

# **Southeast New Mexico College**



## **2024 Annual Security Report**

**Covering: Southeast New Mexico College -With Statistics  
for 2021-2023**

**Release Date: October 1, 2024**

# **INTRODUCTION**

This report contains information regarding safety and security programs, policies, and procedures in place at Southeast New Mexico College (SENMC). It complies with the requirements established by 20 USC 1092, also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as well as the requirements imposed by the amendments to the Violence Against Women Act (VAWA). Crime statistics from 2021 through 2023 required by this Act are included. The Carlsbad Police Department along with SENMC are responsible for the collection of data for this report. Individuals and departments identified as Campus Security Authorities are expected to immediately report crimes brought to their attention to the Carlsbad Police Department to ensure they are included herein. Prior to the compilation of this document, the SENMC conducts follow-ups with the Campus Security Authorities to help ensure no crimes are inadvertently missed.

For ease in locating information, this report has been separated into sections. If you have any difficulty locating information in this report, or if you need this report in a different format, please contact SENMC Student Affairs at (575) 234-9221 for assistance.

To access the annual reports for SENMC:

[SENMC | Annual Safety and Security Reports \(https://senmc.edu/about-us/safety-and-security-reports.html\)](https://senmc.edu/about-us/safety-and-security-reports.html)

# 2024 Annual Safety Report for Southeast New Mexico College

## INTRODUCTION

<b>Section 1 – OVERVIEW .....</b>	<b>4</b>
About the SENMC Campus .....	4
Safety – Everyone’s Business.....	4
Security of Buildings and Facilities.....	4
<b>Section 2 – EMERGENCIES AND INCIDENTS .....</b>	<b>5</b>
Timely Warnings and Alerts.....	5
Emergency Actions .....	6
Fire Safety and Fire Safety Report .....	6
Missing Persons Reports.....	6
If you are the Victim of a Crime.....	7
Sexual Assault, Harassment, and Stalking .....	8
Reporting A Crime.....	9
SENNC Policies Drugs & Alcohol .....	9
Sex Offenders .....	9
<b>Section 3 – SAFETY &amp; SECURITY PROGRAMS .....</b>	<b>10</b>
New Student Programs.....	10
Facilities, Staff and Key Control .....	10
Other Safety and Security Programs .....	10
Tips to Prevent Crime .....	10
Drug Free Schools.....	11
<b>Section 4 – CRIME STATISTICS .....</b>	<b>11</b>
Last 3 Years of Crime Statistics .....	11
Definitions of Clery Act Locations (General).....	13
Chart of Crime Statistics .....	14-15
Crime Log, Victim Confidentiality, Off Campus Crime, We need your Help .....	15
Off Campus Crime .....	16
Legal Definitions .....	16-23
Other Definitions .....	24
<b>Section 5 – PHONE NUMBER REFERENCE GUIDE.....</b>	<b>25</b>
<b>Appendix 1 – Maps of Campus Locations .....</b>	<b>26</b>

## **SECTION 1 – Overview**

SENNMC was established in the 1950's as the Carlsbad Instructional Center, the state's first two-year college. SENMC has a student population of approximately 1500 students, with 40 full-time faculty members, 36 part-time faculty members, 106 full-time staff members, and 67 part-time staff.

SENNMC offers a variety of quality educational opportunities. The college is the Eddy County provider of Adult Education (AE) services. The college offers developmental studies designed to provide students with basic skills needed to achieve academic success. Certificate programs of 30 to 36 credit hours are designed to provide the students with marketable and employable skills upon completion. Associate of Arts and Associate of Science degrees are designed for individuals who plan to complete their educational goals with a baccalaureate degree. Associate of Applied Science degrees are designed for those who enter the workforce upon graduation. Transfer programs are designed to provide freshman- and sophomore-level coursework for students planning to transfer to institutions offering baccalaureate degrees. Non-credit programs offered through Workforce Development and Continuing Education programs provide a variety of general workplace, industry-specific customized training, educational, personal interest, and enrichment programs for all ages. Southeast New Mexico College hosts the regional Small Business Development Center (SBDC) as well.

### **SAFETY – EVERYONE'S BUSINESS**

SENNMC campus safety and security consists of armed Security Officers and a Security Department in coordination with the SENMC Administration. Armed Security personnel conduct routine foot and vehicle patrols of the campus during operational hours, including nightly vehicle patrols during off hours. SENMC works closely with local law enforcement and all criminal violations are reported accordingly. Campus Security serves as a deterrent and address rule violations relating to alcoholic beverages, illegal drugs, firearms, and dangerous weapons on campus, as well as parking and driving violations that occur. SENMC Security employees promote safety on campus but do not have arrest authority. However, a citizen's arrest or temporary detainment may be deemed necessary in specific situations. Violations of the Student Code of Conduct, which can be found in the Student Handbook ([senmc-student-handbook.pdf](#)), are turned over to the Vice President of Student Affairs. Safety and security are of prime concern here at SENMC and the Security Department ensures the campus is a safe place to learn, work, and play. SENMC is not, however, exempt from crime. The cooperation and involvement of faculty, staff, and students is necessary for everyone's safety. To be safe and secure, everyone must take common sense precautions, be alert, and take ownership of their own safety.

### **SECURITY OF BUILDINGS AND FACILITIES**

SENNMC campus is relatively safe compared to other colleges and cities its size. A campus community relies on a peaceful, safe, and secure environment. Members of the community are expected to be aware of the policies and procedures of the college and to promptly report any suspicious activity. While the campus provides security on campus everyone needs to be conscious of personal safety. Campus community members are also encouraged to follow common safety practices.

