TAKING BACK CONTROL:

This handbook is designed to provide you with some background information regarding the CRIME OF STALKING and some practical guidelines for dealing with this problem. As a victim of stalking you should know that YOU ARE NOT ALONE. There are numerous resources that are available in our community to assist you. You should also know that it is NOT YOUR FAULT that a stalker has targeted you. The stalker’s pursuit of you is obsessive, criminal, and often a product of some mental illness.

THE NUMBER ONE GOAL IN ANY STALKING CASE IS FOR YOU TO STAY SAFE.

However, it is also important that you understand that NO ONE within any law enforcement agency, district attorney’s office or from the Stalking Strike Force, CAN GUARANTEE YOUR SAFETY. Nor does professional assistance ensure that your situation will be resolved quickly or to your satisfaction. There are many unpredictable variables involved in stalking cases and unfortunately some cases require long term management.

But there are methods that can help, and intervention techniques that can be successful. This handbook is designed to educate you in the dynamics of stalking, to provide methods to help document the stalking behavior for future prosecution, and to suggest appropriate safety precautions. Working with the Stalking Strike Force will help you take back control of your life.

Your victim advocate
is:___________________________________
Phone number
is:_____________________________________________
WHAT IS STALKING?

According to California Penal Code Section 646.9 PC, a stalker is “Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her immediate family.”

Simply speaking, stalking involves one person’s obsessive behavior toward another person, causing the victim to fear for his/her safety. The stalker usually begins his behavior with annoying, threatening, or obscene telephone calls or written communications. The stalker’s actions however can escalate quickly, and without provocation. The stalker may ultimately follow the victim of his obsession; often staking out the victim’s home and/or workplace.

WHO CAN BECOME A TARGET OF A STALKER?

Anyone can be a victim of stalking. Stalkers traverse all economic, ethnic, and religious boundaries. The stalker’s actions rarely affect only the target. Family, friends, and co-workers are also impacted. A victim can be stalked from several days to many years.

A few victims are picked at random by their stalker, but most stalking victim’s know their stalker, usually having had some type of past or present relationship. These are often referred to as Domestic Violence Stalkers. Although, we often hear of celebrities who are being stalked, they constitute less than 15% of reported stalking victims, and involve a different type of stalker than most. Domestic Violence Stalkers can be the most dangerous and lethal type of stalker.
WHAT SHOULD YOU DO?

- Do your best to safely avoid ALL contact with the stalker.
- Inform family, friends, and co-workers of what is going on in regard to the stalking.
- Report the stalking to the police in the area, and follow their advice.
- Keep an accurate journal or log of all incidents connected to the stalking.
- Keep all letters, packages, taped telephone messages, e-mails, etc. received from the stalker.
COMMON STALKING BEHAVIOR AND TECHNIQUES

Stalkers can engage in one type of dominant “harassing” behavior but often use several different methods. You should be alert to and document any of the following:

- Repeated phone calls (including hang-ups)
- Vandalism of your property (home, car, personal possessions)
- Following you or showing up at places you frequent
- Driving by your residence or workplace
  Parking in areas you frequent or walk by
- Writing letters
- Sending “gifts”
- Leaving notes on your car, at your home, or workplace
- Breaking into your home, moving things or taking items of personal property
- Tapping or monitoring your phone calls
- Contacting your friends, family, co-workers, for information
- Using unwitting accomplices or private investigators to obtain information about you
- Sending unwanted, annoying, obscene or threatening e-mails (or posting info, about the you on the internet or in “chat rooms”)
INFORMATION ABOUT THE CRIME VICTIMS FUND

COMPENSATION INFORMATION:

Under California Law, qualifying victims of crime may receive financial assistance for non-reimbursed medical and income losses and job retraining expenses resulting from a crime through the Victims of Crime Program. Help in filing applications may be received from a local county Victim/Witness assistance center.

Who is eligible?

- Persons who suffered physical injury, or threat of injury, and/or emotional injury, or sustain death as a direct result of the crime.
- Anyone legally dependent upon the victim for support.
- A member of a victim’s family for someone who has a close relationship to the victim and is present during the crime, or whose treatment or presence during treatment of the victim is medically required for the successful treatment of the victim.
- A member of the victim’s immediate family who incurs emotional injury as a result of the crime (limited to medical and/or mental health counseling expenses).

