

# The College of Health Care Professions

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## ANNUAL CAMPUS SECURITY REPORT (For Calendar Years 2015, 2016, 2017)

The following alleged crimes occurred on campus or on public property immediately adjacent to the campus during the last three calendar years.

\*\*\*Please Note: The South San Antonio Campus opened on December 22, 2017. The crime Statistics for 2017 reflect those committed between 9/1/2017 and 12/31/2017\*\*\*

Type of Crime	Number of Occurrences Reported					
	2015		2016		2017	
	On Campus (1)	Public Property Immediately Adjacent to Campus (2)	On Campus (1)	Public Property Immediately Adjacent to Campus (2)	On Campus (1)	Public Property Immediately Adjacent to Campus (2)
Murder	n/a	n/a	n/a	n/a	0	0
Non-negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0
Non-forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0
Robbery	n/a	n/a	n/a	n/a	0	0
Aggravated Assault	n/a	n/a	n/a	n/a	0	0
Burglary	n/a	n/a	n/a	n/a	0	0
Motor Vehicle Theft	n/a	n/a	n/a	n/a	0	0
Arson	n/a	n/a	n/a	n/a	0	0
Drug/Liquor Law Violations	n/a	n/a	n/a	n/a	0	0
Illegal Weapons Possession	n/a	n/a	n/a	n/a	0	0
Domestic Violence	n/a	n/a	n/a	n/a	0	0
Dating Violence	n/a	n/a	n/a	n/a	0	0
Stalking Incidents	n/a	n/a	n/a	n/a	0	0

- (1) NOTE: Under federal regulations, CHCP is required to report crimes in these categories as “on-campus” because they occurred at the campus and its surrounding parking lot where the College operates. The On Campus property is comprised of the campus building and the entire parking lot.
- (2) Public property includes the sidewalk and service road to the north of the campus and the alley to the east.

Types of Crime Based on an Offender's Bias (3) (AKA "Hate Crimes") (4)	Number of Occurrences					
	2015		2016		2017	
	On Campus	Public Property Immediately Adjacent to Campus	On Campus	Public Property Immediately Adjacent to Campus	On Campus	Public Property Immediately Adjacent to Campus
Murder	n/a	n/a	n/a	n/a	0	0
Non-negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0
Non-forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0
Robbery	n/a	n/a	n/a	n/a	0	0
Aggravated Assault	n/a	n/a	n/a	n/a	0	0
Burglary	n/a	n/a	n/a	n/a	0	0
Motor Vehicle Theft	n/a	n/a	n/a	n/a	0	0
Arson	n/a	n/a	n/a	n/a	0	0
Larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property, and other crimes of bodily injury with evidence that shows offender's Bias (3) of the victim.	n/a	n/a	n/a	n/a	0	0
Drug/Liquor Law Violations	n/a	n/a	n/a	n/a	0	0
Illegal Weapons Possession	n/a	n/a	n/a	n/a	0	0
Domestic Violence	n/a	n/a	n/a	n/a	0	0
Dating Violence	n/a	n/a	n/a	n/a	0	0
Stalking Incidents	n/a	n/a	n/a	n/a	0	0

(3) NOTE: Bias is defined as a performed negative opinion or attitude toward a group of persons based on their actual or perceived race, gender, religion, national origin, disability, sexual orientation, gender identity or ethnicity.

(4) NOTE: A hate crime is defined as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias, as described in (3) above

<b>ARRESTS</b> Types of Crime for Which the Suspects Were Arrested for a Violation of Law	<b>Number of Arrests</b>					
	<b>2015</b>		<b>2016</b>		<b>2017</b>	
	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>
Murder	n/a	n/a	n/a	n/a	0	0
Non-negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Liquor Law Violations	n/a	n/a	n/a	n/a	0	0
Drug Law Violations	n/a	n/a	n/a	n/a	0	0
Illegal Weapons Possession	n/a	n/a	n/a	n/a	0	0
Domestic Violence	n/a	n/a	n/a	n/a	0	0
Dating Violence	n/a	n/a	n/a	n/a	0	0
Stalking Incidents	n/a	n/a	n/a	n/a	0	0

<b>CAMPUS DISCIPLINARY ACTIONS</b> (Students/Employees Referred for Disciplinary Action for the Following Violations of Law)	<b>Number of Students Referred For Disciplinary Action Due to Violations of Law</b>					
	<b>2015</b>		<b>2016</b>		<b>2017</b>	
	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>	<b>On Campus</b>	<b>Public Property Immediately Adjacent to Campus</b>
Murder	n/a	n/a	n/a	n/a	0	0
Non-negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Negligent Manslaughter	n/a	n/a	n/a	n/a	0	0
Liquor Law Violations	n/a	n/a	n/a	n/a	0	0
Drug Law Violations	n/a	n/a	n/a	n/a	0	0
Illegal Weapons Possession	n/a	n/a	n/a	n/a	0	0
Domestic Violence	n/a	n/a	n/a	n/a	0	0
Dating Violence	n/a	n/a	n/a	n/a	0	0
Stalking Incidents	n/a	n/a	n/a	n/a	0	0

### **Purposes for the Annual Security Report**

One of the primary purposes for The Annual Security Report is to inform CHCP students and employees of reportable\* crimes that occurred on the campus itself and the public property that is immediately adjacent to the campus for the three preceding calendar years. This publication also serves as CHCP's program/tool to inform students and employees about CHCP's campus security procedures and practices. This report also contains CHCP's alcohol/drug abuse and sex crime prevention programs. This report is updated and distributed on an annual basis to all students and employees. A notice of the availability of this report is distributed to all prospective students/employees. The report itself, upon request from prospective students/employees, will be provided to them.

\* Reportable crimes as defined by the United States Department of Education and the Federal Bureau of Investigation (FBI). All reportable crimes are listed in the charts contained in this report.

### **Reporting Crimes and Emergencies**

Any person (student or employee) who witnesses an emergency or crime, or is the victim of an alleged crime that occurred on campus or the public property immediately adjacent to the school, is strongly encouraged to report the incident immediately to:

Local Police Agency, the San Antonio Police Department; or

Local Emergency Agency, the San Antonio Fire Department for Fire/Accident/Health Emergencies  
(either of these agencies can be immediately contacted by calling 911); and/or

College personnel

Report the incident to whoever can be reached the quickest.

College personnel once informed of the crime or emergency, should then report the incident to:

The Campus President,

Director of Education,

Director of Career Services; or

Director of Financial Services

Again, report the incident to whoever can be reached the quickest.

Any College personnel, to whom a crime or emergency is reported, must inform the campus president or designee as soon as it is feasible to do so without risk of injury or loss.

The College does not have a policy regarding pastoral or professional counselors for purposes of reporting crimes voluntarily and confidentially for inclusion in the school's annual security report and the web-based version of the report to the United States Department of Education. The school has no such policy, as it has not had occasion to utilize pastoral and/or professional counselors to assist persons involved in or impacted by a crime or emergency.

However, should such a crisis arise and the school utilized such counselors, it would encourage the counselors, at their discretion, to inform those they counsel of the availability of the means and the procedures for reporting crimes voluntarily and confidentially for inclusion in the school's annual security report (statistical portion) and the web-based report to the United States Department of Education.

### **Timely Warning**

The school will provide timely warning to the campus community of any situations that are considered to represent a continued threat to employees and/or students. Generally, timely warning would be considered to be, depending upon the nature and circumstance of the situation, one hour to four weeks from the date the incident occurred and/or was reported. Reports will withhold the names of the victims as confidential and identifying data for witnesses, and alleged perpetrators of crimes will remain confidential for statistical reporting purposes. Personally identifiable data of the alleged suspect/perpetrator will only be released when required by applicable local, state, and/or federal law, with the following exceptions:

When the grievous nature of the matter warrants such disclosure; or

As required under the “Information for Crime Victims and Parties Involved in Disciplinary Proceedings” section of this report

The Campus President (or designee) is responsible for the decision to issue any warnings. For the most part, situations that constitute a continued threat to students and employees will be issued by posting the warning in prominent areas throughout the school. This would include areas such as the reception area, student classrooms/laboratories, student and staff break rooms/work areas, offices, library, etc. If there is an immediate threat, then the campus director or designee will call an emergency meeting to inform employees and students, if possible, of the threat. In most cases, the meeting would generally consist of CHCP staff/faculty. Faculty/administrative personnel would then disperse throughout the campus to inform the community as a whole (i.e. make announcements in the reception area, classrooms, laboratories, break rooms, offices, etc.). Also see the “Emergency Response and Evacuation Procedures” section of this report.

Whenever a warning is issued (in both oral and written/posted form), as much information as possible will be released in order to adequately inform and put the campus community on alert. Although personally identifiable data is generally precluded from such a warning, this information may be released without consent in an emergency situation when necessary to protect the health and safety of others.

### **Campus Security and Access**

CHCP’s premises are structured to provide adequate security to its students and staff from threats such as, but not limited to, unauthorized groups or individuals entering the campus without prior clearance and unsafe situations.

### **Student Identification**

Upon attending CHCP, all students are issued student identification badges, which they are required to wear whenever on campus. Thus, any persons wearing a medical uniform without an ID badge may cause any such person to be stopped, questioned, and/or watched closely.

### **Main/Reception Entrance**

The Main/Reception entrance remains open during business hours, which are 8:00 a.m. – 7:00 p.m. Monday – Thursday and 9:00 a.m. – 4:00 p.m. on Fridays. During business hours, the front desk is always manned by one College staff member. All persons entering the campus through this entrance must sign in at the front desk, state the reason for their visit, and the time they arrived.

### **Student Entrance**

The campus Student Entrance located at on the East wall of the campus building is only open between the hours of 7:30 a.m. and 10:00p.m., Monday – Thursday and 7:30 a.m. – 4:00 p.m., on Fridays. This entrance 6

is primarily used by students. In addition, civilian (non student/employee) persons entering the student entrance not possessing a Visitor's Badge or students/faculty out of uniform and/or not wearing an ID badge, alerts College persons (students and staff) that this person may not be authorized to enter the school.

### **Maintenance of Campus Security**

During the course of daily operations, CHCP staff/faculty observe the safety conditions of the campus (i.e. proper lighting, secured access doors, only authorized persons on campus) and adjust (maintain/repair) items as necessary to maintain an adequate level of security.

## **Emergency Response and Evacuation Procedures**

### **What is an Emergency?**

An emergency is any situation that poses danger to the safety of persons or property, and which requires an immediate response. An emergency can be caused by air pollution, fire, flood or floodwater, storm, hurricane, epidemic, riot, earthquake, intruder, or other causes. An emergency may be beyond the control of the resources available to the campus, and may require the combined efforts of the state, city, or other political subdivisions.

### **Why is it important to prepare**

It is a primary goal of CHCP to provide a safe and secure environment for our students, faculty, and staff at all of our locations. However, emergencies both large and small can arise suddenly and it is critical that site personnel know how to respond to them immediately and effectively. They must be prepared to respond in an appropriate, coordinated manner that minimizes the risks to everyone involved and allows students, faculty, and staff to resume or continue to function normally without creating additional emergencies.

The campus has developed a response plan for site personnel to follow in the event of an emergency. The plan addresses what steps to take and in what order to take them should an emergency arise. The plan provides step-by-step instructions for site personnel to follow in the event of an emergency. It also lists resources that should be made available.

While the plan provides guidance for how to respond to numerous types of emergencies, it cannot foresee every possible emergency. Therefore, site personnel must be prepared to evaluate all the circumstances and make sound judgments based on the situation.

### **Emergency Evacuation**

The Campus leadership team will determine if students and site personnel should be evacuated outside of the building. The staff will direct students and site personnel to follow evacuation route and drill procedures to the Relocation Center following the primary evacuation route, or alternate routes if the primary route is too dangerous. Evacuation route maps are located in each classroom.

### **Campus Relocation Centers**

Primary Relocation Center	Pho Hung Cuong Parking Lot
Secondary Relocation Center	Parking Lot between Nikkis and Popeyes

### **Lockdown/Shelter in Place Orders**

Lockdown/shelter-in-place orders may be issued in situations involving dangerous intruders or other incidents that may result in harm to persons if they were to leave the facility or campus building. Staff and Students will be notified by announcing a warning over PA system, sending a messenger to each classroom, or other alternate method. All students, site personnel, and visitors will be directed to seek shelter in classrooms or other secure rooms.

- Lock classroom doors and barricade with furniture
- Close windows and, if available, close window blinds, curtains, or shades
- Direct all persons to move away from windows and doors so that they can't be seen from outside the room
- Direct all persons to get down on the floor
- Allow no one to exit the classroom until the given the all-clear signal

### **Reverse Evacuation Procedure**

Reverse evacuation provides refuge for students, site personnel, and members of the public within facilities during an emergency. Shelters must be located in areas that maximize the safety of everyone seeking shelter. Safe areas may change depending on the emergency. Implementation of lockdown/shelter-in-place procedures may be necessary once everyone is inside the shelter.

