



Stalking

What is stalking?

I'll tell you what it is—I'm being hunted!

In simplest terms, stalking is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else.

Stalking is also:

- A terrorizing crime with no real identified beginning and seemingly no end;
- A crime that can cause tremendous fear without the slightest physical injury;
- A behavior with a high correlation to physical and sexual violence¹;
- A crime that can be lethal; and
- A very effective tactic of control for domestic violence abusers.

What is cyberstalking?

Cyberstalking means using technology to stalk. Cyberstalkers need not be in physical proximity to their targets, and are therefore sometimes able to remain anonymous or even enlist others to help them stalk.

Typical Stalking Behaviors

Stalking behaviors can include *any* behaviors if they have no reasonable legitimate purpose², depending upon the context in which they are done. The acts committed are limited only by the stalker's creativity, access, and resources.

Stalkers' common behaviors include:

- Following, monitoring, surveillance of victim and/or victim's family, friends, co-workers;
- Disorderly conduct offenses;
- Criminal mischief, larceny, robbery, burglary, trespass, loitering;
- Forgery or criminal impersonation;

¹ 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted. (Tjaden & Thoennes, 1998, Stalking in America, NIJ).

² "Legitimate purpose" is a legal term that is determined based on the facts of each case.

- Abusing or killing pet or other animal;
- Repeated threatening communications or attempts to communicate, especially after being clearly informed to stop;
- Violation of any order of protection;
- Crossing jurisdictions/borders to stalk/commit offenses;
- Kidnapping victim or children or threatening to do so; and/or
- Threats of suicide or homicide.

Stalking is any repeated unwanted behavior that has no reasonable, legitimate purpose, depending on the surrounding conditions or actions.

Intimate Partner Stalkers

When stalking is identified, it is generally true that:

- The more of a relationship that existed prior to the identified stalking, including spouses or intimate partners, the more likely the stalkers are choosing to use their behaviors in order to gain (or regain) power and control over their victims.
- The great majority are male perpetrators targeting female victims.
- The less of a relationship between stalker and target that occurred prior to the stalking, the more delusional and/or mentally disturbed the stalker.

Risks Increase When Current or Former Intimate Partner Is Stalking

- Studies show increased fatality risk by stalker
- Stalker already has extensive and intimate knowledge of victim and routines (history, social or family contacts, daily routines, employer, co-workers, neighbors, children, pets)
- Stalker already knows victim's hopes and fears (so easier to exploit them)
- Stalker can make it look like there are "legitimate" reasons for the behavior
- Stalker has opportunity for regular contact with victim through children's activities, court dates, family, mutual friends, work, school, etc.
- Especially increased risk if stalker has access to weapons
- Can have increased risk of kidnapping children

Impact on Victims

Stalking can have a devastating impact on victims, including:

- Continuous intense stress or anxiety; hyper-vigilance and/or all consuming fear
- Feeling vulnerable, out of control, guilt and/or self-blame
- Disruption of everyday living routines (self-isolation, move to new home or work location, change phone number and/or other contact information, change identity)
- Anger, rage, depression, post-traumatic stress disorder, failure to concentrate, and/or short-term memory loss

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- Somatic responses (nightmares, sleeping habits, eating disorders)
- Loss of work productivity³
- Loss of trust in police and criminal justice system

New York State Stalking Law

Current New York stalking law (established in 1999) focuses on the state of mind of the stalking victim and the reasonable fear that the stalker's behavior is likely to cause the victim⁴.

- Stalker need not intend fear, rather, a reasonable person should expect this behavior to make someone fearful.
- Victim need not actually experience fear, rather, would a reasonable person have been made fearful, based on history, context, etc.?
- There are four counts of stalking under NYS Penal Law, of varying degrees of severity depending on the stalker's behavior.

What can be done if stalking is identified?

- Take it seriously – stalking is correlated with violent physical behavior.
- Encourage the victim to talk to – an advocate, law enforcement, or another professional that can help.
- Suggest that the victim think about how to stay safe in different settings or situation, e.g., at home or away, with or without children.
- Encourage the victim to keep records of the stalker's activities

Any safety plan should validate and support victims without blaming them or holding them responsible.

For More Information

- Visit The NYS Office for the Prevention of Domestic Violence web site at www.opdv.state.ny.us/criminal_justice/index.html
- To request technical assistance with policy development and training, contact opdvcriminaljustice@opdv.state.ny.us
- Contact the NYS Crime Victims Board for information on benefits available to victims of crime 1-800-247-8035, TTY: -888-289-9747, www.cvb.state.ny.us
- Contact the NYS Domestic and Sexual Violence Hotline
 - English 1-800-942-6906, TTY 1-800-818-0656
 - Spanish 1-800-942-6908, TTY 1-800-780-7660
- For national information, visit the stalking resource center at the National Center for Victims of Crime at www.ncvc.org/svc.

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³ 26% of stalking victims lose time from work as a result of their victimization.(Tjaden & Thoennes).

⁴ Penal Law section 120.45.