THE
VICTIM'S INFORMER

TEXAS CRIME VICTIM CLEARINGHOUSE ★★★ VOL. 15, NO. 3 – SEP/OCT 2010

Identifying and Working with

VICTIMS OF HUMAN TRAFFICKING

by Kate Rocke
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She came to the United States from Guatemala to seek asylum from the brutal gang rapes she experienced each time she couldn't pay the protection fee. He came to the U.S. from Mexico following a lead on temporary agriculture work. She fell in love and traveled all the way from Thailand to marry her husband. She was offered a lucrative job working as a nanny in the U.S., where all her money would return home to Ethiopia to support her children.

THEY CAME TO THE UNITED STATES for different reasons, but similar patterns would soon emerge. Promises of work and fair wages or love and protection initiate their interest and speak to the desperate situations in which each person lives. Quickly following are demands to pay their debt due to travel expenses, obtaining immigration documents, being housed, fed, etc. Then come the threats, the lies, and the physical constraint. What happened to each of these people is called human trafficking. It is slavery.

The Trafficking in Persons Report of 2010 states that the ratio of the number of victims identified compared to the number of victims in existence is 0.4%. That means that the vast majority of people enslaved are essentially invisible to victim service providers and law enforcement. Those who do come forward may categorize their exploitation or have their exploitation categorized by others as rape, abuse, wage dispute, smuggling, kidnapping, or illegal immigration. Most will be too fearful to speak the truth and have been coached into hiding the reality of their victimization.

Human trafficking is the forced labor (including sexual services) of one person, for the commercial gain of another. Every day people are forced, coerced or defrauded into employment situations in which they lose their freedom. A typical sex trafficking case includes a benevolent offer to travel to the U.S. for work in a restaurant, a house, a factory. The offer is made to someone who has a desperate need to make money, so that they or their children may survive. Upon arrival to the destination the initial plan is changed and it is made known to the traveler that there is now a fee they must pay back. The traveler is then told exactly how they will be paying it back–dancing, stripping, performing sexual acts with customers. At this point the trafficker is in possession of the traveler's identification and immigration papers. The traveler has no money, has no access to a phone, doesn't speak English, and doesn't know what to do or where to go. Her attempts to escape result in physical beatings, sexual assault and—most powerful of all—threats against her family members. The traveler sees no way out. She has been enslaved.

While sex trafficking is arguably the most talked about and most researched form of trafficking, it is important to note that 82% of the trafficking cases certified in the United States in 2009 were, in fact, labor trafficking, and 52% of those victims were men.[1] Labor trafficking recruitment often looks similar to that for sex trafficking—promises of legitimate work, salary and cultural exchange programs. Recruiters may come dressed as businessmen and women, offering jobs in factories, on farms, as models or nannies. Some victims actually sign work contracts offered by the recruiters as reassurance of their company's legitimacy. Upon arrival to the U.S. (which may or may not be coordinated by the trafficker), there is almost always a mention of debt. The worker is told how many hours at how much an hour they will have to work to pay off the debt. Many times traffickers use the legitimate temporary work visas (H2B visa) to convince a worker to stay. H2B visas require the worker to remain employed exclusively for the same employer who requested the H2B, making many victims feel that they have no right to leave an exploitive work environment. Workers will be told where to live, and their movements will be largely controlled by the trafficker. But we cannot be fooled by images of chains. Many trafficking victims, once they are completely controlled by fear and threats, are

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given the "freedom" to go to the store, make phone calls, live off site. The victim and the trafficker know that one misstep or escape attempt will result in the death of the victim, their co-workers, their children or other family members.

Traffickers seek out those who are least likely to be found or, in the case of escape, least likely to tell or be believed. Any marginalized individual or group is at risk for being enslaved. They are by definition the people in the community with the least amount of resources or advocacy on their behalf. Undocumented immigrants are particularly susceptible to being enslaved due to several vulnerabilities including limited English, fear of law enforcement, lack of knowledge of their rights, and lack of knowledge about helping systems. But there are known cases of trafficking involving U.S. citizens who are homeless, runaways, cognitively challenged, living with addictions, and involved in sex work. The common thread between these individuals is the community's perception of their worth. This perception gives traffickers a pool from which to choose victims.

The U.S. government has responded to human trafficking by focusing on the "three P's": prosecution, prevention, and protection. We know that without successful prosecutions there is no deterrent to the crime. Human trafficking is massively profitable—the products (humans) are disposable, the supply never ending and, best of all, the victims can be convinced of their own culpability. Because of its large-scale financial appeal, those who become involved are often powerful gangs, international crime rings, and well connected individuals. Even in cases where victims willingly come forward, are believed and can provide evidence, the danger associated with making a report is great. The U.S.'s response to providing protection to victims comes in several forms. First, victims have rights under the Trafficking Victims Protection Act of 2000 to be housed as victims, not criminals, to have their rights explained to them in their language, and to have immediate access to medical and other necessary services. Second, the Department of Justice, Office for Victims of Crime authorized funding to create a comprehensive emergency response to victims of trafficking so that when law enforcement encounter victims they have immediate access to culturally sensitive services in their language. Texas houses four of these programs in Austin, Dallas, Houston and San Antonio. Lastly, foreign-born victims of trafficking are eligible to apply for a T-Visa, giving them legal status in the United States and providing them with the opportunity to bring their endangered family members to the U.S. as well. This Visa was created for victims who cooperate with law enforcement and have a well-founded fear of returning to their home country. By offering immediate specialized victim services and the ability to stay safely in the U.S., the government is making it possible for victims who report to feel supported and respected.

