



**NEW MEXICO
DOMESTIC VIOLENCE
LEADERSHIP COMMISSION**

**Enhancing New Mexico Domestic Violence Services,
Improving System Responses and
Strengthening our Domestic Violence Laws**

**First Lady Barbara Richardson
Honorary Chair**

**Sharon L. Pino
Chair**

First Annual Report – July 2008



NEW MEXICO
DOMESTIC VIOLENCE
LEADERSHIP COMMISSION

July 7, 2008

Bill Richardson, Governor
State of New Mexico
State Capitol
Santa Fe, NM 87501

Dear Governor Richardson:

On August 19, 2007, by Executive Order 2007-041, you created the New Mexico Domestic Violence Leadership Commission. First Lady Barbara Richardson serves as Honorary Chair of the Commission and you appointed me to serve as Chair. By recognizing the importance of collaboration in achieving the greatest successes in stopping domestic violence, you structured the New Mexico Domestic Violence Leadership Commission as a multidisciplinary body. You appointed commission members from key state and private agencies, the judiciary, state coalitions, service providers and stakeholders; all of whom share an interest in stopping the cycle of domestic violence, and improving the lives of New Mexicans impacted by this horrific crime.

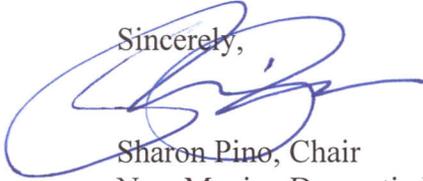
In your Executive Order, you directed the Commission to work with me to target services that are lacking and in need of improvement in New Mexico and to review and identify laws, regulations, and policies that will stop the prevalence of domestic violence in our state. You further directed the Commission to provide annual recommendations on ways in which New Mexico can enhance the quality of domestic violence services, while strengthening our domestic violence laws. I am pleased to submit the Commission's first annual report to you. The report is titled *Enhancing New Mexico Domestic Violence Services, Improving System Responses and Strengthening Domestic Violence Laws*.

Although the Commission did not start meeting until the end of November 2007, we quickly formed sub-committees and began our work. We also established The New Mexico Domestic Violence Leadership Commission website (www.nmdvlc.org), which is a resource for information on legislative initiatives, events, trainings, and services

throughout the state. The recommendations proffered in this report represent only the first step in the Commission's work to improve our state's response to domestic violence.

Thank you for allowing me to serve as Chair of the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharon Pino', written over the word 'Sincerely,'.

Sharon Pino, Chair
New Mexico Domestic Violence Leadership Commission

NEW MEXICO DOMESTIC VIOLENCE LEADERSHIP COMMISSION
APPOINTEES

- *First Lady Barbara Richardson, Honorary Chair*
- *Sharon Pino, Commission Chair and Domestic Violence Czar*
- *John Wheeler, Governor's Crime Policy Advisor*
- *David Martinez, Director, Family Services, NM Children, Youth and Families Department*
- *Patsy Trujillo, Deputy Secretary, NM Aging & Long Term Services Department*
- *Sandra Clinton, Albuquerque Metropolitan Court Judge, Judiciary Representative*
- *Pati Brummett, Public Defender Representative*
- *Mary Helen Baber, Prosecution Division Director, Attorney General Representative*
- *Clint Wellborn, President, District Attorneys Association, District Attorney's Association Representative*
- *Eugene I. (Geno) Zamora, NM Coalition Against Domestic Violence Representative*
- *Gloria Champion, ED, Shiprock Home for Women and Children, Rural Domestic Violence Program Representative*
- *Johnnie Trujillo, ED, EL Puente Socorro, Rural Domestic Violence Program Representative*
- *Sheila Allen, VAWA Grant Administrator, Crime Victims Reparation Commission Representative*
- *Dr. Betty Caponera, Director of NM Interpersonal Violence Data Central Repository*
- *Dr. Cameron Crandall, Physician, Intimate Partner Death Review Team Representative*
- *Francine Garcia, Victim Services Coordinator, NM Department of Corrections Representative*
- *Gabriel Campos, Director of Family Safety Division, NM Legal Aid Representative*
- *Ray Schultz, Chief, Albuquerque Police Department, Law Enforcement Representative*
- *Joanne Fine, United Way of Central New Mexico, Community Representative*

LEGISLATIVE ADVISORS

- **Senator Gerald Ortiz y Pino**
- **Senator Sue Beffort**
- **Representative Rhonda King**

TABLE OF CONTENTS

Executive Summary	1
Introduction, Structure, and Operation of the Commission.....	*
Legislative Recommendations.....	*
Policy Recommendations.....	*
Domestic Violence Services and System Responses Recommendations	*
Continued Projects.....	*
Sources Consulted	*
Appendices	
Appendix A: Executive Order Creating the Commission	
Appendix B: NMDVLC Website	
Appendix C:	

EXECUTIVE SUMMARY

This annual report from the New Mexico Domestic Violence Leadership Commission focuses on three key areas: legislation, policy, and service and system improvement. The Commission is making several legislative recommendations designed to strengthen New Mexico's domestic violence laws and provide better protections for victims and survivors of domestic violence. These legislative recommendations include Criminal Damage or Deprivation of Property Against a Household Member, amendments to the current stalking statute, a law to promote the financial independence of victims of domestic violence and sexual assault, and amendments to current laws regarding law enforcement certification, revocation, or suspension of certification.

The Commission is also recommending a policy initiative, which would require state agencies to be proactive in addressing domestic violence and sexual assault in the workplace. This policy recommendation compliments the legislative proposal to enact a new law, which promotes the financial independence of victims of domestic violence and sexual assault.

Finally, the Commission is making several recommendations focusing on improving domestic violence services and system responses to domestic violence. The hallmarks of these recommendations include institutionalizing a domestic violence curriculum in the University of New Mexico School of Law and School of Medicine, enhancing data collection, analysis and access, and promoting collaboration between domestic violence and sexual assault providers.

This report does not represent an exhaustive list of all that is needed to improve responses to domestic violence in New Mexico; however, this report does reflect the Commission's concerted endeavors over the past eight months. Furthermore, every effort was made during this time, to structure the Commission in such a manner as to ensure long-term continuity in maintaining a multidisciplinary and collaborative approach to domestic violence issues. For this first annual report, the Commission focused its efforts to fully develop the proposals contained herein, and to gather the critical information needed for continued success in the coming year. We look forward to evolving this essential project to **enhance statewide responses to domestic violence** and bringing forth yet another set of innovative initiatives in July 2009.

ACKNOWLEDGMENTS

The Commission would like to thank First Lady Barbara Richardson for her tremendous support and leadership and for her unending commitment to helping those impacted by domestic violence.

The Commission would also like to acknowledge the extensive time, effort and expertise that the Southwest Women's Law Center and its executive director Jane Wishner contributed to the Commission's work over the past eight months and to this report. Although the Southwest Women's Law Center advocates for a financial independence law much more expansive than that recommended in this report, the Southwest Women's Law Center provided critical research and technical assistance to the Commission, including working with the Commission to draft the Commission's proposed legislation and background analysis to promote the financial independence for victims of domestic violence and sexual assault.

