

Report to Congress on Best Practices Regarding Enforcement of Anti-Stalking Laws

Reporting Requirement

Section 3 of the Combat Online Predators Act (PL No. 116-249) requires the Attorney General to submit a report to Congress on best practices regarding enforcement of anti-stalking laws, one year after the date of enactment of the Act. The report is to include an evaluation of federal, tribal, state, and local efforts to enforce laws relating to stalking;” and “identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.”

Background

Roughly 1 in 3 women, and 1 in 6 men in the United States have suffered some form of stalking in the course of their lifetime.¹

Stalking is challenging to police effectively as it is a pattern-based, rather than an incident-based, crime. Responding to stalking cases often necessitates specialized knowledge and a significant investigative effort.² Research supported by the Department of Justice (DOJ), Office on Violence Against Women (OVW) suggests that the law enforcement response would be improved with the implementation of assessment tools for identifying stalking behaviors within the context of other intimate partner violence (IPV)-based crimes, as well as by providing specific training for officers.³

A detailed summary of research, statistics, best practices, and OVW grantees’ efforts related to stalking can be found in OVW’s reports to Congress pursuant to 34 U.S.C. § 12049, which requires a report every even-numbered fiscal year to include information about the incidence of stalking and domestic violence and evaluating the effectiveness of anti-stalking efforts and legislation. OVW’s reports to Congress are available here:

<https://www.justice.gov/ovw/reports-congress>.

¹ Smith, S. G., Basile, K. C., & Kresnow, M. (2022). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsstalkingreport.pdf>

² National Institutes of Justice. (2022, February 1). *Current State of Knowledge about Stalking and Gender-Based Violence: The Known, Unknown, and Yet To Be Known* [Webinar].

<https://nij.ojp.gov/events/current-state-knowledge-about-stalking-and-gender-based-violence-known-unknown-and-yet-be>.

³ Garza, A.D., Franklin, C. A., & Goodson, A. (2020). The nexus between intimate partner violence and stalking: Examining the arrest decision. *Criminal Justice and Behavior*, 47(8), 1014-1031, available at:

<https://journals.sagepub.com/doi/pdf/10.1177/0093854820931149>.

Stalking Victimization in the United States

This section contains updated information to reflect federal data on stalking published in 2022 by the DOJ's Bureau of Justice Statistics and the Centers for Disease Control and Prevention in a recent report to Congress submitted pursuant to 34 U.S.C. § 12049. (BJS [2019](#) and [2022](#) reports; CDC NISVS [2022](#) report)

The Bureau of Justice Statistics (BJS) reports that approximately 3.4 million people age 16 or older were stalked in 2019,⁴ and the National Intimate Partner and Sexual Violence Survey (NISVS), administered by the Centers for Disease Control and Prevention (CDC), has found that about 1 in 3 women and 1 in 6 men have experienced stalking at some point in their lives.⁵ Women who are divorced or separated face the highest rate of stalking.⁶ The majority of victims are stalked by people they know, and 43.4% of female victims and 32.4% of male victims of stalking are stalked by a current or former intimate partner.⁷

Stalking victims report that stalking tactics most often include the perpetrator: following the victim, approaching the victim or showing up in places, such as the victim's home, work, or school; using GPS technology or equipment to monitor or track the victim's location; leaving strange or potentially threatening items for the victim to find; sneaking into the victim's home or car and doing things to scare the victim by letting the victim know they had been there; using technology such as a hidden camera, recorder, or computer software to spy on the victim from a distance; making unwanted phone calls to the victim; sending the victim unwanted emails, text or photo messages, or social media messages; and sending the victim cards, letters, flowers, or presents when they knew the victim does not want.⁸

Perpetrators who stalk victims do so repeatedly, and over a significant period of time: Twenty-four percent of stalking victims said the stalking behavior lasted for two years or more, and 10.8% said it happened too many times to count.⁹

In addition to the relentless nature of the crime, stalking is also a significant risk factor for domestic violence-related homicide. In a study of cases of actual or attempted domestic violence homicide involving a female victim who was physically assaulted by her violent partner in the preceding year, nearly all (90%) of the victims were also stalked by their assailant.¹⁰ Of the women in that study who were murdered, 54% had reported the stalking to police before they were killed. Another study assessing police records found that domestic violence cases

⁴ Morgan, R. E., & Truman, J. L. (2022). *Stalking Victimization, 2019*. U.S. Department of Justice Bureau of Justice Statistics. Available at: <https://bjs.ojp.gov/content/pub/pdf/sv19.pdf>.

⁵ Smith, Basile, & Kresnow (2022).

⁶ Morgan & Truman (2022).

⁷ Smith, Basile, & Kresnow (2022).

⁸ Smith, Basile, & Kresnow (2022).

⁹ Morgan & Truman (2022).

¹⁰ McFarlane, J., Campbell, J.C., Wilt, S., Sachs, C., Ulrich, Y., and Xu, X. (1999). Stalking and intimate partner femicide. *Homicide Studies*, 3(4), 300–316.

with features of stalking or stalking charges were more threatening and violent than cases without elements of stalking.¹¹

Young adults and people in the lowest income brackets experience higher rates of stalking: people in households with incomes under \$10,000 were more likely to be stalking victims than people with household incomes over \$10,000.¹²

More than half of female stalking victims report that they were first stalked before age 25, and about 1 in 4 were first stalked before age 18; those figures are similar for male victims of stalking.¹³ Research has found that stalking may be more common on college campuses than in the general population.¹⁴ According to one study of nearly 1,600 college students, 42.5% had experienced some form of stalking victimization. However, victims may not recognize stalking as a crime.¹⁵ Of those students reporting behavior that qualified as stalking, only about one quarter (24.7%) self-identified as stalking victims, and their likelihood of acknowledging the behavior as stalking was linked with more severe and injurious actions by the offenders.¹⁶

Being stalked, and suffering the fear and threats that characterize the crime, is significantly correlated with the severity of symptoms of posttraumatic stress disorder (PTSD) and psychological distress endured by female victims.¹⁷ Stalking burdens victims with numerous tangible and intangible costs, from emotional trauma to financial ruin. Anxiety, insomnia, and depression, and other symptoms of traumatic stress are much higher among stalking victims than people who have not been stalked.¹⁸ Furthermore, stalking by a current or former intimate partner has been found to escalate victims' fear and distress, with victims being significantly afraid that their stalkers would physically or sexually assault them, harass them and their loved ones, threaten their children, cause financial problems, or humiliate them publicly.¹⁹

In addition to the emotional and psychological toll of stalking, victims also face financial hardship as they may have to move, cancel cell phone plans, change jobs, reduce employment, or purchase expensive security systems in attempts to remain safe. One study found that domestic violence victims who were stalked after obtaining a protection order incurred an

¹¹ Klein, A. K., Salomon, A., Huntington, N., Dubois, J., & Lang, D. (2009). *A statewide study of stalking and its criminal justice response*. (NCJ 228354). Washington, DC: U.S. Department of Justice, National Institute of Justice.

¹² Morgan & Truman (2022).

¹³ Smith, Basile, & Kresnow (2022).

¹⁴ See, for example: Buhi, E. R., Clayton, H., & Surrency, H. (2009). Stalking victimization among college women and subsequent help-seeking behaviors. *Journal of American College Health, 57*(4), 419–426.

¹⁵ McNamara, C. L., & Marsil, D. F. (2012). The prevalence of stalking among college students: The disparity between researcher-and self-identified victimization. *Journal of American College Health, 60*(2), 168–174.

¹⁶ McNamara, C. L., & Marsil, D. F. (2012).

¹⁷ Fleming, K. N., Newton, T. L., Fernandez-Botran, R., Miller, J. J., & Burns, V. E. (2012). Intimate partner stalking victimization and posttraumatic stress symptoms in post-abuse women. *Violence Against Women, 18*(12), 1368–1389.

¹⁸ Blaauw, E., Winkel, F. W., Arensman, E., Sheridan, L., & Freeve, A. (2002). The toll of stalking: The relationship between features of stalking and psychopathology of victims. *Journal of Interpersonal Violence, 17*(1), 50–63; and, Brewster, M. (2002). Trauma symptoms of former intimate stalking victims. *Women and Criminal Justice, 13*(2/3), 141–161.

¹⁹ Logan, T. K., Walker, R., Hoyt, W., & Faragher, T. (2009). *The Kentucky civil protective order study: A rural and urban multiple perspective study of protective order violation consequences, responses, and costs*. (NCJ 228 350). Washington, D.C.: U.S. Department of Justice, National Institute of Justice. Available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>.

average of \$610 in property damage or loss in a six-month period, compared to \$135 for victims whose abusers violated protection orders in ways that did not include stalking, and \$15 for those whose protection orders were not violated and who were not stalked.²⁰ Victims who were stalked after the protection order was issued also lost more work time (78 hours) than victims who did not experience further abuse or stalking while a protection order was in place (4 hours).²¹

Stalking is an underreported crime: around 30% of stalking victims in 2019 reported it to police.²² Victims' reasons for not reporting include: a belief that the police cannot or will not do anything, fear that they will not be believed, being afraid of the perpetrator, not wanting law enforcement or courts involved in the matter, thinking that the perpetrator's actions are not serious enough to warrant reporting to police, and not having proof of stalking.²³ Furthermore, research has documented that stalking is rarely identified in domestic violence cases that include elements of stalking,²⁴ and people arrested for stalking often are not prosecuted.²⁵

OVW-Supported Training and Technical Assistance to Enforce Laws Related to Stalking and Best Practices

To ensure the field has appropriate training, technical assistance, and access to best practice information when addressing stalking, OVW has funded the [Stalking Prevention Awareness and Resource Center](#) (SPARC). SPARC maintains a thorough and informative website with resources for victim services providers, law enforcement officers, prosecutors, and corrections personnel. SPARC identifies and derives its materials from best practices in each of these professions and packages them in useful, engaging formats for the intended audience. The full spectrum of best practices, tools, briefs, and more can be found at <https://www.stalkingawareness.org/>. Below is a sampling of these resources organized by profession.

For victim services providers:

- SPARC provides these [Quick Tips](#) for stalking response strategies;
- A [Guide for Advocates](#) on responding to stalking, which is also available in [Spanish](#); and

²⁰ Logan, T. K., & Walker, R. (2010). Toward a deeper understanding of the harms caused by partner stalking. *Violence and Victims*, 25(4), 440-455.

²¹ Logan & Walker (2010).

²² Morgan & Truman (2022).

²³ Logan, T. K., Cole, J., Shannon, L., & Walker, R. (2006). *Partner stalking: How women respond, cope, and survive*. New York: Springer Publishing Company; Tjaden, P. & Thoennes, N. (1998). *Stalking in America: Findings from the national violence against women survey*. (NCJ 169 592). Washington, DC/Atlanta, GA: National Institute of Justice and the Centers for Disease Control and Prevention; and Logan, T. K., Walker, R., Hoyt, W., & Faragher, T. (2009).

²⁴ See, for example: Tjaden, P. & Thoennes, N. (2001). *Stalking: Its role in serious domestic violence cases*. Washington DC: U.S. Department of Justice, National Institute of Justice; and Caperona, B. (2007). *Domestic Violence in New Mexico, 2006 Highlights*. Albuquerque, NM: State of New Mexico, Department of Health, Office of Injury Prevention.

²⁵ Klein, A. K., Salomon, A., Huntington, N., Dubois, J., & Lang, D. (2009).

- [Addressing Stalking: A Checklist for Domestic and Sexual Violence Organizations](#), which is also available in [Spanish](#).

For law enforcement officers:

- SPARC provides [this brief, informative tip sheet](#) on recognizing stalking behaviors;
- This [incident log](#) provides a tool to assist officers in examining a pattern of stalking behaviors; and
- The [SPARC website links](#) to the [Stalking and Harassment Assessment and Risk Profile \(SHARP\)](#), a tool developed at the University of Kentucky that allows officers or victims to enter key pieces of data about the stalking behavior and returns an assessment of risk based on an empirically validated 14-factor model and a clear, concise narrative of the case.

For prosecutors:

- SPARC publishes the [Prosecutor’s Guide to Stalking](#), a guidebook for understanding the crime of stalking, working with victims, presenting evidence, and more;
- SPARC directs prosecutors to webinars presented by SPARC’s parent organization, Aquitas: The Prosecutor’s Resource on Violence Against Women. One such webinar is: [#GUILTY: Identifying, Preserving, and Presenting Digital Evidence](#); and
- SPARC presents custom training by request on a range of topics aimed at increasing the rate of successful prosecution for stalking.

For corrections and probation personnel:

- SPARC publishes [Responding to Stalking: A Guide for Community Corrections Officers](#) to educate officers on proper supervision of individuals convicted of stalking; and
- This [checklist](#) by SPARC as well as the [SHARP tool](#) can be used by corrections professionals to document, assess, and understand stalking behaviors, whether in a penal institution or by supervisees.

For college/university campus professionals:

- SPARC offers [Quick Tips](#), a [fact sheet](#), and an [infographic](#) tailored to campus populations;
- [Talking Stalking: Tips for Prevention/Awareness Educators](#);

- [Tips for public awareness campaigns](#) in campus communities; and
- [Tips for campus stalking investigations and hearings](#).

For judicial officers:

- SPARC provides a [Judicial Officers Bench Card](#) on stalking; and
- A [Judicial Officer's Guide](#) to stalking.

The materials listed above are compiled in this report, and additional resources and training opportunities for professionals can be found at: <https://www.stalkingawareness.org/>.

STALKING RESPONSE STRATEGIES FOR VICTIM SERVICE PROVIDERS



**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 is a dangerous crime that affects an estimated 13.5 million women and men each year. 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 — is a crime under the laws of all 50 states, the District of Columbia, the U.S. territories, and the federal government. Stalking can have devastating and long-lasting physical, emotional, and psychological effects on victims. The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than in the general population. Victim advocates can help victims devise a safety plan, navigate the criminal justice system, assert their rights as crime victims, and obtain the services and support they need and to which they are entitled.

HOW VICTIM ADVOCATES CAN HELP

1. Recognize that stalking is a pattern of behavior, and a stalking victim's level of fear and need for resources and assistance may vary and change based on the stalker's behaviors.
2. Realize that stalking victims may maintain contact with their offenders to keep themselves (or loved ones) safe. Work with victims to establish safety plans.
3. Documentation can be extremely helpful in stalking cases. Victims could consider using [a documentation log](#).
4. Collaborate with others in your community, such as law enforcement, prosecutors, and community corrections, to help protect victims of stalking. Health care providers and members of faith communities also can be vital resources.
5. Work with law enforcement, prosecutors, and others to educate victims about the ongoing dynamics of stalking cases and what evidence and documentation may be required if they choose to report to the police.

RESPONDING TO STALKING

A GUIDE FOR ADVOCATES



SPARC STALKING
PREVENTION,
AWARENESS,
AND RESOURCE
CENTER

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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

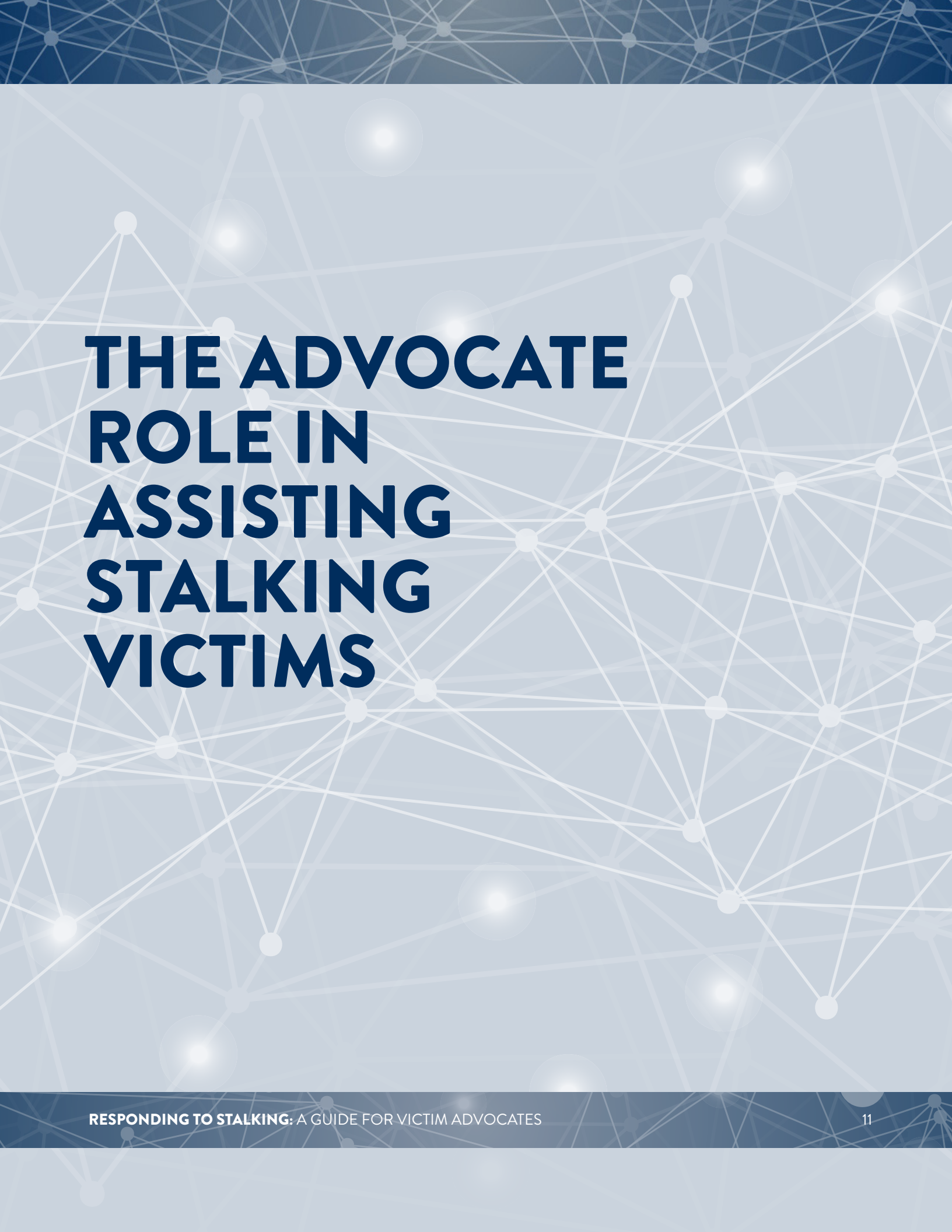
Stalking can affect victims' work in a variety of ways. Victims of stalking may take time off to go to court, meet with an advocate, or take care of their mental or physical health, resulting in lost wages if they do not have paid leave.¹¹

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:

- **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
- **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.

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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SPARC

STALKING PREVENTION, AWARENESS,
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Addressing Stalking: A Checklist for Domestic and Sexual Violence Organizations

Because there are very few stalking-specific service providers, stalking victims rely on domestic and/or sexual violence programs to assist them with safety planning and resources. In reviewing your agency's response to stalking, consider the following questions:

- Does your organization provide services to victims of stalking?
- If so, how easy is it for a stalking victim to know they can seek services from your organization? For instance, is stalking specifically mentioned in your outreach materials?
- Do your organization's services address the needs of all victims of stalking – including those stalked by someone who is not an intimate partner?

