

**Justice for Victims of Child Sexual Abuse Task Force**  
**September 5th, 2019, 3:00 p.m.**  
**Governor's 2nd Floor Conference Room**  
**1700 W. Washington, Phoenix, Arizona 85007**

A general meeting of the Justice for Victims of Child Sexual Abuse Task Force was convened on September 5, 2019 at the Governor's 2nd Floor Conference Room at 1700 W. Washington, Phoenix, Arizona 85007, notice having been duly given.

**Call to Order**

- **Ms. Rachel Mitchell, Co-Chair**, called the Justice for Victims of Child Sexual Abuse Task Force meeting to order at 3:00 p.m. with 23 members and 15 staff and guests present.

**Welcome and Introductions**

- **Ms. Mitchell, Co-Chair**, welcomed everyone and asked all members to introduce themselves. The following members introduced themselves: **Ms. Rachel Mitchell, Co-Chair**, and Chief Deputy, Maricopa County Attorney Office; **The Honorable Paul Boyer, Co-Chair** and Arizona State Senator; **Ms. Tasha Menaker**, Co-Chief Executive Officer, Arizona Coalition to End Sexual and Domestic Violence; **Ms. Jennifer Pinnow**, Major, Arizona Department of Public Safety; **Keith Moffitt**, Detective, Arizona Department of Child Safety; **The Honorable Victoria Steele**, Arizona State Senator; **The Honorable Sine Kerr**, Arizona State Senator; **The Honorable Heather Carter**, Arizona State Senator; **Ms. Anni Foster**, General Counsel, Office of Governor Doug Ducey; **Ms. Christina Corieri**, Senior Policy Advisor, Office of Governor Doug Ducey; **Ms. Maria Fuentes**, Director, Governor's Office of Youth, Faith and Family; **The Honorable Jennifer Longdon**, Arizona State Representative; **Ms. Meghaen Dell'Artino**, Owner, Public Policy Partners; **Ms. Shawn Cox**, Victim Services Division Chief, Maricopa County Attorney Office; **Mr. Greg Kelly**, Survivor Advocate; **Mr. Kevin Treadway**, Chief of Police, Flagstaff Police Department; **Ms. Dianne Umphress**, Executive Director, Amberly's Place; **Mr. Timothy Chavez**, Chief of Police, Gila River Police Department; **Ms. Annette Schuster**, Kids Need to Know, Inc.; **The Honorable TJ Shope**, Arizona State Representative. The following members introduced themselves via telephone: **The Honorable Shawna Bolick**, Arizona State Representative; **The Honorable Regina Cobb**, Arizona State Representative; and **Ms. Colleen Clase**, Chief Counsel, Arizona Voice for Crime Victims.

**Introductory remarks from Co-chairwoman Rachel Mitchell**

- **Ms. Rachel Mitchell, Co-Chair**, gave introductory remarks and outlined her experience with child sexual abuse cases during her time at the Maricopa County Attorney's Office. She discussed the pattern of repeated offenders within cases; the importance to stop treating victims like future offenders; offenders not only groom children but they groom those around the children (family, friends, etc.); and that lawsuits are not about the money, but about the change. She stated that one key way to create change is through fundamental understandings of child sexual abuse and reasonable belief. Lastly, she recommended that all members and guests read an article by Victor Vieth, "Unto the

Third Generation: A Call to End Child Abuse in the United States Within 120 Years”, which is available online.

#### **Introductory remarks from Co-chairman Paul Boyer**

- **Sen. Paul Boyer, Co-Chair**, gave introductory remarks and reaffirmed “why” the task force was convened. He explained that the purpose of the task force was to give survivors a voice and to prevent future abuse. Sen. Boyer highlighted the significance of “Erin’s Law”, SB1251, and the importance of getting it on the House Education agenda next session.

#### **Presentation #1: Overview of Open Meeting Law**

- **Ms. Nicole Colyer, Deputy General Counsel, Office of the Governor**, provided a brief overview of Open Meeting Law.

