OFFICE OF THE
Pima County Attorney
32 NORTH STONE AVENUE
SUITE 1400
Tucson, Arizona 85701-1412
(520) 740-5600

Barbara LaWall
PIMA COUNTY ATTORNEY

August 20, 2013

The Honorable Jan Brewer
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

The Honorable Andy Biggs
Senate President
1700 West Washington
Phoenix, AZ 85007-2890

The Honorable Andy Tobin
Arizona Speaker of the House
1700 West Washington
Phoenix, AZ 85007-2890

Re: Annual Report on the Investigation of Child Abuse

Dear Governor Brewer, President Biggs, and Speaker Tobin:

Pursuant to A.R.S. 8-817, The Pima County Attorney's Office is responsible for providing an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the investigation of child abuse in the county. Enclosed is the Pima County Attorney's 2012-2013 Annual Report on Child abuse for Pima County, Arizona.

The report enumerates the investigations of extremely serious conduct of child abuse, as defined by A.R.S. § 8-801, which were reported in Pima County during the past year. The data was collected from all of the municipal law enforcement agencies in Pima County, the Southern Arizona Children's Advocacy Center, and the Pima County Attorney's Office. Per Statue, Child Protective Services submits a separate report.

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.

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

Sincerely,

Barbara LaWall

Barbara LaWall
Pima County Attorney

enclosure
cc: The Honorable Chair and Members of the
Pima County Board of Supervisors

Annual Report on the Investigation of Child Abuse 2012 - 2013 Pima County, Arizona

Barbara LaWall, Pima County Attorney
Office of the Pima County Attorney
32 N. Stone Avenue, Suite 1400
Tucson, Arizona 85701

Annual Report on the Investigation of Child Abuse
2012-2013
Pima County, Arizona

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. In Pima County the Multi-Disciplinary Team (MDT) for Child Abuse Investigation was created to ensure 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 Arizona 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 Pima County Protocols for the Multi-Disciplinary Investigation of Child Abuse include the monitoring of all investigations of **"allegations involving criminal conduct"** defined by A.R.S. § 8-801 to insure that joint investigations are conducted. 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 § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, continuous sexual abuse of a child pursuant to § 13-1417, child prostitution pursuant to § 13-3212, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553, certain domestic violence offenses that rise to the level of a felony pursuant to § 13-3601, and physical injury pursuant to § 13-3623.

This report is the compilation of information collected from the municipal, county, and state agencies on the number of cases handled and the frequency of joint investigations conducted in Pima County. The report also notes problems identified with the reporting and collection of data.

Pima County Attorney's Office

Number of Defendants: 833 Number of Charges: 995

13-1404:	69 defendants	70 charges
13-1405:	140 defendants	141 charges
13-1406:	95 defendants	95 charges
13-1410:	91 defendants	92 charges
13-1417:	14 defendants	14 charges
13-3212:	7 defendants	8 charges
13-3553:	28 defendants	29 charges
13-3601:	101 defendants	114 charges
13-3623:	422 defendants	432 charges

Number of cases presented by:

Counter Narcotics Alliance:	3
Department of Public Safety:	14
Dept of Corrections:	1
Drug Enforcement Admin:	1
Marana Police Dept:	26
Oro Valley Police Dept:	20
Pascua Law Enforcement:	2
Pima County Sheriff's Dept.:	329
Sahuarita Police Department:	5
South Tucson Police Dept.:	2
Tohono O'Odham Police Dept:	2
Tucson Airport Authority:	1
Tucson Police Dept.:	430
University of Arizona PD:	1

Case Dispositions (these include actions that occurred both at issuing and after indictment).