A special thanks to Bernard Lieving of the Department of Health and Public Health Liaison to the Office of the Drug Czar, for his assistance in drafting and editing this report and to all of the individuals and organizations who were kind enough to attend NMDVLC meetings and provide us with valuable information, which informed our work and these recommendations. Those individuals and organizations include:

- Professor Antoinette Sedillo-Lopez, from the University of New Mexico School of Law
- Acting Dean, Leo Romero, from the University of New Mexico School of Law
- Dr. Teresita McCarty, Assistant Dean of Clinical Education, from the University of New Mexico School of Medicine
- Ann Badway from the New Mexico Attorney General's Office
- Michael Hall from the New Mexico Sentencing Commission
- Banyat Adipat from the New Mexico Sentencing Commission
- Sherry Spitzer from the New Mexico Coalition Against Domestic Violence
- Barbara Lambert from the New Mexico Coalition Against Domestic Violence
- Michael Bauer from the New Mexico Interpersonal Violence Death Review Team
- Officer Frank Casaus from the New Mexico State Police
- Sergeant Ray L. Atencio from the Albuquerque Police Department
- Dr. Betty Caponera from the New Mexico Interpersonal Violence Data Central Repository

NEW MEXICO DOMESTIC VIOLENCE LEADERSHIP COMMISSION

On August 19, 2007 by Executive Order 2007-041, Governor Bill Richardson created the New Mexico Domestic Violence Leadership Commission. In partnership with the Domestic Violence Czar, the commission was charged with to target services that are lacking and in need of improvement in New Mexico and to review and identify laws, regulations and policies that will stop the prevalence of domestic violence in our state. To accomplish these goals, the Governor appointed First Lady Barbara Richardson to serve as Honorary Chair of the Commission and the State Domestic Violence Czar, Sharon Pino, to serve as Chair. The remaining 18 appointed members of this multidisciplinary Commission are from key state and private agencies, the judiciary, state coalitions, service provider agencies, and law enforcement agencies. All partners represent a broad range of experience and expertise in domestic violence. In June 2008, Senator Gerald Ortiz y Pino, Senator Sue Beffort and Representative Rhonda King accepted invitations to serve as Legislative Advisors to the Commission.

The New Mexico Domestic Violence Commission represents Governor Richardson and First Lady Barbara Richardson's continued commitment to stopping the cycle of domestic violence in New Mexico. By prioritizing this critical issue, the Governor and First Lady have been able to champion laws designed to increase safety and accountability, strengthen and improve responses to domestic violence, and triple funding for domestic violence services.

The Executive Order directed the Commission to provide annual recommendations to the Governor on ways in which New Mexico can enhance the quality of domestic violence services while strengthening domestic violence laws. The work of the Commission and the contents of this report focus on four general areas, and all areas are coupled with corresponding recommendations. They include legislative proposals to strengthen domestic violence laws and provide victims/survivors with greater protections, improve system responses, domestic violence services and domestic violence outreach, and the enhancement of education and awareness efforts.

Legislative Recommendations: Strengthening Domestic Violence Laws and Providing Victims/Survivors with Greater Protections

The Commission is proposing four legislative initiatives for the 2009 Legislative Session.

1. Create a new offense of Criminal Damage or Deprivation of Property Against a Household Member under the *Crimes Against Household Members Act* (see draft on page 5)
2. Revise current stalking law to better track the actions and technology used by offenders to stalk victims (see draft on page 6)
3. Revise current New Mexico laws relating to law enforcement certification, suspension of certification, and revocation of certification, to include domestic violence as one enumerated offense. This would prevent an individual from obtaining or maintaining their law enforcement certification (see draft on page 7)
4. Create a new statutory act to promote financial independence for victims of domestic abuse and sexual assault (see draft on page 9)

1. Create a new offense of Criminal Damage or Deprivation of Property Against a Household Member under the *Crimes Against Household Members Act*

It is not uncommon in domestic violence incidents for a perpetrator to damage property as a means to abuse, control and threaten the victim. Current New Mexico law, NMSA § 30-15-1, addresses criminal damage to property. However, under New Mexico law, *State v. Powels*, 134 N.M. 118 (Ct. App. 2003), an offender can not be charged with criminal damage to property if the property is community or jointly owned property - meaning a perpetrator who has joint property rights or is married to a victim, can destroy items in the home or even destroy the home itself and not be criminally liable. This creates a gap in legal protections available to some victims of domestic violence. Adding a new offense of Criminal Damage or Deprivation of Property Against a Household Member to the *Crimes Against Household Members Act* would fill this gap.

Deprivation of property includes behaviors such as disabling or hiding a vehicle to prevent a spouse or partner from going to work, or taking or hiding property that is important or holds sentimental value to the victim. Often present in abusive relationships, there is no law in New Mexico that addresses such behaviors. One study of female domestic violence victims found that 44 percent were left without transportation when the abuser disabled their car or hid their car keys (“*The Facts on the Workplace and Domestic Violence Against Women*,” 2007, *Family Violence Prevention Fund*).

Domestic violence service providers participating in the New Mexico Domestic Violence Leadership Commission expressed concern that although this type of behavior is frequently exhibited in domestic violence cases, there is no law to address deprivation of property in situations where property is community or jointly owned. For example, in such cases, a prosecutor could not charge a perpetrator with larceny. This is an unnecessary gap in the legal protections available to some victims of domestic violence, and it should be remedied by adding Criminal Damage or Deprivation of Property Against a Household Member to the *Crimes Against Household Members Act*.

Finally, in domestic violence incidents where there is no community or jointly owned property, but there is a charge of Criminal Damage to Property, perpetrators cannot be tracked as domestic violence offenders. This occurs because the crime does not fall under the Crimes Against Household Member Act. In order to have a complete and accurate picture of the extent of domestic violence in New Mexico, it is critical that legal capacity is enhanced to accurately monitor all domestic violence offenses. Adding this new offense to the *Crimes Against Household Members Act* would allow the appropriate state entities to identify when this type of crime is domestic violence related, while increasing the reliability of statewide statistics on domestic violence.

Draft Legislation: Criminal Damage or Deprivation of Property Against a Household Member

- A. Deprivation of property against a Household Member consists of intentionally depriving the use of any personal, community or jointly owned property of a household member with intent to intimidate, threaten or harass said household member.
 - B. Whoever commits deprivation of property against a household member is guilty of a misdemeanor.
 - C. Criminal damage to property against a Household Member consists of intentionally damaging any real, personal, community or jointly owned property of a household member with intent to intimidate, threaten or harass said household member.
 - D. Whoever commits criminal damage to property against a household member is guilty of a misdemeanor, except when the damage to the property, or the value of the property amounts to more than one thousand dollars (\$1,000). In such instances the offender is guilty of a fourth degree felony.
-

2. Revise current stalking law (NMSA §30-3A-3) to better track the actions and technology used by perpetrators to stalk victims

According to the 2005 Statewide Victimization Survey, stalking in New Mexico occurs at a rate of 12 per 1000 persons, with one in four women, and one in fourteen men being stalked. In 2006, 48 percent of stalking cases were reported to law enforcement, and only 5.5 percent of those reported cases resulted in an arrest. Of those resulting in arrest, 51 percent resulted in a conviction (Dr. Caponera, *Incidence and Nature of Domestic Violence in New Mexico VII*).

