


**Stalking: Living in the Shadow of Fear**  
**Audio Teleconference/Webcast**  
**Broadcast September 22, 2005**

**Participant Handout**

Slide 1

**Stalking:  
Living in the Shadow of Fear**



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**What is Stalking?**

- Stalking generally refers to **repeated harassing or threatening behavior** putting another person in *fear*, such as:
  - Following a person.
  - Appearing at a person's home/work.
  - Making harassing phone calls.
  - Leaving messages or objects.
  - Vandalizing a person's property.

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**What is Stalking?**

- Any person who engages in a **course of conduct** directed at a **specific person** that places that person, or their family, in **reasonable fear** for their safety, is guilty of the crime of stalking (*NIJ, 1993*)
- Three defining elements:
  1. Stalker's **relationship** with the victim.
  2. Stalker's **motive** in pursuing the victim.
  3. Stalker's **behavior**.

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**What is Stalking?**

- Legal definitions of stalking vary from state to state, but most define “stalking” as the willful, malicious, and repeated following or harassing of another person.
- Any unwanted contact between the stalker and the victim that communicates a direct or indirect threat and that causes the victim to fear for her/his safety and/or the safety of family members.

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**STATE CRIMINAL ANTISTALKING LAWS**

- Stalking is a crime in every state.
- Summaries of state antistalking laws are available online at [www.ncvc.org](http://www.ncvc.org).
- Antistalking laws do not necessarily replace earlier harassment, terroristic threats, or similar laws. These other statutes still play an important role in the enforcement of criminal laws against stalking behavior.

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### STATE CRIMINAL ANTISTALKING LAWS

- Penalties for stalking offenses also vary from state to state.
- In 14 states and DC, a first conviction for stalking is always a misdemeanor and second and subsequent convictions are felonies. (DC, HI, ID, IA, KY, LA, MS, MT, NE, NH, NC, OR, RI, TN, TX, VA, WV)
- In 36 other states, a first conviction for stalking can be a felony.
- In 11 of those states, any first stalking offense is a felony. (AL, AR, AZ, CO, DE, IL, IN, KS, MD, MA, VT)

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### HOW COMMON IS STALKING IN THE UNITED STATES?

- 8.2 million (1 out of 12) women and 2 million (1 out of 45) men will be stalked at some point in their lives.
- 1.4 million people (1,000,000 or 1% of all women and 400,000 or .4% of all men) are stalked annually.

(Source: Tjaden: NVAW Survey, 1998)

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### WHO ARE THE VICTIMS?

- 78% or 4 out of 5 stalking victims are women.
- 22% of victims are men.
- 74% are between 18 - 39 years of age (52% are between 18 - 29).

(Source: Tjaden: NVAW Survey, 1998)

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### WHO ARE THE STALKERS?

- 94% of stalkers identified by female victims are men.
- 60% of stalkers identified by male victims are men.
- Overall, 87% of stalkers are men.

(Source: Tjaden: NVAW Survey, 1998)

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### RELATIONSHIP BETWEEN VICTIM AND STALKER

- 77% of female victims know their stalker (i.e., only 23% of female victims are stalked by a stranger).
- 64% of male victims know their stalker (i.e., only 36% of male victims are stalked by a stranger).

(Source: Tjaden: NVAW Survey, 1998)

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### RELATIONSHIP BETWEEN VICTIM AND STALKER

- 60% of female victims are stalked by an intimate partner (current/former spouse, current/former cohabitant, current/former boyfriend or girlfriend).
- 30% of men are stalked by an intimate partner (i.e., 70% of men are stalked by an acquaintance or a stranger).

(Source: Tjaden: NVAW Survey, 1998)

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**Tactics Employed by Stalkers:**

- Followed victim; spied on victim; stood outside victim's home or place of work or recreation (82%).
- Unsolicited phone calls to victim (61%).
- Delivered unwanted letters or items (33%).
- Vandalized victim's property (30%).
- Killed/ threatened to kill victim's pet (9%).

*—NVAW Survey (1998)*

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**Other Common Tactics**

- Monitoring victim's activities.
- Breaking into victim's property.
- Theft of victim's property.
- Slandorous statements or false reports.
- Posing as current intimate of victim to obtain information about/access to victim.
- Harassment via computers and the Internet.

