Supporting Stalking Victims Who Relocate for Personal Safety: Effective Strategies for Privacy & Safety

November 20, 2014
The Stalking Resource Center is a program of the National Center for Victims of Crime. The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center envisions a future in which the criminal justice system and its many allied community partners will effectively collaborate and respond to stalking, improve victim safety and well-being, and hold offenders accountable.

The Stalking Resource Center provides training, technical assistance, and resource materials for professionals working with and responding to stalking victims and offenders.
Introductions

Michelle Garcia
Director, Stalking Resource Center
National Center for Victims of Crime
mgarcia@ncvc.org

Valenda Applegarth
Greater Boston Legal Services
“Relocation Counseling & Identity Protection Initiative”
in Partnership with the National Network to End Domestic Violence
vapplegarth@gbls.org
How to Use this Technology

- Raise hand
- Feedback
- Text chat

Please send a private chat message to Alice Wolfkill for help.

Call iLinc Technical Support at 800.799.4510.
Raise your hand if you have worked with a stalking victim.
Please use the chat feature to introduce yourself:

- Name
- Organization
- Location
- How many people are watching with you?
Prevalence of Stalking

7.5 million stalked in 1 year in U.S.

- 4% of women
- 2% of men

- The National Intimate Partner and Sexual Violence Survey (NISVS): 2011
Victim Offender Relationship

- **Current/former intimate partner**
  - Female: 66.2%
  - Male: 41.4%

- **Aquaintance**
  - Female: 24.0%
  - Male: 40.0%

- **Stranger**
  - Female: 13.2%
  - Male: 19.0%

- **Family member**
  - Female: 6.8%
  - Male: 5.3%

- **Person of authority**
  - Female: 2.5%

Stalking Victim Responses

- Asked people not to release information: 32.9%
- Changed telephone number: 17.3%
- Changed or quit job or school: 9.5%
- Changed email address: 6.9%
- Changed social security number: 0.2%

- Stalking Victimization in the U.S. (2009)
Relocation

One in 7 victims reported they moved as a result of the stalking

- Stalking Victimization in the U.S. (2009)
Stalking & Relocation

• Leaving is the most dangerous time
• 76% of homicide victims were previously stalked*
• Leave no stone unturned, have a plan “B”
• Look backward and forward
• Privacy planning is a big challenge today
• Seek technical assistance
• Advocacy for survivor privacy & protection

* [Judith McFarlane et al., “Stalking and Intimate Partner Femicide,” Homicide Studies 3, no. 4 (1999).] Stalking Resource Center Fact Sheet August 2012
3 of 4 stalking victims have some prior relationship (dating, working, or intimate) with their stalker

What information a partner has:
- Access to Personally Identifiable Information
- Legal relationships - marriage
- Friends & family
- Children in common
- Knowledge
- Accounts, ownership
  - Banking, internet PW, home, liabilities*
- Legal access
  - Children & education
  - IRS
  - Credit bureaus
  - Signature
Attention to Detail: Researching the Stalking Behaviors

- Monitoring use of phone, computer, other device
- Following or checking up on at work, school, appts.
- Calling, texting incessantly, harassment
- Watching home and goings on
- Leaving signs, letters, gifts, threats
  - Pets, children, loved ones
- GPS, cameras
- Tampering with vehicle, bike, restricting movement
- Internet searches, social media, PI, social engineering
- Consumer law issues: banking, credit bureau, collections
Funding the Relocation

- State Victim compensation Fund - not all states cover relocation but some do
- Traveler’s Aid or other charitable organizations
- DV shelters
- Airline mileage donations
- Witness Protection
- Cautions with debit & credit card use
• List of every piece of mail
• What will new address be?
• Should survivor forward? Change address?
• Address Confidentiality Programs
  • Know the state requirements in advance
• Legal obligations to notify of COA?
Address Confidentiality Programs

States where relocation may be more challenging because there is no ACP:

- Alabama
- Alaska
- D.C.
- Georgia
- Hawaii
- Illinois
- Michigan
- N. Dakota
- Ohio*
- Puerto Rico
- S. Carolina
- S. Dakota
- Utah
- Virgin Islands
- Wyoming

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Unique Features of Select ACPs

- States that address voter registration: AZ, CA, CT, DE, ID, MA, NH, NV, OK, RI, TX, VT, WA, WI
  - Indiana working on adding voting privacy to its ACP
- CA has the best privacy laws in the US
  - Internet Disclosure Prohibition legislation
  - Public records (excluding birth, death, marriage)
  - Name change certificates go to SAH (ACP)
- CT, WA: confidential marriage records
Unique Features, continued

- AZ: county assessor, treasurer & recorder confidentiality, will be addressing location privacy with charter schools
- OK: mandates that public schools must accept ACP address
- NV: ACP participants are exempt from jury duty
- VT: Public records protected
  - Birth records, marriage certificate, etc.
What Survivors Should Know About the USPS

- National Change of Address Database (NCOA)
  - Permanent address changes uploaded weekly to a database containing 160 million previous address changes filed within the last 4 years
  - Marketed to companies who subscribe or “license”
    - $8 million in revenue annually to the USPS
    - Biggest data brokers subscribe like Axiom, FICO, Credit Bureaus, etc.
  - Temporary COAs do not get uploaded
Court Order Protected Individuals (COPI)

- Persons who have received protection from stalkers and abusive perpetrators through a court order will not have forwarding information provided to businesses or individuals. To receive this protection, you need to provide a copy of the court order at the same time you turn in your COA form (for further information, contact your local Post Master).