Prosecutors recently reported to the Commission that the concept of “knowingly,” contained in New Mexico’s Stalking statute, makes it very difficult for prosecutors to prove stalking charges. As a result, many law enforcement officers are not charging individuals with stalking offenses, and a large number of offenses are being dismissed at trial. Further, the current statute is outdated and difficult to apply to technological methods currently being utilized by some stalkers.

The *Model Stalking Code for States*, developed by the Stalking Resource Center of the National Center for Victims of Crime, was utilized to draft this bill. The bill will increase stalking prosecutions by adding the language “knows or should know” and by defining “pattern of conduct” to include, stalking “directly, indirectly, or through third parties, by any action, method, device or means.” This proposed amendment will increase the ability to hold more stalking perpetrators accountable for their actions by giving law enforcement and prosecutors the necessary tools to address the plethora of methods being utilized by perpetrators to stalk victims.

Draft Legislation: Amendment to Stalking Statute NMSA § 30-3A-3

~~A. Stalking consists of a person knowingly who purposely pursuing pursues a pattern of conduct directed at a specific person and knows or should know that the pattern of conduct that would cause a reasonable person to feel frightened, intimidated or threatened. The alleged stalker must intend to place another person in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint or the alleged stalker must intend to cause a reasonable person to fear for his safety or the safety of a household member fear for his or her safety or the safety of a household member. In furtherance of the stalking, the alleged stalker must commit one or more of the following acts on more than one occasion:~~

~~(1) following another person, in a place other than the residence of the alleged stalker;~~

~~(2) placing another person under surveillance by being present outside that person's residence, school, workplace or motor vehicle or any other place frequented by that person, other than the residence of the alleged stalker; or~~

~~(3) harassing another person.~~

~~B. As used in this section, :~~

~~(1) "household member" means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of this section.~~

~~(2) "pattern of conduct" means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.~~

~~C. In any prosecution under this law, it shall not be a defense that:~~

- ~~(1) the accused was not given actual notice that the pattern of conduct was unwanted or
(2) the accused did not intend to cause the victim fear or other emotional distress~~

~~D. D. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.~~

~~E. E. In addition to any punishment provided pursuant to the provisions of this section, if any portion of the sentence is suspended or deferred, the court shall order a person convicted of stalking to participate in, and complete either a program of professional counseling at his own expense, or a domestic violence offender treatment or intervention program.~~

3. Revise current New Mexico laws relating to law enforcement certification, suspension of certification, and revocation of certification, to include domestic violence as one enumerated offense. This would prevent an individual from either obtaining or maintaining their law enforcement certification

Some challenges faced in enforcing domestic violence laws include creating an atmosphere where victims are able to trust the system enough to report the abuse. Moreover, it is incumbent upon the system to provide strong protections for victims of domestic violence after they have made a report. Many law enforcement agencies around the state have conveyed to the Commission, that a third of their calls are domestic violence related. According to the 2005 Statewide Victimization Survey, only 14 percent domestic violence incidents were reported to law enforcement.

In order to facilitate greater trust in the system, ensure that officers responding to domestic violence calls are not biased in favor of the perpetrator, and guarantee that officers are properly enforcing domestic violence laws, laws must be enacted to prevent perpetrators of domestic violence from obtaining and/or retaining law enforcement certification. The proposed amendment would add “domestic violence” to a list of crimes for which an individual may be denied certification as a law enforcement officer. In cases where an individual is already in possession of such a certification, it may be suspended or revoked. The proposed amendment would also make New Mexico Law consistent with federal law by prohibiting individuals who have been convicted of a domestic violence offense from owning or possessing firearms or ammunition.

Draft Legislation: Amendments to the Law Enforcement Act

§ 29-7-6. Qualifications for certification

A. An applicant for certification shall provide evidence satisfactory to the board that he or she:

- (1) is a citizen of the United States and has reached the age of majority;
- (2) holds a high school diploma or the equivalent;
- (3) holds a valid driver's license;
- (4) has not been convicted of, or pled guilty to, or entered a plea of nolo contendere, to any felony charge, or within the three-year period immediately preceding his or her application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, **domestic violence**, or other crime involving moral turpitude, and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
- (5) after examination by a licensed physician, is free of any physical condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;
- (6) after examination by a certified psychologist, is free of any emotional or mental condition that might

adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;

(7) is of good moral character;

(8) has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board; and

(9) has previously been awarded a certificate of completion by the director attesting to the applicant's completion of an approved law enforcement training program.

B. A person employed as a police officer by any law enforcement agency in this state shall forfeit his position unless, no later than twelve months after beginning his employment as a police officer, the person satisfies the qualifications for certification set forth in Subsection A of this section and is awarded a certificate attesting to that fact.

§ 29-7-13. Refusal, suspension or revocation of certification

A. After consultation with the employing agency, the board may refuse to issue, or may suspend or revoke a police officer's certification when the board determines that a person has:

(1) failed to satisfy the qualifications for certification, set forth in Section 29-7-6 NMSA 1978;

(2) committed acts that constitute dishonesty or fraud;

(3) been convicted of, pled guilty to or entered a plea of no contest to:

(a) any felony charge; or

(b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances, **domestic violence** or any law or ordinance involving moral turpitude;

(4) knowingly made any false statement in his application for certification.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a police officer's certification that include notice and an opportunity for the affected police officer to be heard as well as procedures for review of the board's decision.

4. Create a new statutory act to promote financial independence for victims of domestic abuse and sexual assault

One of the greatest barriers preventing victims of domestic abuse from leaving violent relationships is their ability to be financially independent, and maintaining employment maybe be difficult due to on-going legal proceedings. Further, many abusers intentionally attempt to interfere with the financial independence of their victims. "Domestic violence has deleterious effects on many survivor's ability to

find and retain work. Through their abusive conduct, batterers often seek to sabotage their victim's attempts at economic success" (*Wendy R. Weiser and Deborah al Widiss, "Employment Protection for Domestic Violence Victims," at 3 Clearinghouse Review Journal of Poverty Law and Policy (May-June 2004).*

Research confirms that domestic violence often necessitates the need for victims to take extended periods of time off work in order to address the aftermath of the violence. According to the General Accounting Office, between 25 and 50 percent of domestic violence victims in three studies reported they lost a job due, at least in part, due to domestic violence (*U.S. General Accounting Office, Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients 19, 1998*).

