

# SAFVIC

On the Scene

## SAFVIC Spotlight

### A Legislative Win for Victims of Economic Abuse

#### Background

Economic abuse, in its varying forms, can cause severe damage to a person’s economic stability. Although economic abuse often occurs when an abuser controls a victim’s finances during the relationship, it can also occur when an abuser uses the victim’s personal identifying information (with or without the victim’s knowledge) to obtain credit, goods, or services. The abuser opens new accounts or uses existing credit to incur more debt in the name of the victim; if the abuser fails to pay or allows the accounts to become delinquent, then the victim suffers the consequences. In some cases, a victim does not become aware of the extensive damage until they attempt to obtain access to credit in order to leave the abuser or when they attempt to regain control of their finances after they’ve left the abusive relationship. The victim then discovers they cannot obtain credit on good terms; or owe debts they never knew of; or are denied housing or other forms of credit. The impact of this type of damage to a victim’s economic stability perpetuates the cycle of abuse; it increases the likelihood that a victim will not have the financial ability to permanently leave an abusive relationship.

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### What is “Coerced Debt”?

Coerced debt is any “non-consensual debt incurred by an abuser in an abusive relationship.”<sup>1</sup> ***A victim of coerced debt may or may not have knowledge of the debt acquired.*** A victim ***has no knowledge*** when the debt was obtained without their knowledge or permission. Any type of debt acquired by an abuser in this way was obtained without the victim’s consent. A victim ***can have knowledge*** of the debt because they signed for a loan or applied for credit but did so ***under coercion***. Coercion happens when an abuser makes threats or demands a victim to open credit cards or obtain debt in his or her name or else they will suffer ongoing physical, emotional, economic, or psychological abuse. In this situation, a victim has not effectively consented to acquiring the debt because they would not have done so but for the abuser’s coercion. In either situation, abusers obtain physical possession of the credit cards, use the money from the loan, or establish themselves as “authorized users” on an account to rack up debt in the victim’s name. The victim almost never has access to these accounts or the money from the loan and does not benefit from it.

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***“Coerced debt is any “non-consensual debt incurred by an abuser in an abusive relationship.”***

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***Historically, if a victim of coerced debt did not know about the debt, they could use the protections under Texas law available to victims of identity theft.*** Using an individual’s personal identifying information *without their consent* is a crime—namely, fraud/identity theft—which is a state felony.<sup>2</sup> ***However, if the victim did know about the debt and obtained it under coercion, then the protections of an identity theft victim would not have been available for the victim.*** Texas law did not recognize consent obtained through coercion as a specific form of identity theft.

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1: Baddour, Ann and Jeffery, Marissa. Abuse by Credit: The Problem of Coerced Debt in Texas. Texas Appleseed. Retrieved from <http://stories.texasappleseed.org/abuse-by-credit-the-problem-of-coerced-debt-in-texas->

2: See Texas Penal Code Section 32.51(b).

## Legislative Win

*“Texas House Bill 2697 now extends the protections of identity theft to all victims of coerced debt.”*

The Bill passed in the last 86<sup>th</sup> Legislative Session and the change takes effect September 1, 2019. Under the new law, a person commits identity theft when they obtain, possess, transfer or use the identifying information of another person without their consent **or effective consent**.<sup>3</sup> As a result, if a debt was obtained under force or threat (coercion), then that debt was obtained without effective consent, and a victim can assert all the protections of an identity theft victim. In addition to subjecting the abuser to criminal penalties, the new law allows victims to file a police report for identity theft. A police report for identity theft is critical for a victim. The police report for identity theft is often needed for victims to assert consumer protections and dispute the unauthorized accounts and transactions directly with creditors, debt collectors, and credit reporting agencies. Texas RioGrande Legal Aid’s Survivor Centered Economic Advocacy Team provides legal services to help victims assert these protections.

*Carla Sanchez-Adams, Managing Attorney at Texas RioGrande Legal Aid, Inc. and Stephanie James Attorney | Equal Justice Works Crime Victims Justice Corps Fellow<sup>5</sup> at Texas RioGrande Legal Aid, Inc.*

3: Effective consent is defined by Texas Penal Code §1.07(a)(19).

Consent is not effective if:

(A) induced by force, threat, or fraud;

(B) given by a person the actor knows is not legally authorized to act for the owner;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

(D) given solely to detect the commission of an offense.

4: The Texas Coalition on Coerced Debt is supported by grant number 2016-XV-GX-K004, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.

5: This program is supported by a subaward from Equal Justice Works as part of an award from the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, Award Number 2017-MU-MU-K131. The opinions, findings, conclusions or recommendations expressed are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice or Equal Justice Works.

## The Texas Coalition on Coerced Debt

The Texas Coalition on Coerced Debt<sup>4</sup> (TCCD) was recently formed in partnership with Texas Rio Grande Legal Aid, the Texas Council on Family Violence, Texas Appleseed, and Texas Legal Services Center. The TCCD seeks to bring together victim service providers, financial institutions, attorneys, and law enforcement to help address the problem of coerced debt in Texas. The Coalition offers resources, training, and technical assistance on issues related to coerced debt and will publish a toolkit on coerced debt in the fall.

*If you or your organization would like to learn more about coerced debt and become a coalition member, please email [TexasCoalitionOnCoercedDebt@gmail.com](mailto:TexasCoalitionOnCoercedDebt@gmail.com).*

## Featured Podcast

### L.A. Not So Confidential



L.A. Not So Confidential is hosted by forensic psychologists, Dr. Shiloh and Dr. Scott. Dr. Shiloh is a former police officer from a small department in the greater Los Angeles area and is now a law enforcement psychologist. Dr. Scott currently provides psycho-education to law enforcement officers as part of Lost Angeles Police Department's Mental Health Intervention Training. The show exams various well known crimes from both a psychological and law enforcement perspective and how the two relate to one another.