Number of Defendants: 87 Number of Charges: 995

Unique Defendant Count by Disposition:

Dismissed with prejudice:	7
Dismissed without prejudice:	129
Guilty-plea:	357
Guilty-trial:	23
Not guilty:	8
Reviewed and refused:	377

Southern Arizona Children's Advocacy Center

Number interviews: 1200

Number children served: 1366

Number of jointly investigated cases: 529 (44.1%) - not all investigations are eligible for joint investigation; many are out-of-home cases, so CPS is not involved

Case reviews by the Multi-Disciplinary Team (MDT): 20

Marana Police Department

19 cases were investigated involving serious child crimes allegations,
8 of the cases were worked jointly with CPS.
7 of the cases were prosecuted under the following statues:

13-1403 public sexual indecency to a minor	1 case
13-3560 luring a minor	1 case
13-1405 sex with a minor	2 cases
13-3623 child abuse	3 cases

South Tucson Police Department

19 cases involving Child Crime allegations based on the FBI UCR Classification for Offenses Against Family and Children:

2 under UCR 20.01 Physical Abuse
3 under UCR 20.02 Neglect
6 under UCR 20.05 Custodial Interference
6 under UCR 20.06 Other-Child Abuse
2 under UCR 20.15 Custodial Interference/DV

Most cases are investigated jointly with CPS/Child Welfare. There is no indication in the STPD system to identify the number referred for prosecution.

Tucson Police Department Child Sex Assault/Dependent Child Units

	Received/Reviewed	Assigned
Child Molestation	281	134
Sex Offenses	239	45
Physical Abuse	351	175
Neglect	88	18
Sex Assault/Rape (Child)	49	11

All cases assigned through the TPD Dependent Child Unit are jointly investigated with CPS however, TPD does not document which cases in the Child Sexual Assault unit are jointly investigated.

Pima County Sheriff's Office – Crimes Against Children Unit

	Received and Reviewed	Assigned
Child Molestation	181	158
Sex Offenses [other]	250	185
Physical Abuse	122	63
Neglect	103	25
Sex Assault/Rape [Child]	10	10
Sex Offender Registration	269	269
Missing/Endangered	692	692

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

Oro Valley Police Department

2 cases involving serious child abuse conduct allegations
17 cases jointly investigated with Child Protective Services
1 cases jointly investigated with Tucson Police Department
1 case jointly investigated with the Marana Police Department
4 cases referred for prosecution:
11 cases jointly investigated with Children's Advocacy Center
25 of the cases were prosecuted under the follow statutes:

- 2 cases under § ARS 13 -1201 Domestic Violence Endangerment
- 1 case under ARS 13-1203A3 Assault
- 8 cases under A.R.S. § 13-1405 Sexual Conduct with a Minor
- 3 cases under ARS § 13-1406A, Sexual Assault.
- 1 cases under A.R.S. § 13-1410 Molestation of a Child
- 2 case under § 13-1417 Continued Sexual Abuse of a Minor
- 1 case under A.R.S. § 13-3553 Child Pornography
- 3 cases under A.R.S. § 13-3623 Child Abuse
- 1 case under ARS § 13-3560A Aggravated Luring of Minor for Sexual Exploitation

Sahuarita Police Department

Based on the FBI UCR classifications for Offenses Against Family and Children there were a total of 25 cases involving serious child abuse conduct allegations. Fourteen cases were jointly investigated with CPS.
6 cases of 20.01, Physical Abuse (4 of these were referred to or by CPS).
0 cases of 20.02, Neglect

0 cases of 20.03, Non-Support
1 case of 20.04, Desertion/Abandonment (This case was referred to CPS).
3 cases of 20.05, Custodial Interference
1 case of 20.15, Domestic Violence Custodial Interference
8 cases of 20.16, Other (6 of these cases were referred to or by CPS).
6 cases of 17.02, Child Molesting (3 were referred to or by CPS).

Problems Identified With Reporting Child Abuse and Joint Investigations with Child Protective Services

There is a problem with each agency defining criminal conduct against children differently and then collecting and reporting on different types of data. The Pima County Attorney's Office uses the definition of criminal conduct given in A.R.S. § 8-801:

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,*
§13-3553 - sexual exploitation of a minor,
§13-3212 - child prostitution.

The Pima County Attorney's Office CAPS data collection system allows reporting by statute charged. Some Law Enforcement agencies are able to report by the 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, thus additional vigilance of the data is needed.

Cases that occur out of the home or do not involve a family member are not within the scope of authority for CPS so they are not jointly investigated.