The Centers for Disease Control has published data on lost productivity due to domestic violence. According to the report, the mean number of days of paid work lost by victims of rape was 8.1, the mean number of days of paid work lost by victims of physical assault was 7.2, and the mean number of days of paid work lost by victims of stalking was 10.1. Dr. Betty Caponera has applied this data to New Mexico, and concluded that over 2200 victims already receiving services in New Mexico have lost paid work as a result of intimate partner violence (*Dr. Caponera, Incidence and Nature of Domestic Violence in New Mexico IV*). See also (*Rebecca Smith, Richard W. McHugh, and Robin R. Runge, "Unemployment Insurance and Domestic violence: Learning from our Experience" citing studies on domestic violence and employment*).

This Act would allow survivors to participate in legal proceedings that otherwise might be dismissed without their participation. The major reason cited for dismissals in domestic violence criminal cases is the failure of victims to appear in court, or to participate in the proceedings. The Act would also allow survivors an opportunity to seek protections from abuse without jeopardizing their employment. Language in the Act has been purposefully narrowed to address critical needs and circumstances (i.e. to obtain or attempt to obtain any judicial relief, including, but not limited to, an order of protection; meeting with law enforcement officials; consultations with attorneys and/or victim advocates; and attendance at court proceedings related to the domestic abuse). This narrowly tailored approach reduces the likelihood this legislation will be a burden on small or rural employers.

Draft Legislation: Promoting Financial Independence for Victims of Domestic Abuse and Sexual Assault Act

Section 1. Short Title.

This Act may be cited as the "Promoting Financial Independence of Victims of Domestic Abuse and Sexual Assault Act"

Section 2. Definitions

As used in the Promoting Financial Independence of Victims of Domestic Abuse and Sexual Assault Act:

- a. "Domestic abuse" has the same meaning as in the Family Violence Protection Act, N. M. Stat. Ann. § 40-13-2(C).
- b. "Employee" means any person employed by an employer.

- c. “Employer” includes every person, firm, partnership, association, corporation, receiver or other officer of the court of this state, and any agent or officer of any of the above mentioned classes, employing any person in this state and includes the State or any agency of the State, and any unit of local government or school districts.
- d. “Family member” means a minor child of the employee (including where the employee is the legal guardian of the child) or a person who is an incapacitated person where the employee is the guardian of the incapacitated person.
- e. “Order of protection” has the same meaning as in the Family Violence Prevention Act, N.M. Stat. Ann. § 40-13-2(E).

Section 3: Retaliation prohibited

- a. An employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic abuse – or whose family member is a victim of domestic abuse for seeking or taking reasonable leave from work to:
 - i. Obtain or attempt to obtain any judicial relief, including, but not limited to an order of protection; or
 - ii. Meet with law enforcement officials, consult with attorneys and/or victim advocates, and attend court proceedings related to the domestic abuse.
- b. An employee is entitled to seek intermittent leave under this Act and may seek reasonable leave of less than eight hours in a given workday.
- c. An employer may not interfere with, restrain, or deny the exercise of, or any attempt by, an employee to exercise any right provided under this Act, or take any steps to retaliate against an employee for exercising or attempting to exercise any right provided under this Act.

Section 4: Certification

- a. As a condition of taking time off for any purpose set forth in subsection 3(a), an employee shall give an employer reasonable advance notice of the employee’s intention to take time off. The timing of the notice shall be consistent with the employer’s stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic abuse, the employee or his/her designee must give notice to the employer within 24 hours of commencing the leave.
- b. When an employee requests time off under subsection (a), the employer may require that the request be supported by verification that:
 - i. The employee or employee’s family member is a victim of domestic abuse; and
 - ii. The time off taken was for one of the purposes described in subsection (a).

- c. If an employer requires verification, verification must be provided in a timely matter. If advance notice of the leave can not be given because of an emergency or unforeseen circumstances due to domestic abuse, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.
- d. An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following:
 - i. A police report indicating that the employee or employee's family member was a victim of domestic abuse;
 - iii. An order of protection, a subpoena, or any other evidence from the court, an attorney representing the employee, a victim's advocate, a law enforcement official, or prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic abuse. The provision of any such documentation under this section does not constitute a waiver of, or diminish the confidential or privileged nature of communications between a victim of domestic abuse and his or her attorney or advocate
 - iv. An employee's written statement that the employee or the employee's family member is a victim of domestic abuse and that leave was taken for one of the purposes described in subsection (a).

Section 5: Impact on other Benefits

- a. An employee who is absent from work pursuant to subsection 3(a) may elect to use accrued sick leave or other available paid time off, compensatory time, or unpaid leave time consistent with the policies of the employer.
- b. The taking of leave under subsection 3(a) may not result in the loss of any pay or benefit to the employee that accrued before the date on which the leave commenced.
- c. To the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under subsection 3(a). The coverage must be maintained for the duration of the leave at the level, and under the conditions, coverage would have been provided if the employee had not taken the leave.

Section 6: Confidentiality

- a. An employee is required to provide only the information enumerated in Subsection 4(d) to establish that the employee's leave is protected under this Act.
- b. Except as provided in subsection (c), an employer shall maintain the confidentiality of all information provided by the employee under this Act, including the fact that the employee or employee's family member is a victim of domestic abuse, that the employee has requested or obtained leave under this Act, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.
- c. Information given by an employee may be disclosed by an employer only if:

- i. Requested or consented to by the employee;
- ii. Ordered by a court or administrative agency; or
- iii. Otherwise required by applicable federal or state law.

Section 7: Enforcement

- a. The Department of Workforce Solutions has authority to enforce this Act and to investigate complaints made by persons who claim to be aggrieved under this Act.
- b. Any employee injured by any conduct or action in violation of this Act shall have the right to bring a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit, including reasonable attorneys' fees.

Section 8: Effect on Other Laws and Existing Employment Benefits

- a. The remedy provided by this section is in addition to any other common law remedy or other remedy that may be available to an employee under federal or state law.
- b. Nothing in this Act shall supersede any provision of law or contract that provides greater rights than the rights established under this Act.
- c. Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program, policy or plan that provides greater rights to employees than the rights established under this Act.

Section 9: Effective Date

The effective date of this Act is July 1, 2009.

Policy Recommendations: Through Executive Order implement domestic violence workplace policies, increase the safety of domestic violence victims in the workplace, and promote their financial independence.

The Commission is making the following recommendations to implement domestic violence workplace policies in all New Mexico State Agencies and institutions.

1. In October 2008, during Domestic Violence Awareness Month, establish an Executive Order directing all New Mexico State Agencies and institutions to adopt domestic violence workplace policies and implement a concentrated domestic violence education effort for state employees (see proposed draft of EO on page 14).
2. The Commission is currently drafting a training curriculum and model domestic violence policy to be supported by the Executive Order, and implemented in agencies statewide.
3. Within 12 months of the Executive Order, all state agencies will have implemented a domestic violence workplace policy and trained all staff accordingly.

