U.S. Department of Justice
Office of Justice Programs
Violence Against Women Grants Office

OJP

Violence Against Women
Grants Office

Domestic Violence and Stalking

The Second Annual Report to Congress under the Violence Against Women Act

TABLE OF CONTENTS

PREFACE i

FOREWORD iii

INTRODUCTION 1
- Background 1
- Scope of the Report 3

Chapter 1: INCIDENCE OF DOMESTIC VIOLENCE AND STALKING 5
- Incidence of Domestic Violence 5
- Prevalence and Characteristics of Stalking 6
- Conclusion 13

Chapter 2: ANTISTALKING LEGISLATION 15
- Interstate Stalking Punishment and Prevention Act of 1996 15
- State Antistalking Legislation 16

Chapter 3: AN OVERVIEW OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS 17
- Implications of Stalking Characteristics for Program Development 17
- Characteristics of Stalking-Related Programs 18
- Managing and Developing Stalking Cases 18
- Intervening in Stalking Cases 23
- Prosecuting Stalking Cases 25
- Meeting the Needs of Stalking Victims 28
- Conclusion 31

Chapter 4: DATA COLLECTION AND EVALUATION OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS 33
- Stalking-Related Data Collection 33
- Stalking-Related Program Evaluation 36
- Conclusion 36

Chapter 5: VICTIMS' PERCEPTIONS OF EFFECTIVENESS OF PROTECTIVE ORDERS AS AN INTERVENTION IN DOMESTIC VIOLENCE AND STALKING 37
- Examination of Protection Orders in Three Jurisdictions 37
- Evaluation of Benefits in the Context of Victims' Experiences 38
- Measuring Victims' Perceptions of Effectiveness of Protection Orders 39
- Findings and Implications for Practice 39
- Conclusion 44

Chapter 6: THE DEPARTMENT OF JUSTICE'S RESPONSE TO STALKING AND DOMESTIC VIOLENCE 45
Federal Activities Addressing Stalking and Domestic Violence 45
State and Local Activities 47
Conclusion 50

Chapter 7: LOOKING FORWARD 51

NOTES 55

Appendix A: ANTISTALKING LEGISLATION UPDATE FOR STATES AND SELECTED TERRITORIES A-1

Appendix B: BIBLIOGRAPHY B-1

Appendix C: LIST OF CONTACTS FOR STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS C-1

Domestic Violence and Stalking

The Second Annual Report to Congress under the Violence Against Women Act

Violence Against Women Grants Office

A publication of the Violence Against Women Grants Office,
Office of Justice Programs, U.S. Department of Justice

July 1997

U.S. Department of Justice
Office of Justice Programs
Washington, D.C. 20531

Janet Reno
Attorney General
U.S. Department of Justice

John C. Dwyer
Acting Associate Attorney General

Laurie Robinson
Assistant Attorney General

Noël Brennan
Deputy Assistant Attorney General

Kathy Schwartz
Administrator
Violence Against Women Grants Office

Office of Justice Programs
World Wide Web Homepage:
http://www.ojp.usdoj.gov

Violence Against Women Grants Office
World Wide Web Homepage:
http://www.ojp.usdoj.gov/VAWGO

For additional copies of this report, please contact:

National Criminal Justice Reference Service
Box 6000
Rockville, MD 20849-6000
(800) 851–3420
email: askncjrs@ncjrs.org

TABLE OF CONTENTS

PREFACE i

FOREWORD iii

INTRODUCTION 1
- Background 1
- Scope of the Report 3

Chapter 1: INCIDENCE OF DOMESTIC VIOLENCE AND STALKING 5
- Incidence of Domestic Violence 5
- Prevalence and Characteristics of Stalking 6
- Conclusion 13

Chapter 2: ANTISTALKING LEGISLATION 15
- Interstate Stalking Punishment and Prevention Act of 1996 15
- State Antistalking Legislation 16

Chapter 3: AN OVERVIEW OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS 17
- Implications of Stalking Characteristics for Program Development 17
- Characteristics of Stalking-Related Programs 18
- Managing and Developing Stalking Cases 18
- Intervening in Stalking Cases 23
- Prosecuting Stalking Cases 25
- Meeting the Needs of Stalking Victims 28
- Conclusion 31

Chapter 4: DATA COLLECTION AND EVALUATION OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS 33
- Stalking-Related Data Collection 33
- Stalking-Related Program Evaluation 36
- Conclusion 36

Chapter 5: VICTIMS' PERCEPTIONS OF EFFECTIVENESS OF PROTECTIVE ORDERS AS AN INTERVENTION IN DOMESTIC VIOLENCE AND STALKING 37
- Examination of Protection Orders in Three Jurisdictions 37
- Evaluation of Benefits in the Context of Victims' Experiences 38
- Measuring Victims' Perceptions of Effectiveness of Protection Orders 39
- Findings and Implications for Practice 39
- Conclusion 44

Chapter 6: THE DEPARTMENT OF JUSTICE'S RESPONSE TO STALKING AND DOMESTIC VIOLENCE 45
Federal Activities Addressing Stalking and Domestic Violence 45
State and Local Activities 47
Conclusion 50

Chapter 7: LOOKING FORWARD 51

NOTES 55

Appendix A: ANTISTALKING LEGISLATION UPDATE FOR STATES AND SELECTED TERRITORIES A-1

Appendix B: BIBLIOGRAPHY B-1

Appendix C: LIST OF CONTACTS FOR STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS C-1

PREFACE

Historically, violence against women, particularly abuse by intimates, was largely ignored by the legal system. Only in the past two decades, largely through the efforts of the women's movement, has society begun to condemn such behavior. The Office of Justice Programs (OJP) in the Department of Justice has a strong commitment to addressing violence against women. Even before the enactment of the Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), OJP was providing leadership and assistance in combating violence against women, including domestic violence and stalking. In fiscal year 1993, OJP's National Institute of Justice (NIJ) funded the development of a model antistalking code for States. Subsequently, the Bureau of Justice Assistance (BJA) and the Office for Victims of Crime (OVC) funded seminars to familiarize State policymakers with the model antistalking code.

In November 1993, I established the OJP Family Violence Working Group to give greater prominence to issues relating to abuse within families and to enhance coordination. Representatives from OJP's various bureaus and offices meet monthly to exchange information and identify issue areas requiring further research, evaluation, and program funding.

Passage of the VAWA in 1994 further expanded OJP's efforts to deal with violence against women. The Act promotes a coordinated criminal justice system response to violent crimes against women, including domestic violence, sexual assault, and stalking. This law has enabled OJP to begin to transform the national landscape and public attitudes toward these crimes. To carry out the mandate and spirit of VAWA, OJP, through its bureaus and offices, has committed considerable Federal resources to enhance women's safety and hold the perpetrators accountable. The Violence Against Women Office (VAWO) is enhancing coordination and cooperation among justice and service agencies at all levels of government and private, nonprofit organizations to carry out the mandate of the VAWA. VAWO Director Bonnie Campbell is committed to ensuring that the vision of VAWA becomes a reality across the country. OJP's Violence Against Women Grants Office (VAWGO) supports State, local, and tribal efforts to develop and implement innovative, effective programs for preventing, identifying, and stopping violence against women. The Bureau of Justice Statistics (BJS) is helping States identify, collect, and exchange records, including protection orders issued in stalking cases. NIJ is supporting extensive research to enhance our knowledge about effective responses to domestic violence and stalking. All of these efforts combined are generating national momentum to change public attitudes and perceptions and expose acts of violence against women as serious crimes, rather than as private disputes unfit for public discussion.

OJP gratefully acknowledges the time and commitment of the many individuals involved in the preparation of this report. It was produced under the direction of OJP's Deputy Assistant Attorney General, Noël Brennan, and coordinated by VAWGO Administrator Kathy Schwartz. The report was edited and written in part by Preet Kang, VAWGO. Many thanks to the staffs of OJP's bureaus and offices, as well as the Office of Policy Development and the Criminal Division, for their contributions. OJP also appreciates the information and insights provided by the criminal justice professionals and victim service providers contacted for this report.

Laurie Robinson
Assistant Attorney General
Office of Justice Programs

FOREWORD

We have reached a critical point in our understanding of violence against women in its many forms. The passage of the VAWA in 1994 signified a major change in our national response to such crimes as domestic violence, stalking, and sexual assault. For the first time, violent crimes against women were understood in relation to the more general problem of gender inequality. The VAWA seeks to eradicate violence against women at all levels and give meaning to the promise of equal protection under the law.

This report on stalking is the second annual report to Congress providing information concerning the incidence of stalking and the effectiveness of state antistalking efforts and legislation as required under the provisions of the VAWA. While we do not yet have all the answers on how to prevent stalking, we need not throw up our hands in frustration. Effective enforcement of the stalking laws coupled with an increased understanding of the dynamics underlying the criminal behavior can go a long way toward eliminating this crime.

We know that there are several types of stalking, such as stranger stalking, stalking between intimates and former intimates, and acquaintance stalking. Most common, however, is the occurrence of stalking by an intimate or former intimate.

In the past few years, domestic violence has received enormous national attention. Along with this increase in awareness, we have gained a significant body of knowledge regarding the nature of the crimes. We know that domestic violence occurs on a continuum that ranges from emotional abuse at one end to homicide at the other. The escalation of violence along this continuum often follows a predictable pattern. Our goal is to formulate responses that break the cycle of violence through effective intervention at the earliest stages. Understanding the nature of intimate violence can help prevent the further escalation of criminal activity.

Domestic violence is about control, power, and domination. For this reason, when a woman leaves her abuser, he often stalks her in an effort to regain control over her. This control, we have learned, is effected through increased physical violence. Thus, when an abused woman leaves her abuser, it is a seriously dangerous time for her. The passage of stalking legislation by all 50 States provides some measure of protection during this critical period. On the Federal level, the seriousness of stalking was recently addressed when Congress passed an interstate stalking law.[1] Stalking must be understood as part of the domestic violence continuum and addressed forcefully.

At the Department of Justice, we are firmly committed to instituting awareness of and training on stalking. We have awarded funds to States for programs dedicated to developing effective antistalking methods and to others who seek to replicate the best practices in this area. We have brought antistalking information to employees of the Department of Justice through our Violence Against Women Information Fair, and we are working closely with U.S. Attorneys' Offices to bring prosecutions under the new stalking provision when applicable. Together, through increased communication and collaboration, we will send the message that these crimes are intolerable.

Stalking is an act that terrorizes its victims. It creates a psychological prison that deprives its victims of basic liberty of movement and security in their homes. We at the Department of Justice are dedicated to continuous review and assessment of our national efforts to prevent stalking, through education and training, as well as to aid and collaborate with States, local governments, communities, and the private sector to make a difference in the lives of all who are affected by this terrible crime. We understand all too well the dangers of ineffective response to stalking, and we cannot let the perpetrators of this crime win. The key to success is working together to protect stalking victims and hold the perpetrators responsible for their criminal behavior. Together, we can — indeed must — act with full force of the law toward this end.

Bonnie J. Campbell
Director
Violence Against Women Office

INTRODUCTION

Over the past several years, domestic violence has moved from a largely private family matter to the center of public debate. The women's movement in the late 1960's and 1970's was instrumental in raising public awareness about domestic violence. It is a pervasive crime that occurs across economic and racial strata and, if left unchecked, can and often does escalate into even more serious violent crime. Largely because of the lobbying efforts of women's groups, every State has passed laws to protect women from such violence. In 1994, Congress passed the VAWA—a landmark legislation designed to address and eradicate violence against women. It was enacted to provide the tools and resources needed to enhance victim safety and hold perpetrators of domestic violence, stalking, and sexual assault accountable for their actions.[2]

This is the second annual report to Congress on domestic violence and stalking, as mandated under Subtitle F of the VAWA, Title IV of the Violent Crime Control and Law Enforcement Act (Public Law 103–322).

Subtitle F—National Stalker and Domestic Violence Reduction, Section 40610—Report to Congress, states:

> The Attorney General shall submit to the Congress an annual report, beginning one year after the date of enactment of the Act, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of antistalking efforts and legislation.

There is much yet to learn about how to stop domestic violence and stalking. This report attempts to fill some of the gaps. We can now begin to harness our knowledge and integrate it into the development of police and prosecution protocols on stalking. Once we understand the dynamics underlying stalking behavior, we can design more effective responses to stop the crime before it happens.

Background

Stalking is a crime that often occurs in a domestic violence context. It is critical that stalking be understood in all its contexts in order to respond to and prevent this criminal behavior. Activities that constitute stalking—obsessive, repeated following and harassment—are not new, but society's recognition and criminalization of such conduct is relatively recent. The first State antistalking laws were passed beginning in 1990. Today all States and the District of Columbia have laws making stalking a crime. In addition, a new Federal law banning interstate stalking was passed last year.

Although language prohibiting stalking has been incorporated in one form or another into every State's legal system, there is still no single legal definition of stalking.[3] It is generally defined as a "course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury" to herself or a member of her household.[4] "Course of conduct" means "repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person," and "repeatedly" is defined as two or more occasions.

Unlike other crimes, which normally consist of a single illegal act, stalking is a series of actions that, when taken individually, may be perfectly legal.

Uniform Definition of Domestic Violence

There are no uniform definitions of domestic violence and stalking. To rectify this situation, the Department of Justice, consistent with its authority to recommend national standards for justice statistics (42 U.S.C. 3732(8)), is assisting States in collecting data on domestic violence and stalking (Violence Against Women Act, Section 40292). The project, administered by OJP's BJS, is initiating an effort to develop model definitions and protocols for the collection of statistical data on domestic violence incidents, including stalking. During the course of the project, both a comprehensive advisory group and a smaller task force will be convened to review and draft the proposed standards. Broader input into the process will also be sought through the Internet. Model definitions and standards will be published in the Federal Register for review and comment.

A public solicitation to select an organization to direct and provide administrative support for the project was issued in April 1997. The project will build on previous efforts undertaken by the National Center for State Courts (NCSC) under a project jointly funded by BJS and the State Justice Institute and by the Justice Research and Statistics Association under a grant from NIJ.

For instance, sending a birthday card or flowers or standing across the street from someone's house is not a crime. However, when these actions are part of a course of conduct that is intended to instill fear in a victim, they may be considered illegal behavior. Similarly, domestic violence is usually not a single, isolated occurrence, but a pattern of behavior consisting of psychological and physical abuse directed against an intimate.[5] Episodes may include a single behavior repeated consistently or an array of repeated or random actions.[6]

Typically, stalking can be categorized in three ways:

- Intimate or former intimate stalking: The stalker and victim may be married or divorced, serious or casual sexual partners, or former sexual partners. A history of domestic violence may exist.
- Acquaintance stalking: The stalker and victim may know each other casually, either through formal or informal contact. For example, they may be coworkers or neighbors, or they may have dated once or twice but were not sexual partners.
- Stranger stalking: The stalker and victim do not know each other at all. Cases involving celebrities and other public figures generally fall into this category.[7]

Although celebrity stalking cases such as Madonna's and David Letterman's have been largely responsible for raising the national consciousness regarding this crime, the vast majority of stalking victims are not public figures.[8] Stalking affects people in all walks of life, crossing racial, social, religious, ethnic, and economic boundaries. Even cyberspace has been contaminated with this crime.

This report confirms some knowledge already obtained through previous studies or anecdotal information and provides new insights that can be integrated into domestic violence and stalking responses. Stalking victims can be men or women, but most stalkers are men and most victims are women, according to the preliminary findings of a forthcoming survey, which is discussed in greater detail in Chapter 1. This study also confirmed what law enforcement practitioners and domestic violence experts had long suspected: Most stalking occurs within a domestic context, typically when a woman attempts to leave a violent relationship. Because the essential features of domestic abuse are power and control, the violence may in fact escalate as a batterer attempts to force a "reconciliation" or seek retribution against a victim for "abandoning" him.[9] This phenomenon has been labeled "separation assault."[10] Intimate or former intimate stalking, though generally shorter in duration than stranger stalking, is

potentially more dangerous for the victim.[11] Ironically, the criminal justice system may not treat stalking by intimates or former intimates as seriously as stranger stalking because of long-held beliefs that domestic violence is a private family matter.[12]

Investigating and prosecuting stalking crimes present unique challenges to the criminal justice system, which is more accustomed to responding to an isolated criminal act or acts, usually after the fact. By contrast, stalking consists of a series of acts, which alone may not be illegal or appear threatening, especially in early stages. However, because stalking typically escalates from acts that may be annoying but legal to violent and even fatal actions, victims need appropriate intervention to protect themselves from potential violence. Ensuring victim safety through early intervention is a relatively new approach for law enforcement. Anecdotal information obtained for this report and a three-city study of the perceived effectiveness of civil protection orders, discussed in Chapter 5, confirm that the earlier the intervention, the more successful it will be. For instance, letting the perpetrator know he is being watched and that any criminal behavior will be vigorously prosecuted can be a strong deterrent. In some jurisdictions that have been extensively involved in managing stalking cases, use of the stalking laws has declined because of early intervention. The behavior is not allowed to escalate to the higher level needed to trigger a stalking charge.

Before the enactment of antistalking statutes, the criminal justice system managed stalking cases by charging stalkers for each act separately under harassment, trespassing, criminal mischief, terrorism, or protective order statutes as appropriate. Because stalking consists of a series of discrete acts, some of which may be punishable separately under different statutes, stalking as a distinct crime may escape identification, making it difficult to gauge accurately the incidence of stalking and evaluate the effectiveness of antistalking statutes. The definition of "effectiveness" continues to be a challenge to reliable assessments of State antistalking statutes. For instance, a victim or a police officer may consider the statute effective if the stalking stopped because the stalker was threatened with the possibility of being charged under the stalking law, whereas a prosecutor may evaluate the efficacy of the law from the standpoint of a successful prosecution of a case under the stalking statute.[13] The Department of Justice is seeking proposals to evaluate the effectiveness of State antistalking efforts and legislation. Results of this research will be included in future editions of this report.