### **CHCP's Hurricane / Severe Weather Policy**

CHCP is committed to providing as safe, comfortable and productive work environment as possible during periods of severe weather. CHCP will issue a statement on the college website as to the times and dates of any campus closure. It is CHCP's intention to re-open each campus as soon as safely possible after a severe weather event.

### **Crime Prevention, Law Enforcement, and Campus Security**

The personal safety of students and staff is the number one priority of management at the College of Health Care Professions. Therefore, the school strongly advises any employee or student who is the victim of, or witness to an emergency, suspicious activity, or crime to report the event as soon as it is safe to do so to the source(s) that seem most prudent (i.e. local police/emergency agency, CHCP personnel). Refer to the "Reporting Crimes and Emergencies" and the "Emergency Response and Evacuation Procedures" sections of this report for more information.

The management at the College is dedicated to the prevention of crime and will report (if not already reported) any criminal activity to appropriate law enforcement. We will also cooperate with any law enforcement agency in the investigation of a crime or emergency.

CHCP has no agreement with any law enforcement agency to investigate alleged crimes, nor does the College have a campus police or security force of any kind.

The best crime prevention begins with each of us (students and staff) individually. The student body and school personnel at the College constitute a community in itself. Therefore, school management strongly encourages each individual to be alert to their surroundings, as well as the surroundings of others to ensure everyone's safety.

CHCP believes that the best form of crime prevention consists of education in general crime prevention measures, thereby empowering individuals to look out for their safety as well as the safety of others.

Therefore, CHCP has adapted the City of San Antonio Police Department's (APD) general crime prevention program. Education in basic crime prevention is accomplished by publishing and distributing to its students and employees, CHCP's crime prevention program contained in the annual security report. As its title infers, the annual security report is published and distributed on an annual basis. This security report is also available, upon request, to prospective students and employees.

Basic Crime Prevention begins with being aware of and performing the following:

Basic crime prevention: In practicing crime prevention, citizens will reduce the opportunities criminals look for when targeting a crime victim. Crime prevention starts with each person (YOU individually), family, and home protection/safety. When we all do our part to fight crime and make it as difficult as possible for a criminal to identify a crime victim, we are helping to keep Houston, ourselves, and each other safe.

Crime Prevention is the anticipation, recognition, and appraisal of a crime risk and the initiation of some action to remove or reduce the risk.

Practice personal safety measures. In doing so, you will reduce the opportunities criminals look for when targeting a crime victim.

### **Acquire and Practice the following measures**

#### **Street Sense**

- Always stay alert to your surroundings and avoid locations/situations that make you more vulnerable to crime such as alleys or dark parking lots.
- Avoid distractions that decrease your awareness level, i.e. talking on a cell phone or wearing headphones.
- Walk with the purpose to communicate a message of confidence. Make eye contact with people; however do not engage in conversation with strangers on the street.
- Travel with family and friends. Walking in a group of 2 or more decreases your chances of becoming a victim.
- Always stay in well-lighted areas and avoid short-cuts through deserted areas.
- Avoid displaying large amounts of cash or other tempting items, such as expensive jewelry and clothing.
- Always trust your instincts. If a person or place makes you uneasy, leave.

#### **Work/School Safety**

- Never give telephone numbers, addresses or plans of fellow students/co-workers to anyone without their permission.
- Use discretion and caution in revealing personal plans to people at school/work.
- Do not leave valuables in plain view. Always secure your property.
- Do not leave the reception area unattended.
- If you work alone or work outside of normal business hours, keep your office door locked.
- If you leave the office/school after hours, have a co-worker, security guard, or another person you trust walk you to your car.



## **Driving Safety**

- Keep doors locked at all times.
- Do not become involved with angry drivers and don't take traffic problems personally.
- Avoid eye contact with an aggressive driver and do not make obscene gestures
- If someone is tailgating you, pull into the slow lane and allow them to pass.
- Do not tailgate other drivers or cut them off.
- If you have car problems, raise the hood and tie a white cloth to the door handle to signal for help. Get back into the car and keep the doors and windows locked. If someone stops, do not roll down your window. Ask them to call for help. Do not accept rides from anyone.
- If you think someone is following you, do not go home. Drive to the nearest police station, fire station, open gas station, or well-lighted place where there are people that can help you.
- Don't lose your life or the life of a passenger by becoming involved in road rage.

## **Reduce Your Chance of Being Carjacked**

- Always park in a well-lighted area so you can see your car and its surroundings from a distance.
- Have your car keys ready as you approach your vehicle and look under, around, and inside your car for persons who may be hiding. If safe, then enter your car and immediately lock all doors.
- While stopped in traffic, leave enough room between your car and the one in front of you so you can maneuver and escape if necessary.
- Keep an alert eye out for any suspicious characters at intersections.
- Remember, awareness is the key to your safety.

## **Burglary at Home**

A burglary is reported every 15 seconds in the United States. The U.S. Department of Justice defines household burglary as "unlawful entry or attempted entry of a residence." This crime usually, but not always, involves theft. Of all the major criminal offenses, residential burglary is the most common.

## **Home Safety**

By following the following simple steps, you can reduce the possibility that your home will be targeted for a burglary attempt.

- Acknowledge all callers through locked doors. Before opening an exterior door to your home, know who is at the door and do not open the door to an unexpected/unknown visitor.
- Lock your doors and windows when you are at home. Criminals look for houses with the easiest entry.
- Never leave notes on your door that could reveal your home is not occupied.
- Trim shrubs to deny intruders a hiding place to work. Shrubs can block the view to the house. Walkways and driveways should also be kept free of objects or plants that might offer concealment for intruders who are trying to break into your house.
- Lawn care is an effective indicator that someone is home. Keep your yard maintained.
- Permit easy visibility of your home by neighbors and/or police.
- Trim tree limbs from the bottom, up to 8 feet, to allow for clear visibility by neighbors and/or police.
- Install large reflective numbers (a minimum of 3 inches in height) on your house and mailbox so police and other emergency personnel can find your home quickly.

- Be alert in protecting not only your home, but your neighbors as well. Don't tell a stranger that your neighbor is not home or volunteer any personal information about your neighbor.
- When traveling, have a neighbor collect the mail/newspaper or have the deliveries temporarily stopped.
- Before moving into a new house or apartment, ensure all exterior door locks on your new home are re-keyed or changed. Also change the code to the garage door opener.
- Alarms provide added protection and are most effective when used with other security techniques.
- Remember: Choose a reputable, well established alarm company.
- Set the alarm system at night and when away from your residence.
- Do not write your alarm code or password on or near the alarm keypad.
- Put a warning sign on windows and entrances to notify possible intruders you have an alarm.
- Interior Home Lighting: Make your house look "lived in" by keeping lights on automatic timers, especially when not at home.
- Install another lock in addition to the manufacturer's lock on all windows.
- Exterior lighting will provide additional protection from intruders. Outside lighting should be located high and out of reach. A good location is under the eaves of your home. Inexpensive timers or photoelectric cells will automatically turn the lights on and off at dusk and dawn.
- Exterior Doors: All exterior doors should be equipped with double cylinder deadbolt locks having a minimum one-inch throw when in the locked position. The deadbolt locks should use a heavy duty strike plate secured with three-inch steel screws. Install and use a peep-hole in all exterior doors with a 190-degree viewing area.
- Secure cash and jewelry in bonded storage, such as a safety deposit box at the bank.
- Don't leave ladders or tools out. Burglars can use these items to break into your house. Lock them in a garage or tool shed.
- Keep garage doors closed and locked, even when at home.
- Don't hide a key under the door mat or anywhere else. Burglars know all the hiding spots.
- Use only initials or numbers on your mailbox.
- Check the shrubs and bushes around the doors and windows. They should not provide cover for an intruder attempting to force open a door or window. By trimming shrubs, you will limit the intruder's opportunity. Place thorny plants along fences and near windows.
- Close all curtains or shades at night.

## **Robbery**

Robbery is one of the most serious and potentially dangerous crimes committed in the United States today. A robber commits a holdup because he or she believes that the profit will be worth the risk. By decreasing the possible profit and increasing the risk of apprehension potential, victims can reduce their chance of becoming a target.

## **Prevention**

- Walk alertly and confidently
- Try not to walk alone. It's a lot safer if you walk with at least one other person. Be alert, walk with your head up and do not let your mind wander. Frequently scan your surroundings, including those behind you as well.

- When walking at night, consider a taxi cab even for short trips.
  - Trust your instincts, avoid uncomfortable situations. It's better to be safe than sorry.
  - Be observant of any group(s) of males/females driving or just hanging around.
  - Do not take shortcuts through unlit, sparsely traveled paths such as trails, stairwells or alleys.
  - In parking lots, make sure you arrive and leave early to avoid being out after dark.
  - Do not park next to a vehicle with dark tinted windows that prevent you from seeing if someone is sitting inside.
  - Park in a high visibility area and check for lighting in case you leave when it is dark.
  - Ask a security officer to escort you to your vehicle if it is dark or you feel uncomfortable.
  - Walk briskly, confidently, and directly through the parking lot. Be cautious of people distributing fliers or asking questions.
  - Have your car keys ready to unlock your car door, look around, under, and inside your car and observe other vehicles parked nearby for suspicious persons before approaching.
  - Watch for people who may be following you. This can occur inside as well as outside businesses and establishments. If you suspect you are being followed, report it immediately to security or police.
  - Glance into the backseat and at the floorboards of your car before entering to check for anyone hiding inside.
  - Do not sit in a parked vehicle. If a stranger approaches your vehicle, sound your horn and don't let off.
  - Do not open your car door or window for anyone. If someone is standing near your unoccupied vehicle, do not approach it
  - Be smart about cash - carry only the amount of cash that you expect to use. If cash is needed, use ATM or debit cards.
  - Avoid outdoor ATM's, particularly at night and those in secluded areas inside.
  - Be alert at banks or check cashing businesses. Carrying cash marks you as a target. Avoid showing your wallet when possible. Keep needed cash, ID, and credit cards in an accessible pocket.
- **What to Do During/Immediately after a Robbery**
    - Do not argue or fight with the robber. Any amount of money or valuables is not worth personal injury (or worse) to you.
    - Follow the robber's directions, but do not volunteer more than asked for.
    - If you have to move or reach, tell the robber what you are going to do and why. Assure the robber you will cooperate.
    - Make mental notes of:
      - The robber's race, age, height, sex, clothing, complexion, hair, eye color, etc.
      - Anything unusual about the robber such as scars or tattoos.
      - The number of accomplices and how they left the scene, direction of travel, type and color of vehicle. Get the license number if you can safely do so.
      - Any conversations the suspects may have had with one another.
      - What the suspect's weapon looked like so you can describe it later.
      - Also, try to remember what the suspect touches so that fingerprints may be lifted.

## **Important Facts about Robberies**

- Many of the robberies occur when you're alone and are committed by one or more male robbers. Many of these robberies take place on the way to and from your car, especially in shopping centers and apartment parking lots.
- The use of a cellular phone or headset, whether driving or walking, is a distraction which can increase your likelihood of being robbed.
- Robbery is a crime of violence that threatens the safety and quality of life of a community.
- Robbery is a crime of opportunity that can be reduced through awareness and prevention.
- Robbers are serial criminals and will continue to prey on victims until arrested.
- Failure to report a robbery, not prosecuting the criminal if you are a victim, not providing information to police or Crime Stoppers about robbers ensures continued victimization.
- One of the most important robbery reduction strategies is to arrest the criminal.

## **Burglary of Motor Vehicle**

Burglary of a motor vehicle is most often a crime of opportunity. If you take away the opportunity, you reduce the chance of being a victim. Most thieves won't gamble with breaking into a vehicle where they may walk away empty handed. Remember, they're looking for a sure thing. In the majority of these cases, property can be seen by looking into your vehicle.

## **Prevention Tips**

By practicing these suggested crime prevention tips, you can help reduce the chances that you will become the victim of a burglary of a motor vehicle. You can take an active role in reducing the crime in our city by securing any property in your vehicle where thieves cannot see it, taking your keys with you, and locking your car doors.

- Also, be aware of your surroundings at all times.
- Park only in well-lighted and high traffic areas of a parking lot.
- Remove all interior valuables/packages from plain view (preferably prior to reaching your destination). Lock these items in the trunk. These items often encourage a theft.
- Do not leave any articles of value in your car unattended, especially overnight (cell phones, laptops, money, wallet, purse, etc.).
- Lock all doors and roll up all windows. Whether you leave your vehicle for a minute or several hours, secure your belongings, lock your car and take your keys.
- Use auto theft deterrents such as car alarms, kill switches, steering wheel and column devices.
- Park your vehicle in your garage when at home.
- Purchase stereo or television equipment that can be removed and placed out of sight.
- Carry your registration with you. Don't leave any personal identification documents, keys or credit cards anywhere in the vehicle.
- If you notice anyone acting suspicious or hanging around the parking lot, return to the establishment and notify the management or call the police at 713-884-3131 (or do both).

## **Identity Theft**

Identity theft is a common term used for all types of crime in which someone wrongfully obtains and uses another person's personal data in some manner(s) that involves fraud or deception, usually for economic gain. Identity theft is one of the fastest growing crimes in America.