Please use the checklist below assess your agency's efforts to respond to stalking.

Of course, different agencies vary in mission, scope, and capacity, so not all categories or suggestions will be relevant to or feasible for every service provider.

Organization Mission and Values

- Serving victims of stalking is included as part of your organization's statement of mission and values.

Website

- "Stalking" is mentioned on your website as a form of violence your agency addresses.
- Your website links to [Victim Connect](#) (the referral hotline for victims of crime, including stalking).
- Your website provides definitional information/fact sheets on stalking (see [these resources](#)).
- Your website provides a link to a [stalking log](#) that victims can use to document evidence of stalking.
- Your website features stories that focus on or include stalking.
- Your website notes that January is National Stalking Awareness Month ([resources here](#)).

Social Media

- Your organization participates in National Stalking Awareness Month in January by sharing relevant posts on your social media platforms.
- Your social media platforms feature stories that focus on or include stalking.
- You post facts, statistics, and new studies about stalking with some frequency.
- You follow SPARC (@FollowUsLegally) on social media and share relevant posts/information.

Print Materials

- Promotional and awareness materials (fliers, posters, brochures, postcards, etc.) state that you provide services to victims of stalking.
- You engage in public awareness campaigns that highlight the crime of stalking.
- If you provide fact sheets, brochures, or other print resources for distribution by local law enforcement or other collaborative partners, you include resources devoted to stalking.

Staff Training

- Victim advocates, hotline staff, and shelter staff receive regular training and information about stalking victimization.
- Your organization regularly seeks and participates in trainings and webinars on the topic of stalking.
- Your staff is familiar with safety planning strategies for victims of stalking (some suggestions [here](#)).
- Staff are aware of resources relevant to victims of stalking, such as www.stalkingawareness.org and [NNEDV Safety Net](#) (for technology safety).

Serving Victims and Survivors

- Staff are able to identify stalking even when it is not identified as such by the victim. For example, if a victim states “my ex has gotten creepy,” staff would be alert to the potential of a stalking situation.
- Staff are knowledgeable about what services they can and cannot provide to victims of stalking.
- Staff use the [Stalking Harassment Assessment Risk Profile](#) (SHARP) when appropriate – a research-based assessment tool designed to assess risk when stalking behavior is present.
- Staff work to accommodate the immediate safety needs of all victims of stalking, including those being stalked by someone who is not an intimate partner (for example, those stalked by a coworker or neighbor).
- If your agency is unable to provide assistance to those stalked by someone other than an intimate partner, you have identified one or more other agencies that can assist.
- Court advocacy staff are able to assist with civil orders of protection specific to stalking or harassment (if applicable) and know how to highlight any stalking behavior that occurs within the context of an intimate relationship for purposes of obtaining a domestic violence protection order.
- Your mental health referral network includes professionals who have expertise working with victims of stalking.

Community Education

- You provide community training on stalking ([ready-to-teach programs available here](#)).
- When educating on intimate partner violence tactics, you use the word “stalking” to describe controlling behaviors that are stalking such as surveillance or constant phone calls or text messaging.

Partnerships

- You have identified and built collaborative relationships with organizations and are able to provide a warm referral to stalking victims.
- You include stalking in your coordinated response efforts.
- Your organization provides training to law enforcement, mental health practitioners, attorneys, probations/corrections officers and other relevant partners in addressing stalking.
- You share information with your partners about relevant trainings or webinars that address stalking.

For additional assistance in ensuring your program is accessible to stalking victims, please contact SPARC at info@stalkingawareness.org or visit our website at www.stalkingawareness.org.

STALKING RESPONSE STRATEGIES FOR COLLEGE CAMPUSES



**13.5 million
PEOPLE are
STALKED
each year**



WHAT IS STALKING?

While legal definitions of stalking vary from one jurisdiction to another, Title IX and the Clery Act have a good working definition:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
(1) Fear for the person's safety or the safety of others; or
(2) Suffer substantial emotional distress.

DID YOU KNOW

Stalking is a violation of student conduct codes and Title IX, and is a crime under the laws of the 50 states, District of Columbia, U.S. Territories, and Federal government. Adults 18-24 years old experience the highest rates of stalking, making it vital for colleges to appropriately address stalking on campus and ensure services are accessible to all stalking victims. Campuses face the challenges of high prevalence rates and predictable victim schedules that make it relatively easy for stalkers to access victims.

The majority of campus victims are stalked by someone they know and most stalkers are fellow students. Stalking interferes with victims' academics and extracurricular activities. In addition to serious and long-lasting emotional and psychological harm, stalking can involve severe — even lethal — violence. Campuses that understand the nature and dynamics of stalking, the impact of stalking on victims, and the jurisdictional complexities of stalking cases can support victims and hold stalkers accountable.

HOW CAMPUS PROGRAMS CAN HELP

1. Recognize that stalking is a pattern of behavior, and a stalking victim's level of fear and need for resources and assistance may vary and change based on the stalker's behaviors.
2. Listen closely to victims — even if what they say sounds unbelievable — and refer them to seek additional support. Some college employees are mandated to report stalking while others may not be. Ensure that the campus community is aware of who is and is not a confidential assistant.
3. Documentation can be extremely helpful in stalking cases. Victims could consider using [this campus documentation log](#).
4. Support victims by providing appropriate accommodations in their academics, housing, extracurricular activities, and/or whatever else they need to feel safe.
5. Collaborate with other programs on campus, external support services, and the criminal and civil justice systems to protect victims and hold stalkers accountable.
6. Investigate incidents to see if they establish a pattern of behavior and are a violation of campus policies.

STALKING AMONG COLLEGE STUDENTS: FACT SHEET



What is stalking? While legal definitions of stalking vary from one jurisdiction to another, Title IX and the Clery Act have a good working definition of stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress.



Stalking is a violation of student conduct codes and Title IX, and a crime under the laws of the 50 states, District of Columbia, U.S. Territories, and Federal government.

COLLEGE STUDENT STALKING VICTIMIZATION

- Between 6% and 39% of college students report being stalked since entering college.^A
- College students at higher risk for experiencing stalking include:
 - Women^B
 - Students of color^C
 - Sexual minority and gender non-conforming college students (LGBTQ+)^D
 - Students with disabilities^E
 - Students living off campus^F
 - Younger students^G
- Among undergraduates stalked by an intimate partner:^H
 - 32% were sexually assaulted the prior academic year
 - 40% experienced co-occurring coercive control
 - 27% experienced co-occurring threats for a partner to hurt themselves, the victim, or someone the victim loves
 - 11% experienced co-occurring physical assault by an intimate partner
- 43% of college stalking victims who meet the legal criteria of 'stalking' do not identify their experience as 'stalking'.^I

DISCLOSURE AND HELP-SEEKING

Among college stalking victims:^J

- 92% tell friends and/or family.
- 29% contact a program or resource for help, more than victims of sexual harassment (12%) or IPV (19%).
 - Transgender, nonbinary, genderqueer, or gender questioning (33%) are more likely than cisgender students (28% cis women/29% cis men) to do so.
- Of those who contact a campus program for help, 40% say it was extremely or very useful and 35% say it was a little or not at all useful.

18-24-year-olds experience the highest rates of stalking among adults.^K

This makes it vital for colleges to appropriately address stalking on campus and ensure services are accessible to all victims.



STALKING OFFENDERS

- The majority of college student victims are stalked by someone they know.^L
 - Most stalkers are also students.
 - The most common stalkers are former intimate partners (33%), closely followed by someone the victim knows or recognizes but is not a friend (31%), then friends (25%), classmates (18%), and current intimate partners (14%).
- The most common stalking behaviors reported by college stalking victims include:^M
 - Unwanted voice or text messages (45%).
 - Unwanted emails or social media (44%).
 - Being approached or seeing the stalker show up at places when the victim did not want them to be there (37%).
- Stalkers misuse common technology and use specialized technology to facilitate stalking:^N
 - 24% of college stalking victims have had a stalker create a fake profile pretending to be the victim.
 - 21% have experienced spoofing (calls, texts, or e-mails in which the stalker makes the contact seem that is coming from someone else).
 - 16% have been doxed (had private or identifying information published publicly online).
 - 16% have been the victim of nonconsensual sharing of intimate images.
- People with Autism Spectrum Disorders are more likely to engage in inappropriate courting behavior and pursue romantic targets longer,^O so reports of stalking committed by these students require specialized interventions that include input from disability experts.^P

School-Related Impacts for Stalking Victims Include:

- difficulty concentrating in class, on assignments, and during exams
- missing meetings and extra-curricular activities
- dropping classes
- lower grades
- considering dropping out of school
- changing living situation, like moving out of dorms

STALKING AMONG COLLEGE STUDENTS: FACT SHEET

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STALKING ON COLLEGE CAMPUSES



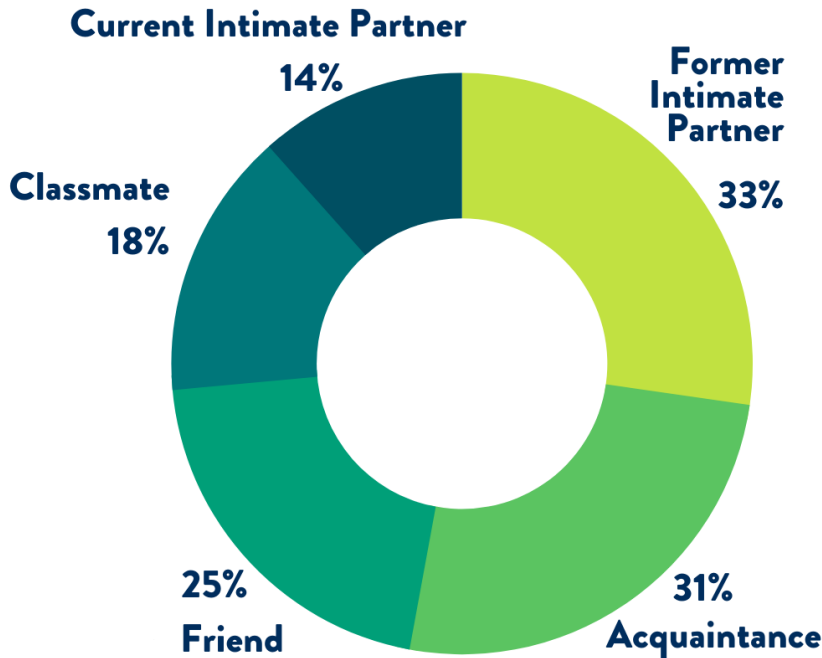
1 in 10 undergraduate women



1 in 33 undergraduate men

ARE VICTIMS OF STALKING.¹

STUDENT STALKING RELATIONSHIPS¹



CO-OCCURRING VICTIMIZATIONS²

Undergraduate students stalked by an intimate partner also experienced:

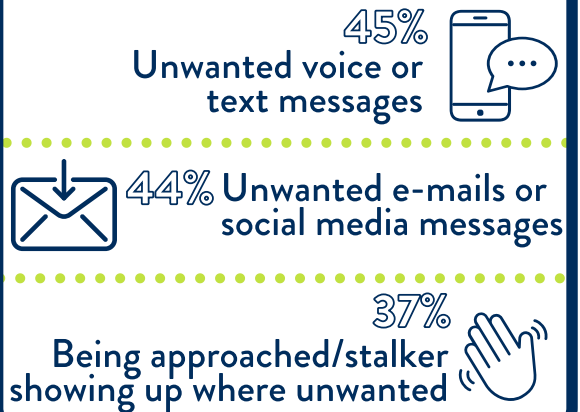


40% Coercive Control

32% Sexual Assault

11% Physical Assault

THE MOST COMMON STALKING BEHAVIORS EXPERIENCED BY COLLEGE VICTIMS INCLUDE:³



Young adults ages 18-24 experience the highest rates of stalking among adults.⁴



1,3,5

Students with disabilities, LGBTQ+ students, Native American/Alaskan Native students, biracial/multiracial students, and younger students are at HIGHER RISK for stalking victimization than the general student population.



HELP SEEKING¹ Who do student victims tell?

92% FRIENDS OR FAMILY

29% CAMPUS RESOURCE

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TALKING STALKING: TIPS FOR PREVENTION/AWARENESS EDUCATORS

INTRODUCTION – WHY NAME STALKING?

Stalking is a serious, prevalent, and dangerous crime that impacts every community in the United States. While awareness and public discussion of intimate partner violence and sexual assault have increased in recent years, stalking remains frequently misunderstood and rarely discussed – both within the fields of domestic and sexual violence and among the broader general public.

It is essential for victims, survivors, service providers, and the criminal justice system to be able to identify and name stalking. Stalking is a unique crime that calls for particularized safety planning, investigation, charging, and prosecution, as well as the development and implementation of policies and protocols to ensure an effective response. For victims, it can be very empowering to accurately name their experiences as “stalking;” it enables them to make sense of what they are going through and helps them identify and seek appropriate help and resources.

A collective community response is required to end stalking. Friends and family members are usually the first people a stalking victim talks to about what’s going on and their responses heavily influence whether or not a victim seeks further help. When friends, family, neighbors, teachers, mentors, and colleagues know how to identify stalking, they are better able to support victims and help keep them safe.

Dating abuse and/or sexual assault educators have an incredible opportunity to increase knowledge about this commonly co-occurring crime. With this guide and the referenced materials, SPARC hopes to assist educators in their essential work to raise awareness of stalking.

THIS GUIDE INCLUDES:

- Strategies to incorporate stalking education into existing SA and DV programming
- Resources for workshops specifically focused on stalking
- Activities, videos, and other resources that can serve as building blocks for your own program

Please reach out to the Stalking Prevention, Awareness & Resource Center (info@stalkingawareness.org) with any questions or for additional assistance.

WHAT IS STALKING?



NAME/IDENTIFY STALKING.

Stalking is generally defined as a pattern of behavior targeted at a specific person that would cause a reasonable person to feel fear. Fear is central to the definition of stalking. Common stalking behaviors include (but are not limited to) following, repeated contact, surveillance, spreading rumors, and threats.

RECOGNIZE THAT STALKING OFTEN CO-OCCURS WITH THE ISSUES YOU'RE ALREADY EDUCATING ON.

Consider the behaviors and examples that you already use in your workshops to illustrate interpersonal violence – it's very likely that you're already talking about stalking! Simply explaining that "X behavior is also an example of stalking, a prevalent crime that may co-occur with dating violence/sexual assault" can be a major step in helping victims identify their experiences and seek more information. More specific suggestions are below.

If your organization provides information on sexual assault, intimate partner violence, harassment in the workplace, elder abuse, child abuse, and/or a variety of other issues, stalking is relevant to your topic. Adding some statistics and/or examples about the intersection of stalking with your main topic can be an easy and time-efficient way to incorporate stalking into your educational efforts.

PROVIDE RESOURCES, EXAMPLES, AND VICTIM/SURVIVOR STORIES.

Consider the information and materials that you disseminate during presentations, on social media, and/or your website. Is information about stalking included? Do you define what it is? When providing case scenarios, do you ensure that your examples feature stalking? Do you link to Victim Connect or to local resources that address stalking? Make stalking part of the conversation.

UNDERSTANDING STALKING

While you do not have to be an expert on stalking, educators should have basic knowledge about the definition, dynamics, and prevalence of stalking. Please consider reviewing the following resources:

- [Stalking: Definition and FAQs](#)
- [Stalking Fact Sheet](#)
- [Webinar – Stalking: Know It, Name It, Stop it](#)
- [Understanding Stalking Brochure](#)

INCORPORATING STALKING INTO EXISTING DV AND SV PROGRAMMING



Many educators are given limited time to present on a variety of substantive and complex topics. If you are not able to dedicate an entire program to the topic of stalking, please consider the following ways to incorporate stalking into existing training.

ADD ONE SLIDE ON STALKING.

If possible, add one slide with very basic information on stalking. Sample below ([and available for download here](#)).

The Crime of Stalking: Sample Slide

- * A pattern of behaviors that causes fear.
- * Can include unwanted contact (text, phone, etc.), following, showing up, spreading rumors and more.
- * Usually, the stalker is a current or ex romantic partner, friend or acquaintance.
- * Stalking may happen during a relationship or after a relationship ends.

Stalkers can escalate their behaviors quickly and be dangerous. Seek help if you or someone you know is experiencing stalking.

IDENTIFY STALKING WHEN EDUCATING ON RELEVANT ABUSIVE BEHAVIORS.

Many behaviors that are often described as “emotional abuse,” including (but not limited to) texting or calling constantly, surveillance, tracking using technology, demanding constant check-ins, asking friends/family/colleagues where the victim is and following, are also examples of stalking behavior. In a presentation on dating abuse or domestic violence, simply identifying these behaviors as stalking can easily convey that stalking is a distinct crime and form of victimization.

Emotional Abuse

- Yelling, name-calling and put downs
- Withholding affection
- Blaming you for things that are not your fault
- Damaging your property
- Spreading rumors
- Texting or calling you excessively
- Following you, waiting for you or watching you
- “Keeping tabs” on you through social media, tracking or asking friends/family where you are

STALKING

SPARC

SAMPLE SPEAKING NOTES ON STALKING

(Best Practice: Speak about stalking after emotional abuse)

- Many emotionally abusive behaviors can also be categorized as stalking.
- Stalking is a crime.
- Stalking can happen in a relationship as a type of emotional abuse, or it can happen outside a romantic relationship. The stalker could be a partner, friend, neighbor, or even a stranger.
- Stalking is scary and often becomes dangerous.
- If you're experiencing stalking, you may want to seek help (provide resources).
- Specifically identify stalking in your case studies, survivor stories, and examples. Is there a story/case study that you use in your trainings? Does it involve stalking? If so, articulate it. Simply saying “the offender also stalked the victim – [list of behaviors] – and it’s important to realize that stalking can be a dangerous predictor of violence and even murder” can be powerful.

For instance, campus educators often tell the dating abuse story of Yeardley Love, a lacrosse player at the University of Virginia who was murdered by her abusive ex-boyfriend (George Huguely) in 2012. This is an opportunity to educate on stalking, as the perpetrator also engaged in stalking behavior including (but not limited to) sending threatening e-mails and following her.

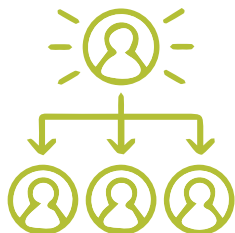
Analyze the examples that you use for any identifiable stalking behaviors and highlight them as such.

INCORPORATE STALKING EXAMPLES INTO BYSTANDER INTERVENTION EDUCATION.

Bystander intervention education can and should include examples of stalking, particularly when discussing cultural change/social norms. Just as learners are encouraged to be active bystanders who say something when they witness peers being abusive, they can “call out” stalking behaviors as well and try to change the norms. For example: “Hey, stop asking her roommate where she is – she’ll text you if she wants to” or “It’s not right to look through his phone like that.” These can be incorporated in trainings as well as public awareness campaigns.

There are limitations to including stalking in bystander intervention education. Stalking is a pattern of behaviors, so the incident-based intervention scenarios campuses often use for sexual assault (i.e., “You notice an upperclassman plying a freshman with drinks at a party”) are typically not quite as relevant. Bystanders could be encouraged to step in if they witness an act of stalking, but should also recognize they are probably only impacting one act in a pattern of behavior.