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**Categories or Types of Stalking**

- Simple Obsession
- Love Obsession
- Erotomania
- Vengeance or Terrorism

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### Simple Obsession Stalker

- Involves interpersonal relationships (59% of all stalking cases).
- Often extension of previous patterns of DV.
- Exercise of power & control over victim gives stalker sense of power & self-esteem.
- Most dangerous type of stalking case.
- Becomes more dangerous as behavior escalates from less personal forms of contact to more personal forms.

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### Simple Obsession Stalker

- Communicated threats are a significant indicator defining a high risk case.
- Most likely stalking category to result in murder: "If I can't have you, nobody will."
- Prior penal code violations/ restraining order violations also raise the risk of harm in specific cases. (Note: NVAW Survey found 70% of all restraining orders vs. stalkers were violated.)

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### Love Obsession Stalker

- Casual acquaintances or complete strangers.
- Includes celebrity stalking, but a greater number of non-celebrity stalking.
- Stalker seeking to establish personal relationship (fantasies and mental scripts).
- Most initial contacts are written.

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**Love Obsession Stalker**

- If can't have positive relationship, will settle for negative relationship.
- Factors which enhance risk:
  - Excessive number of letters.
  - Stated intention/ evidence of directed travel to encounter victim.
  - Duration of 1 year or more.

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**Erotomania Stalking**

- Stalker believes he/she is loved by victim (delusional) — not trying to establish or re-establish a relationship.
- Virtually all suffer from mental disorders (most often schizophrenia).
- 10% all stalking cases — victim usually a public figure or celebrity.
- Attempt to gain self-esteem & status by associating self with well-known person with high social status.

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**Erotomania Stalker**

- Will engage in a variety of contact behaviors, but most often will not attempt direct face-to-face dialogue.
- Most erotomaniacs never escalate to violence, but the irrationality due to mental illness presents particularly unpredictable threats to victims.

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### Vengeance/Terrorist Stalker

- Fundamentally different from other types of stalking.
- Not seeking a personal relationship.
- Attempting to elicit a particular response or a change of behavior from victim (e.g., a politically-motivated stalker).
- Vengeance-motivated: seeking to punish victim for a perceived wrong — “getting even” (e.g., a disgruntled ex-employee).

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### Impact of Stalking on Victims

- Loss of sleep
- Nightmares (sleeping and awake)
- Changes in weight / eating patterns
- Depression
- Anxiety; hypervigilance
- Difficulty concentrating

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### NVAW Survey (1998) found:

- 81% women stalked by an intimate partner were also physically assaulted.
- 31% were also sexually assaulted by that partner.
- ***The safety risks for stalking victims are very real.***

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Stalking  
is one of the few crimes where  
*early and effective* intervention  
can prevent  
*violence and death.*

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**Stalking Response Strategies**

- Every stalker is different, and every stalking case is different.
- No single strategy appropriate in all stalking cases.
- Response strategies must be tailored to fit the unique circumstances of each case.
- Train victim on how to best assist in the investigation and prosecution of her case.

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**Specialized Supervision  
Strategies**



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### Key Elements for Stalking Intervention

- Victim protection and empowerment
- Thorough assessments: offenders and victims
- Courts, community corrections, institutional corrections and paroling authorities work cooperatively
- Stalking offenders supervised as high risk
- Ongoing contact with victims and provision of additional resources
- Trained staff

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### Victim Protection and Empowerment

- Four reasons to emphasize victim protection and services:
  - Prevention of death / injury
  - Containment of stalking terrorism and potential violence
  - Empowerment of victims
  - Reduction of exposure to legal liability

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### Case Assessment

- Foundation of good case planning and intervention
- Appraisal of potential risk to victims
- Determination of appropriate intervention and supervision strategies for offenders
- Evaluation of individual needs and resources

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### Offender Supervision and Accountability

- Appropriate responses can reinforce to the offender and others that stalking behaviors and violence is unacceptable, criminal behavior.
- Appropriate intervention is based on psycho-educational and cognitive behavioral principles, provided in group settings, specific to the type of offenses(s) committed, and certified by the state.