### **How Identity Theft is Committed**

- Shoulder Surfing - Watching you punch in telephone calling card, credit card, ATM numbers.
- Business Record Theft - Stealing personal files from businesses or institutions where you are a customer, patient, employee etc.
- Scamming - Posing as a legitimate company or government agency to obtain your personal information. This often happens through e-mail.
- Phone Fraud - Establishing cellular phone service in someone else's name.
- Skimming - Stealing credit and debit card numbers as the card is being scanned/processed to pay for a purchase, using a special data collection device known as a "skimmer".
- Dumpster Diving - Going through your trash or the trash of businesses to obtain copies of checks, credit card/bank statements or other records.
- Mail Theft - Stealing mail to get new credit cards, bank or credit card statements, tax information as well as falsifying change of address information.
- Steal Wallet or Purse -Obtaining personal information from the theft of your purse or wallet.
- Spoofing and Phishing - When thieves set up look alike websites of legitimate businesses and trick consumers into entering their personal information by sending e-mail messages that warn them that their account is about to expire or has been accessed illegally. This method also consists of obtaining personally identifying data that you share over the Internet.

### **Warning Signs of Identity Theft**

- Your monthly credit card and bank statements suddenly stop arriving.
- You are denied credit for reasons that do not match your understanding of your financial position.
- You start getting bills from companies you do not recognize.
- You receive calls from collection agencies or creditors for an account you don't have or that is up to date.
- You observe unusual entries on your credit report.
- Financial account statements show withdrawals you didn't make.
- A creditor calls to say you've been approved or denied credit that you haven't applied for.
- Or, you get credit card statements for accounts you don't have.

### **Preventing Identity Theft**

- Guard your Social Security number. Remember this is the most important step. This is the key to your credit report and banking accounts. Give it out only when it is absolutely necessary.
- Minimize the amount of personal financial information and credit cards you carry. Memorize passwords and PINs instead of carrying them with you.

- Keep personal financial information in a secure place in your home. Shred identifying information before throwing it away.
- Do not give sensitive information to unsolicited callers. Remember that most legitimate businesses will not ask for your Social Security or bank account numbers.
- Shield your hand when entering your PIN at a bank ATM or when making long distance calls with a calling card. Take your credit card receipts and ATM slips. Shred them before throwing away.
- Pick up new checks or a new or reissued credit card at your bank rather than having them delivered to your home. Do not have your driver's license number or social security number printed on your checks.
- Check your credit report each year for signs of unusual activity.
- Do not give personal information over the phone, over the Internet or through the mail unless you initiated the contact or are certain of the business' trustworthiness.
- Keep duplicate records of your wallet's contents.
- Mail payments from a safe location. Do not place them in your mailbox where they can be stolen.
- If your bank or credit card statement does not arrive on time, call the issuer to make sure they are being sent to the proper address. Also contact the Post Office to see if a change of address has been filed in your name. A thief may steal or divert your statements to hide illegal activity.

### **If You Have Been the Victim of Identity Theft**

- Contact the San Antonio Police Department immediately: 210-207-7273
- Contact the following credit reporting agencies:
- Trans Union, 1-800-680-7289, [www.tuc.com](http://www.tuc.com)
- CSC Fraud, 1-800-272-9281, [www.csccredit.com](http://www.csccredit.com)
- Equifax, 1-800-525-6285, [www.equifax.com](http://www.equifax.com)
- Experian, 1-888-397-3742, [www.experian.com](http://www.experian.com)
- Contact the Federal Trade Commission 1-877-IDTHEFT
- Review your credit report. The Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies to provide you with a free copy of your credit report, at your request, once every 12 months.

**REPORT SUSPICIOUS ACTIVITY  
CALL 210-207-7273 or 911**

### **Information for Crime Victims and Parties Involved in Disciplinary Proceedings**

If an alleged perpetrator of a reportable crime is a student at CHCP, campus disciplinary proceedings may be initiated to investigate the validity of the alleged offense. Upon validation of the alleged offense, sanctions will be imposed by the school towards the alleged perpetrator. These sanctions can range from a written warning, suspension, up to termination from school. Both the victim/accuser (if applicable) and accused/suspect/perpetrator of the incident are entitled to have others present for support and/or representation purposes during the disciplinary proceeding. Both the victim/accuser (if applicable) and the accused/suspect/perpetrator involved in the disciplinary proceedings will be informed of the outcome of that proceeding.

CHCP will, upon written request, disclose to the alleged victim of any crime of violence, or a non-forcible sex offense, the outcome of any disciplinary proceeding conducted by CHCP against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the outcome of the disciplinary proceeding shall be provided, upon written request, to the next of kin of the alleged victim.

### **Policy for Preparing the Annual Disclosure of Crime Statistics**

Any crime reported to any of the persons listed under the “Reporting Crimes and Emergencies” section of this report will be documented via an incident report and retained by the Campus President (or the Campus President’s designee). If the crime that was reported to CHCP staff it is a “reportable crime”, it will be included in the Annual Security Report’s crime statistics. If this same crime is also reported to the San Antonio Police Department, the crime will only be recorded once in CHCP’s annual security report. For all other reportable crimes, monthly crime statistics from the San Antonio Department’s “beat” in which CHCP is located are obtained from the San Antonio Police Department. Each monthly report is then reviewed to determine which crimes are reportable that occurred in the geographical areas covered in the Annual Security Report. (Please see the following section of this report.) Once each monthly crime statistics report is obtained, the reportable crimes that occurred within the geographical areas covered in the Annual Security Report, as well as reportable crimes that may have occurred on the campus itself are compiled in spreadsheet format on a rolling (ongoing) basis in chronological order for easy assembly and transference to the Annual Security Report. A senior administration member is responsible for collecting the data and preparing the annual security report for distribution to students and employees, as well as reporting the data on the web-based version of the report to the United States Department of Education.

### **Geographical Areas Covered in the Annual Security Report**

Under federal regulations, CHCP is required to report crimes in the listed categories (murder, robbery, burglary, auto theft, etc.) under two separate geographical areas. These two areas are classified as “On Campus” and “Public Property”.

“On Campus” is defined as property “owned or controlled by the school and used to meet or support the school’s educational purposes” and “owned but not controlled by the school, frequented by students and used to support the institution’s purposes”. Therefore, CHCP’s “On Campus” areas include the campus itself, and the parking area. The building and parking areas are included because students and staff enjoy generally unrestricted access to these areas and because they are located in the immediate vicinity of the campus.

Public Property is defined as “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are immediately adjacent to and accessible from the campus”. The public property for which

CHCP is required to report crime statistics include the sidewalks and streets immediately adjacent to (surrounding) the campus.

CHCP does not have any dormitories or residential facilities for students, either on or off campus. In addition, the school does not report crime statistics for any non-campus buildings or property (other than the campus and its parking areas) it does not own or control.

### **Possession, Use, and Sale of Alcohol and/or Illegal Drugs**

As previously stated, the College of Health Care Professions will report any violations of law including the possession, use, and/or sale of alcoholic beverages and/or illegal drugs to the appropriate law enforcement authorities.

Subsequent to the occurrence of any violation of law or school policy regarding the possession, use, or sale of alcoholic beverages and/or illegal drugs, the school may refer the employee/student to appropriate alcohol and/or drug abuse education programs. Any persons (students or staff) suspected or convicted of any violation of law or school policy concerning the possession, use, or sale of alcoholic beverages and/or illegal drugs will be referred to appropriate campus personnel for possible disciplinary action. The result of any such action (proceeding), upon validation of the offense, will result in a written warning, a student or employee being placed on probation, suspension, or termination from school/employment.



## **DRUG AND ALCOHOL ABUSE PREVENTION POLICY**

The College of Health Care Professions is committed to a safe, healthy, and productive workplace for all students and employees. The College recognizes that alcohol, drug, or other substance abuse by students employees will impair their ability to perform properly and will have serious adverse effects on the safety, efficiency and productivity of other students and employees and the College as a whole. The misuse of legitimate drugs, or the use, possession, distribution or sale of illicit or non-prescribed controlled drugs on College premises, is strictly prohibited and will result in some form of disciplinary action taken for students and employees. Being unfit for work because of use of drugs or alcohol is strictly prohibited and will also result in disciplinary action. While this policy refers specifically to alcohol and drugs, it also applies to inhalants and all other forms of substance abuse. Disciplinary action results taken regarding both students and employees range from a written warning, to suspension or termination from school/employment.

The College recognizes alcohol or drug dependency as a treatable condition. Employees and students who suspect they have an alcohol or drug dependency are encouraged to seek advice and to follow appropriate treatment promptly before it results in job or scholastic performance problems.

Employees wishing information regarding the availability of treatment programs, if any, such as assistance provided by Employer Flexible's health care plan coverage for drug and alcohol abuse rehabilitation programs and any requirements for participation in drug and alcohol abuse education/training programs, may contact their Employer Flexible human resource specialist or Humana Health Care, which is CHCP's medical insurance provider.

Students wishing information regarding availability of treatment programs may contact the **Council on Alcohol and Drugs, Austin**, <http://www.dshs.state.tx.us/sa>

### **TYPES AND DESCRIPTIONS OF AVAILABLE COUNSELING, TREATMENT, AND REHABILITATION**

The goal of an addicted person or a person who is not yet addicted but has problems stemming from use should be abstinence, or non-use of the substance.

Many different kinds of help are available for a drinking or drug problem. Help can come from formal institutions or organizations or it can come from an informal support network. Availability of the various sources/types of help is easily obtainable through quick and simple research in the local phone book, contacting a local health/mental health center, searching the web. Private organizations that specialize in substance abuse treatment or a local hospital (listing can be found in the local phone book) can also provide effective help. Availability, as well as the varying types of help offered by agencies will vary from area to area.

Many people who seek help for a substance abuse problem meet with success and go on to live happy and productive lives. With the right program and support any person can be successful in recovery.

Following are the most common types of assistance for most areas.

#### **INDIVIDUAL COUNSELING**

A person seeking or in recovery from drug/alcohol abuse usually needs a period of time/sessions spent with a professional substance abuse counselor. The counselor supports the client's non-use through a variety of

techniques. The counselor may have expertise in other mental health areas to help the client resolve problems in his or her life that might be contributing to the substance abuse.

### **MEDICATIONS FOR ALCOHOL/DRUG ABUSE**

Physicians can prescribe medications that help the person stay substance free. For example, Antabuse causes illness when alcohol is consumed. Naltrexone can help stop the craving or desire to drink or take drugs.

### **DETOX**

When someone decides to quit drinking or using drugs, it is important to see a qualified counselor or physician to be assessed for how best to stop using. Drug or alcohol withdrawal can put a person's life at risk. Medications are often prescribed to help ease the person off his or her drug(s) of choice. Detox can be accomplished in a variety of settings, depending on how complex or medically compromised a person's mental and physical healths are and the particular substance(s) of abuse. Detox settings include medical hospitals and alcohol and drug detox and treatment facilities.

### **INPATIENT TREATMENT**

Inpatient treatment provides a highly structured program that involves both individual and group therapy and treatment groups. The goal of an inpatient program is to help the person become drug free and then to prepare him or her for a sober life back in the community. Family members often attend special programs to help with the with the dynamics and educate themselves about the illness.

### **INTENSIVE OUTPATIENT TREATMENT**

Like inpatient treatment, intensive outpatient treatment provides both individual therapy and group work. The major difference between the two is that the patient does not reside at the facility. Intensive outpatient treatment programs may require the person to attend the center six hours a day, seven days a week, or attend several nights a week.

### **FAMILY HELP AND INTERVENTIONS**

The family of a substance abuser can be a very powerful resource for treatment or help. It is often easiest for a family member to confront someone about a problem and also provide support after the person has asked for help. This confrontation is often, and best, done through an intervention. The family talks to a substance abuse professional trained to help with interventions. Through this consultation, family members can get prepared to help the alcoholic or addict in a way that can motivate him or her to follow through with treatment.

Equally important to an alcohol or addict getting help is the family receiving help as well. The family members have experienced problems related to the addiction and may not be aware of the total impact this has had in their lives. Family members should be educated about alcoholism/addiction and should learn new ways to communicate with each other. The whole family will experience changes. It is important for them to learn how to help the addict and become healthy together.

### **SELF HELP RECOVERY GROUPS**

Self-help groups are available in almost every city and town across the country. Alcoholics Anonymous (AA) was the first of the 12-step, self-help recovery groups, starting in Akron, Ohio in 1935. Now there are 12-step groups for almost every problem. For alcoholics and drug addicts there is AA and Narcotics Anonymous (NA) and in larger areas Cocaine Anonymous (CA). In addition other self-help groups for

addictions have formed including Rational Recovery and Women for Sobriety. Family members and friends have Al-Anon, Alateen, and Nar-Anon groups available.

All of these self-help meetings are free of charge, self-governing and self-supporting. Members (recovering addicts) coordinate and facilitate the meetings. Days, times, and locations of meetings can be found by calling a central group telephone number in the Yellow Pages under "Alcoholism" and "Drug Abuse and Addiction" or by contacting the local Alcohol and Drug Council. . Each group holds one or more meetings a week, usually at the same location and the same times. Except for extreme weather conditions such as a tornado, hurricane, or volcano, meetings are always held.

