

ECHO IDAHO

**K12 Substance Use
Prevention & Treatment**

The Questions You May Not Be Asking: How to prevent exploitation of youth

March 04, 2025

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Disclosures

- Morgan is not an attorney. This presentation does not constitute legal advice.
- Morgan's opinions and statements are his own. They do not represent the Blaine County Sheriff's Office or any other organization he is associated with.

Learning Objectives

- Assess the risks associated with youth substance use and sexual exploitation of minors.
- Identify criminal statutes associated with sexual crimes against minors.
- Distinguish Minimal Facts Interviewing strategies.
- Explain the purpose and process of the St. Luke's Children at Risk Evaluation Services (CARES).

Risks and Barriers

- Why does youth substance use increase the risk of sexual exploitation?
- Regarding youth substance use, how are minors exposed to sexual exploitation?
- What barriers may prevent youth from reporting sexual exploitation?

Idaho Criminal Statutes - Felonies

- [I.C. 18-8608](#) Human sex trafficking of a child
 - Victim under 18, Suspect 18 or older
 - [I.C. 18-8602](#) “commercial sexual activity” means the exchange, or the attempted exchange, of sexual contact for a fee
- [I.C. 18-6101](#) Rape
 - Victim under 16, Suspect 18 or older
 - Victim 16 or 17, Suspect three-years older
- [I.C. 18-1508](#) Lewd contact with minor child under sixteen
 - Victim under 16, Suspect any age
 - Sexual contact
- [I.C. 18-6604](#) Forcible penetration by use of foreign object
 - Victim any age, Suspect any age
- [I.C. 18-1508A](#) Sexual battery of a minor child 16 or 17 years of age
 - Victim 16 or 17, Suspect 5 years older or more
 - Includes sexual contact, self contact, and solicitation

Idaho Criminal Statutes - Misdemeanors

- [I.C. 18-507A](#) Sexual exploitation of a child by electronic means
 - First offense Misdemeanor, Second offense Felony
 - Victim under 18, Suspect under 18
 - Knowing and willful creation and distribution or possession of “child pornography”
- [I.C. 18-924](#) Sexual battery
 - Victim any age, Suspect any age
 - “Intimate parts” includes genital areas, groin, inner thighs, buttocks, or breasts

Minimal Facts Interview

The Minimal Facts Interview is a carefully considered, ethically sound, and legally prudent approach to initial child abuse and neglect investigations.

Minimal Facts: A brief description of what happened and next steps

1. Who is/are the alleged perpetrator(s)? Are there witnesses and/or other victims?
2. What happened? Where on the child's body did the abuse take place (in very brief detail)?
3. When did it happen? Last time it occurred? Frequency?
4. Where did it happen? Establish jurisdiction.
5. What steps are necessary to assure the safety of the child and other potential victims? Are there siblings or others to whom the perpetrator(s) has access?
6. Is immediate medical attention necessary? If abuse has taken place within 72 hours for pre-pubescent children/120 hours for adolescents, a medical exam is necessary to gather evidence. Check the timeframe for urgent exams in your state.

The Questions You Aren't Asking

- How do you purchase your drugs (use specific name if known)?
- Who do you purchase your drugs from? or Is your dealer 18 or older?
- Tell me about the first time you contacted your dealer or your dealer first contacted you.
- Did you know a minor cannot give consent to an adult to perform sexual acts?
- Did you know there are protections for children who are sexually exploited by dealers?
- Do you feel safe to be alone with your dealer?
- Has your dealer ever asked you to perform sexual acts in exchange for drugs? or Tell me about the first time your dealer asked you to perform sexual acts for drugs.
- Where were you the last time your dealer touched you without your consent?
- Are there other minors you know that have had contact with the dealer?

CARES Interview

- Mandated reporter requirements: CPS, law enforcement, or both?
- Referrals only accepted from CPS and/or law enforcement.
- Free service includes forensic interview, medical screening, and financial support.
- Forensic interview is not a law enforcement victim interview. Interview can be used as evidence in court.
- Trauma-informed interview process. Victim may not need to testify in court.
- Boise and Twin Falls locations.

Key Points

- Substance youth is a key risk factor in the sexual exploitation of minors.
- School officials and medical health professionals are in a unique position to identify youth who may have experienced sexual abuse related to substance use.
- Minors cannot consent to sexual acts with adults. An exchange of any product for sexual acts by a minor is considered commercial sex trafficking.
- Establish minimal facts to determine next steps.
- Contact CPS and/or law enforcement.

References

- Idaho [Title 18 Criminal Statutes](#)
- Northeast Regional Children's Advocacy Center. [Minimal Facts Guidelines](#)
- [Idaho Network of Children's Advocacy Centers](#)
- [Idaho St. Luke's CARES referrals](#)