

RESPONDING TO STALKING

A GUIDE FOR ADVOCATES



SPARC STALKING
PREVENTION,
AWARENESS,
AND RESOURCE
CENTER

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The background of the page is a light blue color with a complex network of white lines connecting various nodes. Some nodes are larger and have a glowing effect, while others are smaller. The overall pattern is reminiscent of a digital or social network.

UNDERSTANDING STALKING

ABOUT THE CRIME OF STALKING

INTRODUCTION

Stalking is a crime under the laws of all 50 states, the District of Columbia, the U.S. Territories, Federal law, and many tribal codes. An estimated 7.5 million people in the United States are stalked every year; yet the crime is seldom charged or prosecuted.¹

INDIVIDUAL ACTS THAT MAKE UP STALKING MAY BE LEGAL AND APPEAR HARMLESS.

Stalking differs from most crimes in two important ways: it involves repeat victimization—it is not a single incident—and it is defined in part by

the impact and toll it has on the victim. In fact, many of the individual acts that make up stalking may be legal by themselves and appear harmless to someone unfamiliar with the case.

To complicate matters further, no single legal definition exists: stalking varies widely in statute definition, scope, crime classification, and associated penalties.

How, then, can you support victims of the crime? To recognize stalking and best help victims, advocates and other professionals must be able to identify stalking behaviors and help victims navigate the criminal and civil justice systems, if victims are choosing to access those systems for support.

DEFINING STALKING

In general, a good working definition of stalking is: a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Important components of this definition include:

- Course of conduct – a pattern of behavior involving more than one action, committed over a period of time (however short), that demonstrates a consistent objective.
- Reasonable person – a legal standard of objectivity used in place of subjective perceptions. It asks, would another person in similar circumstances be afraid because of the perpetrator’s behavior?
- Level of Fear – how fearful the stalking behaviors make the victim. Criminal laws vary widely on what level of fear a victim must experience to make the stalker’s behavior criminal. Your state’s law may require the victim to:
 - Fear for their safety or experience substantial emotional distress;
 - Feel terrorized, frightened, intimidated, or threatened, or fear that the perpetrator intends to injure them or another person or damage their property or another person’s property;
 - Fear serious bodily injury or death.

¹ Katrina Baum et al., “Stalking Victimization in the United States,” (Washington, DC: Bureau of Justice Statistics, 2009).

Kim has been dating Tyson for 2 years. He calls her at work every day when she is eating lunch to see how her day is going and prefers her to come straight home after work so they can spend time together. In the last 3 months, he has started getting upset if she doesn’t answer when he calls. Twice in the last week he drove to the office to find out where she was. When she runs errands, he texts her multiple times each hour, wanting to know exactly where she is. Kim didn’t mind at first, but it started to get worse after Tyson lost his job. He started calling more frequently, leaving notes on her car while she was at work, and emailing her coworkers. Kim has started leaving work a little early to make sure she is home when he says she should be. She tells you she is afraid. He’s never physically hurt her, but his behavior is getting more unpredictable.

The course of conduct in this example is demonstrated by the perpetrator's repeated calls, visits to her office, and insistence on knowing her location. Kim is shown to be a reasonable person because most people in her circumstance would also experience fear. You are able to identify her level of fear because she tells you she is afraid because he is unpredictable. She has also altered her behavior because she is afraid of what might happen if she is late.

UNDERSTANDING CONTEXT AND FEAR

Compared to most other crimes, stalking is unique in that the context of the stalking behavior is critical to identifying and understanding what is occurring. The victim plays a critical role in defining whether their experience can be classified as stalking because the perpetrator's behaviors can only be identified as stalking when the impact of those behaviors on the victim is considered. Understanding a victim's response and level of fear may be difficult without knowing the full context of the course of conduct and any relationship that may exist between the victim and the offender.

Often, perpetrators of stalking exploit a victim's specific fears or phobias and communicate threats covertly in ways that seem harmless to outsiders. For instance, perpetrators may send the victim unwanted messages or gifts that seem innocuous or even romantic—such as a bouquet of roses. But the victim recalls the perpetrator threatening that the day they received roses would be the day they were killed. Without this context, the victim's terror may seem irrational to a responder. Indeed, perpetrators may provoke this reaction in part to discredit the victim or cast doubt on the victim's mental health.

In some cases, the victim may not explicitly express or display fear. The victim may be afraid or unwilling to name the emotion, may believe that showing fear will escalate the situation or provide satisfaction to the stalker, or may wish to minimize the danger. Some victims may struggle to admit feeling fearful as a result of social norms regarding masculinity and bravery. Advocates should provide access to the same levels of support for all victims regardless of how fearful they appear.

WORKING WITH UNDERSERVED POPULATIONS

Victims of underserved populations often face additional and unique barriers to the obstacles they already face as stalking victims. Included in this population of victims are children, people with disabilities, older adults, lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) identified individuals, American Indians and Alaska Natives, victims with limited English proficiency, immigrants, formerly incarcerated individuals, people of color, individuals who are undocumented, and others from historically marginalized communities. As an advocate, it is essential that you consider the context and the potential barriers a victim may face when reporting the crime, seeking services, and staying safe. These barriers may include language, fear of law enforcement, accessibility, and care needs. It is important to consider this for every victim, because many disabilities or cultural needs may not be readily apparent. While each situation may or may not occur, you have the ability to enhance the safety of victims by helping them prepare for any possible situation. The best way to determine potential barriers to safety is to ask victims if they would like to share any concerns. Doing so will assist in safety planning as well as the search for services.