Twelve-step, self-help programs focus on members sharing with others members their experiences, strengths, and hope in terms of recovery from alcoholism and drug addiction. Family members and friends benefit from learning to live and cope with an addict or alcoholic, irrespective of whether or not they recover. Newcomers are encouraged to make contact with someone before attending a first meeting so you can ask questions before and after you go. Many meetings have a newcomers' group as part of one of their regular weekly meetings. Newcomers are also encouraged to attend the meetings for awhile to learn what they are about and to attend different groups as they are all unique.

There are many different types of 12-step meetings including: Closed Meetings - only alcoholics or addicts may attend; Open Meetings - anyone can attend; Discussion Meetings - any topic pertaining to alcoholism/addiction or recovery from alcoholism/addiction can be discussed; Speaker Meetings - one or several speakers tell their stories of alcoholism/addiction and recovery; and Study Group Meetings including Step Meetings where one or more of the 12 steps are studied and discussed, usually one step a week, and meetings where Alcoholics Anonymous and/or Narcotics Anonymous (and/or possibly other approved literature produced by the world service office of each self-help group) constitute the text studied.

Once someone has gone to a few meetings and has picked a group he or she is comfortable with, known as a "home group," then a "sponsor" should be chosen. The purpose of a sponsor is to have someone who can personally guide another in recovery through sharing their experience, strength, hope, and offering support. There are no rules or guidelines on how to choose a sponsor but new members are encouraged to choose someone who they admire for their success in recovery, who has been able to stay sober for a few years, and who is the same gender.

### **Institutional Sanctions/No Exemption from School/Work**

Any employee or student suffering from alcohol or drug dependency who refuses rehabilitation or fails to respond to treatment and/or meet satisfactory standards of effective work or scholastic performance, will be terminated from employment/school. Also, any persons successfully participating in drug rehabilitation, whose prior disciplinary action did not result in termination, does not require or result in any special regulations, privileges, or exemptions from normal job or student performance requirements.

The College may conduct unannounced searches for drugs and alcohol on company owned or controlled property. The College may also require employees to submit to medical evaluation or alcohol and drug testing where cause exists to suspect alcohol or drug use, including workplace or school related incidents. Unannounced periodic or random testing will be conducted when an employee or student meets any one of the following conditions: has had a substance abuse problem, displays erratic behavior that leads a person of authority to suspect drugs or alcohol is involved. A positive test result or refusal to submit to a drug or alcohol test is grounds for disciplinary action, including dismissal from school for a student and termination from work for an employee.

In addition to the above policy, it is a requirement of the College that all applicants accepting offers of regular employment may be asked to take a drug test.

Contractor, common carrier, and vendor personnel are also covered by this policy. Those who violate the policy will be removed from company premises and may be denied future entry.

### **Student Specific Alcohol/Drug Prevention Program/Policy**

It is unlawful to manufacture, distribute, dispense, have in one's possession, or use a controlled substance. The use, possession, or distribution of narcotics, amphetamines, barbiturates, marijuana, hallucinogens or any other controlled substance not prescribed to the user by a physician, and any alcoholic beverage is prohibited on the College campus including parking facilities. Your enrollment and attendance implies consent that automobiles, backpacks, purses, briefcases and the like may be searched when reasonable suspicion exists that a violation of the law regarding this policy exists. Therefore, because of the Federal mandate and the College's commitment to provide a drug and alcohol free environment, the following policy has been adopted:

1. All students, upon entering the College, complete a document entitled "Drug and Alcohol Policy". Among other items, **this document contains a permission statement that allows the College to perform random drug testing throughout the student body, as it deems necessary.** In addition, when students complete this form they are stating that they understand and agree to adhere to the Drug and Alcohol Policy. This document is retained in the students' permanent records.
2. If a student is involved in an accident, injured during school hours or exhibits behavior indicative of being under the influence of drugs or alcohol, he or she may be requested to have a drug test. If a needle sticks a student, he/she may be asked to take HIV and Hepatitis B tests, with rules of confidentiality. Test results will be given to the student.
3. The dangers of drug and alcohol abuse on the campus and in the work place are covered in lectures.
4. All staff and faculty members of the College are committed to a drug and alcohol free environment and campus.
5. Any student involved in any way with drugs and their abuse, shall be terminated or required to participate satisfactorily (at the student's expense) in a abuse assistance or rehabilitation program approved for such purposes by Federal, state, local health law, or other appropriate agency.
6. It is necessary that all students know that as a condition of enrollment, the College of Health Care Professions and the grant agency require (if applicable) that they must:
  - a. Abide by the terms of the above and;
  - b. Notify the school and grant agency (if applicable) within five (5) days of any conviction for a criminal drug incident.
7. The College will notify every grant officer/agency on whose grant a convicted student is attending the College of any conviction as stated above in number 6.b. The notice shall include the identification number(s) of each grant.
8. One of the following actions will take place within thirty (30) calendar days of the College receiving notice under subparagraph 6.b. regarding a student who has been convicted:
  - a. The College will take appropriate action against such a student, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 as amended; or
  - b. The College will require such a student to participate satisfactorily (at the student's expense) in a drug assistance or rehabilitation program approved for such purposes by Federal, state, local health law, or other appropriate agency.

9. The College shall continually monitor its Drug and Alcohol Free program to ensure that it is in compliance with the above policy.

## **LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE**

### **Federal Penalties and Sanctions**

#### 21 United States Code 844(a):

1st drug conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceed 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

Special sentencing provisions for possession of flunitrazepam: Imprisoned for not more than 3 years and/or fined.

#### 21 United States Code 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

#### 21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

#### 18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

### **State Penalties and Sanctions**

#### Texas Penal Code Sec. 49.02:

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine of up to \$500.

#### Texas Alcoholic Beverage Code Sec. 1.05, 101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of up to \$2,000 and/or up to 180 days confinement.

#### Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071:

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine of up to \$4,000 and/or up to one year in jail.

Texas Education Code Sec. 37:122:

The possession of an intoxicating beverage on the grounds of any public school is a Class C misdemeanor and carries a penalty of up to \$500.

Texas Penal Code Sec. 49.04:

Driving under the influence of alcohol is a Class C misdemeanor and punishable by a fine of up to \$500 and a minimum confinement of 72 hours and/or up to 180 days in jail for the first offense and up to a \$2,000 fine and a minimum of 30 days confinement and and/or up to 180 days in jail for subsequent offenses.

If found with an open container in the person's immediate possession, the minimum confinement period extends to six days.

Texas Alcoholic Beverage Code Sec. 106.07:

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine of up to \$500.

Texas Health and Safety Code Sec. 481.102-106, 481.115-118:

The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120:

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

**Local Penalties and Sanctions**

Texas Penal Code Section 49.031

**Open container** means an alcoholic beverage container that is no longer sealed.

It shall be unlawful for any person to be in possession of an open container in the central business district.

It shall be unlawful for any person to engage in the public consumption of any alcoholic beverage in the central business district.

It is a defense to prosecution under this section that the alleged offense took place in a motor vehicle, in a building not owned or controlled by the city, in a residential structure or on a licensed premises that is situated in the central business district.

**Texas Penal Code Section 481.001**

Solicitation to purchase or acquire a controlled substance, controlled substance analogue, dangerous drug or volatile chemical.

(a) As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

*Controlled substance* means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Groups 1, 1-A, or 2 through 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance.

*Controlled substance analogue means:*

(A) a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, or 2; or

(B) a substance specifically designed to produce an effect substantially similar to, or greater than, the effect of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, or 2.

*Dangerous drug* shall have the meaning ascribed to it by Section 2(a) of Article 4476-14, Texas Revised Civil Statutes or any amendment thereto.

*Prohibited substance* shall mean a "controlled substance," "controlled substance analogue," "dangerous drug," "volatile chemical," or any combination thereof.

*Volatile chemical* shall mean any of the chemicals, or an isomer of any of the chemicals, listed in Section 2 of Article 4476-13a, Texas Revised Civil Statutes or any amendment thereto.

(b) A person commits an offense if, with intent to acquire a prohibited substance, he requests, commands or attempts to induce another to sell, donate or otherwise transfer or deliver a prohibited substance to the person.

(c) A person may not be convicted under this section on the uncorroborated testimony of the person allegedly solicited and unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the actor's intent that the other person act on the solicitation.

(d) It is no defense to prosecution under this section that:

(1) No monetary or other consideration was tendered to the person solicited; or

(2) That the person solicited was unable or unwilling to transfer or deliver a prohibited substance.

(e) It is an affirmative defense to any prosecution under this section that:

(1) The solicitation is made in furtherance of a transaction which would not constitute a violation of any applicable law; or

(2) The solicitation is made by a peace officer or federal law enforcement officer in the lawful discharge of his duties or by a law enforcement agent acting in the lawful discharge of an official duty.

(f) Violation of this section shall constitute a misdemeanor punishable, upon conviction, by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). However, any conduct proscribed hereunder which also constitutes an offense under state law shall not be prosecuted under this section, but shall be prosecuted pursuant to and punishable as provided by the applicable state law. An offense under this section is not a lesser included offense under Article 4476-15, Article 4476-14 or Article 4476-13a, Texas Revised Civil Statutes Annotated.

**(Code 1968, § 28-45; Ord. No. 78-1330, § 1, 6-28-78; Ord. No. 83-50, § 1, 1-12-83)**

**On products for sale.** It shall be unlawful for a person to knowingly sell or offer for sale any abusable glue, aerosol paint or aerosol shoeshine product or any substance or product containing one or more of the volatile chemicals listed in subsection (B) herein in less than five-gallon quantities, unless the label for such product clearly lists said volatile chemical or chemicals as a component therein.

**On manufactured products.** It shall be unlawful for a person to knowingly manufacture, mix, or otherwise prepare for sale or distribution for sale any abusable glue, aerosol paint or aerosol shoeshine product or a substance or product which contains one or more of the volatile chemicals listed in subsection (B) herein, unless the label for such substance or product clearly lists said volatile chemical or chemicals as a component therein. The provisions of this subsection (D) shall not apply to a substance or product manufactured, mixed, or otherwise prepared for sale or distribution for sale in interstate commerce.

**Sign at point of sale.** It shall be unlawful for a person to knowingly sell, offer for sale, or display for sale, any abusable glue, aerosol paint or aerosol shoeshine product unless such person prominently displays a sign at the point of sale of such product stating that it is unlawful to sell or otherwise transfer possession to anyone under the age of 18 any abusable glue, aerosol paint or aerosol shoeshine product. Such sign shall be a minimum of ten inches wide by 15 inches in length and must contain the statement required by this subsection in letters at least one-half inch high and an eighth of an inch wide and shall state the following:

"Unlawful to sell or make available to anyone under the age of eighteen (18) any abusable glue, aerosol paint or aerosol shoeshine product containing:

**Possession with intent to inhale.** It shall be unlawful for a person to have in his possession any abusable glue, aerosol paint or aerosol shoeshine products or any substance containing one or more of the volatile chemicals listed in subsection (B) herein with the intent to inhale such products or chemicals.



## **DRUG CATEGORIES**

### **A. Marijuana**

1. Absorption  
Marijuana may be inhaled or ingested.
2. Metabolism/Elimination  
THC (Delta-9-tetrahydrocannabinol) is highly fat-soluble and may take up to three months to be fully eliminated from the body by the liver and kidneys. One joint affects the body for a period of two to four hours.
3. Brief Overview  
Marijuana is the most frequently used illicit drug in America and has been linked to harming a developing fetus. It has the same or similar effects as depressants, stimulants, and hallucinogens. Marijuana cigarettes yield almost four times as much tar as tobacco, creating a higher risk of lung damage.
4. Short-term Effects
  - a. Increases in heart rate, body temperature, and appetite.
  - b. Drowsiness.
  - c. Dryness of the mouth and throat.
  - d. Reddening of the eyes and reduction in ocular pressure.
5. Long-term Effects
  - a. Can cause the following medical conditions: respiratory problems, lung damage, and cancer.
  - b. Memory and concentration impairments.
  - c. Possible motivational syndrome.
6. Special Hazards Involving the Driving Task  
Marijuana has been linked to the impairment of the ability to drive a vehicle. Concentration is affected and there is difficulty in perceiving time and distance, which can lead to the following: bad judgment, impaired reaction time, poor speed control, an inability to accurately read signs, drowsiness, and distraction.
7. Effects with Other Drugs  
When marijuana is combined with alcohol it creates greater impairment in areas such as reaction time and coordination. When combined with sedatives and opiates, it can cause an increase in anxiety and even hallucinations, along with an increase in heart rate and blood pressure when used with amphetamines. On the other hand, effects are somewhat unpredictable when marijuana is combined with stimulants, such as nicotine, caffeine, amphetamines, and cocaine.

