

Courts, Corrections and Justice Committee

September 12, 2017

Presenters: Kim Alaburda, Executive Director, NM Coalition of Sexual Assault Programs

Betty Caponera, Ph.D., Research Director, NM CSAP

Adriann Barboa, Field Director, Strong Families New Mexico

10:45 – 11:45 Presentations

1. Clarification on Gender Based Violence – A difference in Sexual Violence and Domestic Violence requiring different responses
2. Addressing Sexual Violence in NM
3. Sexual Violence Data and Data Needs in NM
4. Addressing Gender Based Violence in Underserved Communities
5. Domestic Violence Data and Data Needs in NM

11:45 – 12:30pm: Questions

ADDRESSING SEXUAL VIOLENCE IN NM

Cost of SV

In 2010, researchers estimated that each rape in the United States cost taxpayers \$151,423 (based on 2008 U.S. dollars) in tangible victim costs (e.g., medical care, mental health services, economic productivity loss), intangible victim costs (e.g., psychological pain and suffering and generalized fear of victimization) (Post et al., 2002), and criminal justice costs and offender productivity costs (Delisi et al., 2010). In 2013, New Mexico law enforcement agencies reported 1,445 incidents of rape (Caponera, 2014). Multiplying the number of rapes reported by law enforcement by the estimated cost per rape indicates that the costs of reported rape alone in New Mexico was close to \$219,000,000. The number of unreported rapes in New Mexico in 2013 is estimated to be four times that of reported rapes (Caponera, 2014). Therefore, a better estimate of the total costs associated with rape in New Mexico in 2013 is close to \$1 billion.

Priority Populations: Incarcerated Survivors; Un- and Underserved communities in NM (Native, Spanish Speaking/Immigrants, Asian and African Americans, LGBTQ – with an emphasis on Transgender, and children.

Underserved Work Group: NMCSAP’s Commitment to Underserved, Unserved, Inadequately Served New Mexicans

- Collaboration (meetings, membership, planning)
- Funding
- Promoting
- Grant Writing Assistance
- Legislative Representation
- Conference Highlighting
- Sponsorship at National Conferences Specific to Each Group

Focus on Improving our Response to Child Survivors of Sexual Violence

Children ages 17 and younger represent 53% of all New Mexico criminal sexual penetration victimizations. 27% of all New Mexico rapes involve victims younger than 13.

76% of children under 13 are victimized by family members, 19% by non-strangers, and 1% by strangers. For youth 13-17, 57% are victimized by a known offender (39% are victimized by non-strangers, 18% by family members) and 22% by strangers.

Criminal justice professionals, advocates and therapists feel an urgency for current, trauma informed, evidence based training designed to better respond to child victims.

New Mexico Rape by Victim Age

In 2015, the percent of rapes involving child or adolescent victims were as follows:

	<13 years	13-17 years	Total
Law Enforcement Reported Rapes	27%	26%	53%
Rape Survivors Served by Statewide Service Providers	23%	24%	47%

POLICY CAUTIONS:

- **Sexting** – important to not change the Sexual Exploitation of Children Statute, back to include youth aged 14 to 18 who engage in consensual sexting, (adolescents sharing explicit photos with each other no longer risk facing “child pornography” charges, prison sentences and a damaging criminal record – the Unintended

Consequences of the original statute). Prevention and education, within an interdisciplinary approach, is required to reduce incidents of sexting.

- Sexual Exploitation of Children Statute, NMSA 1978 § 30-6A-3, amendment signed February, 2017, creates an exception for (1) the possession of visual or electronic images of child exploitation by a child under 18 years when the child depicted in those images is between the ages of 14 and 18, (b) voluntarily consented to the possession and creation of the images, (c) and produced the image free from coercion.
- **Localized Sex Offender Management** – evidence does not support Sex Offender Registry and Notification as effective prevention of further child sexual assault.
 - Research has consistently shown that offenders who have positive support systems, social bonds to the community, and stable housing and jobs, and whose basic human needs are met, have significantly lower recidivism rates. (e.g., Farkas & Miller, 2007; Tewksbury & Levenson, 2009)

Unintended Consequences of Residency Restrictions and Notification

- States that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate
- Decrease in public safety: Iowa Department of Public Safety statistics show that the number of sex offenders who are unaccounted for has doubled since a residency restriction law went into effect in June 2005 (Iowa Sex Offender Registry, data as of February 15, 2006).
- Notification should be limited to those offenders whose public disclosure will not immediately or implicitly identify the victim. Without such limitations, victims who are related to the offender may be deterred from reporting their crimes
- As more communities increase residency restrictions, sex offenders either stop reporting or move to more isolated communities lacking in social support, placing those communities at much greater risk.