The buildings and facilities of SENMC are available for general use for educational purposes. Buildings on campus are generally open during regular business hours, and some weekends when classes are in session and/or special events. Security Officers open campus buildings as scheduled. Faculty and staff can enter most buildings, private offices, and other areas after hours through issuance of keys. The use of Campus buildings and facilities for activities for unintended activities is prohibited. Prohibited activities include, but are not limited to, running, jumping, swinging, climbing, vaulting, rolling, or hanging. We strive to make our campus safe by limiting access to Campus buildings after hours. Hours are Monday through Friday 7:00 a.m. to 10:00 p.m. Campus Security Officers conduct frequent internal and external checks of the campus and patrol the grounds after normal business hours.

## **SECTION 2 – EMERGENCIES AND INCIDENTS**

### **TIMELY WARNINGS AND ALERTS**

When there are major incidents or emergencies that present an immediate threat to health or safety, SENMC will issue advisories, alerts, or warnings as appropriate and if doing so will not impede the public safety response or further endanger lives. Advisories that are not involving an immediate danger may be sent out via e-mail or news media, while those involving immediate danger are usually sent out using the SENMC Emergency Alert System. SENMC has partnered with Everbridge 360 to provide an emergency alert system capable of delivering messages to SENMC email accounts and cellular devices. In the event of an emergency or school closure, this system allows us to make timely notification to all students, faculty, and staff members who are employed and/or currently enrolled in classes. Participation in the SENMC Emergency Alert System is automatic for all students and employees at SENMC.

SENMC has an emergency notification system. This system covers the entire campus, including parking areas. In the event of an actual emergency, a message will be sent over the emergency system, which provides employees, students, and visitors' instructions as to the actions that are recommended. In the event of a tornado or other serious incident, on-site shelter locations have also been designated on the campus. The site maps are posted in the hallways of each building on campus.

SENMC has an emergency management plan for critical incidents. This plan is intended to highlight potential areas of risk or vulnerability to campus personnel and facilities. The purpose of the plan is to enable all persons who might be present at SENMC during an emergency to remain calm and aid in taking the best course of action. SENMC has made the commitment to identify potential risks, to analyze those risks, and minimize these risks to campus personnel.

SENMC has identified several specific emergencies which could pose a threat to persons who may be on campus. Some of the areas identified are as follows:

- Bomb threats
- Civil unrest
- Violent behavior
- Inclement weather
- Explosion
- Fire
- Firearms on campus
- Physical/sexual assault
- Medical emergency
- Rape
- Robbery
- Hostage situations
- Snakes
- Active shooter

SENMC follows certain procedures to test emergency notification systems on at least an annual basis. Tests may be announced or unannounced. Students, faculty and staff are required to take mandatory training through Vector Solutions designed to inform students and employees about safety and security (i.e. Active Shooter, Preventing Harassment & Discrimination: Title IX).

## **EMERGENCY ACTIONS**

If you are involved in a dangerous or life-threatening emergency, take the following steps immediately:

- Get to a safe place as quickly as possible. Generally, the further you can get away from the scene, the safer you will likely be. If you cannot escape danger, look for ways to shelter yourself from danger.
- Report the emergency by calling 911. Say, “This is an **EMERGENCY**”, give your **LOCATION**, and briefly tell **WHAT** is happening.
- Notify others of the danger so they can also stay away.
- Monitor the situation to see if it gets worse or if circumstances (like wind direction) change. Notify the emergency services dispatcher (911 operators) of the changes.

All students and employees are also encouraged to prepare in advance for emergencies, whether from natural disasters (such as floods, tornados, earthquakes, extreme heat, lightning, disease outbreak, etc.) or manmade incidents (including traffic crashes, hazardous chemical releases, downed electrical lines, criminal activity, terrorism, arson, etc.).

SENMC conducts fire and evacuation drills in buildings each fall semester. However, students and employees should not rely on these being the only times they think about emergency evacuations. Anytime a person enters a building, they should also look to see what other avenues of emergency escape exist, whether through additional doors, designated fire exits, or even windows. Students and employees should also know where the designated escape routes and exits are in those buildings they live and/or work in, as well as any potential specific challenges (such as stairs might present for a person in a wheelchair). Newer buildings on campus also have designated “safe haven” areas where a person may call for assistance and wait for fire personnel. However, these areas are not a guarantee, and the person should continually evaluate the conditions and decide whether it is still safe to remain in that area.

## **FIRE SAFETY**

Statistics on fires and fire responses are managed by the Carlsbad Fire Department. For more information go to the city of Carlsbad Open Public Records website to request statistics on fire and fire responses at <https://cityofcarlsbadnm.nextrequest.com/>.

## **MISSING PERSON REPORTS**

Any report of a missing person is immediately investigated by the Carlsbad Police Department. In addition, the Carlsbad Police Department will notify appropriate college officials that a person is missing. When students enroll at SENMC, they are asked to provide Emergency Contact Information, and this confidential information is used by the Police Department in contacting family and/or friends. One or more of these people may be designated as a person to contact solely for purposes of trying to find a student should they be missing. The same person, or others, may also be designated for contact in other emergencies involving the student. All students are strongly encouraged to designate and provide the names and contact information of the people they would like contacted under these circumstances. For any student who is a minor (under the age of 18) and has not been emancipated by a court, police officials are required to notify his/her parent(s) or guardian(s), in addition to any emergency contacts listed by the student.

Any SENMC employee who, through the course of their employment, is informed that a person is missing from campus is required to immediately notify the Carlsbad Police Department. If there is information of an abduction having just taken place, the employee should call 911. Otherwise, the person should call 575-234-9200 and provide the information to the operator. A police officer will then be dispatched to gather an additional information.