ADVOCATES SHOULD PROVIDE ACCESS TO THE SAME LEVELS OF SUPPORT FOR ALL VICTIMS REGARDLESS OF HOW FEARFUL THEY APPEAR.

STALKING BEHAVIORS

Perpetrators of stalking engage in many different behaviors, and most use multiple tactics.² They frequently invest time, energy, and money in monitoring and pursuing their victims. Although many stalking behaviors are not criminal as a single occurrence, when viewed as a course of conduct that causes the victim fear or distress, they add up to stalking.

Common stalking behaviors include:

- Repeated phone calls, voicemails, emails, or text messages
- Monitoring a victim's phone activity or computer use
- Sending unwanted gifts, letters, or cards
- Posting information or spreading rumors about the victim on social media sites, in public places, or by word of mouth
- Searching for information about the victim by conducting public records or online searches, hiring private investigators, digging through the victim's garbage, or contacting the victim's friends, family, neighbors, or co-workers
- Using technology, such as hidden cameras, to watch the victim
- Driving by, waiting at, or showing up at the victim's home, school, or work
- Following the victim, either in person or via the use of technology (e.g., GPS or location-based apps)
- Using a third party to contact or stalk the victim (i.e., proxy stalking)
- Committing identity theft or financial fraud against the victim, such as opening, closing, or taking money from accounts
- Using children to harass or monitor the victim
- Vandalizing or destroying a victim's property, car, or home
- Violating protective orders or other injunctions
- Threatening to hurt the victim or their family, friends, or pets
- Threatening to kill the victim or others, self, or pets

These behaviors are not exhaustive and may change or escalate over time. The average duration of stalking is approximately two years, although intimate partner stalking tends to last longer than non-intimate partner stalking.³ Advocates should check in regularly with victims about the perpetrator's stalking behaviors

as perpetrators of stalking often modify their tactics based on the victim's response. Also note that victims commonly experience times of little stalking activity and times of constant activity; a victim's level of engagement with the system may fluctuate correspondingly.

STALKING THROUGH THE USE OF TECHNOLOGY

Stalkers frequently use technologies, often legal technologies, to stalk, monitor, and track their victims. Comprehensive, up-to-date resources for advocates and victims on how to best safety plan for stalking via technology, can be found at the Safety Net team's website. Please see <https://www.techsafety.org/> for more information.

THREAT ASSESSMENT

Threat assessment is a process used to determine the level of danger posed by a perpetrator to a victim at a particular point in time. It is important to keep these factors in mind when working with a victim. The most dangerous perpetrators are those who:

- Engage in actual pursuit of the victim
- Possess or are interested in weapons
- Commit other crimes such as vandalism or arson
- Are prone to emotional outbursts and rage
- Have a history of violating protection orders, substance abuse, mental illness and/or violence, especially toward the victim
- Have made threats of murder or murder-suicide

The most dangerous times for a stalking victim are when:

- The victim has separated from the stalker
- The stalker has been arrested or served with a protection order
- The stalker has a major negative life event, such as the loss of a job or being evicted
- The stalking behaviors increase in frequency or escalate in severity

² Kris Mohandie et al., "The RECON Typology of Stalking: Reliability and Validity Based Upon a Large Sample of American Stalkers," *Journal of Forensic Science* 51, No. 1(2006).

³ P. Tjaden and N. Thoennes. "Stalking in America: Findings from the National Violence Against Women Survey," Research Report, Washington, DC: U.S. Department of Justice, National Institute of Justice and Centers for Disease Control and Prevention, 1998.

THE INTERSECTION OF STALKING WITH OTHER CRIMES

Stalking frequently co-occurs with other types of victimization and criminal behavior. The stalking course of conduct may include individually illegal acts such as trespassing or property damage. Stalking behavior may also be a precursor to other crimes, such as sexual assault or homicide. Making the connection between stalking and other associated crimes benefits both the victim and the criminal justice system as a whole. When criminal justice system personnel can identify other crimes committed by the stalker, they can more effectively establish the course of conduct against the victim, take reports, gather critical evidence, and file charges.

Some of the crimes that can intersect with stalking are as follows:

INTIMATE PARTNER VIOLENCE

One study found that 81 percent of victims who were stalked by a current or former intimate partner had been physically assaulted by that partner.⁴ A common misconception is that stalking usually begins when a victim of intimate partner violence leaves the relationship. In fact, 57 percent of intimate partner stalking victims report that the stalking behaviors began before the relationship ended.⁵ Checking the victim's phone logs, reading the victim's emails, confirming the victim's whereabouts—these behaviors may seem normal to the victim or less alarming than any physical abuse. However, identifying these behaviors as stalking is critical. Research is clear: when physical abuse and stalking co-occur, the victim is at greater risk of violence — including homicide — and will need a comprehensive safety plan.

Perpetrators of intimate partner stalking are more likely to physically approach the victim at their home or place of work. They are also more likely to use a third party, such as a family member or friend, to further their stalking (for instance, asking a third party to provide personal information about the victim, keep track of where the victim is going, or communicate messages to the victim). The combined elements of stalking and physical violence require thoughtful and detailed attention to additional risks.

HOMICIDE

Another study found that nearly 70 percent of femicide victims were physically assaulted before their murder. Of those, 90 percent had also experienced at least one episode of stalking in the 12 months prior to their murder.⁶ Perpetrators of intimate partner stalking are better able to exploit the victim's physical and emotional vulnerabilities. They are more likely to have had access to every part of the victim's life, including physical belongings (home, vehicle), their daily routine (work, school), and information about personal affairs (finances, medical history).

