

# THE VICTIM'S INFORMER

TEXAS CRIME VICTIM CLEARINGHOUSE

VOL. 14, N. 3 – SEPT/OCT 2009

## Texas Protects ID Theft Victims

Instances of medical and criminal ID theft are on the rise.

By Samantha Hechtman

**I**dentify theft has become the fastest growing crime in America. For the last three years, Texas has ranked as number four in the nation for per capita ID thefts.

Although Texans have become more educated about ID theft, they are often not well prepared for the effects of the crime. Identity theft is often far more complicated than someone just using your credit card. Instances of medical and criminal ID theft are on the rise as well as Social Security fraud for the purposes of employment. Luckily for Texans, we have some of the most progressive laws in the country to combat ID theft.

**V**ictims of medical ID theft are individuals whose name, date of birth, social security number, and insurance information was used in whole or in part to receive medical care. This not only affects their insurance but has the potential to dangerously confuse their medical records. However, there are new "Red Flag Rules" that went into effect in August to help prevent the use of stolen identities to receive medical care. Medical providers will be obligated to implement extensive identity protection plans. The rules are designed to prevent ID theft from happening and provide for immediate actions if an office becomes aware there is a problem.

**C**riminal ID theft also can be a startling realization for victims. It is often committed by a close family member or friend and can leave someone with a criminal history that was never theirs. Understandably, many victims are afraid to go to law enforcement for fear they may be arrested. However, there is a system to protect people. When a victim reports to law enforcement, he/she should request a "Stolen Identity File." Law enforcement will take the victims photograph and finger prints to conduct an analysis against the records they have on file. When innocence is established, the victim will select a password known only to him/her, law enforcement, and the Department of Public Safety. If anyone uses the victim's name with law enforcement he/she will be asked for the password. If they answer incorrectly, the person will be arrested for attempting to use a false identity. Victims also are entitled to file an application with the court to have their information expunged from public records.

**F**inally, there are those who face bills from the IRS for taxes on employment they never had. It seems obvious that one person could not be working in two different states with the same Social Security number, but until recently victims had to fight this battle every year with the IRS. Now, the IRS has a special task force to handle cases of

identity theft. Victims may call 1-800-908-4490 to begin the resolution process. The IRS will request you send evidence of your true employment and residence. After establishing innocence they will clear the back taxes and mark your file for future years. If an irregularity is noticed, the agency should resolve it immediately, without the victim having to do more work.

**"Even with new and improved programs, identity theft is still an overwhelming and exhausting experience for its victims."**

**H**owever, there is one-on-one assistance available. The Victim's Initiative for Counseling, Advocacy and Restoration of the Southwest (VICARS) is a nonprofit law office dedicated to serving victims of identity theft. Since opening its doors in January of 2008, VICARS has served nearly 1,000 clients. They offer counseling, self-help materials, and personalized legal services. VICARS also dedicates their time to educating consumers, law enforcement and other victim advocates. If you would like to contact them about an ID theft, or if you have questions, please call 1-888-343-4414.



CRIME VICTIMS' MEMORIAL READING GARDEN AND PAVILION  
DEDICATED APRIL 26, 2009

## “REMEMBRANCE” – REBUILDING LIVES CRIME VICTIMS' MEMORIAL READING GARDEN

Frank Zubia, Board Member: Crime Victims' Rights Council

*The Crime Victims' Rights Council of El Paso is a non-profit collaboration of agencies who investigate and prosecute crimes; ensure convicted offenders make court-ordered restitution and follow terms of community supervision; assist victims with Texas Crime Victims' Compensation; provide emergency shelter, protective services and advocacy for children, elderly and the disabled; respond to support victims of domestic violence, sexual assault and child abuse; advocates who are often themselves survivors or family members of victims of violent crime or drunk driving.*

They say time heals all wounds. The pain and anguish of losing a loved one to a drunk driver or to violent crime will always be with the surviving family and friends. Many can only take solace in the fact that there are victim advocates who help them through the criminal justice system, offer support through difficult times, and ensure the victims' rights are preserved. These services are frequently offered through victim services programs and community collaborations that support our efforts to rebuild lives for the survivors of violent crime.