This Executive Order will compliment the legislative initiative proposed by the Commission to promote the financial independence for victims of domestic violence and sexual assault. A study of domestic violence survivor's found that 74 percent of employed battered women were harassed by their partner while they were at work (*Family Violence Prevention Fund. 1998. "The Workplace Guide for Employers, Unions and Advocates" San Francisco, CA*). Providing a supportive and safe work environment for victims of domestic violence and sexual assault increases the likelihood that these individuals will be able to maintain their employment and financial independence.

Throughout the country, an increasing number of businesses are adopting policies to address family violence issues and their impact on the workplace. In New Mexico, the United Way of Central New Mexico, through its Corporate Cornerstone Project, has provided trainings for local businesses on family violence and the workplace. Nationally, the Corporate Alliance to End Partner Violence has a growing number of member employers who address these issues in their workplaces and communities. Numerous government agencies throughout the country have also adopted policies addressing family violence and its impact in the workplace.

We often think of government as taking the lead in adopting and implementing domestic violence policies. . It is important to note that the State of New Mexico is one of the largest employers in the state. Other government agencies, particularly educational institutions, also employ thousands of New Mexicans. Family violence impacts all workplaces in New Mexico and studies reveal that family violence costs U.S. employers hundreds of millions of dollars in absenteeism, lost wages, health care expenses, and lost productivity arising from the impact on employee morale.

The Centers for Disease control and Prevention estimate that the annual cost of lost productivity due to domestic violence equals \$727.8 million (*"Costs of Intimate Partner Violence Against Women in the United States," 2003. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Atlanta, GA*). Between July and September 2005, the Corporate Alliance to End Partner Violence polled 1,200 full-time employed adults across the United States. Among the major findings were that sixty-four percent (64%) of victims of domestic violence indicated their ability to work was affected by the violence. Among key causes for their decline in productivity, victims noted "distraction" (57%); "fear of discovery" (45%); "harassment by an intimate partner at work (either by phone or in person)" (40%); fear of an intimate partner's unexpected

visits" (34%); "inability to complete assignments on time" (24%); and "job loss" (21%). (*Corporate Alliance to End Partner Violence*).

The Commission is proposing that Governor Richardson, through Executive Order, initiate efforts to implement workplace policies that provide support for victims of family violence who work in state government agencies. Throughout the country, 21 states have enacted mandatory or suggested workplace policies (*National Coalition Against Domestic Violence, Fact sheet on Domestic Violence in the Workplace*). The Executive Order would direct state agencies to develop domestic violence policies within their own agency, based on a model policy provided by The Commission. The Commission would also provide a model training curriculum for state agencies to ensure full adoption and implementation.

MODEL EXECUTIVE ORDER:

EXECUTIVE ORDER 2008-

ESTABLISHING DOMESTIC VIOLENCE AND SEXUAL ASSAULT WORKPLACE POLICIES IN ALL NEW MEXICO STATE AGENCIES

WHEREAS, providing a supportive and safe work environment for victims of domestic violence and sexual assault increases the likelihood that these individuals will be able to maintain their employment and financial independence;

WHEREAS, throughout the country, and in New Mexico, an increasing number of businesses are adopting policies to address family violence issues as they impact the workplace;

WHEREAS, family violence costs U.S. employers hundreds of millions of dollars in absenteeism, lost wages, health care expenses, and lost productivity arising from the impact on employee morale;

WHEREAS, victims of family violence who are attempting to end the abusive relationship are especially vulnerable in the workplace due to accessibility;

WHEREAS, the policy of the State of New Mexico is to eliminate family violence and to eliminate tolerance for family violence in any form at any place, whether at home, at the workplace, or elsewhere;

WHEREAS, executive branch agencies of the State of New Mexico should be sexual assault-free and domestic violence-free workplaces for all of their employees;

WHEREAS, victims of domestic violence and sexual assault need support and assistance from their employers but are often afraid of disclosing the abuse to their employers; and

WHEREAS, the Executive Branch of the State of New Mexico is one of the largest employers in the State and can set a positive example by adopting model domestic violence and sexual assault workplace policies.

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico do hereby order each state agency to develop domestic violence workplace policies by July 1, 2009 that include the following elements:

1. Guidance for employees and management in addressing incidents of domestic violence, sexual assault and stalking and their effects in the workplace;
2. Establishment of a workplace protocol to ensure the safety of the victimized employee as well as the other employees working in close proximity.
3. Guidance for employees and management regarding available support and assistance, including confidential means for seeking assistance and resource and referral information.
4. A commitment to respect the confidentiality and autonomy of adult victims to the fullest extent permitted by law.
5. A requirement that the agency maintain, publish and post in locations of high visibility such as bulletin boards, break rooms and online sources, a statewide list with contact information for counseling, advocacy and referral resources of victims of domestic violence, sexual assault and stalking, as well as counseling resources for perpetrators.
6. An expectation that agency employees who witness threats or incidents of domestic violence, sexual assault or stalking in the workplace report the event immediately to their manager or supervisor, human resources office or site security personnel.
7. A clear prohibition of the threat or commission of domestic violence, sexual assault or stalking by any agency employee on agency premises, during working hours or at an agency-sponsored event, whether directed at another agency employee or other person.
8. A clear prohibition of discrimination against employees on the basis of their victimization.
9. A clear policy of encouraging employees who are experiencing family violence, whether as a victim or a perpetrator, to come forward to seek support and assistance without fear of reproach by providing a confidential method for seeking such support and assistance.
10. Providing flexible personnel benefits and leave policies to allow employees to address the abuse in their lives, including, for example, to:
 - a. obtain or attempt to obtain any judicial relief, including, but not limited to an order of protection;
 - b. meet with law enforcement officials, consult with attorneys, and/or victim advocates, and attend court proceedings related to the domestic abuse or sexual assault;

- c. seek treatment by a health care provider for physical or mental injuries caused by domestic abuse or sexual assault or to attend to such health care treatment for a victim who is the employee’s minor child;
- d. obtain or assist a minor child in obtaining services from a domestic violence shelter, domestic violence program, rape crisis center, or other social services program for relief from domestic abuse or sexual assault
- e. Obtain or assist a minor child in obtaining mental health counseling related to an experience of domestic abuse or sexual assault; or
- f. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s minor children from future domestic abuse or sexual assault.

Agencies may use the model policy developed by the New Mexico Domestic Violence Leadership Commission as a basis for developing a workplace policy consistent with this order.

I FURTHER DIRECT every state agency to implement the Domestic Violence and Sexual Assault in the Workplace Prevention Training curriculum and delivery program developed by the New Mexico Domestic Violence Leadership Commission. This training shall focus on domestic violence and sexual assault awareness, workplace security and safety planning, the need for confidentiality and record keeping, conducting appropriate investigations, and appropriate referrals. Agencies are directed to make this training available upon the hiring of new personnel and agency-wide at least every two years.

The following definition shall apply for the purposes of this Executive Order:

“Agency” means a state agency in the executive branch with employees in the classified service and covered by State Personnel Board rules and regulations.

THIS ORDER does not alter any existing collective bargaining agreements.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Executive Order shall take effect immediately and remain in effect until such time as it is rescinded by the Governor.

