

Stalking Awareness And Prevention



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**Goal: Recognize a Course of Conduct
as it Relates to Stalking and to
Conduct an effective investigation.**

Objectives

1. Identify the Elements of Simple Stalking.
2. Identify the Elements of Aggravated Stalking.
3. Identify the Elements Punishments for Aggravated Stalking.
4. Define “Course of conduct” as it pertains to Stalking.
5. Define “without lawful authority” as it pertains to Stalking.
6. Identify the Elements of a Restraining Order.
7. Identify the expiration of a Temporary Restraining Order.
8. Identify the expiration of a Permanent Restraining Order.
9. Identify the Punishments of a Restraining Order.

Harassment

NRS 200.571

- (a) Without lawful authority, the person knowingly threatens:
- (1) To cause bodily injury in the future to the person threatened or to any other person;
 - (2) To cause physical damage to the property of another person;
 - (3) To subject the person threatened or any other person to physical confinement or restraint; or
 - (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and
- (b) The person by words or conduct places the person receiving the threat in *reasonable fear* that the threat will be carried out.

Punishment for Harassment

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

Definition of Stalking NRS 201.575



1. A person
2. Without Lawful Authority.
3. Engages in a "Course of Conduct."
4. That would cause a **REASONABLE PERSON** to feel *terrorized, frightened, intimidated, or harassed*.
5. That *actually* causes a victim to feel terrorized, frightened, intimidated or harassed.

Definitions

“Without lawful authority” includes acts which are initiated or continued without the victim’s consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

- (1) Picketing which occurs during a strike, work stoppage or any other labor dispute.
- (2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.
- (3) The activities of a person that are carried out in the normal course of his lawful employment.
- (4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly

** Marriage is not an exception to stalking*

Definitions

1. Engages in a “**Course of Conduct.**”

Course of Conduct means a pattern of conduct which consist of a series of acts over time that evidences a continuity of purpose directed at a specific person

- * *look at timeframe

Punishment for Stalking

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For any subsequent offense, is guilty of a gross misdemeanor.



Aggravated Stalking

Elements of Aggravated Stalking

- a. A person
 - b. Commits the crime of stalking and
 - c. Threatens the person with the intent to cause him to be placed in *reasonable fear of death or substantial bodily harm.*
-
- In simple stalking, a **REASONABLE PERSON** has to feel *terrorized, frightened, intimidated, or harassed*



Punishment for Aggravated Stalking



Category B felony: by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000

Stalking with Use of the Internet



A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim

Punishment: a Category C felony 1-5 years

Restraining Orders

NRS 200.591

A person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him may ask a court for a Restraining Order that orders the adverse part to:

- (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.
- (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person, including a member of the family or the household of the victim, specifically named by the court.

Temporary Restraining Orders

1. A temporary order may be granted with or without notice to the adverse party
2. A temporary order expires within **30 days**, as the court fixes.
3. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

Extended Restraining Orders



An extended order expires within such time, *not to exceed 1 year*.

A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than 1 year

Punishments for Restraining Orders



1. A temporary order is guilty of a gross misdemeanor.
2. An extended order is guilty of a category C felony.
3. Any court order issued pursuant to this section must:
 - (a) Be in writing;
 - (b) Be *personally served* on the person to whom it is directed; and
 - (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.

Enforcement of Restraining Orders



A peace officer, *without a warrant*, may arrest and take into custody a person when the peace officer has reasonable cause to believe that:

- (a) An order has been issued to the person to be arrested;
- (b) The person to be arrested has received a copy of the order; and
- (c) The person to be arrested is acting in violation of the order.

Any law enforcement agency in this state may enforce a court order issued

Questions / Discussion



WHAT IS STALKING?