This year, National Crime Victims Rights Week was from Sunday, April 26<sup>th</sup> through Saturday, May 2<sup>nd</sup> and marked the 25<sup>th</sup> anniversary of the Victims of Crime Act. We observed this milestone in El Paso with the dedication of the Crime Victims' Memorial Reading Garden at 610 Yarbrough Boulevard between the Judge Edward Marquez Library and Yucca Park at 8:30 am on Sunday, April 26<sup>th</sup>.

The Crime Victims' Memorial Reading Garden will be home to the art piece “Remembrance” designed by Boulder, Colorado, artist Ken Bernstein that will list the over 1200 victims of violent crime, drunk driving crashes and peace officers killed in the line of duty from our community. This collaborative project between the Crime Victims' Rights Council and City Representative Steve Ortega, Community Development Block Grant Program, El Paso Museum and Cultural Affairs Department, El Paso Public Libraries and other City Departments as well as private

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## BILL SUMMARY PASSED BY 81ST LEGISLATURE WITH IMPACT/INTEREST FOR VICTIM SERVICES

**HB 93** - Directs TDCJ to establish a policy regarding the suspension of good conduct time for offenders. Under the policy, the department will consider the severity of an offender's rule violation in determining whether to suspend all or part of the offender's good conduct time instead of forfeiting the offender's good time. At the conclusion of any period of suspension, the department may forfeit or reinstate the good conduct time placed in suspension based on the offender's conduct during the period of suspension. TDCJ must consider whether any impact to public safety is likely to result from the offender's release on parole or to mandatory supervision if the good conduct time is reinstated.

**HB 1003** - Requires TDCJ to provide notification to victims and witnesses when an offender released on parole or to mandatory supervision with a condition requiring electronic monitoring ceases to be electronically monitored. TDCJ will be required to make a reasonable attempt to give notice not later than 30 days before the offender ceases to be electronically monitored.

**HB 1372** - Amends the definition of "victim" in the Code of Criminal Procedure, Chapter 56, by adding a person who is the victim of trafficking of persons.

**HB 1506** - This bill amends the Code of Criminal Procedure to authorize a magistrate to include in an order for emergency protection a requirement that a person arrested for family violence participate in a global positioning monitoring system and allow participation in the system by a victim or other person protected under the order. The magistrate may require that the defendant refrain from going to or near locations frequented by an alleged victim, carry or wear a global positioning monitoring system device and pay the costs associated with the system, and if the victim consents, pay the costs of providing the victim with an electronic receptor device that notifies the victim if the defendant is at or near a location that the defendant has been ordered to avoid.

**HB 1985** - Requires a judge to order defendants accused of the offense of continuous sexual abuse of a child, indecency with a child/contact, sexual assault or aggravated sexual assault to undergo an HIV test or other tests for sexually transmitted diseases upon request of the victim of the offense or on the court's own motion. The testing must be performed not later than 48 hours after indictment, or if the defendant cannot be located in that jurisdiction, within 48 hours of the defendant being located in the jurisdiction. It also requires the court to order an HIV-positive defendant to undergo any necessary additional testing.

**HB 2236** - Amends the Crime Victims' Rights by adding the right for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence to have the court consider the impact on the victim of a continuance requested by the defendant. If requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

**HB 2240** - Creates the offense of continuous violence against the family for a person who, during a period that is 12 months or less in duration, two or more times engages in conduct that constitutes an assaultive offense causing bodily injury to another person in a dating relationship with the offender or who is a member of the offender's family or household. The offense would be punishable as a third degree felony. It also expands the conditions that constitute a third degree felony assault offense to include intentionally, knowingly, or recklessly causing bodily injury to another person if the offender has been previously convicted of a continuous violence against the family offense

**HB 2289** - Directs TDCJ to establish a procedure through which offenders being discharged from TDCJ or being released on parole or to mandatory supervision will be released from the facility in which the offender is serving their sentence or a regional release facility that is nearest to the facility in which the offender is serving the sentence. TDCJ shall designate six or more facilities as regional release facilities from which offenders will be released. It authorizes TDCJ to release the offender from a regional release facility other than the one nearest to the facility in which the offender is serving the sentence in certain circumstances. These provisions shall be implemented as soon as possible after September 1, 2009, but no later than September 1, 2010.

