

NM Child Abuse & Neglect Citizen Review Board

Spotlight on:

Child Sexual Abuse
and
Sex Offender Accountability



“Adult sex offenders cannot be cured, only managed.”

Colorado Sex Offender Management Board



“Those who offend in the family will offend outside the family if they have an opportunity”

Speaker on Sex Offenders



October 2002 - Interim Report

Albuquerque: 505-842-8905
Statewide: 888-836-2020
Web: nmcrb.org

A project of



In the News...

My mommy and sister say I'm the bad one. I told the family secret. All I did was tell my teacher that Daddy hurt me. I was tired of him hurting me every day after school since I was 7."

14 year old Foster Child

"Rapists with adult victims may very likely be sexually abusing their own children and other children."

Therapist

"1 in every 4 women have been sexually abused"

"1 in every 7 men have been sexually abused"

National Statistics

"75% of victims know their rapists - they are family members or family friends"

"61 % of forcible rapes occur before the victim is 18 years old"

Rape in America Study, 1992

What happened to Brianna, a Las Cruces baby, in July 2002, is almost beyond comprehension. Brianna was only 5 months old when she was killed. Her mother, father, and an uncle have been charged with child abuse resulting in death. Two family members, the baby's grandmother and another uncle, have been charged with failure to report child abuse.

When her infant body was examined, the findings shocked the community. Her body had numerous bite marks, broken ribs and skull (dating back to when she was only 3 months old), bruises, and evidence of sexual abuse - rape. The father and uncle are charged with criminal sexual penetration.

Also in July 2002, in Albuquerque, a 3 year old was sexually abused by an adult relative who was out of jail on bail. In March 2002, the relative and another man had been charged with raping another 3 year old in the family.

The Albuquerque Journal reported within the past year that a mother and step-father were being sought in connection with accusations of sex abuse. Allegedly the step-father had repeatedly, for years, raped his two step-daughters while their mother did nothing to stop him. New Mexico's Children, Youth, & Families department investigated this case but reported the allegations unfounded. Charges were finally filed after the preteen had a miscarriage. The preteen is now in custody out of state.

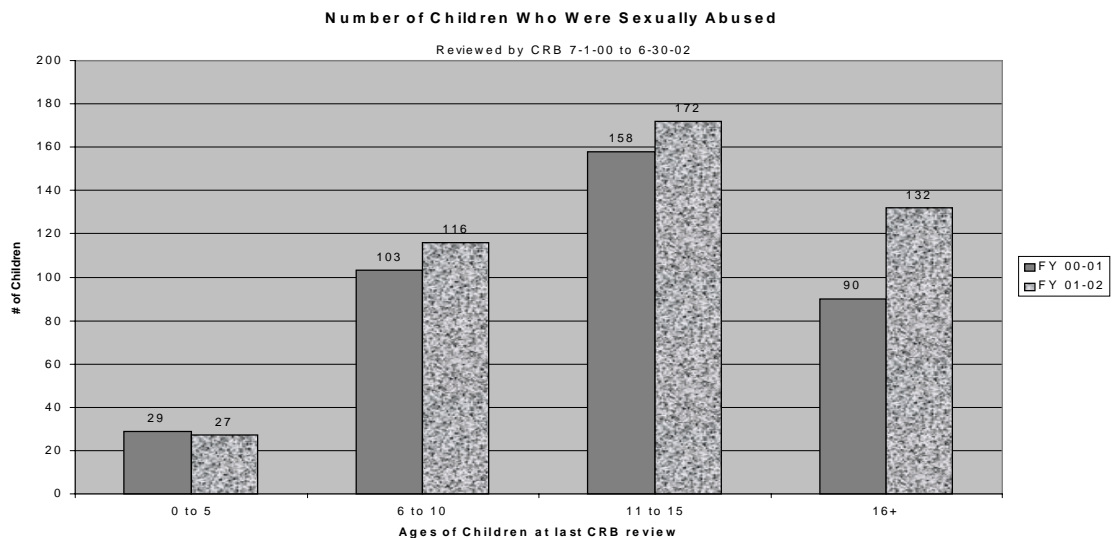
Unfortunately, these reports are not just horrible aberrations or very rare tragedies. The New Mexico Child Abuse and Neglect Citizen Review Board knows that these highly publicized cases are only the tip of the iceberg.