## **IF YOU ARE THE VICTIM OF A CRIME**

If you are the victim of a crime, whether on campus or off campus, or experience a fire or medical emergency, you are encouraged to report it immediately by calling 911. For non-emergencies taking place on campus, call Carlsbad Police Department at (575) 885-2111. When you call, give your name, the location you are calling from, a brief description of what occurred, and whether there is still a danger present (e.g., the person who committed the crime is still present). Prompt reporting and specific information will increase the chances of solving your case. A police officer will be dispatched to meet with you and obtain all the necessary information. Here are some guidelines regarding preserving evidence while you wait for an officer:

- If evidence of a crime is still intact, try not to move or destroy it. This includes avoiding trying to clean up the area, moving or throwing away items, or wiping down surfaces.
- If there are text messages, e-mails, voice mails, or other electronic evidence, preserve the original (if possible) or make a copy (if the original might be deleted, such as with Snapchat and similar programs) and provide this evidence to the police officer who responds.
- If you are being harassed or stalked, keep a log of any contact or sightings you have of the suspect, to include any third-party contacts where the suspect uses someone else to contact you or monitor your activities.
- If you are the victim of a sexual assault, avoid showering, changing clothes, or grooming, as these can destroy evidence. Protect any bedding or towels, or other items where evidence may have been left. If possible, avoid the use of the bathroom, and consider getting a SANE Exam (described below) as soon as possible to identify and collect evidence that may be on your body. The first few hours are the most critical, but useful evidence can still be obtained 24 hours or more after some sexual assaults.
- If you choose not to report the crime immediately to the police, you are still encouraged to write down as much as you can remember (when you are able) so that if you decide to report later, you will have something to remind you of critical details. Try to include as many details about what happened, as well as everything you can remember about the suspect. Include things you saw, heard, and even smelled, tasted, or felt. Also try to write down things like other people who were around and might be witnesses, locations where different things happened, and any items that you have saved (such as text messages, e-mails, photos, phone messages, etc.) that might be relevant.

Even if you do not wish to file a police report, you may wish to preserve evidence using the above steps in case you later decide to contact the police. This can help protect evidence that might assist in the identification and/or prosecution of the person responsible for the crime. This can also preserve evidence you might want to use during an administrative hearing or civil lawsuit, should you choose either of those options.

Many students worry about reporting crimes to the police because they do not want to testify in a trial. Victims are nevertheless encouraged to at least contact the Carlsbad Police Department so they can be made aware of other services (counseling services, medical treatment, etc.) that might lessen the trauma of the incident. If the victim does not wish to pursue criminal charges, their wishes will be respected. Some of the most frequently accessed services include:

**SANE Exam:** This is available through the Carlsbad Medical Center and is a medical exam that is designed to identify damage to your body because of a sexual assault so it can be treated. In addition, evidence of sexual assault can be identified and collected during this exam. These exams are confidential and are conducted by specially trained medical practitioners. You also have a right to have someone of your choosing with you

during these exams. If you would like, a victim services advocate can accompany you and help with any questions you might have.

**Counseling:** Service are available for students through off-campus entities.

**Medical:** In addition to the SANE exam, medical services are available on campus through the Carlsbad Medical Center and other clinics in the area. The medical centers have 24-hour emergency departments, and many of the urgent care centers and clinics have hours that extend into the evenings and on weekends.

Students interested in this course of action may call the Vice President of Student Affairs office at 575-234-9220 which is responsible for upholding the Student Code of Conduct.

Any SENMC officials who are approached by a person who has been the victim of a sexual assault or other crime on the SENMC Carlsbad campus are required to assist the person in notifying the police department.

In addition to police reports, victims of crimes identified under Violence Against Women Act (VAWA), may file a complaint with the SENMC Title IX Coordinator in the Office of Institutional Equity (OIE) or contact the Vice President of Student Affairs office at 575-234-9220. These crimes include sexual assault, domestic violence, dating violence, and stalking.

### **SEXUAL ASSAULT, HARASSMENT, AND STALKING**

The issue of sexual assault and other sexual misconduct is at the forefront of colleges nationwide. SENMC prohibits sexual misconduct and will assist victims in seeking counseling, obtaining medical treatment, changing room assignments, making academic changes, and in any other way possible, including criminal prosecution through the District Attorney's Office (if the victim so desires). Students, faculty and staff, and visitors are reminded that they can contact the Carlsbad Police Department for assistance at any time, and do not have to file an official police report in order to be helped. If a report is filed with Carlsbad Police Department, it will be fully investigated with the findings being referred to the District Attorney's Office for prosecutorial decisions.

SENMC prohibits sexual misconduct by students and employees. This includes **forced sexual contact** (including harmful, insulting, or non-consensual verbal or physical contact of a sexual nature with another person, such as touching, fondling, exposure, disrobing, etc.) and **forced sexual penetration** (including intercourse, sodomy, oral copulation, or penetration with any object by the use of force, threats, coercion, or by taking advantage of a victim's helplessness). Also prohibited is any sexual harassment, such as requiring a person to engage in sexual conduct or activities in exchange for a grade, payment, or similar benefits. Sexual misconduct often overlaps with crimes of sexual assault, sexual harassment, stalking, dating violence and domestic violence. As a result, sexual misconduct cases may be handled both by SENMC for policy violations, as well as by law enforcement for criminal violations.

The student may also report to Carlsbad Police or other law enforcement if they wish to pursue criminal charges. SENMC employees with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence are encouraged to report it immediately.

For offenses including sexual misconduct or other gender-based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions against student offenders range from warnings through expulsion. Serious and violent incidents and acts of sexual offenses by employees usually result in suspension, expulsion or termination of employment.

All events related to sexual incidents need to be reported to the Title IX Coordinator (or designee).



## **Reporting A Crime**

In an emergency, remember to always call 911 as your first point of contact. Faculty, staff, and students are encouraged to report any occurrence of a crime immediately. Any criminal activity or emergency should be reported to campus Security personnel, or local law enforcement. Upon receipt of a call, campus Security will respond to the site of the complaint. If a criminal act has been committed, local law enforcement will be notified. These agencies will prepare and submit criminal incident reports accordingly. The Security department is available for calls by cell phone at (575) 302-2444. The campus security desk is in the Main Building adjacent to the Administration office. Students and employees of the college are encouraged to report any suspicious activity to the security department.

