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From the Desk of the Director: Eliminating “Cyber-confusion”

Recently, the term “cyberstalking” seems to be cropping up everywhere. But no one seems to know exactly what it means. Is it stalking by computer? By hidden cameras? By email? Is it cyberstalking to use a cell phone or pager to track someone? What technologies are really covered by cyberstalking? And why should anyone care?

The law rests on the accurate use of terms. For more than a decade, advocates and legislators have struggled to define stalking and write laws to prosecute stalkers. Now that all states have passed anti-stalking laws, law enforcement professionals, as well as the public, are starting to share a common understanding of the elements and definition of stalking.

Stalking takes many forms. Stalkers can physically follow their victims. They can use phones, the U.S. Postal Service, couriers, and even florists to track and pressure their prey. Stalkers can also bombard their victims with instant messages, photograph them with hidden cameras, install surveillance software on their computers, and use global positioning systems (GPS) to track them in their cars. But no matter what tools they use, stalkers are still stalkers.

So what’s wrong with describing technology-aided stalking as “cyberstalking”? On the surface, the term seems harmless. But a closer look suggests a few problems. “Cyber” usually refers to the Internet. The term may be stretched to encompass all use of computers. But it does not cover the use of many other forms of technology. So it’s inaccurate to describe stalking with GPS or a camera as cyberstalking. Some states have passed cyberstalking statutes to cover stalking via email, websites, and chat rooms (that require computers). But what happens when attorneys try to apply cyberstalking statutes to technology that the statutes do not address? Some confusion is inevitable.

Although most professionals now use computers, many are still intimidated by the complexity of technology. Many stalking-savvy law enforcement officers, prosecutors, or advocates hesitate to get involved in a case described as cyberstalking because they are not experts in the inner workings of a computer. The term “cyber” distracts them from what they already know about stalking laws and how to build a case. They forget that they can hire technology experts to explain how new technologies operate. What is most important for criminal justice professionals is to understand the basics and dynamics of stalking and, in general, how their state statutes address technology. Building on such a foundation, they can prosecute the ever-evolving forms of stalking with technology.

To deal effectively with technology’s impact on stalking, we, as criminal justice professionals should make sure our language is appropriate. Instead of getting hung up

on *cyberstalking*, why don't we just say "*the use of technology to stalk*"? That way, the crime is clear, and "technology" covers the host of tools the stalker can use (now and in the future) to commit their crimes. Once we've defined our terms, law enforcement can go back to catching stalkers, Merriam-Webster can wrestle with "cyber," and we can all return to our computers with renewed confidence.