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Stalkers Using New Methods

By Ty McMahan and Jennifer Mock, The Oklahoman

Now, those victims can fight back in Oklahoma because of a law passed that includes those communication practices as methods for harassment.

Prosecutors now have the ability to build stronger cases. They just need to make sure stalking victims are aware of the law.

Charles Huffmaster, 46, is charged in Oklahoma County with uttering obscene or indecent communicable words and violating a protective order. According to court papers, Huffmaster violated the protective order by sending threatening text messages to his ex-girlfriend, saying he was going to vandalize her property. Prosecutors also accuse him of going to the woman's business and throwing acid on her car.

Before legislation signed into law last year expanded stalking statutes to include text messaging, Huffmaster's threats would have been allowed.

Tamatha Mosier, a domestic violence specialist for the Oklahoma Coalition Against Domestic Violence and Sexual Assault, said the law will not make a difference until victims and law enforcement start considering harassing text messages or instant messaging as stalking.

She said not many victims are reporting cyberstalking, making it hard to enforce the law.

"The bill gives more teeth to law enforcement, but if it isn't being reported there isn't much anyone can do with it," she said. "Most people don't see the behavior as stalking; they just see it as a continuation of the domestic violence."

While interviewing families and friends after a physical domestic violence incident, Mosier said most say they saw the abuse coming. She said if people began taking action against smaller acts, like repetitive text messaging, it might prevent an escalation.

"If an abuser is willing to stalk, he has a tremendous investment in the relationship and that is a huge fatality risk factor," she said. "And stalking is a lot easier with the advent of new technology."

Rep. Lance Cargill, the author of the legislation, said the law needed to be updated to reflect newer forms of technology used in stalking. The bill made it a crime to stalk, harass or intimidate another person through online or other electronic communications.

Cargill noted stories he heard of women receiving thousands of text messages in a day, all of which they had to pay for.

“Computer-based crimes are now expanding to pagers, mobile phones and other devices,” said Cargill, R-Harrah. “They are becoming tools for stalkers and bullies to track and harass their victims.”

The bill, signed by Gov. Brad Henry last year, will hopefully allow law enforcement officials to identify threatening behavior when it begins and before the stalking becomes physically violent, Cargill said.

Kim Miller, a former Oklahoma County assistant district attorney and now a prosecutor in Dallas, brought the problem with the statute to Cargill.

“It started where we were having cases with e-mails and text messages, and it wasn’t covered by the statute,” Miller said. “It was limited to telephone and it was starting to be an issue.”

Miller said it’s now very common that stalking and harassing is perpetrated through the computer or text messages.

Oklahoma County District Attorney Wes Lane said while the new technology opens doors for more crime, it also provides better evidence.

“I’m encouraged by it,” Lane said. “If you look at text messaging, you have an actual written statement. I think the evidentiary value will improve our ability to prosecute.”

Lane said the new technology also requires prosecutors to educate jurors about cyberstalking methods.

“I think it will require a little additional explanation, but I think juries will start understanding that a threat is a threat,” Lane said. “A text message or an e-mail can be every bit as frightening as a telephone call.”

More Information

Cyberstalking information from the National Center for Victims of Crime is on the Web at: <http://www.ncvc.org>.

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