The campus security authorities at SENMC campus are:

- President
- Vice President of Academic Affairs
- Vice President of Business and Finance
- Vice President of Student Affairs
- Vice President of Workforce Development and Community Education
- Human Resources
- Director of Financial Aid
- Enrollment Manager
- Student Development Advisor Program Coordinator
- Faculty/Staff advisors to chartered student organizations
- Off-site trip coordinators
- Study abroad coordinators
- Custodians
- Access control personnel
- Security officers and related staff

## **SENMC Drugs and Alcohol Policy**

SENMC is a drug, and alcohol-free institution. The possession of alcohol, and/or drugs on campus is prohibited. Any violation of this section may result in the appropriate law enforcement agency being notified for the filing of criminal charges. Members of the campus community are provided with a Drug and Alcohol Abuse Prevention Program in the Student Handbook [senmc-student-handbook.pdf](#), which contains policies and procedures applicable to alcohol and drug usage. Information regarding this subject is also available on the SENMC policy website at this link: [SENMC Policies](#).

## **SEX OFFENDERS**

In accordance with the Campus Sex Crimes Prevention Act of 2000 and the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), the College is providing a link to the State of New Mexico Sex Offender Registry. All sex offenders are required to register in the state of New Mexico and to provide notice of each institution of higher education in New Mexico at which the person is employed, carries a vocation or is a student. The registry, maintained by the Office of the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking system which can be found: <https://www.nsopw.gov/>

### **Sex Offender Registration**

In accordance with state law (Section 29-11A-4.I NMSA 1978, et seq.):

***When a sex offender who is registered or required to register is employed, begins a vocation or is enrolled as a student at an institution of higher education in New Mexico, the sex offender shall disclose the sex offender's status as a sex offender in writing to the county sheriff for the county in which the institution of higher education is located, the law enforcement entity responsible for the institution of higher education and the registrar for the institution of higher education no later than five business days after beginning employment, beginning a vocation or enrolling at the institution of higher education. The sex offender shall also send written notice of any change regarding employment, vocation or enrollment status at an institution of higher education to the county sheriff, the law enforcement entity and the registrar no later than five business days after the change in employment, vocation or enrollment status."***

In order to comply with the notification of the "law enforcement entity responsible for higher education" requirement, any convicted sex offender who is a student or employee of SENMC is required to register with SENMC administration, as well as make notification to either the Registrar's Office (if a student) or the department head of their employing department (if an employee), or both (if both a student and an employee)..

## **SECTION 3 – SAFETY AND SECURITY PROGRAMS**

### **NEW STUDENT PROGRAMS**

Student Affairs presents to new student orientation (first-year, re-admits, and transfers) regarding the Student Code of Conduct; definitions of dating violence, domestic violence, sexual assault, stalking and consent; rights of the victim; where a victim can report on campus providing an explanation of reporting offices and offices which hold confidentiality; steps to take in case of a crime of violence; and bystander behavior.

### **FACILITIES STAFF AND KEY CONTROL**

Employees of Facilities and Services are responsible for a variety of services performed on and around the Carlsbad campus, including facility cleaning, maintenance, and access control. Upon employment, these employees submit to a background check, receive a uniform distinguishing them as Facilities and Service employees, and are issued keys granting limited access to the exterior door, equipment rooms, and custodial closets. Custodians may access master keys through a lockbox sign-in and sign-out process. An employee entering a requester-controlled area obtains access through the work requestor, with both parties verifying security upon completion.

All new keys for university buildings are issued directly through the Business Office to ensure key records are controlled by a central location. Keys authorized by the responsible department head or other authorized person are only issued to a valid SENMC student or staff member. Use and security of keys are the responsibility of the recipient. Upon severing ties with the college, keys must be returned to the Business Office. Distribution of master keys require the approval of the President.

### **OTHER SAFETY AND SECURITY PROGRAMS**

Facilities and Services also works to help maintain safety of the campus by, among other efforts, replacing burned out lights, trimming vegetation that blocks lights, and conducting annual tours of the campus to develop a prioritized list of projects for improvements. The employees who work for Facilities and Services also serve as additional observers and reporters of problems around the campus, as do the facilities workers at the Carlsbad Campus.

## **TIPS TO PREVENT CRIME**

The following are some things each person can do to reduce chances of becoming a victim of a crime:

- Mark or engrave all valuables (including textbooks) and keep a record of these in a safe place. Include their make, model, and serial numbers whenever possible.
- Lock the doors and windows to your vehicle every time you leave. Do not leave valuables where they can be easily seen by someone passing by, even if it is just for a few minutes.
- Always be aware of your surroundings and of any strangers near you. If you are going to be involved in activities where you are unable to focus on your environment and what is going on around you (e.g., when playing games on a smart phone), do so with friends so you can help each other watch for dangerous situations. If someone is acting suspiciously near you, move away toward large groups and well-lit areas. If the person follows you and/or continues to act in a suspicious manner, consider challenging them or call 911 for assistance.
- Don't leave valuables unattended in unlocked lockers, study areas, or classrooms.
- Alcohol and drug use can reduce your ability to recognize a dangerous situation and your ability to defend yourself. If you are going to drink alcohol, do it legally, responsibly, in a safe place, and with people you can trust.

Do YOUR part to make our campus a SAFE place!

### **Always...**

- BE ALERT for suspicious characters, dangerous situations.
- BE CAUTIOUS so you will not become a crime statistic.
- WATCH for suspicious characters or dangerous situations.
- BE SECURITY-CONSCIOUS - watch out for others and their property.
- REMAIN confident, alert and in control.
- HAVE one hand free to defend yourself.
- LOCK your door immediately upon entering your car or home.

### **When driving...**

- HAVE your keys in hand, so you can open the car door without delay.
- LOOK into your car before entering it.
- DRIVE with doors locked and windows rolled up.
- LOCK doors and trunk when parking. Take your keys.
- STORE valuables in a locked trunk or take them with you.
- PARK in well-lit areas.