SEXUAL ASSAULT

Stalking intersects with sexual assault in several ways. A stalker may threaten to sexually assault the victim, attempt to get someone else to sexually assault the victim, or carry out a sexual assault against the victim. Research shows that 2 percent of people who are stalked were also sexually assaulted by the perpetrator, and 31 percent of women who are stalked by an intimate partner were also sexually assaulted by that partner.^{7,8}

⁴ Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," National Institute for Justice Centers for Disease Control Research in Brief (1998).

⁵ Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," National Institute for Justice Centers for Disease Control Research in Brief (1998).

⁶ McFarlane et al., "Stalking and Intimate Partner Femicide," *Homicide Studies* 3, No. 4 (1999).

⁷ Katrina Baum et al., "Stalking Victimization in the United States," (Washington, DC: Bureau of Justice Statistics, 2009).

⁸ Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," National Institute for Justice Centers for Disease Control Research in Brief (1998).

Prior to committing sexual assault, perpetrators may engage in a variety of stalking behaviors, including following the victim, repeatedly contacting the victim, learning the victim's habits and daily routines, and gathering personal information about the victim. These behaviors may be an attempt to identify potential vulnerabilities or to groom the victim.

After committing or attempting to commit a sexual assault, the perpetrator may repeatedly contact the victim in order to:

- Threaten or manipulate them into not reporting the incident
- Determine what the victim recalls, if drugs or alcohol were involved
- Frame the incident as consensual
- Maintain social contact

Advocates can help victims of sexual assault identify stalking behaviors and emphasize how reporting stalking behaviors may help law enforcement officers and prosecutors investigate and successfully prosecute the crime.

PROPERTY DAMAGE

Another crime that is frequently part of the stalking pattern of behavior is property damage. Advocates can assist victims by encouraging them to be aware of the connection between stalking behaviors and recent property crimes they have experienced. Although criminal mischief and vandalism, such as broken mailboxes or damaged tires may seem commonplace, they can also be part of a stalking course of conduct. While broken windshields on every car parked on a residential street may simply indicate common or random vandalism, damage that is either specific to the victim's belongings or repeated should be evaluated for stalking involvement.

OTHER CRIMES

Advocates can assist victims by discussing the benefits of explaining to law enforcement the entire context of the stalking behavior if the victim decides to report associated crimes. Some of the crimes that may be part of the stalking course of conduct include:

- Assault
- Burglary
- Child Abuse
- Conspiracy
- Criminal Mischief
- Eavesdropping
- Forgery
- Fraud
- Harassment
- Hate Crimes
- Home Invasion
- Homicide
- Identity Theft
- Intimate Partner Violence
- Kidnapping
- Mail Theft
- Nonconsensual Dissemination of Intimate Images*
- Protective Order Violations
- Robbery
- Sexual Assault
- Theft
- Threats
- Trespass
- Utility Theft
- Vandalism
- Vehicle Tampering
- Vehicle Theft
- Voyeurism
- Wiretapping

***Definition: The Nonconsensual Dissemination of Intimate Images is the sharing of individuals' nude photos and videos without their consent. This may happen on social media or other websites. While the photos may have been taken with permission of the victim, perpetrators of stalking may use the threat of distribution to intimidate the victim.**

MAKING THE CONNECTION

Establishing a connection between stalking and other crimes serves a number of important purposes, including:

- Supporting the victim's emotional recovery
- Minimizing the victim's self-blame
- Demonstrating intentional contact on the part of the stalker
- Helping law enforcement and prosecutors understand how other crimes fit into the larger, targeted course of conduct
- Strengthening the overall criminal justice system response to stalking

THE IMPACT OF STALKING ON VICTIMS

Stalking victimization can permeate every aspect of a victim's life. Victims of stalking experience many of the same effects as victims of other crimes, such as substance abuse, anxiety, and social isolation.

However, victims of stalking also face unique challenges. Stalking behavior is often persistent and unpredictable, and can take place over a long period of time causing repeated trauma. Stalking can affect a victim's physical and emotional health, their family and friends, financial stability, and their job.

IMPACT ON PHYSICAL AND MENTAL HEALTH

The emotional and physical effects of stalking can manifest in a variety of ways. The impact of stalking on the mental and physical health of victims affects both their ability to safety plan while the stalking is ongoing as well as their ability to recover after it has ended. Stalking victims have a higher prevalence of anxiety, insomnia, social dysfunction, and severe depression than the general population, especially if the course of conduct includes being followed or the destruction of property. Advocates must discuss how to manage these effects with victims.

Victims may experience a variety of somatic symptoms, including headaches, general aches and pains, feelings of weakness or numbness, sleeping too much or too little, nightmares and persistent dreaming, and changes in weight. Increased anxiety, common among stalking victims, is also connected to physical symptoms, including shaking, chest pains, and panic attacks. The physical manifestations of stress extend to a lowered immune system response and influence current or underlying medical conditions. Support from a medical professional, such as a therapist or general practitioner, may help the victim to cope with the physical and mental effects they are experiencing.⁹

⁹ Eric Blauuw et al. "The Toll of Stalking," *Journal of Interpersonal Violence* 17, no. 1(2002).