ATTEST:

DONE AT THE EXECUTIVE OFFICE THIS _____
DAY OF OCTOBER, 2008

MARY HERRERA
SECRETARY OF STATE

WITNESS MY HAND AND THE GREAT SEAL
OF THE STATE OF NEW MEXICO

BILL RICHARDSON
GOVERNOR

Domestic Violence Services and System Responses Recommendations: Improving domestic violence services and system responses to domestic violence

The Commission is proposing nine (9) initiatives to improve domestic violence services and system responses to domestic violence.

1. Improve services provided to victims of domestic violence by legal and healthcare professionals.
2. Increase quantitative and qualitative data collection on offenders to better address issues related to domestic violence, including, but not limited to, recidivism, arrest-to-conviction ratios, the impact of community supervision on re-offending, efficacy of treatment, and other mitigating factors impacting violent behaviors.
3. Enhance the level of support given to the New Mexico Interpersonal Violence Data Central Repository by creating a new committee, external to pre-existing entities, charged with ensuring the quality of output.
4. Increase access to the Data Central Repository and *Annual Incidence and Nature of Domestic Violence in New Mexico Report* to facilitate multidisciplinary collaboration relative to domestic violence and concomitant issues in order to allow agencies to develop specific reports reflective of their own communities.
5. Improve accessibility of services through enhanced outreach to New Mexicans in rural or frontier areas.
6. As appropriate, promote integration, coordination, and collaboration among domestic violence and sexual assault service providers.
7. Measure acceptance rates of domestic violence and sexual assault cases from the United States Attorney Office in the New Mexico District to identify case declination rates. The extent of which may contribute to significant gaps in services for individuals under federal jurisdiction.
8. Improve the quality of injury documentation for domestic violence victims who have not been sexually assaulted in order to enhance evidentiary documentation.
9. Lower the incidents of domestic violence by providing easy access to justice data.

1. Improve services provided to victims of domestic violence by legal and healthcare professionals.

The Commission is making the following recommendations to improve the legal and healthcare responses to domestic violence by institutionalizing a domestic violence curriculum in the University of New Mexico law and medical schools. The purpose of this recommendation is to provide focused trainings on building the necessary skills required to recognize the signs of domestic violence, and how to appropriately respond to the needs of legal clients and medical patients who have been victimized.

- By January 2009, conduct a two-day symposium with key stakeholders from UNM Medical School and the UNM Law School to assess the type of training needed and to encourage the stakeholders to institutionalize a domestic violence curriculum in each school.
- Based on the outcome of the symposium, obtain necessary funding to standardize a domestic violence curriculum that is specifically tailored to the roles physicians and lawyers serve vis a vis domestic violence.

Many physicians routinely treat the injuries of domestic violence victims and they are required to have special training and skills to recognize the signs of domestic violence, and how to appropriately respond to the needs of these patients. A study in 2003 found that 27 percent of domestic violence victims in the United States had more than 20 doctor visits a year (*January 2003 issue of the American Journal of Preventive Medicine*). The U.S. Department of Justice (1994) found that women accounted for 39 percent of emergency department visits for violence-related injuries and 84 percent of the persons treated for injuries inflicted by intimate partners (*Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends, U.S. Department of Justice, March, 1998*). Under New Mexico law, NMSA § 40-13-7.1, medical personnel are required to document domestic abuse and provide the victim with information and referral to services. In order to comply with this statutory mandate, physicians must have the appropriate training to be able to identify patients experiencing domestic violence.

Similarly, the legal profession plays a significant role in developing and implementing coordinated community responses to domestic violence. (*Educating to End Domestic Violence, A Law School Report, U.S. Department of Justice, March, 1998*). Law schools in particular, educate students who may become prosecutors, defense attorneys, family law attorneys, general practitioners, business leaders, legislators, lobbyists, policy analysts, and judges. According to the American Bar Association's 1998 Commission on Domestic Violence, "one of the most important services law schools can provide in helping to end domestic violence is to ensure that graduating law students understand what domestic violence is and how many areas of law it affects." (*See Educating to End Domestic Violence, A Law School Report*).

2. Increase quantitative and qualitative data collection on offenders to better address issues related to domestic violence, including, but not limited to, recidivism, arrest-to-conviction ratios, the impact of community supervision on re-offending, efficacy of treatment, and other mitigating factors impacting violent behaviors.

The Commission is making the following recommendation in order to prevent recidivist behaviors among domestic violence offenders, and to identify early intervention points to reduce domestic violence incidence.

- Award the University of New Mexico Institute for Social Research's Statistical Analysis Center and New Mexico Sentencing Commission, \$100,000 to study the criminal behavior trajectories of domestic violence offenders using data from law enforcement, probation and parole and the courts.

3. Enhance the level of support given to the New Mexico Interpersonal Violence Data Central Repository by creating a new committee, external to pre-existing entities, charged with ensuring the quality of output by increasing the frequency of input generated by multidisciplinary agencies and service providers.

The Commission is making this recommendation to improve the quality of data, subsequent data analysis, and to improve the broader understanding of policy implications relative to domestic violence.

- The new committee will identify input from multiple disciplines and service sites to direct data analysis and implications relative to policy and service delivery. The committee is to be in place by January 2009, with analysis to commence in March 2009, and implication review to occur in June 2009.

Dr. Betty Caponera, Director of the New Mexico Interpersonal Violence Data Central Repository, has been collecting and analyzing data related to domestic violence in New Mexico for the last eight years. Each year, Dr. Caponera identifies implications from the data collected that can be used to influence legislative and policy decisions in New Mexico. Gathering input from other disciplines will significantly benefit the data analysis process and the implications generated by the process.

4. Increase access to the Data Central Repository and *Annual Incidence and Nature of Domestic Violence in New Mexico Report* to facilitate multidisciplinary collaboration relative to domestic violence and concomitant issues in order to allow agencies to develop specific reports reflective of their own communities.

The Commission is making this recommendation to increase access to critical databases and domestic violence reports.

- Within 90 days of recommendation submission, identify action steps and budgetary needs, including potential funding sources, to make the Data Central Repository and the *Annual Incidence and Nature of Domestic Violence in New Mexico Report* available in a web-based format.

A large number of agencies and service providers throughout New Mexico utilize the data collected by the Data Central Repository and the *Annual Incidence and Nature of Domestic Violence in New Mexico Report* to obtain grants and funding, advocate for changes in policy and law, and to strategically plan for their organization. The utilization of this data by agencies and service providers ultimately improves New Mexico's collective responses to domestic violence. Increasing access to the data collected by the Data Central Repository, and providing the capacity for agencies and service providers to customize reports, specific to their needs and the needs of their communities, will positively impact domestic violence service provisions throughout New Mexico.

5. Improve accessibility of services through enhanced outreach to New Mexicans in rural or frontier areas.

The Commission is making this recommendation to improve accessibility of services through enhanced outreach to New Mexicans in rural or frontier areas that are isolated from services due to constraints associated with time, distance, or location.