### **When you are walking...**

- DO NOT WALK ALONE - get a friend or classmate to go with you - especially at night.
- WOMEN should take extra precautions - DRESS FOR FREEDOM OF MOVEMENT - no long confining skirts, clogs, platform shoes, easy-to-grab capes, etc.
- KEEP PURSE tucked closely under your arm. Do not overload yourself with bundles.
- BE RESPONSIBLE - report all crimes (actual, attempted or suspected) to police or campus administration.
- AVOID going out or walking home while intoxicated.
- MAKE brief eye contact with strangers when approaching them in parking lots or less-populated areas.

### **When meeting someone new...**

- EXCHANGE phone numbers only, not addresses.
- ON a first date, let family and friends know where you are going.
- CONSIDER a daytime meeting rather than a night meeting.
- MEET in a public place.

## **SECTION 4 – CRIME STATISTICS**

### **Drug Free Schools and Communities**

The SENMC administration and the Carlsbad Police Department strongly discourage any conduct that is illegal or that violates the rights of another individual. This specifically includes laws concerning possession, use, and sale of alcohol and illegal drugs. SENMC may take both administrative (student judicial and/or personnel) and criminal action against individuals and organizations found to be violating federal, state or university laws or policies regarding alcohol or drugs.

### **LAST 3 YEARS OF CRIME STATISTICS**

Statistics on the following crimes and offenses are reported in the annual security report. The definitions are from the indicated sources and may differ from the actual charges filed under state law due to differences between the federal definitions and state statutes. Commonly used state statutes relating to some of these areas are contained later in this publication.

#### **From the NIBRS 2021 User Manual:**

**FONDLING:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**INCEST:** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (NOTE: If force is used in these cases, it is counted as rape.)

**STATUTORY RAPE:** Non-Forcible sexual intercourse with a person who is under the statutory age of consent. (NOTE: If force is used in these cases, it is counted as rape.)

A **hate crime** is “a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.” For purposes of this report, a bias is “a preformed negative opinion or attitude based on a person’s:

- Race;
- Religion;
- Gender;
- Gender identity;
- Sexual orientation;
- Ethnicity;
- National origin; or
- Disability

It is important to understand that while the motivation of the hate crime must fit the above, the person perpetrating the crime may not be correct. As a result, the victim may or may not actually be what the perpetrator believes. Hate crimes are counted in this report if they involve any of the following offenses:

- Murder and non-negligent manslaughter;
- Manslaughter by negligence;
- Rape;
- Fondling;
- Incest;

- Statutory rape;
- Robbery;
- Aggravated assault;
- Simple assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Larceny/theft;
- Intimidation; or
- Destruction/Damage/Vandalism of Property.

The definitions of the additional terms are below:

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

#### **DEFINITIONS OF CLERY ACT LOCATIONS (General)**

**“On-Campus”** is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls. This also includes any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**“Non-Campus”** is defined as any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution.

**“Public Property”** is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

#### **CLERY GEOGRAPHY**

The SENMC Carlsbad geography included in this report includes buildings and property located on a one-mile area bordering SENMC campus at 1500 University Drive, which are “on campus” and for a one-mile area bordering 2302 W Pierce St. Ste E3, E4, E5, which are “off campus”.

## CRIME STATISTICS

The previous 3 years of crime statistics:

Offense	Year	On-Campus Property	On-Campus Total	Non-Campus Property	Public Property
<i>Murder/Non-Negligent Manslaughter</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Negligent Manslaughter</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Sex Offenses, Forcible (Rape)</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Sex Offenses, Non-Forcible</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Fondling</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Incest</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Statutory Rape</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Domestic Violence</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Dating Violence</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Stalking</i>	2023	1	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Robbery</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Aggravated Assault</i>	2023	0	0	0	0
	2022	0	0	0	1
	2021	0	0	0	0
<i>Burglary</i>	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<i>Motor Vehicle Theft</i>	2023	0	0	0	0
	2022	0	0	0	0

	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

\* Pursuant to the 34 CFR 668.46(a) Definitions, and the Federal Register, Volume 79, No. 202, page 62757, Column 3, SENMC includes all cases of 'dating violence' in the statistics for 'domestic violence', as New Mexico State Statutes already include dating violence in domestic violence violations and prosecutions. As a result, there are no cases of 'dating violence' listed individually.

Hate Crimes 2023: 0 (Prejudice Category: (0). Incident Type: Larceny-Theft (0)

Hate Crimes 2022: 0 (Prejudice Category: (0). Incident Type: Larceny-Theft (0)

Hate Crimes 2021: 0 (Prejudice Category: (0). Incident Type: Larceny-Theft (0)

ARRESTS	TYPE	Year	On- Campus Property	**Residential Facilities	On- Campus Total	Non- Campus Property	Public Property
	Weapons: Carrying, Possession, Etc.	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Drug Abuse Violation	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Liquor Law Violation	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0

REFERRALS	TYPE	Year	On- Campus Property	**Residential Facilities	On- Campus Total	Non- Campus Property	Public Property
	Weapons: Carrying, Possession, Etc.	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Drug Abuse Violations	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0
	Liquor Law Violations	2023	0	0	0	0	0
		2022	0	0	0	0	0
		2021	0	0	0	0	0

\*\*SENMC does not offer on-campus housing.

### **DAILY CRIME LOG & INCIDENT REPORTS**

A hard copy of the Daily Crime Log is available for inspection at the security desk at SENMC. In addition to the Daily Crime Log, individual incident reports are available for inspection pursuant to the requirements of the New Mexico Inspection of Public Records Act. Reports that are inspected should not be considered official police reports for purposes of insurance or prosecution.