COMMON EFFECTS OF STALKING

- Abuse of drugs or alcohol
- Inability to study
- Anger
- Irritability
- Anxiety
- Loss of confidence
- Confusion
- Loss of relationships
- Depression
- Minimization
- Economic losses
- Nightmares
- Embarrassment
- PTSD
- Emotional numbness
- Self-blame
- Fatigue
- Sexual dysfunction
- Fear
- Shame
- Flashbacks
- Shock
- Frustration
- Sleep disturbances
- Social isolation
- Guilt
- Suicidal ideation
- Hypervigilance
- Inability to accomplish daily tasks
- Inability to concentrate
- Weight changes

IMPACT ON PERSONAL RELATIONSHIPS

Stalking affects not only victims, but also their family, friends, and coworkers. Some stalking perpetrators may attempt to contact the victim's family members or friends for information, such as the victim's location, workplace, or contact information.

Other perpetrators may ask third parties to contact or follow the victim for them. This practice is called proxy stalking. Perpetrators of intimate partner stalking may also attempt to use children to stalk. Because many proxy stalkers are part of the victims' support network, victims may find it challenging to reach out for support. Victims may be reluctant or not want to involve people they know out of embarrassment or shame. They may fear the perpetrator will act out against the third party if they attempt to ask for help. In addition, they may be unsure about the safety of the technology they use to communicate with their support network. Advocates must encourage stalking victims to think broadly about whom they trust and how to safely communicate with their support system about their situation.

IMPACT ON FINANCES

Stalking often results in direct and indirect economic losses for the victim that occur in a variety of ways.

- Property damage – cost of replacement or repairs for damage caused by the perpetrator
- Legal processes – court fees, attorney fees, costs to travel to court appointments, and child care for times when caregivers are in court
- Medical bills (mental and physical health) – stalking victims will utilize health services at a higher rate than victims of domestic violence alone¹⁰
- Technology – cost to replace technology that may have been compromised by the stalker
- Relocation – if the victim chooses to move to get away from the perpetrator
- Lost wages

Advocates should be prepared to discuss options for financial assistance that support the victim's safety. See Crime Victim Compensation on page 17.

IMPACT ON THE WORKPLACE

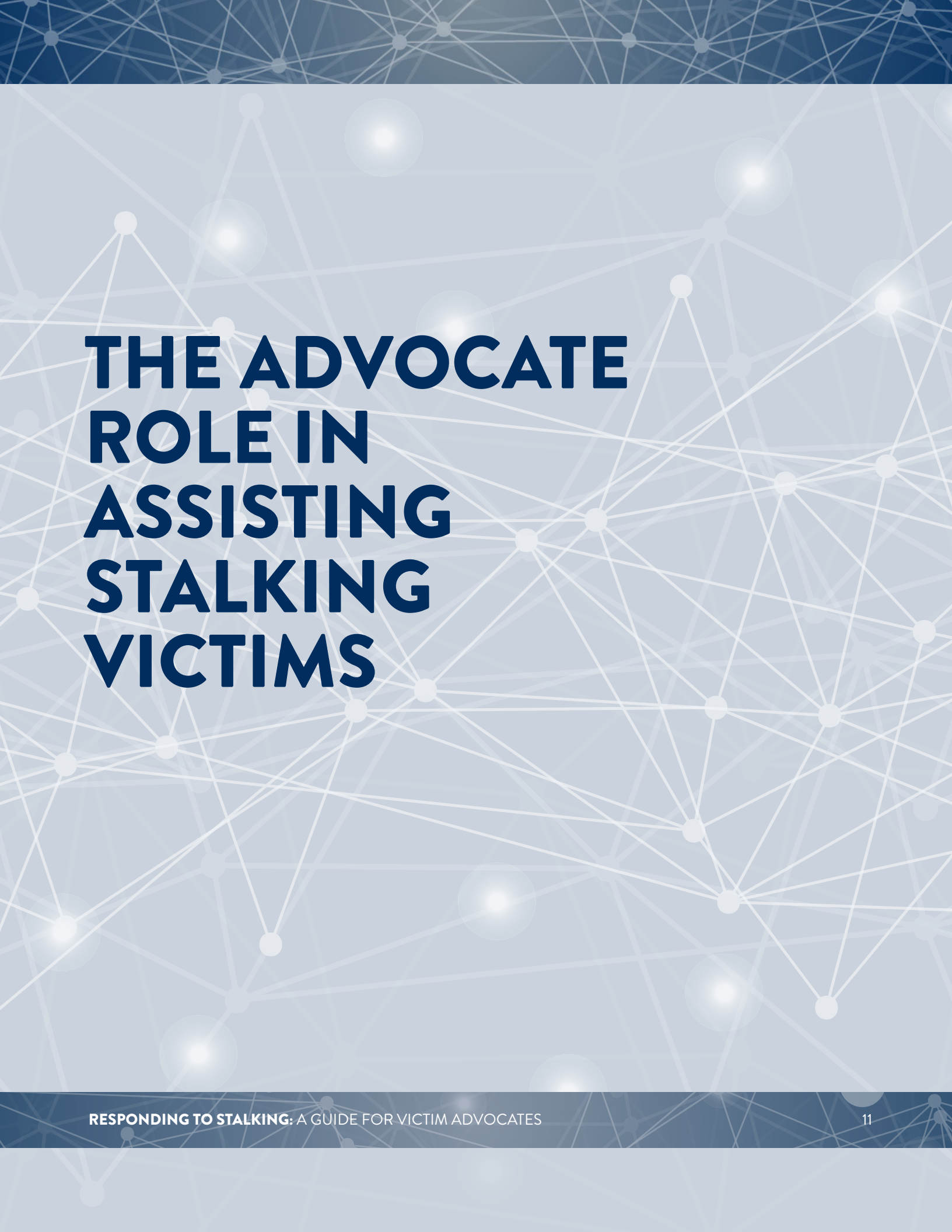
Stalking can affect victims' work in a variety of ways. Victims of stalking may take time off to go to court, meet with an advocate, or take care of their mental or physical health, resulting in lost wages if they do not have paid leave.¹¹

Many victims do not report their stalking victimization to their employer, or may only report to trusted coworkers rather than managers or the human resources department. The victim's supervisor may not understand the victim's behavior (e.g., distracted or declining performance) and may wrongfully conclude that the victim is a poor employee, resulting in discipline or termination. In some cases, employers who know an employee is being stalked may be concerned about a risk to the workplace and ask the victim to resign.