To qualify you must meet these requirements:

- The crime must be reported to Police, Sheriff, Highway Patrol, or other Law Enforcement agency.
- The victim must cooperate in the investigation and prosecution of any known suspects.
An applicant may be INELIGIBLE if:

- The victim committed a crime that is directly related to this incident.
- The victim contributed to or took part in events that led up to the crime.
- The applicant does not cooperate with the staff of Board of Control and/or local Victim/Witness Assistance Center in the verification of information in the application.
- The applicant was convicted of a felony that occurred after December 31, 1988.

Losses that are covered:

Most medical, mental health counseling, funeral/burial, wage loss, loss of support, and job retraining expenses which are incurred as a direct result of the crime are covered if they are not reimbursed by other sources. The law provides that all other available sources of reimbursement must be used first (i.e. insurance).

If you are self-employed and are applying for reimbursement for loss of income (your wages), you must include copies of your state or federal tax forms for the two years prior to the year of the incident including copies of the profit and loss statements for those last two years. You must have a net loss of $100 or 20% of your net monthly income, whichever is less, with certain exceptions, for example, senior citizens or persons on a fixed income from retirement or disability.
Losses that are NOT covered:

Personal property loss, including cash, cannot be repaid by the State Victim of Crime Restitution Fund. You may provide information to the Courts and they may order the party at fault to pay you. Expenses associated with prosecution of assailant are not covered, see the local victim-witness assistance Center for assistance.

Filing deadline

Typically, and application MUST BE FILED WITHIN ONE YEAR OF THE DATE OF THE INCIDENT. If not, a statement should be included with the application from explaining the reasons the claim was not filed within one year of the crime.

Emergency award

You may qualify for an emergency award of up to $2,000 if you have a loss of your income or receive emergency medical treatment.

Applications

Applications may be obtained through your victim advocate or your local victim/witness center. Please return the application to your victim advocate or your local victim/witness center.
The following excerpts were taken from the Internet, from the National Victim Center site:

SAFETY STRATEGIES FOR STALKING VICTIMS

It is important for stalking victims to recognize that their victimization is NEVER their fault. Stalking is a crime that can touch anyone, regardless of gender, race, sexual orientation, social economic status, geographical location, or with whom the person associates. Victims of stalking should become familiar with existing stalking laws in their jurisdiction, as well as become informed about the resources and procedural precautions available to assist and protect them.

Unfortunately, there is no single psychological or behavioral profile for stalkers. Every stalker is different. This makes it virtually impossible to devise a single effective strategy for victims to cope with their stalkers’ behavior, which can then be applied to every single situation and all circumstances. This is why it is so vital that victims of stalking immediately seek the advice of local victim specialists who can work with them to devise a safety plan or action plan to address their unique situation and circumstances. Victim specialists can be found in local domestic violence or rape crisis programs, and in victim assistance programs in some local law enforcement agencies or prosecutors’ offices.

Victims of stalking include individuals presently at risk for immediate danger to their physical and/or emotional welfare, and those with continuously-pending danger, but not immediately at risk for harm. The following is not intended to be a set of strict guidelines for stalking victims in either category, but rather practical information to assist them. There is no guarantee that if you follow all, or some, of these
strategies that you will be safe; however, implementing these strategies will reduce your odds of physical or emotional harm from your stalker. Any persons who suspects or believes that they are currently being stalked should report all contacts and incidents to their local law enforcement authorities.

VICTIMS IN IMMINENT DANGER

The primary goal of a victim in imminent danger should be to locate a safe place for her/himself. Safety for stalking victims can often be found in the following places:

- Police stations
- Residences of family/friends (location unknown to perpetrators).
- Domestic violence shelters or local churches, etc.; and/or
- Public areas (stalkers may be less inclined toward violence or creating a disturbance in public places).

If departure from the current location is not possible, but a telephone is accessible, a victim may contact local law enforcement at 911 or any other law enforcement or emergency number. If the police do not respond, a victim can ask to speak to the police unit or division supervisor, or have someone who has assisted them in the past contact police. In dangerous situations, family members or friends can assist in a victim’s departure from home or office. It is advised that as much caution as possible always be exercised when directly confronting the offender, as stalking sometimes escalates into violence.

Upon reaching safety, a victim may want to communicate with local law enforcement, victim services, mental health professionals and/or social services in order to receive additional assistance and referrals available in the community.
A victim of stalking should always identify her/himself as such and request confidentiality of all information given and any records kept or filed. If the stalker caused property damage or physical harm, the victim may choose to file a report with law enforcement as soon as possible.