### **VICTIM CONFIDENTIALITY**

Victim information is not contained in the Daily Crime Log, and the locations in the Daily Crime Log are limited to facility names to help ensure an individual victim cannot be easily identified. There is never any victim information contained in the Annual Security Report. Within individual police reports, victim information is recorded. Under the New Mexico Inspection of Public Records Act, police reports are considered public records subject to inspection and copying. However, the college withhold a victim's personally identifying information from the public for the following crimes:

- Murder
- Voluntary Manslaughter
- Involuntary Manslaughter
- Homicide by Vehicle
- Kidnapping
- Criminal Sexual Penetration
- Criminal Sexual Contact of a Minor
- Abandonment or Abuse of a Child
- Arson Resulting in Bodily Injury
- Aggravated Arson
- Aggravated Assault
- Aggravated Battery
- Great Bodily Injury by Vehicle
- Dangerous Use of Explosives
- Negligent Use of a Deadly Weapon

### **OFF-CAMPUS CRIME**

Crime occurring off campus involving students or chartered SENMC organizations is reported to and handled by a variety of agencies, including the Carlsbad Police Department, or other local, state, or federal law enforcement agencies having jurisdiction. The college does not routinely monitor nor track incidents that are on private property or public property not owned by SENMC. Anyone wanting specific information on off-campus crime should contact the appropriate agency(s).

### **WE NEED YOUR HELP – REPORT CRIME!**

Please help us in deterring crime on our campus by promptly calling the Carlsbad Police Department at 885-2111 or 911 (in case of emergencies) to report suspicious activity, safety problems, or crimes. In accordance with state law, the SENMC Police Department cannot accept anonymous reports, and must disclose certain information to prosecutors and defense counsel. However, it will take steps in sensitive cases to keep personal information confidential to the extent possible. This includes cases of sexual assault, as well as cases where there is a concern of possible retaliation.

### **LEGAL DEFINITIONS**

Rape is defined by the FBI as the penetration (no matter how slight) of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of a victim. It includes situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. In New Mexico, the term "rape" is not used in statute. Instead, the term is "criminal sexual penetration." New Mexico also does not specifically define consent during a sexual assault, but clearly indicates through the statutory language that it does not involve any amount of force or coercion, and that a person who is incapacitated by alcohol or drugs or who is too young cannot give consent. Many rapes are committed by someone the victim knows, such as a date or friend. Under New Mexico State Law, Criminal sexual penetration is defined as follows:



### **30-9-11 . Criminal sexual penetration.**

- A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.
- B. Criminal sexual penetration does not include medically indicated procedures.
- C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.
- D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:
  - (1) on a child under thirteen years of age; or
  - (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

- E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:
  - (1) by the use of force or coercion on a child thirteen to eighteen years of age;
  - (2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;
  - (3) by the use of force or coercion that results in personal injury to the victim;
  - (4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;
  - (5) in the commission of any other felony; or
  - (6) when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978].

- F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section. Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.
- G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:
  - (1) not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or
  - (2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

### ***Other Sexual Offenses***

Besides Criminal sexual penetration, other sexual offenses include the following:

#### **30-9-12 . Criminal sexual contact.**

- A. Criminal sexual contact is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts.
- B. Criminal sexual contact does not include touching by a psychotherapist on his patient that is:
  - (1) inadvertent;
  - (2) casual social contact not intended to be sexual in nature; or
  - (3) generally recognized by mental health professionals as being a legitimate element of psychotherapy.
- C. Criminal sexual contact in the fourth degree consists of all criminal sexual contact perpetrated:
  - (1) by the use of force or coercion that results in personal injury to the victim;
  - (2) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or
  - (3) when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.

- D. Criminal sexual contact is a misdemeanor when perpetrated with the use of force or coercion.
- E. For the purposes of this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast.

#### **30-9-13 . Criminal sexual contact of a minor.**

- A. Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one's intimate parts. For the purposes of this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast.
- B. Criminal sexual contact of a minor in the second degree consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated:
  - (1) on a child under thirteen years of age; or
  - (2) on a child thirteen to eighteen years of age when:
    - (a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit;
    - (b) the perpetrator uses force or coercion that results in personal injury to the child;
    - (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or
    - (d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the second degree is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of Sections 31-18-17, 31-18-25 and 31-18-26 NMSA 1978.

- C. Criminal sexual contact of a minor in the third degree consists of all criminal sexual contact of a minor perpetrated:
  - (1) on a child under thirteen years of age; or
  - (2) on a child thirteen to eighteen years of age when:

- (a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit;
- (b) the perpetrator uses force or coercion which results in personal injury to the child;
- (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or
- (d) the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual contact of a minor in the third degree is guilty of a third degree felony for a sexual offense against a child.

- D. Criminal sexual contact of a minor in the fourth degree consists of all criminal sexual contact:
  - (1) not defined in Subsection C of this section, of a child thirteen to eighteen years of age perpetrated with force or coercion; or
  - (2) of a minor perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.

### **30-9-14 . Indecent exposure.**

- A. Indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view.
- B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina.
- C. Whoever commits indecent exposure is guilty of a misdemeanor.
- D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing indecent exposure to participate in and complete a program of professional counseling at his own expense.

### **30-9-14.3. Aggravated indecent exposure.**

- A. Aggravated indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view in a lewd and lascivious manner, with the intent to threaten or intimidate another person, while committing one or more of the following acts or criminal offenses:
  - (1) exposure to a child less than eighteen years of age;
  - (2) assault, as provided in Section 30-3-1 NMSA 1978;
  - (3) aggravated assault, as provided in Section 30-3-2 NMSA 1978;
  - (4) assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978;
  - (5) battery, as provided in Section 30-3-4 NMSA 1978;
  - (6) aggravated battery, as provided in Section 30-3-5 NMSA 1978;
  - (7) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; or
  - (8) abuse of a child, as provided in Section 30-6-1 NMSA 1978.
- B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina.
- C. Whoever commits aggravated indecent exposure is guilty of a fourth degree felony.
- D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing aggravated indecent exposure to participate in and complete a program of professional counseling at his own expense.