As an advocate, your role is to help victims identify and weigh the pros and cons of discussing the stalking with their employer and to help them contact an attorney if they are wrongfully terminated. Victims of stalking may have protections, and advocates can assist by learning more about available options at <http://workplacesrespond.org>.

¹⁰ Logan, T., Walker, R., Hoyt, W. and Faragher, T. "The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs." 2009. Washington, DC: National Institute of Justice, U.S. Department of Justice.

¹¹ Many states now have laws to protect victims of domestic violence and stalking by mandating employers offer paid sick leave for victims to attend court hearings. Yet, in some states, the stalking may affect their job security.



THE ADVOCATE ROLE IN ASSISTING STALKING VICTIMS

COMMON VICTIM REACTIONS AND RESPONSES

Reactions to stalking are as diverse as victims themselves. As a group, however, victims share several common responses:

- **Minimizing:** Victims may minimize individual stalking behaviors and the risk the offender poses. They may isolate events—focusing on a recent, less serious behavior instead of connecting it to more serious violations in the past. For example:
 - “They’re only text messages.”
 - “He would never really harm me.”
- **Avoiding family or friends:** Victims may avoid family and friends because they feel embarrassed, ashamed, or responsible for what is happening. In many instances, the stalker is someone known to the victim, their family, and their friends. They may avoid contact with loved ones in order to also avoid the perpetrator. They may be afraid they won’t be believed or that their friends and family will take sides against them. Victims may also want to keep loved ones safe from the stalker.
- **Negotiating for safety:** Victims may negotiate with the perpetrator for their own or others’ safety. They may agree to demands the perpetrator makes or maintain contact in an effort to prevent additional harm.
- **Taking steps to improve their personal security:** Many victims engage in informal safety planning on their own to cope with the perpetrator’s tactics and behaviors. For example, they may take a different route to school or work, temporarily stay with a friend, or change the locks on their door.

As an advocate, it is important to recognize and validate any steps victims have taken to stay safe, offer guidance on additional measures they could take, and support their actions moving forward.

SAFETY PLANNING

Advocates can help victims strategize about how to more safely respond to stalking by creating a safety plan. A safety plan is a combination of suggestions, concrete steps, and strategic responses designed to increase the victim’s safety during specific situations. Every victim’s safety plan is different—tailored to their unique circumstances—and every perpetrator will respond differently to those safety tactics. It is important to keep in mind—and communicate to the victim—that safety plans do not guarantee a victim’s safety, but they can greatly increase it.

Effective safety plans are:

- **Flexible** – Many options are available for any given scenario. Victims are able to evaluate which option best fits their current situation. The plan can also be adjusted if the perpetrator’s behavior changes.
- **Comprehensive** – The safety plan considers every aspect of the victim’s life, including family and friends, children, school, work, and daily routine.
- **Contextual** – The plan should account both for what the victim is currently experiencing and for the pattern of previous behavior.

To help craft an effective safety plan, advocates can:

- Listen and ask questions non-judgmentally
- Help identify the victim’s specific needs and goals
- Discuss and analyze risks
- Explore strategies and resources
- Provide information and options

Emma is sitting in your office with her two children, Noah and Mason. Lucas, her ex-boyfriend and the father of her children, threatened to hurt her children last month if she did not move back in with him. Since then, he has been repeatedly texting and calling her cellphone and showing up unexpectedly at her children's daycare. Before they separated, he monitored her location using her cell phone. Emma wants to know what she can do to be safe.

FLEXIBLE – It is important that Emma and her children have somewhere safe to stay. She can stay in her home if she feels safe there. But it's also important to have a backup plan. Can they stay with a relative or a friend for a few nights with little notice? Can Noah and Mason attend a different daycare or stay with a relative or friend for a few days? Is there a local shelter where they can stay? Do they have enough money to stay in a hotel?

COMPREHENSIVE – Can she alter her work schedule so that Noah and Mason go to daycare at a different time? Is she comfortable talking to the daycare teachers about what is happening? Do Emma and Lucas have a parenting plan in place? Has she discussed the situation with her employer?

CONTEXTUAL – Lucas appears to use technology as a way to track Emma. The best way to determine potential barriers to safety is to ask victims if they would like to share any concerns. Doing so will assist in safety planning as well as the search for services. Can she talk to her employer about security protection for her computer?

SAFETY-PLANNING SUGGESTIONS

Below are suggestions for safety planning, including if a victim is currently in a relationship with the perpetrator, has recently ended the relationship, has never had an intimate relationship with the perpetrator. Advocates should also consider if the victim is seeking services for the first time. Remember to evaluate each component with regard to (A) the context of the situation and (B) how the perpetrator will likely respond, according to the victim.

