

June 17 2024 iSOS Indivisible Meeting Notes

ANNOUNCEMENTS

- Nick Boukas coming next week - for our criminal justice work to get behavioral health people talking to each other - police, etc.
Linda Seratto July 1st.
- Drumming - every Friday at noon practicing at Ricann's house.
- Play, July 27/28 Teatro. "Informative Consent" which our legislature just passed.
- Taking action is the best remedy for anxiety, etc.
- Now through the election, will be links to help people running for NM house or senate. Some don't have opponents. Maryanne Matthews voted for medical and family leave so there was an effort to replace Greg (last name?) who lost to her but he will run as an independent.
- We will be working with Blue CD2. Congressman V still not agreeing to talk to us. The postcards we are doing now are for him. We have 100 postcards need to have mailed by July 1st that someone has not picked up.
- Nationally - 12 maga held congressional seats we can flip. All in districts that Biden one. Simon Rosenberg- agenda lists them with links. He is raising money for them. Go to his substack and watch his interviews. There are expectations that a Dem can carry. There is a one-seat majority in the state house in NC.

HALEY MURPHY, Head of the Special Victims Unit, Deputy District Attorney

- She thanks us for helping her turn out the vote for Mary. While she worked for Marco Serna, when he was DA, she never met him. He never introduced himself. He was never around.
- Haley considers herself domestic abuse specialist. She has worked on 60 plus felony trails that have been mostly involved children. There is nothing better than the sound of handcuffs who have abused children.
- How to protect kids in the criminal justice system? What does a child go through when is abused? 1 in 3 women in NM are survivors of abuse.
- When a child is abused - once a child has experienced a few ACES (Adverse Childhood Experiences), they will definitely have a difficult time of it.
- A child tells a mom and the mom doesn't react. If a child is removed they feel punitive. Children who are dealt with well have a drastically different experience.
- Most cases are delayed disclosure. Can be up to 2 years. Once they tell maybe a teacher, teacher tells someone else. Then a badge/gun comes to school and ask the child questions. And can happen within presence of the abuser. If all the training works, the child discloses and that's it. But usually, a forensic interviewer has to be included in the mix. Forensic exam is not permissible in court.
- Non police presence, scientifically validated. Non confrontational environment. Designed to scaffold around the child. If it's penetration, oral sex, they go for a medical exam. Designed to be affirming. STD or SDI testing.
- If it's less than 5 days, rape kit is used.
- Medically guided exam. Can be admissible So before the case - the child has had multiple times to tell their story. The child has had to tell the story at least 5 times. When children recant we understand there are external pressures.
- Sometimes in rural areas, police aren't as thorough.
- Prelim hearing — witness must testify. Not the preferred approach.

- What ages are we most talking about? Youngest child on stand 6 year old twins. Youngest cases 18 months and. That person is doing 40 years. Under 13 and then a slew of teenage cases. First degree of felony. Younger is quicker disclosure. Right now a 4 and a half year old.
- The next step is a pre trial interview. We are one of a few states who allow this. In Santa Fe we have a better relationship with defense. Imagine the child having to answers questions about sexual abuse with the defense. This has been a broad opportunity to knock down child. ABQ child was abused by grandmother's boyfriend. Brother walked in. Perpetrator confessed. Resulted in a conviction . Thrown out. Now the child was 16 and time for another interview. Defense attorney, sat across her and asked her all sorts of questions. Then he asked has anyone else done this?
- Pre trial interviews can be conducted well.
- They try to hold off on child interviews as long as possible to avoid trauma.
- This has all happened over the course of many years. Much higher % of these cases go to trials because there is usually no pleading. People don't want to have a sex abuser designation.
- Courthouse dog is usually there to help the kid.
- Defense can use slightly different statements to have a trial thrown out. There are so many pre-trial interviews it can happen. Takes about 2 years.
- Conditions of release no contact with minors.
- National rate for delayed for disclosure is 50 and 60% for these cases. Sentencing is when the child gets to speak.
- AZ does not have pre trail. Here, there are pre-trials and defense can contact the family,
- She wants to encourage us about the pre-trial and forensic interviews
- New book, Children on the frontlines of justice
- Unfortunately, many victims are treated as criminals.
- Going after the family system or mental health of the family can be an opportunistic defense attorney.
- Case where the child has issues (they have DNA so they know it happened) but defense goes after this.
- Convicting abuse offenders is very important. Don't even try to sue for child support - it's too dangerous.
- Offered a plea for prison term. You might want to talk to victim, she might be asking for child support but plea offer must be for jail.
- Domestic violence - can only charge child if the child is in danger. Should expand the zone of danger to something else. What about chronic domestic abuse.
- Child abuse - have to prove child is in danger. We have enough data to show it's a life changing experience.
- Defense attorneys are the biggest obstacle.
- NM is one of the few states that allow polygraphs. We might be the only state. She has seen polygraph with DNA. He passed a polygraph. You can beat a polygraph
- Conviction rates are up. She works with other agencies, meets monthly, and thinks things are improving.
- 16 years is the age of consent
- 12 and under is a different bracket.
- Special categories 13-18 - positions of authority, personal injury.
- CYFD? Some of the caseworkers are good but they get burned out. Major institutional problems. Former Gov destroyed behavioral health. There are not a lot of places to put troubled kids.
- Surpluses from Oil and Gas, how are we still ranked 50 for child welfare?