### **30-9-20. Voyeurism prohibited; penalties.**

- A. Voyeurism consists of intentionally using the unaided eye to view or intentionally using an

instrumentality to view, photograph, videotape, film, webcast or record the intimate areas of another person without the knowledge and consent of that person:

- (1) while the person is in the interior of a bedroom, bathroom, changing room, fitting room, dressing room or tanning booth or the interior of any other area in which the person has a reasonable expectation of privacy; or
  - (2) under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.
- B. Whoever commits voyeurism is guilty of a misdemeanor, except if the victim is less than eighteen years of age, the offender is guilty of a fourth degree felony.
- C. As used in this section:
- (1) "intimate areas" means the primary genital area, groin, buttocks, anus or breasts or the undergarments that cover those areas; and
  - (2) "instrumentality" means a periscope, telescope, binoculars, camcorder, computer, motion picture camera, digital camera, telephone camera, photographic camera or electronic device of any type.

### **30-37-2. Offenses; books; pictures.**

It is unlawful for a person to knowingly sell, deliver, distribute, display for sale or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale or provide to a minor:

- A. any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is harmful to minors; or
- B. any book, pamphlet, magazine, printed matter however produced or sound recording which contains any matter enumerated in Subsection A of this section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

### **30-37-3.2. Child solicitation by electronic communication device.**

- A. Child solicitation by electronic communication device consists of a person knowingly and intentionally soliciting a child under sixteen years of age, by means of an electronic communication device, to engage in sexual intercourse, sexual contact or in a sexual or obscene performance, or to engage in any other sexual conduct when the perpetrator is at least four years older than the child.
- B. Whoever commits child solicitation by electronic communication device is guilty of a:
  - (1) fourth degree felony if the child is at least thirteen but under sixteen years of age; or
  - (2) third degree felony if the child is under thirteen years of age.
- C. Whoever commits child solicitation by electronic communication device and also appears for, attends or is present at a meeting that the person arranged pursuant to the solicitation is guilty of a:
  - (1) third degree felony if the child is at least thirteen but under sixteen years of age; or
  - (2) second degree felony if the child is under thirteen years of age.
- D. In a prosecution for child solicitation by electronic communication device, it is not a defense that the intended victim of the defendant was a peace officer posing as a child under sixteen years of age.
- E. For purposes of determining jurisdiction, child solicitation by electronic communication device is committed in this state if an electronic communication device transmission either originates or is received in this state.
- F. As used in this section, "electronic communication device" means a computer, video recorder, digital camera, fax machine, telephone, cellular telephone, pager, audio equipment or any other device that can produce an electronically generated image, message or signal.

### **30-37-1. Definitions.**

As used in this act:

- A. "minor" means any unmarried person who has not reached his eighteenth birthday;
- B. "nudity" means the showing of the male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state;
- C. "sexual conduct" means act of masturbation, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast;
- D. "sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;
- E. "sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained;
- F. "harmful to minors" means that quality of any description of representation, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when it:
  - (1) predominantly appeals to the prurient, shameful or morbid interest of minors; and
  - (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
  - (3) is utterly without redeeming social importance for minors; and
- G. "knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry or both, of:
  - (1) the character and content of any material described herein, which is reasonably susceptible of examination by the defendant;
  - (2) the age of the minor.

The complete State of New Mexico rape and sexual assault offenses, definitions and penalties can be found in New Mexico State Statutes 30-9-1 through 20. Additionally, New Mexico State Statute 30-6A-1 through 4 provides definitions of the crime of Sexual Exploitation of Children.

### **Domestic Violence, Dating Violence and stalking**

The New Mexico State Statutes relating to domestic violence, dating violence and stalking are as follows;

#### **30-3-11 . Definitions.**

As used in the Crimes Against Household Members Act:

- A. "household member" means a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act; and
- B. "continuing personal relationship" means a dating or intimate relationship.

#### **30-3-12 . Assault against a household member.**

- A. Assault against a household member consists of:
  - (1) an attempt to commit a battery against a household member; or
  - (2) any unlawful act, threat or menacing conduct that causes a household member to reasonably believe that he is in danger of receiving an immediate battery.
- B. Whoever commits assault against a household member is guilty of a petty misdemeanor.

#### **30-3-13 . Aggravated assault against a household member.**

- A. Aggravated assault against a household member consists of:
  - (1) unlawfully assaulting or striking at a household member with a deadly weapon; or
  - (2) willfully and intentionally assaulting a household member with intent to commit any felony.
- B. Whoever commits aggravated assault against a household member is guilty of a fourth degree felony.

**30-3-14 . Assault against a household member with intent to commit a violent felony.**

- A. Assault against a household member with intent to commit a violent felony consists of any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second or third degree, robbery, kidnapping, false imprisonment or burglary.
- B. Whoever commits assault against a household member with intent to commit a violent felony is guilty of a third degree felony.

**30-3-15 . Battery against a household member.**

- A. Battery against a household member consists of the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner.
- B. Whoever commits battery against a household member is guilty of a misdemeanor.
- C. Upon conviction pursuant to this section, an offender shall be required to participate in and complete a domestic violence offender treatment or intervention program approved by the Children Youth and Families Department pursuant to rules promulgated by the department that define the criteria for such programs.
- D. Notwithstanding any provision of law to the contrary, if a sentence imposed pursuant to this section is suspended or deferred in whole or in part, the period of probation may extend beyond three hundred sixty-four days but may not exceed two years. If an offender violates a condition of probation, the court may impose any sentence that the court could originally have imposed and credit shall not be given for time served by the offender on probation; provided that the total period of incarceration shall not exceed three hundred sixty-four days and the combined period of incarceration and probation shall not exceed two years.