**HB 2626** - Entitles a victim of a sexual assault to the right of a forensic medical examination conducted at a health care facility within 96 hours of the sexual assault and to require a health care facility to conduct the forensic medical examination if the victim arrives at the facility with 96 hours after the assault occurred, consents to the examination, and has not reported the assault to a law enforcement agency at the time of the examination. The bill requires the Department of Public Safety to pay the appropriate fees for the forensic portion of the medical examination.

**HB 3751** - Amends the Code of Criminal Procedure to require, rather than authorize, a magistrate to impose conditions of bond on a defendant charged with a sexual offense against a child younger than 14 years of age, ordering that the defendant not directly communicate with the alleged victim of the offense or go near a residence, school, or other location frequented by the alleged victim.

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## FROM THE CLEARINGHOUSE . . .

It has been a busy few months for the Clearinghouse. Stacy and Melanie jumped in at full speed and in top gear. The next few months look to be even busier.

### VICTIM IMPACT STATEMENT REVISION

Stacy has been busy working on the Victim Impact Statement revision project. The committee brought together for this project was large and diverse. It included ten Victim Assistance Coordinators from every corner of the state along with two victim representatives, a member of the Board of Pardons and Paroles, and representatives from the Texas Youth Commission, TDCJ-Community Justice Assistance Division, Texas District and County Attorneys Association, TDCJ-Victim Services Division, Office of the Attorney General, and a national crime victim consultant. We held three meetings in June, July and August. It has been a very eye-opening and valuable experience for the entire Clearinghouse staff and has culminated into what we believe is an effective Victim Impact Statement that will serve victims, victim advocates, and criminal justice professionals alike.

The new statement was introduced at the Texas Victim Services Association (TVSA) Annual Conference in El Paso followed by the Texas District and County Attorneys Association (TDCAA) Annual Conference in Corpus Christi. Both conferences were in September 2009. Further conference training on the new Victim Impact Statement will be at the Attorney General's Conference in Austin in November 2009.

### WE'RE COMING TO YOU!

Plans are being made now to conduct comprehensive statewide training on the new Victim Impact Statement including recommended processes on its use, distribution, and collection of statistics, beginning in January 2010. For more information, including how to attend or host a training session, contact the Clearinghouse at 512-406-5922.

### VICTIM'S INFORMER

Melanie has fully assumed the role of editor of *The Victim's Informer*. (She has some pretty big shoes to fill!) Her first entire edition went to print in early September. She will

continue to develop the newsletter into an informative tool for victims, victim advocates, and criminal justice professionals. Be sure to notify her if you would like to submit an article or suggest a topic you think we should cover.

Melanie also continues to develop the Victim Assistance Resource Directory. We recently added contact information for all county sheriff offices statewide. If you provide services for victims and believe you or your organization should be included on the Resource Directory, contact Melanie at 512-406-5931 or via email at [melanie.richardson@tdcj.state.tx.us](mailto:melanie.richardson@tdcj.state.tx.us).

Finally, there have been inquiries about the next Clearinghouse Conference. Planning for a 2010 Conference is in the initial stages, and we are about to conduct some site visits. More information about the conference will follow in the upcoming issues of *The Victim's Informer*.

Mike Jones  
Program Coordinator

### 3rd Annual NAVSPIC Conference

The National Association of Victim Service Professionals in Corrections is pleased to announce that the 3rd Annual NAVSPIC Conference will be held October 13 through October 16, 2009, at the Renaissance Austin Hotel at the Arboretum.

The Renaissance Austin Hotel is located at 9721 Arboretum Boulevard, Austin, Texas, 78759. The capital of Texas is known as the Live Music Capital of the World and offers hundreds of restaurants, music venues, and shopping options to fill your nights. Visit [www.AustinTexas.org](http://www.AustinTexas.org) for more information.

For the last two years NAVSPIC has held this conference as a way for victim service professionals nationwide to network and share information through presentations and workshops. This year, some of our featured speakers include David Doerfler, Janice Harris Lord, Sunny Schwartz, Trudy Gregorie, and Robin Fudge Finegan.

We look forward to seeing you this year in Austin, Texas.

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donors, has been a "labor of love" to commemorate those who have died as a result of violent crime or drunk driving. It is our sincere hope that visitors to the Judge Marquez Library or Yucca Park come to the Memorial Garden and reflect on the names listed on "Remembrance." We pray they contemplate on their own conduct and at risk behaviors to avoid drunk driving and violence in their future.

