

SAFVIC ON THE SCENE

STALKING

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“Anyone can be a stalker, just as anyone can be a stalking victim.”

Quote by: Rhonda Saunders,
Co-Author of California Stalking Law

Stalking is an ongoing problem in Texas and across the nation that must be addressed and taken very seriously. In addition to the stalking victim, family members, co-workers, counselors, law enforcement officers, and prosecutors are all affected by this crime. The U.S. Department of Justice's Bureau of Justice Statistics (BJS) reported that during a 12-month period in 2005 – 2006, 2% of females and 1.8% of males age 18 and older experienced stalking. Women are at a slightly greater risk than men for stalking victimization, but women and men are equally likely to experience some type of harassment. The same study showed an estimated 3.4 million persons in the U.S. identified themselves as victims of stalking during 2005 - 2006.¹ A Texas study found similar findings, men (16%) and women (19.9%) were about equally likely to be stalked. Both studies finding that stalking is a gender-neutral crime and can happen to anyone.² All 50 states and the District of Columbia now have stalking statutes in place, illustrating the seriousness of stalking has been noticed throughout the nation.³

Stalking is a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear. Per the Texas Penal Code: Section 42.072, three primary circumstances must be present for a behavior to be considered a stalking offense:

1. The offender must know, or reasonably believe the victim will perceive the behavior as threatening.
2. The behavior must cause the victim or a member of the victim's family to fear injury or damage to property.
3. The behavior would cause a reasonable person to have these fears.

Although many behaviors may be thought of as stalking, the stalking threshold is only met when **fear** is intended and present.² Stalking is a third degree felony in Texas, however, if the offender has

been previously convicted of stalking the penalty is increased to a second degree felony. Behaviors that do not meet the level of stalking may fall under the harassment laws in Texas. Harassment (Tx Penal Code: Section 42.07) occurs when a person intends to harass, annoy, alarm, abuse, torment, or embarrass another without the context of fear. The fine for harassment is a Class B misdemeanor; increased to a Class A misdemeanor if the actor has previously been convicted under this same section. If a person threatens to commit an offense involving violence to any person or property with the intent to place a person in fear of imminent serious bodily injury, they can be charged with a terroristic threat (Tx Penal Code: Section 22.07). Terroristic threat is similar to stalking except that there is no requirement that the offense occur on more than one occasion. These offenses can be used to charge a person when the context of fear can not be proven. Charging the offender with harassment or terroristic threat will help show a pattern of stalking behavior and abuse in order to make a later stalking case.

Stalking can be difficult to investigate and to prove. The key is to recognize various stalking behaviors and to be able to articulate throughout the offense report how this pattern of behavior places the victim in fear. Stalking behaviors are typically repeated attempts to contact or watch the victim. Such attempts could be multiple text or voice messages, letters, emails, multiple comments or messages on the victim's personal networking pages (Facebook or MySpace) or in chat rooms. These acts usually are either apologetic in nature and/or expressions of love for the victim, others can be angry or threatening.² Stalkers may follow victims to and from home and/or work, or show up in the same public places without a legitimate reason (grocery store, gym, bars).¹ The two most frequently reported stalking acts in Texas were receiving repeated phone calls, and having things stolen from the victim's vehicle, home, or work.² Less obtrusive stalking be-

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April 2009

Sexual
Assault
Awareness Month

More information @
www.nsvrc.org/saam

Sexual Assault Awareness Month (SAAM)

The month of April has been designated Sexual Assault Awareness Month (SAAM). The goal of SAAM is to raise public awareness about sexual violence (focusing on sexual assault and rape) and to educate communities and individuals on how to prevent sexual violence.

At the SAAM website (www.nsvrc.org/saam) you will find information and materials for both the upcoming SAAM campaign as well as past campaigns. The National Sexual Violence Resource Center creates these campaign materials for SAAM, and encourages state and local organizations and groups focused on sexual violence awareness and prevention to tailor these campaign materials to their local communities.

