

MEMORANDUM OF SUPPORT

PERMIT ARREST OF ABUSERS WHO USE TEXT AND EMAIL TO HARASS VICTIMS

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The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to prevent abusers from using text, e-mail or other electronic means to harass their victims. This legislation would expand the definition of the offense of aggravated harassment in the second degree to include contacts via text, e-mail or other electronic communications, thereby equating such harassment or threats with similar behavior when used via phone.

As technology has advanced, so too have abusers' tactics to maintain power and control over domestic violence victims. Abusers frequently use technology and various digital applications and platforms (texting, e-mailing, social media, etc.) to stalk, harass, monitor, and impersonate their victims. According to a National Network to End Domestic Violence's survey of victim service providers, in 2015, nearly all providers reported that the survivors they're working with have experienced harassment, monitoring, and threats by abusers through the misuse of technology.¹ The survey also found that "abusers harassing survivors via text messaging was reported by 96% of programs, while 86% reported that abusers harass victims through social media."² Victims can feel vulnerable, disempowered, and anxious as a result of experiencing harassment through technological abuse.

New York State laws have not been updated to reflect the continuing advances in technology. Currently, a person is guilty of aggravated harassment in the second degree, a class A misdemeanor, when they harass or threaten someone via telephone calls, telegraphs, mail, or by transmitting or delivering any other form of written communication. This legislation, which would amend the Penal Law, would add contacts via text, email or other electronic communication.

NYSCADV urges the NYS Legislature to pass this bill to expand aggravated harassment in the second degree to include threats and harassment made via text, e-mail or other electronic communication.

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465

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¹ National Network to end Domestic Violence (NNEDV). (2015). A Glimpse From the Field: How Abusers Are Misusing Technology, NNEDV. <https://www.techsafety.org/blog/2015/2/17/a-glimpse-from-the-field-how-abusers-are-misusing-technology>

² National Network to end Domestic Violence (NNEDV). (2015).