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-and-

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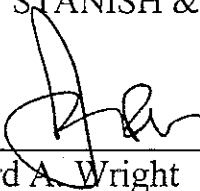
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

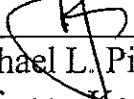
STATE OF ARIZONA,)	NO. CR-2007-743
)	
Plaintiff,)	REPLY TO OBJECTION
)	TO DEFENDANT'S PUBLIC
vs.)	RECORDS REQUEST
)	
WARREN STEED JEFFS,)	
)	
Defendant.)	[Hon. Steven F. Conn]

The defendant, Warren Steed Jeffs, by and through undersigned attorneys, hereby replies to the State's objection to his public records request. The State's objection has no support in fact or law for the reasons set forth in the attached Memorandum of Points and Authorities. In addition, the defendant is entitled to his attorneys' fees due to the State's efforts to frustrate the public records request made by undersigned counsel.

1 RESPECTFULLY SUBMITTED this 3rd day of June, 2008.

2 WRIGHT STANISH & WINCKLER PICCARRETA DAVIS PC

3
4 By 
5 Richard A. Wright
6 Attorney for Warren Jeffs

7
8 By 
9 Michael L. Piccarreta
10 Jefferson Keenan
11 Attorneys for Warren Jeffs

12 MEMORANDUM OF POINTS AND AUTHORITIES

13 I. FACTUAL BACKGROUND

14 Undersigned counsel for the defendant, Warren Steed Jeffs, made a public
15 records request on May 1, 2008, to the Arizona Attorney General's Office in
16 relation to published newspaper articles about what now appear to be false claims
17 of abuse occurring in the polygamist community of Colorado City, Arizona and
18 Hildale, Utah. [See Exhibit A, attached]. Undersigned counsel's office made a
19 follow up inquiry via telephone on May 9, 2008. Instead of requiring "promptly"
20 to the public records request, as required by law, Special Deputy County Attorney
21 Timothy P. Linnins of the Arizona Attorney General's Office has filed an
22 objection, asserting that an attorney may not make a public records request if he
23 represents a defendant in a criminal proceeding. This is the second time¹ that Mr.
24 Linnins has authored a pleading that has no basis in fact or law in an attempt to

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26 _____
27 ¹ As the Court may recall, the State has claimed that the defendant had no right to request
28 this Court to issue a subpoena for _____ medical records relating to possible
pregnancies.

1 deny a defendant his right to gather information.

2 It is well settled under Arizona law that a person making a public records
3 request need not show any reason, purpose, relevance, or that the materials
4 requested would or would not be discoverable in any sort of criminal or civil
5 litigation. However, for the Court's information, Mr. Jeffs will be moving to
6 suppress any and all evidence obtained from the raid and search of the
7 Fundamentalist Church of Latter Day Saints (FLDS) property in the State of
8 Texas. It is becoming more and more apparent that the Texas raid was based on a
9 hoax telephone call containing false accusations of abuse. Published newspaper
10 articles indicate that similar charges were made regarding the Colorado
11 City/Hildale community, and were determined to be unworthy of belief. Indeed, it
12 is believed that Colorado authorities are investigating criminal charges of false
13 reporting to a law enforcement agency in connection with that matter.
14 Undersigned counsel made a public records request to gather information
15 concerning these hoax claims and to show that the raid and search of the FLDS
16 property in Texas was illegal and the fruits thereof must be suppressed.

17
18 II. DISCUSSION

19 The State needs to be made aware that a defendant does not have to ask
20 permission from the State in order to gather information in preparation for his
21 defense. Indeed, one wonders whether the State has even read the cases it relies
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1 upon because those cases completely expose the fallacy of the State's opposition
2 to the public records request. "The Arizona Rules of Criminal Procedure do not
3 limit the right of a criminal defendant to conduct an independent pretrial
4 investigation." *Carpenter v. Superior Court*, 176 Ariz. 486, 491, 862 P.2d 246,
5 251 (App. 1993). "Any person" has the right to make a public records request
6 under Arizona law. A.R.S. § 39-121. The state cannot deny a person his right to
7 obtain information through a public records request simply by indicting him. Such
8 a suggestion is authoritarian and repugnant to the values underlying a free society.
9
10 In addition, an attorney has the independent right to make a public records
11 request. *Bolm v. Custodian of Records of Tucson Police Department*, 193 Ariz.
12 35, 969 P.2d 2000 (App. 1998). The attorney maintains this independent right
13 whether or not he represents any clients who are involved in any civil or criminal
14 litigation. *Id.*