Stalking affects people in all walks of life, crossing racial, social, religious, ethnic, and economic boundaries. Even cyberspace has been contaminated with this crime.

Scope of the Report

A number of questions remain regarding the incidence of stalking and its relationship to domestic violence, prevention strategies, appropriate interventions, and the extent to which State antistalking laws are being used, either alone or in conjunction with other statutes. To address some of these concerns and better serve the needs of victims, the Department of Justice has initiated several efforts to fill these knowledge gaps. In Chapter 1, the preliminary findings from the first national stalking survey are discussed. The survey, supported jointly by the Justice Department's NIJ and the U.S. Department of Health and Human Services through its Centers for Disease Control and Prevention (CDC), was conducted by Patricia Tjaden and Nancy Thoennes of the Center for Policy Research in Denver. Chapter 2 examines the new Federal antistalking statute, as well as changes in some State antistalking laws since the release of the previous annual report.

Because most of the State antistalking laws were enacted fairly recently and several have been revised after successful legal challenges were mounted, there is no systematic information about the usage of these statutes. In the absence of these data, the Department of Justice contacted police officers, prosecutors, victim service providers, and other criminal justice professionals to collect anecdotal information. The strategies presented in Chapter 3 are intended as a resource for police officers, prosecutors, and others seeking ideas on how to investigate and prosecute stalking cases while ensuring victim safety. Chapter 4 discusses the current status of data collection and evaluation, largely on the basis of information obtained from the programs profiled in Chapter 3. Chapter 5 focuses on victims' perceptions of effectiveness of civil protection orders. Chapter 6 highlights efforts at the Federal, State and local levels to address stalking and domestic violence. In Chapter 7, the report concludes with steps for improving our understanding of crimes of violence against women, particularly domestic violence and stalking, and appropriate responses for ensuring victim safety and promoting offender accountability.

As in last year's report, Appendix A provides stalking code citations for each State and updates the constitutional challenges to the statutes as of March 1997. Appendix B includes a selected bibliography on domestic violence and stalking. Finally, Appendix C lists names, addresses, and telephone numbers of law enforcement and prosecution offices, as well as victim service providers, contacted by OJP for this report.

Chapter 1
INCIDENCE OF DOMESTIC VIOLENCE AND STALKING

Only in the past two decades has there been a movement in this country to recognize domestic violence as a serious problem; in the case of stalking, public recognition is even more recent. In an effort to obtain information about the extent of violence against women, the Department of Justice, through OJP's BJS, revised its National Crime Victimization Survey (NCVS) in the early 1990's to produce more accurate reporting of crimes committed by intimates.[14] Despite the survey redesign, estimating the rates of violence against women — especially crimes perpetrated by intimates — remains a challenge. Some of the factors that discourage women from reporting these victimizations to authorities include the private nature of the incident, the perceived stigma associated with the victimization, and the belief that no purpose will be served in reporting it.[15] The Department of Justice has an ongoing process for reevaluating and improving the NCVS to obtain a more accurate picture.

Stalking catapulted into the national consciousness in the past decade. Along with this public attention has come the realization that not much is known about this phenomenon. In response to this gap, NIJ commissioned the first national survey on stalking in 1993.[16] The National Violence Against Women Survey questioned women about their experiences with violence, including stalking. In 1994, the U.S. Department of Health and Human Services, through CDC, provided additional funds to expand the size and scope of the survey and to conduct a companion survey of men. This chapter highlights the results of the BJS survey, as well as some of the preliminary findings of the joint NIJ and CDC survey. A report summarizing the results of the NIJ and CDC survey is expected to be released later this year.

Incidence of Domestic Violence

Domestic violence is a major societal problem, cutting across all segments of the population. Results of the NCVS indicate that of the more than 1,150,000 reported incidents of crime victimizations among intimates in 1992–93, women suffered more than 1,000,000 violent victimizations, compared with approximately 143,000 incidents experienced by men.[17] For both fatal and nonfatal violence, women are at a greater risk than men of being victimized by an intimate.[18]

In 1995, more than a quarter of all women murdered in America were killed by their husbands or boyfriends, according to the Federal Bureau of Investigation (FBI).[19] Female homicide victims are more than twice as likely to have been killed by husbands or boyfriends than male victims are likely to have been killed by wives or girlfriends.[20] In nearly 30 percent of all cases of violence against women committed by a lone offender, the perpetrator was an intimate or former intimate, such as a husband, ex-husband, boyfriend or ex-boyfriend, according to the NCVS.[21] The survey also revealed the following:

- Women reported about 500,000 rapes and sexual assaults annually. Friends or acquaintances of the victims committed more than half of these crimes.

- Women of all races were about equally vulnerable to violence by an intimate.
- Women between the ages of 19 and 29 and women in families with incomes below $10,000 were more likely than other women to be victims of violence by intimates.
- Among victims of violence committed by an intimate, the victimization rate of women separated from their husbands was about 3 times higher than that of divorced women and about 25 times higher than that of married women.
- Proportionately, women were more likely to be injured in violent incidents committed by intimates than incidents committed by strangers.
- There was little variation in the extent to which women living in urban, suburban, and rural areas experienced violence by intimates.

Prevalence and Characteristics of Stalking*

Despite the unprecedented attention stalking has received in recent years, little reliable information about this crime exists. Thus, many fundamental questions about stalking remain:

- What is stalking?
- How many American men and women have ever been stalked?
- How many American men and women are stalked each year?
- Who stalks whom?
- What are the characteristics of stalking victims?

This section addresses these questions, providing the first-ever national empirical data on stalking in America. Information presented in this section comes from the National Violence Against Women Survey, a national telephone survey conducted by the Center for Policy Research under the direction of Dr. Patricia Tjaden.

Overview of the National Violence Against Women Survey

The National Violence Against Women Survey is a telephone survey of adult men and women conducted from November 1995 to May 1996. Potential respondents to the survey included all women and men who were 18 or older at the time of the survey.[22] Both English-speaking and Spanish-speaking respondents were included. A total of 8,000 interviews were conducted with a cross-section of the U.S. adult female population. Another 8,000 interviews were conducted with a cross-section of the U.S. adult male population.

The sample was generated using random digit dialing. Seventy-two percent of the women and 69 percent of the men contacted agreed to participate in the survey.[23]

What Is Stalking?

Legal definitions of stalking vary widely from State to State. Though most States define stalking as the willful, malicious, and repeated following and harassing of another person, some States include such activities as lying in wait, surveillance, nonconsensual communication, telephone harassment, and vandalism.[24] And although most States require that the alleged stalker engage in a course of

*This section was prepared by Dr. Patricia Tjaden and Dr. Nancy Thoennes of the Center for Policy Research and is based on the findings of the National Violence Against Women Survey. The survey is being supported by NIJ and CDC under NIJ Grant No. 93-IJ-CX-0012. The opinions and conclusions expressed in this section are solely those of the authors and do not necessarily reflect the views of the Department of Justice or the agencies that funded the research.

conduct showing that the crime was not an isolated event, some States specify how many acts (usually two or more) must occur before the conduct can be considered stalking.[25] State stalking laws also vary with respect to their threat and fear requirements.[26] Most stalking laws require that the perpetrator make a credible threat of violence against the victim; others include threats against the victim's immediate family; and still others require only that the course of conduct engaged in by the alleged stalker constitute an implied threat.

The National Violence Against Women Survey used a definition of stalking that closely resembles the definition used in the model antistalking code.[27] Specifically, stalking was defined as a course of conduct directed at a specific person that involves repeated visual or physical proximity; nonconsensual communication; verbal, written, or implied threats; or a combination thereof that would cause a reasonable person fear, with "repeated" meaning on two or more occasions. The model antistalking code does not require the stalker to make a credible threat of violence against the victim, but it does require the victim to feel a high level of fear of bodily harm. Similarly, the National Violence Against Women Survey does not require the stalker to make a credible threat against the victim, but it does require the victim to feel a high level of fear.

Stalking Prevalence

Lifetime Victimization Rates

The National Violence Against Women Survey collected information about stalking occurring any time during a man's or woman's lifetime. Survey results indicate that stalking is a much bigger problem than previously assumed. The survey found that 8.1 percent of all women surveyed and 2.2 percent of all men surveyed were stalked at least once in their lifetime. According to U.S. Census Bureau estimates of the number of adult women and men in America, one out of every 12 women in America, or 8.2 million women, has been stalked sometime in her lifetime. One out of every 45 men in America, or 2.0 million

Survey results indicate that stalking is a much bigger problem than previously assumed.

Survey Questions

Because much confusion exists about what it means to be stalked, the National Violence Against Women Survey did not use screening questions that contained the word *stalking*. To do so would have assumed that victimized persons knew how to define stalking and perceived what happened to them as stalking. Instead, the survey used behaviorally specific questions that left no doubt or confusion as to what type of behaviors the survey was seeking to identify.

The questions used in the survey were:

Not including bill collectors, telephone solicitors, or other salespeople, has anyone, male or female, ever. . .

- *Followed or spied on you?*
- *Sent you unsolicited letters or written correspondence?*
- *Made unsolicited phone calls to you?*
- *Stood outside your home, school, or workplace?*
- *Showed up at places you were even though he or she had no business being there?*
- *Left unwanted items for you to find?*
- *Tried to communicate in other ways against your will?*
- *Vandalized your property or destroyed something you loved?*

Respondents who answered yes to one or more of these questions were asked whether anyone had ever done any of these things to them on more than one occasion. Because stalking involves repeated behaviors, only respondents who said yes were considered possible stalking victims.

Respondents who reported being victimized on more than one occasion were subsequently asked how frightened their assailant's behavior made them feel and whether they feared their assailant would seriously harm them or someone close to them. Only respondents who were very frightened or feared bodily harm were counted as stalking victims.

men, has been stalked sometime in his lifetime. (See Table 1.)

Table 1

Percentage and Estimated Number of Men and Women Who Have Ever Been Stalked

	Percentage	Estimated Number*
Men	2.2	2,040,456
Women	8.1	8,156,457

*Based on 1995 U.S. Bureau of Census estimates.

Table 2

Percentage and Estimated Number of Men and Women Stalked in Previous 12 Months

	Percentage	Estimated Number*
Men	0.4	370,992
Women	1.0	1,006,970

*Based on 1995 U.S. Bureau of Census estimates.

The vast majority of stalking victims (90 percent) were stalked by one person during their lifetimes. Nine percent of the female victims and 8 percent of the male victims were stalked by two people. And 1 percent of the female victims and 2 percent of the male victims were stalked by three persons.

Annual Victimization Rates

The survey also gathered information about stalking experienced by men and women during the 12 months preceding the survey. The survey found that 1 percent of all women surveyed, or 10 women per 1,000, were stalked in the 12 months preceding the survey. This equates to an estimated 1,006,970 adult American women who are stalked annually. By comparison, 0.4 percent of all men surveyed, or 4 men per 1,000, were stalked in the year preceding the survey. This equates to an estimated 370,992 men who are stalked annually (see Table 2).

The average annual estimates of stalking victimization generated by the survey are relatively high compared to the average lifetime estimates of stalking victimization generated by the survey. Two factors account for this finding. The first has to do with the age of the population most at risk of being stalked. The survey found that victims of stalking are primarily men and women between 18 to 39 years old (see Figure 2). Because men and women between 18 to 39 years old comprised nearly half (47 percent) of the adult population from which the sample was drawn, a large proportion of the men and women in the survey sample were at risk of being stalked in the 12 months preceding the interview. As the proportion of the U.S. population between 18 to 39 years old declines, so should the number of Americans who are stalked annually. However, the lifetime estimate of stalking victimization should remain relatively constant.

Another reason annual estimates of stalking victimization are higher than would be expected given lifetime rates of stalking victimization is that stalking, by definition, involves repeated and ongoing victimization. For example, the survey found that some men and women are stalked for years. Because many of the same men and women are stalked from one year to the next, the annual average estimates of stalking cannot be added to produce an estimate of the total number of men and women who will be stalked in two, three, or more years. Thus, average annual rates of stalking

victimization will remain relatively high compared to lifetime rates of stalking victimization.

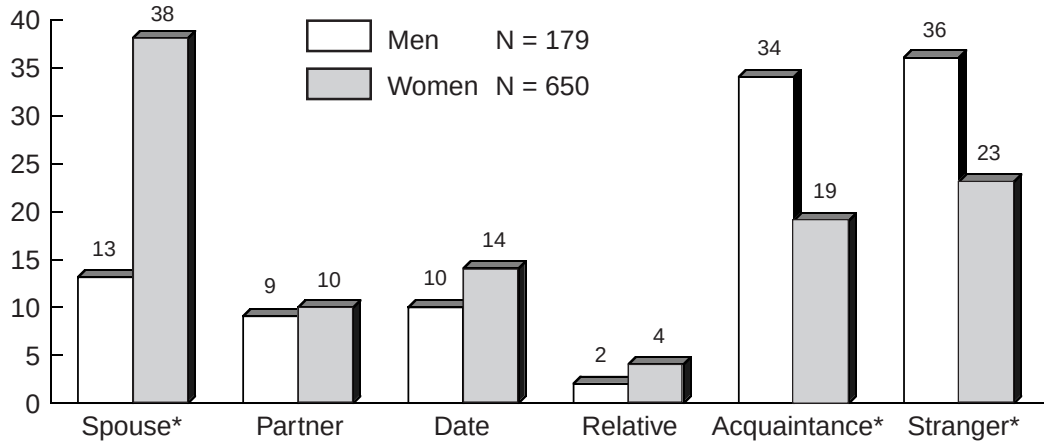
These average annual estimates do not include all stalking cases occurring in America during a 1-year period. Stalking cases involving children and adolescents under the age of 18 — which comprise about 10 percent of all stalking occurring over men's and women's lifetimes, according to the survey — are not included, nor are stalking cases involving men and women living on the streets or in group facilities, such as dormitories and group homes. Thus, the actual number of Americans who are stalked each year probably exceeds the survey's estimates.

How do these findings compare with previous estimates of stalking prevalence? Prior to the National Violence Against Women Survey, empirical data on stalking was limited to information generated by studies of small, unrepresentative, or clinical samples of known stalkers.[28] Based on studies of known stalkers, it was estimated that 5 percent of adult American women will be stalked sometime in their lives, and approximately 200,000 adult American women are stalked each year in the United States.[29] Thus, the National Violence Against Women Survey estimate that 8 percent of adult American women will be stalked sometime in their lifetimes is 1.6 times larger than previous estimates, and the survey estimate that 1,006,970 adult American women are stalked annually is 5 times larger than previous estimates.

Who Stalks Whom?

In the survey, stalking victims were asked whether they were stalked by a spouse, live-in partner, date, family member, acquaintance, or stranger. Responses to this question show that men and women tend to be stalked by very different types of persons. Female victims are significantly more likely than male victims to be stalked by spouses or ex-spouses. Male victims are significantly more likely than female victims to be stalked by acquaintances and strangers (see Figure 1).

Figure 1
Percentage of Stalking Victims by Victim–Offender Relationship



Note: Percentages exceed 100% because some victims had more than one stalker.
*Differences between males and females are significant at ≤ .05.

The survey confirms previous reports that most women are stalked by intimates. Thirty-eight percent of the female victims were stalked by current or former husbands, 10 percent were stalked by current or former cohabiting partners, and 14 percent were stalked by current or former dates or boyfriends. Overall, 59 percent of the female victims were stalked by some type of intimate partner.

The survey found strong evidence of a link between stalking and domestic violence. A large majority of women (80 percent) who were stalked by an intimate or former intimate reported being physically assaulted by that stalker. Survey results also indicate that in approximately 80 percent of the cases involving intimate partners, the stalking either started or continued after the woman left the relationship.

By comparison, only 13 percent of the male victims were stalked by current or former wives, 9 percent were stalked by current or former cohabiting partners, and 10 percent were stalked by current or former dates or girlfriends. Overall, only 30 percent of the male victims were stalked by some type of intimate partner.

The survey also confirms earlier reports that most stalking cases, including those with male victims, involve victims and perpetrators who know each other. Twenty-three percent of the female stalking victims and 36 percent of the male stalking victims said they were stalked by a stranger. The survey also shows that most stalking victims — men and women alike — are stalked by men. Ninety-four percent of the stalkers identified by female victims and 60 percent of the stalkers identified by male victims were male.

Although male victims are significantly more likely than female victims to be stalked by strangers or acquaintances, it is important to keep in mind that women overall are at greater risk of being stalked by strangers and acquaintances than are men. A comparison of stalking prevalence among men and women by victim–offender relationship shows that 1.8 percent of all adult American women have been stalked by strangers, compared with 0.8 percent of all adult American men. Similarly, 1.5 percent of all adult American women have been stalked by acquaintances, compared with 0.7 percent of all adult American men (see Table 3).

Table 3

Percentage of Men and Women Who Have Ever Been Stalked by Victim–Offender Relationship

	Total	Intimate	Relative	Acquaintance	Stranger
Men	2.2	0.6	0.1	0.7	0.8
Women	8.1	4.8	0.3	1.5	1.8

Victim Characteristics

Gender

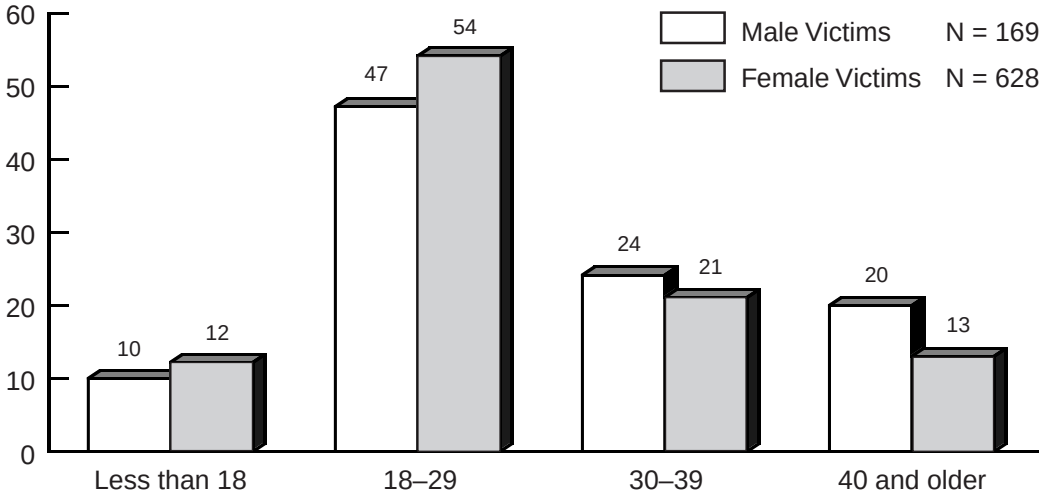
Though stalking is a gender-neutral crime, women are the primary targets. Of the 830 stalking victims identified by the survey, 651 (79 percent) were women and 159 (22 percent) were men. Thus, women are four times more likely to be stalked than men.

