



STALKING

WHY IT MATTERS

Stalking is a crime. It is a course of conduct directed at a specific individual that would cause a reasonable person to fear death or serious bodily injury. It includes harassing or threatening behavior such as following a person, appearing at a person's home or work, repeated phone calls, repeated written or electronic messages, or vandalism.¹

DID YOU KNOW?

- 1 in 12 women and 1 in 45 men are stalked at least once in their lifetime.²
- More than one million women and nearly half a million men are stalked each year.³
- 78% of stalking victims are females and 87% of the perpetrators are male.⁴
- On average, stalking continues for 1.8 years; 2.2 years if the stalking involves intimate partners.⁵
- 28% of female victims and 10% of male victims obtained a protective order for stalking. 69% of female victims and 81% of male victims had the protection order violated.⁶

INTIMATE PARTNERS

- 59% of female victims and 30% of male victims are stalked by an intimate partner.⁷
- 81% of women stalked by a current or former husband or cohabiting partner were physically assaulted and 31% were also sexually assaulted by that partner.⁸
- 43% of female victims of intimate partner stalking reported the stalking began *after* the relationship ended. 36% reported it occurred before and after the relationship ended.⁹
- 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.¹⁰

IMPACT OF STALKING

- 26% of stalking victims lost time from work and 7% never returned to work.¹¹
- 30% of female victims and 20% of male victims sought psychological counseling.¹²
- The prevalence of anxiety, insomnia, social dysfunction and severe depression is much higher among stalking victims than the general population, especially if it involves being followed or having one's property destroyed.¹³

MURDER

- 76% of intimate partner murder victims had been stalked by their intimate partner.¹⁴
- 89% of murder victims who had been physically abused had also been stalked in the 12 months before the murder.¹⁵
- 79% of abused murder victims reported stalking during the same period that they reported abuse.¹⁶
- 54% of murder victims reported stalking to police before they were killed by their stalkers.¹⁷

CYBERSTALKING

- Cyberstalking is the use of the Internet, e-mail, or other telecommunication technologies to harass or stalk another person (an extension of physical stalking).¹⁸
- Due to the enormous amount of personal information available through the Internet, a cyberstalker can easily locate private information about a potential victim.¹⁹
- With the wide availability of anonymizing software, there is a large degree of protection for stalkers, making it hard to identify them.²⁰
- As part of the 2000 reauthorization of the Violence Against Women Act, Congress extended the federal interstate stalking statute to include cyberstalking (18 U.S.C. §2261).²¹
- In 2000, Congress also passed the Amy Boyer's Law (42 U.S.C. §1320 B-3) which prohibits the sale or display of an individual's social security number to the public, including sales over the Internet, without the person's expressed consent, submitted either electronically or in writing.²²
- States have begun to respond to cyberstalking by adding provisions to their current stalking and harassment laws that criminalize "stalking by electronic means" or "the use of computer equipment for purposes of stalking".²³

STATE STALKING LAWS

Stalking is a crime under the laws of all 50 states and the District of Columbia, although the definition varies from state to state. **When analyzing your state's stalking statute, consider the following elements and issues:**

Course of Conduct	A course of conduct is typically defined as one or more intentional acts that occur on a continuous basis
Crime Classification	14 states may classify stalking as a felony upon first offense; 35 states classify stalking as a felony upon the second offense and /or when the crime involves aggravating factors (ie: possession of a deadly weapon, violation of a court order or condition of probation/parole, victim under 16 years or same victim; in Maryland, stalking is always a misdemeanor).
Intent Requirement	States categorize the crime of stalking as either <i>general intent</i> where the stalker intends the actions in which he/she engages in or <i>specific intent</i> where he/she intends to cause a specific result through his/her actions.
Level of Fear	States vary upon three levels of fear; many only require that the victim have a fear for safety or suffer other emotional distress; additional states require that the victim feel terrorized, frightened, intimidated, or threatened or fear that the stalker intends to injure the person, another person, or property of the person or of another person; other states require that the victim actually fear serious bodily injury or death.
Standard of Fear	Some states require that the defendants behavior cause the victim <i>actual fear</i> while some only require that the behavior would cause a <i>reasonable person</i> to feel fear.
Target of Stalkers Act	Most states require the victim to fear that themselves or an immediate family member is in danger. Some states extend that fear to include others, such as a current social companion, someone the victim has or has had a continued relationship with, or the victim's professional counselor or attorney.
Threat	Most states require that the offender pose a credible threat to the victim and some may even require proof that the offender is capable of carrying out his threats.

For a compilation of state (criminal and civil), tribal, federal and military laws and protection statutes visit www.ncvc.org/src.

IF YOU NEED HELP

For more info or you or someone you know is being stalked and needs assistance, call the **Stalking Hotline at 1-800-FYI-CALL (394-2255)**

For more information on victim assistance, visit the National Crime Victim's Stalking Resource Center at www.ncvc.org/src or The National Domestic Violence Hotline at 1-800-799-SAFE

SOURCES

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- ¹³ Eric Blaauw, et al. (2002), "The Toll of Stalking," *Journal of Interpersonal Violence* 17, 50-63
- ¹⁴⁻¹⁷ McFarlane et al. (1999). "Stalking and Intimate Partner Femicide," *Homicide Studies* 3, 300-316
- ¹⁸⁻²³ Trudy M. Gregorie (2002) *Cyberstalking: Dangers on the Information Superhighway*. Retrieved July 3, 2007 from The National Center for Victims of Crime Website: <http://www.ncvc.org/src/help/cyberstalking.htm>

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.