**30-3-16 . Aggravated battery against a household member.**

- A. Aggravated battery against a household member consists of the unlawful touching or application of force to the person of a household member with intent to injure that person or another.
- B. Whoever commits aggravated battery against a household member by inflicting an injury to that person that is not likely to cause death or great bodily harm, but that does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a misdemeanor.
- C. Whoever commits aggravated battery against a household member by inflicting great bodily harm or doing so with a deadly weapon or doing so in any manner whereby great bodily harm or death can be inflicted is guilty of a third degree felony.
- D. Upon conviction pursuant to Subsection B of this section, an offender shall be required to participate in and complete a domestic violence offender treatment or intervention program approved by the Children Youth and Families Department pursuant to rules promulgated by the department that define the criteria for such programs.
- E. Notwithstanding any provision of law to the contrary, if a sentence imposed pursuant to the provisions of Subsection B of this section is suspended or deferred in whole or in part, the period of probation may extend beyond three hundred sixty-four days but may not exceed two years. If an offender violates a condition of probation, the court may impose any sentence that the court could

originally have imposed and credit shall not be given for time served by the offender on probation; provided that the total period of incarceration shall not exceed three hundred sixty-four days and the combined period of incarceration and probation shall not exceed two years.

**30-3-17 . Multiple convictions of battery or aggravated battery.**

- A. Whoever commits three offenses of battery against a household member as provided in Section 30-3-15 NMSA 1978 or aggravated battery against a household member as provided in Subsection B of Section 30-3-16 NMSA 1978, or any combination thereof, when the household member is a spouse, a former spouse, a co-parent of a child or a person with whom the offender has had a continuing personal relationship is guilty of a fourth degree felony.
- B. Whoever commits four or more offenses of battery against a household member as provided in Section 30-3-15 NMSA 1978 or aggravated battery against a household member as provided in Subsection B of Section 30-3-16 NMSA 1978, or any combination thereof, when the household member is a spouse, a former spouse, a co-parent of a child or a person with whom the offender has had a continuing personal relationship is guilty of a third degree felony.
- C. For the purpose of determining the number of offenses committed, each offense must have been committed after conviction for the preceding offense.

**30-3-18 . Criminal damage to property of household member; deprivation of property of household member.**

- A. Criminal damage to the property of a household member consists of intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass that household member.
- B. Whoever commits criminal damage to the property of a household member is guilty of a misdemeanor, except that when the damage to the household member's interest in the property amounts to more than one thousand dollars (\$1,000), the offender is guilty of a fourth degree felony.
- C. Deprivation of the property of a household member consists of intentionally depriving a household member of the use of separate, community or jointly owned personal property of the household member with the intent to intimidate or threaten that household member.
- D. Whoever commits deprivation of the property of a household member is guilty of a misdemeanor.

**30-3A-2. Harassment; penalties.**

- A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.
- B. Whoever commits harassment is guilty of a misdemeanor.

**30-3A-3. Stalking; penalties.**

- A. Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.
- B. As used in this section:
  - (1) "lawful authority" means within the scope of lawful employment or constitutionally protected activity; and
  - (2) "pattern of conduct" means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

- C. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.
- D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person's own expense or a domestic violence offender treatment or intervention program.

#### **30-3A-3.1. Aggravated stalking; penalties.**

- A. Aggravated stalking consists of stalking perpetrated by a person:
  - (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
  - (2) in violation of a court order setting conditions of release and bond;
  - (3) when the person is in possession of a deadly weapon; or
  - (4) when the victim is less than sixteen years of age.
- B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.
- C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.

#### **30-3A-4. Exceptions.**

The provisions of the [Harassment and] Stalking Act [30-3A-1 NMSA 1978] do not apply to:

- A. picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute; or
- B. a peace officer in the performance of his duties.

#### **OTHER DEFINITIONS**

The following are additional terms that are used in various places in this Report, and the definitions of what they mean at SENMC: **Awareness Program:** An educational program delivered either in person or online that makes a person familiar with material surrounding a particular topic (in this case, sexual assault, domestic violence, dating violence, and stalking); should be culturally relevant and inclusive of all individuals and groups.

**Bystander Intervention:** Measures that can be taken by someone (other than the victim) to interrupt or discourage the actions of another that might be leading toward sexual assault, domestic violence, dating violence, or stalking; the measures may, but do not necessarily need to, include calling 911.

**Consent:** Knowingly and willingly agreeing to something; affirmative consent where a person specifically communicates that they agree is ideal; lack of an objection by a person does not mean they are consenting, as they might not be objecting due to fear, threat, or lack of comprehension.

**Ongoing Prevention and Awareness Campaign:** A regular program that includes both the information provided during initial awareness training, as well as additional or expanded information to further understanding; intended to assist people in avoiding or preventing an incident from taking place.

**Primary Prevention Program:** One designed to keep something (e.g., injury or assault) from ever occurring in the first place; often includes education and a prohibition on undesirable conduct.

**Proceeding:** As used herein, refers to the SENMC administrative disciplinary process, to include hearings and appeals, unless otherwise indicated.

**Result:** As used herein, the findings, and any resulting sanctions issued, as a result of SENMC administrative disciplinary process, to include hearings and appeals, unless otherwise indicated.

**Risk Reduction:** Precautionary measures that may be taken by an individual or a group in order to lessen the chance of an incident, injury, or violence.



## **SECTION 5 - PHONE NUMBER REFERENCE GUIDE**

Carlsbad Police Department	<b>EMERGENCY ..... 911</b>
	Non-emergency ..... 575-885-2111
Carlsbad Fire Department	Non-emergency ..... 575-885-3125
SENMC Vice President of Student Affairs.	..... 575-234-9220
SENMC Health Center	..... 575-234-9291
SENMC Title IX Coordinator	..... 575-234-9220
SENMC Director of Human Resources	..... 575-234-9208
Domestic Violence Hotline	..... 800-376-2272

### **Off-Campus Law Enforcement Agencies:**

Carlsbad Police Department	..... 575-885-2111
Eddy County Sheriff's Office	..... 575-887-7551
New Mexico State Police	..... 575-524-6111
Federal Bureau of Investigation	..... 575-526-2351
Drug Enforcement Administration	..... 575-526-0700
US Marshals Service	..... 575-527-6850
US Customs and Border Protection	..... 575-528-6600

## APPENDIX 1 – MAP OF MAIN CAMPUS



## MAP OF NON-CAMPUS LEASED SPACE – CARLSBAD MALL