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18 The only case relied upon by the State in an attempt to justify its opposition
19 to the public records request completely undermines the State's position. In
20 *Carpenter*, the court discussed the "required disclosure provisions" that are
21 incumbent upon prosecutors relating to a law enforcement agency investigating a
22 criminal action as an arm of the prosecution. "The issue presented is whether
23 Arizona Rule of Criminal Procedure 15.1 governs formal discovery requests made
24 on behalf of a defendant in a criminal action and directed to the law enforcement
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1 agency involved in investigating the action.” *Id.* at 487, 862 P.2d at 247
2 [emphasis added]. By “formal,” the court was referring a defendant’s “use of the
3 court’s subpoena power to order production of materials or information.” *Id.* at
4 491, 862 P.2d at 251. *Carpenter* clearly has no application to undersigned
5 counsels’ public records request because there is no attempt to use this Court’s
6 subpoena power. *Carpenter* stands only for the unremarkable proposition that
7 “[o]nce the defendant elects to utilize the court’s authority to obtain records, he
8 must do so according to the rules adopted by the Arizona Supreme Court.” *Id.*²
9 *Carpenter* has never been cited by any court for the proposition that neither a
10 criminal defendant nor his attorney can make a public records request.
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14 The only other case mentioned in the State’s objection, *Bolm, supra*, clearly
15 rejects the State’s claim that, if civil or criminal litigation is pending, a party or an
16 attorney representing a party cannot make a public records request and can only
17 obtain discovery through the rules of procedure governing the particular civil or
18 criminal action. *Bolm* makes it clear that a public records request is separate and
19 independent from any underlying litigation and/or the rules of discovery that may
20 govern any such litigation. “Moreover, that litigation was pending between the
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25 ² *Carpenter* also had no application to defendant’s request for this Court to issue a subpoena regarding
26) medical records concerning possible pregnancies because, of course, the requested subpoena was not
27 “directed to the law enforcement agency involved in investigating the action.” *Carpenter*, 176 Ariz. at 487,
28 862 P.2d at 247. Defendant’s request for this Court to order a subpoena to be issued complied in all respects
with the Arizona Rules of Criminal Procedure.

1 City and Bolm's client when Bolm made his public records request does not
2 affect the City's obligation to comply with the Public Records Law." The court
3 further noted "the whole purpose of the [Public Records Act] is to shed public
4 light on the activities of our governmental entities, and it is a small price to pay
5 to require disclosure of public records even to a litigant opposing the
6 government, outside of the rules of discovery." *Id.* at n. 4 [quoting *Fairley v*
7 *Superior Court*, 66 Cal. App. 4th 1414, 78 Cal. Rptr. 2d 648, 652 (Ct. App.
8 1998) [emphasis added].
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12 The quote from *Fairley* in the *Bolm* opinion is significant because the
13 Arizona Supreme Court has stated that "cases arising under the California
14 [public records] statute are helpful to the interpretation of our law." *Salt River*
15 *Pima-Maricopa Indian Community v. Rogers*, 168 Ariz. 531, 537, 815 P.2d
16 900, 906 (1991). In *Fairley*, the court explicitly held that there is no
17 impediment to a public records request even if it results in "earlier or greater
18 access to records pertaining to pending litigation or tort claims than would
19 otherwise be allowed under the rules of discovery." 66 Cal. App. 4th at 1421,
20 78 Cal. Rptr. 2d at 652. In *County of Los Angeles v. Superior Court*, 82 Cal.
21 App. 4th 819, 98 Cal. Rptr. 2d 564 (App. 2000), the court held that the
22 California Public Records Act did not bar an attorney from obtaining
23 documents as an alternative to civil discovery in cases filed by the attorney's
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1 client. *Id.* at 826, 98 Cal. Rptr. 2d at 569. In fact, the court found that there was
2 no doubt that the records were requested through the use of the public records
3 act to circumvent the trial court's prior discovery rulings. *Id.* at 823-24, 98 Cal.
4 Rptr. 2d at 567. The court noted that under California's public law, there are no
5 limitations to access related to the purpose of the request and therefore "a
6 plaintiff who has filed suit against a public agency may, either directly or
7 indirectly through a representative, file a CPRA request for the purpose of
8 obtaining documents for use in the plaintiff's civil action, and that the
9 documents must be produced unless one or more of the statutory exemptions set
10 forth in the CPRA apply." *Id.* at 826, 98 Cal. Rptr. 2d at 569.