Age

The survey found that young adults are the most frequent victims of stalking. Forty-seven percent of the male victims and 54 percent of the female victims were between 18 and 29 years old when they experienced their first stalking victimization. Ten percent of the female victims and 12 percent of the male victims

Figure 2

Percentage of Stalking Victims by Age When Stalking Started



were less than 18 when the stalking started. Forty-four percent of the male victims and 34 percent of the female victims were 30 years or older when the stalking started (see Figure 2). On average, female victims were 28 years old and male victims were 30 years old when they were first stalked.

Race and Ethnicity

Information from the survey presents a complex picture of racial and ethnic differences among stalking victims. Although most stalking victims are white, there is evidence that some minority women are at greater risk of being stalked than women from other racial backgrounds. A comparison of lifetime rates of stalking victimization among women of different racial backgrounds shows little difference in stalking prevalence between African–American and white women. However, mixed-race women and Native American and Alaskan Native women are significantly more likely to be stalked than women from other racial backgrounds. Asian and Pacific Islander women are significantly less likely to be stalked than women from other racial backgrounds (see Table 4).

Because there are virtually no data on violence against mixed-race, Native American, or Alaskan Native women, it is difficult to explain why they are at

Table 4

Percentage of Men and Women Who Have Ever Been Stalked by Race of Victim

	Total	White	African–American	Asian Pacific Islander	Native American/ Alaskan Native	Mixed Race
Men	2.2	2.1	2.4	1.8	4.8	3.9
Women*	8.1	8.2	6.5	4.5	17.0	10.6

*Differences among racial groups significant at ≤ .05.

Stalking in Cyberspace

Mirroring society, the information superhighway is transporting its share of stalkers. A number of cyberstalking incidents have surfaced in recent years. In one early case, Andrew Archambeau pleaded no contest to a misdemeanor charge of stalking a woman through a computer and by telephone. Archambeau and the woman met each other through a computer dating service.[1] After two dates the woman ended the relationship by e-mail, but Archambeau persisted by leaving phone messages and sending e-mail despite warnings from police to stop.[2] Archambeau, sentenced to 12 months of probation and prohibited from contacting the victim, had to submit to a psychiatric evaluation.

In another case, a Dallas judge issued a temporary restraining order to stop an alleged offender from stalking the complainant through the Internet.[3] Because the alleged stalker's address was unknown, the judge's order was served through e-mail and posted on the Internet.[4]

As in the off line world, there is no uniform definition of cyberstalking, but repeated online harassment and threats are generally considered stalking. Explicit threats made against an individual, whether on the Internet or off line, are unquestionably illegal. Appropriate legal interventions and recourse in instances of subtle threats and other types of harassing online communication are unclear, however, especially if the stalker and his victim may have never been in physical proximity to each other and in fact may live thousands of miles apart.

Unfortunately, little or no reliable data are available on the incidence of stalking in cyberspace, but women appear to be the most frequent targets of cyberstalkers. Experts anticipate the number of cyberstalking incidents will rise as more people take to the information superhighway. In response to this growing trend, a number of States prohibit cyberstalking, either explicitly through their antistalking statutes, or indirectly through other related laws.

CyberAngels, an online victims' assistance group started by the Guardian Angels, offers cybersurfers the following tips to guard against online harassment:

- Use a gender-neutral online name;
- Be careful about providing personal information;
- Do not believe everything that is posted on the Internet, because there is no one systematically policing the information for accuracy, and people in cyberspace often are not who they claim to be;[5] and
- Get a "public" e-mail account instead of using a personal e-mail address when posting to news groups, so that it can be quickly discarded with minimum inconvenience, if necessary.[6]

---

[1] Thom Weidlich, "Is Stubborn E-Mail Romeo a Stalker? Case May Put Antistalking Laws on Trial," *The National Law Journal*, June 20, 1994, A7.

[2] Ibid.

[3] Laurie Wilson, "Restraining Order Issued in Online-Stalking Case; Ruling for Internet Firm Owners May Be the First in State," *The Dallas Morning News*, October 15, 1996, 15A. See also Christine Biederman, "Unsavory Lawsuit Could Test Free Speech in Cyberspace," *The New York Times CyberTimes*, December 13, 1996, Online, Internet.

[4] Wilson, 15A.

[5] Colin Gabriel Hatcher, "CYBeRSTReeTSMaRTS™ in live chat," 7 pp., Online, Internet.

[6] Telephone interview with Colin Gabriel Hatcher, director of CyberAngels, Hollywood, CA (March 1997).

greater risk of being stalked. How much of the variance may be explained by socioeconomic or cultural factors remains unclear and requires further study. Moreover, there may be a significant difference in stalking prevalence between Native American and Alaskan Native women that cannot be discerned from the study findings because data on these two groups were combined. There may also be significant intertribal differences within Native American and Alaskan Native groups.

Data on violence against Asian and Pacific Islander women are also virtually nonexistent, making it difficult to explain why Asian and Pacific Islander women are at lower risk of being stalked. The lower rates may be, at least in part, an artifact of underreporting. Often little, if any, culturally appropriate information about resources and victim services is available in Asian and Pacific Islander communities, especially among immigrants. Lack of familiarity with the criminal justice system may further inhibit Asian and Pacific Islander women from seeking support and protection.

The survey found no significant difference in stalking prevalence among men of different racial backgrounds. However, this finding must be viewed with caution given the small number of men in the sample who were stalked. A larger sample of male stalking victims is needed to produce more reliable information about the relative risk of stalking among men of different racial backgrounds.

The survey also found no significant difference in stalking prevalence among men and women of Hispanic and non-Hispanic origins (see Table 5). Because previous studies comparing rates of violent victimization among Hispanic and non-Hispanic women have produced contradictory conclusions, these findings neither confirm nor contradict earlier findings.

Conclusion

Despite chronic underreporting, the BJS NCVS and the Center for Policy Research's National Violence Against Women Survey show that domestic violence and stalking are significant problems in the United States. Data from both surveys reveal that women continue to remain vulnerable to victimization by intimates or former intimates. In 1995, 26 percent of women killed in this country died at the hands of a husband or boyfriend. Women are twice as likely as men to have been killed by an intimate.

Preliminary findings from the National Violence Against Women Survey indicate that stalking is a much bigger problem than assumed, and the vast majority of stalkers of women are either current or former intimates. The stalker was known to the woman in nearly 80 percent of the cases involving women victims.

In addition to the prevalence and characteristics of stalking, the National Violence Against Women Survey also analyzed other aspects of stalking, such as characteristics of stalking offenders and behaviors; relationship between stalking and abuse in intimate relationships; victim responses to stalking, including

Table 5

Percentage of Men and Women Who Have Ever Been Stalked by Hispanic Origin of Victim*

	Total	Hispanic	Non-Hispanic
Men	2.2	3.3	2.1
Women	8.1	7.6	8.2

*Persons of Hispanic origin may be of any race.

their involvement in the justice system; and psychological and social consequences of stalking. The survey queried men and women about their general fear of violence and ways of managing their fear; their experiences with child abuse; emotional abuse they suffered at the hands of intimate partners; and their lifetime experiences with forcible rape, physical assault, and threat. The survey also assessed respondents' socioeconomic characteristics, general health and well-being and alcohol and drug consumption. A full report summarizing the findings from this groundbreaking survey will be released later this year by the Department of Justice, and will be available through the National Criminal Justice Referral Service (NCJRS).

Chapter 2
ANTISTALKING LEGISLATION*

. . .All States and the District of Columbia have modified their laws to criminalize stalking behaviors. . . In 1996, a Federal law prohibiting interstate stalking was also enacted.

Stalking captured national attention in the late 1980's with the murder of television actress Rebecca Schaeffer by an obsessed fan who stalked her for two years. Her death is often cited as prompting the passage of the nation's first State antistalking law in California in 1990.[30] Since then, all States and the District of Columbia have modified their laws to criminalize stalking behaviors, usually in response to incidents of violence against women.[31] In 1996, a Federal law prohibiting interstate stalking was also enacted.

Interstate Stalking Punishment and Prevention Act of 1996

Last September, the President signed H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, which contained § 1069, the Interstate Stalking Punishment and Prevention Act of 1996. This provision establishes a felony offense of interstate stalking, 18 U.S.C. § 2261A, modeled on the existing interstate domestic violence offense, 18 U.S.C. § 2261, which was part of the 1994 Crime Act. The new statute in part provides:

> Whoever travels across a State line or within the special maritime and territorial jursidiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365 (g) (3) of this title) to, that person or member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.

The Department of Justice supported the enactment of this legislation. It fills a gap in existing Federal law, which reached interstate domestic violence (under § 2261 and § 2262) but did not cover essentially similar types of conduct where the victim either has not had an intimate relationship with the offender or has not obtained a protection order. The statute addresses cases where the interstate nature of the offense may create difficulties for effective State investigation and prosecution. The authorized penalties are the same as those provided for interstate domestic violence in 18 U.S.C. § 2261.[32]

The Department of Justice has adopted an implementation strategy involving Federal leadership through outreach, research, and the provision of training and technical assistance. The Department has distributed guidance on this legislation to all United States Attorneys' offices. In addition, Assistant U.S. Attorneys who have been designated by U.S. Attorneys, at the direction of the Attorney General, to serve as points of contact on domestic violence issues have attended a seminar on the enforcement of the VAWA. This seminar included a presentation on the Federal antistalking legislation.

*This chapter was prepared by the Office of Policy Development, U.S. Department of Justice.

State Antistalking Legislation

In the past year, several State legislatures have amended their antistalking laws[33] as a result of successful constitutional challenges or adverse judicial interpretations of statutory language, which has made it more difficult to prosecute alleged stalkers. For example, in 1996 the Texas Court of Criminal Appeals ruled that the 1993 Texas antistalking law was unconstitutionally overbroad because it addressed conduct protected by the First Amendment.[34] The governor called for emergency action, and legislators amended the statute in January 1997. The amendments clarify the elements of stalking and state that, to be in violation of the statute, the actor must knowingly engage in conduct that the actor "knows or reasonably believes the other person will regard as threatening."

The Minnesota legislature is amending that State's 1993 antistalking law after the Minnesota Supreme Court interpreted the statute as requiring specific intent.[35] The court expressed concern about the possibility that defendants could be convicted of "accidental stalking" so long as the victim felt harassed. The court stated that a broader interpretation might lead to a finding that the entire statute was unconstitutionally vague. The legislature is reviewing language that would make stalking a general intent crime instead of a specific intent crime.[36]

Chapter 3
AN OVERVIEW OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS*

Across the country, police departments, prosecutors' offices, probation and parole departments, and victim service organizations are experimenting with a variety of programs, protocols, and strategies to address the various aspects of stalking.

Over the past decade, stalking has commanded increasing attention from the public and its elected and appointed officials. This attention has been sparked by extensive media coverage of dozens of stalking incidents in which the victim was seriously injured or killed. The current national focus on stalking has prompted public policymakers, legislators, criminal justice officials, and victim service providers to pursue new laws, policies, and practices to address this complex criminal activity.

Across the country, police departments, prosecutors' offices, probation and parole departments, and victim service organizations are experimenting with a variety of programs, protocols, and strategies to address the various aspects of stalking. Building, managing, and prosecuting stalking cases can pose unique challenges for criminal justice officials. Likewise, criminal justice officials and victim service providers confront both legal and practical obstacles in attempting to intervene in stalking behavior and protect the victim. This chapter surveys some of the practices being explored by law enforcement and prosecution in response to stalking.

To date, no national survey has been undertaken to identify stalking-related programs, strategies, and protocols in place across the country. Consequently, no comprehensive typology or directory of these initiatives exists. This chapter was prepared based on reviews of numerous reports and other materials and contacts with knowledgeable individuals. The existence of antistalking programs, strategies, and protocols covered in this chapter was validated and documented through follow-up telephone conversations and interviews with dozens of individuals.

Antistalking initiatives discussed in this chapter make up neither all nor even a majority of antistalking programs, strategies, and protocols in use in this country. They are, instead, exemplary of the broad range and variety of initiatives that criminal justice officials and victim service providers are using to address stalking. Likewise, many of the programs, strategies, and protocols described in this chapter are being pursued by other agencies. Those other agencies and organizations are making equally significant contributions to addressing the stalking problem.

Implications of Stalking Characteristics for Program Development

Stalking is virtually unique among acts that are considered crimes in this country. Most crimes consist of a single act. By contrast, stalking is a course of conduct, a collection of two or more individual acts. It is not an incident, but rather an ongoing process. Stalking sometimes consists of acts that individually are not criminal, but the context in which they occur makes them criminal. Likewise, although intent to commit a criminal act is an identifiable element of most crimes, investigators may not uncover any tangible evidence that the stalker intends to harm his victim. The offender, in fact, may claim

*This chapter was prepared by Gwen Holden under contract number OJP-97-104-M, awarded to the Nauset Group by OJP.

that he is simply seeking to profess his "love" for the victim.

These characteristics of stalking have profound implications for criminal justice officials and victim service providers who are attempting to address the problem. Criminal justice officials may experience great difficulty in establishing a coherent, provable relationship between the stalker's actions and the impact of the stalker's behavior on the victim. To overcome the challenges posed by the unusual nature of this crime, practitioners in the criminal justice community have often created original approaches to address stalking.

Characteristics of Stalking-Related Programs

Stalking-related programs, strategies, and protocols in place today share several characteristics regardless of whether they are managed by a police department, a prosecutor's office, or a victim service organization. First, most stalking-related initiatives consist of formal or informal strategies or protocols for managing incidents and addressing the needs of victims. Few stand-alone, dedicated units manage stalking-related cases or address the needs of victims. Most stalking-related programs, strategies, or protocols have been developed as an adjunct to an existing agency or department function, often located in a special investigation division, prosecutorial unit, or victim service organization that deals primarily with domestic or family violence cases. A second characteristic of all stalking-related initiatives, whether a particular program, strategy, or protocol is a function of a criminal justice agency or a victim service organization, is the objective of early intervention in stalking behavior to reduce the risk of injury to the victim.

Finally, the participation of the victim is essential. Although victim participation is important in most criminal cases, particularly cases in which the victim is the chief witness, the stalking victim plays an especially pivotal role. Officials contacted for this report asserted that stalking protocols and strategies cannot be applied successfully without the active involvement of the stalking victim. Lt. John Lane, who created the Los Angeles Police Department (LAPD)'s Threat Management Unit (TMU) and now heads the investigative section of the LAPD that includes the TMU, says that "you need a cooperative victim in stalking cases because so much of the proof [of the stalking] comes from [the stalking victims]."[37]

Criminal justice officials and victim service providers report that most stalking incidents are brought to their attention by victims. Victims are the principal sources of information and evidence that stalking is occurring, particularly at the earliest stages of case development. Moreover, application of most State antistalking statutes hinges on evidence that the victim is being threatened or fears injury at the hands of the stalker — evidence that must be supplied by the victim. Likewise, efforts to protect the stalking victim from her pursuer are unlikely to be effective without the victim's participation.

Managing and Developing Stalking Cases

Information gathered for this report indicates that most law enforcement agencies and prosecutors' offices assign stalking cases to centralized domestic violence units. Some departments and offices assign stalking cases to centralized investigation or prosecution units that handle domestic violence cases, among other types. In other agencies and prosecutors' offices, stalking cases routinely are handled by the next available investigator or prosecutor.

Only one law enforcement agency in the country, the LAPD, has created a special unit, the TMU, to handle stalking

cases almost exclusively. At the time of publication of this report, no prosecutor's office had been identified as having established a special unit to manage stalking cases exclusively.

In larger police departments that maintain district or precinct offices, the management of stalking cases may be centralized in a headquarters investigative unit or jointly handled by a combination of central headquarters and district investigators. Although police investigations of stalking cases generally are handled by detectives, some departments are training line officers to build and manage stalking cases. Police and prosecutors who handle stalking cases as a specialty or within a domestic violence or special investigations unit generally do not handle stalking cases exclusively.

A Dedicated Stalking Unit

The LAPD's TMU was established in 1990.[38] Its establishment was precipitated in large part by two well-publicized celebrity stalking cases — the brutal, near-fatal stabbing of actress Theresa Saldana and the murder of actress Rebecca Schaeffer.

Organizationally, the TMU is one of three units located in Section One of the LAPD's Detective Division. Section One also includes the Department's Mental Assessment Response Team and the Mental Evaluation Unit. The TMU is headed by a detective, designated officer in charge, who reports to the lieutenant that heads Section One. The Section One lieutenant, in turn, reports to the captain in charge of the Detective Division. The TMU staff includes eight "case-carrying" detectives and one secretary, according to Det. Gregory S. Boles, TMU officer in charge.

In 1994, the unit was assigned responsibility for handling the investigation of threats made against elected city officials, including the mayor, city council members, the city controller, and the city attorney. A single threat against any of these officials triggers the TMU's immediate intervention. More recently, the TMU has been assigned to handle high-level threats of workplace violence within city government agencies, Boles reported.