While legal definitions of stalking vary from one jurisdiction to another, 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.*

STALKING IN AMERICA

- 1,006,970 women and 370,990 men are stalked annually in the U.S.
- 1 in 12 women and 1 in 45 men will be stalked in their lifetime.
- 77% of female victims and 64% of male victims know their stalker.
- 87% of stalkers are men.
- 59% of female victims and 30% of male victims are stalked by an intimate partner.
- 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner.
- 31% of women stalked by a current or former intimate partner are also sexually assaulted by that partner.
- 73% of intimate partner stalkers verbally threatened victims with physical violence, and almost 46% of victims experienced one or more violent incidents by the stalker.
- The average duration of stalking is 1.8 years.
- If stalking involves intimate partners, the average duration of stalking increases to 2.2 years.
- 28% of female victims and 10% of male victims obtained a protective order. 69% of female victims and 81% of male victims had the protection order violated.

[Tjaden & Thoennes. (1998). "Stalking in America," NIJ.]

IMPACT OF STALKING ON VICTIMS

- 56% of women stalked took some type of self-protective measure, often as drastic as relocating (11%). [Tjaden & Thoennes. (1998). "Stalking in America," NIJ]
- 26% of stalking victims lost time from work as a result of their victimization, and 7% never returned to work. [Tjaden & Thoennes.]
- 30% of female victims and 20% of male victims sought psychological counseling. [Tjaden & Thoennes.]
- The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population, especially if the stalking involves being followed or having one's property destroyed. [Blauuw et. al. (2002). "The Toll of Stalking," *Journal of Interpersonal Violence*]

THE STALKING RESOURCE CENTER

The Stalking Resource Center is a program of the National Center for Victims of Crime. Our dual mission is to raise national awareness of stalking and to encourage the development and implementation of multidisciplinary responses to stalking in local communities across the country.

We can provide you with:

- Training and Technical Assistance
- Protocol Development
- Resources
- Help in collaborating with other agencies and systems in your community

Contact us at: 202-467-8700 or src@ncvc.org.

RECON STUDY OF STALKERS

- 2/3 of stalkers pursue their victims at least once per week, many daily, using more than one method.
- 78% of stalkers use more than one means of approach.
- Weapons are used to harm or threaten victims in 1 out of 5 cases.
- Almost 1/3 of stalkers have stalked before.
- Intimate partner stalkers frequently approach their targets, and their behaviors escalate quickly.

[Mohandie et al. "The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers." (In Press, *Journal of Forensic Sciences* 2006).]

STALKING AND INTIMATE PARTNER FEMICIDE*

- 76% of intimate partner femicide (murder) victims had been stalked by their intimate partner.
- 67% had been physically abused by their intimate partner.
- 89% of femicide victims who had been physically abused had also been stalked in the 12 months before the murder.
- 79% of abused femicide victims reported stalking during the same period that they reported abuse.
- 54% of femicide victims reported stalking to police before they were killed by their stalkers.

**The murder of a woman.*

[McFarlane et al. (1999). "Stalking and Intimate Partner Femicide," *Homicide Studies*.]

STALKING ON CAMPUS

- 13% of college women were stalked during one six- to nine-month period.
- 80% of campus stalking victims knew their stalkers.
- 3 in 10 college women reported being injured emotionally or psychologically from being stalked.

[Fisher, Cullen, and Turner. (2000). "The Sexual Victimization of College Women," NIJ/BJS.]

STATE LAWS¹

- Stalking is a crime under the laws of all 50 states, the District of Columbia, and the Federal Government.
- 15 states classify stalking as a felony upon the first offense.
- 34 states classify stalking as a felony upon the second offense and/or when the crime involves aggravating factors.²
- Aggravating factors may include: possession of a deadly weapon; violation of a court order or condition of probation/parole; victim under 16; same victim as prior occasions.

¹ Last updated October 2005.

² In Maryland, stalking is always a misdemeanor.

For a compilation of state, tribal and Federal laws visit: www.ncvc.org/src

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Contact us at (202) 467-8700 or src@ncvc.org.