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14 These principles were echoed in *Bolm* which made it clear that a public
15 records request has nothing to do with the rules and requirements for discovery
16 that may apply to any underlying litigation:
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18 A person's right to public records under the Public Records Law is
19 not conditioned on his or her showing, or a court finding, that the
20 documents are relevant to anything. Rather, a public records
21 request may be made in the absence of or in advance of any
22 litigation or anticipated claim. In such a situation, there is no
23 issue, claim or defense against which to measure relevance. Thus,
24 although relevance is an important factor in evaluating and
25 determining the discoverability of police records in a litigation
26 context, *see* Rule 26(b)(1), 26.1(a)(9), Ariz. R. Civ. P., 16 A.R.S.;
27 *Harte*, the Public Records Law contains no relevancy requirement,
28 and we are not inclined to judicially engraft one.

Id. at 39, 969 P.2d at 204; *Phoenix New Times, L.L.C. v. Arpaio*, 217 Ariz. 533,

1 ___ 177 P.3d at 275, 286 (App. 2008) ["it is well-established that the
2 requestor's need, good faith, or purpose is entirely irrelevant to the disclosure of
3 public records"].³
4

5 It bears repeating that the "Arizona Rules of Criminal Procedure do not
6 limit the right of a criminal defendant to conduct an independent pretrial
7 investigation." *Carpenter*, 176 Ariz. at 491, 862 P.2d at 251. This includes the
8 right of a person (or his attorney) to make a public records request, whether or
9 not there is any sort of criminal or civil litigation pending, and whether or not
10 the requested items would be subject to disclosure under the rules governing
11 those proceedings. *Bolm*, 193 Ariz. at 39, 969 P.2d at 204 ["that litigation was
12 pending between the city and Bolm's client when Bolm made his public records
13 request does not affect the city's obligation to comply with the Public Records
14 Law"]; *Fairley*, 78 Cal. Rptr. 2d at 642 ["it is a small price to pay to require
15 disclosure of public records even to a litigant opposing the government, outside
16 the rules of discovery"].
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22 ³ Even if there were some sort of implied relevancy or materiality component to requests
23 under Arizona's Public Records Law, the request in the present case clearly satisfies those
24 requirements because it relates to the suppression of evidence obtained as the result of an
25 illegal search of the Texas FLDS property. As explained in *Fairley*, a distinct advantage to a
26 public records request is that it eliminates the need to litigate these disputes. "[W]e perceive
27 no grave danger in allowing a litigant or potential litigant to obtain documents from a public
28 agency through the [California Public Records Act] rather than waiting to file suit and
obtaining the documents through formal discovery. In fact, to the extent that settlement of
disputes may be aided by prompt access to documents, all the better." 66 Cal. App 4th at
1422, 78 Cal. Rptr. 2d at 652.