A requisite of the TMU's case management strategy is "the absolute separation of the victim and the suspect," Boles explained. The unit will not accept cases in which the victim and the suspect are still married or divorced individuals who have legitimate reason, such as child custody arrangements, to have contact. Consequently, the TMU handles few domestic violence cases involving stalking. These cases would be referred to the LAPD's Domestic Violence Unit. Case referrals to the TMU come from victims, representatives of victims, victim advocates, police, the Los Angeles City Attorney's Office, and victims' employers.

Centralized Case Management

In 1994, the Nashville Metropolitan Police Department established a Domestic Violence Division within its central investigative bureau. According to the division's Det. Sgt. Mark A. Wynn, stalking-related incidents are a key target of the division's activities.[39]

The Domestic Violence Division is one of four divisions in the Investigative Services Bureau. The division is headed by a captain and has a staff of 34, including 25 investigators and supervisors and 3 full-time crisis counselors. Wynn said that the division is planning to hire two more crisis counselors.

The division manages a heavier caseload than any other investigative division in the department. The division is handling some 1,300 cases a month and an additional 400 walk-ins. Wynn said the division's domestic violence and stalking caseload continues to increase as Nashville citizens "see that the police are doing something about them." Reporting

of domestic violence and stalking incidents has increased by 30 percent since the division's creation. Wynn said a principal selling point for the concept among department and city officials was the potential for intervening in interpersonal violence; "the payoff at the end of the day is you save someone's life," he said.

Domestic violence and stalking-related training is a major division activity. Since 1995, two hours of department police officers' annual 40-hour in-service training requirement has been devoted to stalking. The division also has been sharing its experiences and expertise with police agencies across the country and around the world. Since the creation of the division, its officials have provided training to more than 9,000 individuals.

The Seattle Police Department does not assign stalking cases to one specific investigative unit or investigator. According to Det. Rande A. Christiansen of the department's Domestic Violence Unit, stalking cases generally are handled by detectives assigned to one of three investigation units: the Domestic Violence Unit, which handles stalking cases that occur under domestic violence situations; the Homicide and Assault Unit, which manages non-domestic violence stalking cases; and the Fraud and Explosives Unit, which responds to stalking cases that involve incidents that fall within its jurisdiction.[40] Any of the department's detectives could be assigned a case involving stalking, Christiansen said. Assignments are based on what is happening in the case.

The Domestic Violence Unit consists of 12 detectives, 2 supervisors with the rank of sergeant, and 1 lieutenant, Christiansen explained. Three of the unit's detectives do strictly misdemeanor follow-up. Christiansen said that the unit has adapted stalking-related protocols and instructional materials developed by the LAPD's TMU for use in stalking cases, but is looking toward developing a protocol of its own.

Departmentwide Case Management

The Chicago Police Department is building a departmentwide capacity to respond to domestic violence and stalking cases under which all department personnel will share responsibility for managing these cases.[41] This strategy is centered upon providing the beat officer with the training and information needed to handle these cases. "What is unique about Chicago is that it is one of the largest community policing departments in the country," Sgt. Debra K. Kirby, domestic violence operations coordinator for the department, observed. The department's primary focus at all levels is getting a quality response from the primary responder, the beat officer, Kirby said. "We don't want the expertise concentrated at a secondary response level."

However, Kirby added, "because stalking is one of those cases where there is a need to have a secondary level to organize and coordinate the response to a chronic crime problem," the department is "training detectives to be able to better identify the relationship between events." Because stalking is a felony, it falls within the general jurisdiction of the detectives. Consequently, within the detective division, Kirby said, "we are going ahead with training for dedicated domestic violence detectives," even though the primary focus of the department's domestic violence project is the beat response.

Case Prioritization

Stalking cases referred to the Dover Police Department in New Hampshire are managed on a "case prioritization" basis by detectives who handle domestic violence and stalking cases as a specialty assignment, according to George E. Wattendorf, city prosecutor with the department's Prosecution Section.[42]

Wattendorf said that the department does not have a unit or personnel assigned to manage stalking cases exclusively.

Two detectives within the department's Special Investigations Unit handle domestic violence and stalking cases. Their activities are overseen by the supervisor of the Special Investigations Unit. On each case, one detective is designated the primary detective, and the other is the backup detective. Two prosecutors are assigned to the department's Prosecution Section; Wattendorf manages domestic violence and stalking cases.

Wattendorf said that department detectives' involvement in domestic violence and stalking cases is initiated upon a victim's referral of a case "more often than not." The court also refers cases to the detectives when requests for restraining orders come in.

Prosecution Case Management

The Cook County District Attorney's Office in Chicago recently created a special Domestic Violence Unit. Over the next 18 months, staffing will be expanded to include 22 attorneys, according to Anna Demacopoulos, a deputy supervisor with the Cook County District Attorney's Office and head of the Domestic Violence Unit.[43]

The centerpiece of the unit is a special program that will analyze abuse cases to identify repeat victims and repeat offenders. The unit's Targeted Abusers Call (TAC) program is being established with funding from the Justice Department under the Grants to Encourage Arrest Policies Program. The TAC program will target repeat "victims at the highest risk and offenders that are most likely to re-abuse," Demacopoulos said.

Stalking cases referred to the Orange County, CA, District Attorney's Office are not assigned formally to a specific unit, according to Jane L. Shade, supervising deputy district attorney of the office's Family Violence Unit.[44] However, in practice, Shade said, stalking cases generally are handled by her unit because the "bulk of stalking cases seem to be domestic violence and we have the time, training, resources, and experience to handle them."

Several law enforcement agencies and prosecutors' offices have, or are exploring the possibility of establishing, special units to handle stalking cases. The Los Angeles County District Attorney's Office is developing a proposal to establish an independent stalking unit within that office. However, for many police departments and prosecutors' offices, especially smaller agencies and offices in rural areas, the establishment of an independent or dedicated stalking unit may not be a realistic option. The Dover Police Department has considered establishing a specialized stalking unit, but Wattendorf says that economic considerations have prevented the department from doing so. Local funding has not been forthcoming to date. According to Wattendorf, Federal funds might be available to set up the unit, but that would leave unanswered the question of how the unit would continue when the funds expired.

Vertical Management

A stalking case may involve several police officers or prosecutors at various stages of its development, or it may be handled using a "vertical management" approach, under which one police officer or prosecutor handles the case from its inception to its conclusion. Most law enforcement officials and prosecutors contacted for this report expressed a preference for vertical management. Representatives from agencies that do not use vertical management suggested that economic and workload considerations have prevented their agencies from doing so.

The LAPD's TMU applies a vertical management approach. The TMU detective that first receives a stalking case stays with the case through and beyond its conclusion. The Orange County District Attorney's Office and the TAC program of the Cook County District Attorney's Domestic Violence Unit likewise use a vertical management approach. Shade observed that vertical prosecution is the most effective strategy for handling stalking cases, which often generate volumes of evidence. Wattendorf said that the Dover Police Department also uses a vertical prosecution approach. The prosecutor becomes involved in the case "the minute it is referred to the detectives," he added.

In the Los Angeles County District Attorney's Office, stalking cases are handled by prosecutors assigned to the office's Workers Compensation Fraud Unit.[45] Rhonda B. Saunders, deputy district attorney with the unit, has developed a personal specialization in stalking prosecutions, having prosecuted several prominent cases, including one involving the singer Madonna. Saunders said that the Los Angeles County District Attorney's Office is considering establishing an independent unit to handle stalking cases. "Interest in stalking has skyrocketed," Saunders asserted. She attributes this increased attention to education of the public and criminal justice professionals and the importance of intervention in stalking cases.

Developing Stalking Cases

Law enforcement officials and prosecutors experienced in managing stalking cases emphasize the need to use basic case development strategies in putting together stalking cases. The Nashville Metropolitan Police Department's Domestic Violence Division follows a basic narcotics investigation model in building stalking cases, according to Wynn. In stalking cases, like narcotics cases, Wynn observed, "we need to bring all the events together."[46] Police officers should employ basic crime detection strategies to develop evidence and then bring it together, he said.[47]

Christiansen of the Seattle Police Department observed that "stalking cases are very time-consuming to put together." Developing these cases involves "putting together a dozen police reports" and concluding that "something is going on here," he said.

According to Boles, the LAPD TMU's principal mission is to handle long-term, abnormal threat, or harassment cases. "The unit does not talk about handling 'stalking cases,'" Boles explained. A case that the unit becomes involved with may involve long-term behavior that falls short of the legal definition of stalking.

Shade observed that "you still find that a lot of police and prosecutors are not good at recognizing what stalking is, especially when you have cases that cross jurisdictional lines." To address this problem, Shade's office, in cooperation with the Orange County Sheriff's Department, has produced a 12-minute police officer briefing tape that teaches the elements of California's stalking law and what evidence prosecutors need to put a stalking case together. Shade said that her unit also is involved extensively in training police officers, prosecutors, and probation officers in how to handle stalking cases.

In addition, Shade's unit "has put together a stalking oversight team which consists of an assistant district attorney, a District Attorney's Office investigator, and a victim advocate." The oversight team logs and tracks stalking cases that are referred to the office, even if the team is not handling the individual cases. The team oversight, Shade said, helps to "keep a finger on the pulse of what is happening in these cases." Team members also serve as consultants to police departments that need assistance in managing stalking cases and as liaisons with police agencies, victims, and victim service organizations.

Shade noted that Orange County has many small police departments that do not have the experience or resources to handle these cases.

Intervening in Stalking Cases

Intervening in stalking cases is perhaps the most difficult and potentially dangerous aspect of addressing this crime. In stalking interventions, criminal justice officials and victim service providers must strike a balance between the twin objectives of preventing the stalking from escalating and protecting the victim from serious injury or death.

The balance between stopping the stalking behavior and protecting the victim may be particularly precarious in domestic violence cases. Criminal justice officials interviewed for this report noted that urging a battering victim to remove herself from a violent domestic situation may have the unintended effect of antagonizing the batterer and prompting him to escalate his pursuit of the victim. Wynn observed that "the more we ask women to get out of violent relationships, the more we see stalking."[48]

Practitioners' efforts to build effective intervention strategies are hampered by a lack of conclusive research on stalking behavior. Research has not provided insights into which interventions are likely to be most effective at which point in the stalking. In many stalking cases, the arrest and prosecution of the perpetrator may not be a realistic objective. Likewise, it may be difficult for police and victim service providers to ensure the victim's safety using traditional methods and protocols.

The Nashville Metropolitan Police Department uses a number of counter-stalker measures to intervene and build information in stalking cases. Counter-stalking operations, Wynn explained, are intended to counter or prevent stalking behavior and to "go after" the stalker.[49] Wynn noted that police departments need to put in place policies, practices, and training that recognize that stalking is a different kind of case.[50]

Counter-stalker surveillance also is a primary intervention strategy used by the Nashville Metropolitan Police Department, according to Wynn. He said that the division soon will begin using a state-of-the-art covert electronic tracking system in its surveillance of stalkers.

"Suspect intervention" and "victim intervention" are key aspects of the LAPD TMU's handling of stalking cases, according to Boles. The principal objective of suspect intervention is to gain insight into the dangerousness of the stalker. Victim intervention contains three elements, Boles explained: educating victims about stalking, instructing victims in protecting themselves and assisting police in building the case, and recommending "therapeutic interventions," such as support groups or self-defense training that will help the victim regain a sense of authority and control over her life.

Intervention strategies used by the TMU also include arrests; protective orders, "if they are going to be strictly enforced"; referral to the mental health system for a 72-hour evaluation; confiscation of weapons; and face-to-face intervention with stalking suspects, Boles said. He emphasized that conducting face-to-face meetings of TMU detectives and stalking suspects can be an important strategy for intervening in stalking behavior. Protection orders granted to victims in TMU cases are served to stalking suspects in person by TMU detectives.

Violence Intervention

Intervention in potentially violent behavior also is a principal objective of the Seattle Police Department's Domestic Violence Unit. Christiansen explained that the unit's mission is to "follow up on misdemeanor domestic violence crimes and try to intervene before [the behavior]

hits felony level." He added, "We hope that our intervention will stop the behavior sooner." The unit uses several strategies for intervening in domestic violence and stalking cases. Christiansen said that the unit uses a lethality test that is fairly basic in assessing the dangerousness of the suspect and the threat to the victim.

The unit also has used video cameras, set up for up to two weeks at a time, to conduct counter-stalker surveillance. The unit frequently conducts telephone traces for two-week periods, and also has encouraged victims to use the automatic-trace capacity on their telephones. Records of these traces then may be subpoenaed for use in court proceedings.

Christiansen said that the unit's efforts to intervene early in stalking cases have been helped recently by "a couple of things that have happened [in the Seattle area] concerning victim safety." The Victim Assistance Unit of the King County Prosecuting Attorney's Office has established a cellular telephone program under which cellular telephones that only dial 911 can be loaned to victims for use in emergency situations. The Family Violence Project of the Seattle City Attorney's Office, in cooperation with ADT, a security services firm, has created a program under which victims may borrow a small personal protection device that can be activated in emergencies for use in their homes. When a small wireless transmitter that can be worn around the neck is activated within 100 feet of the telephone control box that accompanies the device, the ADT will be alerted and in turn will contact the police.

Electronic Monitoring

The Dover (NH) Police Department has pioneered the use of electronic monitoring in stalking interventions. According to Wattendorf, the department's experimentation with electronic monitoring began with a 1992 stalking case.

The department became aware of a vendor that was pioneering electronic monitoring and proposed a pilot test of electronic monitoring in conjunction with a protective order barring the stalker from approaching his victim. At that time, electronic monitoring had been limited to an offender who was confined to his home. The vendor accepted the proposal, and the stalker in the Dover case was required to wear an electronic monitoring bracelet while out on bail and as a condition of sentencing. A box at the victim's home triggered an alarm if the offender came within range.

The electronic monitoring device worked, Wattendorf said. "It didn't solve the problem, [but] it did what it was supposed to do." Wattendorf said the stalker who wore the device in the pilot test "approached the victim's home; the alarm went off; the offender was pulled in and went to jail for months." When the stalker completed his sentence for the protective order violation, "he was put back on the electronic monitoring device on probation," Wattendorf said. The stalker did not attempt to approach the victim again, but instead wrote letters to the victim and was arrested for stalking under the State's 1994 stalking statute. The city petitioned for involuntary commitment of the stalker in a civil proceeding. Wattendorf said, "He was diagnosed with a bipolar disorder and would not stay on the medications prescribed for him." The stalker subsequently was committed and remains in a State mental health facility.

The department has used the electronic monitoring system "in at least 40 cases," he said. The system is used most successfully as a condition of bail when a protection order is in place.

The Dover Police Department uses several other strategies to intervene in stalking behavior. One such strategy is hand delivery of warning letters to stalking suspects by department detectives. This strategy has been used effectively many

times to halt stalking behavior. Also, "from a strategic standpoint, the use of the warning letter makes it easier to prosecute any subsequent violation because it shows that the offender was on notice to stop the activity," Wattendorf continued. Finally, delivery of the letter "provides the detective an opportunity to interview the offender in a noncustodial setting," he said.

The Dover detectives also conduct counter-stalker surveillance, operate telephone traps, and cooperate with U.S. postal inspectors in "mail covers," or monitoring of a stalker's mail to detect any attempt to communicate with the victim.

Prosecution Intervention

Intervention supersedes conviction as the primary objective of the Los Angeles District Attorney's Office in stalking cases. "Stalkers are never cured," Saunders said. "In all likelihood, they are going to attempt further contacts with their victims." Saunders said her office will use arrest, protective orders, and prosecution in attempting to intervene in stalking. Saunders agrees that face-to-face contact between police and stalkers in some cases can be an effective strategy. Her office sometimes will ask a detective to contact a stalker directly. That contact sometimes will stop the stalker from pursuing his victim any further.

Intervention likewise is a principal focus of the stalking-related activities of the Orange County District Attorney's Office. Shade said that her office's stalking oversight team "might get involved in [a] case that is not yet filed and will work to intervene before it gets more serious than it is."

Prosecuting Stalking Cases

Prosecutors, like their police colleagues, are using unique and creative applications of existing strategies in handling stalking cases. The victim's safety is given considerable weight by prosecutors in developing their case strategy.

Early intervention in stalking cases has resulted in a reported decline in the use of stalking statutes. Although all States have stalking-related statutes in place, each prosecutor interviewed for this report stated that these statutes are being used with less frequency. These officials attribute this decline to prosecutors' desire to intervene in the case at the earliest possible opportunity, often before that behavior has escalated to the level required under the antistalking laws.

The Los Angeles County District Attorney's Office employs a "nontraditional approach" to handling stalking cases, Saunders said. "Whereas most crimes are a one-time thing where an arrest is made and a case prosecuted, this is not the case with stalking," she continued. "A stalking case doesn't end with conviction." A stalker may continue to stalk his victim even after he's been convicted. Victims report receiving mail from their incarcerated stalkers, or overt or covert threats conveyed through third parties, such as children.

If arrest and conviction in a stalking case are unlikely, the Los Angeles County District Attorney's Office may turn to the mental health system for assistance, Saunders said. "If the case is kind of shaky, but we know that we have someone who is dangerous, we can have him picked up for two days for observation, and that period can be expanded if the mental health system finds cause to hold him," Saunders explained.

Protection Orders[51]

Most prosecutors contacted for this report are prosecuting stalking cases as violations of protection orders. The protection order itself may contain numerous conditions and constraints on the stalker's behavior, including electronic monitoring or a requirement that the

Early intervention in stalking cases has resulted in a reported decline in the use of stalking statutes . . .officials attribute this decline to prosecutors' desire to intervene in the case at the earliest possible opportunity, often before that behavior has escalated to the level required under the antistalking laws.

stalker undergo a mental health evaluation and participate in any counseling or treatment prescribed as a result of that evaluation. Violation of the protection order could result in the stalker's immediate confinement in jail or a mental health facility, or provide a legal basis for a civil proceeding to commit the stalker to long-term care in a mental health facility.

Both police and prosecutors observe, however, that stalking cases that are prosecuted as violations of protection orders require close cooperation among the police, prosecution, and the stalking victim, and a commitment to the immediate enforcement of those orders. Failure to act immediately on a restraining order violation could seriously compromise victim safety.