Of the 1,468 children reviewed by the New Mexico Citizen Review Board during July 1, 2001 to June 30, 2002:

30% or 447 children were sexually abused

- **32 % or 143 children were under the age of 10**
- **31% or 142 were sexually abused by mother, father of both**
- **64% or 285 were girls; 36% or 162 were boys**

7% of children reviewed, or 101 children have sexually abused others



CRB Interviewed...

District Attorneys and CYFD County Office Managers across the State...

In the spring of 2002, CRB volunteers and board facilitators were organized by the CRB State Advisory Committee to interview district attorneys and CYFD county office managers on sexual abuse and offender accountability. Eleven of the fourteen district attorneys were interviewed and twenty out of twenty-one CYFD county office managers were interviewed. The following quotes have been selected from those interviews to illustrate the complexity and severity of the problem of attaining appropriate offender accountability.

"There should be consequences – punishment. Sometimes the DA leaves us out of the loop. We are the parent (for the child in custody) and the DA should call us with information."

"It was agreed that if a child is taken into custody by the State, there should be enough evidence to prosecute. But prosecution does not happen."

"The investigators are not always as thorough as they need to be, so they don't have enough evidence to prosecute."

"In 95% of the cases, there is no physical evidence."

"There is a lack of understanding by the prosecutors of sexual abuse. For example, if a 14 year old has been abused from the age of 8 and then becomes promiscuous, this is often a result of being victimized. The DA will say, How can we believe this child, she may have asked for it."

"There is no sexual abuse nurse examiner unit in our area because of lack of funding. Children have to go to Albuquerque. There is a long waiting list and reports are delayed."

"Plea bargains that are agreed to by all parties really don't hold the perpetrator fully accountable."

"In some cases, the perpetrator is supposedly out of the home and the child is considered "safe" and nothing else was done."

"When the perpetrator is a member of the family, fully acknowledging and prosecuting the abuse results in the loss of the family member. Other family members are torn in their feelings about supporting the victim."

"School nurses, counselors, and doctors make good and appropriate referrals. But then there is a black hole – no prosecution."

"It is normal for kids to recant or take back the abuse."

"Despite ongoing communication between law enforcement and prosecutors, we are still struggling with confusion about other's roles and responsibilities. Social workers are focused on treatment and law enforcement is focused on punishment."

*Responses from district attorneys are bold

A Study of 561 Offenders **22 studies have since reported similar or higher numbers*



224 offenders admitted

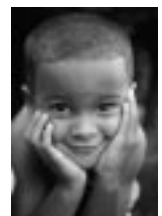
- female child victims
- **sexual acts totaling 5,197**

An average of 23 victims per offender.

153 offenders admitted

- male child victims
- **sexual acts totaling 43,100**

An average of 281 victims per offender.



* Abel, Gene & Becker, Judith 1987 Self-reported Sex Crimes of Non-incarcerated Parapheliacs. Sage Publications, Journal of Interpersonal Violence, Vol 2 Number 1, March 1987.

HOPE FOR REDUCING THE NUMBER OF FUTURE PERPETRATORS

For many years the CRB has voiced its concern of the victims' needs for earlier identification and more timely and effective treatment. **The longer the time between victimization and treatment, the greater the probability of the victim becoming a victimizer.** Successful victim restoration is dependent upon therapeutic care being readily available and of sufficient duration so as to achieve wholeness for the victim.