Please visit the Crime Victims' Rights Council at [www.elpasocrimevictims.org](http://www.elpasocrimevictims.org).



**M**y name is Gina Castro, and I am the Texas Department of Criminal Justice Victim Services Division's summer intern. I am originally from Colorado Springs, Colorado and attend the University of Northern Colorado in Greeley, Colorado. I will be receiving a Bachelor of Art's Degree in Criminal Justice, Psychology, and Sociology in December of 2009. You may be wondering what a girl from Colorado is doing down in Texas. Well, after graduating I will be attending Law School to become an attorney. Warm climate, inexpensive living, and the local Law School at the University of Texas increased my interest in living in Texas, so here I am. Having an internship is a requirement for my degree, so in order to assure myself that I would like living in Texas long-term, I decided to apply for internships and spend the summer in Texas.

While searching for available internships in Texas, I came across the Victim Services website. Being a Criminal Justice major, my educational focus is in Law and the Justice System, with limited emphasis on victims of crime. I realized I had very little knowledge about victims in the Criminal Justice System, and thought this would be a great opportunity for

me to broaden my education through hands-on experiences. I wanted my internship to not only be about learning a job, but exposure to different facets of the Criminal Justice System. This gives me a chance to take my book learning and apply it in a real legal world.

I came into this with an expectation that there was a clear delineation between victims and offenders. Most times this is true, but through my experience I have realized that it is not always black and white. For example, I observed a mediation where the individual had some ownership as an offender but was victimized as well. Real life experiences and observations are so much more meaningful than what I learned in a text book. Person-to-person interactions are much more than just learning about law and the justice system. It shows the employee dedication to roles in supporting victims, and the different things needed to get the job done, from following up on victims' current addresses/phone numbers to attending executions for victim support.

Through my 12 weeks of interning with Victim Services, I have been exposed to multiple aspects of the Criminal Justice System including Parole, Corrections, Board of Pardons and Parole, the District Attorney's Office, and Child Advocacy conferences. During all of these experiences, I was able to witness and understand that each portion of the Criminal Justice System is purposeful. Also, I was given the opportunity to be in an environment that is made up of wonderful career-minded adults compared to my student environment.

Even though it was a new experience moving to Texas, my experiences and learning's have been meaningful. I am very grateful to have had this experience and I know I will be able to build upon what I have learned as I move forward in my education and career. And yes, I like Texas!

### Editor's Note

The next issue of the Victim's Informer is for  
December 2009/January 2010

Please submit copy for this issue no later than  
Friday, November 13, 2009

**"One generation plants the tree;  
another gets the shade."**

~Chinese proverb



# Victims and Executions

**Janice Harris Lord**

*Texas Board of Criminal Justice Board Member*

You may be surprised to know that the Texas Board of Criminal Justice (TBCJ) has nothing to do with decisions about whether an offender is given the death penalty or when execution dates are set. I suspect that everyone reading this newsletter has an opinion about the death penalty.

The Texas legislature determines whether Texas will remain one of the 38 states (and the federal government) that allow the death penalty, so the best people with whom to share your opinion about that are your State Senator and your State Representative. The district attorneys decide whether to seek the death penalty and juries decide whether or not to sentence a defendant to death. When they do, the offender is sent to TDCJ's Death Row to join approximately 400 others like-sentenced. After it appears that all appeals for a certain offender have been exhausted, which averages 10.25 years after the conviction, the trial court judge sets the execution date and TDCJ receives a warrant of execution from the court. The Execution Schedule may be viewed on TDCJ's website.

The Texas Board of

Criminal Justice's role is to determine policies surrounding executions. Your opinions about those policies matter to us. Victim advocacy actually led to the policy that allows victims to witness executions. In late 1995, victim advocates and survivors met in Austin with several of the nine TBCJ members to advocate for a policy to allow capital murder victims' families the right to view executions. In January 1996, Board rule 152.51, "Authorized Witnesses to the Execution of an Offender Sentenced to Death," was enacted by the board. At that time, the policy limited viewers to immediate family members and close relatives. Later, the list was expanded to close friends of victim witnesses, law enforcement officers who apprehended the offenders and prosecutors who obtained the convictions.