DISENGAGEMENT

In many cases, it is best for stalking victims to completely disengage with the perpetrator to stay safe. For some perpetrators of stalking, any contact may reinforce their behavior, even if the interaction is negative. It may be best for a victim to let every call from a perpetrator go to voicemail rather than to answer and ask the perpetrator to stop calling. The perpetrator may see this contact as evidence their methods have been successful, rather than a rejection. Additional advocacy and safety planning may be required to address the following circumstances:

- Children – If the victim and perpetrator share custody of any children, the victim is unlikely to be able to completely disengage.
- Safety – For some victims it may be safer to remain in contact. A victim may answer a phone call from the perpetrator to ward off an escalation in behavior, such as the perpetrator showing up at the victim's house.

- Small communities – In rural areas or closed communities (such as college or university campuses, military property, or tribal lands), it may be impossible to avoid seeing the perpetrator.

DOCUMENTATION

Victims should be encouraged to document all stalking behaviors and preserve any evidence such as emails, text messages, or gifts – even if they do not intend to move forward with criminal charges. If the victim decides to report the stalking to law enforcement or apply for a protective order, this documentation is an important component of demonstrating the course of conduct. It also provides victims, service providers, and law enforcement officers with an overview of the stalking behaviors and timeline so they can identify any escalation in behaviors. A sample stalking log is included here: www.stalkingawareness.org/documentation-log/

To stay safe while documenting behaviors, victims need to consider:

- Computer documentation – Is the computer safe from spyware that could give the perpetrator access to all of the documents, websites, emails, and other information the victim is using?
- Paper documentation – Can several copies be stored in different places that the perpetrator cannot access? These locations could be a friend or family member's house, the victim's workplace, a sports locker, or a safety deposit box.

Documentation should include:

- Time of incident
- Location of incident
- Full names of any witnesses
- Incident number if a police report was taken
- Detailed description of what happened

Some victims may be reluctant to document the stalking behaviors. They may feel unsafe or find the process upsetting. Be sure to discuss with victims the fact that any documentation or evidence they provide to law enforcement could be introduced as evidence in court or inadvertently shared with the perpetrator. Victims should not include any information that they do not want the perpetrator to access.

EVIDENCE

Examples of evidence that should be documented and maintained include:

- Letters or notes written by the perpetrator to the victim
- Objects sent to or left for the victim, including “gifts”
- Voicemail messages left by the perpetrator
- Evidence of phone tapping or tampering
- Emails, preserved electronically and printed out with an expanded header showing the IP address
- Telephone records
- Text records
- Screen shots of social network posts to or about the victim
- Screen shots of other online posts to or about the victim, including the website address (also known as a “URL”)
- Photos or videos posted online of or about the victim (download a copy and document any active URLs)

SUPPORT SYSTEM

For most stalking victims, having a few people they can trust and rely on is essential to their ability to cope and recover from the crime. Advocates can help victims think broadly about who in their network can provide that support. Some victims may want to consider implementing a daily safety check with a member of their support system. This can be as simple as a text message every day letting the person know they are okay. This support person may be someone

well-known to the victim, a casual acquaintance, or professionally connected, including:

- Family members, such as siblings, cousins, aunts, and uncles
- Friends
- Neighbors
- Members of their house of worship
- Members of other affiliated, community, or professional groups
- Coworkers
- Medical or legal professionals
- Advocates

For some victims this exercise may be challenging. They may wish to keep people safe by not involving them or they may be reluctant to trust anyone, especially if the perpetrator knows all of their friends and family.

REPORTING TO POLICE

Advocates can help victims think about whether they want to report stalking to law enforcement and how to stay safe if they choose to report. While reporting to law enforcement often seems like an obvious step, it may not be safe for a victim to report the crime at the time of the incident. Instead, they may choose to file a report on a later, safer date. Sometimes, reporting stalking can cause the perpetrator to escalate the behavior, creating an increased level of danger for the victim.

If a victim decides to report to the police, advocates can support their decision by helping them understand what to expect. Victims can prepare by:

- Expecting law enforcement officers to ask specific and intimate questions such as “Does the stalking cause you to feel fear?”
- Identifying incidents that demonstrate the course of conduct
- Outlining the events to ensure clear communication
- Bringing any related documentation of the stalking, such as the stalking incident log
- Understanding that law enforcement may or may not arrest the perpetrator
- Remembering investigations can take a long time

SAFETY PLANNING TIPS

1. Think about all of the people potentially affected: children, grandparents, pets, coworkers, etc.
2. Keep in mind both short-term and long-term safety:
 - a. Short-term safety can be a few weeks to a few months, depending on the situation and the persistence of the perpetrator.
 - b. Long-term safety planning may not be necessary for every victim but is important to discuss, as stalking behavior continues for an average of two years.
3. Provide resources for the victim to access at any time, such as a 24-hour hotline.
 - a. Check for local resources first.
 - b. If there are no local 24-hour hotlines in your area:
 - i. National Domestic Violence Hotline: 1-800-799-7233 or chat online here <https://www.thehotline.org>.
 - ii. National Sexual Assault Hotline (RAINN): 1-800-656-4673 or chat online here <https://hotline.rainn.org/online>.
 - c. VictimConnect Resource Center can assist with safety planning and resources for victims of stalking: 1-855-484-2846 or chat online here <https://chat.victimsofcrime.org/victim-connect/>.