The Domestic Violence Unit of the Cook County District Attorney's Office views prosecution of protection order violations as an important strategy for intervening in stalking cases. Demacopoulos said that Illinois State law permits criminal prosecution of protection order violations even if the order was filed in civil court. However, fear of reprisal and other concerns may inhibit domestic violence victims who are stalked by their abusers from following through on violations of protection orders.

Reducing victims' reluctance to pursue prosecution of violations of protection orders is a principal focus of the unit's TAC program. The program's objective is to provide the victim immediate access to all the services needed, so that the victim will not be reluctant to pursue prosecution. The basic premise of the TAC program is that if a victim has an advocate, that victim will pursue prosecution, Demacopoulos said.

Under the TAC program, selected repeat victims will have access to a broad range of services. These services will be delivered using a team approach and will include private legal service providers, private court advocates, and in-house victim/witness experts, Demacopoulos said.

Of protection orders, Saunders of the Los Angeles County District Attorney's Office says they can be an important tool in intervening in stalking cases. "Sometimes [protection orders] can be effective because they put the stalker on notice [that his behavior has been reported to criminal justice officials]," Saunders said. "Sometimes the stalker will back off [when a protection order is served], or if he doesn't, his action shows specific intent and provides a basis for prosecution," she explained.

Wattendorf of the Dover Police Department's Prosecution Section said that most stalking cases referred to the department are being handled on the basis of protection order violations, rather than under the State's antistalking statute. The department seldom uses the antistalking statute anymore, Wattendorf said. The statute may be used in rare cases where the victim does not have a restraining order in place or cannot get a restraining order because the victim did not have a relationship with the offender. New Hampshire law requires that there be a "romantic" relationship of some type between the victim and the offender for a restraining order to be granted, Wattendorf explained.

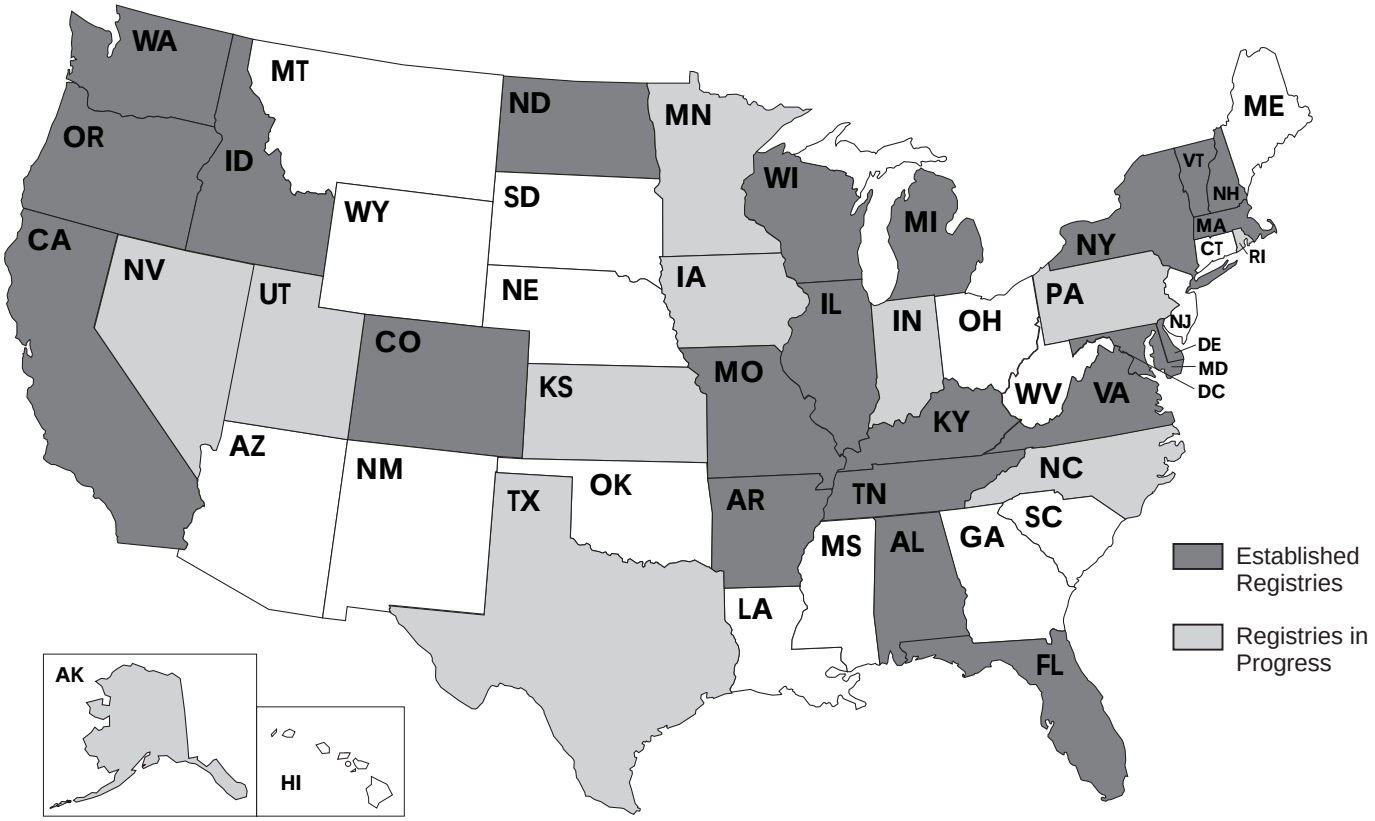
Protection Order Registries

Automated protection order registries are viewed as an important tool for both ensuring that orders are enforced and protecting the stalking victim. As of December 1996, 22 States and the District of Columbia had established protection order registries and another 11 States were in the process of establishing them.[52] (See Figure 3.)

The Kristin Lardner case demonstrates the potentially vital role of protection order registries. In the spring of 1992, 21-year-old Kristin Lardner was killed by a former boyfriend outside a Boston sandwich shop.[53] Lardner, who had been

Figure 3

Status of Protection Order Registries*



*As of December 1996.

Source: Adapted from information provided by the Full Faith and Credit Training and Technical Project of the Pennsylvania Coalition Against Domestic Violence © 1997. Reproduced with permission.

persistently stalked by her killer and on one previous occasion severely beaten by him, sought and was granted a temporary restraining order. The judge who granted the temporary order was unaware of the stalker's criminal record or that he was on probation.

When Lardner returned to the court less than two weeks later in search of a permanent injunction against her pursuer, a different judge was sitting and granted an order that required the stalker to stay 200 yards away from his victim. This judge was not aware of the earlier temporary restraining order and also was unaware of the stalker's criminal record.

In the wake of Lardner's tragic murder, the Massachusetts State Legislature in June 1992 called for the creation of an automated domestic violence record-keeping system.[54] Over the ensuing 3 months, an intergovernmental project team coordinated by the Office of the Commissioner of Probation designed, pilot tested, and implemented the system.[55] The Massachusetts Statewide Automated Restraining Order Registry, a probation-based system managed by the Office of the Commissioner of Probation, became operational on September 7, 1992.[56]

One of the oldest protective order registries in the United States is operated

by the Kentucky State Police as an online file in the Commonwealth's automated statewide criminal justice information system, the Law Information Network of Kentucky (LINK).[57] According to Sue Landenwich, coordinator of the Kentucky Domestic Violence Association's Full Faith and Credit Project, the registry was established in 1991 to address problems encountered by State and local law enforcement officials in verifying the existence of protection orders. Landenwich explained that, under Kentucky State law, police officials must validate that a protective order was served and is in effect before an arrest can be made for an alleged violation of an order.

As in several States, Kentucky's protection order registry consists of an on-line file in its statewide criminal justice information system. Police officials seeking to verify a protection order initiate a direct inquiry to the LINK system's protection order file and receive an automated confirmation of any "hit" on information in that file. Because the LINK system maintains an automated interface with the FBI's National Crime Information Center (NCIC) and the computerized interstate criminal justice message switching system, the National Law Enforcement Telecommunications System (NLETS), Kentucky police officials also have access to any information available through those systems.

Landenwich said that the "general feeling among law enforcement, [victim] advocates, and others is that the [protection order registry] system is very effective and works very well." She noted that a 1994 review of the registry's performance indicated a deficiency in reporting of protection order information by county sheriffs' departments. The Kentucky State Police conducted additional training of personnel in sheriffs' departments to rectify the problem, Landenwich said.

The New Hampshire Department of Safety's Division of State Police operates a statewide automated protection order registry. Protection order information also is available online through a registry operated by the Iowa Department of Public Safety. Iowa's statewide registry became operational in January 1997. The Domestic Abuse Restraining Order File is integrated into the databases of the Iowa Criminal Justice Information System.

Minnesota plans to have a statewide automated protection order registry online by the end of 1997.[58] Development of the system is being coordinated by the State's Supreme Court and the Department of Public Safety's Bureau of Criminal Apprehension in consultation with a private computer consulting firm. A seven-county pilot test of the system is underway at this writing.

Meeting the Needs of Stalking Victims

Like law enforcement agencies and prosecutors' offices, few victim service organizations have developed dedicated specializations to respond to the needs of stalking victims. Efforts are hampered to some extent by the lack of research on their needs. An informal group of victim service organizations from across the country is meeting to explore ways to serve the needs of stalking victims better. This effort is an outgrowth of a focus group assembled in January 1997 by VAWGO's S•T•O•P Violence Against Women Technical Assistance Project under the auspices of the OJP. The focus group brought together some of the leading experts on stalking to share their experiences in managing stalking cases and help develop promising strategies for addressing this crime.

Research carried out for this report identified only one victim service organization that currently is operating a dedicated stalking program. Victim Services, a New York City-based organization, in late 1996 created a special

unit to handle stalking cases.[59] Creation of the Stalking Unit was prompted by research carried out by Victim Services at its Queens Criminal Court site that indicated a need for dedicated services to stalking victims.

Most victim service organizations make their routine services available to stalking victims. Organizations that offer legal services or temporary shelter, for example, are extending them to stalking victims. Because stalking often occurs in the context of domestic violence, most programs that serve domestic violence victims are providing services to stalking victims. Many organizations have developed materials to educate stalking victims about stalking behavior, stalking prevention, and safety information. Several victim services programs have developed protocols to help stalking victims record information about stalking incidents for use by police and prosecutors in building cases. Staff of victim service organizations also serve as liaisons between stalking victims and police and prosecutors.

Victim "Defense Kits"

Stalking is a relatively recent addition to the activities of the Shelter for Abused Women in Winchester, VA. Donna C. Hogan, shelter services coordinator for domestic violence and project director on stalking, said that the shelter's involvement arose because of the existence of the problem and the demand for services by stalking victims.[60]

Established in 1980, the shelter provides services to victims of domestic violence and sexual assault in the city of Winchester as well as in Frederick and Clark Counties. The shelter offers services to both residential and nonresidential clients. Services include a 17-bed emergency crisis shelter, court advocacy, liaison with criminal justice agencies, and group and individual counseling.

Victim Advocacy

Victim advocacy is integral to an effective response to stalking, as it starts with the victim and, ideally, continues through case disposition. Unlike many other crime victims, stalking victims are frequently responsible for their own protection and safety planning, including obtaining protection orders and changing locks and telephone numbers. These victims are often in a state of psychological terror. Their need for services is great, but unfortunately their options for assistance are often quite limited, especially for those who do not know their predator. Many domestic violence shelters can only provide assistance to victims of domestic violence and stalking. As mentioned previously, stalking does not always involve intimates or even acquaintances.

A truly effective response to stalking must extend beyond law enforcement to involve multiple disciplines and agencies. As stated in the National Institute of Justice's 1993 research report, "Project to Develop a Model Anti-Stalking Code for the States," the most effective approach is one that includes "the law enforcement community, the judicial system, correctional and social service agencies, victims' services and advocacy groups, and community organizations."[1]

Victim assistance professionals can fill a critical role not only in helping victims, but also in building the case against the offender. Victim advocates can:

- Help victims obtain protective orders and develop safety plans;
- Address victims' mental health needs; and
- Refer victims to other services, such as medical care, mental health care, and housing.

Clearly, law enforcement cannot monitor victims 24 hours a day. Victim advocates may be more familiar with case information and details from documentation of key incidents and repeated contact with the victim. Because of this role, they can serve as an important resource for law enforcement. Without the involvement of victim advocates, law enforcement's role is more likely to become that of homicide investigators. Victim advocates must work closely with both police and prosecutors. Advocates across the country need better information about how to assist stalking victims in the earliest, and the repeated, stages of the crime.

[1] National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for the States*, (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, October 1993): 2.

Hogan, who has been with the shelter for 10 years and was herself a stalking victim, said that many of the shelter's domestic violence clients would cite some sort of stalking situation that they had encountered. The frequency of reports of stalking behavior indicated a need to assist stalking victims, she said. Leaving the abuser doesn't stop the stalking, Hogan added. "If you are in a violent situation and you leave it, the perpetrator's violence doesn't just end there."

With S•T•O•P Violence Against Women Formula Grant funding, the shelter developed five "defense kits" to assist stalking victims in protecting themselves and gathering evidence of the stalking activity. The kits contain a hand-held personal alarm, a door jamb alarm, a cellular phone that connects only with 911, disposable cameras, a tape recorder, an air horn, a voice-activated machine for recording evidence, instructions for gathering and keeping evidence, forms for preparing written documentation of stalking incidents, and evidence bags. The shelter also developed a brochure for stalking victims "on things they [the victims] need to do to develop evidence," Hogan said. The brochure also has been produced in Spanish. The kits became available on January 15, 1997. A stalking victim may borrow the kit for 30 to 90 days; the loan can be extended with Hogan's approval. The victim must check in with the shelter once a week while in possession of the kit.

The shelter seeks to empower the victim, not to cure stalking, Hogan said. The idea is to keep the victim safer, more mobile, and in greater control of her life. The shelter's thesis is that if the victim is involved in collecting evidence on her own behalf, she can report the stalking sooner to receive appropriate intervention.

Many of the shelter's stalking clients are referred by the police; other victims become aware of the services through the shelter's awareness and education materials. The shelter has conducted extensive liaison and education work with the police to get officers to recognize stalking situations at the earliest point.

Victim Safety

Sexual Assault Services of Virginia's George Mason University has prepared a pamphlet for students on campus stalking.[61] *Guidelines for the Stalking Victim* describes stalking behavior, includes instructions for victims on how to respond to stalking, provides safety suggestions for victims, and lists emergency campus contacts and telephone numbers.[62]

The Self Help Center in Casper, WY, has incorporated stalking-related information in its family violence protection brochures. Marcy Howe, an AmeriCorps member who is serving as a legal advocate at the center, said that the brochures are made available to students at Casper University and the University of Wyoming branch on the Casper University campus.[63] Howe said that the center works closely with security personnel on the Casper University campus and has received case referrals from them. The center also makes presentations on sexual assault, domestic violence, and stalking at the university on request.

Rhonda J. Martinson, staff attorney with the Battered Women's Justice Project (BWJP) in Minneapolis said the project has developed flyers for stalking victims that contain information about particular stalkers. These flyers, Martinson emphasizes, contain only public information about the stalker. The flyers may be distributed by the victim at her discretion at locations she frequents and at which she might be pursued by the stalker. Martinson said the flyers are useful in enlisting the help of the victim's associates, who also could be at risk of injury from the stalker, in watching out for the stalker and in alerting police if the stalker should approach the victim.

Police- and Prosecution-Based Victim Services

Police and prosecutors' offices are expanding their services to meet the needs of stalking victims. For instance, the LAPD TMU's victim intervention strategy provides victims with instruction on how to protect themselves, such as ceasing all contact with the stalker and changing personal schedules, and how to assist police in building stalking cases, including maintaining logs of contacts made by the stalker and handling equipment required for telephone traps.

TMU detectives also maintain regular contact with stalking victims. On active cases, TMU detectives are required to contact stalking victims every 7 days. If a case "goes to inactive status, but it is still possible that the stalker could repeat his behavior," Boles said, the TMU detective handling the case is required to make contact with the victim every 30 days.

Boles said that when a stalking case is closed, "the unit officer handling that case writes a letter to the victim that officially closes out the case, but advises the victim that if there is any further problem, the officer should be contacted." That letter is then placed in the case file.

Directing domestic violence and stalking victims to services that they need also is a priority of the Chicago Police Department's domestic violence project, Kirby said. The objective of this element is "to better link beat officers with victim service providers," Kirby explained.

The Chicago Police Department has 25 field districts that are divided into five areas. Under the department's domestic violence project, five area domestic violence service liaisons will be hired and will work with beat officers and victim service providers.

Like those of its counterparts in other jurisdictions, the efforts of the Los Angeles County District Attorney's Office to protect stalking victims do not end with the offender's release on probation or parole or upon completion of a sentence. Saunders reported that her office has made arrangements with the State's Department of Corrections to ensure that stalking victims are notified prior to their pursuers' release from custody. Moreover, Saunders said that a stalker's parole agreement may require that he refrain from making any contact with the victim. Likewise, a "stay-away order" that requires a stalker released on parole to remain at a distance of at least 35 miles from his victim might be included in the terms of the parole agreement. Stalking victims also are provided the name of the stalker's parole officer and a contact within the Los Angeles County District Attorney's Office "so that victims have a contact if the paroled stalker begins to pursue them again," Saunders said.

Conclusion

Stalking is likely to continue to command a high level of attention from criminal justice officials and victim service providers for the foreseeable future. Victim safety will remain the paramount interest of these officials in developing programs, strategies, and protocols to address stalking.

Consistent with this interest, greater effort will be directed by criminal justice officials and victim service providers toward identifying ways to protect stalking victims and intervene in stalking behavior. Police and prosecutors are likely to expand their efforts to ensure that stalking is assigned agencywide priority and that personnel receive basic instruction in developing and managing stalking cases.

Victim service providers can be expected to increase their outreach to stalking victims to help these victims assist police and prosecutors in building

stalking cases. Threat assessment and risk management will be refined and applied more broadly by police to determine levels of protection required for individual stalking victims and select intervention strategies.