The total number of victim witnesses allowed was five until last year when the TBCJ expanded it to six by adding the family's spiritual advisor. All witnesses must be 18 or older, and the spiritual advisor must be a bona fide pastor or comparable official (e.g., minister, priest, rabbi, imam) of the victim's close relatives' religion.

In the late 1990s, Dan Guerra, TDCJ-Victim Services Division Assistant Director, worked

with a number of victims to draft the Victim Witness Execution Policies and Procedures. It was determined that victim witnesses needed preparation for the experience, accompanied by a victim advocate throughout the process, and an opportunity to debrief in a confidential setting after the process. Once the policies and procedures were in place, Guerra and social work professor Fernando Galan at the University of Texas at El Paso developed a research project to begin collecting data about the impact of the execution viewings by those who chose to view. Of the 100 who were invited to participate in the research, 41 responded. A key finding of that research was that 44% of the victim witnesses said they had experienced continuing physical and emotional discomfort about the murder before viewing the execution, but only 19% reported continuing symptoms following the viewing. Of the 41 participants, none said they regretted viewing the execution.

A decade has now passed, and TDCJ-Victim Services Division is again reviewing the policies and procedures to determine how they might be improved even more. If

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**HB 4009** - Establishes within the Office of the Attorney General a human trafficking prevention task force that would develop policies, procedures, data collection, and training to assist in the prevention and prosecution of human trafficking crimes. Representatives from various state, local, and non-governmental entities would be on the task force.

The bill amends the Penal Code to provide separate offenses and sentencing for sex trafficking of an adult and sex trafficking of a child; and would allow for the prosecution of offenses committed under this chapter as well as offenses that may be committed under other sections of the Penal Code.

The bill requires the Health and Human Services Commission to create a victim assistance grant program to provide services to domestic victims of trafficking. The program must have a searchable database of assistance services to domestic victims of trafficking. It also requires HHSC to create and provide training to judges, prosecutors, and law enforcement personnel about the needs of domestic trafficking victims, the availability of services, the database of services, and potential funding sources for those services.

**HB 4464** - Amends the Code of Criminal Procedure dealing with judgments and restitution. It contains a provision for the judgment to specify the name and address of a person or agency that will accept and forward restitution payments to the victim. The judgment will include the name and permanent address of the victim at the time of the judgment only if the court specifically elects to have payments made directly to the crime victim.

**SB 83** - This bill authorizes a victim of family violence, non-intimate partner sexual assault, the parents of a child victim of sexual abuse, and victims of non-intimate partner sexual assault that took place during the preceding six-month period on the premises or at any dwelling on the premises, to terminate a lease and avoid liability for future rent and any other sums due under the lease as a result of those actions. It provides that a temporary ex parte protective order to protect a tenant or other occupant of a leased dwelling is a valid protective order for this purpose. The tenant is required to provide the landlord with a copy of the documentation of the assault or abuse or of a protective order and requires the tenant to notify the landlord in writing about the termination of the lease and meet other notification requirements.

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you have ideas about this, especially if you have witnessed an execution, please let us know your thoughts and feelings; because you just never know when they might effect a policy change. In addition, we would welcome good empirical follow-up research on the process so we can be sure our policies are in the best interest of victims. Direct your thoughts to Angie McCown, Director of the TDCJ Victim Services Division at [victim.svc@tdcj.state.tx.us](mailto:victim.svc@tdcj.state.tx.us) or 1-800-848-4284, or to me at the TBCJ office at 512-475-3250.

## THANK YOU!

*We thank the Victim Impact Statement Revision Committttee members who met this summer at the TDCJ-Victim Services Division office in Austin to revise the Victim Impact Statement:*

Suzanne McDaniel, Jackie DeNoyelles, Blanca Burciaga, Irene Odom, Frank Zubia, Chris Jenkins, Marti Rodemyer, Charlene Anderson, Amy Perkins, Michelle Permenter, Dana Roberts, Stephanie Frogge, Aaron Sharp, Bill Turner, Melissa Headrick, Cynthia Jahn, Rosie Mendoza, Molly Silva, Janice Sager, and Elizabeth Crecente.

## 9/11: National Day of Remembrance

In remembrance of the victims of terrorism and in honor of those who have answered the Call to Service to help those most in need.