Sex Offenders In New Mexico:

- 66% of sex offenders sexually violate children
- 81% of the sex offenders are known to the survivor
- These known offenders are the victim's parents, step-parents, grandparents, husbands, boyfriends, co-workers, coaches, uncles, friends, acquaintances
- 19% of Sex Offenders are Strangers
- 19% of Sex Offenders in NM are Age 18 and under (166 of 878 identified offenders)*

“It would be easier to tell a friend that my 12-year-old son was an alcoholic, a drug addict, or a murderer than say he is a sex offender.”

- Caution when considering **Affirmative Consent** statute
 - “California became the first state to require that all high school health education classes give lessons on affirmative consent, which includes explaining that someone who is drunk or asleep cannot grant consent. Last year, California led the way in requiring colleges to use affirmative consent as the standard in campus disciplinary decisions, defining how and when people agree to have sex. ... One goal is to improve the way colleges and universities deal with accusations of rape and sexual assault and another is to reduce the number of young people who feel pressured into unwanted sexual conduct. Critics say the lawmakers and advocates of affirmative consent are trying to draw a sharp line in what is essentially a gray zone, particularly for children and young adults who are grappling with their first feelings of romantic attraction. ... critics of affirmative consent say the policy puts an unfair burden of proof on the accused.” NYT, October 2015

Incarceration Alternatives: Certification Training for Treating Youth with Sexual Behavior Problems:

- In addition to funding survivor services, we began offering a certification and training program specific to responding to and treating youth with sexual behavior problems. (thanks to the NM State Legislature!!).
- We utilize an internationally recognized expert, JoAnn Schladale, to provide intensive two week certification trainings for therapists and two day trainings for law enforcement and probation officers.
- Since 2008 when this legislatively supported fund ‘went live’: this **‘Trauma Informed Approach to Adolescent Sexual Health’** has certified
 - 121 New Mexican therapists to treat youth with sexual behavior problems;
 - 214 additional therapists in advanced and incest specific training,
 - 69 juvenile probation and parole officers,
 - 123 law enforcement officers and 7 prosecutors on trauma informed youthful offender interviewing,
 - 10 SANE nurses and 84 other professionals.
 - Total of 628 New Mexicans – including 18% representing Native Communities). For this current fiscal year, two of these trainings will be delivered on the Navajo Nation.

- Additionally, Ms. Schladale's approach was chosen for a five year U.S. Department of Health and Human Services - Office of Adolescent Health grant to study the effectiveness of her treatment strategy, with New Mexico chosen as a core site to evaluate.
 - Three years after our certification program began, several of the certified therapists consulting with Ms. Schladale formed a working group that created the "New Mexico Standards of Practice: Licensed Mental Health Providers Offering Services to Youth Who Have Caused Sexual Harm. Our Coalition funded part of this team to present these standards to mental health professionals throughout our state.
-

WHAT DO WE NEED TO MOVE FORWARD IN ORDER TO DECREASE SEXUAL VIOLENCE:

- **Expansion of Services** in correctional facilities and in underserved communities
- **Training** of sexual violence prevention specialists, criminal justice/advocate teams on child sexual assault
- Thoughtful, **evidence based statutes/policy** development.
- **Dedicated, Evidence Informed Prevention Program:** Full-time, specifically trained sexual violence prevention specialists (one per 30,000 people), and specifically trained criminal justice professionals in each judicial district (\$7.9 million).
 - This would include fully funded, specifically trained law enforcement, prosecutors and courts in every jurisdiction. The majority of sex crime charges are dismissed in our criminal justice system: in NM District Courts , of the 3,084 sexual assault charges disposed in 673 cases of sexual assault, 72% were dismissed, 3% acquitted, and 22% obtained a guilty plea or conviction. (We would like to be able to provide FETI training)
- **Re-fund the UNM Prevention Research Center (PRC)** as NM's Sexual Violence Prevention Technical Assistance Provider
 - For the last 8 years UNM PRC has created a cohesive, educated, informed strategic primary prevention plan, while providing daily technical assistance to the prevention programs in our state.
 - Defunded by NM DOH as of July 2017