SAFETY BY LOCATION

IN THE HOME:

- Avoid bathrooms, the kitchen, the garage and other areas where weapons may be found when the perpetrator is in the home.
- Identify which rooms have strong doors, locks, and windows that open.
- Install an alarm system and/or motion detector; some security companies will provide these for free or a discounted rate to victims of stalking.
- Talk to neighbors: ask them to call 911 if they see the perpetrator or hear something concerning; if comfortable sharing, give them copies of protective orders.

AT WORK:

- Change telephone numbers, location, and hours if possible.
- Provide copies of protective orders to supervisors.
- Park close to the office door or ask someone to walk them to their car.
- Develop an office or work-escape plan.
- Talk with security guards and receptionists about who is allowed to visit; provide a photograph of the perpetrator; ask front-desk personnel to call before letting someone into their office.

WITH CHILDREN

If the victim has children, they may be affected by the stalking, regardless of their relationship to the perpetrator. Victims of stalking with children should consider the following:

- Identifying safe places for the children to hide if the perpetrator approaches them or the victim.
- Teaching the children how to call 911, and giving them permission to do so.
- Discussing who the children can go to for help (e.g., family members, neighbors, law enforcement).
- Providing copies of protective orders to schools, daycares, and other care providers.
- Making sure every person who takes custody of the children knows who else is allowed to pick them up.
- Obtain advice about civil legal remedies to protect the children.

PROTECTION ORDERS/ RESTRAINING ORDERS

A protective order is a legal order issued by a state court that requires one person to stop harming and/or contacting another. Each state may have several types of protective orders—such as civil protective orders, criminal protective orders, or restraining orders—and they may have different names. (For example, Pennsylvania has “protection from abuse” orders).

Some protective orders are specific to domestic and intrafamilial violence, while others are broader, covering stalking, harassment, sexual assault, and other types of abuse. Civil protection orders do not require that the perpetrator be charged or convicted; as long as the behavior, the relationship between the parties, and the harm or threat to the victim come within the legal requirements, the court can issue an order. Violations of the civil protection order are typically criminal offenses.

A protection order is one possible tool a victim can use to help stop the stalking and enhance their safety. However, they are not effective in every case and may in fact escalate the stalking behavior in some cases. To help victims of stalking understand the risks and benefits of seeking a protection order, consider the following:

- How do they anticipate the perpetrator will respond to the protection order?
- How and when will the perpetrator be served with the protection order?
- Will it be dangerous for the victim to appear in court because the perpetrator will know where the victim is?
- How will the process affect any current or future family law proceedings?
- Will the victim call law enforcement if the perpetrator violates the order?

For a protection order to be most effective, victims should also know:

- Enforcement may be easiest if they carry a copy of the protection order with them wherever they go.
- They should provide copies of the order to employers, schools, babysitters, landlords, neighbors, family members, and others, especially if the order prohibits the perpetrator from being at certain locations or contacting children.
- Orders of protection must be honored in other jurisdictions. For more information, see **The National Center on Protection Orders and Full Faith and Credit, a program of the Battered Women’s Justice Project.** <http://www.bwjp.org/our-work/projects/protection-orders.html>
- Violations of a civil protection order may permit or require the police to make an arrest if they find probable cause to believe the offender has violated the order.
- An attorney who represents the perpetrator may ask the victim to agree to mutual orders in an effort to discredit the victim. This means that both parties would have a protection order against the other. The victim does not have to do this in order to obtain an order that prohibits the stalking offender from continued stalking. Victims should seek legal counsel before agreeing to such mutual order. The existence of such an order may allow for the perpetrator to file criminal charges against the victim.

Advocates have an important role in helping victims weigh the different benefits and drawbacks regarding protection orders as well as guiding them through the court system and filing process.

ADDRESS CONFIDENTIALITY PROGRAMS

Address Confidentiality Programs (ACPs) allow victims of stalking, sexual assault, domestic violence, or other types of crime to receive mail at a substitute address. ACPs keep the victim's actual address private and prevent offenders from locating the victim through public records. Mail is sent to the legal substitute address, often a post office box, and then forwarded to the victim's actual address. The substitute address can be provided whenever the victim's address is required by a public agency. While Address Confidentiality Programs can assist with a victim's safety, they do not guarantee their safety. Victims can increase their safety by:

- Limiting the number of people they tell about their address, doing their best to ensure that these individuals are trustworthy and discreet.

- Abiding by the terms of the ACP. Some ACPs will remove a participant from the program if they violate the terms.
- Advocates can help victims understand the terms of the program in their particular state and how it operates. However, not every state has an Address Confidentiality Program. If your state does not have a program, it is essential that you discuss other ways for victims to make it more difficult for the offender to locate them.

CRIME VICTIM COMPENSATION

One possibility for financial assistance is Crime Victim Compensation. Every state has a state-level Crime Victim Compensation program. Victims of stalking who apply to crime victim compensation may be eligible to have some of their crime-related expenses reimbursed, such as lost wages, medical bills and mental health counseling, and lock changes. Some states may assist with relocation expenses for safety.

Each program, however, has different requirements and benefits. Most states require a police report, but some will also accept a protection order, a SANE exam (rape kit), or a neglect petition (for victims of child abuse and neglect). For more information on the program in your state, visit the **National Association of Crime Victim Compensation Boards**. <http://www.nacvcb.org/>

Advocates can help victims of stalking navigate this process by understanding the documents, deadlines, and reimbursable expenses for their state's program.