#### **Presentation #2: Overview of recent changes in civil law**

- **Mr. Steve Primack, Associate Director, Legislative Council**, reviewed the recent changes in civil law due to HB2466, specifically changes in the statute of limitations for certain civil actions. The statute of limitations was extended to 12 years (previously only 2) past when the plaintiff reaches 18 years of age (injury related to sexual conduct or based on failure to report). The bill also defines “sexual conduct” and “sexual contact.” Section 2 of the bill allows the court/judge to tell the victim in a criminal case that there may be civil remedies. Section 3 deals with the effective date of the new statute of limitations, which was when the Governor signed it on May 27, 2019. Any actions before that date can be resurrected if filed before December 31, 2020. Lastly, for any case that is resurrected where the time to file has already passed, the burden of proof is by clear and convincing evidence.

#### **Presentation #3: Overview of current criminal landscape**

- **Joseph Hinrichsen, Deputy County Attorney, Maricopa County** presented on the current criminal statute of limitations, specifically regarding child sexual abuse. The current limitations are within ARS 13-107. There is no time limit to bring prosecutions for homicide, falsifying public records/misuse of public money and some sex offenses, including sexual assault, molestation, sexual exploitation of a minor, and sexual contact with a minor under 15. All other felonies have a statute of limitations of 7 years from discovery by the state, including some sex offenses such as sex abuse of children over the age of 15, voyeurism, and child sex trafficking. There is a 1-year statute of limitations by the state on all misdemeanors. The time limit stops running when a suspect is absent from the state or has no reasonably ascertainable place of abode within the state. There are two types of statutes of limitations: 1) runs from the date of offense, and 2) runs from the date of report or discovery. This is covered by the case of State v. Escobar-Mendez (1999) as to what is “state discovery.” The probable cause standard triggers the statute of limitations, as well as the standard of reasonable diligence (where the perpetrator is unknown or unidentified). Before October 1, 1978 the statute of limitations was 5 years from the date of the offense, except for murder. The change that occurred after October 1, 1978 was that the statute of limitations was extended to 7 years from the date of the report or discovery of the crime. This is covered by the case of Martin v. Superior Court

(1983). Before July 21, 1997, the statute of limitations was changed again, and now the statute of limitations does not run if the identity of the perpetrator is unknown and if the crime is defined as a serious offense. The current statute of limitations was passed on August 9, 2001 and holds that there is no statute of limitations on sexual assault, sexual abuse of children, a dangerous crime against a child, or a class 2 felony. This is covered in the case of State v. Aguilar (2008).