1 Indeed, it is evident from the Rules of Criminal Procedure themselves
2 that a defendant is required to make independent efforts to obtain information
3 prior to requesting the assistance of the court. Rule 15.1(g) of the Arizona
4 Rules of Criminal Procedure specifically allows a defendant to request the
5 court's assistance in obtaining materials "not otherwise covered by Rule 15.1"
6 when "the defendant is unable without undue hardship to obtain the substantial
7 equivalent by other means...." [Emphasis added]. It has long been settled that
8 a defendant enlisting the aid of the court for discovery purposes must make a
9 showing that the materials requested "could not, with any degree of diligence,
10 be obtained from sources other than the prosecution." *State ex rel. Corbin v.*
11 *Superior Court*, 103 Ariz. 465, 469, 445 P.2d 441, 445 (1968) [emphasis
12 added]. Thus, the State's contention that a criminal defendant is unable to
13 obtain any information without asking the state first, i.e. that a criminal
14 defendant can only "obtain disclosure through the prosecution," [Opposition, p.
15 3], is not now, and has never been, the law.

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21 In order to accept the State's argument, this Court would have to rule that
22 everyone else in the United States (and perhaps the world) is entitled to file a
23 public records request for these materials, except Mr. Jeffs or anyone from the
24 law firm representing him. This contention is absurd and has no basis in
25 Arizona's Public Records Law. In any event, it is readily apparent that any
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1 such limitations could be easily evaded simply by having a third party
2 unrelated to the case file the request. *County of Los Angeles*, 82 Cal. App. 4th
3 at 826, 98 Cal. Rptr. 2d at 569.

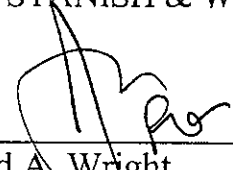
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5 The defendant submits that the State's opposition to undersigned
6 counsel's public records request is a bad faith effort to deny him his right to
7 obtain information.⁴ The State's bad faith is evident by virtue of the fact that
8 the State's arguments are completely undermined by the only authorities cited
9 in its pleading. Under these circumstances, the defendant is entitled to
10 reasonable attorneys' fees due to the Arizona Attorney General's refusal to
11 comply with the provisions of Arizona's Public Records Law. A.R.S. § 39-
12 121.02(B); *Phoenix New Times, LLC v. Arpaio*, 217 Ariz. 533, 177 P.3d 275
13 (App. 2008).
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17 RESPECTFULLY SUBMITTED this 3rd day of June, 2008.

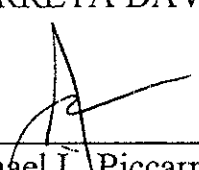
18 WRIGHT STANISH & WINCKLER

PICCARRETA DAVIS PC

19
20
21 By


Richard A. Wright
Attorney for Warren Jeffs

By


Michael L. Piccarreta
Jefferson Keenan
Attorneys for Warren Jeffs

22
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26 _____
27 ⁴ Defendant wishes to be clear that these claims are directed only to the author of the State's
28 pleading, Special Deputy County Attorney Timothy P. Linnins of the Arizona Attorney
General's Office, and are not directed toward Mohave County Attorney Matthew J. Smith.

1 Copy of the foregoing mailed
2 this 3rd day of June, 2008, to:

3 Clerk of Mohave County Superior Court
4 401 East Spring Street
5 Kingman, AZ 86401

6 Copy of the foregoing faxed and mailed
7 this 3rd day of June, 2008, to:

8 Hon. Steven F. Conn
9 Mohave County Superior Court
10 401 East Spring Street
11 Kingman, AZ 86401
12 Fax: 928-753-8938

13 Copy of the foregoing emailed and
14 mailed this 3rd day of June, 2008, to:

15 Matthew J. Smith, Esq.
16 Mohave County Attorney's Office
17 315 North Fourth Street
18 P.O. Box 7000
19 Kingman, AZ 86402-7000

20 Timothy P. Linnins, Esq.
21 Office of the Attorney General
22 1275 West Washington
23 Phoenix, AZ 85007
24
25
26
27
28

EXHIBIT A

LAW OFFICES
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May 1, 2008

Custodian of Records
Arizona Attorney General's Office
1275 West Washington
Phoenix, AZ 85007