LEADING A SEPARATE WORKSHOP OR TRAINING ON STALKING



Stalking is a complex and important topic, and participants can benefit from longer trainings that focus on stalking specifically. Activity-based sessions should be contextualized with some basic information on stalking. Consider [this short lesson](#) (10 simple slides total with speaking notes) on stalking to frame your activity/activities.

COMPLETE SCRIPTED CURRICULA AT STALKINGAWARENESS.ORG

SPARC has two complete stalking public awareness trainings with slides and speaking notes free and [available for download](#) on the website. One is designed to inform the general public, and the other is for professionals in the DV field. The recommended time needed for both of these presentations is one hour.

Materials are free to download, edit and utilize, simply credit SPARC. Please include this citation: These materials are provided courtesy of the Stalking Prevention, Awareness & Resource Center (SPARC) of AEquitas, funded by the DOJ Office of Violence Against Women.

UNDERSTANDING STALKING THROUGH MEDIA

Using media can be an engaging way to encourage participants to think critically about an issue and the myths surrounding it. In popular media, stalking is often shown as romantic, harmless, and/or funny. There are many problematic media portrayals of stalking worth analyzing.

Resources on popular media and stalking:

- [These slides from SPARC \(with speaking notes\)](#) highlight some of the impacts of media normalization of stalking. These can be used to help build your session.
- [Discussion questions](#) for the Lifetime/Netflix series *You*.

The popular Lifetime/Netflix show *You* focuses on intimate partner stalking. Consider facilitating a conversation around these questions.

- [Pop Culture Detective: Stalking for Love](#) [This video](#) highlights and analyzes the trope of stalking as a form of love.
- Trailers and clips from music videos, film and TV. From cartoons to romantic comedies to superhero films, there are many examples of stalking in media. Typically, the stalking behavior is framed as harmless, funny, cute or romantic – it is almost never named or explored for the dangerous crime it really is. Brainstorm some examples in your community or reach out to SPARC for suggested examples.

ADDITIONAL RESOURCES FOR DEVELOPING TRAININGS ON STALKING PROGRAM



Short Videos with victim and survivor stories are another powerful way to educate on stalking. You could build a short program or discussion around a video for a stand-alone presentation or incorporate the video into an existing workshop. To the right are a few video clips to consider.

To best meet the needs of your community, you may want to search for stalking case examples on your own that reflect your location and/or population (i.e., college campuses). Reach out to SPARC if you are seeking examples.

Real Fear, Real Crime: The Peggy Klinke Story

Produced by the Stalking Resource Center and Lifetime Television, this **18-minute training video** was created in response to the murder of stalking victim Peggy Klinke by a former partner.

Stalking Videos and Discussion Guides from OutrageUs.org

Designed with the domestic violence field in mind, this **7-part mini docuseries** (with videos ranging from 2 – 8 minutes) features survivors, law enforcement, and victim advocates discussing the dynamics and impacts of intimate partner stalking as well as tools to fight back. Each video has a discussion guide.

ACTIVITY IDEAS

Including a participatory activity or two in a stalking workshop can help engage your audience and reduce the amount of lecture to prepare.

1. Stalking Behavior Cards

These cards can be adapted for your audience, printed, cut out, and used for a variety of activities.

Sample Activity with Behavior Cards

(Note: This activity should be used along with slides defining stalking and providing more information.)

In pairs or small groups, choose up to 5 cards, one at a time. Consider each card as part of a pattern of behavior/course of conduct from the same victim.

After each card you select, discuss the following questions as a group:

1. How would you feel if this happened to you or to a friend? Scared? Confused? Flattered? Annoyed?
2. Does this seem like a stalking case?
3. Is this potentially criminal behavior? Why or why not?
4. What are some ways that you could plan for safety?

ACTIVITY IDEAS

2. Stalking Behavior Brainstorm

Stalkers engage in a variety of behaviors to scare their victims. Ask participants to brainstorm stalking behaviors that could be considered under one of the categories listed to the right, then ask participants to share what they discussed. These categories are from *Stalking: A Multidimensional Framework for Assessment and Safety Planning*.

Surveillance	Life Invasion	Interference	Intimidation
List examples of how the stalker acts to watch, track, and/or monitor the victim.	Provide examples of how the stalker “shows up” and invades the victim’s victim does not want the stalker to be there.	How is the stalker interfering in the victim’s life? What is the victim losing or afraid to lose as a result of the stalker’s behavior?	In what ways is the stalker threatening the victim?



3. How Does Stalking Look? Sound? Feel?

Give participants drawing materials (ideally, large pieces of flipchart paper and writing implements) and a time limit. You may wish to hang paper around the room with these three different questions so that attendees move from one chart to another.

In small groups, ask them to draw or write answers to the following questions from a victim’s perspective and/or from an outsider’s (like a friend) perspective:

- 1) What does stalking look like?
- 2) What does stalking sound like?
- 3) What does stalking feel like?

Have participants report out. Highlight the diverse ways that victims may experience stalking and the contextual nature of stalking, noting the following points:

- **Stalking behaviors often have specific meanings between stalkers and their victims.**

For example, a stalker might say “I’ll send you roses the day I kill you.” When the victim receives the roses, the victim is terrified. Outsiders might remark how nice it is that they received roses. Alternatively, stalkers may be overtly threatening or violent.

- **Fear is essential to the definition of stalking.**

Many stalking victims feel scared, trapped, and like they are always looking over their shoulder.

ACTIVITY IDEAS

4. Romantic Pursuit? Bullying/Cliques? Stalking?

Stalking is a highly contextual crime. Hang signs on different walls in the room:

“Romantic Pursuit,” “Bullying/Cliques,” and “Stalking.” Read the following behaviors out loud and ask participants to choose under which heading the behavior belongs.

SAMPLE BEHAVIORS (note that these examples were written with a campus audience in mind.

Feel free to adapt or add any that are relevant to your audience):

The person...

- 1) Unexpectedly (and repeatedly) approaches you off campus: at the movies, out to coffee with your friends, at a party.
- 2) Brings flowers to every a cappella concert that you're in, leaves “good luck” and “congratulations” notes on your dorm room door.
- 3) Takes your phone and reads your texts, emails, and incoming chats.
- 4) Steals things like your textbooks and jacket so that you have to go ask for them back.
- 5) Transfers classes to be in yours.
- 6) Sends multiple texts a day to check in, regardless of whether or not you respond.
- 7) Finds embarrassing information about you online and shares it with others.
- 8) Watches where you go – in the cafeteria, between classes, in the library.
- 9) Hacks into your Instagram account and pretends to be you.
- 10) Tries to be friends with your friends and roommates without invitation.

Ask a few attendees to explain their responses to the larger group, then facilitate a discussion highlighting the contextual nature of stalking. The take-home point is to recognize that some of these may be stalking behaviors – particularly if they are scary, become a pattern and/or seem to be escalating. Since stalking is a pattern of behaviors that can escalate over time, sometimes fear doesn't attach until later and the first behavior(s) might seem innocent or easy to excuse. Participants should be encouraged to trust their instincts and think about at what point they would (or wouldn't) consider this a stalking pattern of behavior as the example behaviors increase.

Thank you for incorporating stalking into your essential education work. Do not hesitate to reach out to SPARC (info@stalkingawareness.org) for more guidance, feedback on curricula, suggestions for cases or media examples or to share the work that you're doing to raise awareness on stalking.

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TALKING STALKING: TIPS FOR CAMPUS PUBLIC AWARENESS CAMPAIGNS

PLAN A CAMPUS STALKING PUBLIC AWARENESS CAMPAIGN

Individuals 18-24 years old experience the highest rates of stalking (among adults)ⁱ and many college stalking victims disclose to their friends before talking to anyone else.ⁱⁱ This provides a unique opportunity for universities to increase awareness around stalking and support victims.

43%

of college stalking victims who meet the legal criteria of stalking do not identify their experience as 'stalking'ⁱⁱⁱ

Stalking is a serious, prevalent, and dangerous issue that impacts every campus in the United States; is a violation of student conduct codes and Title IX; and is a crime under the laws of the 50 states, District of Columbia, U.S. Territories, and Federal government. While campus awareness and discussion of sexual assault and intimate partner violence have increased in recent years, stalking remains frequently misunderstood. It is essential for victims, friends, and campus professionals to be able to identify and name stalking. A public awareness campaign can support these efforts by increasing understanding of stalking on campus, raising awareness about available services, and making it clear that stalking behaviors are unacceptable and will be taken seriously.

MAKING AWARENESS MATTER

Awareness does not necessarily mean action—but it's often the first step towards the changes you may want to see on your campus. Awareness campaign can be powerful for many reasons, including:

- Many victims of stalking don't identify their experience as stalking. Helping individuals identify common stalking tactics by naming them as stalking behaviors can help them make sense of their experience and guide them towards available resources and assistance.
- Friends and family members are usually the first people a stalking victim talks to about what's going on, and their responses heavily influence whether or not a victim seeks further help. When friends, family, classmates, teachers, mentors, and colleagues know how to identify stalking, they are better able to support victims and help keep them safe.
- Stalking is a unique crime that calls for specific safety planning strategies, support, investigation, and discipline/charging, as well as the development and implementation of policies and protocols to ensure an effective response. When relevant staff understand stalking, it can enhance their ability to identify and respond appropriately.
- Social norms that minimize, romanticize, or normalize stalking need to change. Working to change social norms that find stalking acceptable or "not a big deal" is a vital step in our efforts to end stalking.



GETTING STARTED

LEARN ABOUT STALKING

Your campaign should be informed by a working understanding of stalking. While you don't have to be an expert, review relevant resources before planning your campaign to make sure you have a foundational knowledge of stalking.

The Clery Act and Title IX define stalking as a pattern of behavior directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others; or suffer substantial emotional distress. Fear is central to the definition of stalking. Common stalking behaviors include—but are not limited to—repeated unwanted phone calls and messages, surveillance, showing up when not invited, spreading rumors, and threats.

STUDENT-CENTERED CAMPAIGNS

Every campus public awareness campaign should start and end with students. Students—through focus groups, surveys, discussion sessions, advisory committees, internships, and/or more—should be involved in deciding what the messaging should be and how it should be delivered. Getting student buy-in from the beginning will establish a level of student commitment that will help your campaign succeed.

Ask students:

- **What does stalking look like, feel like, and sound like, to you?**
- **What might be helpful to someone experiencing stalking?**

Conduct focus groups, surveys, and/or discussion sessions—or come up with another way to connect with students—in order to ask for buy-in and ideas, which will help you figure out what you need to focus on as you learn what students do and do not know about stalking.

It's essential to work with students from a variety of backgrounds and groups on campus, because they will help you craft culturally-specific messages, behaviors, and examples that will resonate with different groups of potential victims, friends supporting victims, and stalkers on campus.

BUILD BUY-IN

Students are often most receptive to hearing from other students, which means that student leadership is critical to ensure a relevant campaign in terms of content and a successful campaign in terms of distribution and reach. Identify which student leaders will be most involved and which communities on campus they may reach.

One way to get students involved is to provide detailed plans to student groups and associations, inviting them to hold their own events and/or participate in campus-wide events to raise awareness around stalking. Ongoing required meetings and general campus programming—for dorm floors, Greek social organizations, and orientations—are great to take advantage of.

You could offer prizes or incentives to groups for conducting programming or to students for creating content, highlighting different categories such as general stalking awareness or a culturally-specific targeted campaign. Prizes could be cash, or that a piece of art will hang on the wall in a certain building, or that the PSA will be used by the university next year, etc. Consider asking professors or Greek life leaders to offer “points” or extra credit to their students/communities to encourage attendance.

Review SPARC resources as sources of content and delivery at [StalkingAwareness.org](https://www.stalkingawareness.org):

- [Media normalization of stalking materials](#)
- [National Stalking Awareness Month materials](#)
- [Stalking fact sheets and infographics](#)
- [Stalking Incident and Behavior Log for Students](#)
- [Stalking informational videos](#)
- [Stalking on Campus Public Awareness Workshop materials](#)
- [Understanding Stalking on Campus Brochure](#)
- [Talking Stalking: Tips for Prevention/Awareness Educators](#)
- [Webinar recordings](#)

FINDING YOUR MESSAGE(S)

KEEP IT SIMPLE

Though stalking is a complicated and nuanced topic, awareness campaign materials should be simple—the best awareness campaign materials are generally concise, easy-to-understand, and visually appealing.

For this reason, it can be helpful to see the awareness materials as a means to spread basic information as well as a “hook” to encourage more robust learning and meaningful action. Make sure that your campaign provides clear ways

for interested students to access more nuanced resources, content-rich programs, and take actionable steps; this could be an invitation for an in-person or online workshop, a link to guidance on helping a friend, the contact information for relevant campus services, or anything else you hope that students will access to further their learning and create change.

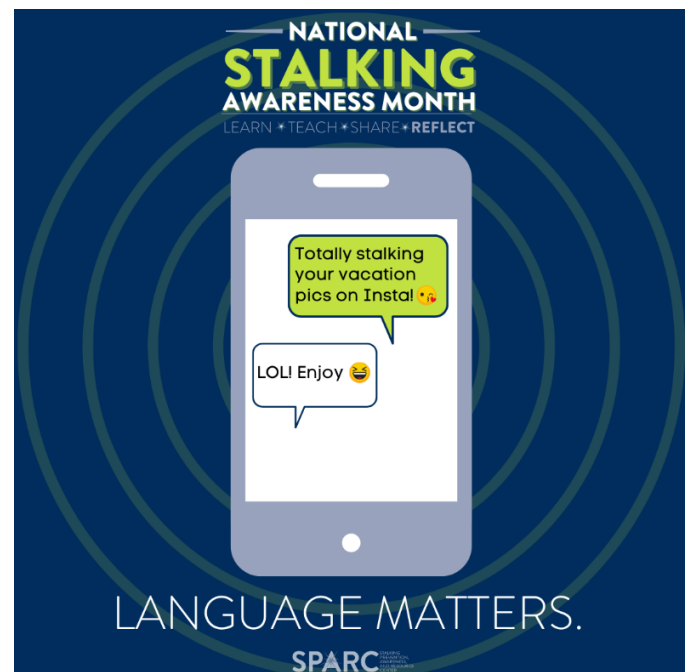
- Remember that the victim decides when the line has been crossed on the spectrum of “normal” dating and romantic pursuit behavior to stalking and abuse—and that different individuals will draw different lines depending on their experiences, needs, wants, beliefs, identities, and/or cultures.
- Introducing the topic of stalking by discussing how stalking is normalized in the media, socially, and through culture(s) can be a great way to start the conversation. Then you can continue by talking about stalking behaviors and the importance of calling out stalking for the crime and victimization that it is, despite how it is minimized and romanticized in music, in the media, and in regular conversation.

“Every time I go out and speak on stalking, people are like, ‘oh yeah I know what that is.’ But, in reality, they don’t. People have experienced it, but they aren’t making the connection.”

-Debbie Riddle, anti-stalking activist

CONSIDER POSITIVE SOCIAL NORM CHANGE, NOT FEAR-BASED CAMPAIGNS

Awareness campaigns that focus on fear are not as impactful, so instead we recommend focusing on informational campaigns and positive social norm messaging. Social norms refer to values, beliefs, attitudes, and/or behaviors shared by a group of people. They are often based on what people believe to be normal, typical, or appropriate. Social norms can function as unspoken rules or guidelines for how people behave, and for how people are expected to behave. People generally follow social norms because they want to fit in with the people around them.^{iv} You can survey your campus to learn what your social norms are and then campaign to change negative or reinforce positive campus social norms to guide people to realize that others believe victims, take stalking seriously, and disapprove of stalking behaviors. Encouraging students to “see through” the normalization and misinformation about stalking they’ve been exposed to can also be a powerful (and empowering) engagement strategy.



CHOOSE A MAIN GOAL/MESSAGE

At SPARC, our consistent public awareness message is “stalking: know it, name it, stop it.” We want people to understand what stalking is, identify it, and take steps to stop it. You are welcome to use this same message and/or tailor your own for your campus or community. Having an overall theme can help unify materials, reinforce messages, and focus your approach.

- Remember that 18-24-year-olds often do not know what stalking is, so it’s vital to describe and target the behaviors instead of just using the word “stalking.” Providing examples is helpful.
- Make sure your main goal and message are relevant to your campus community. Most stalkers and victims know each other—on campuses, stalkers are often current or former intimate partners, acquaintances, friends, or classmates.”

It can be difficult to narrow down the main point of the campaign. Some questions to consider in your planning include:

- » What do you *most* want students to understand about stalking?
- » If students walked away with *one* main point about stalking after this campaign, what do you want it to be?
- » What problem(s) do you think exist around understanding stalking on campus? Are there misunderstandings you specifically want to correct?
- » What do you want students to *do* about stalking on campus? What *don't* you want them to do?



Consider the following statements as you narrow down the main point of your campaign. Which resonates most with your goals? Does everyone involved in the campaign agree?

- Most of all, I want to ensure that students:
 - ...know where to go on campus for resources, help, etc.
 - ...are better able to identify stalking behavior(s)
 - ...know some basic facts about stalking
 - ...voice what changes they want in campus policies and practices
 - ...recognize that stalking should be taken seriously/see that stalking is dangerous and traumatic, not “annoying”
 - ...understand how stalking intersects with dating violence and/or sexual violence
 - ...respond to friends experiencing stalking with empathy and support, i.e. “say the right things”
 - ...reflect on how stalking may be minimized or normalized on campus and in pop culture
 - ...feel that stalking offenders will face consequences
 - ...report stalking to appropriate authorities
 - ...intervene if they see or hear about stalking behaviors
 - ...reflect on their own behavior(s)
 - ...something else entirely!

Next, consider using the following messages with local and campus-specific information, to align with your goals:

Potential messages to use in alignment with your goals:

- [insert]% of students...
 - believe stalking is serious
 - disapprove of stalking
 - would encourage a friend being stalked to get help
 - think stalking is the stalker's fault (not the victim's)
 - would tell a friend to stop if they found out they were stalking someone
 - believe stalkers can be current/former intimate partners, acquaintances, friends, classmates, strangers, family members, or people of authority
- Common stalking behaviors and tactics
- Student conduct expectations
- Student investigation and discipline process
- Available campus assistance
 - No contact / trespass orders
 - Counseling
 - Safety planning
 - Accommodations in academics, housing, extracurriculars, and more
- Campus programs that can help stalking victims and their reporting obligations (confidential or not)
 - Title IX office
 - Crisis center
 - Gender resource center
 - Residential life
 - Campus security/police
 - Sexual assault program
 - Intimate partner violence program
- Campus policies and services address stalkers and victims who are students, faculty, volunteers, alumni, and/or staff
- Off-campus options
 - Support services
 - Reporting to police and the criminal legal system
 - Applying for a protection order and/or accessing the civil legal system

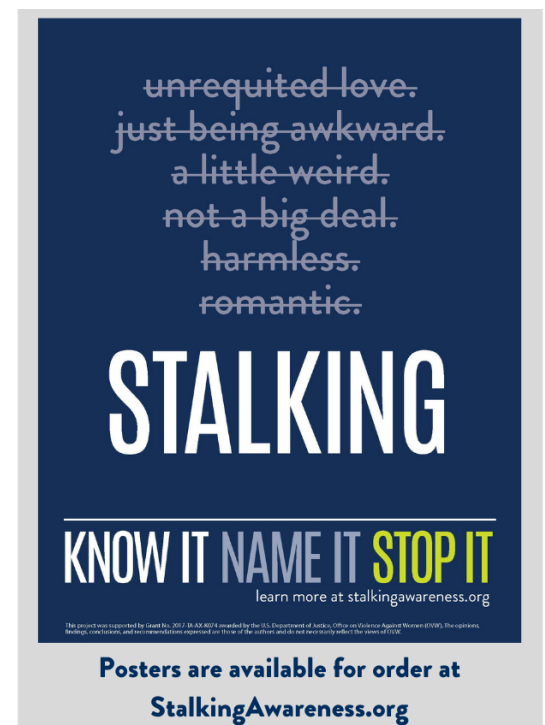
DESIGNING DELIVERY

After you finalize your messaging, then you can figure out how and when to deliver it. Leverage regularly scheduled meetings and general campus programming, like dorm floor meetings, Greek life programming, and orientations.