- Develop web-based linkages on the DVLC website to expand accessibility to Coordinated Community Response Programs in order to foster the sharing of innovative ideas and solution-focused processes to diminish service access barriers.
- Work with web designer to improve the NMDVLC website and make website more accessible and useful to the community.

6. As appropriate, promote integration, coordination, and collaboration among domestic violence and sexual assault service providers.

The Commission is making the following recommendations to ensure greater levels of care for victims, and to foster a continuum of service provisions relative to domestic violence and sexual assault.

- Encourage the STOP Violence Against Women Implementation Team to recommend projects that will develop training curricula and opportunities that promote further collaboration and coordination of efforts between domestic violence and sexual assault service providers.
- Explore funding opportunities to increase domestic violence and sexual assault services coordination.
- Identify successful pre-existing, evidence-based, and best-practice models of domestic violence and sexual assault services coordination and integration in other states.

7. Measure acceptance rates of domestic violence and sexual assault cases from the United States Attorney Office in the New Mexico District to identify case declination rates. The extent of which may contribute to significant gaps in services for individuals under federal jurisdiction.

The Commission is making the following recommendation to enhance the domestic violence and sexual assault services safety net for persons under federal jurisdiction.

- NMDVLC should engage with United States Attorney Office to obtain domestic violence and sexual assault data.

8. Improve the quality of injury documentation for domestic violence victims who have not been sexually assaulted in order to enhance evidentiary documentation.

The Commission is making the following recommendation to enhance evidence gathering and documentation of injuries sustained by domestic violence victims who have not been sexually assaulted.

- Establish a task force through the Commission for the purpose of identifying gaps in domestic violence injury examination and documentation, and to research funding sources for the purpose of standardizing forensic examination of domestic violence injury throughout New Mexico. The task force will meet at least twice and complete its inquiry by April 1, 2009. This will ensure that information is available to guide the July 2009 recommendations from the Commission to the Governor.

9. Decrease the incidents of domestic violence by providing easy access to justice data.

The Commission is making this recommendation to increase the availability of criminal justice information in smaller, rural jurisdictions throughout the state.

- Provide smaller, rural law enforcement agencies and county jail facilities with the hardware and software needed to access and share information with the New Mexico Justice Network, operated by the Justice Information Sharing Counsel.

The Justice Information Sharing Counsel (JISC) is a statewide criminal and juvenile justice agency team with the mission of enabling the efficient and timely sharing of criminal justice data through information technology. Government entities are able to access information through the New Mexico Justice Network Consolidated Offender Query. Easy and timely access to this information can be of tremendous benefit to law enforcement agencies, jails, courts and prosecutors. This network helps law enforcement officers identify whether or not a valid order of protection is in place, and can be useful in obtaining known addresses of parties and prior offenses. Information accessed through this data base may also be useful to prosecutors in charging offenders, locating witnesses, and tracking on-going orders of protection and domestic relations

cases. Such information can impact and even benefit domestic violence prosecutions. Lastly, judges may obtain valuable information on an offender to will assist them in setting bond, or making custody or visitation determinations. It is critical that rural jurisdictions, with their unique challenges, have access to this database.

Continued Projects

The Commission continues to work on the following projects:

1. The Legal System Subcommittee is researching sentencing in other states to determine which domestic violence offender sentencing approaches are yielding the best results. Once this research is complete, the committee will take steps to implement such approaches in New Mexico.
2. The Legal System Subcommittee is continuing research on legal issues, including the cost and feasibility of constructing and operating regional gun storage facilities. Under the federal Gun Control Act, individuals who have a valid Order of Protection issue against them, or have been convicted of a misdemeanor crime of domestic violence, are not allowed to own or possess firearms or ammunition. However, there is no legal mechanism in place for law enforcement to seize these weapons, and most law enforcement agencies do not have the capacity to store these weapons. This issue requires more research, and may result in future recommendations for legislative changes and funding requests.

Appendix A:

Executive Order Creating the New Mexico Domestic Violence Leadership Commission



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER NO. 2007-041

ESTABLISHING THE NEW MEXICO DOMESTIC VIOLENCE LEADERSHIP COMMISSION

WHEREAS, domestic violence is a devastating crime that affects thousands of people in New Mexico each year, particularly women and children;

WHEREAS, executive, legislative and judicial leaders in New Mexico have made a concerted effort to toughen domestic violence laws, improve the quality of services and increase access to those services, but more must be done to adequately address this problem;

WHEREAS, in 2003, the Domestic Violence Advisory Board was formed to recommend policy and programmatic changes to combat domestic violence crimes statewide;

WHEREAS, the Domestic Violence Advisory Board was a useful tool in the fight against domestic violence because of its collaborative nature and multi-disciplinary approach, and New Mexicans would be well served by convening a similar group to improve awareness and assess the current challenges faced by lawmakers, prosecutors, judges and service providers; and

WHEREAS, a Commission of this nature will assist greatly in reducing domestic violence related crimes throughout the State and improving the overall health, safety and welfare of our citizens.

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of New Mexico, do hereby establish the New Mexico Domestic Violence Leadership Commission, (hereinafter, "Commission") which shall be instituted as follows:

1. The purpose of the Commission shall be to:
 - a. Work with the New Mexico Domestic Violence Czar to target services that are lacking and in need of improvement, and to provide recommendations to enhance the quality and efficiency of services statewide;

c. Review the laws, regulations, and policies that are intended to stop the prevalence of domestic violence to assess whether changes are needed.

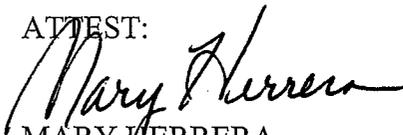
2. The Governor shall appoint the membership of the Commission as follows:

- a. The First Lady, who shall serve as Honorary Chair;
- b. The New Mexico Domestic Violence Czar who shall serve as Chair;
- c. The Attorney General or his designee;
- d. The Governor's Crime Policy Advisor;
- e. The Secretary of Children Youth and Families Department or her designee;
- f. A representative from the judiciary;
- g. The President of the District Attorney's Association or his designee;
- h. The Chief Public Defender or his designee;
- i. A representative from the New Mexico Coalition Against Domestic Violence;
- j. Two representatives from rural based domestic violence service programs;
- k. A representative from the Coalition to Stop Violence Against Native Women;
- l. A representative from the Crime Victim's Reparation Commission;
- m. The Director of the New Mexico Interpersonal Violence Data Central Repository;
- n. A representative from the New Mexico Female Intimate Partner Violence Death Review Team;
- o. A representative from the Department of Corrections;
- p. A representative from a law enforcement agency;
- q. A representative from New Mexico Legal Aid;
- r. A representative from Aging and Long Term Services; and
- s. A community representative.