Types of Stalkers:

Zona and colleagues (1993) have delineated three types of stalkers which are as follows:

Simple Obsessional:

A prior relationship exists between the victim and the stalker which includes the following:

Acquaintance, neighbor, customer, professional relationship, dating, and lover

The stalking behavior begins after either:

The relationship has gone "sour", or

The offending individual perceives some mistreatment

The stalker begins a campaign either to rectify the schism, or to seek some type of retribution

Erotomania:

Based on the Diagnostic Statistical Manual, 4th ed. (DSM-IV, 4th ed.)

The central theme of the delusion is that another person is in love with the individual

The delusion often concerns idealized romantic love and spiritual union rather than sexual attraction — "a perfect match"

The object of affection is usually of a higher status and can be a complete stranger

Efforts to contact the victim are common, but the stalker may keep the delusion a secret

Males, seen most often in forensic samples, come into contact with the law during misguided pursuits to "rescue" the individual from some imagined danger.

Females are seen most often in clinical samples

Love Obsessional:

Similar to the erotomaniac individuals:

The victim is almost always known through the media.

The delusion that the victim loves them may also be held

The erotomaniac delusion is but one of several delusions and psychiatric symptoms — this individual has a primary psychiatric diagnosis

These individuals may be obsessed in their love, without having the belief that the target is in love with them

A campaign is begun to make his/her existence known to the victim

The Resentful:

- * The goal of this stalker is to frighten and distress the victim.
- * These stalkers may also experience feelings of injustice and desire revenge.

The Predatory:

- * The power and control that comes from stalking a victim gives these stalkers a great deal of enjoyment.
- * The stalker often strives to learn more about the victim.
- * The stalker may even mentally rehearse a plan to attack the victim.
- * Most of these stalkers are diagnosed paraphilias and, compared to the previous four categories, they were more likely to have histories of sexual offense convictions.

- 7. Have your name removed from any "reverse directories."** The entries in these directories are in numerical order by phone number or by address. These books allow anyone who has just one piece of information, such as a phone number, to find where you live. Reverse directories are published by phone companies and direct marketers. (See PRC fact sheet no. 4 on "junk mail.")
- 8. Let people know that information about you should be held in confidence.** Tell your employer, co-workers, friends, family and neighbors of your situation. Alert them to be suspicious of people inquiring about your whereabouts or schedule.
- 9. Do not use your home address when you subscribe to magazines.** In general, don't use your residential address for anything that is mailed or shipped to you.
- 10. Avoid using your middle initial.** Middle initials are often used to differentiate people with common names. For example, someone searching public records or credit report files might find several people with the name, Jane Doe. If you have a common name and want to blend in with the crowd, don't add a middle initial.
- 11. When conducting business with a government agency,** only fill in the *required* pieces of information. Certain government agency records are public record. Anyone can access the information you disclose to the agency within that record. Public records such as county assessor, county recorder, DMV and business licenses are especially valuable finding tools. **Ask the agency if it allows address information to be confidential in certain situations.** If possible, use a post office box and do not provide your middle initial, phone number or your Social Security number. If you own property or a car, you may want to consider alternative forms of ownership, such as a trust. This would shield your personal address from the public record. (For more information on "government records and privacy," see PRC fact sheet number 11.)
- 12. Put your post office box on your driver's license.** Don't show your license to just anyone. Your license has a lot of valuable information to a stalker.
- 13. Don't put your name on the list of tenants** on the front of your apartment building. Use a variation of your name that only your friends and family would recognize.
- 14. Be very protective of your Social Security number.** It is the key to much of your personal information. Don't pre-print the SSN on anything such as your checks. Only give it out if required to do so and ask why the requester needs it. The Social Security Administration may be willing to change your SSN. Contact the SSA for details. (See PRC fact sheet number 10 on "SSNs.")
- 15. Alert the three credit bureaus--Experian, Equifax and Trans Union--to your situation.** Ask them to "flag" your record to avoid fraudulent access. (See PRC fact sheet number 6 on "credit reporting" for addresses and phone numbers. See also fact sheet number 17 on "identity theft.")
- 16. If you are having a problem with harassing phone calls,** put a beep tone on your line so callers think you are taping your calls. Use an answering machine to screen your calls, and put a "bluff message" on your machine to warn callers of possible taping or monitoring. Be aware of the legal restrictions on taping of conversations.
(See PRC fact sheet number 3 on "harassing phone calls." See also fact sheet number 9 on "wiretapping and eavesdropping.")
- 17. If you use electronic mail and other online computer services,** change your e-mail address if necessary. Do not enter any personal information into online directories. For a list of state cyber-stalking laws, see National Conference of State Legislatures, www.ncsl.org/programs/lis/CIP/stalk99.htm. See also cyber-stalking resources below and the PRC's online privacy fact sheet, www.privacyrights.org/fs/fs18-cyb.htm.
- 18. Keep a log** of every stalking incident, plus names, dates and times of your contacts with law