The National Human Trafficking Hotline (1-888-373-7888) is another effort by the United States to offer an immediate and linguistically appropriate response to trafficking. The Hotline offers referrals for victims who have escaped or can coordinate a law enforcement response for those still enslaved. The Hotline operates 24 hours a day and utilizes the Language Line in order to access interpretation in 170 languages. Hotline workers are trained to take anonymous reports when needed and can field calls from those who are too afraid to speak to law enforcement.

The greatest challenge for victims of human trafficking is ignorance. We need to ensure that anyone working with vulnerable and marginalized populations knows how to recognize this crime and can help their clients recognize it as well. Before I began working in this field, I experienced cases of human trafficking—working with survivors of domestic violence, hearing my aunt talk about her neighbor's maid, and while on vacation in Chile—but without the training I didn't have the knowledge to categorize this crime as human trafficking or to advocate for the victim's rights. I hear law enforcement say the same after receiving training–"if only I had known." There are many resources online to learn more about human trafficking, and there are frequent avenues to receive accredited professional training as well. My hope is that this article will result in even one more person choosing to learn about trafficking, deciding to look beneath the surface of what we see in our daily work and proving to those marginalized populations that they are in fact worthy of our attention. For more information, resources and a training calendar please go to www.ctcaht.org.

1. Trafficking in Persons Report 2010, U.S. Dept. of State Publication.

UPCOMING EVENTS

Texas Council on Family Violence (TCFV)
Moving Forward Statewide Conference
September 20-22, 2010
Austin - The Westin at the Domain

Texas District and County Attorneys Association (TDCAA)
Key Personnel & Victim Services Coordinator Seminar
November 3-5, 2010
El Paso - Camino Real Hotel

Protective Orders: More Than a Piece of Paper

D'AN ANDERS IS A VETERAN of the domestic violence and crime victim rights movements, currently serving as the Technical Advocate for the Texas Advocacy Project in Austin. Ms. Anders has a B.S. and an M.A. from the University of Texas at Tyler and has a diverse professional background in victim services. She has extensive experience working with victims of domestic violence throughout Texas. Ms. Anders presents at conferences and trainings to members of the Office of the Texas Attorney General (OAG), judges, advocates and law enforcement. Ms. Anders recently sat down with one of her colleagues, Texas Advocacy Project attorney Martha Beard-Duncan, to discuss protective orders for the Texas Crime Victim Clearinghouse.

Why should a victim bother with a protective order? Isn't it just a piece of paper?

Yes, it's just a piece of paper. But $100 bills are just pieces of paper. Divorce petitions are just pieces of paper. People need to know that protective orders save lives. They give choices and options, so that somebody doesn't end up dead. They can be great safety devices if they're enforced correctly.

Well, what's so special about a protective order, then?

It is the beginning of the paper trail. So, if you're a victim of domestic violence—especially if you have children—then you need to get the protective order. If you have a protective order, then you can show when the order has been violated. That helps with custody issues. [And, if a victim applies for crime victims' compensation, a protective order facilitates this process; OAG will accept a PO in lieu of an offense report.] It's also important when you're applying for rent and relocation assistance. If the victim doesn't have a police report, then you can substitute a protective order with a judicial finding of family violence in it, and that expedites that process.

A protective order says to the victim of domestic violence that the state of Texas considers this a serious crime. It tells the perpetrator that the state of Texas stands behind the fact that the batterer is not to mistreat her or beat her up again.

Does the abuser have to have hit or otherwise assault the victim in order for the victim to qualify for a protective order?

No, you just have to show that the victim is in some kind of fear that the perpetrator is a threat to her.

Talk a little more about what a protective order can do in terms of custody and support.

The Texas Family Code says that a judge in a family court hearing is supposed to take into consideration a history and a pattern of domestic violence. Protective orders help to establish that history and pattern. If there's a finding of family violence in the protective order—as there should be—there's a legal presumption that the abuser should not be given primary custody. But the overriding concern is the best interest of the children. Sometimes judges make decisions that we, as advocates, would not necessarily agree with—but if you have a good protective order in place, you can make a good argument with the judge that the abuser has committed domestic violence and is likely to commit it again. That's very important when you do a custody hearing.

Sometimes it's said that protective orders don't work and don't do anything to keep the abuser away. So, is there any truth to that?