- **Ms. Umphress** asked whether incidences, especially in schools, always get reported to law enforcement. **Mr. Hinrichsen** said it depends on when the child reports, because if it was a dangerous crime to a child under the age of 15 then there is an exception. Schools should ensure that someone is reporting to the state, so that they are aware of the situation.
- **Ms. Dell'Artino** asked why sex trafficking was included in 7 years statute of limitations. **Mr. Hinrichsen** did not know why it was not included. **Ms. Mitchell** said that the no statute of limitations only applies to class 2 felonies in certain chapters, and sex trafficking is not in one of those chapter.
- **Ms. Foster** asked if there is any information on how often mandatory reports are charged for not reporting. **Mr. Hinrichsen** said it is not as common to charge for false reporting, but it differs on a case by case basis.
- **Sen. Boyer** asked about the factors the state is looking at for viable prosecution. **Mr. Hinrichsen** said it begins with how the investigation is formed. The initial interview with the victims is crucial, and there needs to be solid disclosure. The state needs to work with law enforcement to correct inadequate investigative behaviors. Police agencies need to be involved in forensic investigation training, specifically child sexual abuse crimes. **Ms. Umphress** stated that no one can interview a child unless they have been involved in training, and there should never be leading questions. Extensive training should be required.
- **Sen. Carter** asked whether the task force can receive a snapshot of all the cold cases that are waiting to be investigated, and asked that appropriations be put towards resources for cold case investigating. **Ms. Mitchell** stated that police agencies are responsible for the testing of kits, but a couple of years ago the Maricopa County Attorney's Office secured about \$5.7 million in grant funds to test the untested kits. These testings should be completed by the end of the year, but this is only in Maricopa County.
- **Ms. Dell'Artino** asked how many rape kits are sitting untested, and what barriers need to be overcome in order to get them all tested. **Ms. Mitchell** said the numbers currently reflect the total number of kits, and does not distinguish between children and adults. **Ms. Dell'Artino** said that in a lot of child sexual abuse cases the evidence is washed away by the time that it gets to a criminal report, so more appropriations need to be put towards a cross-reference system that links reports in different counties. **Ms. Mitchell** stated the system is not currently built to cross-reference cases under different jurisdictions. **Ms. Corieri** referenced a letter that was sent from the previous task force to the state inquiring about the number of untested sexual assault kits and cold cases. **Sen. Boyer** referenced the Trailer bill that didn't pass last year, but it would appropriate \$3 million towards cold cases follow ups. This should be readdressed this upcoming legislative session.

## Discussion between Task Force Members on future agenda items

- **Ms. Mitchell** opened up the discussion between task force members regarding agenda items for future meetings.
- **Rep. Cobb** suggested that sex trafficking needs to be included in the no statute of limitations, rather than the 7 years.
- **Sen. Steele** said the task force and the state government needs to readdress “Erin’s Law”. 37 states have a form of this law and it helps put an education program into schools, such as training for children who are age appropriate so they know how to report an incident. These trainings will also apply to everyone who works at a school. **Sen. Boyer** agreed that Erin’s Law needs further attention next legislative session and expressed his interest in sharing the language of “Erin’s Law” with the task force members.
- **Ms. Pinnow** pointed out that there is a need for a statewide victim advocacy program that any state agency can have easy access to.
- **Sen. Carter** said the task force should explore what is happening in the school systems regarding perpetrators who have shown signs and have been removed from a school, but are not prosecuted. There needs to be a way to identify a perpetrator on their first offense even if they are not prosecuted. The current system has false security in fingerprint clearance cards. There needs to be more done to look into the background of a person as they are being hired. **Rep. Cobb** pointed out the lack of information sharing between schools. The Department of Education needs to have conversations about this topic.
- **Sen. Steele** agreed that law enforcement agencies also need to communicate and share information with other counties because perpetrators may move locations. **Rep. Cobb** said that coaches and teachers within schools need to be “certified” in some way as a non-perpetrator. **Sen. Boyer** pointed out that the State Board of Education wants a “one stop shop” for school staff certifications so that it is easier to track accusations against those who are working in schools.
- **Ms. Dell’Artino** expressed the importance of going beyond schools and coaches, because there are more places where children are abused. Police forces need to be equipped with the resources to talk to one another regarding accusations that occur within schools. **Sen. Steele** questioned whether there will be the same requirements for these certifications in all schools, or would it only apply to the public. Private, charter, and home schools should be applied to as well.
- **Ms. Pinnow** highlighted the Arizona Human Trafficking Intel Network that consists of 183 participating law enforcement agencies. It is an opportunity for people to network and provide best practices.
- **Ms. Umphress** said there needs to be an education component that is provided to families on the process of reporting and legal action. The prosecution process can be overwhelming for families of victims so there needs to be a way to educate them on what they are about to embark on.
- **Ms. Dell’Artino** suggested to put in place a repository of services that are provided in different counties. Great resources exist, but there needs to be a better way for people to find and access them. She said that we also need to take a look at the vulnerable population (ex: foster care system) and also look at trainings for kids placed in group homes. These children need to be aware of what grooming looks like, what to do when abuse occurs, and they need to be reassured that if they do report an incident that they will not lose their home. **Ms. Mitchell** recommended visiting [acfan.net](http://acfan.net), the website for the Arizona Child and Family Advocacy Network (ACFAN), where there are resources for family.