The search for promising stalking-related programs, strategies, and protocols will merit intensified national efforts to ensure that information about these initiatives is captured and shared across the country. Criminal justice officials and victim service providers contacted for this report expressed strong interest in the stalking-related practices of their colleagues in other parts of the country and a willingness to share information concerning their own experiences.

Chapter 4
DATA COLLECTION AND EVALUATION OF STALKING-RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS*

Data collection and evaluation are important tools that help inform decisions concerning the application, usefulness, and efficacy of programs, protocols, and strategies. To date, little formal data collection and evaluation have been undertaken on stalking. This lack of formal data collection and evaluation in large part reflects the relatively recent focus on stalking. Nationally, few criminal justice agencies and victim service organizations operate programs that are geared specifically or exclusively to stalking.

Difficulties in conducting stalking-related data collection and evaluation are further compounded by the nature of stalking itself. Stalking does not lend itself to traditional data collection and evaluation, because it consists of two or more separate and often different acts. Stalking is the relationship between these acts, not the independent acts themselves. Stalking is a process.

Sgt. Debra K. Kirby of the Chicago Police Department suggests that the problem with collecting stalking-related data centers upon the difficulty in statistically capturing the relationship between events in stalking. Kirby observed that "we count crimes; police agencies traditionally do not count relationships." She added, "We report the crime, but don't identify the relationship." Development of baseline data that would permit stalking-related data comparisons and provide a foundation for evaluation becomes difficult under these conditions.

Moreover, evaluation protocols that would assess program effectiveness or performance by providing services to one constituency while withholding these services from a control group generally are unacceptable to criminal justice officials and victim service providers, whose principal objective is to protect the victim.

Stalking-Related Data Collection

Most organizations contacted for this report do not have routine stalking-related data collection protocols in place. However, most would like to develop them. A few agencies contacted, mostly police departments, stated that they are instituting formal stalking-related data collection programs. Most agencies could report anecdotal information or informal data on numbers of cases that were prosecuted under a stalking law, or numbers of times that a particular stalking case development or intervention strategy has been used in the past year or so.

Victimization Data Analysis

The Delaware Statistical Analysis Center (SAC) in September 1996 released a special crime victimization report on domestic violence that included an analysis of stalking-related statistics. "Domestic Violence in Delaware 1994: An Analysis of Victim to Offender Relationships with Special Focus on Stalking" reported that from May 20, 1992, through June 30, 1994, 242 individuals

*This chapter was prepared by Gwen Holden under contract number OJP-97-104-M, awarded to the Nauset Group by OJP.

had been charged with stalking, many with multiple offenses.[64] According to the report, the 242 stalkers had "accumulated an aggregated history of 5,010 arrests and 9,295 charges."[65]

SAC Director John P. O'Connell said that the report was part of his agency's efforts to produce periodic special reports for State policymakers on topical crime and criminal justice issues.[66] SAC, which is the State agency responsible for researching and analyzing crime and criminal justice statistics, based the report upon crime victimization data collected annually.

O'Connell said that the decision to include a special focus on stalking in the domestic violence victimization study was prompted by the agency's involvement in developing analyses for the State legislature on State antistalking laws. O'Connell said that the SAC probably will revisit the stalking issue "in a couple of years."

Case Data Analysis

Since its creation, the LAPD's TMU has conducted periodic analyses of unit cases to assess the efficacy of intervention strategies employed in stalking cases. The fourth analysis is underway at this writing. Det. Gregory S. Boles of the TMU said that the analysis involves reviews of case files and interviews of both victims and suspects.

Boles reported that the periodic case analyses identified some characteristics of stalking that in turn have informed the unit's activities. For example, Boles said, analysis of unit cases indicated that when simple obsessional stalking moves from less personal acts to more personal acts or is carried out for more than a year, "those [characteristics] are red flags" that the stalker may become a greater threat to the victim.

George E. Wattendorf, city attorney with the Dover (NH) Police Department's Prosecution Section, said his department is not collecting data on stalking "in any organized, systematic way." Wattendorf observed that in collecting stalking-related data "there is going to be some blurring" between stalking and other types of incidents. "There could be several different incidents that could comprise a stalking charge, but they would not get coded as a stalking," he concluded.

Wattendorf expects that stalking-related data collection in the State may improve under an administrative requirement that the statute number be recorded in protection order violation case files. Assignment of the statute number should provide a means of tracking these violations, he suggested. The information could promote early intervention and help improve stalking intervention strategies. The Dover Police Department "hopes to intervene in protective order violations early, so that they do not escalate to stalking charges," Watterndorf said.

The Criminal Assessment Unit of the Iowa Department of Public Safety's Division of Criminal Investigation recently was awarded funds through the S•T•O•P Violence Against Women Formula Grants Program to examine the characteristics of stalking victims and offenders. According to Steven A. Conlon, special agent in charge of the Criminal Assessment Unit, the Unit has developed a protocol that will include information concerning victim selection, offenders' personality traits, and stalking behavior.[67]

The Nashville Metropolitan Police Department is designing an automated system to track domestic violence and stalking cases, according to Det. Sgt. Mark A. Wynn of the Department's Domestic Violence Unit. Wynn said that the department has had to reconfigure its crime-reporting protocols to capture domestic violence and stalking information.

According to Anna Demacopoulos of the Domestic Violence Office in the Cook County District Attorney's Office, the office has not routinely collected

statistics on domestic violence or stalking cases. In conjunction with the development of its TAC program, the unit is planning to develop and implement data collection protocols that will allow it to gather statistics on domestic violence and stalking incidents and monitor the program's overall performance.

Demacopoulos has no doubts about the importance of data in informing decisionmaking. The TAC program itself was the result of an informal analysis of five years of data concerning follow-up on protective order violations that documented victims' reluctance to pursue prosecution and suggested a relationship between victims' reluctance and a lack of victim support services. On the basis of that research, the office adopted a policy of informing victims seeking protection orders that they must agree to pursue prosecution of any violations of that order. The unit already has documented an increase in prosecutions.

Data Systems Development

The Chicago Police Department is undertaking major initiatives to improve its collection of data on domestic violence and stalking cases. A chief objective of these efforts is to build systems that will establish relationships between individual events. Because the first incident of stalking generally is not a criminal offense, that incident is reported on a noncriminal incident report, Sgt. Kirby, domestic violence coordinator for the department, explained. Under new domestic violence data collection protocols, that incident would be assigned a special number so that it can be tracked. If a second incident occurs, the protocols would allow the acts to be linked together. It is up to the detectives to establish the relationship between the two incidents, Kirby emphasized.

A second generation of the department's Information Collection for Automated Mapping (ICAM) system will include domestic violence incident-related information that will help detectives and beat officers to identify "hot spots," Kirby said. This system, which will contain information covering the previous 18 months, will be available in the district offices and will provide detectives and beat officers with "problem-solving and problem-identification information for building management plans to deal with households" where domestic violence incidents have occurred, Kirby said. The department will be pilot-testing the system in the summer of 1997.

The department also is building its own criminal history records database, which will contain domestic violence and stalking data. Kirby observed that the department currently has "lots of boutique-type databases where all sorts of data are collected, but [that is not] available agencywide." The new system is intended to integrate these diverse databases. Kirby noted that the department recently was notified that it will receive funding under the Justice Department's S•T•O•P Violence Against Women Formula Grants Program "to set up an independent domestic violence [computer file] server that will allow us to better track domestic violence data."

Victim Services in New York City currently is collecting national statistics on stalking. The organization plans to use this information to develop a fact sheet on the stalking problem in this country.

Case Tracking

Donna C. Hogan of the Shelter for Abused Women in Winchester, VA, said that her program routinely is tracking the use of the stalking defense kits that the shelter developed and the outcome of cases in which the kits were used. The shelter has had approximately 20 stalking-related victim contacts since the defense

Hogan estimates that three-quarters of the domestic violence cases that the shelter handles involve some element of stalking. The shelter has had one or two stalking cases that were not domestic violence.

kits were made available in January 1997. In that time, the shelter has seen one conviction under the Commonwealth's stalking law and one conviction for making threatening phone calls. Hogan estimates that three-quarters of the domestic violence cases that the shelter handles involve some element of stalking. The shelter has had one or two stalking cases that were not domestic violence.

Stalking-Related Program Evaluation

None of the criminal justice officials or victim service providers contacted for this report stated that their agencies had conducted any formal evaluation of their stalking-related activities. However, many reported success in applying stalking-related protocols or strategies as measured by their own subjective standards, generally depending upon how useful the protocol or strategy was in a particular case.

For many agencies, evaluation-related activities are concentrated on performance monitoring. The objective of this self-evaluation is to generate information that will permit program managers to assess their efforts and make appropriate modifications. Performance monitoring is an ongoing integral component of the Massachusetts Statewide Automated Restraining Order Registry System.[68] Evaluation of the commonwealth's restraining order system focuses on three performance areas: "accuracy, timeliness, and completeness."[69] System performance evaluation is complemented by routine compliance monitoring conducted by the Field Services Division of the Massachusetts Probation Services.[70]

Wynn said his division's domestic violence and stalking-related protocols have not been evaluated to date. Wynn said the division has initiated conversations with a State university, a foundation, and a national interest group concerning evaluation of those protocols.

Some criminal justice officials expressed reservations concerning the appropriateness of traditional evaluation methodologies for assessing stalking protocols or strategies. For instance, no evaluation has been conducted of the Dover Police Department's stalking-related initiatives to date, according to Wattendorf. Wattendorf said that the department explored conducting "some evaluative effort with the University of New Hampshire." However, he said that university researchers wanted to conduct a scientific evaluation in which a control group would be required; electronic monitoring therefore would not be available to anyone in the control group. The department is not willing to deny electronic monitoring to stalking victims and therefore is not inclined to pursue this type of initiative.

Conclusion

The limited use of stalking-related data collection and evaluation suggests that criminal justice officials and victim service organizations need encouragement and assistance in developing appropriate protocols to capture stalking information and assess the performance of stalking initiatives. Protocols and evaluation methodologies are needed that will accommodate the unique characteristics of stalking. Criminal justice officials and victim service providers must be supported in their efforts to record and learn from their experiences while continuing to provide optimal services to stalking victims.

Chapter 5

VICTIMS' PERCEPTIONS OF EFFECTIVENESS OF PROTECTIVE ORDERS AS AN INTERVENTION IN DOMESTIC VIOLENCE AND STALKING*

Protection orders are the most common form of legal intervention in stalking cases, particularly those involving a former intimate. These orders, which are variously referred to as restraining orders or stay-away orders, are issued by courts to prevent an individual from contacting or coming within the vicinity of another person. Protective orders can be enforced through contempt of court proceedings, and violations can be considered a criminal offense leading to fines and incarceration, depending upon State statutes.

The limitations of protection orders are widely known in the victim services and legal communities. However, to obtain further information about the perceived efficacy of protection orders, in 1994 OJP's NIJ sponsored a study of civil protection orders by the National Center for State Courts (NCSC). At that time, civil protection orders had become available in all 50 States, but many States still placed significant restrictions on their availability and the relief provided through them.[71] The NCSC's study was designed to build on the prior research of others who had explored the reasons why civil protection orders might be more or less effective in providing safer environments for victims and enhancing their opportunities for escaping violent relationships.[72] These earlier studies concluded that the effectiveness of protection orders depends on the comprehensiveness of relief provided, the specificity of the terms, and the degree and consistency of enforcement. The National Center's study looked at other factors that might influence the effectiveness of protection orders from the victim's perspective, including accessibility to the court process, linkages to public and private services and sources of support, and the criminal record of the victim's abuser.

Examination of Protection Orders in Three Jurisdictions

The National Center's study examined the civil protection order process and the environments in which it takes place in three jurisdictions with different processes and service models.[73] These jurisdictions are the Family Court in Wilmington, DE, the County Court in Denver; and the District of Columbia Superior Court.[74] The expectation was that the different models these jurisdictions use would

*This chapter was prepared almost entirely by Susan Keilitz of the National Center for State Courts (NCSC) as a summary of the report, "Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence." The report was produced as part of a project on protection orders funded by the National Institute of Justice in the Office of Justice Programs under Grant No. 93-IJ-CX-0035. Copies of the report are available from NCSC, 300 Newport Avenue, Williamsburg, VA 23185, (757) 253–2000. The report may also be obtained through inter-library loan from the National Criminal Justice Reference Service by calling (800) 851–3420. The opinions and conclusions expressed in this chapter are solely those of the author and do not necessarily reflect the views of OJP.

produce varying results and that these variations might indicate how to improve practices in other jurisdictions. The key differences among the study sites that are relevant to the court's role in ensuring that protection orders serve their intended function are the court intake process, the level of assistance petitioners for orders receive, and access to court hearings.

The process for obtaining a protection order is more centralized in Delaware and Denver than it is in the District of Columbia. In Delaware and Denver, petitioners also are provided with direct assistance when they file petitions. In Delaware, specially educated and trained court staff in a domestic violence unit assist petitioners; in Denver, help is provided by volunteers and staff of a private victim service agency (Project Safeguard). At the time of the study, petitioners in the District of Columbia received no assistance other than the attention of a court clerk in completing petition forms.

The docketing for protection order hearings varies considerably among the three courts. Denver has a consolidated docket, with a single judge who hears petitions for temporary orders and presides at hearings for permanent orders exclusively. Temporary orders are available on an *ex parte* calendar every afternoon, and hearings for permanent orders are set every morning.

The Family Court in Delaware holds ex parte hearings twice daily, once in the morning and again in the afternoon, but hearings for permanent orders are set only on Fridays. Three commissioners preside over *ex parte* and permanent order hearings. In the District of Columbia, petitioners seeking an *ex parte* order must wait for the judge assigned to hear emergency matters, including warrants. Hearings for permanent orders are held daily and assigned to a judge in the Family Division who sits in a monthly rotation on the protection order calendar.

Evaluation of Benefits in the Context of Victims' Experiences

The study's findings are based on four sources of data:

(1) Initial telephone interviews conducted with 285 female petitioners for protection orders in the three project sites approximately one month after they received a protection order (temporary or permanent);[75]

(2) Follow-up interviews with 177 of the same group of petitioners about six months later;[76]

(3) Civil case records of petitioners who participated in the study; and

(4) Criminal histories of men named in the protection orders obtained by the study participants.[77]

Analysis of the data was informed by onsite interviews with judges, court managers and staff, victim services representatives, members of police domestic violence units, and prosecutors, and observations of hearings for temporary and permanent orders.

Across the three project sites, 554 women agreed to participate in the study and signed a consent form (Delaware, 151; Denver, 194; District of Columbia, 209).[78] Project staff were able to complete an initial interview with 285 of the women (51 percent) who were recruited (Delaware, 90; Denver, 90; District of Columbia, 105). These women formed the study groups in each site.[79] Approximately 60 percent (177) of these women participated in the follow-up interviews.

Measuring Victims' Perceptions of Effectiveness of Protection Orders

The National Center's study applied two primary measures:

(1) Improvement in the quality of the women's lives, as reflected by their reports that their lives had improved since getting the order, they felt better about themselves, and they felt safer;

and

(2) Extent of the abuse and other problems related to the protection order (women's reports of repeated occurrences of physical or psychological abuse, calling at home or work, coming to the home, stalking, and other problems related to the order).

To quantify these measures, an index of each measure was developed to allow more meaningful analysis of relationships among the dependent (or outcome) variables that make up the indices and the many independent variables that could be associated with perceptions of effectiveness of protection orders. Each variable has a score of 1. For the Well-Being Index (the first measure listed above), the possible range of scores is 0 (the lowest level of perceived effectiveness) to 3 (the highest level). For the Problems Index (the second measure listed above), the possible range of the values is from 0 (indicating the highest level of perceived effectiveness) to 7 (the lowest level of perceived effectiveness).

Findings and Implications for Practice

The study found that for protection orders to be perceived as effective, they must be an integral part of a coordinated justice system response to the crimes of stalking and domestic violence. Key findings of the study include the following:

- **Civil protection orders are valuable for assisting victims in regaining a sense of well-being.**

For nearly three-quarters of the study participants, the short-term effects of the protection order on their well-being were positive, as measured by the aspects listed in Table 6 below. These effects improved over time, so that by the end of 6 months, the proportion of participants reporting life improvement increased to 85 percent. More than 90 percent reported feeling better about themselves, and 80 percent felt safer. Further, in both the initial and follow-up interviews, 95 percent of the participants stated that they would seek a protection order again.

Table 6

Perceived Effectiveness Measured by Quality of Life

	Initial Interview (n=285)	Follow-up Interview (n=177)
Life Improved	%	%
All Sites	**72.3**	**85.3**
Delaware	82.2	87.5
Denver	74.4	89.7
District of Columbia	61.9	79.4
Feel Better		
All Sites	**72.3**	**92.7**
Delaware	82.2	92.9
Denver	74.4	93.1
District of Columbia	61.9	92.1
Feel Safer		
All Sites	**73.7**	**80.5**
Delaware	77.8	83.7
Denver	83.3	82.9
District of Columbia	61.9	71.4

- **In the vast majority of cases, civil protection orders are perceived as deterring repeated incidents of physical and psychological abuse.**

A majority of the participants in both the initial and follow-up interviews reported no problems (72.4 percent and 65.3 percent, respectively) (see Table 7).