VICTIMS IN DANGER, BUT NOT IMMEDIATELY AT RISK

While a victim may not be in immediate danger, she/he needs to assess the probability of impending danger. If a stalking victim determines that she/he is at risk for being in a potentially harmful or violent situation, the following options may be considered:

1. Restraining/Protective/Stay-Away Orders

- Generally, these orders require the offender to stay away from, and not interfere with, the complainant. If violated, they may be punishable by incarceration, a fine or both.
- These orders are typically obtained through a magistrate’s office or local court. Contact the local clerk of court’s office for information about where to obtain orders.
- Restraining orders are not foolproof. They often do not extend beyond certain lines of jurisdiction, and can only be enforced if they are broken. Victims should be cautioned against developing a false sense of security. In addition, some states only provide protective orders to former spouses or intimates. Moreover, it often costs money to obtain such an order due to the cost of filing fees, or in some courts and jurisdictions, to the need of obtaining legal assistance. Orders are not assured, they are at the court’s discretion.
CAUTION: The restraining order may trigger an adverse reaction from the stalker. These orders may not be appropriate in every case.

2. Documentation

A victim should always notify police of any illegal acts related to their stalking (such as, entering the victim’s residence without her/his permission, stealing and/or destroying the victim’s property, physically and/or sexually assaulting the victim, etc.).
These reports may be important for the following reasons:

- If convicted, the perpetrator may be incarcerated and ordered to stay away from the victim;
- Charges may intimidate the offender, sending the message that his/her actions are illegal and will not be tolerated; and
- Reporting the stalker’s actions to the police produces documentation, which may be useful in future complaint or proceeding for evidentiary or credibility purposes.
- Documentation of stalking should be saved and given to law enforcement.
- Documentation may take the form of photos of destroyed property/vandalism, photos of any injuries inflicted on the victim by the perpetrator, answering machine messages saved on tape, letters or notes written by the perpetrator, etc.
- A victim should keep a written log of any crimes or suspicious activities committed by the perpetrator. Discretion should be used when making entries and it should not be kept in a secure place, as the log may be used in court proceedings.

3. Contingency Plans

- While a victim may not be in imminent danger, the potential always exists; therefore, a contingency plan (a sort of “fire escape plan”) may be appropriate. Suggested considerations include:
  - Knowledge of and quick access to critical telephone numbers, including:
  - Law enforcement numbers and locations;
  - Safe places (such as friends, domestic violence shelters, etc.); and
• Contact numbers for use after safety is secured (such as neighbors/family, attorneys, prosecutors, medical care, child care, pet care, etc.).

• Accessible reserve of necessities, including:
  • Victims may wish to keep a small packed suitcase in the trunk of their car, or at another readily accessible location, for quick departure,
  • Reserve money may be necessary;
  • Other necessities such as creditors’ numbers and personal welfare items such as medication, birth certificates, social security information, passports, etc., should be readily available;
  • Miscellaneous items (like always keeping as full a tank of gas as possible in the car, back-up keys for neighbors, etc.) are practical; and
  • If a victim has children, she/he may want to pack a few toys, books, or other special items belonging to the child.

Alert critical people to the situation who may be useful in formulating a contingency plan, such as:
  • Law enforcement
  • Employers
  • Family, friends, or neighbors; and
  • Security personnel.
4. Preventive Measures

- Install solid-core doors with dead bolts. If the victim cannot account for all keys, change locks as soon as possible and secure spare keys.

- If possible, install adequate outside lighting if possible, motion sensitive lights are a good choice. Trim back bushes and vegetation around residence.

- Maintain an unlisted phone number. If harassing calls persist, notify law enforcement, but also keep a written log of harassing calls and any answering machine tapes of calls with the stalkers’ voice and messages.

- Treat any threats as legitimate and inform law enforcement immediately.

- Vary all travel routes, stores, restaurants, etc., which are regularly used. Limit time walking, jogging, etc. especially if these activities are done alone.

- Inform a trusted neighbor and/or colleagues about the situation. If possible, provide them with a photo or description of the suspect, if possible, but certainly inform the property manager of the situation.

- Have co-workers screen calls and visitors.

- When out of the house or work environment, try not to travel alone if at all possible, and try to stay in public areas. If you ever need assistance, yell “FIRE!” to get immediate attention, as people more readily respond to this cry for assistance than to any other.

