August 6, 2020

San Juan School Board
200 North Main Street
Blanding, Utah 84511

Dear Members of the School Board:

I appreciate the opportunity to submit the attached information for your information and consideration. I hope that the Board will recognize that the purpose of providing this information and these ideas is in an effort to reach out to the San Juan School District as a partner in protecting our county’s youth and is in no way intended to point blame towards any group or organization.

Attached you will find a memorandum produced by the San Juan County Attorney’s Office, in collaboration with the San Juan County Sheriff’s Office and Blanding Police Department. This memorandum includes local statistics as well as trends that we are seeing in sexual assaults and rapes in San Juan County. I hope that as you read the memorandum, you will have a better understanding of our concerns and desire to rally assistance from all organizations that interact with the youth in our community in trying to promote education for the community, encourage reporting of criminal activity, and prevent youth from becoming victims or perpetrators in the future.

Additionally, I didn’t want to approach you with problems and no ideas for solutions. Therefore, in this packet you will find a document entitled “Empowering Women Through Self Defense” which outlines a program called R.A.D. that is sponsored by the Sheriff’s Office and is available to the school district and can be adapted somewhat to better fit the needs and requirements of the school. Two other ideas that we would like the Board to consider are as follows:

1. Solicit teachers to volunteer for specialized training, provided for free or little cost to the District from organizations like Utah Coalition Against Sexual Assault (“UCASA”). These programs will assist these teachers in better understanding how to make themselves more approachable and better prepared to appropriately handle reports of
sexual abuse/assault from students. While the District already has social workers in each school, it is possible that the student/teacher relationships that are created every day in the schools will be a more comfortable mechanism for reporting crimes perpetrated on students. Previously my office has prosecuted cases where the teachers were reported to and the teachers handled it in a way that gained them the upmost respect from me and my office.

2. Creation of a student body committee with highly respected faculty to oversee the committee to aid the school and school district in better understanding the problems that the students are seeing. For example, if the committee reports that Snapchat is being used during school hours to solicit inappropriate photographs of students, the school and the district would be in a better position to handle that problem before it turns pandemic.

Finally, I want to make sure that the District is aware that the County Attorney’s Office, San Juan County Sheriff’s Office, Blanding PD, as well as other organizations are ready and willing to assist in any way possible. Whether that be through teaching a class periodically to give the students positive interactions with our officers and organizations, or teaching targeted classes about protecting themselves against criminal activity.

I look forward to answering any questions you may have and moving forward in partnership to help assist our community going into the future.

Sincerely,

[Signature]
Kendall G. Laws
San Juan County Attorney
SUPPORTING VICTIMS OF SEXUAL VIOLENCE AND RAPE

A. BROAD OVERVIEW

According to the most recent U.S. Department of Justice Bureau of Justice Statistic Report, Rape and Sexual Assault occur at a rate of 2.7 people per 1,000 annually\(^1\). Roughly speaking that would equate to 40 instances of rape or sexual assault per year in San Juan County if we followed the national trend. Important to know from this information is that the reporting rate of rape/sexual assault crimes is 24.9% or 1 in 4\(^2\). That means only 25% of crimes of this type are reported to police while the known false reporting rate is only between 2.1% and 7.1%\(^3\). Victims of sexual assault are predominantly female and between the ages of 12 and 30. Across the entire US there was an increase in total sexual crimes from .08% to .13% from 2015 to 2018 (208,960 victims to 347,090 victims). In Utah 8.2% of high school aged females reported unwanted sexual intercourse in 2009. All of these numbers are affected by the known low reporting rate.

Various studies have been conducted attempting to understand the low reporting rate of sexual offenses versus other crimes without coming to a single conclusive result. However, in the early 2010’s extensive focus was given to college campus sexual crimes in what has now been coined “Rape Culture.” Those studies have resulted in some broad overviews of sexual crime and victimization which can provide some guidance\(^4\). The term “Rape Culture” has been warped in the media to be more expansive than the studies on the matter have ever claimed, so for purposes of clarity, the term “Rape Culture” as used in this discussion means:

1) there is a belief that victims have contributed to their own victimization and are responsible for what happened to them (i.e. victim blaming);
2) normalization in conversation, action, and attitude of sexual violence and objectification; and
3) failing to report, disbelieving, or not taking the information with appropriate gravity when a victim does comes forward.

B. SAN JUAN COUNTY OVERVIEW

There is an increasing trend in San Juan County of reported sexual offenses (Current Trends Table). This includes all forms of sexual offenses. Whether this is a result of increased instances of sexual offenses or an increased reporting rate is unknown, but the national trend is a decreasing reporting rate and the assumption is that San Juan follows the national trend.

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\(^2\) *Id.* at pg. 8.

*REPORTED CASES INDICATE A SINGLE REPORT, A REPORT MAY (AND LIKELY DOES) CONTAIN MORE THAN A SINGLE EVENT OF A SEXUAL CRIME.*
Reported Cases*:

2000-2010: 41 Reported rape: 17
2011-2018: 150 Reported rape: 22
2019: 21 Reported rape: 8

Over the past 20 years, San Juan had a 4.1 per year reporting rate which then increased to 18.75 per year, and currently is on a trend for 21 per year.