The 2009 campaign's theme for Sexual Assault Awareness Month is **Prevent Sexual Violence...in our workplaces**. This year's slogan is **Respect Works**, which highlights the role that respectful behavior, at both the individual and organizational levels, can play in creating and maintaining safe and healthy communities and workplaces.

Information taken from the SAAM Website.

SAFVIC WELCOMES 10 NEW INSTRUCTORS



We would like to congratulate & welcome our new SAFVIC Instructors!
They recently completed the 40 hour SAFVIC Instructor Course in Austin, Texas on February 9th – 13th, 2009.

If you are interested in becoming a SAFVIC Instructor, please visit our website at www.safvic.org to find more information on our next SAFVIC Instructor Course.

Front Row - Left to Right:

Mandy Perez
Frisco Police Department

Teresa Moneyhun
Harris County Sheriff's Office

Jonathan Lloyd
St. Joe Police Department

Melissa Holbrook
Houston Police Department

Jose Garcia
La Salle County Sheriff's Office

Anita Wright
Houston Police Department (ret.)

Sheila Greene
Dallas Police Department

Back Row - Left to Right:

Janna Atkins
West Central Texas COG

Gary Dittrich
Dallas County Sheriff's Office

Geoffery Merritt
University of Texas at San Antonio Police Department



81st Legislative Session

Visit the SAFVIC website to review a list of bills that are currently before the Texas Legislature that may affect the SAFVIC curriculum.

(Continued from page 1)

haviors may be sending the victims unwanted gifts or distributing flyers with the victim's private information. While these acts individually may not be seen as criminal, collectively and repetitively these behaviors may cause the victim to fear for his or her safety or the safety of their family.¹ Physical stalking can be directed towards the victim's property by damaging or vandalizing their home, car, or pet. Stalking may even extend to involve the victim's family, by stealing or hiding the victim's children or threatening to hurt the victim's family members. All of these tactics are used to control the victim. Some stalkers threaten to commit suicide if the victim does not do as the stalker asks. Stalking is unpredictable and dangerous and no two stalking situations are alike.⁴

The use of technology to "Cyber Stalk" has become increasingly frequent because of the anonymity, accessibility, and low cost. The BJS announced this year that more than 1 in 4 victims report that some form of cyberstalking was used, such as email (83%) or instant messaging (35%). Electronic monitoring of some kind was used to stalk 1 in 13 victims. Video or digital cameras were equally used as listening devices

to electronically monitor victims (46% - 42%). Global Positioning System (GPS), which enables the stalker to monitor a victim's movement, comprised about a tenth of the electronic monitoring of stalking victims in the United States.¹ The fact that cyberstalking does not involve physical contact creates the misperception that it is less severe than physical stalking.³

Stalking can have an emotional and traumatic effect on the victim and may affect many areas of a person's life. The victim may feel fear of what the stalker might do next, feel vulnerable, unsafe, or nervous. About 1 in 5 victims feared bodily harm to themselves, and 1 in 6 feared for the safety of a child or other family member.¹ Secondary victims, such as children and other family members, friends, co-workers, and other acquaintances can also be affected by stalking. They may become the object of the stalker's attacks as another way of controlling the primary victim. They may be traumatized by witnessing the stalking acts on the primary victim. Not only are the emotions of a victim affected by the stalking, but stalking may also result in property damage and destruction, physical injuries requiring short- and long-term medical treatment, lost wages, expenditures related to hiding from the stalkers and maintaining privacy and safety.³ More than half of the

reported stalking victims lost 5 or more days from work due to the stalking.¹ Many experience anger, loss of sleep, lack of concentration, heightened anxiety, and appetite suppression as a result of being stalked.² Stalking victims often go to extraordinary lengths to keep themselves and their families safe. Changing all personal contact information, such as phone numbers, email and mailing addresses are common results of stalking. Victims are forced to change their entire lifestyles; changing gyms, grocery stores, routes to and from work, finding new schools for children, and restricting communications with others. Victims of stalking should treat a threat like a promise. Stalking is serious and can escalate over time.⁴

It is imperative for law enforcement officers and other criminal justice professionals to know what to tell a stalking victim in order to provide immediate safety for them and their families. Every stalking case should always be taken seriously! Reassure the victim that it is not their fault and is not caused by anything they have done. Encourage the victim to notify everyone about the stalking; family, friends, co-workers and other acquaintances. This will serve the purpose of enlisting support from those who care about the victim and will help validate to the victim that the

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In a 1-year period, women are three times more likely to be stalked than raped, but they are two times more likely to be physically assaulted than stalked.