- Juveniles commit **30 to 60%** of all child molestations each year
- Juveniles commit **20 to 30%** of all rapes each year.
- Youths, **who move from sexual victimization to sexual perpetration***, can be distinguished by:
 - **They were victimized before the age of 10.**
 - **They were sexually victimized more frequently.**
 - **They waited a longer time to report the abuse to others.**
 - **When they did report the abuse, they perceived others as being less supportive.**

*Hunter, J.A. & Decker, J.V. 1998 Motivators of Adolescent Sex Offenders and Treatment Perspective. In J. Shaw (Ed.), Sexual Aggression. Washington D.C. American Psychiatric Press, Inc. Kahn

Christina's Story A composite of typical stories that CRB reviews



Christina is 8 years old. Her daddy and grandfather have been “visiting” her in her bed as long as she can remember. It started with the “tickle game” on her tummy when she was 4 years old. Within a very short time, the touching was under her clothes – even when she wore her jeans, sweater, and shoes to bed. It

happened several times a week, no matter how good a little girl she was — eating her vegetables, playing without making a sound, and taking care of her little sister. The touching continued and seemed to get worse and worse.

Christina remembers the first time that her father raped her, though she was too young to have words for the act. She was so terrified by the pain and by her own blood. She ran to her mother, who was in her own bed with a pillow over her head, wanting comfort and protection. Her mother did nothing but tell her, with tears in her eyes, to go back to her room. Christina was not told then, but would later find out, that her mother’s father did the same thing to her as a little girl. Now grandpa was “visiting” his granddaughter in the same way.

One time, a neighbor talked to Christina’s mother about the little girl’s screams that the neighbor would hear at night. Christina’s mother told the neighbor to mind her own business. Anyway, the neighbor was told that Christina has nightmares a lot which cause her to scream.

When she was 7 years old, Christina in desperation told her teacher about the nighttime visits. The teacher believed her and looked concerned! Christina felt that she would finally get help! There was a flurry of activity with a lot of adults. People called social workers, police officers talked to Christina, her mother, her father, her grandfather, others...but nothing really changed. These big people put their heads together and talked. Their voices sounded sad but nothing changed. The big people went away, forgot about Christina, and her father and grandfather continued to visit her in her bed.

Tonight, for the first time, she heard her 5 year old sister scream and beg for her father to stop. And as many times before, Christina did not hear her mother’s voice tell him to stop. Christina knew her nightmare is now her little sister’s nightmare as well. Maybe she would go to another big person and try again to get help for herself — and now her little sister.

CRB Recommendations

To achieve greater safety for all children--and the community as a whole the Citizen Review Board recommends:

1. **Swifter offender accountability and closer management**
2. **Standardization of response by law enforcement and child protection services throughout the state**
3. **The enactment of specialized statutes that manage sex offenders**
4. **System accountability to the victim and the community.**

“Sexual attraction can not be changed but behaviors can be managed through treatment and close accountability. This is a lifetime challenge. Actually as offenders age, opportunities for sexual abuse become better because people let down their guard.”

Therapist specializing in sex offenders.

“I have been on the CRB board for 5 years and my concerns about sexual abuse have greatly increased. CRB volunteers have always been concerned that perpetrators are not punished. Why? And, in some cases we see years of severe sexual abuse on children before CYFD intervenes. Why?”

CRB Member

What Does the Research Say:

New Mexico Children's Safehouse Network -Fiscal year 2001-2002 Selected Data

In the eight member programs, a total of 1731 interviews were conducted at the request of Law Enforcement, CYFD or their Federal counterparts. The following data have been selected for this Citizen Review Board report. Rather than report total numbers for some categories, percents are indicated, as it is a more graphic representation. Because children often report more than one kind of abuse or more than one perpetrator, percentages better illustrate specific areas of concern.

AGE OF OFFENDER		
0-12 years-95 Offenders	13-17 years-204 Offenders	Over 18 years-1,182 Offenders

Disclosure Patterns by age (When interviewed indicated sex abuse)

Child's Age	Disclosed Sexual Abuse	No Disclosure	# of Children Interviewed
3-7 years	54%	46%	615 Children
8-11 years	68%	32%	406 Children
12-17 years	79%	21%	372 Children

Child's Relationship to the Offender

Child's Age	Parent*	Relative	Not Related
3-7 years	33%	35%	32%
8-11 years	32%	25%	43%
12-17 years	31%	18%	51%

*Parent is any adult caregiver living as a parent within the household or having custody.