# TAP: LEGAL FIRST RESPONDERS

By Martha Beard-Duncan and D'An Anders

In 2006, 186,983 people in Texas were victimized by their intimate partners, according to the Texas Department of Public Safety—illustrating that domestic violence can happen anywhere in this large state, regardless of the victim's race, socioeconomic class, or gender.

It is often said that as the economy worsens, domestic violence increases. Recent reports bear this out. The *Houston Chronicle* reported that legal aid groups and domestic violence centers are seeing a significant uptick in domestic violence—and demand for domestic violence services in Texas—as the recession continues. The *Chronicle* article noted that walk-ins to a domestic violence shelter in the Austin area have doubled since the downturn.

Additionally, a 2008 survey of shelters throughout Texas conducted by the Allstate Foundation proved this is a state-wide issue. Of the 29 shelters involved, 83 percent say the number of hotline calls, walk-ins and/or families staying at their shelters has dramatically increased. As more Texans seek shelter services, there is a corollary increase in the need for legal services as well.

The Texas Advocacy Project, a 27-year-old organization, is there to help Texas victims, to give them legal advice, and advocacy—and hope.

“With the help of the Texas Advocacy Project, I was able to divorce an abusive man who [sexually], physically, and mentally abused me,” wrote “Tracy,” a former Project client. “Because we had two boys I kept trying to make it work ... Thank you for helping me get ‘me’ back! And my life on a good track, full of love and not abuse!”

The Project styles itself as a boutique law firm that specializes in family law and domestic violence issues. It started out as a hotline for women's employment issues, but so many of the calls to the hotline concerned domestic violence that its mission and focus shifted. The Project has since evolved into a family law dynamo and continues its outreach to other communities affected by domestic violence. For example, the Project is establishing a presence in the gay, lesbian, and transgender community and is making

inroads among immigrant populations.

The Project's evolution is embodied by its Texas Justice Initiative program, a concerted effort to help domestic violence victims access justice through the court system. One example is the recent case of *In re Claudia Soto* in the 6th Court of Appeals of Texas.

The high cost of filing for divorce presents an obstacle to justice for domestic violence victims. In Texas, however, impoverished parties can get their court costs and filing fees waived if they can file a written statement (an “affidavit of indigency”) swearing under oath that they cannot afford the \$225-\$300 filing fee. Claudia Soto, representing herself, filed for divorce in Cass County, Texas, and filed an affidavit of indigency. Her husband agreed to the divorce.

However, the divorce court judge—based solely on his past experiences with other indigent, self-represented parties—decided to appoint an “attorney ad litem,” an attorney who represents the interests of the children in the case. The judge also ordered the preparation of a social study, meaning that a thorough investigation of the client's circumstances would have to be prepared. Further, the court ordered Ms. Soto to pay the fees for the social study evaluator (unspecified amount) and the attorney ad litem (\$750).

The effect: Unless the divorce judge's orders were overturned, Ms. Soto would be unable to finalize her divorce. The mother of four simply could not afford to pay the attorney ad litem or social study evaluator. This order infringed upon Ms. Soto's fundamental, constitutional rights to raise her children and marry or divorce.

Project attorneys sought, and won, a writ of mandamus ordering the divorce judge to revoke the orders. A writ of mandamus is an order from an appeals court commanding a lower-court judge to take certain actions. Thanks to the Project, the appeals court recognized that the divorce court judge had thrown up an insurmountable barrier to justice for Ms. Soto. Ms. Soto can now move forward and get her divorce on her own.

Thus, the Project's practice and philosophy can be summed up in a popular old proverb: “Give a man a

fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” In that vein, much of the project’s initiatives involve teaching victims their rights and how to protect and stand up for themselves.

Besides its Texas Justice Initiative, the Project offers free family law services designed for domestic violence victims and low-income individuals. In a sense, Project staffers serve as legal first responders, teaching victims about their legal rights and how to take steps to secure those legal rights. In addition, Project staffers discuss practical steps that domestic violence survivors can take to protect themselves as they extricate themselves from an abusive relationship.

The Project operates three statewide legal hotlines—the Family Violence Legal Line (800-374-HOPE), the Family Law Hotline (800-777-FAIR), and the Sexual Assault Legal Hotline (888-296-SAFE). Hotline screeners answer calls during business hours on weekdays, and project attorneys follow up with callers to answer their questions on domestic violence and Texas family law. Typically, a hotline caller will receive brief legal advice and referrals to resources in her area.