Is there a certain day, week, or month during which you'll be distributing materials? Consider national awareness months for [stalking](#) (January), teen dating violence (February), sexual assault (April), and domestic violence (October). Will your campaign culminate in a certain event or call-to-action?

Get advice from students about the best format for your messaging, which will probably include different formats for different messages and for different student populations.

- What social media platforms and messaging applications do various groups of students use?
- What types of content do students pay attention to? Posters, videos, podcasts, websites, in-person workshops, virtual workshops, in-person events, virtual events?
- How do students like to engage with content? Passively listening, watching, or reading? Creating and sharing?
- Are students more likely to scan a QR code, type in a URL, click on a link, or engage with a person?





CONTENT FORMATS

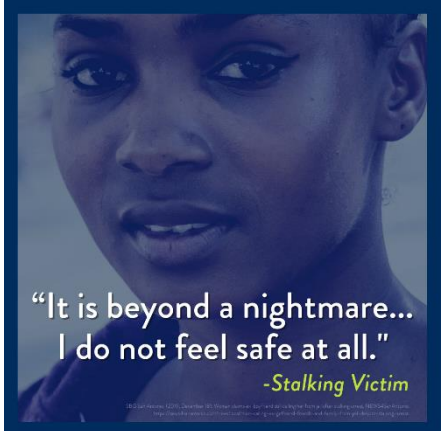


Consider distributing materials both in-person and online to best reinforce the message(s) of your campaign.

- Social media platforms are an easy and effective way to distribute public awareness messaging. Talk to students about what successful campaigns they've seen in the past and which platforms are most popular. Make sure to create posts that are easy to share on multiple platforms (i.e., images sized for Instagram, videos short enough for TikTok, etc.).
- Seeing actual posters around campus can also be an effective way to reinforce the message(s) students may be seeing online. You may design and distribute your own and encourage students to put them up on their dorm room doors and around campus. You can also order [free brochures and posters from SPARC](#).

TYPES OF CONTENT MESSAGES

Different people have different responses to campaign approaches. What resonates for one student may not be effective for another; for example, some students are very responsive to statistics showing prevalence, while others will simply skim over numbers. Some viewers may be deeply affected by personal stories and quotations, while others might find them overly subjective and trite. For this reason, it's often best to vary your approach throughout the campaign.

Message Type	Why use it?	Example	Get Ideas From
Statistics	<ul style="list-style-type: none"> • Makes stalking “real” • Shows there is research/academic rigor behind this campaign and topic • Provides concrete information 		<ul style="list-style-type: none"> • Stalking fact sheet • Stalking on campus fact sheet • Campus-specific surveys, Clery reports, etc. • Past @FollowUsLegally posts
Explainer	<ul style="list-style-type: none"> • Builds foundational knowledge quickly • Introduces or reinforces information from events or more content-rich resources 		<ul style="list-style-type: none"> • Context is Key webinar recording • Stalking Definition/FAQs • Student conduct codes • Language from the counseling center, Title IX Office, etc. • Past @FollowUsLegally posts

Quote or Story	<ul style="list-style-type: none"> Makes a more emotional and human appeal Concrete examples make stalking “real,” not theoretical 		<ul style="list-style-type: none"> News stories on stalking that quote victims Stalking survivors on your campus (with consent and anonymity) Past @FollowUsLegally posts Strictly Stalking Podcast
Questions Encouraging Reflection	<ul style="list-style-type: none"> Asks students to reflect on their role in the broader issue Encourages action and further learning 		<ul style="list-style-type: none"> The event or resource that you want to drive students to (for example, one could link to a resource on helping friends) Past @FollowUsLegally posts
Explicit Call to Action	<ul style="list-style-type: none"> Directive and constructive, provides something to actually do Next steps are clear, takes campaign from knowledge to action 		<ul style="list-style-type: none"> The event or resource that you want to drive students to Your main campaign goals, what you want students to do

CONSIDERING VISUALS

Public awareness campaigns should have strong visuals that draw students in. Be mindful that the visuals may speak just as loudly as the written content and be careful not to reinforce incorrect information. For example, most stalkers are known to the victim, not shadowy strangers, and so a campaign with shadowy stranger imagery can be counterproductive even if the written content is accurate. Consider the following:

- Do you want to use photos, graphics, or both? What permission(s) will you need?
- How will you ensure that the diversity of students is accurately represented? Consider diversity in terms of race, gender, ability, age, size, and more.
- Who will design the campaign materials? Consider involving graphic design students.
- What reaction(s) are you hoping for? What image(s) can best elicit these reactions?
- Are there certain colors, logos, images, or slogans that should be included or excluded?
- If you took the text off, what message would each image send? Is this the right look and feel for your campaign?

GOING BEYOND THE CAMPAIGN

HOLD AN EVENT – OR MULTIPLE EVENTS!

A standalone public awareness campaign on stalking is a good start, but will only go so far. Consistent education and awareness efforts around stalking that take place throughout the academic year can better reinforce the messages of the campaign, provide different entry points for students to engage with the content, and demonstrate that addressing stalking is a true campus priority.

Events could include:

- Inviting speakers to campus, including stalking survivors and/or local victim service providers.
- Holding an in-person or online *Know It, Name It, Stop It* [campus workshop](#) for students.
- Using the [You discussion guides](#) and other activities for campus programming.
- Challenging students to create content that can be shared on social media (for example, Tik Tok challenges) or around campus (for example, artwork that can be displayed on campus or used on a brochure, website, or in next year's public awareness campaign).
- Having a chalk art contest where the campus provides chalk and drywall as well as music, pizza, and prizes. Students can either bring art they created ahead of time or have a set amount of time to create something. Then each piece of art is displayed around campus along with information.
- Inviting students to create PSAs for social media, short videos, and/or podcasts around stalking.
- Engaging American Studies, Women's/Gender/Feminist Studies, and/or other departments to conduct scholarly events around stalking, such as the media normalization of stalking.

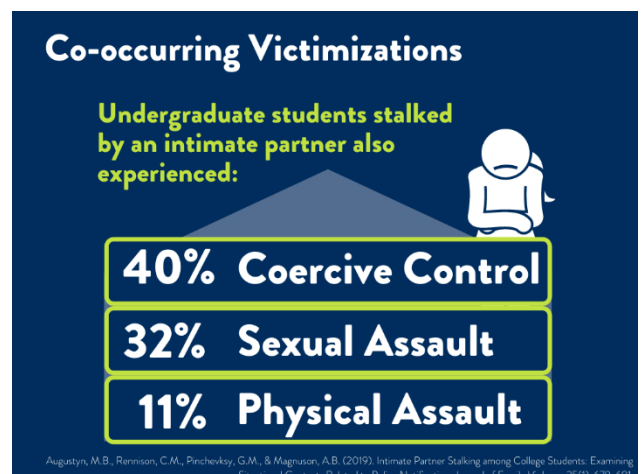
By conducting a variety of events and including a variety of delivery formats, you can draw in different groups of people.

In addition to asking students to create content, other formats could include:

- Creating video interviews with staff from different offices about the stalking-specific services they provide (what they do, who the office is), and posting them on campus websites and social media.
- Conducting standalone presentations for first year orientation, transfer students, graduate students, faculty, and staff.
- Including [brochures](#) or other stalking resources in registration packets, orientation packets, at the campus crisis center, gender center, public safety office, and more.

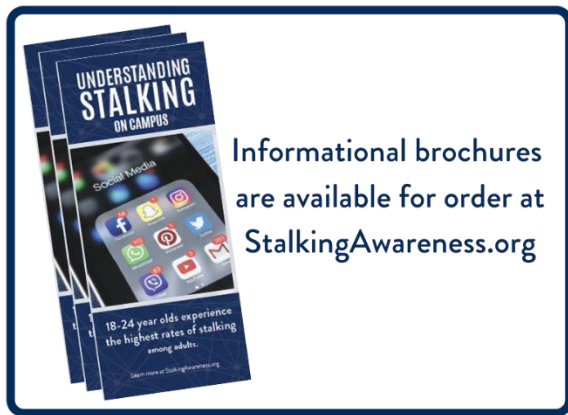
INCORPORATE STALKING INTO DATING ABUSE/RELATIONSHIP/SEXUAL ASSAULT EDUCATION

It's strategic to reinforce your stalking public awareness campaign with messages about stalking year-round, and stalking often co-occurs with the issues you're already educating on. If your campus typically leads campaigns for months such as Teen Dating Violence Awareness Month (February), Sexual Assault Awareness Month (April), and/or Domestic Violence Awareness Month (October)—and don't forget about [National Stalking Awareness Month](#) in January!—consider incorporating stalking education into these existing educational and awareness efforts. Campus-specific campaigns promoting responsibility, bystander intervention, or safety can also be adapted to include stalking examples and messages.



Consider the behaviors and examples that you already use in campaigns and workshops to illustrate interpersonal violence—it’s very likely that you’re already talking about stalking! Simply explaining that “X behavior is also an example of stalking, a prevalent crime that may co-occur with dating violence/sexual assault” can be a major step in helping victims identify their experiences and seek more information.

Adding information and examples about the intersection of stalking with your other topics can be an easy and time-efficient way to incorporate stalking into your efforts.



- What existing campus resources can you add stalking information to? How you can leverage existing SPARC materials? Check out [StalkingAwareness.org](https://stalkingawareness.org) for ready-to-use programming, recorded webinars, activity ideas, and more.
- For examples and information about incorporating stalking into educational and awareness efforts, review [Talking Stalking: Tips for Prevention/Awareness Educators](#).
- To analyze your campus response to stalking, use [Addressing Stalking: A Checklist for Campus Professionals](#).

ENSURE EVALUATION

How will you measure campaign success? Please share with us (info@stalkingawareness.org) so that we can share your ideas with other campuses.

Consider collecting metrics on campaign distribution, event attendance, and other concrete measures. Concrete actions and items are relatively easy to measure, such as how many times a video has been viewed or a website has been accessed, how many stalking reports have been made, or how many stalking victims have accessed support services.

Social norms, understanding stalking, and victims feeling supported are harder to measure and may take years to change. Consider interviewing students before and after the campaign, conducting pre-and-post attitudinal surveys, and/or seeing if campaign participation grows each year.

Campus communities that understand the nature and dynamics of stalking—and the impacts on victims—can better support victims and hold stalkers accountable. Please contact the Stalking Prevention, Awareness, & Resource Center (info@stalkingawareness.org) with any questions or for additional assistance.

ⁱ Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., & Chen, J. (2018). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

ⁱⁱ Cantor, D., Fisher, B., Chibnall, S., Madden, K. (2020). *Report on the AAU campus climate survey on sexual assault and misconduct*. Westat.

ⁱⁱⁱ Brady, P. Q. & Woodward Griffin, V. (2019). *The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results, mTurk Findings*, 2018.

^{iv} CDC Injury Prevention & Control: Division of Violence Prevention. (2019, July 22). *Veto Violence: Social Norms*. <https://vetoviolence.cdc.gov/apps/main/prevention-information/35>

TIPS FOR CAMPUS STALKING INVESTIGATIONS AND HEARINGS

Stalking is a serious, prevalent, and dangerous crime that impacts every campus in the United States; that is a violation of student conduct codes and Title IX; and that is a crime under the laws of the 50 states, District of Columbia, U.S. Territories, Uniform Code of Military Justice, and Federal government, as well as many tribal jurisdictions.

When a school investigates a report of stalking and holds disciplinary or Title IX hearings, there are a lot of things to consider. This document provides guidance on what is important to consider and what is important to ask the victim/complainant and accused stalker/respondent. To refresh your understanding of stalking, watch webinars and read resources at [StalkingAwareness.org](https://www.stalkingawareness.org). To review how stalking is covered under Title IX, see our resource on [The Basics of Stalking and Title IX](#).

Schools that receive federal funding are required by Title IX to remedy any situation of sex discrimination, address its effects, and prevent it from happening again. Violating these requirements could cause a school to lose its federal funding or be liable for monetary damages to the student whose rights were violated.

IMPORTANT CONSIDERATIONS

Victims' perceptions of their own risk and what their stalker is capable of are one of the most accurate predictors of risk. The Stalking and Harassment Assessment and Risk Profile (SHARP) is a tool designed specifically to examine and assess stalking. It is a free web-based assessment available at www.CoerciveControl.org that assesses the "big picture" of the stalking situation and a victim's risk in the moment.

Remember that victims are sometimes unsure if what they are experiencing violates student conduct codes, Title IX, or criminal statutes.

In fact, 43% of college stalking victims who meet the legal criteria of stalking do not identify their experience as "stalking."ⁱ And while 92% of college stalking victims tell friends and/or family about the unwanted pursuit behaviors, only 29% contact a program or resource for help.ⁱⁱ So, your contact is critical! Your response may determine how or if the victim continues to get help or participates in the investigation and hearing process.

When first meeting with a victim, make sure to:

- Have stalking resources on hand, like brochures about stalking and available campus and local support services.
- Discuss the possibility of recording an audio or video victim statement to preserve what the victim says along with their demeanor and explain why that would be helpful.
- Discuss the options of engaging with the criminal legal system and how an audio or video victim statement would be helpful in that situation.
- Preserve evidence immediately, for example taking pictures of text messages.
- Prepare for the long haul. Stalking investigations are often long, resource-intensive investigations.
- Conduct a thorough interview and gather information now. This ensures other responders down the road can do their jobs well, too.

Title IX defines stalking as **a pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.**

The individual incidents that establish a pattern of behavior may not be a violation on their own.

Fear is central to the definition of stalking. Common stalking behaviors include—but are not limited to—repeated unwanted phone calls and messages, showing up when uninvited, following, surveillance, spreading rumors, and threats.

Victims are often the first to minimize what is happening to them and friends, family, peers, and responders also often downplay the seriousness. Any time a victim reports any type of harassing behavior, consider the possibility of a stalking case and determine whether it is an isolated incident or repeated conduct. Overall, remember to:

- Look at the duration, intensity, and frequency of the behavior.
- Focus on respondent behavior.
- Consider what the victim has changed in their life in response to the behavior.
- Explain to the victim what their reporting options are and respect their decision; community advocates and criminal legal professionals may be better positioned and resourced to help.

QUESTIONS TO ASK THE VICTIM / COMPLAINANT

Listen closely and document everything a victim reports, even if what they say sounds unbelievable. It's important to ask open-ended questions and give the victim plenty of time to respond. It is also important to recognize the impact trauma has on victim responses. In general, you want to ask questions about the context of the situation, the type of repeated and unwanted contact that happened, and how it interfered with their life and/or made them feel fearful. It's often helpful to explain to the victim why you are asking a question and its context as part of the legal definition of stalking. When discussing any technology-facilitated stalking, it's important to explain that law enforcement may be better able to seize and examine any electronic evidence.

- Do you know the stalker?
 - How long have you known them?
 - How would you describe your relationship?
 - Has your relationship changed?
 - How has your relationship changed?
 - What type of contact was typical in your relationship? (medium and frequency)
- Was there something in particular that made you decide to come in today?
- What do you remember about the timeline or history of this contact?
- How did you receive the contact? (Phone call, email, social media platform/app, text, etc.)
- If it was electronic, how did you identify the sender?
- People react to situations like this in a variety of ways, and there's no "right" or "wrong" way; it's important for us to document how the contact made you feel, so are you able to describe in your own words what your response was?
- Would you explain in your own words why the contact made you feel that way?
- What did you think might happen to you as a result of the contact?
- Did you keep any records of what was happening, like a documentation log?
- People react to situations like this in a variety of ways, some continue communication and some do not; what type of communications have you had with the stalker or have you stopped communicating with them?
- Do you believe the stalker knows that you do not want any more communication? Why do you believe that?
- Has the contact increased, decreased, ceased?
- Did every contact scare you, or at what point did you become frightened?
- Are you able to tell me about any impact this has had on your daily life? If so, how?
- Did you change your routines or activities as a result of what has occurred?
- Has there been any impact on your academics and/or job that you're able to tell me about?
- Have you done anything differently in your life as a result of this situation?
- Have you gotten new phone numbers, email accounts, social media accounts, etc. and not told the person contacting you?
- Has anyone witnessed any of the events that have happened?

QUESTIONS TO ASK THE ACCUSED / RESPONDENT

The importance of protecting fairness and due process rights for all students is a recognized goal of Title IX regulations. Communicating to the accused/respondent that they don't have to answer questions and that they are free to leave an interview can, at a minimum, demonstrate a statement is voluntary. It's important to ask open-ended questions and give the accused/respondent plenty of time to respond. In general, you want to learn whether the respondent knew or should have known that the contact was unwanted. Many respondents express that the situation is a misunderstanding, so it's often helpful to ask, "how is what you're doing being misunderstood?" to learn what they think about their behavior. Discuss the possibility of recording an audio or video statement to preserve what the accused/respondent says along with their demeanor, which is often very helpful in the investigation and hearing process.

- Do you know the complainant?
 - How long have you known them?
 - How would you describe your relationship?
 - Has your relationship changed?
 - How has your relationship changed?
 - What type of contact was typical in your relationship? (medium and frequency)
- Who are people familiar with the relationship between you and the complainant?
- Describe your contact with the complainant.
- Describe the timeline or history of this contact.
- How did you contact them?
- Did you receive a response? What was it?
- What was the purpose of the contact?
- Why did you continue the contact (either after you were asked to cease, when responses ceased, or when no response was received)?
- What electronic communication devices do you use?
- What is your cell phone provider?
- What social media accounts do you use and what are your user names?
- What devices do you use to access social media?
- What is your internet service provider?
- Where and how do you access the internet?
- Have you ever been accused of something like this before?
 - By whom?
 - When?

FOLLOW-UP

If you learn of other incidents or behavior that may violate Title IX or be criminal behavior—like sexual assault, strangulation, vandalism, burglary, trespassing, or nonconsensual distribution of intimate images—make sure to document the incident(s), discuss reporting options with the victim, and follow your own reporting requirements.

Please contact the Stalking Prevention, Awareness, & Resource Center (info@stalkingawareness.org) with any questions or for additional assistance to support victims and hold stalkers accountable.

ⁱ Brady, P. Q. & Woodward Griffin, V. (2019). *The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results, mTurk Findings*, 2018.