Generally speaking—weighing all the information that I have in over twenty years of doing this work—the first practice and the best practice is to get the victim a protective order. It's much more important than getting her a divorce. You can get divorced any day, but you need a protective order first. To me, that's the basis of it all. A lot of research shows that the most effective thing that we can do to provide services for battered women is to provide good legal services. The protective order is the threshold of good legal services for battered women.

There are some groups of folks who protective orders are not going to influence. But I think they're in the minority. Generally speaking, though, a protective order gets the batterer's attention—occasionally, to the point sometimes where yes, it can be dangerous for the victim once she's got a protective order. So we have to weigh that against all the good a protective order does.

What if there is already a magistrate's order of emergency protection in place? Should the victim still apply for a final, two-year protective order?

Yes. The reason that the magistrate's order of emergency protection was created was that back in those days, a temporary ex parte protective order was not criminally enforceable. It is now. But the thinking behind the magistrate's order was that it could be issued after an arrest, and after the offender had been magistrated. Depending on when it was written and

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The 'S' Word

Janice Harris Lord
Texas Board of Criminal Justice Board Member

"Sustainability" has become a dreaded word among human services providers because when they hear it, they tend to worry about not having enough money. Yes, sustainability is about budgets, but it's also about keeping promises. That's where TDCJ Victim Services Division comes in.

The mission of TDCJ is to "provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime." That mission statement is a promise. By this, we do not mean a child-like promise such as "cross my heart and hope to die." Nor is it like those promises that too many parents are prone to make and not keep, like "I'm sorry, but I promise to come to your next game" or "I promise that I'll take you to the movies on Saturday—if I'm not too tired …"

Sustainability of Victim Services at TDCJ is a real promise. When the leadership of Texas added victims to TDCJ's mission statement, they recognized the continued importance of victims services to the citizens of Texas.

As you know, TDCJ is in the midst of budget considerations as numbers are being prepared to present to the legislature. No doubt, times are tough but even so, TDCJ will hold true to its mission. This past January, state leaders requested that all agencies identify 5% savings in their 2010-11 budget. For TDCJ this could have equated to a $294 million reduction; however, due to the efforts of the TDCJ leadership in explaining the impact of these reductions on the critical needs of the agency, TDCJ experienced a reduction of only $55 million. Further reductions are inevitable as state agencies have been asked to identify additional savings of up to 15% to their budgets. TDCJ leadership and staff will once again provide the legislature with solid justifications and guidance on the impact of these reductions to its mission.

Even with these lean times, TDCJ's focus to assist the victims of crime continues as Victim Notification proceeds with new procedures in place to reduce or eliminate duplication of notification strategies, and Victim Impact Statements continue to be collected with criminal courts being better trained to assure that these statements are submitted as mandated by law. In addition, TDCJ staff is meeting to determine the most effective methods in which to make victim restitution more available to victims whose offenders have income or resources.

It takes a lot of people and many hours of work to consistently improve procedures, but TDCJ and the Victim Services Division staff and volunteers are committed to just that. They work hard to ensure victims and the public have the ability and venue to participate in the criminal justice system. The staff and volunteers are dedicated to providing direct, personal services to victims and their families, even when economic times are tough. They have the sustainability needed to remain on focus and they don't break promises.

Another Victim?

by Noelle Newton

SINCE I WAS OLD ENOUGH to drive, I'd get the phone calls every year on September first. My mother and grandmother would beg me to be extra careful on the road. In 2009, the call didn't come. It was a very sad day. I turned exactly one year older than my father. It is the kind of thing that shouldn't happen at 27.

On Labor Day of 1983, my father drove drunk and collided with an 18 wheeler. He died instantly. I was just a baby at the time. His absence is inescapable. We share the same birthday and the same image in the mirror. His dimples show every time I smile. I sneeze with his nose and I brush his teeth.

I was raised by an amazing mother, but I cannot shake the emptiness I feel inside. I also cannot hide from the hurt of abandonment. I feel it was his choice to leave me. I am "the other" victim of drinking and driving.

I am embarrassed for what he did and carry around immense guilt. I cannot imagine how those feel whose loved ones injured or killed someone in a crash. I rarely stumble on people such as myself. If I do, the other person typically hangs their head and confesses in a whisper. We don't like to talk about it. Yet, I refuse to stay silent.

It is important for people who take the risk of drinking and driving to know the entire scope of the casualties of a crash. It goes far beyond who is injured

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Texas Board of Pardons & Paroles:

Treatment and Supervision: An Option to Increase Public Safety

Jackie DeNoyelles
Texas Board of Pardons and Parole Board Member

"I WANT THAT OFFENDER to serve every minute of every day of the entire sentence!" This is the statement that we frequently hear, in conversations with victims, when the offender is being considered for parole. While this sentiment is certainly understandable, parole decision makers must consider the option of treatment and supervision for the offender prior to their mandatory release date. When this is explained to the victim, most will agree that treatment and supervision is a good alternative to having the offender walk out of prison without any accountability. In addition, victims can request special conditions such as electronic monitoring and no contact orders be placed on the Parole certificate and require the offender to abide by such conditions.

