



Office of the District Attorney
Eighteenth Judicial District of Kansas

FOR IMMEDIATE RELEASE
January 10, 2007

District Attorney Nola Foulston has completed review of documents, including medical records and reports, filed with the original complaint and information submitted to the court in the dismissed criminal action commenced by then Attorney General Phill Kline on December 21, 2006. The charges as alleged in Kline's document claimed thirty (30) violations of Kansas law. The charges against Dr. George Tiller were dismissed on jurisdictional grounds on December 22, 2006. *Kline made no claim that Tiller failed to report instances of child sexual assault as required by the Kansas Mandatory Reporting Act which left the issue unresolved.* District Attorney Nola Foulston commenced an independent investigation to determine if the allegations of child sexual abuse were properly reported and acted upon in the jurisdictions where the victims resided.

Independent Investigation Limited

Prior to any court action, the District Attorney requested that Kline provide the investigatory file to her office for appropriate review. Kline failed, refused or neglected to do so. The District Attorney then obtained the documents that had been filed with the court (including medical records and reports of each specific allegation in Kline's complaint) and commenced immediate efforts to investigate possible sex offenses committed against the minors named in the complaint/information.

Note

The independent review by the District Attorney relates solely to the issue of whether reports of child sexual abuse were reported as required by law to agencies in various states for their determination as to whether or not a crime was committed in their jurisdictions. The investigation of the District Attorney does not address the claims made in the Kline complaint/information or a review of the facts and law relating to those allegations. The underlying investigation remains under the control of the Attorney General of the State of Kansas – Paul Morrison. If any evidence of criminal conduct is referred to this office by the Attorney General, it will be reviewed for prosecution.

The Independent Investigation

The review by this office has determined that in accordance with Kansas Reporting Statutes, staff of Tiller's clinic notified child protective services agencies in *various jurisdictions* of the medical status of each child and the procedure that was followed in this state. The reporting of the pregnancy of each minor to the appropriate child protective services agency permitted those states to initiate an investigation to determine if a sex offense had been committed in their respective jurisdictions. Evidence of the Clinic's action to report to the proper authorities was contained in each of the separate patient files, and was *independently confirmed* by the Office of the District Attorney **through direct contact** with child protective service agencies in local and out of state jurisdictions that were involved.

Results of the Independent Investigation

Documents filed with the Sedgwick County District Court by Kline included medical reports of fifteen (15) patients of Dr. George Tiller. The reports reflect procedures performed in 2003. Of these fifteen (15) patients seen by the clinic, four (4) were of the age of consent [in Kansas the age of consent is Sixteen (16)] at the time of the sexual intercourse and these women reported that the sexual intercourse was consensual. No reports of sexual assault were required by law to be made to any state authority or reporting agency because the women were adults and the activities were consensual.

One (1) patient, a ten year (10) old child from out-of-state was reported to have been the victim of a sexual assault. Law enforcement officials in the child's out-of-state community were aware of the rape and were conducting an investigation prior to the abortion procedure. Evidence for DNA testing was provided to those law enforcement officials by the clinic as required by state law. The offender was charged, prosecuted and convicted of the rape of the child and is currently serving a prison sentence.

The remaining ten (10) patients ranged in age between thirteen (13) and fifteen (15) years of age at the time of the act of sexual intercourse. All ten (10) minors reported that the sexual intercourse was consensual. All ten (10) patients reported that the sexual partner was also a minor. *Each pregnancy was reported by the Clinic to the appropriate child protective service agencies in the various jurisdictions, including the State of Kansas.*

One patient was a resident of Sedgwick County where the act of sexual intercourse occurred. This young woman age fifteen (15) at the time of the sexual offense, reported the act to be consensual and that the male was an age-mate. *The clinic reported the pregnancy to local child protective services that in 2003 assessed the matter and concluded that they would not seek prosecution.*

Attached to this release is a chart detailing each count of the complaint filed by Kline and the results of the Office of the District Attorney's independent investigation. It is concluded by the District Attorney that all instances of child sexual assault were reported to the proper authorities; that the reports were received by the various jurisdictions involved; and that those jurisdictions had the ability to determine the further course of action regarding possible child sexual offenses under their respective state laws.