Dear Custodian of Records:

Under the provisions of the Freedom of Information Act, Title 5 U.S.C. § 552, and the Arizona Public Records law, A.R.S. § 39-121, it is requested that the Arizona Attorney General's Office release to our office all records, tapes, writings, memos, or any tangible objects relating to a complaint or any investigation thereof on or about April 4, 2008, concerning claims of abuse occurring in the polygamist community of Colorado City/Hildale. Information concerning this complaint or complaints has now become public, as indicated in the attached newspaper stories from the *Arizona Republic* and the *Salt Lake Tribune*. The purpose of this request is to review the report and any supplements. It/they will be used solely for non-commercial purposes.

I further agree to hold the Arizona Attorney General's Office, its agents, and employees harmless from any claim, causes of action, or other liability that may arise as a result of furnishing these documents to me or as a result of my use of these documents.

Thank you for your prompt attention to this request.

Sincerely,


Michael L. Piccarreta

MLP:bp
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- Counselor pleads guilty to sex with student
- Man in serious condition after being shot in robbery
- Salt Lake County Democratic Party boss forced out
- Graffiti artists interrupted by swarming cops, firefighters
- First couple signs up for SLC 'mutual-commitment' partnership registry
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- FLDS custody hearing: Genetic tests sought for polygamous kids, parents
- Utah man faces firestorm after being mistaken as torch snatcher
- Arrest is made in robbery of Phillips 66
- Judge rules Murray couple to stay in jail
- Man sought in robbery of Key Bank
- 28 volunteers opt to extend Iraq tour
- Bomb suspect asks dismissal of 1 count
- Warrant says ex-girlfriend lied in slaying
- Company's trucks raided for gas in tanks
- Woman kills co-worker by accident, police say
- Driver notices smoke, notifies occupants
- SLC police searching for stolen truck
- Historic battle brewing in Lone Star state
- Sult on ed bill steams Curtis
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Arizona also received abuse report on polygamous sect

By Brooke Adams
 The Salt Lake Tribune
 Article Last Updated: 04/13/2008 07:46:03 AM MDT

SAN ANGELO Texas - As Texas authorities massed at a polygamous sect's ranch in west Texas, authorities in Arizona received information about a similar situation involving a teen in Colorado City, Ariz.

Arizona Attorney General Terry Goddard said Flora Jessop of the Child Protection Project in Phoenix contacted a member of his staff about a young girl who needed help.

The call, made on April 4, was turned over to Arizona Child Protective Services but they received "very imprecise" information about where the girl lived and what her situation was, Goddard said.

CPS employees, accompanied by deputies from the Mohave County Sheriff's Office and the Colorado City Town Marshal's Office knocked on doors in the town, trying to find the girl, he said.

But they were unable to locate her or substantiate the abuse claim. "It was so nebulous they were checking lots of possibilities," Goddard said Jessop, who is a former member of the FLDS sect, declined to talk to a reporter Saturday night.

Texas officials still have not found the 16-year-old girl whom they say called a San Angelo family violence shelter at the end of March and described being physically and sexually abused at the sect's ranch by her much older husband. The girl also mentioned she feared a younger sister living elsewhere was about to be sent to Texas.

A spokeswoman for the Texas Department of Family and Protective Services said Friday they are looking for the girl among the 416 children taken from the sect's YFZ Ranch and now in state custody.

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Utah's Safety Net Committee, which works with social service providers and polygamous groups. "They just have to keep weeding through them." The girl is likely not stepping forward "because she has threats against her extended family and part of it is her baby is actually being cared for by one of the other mothers [in Texas]. It's very difficult to run when you don't have your child to take with you." The *Arizona Republic* reported Saturday that Michael Piccarreta an attorney representing sect leader Warren S. Jeffs, believes the phone tip was "part of a ruse."



Mark Shurtell

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But Utah Attorney General Mark Shurtleff believes the girl is "real and needs to be found."