ⁱⁱ Cantor, D., Fisher, B., Chibnall, S., Madden, K. (2020). *Report on the AAU campus climate survey on sexual assault and misconduct*. Westat.

JUDICIAL OFFICER BENCH CARD: STALKING

SPARC STALKING PREVENTION, AWARENESS, AND RESOURCE CENTER

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AND FORENSIC TRAINING

This bench card is designed for use in conjunction with the more comprehensive [Judicial Officer Guide for Responding to Stalking](#) and as a reference when considering the role of stalking in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Judicial officers are strongly encouraged to read [the full Guide](#) prior to using this bench card during proceedings.

This bench card serves as a reference for judicial officers on stalking behaviors and how these behaviors relate to other crimes, to be better able to identify stalking in any type of case. Judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

CONSIDERING/IDENTIFYING STALKING



Stalking can appear in any type of case and it is particularly important to look for indicators when the parties know one another and/or there is evidence of ongoing harmful contact. Stalking can occur in the context of other crimes and other crimes can occur in the context of stalking.



Stalking should be considered in protection order and domestic violence hearings because intimate partner stalkers are more likely (than stalkers with other relationships to their victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend.







Technology-facilitated stalking (cyber-stalking) needs particular consideration and concern in stalking cases. Perpetrators of stalking use and misuse technology to facilitate their stalking. They use computers, social media, mobile phones, and other devices in their stalking behaviors to monitor, contact, control, and isolate their victims, as well as to damage their victims' credibility or reputation. The impact of technology-facilitated stalking is vast and may be just as threatening and fear-inducing as in-person stalking. Victims of technology-facilitated stalking often report higher levels of fear than individuals who experience in-person stalkingⁱ

ASSESSING STALKING

It is extremely important to note that victims of stalking often do not identify their victimization as stalking or harassment and are unlikely to use those words to describe what they're experiencing; instead, they often describe the stalking behaviors and impacts.ⁱⁱ As such, it is important to use a framework for assessing the presence of stalking rather than rely on victims to identify and name it. Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior; however, if their behavior is a pattern that shows the intent to survey, invade, intimidate, or interfere with/sabotage the victim using the behavior, then their actions legally meet the evidence-based definition of stalking. Stalking can be done in-person, using technology, or both.

SLII STALKING TACTICS

Dr. TK Logan's multi-dimensional framework, focused on **S**urveillance, **L**ife Invasion, **I**ntimidation, and **I**nterference through sabotage or attack (SLII) tactics, provides a research-informed approach to assessing stalking behaviors in judicial proceedings.ⁱⁱⁱ The examples of SLII tactics below pertain to all types of victim-stalker relationships.

 <h3>SURVEILLANCE</h3> <p>Follow, watch, monitor, wait for, show up uninvited, track using software or devices, gather information, proxy stalking (using a third party to stalk and report on the victim)</p>	 <h3>LIFE INVASION</h3> <p>Unwanted/nonconsensual contact and communication, show up without warning, property invasion, public humiliation, harass friends/family</p>
 <h3>INTIMIDATION</h3> <p>Explicit and implicit threats, property damage, symbolic violence, forced confrontations, threat to or actually harm self, threat to harm others, deportation threats</p>	 <h3>INTERFERENCE THROUGH SABOTAGE OR ATTACK</h3> <p>Financial and/or work sabotage, ruin reputation, custody interference, keep victim from leaving, road rage, attack friends/family/children/pets, physical or sexual attack</p>

DURATION, INTENSITY, FREQUENCY

The framework also explains that stalkers use SLII tactics in a dynamic way that can be measured by the *Duration*, *Intensity*, and *Frequency* of implementation.

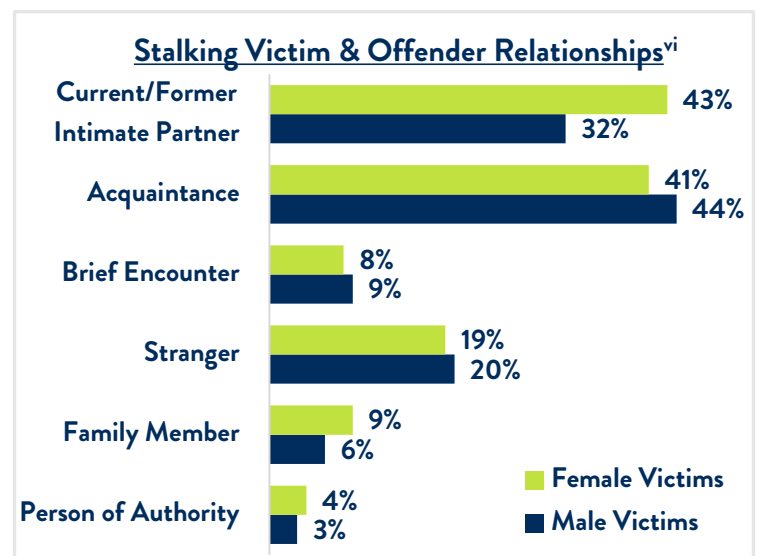
- **Duration** is how long the tactics have gone on — when the stalking started and how long it has lasted.
- **Intensity** is the number of different tactics and locations that the stalker employs.
- **Frequency** is how often the stalker makes their presence known — how often the stalker approaches, confronts, and/or interferes in the victim's life.

Whether the offender exhibits one continuous tactic or a variety of tactics, the longer the duration and greater the intensity and frequency of any stalking tactics, the greater the risk of harm, persistence, escalation, and life sabotage.^{iv} Data show greater victim psychological distress in response to greater frequency of stalking and to any changes in stalker behavior, and escalation is known to lead to greater violence.^v

ESTABLISHING FEAR

In the vast majority of stalking situations, the stalker knows their victim^{vi} and so may have unique and intimate knowledge about their victim's vulnerabilities and what would scare them. **Stalking behaviors often include a specific meaning only understood by the victim, and may be intended to seem benign to anyone other than the victim.** When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this may show the offender's intent to frighten them.

Victims react to stalkers in a variety of ways, and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some may minimize and dismiss their stalking as "no big deal."



It is helpful to consider how victims change their behaviors to cope with the stalking. At a minimum, these are signs that the stalker's behaviors are unwanted and the victim is resisting the contact. Evidence and corroboration of the victim's fear and resistance can be found by considering changes and accommodations the victim has made to their life.

Some victims continue to have contact and engage with the stalker as a safety strategy, to gather information, assess the offender's state of mind, and negotiate their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker's behaviors are wanted. In fact, it may indicate that the victim is very afraid of the offender and is contacting the offender to be able to assess and plan the steps they will take to increase safety for themselves and others.

RISK FACTORS

When reviewing a stalking case, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors contributes to increased risk of current and future harm to the stalking victim.^{vii} (Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories but that should still be considered.)

BIG PICTURE 	STALKER MINDSET 	STALKER HISTORY 	VICTIM VULNERABILITY 
<ol style="list-style-type: none"> 1 Course of conduct (duration, intensity, frequency) 2 Escalation of behaviors over time, events or dates that may trigger an escalation 3 Nature, specificity, and context of threats 4 Previous threat follow-through, ability to carry out threats 	<ol style="list-style-type: none"> 5 History of abuse to victim (control, jealousy, violence) 6 History of violence and abuse to others 7 Access to and previous use of guns and weapons, any prior training in using weapons 8 Criminal history, mental health, substance abuse 	<ol style="list-style-type: none"> 9 Victim's resistance and stalker's persistence 10 Stalker's motive and demonstrated lack of concern for consequences 11 Proxy stalking (enlisting others to stalk the victim) 	<ol style="list-style-type: none"> 12 Victim's fear, whether the victim's life and environment provide opportunity for stalking or not, the impact of the stalking on the victim's life 13 Stalker's use of and expertise with technology 14 Victim vulnerability

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a web-based tool that provides a situational risk profile (available at www.CoerciveControl.org). This risk assessment is useful for several considerations: pretrial detention and bail conditions, which cases may demand greater attention, and sentencing and post-sentencing (e.g., probation or parole).

COURT ORDERS AND FINDINGS

- **Courts can specifically design court orders containing no-contact provisions, mitigating direct contact between the victim and offender, and utilizing other available safety measures.** Providing qualified interpreters in proceedings involving stalking and translating court orders when the offender and/or the victim are limited English proficient promotes offender compliance and victim safety.
- Identifying and distinguishing stalking from other forms of intimate partner violence occurring in a case enhances the effectiveness of court orders in protection order and domestic violence related custody and divorce cases. Victims cannot violate their own protection orders because the orders circumscribe only the offender's behavior, not the victim's.
- **Detailed findings regarding the stalking behaviors and their frequency, duration, and intensity also help appraise future judicial officers** who hear actions involving the same parties of the severity of the abuse occurring in the case.

PROTECTION ORDERS & BAIL CONDITIONS

Consider orally informing the offender of conditions and prohibitions for protection orders and bail in court (particularly the prohibition from possessing firearms, ammunition, and related permits and their associated verifiable surrender), as well as that violations can result in revocations of bail, probation, etc. and may be the basis for (additional) criminal charges. Use qualified interpreters in any criminal, family, or civil case involving people with limited English proficiency. Having court orders translated into the languages spoken by the offender and/or victim promotes greater compliance and victim safety.

When stalking behaviors are present, both protection orders and bail conditions should:



Include no-contact provisions that carefully specify prohibitions on indirect as well as direct contact, including contact through the use of technology and social media, and any other conditions (e.g., GPS monitoring or restrictions on use of digital devices) that will help to ensure the victim's safety.

Specify that "no contact" includes indirect contact and contact through third parties, as well as social media posts about, or directed toward, the victim.



Prohibit contact with members of the victim's family or household and, in appropriate cases, the victim's employer and named friends of the victim.

Prohibit the offender from monitoring, tracking, or surveilling the victim, by use of technology or otherwise.



List any locations frequented by the victim and specify the distance that the stalking perpetrator must stay away from these locations.

Address when the offender and victim regularly frequent the same places (e.g., a church or a gym) — the order should bar the offender from those locations completely except during times specified in the court order (designing the order so that the victim is safe to be at the location except during the hours that the offender is authorized to be there).



Specify that if the offender arrives at a public location and the victim is present, the offender must promptly depart.

Prohibit the offender from possessing firearms, ammunition, and firearms permits; require verifiable surrender of any of these that the offender currently possesses, and orally inform the offender of this prohibition in court.



Require the Prosecuting Attorney in a criminal case be informed of any attempt made by the Defendant to purchase a weapon that is rejected by a Federal database.

Require electronic monitoring of the offender (e.g., ankle bracelet) and regular in-person reporting to probation.



Prohibit the use of alcohol or recreational drugs.

EXAMPLE OF STALKING FINDINGS

Petitioner, *name*, is a victim of stalking. Respondent, *name*, has utilized [insert stalking tactics categories, i.e., Surveillance, Life Invasion, Intimidation, Interference through sabotage or attack] through the following behaviors [list the behaviors that fall under the respective category]. These behaviors are found to be stalking tactics. Respondent, *name*, has executed these behaviors that display a pattern of stalking [name the pattern; include frequency, duration, and intensity]. Respondent's pattern of behavior escalated and resulted in greater threat and/or violence against Petitioner, *name*. Respondent's actions constitute stalking [insert citation to state law definition]. **HAVING MADE THESE FINDINGS...** [Insert detailed specific orders to stop that specific behavior].

ENDNOTES

- ⁱ Fissel, E. R., & Reyns, B. W. (2020). The Aftermath of Cyberstalking: School, Work, Social, and Health Costs of Victimization. *American Journal of Criminal Justice*, 45(1), 70-87.
- ⁱⁱ Jordan, C. E., Wilcox, P., & Pritchard, A. J. (2007). Stalking acknowledgement and reporting among college women experiencing intrusive behaviors: Implications for the emergence of a “classic stalking case”. *Journal of Criminal Justice*, 35(5), 556-569.
- ⁱⁱⁱ Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- ^{iv} Id.
- ^v Id.
- ^{vi} Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- ^{vii} Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.

Learn more at StalkingAwareness.org



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JUDICIAL OFFICER GUIDE: RESPONDING TO STALKING

SPARC STALKING
PREVENTION,
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AND RESOURCE
CENTER

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JUDICIAL OFFICER GUIDE: RESPONDING TO STALKING

SPARC STALKING PREVENTION, AWARENESS, AND RESOURCE CENTER

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I. INTRODUCTION

This Judicial Guide is designed to work in conjunction with federal, state, Tribal, and territorial stalking laws. Judicial officers should consider stalking in all types of legal proceedings, including in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Since the first stalking statute was passed in 1990, stalking had been codified as a crime in the 50 states, District of Columbia, Federal Government, U.S. territories, Military Code, and many Tribal Codes.ⁱ



Judicial officers can use this tool to:

- Help identify the patterns and behaviors of stalking;
- Provide courts the background needed to readily identify stalking patterns and behaviors; and
- Include findings regarding stalking, using model judicial order language, in court orders.

A. WHY FOCUS ON STALKING?

Stalking is a crime that warrants special attention by courts because victims report experiencing stalking at much higher rates than the justice system identifies it. In the U.S., 1 in 3 women and 1 in 6 men report experiencing stalking in their lifetimes, with the vast majority stalked by someone they know.ⁱⁱ **Stalking frequently co-occurs with other crimes and is a risk factor for homicide.**ⁱⁱⁱ All [stalkers can be dangerous](#), but former or current intimate partners are generally more threatening, violent, and interfering^{iv} and may stalk their victims [before, during, and/or after the relationship](#).^v Because they are so dangerous, it is important to identify and make findings about the criminal act of stalking separate from and in addition to concurring abusive conduct in intimate partner relationships.

Stalking is often part of the coercive control tactics used by [intimate partner violence offenders](#) to maintain control over victims and it is essential to identify and name stalking in these cases. It is also important to note that stalkers target acquaintances, friends, family, employees, students, and people they have never met.



Stalking is one of the top ten risk factors for intimate partner homicide, with a three-fold increase in homicide risk when present.^{vi}

In one study, female victims in more than 75% of attempted and completed intimate partner homicides had been stalked by the same offender during the previous year.^{vii}

- Among those who had been stalked, roughly 90% had also been physically abused.^{viii}
- More than half had reported their stalking to the police before they were killed.^{ix}

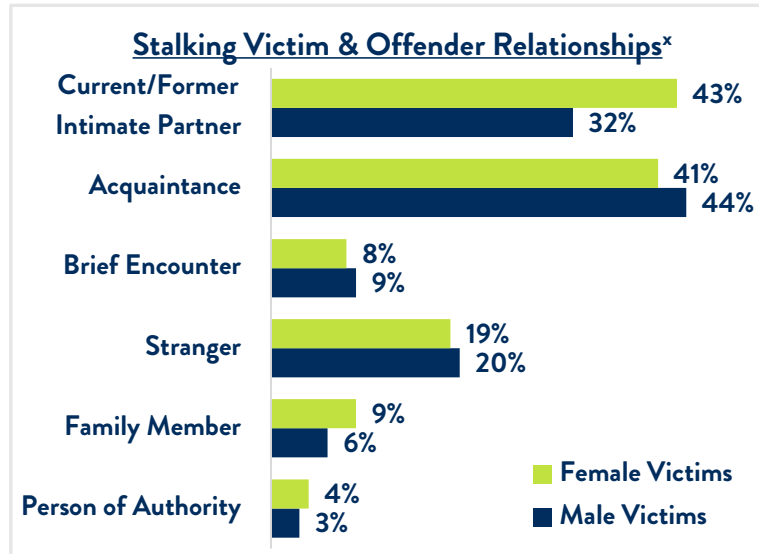


B. STALKING RELATIONSHIPS & DYNAMICS

The largest national survey on stalking victimization (from the Centers for Disease Control and Prevention) reports that the vast majority of stalking victims know the offender.^x

This means that in the vast majority of cases, stalkers know their victims and likely have unique and intimate knowledge about victims' vulnerabilities and fears. It is vital to understand [the context of the](#)

[situation](#) to be able to determine if a reasonable person in the victim's contextual situation would feel fear after experiencing the repeated targeted behaviors. **When there is a history of violence and the victim has gone to significant lengths to avoid any encounters with the offender, even a seemingly**



Stalking behaviors often include specific meanings only understood by the victim and may be intended to seem benign to anyone other than the victim.

friendly note or gift is an alarming signal that those efforts have been unsuccessful and the offender poses a threat. It is also important to note that some victims do not avoid all encounters with the offender; instead they continue to have contact and engage with the stalker as a safety strategy, to know what the offender is doing, thinking, and/or planning, in order to plan or negotiate accordingly for their safety.

C. STALKING IN OTHER CRIMES & CASES

Stalking behaviors can arise in a wide range of court cases, including domestic violence, sexual assault, protection orders, custody, divorce, child welfare, employment, human trafficking, and immigration cases, as well as other family, civil, or criminal court matters. Many crimes frequently co-occur with stalking, including trespassing, burglary, computer crimes, nonconsensual distribution of intimate images, vandalism, threats of bodily harm, voyeurism, and witness intimidation.

- Stalking can appear in any type of case and it is particularly important to look for indicators of stalking in cases where the parties know one another and/or there is evidence of ongoing harmful contact.
- **The more access to and information about the victim that the offender has, the more dangerous and threatening they can — and are likely to — be;** research shows that intimate partner stalkers use violence and threats the most, followed by acquaintance stalkers, and then strangers.^{xi}
 - Intimate partner stalkers are more likely (than stalkers with other relationships to victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend,

CRIMES SUCH AS

-  **IDENTITY THEFT, COMPUTER CRIMES**
-  **VANDALISM, PROPERTY CRIMES**
-  **VOYEURISM, PRIVACY VIOLATION, IMAGE CREATION/DISTRIBUTION**
-  **EAVESDROPPING, TRESPASSING, NONCONSENSUAL RECORDING**
-  **FALSE REPORTS, WITNESS INTIMIDATION**

MAY BE PART OF A STALKER'S COURSE OF CONDUCT

- making it vital to consider stalking whenever intimate partners are involved.
- In protection order and domestic violence related custody and divorce cases when the stalker is a current or former partner, **identifying and distinguishing stalking from other forms of intimate partner violence also occurring in a case enhances the effectiveness of court orders.** In criminal domestic violence cases, evidence of stalking will be admissible at trial if relevant and allowable at the sentencing phase of the criminal proceeding.
- Nearly 55% of women and 70% of men who are victims of stalking report it is unrelated to intimate partner violence, showing that it is vital for judicial officers to recognize and respond to stalking in a range of other contexts.^{xii}



This Judicial Guide will help judicial officers use concrete knowledge of stalking behaviors and how these behaviors relate to other crimes to be better able to identify stalking in any type of case. Whichever type of case stalking occurs in, judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

II. UNDERSTANDING STALKING

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for their own safety or the safety of others, and/or to feel emotional distress. Some statutes define the number of incidents required to qualify as a stalking course of conduct, some narrowly define fear, and some require that the stalker intentionally or knowingly causes fear.

All stalking statutes criminalize behaviors that are legal as single incidents, as well as abusive, coercive, and controlling behaviors that may be illegal as single incidents. Therefore, it is crucial to pay attention to the case’s context to accurately determine if the offender's behavior constitutes a pattern that would cause a reasonable person to feel fear.