The Texas Department of Criminal Justice, Rehabilitation Programs Division, coordinates activities between the divisions of TDCJ to ensure programs and services are administered efficiently and with consistency. This division is responsible for ensuring an offender is placed in a rehabilitation program as ordered by a parole panel.

With the exception of FI 1 (release when eligible), and FI2 (release on or after a specified date) all other voting options are tied to a treatment program. The following is a brief synopsis of the current Rehabilitation Tier Votes available. Offenders must meet the eligibility criteria for each program.

FI3R Changes, Voyager, Life Skills: These are 3 month programs which include family relationships, parenting, civic and legal responsibilities, victim sensitivity, health maintenance, employability, money management and other related life skills.

FI4 Pre-parole facility: Programs available include life skills, substance abuse education and vocational training.

FI4R Sex offender education program: This is a four month educational program for the sex offender who is at minimal risk to re-offend.

FI5 In-Prison Therapeutic Community: This is a 6 month intensive program for offenders identified as needing substance abuse treatment. Programming consists of three phases: Orientation, Main Treatment, and Reentry. Orientation provides a comprehensive assessment and orientation to the therapeutic community. Main treatment concentrates on education, skills training, offender lifestyle confrontation, family dynamics, and 12-step programs. Reentry focuses on the development of social skills, personal growth skills and relapse prevention. After program completion, offenders are paroled to a community residential facility for three months followed by outpatient treatment.

FI6 In-Prison DWI Recovery Program: The program is a six month initiative that teaches life skill lessons, alternatives to drinking and driving and the medical, lifestyle and stress effects of alcohol.

FI6R Pre-release Substance Abuse Program: This is a six month modified therapeutic community treatment program for offenders with serious substance abuse dependence and antisocial characteristics.

Pre-release Therapeutic Community: This is a six month modified therapeutic community treatment program designed to provide pre-release services to offenders who may have a combination of needs. Vocational training, educational classes, substance abuse treatment, life skills, cognitive intervention, employment training and release planning are available.

FI7R Serious and Violent Offender Re-entry Initiative: This program is designed to reduce recidivism by better preparing and assisting offenders who are confined to Administrative Segregation to successfully reenter their communities. Curriculum addresses the leading cause of recidivism: literacy, anger management, thinking errors, cultural diversity, substance abuse, etc. A continuum of care is provided for twelve months where the offender will receive cognitive intervention, substance abuse education, housing assistance, mental health services, employment resources, etc. through the Parole District Resource Center.

FI18R Sex Offender Treatment Program: This 18 month program is based on Cognitive-Behavioral therapy in a relapse-prevention framework. Therapists work with offenders to change errors in thinking. These errors have led them to negative outcomes such as sex offending and prison. Positive changes in thinking will lead to more positive behavior.

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NEW BOOK ANNOUNCEMENT

Thin Threads: Grief & Renewal

by Barbara Rubel, MA, BCETS, CBS
Author, *But I Didn't Say Goodbye* and *Death, Dying, and Bereavement: Providing Compassion During a Time of Need* and co-author with Angie McCown, the Dept. of Justice Training Curriculum, *Compassion Fatigue*

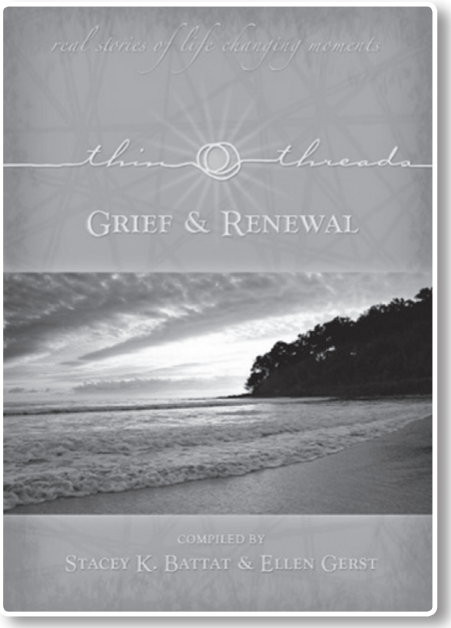
AS A CONSULTANT with the Department of Justice, Office for Victims of Crime I have had the privilege of presenting trainings to victim advocates across the United States. As a thanatologist, my specialty is sudden violent death. Many of those I support are homicide victims. My work with those traumatically bereaved began with my helping suicide survivors. While I was pregnant with triplets my father, a retired New York City Police Officer, died by suicide. My mother was one of the first New York City female officers. She was hoping to spend their retirement together but sadly, my dad shot himself in his head while I was in the hospital awaiting the birth of my three sons.

I wrote about my dad's sudden death and how it changed my life in the upcoming edition of the book series, *Thin Threads: Grief & Renewal*, which has ten other uplifting stories by authors who have experienced life-altering events. The book features different types of losses such as cancer, accident, suicide, old age, including the death of a parent, spouse, child, and friend, as well as the loss of a house and all possessions.

