Stalking: Living in the Shadow of Fear

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Participant Handout

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Stalking: Living in the Shadow of Fear

Trudy Gregorie
Justice Solutions
Washington, D.C.

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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.
- Antistalking laws do not necessarily replace earlier harassment, terrorist threats, or similar laws. These other statutes still play an important role in the enforcement of criminal laws against stalking behavior.
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)

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)

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)
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)

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)

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.
- Slanderous 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
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.

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.)

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

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.

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
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.

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.

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.
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.

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.

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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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.

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

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.
For more information:

Trudy Gregorie
tgregorie@att.net