- Mailers who request new address information will be sent a notice stating "Moved - Left No Address." Protected individuals are responsible for notifying correspondents of their new address.
Transportation & Privacy

• Air - ID required, clear history of travel
  • Social engineering
• Bus - ID may not be required on regional lines
• Train - purchase ticket at Kiosk, no ID
• Multi-modal, prepaid CC or cash
• Car-crossing state lines
  • License plates, expiration
  • Insurance
  • GPS, liens
  • EZ Pass transponders
Implications for Survivors Who Have or are Considering Identity Change
Harassment Abuse and Life Endangerment

- Administered by the Social Security Administration since 1998
  - Staff that handles applications in Baltimore local field offices take in paper applications
  - If evidence of HALE presented, 2\textsuperscript{nd} SSN issued
- Survivor may - but is not required - to undergo legal name change
It’s Complicated

- Proliferation of data mining and WWW since 1998
- State laws are not uniform
  - Some states have greater privacy protections
- Connections between the old and the new information are likely
  - DMVs, Banks, Medical
- Federal law has changed and the future is in flux
  - Real ID
Survivor Identification & The Real ID Act

- Verification of identity using source documents
  - Birth certificate, SSN, name change documents
  - Copies retained in database
    - Photocopies and digital images
- Data must be shared with other states
- Digital image
  - Facial recognition technology
  - Additional biometric identifiers
- Inactivation of other states license
- Periodic verification of identity information
Real ID Compliant States

- Alabama
- Arkansas*
- California*
- Colorado
- Connecticut
- Delaware
- DC
- Florida
- Georgia
- Guam*
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Maryland
- Michigan*
- Mississippi
- Missouri*
- Nebraska
- Nevada*
- New Hampshire*
- New Mexico*
- N. Carolina*
- N. Dakota*
- Ohio
- Oregon*
- Pennsylvania*
- Puerto Rico*
- Rhode Island*
- S. Carolina*
- S. Dakota
- Tennessee
- Texas*
- Utah
- Vermont
- Virginia*
- Virgin Islands*
- West Virginia
- Wisconsin
- Wyoming

Source: National Conference of State Legislators
Real ID Non-Compliant States

- Alaska
- American Samoa
- Arizona
- Kentucky
- Louisiana
- Maine
- Massachusetts
- Minnesota*
- Montana
- New Jersey
- New York*
- N. Marianas
- Oklahoma
- Washington*

Source: National Conference of State Legislators
Facial Recognition

- 38 states currently use facial recognition software for driver’s licenses
- 12 states do not use facial recognition software:
  - New Hampshire
  - Maryland
  - Michigan
  - Ohio
  - California
  - Arizona
  - West Virginia
  - Montana
  - Louisiana
  - Mississippi
  - Maine
  - Virginia
Enhanced Driver’s Licenses

- Requirements for EDLs:
  - Proof of state residency
  - Proof of identity*
  - Proof of citizenship

- Unlike Real ID compliant DLs, EDLs include RFID chips with a unique identification number linked to a DHS database [Source: DHS]
VAWA and Real ID

- Real ID §202(b) describes what must be on a DL/ID card, including:
  - Full legal name, DOB, address of principle residence, gender, signature, and digital photo
- VAWA (2005) states that DHS “shall consider and address the needs of survivors whose addresses are entitled to be confidential pursuant to state or federal law” (VAWA §827)
VAWA and Real ID, continued

- VAWA Reauthorized (2013) clarified what “personally identifying information or personal information” included (VAWA §(3)(a)(11)):
  - Information likely to disclose location of survivor
  - The definition includes items listed in §202(b) of The Real ID Act
- Lingering concerns: DMV databases with name histories, documents req’d for Real ID compliant DLs, traceable information via machine readable IDs
The Takeaway

• ID Change Cautions
  • False sense of security; misinformation
  • Survivors may want to postpone or be wary of risks
  • Not always confidential esp. given current laws
    – Real ID and VAWA considerations
    – Non-Real ID collection of data

• Advocacy and Technical Assistance
  • Advocates should seek TA along the way
  • Ongoing conversation and advocacy: reform and clarification around Real ID/VAWA/state law interactions
Technical Assistance

Relocation Counseling & Identity Protection Initiative is a joint venture of the National Network to End Domestic Violence and Greater Boston Legal Services

- Hotline: 800-323-3205
- GBLS: 617-603-1557
- relocation@nnedv.org
- NNEDV: 202-543-5566

This Project is supported by grant No. 2007-TA-AX-K030 awarded by The Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed are those of the presenter/author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. ©NNEDV/GBLS