Stalking in America: Findings from the National Violence Against Women 1998 Survey

FEATURED AGENCY:

The Family Place

Family violence calls are among the most dangerous for police officers because they are unpredictable and charged with emotion. The Family Place, a Dallas-based family violence agency, has worked hand-in-hand with law enforcement since 1978 to educate the community, help victims start new lives, and change the behavior of perpetrators. Today Dallas is a national model for its integrated response to domestic violence victims, and we are proud of our role in that effort.

The Family Place strives to stop family violence by providing victims and their children with immediate safety, life-changing counseling and a proven path to economic empowerment. We work with batterers who are court-ordered to counseling to reduce recidivism and hold them accountable for their crimes. In 2008, we helped a total of 18,531 clients in all programs, providing them with a total of 170,781 hours of service.

All services at The Family Place are provided in Spanish and English:

Hotline Services, established in 1978, 214-941-1991, offers 24-hour crisis counseling, information and referral.

Emergency Shelter Services, established in 1978, offer emergency shelter, intensive counseling, medical care, psychological evaluation, day care and after-school programs for children, and job, technical and life skills training for adults.

Article provided by Paige Flink, Executive Director of The Family Place.

Children's Services, established in 1981, use play therapy, group and individualized counseling, to help children learn to feel safe, stay safe, and, most importantly, stop hurting.

Outreach Services, established in 1982, provide community-based group counseling and support services at multiple locations throughout Dallas including two offices in Dallas' largely African American Southern Sector. Our Latina Program addresses the specific needs of Spanish-speaking clients.

Battering Intervention and Prevention Program, established in 1984, provides specialized court-ordered groups for abusers at our North Dallas location. A Partner Advocate Program offers counseling to partners whose abusers are in the program.

Community Education, established in 1991, utilizes our Web site, speakers' bureau, newsletter, public relations and public service announcements to educate the community about family violence. To book a speaker or volunteer, call Volunteer Services at 214-443-7714.

Transitional Housing, established in 1993, provides extended-stay apartments on our Safe Campus as well as education, training, day care and after-school services to give battered women the time and resources to build new lives.



the family place

Where family violence stops

Incest Recovery Services, established in 1995, provides free counseling for adult and adolescent survivors of incest and childhood sexual abuse.

Youth Violence Prevention, established in 1999, reaches out to youth in area schools, teaching them how to stop the cycle of violence through domestic violence education and leadership training.

Client Legal Services, established in 1999, provides a staff attorney for clients in cooperation with Legal Services of Northwest Texas.

Faith and Liberty's Place Family Center, established in 2003, is a safe, neutral, child-centered environment where trained professionals facilitate supervised child visitation with non-custodial parents. Referrals come directly from the Dallas Family Courts.

Safe Campus School, established in the fall of 2009, will provide an educational environment free from fear of discovery by the abuser in a two-room schoolhouse at our Safe Campus for children in Kindergarten through 5th grades.

For more information about
The Family Place, visit
www.familyplace.org.

Congratulations!
Don Gallion

On Wednesday, March 11, 2009, the Texas Association Against Sexual Assault (TAASA) honored twelve people who, over the course of 2008, made outstanding contributions to the anti-sexual violence movement in Texas. The award ceremony took place during TAASA's annual conference, themed "Rooting Ourselves in Social Justice."