Many domestic violence victims need to dissolve their marriages to their abusive partners. But—especially in the current economic climate—many Texans who need divorces lack access to attorneys, meaning that their only recourse is to represent themselves. Because the divorce process can be confusing, people who need divorces can look to the Project’s Assisted Pro Se Divorce Program for help representing themselves.

“Your program and help [have] impacted my life in so many positive ways. I can now look forward to a happy future where there is still a lot for me to do and see,” wrote “Melissa,” one woman whom the Project helped with her self-represented divorce. “I can now experience life in a new way!”

The program accepts referrals through domestic violence shelters and via the hotline. As an added benefit, the Assisted Pro Se Divorce Program, along with the hotline, helps the Project learn when self-represented divorce petitioners are coming up against barriers to justice.

Further, Project attorneys help Travis County domestic violence victims obtain magistrate’s orders of emergency protection. A Project attorney works directly with police to review every domestic violence arrest in Travis County, assessing the need for an emergency protective order. Since the inception of the Emergency Protective Order Program, the number of orders obtained by victims in Travis County has doubled.

Through its Legal Access Initiative, the Project educates legal advocates, law enforcement officials, and attorneys throughout Texas in an effort to ensure that domestic violence victims can access much-needed family law and domestic violence services. The Project’s Teen Justice Initiative provides a full range of preventive and remedial services for teen domestic violence victims, from education to legal advice and representation.

WWW.WOMEN-LAW.ORG/ PO BOX 833, AUSTIN, TX 78767-0833 • 512-476-5377 TEL • 512-476-5773 FAX. FOR INFORMATION, EMAIL [INFO@TEXASADVOCACYPROJECT.ORG](mailto:INFO@TEXASADVOCACYPROJECT.ORG)

In July 2009, Brooke Ellison was promoted to Program Specialist III for the Victim Services Division. Brooke will manage Special Projects, which includes serving as ombudsman and representative for the division.

“My primary goal is to collaborate with TDCJ staff, crime victims, and external organizations to advance the services provided to crime victims and victim service providers.”

Brooke’s duties will include researching and assisting in the implementation of new services, handling inquiries that require extensive collaboration and research, providing direct services to crime victims, and serving as a point of contact for the division.

You may contact Brooke Ellison at 512-406-5920, 800-848-4284 or [brooke.ellison@tdcj.state.tx.us](mailto:brooke.ellison@tdcj.state.tx.us).



## Texas Facts on Human Trafficking

■ An estimated 18,000 foreign nationals are trafficked into the United States each year. According to the Polaris Project, the number of US citizens trafficked within our own borders are even higher, with an estimate of more than 200,000 American children at high risk for trafficking into the sex industry each year. ICE Operation Predator estimates that 1 in 5 girls and 1 in 10 boys in the United States are sexually exploited before they reach adulthood. Child trafficking, child pornography, and international sex tourism now generates billions of dollars a year worldwide.

■ Texas and the Southwest border continue to serve as the biggest point of illegal entry into the U.S., largely because traffickers are able to get aliens across without documents<sup>1</sup>. The major points of entry into the United States are located in southern (Houston) and central Texas, Southern California, Tucson, Arizona, and areas of New Mexico. While the Southwest border is often used as the main portal into the United States, the emerging ports of entry in the region include Atlanta, **Houston**, Orlando and Washington D.C.<sup>2</sup>

<sup>1</sup> Nardi, 1999.

<sup>2</sup> Human Trafficking, A Growing Criminal Market in the U.S. by James OPO., Finckenauer and Jennifer Schrock, International Center, National Institute of Justice

■ Like many other states, Texas has and continues to experience incidents of human trafficking in forms of forced labor and commercial sexual exploitation. Three main factors contribute to trafficking in Texas and Houston: proximity, demographics, large migrant labor force. Houston's proximity to the Mexican border and I-10, along with its port, make it a popular point of entry for international trafficking.

■ At the Department of Justice Human Trafficking Conference, the I-10 corridor was identified as one of the main routes for human traffickers in the United States.

■ Additionally, Texas's huge geographic size and large Hispanic population create optimal conditions for trafficking because of the ability to blend in with the community.