You can listen to episodes and read more about Dr. Shiloh and Dr. Scott at: <https://www.la-not-so-confidential.com/> or any podcast app.

## Institute for Coordinated Community Response

The Institute for Coordinated Community Response (ICCR)<sup>1</sup> provides a full year of free training, resources, networking opportunities, and technical assistance for rural Texas counties who want to improve their response to domestic violence. ICCR will train six teams comprised of three fellows. The fellows will include: a law enforcement officer, victim advocate, and prosecutor. Training includes:

- Completion of the Praxis Best Practice Assessment
- On-site trainings in participating communities, catered to their unique needs
- Live webinars, guided discussions, and recorded presentations
- Access to an ever-growing resource library
- 6:1 mentoring from professionals in the field.



Image from [conferencecaw.org/iccr](http://conferencecaw.org/iccr)

The ICCR is currently accepting applications for the 2020–2021 training cohort. To learn more you can go to : [www.conferenceCAW.org/ICCR](http://www.conferenceCAW.org/ICCR) or reach out to Brooke Meyer, Director of Programs, at: [bmeyer@conferencecaw.org](mailto:bmeyer@conferencecaw.org).

<sup>1</sup>: "Institute for Coordinated Community Response." *Institute for Coordinated Community Response*, [conferencecaw.org/iccr](http://conferencecaw.org/iccr).



# HI TECH & DIGITAL INVESTIGATIONS CONFERENCE

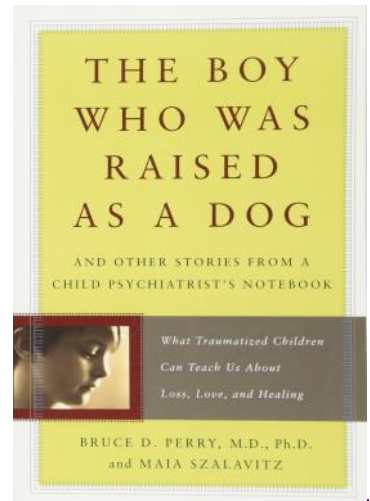
## Recap

This year, the Hi-Tech & Digital Investigations Conference celebrated the launch of the brand new grant program and first-ever conference. From June 17-19, the program hosted the first Hi-Tech & Digital Investigations Conference in Austin, Texas at the Crowne Plaza Austin hotel. We hosted close to 175 sworn law enforcement officers and special guests as we explored workshops on mobile and embedded device forensics, device search and seizure, digital evidence law, dating and gaming apps, and so much more. Live examples of online digital demonstrations were presented, as well as many case studies that detailed crimes against women and youth with a digital forensic component to the investigation. The conference created an environment where law enforcement officials were able to share and exchange digital investigation tools and techniques for better case outcomes.



Awarded in October 2018, the Hi-Tech & Digital Investigations Conference is a grant project supported by the Office of the Governor and falls under the umbrella of the SAFVIC program. The conference is designed to assist police chiefs, sheriffs, commanders, patrol officers, digital forensic investigators, detectives, and prosecutors who are investigating and preventing crimes that involve technology in the state of Texas. In an effort to

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Written by the former Chief of Psychiatry at Texas Children's Hospital, *The Boy Who Was Raised as a Dog* tells the stories of children faced with unimaginable horrors, including: genocide survivors, witnessing their parents' murder, children raised in cages, and victims of family violence. Dr. Perry explains how the brain reacts when exposed to horrific trauma at such a young age and methods for easing their pain, allowing them to grow into healthy adults. Captivating from the very start, this book will show you the aftermath of family violence, long after the investigation is over.

To learn more go to:  
[www.childtrauma.org](http://www.childtrauma.org)

**SAFVIC Staff**

Program Manager:

Jennifer Greene

jennifer.greene@safvic.org

Program Services

Specialist:

Brooke Balmos-Hinojosa

brooke.hinojosa@safvic.org

Program Assistant:

Alexandra Greer

alexandra.greer@safvic.org

**Contact Information:**

SAFVIC/TMPA

6200 La Calma Drive,  
Suite 200

Austin, TX 78752

Main Line:

(800) 848-2088

Fax: (512) 454-8860

Interested in hosting a  
SAFVIC? Contact us or visit  
our website at:[www.safvic.org](http://www.safvic.org)

enhance collaboration among criminal justice and community professionals through a multidisciplinary approach, the grant project aims to improve the investigation and prosecution of those who perpetrate gender-based crimes. This conference is held specifically for sworn law enforcement officers only. The grant seeks to train 135 officers, who may then disseminate the information within their local jurisdictions.

The Hi-Tech conference is scheduled to be held in the summer of each funding year under the coordination of Adrienne Hillman. For more information, please contact the program at 512-279-7131 or visit the conference website at [www.TexasDIConference.org](http://www.TexasDIConference.org).



*The Sexual Assault Family Violence Investigators Course (SAFVIC) is designed to provide law enforcement officers around the state with the tools they need to effectively investigate and prevent sexual assault and family violence. SAFVIC is funded by a grant from the Criminal Justice Division, Office of the Governor and the National Violence Against Women Office. This program was originally developed by a statewide steering committee composed of representatives from law enforcement, prosecution and victim services. The SAFVIC program will use a network of certified trainers to deliver the training on a local basis, thus enabling more officers the access to this very important training .*