SAFVIC Instructor Don Gallion was the recipient of the Harold Cottle Justice Award. Nominees for this award must demonstrate outstanding support for victims' rights and the willingness to educate oneself and colleagues about sexual assault. Don's law enforcement career spans almost 30 years with the San Angelo Police Department. Now retired from SAPD, Don is an instructor with the Concho Valley Council of Government (CVCOG) Police Academy and is active with the Concho Valley Rape Crisis Center as a trainer and board member. He always strives to meet the needs of sexual assault victims and even produced a law enforcement training video on what a victim experiences during a forensic medical exam. Don has profoundly impacted sexual assault victims in his community and has left his mark on law enforcement professionals across this state by showing how one can and should always be mindful of a victim-centered approach to their work. The SAFVIC Program would like to congratulate Don Gallion for all of his hard work and dedication to all victims of sexual assault in Texas.



Left: Lyn Williams, Training Director of TAASA
Right: Don Gallion, Criminal Justice Planner / Instructor of C.V.C.O.G.

Stalking Crimes and Victim Protection

Prevention, Intervention, Threat Assessment, and Case Management

Edited by
Joseph A. Davis

Stalking Crimes and Victim Protection: Prevention, Intervention, Threat Assessment, & Civil Management

Edited By: Joseph A. Davis

FEATURED BOOK:

Although stalking is an age-old phenomenon, it is only recently receiving due attention. In a span of just ten years, all fifty states have passed anti-stalking legislation. For the first time, Stalking Crimes and Victim Protection: Prevention, Intervention, Threat Assessment, and Case Management brings together in one source all the research done by professionals in various fields since 1990. It covers all the angles, from the psychological aspects of stalkers to the legal ramifications of stalking. This comprehensive work emphasizes a multidisciplinary concept and approach. It compiles and assesses studies of law enforcement, legal counsel, medical professionals, forensic mental health professionals, security personnel, and criminologists. These authors combine their academic research and clinical knowledge to provide you with helpful guidelines and suggestions in the areas of victim assistance and predatory stalking including: · Intervention · Prevention education · Risk analysis · Threat assessment · Case management. Editor Joseph A. Davis, Ph.D., a nationally recognized expert in the field of public safety psychology, with a background in both psychology and law, has assembled a team of experienced professionals who have contributed to this comprehensive text, which educates, informs, and raises public awareness of this growing phenomenon. Including several case examples for study and clinical-forensic comparison, Stalking Crimes and Victim Protection will help you provide better services to victims, evaluate the mental state of the stalker, provide assessments of potential threat, and consult on security issues, case management, and safety planning.



"Piecing together the tools needed to effectively investigate and prevent sexual assault and family violence."

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SAVE THE DATES



**Drury Inn
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TX 78205**

7th Annual SAFVIC Instructor Summit

June 29th - July 1st, 2009

Instructor Summits are held to enable instructors to voice any input regarding SAFVIC policies, to implement curriculum updates, and to offer an opportunity to network with other trainers. Attendees will receive a minimum of 16 hours TCLEOSE credit. We strongly encourage all active SAFVIC Instructors to attend this summit! We have a great group of instructors, and we would love for everyone to meet, swap stories and techniques, and take an active role in the growth of SAFVIC.

Guest speakers will be covering the following topics:

David R. Thomas:

- The Abusive Personality
- Strangulation Investigation: Never Let a Victim Die in Vain

Anne Munch:

- The Influence of the Media on Sexual Assault Cases
- Investigating to Meet the Consent Defense
- Understanding Psychological Trauma as Evidence
- Offenders: Who They Are and How They Operate
- Victim Dynamics in Non-Stranger Sexual Assault Cases
- Finding and Documenting Similar Acts

Kate Roche:

- Human Trafficking: What Law Enforcement Needs to Know

2009 SAFVIC Instructor Summit Agenda

**Registration will be Monday, June 29th from
10:00 AM until 1:00 PM.**

SUMMIT will be held:

June 29th, 1:00 PM - 5:00 PM

June 30th, 8:00 AM - 5:00 PM

July 1st, 8:00 AM - 12:00 PM

*** Must be an Active SAFVIC Instructor to attend ***

SAFVIC for Telecommunications Professionals (TCPs) Instructor Course

June 1-3, 2009

**TRIPLE Training Facility
6200 La Calma, Suite 200
Austin, Texas 78752**

The Sexual Assault and Family Violence Investigators Course for Telecommunication Professionals (SAFVIC for TCPs) is designed to provide 911 call-takers around the state with the tools they need to effectively identify and facilitate sexual assault and family violence calls. This new program consists of a comprehensive 8-hour curriculum covering crucial aspects of telecommunication professionals' response to these calls.