Again, the independent review by the District Attorney relates solely to the issue of whether reports of child sexual abuse were reported as required by law to agencies in various states for their determination as to whether or not a crime was committed in their jurisdictions. The investigation of the District Attorney does not address the claims made in the Kline complaint/information or a review of the facts and law relating to those allegations. The underlying investigation remains under the control of the Attorney General of the State of Kansas – Paul Morrison. If any evidence of criminal conduct is referred to this office by the Attorney General, it will be reviewed for prosecution.

District Attorney Nola Foulston
18th Judicial District of Kansas

Office of the District Attorney - 18th Judicial District
 Review of Complaint/Information
 filed December 21, 2006
 regarding child sexual assault and reporting requirements

COUNT	Allegation of Complaint	Age	AG File #	State File#	REVIEW
One	Unlawful Abortion	14	30		Out of Jurisdiction
Two	Failure to Report	14	30	#005956	CPS Report to Home State; consensual age mate
Three	Unlawful Abortion	10	31		Out of Jurisdiction
Four	Failure to Report	10	31	#005790	Sexual Assault - CPS Reported to Home State; Prosecuted by local authorities
Five	Unlawful Abortion	15	32		Out of Jurisdiction
Six	Failure to Report	15	32	#005976	Sexual Assault - CPS Report to Home State
Seven	Unlawful Abortion	16	59		In State Jurisdiction
Eight	Failure to Report	16	59	#010373	Age of Consent. No CPS Report Required
Nine	Unlawful Abortion	19	33		Adult consensual
Ten	Failure to Report	19	33	#005988	No CPS report required
Eleven	Unlawful Abortion	24*	37		Adult Consensual
Twelve	Failure to Report	24* <small>Complaint alleges patient age 22. Incorrect. Medical Records show age 24</small>	37	#006402	No CPS Report Required:
Thirteen	Unlawful Abortion	15	38		Sedgwick County
Fourteen	Failure to Report	15	38	#006408	Referred to CPS/LEO 2003 cases assessed and no prosecution
Fifteen	Unlawful Abortion	15	39		Out of Jurisdiction

Office of the District Attorney - 18th Judicial District
Review of Complaint/Information
filed December 21, 2006
regarding child sexual assault and reporting requirements

Sixteen	Failure to Report	15	39	#006585	CPS Report to Home State - Consensual/Age Mate
Seventeen	Unlawful Abortion	15	40		Out of Jurisdiction
Eighteen	Failure to Report	15	40	#006591	CPS Report to Home State Consensual/Age Mate
Nineteen	Unlawful Abortion	15	41		Out of Jurisdiction
Twenty	Failure to Report	15	41	#006598	CPS Report to Home State: Consensual/Age Mate
Twenty-one	Unlawful Abortion	15	55		Out of Jurisdiction
Twenty-two	Failure to Report	15	55	#010134	CPS Report to Home State. Consensual Age Mates:
Twenty-three	Unlawful Abortion	14	43		Out of Jurisdiction
Twenty-four	Failure to Report	14	43	#006604	CPS Report to Home State : consensual age mate
Twenty-five	Unlawful Abortion	15	44		Out of Jurisdiction
Twenty-six	Failure to Report	15	44	#008238	CPS Report to Home State. Consensual Age-mate
Twenty-seven	Unlawful Abortion	18	58		Adult consensual
Twenty-eight	Failure to Report	18	58	#010150	No CPS report required:
Twenty-nine	Unlawful Abortion	13	53		Out of Jurisdiction
Thirty	Failure to Report	13	53	#010117	CPS Report to Home State; consensual age mate.