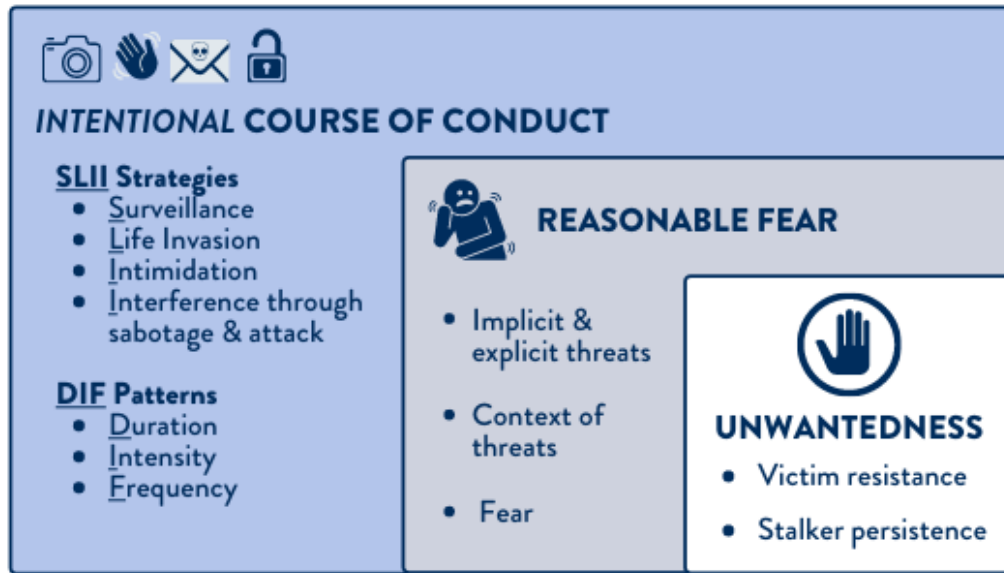
Stalking includes a wide range of threatening and disturbing behaviors and affects millions of people in the U.S. each year. It can be done in-person, by using technology, or a combination thereof. As with many crimes of interpersonal violence, offenders often target stalking victims because of characteristics that make them less likely to report the crime and less likely to be believed or taken seriously if they do report.

Table 1: Lifetime Stalking Victimization	 WOMEN	 MEN
Adults 18+ ^{xiii}	31%	16%
Young adults (18-24 years old) ^{xiv}	33%	28%
Adult victims (18+) with first stalking experience before age 25 ^{xv}	58%	49%
Adult victims (18+) with first stalking experience before age 18 ^{xvi}	24%	20%
Adult victims (18+) Multiracial (non-Hispanic) ^{xvii}	54%	30%
American Indian or Alaska Native (non-Hispanic)	42%	30%
White (non-Hispanic)	33%	15%
Black (non-Hispanic)	30%	20%
Hispanic	26%	17%
Asian or Pacific Islander (non-Hispanic)	24%	9%
<ul style="list-style-type: none"> • Bisexual women experience stalking twice as much as heterosexual women and lesbian women experience stalking 25% more than heterosexual women, in their lifetimes.^{xviii} • Gay men experience stalking twice as much as heterosexual men and bisexual men experience stalking 40% more than heterosexual men, in their lifetimes.^{xix} 		
Transgender and nonbinary/genderqueer undergraduate students experience stalking 2.5 times more than all students. ^{xx}		
Persons with disabilities are twice as likely to experience stalking. ^{xxi}		

Women, young adults, multiracial individuals, people of color, individuals with disabilities, transgender and gender nonbinary individuals, and lesbian, gay, bisexual, and queer individuals report experiencing stalking at higher rates. Additional populations may also be particularly vulnerable to stalking. For example, there is little research on stalking and immigrant communities, but specific aspects of immigrant women could be exploited by abusers — cultural differences, lack of culturally-specific support services, undocumented or temporary immigration status, limited English proficiency, and living in communities with limited information about U.S. laws and legal protections.

A. FRAMEWORK FOR UNDERSTANDING STALKING

It is extremely important to note that victims of stalking often do not identify their victimization as stalking or harassment and are unlikely to use those words to describe what they are experiencing; instead, they often describe the stalking behaviors and impacts.^{xxii} As such, it is important to use a framework for assessing the presence of stalking rather than rely on victims to identify and name it. Dr. TK Logan's multi-dimensional framework is an effective tool to assess stalking.^{xxiii} The figure below shows this framework and how the components of stalking are related to one another.



Note that the stalking offender's **intentional course of conduct** directly results in the victim's **reasonable fear**, inspiring **unwantedness** as a byproduct of or reaction to the victim's fear.

B. COMPONENTS OF STALKING: *INTENTIONAL COURSE OF CONDUCT*

To assess whether there is an intentional course of conduct that qualifies as stalking, Dr. Logan explains it must meet two criteria, that:

- The behaviors can be classified as stalking tactics; and
- The duration, intensity, and/or frequency of those behaviors demonstrate an intentional pattern of behavior.

Stalking tactics are classified into four groups ([Surveillance](#), [Life invasion](#), [Intimidation](#), and [Interference through sabotage and attack](#)) that are measured by their Duration, Intensity, and/or Frequency. Together, stalking tactics and patterns of behavior corroborate intent,^{xxiv} whether or not the offender admits intent.





i. SLII Stalking Tactics: Surveillance, Life Invasion, Intimidation, and Interference through sabotage and attack

Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior. However, if their behavior is a pattern that shows the intent to survey, invade, intimidate, or interfere with/sabotage the victim, then their actions legally meet the evidence-based definition of stalking.

When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this can be evidence of the offender’s intent to frighten them. SLII tactics can be done in-person or through technology, and nearly half of all stalking victims experience both.^{xxv}

The examples of SLII tactics in Table 2 below pertain to all types of victim-stalker relationships. SLII tactics can be part of the component of domestic violence called coercive control; when such tactics are combined in a pattern of behavior that would cause a reasonable person to feel fear, these tactics are both stalking and coercive control.

Table 2: Examples of SLII Stalking Tactics

 SURVEILLANCE	 LIFE INVASION	 INTIMIDATION	 INTERFERENCE THROUGH SABOTAGE OR ATTACK
<ul style="list-style-type: none"> • Follow • Watch • Wait • Show up • Tracking software or devices • Obtain information about the victim from others • Have others stalk the victim • Monitor online activity • Access accounts 	<ul style="list-style-type: none"> • Unwanted, non-consensual contact • Show up without warning • Property invasion • Public humiliation • Harass victim’s friends/family • Impersonate the victim online • Hack into the victim’s accounts 	<ul style="list-style-type: none"> • Explicit and implicit threats • Property damage • Symbolic violence • Forced confrontations • Threats to or actually harm self • Threats to harm others • Deportation threats • Blackmail • Threats to share private information • Threats to interfere with employment, finances, custody 	<ul style="list-style-type: none"> • Financial, work sabotage • Ruining reputation • Custody interference • Keep victim from leaving • Road rage • Attack victim’s family, friends, pets • Physical or sexual attack • Property damage and/or vandalism • Posting private photos, videos, information • Controlling accounts • Posing as victim and creating harm

ii. Stalking Perpetration: Duration, Intensity, Frequency

The framework also explains that stalkers utilize SLII tactics in a dynamic way that can be measured by the *Duration*, *Intensity*, and *Frequency* of perpetration.



Duration is how long the tactics have gone on — when the stalking started and how long it has lasted.



Intensity is the number of different tactics and locations that the stalker employs.



Frequency is how often the stalker makes their presence known — how often the stalker approaches, confronts, and/or interferes in the victim's life.

Whether the offender exhibits one continuous tactic or a variety of tactics, **the longer the duration and greater the intensity and frequency of any stalking tactics, the greater the risk of harm, persistence, escalation, and life sabotage.**^{xxvi} Data show greater victim psychological distress in response to greater frequency of stalking and to any changes in stalker behavior, and escalation is known to lead to greater violence.^{xxvii}

iii. Applying an Understanding of Stalking Tactics and Perpetration in Court Cases

Judicial officers will encounter stalking behaviors/tactics and will be able to identify and document the duration, intensity, and frequency of stalking in a wide range of court cases. Stalking tactics are not limited to criminal court cases and often appear in family court or other civil court cases, including divorce, custody, guardianship, protection order, child welfare, employment, housing, immigration, and other court actions, as well as administrative law proceedings. When stalking behaviors are present and overlooked or not taken seriously by the court, the orders that the court issues will not be effective in curbing stalking and other abusive behaviors, compromising victim safety. On the other hand, identifying the presence of stalking in a family court or juvenile court proceeding can help courts design better court orders that more effectively protect children and domestic violence and stalking victims from ongoing harm. **By routinely identifying stalking behaviors, analyzing and documenting SLII tactics in court findings, and issuing court orders designed to interrupt stalking behavior and hold offenders accountable, judicial officers can help increase the safety of victims and their children.**

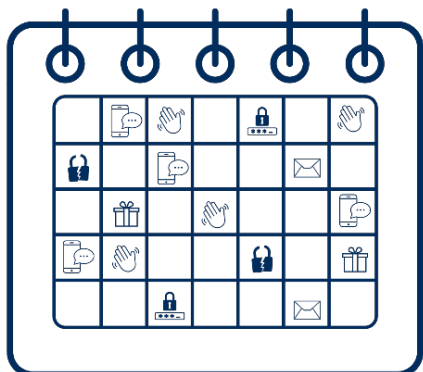
The duration, intensity, and frequency analysis can assist with the determination of the offender's intent to instill fear or emotional distress and can inform the design of orders in family and civil court. With this evidence and these findings, courts can specifically design court orders containing no-contact provisions, mitigating direct contact between the victim and offender, and utilizing other

available safety measures. Courts can also use such evidence and findings to better inform child custody orders, rather than granting access by default. Courts can also refer victims to victim advocates who can help them develop safety plans. **Detailed findings regarding the stalking behaviors and their frequency, duration, and intensity help appraise future judicial officers who hear actions involving the same parties of the severity of the abuse occurring in the case.**



In criminal stalking cases, since the crime of stalking involves both a course of conduct and a result of that conduct (fear or emotional distress on the part of the victim), it is important to determine what mental state (or mens rea) is applicable both with respect to the conduct and to the result of that conduct, since those, too, are elements of the crime that must be proved.

The criminal codes in many jurisdictions follow the Model Penal Code’s (MPC) culpability scheme, which specifies the levels of culpability that must be proved with respect to acts or conduct that are elements of a crime, as well as those pertaining to the effect or result of those acts. That scheme classifies the mental elements of crimes as “purposeful,” “knowing,” “reckless,” or “negligent.”^{xxviii} In MPC jurisdictions, the applicable statutory provisions, together with the principles of statutory construction, will determine which mental state must be proved with respect to acts or results of the



acts. The stalking statute may require, for example, that the prosecution prove the defendant acted purposely with regard to the acts constituting the course of conduct, but that the defendant merely knew (or recklessly disregarded the risk) that the victim would be placed in fear or would experience emotional distress. On the other hand, it may require that the defendant specifically intended for the victim to experience fear or emotional distress.

Determining what must be proved with regard to the offender’s state of mind requires careful reading of the stalking statute as well as any generally applicable provisions in the criminal code related to culpability states or intent/mens rea and any relevant case law.

In jurisdictions that have not adopted the MPC culpability standards, the stalking statute may use elements with a specific meaning (e.g., “willfully” or “maliciously”) that are defined by the jurisdiction’s criminal code or in its case law. It may be important to determine whether the statute is one of “general intent,” in which the defendant must intend only to commit the acts constituting the

course of conduct, or whether it is one of “specific intent,” in which case the defendant must also intend the result of the conduct — the victim’s fear or emotional distress. The offender’s requisite intent may be satisfied by proving that:

- The offender’s behavior can be classified as stalking tactics; and
- The duration, intensity, and frequency show a pattern of behavior.

If the offender’s actions were particularly frightening or upsetting because of past history or information that they possessed about the victim — for example, making threats that play on a particular fear — this shows the offender’s knowledge and intent.

Some jurisdictions consider past convictions admissible in criminal stalking cases as part of the documentation of repeated behaviors; others do not. In a civil, family, or administrative law case, such rules disallowing past convictions would not apply.

C. COMPONENTS OF STALKING: *REASONABLE FEAR*

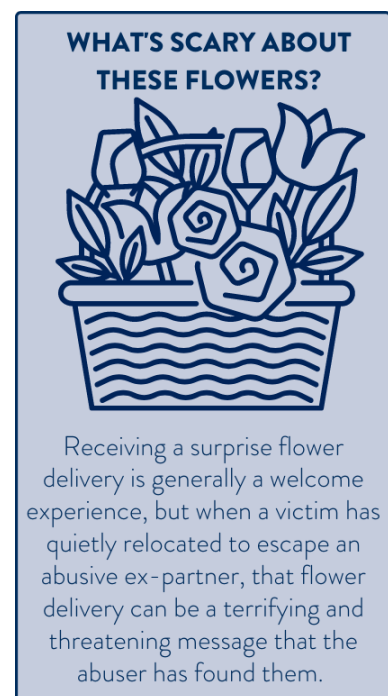
The second part of the framework is victim fear. Many statutes use the reasonable person standard of feeling fear for their own safety or the safety of others, or feeling emotional distress.

Determining the reasonableness of fear includes assessing:

- The specific implicit or explicit threats;
- The context of those threats; and
- Victim fear or concern for safety.

Fear is central to stalking and it is highly contextual: what one person finds frightening may not be frightening to another. To determine reasonable fear, it is vital to determine the context of the situation and understand the meaning of a situation or action to the victim. In stalking cases, many of the behaviors are only frightening to a victim because of their relationship with the stalker.

Victims react to stalkers in a variety of ways and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some may minimize and dismiss their stalking as “no big deal.” **It is helpful to consider how victims change their behaviors to cope with the stalking.** At a minimum, these are signs that the stalker’s behaviors are unwanted and the victim is resisting the contact. Evidence and corroboration of the victim’s fear and resistance can be found by considering accommodations and changes the victim has made to their life.



Accommodations and changes the victim has made to their life might include:

- Time spent obtaining a protection order
- Screening phone calls
- Relocation
- Efforts to keep their address or location a secret
- Changing their own phone numbers, email addresses, and/or social media accounts
- Blocking phone numbers, email addresses, and/or social media accounts
- Changes to device settings
- Time accessing support services
- Confidentially filing the victim's own immigration case to sever reliance on the stalker's sponsorship
- Finances spent on safety devices or accommodations
- Increased security and/or privacy measures
- Asking friends, family, or professionals for help
- Changes to schedule, routine, and/or route/method of transport
- Avoiding locations or activities
- Financial impacts like employment consequences
- Costs for repair or replacement of damaged property, or immigration or identity documents
- Informing work, daycare, school, apartment building, religious space, and/or others of the situation and/or asking for accommodations
- Taking steps to remedy identity theft



D. COMPONENTS OF STALKING: *UNWANTEDNESS*

The third part of the framework is that the stalker's behavior is unwelcome and the victim does not want it to be happening. Indicators of this unwantedness can include the victim stating that they want the stalker to stop, as well as steps they take to resist contact with the stalker. When a victim makes changes in their life because of the stalker's behavior, it is a clear sign that those behaviors are unwanted.

Note that victims may show signs of unwantedness while also engaging with their stalker. Victims use a variety of strategies to cope with stalking, including confronting the stalker, appeasing the stalker, denying the stalking is happening, distracting themselves, or taking steps to try to increase their safety. **It is important to note that some victims continue to have contact with and engage with the stalker as a safety strategy.** They are gathering information, assessing the offender's state of mind, and negotiating for their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker's behaviors are wanted. In fact, it may indicate that the victim is very

afraid of the offender and is contacting the offender to be able to assess and plan the steps they will take to increase safety for themselves and their children.

"If you've never been in a predator-type situation, it's better to know where they're at than not know. The reason I didn't block him was to help not being caught off-guard."

-Stalking Victim



Stalkers may be notified that their behavior is unwanted by direct, formal means (like a protection order or communication from the victim) or more indirectly (like their victim not responding to their efforts at communication or avoiding them). **Whether the stalker is formally notified or should be picking up on social norms that their behavior is unwanted, if they continue to persist it is an important red flag for the victim's safety as well as a clear sign that the stalker's course of conduct is deliberate and intentional.**

E. TECHNOLOGY-FACILITATED STALKING

Technology-facilitated stalking (cyber-stalking) should be given the same consideration and concern as in-person stalking. Nearly half of all stalking cases involve both in-person and technology-







facilitated stalking.^{xxx} Offenders both use and misuse technology to facilitate their stalking. Technologies and tactics used by offenders are constantly evolving and may seem impossible or unrealistic, but stalking offenders are creative in the pervasive ways they monitor, surveil, contact, control, and isolate victims, as well as the ways they damage victims' credibility or reputation. Staying abreast of evolving technology allows for the full scope of the offender's actions to be considered.

The impact of technology-facilitated stalking is vast and just as invasive, threatening, and fear-inducing as in-person stalking. Victims of technology-facilitated stalking often report higher levels of fear than individuals who experience in-person stalking, and are just as concerned for their safety.^{xxxi}

Technology used to stalk can include but is not limited to: telephones, computers, tablets, mobile devices, software, the internet, email, social media, messaging applications, smart home devices, recording devices, tracking devices, or other digital electronic devices and software.

In Table 3 below, common technology-facilitated stalking tactics are categorized using the SLII framework.

Table 3: Examples of Technology-Facilitated Stalking SLII Tactics

 SURVEILLANCE	 LIFE INVASION	 INTIMIDATION	 INTERFERENCE THROUGH SABOTAGE OR ATTACK
<ul style="list-style-type: none"> • Smart home devices • Tracking software • GPS or Bluetooth tracking devices • Cameras or audio/video recording devices • Monitoring online activity • Accessing online accounts 	<ul style="list-style-type: none"> • Unwanted contact online, through text messages or phone calls, other platforms • Impersonating victim • Hacking victim’s accounts • Impersonating others to access the victim 	<ul style="list-style-type: none"> • Online threats • Blackmail • Sextortion • Threats to release private information, photos, or videos, real or fake • Threats to interfere with online accounts 	<ul style="list-style-type: none"> • Posting private photos, videos, information online, real or fake • Spreading rumors online • Doxing (publicly posting personally identifiable information) • Swatting (prank call to emergency services) • Controlling online accounts • Posing as victim and creating harm • Using technology to encourage others to harm the victim

III. ASSESSING RISK IN STALKING CASES

When reviewing a stalking case, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors in Table 4 below contributes to increased risk of current and future harm to the stalking victim.^{xxxii} Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories but that should still be considered.

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a web-based tool that examines these risk factors and provides a situational risk profile (available at www.CoerciveControl.org). This risk assessment is useful for several considerations: pretrial

detention and bail conditions, which cases may demand greater attention, and sentencing and post-sentencing (e.g., probation or parole).