Thin Threads shows that although people struggle with their difficult life circumstances, they can experience personal growth and appreciate life in a new way. Although most of the research in the past has focused on negative life changes, it's possible for victims to have positive life changes after a loss. The majority of bereaved victims find ways to cope. They are resilient grievers and consider themselves hardy. Every victim copes with their experience in their own way. Here are ten ways crime victims can cope with traumatic loss:

1. Attend annual healing conferences and walks for victims.
2. Exercise, eat healthy, and sleep to restore their body.
3. Plant and maintain trees in their loved one's memory.
4. Volunteer or take on new roles to help other victims cope with crime.
5. Reach out to their friends, family, and community for tangible support.
6. Light candles at special times with friends, family members, and other victims.
7. Do healing activities such as drawing, reading or writing poetry, and designing memory books with photos and reminders.
8. Keep a journal from the standpoint of who they are today and what they know now, reflecting on what they wrote, how their grief has changed, and how they are coping with their loss experience.
9. Keep a linking item that belonged to the deceased that they now own to maintain the connection with the person.
10. Create a memorial fund in memory of their loved one that supports the prevention of violent crime. This in turns, helps them to find meaning in what happened.

These ten ways to cope with loss can bring a sense of personal renewal and a feeling of significant accomplishment. These suggestions can help victims look at what their experience of crime, loss, and grief has taught them about their own strength. Ellen Gerst, one of the editors of *Thin Threads: Grief & Renewal*, said, "Everyone's story is personal and all his/her own, but there are universal truths about loss and grief. At some point, mourners ask, 'Why me?' which is a victim's cry." Although some victims never find the answers they seek, they do find friends in victim service providers. As Author Henri Nouwen says: "The friend who can be silent with us in a moment of despair or confusion, who can stay with us in an hour of grief and bereavement, who can tolerate not knowing . . . not healing . . . not curing . . . that is a friend who cares." My hope is that the upcoming book, Thin Threads becomes a caring friend to all victims of crime.



For more information about supporting bereaved victims or the upcoming book, Thin Threads: Grief & Renewal ($7.95) contact Barbara Rubel at 732-422-0400; email griefwork@aol.com; Website: griefworkcenter.com

Civil Commitment-Outpatient Sexually Violent Predator Treatment Program (OSVPTP) Health & Safety Code, Chapter 841

by Allison Taylor

Texas History

IN 1997, the 75th Legislature transferred the Council on Sex Offender Treatment (CSOT) to the Texas Department of Health, Professional Licensing and Certification Unit as a result of a Sunset Advisory Commission review. The CSOT board members' duties originally were regulatory and educational. In 1999, Texas Senate Bill 365 expanded the CSOT's duties to include the administration and implementation of the OSVPTP, the first outpatient civil commitment program in the United States.

Purpose

The purpose of OSVPTP is established in *Health & Safety Code* §841.001, "The legislature finds that a small but extremely dangerous group of Sexually Violent Predators (SVPs) exists and that those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in repeated predatory acts of sexual violence. The legislature finds that the existing involuntary commitment provisions of Subtitle C, Title 7, are inadequate to address the risk of repeated predatory behavior that SVPs pose to society. The legislature further finds that treatment modalities for SVPs are different from the traditional treatment modalities for persons appropriate for involuntary commitment under Subtitle C, Title 7. Thus, the legislature finds that a civil commitment procedure for the long-term supervision and treatment of SVPs is necessary and in the interest of the state."

The Process

Prior to the civil commitment, Texas Department of Criminal Justice (TDCJ) identifies all sex offenders who have more than one sexually violent offense. Those cases are reviewed by a multidisciplinary team, which consists of representatives from the CSOT, TDCJ, TDCJ-Victim Services Division, DSHS Mental Health Division, and the Department of Public Safety. The multidisciplinary team refers sex offenders who meet the eligibility criteria for a behavioral abnormality assessment. The multidisciplinary team:

1. assesses whether the person is a repeat sexually violent offender;
2. determines whether the person is likely to commit a sexually violent offense after release or discharge; and
3. recommends the person for an assessment for a behavioral abnormality.

Multidisciplinary Team Statistics

Number of SVPs Referred for a Behavioral Abnormality Assessment	
FY 06	**115**
FY 07	**102**
FY 08	**100**
FY 09	**93**
Total	**410**
An average of 35 cases are reviewed each month	

TDCJ contracts with an expert to conduct the initial assessment, which includes a clinical interview, psychological testing, review of the risk assessments, institutional records, and all relevant medical and psychological records and reports. If a behavioral abnormality is identified, the case is referred to the Special Prosecution Unit (SPU) to determine whether to file a petition for a trial to seek a civil commitment of the individual. The Special Prosecution Unit is responsible for initiating and pursuing a civil commitment.

If the SPU files a petition alleging a predator status, the State Counsel for Offenders (SCFO) is notified and provides representation in the civil commitment proceeding. If SCFO is unable to represent, the court shall appoint other counsel.

