

# STALKING RESPONSE STRATEGIES FOR PROSECUTORS



**13.5 million  
PEOPLE are  
STALKED  
each year**



## WHAT IS STALKING?

While legal definitions of stalking vary from one jurisdiction to another, a good working definition of stalking is:

**a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others, and/or suffer substantial emotional distress.**

## DID YOU KNOW

Stalking — generally defined as a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others, and/or suffer substantial emotional distress — affects an estimated 13.5 million women and men each year. Stalking is a crime under the laws of all 50 states, the District of Columbia, the U.S. territories, and the federal government; however, statutes and definitions of stalking and related crimes vary from jurisdiction to jurisdiction. Fewer than a third of jurisdictions classify stalking as a felony in all circumstances, including on the first offense. In the majority of jurisdictions, stalking is considered a misdemeanor unless it constitutes a second or subsequent offense or unless some other aggravating factor is present. In addition to serious and long-lasting emotional and psychological harm, stalking can involve severe — even lethal — violence. Prosecutors who understand the nature and dynamics of stalking, the impact of stalking on victims, and the statutes related to stalking can help victims assert their rights and hold offenders accountable.

## HOW PROSECUTORS CAN HELP

1. Have advocates and/or other support services available to inform victims of their rights and provide them with the information and resources they need. This support also can help victims stay informed and engaged in the process.
2. Consider any and all applicable charges to best hold the offender accountable. Even if there is not enough evidence to uphold a stalking case, charge what is appropriate. Many stalkers are serial offenders, and charges will build an offense history and pattern of conduct.
3. Consider whether violations of protection orders could be charged as stalking.
4. Conduct regular assessments of the risk and threats posed to the victim by the offender — even if the offender is ultimately charged with a lesser or different offense than stalking.
5. Maintain regular contact with victims and offer advice on how they can best document the offending behaviors to help build a stronger case, such as using a [documentation log](#). By establishing trust with victims and advocates — and by working with law enforcement and others to involve them in the investigation, reporting, and prosecution phases of the case — prosecutors can increase the likelihood of effective arrests and prosecutions as well as enhance victim safety.