### **B. Cocaine**

1. Absorption  
Cocaine enters the body in one of three ways: injection, smoking, or snorting.

2. Metabolism/Elimination  
Cocaine is a strong stimulant to the central nervous system. Its effects can last anywhere from 20 minutes to several hours, depending on the content, purity, administration, and dosage of the drug.
3. Brief Overview
  - a. Cocaine users become dependent on the drug.
  - b. Crack is a form of the drug that is highly addictive.
  - c. Exposure to the drug can harm a developing fetus.
  - d. It produces short-lived senses of euphoria; the length depends on how the drug was administered.
4. Short-term Effects
  - a. May cause extreme anxiety and restlessness.
  - b. May experience the following medical conditions: twitches, tremors, spasms, coordination problems, chest pain, nausea, seizures, respiratory arrest, and cardiac arrest.
5. Long-term Effects
  - a. May cause extreme alertness, watchfulness, impaired judgment, impulsiveness, and compulsively repeated acts.
  - b. May cause stuffiness, runny nose, tissue deterioration inside the nose, and perforation of the nasal septum.
6. Special Hazards Involving the Driving Task
  - a. Cocaine may successfully mask fatigue; however, high dosages impair judgment and interfere with the ability of the driver to concentrate.
  - b. Coordination and vision are impaired.
  - c. There is an increase in impulsive behaviors with tendencies to take more risks and create confusion within the user.
7. Effects with Other Drugs
  - a. Additive effects are noted when cocaine is combined with over-the-counter products, such as diet pills or antihistamines.
  - b. Cocaine taken with psychotropic drugs, especially antidepressants, can be extremely detrimental.
  - c. A person who has extremely high blood pressure and uses cocaine may suffer from a stroke or heart attack.
  - d. Some users combine cocaine with alcohol and sedatives to cushion the "crash" or feeling of depression and agitation that sometimes occurs as the effects of cocaine wear off.
  - e. A person using cocaine maintains the illusion of being alert and stimulated, although physical reactions are impaired.
  - f. Further research indicates that additive and antagonistic effects can be produced when cocaine is mixed with alcohol.
  - g. If cocaine is used in high doses, as in the case of overdose, alcohol will probably have an additive effect on the symptoms that eventually contribute to death.
  - h. When cocaine is injected in combination with heroin, sometimes called "speed balling," there is an increased risk of toxicity, overdose, and death.

### **C. Sedative Hypnotics (Barbiturates, Benzodiazepines)**

1. Absorption  
Sedative Hypnotics are absorbed through ingestion.
2. Metabolism/Elimination  
Sedative Hypnotics are eliminated by the liver and excreted in urine. Their effect can last anywhere from two to ten hours.
3. Brief Overview
  - a. Anti-anxiety tranquilizers are among the most commonly prescribed drugs in the world.
  - b. Driving under the influence of tranquilizers is dangerous.
  - c. A person can become dependent on tranquilizers and depressant drugs, which make them, feel calmer, more relaxed, and drowsy.
4. Short-term Effects
  - a. Short-term effects can occur with low to moderate use.
  - b. May experience moderate relief of anxiety and a sense of well-being.
  - c. There may be temporary memory impairment, confusion, and impaired thinking.
  - d. A person could be in a stupor, and have altered perception and slurred speech.
5. Long-term Effects
  - a. May include over-sedation, decreased motivation, apathy, and lack of interest in surroundings.
  - b. A person may experience headaches, dizziness, sleep disorders, anxiety, depression, and tremors.
  - c. There may be an increase in appetite and impairment of thinking, memory, and judgment.
6. Special Hazards Involving the Driving Task
  - a. The use of tranquilizers produces drowsiness, non-coordination, altered perceptions, memory impairment, poor control of speech, and slower reaction time.
  - b. Effects on driving include: poor tracking, difficulty in maintaining lane position, and neglecting roadside instructions.
  - c. When combined with alcohol, the effects may be more hazardous.
7. Effects with Other Drugs
  - a. Some people in methadone treatment programs use benzodiazepines to enhance the effects of methadone.
  - b. When tranquilizers are combined with alcohol or other central nervous system depressants, synergistic effects may be produced, which may be fatal.
  - c. Alcohol increases the absorption of benzodiazepines, slows their break down in the liver and can cause cardio vascular and respiratory depression.
  - d. People who take stimulants sometimes take tranquilizers to off set agitation and sleepiness.

### **D. Opiates (Morphine, Heroin, Codeine, Opium)**

1. Absorption  
Opiates are normally absorbed through injection.
2. Metabolism/Elimination  
Opiates are metabolized by the liver and may have a lengthy metabolism due to excessive half-lives of the drugs.

3. Brief Overview
  - a. Opiates can cause sedation and euphoria.
  - b. They are often used to relieve pain, suppress coughs, and control physical conditions such as diarrhea.
  - c. Respiratory depression and death can occur from overdoses of opiates.
  - d. Opiates may impair a person's ability to drive.
  - e. A person can become physically and psychologically addicted to opiates.
4. Short-term Effects
  - a. Include drowsiness, dizziness, mental confusion, constriction of pupils, and euphoria.
  - b. Some opiate drugs, such as Codeine, Demerol, and Darvon, also have stimulating effects.
  - c. Stimulating effects include: central nervous system excitation, increased blood, elevated blood pressure, increased heart rate, tremors, and seizures.
5. Long-term Effects
  - a. May include impaired vision, pulmonary complications, and menstrual irregularity.
  - b. A person may experience nightmares, hallucinations, and mood swings.
6. Special Hazards Involving the Driving Task
  - a. Opiates can cause drowsiness, mental confusion, and visual impairment even at lower, moderate doses.
  - b. A driver may have difficulty keeping the vehicle in the correct lane and may make errors in judgment.
7. Effects with Other Drugs
  - a. Alcohol greatly increases the present effects of opiates and can lead to respiratory arrest.
  - b. A person injecting heroin mixed with cocaine or methamphetamines, known as "speed balling," produces a stimulant effect.
  - c. The listed drug combinations increase the risk of toxicity, overdose, and death.

## **E. Amphetamines**

1. Absorption

Amphetamines are absorbed by the body in one of three ways: snorting, swallowing, or injection.
2. Metabolism/Elimination

Amphetamines are eliminated through the liver.
3. Brief Overview
  - a. Amphetamines have a strong central nervous system stimulant which can increase alertness and induce a sense of well-being.
  - b. If used while driving, amphetamines are dangerous.
  - c. The use of amphetamines reduces a person's resistance to disease.
4. Short-term Effects
  - a. A person may experience a loss of appetite, increased alertness, and a feeling of well-being.
  - b. A person's physical condition may be altered by an increase in breathing and heart rate, elevation in blood pressure, and dilation of pupils.

5. Long-term Effects
  - a. Anxiety and agitation.
  - b. Sleeplessness.
  - c. Higher blood pressure and irregular heart beat.
  - d. Increased susceptibility to disease.
6. Special Hazards Involving the Driving Task  
The use of amphetamines can interfere with concentration, impair vision, and increase the driver's tendencies to take risks
7. Effects with Other Drugs
  - a. Amphetamines should never be taken with a class of antidepressants known as MAO inhibitors, because of potential hypertensive crisis.
  - b. Amphetamine users sometimes use marijuana and depressant drugs in order to avoid the adverse side effects of the "crash," therefore creating multiple drug dependencies.

### **F. Poly-drug Use**

(Poly-drug use is where the use of more than one substance normally causes one of three reactions: additive, synergistic, or antagonistic.

1. Additive Effects  
Additive effects occur when drug combinations produce an effect that is like simple addition, such as the equation:  $1 + 1 = 2$ .
2. Synergistic Effects  
Synergistic effects occur when drug combinations produce an effect that is greater than the sum of the effects of the two drugs, such as the equation:  $1 + 1 = 3$ .
3. Antagonistic Effects  
Antagonistic effects occur when a drug combination produces an effect that is less than the sum of the effects of the drugs acting alone, such as the equation:  $1 + 1 = 1$  or  $1 + 1 = 0$ .

## **HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE**

### **A. Absorption**

Alcohol is primarily absorbed through the stomach and the small intestines. It is considered a food because it has calories, but does not need to be digested and proceeds directly into the body through the digestive system. After ingestion it is carried through the blood stream and crosses the blood-brain barrier, at which time impairment begins. A greater amount of ingestion causes greater impairment to the brain, which, in turn, causes a person to have a greater degree of difficulty in functioning.

### **B. Metabolism/Elimination**

The majority of alcohol in the body is eliminated by the liver. Ninety percent is eliminated through the body, while ten percent is eliminated (unchanged) through sweat and urine. Before the liver can process alcohol, a threshold amount is needed and can occur at the rate of one 12 oz. can of beer, one 5 oz. glass of wine, or 1 1/2 oz. shot of whiskey per hour.

### **C. Brief Overview**

1. Alcohol is a central nervous system depressant.
2. Alcohol is among the most abused drugs in our society.
3. Alcohol can be as potent as many other illegal drugs.
4. Alcohol can cause severe damage to a developing fetus.
5. People often do not realize that they are becoming dependent on alcohol.

#### **D. Short-term Effects**

1. Reduces sensitivity to pain.
2. Affects vision in the following ways: narrows the visual field, reduces resistance to glare, interferes with the ability to differentiate intensities of light, and lessens sensitivity to colors.

#### **E. Long-term Effects**

1. Damage to vital organs; including liver, heart and pancreas.
2. Linked to several medical conditions; including gastro intestinal problems, malnutrition, high blood pressure, and lower resistance to disease. Also linked to several types of cancer; including esophagus, stomach, liver, pancreas and colon.

#### **F. Special Hazards Involving the Driving Task**

Specific elements to the hazards of alcohol use and driving are listed in a separate section of the curriculum. However, alcohol impairs one's ability to drive or operate machinery safely.

#### **G. Effects with Other Drugs**

1. Alcohol produces a synergistic effect when taken with other central nervous system depressants. These include: sedative hypnotics, barbiturates, minor tranquilizers, narcotics, codeine, methadone, and some analgesics.
2. Alcohol can be additive in nature when taken with antipsychotic medications, antihistamines, solvents or motion sickness preparations. When used on a daily basis, in conjunction with aspirin, it may cause gastro intestinal bleeding. Also, when used with acetaminophen, an increase in liver damage could occur.

Alcohol begins to affect individuals prior to reaching the legally intoxicated Blood Alcohol Concentration level of .08%. If a 150 lb. person consumes one drink equal to twelve ounces of beer (5 percent alcohol), five ounces of wine (12 percent alcohol) or one-and-a-half ounces of hard liquor (40 percent alcohol), all would contain about the same amount of alcohol and would raise the person's Blood Alcohol Concentration about .02%. It takes the liver approximately one hour to oxidize or metabolize one drink.

#### **Health Risks Associated with Drug Abuse**

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

## **DRUG ABSORPTION/METABOLISM/ELIMINATION**

### **A. Method of Administration**

Drugs are administered to or enter the human body in a number of ways, including injection, inhalation, and ingestion. The method of administration impacts on how the drug affects the person. For example: injection takes the drug directly into the blood stream, providing more immediate effects; while ingestion requires the drug to pass through the digestive system, delaying the effects.

### **B. Factors Affecting Absorption/Metabolism**

Factors that affect absorption/metabolism include physical, emotional and drug-related factors.

#### *1. Physical Factors*

Physical factors that affect the absorption or metabolism of a drug include:

- a. Person's weight and age – The amount of physical mass a drug must travel through will have an outcome on the drug's total effect on the body. Also, the aging process affects the manner in which the drug exerts its effects on the body.
- b. Individual biomedical/chemical make-up – Each individual tolerates substances differently. For example: a person's physical condition as well as hypersensitivity (allergies) or hyposensitivity (need for larger doses to gain the desired effect) will influence the total effect of the drug on the individual.
- c. Rate of metabolism – Each drug metabolizes or processes within the body at a different rate. The drug remains active in the body until metabolism occurs. For example: certain medications require dosages to be taken every four, twelve or twenty-four hours, depending on the duration and rate at which the drug is metabolized.
- d. Food – Food in the body slows absorption of the drug into the body by not allowing it to pass directly through the digestive process without first being processed by the digestive system. A slower process occurs, since the body is digesting food in addition to the substance or drug utilized by the person.

#### *2. Emotional Factors*

The emotional factors that may influence drug absorption and metabolism within the body are:

- a. Emotional state – A person's specific emotional state or degree of psychological comfort or discomfort will influence how a drug may affect the individual. For example: if a person began using alcohol and was extremely angry or upset, the alcohol could intensify this anger or psychological discomfort. On the other hand, if alcohol was being used as part of a celebration,

the psychological state of pleasure could be enhanced by the use of the drug.

b. Anticipation/Expectancy – The degree to which a person believes that a given drug will affect them, may have an effect on their emotional state. If a person truly believes that by using a substance, they will experience a given effect, then their expectations may cause a psychological change in the manner in which the drug affects them.