All civil commitment trials are held in Montgomery County, Texas (435th District Court, Presiding Judge Mike Seiler). A judge or 12-person jury must unanimously answer "yes" beyond a reasonable doubt to the following questions:

1. Is the person a repeat sexually violent offender?
2. Does the person suffer from a behavioral abnormality that makes him/her likely to engage in a predatory act of sexual violence?

If the judge or jury unanimously responds "yes" to both questions, the person is ordered into OSVPTP upon release from prison.

After the trial and prior to entering the program, the DSHS court coordinator identifies the county of residence for the judicial order and testifies regarding program requirements. The court coordinator coordinates transportation and residential placement for the SVP. The court coordinator conducts a face-to-face visit with the SVP on the prison unit and explains the requirements of the OSVPTP program. The court coordinator forwards all SVP documentation to the program's Central Office, Department of Public Safety, the assigned DSHS case manager, and treatment provider. Upon arrival at the residential fa-

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Civil Commitment; *continued from page 7*

cility, the case manager meets with the SVP and activates the global positioning system (GPS) tracking. In Dallas, Tarrant, and Harris counties, the DSHS case managers monitor GPS tracking, and in Travis, Bexar, and El Paso counties, the Department of Public Safety monitors GPS tracking. The case manager makes the appropriate referrals based on the SVP's needs. [SVPs in OSVPTP are released only to the six counties above.]

The SVP is assessed by a licensed sex offender treatment provider, who conducts group, individual, and family therapy sessions; prepares the individual treatment plan; prepares the SVP for polygraph examinations; and makes appropriate referrals. Each year the SVP has the right to petition the court for an unauthorized release from the OSVPTP. Every two years the SVP is afforded a biennial review. The judge shall set a hearing if the judge determines at the biennial review that a requirement imposed on the SVP under this chapter should be modified or probable cause exists to believe that the SVP's behavioral abnormality has changed to the extent that the SVP is no longer likely to engage in a predatory act of sexual violence. The state must prove beyond a reasonable doubt that the behavioral abnormality has not changed. If the burden of proof is met, the SVP's civil commitment will continue.

If the SVP fails to comply with the order of commitment, he/she may be charged with a third degree felony, which may result in incarceration in the TDCJ-Correctional Institutions Division.

Of primary importance and the most compelling statistic for the success of this program is that none of the SVPs committed to the program have been charged with or convicted of a new sexual crime. There have been no instances of sexual re-offending. The program has protected the public from repeat sexual offenses via the civil commitment of SVPs.

SVP Recidivism Rates

Recidivism rates are based upon information gathered from an arrest, a conviction, or incarceration. Recidivism may be based on a technical violation related to the civil commitment order, a sexual re-offense, or a new criminal offense. Approximately 94% of SVP recidivism is due to technical violations of the order of commitment. To date, no SVP has been charged with or convicted of a new sexual offense which represents a zero percent re-offense rate.

Civil Commitments by Fiscal Year

Since civil commitment of the first SVPs in fiscal year (FY) 2001, the number of commitments remained relatively stable at 7-14 civil commitments per year through FY 2007. Additional funding for civil commitment trials was allocated to the Special Prosecutions Unit in FY 2009, which resulted in 41 civil commitments. Fifty trials are projected for FY 2009 and FY 2010.

Number of Civil Commitments	
FY 01	7
FY 02	11
FY 03	13
FY 04	10
FY 05	11
FY 06	14
FY 07	8
FY 08	28
FY 09	41
FY 10	50 Projected
FY 11	50 Projected

Cost/Staffing

Texas is the only state that serves all SVPs in an outpatient setting, which has proven to be more economical than traditional inpatient programs. Fiscal year 2009 performance measures reflect that the OSVPTP cost the state an average of $24,847 per SVP per year. Comparatively, other states that have inpatient SVP treatment programs report costs between $41,000 and $166,000 per SVP per year (Washington State Institute for Public Policy, 2006).

Court Decisions

October 12, 2005. The U.S. Supreme Court denied the motion to hear *In Re Commitment of Fisher's* petition, finalizing the successful defense of the Texas SVP Act.

November 30, 2004. *In Re Commitment of Fisher*-Court of Appeals 13th District, the Texas Supreme Court upheld the constitutionality of the Texas SVP Act.

Allison Taylor received her bachelor of science degree from Texas Tech University in 1990. Allison has previous experience at Travis County Sheriff's Department as a field training officer, Texas Department of Criminal Justice as program administrator for Super-Intensive Supervision Program and Global Positioning Satellite Systems and parole officer, and has been employed with the Council on Sex Offender Treatment as the Executive Director since 2003. She has 13 years experience in the field of managing and containing sex offenders. In 2005, the Governor's Commission for Women recognized her as an Outstanding Woman in Texas Government. In 2006, Allison received the Ellen Halbert Award from the Texas Crime Victim Clearinghouse Conference that recognized a state-based program offering exceptional victim sensitivity. In 2008, she served on the Sexual Assault Advisory Council to the Texas Legislature. She is a member of the Texas Association Against Sexual Assault, the American Probation and Parole Association, and the American Association for the Treatment of Sexual Abusers.