- If financial means exist, use a “dummy” answering machine connected to a published phone line. The number to a private unlisted line can be reserved for close friends and family then the stalker may not realize you have another line.
5. Alternative Avenues of Assistance

- Assistance may be obtained from local sources, such as;
- Rape crisis programs or counselors;
- Victim Assistance coordinators in the law enforcement or prosecutor’s office; and/or
- Law enforcement officers
- Victim counselors may either give a referral number to the victim of a stalker, or offer to make the call and have someone from the referral organization or program contact the victim directly.
- The possibility exists that there will be no appropriate referral in the victims’ vicinity. In such cases, law enforcement agencies should be contacted.

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STALKING

Questions and Answers

What is stalking?

The legal definition of stalking is defined primarily by state statutes. While statutes vary, most define stalking as a course of conduct that places a person in fear for their safety.

However, the term “stalking” is more commonly used to describe specific kinds of behavior directed at a particular person, such as harassing or threatening another person. But the variety of specific strategies employed and behaviors displayed by stalkers are limited only by the creativity and ingenuity of the stalkers themselves. Suffice it to say, virtually any unwanted contact between a stalker and their victim in fear can generally be referred to as stalking.

Is Stalking a New Phenomenon?

No, the history of stalking behavior is as old as the history of human relationships. Stalking has always been with us-what is new is that, until recently, it was never labeled as a separate and distinct class of deviant behavior. Prior to its common usage and its subsequent designation as a crime, stalking was referred to as harassment, annoyance or, in some cases, simply as domestic violence.
In the late 1980’s and early 1990’s, numerous high-profile cases involving celebrities began to catch the attention of the media and public policy leaders. Only then did such behavior begin to be described as “Stalking.”

Since then, stalking has become a common subject in the popular media. With the advent of blockbuster films such as Fatal Attraction, Cape Fear, Sleeping with the Enemy, and its coverage by the news media, “stalking” has become a household word.

How Common is Stalking?

Unlike most violent crimes, law enforcement officials do not track the incidences of stalking offenses as part of their normal crime reporting process. Since there has been virtually no empirical data available, no one knows just how common stalking cases are in the United States.

Best estimates indicate that as many as 200,000 Americans are currently being stalked; moreover, 1 in 12 women will become targets of stalking behavior at least once during their lifetimes.

With the passage of the 1994 Crime Bill by the U. S. Congress, which mandated the tracking and compilation of stalking crime statistics, experts will be able to determine the prevalence of this crime for the first time.

Who Are Stalkers?

Demographically:
Stalking is a gender neutral crime, with both male and female perpetrators and victims. However, most stalkers are men. Best statistics indicate that 75-80 percent (75-80%) of all stalking cases involve men stalking women. Most tend to fall into the young to middle-aged categories. Most have above average intelligence. Stalkers come from every walk of life and social economic background. Virtually anyone can be a stalker, just as anyone can be a stalking victim.

Psychological and Behavioral Profile of Stalkers:

Unfortunately, there is no single psychological or behavioral profile for stalkers. In fact, many experts believe that every stalker is different, making it very difficult not only to categorize their behavior, but doubly difficult to devise effective strategies to cope with such behavior.

Forensic psychologists (those who study criminal behavior) are just beginning to examine the minds and motives of stalkers. These psychologists have identified two broad categories of stalkers and stalking behavior- “Love Obsession” and “Simple Obsession”.

**LOVE OBSESSION STALKERS**

This category is characterized by stalkers who develop a love obsession or fixation on another person with whom they have no personal relationship. The target may be only a casual acquaintance or even a complete stranger. This category represents about 20-25 percent (20-25%) of all stalking cases.

Stalkers who stalk celebrities and stars such as David Letterman, Jodie Foster, and Madonna, fall into the category
of love obsession; however, stalkers in this category also include those who develop fixations on regular, ordinary people, including co-workers, their aerobics instructor, casual acquaintances or people they pass in the street.
The vast majority of love obsession stalkers suffer from a mental Disorder, often schizophrenia or paranoia. Regardless of the specific disorder, nearly all display some delusional thought patterns and behaviors. Since most are unable to develop normal personal relationships through more conventional and socially acceptable means, they retreat to a life of fantasy relationships with persons they hardly know, if at all. They invent fictional stories-complete with what is to them real-life scripts which cast their unwilling victims in the lead role as their own love interest. They then attempt to act out their fictional plots in the real world.