Table 4: Stalking Risk Assessment Factors

BIG PICTURE 	STALKER MINDSET 	STALKER HISTORY 	VICTIM VULNERABILITY 
<ol style="list-style-type: none"> 1 Course of conduct (duration, intensity, frequency) 2 Escalation of behaviors over time, events or dates that may trigger an escalation 3 Nature, specificity, and context of threats 4 Previous threat follow-through, ability to carry out threats 	<ol style="list-style-type: none"> 5 History of abuse to victim (control, jealousy, violence) 6 History of violence and abuse to others 7 Access to and previous use of guns and weapons, any prior training in using weapons 8 Criminal history, mental health, substance abuse 	<ol style="list-style-type: none"> 9 Victim’s resistance and stalker’s persistence 10 Stalker’s motive and demonstrated lack of concern for consequences 11 Proxy stalking (enlisting others to stalk the victim) 	<ol style="list-style-type: none"> 12 Victim’s fear, whether the victim’s life and environment provide opportunity for stalking or not, the impact of the stalking on the victim’s life 13 Stalker’s use of and expertise with technology 14 Victim vulnerability

IV. CO-OCCURRING AND INTERCONNECTED CRIMES

It is critical to consider how stalking relates to and intersects with other criminal offenses to help to ensure that the defendant is held appropriately accountable for the full scope of their behaviors and criminal conduct, and the ensuing harm to the victim. **Assessments to identify stalking behavior should be done in any case that has the potential for stalking behaviors**, but specifically in emergency protection order petitions, domestic violence protection order hearings, domestic violence related custody and divorce cases, and employment-based cases. In employment-based sexual assault cases, assessments for stalking and other crimes can be crucial to identifying the full range of criminal or discriminatory behavior and retaliation perpetrated. Since stalking is a continuing crime, it may include incidents that in a criminal prosecution would otherwise be barred by the statute of limitations. Those incidences can be included in stalking prosecutions because the limitations period for a continuing crime does not begin to run until the crime has concluded.

A. STALKING & INTIMATE PARTNER VIOLENCE

Stalking often co-occurs with domestic/intimate partner violence and can be an indicator of other forms of violence. **When a domestic abuser repeatedly engages in physical, sexual, emotional, or psychological abuse against a victim, that may also be stalking. A common aspect of intimate partner violence is coercive control, and stalking tactics are often part of that coercive control.**

When abusers use stalking tactics to intimidate and control their victims, engaging in a pattern of behavior that would cause a reasonable person to feel fear, abusers are engaging in both stalking and coercive control.



Compared to non-intimate partner stalkers, intimate partner stalkers are more likely to:

- Approach and confront victims more frequently;^{xxxiv}
- Be more intrusive in the victim's life;^{xxxv}
- Use a wider range of stalking tactics;^{xxxvi}
- Follow through on threats of violence;^{xxxvii}
- Continue stalking for a longer period of time;^{xxxviii}
- Reoffend after court intervention;^{xxxix} and
- Reoffend more quickly.^{xl}

Among victims stalked by an intimate partner, 74% report violence and/or coercive control during the relationship.^{xli} Prior to attempted or completed intimate partner femicide, the most common use of the criminal justice system was reporting partner stalking.^{xlii}

Stalking is not simply the offender having a difficult time letting go of the relationship. It is vital to recognize the offender's history of controlling and dangerous behaviors as well as the fear that the stalking generates in the victim. Even when there is no physical violence, stalking is still dangerous, traumatic, and criminal.

B. STALKING & HUMAN TRAFFICKING

Human trafficking often involves co-occurring stalking behavior, where the stalking may be a tactic to coerce or isolate the victim, or to intimidate the victim or witnesses. History is important in cases of human trafficking (as well as any other crime in which the offender and victim had a relationship of any duration), providing the offender with the opportunity and motive to engage in repetitive acts in the course of targeting or maintaining control over the victim. Given the various methods of coercive control used by traffickers of sex and labor, it is difficult to imagine a human trafficking case that does not also involve stalking.

When considering cases of human trafficking, it is important for judicial officers to carefully consider whether the offender's behavior also constitutes stalking and if so, to make detailed findings in court orders about stalking tactics, duration, and impacts on the victim.

C. STALKING & WITNESS INTIMIDATION

Stalking as a means of witness intimidation may be employed by human traffickers, perpetrators of domestic violence, and offenders of other crimes, as well — ranging from drug offenses and gang violence to white-collar crime. Offenders may use stalking to keep victims from reporting to authorities. Offenders or their allies may repeatedly drive by the witness’s home, park on the witness’s street, or make threats against the witness or the witness’s family, including immigration-related threats. Offenders may use social media to threaten witnesses or expose their cooperation with the justice system on social media or other websites. Repetitive acts of this type may be sufficient to support a stalking finding.

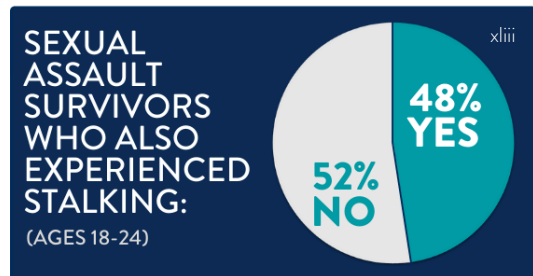
Considering witness intimidation — especially after the victim has reported to law enforcement or applied for a protection order — is a vital piece of a stalking case; stalkers often threaten victims about reporting to and/or participating in the justice system. Considering post-intervention stalker behavior is a key part of a case, and stalking may actually increase during this time.

Judicial officers should carefully consider both stalking and witness intimidation whenever considering one or the other.

D. STALKING & SEXUAL VIOLENCE





Sexual violence and stalking intersect in a variety of ways. Offenders may [use sexual violence as part of a stalking course of conduct](#), with SLII tactics such as those explained in Table 5 below.

Fear of sexual assault is covered under most stalking statutes. Some stalkers sexually assault their victims as part of the ongoing stalking, some begin stalking their victims after they sexually assault them, some threaten or plan to sexual assault their victim, and some solicit a third party to sexually assault their victim.



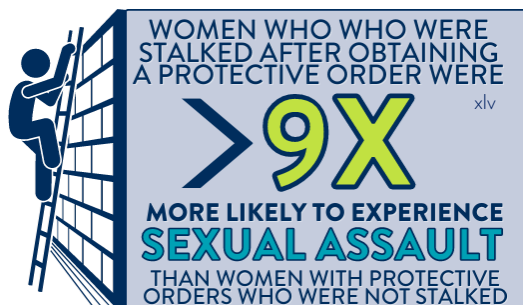
When sex offenders select, groom, shame, intimidate, and threaten their victims into silence over a period of weeks, months, or years, that is likely stalking.

Table 5: Examples of Sexually Violent SLII Stalking Tactics

 SURVEILLANCE	 LIFE INVASION	 INTIMIDATION	 INTERFERENCE THROUGH SABOTAGE OR ATTACK
<ul style="list-style-type: none"> • As part of planning a sexual assault • Monitoring a victim after a sexual assault • Voyeurism 	<ul style="list-style-type: none"> • Unwanted contact or communication of a sexual nature or about a sexual assault • Sexual harassment • Nonconsensual distribution of intimate images • Indecent exposure • Spreading sexual rumors • Publicly humiliating or shaming or embarrassing the victim with sexual language or information 	<ul style="list-style-type: none"> • Threats of sexual violence or sharing sexual information • Threats of violence or sabotage if the victim refuses to perform sexual acts • Blackmailing in exchange for sexual activity or photos 	<ul style="list-style-type: none"> • Sexual assault • Sexual harassment • Stealing sexual photos or videos • Sharing sexual photos or videos without consent • Sexually trafficking or exploiting the victim

E. STALKING & PROTECTION ORDER VIOLATIONS

Stalking is associated with increased protection order violations, across types of orders including protection orders issued to stop family violence, sexual assault, and stalking. In one study, stalking was also associated with higher levels of fear; researchers compared victim fear across different situations, finding that victims were more fearful when their protection order was violated and they had been stalked, compared with when their protection order was violated and they had not been



stalked, and compared with when their protection order was not violated at all.^{xlv}

Enforcement is a crucial component of protection order effectiveness. Effective enforcement of orders in stalking cases can increase victim safety and offender accountability, and reduce general costs to society. The

relief of distress provided by court orders is significant to victims. In one study, 58% of women experienced a protective order violation but the majority still said the protective order was extremely (51%) or fairly (27%) effective, and that they felt extremely (43%) or fairly (34%) safe.^{xlvi}

Victims cannot violate their own protection orders because the orders circumscribe only the offender’s behavior, not the victim’s.

V. STALKING, COERCIVE CONTROL, AND BATTERY OR EXTREME CRUELTY

Table 6 below outlines the differences and overlap between stalking, coercive control, and battery or extreme cruelty.^{xlvii}

Coercive control has been found by researchers to be dangerous and is becoming a part of the definition of domestic violence in protection order and other family court cases in some jurisdictions.^{xlviii} California’s domestic violence protection order and family laws define coercive control as, “a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.”^{xlix} Under this law, coercive control is a basis for issuance of a protection order and coercive control creates a rebuttable presumption that “an award of child custody to a party who has engaged in coercive control is detrimental to the best interests of the child.”^l Stalking behaviors are also forms of coercive control.

Battering or extreme cruelty (the immigration law definition of domestic violence) has historically been recognized by courts, especially in the contest of “for cause” divorce cases, as characteristic of the forms and patterns of emotional abuse causing harm to the victim.^{li} A strong foundational understanding of each of these types of behaviors offers all courts — state, federal, Tribal, immigration — more opportunities to identify facts that constitute stalking, coercive control, and/or extreme cruelty. This then allows the courts to issue orders designed to halt this dangerous, harmful, and potentially criminal behavior, and to support victim safety.

Table 6: Comparing Stalking, Coercive Control, and Battery or Extreme Cruelty

Stalking	Coercive Control	Battery or Extreme Cruelty
<p>Definition: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.</p> <p>Forms of stalking include:</p> <ul style="list-style-type: none"> • Surveillance • Life invasion • Intimidation • Interference through sabotage or attack <p>Behaviors that demonstrate stalking:</p> <ul style="list-style-type: none"> • Monitoring movement, communications, daily behavior, finances, and services accessed • Harassing friends and family • Sabotaging employment, schooling, or immigration status • Showing up unexpectedly or refusing to leave a location • Invading or vandalizing property • Ruining reputation • Humiliating a victim or forcing a confrontation • Accessing online accounts or impersonating a victim 	<p>Definition: Strategies designed to retain privileges and establish domination in a partner’s personal life based on: fear, dependence, and deprivation of basic rights and liberties.</p> <p>Forms of coercive control include:</p> <ul style="list-style-type: none"> • Intimidation • Degradation/emotional abuse • Isolation • Control • Physical and/or sexual assault <p>Behaviors that demonstrate coercive control:</p> <ul style="list-style-type: none"> • Social isolation • Deprivation of food, medicine • Neglect • Controlling or regulating movement, communications, daily behavior, finances, and access to services 	<p>Definition under U.S. Immigration Law: Being the victim of any act or a threatened act of violence, including any forceful detention which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered as acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence.^{lii}</p> <p>Any act that constitutes a crime, including threats and attempts, or is conduct that could result in issuance of a protection order under state law, amounts to “battering” under U.S. immigration law.</p> <p>Battery/extreme cruelty can manifest in other crimes, so findings for battery can be made in addition to stalking and coercive control.</p> <p>Behaviors that constitute battery/extreme cruelty under immigration law include:</p> <ul style="list-style-type: none"> • Stalking • Physical or sexual assault • Attempted assaults • Striking someone with an object • Hitting, slapping, punching, pinching, biting, or grabbing • Threats of violence

Stalking	Coercive Control	Battery or Extreme Cruelty
<p>Behaviors that may demonstrate stalking and coercive control:</p> <ul style="list-style-type: none"> • Monitoring communications (calls, messages, emails) • Monitoring social media or online presence • Compelling by force, threat of force, or intimidation • Interfering in or sabotaging the immigration process, employment, or schooling • Showing up unannounced (to school, work, the gym, etc.) • Tracking phone, computer, or tablet use • Public humiliation, in-person or online • Threats to or actually harming self • Threats to harm others 		
	<p>Behaviors that may demonstrate coercive control and battery/extreme cruelty:</p> <ul style="list-style-type: none"> • Degradation^{liii} • Neglect • Immigration related abuse • Threats of deportation • Deprivation of food or medicine 	
<p>Behaviors that may demonstrate stalking, coercive control, and battery/extreme cruelty:</p> <ul style="list-style-type: none"> • Physical, sexual, or verbal abuse • Using or threatening to use, or displaying a weapon^{liv} • Property invasion or destruction • Using children as a tool toward the other parent • Financial or work sabotage • Ruining reputation 		


VI. CAPTURING STALKING TACTICS IN RULINGS

Making findings of stalking and documenting stalking behaviors in court orders identifies and confirms that the conduct that contributed to the finding of stalking is criminal and was not a one-time event, but rather part of an intentional campaign against the victim that can be expected to continue if it is not prevented. Since stalking cases take time to develop, it is important that judicial officers also make findings regarding criminal, abusive, and other conduct that is harmful to others in criminal, family, and civil court cases as well as administrative law cases. These findings provide a record and documentation that can help show the trajectory of escalation, which is important for future judicial proceedings including but not limited to stalking prosecutions.

There are important details for judicial officers to include in court findings and when issuing protection orders. Some courts use computer systems with prepared form orders that can be easily distributed to law enforcement electronically, which often have limited space available that is not sufficient for the important details necessary when stalking is present. In stalking cases, judicial officers should consider adding addendums or attachments to these orders or issuing more detailed court orders.


When stalking is perpetrated against an intimate partner, child, family member, or other person covered by state protection order statutes, the stalking victim is eligible for a protection order.^{lv} Consider orally informing the offender of conditions and prohibitions for protection orders and bail in court, particularly the prohibition from possessing firearms, ammunition, and related permits and their associated verifiable surrender. Also consider orally informing the offender that violations can result in revocations of bail, probation, etc. and may be the basis for (additional) criminal charges. Use qualified interpreters in any criminal, family, or civil case involving offenders or victims who have limited English proficiency. Having court orders translated into the languages spoken by the offender and/or by the victim promotes greater compliance with court orders and victim safety.

Both protection orders and bail conditions should:

 Include no-contact provisions that carefully specify prohibitions on indirect as well as direct contact, including contact through the use of technology and social media, and any other conditions (e.g., GPS monitoring or restrictions on use of digital devices) that will help to ensure the victim’s safety.


Specify that “no contact” includes indirect contact and contact through third parties, as well as social media posts about, or directed toward, the victim.



 Prohibit contact with members of the victim’s family or household and, in appropriate cases, the victim’s employer and named friends of the victim.

Prohibit the offender from monitoring, tracking, or surveilling the victim, by use of technology or otherwise.



 List any locations frequented by the victim and specify the distance that the stalking offender must stay away from these locations.

Address when the offender and victim regularly frequent the same places (e.g., a church or a gym) — the order should bar the offender from those locations completely except during times specified in the court order (designing the order so that the victim is safe to be at the location except during the hours that the offender is authorized to be there).





Specify that if the offender arrives at a public location and the victim is present, the offender must promptly depart.

Prohibit the offender from possessing firearms, ammunition, and any firearms permits, and should require verifiable surrender of any of these that the offender currently possesses.



- Research suggests that when abusers have easy access to guns, the risk of firearms threats and homicide increases;^{lv}
- Some jurisdictions have protocols in place for firearms surrender; if a jurisdiction lacks such a protocol, resources and technical assistance for establishing such procedures can be found at the National Domestic Violence and Firearms Resource Center, at www.preventdvgunviolence.org.



Require the Prosecuting Attorney in a criminal case be informed of any attempt made by the Defendant to purchase a weapon that is rejected by a Federal database.

Require electronic monitoring of the offender (e.g., ankle bracelet) and regular in-person reporting to probation.



Prohibit the use of alcohol or recreational drugs.

It can be very useful for stalking victims and other victims of domestic and sexual violence to receive court orders that protect them from offenders' ongoing stalking, abusive actions, and criminal conduct. Stalking victims may qualify for civil protection orders and bail conditions can be set in criminal cases that offer victims protection. Due to the differences between protection orders and bail conditions, it can be helpful for stalking victims to receive protections offered by both types of court orders. Protection orders may be more readily enforceable than bail conditions because violation of a civil protection order is a crime that can lead to the offender's arrest. Similarly, contempt citations in civil cases can be used to hold offenders accountable when they violate a court order. Enforcement of bail conditions, in contrast, may require a motion to revoke bail. The associated delay in enforcement can potentially endanger the victim, since the offender may remain at liberty while the motion is pending. There is also a difference in the duration of the protection offered: protection orders remain in place until they expire and can often be extended, while bail conditions remain in place only during the pendency of the criminal proceedings.

Any violations should result in prompt action to report the protection order violation to law enforcement and to initiate an enforcement action to revoke bail set in criminal cases, particularly when the violation is one that poses a risk to the victim or to anyone else.

A. EXAMPLE OF STALKING FINDINGS

Petitioner, *name*, is a victim of stalking. Respondent, *name*, has utilized [insert stalking tactics categories, i.e., Surveillance, Life Invasion, Intimidation, Interference through sabotage or attack] through the following behaviors [list the behaviors that fall under the respective category]. These behaviors are found to be stalking tactics. Respondent, *name*, has executed these behaviors that display a pattern of stalking [name the pattern; include frequency, duration, and intensity]. Respondent's pattern of behavior escalated and resulted in greater threat and/or violence against Petitioner, *name*. Respondent's actions constitute stalking [insert citation to statutory definition]. HAVING MADE THESE FINDINGS... [Insert detailed specific orders to stop that specific behavior].

B. EXAMPLE OF COERCIVE CONTROL FINDINGS

Petitioner, *name*, is a victim of coercive control. [Add citation to state law, if any]. Respondent, *name*, utilized [name the coercive control examples^{lvii}]. Respondent's behavior is abusive and/or coercive and amounts to coercive control strategies. Petitioner experienced [describe the details of petitioner's fear; dependence; and deprivation of basic rights and liberties] because of Respondent's behavior. Respondent intended their abusive and/or coercive controlling behavior would retain privileges and establish domination in Petitioner's life. HAVING MADE THESE FINDINGS... [Insert detailed specific orders to stop that specific behavior].

VII. FOR MORE INFORMATION

For additional resources and support on responding to stalking, visit www.StalkingAwareness.org and contact SPARC at tta@stalkingawareness.org. SPARC's website has [Recorded Trainings](#) for a variety of audiences and resources not only for judicial officers on responding to stalking, but also [resources to share with partners](#) — including Prosecutors, Law Enforcement, Corrections/Probation, and Victim Services — to better work together to build stalking cases, support victims, and hold offenders accountable.

ENDNOTES

- ⁱ SPARC provides information on stalking statutes in each U.S. jurisdiction: <https://www.stalkingawareness.org/map>
- ⁱⁱ Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- ⁱⁱⁱ Spencer, C.M. & Stith, S.M. (2018). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma, Violence, & Abuse*, 21(3), 527-540.
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- ^{vii} McFarlane, J., Campbell, J.C., Wilt, S., Ulrich, Y., & Xu, X. (1999). Stalking and Intimate Partner Femicide. *Homicide Studies*, 3(4), 300-316.
- ^{viii} Id.
- ^{ix} Id.
- ^x Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
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- ^{xii} Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- ^{xiii} Id.
- ^{xiv} Id.
- ^{xv} Id.
- ^{xvi} Id.
- ^{xvii} Id.
- ^{xviii} Chen, J. Walters, M.L, Gilbert, L.K., & Patel, N. (2020). Sexual violence, stalking, and intimate partner violence by sexual orientation, United States. *Psychological of Violence*, 10(1), 110-119.
- ^{xix} Id.
- ^{xx} Cantor, D., et al. (2020). Report on the AAU Climate Survey on Sexual Assault and Sexual Misconduct. Westat.
- ^{xxi} Reynolds, B. W., & Scherer, H. (2018). Stalking victimization among college students: The role of disability within a lifestyle-routine activity framework. *Crime & Delinquency*, 64(5), 650-673.
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- ^{xxiii} Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- ^{xxiv} Id.
- ^{xxv} Truman, J.L., & Morgan, R.E. (2021). Stalking Victimization, 2016. Washington, DC: US DOJ, Bureau of Justice Statistics, Special Report.

