of section 13-1404 or 13-1406 involving a minor.
> (d) A violation of section 13-1405, 13-1410 or 13-1417.
> (e) Any other act of abuse that is classified as a felony.

Because of item (e) above the Pima County Attorney's Office report includes:

§13-3552 - commercial sexual exploitation of a minor pursuant to section,
§13-3553 - sexual exploitation of a minor pursuant to section,
§13-3212 - child prostitution pursuant to section.

The Pima County Attorney's Office CAPS data collection system allows reporting by statute charged.

Child Protective Services also follows the definitions provided by A.R.S. § 8-801 however their system does not report by identified criminal statutes, instead they use the CPS Response System. Additionally, some Law Enforcement agencies are able to report

by Arizona statute, while others use the Uniform Crime Reporting (UCR) system of the FBI. Adding to the problem is that when searching by statute, A.R.S.§ 13-3623 and § 13-3601 include not only acts against children but against adults so additional vigilance of the data is needed.

There is a noted difference among the agencies in the numbers reported. One reason for that difference is the way that each agency reports. For example, the County Attorney's Office counts five child victims and one defendant as one case while Child Protective Services counts it as five cases. Also Law Enforcement will count "out of home perpetrator" cases but Child Protective Services does not investigate or count those. It is apparent that there will not be a one-for-one accounting in the reporting system because of these, and other, issues however there should not be large discrepancies between the number of cases reported by agency.

There are also internal reporting problems within the agencies. For example, Child Protective Services reports 1118 cases of extremely serious conduct allegations and provides ten reasons for not doing a joint investigation, however of those 1118 cases, 446 (40%) of them list the reason for no joint investigation as "other." The data collection systems in the Law Enforcement offices do not include information about whether or not there was a joint investigation nor do they provide reasons for no joint investigation. For example, the Tucson Police Department data base carries no code to distinguish between misdemeanor and felony offenses, so some cases reported are not extremely serious conduct.