The woman who had stalked David Letterman for five years truly believed she is his wife. She had been discovered on Mr. Letterman’s property numerous times, had been arrested driving his car and has even appeared at his residence with her own child in tow-each time insisting that she was David Letterman’s wife.

Love obsession stalkers not only attempt to live out their fantasies, but expect their victims to play their assigned roles as well. They believe they can make the object of their affection love them. They desperately want to establish a positive personal relationship with their victim. When the victim refuses to follow the script or doesn’t respond as the stalker hopes, they may attempt to force the victim to comply by use of threats and intimidation.

When threats and intimidation fail, some stalkers turn to violence. Some decide that if they cannot be a positive part of their victim’s life, they will be part of their like in a negative way. Some go as far as to murder their victims in a twisted
attempt to romantically link themselves to their victim forever. This was the case with the man who shot and killed Rebecca Schaffer, the young actress and star of the television show My Sister Sam.

**SIMPLE OBSESSION STALKERS**

This second category represents 70-80 percent of stalking cases and is distinguished by the fact that some previous personal or romantic relationship existed between the stalker and the victim before the stalking behavior began.

Virtually most domestic violence cases involving stalking fall under this rubric, as do casual dating relationships (commonly referred to as *Fatal Attraction* cases, named after the popular movie by the same title).

While this kind of stalker may or may not have psychological disorders, all clearly have personality disorders. One forensic psychologist has attempted to identify some of the common personality traits and behavioral characteristics among this category of stalkers. Stalkers in this class are characterized as individuals who are:

- Socially maladjusted and inept
- Emotionally immature
- Often subject to feelings of powerlessness
- Unable to succeed in relationships by socially-acceptable means
- Jealous, bordering on paranoid, and
- Extremely insecure about themselves and suffering from low self-esteem
The self-esteem of simple obsession stalkers is often closely tied to their relationship with their partner. In many cases, such stalkers bolster their own self-esteem by dominating and intimidating their mates. Exercising power over another gives them some sense of power in a world where they otherwise feel powerless. In extreme cases, such personalities attempt to control every aspect of their partner’s life. This behavior pattern was vividly depicted in the major motion picture entitled *Sleeping with the Enemy*, where the antagonist turns to intimidation and violence as the means to control every aspect of his victim’s (wife) life.

Since the victim literally becomes the stalker’s primary source of self-esteem, their greatest fear becomes the loss of this person. Their self-worth is so closely tied to the victim that when they are deprived of that person, they may feel that their life is without worth.

It is exactly this dynamic that makes simple obsession stalkers so dangerous. In the most acute cases, such stalkers will literally stop at nothing to retain their “lost possession”—their partner—and in so doing, regain their lost self-esteem.

Just as with most domestic violence cases, stalkers are the most dangerous when they are first deprived of their source of power and self-esteem; in other words, the time when their victims determine to physically remove themselves from the offender’s presence on a permanent basis by leaving the relationship.

Indeed, stalking cases which emerge from domestic violence situations constitute the most common and potentially lethal class of stalking cases. Domestic violence victims who leave an
abusive relationship run a 75 percent (75%) higher risk of being murdered by their partners.

Stalking behavior is as diverse as the stalkers themselves. Yet behavioral experts are beginning to identify patterns in the cycle of violence displayed by simple obsession stalkers.
STALKING BEHAVIOR PATTERNS AND CYCLES:

Stalking behavior patterns closely mirror those common in many domestic violence cases. The pattern is usually triggered when the stalker’s advances toward their victim is frustrated – regardless of whether the stalker is seeking to establish a personal relationship or continue a previously established relationship contrary to the wishes of the victim.

The stalker may attempt to woo their victim into a relationship by sending flowers, candy and love letters, in an attempt to “prove their love.” However, when the victim spurns their unwelcome advances, the stalker often turns to intimidation. Such attempts at intimidation often begin in the form of an unjustified, jealous and inappropriate intrusion into the victim’s life. Often these contacts become more numerous and intrusive over time, until such collective conduct becomes a persistent pattern of harassment. Many times, harassing behavior escalates to threatening behavior. Such threats may be direct or indirect and communicated explicitly or implicitly by the stalker’s conduct. Unfortunately, cases that reach this level of seriousness too often end in violence and or murder.