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- ^{xxvi} Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- ^{xxvii} Id.
- ^{xxviii} See, Model Penal Code § 2.02
- ^{xxix} Keith, A. (2 January 2022). Probable cause found for first degree stalking. Bonner County Daily Bee. <https://bonnercountydailybee.com/news/2022/jan/02/probable-cause-found-first-degree-stalking>.
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- ^{xxxi} Fissel, E. R., & Reyns, B. W. (2020). The Aftermath of Cyberstalking: School, Work, Social, and Health Costs of Victimization. *American Journal of Criminal Justice*, 45(1), 70-87.
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- ^{xxxix} Rosenfeld, B. (2003). Recidivism in stalking and obsessional harassment. *Law and Human Behavior*, 27(3), 251-265.
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- ^{xlvi} Id.
- ^{xlvii} For more information, see: Orloff, L.E., Roberts, B., & Gitler, S. (2015). "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases. National Immigrant Women's Advocacy Project, American University, Washington College of Law. <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>; Dutton, M.A., & Goodman, L.A. (2005). Coercion in Intimate Partner Violence: Toward a New Conceptualization, *Sex Roles*, 52(11/12), 743-756.

^{xlviii} Hawaii HB 2425 (September 15, 2020) Hawaii Revised Statutes Sections 431:10-217.5(e); 432:1-101.6(e); 432:2-103.5(e); 432C-27; 586-1; California SB 1141 (September 29, 2020) California Family Code Section 6320; Connecticut SB 1091 (June 28, 2021); Connecticut Statutes 46b-1, 46b-15; 46b-38a; 46b-54; 46b-56; 54–64(a).

^{xlix} Domestic violence: coercive control, No. 1141, S.B. 1141, Session 2019-2020 (C.A. 2020).

^l Id.

^{li} For more information, see: Battering or Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>; *Laura Luis Hernandez v John Ashcroft* 9th Circuit Court of Appeals (October 7, 2003) <https://niwaplibrary.wcl.american.edu/pubs/9th-cir-hernandez-extreme-cruelty-10-7-03>.

^{lii} See VAWA self-petition regulations: 8 CFR 204.2(c)(2)(vi); 8 CFR 216.5(e)(3)(i). See also U visa regulations 72 Fed. Reg. No. 179, 53014, 53015, 53016, 53018 (September 17, 2007). 22 CFR 214.14(a)(8) and (b)(1).

^{liii} The word “degradation” here categorizes an instance of battery where the perpetrator held down a spouse while sexually assaulting her to urinate on her. See *Morris v. Stonewall*, 1999 Ohio App. LEXIS 5356 (1999). See also *Ireland v. United Kingdom*, 25 Eur. Ct. H.R. (ser. A) (1975) (stating, European Convention on Human Rights protects against “moral suffering and degrading treatment that creates a sense of fear, anxiety, and inferiority in order to humiliate, degrade, and break the victim’s resistance.”

^{liv} According to Goodman and Dutton’s Coercive Control Model, a credible threat is a form of coercive control. At the center of coercive relationships, the target believes that negative consequences can and will occur if the target does not comply with the perpetrator’s demands. Thus, a credible threat in that context, means the perpetrator is communicating to the target that they are able, willing, and ready to carry out a threat for noncompliance. Mary Ann Dutton and Lisa A. Goodman, *Coercion in Intimate Partner Violence: Toward a New Conceptualization*, 52, *Sex Roles*, 743, 745, 750 (2005), available at <https://niwaplibrary.wcl.american.edu/pubs/dutton-goodman-coercive-control-model>.

^{lv} U.S. jurisdictions that specifically list “stalking” as a basis for a domestic violence protection order: (AL, AK, AZ, CA, CO, CT, FL, GA, IN (Ind. Code Ann. § 34-26-5-2 specifically lists stalking), KY, LA, ME, MD, MI, MS, MO, MT, NV, NJ, NM, NY, NC, OH, RI, SD, TN, USVI, UT, VT, VA, WA, WV, WI. Jurisdictions with specific stalking protection order statutes or with anti-harassment statutes that explicitly list stalking as grounds for issuance of a protection order: AK, AZ (harassment under A.R.S. § 12-1809), CA (civil harassment orders for those who suffer harassment or stalking; workplace violence protection orders includes protections against certain “course of conduct” under Cal.C.C.P. § 527.6), CO, CT, DC, FL, GA, HI (protection from harassment under HRS § 604-10.5), ID, IL, KS, KY, LA, ME, MA, MI, MN, NE, NV, NH, NJ (stalking restraining order under N.J. State. Ann. §§ 2C:12-10.1, 2C:12-10.2), NM (county specific court rules allow for harassment restraining orders according to <https://www.womenslaw.org/laws/nm/restraining-orders/civil-restraining-orders-harassment-or-other-harm/county-specific-1>), ND (disorderly conduct restraining where disorderly conduct means “intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title” under N.D. Cent. Code Ann. § 12.1-31.2-01), OR, PA, PR, SC, SD, TX, USVI, UT, VT, WA, WV, WI, WY). Jurisdictions that list behaviors that include stalking tactics as grounds for domestic violence or harassment protection orders: DE, IL, NE, ND, PA (“Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury” under 23 Pa. Stat. and Cons. Stat. Ann. § 6102). Jurisdictions with workplace violence protection orders that include harassment/stalking as basis: AZ (workplace harassment under A.R.S. § 12-1810), AR (protection against workplace violence and specifically lists harassment and/or stalking as a basis for granting this order under A.C.A. § 11-5-115), CA (workplace violence protection orders includes protections against certain “course of conduct” under Cal.C.C.P. § 527.8), RI (workplace violence protection order based on stalking/harassment under RI Gen. Laws § 28-52-2), TN (workplace violence protection order based on stalking, threats, harassment under TN ST § 20-14-102). See <https://www.womenslaw.org/laws/general/restraining-orders> for additional information about these protection order statutes including many statutory citations.

^{lvi} Kivisto, A. J., & Porter, M. (2020). Firearm Use Increases Risk of Multiple Victims in Domestic Homicides. *Journal of the American Academy of Psychiatry and the Law*, 48(1), 26-34; Smith, S. G., Fowler, K. A., & Niolon, P. H. (2014). Intimate partner homicide and corollary victims in 16 states: National Violent Death Reporting System, 2003-2009. *American Journal of Public Health (1971)*, 104(3), 461-466; Spencer, C. M., & Stith, S. M. (2020). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma Violence Abuse*, 21(3), 527-540.

^{lvii} Some examples are sleep deprivation, restricting what spouse eats, social isolation. For more information, see: Dutton, M.A., Molina, R., & Young, L. (2015, July 30). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases [PowerPoint slides]. National Immigrant Women’s Advocacy Project, American University, Washington College of Law. <https://niwaplibrary.wcl.american.edu/pubs/powerpoint-evidence-of-coercive-control-extreme-cruelty>.

JUDICIAL OFFICER BENCH CARD: STALKING



This bench card is designed for use in conjunction with the more comprehensive [Judicial Officer Guide for Responding to Stalking](#) and as a reference when considering the role of stalking in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Judicial officers are strongly encouraged to read [the full Guide](#) prior to using this bench card during proceedings.

This bench card serves as a reference for judicial officers on stalking behaviors and how these behaviors relate to other crimes, to be better able to identify stalking in any type of case. Judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

CONSIDERING/IDENTIFYING STALKING



Stalking can appear in any type of case and it is particularly important to look for indicators when the parties know one another and/or there is evidence of ongoing harmful contact. Stalking can occur in the context of other crimes and other crimes can occur in the context of stalking.



Stalking should be considered in protection order and domestic violence hearings because intimate partner stalkers are more likely (than stalkers with other relationships to their victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend.







Technology-facilitated stalking (cyber-stalking) needs particular consideration and concern in stalking cases. Perpetrators of stalking use and misuse technology to facilitate their stalking. They use computers, social media, mobile phones, and other devices in their stalking behaviors to monitor, contact, control, and isolate their victims, as well as to damage their victims' credibility or reputation. The impact of technology-facilitated stalking is vast and may be just as threatening and fear-inducing as in-person stalking. Victims of technology-facilitated stalking often report higher levels of fear than individuals who experience in-person stalkingⁱ

ASSESSING STALKING

It is extremely important to note that victims of stalking often do not identify their victimization as stalking or harassment and are unlikely to use those words to describe what they're experiencing; instead, they often describe the stalking behaviors and impacts.ⁱⁱ As such, it is important to use a framework for assessing the presence of stalking rather than rely on victims to identify and name it. Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior; however, if their behavior is a pattern that shows the intent to survey, invade, intimidate, or interfere with/sabotage the victim using the behavior, then their actions legally meet the evidence-based definition of stalking. Stalking can be done in-person, using technology, or both.

SLII STALKING TACTICS

Dr. TK Logan's multi-dimensional framework, focused on **S**urveillance, **L**ife Invasion, **I**ntimidation, and **I**nterference through sabotage or attack (SLII) tactics, provides a research-informed approach to assessing stalking behaviors in judicial proceedings.ⁱⁱⁱ The examples of SLII tactics below pertain to all types of victim-stalker relationships.

 <h3>SURVEILLANCE</h3> <p>Follow, watch, monitor, wait for, show up uninvited, track using software or devices, gather information, proxy stalking (using a third party to stalk and report on the victim)</p>	 <h3>LIFE INVASION</h3> <p>Unwanted/nonconsensual contact and communication, show up without warning, property invasion, public humiliation, harass friends/family</p>
 <h3>INTIMIDATION</h3> <p>Explicit and implicit threats, property damage, symbolic violence, forced confrontations, threat to or actually harm self, threat to harm others, deportation threats</p>	 <h3>INTERFERENCE THROUGH SABOTAGE OR ATTACK</h3> <p>Financial and/or work sabotage, ruin reputation, custody interference, keep victim from leaving, road rage, attack friends/family/children/pets, physical or sexual attack</p>

DURATION, INTENSITY, FREQUENCY

The framework also explains that stalkers use SLII tactics in a dynamic way that can be measured by the *Duration*, *Intensity*, and *Frequency* of implementation.

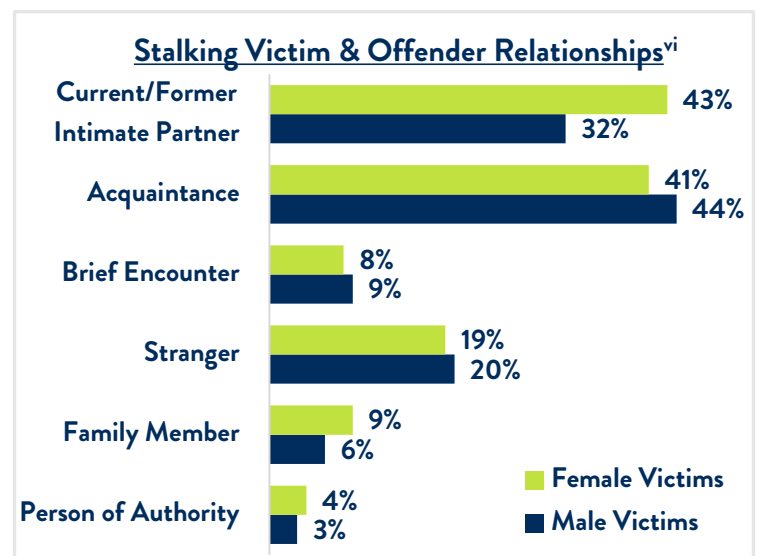
- **Duration** is how long the tactics have gone on — when the stalking started and how long it has lasted.
- **Intensity** is the number of different tactics and locations that the stalker employs.
- **Frequency** is how often the stalker makes their presence known — how often the stalker approaches, confronts, and/or interferes in the victim's life.

Whether the offender exhibits one continuous tactic or a variety of tactics, the longer the duration and greater the intensity and frequency of any stalking tactics, the greater the risk of harm, persistence, escalation, and life sabotage.^{iv} Data show greater victim psychological distress in response to greater frequency of stalking and to any changes in stalker behavior, and escalation is known to lead to greater violence.^v

ESTABLISHING FEAR

In the vast majority of stalking situations, the stalker knows their victim^{vi} and so may have unique and intimate knowledge about their victim's vulnerabilities and what would scare them. **Stalking behaviors often include a specific meaning only understood by the victim, and may be intended to seem benign to anyone other than the victim.** When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this may show the offender's intent to frighten them.

Victims react to stalkers in a variety of ways, and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some may minimize and dismiss their stalking as "no big deal."



It is helpful to consider how victims change their behaviors to cope with the stalking. At a minimum, these are signs that the stalker’s behaviors are unwanted and the victim is resisting the contact. Evidence and corroboration of the victim’s fear and resistance can be found by considering changes and accommodations the victim has made to their life.

Some victims continue to have contact and engage with the stalker as a safety strategy, to gather information, assess the offender’s state of mind, and negotiate their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker’s behaviors are wanted. In fact, it may indicate that the victim is very afraid of the offender and is contacting the offender to be able to assess and plan the steps they will take to increase safety for themselves and others.

RISK FACTORS

When reviewing a stalking case, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors contributes to increased risk of current and future harm to the stalking victim.^{vii} (Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories but that should still be considered.)

BIG PICTURE 	STALKER MINDSET 	STALKER HISTORY 	VICTIM VULNERABILITY 
<ol style="list-style-type: none"> 1 Course of conduct (duration, intensity, frequency) 2 Escalation of behaviors over time, events or dates that may trigger an escalation 3 Nature, specificity, and context of threats 4 Previous threat follow-through, ability to carry out threats 	<ol style="list-style-type: none"> 5 History of abuse to victim (control, jealousy, violence) 6 History of violence and abuse to others 7 Access to and previous use of guns and weapons, any prior training in using weapons 8 Criminal history, mental health, substance abuse 	<ol style="list-style-type: none"> 9 Victim’s resistance and stalker’s persistence 10 Stalker’s motive and demonstrated lack of concern for consequences 11 Proxy stalking (enlisting others to stalk the victim) 	<ol style="list-style-type: none"> 12 Victim’s fear, whether the victim’s life and environment provide opportunity for stalking or not, the impact of the stalking on the victim’s life 13 Stalker’s use of and expertise with technology 14 Victim vulnerability

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a web-based tool that provides a situational risk profile (available at www.CoerciveControl.org). This risk assessment is useful for several considerations: pretrial detention and bail conditions, which cases may demand greater attention, and sentencing and post-sentencing (e.g., probation or parole).

COURT ORDERS AND FINDINGS

- **Courts can specifically design court orders containing no-contact provisions, mitigating direct contact between the victim and offender, and utilizing other available safety measures.** Providing qualified interpreters in proceedings involving stalking and translating court orders when the offender and/or the victim are limited English proficient promotes offender compliance and victim safety.
- Identifying and distinguishing stalking from other forms of intimate partner violence occurring in a case enhances the effectiveness of court orders in protection order and domestic violence related custody and divorce cases. Victims cannot violate their own protection orders because the orders circumscribe only the offender’s behavior, not the victim’s.
- **Detailed findings regarding the stalking behaviors and their frequency, duration, and intensity also help appraise future judicial officers** who hear actions involving the same parties of the severity of the abuse occurring in the case.

PROTECTION ORDERS & BAIL CONDITIONS

Consider orally informing the offender of conditions and prohibitions for protection orders and bail in court (particularly the prohibition from possessing firearms, ammunition, and related permits and their associated verifiable surrender), as well as that violations can result in revocations of bail, probation, etc. and may be the basis for (additional) criminal charges. Use qualified interpreters in any criminal, family, or civil case involving people with limited English proficiency. Having court orders translated into the languages spoken by the offender and/or victim promotes greater compliance and victim safety.

When stalking behaviors are present, both protection orders and bail conditions should:



Include no-contact provisions that carefully specify prohibitions on indirect as well as direct contact, including contact through the use of technology and social media, and any other conditions (e.g., GPS monitoring or restrictions on use of digital devices) that will help to ensure the victim's safety.

Specify that "no contact" includes indirect contact and contact through third parties, as well as social media posts about, or directed toward, the victim.



Prohibit contact with members of the victim's family or household and, in appropriate cases, the victim's employer and named friends of the victim.

Prohibit the offender from monitoring, tracking, or surveilling the victim, by use of technology or otherwise.



List any locations frequented by the victim and specify the distance that the stalking perpetrator must stay away from these locations.

Address when the offender and victim regularly frequent the same places (e.g., a church or a gym) — the order should bar the offender from those locations completely except during times specified in the court order (designing the order so that the victim is safe to be at the location except during the hours that the offender is authorized to be there).



Specify that if the offender arrives at a public location and the victim is present, the offender must promptly depart.

Prohibit the offender from possessing firearms, ammunition, and firearms permits; require verifiable surrender of any of these that the offender currently possesses, and orally inform the offender of this prohibition in court.



Require the Prosecuting Attorney in a criminal case be informed of any attempt made by the Defendant to purchase a weapon that is rejected by a Federal database.

Require electronic monitoring of the offender (e.g., ankle bracelet) and regular in-person reporting to probation.



Prohibit the use of alcohol or recreational drugs.

EXAMPLE OF STALKING FINDINGS

Petitioner, *name*, is a victim of stalking. Respondent, *name*, has utilized [insert stalking tactics categories, i.e., Surveillance, Life Invasion, Intimidation, Interference through sabotage or attack] through the following behaviors [list the behaviors that fall under the respective category]. These behaviors are found to be stalking tactics. Respondent, *name*, has executed these behaviors that display a pattern of stalking [name the pattern; include frequency, duration, and intensity]. Respondent's pattern of behavior escalated and resulted in greater threat and/or violence against Petitioner, *name*. Respondent's actions constitute stalking [insert citation to state law definition]. **HAVING MADE THESE FINDINGS...** [Insert detailed specific orders to stop that specific behavior].

ENDNOTES

- ⁱ Fissel, E. R., & Reyns, B. W. (2020). The Aftermath of Cyberstalking: School, Work, Social, and Health Costs of Victimization. *American Journal of Criminal Justice*, 45(1), 70-87.
- ⁱⁱ Jordan, C. E., Wilcox, P., & Pritchard, A. J. (2007). Stalking acknowledgement and reporting among college women experiencing intrusive behaviors: Implications for the emergence of a “classic stalking case”. *Journal of Criminal Justice*, 35(5), 556-569.
- ⁱⁱⁱ Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- ^{iv} Id.
- ^v Id.
- ^{vi} Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- ^{vii} Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.

Learn more at StalkingAwareness.org



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