3. The Commission shall convene at the discretion of the Commission Chairs.
4. The Children Youth and Families Department shall provide administrative staff and support to the Commission.
5. The Commission shall remain in effect for not more than two years, unless extended by executive order by the Governor.
6. The Commission shall convene at least quarterly or more frequently as determined by the Chairs.
7. The Commission may form ad hoc committees.
8. The Commission shall consult with both public and private individuals, entities, interim committees, and state agencies as deemed necessary for the development of its recommendations. Input from the general public in the development of any proposals is strongly encouraged.
9. The Commission shall prepare and present a prioritized set of recommendations for the Governor's consideration no later than July 1st of each year, beginning in 2008, unless otherwise directed by the Governor. The recommendations shall be prioritized and shall include quantifiable outcomes.
10. The Commission shall be an advisory body that makes recommendations to the Governor and in no event shall make final decisions regarding policy.

THIS ORDER supersedes Executive Orders 2003-011 and 2003-039 and any other previous orders, proclamations, or directives in conflict with this Executive Order. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

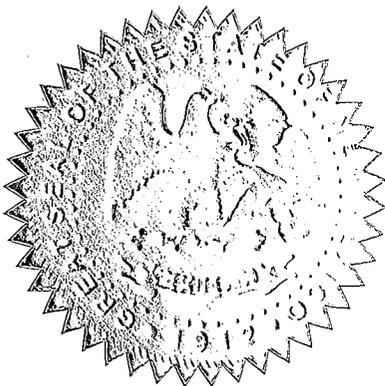
ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS 19TH
DAY OF AUGUST, 2007

WITNESS MY HAND AND THE GREAT SEAL
OF THE STATE OF NEW MEXICO


BILL RICHARDSON
GOVERNOR



Appendix B:

**New Mexico Domestic Violence Leadership Commission
Website Pages**

New Mexico Domestic Violence Leadership Commission

"Stopping domestic violence is a statewide effort"

[DV Czar](#)
[NMDVLC Members](#)
[Executive Order](#)
[08 Legislative Agenda](#)
[Spotlight New Mexico](#)

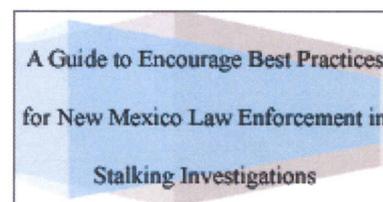
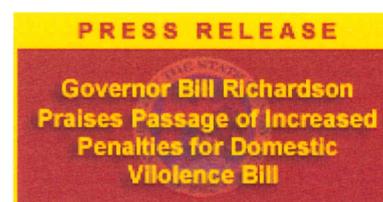
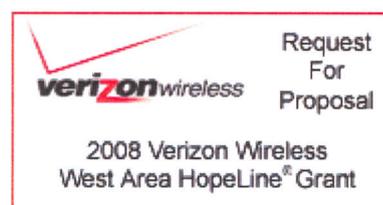
Welcome to the New Mexico Domestic Violence Leadership Commission Website

On August 19, 2007 Governor Bill Richardson signed an Executive Order creating the New Mexico Domestic Violence Leadership Commission. The Commission represents Governor Richardson and First Lady Barbara Richardson's continued commitment to stopping domestic violence in New Mexico. By prioritizing the issue of domestic violence in our state, the Governor and the First Lady have been able to champion laws, which increase safety, strengthen and improve our state's response to domestic violence and triple funding for domestic violence services.

In recognition that the greatest success in stopping domestic violence is achieved through collaboration, the New Mexico Domestic Violence Leadership Commission is a multidisciplinary commission. It is made up of members from key state and private agencies, the judiciary, state coalitions, service providers and stakeholders, that share an interest in stopping the spread of domestic violence and improving the lives of New Mexico citizens impacted by this horrific crime.

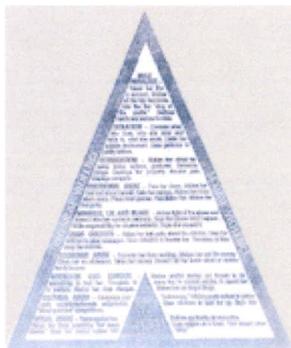
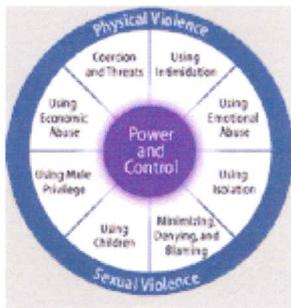
First Lady Barbara Richardson serves as Honorary Chair of the New Mexico Domestic Violence Leadership Commission and the State Domestic Violence Czar, Sharon Pino, serves as Chair. The Commission is charged with working with the Domestic Violence Czar to target services that are lacking and in need of improvement in New Mexico and to review and identify laws, regulations and policies that will stop the prevalence of domestic violence in our state. The Commission provides annual recommendations to the Governor on ways in which New Mexico can enhance the quality of domestic violence services statewide and strengthen our domestic violence laws.

Join our state's commitment to stopping domestic violence. Access this website for information on legislative initiatives, events, trainings, and services, and track the progress the New Mexico Domestic Violence Leadership Commission continues to make throughout our state.

[Domestic Violence Wheel](#)
[Unnatural Power & Control Pyramid](#)


[Coordinated Community Response Throughout New Mexico](#) Information about the Coordinated Community Response Teams throughout the State of New Mexico.

[Commission Calendar of Events](#)



[Calendar of Events Throughout New Mexico](#)

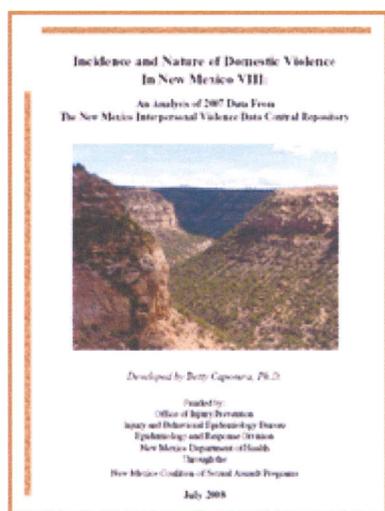
[Domestic Violence Awareness](#)

[Domestic Violence Resources](#)

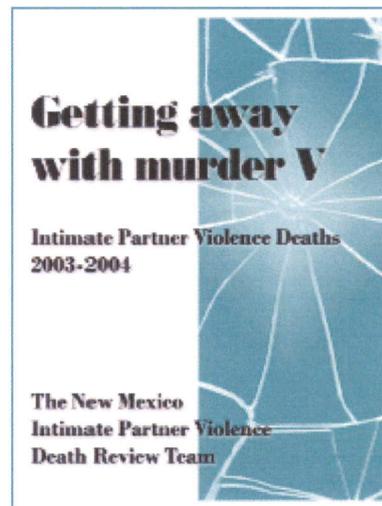
[Contact Us](#)

[Domestic Violence Awareness Month Proclamation](#)

Incidence and Nature of Domestic Violence in New Mexico VIII



Developed by Betty Caponera, Ph.D.



Some downloadable documents on this website require Adobe Acrobat Reader. [Click here to download Adobe Acrobat Reader 8.1.](#)



[Contact the NMDVLC Webmaster](#)

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