### 3. Drug-Related Factors

The drug-related factors that influence the way drugs are absorbed and metabolized within the body are:

a. Tolerance – Tolerance refers to the amount of a given substance necessary to receive its desired effect.

b. Presence or use of other drugs – The presence or use of other drugs such as prescription, over-the-counter, nicotine, and caffeine also influence the rate of absorption and metabolism of drugs in the body.

c. Method of administration – A drug injected directly into the blood stream will affect an individual at a greater rate, since it will be directly absorbed through the blood stream and presented to various organs. If a drug is snorted or inhaled, the effects may be enhanced, due to the fact that the sinus cavity is located in close proximity to the brain. On the other hand, if a drug is ingested, the effects may be slower due to the fact that they must pass through the digestive system.

d. Physical dependence (addiction) – If a person is physically addicted to a drug, then more of a given substance may be necessary and the effects on the body will differ from those seen in a non-dependent individual.

## C. Elimination

Drugs are eliminated from the body primarily through the liver. The liver and kidneys act as a body's filter to filter out and excrete drugs from the body. The liver metabolizes ninety percent of alcohol in the body, while ten percent is excreted through the lungs and sweat. Also, the liver metabolizes drugs in a fairly consistent manner. For example: alcohol is removed at the rate of one 12 oz. can of beer, one 5 oz. glass of wine, or 1 1/2 oz. shot of whiskey per hour.

## SPECIFIC EFFECTS OF DRUGS ON THE CENTRAL NERVOUS SYSTEM

Drugs affect the various areas of the brain and change normal brain activity. It is important to know what specific functions are located in each of the major brain areas, to better understand the effects of drugs and alcohol on behavior and functioning.

### A. Hypothalamus

The hypothalamus regulates homeostasis, the body's system for keeping itself balanced. This includes: sleep and wake cycles, hunger, thirst, sexual behavior, blood pressure, and temperature.



Also, the hypothalamus determines what parts of the body are affected by analgesics and regulates hormonal impulses and emotions.

### **B. Medulla**

The medulla is responsible for head balance, movement, and assisting the hypothalamus in regulating automatic body functions.

### **C. Cerebral Cortex**

The cerebral cortex contains half of the nervous system's cells, which regulates the speed and vomiting reflexes. It is also responsible for language, abstract thinking, personality, and interpretation of emotion and sensory information, including judgment.

### **D. Cerebellum**

The cerebellum is responsible for coordination of muscles, maintenance of balance, and specific memory and learning system functions that are not to one part of the brain.

## **IMPACT OF DRUG USE ON DRIVING**

### **A. Necessary Driving Skills**

1. Several skills necessary for driving include: vision, reaction time, judgment, hearing, and simultaneous task processing/accomplishment.
2. Driving skills can be divided into cognitive skills, such as information processing, and psycho motor skills.

### **B. Drug Impact on Driving Skills**

1. Impairment is related to alcohol, in terms of its concentration in the blood stream.
2. The brain's control of eye movements is highly vulnerable to alcohol. It only takes low to moderate blood alcohol concentrations (.03 to .05%) to interfere with voluntary eye movements and impair the eyes' ability to rapidly track a moving target.
3. Steering an automobile is adversely affected by alcohol, as alcohol affects eye-to-hand reaction times, which are superimposed upon the visual effects. Significant impairment and deterioration of steering ability begin at approximately .03 to .04% Blood Alcohol Concentrations and continue to deteriorate as Blood Alcohol Concentration rises.
4. Almost every aspect of the brain's information-processing ability is impaired by alcohol. Alcohol-impaired drivers require more time to read street signs or respond to traffic signals than unimpaired drivers. Research on the effects of alcohol on the performance of automobile and aircraft operators shows a narrowing of the attention field beginning at .04% blood alcohol concentration.

### **C. Dividing Attention Among Component Skills**

1. Most sensitive aspect of the driving performance.

2. Component skills involve maintaining the vehicle in the proper lane and direction (tracking task), while monitoring the environment for vital safety information, i.e. other vehicles, traffic signs, and pedestrians.
3. Alcohol-impaired drivers who are required to divide their attention between two tasks tend to favor just one task. Often times the favored task is concentrating on steering while becoming less vigilant with respect to other safety information.
4. Numerous studies indicate that divided attention deficits occur as low as .02% Blood Alcohol Concentration.
5. Four conclusions can be drawn from results of epidemiologic and experimental studies.
  - a. The degree of impairment depends on the complexity of the task involved as well as the Blood Alcohol Concentration.
  - b. The magnitude of alcohol-induced impairment rises as the Blood Alcohol level increases and dissipates as the alcohol is eliminated from the body.
  - c. At a given time and Blood Alcohol Concentration, some skills are more impaired than others.
  - d. There is no evidence of an absolute BAC threshold below which there is no impairment of any kind. Therefore, certain skills important to the driving task are impaired at .01 to .02% blood alcohol level the lowest levels that can be reliably measured by the commonly used devices.

### **HELPING SOMEONE WITH A DRINKING OR DRUG PROBLEM**

The most helpful thing you can do for someone with a substance abuse problem is be supportive. Overcoming addiction and changing behavior is much easier to do with the help of others. Here are some tips for helping someone you know who may have a drinking or drug problem.

Show and tell your genuine concern for the other person.

Maintain the offensive: do not let the other person put you on the defensive about your own drinking.

Know the basic facts about alcohol or drugs, but do not try to come across as an expert.

Try to get the person to agree to some form of positive action, such as seeking counseling.

### **HEALTHY CHOICES FOR MANAGING STRESS**

We all need "time out" for ourselves. We all have times we need help with soothing a feeling or mood. Here are lists of possibilities that don't involve food, alcohol, or other drug use.

Take a scented bubble bath, with candles and great music in the background.

Go to bed early and hope that tomorrow will be a better day.

Let yourself cry, alone or with a friend.

Try one or more of the following activities:

Take a walk or do some vigorous exercise

Go to a beautiful, peaceful place

Talk to a sympathetic friend

Write in a journal

Dance

Go to a movie

Get a massage

Read a good book

Do whatever it is you like to do or need to do to take care of yourself. You can use this list or make your own, and place it somewhere you can see it when you're in need. Include phone numbers of people you can call. Be specific!

**"Wellness"** is healthy living that keeps our minds, bodies, and souls in balance. Wellness includes staying fit, eating nutritiously, maintaining good relationships, and being involved in rewarding work. Here are some specific things that help us live well.

**Be Active**

If you already play sports or exercise regularly, you know the

"rush" you can get from physical activity. Your body feels stronger, and your mind feels more alert and better rested.

Some of us don't like sports and exercise. It may help to think about what you do like to do, or just explore things that seem interesting to you. Walking on a stair climber may leave you bored, but walking or jogging through pleasant outdoors surroundings may seem more attractive. Take a friend for companionship! Are there any sports you like to watch that you might want to try? From lessons to team sports, many schools and communities offer a variety of inexpensive recreational activities. It's a great way to meet people.

**Eat Well**

Eating can be a real pleasure, even when it's "healthy." Learn to enjoy eating well. Learn to cook. Have dinner with your friends. Appreciate your meals.

A word of caution for those of us who are tempted to overeat. When we eat too much we can feel bloated and unwell, and end up being an unhealthy weight. We need to learn to stop eating before we feel full, to give our stomachs a chance to catch up to our palates. Wellness or medical clinics can offer assistance in learning healthy eating patterns.

**See Friends**

There are lots of things we can enjoy doing alone, but often it's more fun to share it with other people. Make regular time for your friends and family. Pick enjoyable things to do with them. Often the activity is less important than the chance to talk and listen with another person.

**Relax** Taking a break can feel great. Start by getting enough sleep every day. If you always wake up tired, try going to bed earlier. Some of us take time regularly to meditate. For others, quiet activities like reading, writing, or just sitting can be very relaxing. Naptime isn't just for children. If you feel tired, listen to your body and rest more.

### **HEALTHY CHOICES FOR PARTYING (IF YOU MUST PARTY)**

Part of hosting a good party is ensuring your guests' comfort. That includes supporting guests who don't want to drink alcohol and encouraging moderation in those who do. The following ideas for hosting parties come from "Responsible Drinking Party Ideas", created by the Council on Alcoholism and Drug Dependence in Durham, NC.

#### **CARING HOSTS CAN**

Serve food so guests don't drink on an empty stomach

Serve non-carbonated mixers like juice, because carbonation speeds alcohol absorption

Serve plenty of non-alcoholic drinks for those who want them--including drinkers!

Serve alcohol in measured amounts, not from open containers like kegs

Serve alcohol at spaced intervals, to encourage guests to not have more than one drink an hour

Provide a comfortable, relaxed atmosphere--let your party put guests at ease, not your booze

Offer activities and entertainment such as games and music so that socializing does not just revolve around eating and drinking

Stop serving alcohol before the end of the party; let guests have two hours to allow alcohol to leave their body before they leave your house

Take responsibility for intoxicated guests: don't let anyone drive home drunk. Arrange for taxis or designated drivers, or let people stay the night. You can be held legally responsible for injuries sustained or caused by guests you have served alcohol to.

## **Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The College of Health Care Professions is committed to providing a safe learning and working environment. The College prohibits and has zero tolerance for the offenses of domestic violence, dating violence, sexual assault and stalking.

CHCP's program to prevent rape, acquaintance rape, domestic violence, sexual assault, and stalking is provided through the information/education that is providing in this report and is intended for all employees, students. The information for crime prevention contained in this report is the result of research conducted by the school that was obtained from both local and non-local law enforcement agencies, as well as the Houston Area Women's Center, the Rape, Abuse and Incest National Network (RAINN), Loveisrespect.org and the Attorney General of Texas.

The availability of other sexual assault prevention programs other than the information contained herein for employees/students may be obtained by contacting local law enforcement, or organizations that specialize in the areas of domestic violence, dating violence sexual assault and stalking. Phone and internet resources for some of these resources can be found at the end of this section.

These programs promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking. School personnel and local law enforcement can also obtain the availability of off campus mental health and other support services for victims of sexual crimes.

### **DEFINITIONS**

**Domestic Violence** is a pattern of abusive behavior where one person in an intimate partner relationship uses abusive tactics to maintain power and control over the other. It is patterned behavior that can involve physical, emotional, sexual, verbal and/or economic abuse used to give the abuser a sense of power and control over his/her partner. Tactics of abuse are used to establish and maintain that control in the relationship. Abuse of this nature that occurs in an intimate partner relationship where partners are not married or cohabitating is known as **Dating Violence**.

**Sexual Assault** is any sexual act or sexual contact that occurs without the explicit consent of both parties. In order for the act to be consensual, both parties must be adults not under the influence of alcohol or drugs, or under any kind of duress, force or threat.

**Consent** is a freely made choice that is communicated clearly. Consent can only be given by an adult who is not under the influence of alcohol or drugs or under any kind of threat or force.

**Stalking** is repeated harassing or threatening behavior towards a specific person that causes that person to feel fear. According to Texas law, two or more actions that meet these criteria constitute a stalking offense.

**Date rape** is a sexual assault or attempted sexual assault usually committed by a new acquaintance involving sexual intercourse without mutual consent. The term "date rape" is widely used but can be misleading and inaccurate because the person who commits the crime might not be dating the victim.

Rather, it could be an acquaintance who commits the offense, which would be referred to as **acquaintance rape**.

## **SEXUAL ASSAULT**

If you should witness or become the victim of an alleged sexual crime on campus, or on public property immediately surrounding the campus, you are strongly advised to report the crime immediately to local law enforcement (calling 911 on your cell phone may be the quickest method) and/or campus personnel. School personnel, at the student/employee's request, will assist the victim with notifying the authorities of the alleged sexual offense.

Following are some commonly held myths regarding sexual assault.

### **Myths about sexual assault**

It could never happen to me.

Truth: Everyone is a potential victim. Man, woman, child, any age, race, religion, occupation, education, or sexual preference.

The motive is sexual.

Truth: Rape is a violent assault and the motive is aggression, anger, and hostility.

Rape is committed on impulse and by a stranger.

Truth: Most rapes are planned and often occur in one's house. Many times the offender is a relative, friend, neighbor or other acquaintance of the victim/survivor (such as in the case of "acquaintance rape").

"Women who are raped are asking for it."

Truth: Rape is a violent and degrading crime. The youngest reported rape victim was 3 months old. The oldest was 99 years old. Both victims were in their bed sleeping. Age, what one wears, or the sex of the victim does not matter.

A rapist is easy to spot in a crowd.

Truth: Most rapists are young, married and appear normal. They can be of any race or economic background.

Rape is a non-violent crime.

Truth: Rape is a violent crime. 98% of rapists either carry a weapon or threaten the victim with violence or death.

### **Preventative Measures Against Sexual Assault**

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

**Try to avoid dangerous situations:**

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose — even if you don't know where you are going, act like you do.
- Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.

**Try not to allow yourself to be isolated with someone you don't trust or someone you don't know:**

- Try to stay in a group. If someone you don't know or trust asks you to go somewhere together, let him or her know that you would rather stay with the group.

**If someone is pressuring you:**

- Trust your instincts. Don't feel obligated to do anything you don't want to. "I don't want to" is *always* a good enough reason.
- Be true to yourself. Do what feels right to you and what you are comfortable with.
- Communicate your limits firmly and directly. If you say no, say it like you mean it. Be loud and clear, and be firm — in body language as well as words.