■ Lastly, Texas businesses employ migrant labor in many different sectors throughout the state. Such industries include textiles, agriculture, restaurants, construction and domestic work. The vast diversity in a migrant labor force makes it difficult for law enforcement, with limited manpower and resources, to concentrate its efforts in any one labor sector.

■ As of January 2006, of all human trafficking victims certified in the United States, **25% of them were in Texas, the majority of**

**whom were in Houston. (U.S. Department of Health and Human Services, Rescue and Restore Campaign Results, April 2004 thru January 2006). Of the three social service agencies in Houston serving human trafficking victims, YMCA Intl. Houston has served over 105 victims, 2 of whom were under age minors (YMCA Intl., 2007).**

■ The majority of victims rescued in Texas involved establishments that served or sold alcohol.

■ The number one obstacle law enforcement and NGO's (Non-Governmental organizations) face is the identification of victims. The ease with which victims are hidden since trafficking may look like a traditional crime such as prostitution, domestic violence, or unpaid wages contributes to the lack of a correct response on the part of the local community where human trafficking may be occurring. Additionally, many of the victims are unaware that they receive protection under U.S. law and Texas law, therefore they rarely self-identify.

■ Despite the legal innovations of the Trafficking Victims Protection Act, the number of people who have actually received protection under the law is relatively low, especially when compared to estimate of how many trafficking victims are in the United States.

*continued on the next page*



### Does your community host a "Tree of Angels"?

The Tree of Angels is a meaningful Christmas program specifically held in memory and support of victims of violent crime. It allows your community to recognize that the holiday season is a difficult time for individuals and families who have suffered the crushing impact of a violent crime. This special event honors and supports surviving victims and victims' families by making it possible for loved ones to bring an angel ornament to place on a special tree known as a Christmas tree. The first program in December 1991 was created by Verna Lee Carr with People Against Violent Crime, Austin, Texas. The Tree of Angels has become a memorable tradition observed in many Texas communities in December. You may request a Tree of Angels "How to Guide" from the PAVC website at [www.peopleagainstviolentcrime.org](http://www.peopleagainstviolentcrime.org) or [www.treeofangels.net](http://www.treeofangels.net).

*Continued from the opposite page*

- After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it is the fastest growing. (DHHS)
- Human trafficking is a multi-billion dollar industry, with revenues estimated from \$9 billion to \$32 billion annually.
- In the last quarter of 2007, 30% of all tips to the national hotline came from Texas.

### Service Awards

Victim Service Division Staff

15 Years!  
Judi Youngblood

25 Years!!  
Linda "Warden" Starnes

35 Years!!!  
Malcolm Mire

## THE VICTIM'S INFORMER

OUR GOAL IS TO PRINT NEWS OF INTEREST FOR VICTIMS AND VICTIM ADVOCATES

**Angie McCown, Director**

Texas Department of Criminal Justice

Victim Services Division

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## UPCOMING EVENTS

National Association of Victim Service Professionals in  
Corrections

**OCTOBER 13-16, 2009 • 3RD ANNUAL CONFERENCE**

**AND VOD SUMMIT**

Austin, Texas

[www.navspic.org](http://www.navspic.org)

Attorney General of Texas

**NOVEMBER 19-21, 2009 • TEXAS CRIME VICTIM**

**SERVICES CONFERENCE - HORIZONS**

Austin, Texas

[www.oag.state.tx.us](http://www.oag.state.tx.us)

THE VICTIM'S INFORMER is published quarterly and distributed to over 4,000 individuals, state, and national organizations. Articles, meeting notices, and other submissions should be sent to TDCJ-Victim Services Division, Texas Crime Victim Clearinghouse, Attn: Editor, P. O. Box 13401, Capitol Station, Austin, Texas 78711-3401; faxed to 512-452-1025; emailed to [tdcj.clearinghouse@tdcj.state.tx.us](mailto:tdcj.clearinghouse@tdcj.state.tx.us); or call us at 800-848-4284 or 512-406-5931.

Please Note . . .

Texas law requires that TDCJ-Victim Services Division request readers to notify us annually, in writing, that they wish to continue receiving The Victim's Informer. See page 11 for a convenient subscription form.

*To learn more about Victim Offender Mediation/Dialogue, Victim Impact Panels, or any other TDCJ-Victim Services Division program, contact us at 800-848-4284 or [victim.svc@tdcj.state.tx.us](mailto:victim.svc@tdcj.state.tx.us)*