Table 7

Perceived Effectiveness Measured by Problems with Orders: All Sites

	Initial Interview (n=268)		Follow-up Interview (n=167)	
	No.	%	No.	%
No problems experienced	194	72.4	109	65.3
Respondent called home/work	43	16.1	29	17.4
Respondent came to home	24	9.0	14	8.4
Respondent stalked victim	11	4.1	12	7.2
Respondent physically re-abused victim	7	2.6	14	8.4
Respondent psychologically re-abused victim	12	4.4	21	12.6
Respondent caused other problems	3	1.1	1	0.6

Table 8

Nature of Abuse before Protection Order

All Sites (n=285)	No.	%	By Site	No.	%
Threatened or injured with a weapon	105	36.8	Delaware	29	32.2
			Denver	33	36.7
			District of Columbia	43	41.0
Severe physical abuse: beaten or choked	155	54.4	Delaware	55	61.1
			Denver	48	53.3
			District of Columbia	52	49.5
Mild physical abuse: slapping, grabbing, shoving, kicking	239	83.9	Delaware	80	88.9
			Denver	79	87.8
			District of Columbia	80	76.2
Intimidation through threats, stalking, harassment	282	98.9	Delaware	90	100
			Denver	90	100
			District of Columbia	102	97.1

Repeat occurrences of physical abuse were reportedly rare, but varied greatly across the study sites, particularly in the follow-up interviews. In the initial interviews, 2.6 percent of the participants reported repeated physical abuse. At the 6 month follow-up, that proportion tripled to 8.4 percent. The incidence of repeated physical abuse was much higher, however, in Delaware (10.9 percent) and the District of Columbia (11.9 percent) than in Denver, where only about 2 percent of the participants reported being re-abused physically. Psychological abuse was reported by 4.4 percent of the study participants initially, but after 6 months the reported incidence rose to 12.6 percent. As with repeated physical abuse, there was a high level of variance of psychological abuse across the sites. Psychological abuse was highest in Delaware (23.6 percent) and lowest in the District of Columbia (1.7 percent), with Denver falling in the middle (13.3 percent).

The most frequently reported problem in both the initial and follow-up interviews was calling the victim at home or work (16.1 percent and 17.4 percent, respectively). In both the initial and follow-up interviews, about 9 percent of the participants reported that the respondent came to the victim's home. Stalking was relatively infrequently reported. In the initial interviews, about 4 percent of the participants reported being stalked by the respondent. This figure rose to about 7 percent in the follow-up interviews.[80]

- **Most of the participants in the study had experienced severe abuse.**

More than one-third of the participants in the study had been threatened or injured with a weapon, more than half the participants had been beaten or choked, and 84 percent had suffered milder physical abuse, such as slapping kicking, and shoving (Table 8).[81] While the use of weapons to threaten or injure the participants occurred for most women once or twice, over 40 percent of

the participants experienced severe physical abuse at least every few months, and 10 percent experienced such abuse weekly. About 10 percent of the participants sought a protection order after only a week, but 15 percent of the women experienced abuse for one to two years, and nearly one quarter had endured the respondent's abusive behavior for over five years.

Most significantly, the longer the women experienced abuse, the more intense the abusive behavior became; consequently, the longer a victim stays in a relationship, the more likely it is that she will be severely injured by the abuser.[82] This finding indicates that victims should be counseled at the earliest possible moment that the likelihood of abusive behavior abating without a specific intervention is low. Victims should receive assistance in developing a safety plan and understand the importance of enlisting neighbors, friends, and coworkers in following the plan.

- **The majority of abusive partners have a criminal record.**

Sixty-five percent of the abusers had a prior criminal arrest history (Table 9).[83] These charges consisted of a variety of offenses, including violent crime (domestic violence, simple assault, other violence, and weapons charges), drug- and alcohol-related crimes and other categories of crimes (property, traffic, and miscellaneous offenses). Of the 131 abusers with any history of violent crime, 109 had prior arrests for violent crimes other than domestic violence. These findings are generally consistent with a study conducted in Quincy, MA, that found that "80 percent of abusers have prior criminal histories. . .and half have prior violence records."[84] If the woman's abuser had an arrest record for violent crime, she was significantly less likely to have been available for a second interview.[85]

Furthermore, abusers with arrest histories for drug- and alcohol-related crimes and for violent crime tended to engage in more intense abuse of their partners than other abusers. These findings strongly support the need for greater attention to safety planning for victims whose abusers have a record of violent crime, as well as the need for protection orders to require both substance abuse and batterer treatment for abusers with arrest records for drug- and alcohol-related offenses. Concomitantly, judges need to have criminal arrest histories available for review when they are crafting protection orders. Judges and victim service providers should stress to victims the need for safety precautions and the use of law enforcement and the courts to enforce their protection orders.

- **The criminal record of the abuser is associated with improvements in well-being and in curbing abusive conduct.**

For the Well-Being Index, participants are more likely to report positive outcomes, such as feeling safer and better, when the abuser has a record of violent crime.[86] Protection orders therefore can be

Table 9

Number of Respondents with a Criminal Arrest History

All Sites (n=244)	No.	%	By Site	No.	%
All crime types	158	64.8	Delaware (n=90)	62	68.9
			Denver (n=60)	46	67.6
			District of Columbia (n=86)	50	58.1
Violent crime	129	52.9	Delaware	56	62.2
			Denver	40	58.8
			District of Columbia	33	38.4
Drug- and alcohol-related crimes	72	29.5	Delaware	25	27.8
			Denver	22	32.4
			District of Columbia	25	29.1
Other crimes	121	49.6	Delaware	49	54.4
			Denver	31	45.6
			District of Columbia	41	47.7

particularly helpful for improving the well-being of women whose abusers have been sufficiently violent in the past to be arrested for the behavior. For the Problems Index, in the initial interviews, participants whose abusers had higher numbers of arrests tended to report greater numbers of problems with protection orders.[87] In follow-up interviews, participants whose abusers had at least one arrest for a violent crime other than domestic violence were more likely to experience greater numbers of problems with the protection orders.[88]

These findings indicate that protection orders issued against abusers with a criminal history are less likely to be perceived as effective in deterring future violence or avoiding other problems than are those issued against abusers without such a history. Because protection orders provide petitioners with less protection against abusers with high numbers of arrests, and more specifically with a history of violent crime, the need for aggressive criminal prosecution policies becomes more critical. Criminal prosecution of such individuals may be required to curb their abusive behavior. Reliance on a protection order as the sole intervention may not be the most effective deterrence.

The relationships between the abusers' criminal histories, the improved quality of life, and reported problems with protection orders indicate that dual interventions of criminal and civil process are likely to be most helpful to women whose abusers have been arrested in the past. Criminal prosecution may address the violence more effectively, while the civil protection order bolsters the victim's self-esteem and gives a greater feeling of security.

- **Temporary protection orders can be useful even if the victim does not follow through to obtain a permanent order.**

The most commonly cited reason for not returning for a permanent order was that the abuser had stopped bothering the petitioner (35.5 percent), which suggests that being the subject of the court's attention can influence the abuser's behavior. Also, one-fourth of the study participants who obtained only a temporary protection order engaged in safety planning at that time. The court process thus offered an opportunity for educating victims about actions they could take to protect themselves. This finding indicates that courts and victim service providers should capitalize on this opportunity by spending more time in safety planning and assessing victims' needs when they petition for temporary orders. Obviously, none of this should diminish the importance of a permanent order or give the victim a false sense of security with her temporary order. If she is abused after the expiration of a temporary order, she will have to initiate proceedings again. The courts should ensure that all records of previous protection orders are available to the judges reviewing protection order petitions.

- **The court process can influence the victim's active participation in deterring further violence in her life.**

A more centralized process and direct assistance to petitioners for protection orders may encourage women with a temporary order to return to court for a permanent order. The proportion of women who returned for a permanent order following a temporary order was significantly higher in Denver (60 percent) than in the District of Columbia (44 percent).[89] In addition, a higher proportion of women developed a safety plan in Denver, where each petitioner is assisted by an advocate from Project Safeguard, in comparison with Delaware and the District of Columbia. Study participants in Denver also reported

far fewer repeated occurrences of physical violence than did the participants in Delaware and the District of Columbia.

- **The full potential for comprehensive relief in protection orders has not been achieved.**

Granting victims exclusive use of the family residence is an available remedy in each of the project sites and can be critical for both the safety and psychological stability of the victim, but the court in Denver is much more disposed than the other courts to order the abuser to vacate a common residence in both temporary and permanent orders. Also, although considerable proportions of the abusers had histories of violent crime and drug- or alcohol-related offenses, few of the protection orders in the three jurisdictions required the abuser to participate in batterer or substance abuse treatment.

Courts should revise protection order petitions and uniform orders to include all possible forms of relief available to victims. Making the forms more user-friendly and instructive as to the relief available will allow petitioners greater opportunity to consider what types of relief are likely to be helpful to them. Equally importantly, judges should consider carefully the need for the victim to have the security of remaining in her home and the need for treatment intervention for the batterer.

- **Victims do not use the contempt process to enforce orders.**

Few of the participants in the study filed contempt motions for violations of the protection order. In 130 cases (89.7 percent), no contempt motions were filed. Thirteen cases (9.0 percent) had one contempt motion, and only two cases (1.4 percent) had more than one contempt motion. Of the cases in which contempt motions were filed, the court held a hearing on the matter in nine cases and granted the motion in five of these cases.

The low use of the civil contempt process indicates that courts should do more to inform victims about the availability of and process for filing contempt motions.[90] Judges should advise victims during hearings about the avenues of enforcement, including law enforcement, the court, and courts in other States. Furthermore, the protection order should include a statement regarding the order's enforceability locally, throughout the State, in tribal courts, and in other States. The VAWA contains a provision requiring that all States and tribes offer full faith and credit to protection orders issued by another State or tribe.[91]

- **The potential for linking victims to services through the court process has not been achieved.**

Overall, more than three-fourths (77.5 percent) of the study participants received some type of service or assistance, either before or after they obtained a protection order. However, the participants' circles of friends and relatives accounted for a large proportion of the assistance victims received. Although an array of services is available to victims from government sources (such as police and prosecutor victim assistance units), and community sources (such as victim counseling, shelters for battered women and their children, pro bono legal services, and employment and education counseling), a relatively low proportion of victims appears to make a connection with these services. The courts should ensure that petitioners for protection orders receive not only information about the services available to them but also assistance in obtaining the services.

- **Law enforcement agencies can do more to assist prosecutors in developing cases for prosecution, arresting perpetrators, and helping victims access the civil protection order (CPO) process.**

The reported use of police services varied across the sites, as did the

responses of the police (see Table 10). In Delaware, for example, a higher proportion of the participants called the police following the incident that spurred them to seek a protection order (Delaware, 97 percent; Denver, 93 percent; District of Columbia, 90 percent), but the police came to the scene of the incident in a lower proportion of the cases (Delaware, 79 percent; Denver, 89 percent; District of Columbia, 94 percent). Once at the scene, however, the police in Delaware (Wilmington and New Castle County, specifically) were more likely to take notes and interview witnesses. The police arrested the abuser in Denver in a considerably higher proportion of the cases, particularly in comparison with the District of Columbia (87 percent compared with 41 percent). In each of the sites, however, the proportion of participants who reported that the police had told them how to obtain a civil protection order was too low for good practice (Delaware, 57 percent; Denver, 54 percent; District of Columbia, 71 percent).

Because law enforcement officers are on the front lines in the fight against domestic violence, they must play an active role in ascertaining probable cause to arrest abusers, as well as informing victims about the civil protection order process. The full faith and credit provision of the VAWA places greater responsibility on police officers to respond effectively to victims' calls for enforcement of protection orders issued by outside jurisdictions.[92] Law enforcement training in domestic violence, arrest policies, and enforcement procedures should be an integral and mandatory component of officer preparation and continuing education.

Table 10

Police Procedures

	Delaware		Denver		District of Columbia	
	No.	%	No.	%	No.	%
Petitioner called police following CPO incident	58	96.7	56	93.3	80	89.9
Police came to the scene	46	79.3	50	89.3	75	93.8
Police interviewed witnesses at the scene	25	59.5	27	55.1	27	37.5
Police took notes at scene	31	72.1	28	60.9	46	64.8
Police arrested respondent	9	55.0	27	87.1	14	41.2
Police informed petitioner about CPO availability	35	60.3	37	60.7	69	77.5
Police informed petitioner about CPO procedures	33	56.9	32	53.6	63	70.8
Petitioner believes police were helpful	31	52.5	27	45.0	39	43.8

Conclusion

Protective orders are often the first official legal intervention in stalking cases. Issuance of a restraining order puts an offender on formal notice that his behavior is unacceptable to the victim and, if he persists, could have serious legal consequences. When orders are properly crafted and vigorously enforced, they can be an effective tool in stopping or reducing domestic violence and stalking. Unfortunately, in many cases the criminal justice system is neither exploiting the full potential of protective orders nor using this intervention as part of a coordinated strategy for ensuring victim safety and offender accountability.

Chapter 6
THE DEPARTMENT OF JUSTICE'S RESPONSE TO STALKING AND DOMESTIC VIOLENCE

The Department of Justice has adopted an aggressive strategy for combating crimes of violence against women, including stalking. The Department is using provisions of the VAWA and other related laws that help protect victims and hold perpetrators of stalking and other crimes of violence against women accountable for their actions.

Moreover, the Justice Department is supporting efforts by communities across the country to develop and adopt locally responsive approaches that encourage collaboration among all sectors, including victim service providers, victims' advocates, health care providers, law enforcement authorities, and community organizations representing educators, businesses, members of the clergy, and others involved in the fight to end violence against women. Cooperation and coordination must exist both within and among the various components of the criminal justice system and with victim service providers and others in the community. Further, the local effort must be integrated into statewide and national strategies for addressing stalking and domestic violence. The activities of the various components of the Department reflect its commitment to pursuing a vision of a multidisciplinary, collaborative system for ensuring the safety of women and bringing to justice the perpetrators of crimes of violence against women.

Federal Activities Addressing Stalking and Domestic Violence

At the Federal level, the Department of Justice has undertaken several initiatives to address stalking and domestic violence. The Department has implemented efforts to educate its employees about domestic violence and stalking and provide referrals to community resources through employee information fairs and one-on-one confidential consultations with the staff of the Employee Assistance Program (EAP). The EAP staff provides counseling and support services to employees on a range of issues, including domestic violence and stalking. In addition, the EAP has brochures, fact sheets, and books on domestic violence.

The Justice Department is committed to providing resources to help victims of stalking and domestic violence directly, as well as indirectly through funding for projects that examine the causes, consequences, and prevention of these crimes.

Research on Stalking

The Justice Department is supporting basic research to help understand domestic violence and stalking and to develop effective strategies to address these crimes. Insights gained through this research are also expected to inform public policy decisionmaking at the national, State, and local levels. Several of the studies supported by the Justice Department, through OJP, have already been discussed in previous chapters of this report, including the NCVS, the National Violence Against Women Survey, and research on victims' perceptions of effectiveness of civil protection orders.

In addition, OJP's NIJ has commissioned studies to examine stalking by former intimates from the victim's perspective and conduct a

national sample survey of college women on sexual victimization and stalking. Brief descriptions of each study follow.

I. "An Exploration of the Experiences and Needs of Former Intimate Stalking Victims," is being conducted by Mary P. Brewster, Ph.D., of West Chester University's Department of Criminal Justice.

This study is the first of its kind to focus specifically on the experiences and needs of women who are victims of stalking by a former intimate partner. The research team solicited subjects primarily through various criminal justice and victim service agencies, newspaper solicitations, and letters to women who have sought protection orders in Pennsylvania. Confidential interviews lasting between 1 and 3 hours were conducted with more than 100 women. At the time of this report, data analysis has not yet been completed. Although researchers are not able to draw definitive conclusions at this time, descriptions of a few of the themes that have emerged from preliminary analysis of completed interviews include the following:

- Most of the women described their stalker as someone who had sought control during the course of the relationship. As indicators of controlling behavior, the respondents spoke of losing friends, having their stalker keep tabs on them, and not being permitted to participate in certain social activities. This desire for control continued after the woman ended the relationship.
- A minority of women described their stalker as having been easygoing or noncontrolling during the relationship. These women were taken by surprise by their former intimate's stalking behavior.
- The most common stalking behavior reported by the victims was telephone calls that were harassing, threatening, or both. Many women also reported being followed, visits and receipt of letters. Typically, threats were implied rather than direct. For instance, the stalker would advise the woman to check her car brakes or keep a close watch on a pet.
- Most of the women expressed great frustration and dissatisfaction with the criminal justice system's handling of their situation. For example, one woman had been stalked by her ex-boyfriend for 20 months. He would continuously call her, follow her (even on her vacations), dig through her trash, and break into her house. Still, she was told by the police department that it had no authority to intercede because "he's not doing anything to harm you."
- Although many of the women were clearly being stalked as defined by Pennsylvania law, very few of the stalkers had actually been charged under the stalking statute. Many women felt helpless and believed that nothing would be done about their stalkers until the women were seriously physically injured or killed.
- All but two women described the stalking as having a significant impact on them financially, psychologically, or both, although most reported that they had not been physically assaulted by their stalkers. The victims' quality of life had been drastically altered in many cases. Most of the women described major changes in their day-to-day activities, including taking circuitous routes to work, reducing social activities, and constantly looking over their shoulders. The most common psychological consequences included sleep and eating disturbances, trouble concentrating, anxiety, sadness, fear, and depression. These symptoms persisted even in women who believed that the stalking had ceased.

Final results of the study will be available through the National Criminal Justice Reference Service by early 1998.

II. "The Extent and Nature of Sexual Victimization of College Women: A National Level Analysis," is being conducted by Bonnie Fisher, Ph.D., of the University of Cincinnati's Department of Political Science.

This project is collecting data from a national sample of women enrolled at postsecondary institutions in the United States. Data collection involves a structured telephone interview to obtain individual, incident, and victimization data. Contextual data is being collected from secondary sources, including the Department of Education, commercial guides to colleges and universities, the U.S. Census, and the FBI's Uniform Crime Reports. Specific objectives of the study include:

(1) Determining the extent and nature of various forms of sexual victimization of college women;

(2) Helping postsecondary institutions identify and assess the problem of sexual victimization;

(3) Developing a more adequate understanding of the dynamics associated with several forms of sexual victimization (ranging from sexual harassment to rape);

(4) Contributing to the theoretical study of sexual victimization; and

(5) Examining the efficacy of institutional and legal policies and programs implemented to address sexual victimization, by examining the linkages between college women's participation in these programs and their victimization experiences.