- **Rep. Longdon** stated that there also needs to be a focus on adult survivors, and the existence of comprehensive crisis centers who can also focus on adult survivors. **Mr. Chavez** pointed out that there is also an Indian County Intel Network that he will provide more information on.
- **Sen. Carter** sits on the task force for human trafficking and there seems to be a lot of crossover. The two task forces should not create silos, but communicate with one another.
- **Ms. Schuster** asked about the laws pertaining to human resources and what an employer can and cannot ask. She also commented on mandated reporting, and how the depth of mandated reporting isn't taught to therapists.
- **Ms. Foster** asked for recommendations for best practices going forward from organizations that have been successful on this issue. **Ms. Mitchell** said she has worked with churches to improve their safety and she knows of organizations that have assisted in this process.
- **Sen. Boyer** requested survivor statistic presentations, including the history of what victims go through, where abuse occurs, and best practices to protect children. He also would like to hear from the Department of Education about closing legislative loopholes. Also, there should be an awareness campaign put in places to educate the public on the new law regarding the statute of limitations. There should also be a presentation on the effects of child sex abuse, and the data on law enforcement reporting, training, and investigation of cold cases. **Mr. Moffitt** said there is an outline of best practices on how the Department of Child Safety and law enforcement agencies can move forward in investigations. He affirmed that the first interview is very important. Joint investigation protocol exists, but those out in the field/first responders need to be trained and made aware of best practices. There needs to be a plan in place to prevent victims from having to tell their story more than once. A roadmap on best practices should be pushed out to all partners.
- **Ms. Dell'Artino** pointed out that police are limited on training for child sexual abuse cases, and average police officer has zero training on sexual abuse in children and how to investigate those cases.
- **Rep. Longdon** highlighted the importance of pediatricians and family practitioners, and questioned whether they are fully equipped and prepared to speak to patients/parents. If not, we should take action. **Sen. Kerr** spoke about a personal experience that her daughter had while at the pediatrician and the positive conversation the doctor had with her grandchild regarding sexual abuse and touching
- **Mr. Kelly** underscored the importance of promotion of the new law regarding the statute of limitations. Victims need to be aware of this new law and time frame.

**Ms. Rachel Mitchell, Co-Chair**, announced the following meeting dates for the coming year:

- Tuesday, September 24, 2019 at 3:00 p.m. at 1700 W. Washington Street, 2nd Floor Conference Room
- Tuesday, October 1, 2019 at 1:00 p.m. at a location TBD
- Thursday, October 24, 2019 at 1:00 p.m. at 1700 W. Washington Street, 3rd Floor Conference Room
- Thursday, November 7, 2019 at 1:00 p.m. at 1700 W. Washington Street, 2nd Floor Conference Room
- Thursday, November 21, 2019 at 1:00 p.m. at 1700 W. Washington Street, 2nd Floor Conference Room

### **Call to the Public**

- **Ms. Rachel Mitchel, Co-Chair**, gave the call to the public.
- **Ms. Briddie Farrell** discussed her personal experience with child sexual abuse and pointed out that research shows that victims do not come forward until their 40s or 50s. **Ms. Lezleigh Jaworski** also gave an account of her personal experience with child sexual abuse.

### **Adjourn**

- **Ms. Rachel Mitchell, Co-Chair**, called for adjournment at 4:56 p.m. **Sen. Steele** motioned to adjourn, **Mr. Moffitt** seconded the motion, and the task force voted unanimously to adjourn.

Dated September 10, 2019  
Justice for Victims of Child Sexual Abuse Task Force  
Submitted by Grace Appelbe  
Policy Assistant, Office of Governor Doug Ducey