Ombudsman II - Special Projects for the Victim Services Division

by Brooke Ellison
*Special Projects-TDCJ Victim Ser*vices

AS EACH YEAR GOES BY, my knowledge of the criminal justice system and victim services has grown exponentially. I credit this to the caliber of victim service and criminal justice professionals within Texas and beyond, and their willingness for collaboration. Of course, working closely with crime victims and listening to their triumphs and struggles within the criminal justice system also teaches me how far we have come, but also how far we still have to go.

As the Ombudsman II – Special Projects for the Victim Services Division, I continue to have the opportunity to work closely with crime victims and criminal justice professionals while handling inquires, presenting on our services, providing direct victim services, and researching and collaborating on new services.

County or Region-Based Groups

During the past several months, I have had the pleasure of meeting with victim services coalitions to discuss our division's services and to learn about services available in Texas counties. The purpose of these meetings is to increase the awareness of our division's services and to discuss with the groups' members how we can more effectively collaborate with each other to advance the services provided to crime victims and victim service providers. If you are a member of a coalition group and would like to learn more about TDCJ Victim Services Division, please contact me at 512-406-5920, 800-848-4284 or brooke.ellison@tdcj.state.tx.us.

Notification for Crime Victims/ Media Contacts

We have implemented a new notification service for crime victims. If a media outlet contacts the TDCJ Public Information Office to request information or schedule an interview with a specific offender, we will notify crime victims who are registered for that offender on our confidential Victim Notification System (VNS).

The purpose of this notification is to inform crime victims that an article or interview maybe published or aired that may or may not contain the photo of the offender. Our hope is that this notification will allow crime victims to be more prepared for a possible article or aired interview.

Victim Service Division website

Many individuals may not be aware that they can order our publications, look up resources by county in our Victim Assistance Resource Directory or update their address for the Victim's Informer mailing list on our website: http://tdcj.state.tx.us/victim/victim-home.htm. In addition to these resources, we are currently updating our website to provide more information for crime victims, victim service providers and criminal justice professionals regarding our notification and program services.

We are continuously looking at expanding our services. Please visit our website under the New Services/Upcoming Events for updates regarding our services.

Newton; *continued from page 4*

or killed that night. Victims include every friend and loved one on both sides. It is such a selfish act to hurt so many especially when the option of a cab is a phone call away.

I encourage those in my situation to share their stories. I find it very healing to join in the effort to stop drinking and driving. Get active! Participate in Mothers Against Drunk Driving events and campaign for legislation.

I will admit it is very difficult to not let the guilt get the best of you when surrounded by those who have had family members killed because of what our friend or loved one did. However, I have never once felt anything but warmth and appreciation. They, more than anyone, understand. We are all on the same team.

This September first, I will be seven months pregnant. I am bringing another victim into the world. Like me, my child will never know Thomas Clyde Newton. I just hope I raise him or her to be strong enough to use that loss as fuel to fight.

Noelle Newton is a reporter for KVUE News in Austin.

MORE UPCOMING EVENTS

National Center for Victims of Crime
2010 National Conference
September 14-16, 2010
Hilton New Orleans Riverside
New Orleans, LA
http://www.ncvc.org

NATIONAL CRIME VICTIMS RIGHTS WEEK
April 10-16, 2011
http://ovc.ncjrs.gov/ncvrw/

Protective Orders; *continued from page 3*

when the crime occurred, you could have up to 91 days of arrestable protection. So, if you've got those 91 days already, and then you go in and apply for a regular protective order, it gives you—instead of 24 months of arrestable protection—as much as 27 months.

Well, what good does a protective order do if the perpetrator has been locked up, and isn't getting out for awhile?

A protective order issued on or after September 1, 1999 and in place when the offender is incarcerated can come into play when the offender is released. Also, while he is in prison, the victim knows that the state of Texas still considers it a crime. And, it's important to have a protective order, because, even if he's in prison, on the date he gets out we can extend it for another full year.

Doing that extension is actually nondiscretionary. This idea that, oh, he's going to prison, so you don't need a protective order—it's very short-sighted. The problem we have is that if you don't go in and do this with proper paperwork, the protective order shows up in the Texas Crime Information Center (TCIC) database as expired. And so he's been in prison, he gets out—let's say the protective order expired two years ago. She thinks it's still in force. Actually, legally, it's still in force, but when the police officer goes to check in the database, the database shows that it is not. [Under *Texas Family Code* Chapter 85.025(c), a protective order is to be extended automatically when a person has been incarcerated, expiring on the first anniversary of the date the person is released from confinement or imprisonment.]

What can be done if the abuser violates the protective order and comes around anyway?

That's one of the great weaknesses of protective orders, because in Texas, we've not always done a really good job of enforcing them. I've had cases where the protective order was violated 10 or 12 times. Eventually, if he continues to escalate up and violate the protective order, we can get the charges on him for violation the protective order.