**In a social situation:**

- Don't leave any beverages unattended or accept drinks from open containers.
- Have a buddy system. Don't be afraid to let a friend know if something is making you uncomfortable, or if you are worried about your safety or your friend's safety.

**Safety at Home**

Install good solid wood or metal doors on all exits.

Install double cylinder deadbolt locks on all exit doors.

Practice key control by limiting the number of keys issued.

Always lock doors.

Secure windows with a secondary locking device.

Acknowledge all callers through a locked door.

Make sure exterior is well lighted.

Do not advertise name on mailboxes.

Get an unlisted phone number or when listing your name, use initials only, don't include your address.

**Safety While Driving**

Keep your vehicle well maintained.

Always check the front and back seats before entering your car.

Keep doors locked and windows rolled up.

If you think someone is following you, do not go home. Drive to the nearest police station, fire station, open gas station, or well-lighted place where there are people that can help.

If you have car problems, raise the hood and tie a white cloth to the door handle to signal for help.

Get back into the car and keep the doors and windows locked. If someone stops, ask them to call for help. Do not accept rides from anyone.

If possible, always carry a fully charged cell phone for emergencies.

**Safety While Shopping**

Avoid parking next to vehicles with persons still inside.

Avoid parking next to panel vans.

Park in well lighted areas.  
At night, shop with others.  
When walking to and from your vehicle, have keys in your hand ready to unlock the door.  
Use customer pick-up when available.

### **Use Street Sense**

Walk with an attitude of confidence.  
Avoid walking alone.  
If you live in an apartment, pick up mail during daylight hours.  
Avoid taking shortcuts through alleys or fields.

### **If You Are Attacked**

Stay as calm as possible, think rationally, and evaluate your resources and options. It may be more advisable to submit (this does not mean you consent) than resist and risk severe injury or death. Everyone has different strengths and abilities. You will have to make this decision based on the circumstances. Remember, do not resist if the attacker has a weapon. Keep assessing the situation as it is happening. If one strategy does not work, try another one. Other options to nonresistance are negotiating, stalling for more time, distracting the assailant and fleeing to a safe place, verbal assertiveness, screaming to attract attention and physical resistance. Fighting back or struggling may discourage the attack, but remember you have to hurt the rapist bad enough to create the time you need to escape. You may want to consider:

- Scratching with your fingernails
- Biting-poking/jabbing the eyes and throat area
- Kneeing/kicking the groin
- Punching the nose

Weapons such as guns, knives, and chemical sprays can easily be turned against you unless you are trained and not afraid to use them. You must be prepared to possibly kill the attacker. If you are determined to carry some type of weapon, a chemical spray (one example would be pepper spray) is your best choice. It is non-lethal if used against you. Remember, you may already have weapons with you such as your keys, pens, pencils, and the most important weapon, **your brain**.

### **What to do if You Become a Victim/Survivor of a Sexual Assault**

Reference: The Rape, Abuse and Incest National Network (RAINN) [www.rainn.org](http://www.rainn.org)

### **If you were just assaulted:**

- First, go to a safe place. **If you are in immediate danger, call 911.**
- Talk to someone:
  - Talk to a trusted friend or family member.
  - Speak to a trusted clergy member, teacher, or doctor.
  - Call the National Sexual Assault Hotline for free, confidential help, 24 hours a day: 1.800.656.HOPE.
  - Visit the [National Sexual Assault Online Hotline](http://www.nsaonlinehotline.org) for free, confidential help online, 24 hours a day.
- Report the assault to police.
  - Call the police (dial 911 in most areas) to report the crime.



- If possible, preserve evidence of the attack; don't bathe, brush your teeth, or change or destroy your clothing — your clothes are also evidence.
- Write down all the details you can recall about the attack and the attacker.
- If the assault took place in your home, do not rearrange and/or clean up anything.
- While we encourage all victims to report the attack to police, we understand that you may have questions or concerns. Call 1.800.656.HOPE to find out more about the reporting process in your area.
- Take care of yourself:
  - Get medical attention. Even if you aren't physically injured, it is important to determine the risks of sexually-transmitted infections and pregnancy.
    - To preserve the forensic evidence that will be crucial to a successful prosecution, ask the hospital to conduct a "rape kit" exam.
    - If you suspect you may have been drugged, ask that a urine sample be collected (this is not part of the standard exam). The sample will need to be analyzed by a forensic lab.
    - If you have questions about how to access a forensic exam in your area please contact your local rape crisis center by calling 1.800.656.HOPE.
- And remember, what happened *is not your fault*, and *you will recover*.

### **If you were assaulted in the past:**

- Talk to someone:
  - Call the National Sexual Assault Hotline for free, confidential help, 24 hours a day: 1.800.656.HOPE.
  - Visit the National Sexual Assault Online Hotline for free, confidential help online, 24 hours a day.
  - Talk to a trusted friend or family member.
  - Speak to a trusted clergy member, teacher, or doctor.
- It may not be too late to report the assault to the police:
  - Call the local police or prosecutor's office to find out more.
  - If you have questions and are undecided about reporting, call the National Sexual Assault Hotline at 1.800.656.HOPE. A trained hotline volunteer or staff can provide you with the information you'll need to understand the reporting process.
- Recognize that healing from rape takes time. Give yourself the time you need.
  - You may be experiencing strong emotions. This is normal.
  - You may be re-experiencing the assault through flashbacks, body memories, or other stress reactions.

Should the student request, the College will, to the best of its ability, re-arrange the alleged victim's class schedule to better fit the student's current needs and provide as secure a learning environment as possible.

### **Texas Penal Code – Section 22.011. Sexual Assault and 22.021 Aggravated Sexual Assault**

#### **§ 22.011. SEXUAL ASSAULT.**

(a) A person commits an offense if the person:

- (1) intentionally or knowingly:
  - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
  - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (2) intentionally or knowingly:
  - (A) causes the penetration of the anus or sexual organ of a child by any means;
  - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
  - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
  - (1) the actor compels the other person to submit or participate by the use of physical force or violence;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.
- (c) In this section:
  - (1) "Child" means a person younger than 17 years of age who is not the spouse of the actor.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;  
(D) a physician assistant licensed under Chapter 204, Occupations Code; or  
(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:  
(A) licensed social worker as defined by Section 505.002, Occupations Code;  
(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;  
(C) licensed professional counselor as defined by Section 503.002, Occupations Code;  
(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;  
(E) member of the clergy;  
(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or  
(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

(5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.

(d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.

(e) It is an affirmative defense to prosecution under Subsection (a)(2) that:

(1) the actor was not more than three years older than the victim and at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(2) the victim:

(A) was a child of 14 years of age or older; and

(B) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

Added by Acts 1983, 68th Leg., p. 5312, ch. 977, § 3, eff. Sept. 1, 1983. Amended by Acts 1985, 69th Leg., ch. 557, § 1, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 1029, § 1, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 662, § 1, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994; Acts 1995, 74th Leg., ch. 273, § 1, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 318, § 6, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1031, § 1, 2, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1286, § 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1102, § 3, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1415, § 24, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, § 14.829, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 155, § 1, 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 528, § 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 553, § 2.017, eff. Feb. 1, 2004; Acts 2005, 79th Leg., ch. 268, § 4.02, eff. Sept. 1,

2005.

**§ 22.021. AGGRAVATED SEXUAL ASSAULT.**

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;

(B) the victim is younger than 14 years of age; or

(C) the victim is an elderly individual or a disabled individual.

(b) In this section:

(1) "Child" has the meaning assigned by Section 22.011(c).

(2) "Elderly individual" and "disabled individual" have the meanings assigned by Section 22.04(c).

(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

(d) The defense provided by Section 22.011(d) applies to this section.

(e) An offense under this section is a felony of the first degree.

Added by Acts 1983, 68th Leg., p. 5312, ch. 977, § 3, eff. Sept. 1, 1983. Amended by Acts 1987, 70th Leg., ch. 573, § 1, eff. Sept. 1, 1987; Acts 1987, 70th Leg., 2nd C.S., ch. 16, § 1, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994; Acts 1995, 74th Leg., ch. 318, § 7, eff. Sept. 1, 1995;

Acts 1997, 75th Leg., ch. 1286, § 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 417, § 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 459, § 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 528, § 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 896, § 1, eff. Sept. 1, 2003.

## **Texas Family Code - Section 71.0021. Dating Violence**

§ 71.0021. DATING VIOLENCE. (a) "Dating violence" means an act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- (1) the length of the relationship;
- (2) the nature of the relationship; and
- (3) the frequency and type of interaction between the

persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Added by Acts 2001, 77th Leg., ch. 91, § 1, eff. Sept. 1, 2001.

## **DATING AND RELATIONSHIPS**

Reference: [www.loveisrespect.org/](http://www.loveisrespect.org/)

### **Dating Basics**

Relationships exist on a spectrum, from healthy to unhealthy to abusive -- and everywhere in between. It can be hard to determine where your relationship falls, especially if you haven't dated a lot. Explore this section to learn the basics of dating, healthy relationships and drawing the line before abuse starts.

### **Is My Relationship Healthy?**

In a healthy relationship:

- Your partner respects you and your individuality.
- You are both open and honest.
- Your partner supports you and your choices even when they disagree with you.
- Both of you have equal say and respected boundaries.
- Your partner understands that you need to study or hang out with friends or family.
- You can communicate your feelings without being afraid of negative consequences.
- Both of you feel safe being open and honest.

A good partner is not excessively jealous and does not make you feel guilty when you spend time with family and friends. A good partner also compliments you, encourages you to achieve your goals and does not resent your accomplishments.

## **My Partner Doesn't Physically Hurt Me**

Just because there is no physical abuse in your relationship doesn't mean it's healthy. It's not healthy if your partner:

- Is inconsiderate, disrespectful or distrustful.
- Doesn't communicate their feelings.
- Tries to emotionally or financially control you by placing your money in their banking account.
- Keeps you from getting a job or gets you fired.
- Humiliates you on Facebook or in front of your friends.
- Threatens to out you to your family.

## **So Is My Relationship Unhealthy?**

Everybody deserves to be in a healthy relationship free from violence. Drawing the line between unhealthy and abusive can be hard. If you think your relationship is going in the wrong direction, check out the warning signs of abuse.

### **Warning Signs of Abuse**

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse to see if your relationship is going in the wrong direction:

- Checking your cell phone or email without permission
- Constantly putting you down
- Extreme jealousy or insecurity
- Explosive temper
- Isolating you from family or friends
- Making false accusations
- Mood swings
- Physically hurting you in any way
- Possessiveness
- Telling you what to do
- Pressuring or forcing you to have sex

Remember, there are many types of abuse and while you may think some of them are normal -- they are not. Even though teen and 20-something relationships may be different from adult ones, young people do experience the same types of physical, sexual, verbal and emotional abuse that adults do. You should take violence in your relationship seriously.

If you think are in an abusive relationship, you're probably feeling confused about what to do. You may fear what your partner will do if you leave or how your friends and family will react when you tell them. If you are financially or physically dependent on your partner, leaving may feel impossible. You may also think that the police and other adults won't take you seriously.

These are all understandable reasons to feel nervous about leaving your partner, but staying in the abusive relationship isn't your only option. Learn more about your options for staying safe.

### **Safety Planning**

A safety plan is a personalized, practical plan that can help you avoid dangerous situations and know the best way to react when you're in danger.

If you're experiencing abuse or are in an unhealthy relationship, you should create a safety plan. Whether you decide to end the relationship or stay, it's a good idea to empower yourself with the knowledge of how to act in different scenarios. Download the College Safety Planning guide at the address below.

### **A College Student's Guide to Safety Planning**

[http://www.loveisrespect.org/pdf/SafetyPlan\\_College\\_Students.pdf](http://www.loveisrespect.org/pdf/SafetyPlan_College_Students.pdf)

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### **Safety Planning for Family and Friends**

As friends and family members, you can help someone in an abusive relationship make a safety plan using the tools above. Try to remember:

- Listen and be supportive. Even when you don't understand or agree with their decision -- don't judge. It can make them feel worse.
- Connect them to resources and information in their area. Chat with a peer advocate to find information to share.
- Don't post information about your loved one on social networking sites. Never use sites like Facebook or Foursquare to reveal their current location or where they hang out. It's possible their partner will use your post to find them. Brush up on your knowledge of digital safety.
- Allow the person you're trying to help to make up their own mind. Leaving an unhealthy or abusive relationship may be difficult and even dangerous. Avoid blaming or belittling comments. Abusive partners usually put down their victims regularly, so your loved one's self-esteem may already be low.
- Don't give up even though helping is frustrating. Learn more about how to help others.

### **Digital Safety**

#### **Check-ins**

There are many situations where it's not only fun but practical to check-in with Gowalla, foursquare, Facebook, etc. As useful as this technology is, did you ever stop to wonder, is it safe?

For someone in or getting out of an abusive relationship, the answer is often no. It can be dangerous if your abusive partner only has to log-in to foursquare or Facebook to see where you are, what you're doing and who you're with.