Stalkers, unable to establish or re-establish a relationship of power and control over their victims, turn to violence as a means of reasserting their domination over the victim. In some cases, offenders are even willing to kill their victims and themselves in a last, desperate attempt to assert their domination over the victim.

The evolution of the stalker’s thought pattern progresses from: “If I can just prove to you how much I love you”, to “I can make you love me”, to “If I can’t have you, nobody else will”.
While this progression in behavior is common, no stalking case is completely predictable. Some stalkers may never escalate past the first stage. Others jump from the first stage to the last stage with little warning. Still others regress to previous stages before advancing to the next. It is not uncommon to see stalkers intersperse episodes of threats and violence with flowers and love letters.

As difficult as it is to predict what a stalker might do, it is at least as difficult to predict when he might do it. A few stalkers will progress to later stages in only a few weeks or even days. In other cases, stalkers who have engaged in some of the most serious stalking behaviors may go months or even years without attempting a subsequent contact.

It is this unpredictability that makes developing an effective response strategy so difficult in any particular stalking case.

ARE THERE LAWS THAT MAKE STALKING A CRIME?

While many states had laws prohibiting harassment and assault, it wasn’t until 1990 that California became the first state to pass a law which specifically made stalking a crime.

This law was passed in response to several high-profile cases in which the perpetrator stalked and eventually killed their victim. In each case, the victim had notified the police of their stalker’s threatening behavior. Yet, in each case, the police said that unless the stalker acted on those threats, there was nothing they could do legally. The California law that for the first time outlawed stalking behavior was intended to give law enforcement officers the legal tool they needed to intervene in stalking cases before offenders acted upon their threats.
Since the passage of that first stalking law in 1990, all 50 states have enacted stalking laws. While each state stalking statute differs in both definition and approach, virtually all proscribe behavior that constitutes a pattern of conduct seeking to harass and/or threaten the safety of another.

Some of these early statutes came under constitutional attack due to the broad language used to describe stalking behavior. Some lower courts actually struck down these laws in a handful of states causing lawmakers in those states to redraft their stalking statutes in order to cure such constitutional defects.

It was this concern over constitutionality that lead Congress to mandate the formation of a special drafting committee to develop a model stalking code that would withstand any constitutional scrutiny. The National Criminal Justice Association, in conjunction with the National Institute of Justice, the National Victim Center, and numerous other criminal justice and victim organizations and experts developed a Final Report that included a model stalking statute. In short the model language makes it a crime to:

**ENGAGE IN A COURSE OF CONDUCT THAT WOULD PLACE A REASONABLE PERSON IN FEAR FOR THEIR SAFETY, AND THAT THE STALKER INTENDED AND DID, IN FACT, PLACE THE VICTIM IN SUCH FEAR.**

Beyond this basic definition of the crime, statutes include a wide variety of additional stalking-related provisions. For example, some state stalking statutes:

- Allow police to make warrantless arrests in stalking cases where probable cause exists;
• Make stalking a non-bailable offense under certain circumstances;
• Provide for automatic and emergency protective orders;
• Require mandatory psychological evaluation and treatment for stalkers;

• Establish sentencing enhancements in cases where the victim is a minor, or when there is a protective order in place against the perpetrator, and

• Create heightened crime classifications for stalkers who commit second stalking offenses.

It is important for victims to obtain a copy of the stalking law in their state to determine which of these special provisions are included in their state’s statute.

Apart from state statutes, stalking victims should be aware of the recently passed federal legislation that makes it a crime to travel across state lines in order to stalk another. Federal anti-terrorism laws may also apply in some stalking cases, allowing victims to bring charges in federal court as an alternative to the state criminal court of their jurisdiction. These laws may also prove useful in stalking cases where the offender makes threatening phone calls from outside the state where the victim resides.

HOW ARE STALKING LAWS BEING IMPLEMENTED?

To file a complaint that will trigger an arrest and prosecution, it must be accompanied with sufficient evidence to establish “probable cause” that the stalker engaged in conduct that is illegal under the state’s stalking statute. If law enforcement officials do not witness such conduct firsthand, it is often up to the victim to provide them with the evidence necessary to establish probable cause.
Again, victims would be well advised to obtain a copy of their state’s stalking statute in order to gain a clear understanding of
what conduct constitutes an offense under the statute. While most state stalking statutes are written in laymen’s terms, the exact meaning of those terms is not always clear. Victims may wish to consult with law enforcement officials, prosecutors, or a private attorney for an explanation and interpretation of the specific stalking statute in question.