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### STALKER TREATMENT PROGRAM - SAN DIEGO, CA

- Members of the San Diego Stalking Strike Force developed model protocols for stalker treatment programs.
- To obtain more information, contact **Anna Guzman**, Deputy Probation Officer, County of San Diego Probation Department.

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### Recommended Protocol for Supervising Stalkers

- Conduct pre-sentence investigations and make recommendations to the court.
- Develop appropriate case plans, including a behaviorally specific, individualized intervention plan.
- Have frequent contact with offenders.
- Conduct home visits / field surveillance.

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### Recommended Protocol for Supervising Stalkers

- Investigate records for new abuse or new restraining orders.
- Have regular contact with victims and/or collateral sources. Refer to needed services.
- Maintain no contact order.
- Notify victims of any change in offenders' status.

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### Recommended Protocol for Supervising Stalkers

- Monitor group intervention programs.
- Check regularly with substance abuse treatment providers. Conduct random substance abuse testing.
- Conduct electronic monitoring and/or curfew checks, if appropriate.
- Continually assess offender's level of risk.

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### Protection Order Tips

- Protection orders (civil & criminal) can be a **critical component** of victim safety.
- Should not be a recommendation for every case—**can be a red flag**.
- Look at **context** & do threat/risk assessment.
- Check stalker's name in all **Protection Order Registries**.
- **Enforcement** is the **true containment strategy**—not just issuance.

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**Protection Order Advantages**

- Holds the stalker accountable for any threatening behavior & establishes legal boundaries.
- Issuance helps establish the victim's level of fear.
- Violations help establish the stalker's pattern of threatening behavior.
- Allows the stalker to be immediately arrested when a violation occurs.
- Allows for enhanced charging.
- Court order violations can carry more of a sentence than the actual stalking charge.

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**Enforcement**

- Protection orders are *only a piece of paper* and cannot guarantee the victim's safety.
- Full faith and credit provision of VAWA (18 U.S.C. §2265) mandates enforcement across the boundaries of states, tribes and territories.

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**COMPLIANCE**

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COMPLIANCE !!!  
COMPLIANCE !!!  
COMPLIANCE !!!

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### Response Strategies for Victims

- Consult with victim on risk assessment and needs.
- Involve victim in all case management decisions.
- Train all CJS professionals on the particular safety needs of stalking victims.

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### Types of Info to Provide to Stalking Victims

- Name & contact info for offender's supervising officer
- Conditions of release
- Explanation of how conditions can be modified
- Who/how to contact if a violation occurs
- Plan for supervising officer to make regular contact with victim

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### Types of Info to Provide to Stalking Victims

- Honest description of the limits of protection orders & offender treatment
- Victims' rights within jurisdiction
- Conditions under which victim could be subpoenaed
- Appropriate referrals for services
- Offender status changes

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**Strategies for Victims to Combat Stalking**

- Give notice to stalker that any contact is unwanted as soon as possible & report all unwanted contact to police.
- Keep a diary / log of any and all stalker contact with date, time & type of conduct (hang-up calls, paging, @ work/school, car scratched, etc).

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**Strategies for Victims to Combat Stalking**

- Keep photographs & financial records of any property damage.
- Keep all gifts / letters / items sent by the stalker.
- Save messages from stalker on answering machine / Caller ID / e-mail transmissions.

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**Strategies for Victims to Combat Stalking**

- Keep a record of all complaints filed with law enforcement, as many may be across jurisdictional lines.
- If stalker is arrested, ask for special conditions of bond to restrict contact (including @ work). If these conditions are violated, contact police immediately.

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### Victim Safety Plans



Home  
Work/School  
Shopping  
Leisure

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### Safety Plan Measures



- Give picture of stalker to police, work security, building superintendent, co-workers, family, school officials & neighbors, so they can recognize the stalker (should he/she appear in a restricted zone) and be early warning.
- Vary schedule & routines to throw off stalker & make it more difficult for stalker to make contact.
- Install telephone-screening device on work & home telephones to assist in identifying stalker's calls.

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### More Safety Plan Measures



- Carry cell phone at all times to place emergency calls.
- Install security devices, alarms & surveillance cameras @ home / work for additional protection.
- Plan & practice office / home escape routes.
- Have extra cash on hand for emergencies; have set of personal documents in a safe place.

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