Security Recommendations For Stalking Victims

The following is reprinted with the permission of the Los Angeles Police Department, Threat Management Unit, Detective Headquarters, 150 N. Los Angeles St., Los Angeles, CA 90012.

Residence Security

1. Be alert for any suspicious persons.
2. Positively identify callers before opening doors. Install a wide angle viewer in all primary doors.
3. Install a porch light at a height which would discourage removal.
4. Install dead bolts on all outside doors. If you cannot account for all keys, change door locks. Secure spare keys. Place a dowel in sliding glass doors and all sliding windows.
5. Keep garage doors locked at all times. Use an electric garage door opener.
6. Install adequate outside lighting.
7. Trim shrubbery. Install locks on fence gates.
8. Keep fuse box locked. Have battery lanterns in residence.
9. Install a loud exterior alarm bell that can be manually activated in more than one location.
10. Maintain an unlisted phone number. Alert household members to unusual and wrong number calls. If such activity continues, notify local law enforcement agency.
11. Any written or telephone threat should be treated as legitimate and must be checked out. Notify the appropriate law enforcement agency.
12. All adult members of the household should be trained in the use of any firearm kept for protection. It should be stored out of reach of children.
13. Household staff should have a security check prior to employment and should be thoroughly briefed on security precautions. Strictly enforce a policy of the staff not discussing family matters or movement with anyone.
14. Be alert for any unusual packages, boxes, or devices on the premises. Do not disturb such objects.
15. Maintain all-purpose fire extinguishers in the residence and in the garage. Install a smoke detector system.
16. Tape emergency numbers on all phones.
17. When away from the residence for an evening, place lights and radio on a timer. For extended absences, arrange to have deliveries suspended.
18. Intruders will attempt to enter unlocked doors or windows without causing a disturbance. Keep doors and windows locked.
19. Prepare an evacuation plan. Brief household members on plan procedures. Provide ladders or rope for two-story residences.
20. A family dog is one of the least expensive but most effective alarm systems.
21. Know the whereabouts of all family members at all times.
22. Children should be accompanied to school or bus stops.
23. Routes taken and time spent walking should be varied.
24. Require identification of all repair & sales people prior to permitting entry into residence.
25. Always park in a secured garage if available.
26. Inform trusted neighbor regarding situation. Provide neighbor with photo or description of suspect and any possible vehicles.
27. Inform trusted neighbors of any anticipated extended vacations, business trips, etc.
28. During vacations, etc., have neighbors pick up mail and newspapers.

2. When parked in the residence garage, turn the garage light on and lock the vehicle and garage door.
3. Equip the gas tank with a locking gas cap. The hood locking device must be controlled from inside the vehicle.
4. Visually check the front and rear passenger compartments before entering the vehicle.
5. Select a reliable service station for vehicle service.
6. Keep doors locked while vehicle is in use.
7. Be alert for vehicles that appear to be following you.
8. When traveling by vehicle, plan ahead. Know the locations of police stations, fire departments, and busy shopping centers.
9. Use a different schedule and route of travel each day. If followed, drive to a police station, fire department, or busy shopping center. Sound the horn to attract attention.
10. Do not stop to assist stranded motorist. (Phone in.)