The girl's calls led to an unprecedented seven-day investigation at the YFZ Ranch in Eldorado, Texas, owned by the Fundamentalist Church of Jesus Christ of Latter Day Saints. The children in custody, along with 139 mothers, are at two state facilities, awaiting a hearing Thursday.

Officials are lining up foster homes throughout Texas in case a judge orders that the children remain in state custody.

Goddard said that Arizona law, which is similar to Utah's law, would not allow such sweeping child-welfare action. First, an abuse allegation would have to be substantiated before any child was removed.

"We would have to find [a victim] before they started putting people in custody," he said.

If authorities found a child in an abusive situation, they could remove a child and his or her siblings. But Goddard said he couldn't think of "any circumstances where [a removal] would extend beyond the household."

Texas may allow exceptions in situations like that at the secluded YFZ Ranch, where children and women were routinely kept out of visitors' views.

"I could see why they would take a more stringent action there," Goddard said. Colorado City, Ariz., which adjoins Hildale, Utah, are home to the FLDS but are not isolated, controlled locales.

Arizona, like Utah, requires that a mandatory hearing be held within 72 hours of removing children from their homes. Texas allows an emergency hearing that is supposed to be held within 24 hours to be waived; Child Protective Services then has 14 days to finish its investigation and present it to a judge. In the FLDS case, that hearing is set for Thursday.

Shurtleff said that Texas appears to be preparing to make a case that polygamy is inherently an abusive situation for children. "We've just never concluded that in Arizona and Utah," he said.

While some child advocates have criticized Utah and Arizona officials for not doing enough to eliminate polygamy, Goddard said his state's efforts have brought a lot of change and more openness. "I know advocates are going to always be frustrated," he said. "They want all the leaders in jail and the community closed down."

But even polygamists have constitutional rights, he said. brook@strib.com

* NATE CARLISLE contributed to this article

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FLDS followers: Barlow's marriage to Arizona 16-year-old was 'natural and proper'

FLDS men wept and prayed as investigators moved to search Texas temple

Children's removal was not 'hostile,' as feared

Anti-polygamy activist blames Utah-Arizona inaction for Texas raid

Polygamous sect's temple secret haven for sex with underage brides?

FLDS Raid: Barlow remains free Apr 9:

Informant: Men had sex with underage girls in FLDS temple

Anti-polygamy activist blames Utah-Arizona inaction for Texas raid

Who was at the YFZ Ranch? FLDS sect girl told Texas cops she was beaten, feared for life

In midst of FLDS raid, ranch boss presses for 'public outcry'

FLDS kids may overload Texas troubled foster care

FLDS opponents say wrong man named in warrant

Apr 8: Report: FLDS teen whose call sparked Texas raid said she feared for her life from physically abusive husband

FLDS ranch leader says Texas raid 'matches anything in Russia or Germany'

Jeff's son is one of two arrested at Texas FLDS compound

FLDS retorts: Raid violated the sect's rights

Texas raid: 401 FLDS kids in custody

Apr 7: 'Minor' arrest during investigation at Texas polygamist compound

401 children from FLDS compound now in protective custody

People who have left sect go to Texas to help

FLDS move stays peaceful

Apr 6: Officials were expecting worst during action

Officials were expecting worst during action

Abuse suspect denies knowing girl

Siege on FLDS intensifies

Apr 5: Man accused of impregnating teenager in connection with Texas polygamy raid says he doesn't know his accuser

Update: Judge orders all children out of FLDS compound

Advocates say Texas raid may terrorize those who need help

'S3 raid forced governor from office

Texas police take 52 girls from FLDS compound, put 18 in state custody as they probe an allegation of underage marriage

Apr 4: FLDS cause Texas-size stir in town of Eldorado

FLDS Outposts

Child welfare officials have 18 children in custody from Texas FLDS ranch; 52 girls removed

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News

Colorado City CPS phone call resembles one made in Texas**One led to raid, one didn't**

by Amanda J. Crawford - Apr 11 2008 12:00 AM
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Arizona child-welfare officials are investigating a call from a 16-year-old girl alleging sexual abuse in the polygamist stronghold of Colorado City - a call similar to one in Texas that led officials to raid a related polygamist compound last week and take more than 400 children into state custody.