In other words, stalking victims are often put in a position of having to first prove their case to law enforcement officials before being afforded the opportunity to prove their case before a court of law. It is for this reason that it is crucial for stalking victims to document every stalking incident as thoroughly as possible, including collecting and keeping any videotapes, audio tapes, phone answering machine messages, photos of the stalker or property damage, letters sent, objects left, affidavits from eye witnesses, notes, etc. Experts also recommend that victims keep a journal to document all incidents, along with the time, date and other relevant information.

Regardless of whether or not they have sufficient evidence to prove a stalking violation, victims wishing to file a stalking complaint with law enforcement officials should do so at the earliest possible point in time. In some cases, victims may also be able to file a complaint in the jurisdiction where the offender resides, if it is different from the victim’s.

If law enforcement officials refuse to investigate, or if they are not responsive to a complaint filed, victims may always directly approach their local prosecutor (also known in various jurisdictions as, the district attorney, state’s attorney, commonwealth’s attorney or state solicitor).
It is also recommended that any person who suspects or believes that they are currently being stalked should immediately seek the advice and assistance of local victim specialists in developing a
personalized safety plan or action plan. Victim specialists can be found at local domestic violence or rape crisis programs (which should be listed under Community Service Numbers or Emergency Assistance Numbers in the front section of the local phone book) or in victim assistance programs located in most local prosecutors’ offices and in some law enforcement agencies (which should be listed under Local, City or County Government in the blue pages of the local phone book).

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In 1999, Vice President Al Gore asked the U.S. Attorney General to study the problem of what has been labeled “cyberstalking” – the use of the Internet, E-mail, or other electronic communications devices to stalk another person.

Portions of the study by the Justice Department, as well as other resources were utilized to develop a synopsis of information that may be useful for the victim. The new millennium is upon us, and as we merge onto the “information super highway” we face many challenges. For almost every crime that occurs in the real world, we are also faced with responding to those that occur in the “virtual world.”

Perhaps a starting point is to look at a comparison of stalking “offline vs. online.”

**Offline vs. Online Stalking**

Similarities between offline and online stalking include:

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<tr>
<th>Similarity</th>
<th>Description</th>
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<tr>
<td>The majority of cases involve stalking by former intimates.</td>
<td></td>
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<tr>
<td>Stranger stalking occurs in both.</td>
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<tr>
<td>Most victims are women; most stalkers are men.</td>
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<tr>
<td>Stalkers are generally motivated by the desire to control the victim.</td>
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There are also *differences* based upon the lack of direct contact between the cyberstalker and the victim, which can make it
difficult for law enforcement to identify, locate and arrest the offender.

<table>
<thead>
<tr>
<th>The cyberstalker…</th>
<th>…may be located across the street or across the country.</th>
</tr>
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<tbody>
<tr>
<td>…can more easily encourage third parties to harass and/or threaten a victim (e.g. impersonating the victim and posting inflammatory messages to bulletin boards and in chat rooms, causing views of that message to send threatening messages back to the victim “author.”)</td>
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<td>…can more easily harass and threaten because the cyberstalker does not need to physically confront the victim.</td>
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<td>…can send repeated, threatening, or harassing messages by the simple push of a button.</td>
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<td>…can, if they are sophisticated, use programs to send messages at regular or random intervals without being physically present at the computer terminal.</td>
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</table>

Most common activities:

- Threatening/harassing/annoying e-mails.

- The use of the Internet to harass the victim (such as posing as the victim in chat rooms; establishing a web site to post nude photos of the victim; recruiting others to engage in a campaign of harassment toward the victim; posting the victim’s name, address, phone number and other personal information or provocative
message on bulletin board systems, {the equivalent to the “for a good time call...” posting on a bathroom wall. Except this wall has worldwide exposure}).

• The use of the Internet to research information about the victim. There are many free and paid subscriber services available on the Internet to obtain information about the victim, including addresses, phone numbers, social security numbers, criminal or civil action records, DMV information, credit history, property records, etc.

