

June 24, 2018

Victim Impact Statement

Victim: Dr. Carolyn Jacobs

I am currently a licensed psychologist in Chula Vista, CA. I have been in clinical practice since 1998. I provide psychotherapy services to individuals, couples and families. Prior to my career as a psychologist, I was a registered nurse for 14 years. My entire professional career has been devoted to the helping professions. My husband and I have lived, raised our family, and worked in Chula Vista since 1982.

On June 4, 2017, both my professional life and my personal life profoundly changed. On that day, I received the first physically and sexually explicit death threat from a phone message made to my private practice messaging service from Benjamin Bathen; a former patient. I subsequently received two more death threats from Mr. Bathen; one on July 3, 2017 and another on July 5, 2017. The three death threats from Mr. Bathen were specific, sexually explicit and extremely violent. The last death threat also included a specific threat to kill a family member, which significantly increased my terror and my fear. The shock and terror I experienced from the threats from Mr. Bathen describing how he would torture and kill me was confounded by the fact that I had not had any contact with this patient for 10 years.

I believed that the three death threats from Mr. Bathen in 2017 were serious and that my life was in danger. Today, even after the criminal investigation, arrest, trial, and the three guilty verdicts found by the jury, I continue to believe that Mr. Bathen is dangerous and remains a serious threat to me. I have some peace of mind knowing that Mr. Bathen is in custody until his sentencing hearing in July. However, I continue to fear for my safety and security upon his release which will eventually take place, sometime in the future.

The emotional impact of this last year has left me feeling a range of thoughts and emotions. At first, I was in a state of extreme fear and helplessness. My chronic fear response has contributed to a heightened degree of stress and chronic anxiety. I began to experience sleeplessness and nightmares. I am extremely hypervigilant; always on the lookout. I have a fear of being alone. Over time, I have become physically exhausted and emotionally numb.

My efforts to protect myself resulted in the need to alter my personal and professional routines. I sought and was granted a civil restraining order against Mr. Bathen, which is in effect until 2020. Security measures in our home were increased. I kept my windows and doors locked at all times. Even today, I am still fearful of being alone in my home.

My husband began to meet me at my office to walk me to my car. I was obligated to notify my professional colleagues in my office of the death threats in order to protect their safety and the safety of their psychotherapy patients. My colleagues instituted a "buddy system" to support one another when they walked to their cars after the work day. With the help of my landlord, I instituted increased security measures in my office, specifically related to access to who was entering and leaving the office.

Since 2017 to the present, my private practice has been negatively impacted. I have had financial loss due to the time required to meet with law enforcement, investigators, seeking civil restraining orders, appearing for hearings and continuances, meeting with District Attorneys, and participating as a witness in the trial. My husband, who is a physician and surgeon, has also been professionally impacted as he has tried to function as a support to me and participated as a witness in the trial.

I am aware that my view of the world and my profession as a safe space has changed since the crimes. The major impact on me has been the constant wondering if Mr. Bathen is going to hurt me, my husband, my children and/or my grandchildren sometime in the future. I have concerns about the level of **violence and rage** he expressed in the content of his death threats, especially considering the ten-year gap from my last contact with him in 2008 until he made the death threats in 2017. Finally, I have no evidence that Mr. Bathen has expressed any remorse over the pain and distress he has caused me and my family nor for the crimes he has committed. Because of his lack of remorse, I have a genuine fear of his retaliation against me and/or my family in the future. Mr. Bathen's lack of remorse and refusal to accept responsibility for his crimes, complicates my ability to reconstruct my life in the aftermath of his crimes.

Respectfully, I ask the court to consider the maximum sentence range allowed for the crimes Mr. Bathen has committed. I also request that I am notified of any post-conviction release proceedings and decisions (e.g. consideration of probation, notification of any parole hearings) that may come up for Mr. Bathen in the future. I hope that the recorded death threats that were submitted as evidence in the case will be reviewed and considered in any post-conviction decisions regarding Mr. Bathen. I request that he has no future contact (in any manner) with me and/or my family and that our confidentiality be protected as much as possible. Finally, I request that a criminal restraining (protective) order be granted for the maximum time allowed during his incarceration and for as long after his release as possible.

Thank you for this opportunity to address the Court.

Sincerely,

Dr. Carolyn Jacobs