C. NOTICED TRENDS AMONG STUDENTS

The County Attorney’s Office for the past 12 months has or is prosecuting 47 crimes of sexual violence. (Active Cases Table). While all sexual crimes are of great concern in the community, a developing trend has caught the attention of law enforcement and the County Attorney’s Office which merited bringing the trend to the attention of the San Juan School District.

Currently, 90% of the victims are students of the San Juan School District and 86% of the crimes were committed against a female student of the SJS. (Crimes Among SJS Students Table). 90% of the victims were perpetrated against by a fellow student, and 76% of them were first approached by their perpetrator in the school setting. Of the 47 sexual crimes committed in the past 12 months 38 of them were committed against or by an SJS student. (Student Victims Table). While some victims have since graduated or left the area, at least 12 victims still attend a SJS school.

While the numbers themselves are a concerning story, each of the victims of the crimes were interviewed by law enforcement, the county attorney’s office, and various community partners following the crimes committed against them. Victim identities must be kept confidential and the content of their interviews cannot be divulged to a degree their privacy isn’t maintained. However, from those interviews information about a developing rape culture among SJS students can be seen.

1. NORMALIZATION OF SEXUAL VIOLENCE AND OBJECTIFICATION:

Fifteen victims (all underage) reported being solicited via Snapchat or other social media for nude pictures by their classmates. Asking an underage person for nude pictures is a third degree felony. Possessing nude pictures of underage persons is a second degree felony. The victims all reported this is regular behavior from their peers. Two victims reported they are asked “all the time” for nude pictures by their peers.

Two victims reported being asked to exchange sex for money (a Class A misdemeanor) via social media from classmates. Four others were asked in person.
2. **VICTIM BLAMING AND LACK OF CONFIDENCE IN AUTHORITY FIGURES:**

One victim’s parent was approached by a community member “slut shaming” her daughter for coming forward.

Two community members text messaged each other accusing a victim of a false report.

One rape victim reported not coming forward because “no one would believe her” because she had reported a prior sexual assault and no one did anything.

One rape victim specifically stated she didn’t report the crime to law enforcement because she had seen the way another victim had been poorly treated by students and staff in the school when that victim had come forward and she did not want to go through a similar experience.

3. **THIRD PARTIES NOT COMING FORWARD WHEN THEY HAVE KNOWLEDGE:**

Utah has a very stringent mandatory reporting law when victims are minors: 62A-4a-403.

Reporting requirements

Except as provided in Subsection (2), **when any individual**, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, **has reason to believe that a child has been subjected to abuse or neglect**, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, **that individual shall immediately report the alleged abuse or neglect to the nearest peace officer**, law enforcement agency, or office of the division.

"Abuse" means:

(A) non-accidental harm of a child;
(B) threatened harm of a child;
(C) sexual exploitation;
(D) **sexual abuse**; or
(E) human trafficking of a child in violation of Section 76-5-308.5; or

"Sexual abuse" means:

an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an adult directed towards a child; an act or attempted act of sexual intercourse, sodomy, incest, or molestation committed **by a child towards another child if there is an indication of force or coercion**;

One rape victim reported the rape to at least three fellow students shortly following the rape, all were concerned but none reported it to an authority figure.
Two students interrupted an attempted rape crime, but neither of those students reported what they had seen to an authority figure.

Two victims reported to family members, but those family members did not report to law enforcement.

One victim reported to a friend, but that friend never reported it to law enforcement.

Another victim reported what had happened to three fellow students. The students said it wasn’t rape and encouraged her to reengage in similar behavior.

Another victim told a fellow student, nothing was ever reported.

Another victim told a co-worker, but the co-worker never reported it to an authority figure.

Any person, official, or institution required to report a case of suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, who willfully fails to do so is guilty of a class B misdemeanor. Action for failure to report must be commenced within four years from the date of knowledge of the offense and the willful failure to report.

4. **LACK OF KNOWLEDGE AND EDUCATION ABOUT SEXUAL ASSAULT/CONSENT PREVALENT AMONG VICTIMS:**

One victim stated she hadn’t reported it to law enforcement because she wasn’t sure if what had happened to her was rape. A few months later she was speaking with a more knowledgeable victim who informed her it was rape. Following that conversation she had to look up what rape was on the internet to learn that what she had experienced was rape.

Only in 3 of our current rape cases did the victim report attempting to physically fight off her assailant, the rest of the victims stated they “froze.” The human response to traumatic events is commonly referred to as initiating the “fight or flight” response. Human psychology has long identified that the freeze response in humans in studies spanning back decades is part of the same trauma response. The freeze response (common parlance “deer-in-the-headlights,” “I checked out,” “my mind went blank,” etc.) is a common response when a victim cannot perceive a way to escape the situation.

In 4 specific rape cases both victims reported freezing, and they believed that because they didn’t fight or try to runaway it made it “not rape.” This is incorrect, and represents a lack of education on the state of the law of consent among students.