So try to be mindful of how to use check-ins -- whether you're in a healthy relationship or not. If you or a friend are in an unhealthy relationship, consider the following before checking in:

#### ***Always Ask***

Always ask everyone if it's alright to check them in, even if you are sure it was ok a week ago. If anyone in your group says no, consider playing it safe and not checking in at all. You don't want an abusive partner figuring out who else is there based on the group you posted.

### ***Update Your Privacy Settings***

Facebook, foursquare and Gowalla all let you control who sees your check-ins, but they default to making your account public. Consider adjusting your settings so only your friends, not the general public, can see your check-ins. Remember, though, that abusive partners may find a way around your settings.

### ***Know Your Networks***

Just because you're not friends with the abusive person doesn't mean you're not friends with their friends. If you think sensitive information could be accessed by your contacts a few friends away, just side with caution and don't post.

### ***Pay Attention to Statuses and Tweets Too***

Be aware that tagging someone in a status or tweet could create problems for them too, especially if you give away their location.

### ***Wait Until After the Event***

If you're posting about a one-time event that you really want to celebrate online, give it a day or two until you mention it. That way, the abusive person is less likely to use the information against you and your friends.

If you want to talk about cautious check-ins or other ways to support a friend in an abusive relationship, chat with a peer advocate.

## **DOMESTIC VIOLENCE: A Personal Safety Plan**

Reference: <https://www.texasattorneygeneral.gov/victims/domestic.shtml>

You have the right to be safe. Remember, you do not deserve to be hit or threatened. You are not alone.

### **During an Explosive Incident:**

- If there is an argument, try to be in a place that has an exit and not in a bathroom, kitchen, or room that may contain weapons.
- Practice getting out of your home safely. Identify which doors, windows, elevator, or stairwell to use.
- Pack a bag and have it ready at a friend's or relative's house.
- Identify one or more neighbors you can tell about the violence and ask them if they can call the police if they hear a disturbance coming from your home.
- Devise a code word to use with your children, family, friends and neighbors when you need the police.
- Decide and plan where you will go if you ever have to leave home.
- Use your instincts and judgment. In a dangerous situation, placate the abuser if possible, to keep him or her calm.



## **When Preparing to Leave**

- Open a checking account or savings account in your own name.
- Leave money, an extra set of keys, copies of important documents, and extra clothes and medicines in a safe place or with someone you trust.
- Get your own post office box.
- Find a safe place where you and your children can go or a person who can lend you money.
- Always keep the shelter phone number and some change or calling card on you for emergency phone calls.
- If you have pets, make arrangements for them to be cared for in a safe place.

***Remember: Leaving Your Batterer is the Most Dangerous Time***

## **With a Protective Order**

- If you or your children have been threatened or assaulted, you can request a Protective Order from your local District or County Attorney.
- Always keep your Protective Order with you.
- Call the police if your partner violates the Protective Order.
- Inform family members, friends, and neighbors that you have a Protective Order in effect.
- Think of alternative ways to keep safe if the police do not respond immediately.

## **In Your Own Residence**

- If you stay in your home, lock your windows and change locks on your doors.
- Develop a safety plan with your children for when you are not with them.
- Inform your child's school, day care, etc., about who has permission to pick up your child.
- Inform your neighbors and the landlord that your partner no longer lives with you, and that they should call the police if they see him/her near your home.
- Never call the abuser from your home; he/she may find out where you live. Never tell the abuser where you live.
- Request an unlisted/unpublished number from the telephone company.
- 

## **On the Job and in Public**

- Decide who at work you will inform of your situation. Include the office building security (if possible, provide them with a picture of your batterer).
- When at work, if possible, have someone screen your telephone calls.
- Have someone escort you to and from your car, bus, or train.
- If at all possible, use a variety of routes to come and go from home.

## **What You Need to Take**

Identification:

- Driver's License
- Birth Certificate
- Children's Birth Certificates
- Social Security Cards

Financial:

- Money and/or credit cards (in your name)

- Checking and/or savings account books

Legal Papers:

- Protective Order
- Lease, rental agreement, house deed
- Car registration and insurance papers
- Health and life insurance papers
- Medical records for you and children
- School records
- Work permits/Green Card/Visa
- Passport
- Divorce and custody papers
- Marriage license

Other:

- Medications
- House and car keys
- Valuable jewelry
- Address book
- Pictures and sentimental items
- Change of clothes for you and your children

## **STALKING**

### **Criminal Stalking Laws – Texas**

#### **Tex. Penal Code § 42.072. Stalking. (2011)**

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- (1) the actor knows or reasonably believes the other person will regard as threatening:
  - (A) bodily injury or death for the other person;
  - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - (C) that an offense will be committed against the other person's property;
  
- (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and
  
- (3) would cause a reasonable person to fear:
  - (A) bodily injury or death for himself or herself;
  - (B) bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; or
  - (C) that an offense will be committed against the person's property.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
- (2) the laws of a federally recognized Indian tribe;
- (3) the laws of a territory of the United States; or
- (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section, "dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

SECTION 2. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.36 to read as follows:

ART. 13.36. Stalking. The offense of stalking may be prosecuted in any county in which an element of the offense occurred.

SECTION 3. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.46 to read as follows:

ART. 38.46. Evidence in prosecutions for stalking.

(A) in a prosecution for stalking, each party may offer testimony as to all relevant facts and circumstances that would aid the trier of fact in determining whether the actor's conduct would cause a reasonable person to experience a fear described by section 42.072(A)(3)(A), (B), or (C), penal code, including the facts and circumstances surrounding any existing or previous relationship between the actor and the alleged victim, a member of the alleged victim's family or household, or an individual with whom the alleged victim has a dating relationship.

(B) This article does not permit the presentation of character evidence that would otherwise be inadmissible under the Texas rules of evidence or other applicable law.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

**Information on Stalking from the Attorney General of Texas**

Reference: <https://www.texasattorneygeneral.gov/victims/stalking.shtml>

You have the right to defend yourself against a stalker. Below lists strategies that can help shield you from stalking. You do not deserve to be intimidated or terrified.

### ***Questions About Stalking...***

#### **What is Stalking?**

A stalker tries to control his or her victim through behavior or threats intended to intimidate and terrify. A stalker can be an unknown person, an acquaintance or a former intimate partner. A stalker's state of mind can range from obsessive love to obsessive hatred. A stalker may follow a victim off and on for a period of days, weeks, or even years. A stalking victim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property. Stalking can be perpetrated by the stalker or by someone acting on her/his behalf. Stalking can take the form of verbal threats or threats conveyed by the stalker's conduct, threatening mail, property damage, surveillance of the victim, or by following the victim.

#### **How do I Know if I'm Being Stalked?**

The stalker may, on more than one occasion:

1. Follow the victim and/or victim's family or household members, or
2. vandalize the victim's property, or
3. inflict damage to property--perhaps by vandalizing the car, harming a pet or breaking windows at the victim's home, or
4. make threatening calls or send threatening mail, or
5. drive by or park near the victim's home, office, and other places familiar to the victim.

### ***Terroristic Threat***

#### **What is a terroristic threat?**

Terroristic Threat is a penal code offense ([Section 22.07](#)). A person commits the offense of Terroristic Threat if he or she threatens to commit any offense involving violence to any person or property with the intent to place a person in fear of imminent serious bodily injury. **Penalty: Class B misdemeanor.**

### ***Texas Stalking Law***

The law on stalking can be found in [Section 42.072](#) of the Texas penal code.

#### **How is stalking proven?**

1. Intent of stalker: Stalker has the intent or the knowledge that his/her actions will instill fear of death or bodily injury to the victim or a member of the victim's family or household. Threats can be explicit (e.g.-stating that he is going to kill the victim) or implied (e.g.-veiled threats, hurting the family pet). Threats have to be aimed at a specific person; they cannot be general threats. Threats may be conveyed by the stalker or by someone acting on behalf of the stalker.
2. Conduct of stalker: Conduct has to occur on more than one occasion and be directed towards the victim and/or the victim's family or household members. More than one police report is not required. The acts may include threatening contact by mail or by phone, or damaging the victim's property.

**Penalty:** Third Degree Felony- unless there is a prior conviction for stalking, in which case the penalty is upgraded to a 2nd degree felony.

### ***If You Are Being Stalked...***

**NOTIFY THE LOCAL LAW ENFORCEMENT AND PROSECUTOR'S OFFICES.** All stalking incidents should be reported to the police. Request that each incident be documented. Request a copy of the report from your local law enforcement agency. Give police any written correspondence and report any phone threats. Put dates received on all correspondence from the stalker. Know the name of the law enforcement officer in each incident.

**KEEP A DIARY.** Obtain the names and addresses of witnesses. Complete records are essential to the successful prosecution of stalking cases. Write a description of each incident.

**GET A PROTECTIVE ORDER** if you are related to the stalker by blood or marriage, if you ever lived together, or if you have a child in common. To get a Pro Se Protective Order Packet call 800-777-3247. This packet will help you obtain a protective order barring the stalker from certain areas near your home, your work, or your child's school.

**RECORD TELEPHONE CONVERSATIONS.** Tell the stalker to stop calling and hang up. Screen your calls. Write down the time and date the stalker calls. Keep recorded messages and give them to law enforcement.

**TAKE PICTURES OF THE STALKER.** Take pictures of the stalker if it can be done safely and write time, date, and place on the back of each picture.

**KEEP ALL CORRESPONDENCE.** Make a copy of anything you receive from the stalker. Touching the letter as little as possible will preserve fingerprints.

**TELL EVERYONE.** Give friends, co-workers, and neighbors a description of the stalker. Ask them to document each time the stalker is seen by them.

### ***Important Safety Measures***

**BE ALERT** and aware of your surroundings, the people and things happening around you.

**VARY ROUTES** of travel when you come and go from work or home.

**PARK SECURELY** and in well-lit areas. Ask someone to escort you to your car.

**BE AWARE** of vehicles following you. If you are followed drive to a police station, fire department, or busy shopping center and sound the horn to attract attention.

**ALERT MANAGERS** or security at your place of business. Provide a picture or description of the stalker.

**HAVE A SECURITY CHECK MADE** by law enforcement of your home to ensure your home can be locked safely. Secure all doors and windows in both your home and vehicle.

**MAINTAIN AN UNLISTED NUMBER.** If Caller ID is available in your area, obtain the service for your phone.

**DO NOT DISMISS ANY THREAT**, written or verbal. Call the police or sheriff 's department and save any documentation.

**MAINTAIN PRIVACY**, never give out personal information to anyone where the information can be overheard. Remove phone number and social security number from as many items as possible.

**DEVELOP A SAFETY PLAN** for yourself and family members in case of emergency. Decide on a safe place to meet and someone to call if problems do arise.

### **Important Phone Numbers/Contact Information Regarding Sexual Assault, Domestic Violence and Stalking**

**Police/Sheriff Emergency:** 911

**San Antonio Police Department –**  
210-207-7273, Police Non-Emergency 311

**The Salvation Army Emergency Women & Children Shelter**  
(210) 352-2042

**Rape, Abuse and Incest National Network - National Sexual Assault Hotline**  
**800-656-HOPE (4673)**

**Online Hotline** <https://ohl.rainn.org/online/>

**National Domestic Violence Hotline:**  
800-799-7233 or TDD 800-787-3224

**Texas Women’s Advocacy Project – Family Violence Hotline**  
800-777-3247

**Texas Department of Human Services Abuse Hotline:**  
800-252-5400

### **Additional Internet References and Resources:**

**The National Center for Victims of Crime – Stalking Resource Center**  
<http://victimsofcrime.org/our-programs/stalking-resource-center>

**Stalking help.org – Resources for Victims of Stalking**

<http://homepage.psy.utexas.edu/HomePage/Group/BussLAB/stalkinghelp.org/>

**The Texas Association Against Sexual Assault (TAASA)**

<http://taasa.org/>

Publication: Preventing Sexual Violence in Texas, A Primary Prevention Approach 2010-2018

<http://www.taasa.org/prevention/pdfs/PreventingSexualViolenceinTexas.pdf>

**Sexual Assault and Crisis Services – Information from the Attorney General of Texas**

<https://www.texasattorneygeneral.gov/victims/sapcs.shtml>

This site provides information and crime victim publications including, domestic violence, sexual assault and stalking.

**Dating and Relationships**

<http://www.loveisrespect.org/dating-basics/dating-basics>

Publication: **Not Alone – The First Report of the White House Task Force to Protect Students From Sexual Assault – April 2014** <https://www.notalone.gov/assets/report.pdf>

Information about Bystander Intervention - The NY State Dept of Health publication 2040, titled, Stop Sexual Violence, A Sexual Violence Bystander Intervention Toolkit.

<http://www.health.ny.gov/publications/2040.pdf>

**For General Information, Contact Your Local Police Station or Contact Public Affairs at  
(210) 207-7273**

**For more information, visit  
<http://sanantonio.gov/SAPD>**

Sexual assault crime prevention obtained from the Office of the Chief of Police, Sexual Assault Prevention.

**Information on Registered Sex Offenders**

Information on registered sex offenders who might be present on campus or in the immediate vicinity of the campus can be obtained and researched by visiting the Texas Department of Public Safety's database for registered sex offenders at <http://records.txdps.state.tx.us>.