What if the victim who has a protective order invites the abuser over? Isn't that the victim's fault? Shouldn't she get in trouble?

You have to understand that domestic violence victims are under the power and control of the perpetrators. You might think that the victim just fearlessly invited the abuser over. However, it is more likely yet another example of the abuser's power and control over the victim. The only person who can be in violation of the PO is the person who the order is issued against—the perpetrator.

Victims and abusers sometimes think they can't communicate at all when there's a PO in place. And the victim will call law enforcement if the abuser so much as calls to say hello. Where does the truth lie there?

Well, you can put anything in a protective order that's constitutional that you can talk the judge into. So, what the batterer should do—if the victim calls, just don't answer the phone. A lot of times women try to make contact with the perpetrator to make arrangements for visitation or custody. This is why the possession of the children should be addressed forthwith in the protective order, and a schedule of visitation should be set up. Once again, the way batterers continue to control their victims is by power and control, and one of the ways they do that is with their children. Maybe the kids are crying to see their daddy. So sometimes she makes mistakes and maybe calls him when she shouldn't. So, unless otherwise stated in the protective order, you can still communicate with each other—just not in a threatening or harassing manner.

It's the role of the advocate or the prosecuting attorney to explain to the victim that this is what a protective order can and cannot do. If you have a protective order, and you're at Wal-Mart shopping, and he shows up at Wal-Mart just to go buy fish bait, he is not in violation of the protective order. Now, if he shows up at Wal-Mart with the intent of harassing you, then he can get in trouble. But a protective order does not protect you every place that you go. And so you have to be conscious of that sort of thing. So I think that a protective order goes hand-in-hand with a safety plan.

So what role does law enforcement play in helping the victim get a protective order? What should they keep in mind?

The first thing is—and this is mandated—they should give her information about protective orders. Second, I want peace officers to investigate the domestic violence crime scenes as they would any other. I don't necessarily want the police officer to take sides. I don't want them to say, you're a woman, you're a victim of crime, so I'm going to try to be on your side. What I want is absolute, complete, and thoroughly professional conduct in the investigation of a crime scene; how the victim and perpetrator are investigated; and how they're treated. I hear these stories sometimes about how the police come and they kind of "good ol' boy" the perpetrator. That's the wrong thing to do. It's equally as wrong to go in with your mind already made up to maybe show favoritism to her because she is a woman. What we want is the best professional investigation we can get—and that's fair to everybody.

What else would you want law enforcement and advocates to know about protective orders?

My great concern about protective orders in Texas is that there are too many counties that still don't do them, and I think there are too many instances where those protective orders that do get issued get violated. But I can tell you from the time I started doing this work until now, in almost every area we've improved. But we still struggle sometimes with enforcement of the protective orders, and how difficult it is in some areas of Texas still to get a protective order. In Texas each county has local rules and policies, so we really have about 254 different ways to get protective orders.

In those areas where it's difficult to get a protective order, is it a good strategy for the victim to pursue a protective order pro se?

Well, I don't think it's ideal for someone to have to represent themselves in court. But if it's the only resource you have … One of the things about representing yourself is that, if you go in and get the protective order, it's a very empowering thing for the victim. And that helps her in other areas of her life, to get away from the situation.

Does your community in December 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. The Tree of Angels helps allow your community to recognize that the holiday season is a difficult time for families and friends 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 the Tree of Angels. The first program in December 1991 was implemented by Verna Lee Carr with People Against Violent Crime (PAVC), Austin, Texas. Over the years the Tree of Angels has become a memorable tradition observed in many Texas communities. The Tree of Angels for the past 19 years has provided comfort, hope, support and healing. A Tree of Angels "How to Guide" (CD) may be requested from the Tree of Angels website at www.treeofangels.net or pavc@peopleagainstviolentcrime.org.

Use this form to tell us you want to continue receiving *The Victim's Informer.*
Mail to: TDCJ-Texas Crime Victim Clearinghouse,
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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*.

THE VICTIM'S INFORMER

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

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Treatment; *continued from page 5*

InnerChange Program: In a unique partnership, TDCJ and Prison Fellowship Ministries developed the InnerChange Freedom Initiative Program which is designed to reduce recidivism. This program is a voluntary 18 month, faith-based program using Biblical principles to emphasize the importance of taking ownership for one's life and for developing good decision- making skills and actions.

The Parole Panel will be informed of an offender's failure to complete the required program and/or removal from the program for disciplinary reasons, etc. The Parole Panel may choose to modify an offender's approval for release.

By requiring offender's to complete rehabilitation programs and comply with parole conditions, we are helping to reduce recidivism thereby increase public safety.

If you find yourself in the Austin area and would like to visit the Victim Services Division office, you certainly are welcome! If you need to speak to an analyst or any other VSD staff, it might be best to set an appointment first. Our normal office hours are 7:30 am to 5:30 pm CST. The office address is 8712 Shoal Creek Boulevard, Suite 265, Austin, Texas 78757. Contact us at 800-848-4284 or victim.svc@tdcj.state.tx.us.