



## Tips for Advocates: Stalking & Privacy

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### Being Stalked

- Stalking in Texas is a felony. It requires proving more than one event, so survivors should consider safely keeping a “stalking log” to help them remember and document their abuser’s actions. Check out the Stalking Resource Center’s Stalking [Safety Plan](#), [Incident and Behavior Log](#), and series of [Response Tips](#).
- Survivors should keep all evidence of stalking, even if it seems minor or embarrassing, and report it to police when they feel safe. Never erase emails or texts or destroy property that may be evidence. Advocates should work with local law enforcement to learn their preferred method of evidence collection (i.e. printed copies of emails versus a flash drive) so they can advise their clients.
- Survivors of stalking have many legal options for protection aside from criminal cases, including obtaining a protective order and terminating a lease.
- A survivor can apply for a Stalking Protective Order (PO) that would restrict the other person from harassing, communicating directly or indirectly (through another person), coming physically near the survivor, and more. Check out [WomensLaw.org](#) for more information on Stalking PO’s.
- Check out the Texas Attorney General’s [Information on Stalking](#) for more information on Texas stalking laws and remedies and [TCFV’s brochure](#).

### Help with Harassment

- Harassment is a misdemeanor offense and defined very broadly in Texas. It occurs when a person calls, writes, e-mails or otherwise communicates with someone with the intention of scaring, embarrassing, annoying, or tormenting them. If the case involves threats of violence, the charge can become stalking, which is a felony.
  - Stalking is any repeated conduct that gives the reasonable fear of physical harm or death, or even property damage. Conduct does not have to be done in person.
- Survivors can log all harassing behavior and collect any evidence to support a claim of harassment if they choose to report to law enforcement.
- Several laws can help survivors who are being harassed by their abuser or their abuser’s family or friends. Some options about which survivors might talk to prosecutors:
  - Continued harassment can now be charged as stalking in Texas
  - If a survivor does not feel safe going to court because they are being harassed, they can explain or provide evidence of threats or actions by the abuser. The prosecutor may be able to use other evidence in the survivor’s absence and the prosecutor may choose to pursue a family violence witness tampering prosecution against the abuser.
  - It is a crime to harass or use someone else’s accounts or persona online or through social media.
- Survivors can seek a Stalking Protective Order, if the harassing behavior involves threats of violence to a person or property.



### Help with Cyberbullying

- “Cyberbullying” is most commonly defined as a person using any electronic communication device to engage in bullying or intimidation, such as statements made through social media and text messages.
  - Under Texas law, cyberbullying can be criminally prosecuted as “harassment,” “online impersonation,” or “disruptive activities.”
- Review the tip sheet on Technology for more information.
- Under [Texas Education Code 37.001](#), all schools must have a student code of conduct that prohibits bullying and harassment.
  - Bullying is defined as engaging in written or verbal expression, expression through electronic means (a.k.a. “cyberbullying”), or physical conduct that has the effect of physically harming a student, damaging a student’s property or placing a person in fear of harm. This conduct is sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student.

### Privacy

- Survivors have the option of using a pseudonym if they choose to make a law enforcement report. To use this option, the survivor needs to fill out a [Pseudonym Form](#) available from law enforcement. The form removes the survivor’s name from public files and records concerning the offense, including policy summary reports, press releases, and records of judicial proceedings. Note that this only protects the survivor’s name in records concerning the offense.
- Ongoing conversations with survivors about confidentiality & its implications can help survivors make decisions that work best for them. Check out the [Confidentiality Institute](#) for resources on how to explain and respect survivors’ confidentiality.

### Additional Topics and Resources

- [Stalking Resource Center](#) – An extensive wealth of guidance, training, and technical assistance around the issue of stalking and how best to respond. Call 202-467-8700.
- [The Confidentiality Institute](#) – Resources, training, and technical assistance around protecting survivor confidentiality and privacy. Call 1-800-985-5541.
- [Advocates for Victims of Crime \(AVOICE\)](#) – Statewide program that provides free direct legal representation and pro se assistance. Call 1-888-343-4414.