Victims should strive to retain Information or evidence to give to the investigating law enforcement agency:

  The name of the victim’s Internet Service Provider (ISP) such as AOL, Yahoo, Hotmail, etc.
  • Victim’s e-mail address (urvictim@juno.com)
  • Print a copy of the e-mail(s)
  • Save the e-mail(s) on a floppy disk
  • Save the header information from the subject e-mail
    Example –
    Date: Fri, 23 Feb 2001 10:48:43 -0800
    From: imbadboy@Hotmail.com [129.17.2.4]
    To: urvictim@juno.com
    Subj: ANSWER OR YOU WILL DIE!!

This header information may assist in “tracing” the e-mail to the suspect. Along with the date and time the e-mail was transmitted, another important set of numbers is shown. In the above example, [129.17.2.4], is the Internet Protocol (IP) address assigned to the sender (consider this the license plate of the suspect’s getaway car). During a follow-up
investigation, this information can be included in a search warrant or court order to the Internet Service Provider (in this example, Hotmail), to reveal the subscriber that was assigned that IP for the transmitted e-mail.

NOTE: Cyberstalkers may conceal their identity by using different ISP’s and/or by adopting different screen names. Also, the sophisticated stalker may use anonymous remailers, making the trace all-but-impossible.

Using the Internet to harass the victim

Harassment on the Internet may come in many forms, as mentioned earlier. Stalkers may post information about the victim on bulletin board systems, pose as the victim in chat rooms and may even establish a website to post photos of the victim. As in the case of e-mails, attempt to obtain information about the bulletin board system, chat room or website (ISP, dates, times, IP numbers, user names etc.).

Information gathering on the Internet

The Internet can be the stalker’s “gold mine” when it comes to researching information about the victim. The stalking victim may want to go online and access a search engine (such as google, dogpile, hotbot, yahoo, etc.) If the victim performs a search on their own name they can view some of the information about themselves that is available on the web (also available to the stalker). The victim can then work to ensure that further information is not revealed. For some suggestions the following resources are listed:
The Privacy Rights Clearinghouse  
www.privacyrights.org

Identity Theft Survival Kit  
www.identitytheft.org

Cyberangels  
www.cyberangels.com

Stalking Assistance Site  
www.stalkingassistance.com
SAFETY PLANNING:

• DO NOT respond to provocative or threatening e-mail. Print and save any offensive e-mail messages that you receive online and report them to your Internet Service Provider.

• Choose a gender neutral screen name. Stay away from “sexy” or “cute” screen names. This may make you a target for cyberstalking. Do not use a screen name that reveals anything about your identity.

• Do not give out personal information online. Remember that anything that you put out over the Internet becomes highly accessible to anyone. This information then becomes public for a long period of time, and may be misused.

• If you find yourself in a hostile situation over the Internet or in a “chat room” get out of it immediately. Report online harassment to the police.

• Keep the computer used by everyone in a family room or in a high traffic area. This will enable parents to monitor sites that their children may visit. Use “parental guidelines” for your children. Show an interest in the Internet
sites that your child is visiting. Pedophiles target children over the Internet, so encourage your children not to answer personal questions through e-mail.

- Maintain an anti-virus program for your computer.

- Install a “firewall” software program. This type of computer program creates an invisible barrier between your personal information and the Internet. These programs are available on-line or at most computer stores.

- Be careful with on-line purchases. If you order something online, print a copy of your purchase order, or receipt.

- When setting up an e-mail account, do not include your social security number, tax id number, password, address, telephone number, occupation or income. Legitimate service providers do not ask for personal information through e-mail.

- Do not create e-mail profiles. Profiles make it easier for predators to locate you on the Internet, or in person.

- Whenever possible, utilize a free, private e-mail account to increase information security. Remember that it is very easy to find out anything about anyone over the Internet.
• Do not give out any personal information when in an online chat room. Use only your username and e-mail address online. Remember that predators who operate over the Internet are very clever when asking personal questions, and anyone can be a victim of cyber-stalking.

• Be cautious about what you say in a chat room. You can never be fully aware of who is in a chat room because many people simply “listen” to conversations without ever joining in.

• Do not send pictures of yourself over the Internet. These pictures are available to anyone and can be easily altered. They can then be circulated to others without your knowledge or permission.

• Even if you have corresponded with someone over a long period of time, remember that people that you meet through the Internet are strangers. many people alter information about their own lives in order to meet people.

Source: SAFE HORIZON www.safehorizon.org
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Adapted from “Cyberstalking: A New Challenge for Law Enforcement and Industry,” A Report from the Attorney General to the Vice President, August 1999.