The SAFVIC Program is seeking Telecommunicators to participate in this training and become instructors for this new course. The **SAFVIC for Telecommunication Professionals Instructor Course** consists of 3 days/24-hours of classroom study and a final classroom presentation. Upon successful completion of the course, instructors will be eligible for competitive compensation for teaching the course in their local communities.

The application deadline is Monday, April 27, 2009.

For more details about the SAFVIC for TCPs Program visit www.safvic.org.
Please direct any questions regarding the course

to jennifer.gonzales@safvic.org or call 1-800-848-2088.

Each applicant will be scored on a point system based on the following criteria:

1. Must have TCLEOSE Advanced Telecommunicator Certification
2. Previous experience as an instructor is highly preferred
3. Demonstrated interest/experience in the field of sexual assault or family violence.
4. Working knowledge of computers, especially Microsoft PowerPoint and Word
5. Proven public speaking ability
6. Positive role model within the department and the community
7. Geographical location
8. Minimum of 5 Years Telecommunicator experience

Free to students accepted into the program.

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stalker's behavior is unacceptable and criminal.⁵ As stated before, some of these stalking behaviors alone may not be seen as criminal, but collectively and repetitively they cause the victim to fear for his or her safety. Instruct the victim on how to document stalking activities and how to use equipment, including answering machines, tape recorders, cameras, or video cameras, to collect evidence. Emphasize the importance of keeping any and all documentation of stalking behaviors; copy emails, chats and letters and save recordings of voice or text messages. These documents and recordings can all be used as evidence to prove that a pattern of stalking behavior exists.³ Helping victims obtain a protective order against the stalker and referring them to advocates who can assist them with developing a safety plan will provide them with strate-

gies to protect themselves. It is also encouraged that officers responding to a domestic violence call ask the victim if he/she has been stalked or harassed.

In a 1-year period, women are three times more likely to be stalked than raped, but they are two times more likely to be physically assaulted than stalked.⁶ Stalking, with its repetitive and often seemingly minor acts, is understandably difficult and sometimes tedious to investigate. It can require much patience to sift through hundreds of letters and call records. It may even be tempting to ignore the twentieth or so threat from a stalker. But stalkers do hurt and sometimes kill their victims. Even when victims do not experience overt violence, the impact on their lives from living day to day looking over their shoulders can not be underestimated. Professional support from law enforcement, the criminal justice system, and advocates can be the difference

between a victim who lives in constant fear and a survivor who is ready to face the rest of her life free from the shadow of her stalker.

References:

1. Katrina Baum, Ph. D., Shannon Catalano, Ph. D., Michael Rand, & Kristina Rose, "Stalking Victimization in the United States," (Bureau of Justice Statistics, National Institute of Justice, 2009), <http://www.ojp.usdoj.gov/bjs/pub/pdf/svus.pdf>, (Accessed January 21, 2009)
2. Glen Kercher, Ph. D., and Matthew Johnson, "Stalking in Texas," (Crime Victims Institute - Criminal Justice Center of Sam Houston State University, 2006), http://www.crimevictimsinstitute.org/documents/Stalking_Report.pdf, (Accessed March 12, 2009)
3. Report to Congress, "Stalking and Domestic Violence," (U.S. Department of Justice, 2001), <http://www.ncjrs.gov/pdffiles1/ojp/186157.pdf>, (Accessed February 3, 2009)
4. Are You Being Stalked Brochure, The Stalking Resource Center and The National Center for Victims of Crime
5. SAFVIC Student Manual, "Chapter 9: Family Violence Special Topics: Stalking," April 2008
6. Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," (Washington, DC: National Institute of Justice, U.S. Department of Justice, 1998), <http://www.ncjrs.gov/pdffiles1/169592.pdf>, (Accessed January 23, 2009)