Kind of Abuse

Child's Age	Criminal Sexual Contact	Criminal Sexual Penetration
3-7 years	33%	35%
8-11 years	32%	25%
12-17 years	31%	18%

General Definitions - The Future of Children - Sexual Abuse of Children Summer/Fall 1994

CONTACT SEXUAL ABUSE - is touching of the sexual portions of the child's body, genitals or anus or the breasts of pubescent females, or the child's touching the sexual portions of a partner's body. Contact sexual abuse is of two types:

Penetration, which includes penile, digital, and object penetration of the vagina, mouth or anus and,

Non Penetration, which includes fondling of sexual portions of the child's body, sexual kissing or the child's touching sexual parts of a partner's body.

NONCONTACT SEXUAL ABUSE usually includes exhibitionism, voyeurism, and the involvement of the child in the making of pornography. Sometimes verbal sexual propositions or harassment (such as making lewd comments about the child's body) are included as well.

"57% of all of the children who disclosed sexual abuse, disclosed more than one abuse event"

New Mexico Safehouse Data

"As CYFD is less likely to be involved in cases with a non relative offender this may indicate a considerable number of cases without management in each age group."

New Mexico Safehouse Data

"New Mexico has the 2nd highest rate of reported rapes in the nation, and the fewest number of treatment programs for juvenile offenders."

2000 Juvenile Offender Study in Santa Fe

"There is no room for error in treating sex offenders. When there is a relapse there is another victim."

"Nobody wants to talk about the offenders."

"Family frequently spend more effort protecting the offender than helping the victim."

Gallup Independent, June 2002

What is the Citizen Review Board ?

The Citizen Review Board **has over 160 volunteers** staffing **33 local review boards** statewide. It is an independent project legislatively created by the State of New Mexico with a two part mandate:

- To review the cases of children in the custody of the state and make recommendations to the Judge who presides over the case.
- To make recommendations to the New Mexico Legislature, the Children, Youth & Families Department, and the courts regarding the statutes, policies, and procedures relating to substitute care.

The volunteers who make up the New Mexico Citizen Review Board (CRB) have one goal: to help New Mexico's foster care system become the best it can be. In light of this goal, the volunteers who review the cases of children in the custody of the Children, Youth, and Families Department are aware that many people and agencies are involved in the complex foster care system - not just the agency that is responsible for the children.

We believe that the children who are abused and neglected deserve the best possible services and should be in a permanent home that provides love, nurturing, and protection as quickly as possible.

Each local review board meeting provides an opportunity for the parties involved in a case to present information pertinent to the progress toward finding a permanent loving and safe home for the child. The information gathered at these meetings form the basis for a written report with recommendations that are sent to the presiding Judge. Additionally, the statewide compilation of the statistical data gleaned from these meetings provides the basis for CRB's recommendations to the legislature, the Children, Youth & Families Department, and the courts.

For More Information

- Contact the Citizen Review Board central office in Albuquerque (505) 842-8905, or toll free at (888) 836-2020
- Visit the CRB web-site at www.nmcrb.org for up-to-date information on the abused and neglected children that CRB reviews.
- See the *CRB Annual Report* for additional recommendations and information (reported by state and by county) on the abused and neglected children of New Mexico.
- If you would like copies of our interim reports spotlighting other important issues in the abuse and neglect system, contact the CRB central office.

Citizen Review Boards meet in the following locations. Call our central office for details.

Alamogordo	Gallup	Sante Fe
Albuquerque	Grants	Silver City
Bernalillo	Hobbs	Socorro
Carlsbad	Las Cruces	Taos
Clovis	Las Vegas	T or C
Deming	Los Lunas	Tucumcari
Espanola	Raton	
Farmington	Roswell	

“Incest studies show fewer number of victims per offender, but many more sexual abuse incidents per victim.”

Therapist

“Children do not sexually abuse one another unless they are or have been physically, sexually, or emotionally abused by an adult.”

Psychotherapist

“We cannot concur with the plan of returning this child home. No one knows which of the adults in this home sexually abused him. Why were the serious allegations not investigated?”

CRB MEMBER