PRACTICE

CASE SCENARIOS

For each case scenario, think about the following questions and how you would support this victim with the resources in your community:

- Which risk factors are present?
 - Does the perpetrator pose a threat?
 - If so, to whom?
- In your professional capacity, how would you work with the victim at this point?
 - What questions would you like to ask the victim? What information would be helpful?
 - What safety concerns do you have and how can they be addressed?
 - What options and resources would you provide to the victim?
- Would collaborating with other agencies or organizations to support this victim be useful?

1. DEREK AND JAMES

Derek comes to you to discuss a confrontation with his ex-boyfriend, James, whom he dated for about 5 months. They broke up last month, but the break-up didn't go well.

This morning when Derek left his apartment, James was parked in front of the building. James approached him and started yelling, saying he was still in love with Derek and knows he is still in love with him. James told Derek it didn't matter if he tried to ignore him, he would always be there to show him how much he cares. James left when a neighbor came out to see if Derek was okay.

Derek goes on to tell you that things were okay the first few months of their relationship, but then James started demanding more of his time. James wanted the two of them to spend all of their free time together and would get upset when Derek wanted to spend time with his friends or family. James would talk about spending the rest of their lives together, even though Derek made it clear that he wasn't looking to settle down at this point in his life. He tried talking to James several times about keeping it casual and James would back off for a few weeks before reverting to his insistence on a permanent relationship. Derek then decided that he and James clearly wanted different things from the relationship and broke up with him.

Since they broke up, James keeps trying to stay in touch with Derek. Derek gets 15-20 texts and emails from James every day. James kept messaging him while he was at work until he blocked him. James then sent him an angry, threatening email. James keeps showing up at the same places Derek is. At first Derek thought this was just a coincidence, but now he's not so sure.

Consider:

- A. James keeps showing up at the same locations as Derek; he may be tracking him through spyware on his cell phone.**
- B. A protection order may be a good option for Derek, but it may also cause the behavior to escalate. It is important to examine the pros and cons of filing for one.**
- C. Derek's neighbor has demonstrated she cares about his well-being. Derek could ask her to call the police if she sees James outside the apartment again.**

2. JANET

Janet calls your hotline regarding items that have gone missing from her apartment. She tells you that she is 70 years old and lives alone. Over the last few months, objects in her apartment have disappeared or have been moved to a different location in the apartment. She describes the items as being of little value to her, items such as a notepad or a houseplant.

She has called law enforcement several times to report the missing items, but they don't seem to believe her. They have come to the apartment three times, but the last time they didn't take a report. Law enforcement told Janet that there was no sign of forced entry.

Janet has told her adult children about the problem and they have started talking about moving her to an assisted living facility. She doesn't want to live in a facility so she has stopped telling her children when it happens.

Consider:

- A. **The law enforcement officers who spoke with Janet seem to have perceived Janet as confused and forgetful. When you talk to her, she doesn't sound confused, just scared.**
- B. **You remember a similar case from a few years ago. Using a hidden camera, a detective caught a man using a key to get into an older victim's home and move her things.**
- C. **Janet is feeling alone, her safety plan should include reaching out to her family. As a family, they could meet with an advocate to discuss her possible options.**

3. MACKENZIE AND DAVID

Mackenzie is being stalked by her neighbor whom she has known most of her life. They live on nearby tribal lands. David started texting her repeatedly several months ago, asking her to go on a date with him.

Mackenzie tells you that she had a boyfriend at the time which she told David. He kept texting her anyway. When Mackenzie and her boyfriend broke up, David started calling her. Mackenzie told him she wasn't interested in dating him, but he continued to call her. Last week, he started showing up at her work around lunch time, asking her to go to lunch with him. She also started getting texts and phone calls

from members of David's family pressuring her to date him. Mackenzie tells you that she thinks his friends and family are helping him keep track of her. It's the type of town where everyone knows everyone.

Last night, David was sitting on her front porch when she got home and wouldn't leave. Mackenzie didn't feel safe opening her door when he was there so she left and spent the night at her parents' house. She is considering moving so that she no longer lives next door to him.

Consider:

- A. **Help Mackenzie think through her support network. Is there someplace she can stay that is safe? Who can she trust?**
- B. **Does she think a protection order would be effective or would he ignore it? If she thinks he would listen to it, it may also protect her from his family as the order could bar 3rd party contact.**
- C. **If Mackenzie decides to move, she could apply to participate in an address confidentiality program depending on her state.**

4. MARCUS

Marcus is a college professor at a small liberal arts university in the same city where your program is based. One of his students, Katie, has been visiting his office hours a lot lately. She didn't do very well on the last exam and she was visibly upset about it when he returned the tests to the class last month.

She emails him multiple times a day and has started showing up at his favorite morning coffee shop several times a week. Yesterday, she told him that if she didn't do better on the next test, he would be sorry.

Consider:

- A. **Marcus works for a university which means an issue with a student could have repercussions on his career. If Marcus is comfortable talking with his supervisor about this, it may help him protect his job.**
- B. **Marcus has a fairly regular routine. He can change it up by going to a different coffee shop and working in a different office or at the library.**

CONCLUSION

Stalking happens much more frequently than most people realize and is often connected to many other crimes. It is vital that victim advocates are able to identify stalking behaviors and build effective safety plans with victims of stalking. We hope this guide will help you identify stalking behaviors, the barriers stalking victims face, and solutions that enhance their safety. Please visit our website for additional information.

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STALKING PREVENTION, AWARENESS,
AND RESOURCE CENTER

1000 Vermont Ave NW, Suite 1010 | Washington, DC 20005 | (202) 558-0040 | stalkingawareness.org

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