The offenders were highly manipulative. The perpetrators preyed on the victims lack of knowledge about consent in multiple incidences to convince their victims that what had happened wasn’t rape. Offenders used religion to prevent victims from reporting. Offenders also threatened to send nude pictures to retaliate or control the victim.
Multiple victims reported that since they had been okay with going to a certain point they believed that it wasn't rape when the offender took it beyond that point. **This is a false understanding of the law of consent.** One victim in particular told some friends a family member, and she was told that since she had agreed to going to a certain point that what the offender did after that point wasn't rape.
Active Sexual Cases last 12 Months
EMPOWERING WOMEN THROUGH SELF DEFENSE

Sponsored by San Juan County Sheriff's Office
Monticello, UT 84535
Sgt. Marcia Shumway
435-587-2237
435-459-1975

R.A.D. – Rape Aggression Defense, simply put is “Defense against Abduction”.

R.A.D. was founded by Larry Nadeau in 1989. An honorably discharged United States Marine, retired police officer and former police academy instructor of self-defense. Mr. Nadeau has many years of experience in confrontational management, speaking, learning, applying and teaching others hands on combat and lawful subject control. Mr. Nadeau’s training methods have been adopted by over 4000 known law enforcement agencies.

This program is designed specifically for women and women only because:

- The vast majority of rapes and sexual assaults are committed by men against women
- Assaults against men are generally very different than assaults against women and would require different defense technique
- Most women know little about physical defense
- On contact physical defense moves are more comfortable with other females in a learning environment
- Affordable for women to become educated with physical defense and risk awareness

The San Juan County Sheriff’s Office would like to provide this opportunity to the female students at no cost. Women’s self-defense class typically averages $50.00 - $100.00 per class. Free return policy anywhere in the nation.

Empowering Women through self defense:

1. Educate – develop knowledge, skills, and abilities in training
2. Dependency on self – Rely upon themselves to be safe
3. Decision making responsibility - educate women on making the right decision for their safety
4. Self-Realization of Physical Power – knowing they can actually do something about it.

The above four items can be achieved by teaching:

1. General definitions of sexual assault and the laws
2. Self-defense and the laws – what is appropriate according state law
3. Four Risks of Personal Safety: Awareness, Reduction, Recognition and Avoidance – This is 90% of self-defense education.
4. Myths regarding risk reduction – Women are physically powerless against men. Women secretly want to be raped, etc.
5. Risk Reduction Strategies
6. Date Rape Mentality and its patterns
7. Survival and Color Code Awareness
8. Basic principles of physical defense – weaponless
9. What to do and what not to do in the event of rape or sexual assault
10. Resources available to victims – no shame, no embarrassment, encouragement to report
11. The defense mindset – “I will survive”

R.A.D. program has a lifetime practice policy, which means any female that completes the 9 hour class can return to any basic self-defense presented through R.A.D. to refresh her skills free of charge the rest of her life.

Statistics reported by the National Sexual Violence Resource Center:

- 1 in 5 women will be raped at some point in their life
- 1 in 4 women will be raped or sexually assaulted before the age of 18
- 1 in 3 women will experience some type of sexual violence in their life
- 51.1% of female victims report being raped by an intimate partner
- 40.8% of female victims report being raped by an acquaintance
- Leaving 8% by a stranger
- 91% of rape and sexual assault victims are female
- Rape is the most unreported crime
- Approximately 1 in 6 women (16.1% or an estimated 19.2 million women) and approximately 1 in 10 men (9.6% or an estimated 10.6 million men) experienced sexual coercion (e.g., being worn down by someone who repeatedly asked for sex, sexual pressure due to someone using their influence or authority) at some point in their lifetime.

Utah Department of Health reports:

- Rape is the only violent crime in Utah that occurs at a higher rate than the rest of the nation.
- 82% of rape and sexual assaults are never reported to Law Enforcement
- In 2009, 8.2% of the female high school students reported they were physically forced to have intercourse when they did not want to.
- Carbon, Uintah, Salt Lake, Tooele, Grand, and Weber counties had higher reported rates of rape than the state rate from 2002-2008

San Juan County Statistics (each report number could contain more than one victim):

Reported Sex Offenses from 2000-2010 – 41

Reported Sex Offenses from 2011-2018 – 150

Reported Sex Offenses from 2019-Current-22

Reported Rape from 2000-2010 – 17

Reported Rape from 2011-2018 22

Reported Rape from 2019-Current - 8
Victims of sexual assault are:

- 3 times more likely to suffer from depression
- 6 times more likely to suffer from Post-Traumatic Stress Disorder
- 13 times more likely to abuse alcohol
- 26 times more likely to abuse drugs
- 4 times more likely to contemplate suicide

On average there are 321,500 victims (12 years and older) of rape and sexual assault each year.

Every 98 seconds an American is raped or sexually assaulted.

RAINN

Instructional Objective:

“To develop and enhance the options of self-defense, so they may become viable considerations to the woman who is attacked”

RAINN – American Indians are twice as likely to experience a rape/sexual assault compared to all other races.

For more information on Rape Aggression Defense program visit their website at http://www.rad-systems.com