The calls came within a week of each other and were allegedly made by girls of the same age and involved similar allegations of abuse. In both cases, the calls were made to outside organizations and referred to child-welfare authorities. In both cases, officials were unable to immediately find the girls who made the calls.

It is unclear at this time whether the calls are related.

But the Arizona case prompted a significantly different response than in Texas where police officers stormed the compound of the Fundamentalist Church of Jesus Christ of Latter Day Saints, took all the children into state custody and confiscated evidence from the temple.

In Arizona, no children have been taken into state custody - in part, officials say, because of differences in the communities and state laws.

"I don't have the authority, and local officials don't have the authority, to go in and, based on an unverified phone call, sweep up 400 children," said Arizona Attorney General Terry Goddard, who has made cracking down on abuses in Colorado City a hallmark of his administration. "If we found that girl (who made the allegations), we could take her into custody and perhaps her siblings in custody. There is no way in Arizona law we could reach any further."

Anti-polygamy activists have long criticized Arizona and Utah for failing to do more to protect girls in the twin cities of Hildale, Utah, and Colorado City, the headquarters of the FLDS, which is known for its spiritual marriages of young girls to much older, already married men. In Arizona, a few men have been prosecuted for their relationships with underage girls, and Warren Jeffs, the sect's leader, awaits trial in Arizona. Jeffs was convicted in Utah last year of rape as an accomplice in the arranged marriage of a 14-year-old girl.

The ongoing investigation into the recent allegations of abuse by the 16-year-old girl is among dozens of cases of abuse in Colorado City that Arizona authorities have investigated over the years.

According to records obtained Thursday by *The Arizona Republic*, CPS has received 61 reports of abuse involving children in Colorado City since 2000. CPS workers were able to verify the specific allegations that prompted their investigations in only 10 cases.

Most of the reports to CPS related to physical abuse or neglect, not sexual abuse, such as underage marriages, incest or forced sex. Of the 21 abuse reports from 2006 to the present, only three involved sexual abuse, said Ken Deibert, a deputy director of CPS' parent agency.

Janice Mickens, CPS program administrator, said she does not believe any of the cases over the years involving sexual-abuse allegations have resulted in children being taken into state custody.

Earlier this year, the agency removed a sibling group of 10 children from their home in Colorado City after allegations of neglect, but those children have been returned to their family, Deibert said.

Authorities had limited information about the 16-year-old girl who made the recent abuse allegations. Goddard said he believes investigators did not have a specific address and only had a first name and age to go on.

Deibert said CPS worked with officials in Colorado City and interviewed families. But they have been unable to find the girl or verify that she exists.

"We interviewed all members of the family that were identified and completed a thorough investigation with the support of local officials," he said. "We have found nothing to substantiate those allegations."

Flora Jessop, a former FLDS member who leads the non-profit Child Protection Project, said she is familiar with the Arizona allegations and believes the call conveyed to Arizona authorities is legitimate.

"Arizona - even if they would have found the girl - has a track record of not protecting these kids," Jessop said. "So is it surprising that they found nothing? Absolutely not."

Goddard and Deibert note that state officials have made strides to build stronger connections with Colorado City residents, which has resulted in improved cooperation from members of the sect. A state office with CPS investigators opened in 2004, and Deibert cites the fact that abuse reports to CPS have increased in recent years as evidence of growing trust with members of the sect.

But they concede that differences in state law and circumstances mean in some cases they are unable to bring charges.

Goddard also notes that hundreds of members of the polygamist group in Texas reside on a single compound.

In Arizona, nearly 10,000 people, most of whom are members of the sect, live in separate family homes in an open, independent town with its own government and police force.

"In Arizona, we need to have a verifiable statement of abuse from the person who has been abused," Goddard said.

"We could not attach that complaint to folks outside the household."

Reach the reporter at 602-444-4870.