This survey includes 17 questions for those reporting a stalking incident. The questions explore the details and reporting of the incident. Key findings, particularly those related to stalking, will be reported in the next Justice Department's Report to Congress. The study will conclude at the end of 1997, and additional information can be obtained then by calling NIJ at (202) 307–0154.

In addition, data collected from this national survey will be used in a companion project being funded by BJS. The BJS-supported effort will use the same sample design but will use NCVS methodology to examine a recurrent concern: the widely divergent victimization estimates derived from studies using different samples, definitions, and methodologies. This study will compare similarities and differences in estimates of sexual victimization of college women between the NIJ-funded study and the NCVS-based methodology in a controlled study, and with the annual NCVS itself. This effort will help to improve understanding of methodologically-generated differences in estimates and to develop better measurement tools to assess the extent and nature of violence against women. Results of this project are expected to be available in 1998.

State and Local Activities

To implement the VAWA fully, the Department of Justice has launched a massive effort to bring about fundamental change in the way communities across this country address crimes of violence against women. In addition to implementing tough new penalties, the Justice Department, through the tools and resources it provides, serves as a catalyst for restructuring the criminal justice system response to domestic violence and stalking. Working in partnership with State, local, and tribal governments, as well as private non-profit organizations, the various offices of the Department encourage the development and support of innovative, effective programs for preventing, identifying and stopping domestic violence and stalking.

Domestic violence is not simply a matter between the principals involved and the criminal justice system, but a problem that affects the entire community and requires everyone's attention.

Direct Financial Support

The Justice Department is providing substantial Federal resources to help States, tribes and local jurisdictions coordinate and integrate their response to crimes of domestic violence and stalking. The grants are a reflection of the Federal government's commitment to addressing domestic violence and stalking and ensuring the safety of victims. Administered by VAWGO, OVC, BJA and the Office of Community Oriented Policing Services (COPS), these Federal funds are supporting State, local and tribal initiatives to improve victim safety and enforce laws through the:

- Education of law enforcement, prosecution, and the judiciary about the phenomenon of domestic violence and stalking;
- Creation and expansion of the capacity of police departments and prosecution offices by establishing domestic violence units to improve coordination and service delivery;
- Enforcement of protective orders;
- Implementation of customized, automated victim notification systems to enable jurisdictions to warn victims of the offender's pending release from incarceration;
- Development of effective strategies and programs for preventing domestic violence and stalking;
- Incorporation of community-oriented policing techniques to combat violence against women;
- Implementation of mandatory arrest or pro-arrest policies by police departments;
- Application of advanced technology to improve data collection and tracking of criminal histories of perpetrators; and
- Provision of support for victim service providers and the creation of victim/witness programs within the criminal justice system to strengthen service to victims, including reaching out to traditionally underserved communities.

Domestic violence is not simply a matter between the principals involved and the criminal justice system, but a problem that affects the entire community and requires everyone's attention. Victims of stalking and domestic violence often cite isolation as a significant and potentially debilitating effect of these crimes.
To be responsive, the community must understand the dynamics of such violence, its impact on victims, and the fact that this violence is illegal. To encourage broader community participation, Federal resources are being devoted to:

- Develop strategies to improve the capacity and preparedness of employers in responding effectively to violence in the workplace;
- Explore ways that colleges and universities can more effectively respond to victims of campus crime;
- Work with members of the clergy to enable them to respond effectively to victims of domestic violence and stalking; and
- Involve the mental health community in identifying barriers, recommending changes, and developing guidelines for meeting the needs of victims who are stalked or attacked by mentally ill offenders, who often are not subject to the same rules and restraints as their incarcerated counterparts.

National Stalker and Domestic Violence Reduction Program (Stalker Reduction)

To enhance the criminal justice system's management of domestic violence and

stalking cases, the Department of Justice is assisting States in entering data on stalking and domestic violence into local, State, and national databases. Through BJS, the Department is administering the National Stalker and Domestic Violence Reduction Program (Section 40602 of the Violence Against Women Act), which is Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Known as the Stalker Reduction Program, this effort is part of the National Criminal History Improvement Program (NCHIP), which assists States in upgrading their criminal history records. Section 40603 of the 1994 Crime Act authorized a total of $6 million over 3 years for the Stalker Reduction Program. Congress appropriated $1.5 million for fiscal year 1996 and $1.75 million for fiscal year 1997. The appropriation request for fiscal year 1998 is $2.75 million — the full amount authorized under the VAWA for this fiscal year.

In FY 1996, States could apply for funds to improve access to information about domestic violence protection orders and to enhance the process for entering data on stalking and domestic violence. Fifteen States applied for and received these funds as part of their NCHIP applications. In FY 1997, each State and eligible territory will receive $30,000 for the Stalker Reduction Program as part of the 1997 NCHIP award. Funds are enabling States in which criminal records are not computerized to automate their information systems for more efficient coordination and management of stalking and domestic violence cases. States with automated systems are using their funds to upgrade systems to facilitate communications within and among various agencies of the criminal justice system as well as with national information repositories such as the NCIC.

Indirect Support

For the second year, OJP awarded funds to the Urban Institute to evaluate the S•T•O•P Violence Against Women Formula Grants. Researchers made site visits to 12 States and met with S•T•O•P grant administrators, victim advocates, service providers, law enforcement professionals, prosecutors, judges, and others involved in efforts to combat violence against women.[93] The institute's report acknowledges that even though antistalking legislation has been enacted by every State, enforcement and effective intervention continue to be seen as major problems in every State visited.[94] Policies for applying these laws are not well developed and relatively little training in applying stalking laws has been provided to police officers and prosecutors, the researchers noted. Most of the S•T•O•P grantees contacted believed that stalking is a serious threat to women but are unsure of how to respond effectively. The report indicates that States do not appear to be focusing on stalking and recommends that OJP identify and disseminate information about promising programs focused on stalking.[95]

In response to this critical need, the Justice Department is supporting several education and technical assistance initiatives. OJP has commissioned the development of a promising practices manual. Divided into three issue areas, the manual will highlight coordinated community responses to stalking, domestic violence, and sexual assault. The manual will feature programs, protocols, and guidelines used by law enforcement officers, prosecutors, and victim service providers to meet the unique problems posed by stalking and other crimes of violence against women. In conjunction with this initiative, a panel of antistalking experts was convened to discuss current practices and explore possibilities for ideal practices or programs. Representatives from law enforcement, prosecution, victim services, and criminal justice associations shared their experiences in addressing stalking. These expert panelists provided initial input on what could be included in a forthcoming manual on a coordinated community response to stalking. This

manual is expected to be completed by November 1997 and will be distributed to recipients and sub-recipients of S•T•O•P Violence Against Women Formula Grants and State coalitions.

OJP's BJA, in collaboration with the American Prosecutors' Research Institute (APRI), has sponsored several conferences and workshops to educate prosecutors about State antistalking laws and provide them with strategies for the successful prosecution of stalking cases. As part of this project, APRI staff conducted in-depth interviews with selected prosecutors' offices around the Nation and identified two jurisdictions with innovative programs — Dover, NH, and Los Angeles, CA. APRI staff interviewed prosecutors, probation officers, law enforcement officers, judges, victim advocates, and other key criminal justice practitioners at these sites. On the basis of these interviews, APRI produced a detailed antistalking monograph report, which discusses the findings from the telephone interviews and case studies. The document was published in May 1997 and will be disseminated to practitioners and recipients of the S•T•O•P Violence Against Women Formula Grants Program. Copies of this publication are available by calling APRI at (703) 549–4253.

Following the development of the model antistalking code for the States, BJA and OVC sponsored a series of seminars on "Developing and Implementing Antistalking Codes" to assist States in establishing antistalking codes. Conducted by the National Criminal Justice Association (NCJA), the seminars were developed to familiarize State policymakers and criminal justice practitioners with the model antistalking code and to assist policymakers in assessing existing State laws and developing alternative approaches to enforcement. The project supported five seminars of two types:

- Two briefings on the model code for State legislators and staff, conducted by the National Conference of State Legislatures (NCSL) under contract to NCJA; and
- Three regional seminars geared toward criminal justice practitioners, including law enforcement officers, victim advocates, prosecutors, and defense attorneys.

The seminars were held in Tampa, FL, for the eastern region; in Portland, OR, for the western region; and in Chicago, IL, for the central region. The seminars addressed three major issues: Should the stalker's motivation be factored in prosecuting a case; what role should psychological evaluation and counseling have in handling and sentencing stalkers; and how to manage stalking cases in which the victim is absent from the prosecution process.[96] At the conclusion of the seminars, NCJA prepared a report titled "Regional Seminar Series on Developing and Implementing Antistalking Codes." Some of the recommendations proposed by the participants are included in the next chapter of this report.

Conclusion

The Department of Justice is committed to continuing its support for efforts at the Federal, State and local levels to address stalking and domestic violence. In virtually every area of the country, more resources than ever before are being devoted to support coordinated community approaches by State, local and tribal governments as well as private non-profit organizations to help end violence against women. Although the problem is far from being solved, we are accumulating the knowledge and understanding to address this problem. However, much work remains to be done. There is much yet to learn about the intricacies of violence against women to implement effective approaches to identifying and preventing stalking and domestic violence. We also need to examine the driving forces in our culture that allow this violence to continue.

Chapter 7

LOOKING FORWARD

Stalking and domestic violence are deeply entrenched societal problems that the Nation is only beginning to understand and formally define. Since the enactment of the initial State antistalking laws in the early 1990's and the passage of the VAWA in 1994, considerable resources have been devoted at the Federal, State, and local levels to address domestic violence and stalking. The Department of Justice alone, and in partnership with State and local jurisdictions, has supported numerous efforts, as discussed in this report. Last year the Federal commitment to preventing and addressing stalking was strengthened with the enactment of the national antistalking law, which makes it a crime to travel across a State line with the intent to injure or harass someone.

We now know that stalking is a much bigger problem than previously assumed. Preliminary results of the National Violence Against Women Survey, the first nationwide survey on stalking, indicate that an estimated 8 million American women have been stalked at some point in their life. The vast majority of stalking victims are women. Victims are also more likely to be stalked by an intimate than by a stranger. The survey provides evidence of a link between stalking and domestic violence. Although antistalking laws have been enacted in every State and the District of Columbia, enforcement remains uneven. Interestingly, in jurisdictions that aggressively manage stalking cases, some practitioners report that successful early intervention may obviate the application of the State antistalking statute.

These advances in knowledge notwithstanding, there is much still to learn about the complex dynamics of domestic violence and stalking. For instance, no solid data are available on the number of murders that result from stalking, the number of stalkers who stop harassing without any legal intervention, the number of victims who are able to escape their tormentors by relocating or changing their identities, the number and types of stalkers for whom the threat of prison or an actual prison term are successful behavior modification tools, or the number of stalkers who simply transfer their obsession from one victim to another.[97] We still do not have the answers to some basic questions: How significant are a stalker's motives and relationship to the victim as indicators of risk?[98] What causes stalking behaviors and what leads some stalkers to become violent?[99]

Much work also remains to be done to understand the unique needs of stalking and domestic violence victims and provide them with appropriate resources and support. Consistent with the VAWA, the Department of Justice encourages the following:

- Resources should continue to be devoted to research related to stalking and domestic violence, including studies of stalkers' behavior, motives, and relationship with victims, to provide guidance to criminal justice and social services practitioners in developing intervention strategies and ensuring victim safety.

- Resources and attention should be directed to providing criminal justice personnel, including the judiciary, with appropriate training and technical assistance on the effective management of domestic violence and stalking cases, including how to properly identify and evaluate the potential risk posed by offenders and ensure victim safety.

Last year the Federal commitment to preventing and addressing stalking was strengthened with the enactment of the national antistalking law, which makes it a crime to travel across a State line with the intent to injure or harass someone.

- Efforts should be undertaken to raise the awareness of victims, victim service providers, victim advocates, police officers, prosecutors, judges, attorneys, parole and probation officers, and other criminal justice personnel regarding the existence of antistalking statutes and resources available at the Federal, State, and local levels to address domestic violence and stalking.

- State antistalking statutes should be systematically evaluated to determine how often and how they are used — alone or in conjunction with other statutes, how they work in practice, and how they can be improved, if necessary.

- Reliable, comprehensive data on the incidence of stalking and domestic violence should continue to be collected and analyzed to help inform public policy decisions.

- Resources should be devoted to identifying effective practices in ensuring victim safety and meeting the unique needs of stalking victims.

Because the primary responsibility for handling the vast majority of stalking and domestic violence cases rests with State, local and tribal jurisdictions, the Department of Justice encourages them to do the following:

- Develop multidisciplinary approaches to addressing domestic violence and stalking, with an emphasis on early intervention to ensure victim safety and promote offender accountability.

- Create domestic violence and stalking units in police departments and institute vertical prosecution to encourage consistency and coordination.

- Broaden statutes authorizing civil protection orders in domestic violence cases to include stalking victims and to consider amending their statutes to ensure that all stalking victims, regardless of their relationship with the alleged stalker, can obtain protection orders.

- Indicate through their funding decisions that combating stalking is a priority.

- Provide criminal justice officials with education and training on the complexities of domestic violence and stalking and appropriate case management.

- Devote resources to research efforts related to stalking and domestic violence, including studies of stalker behavior, motives, and relationships with victims, to provide guidance to criminal justice and social services practitioners in developing intervention strategies and ensuring victim safety.

- Establish a continuum of charges and tougher penalties to enable law enforcement agencies to intervene appropriately at various stages of a stalking case.

- Consider creating a felony stalking charge to address serious, persistent, and obsessive behavior that causes a victim to fear bodily injury or death.

- Implement policies and protocols that mandate police to investigate stalking cases and file a report even if there is insufficient evidence to arrest or charge the offender, because stalking is a repetitive behavior and, if needed, each police report will help build a future case against the stalker.

- Consider the risk posed by a stalker when considering sentencing and release options and conditions.

- Contemplate requiring convicted offenders to pay restitution to their victims or allowing victims to recover damages from the offenders through civil causes of action.

- Comply with the VAWA provision on full faith and credit, which provides that a civil protection order issued by the courts of one State or tribe be enforced fully by the other States and tribes provided due process requirements of the issuing State or tribe were met.

- Establish computerized registries for protection orders and use the FBI's NCIC Protection Order File, which will identify protection orders that prohibit the subject of the order from possessing a firearm.

- Examine their victim notification provisions and protocols to determine if they are adequate to meet the needs of domestic violence and stalking victims.

- Urge their law enforcement agencies to adopt formal departmental policies and procedures for handling stalking and domestic violence cases.

- Establish computerized tracking systems to enable law enforcement authorities to identify repeat offenders so that decisions are made based on complete information and to facilitate implementation of the full faith and credit provision of the VAWA.

- Enact legislation and establish procedures that encourage judges to consider an offender's criminal history when making decisions about pretrial release conditions, sentencing, and the issuance of protective orders.

- Review their privacy and freedom of information laws to determine if changes are needed to prevent information contained in public records from being used for illegal purposes.

- Explore the efficacy of new technology, such as the use of electronic monitoring devices on offenders, to further enhance victim safety.[100]

The Department of Justice is committed to continuing research and evaluation of its efforts to allow for informed public policy decisionmaking. It is not enough to simply pass laws, they must be carefully examined to ensure that they are affording meaningful protections to victims. In addition, the Department will continue to provide tools and resources to communities across the country to assist them in their efforts to stop violence against women. A coordinated community response, involving victim service providers, health care providers, police officers, prosecutors, judges, probation and parole officers, and others in the criminal justice system and in the larger community is critical to keeping victims of stalking and domestic violence safe and holding perpetrators accountable.

NOTES

[1] 18 U.S.C. Section 2261A (1996).

[2] Stalkers and batterers can be either men or women; however, for consistency in style, this report refers to stalkers and batterers as men and victims as women.

[3] Ellen F. Sohn, "Antistalking Statutes: Do They Actually Protect Victims?" *Criminal Law Bulletin* 30 (May–June 1994): 204–205.

[4] For a complete definition, see the National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States*, (Washington, DC: U.S. Department of Justice, National Institute of Justice, October 1993): 43–44.

[5] Anne L. Ganley, "Understanding Domestic Violence," in *Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers*, eds. Debbie Lee, Nancy Durborow and Patricia R. Salber; Family Violence Prevention Fund in collaboration with the Pennsylvania Coalition Against Domestic Violence (San Francisco, 1995), 18.

[6] Ibid.

[7] "Domestic Violence, Stalking, and Antistalking Legislation," Attorney General's First Annual Report to Congress under the Violence Against Women Act, *National Institute of Justice Research Report* (Washington, DC: U.S. Department of Justice, National Institute of Justice, April 1996), 5.

[8] Jeffrey Toobin, "Stalking in L.A.," *The New Yorker*, February 24 and March 3, 1997, 79. The author notes that at the Los Angeles Police Department's Threat Management Unit, celebrity stalking made up only 10 percent of the caseload.

[9] Barbara J. Hart, "The Legal Road to Freedom," in *Battering and Family Therapy: A Feminist Perspective*, eds. M. Hansen and M. Harway (Newbury Park, CA: Sage Publications, 1993), 2.

[10] Martha R. Mahoney, "Legal Images of Battered Women: Redefining the Issue of Separation," *Michigan Law Review* 90 (October 1991): 65.

[11] Senate Committee on the Judiciary, *Statement of Lt. John Lane (LAPD's TMU)*, 102d Cong., 2d Sess., (September 29, 1992), 71.

[12] Elizabeth A. Patton, "Stalking Laws: In Pursuit of a Remedy," *Rutgers Law Journal* 25 (Winter 1994): 468–469.

[13] See, for instance, the discussion on the differences of opinion among stalking experts in Los Angeles on what constitutes success in a stalking case in Jeffrey Toobin's article in *The New Yorker*. See note 8.

[14] The term "intimates" includes spouses, ex-spouses, boyfriends, ex-boyfriends, girlfriends, and ex-girlfriends.

[15] Ronet Bachman and Linda Saltzman, "Violence Against Women: Estimates from the Redesigned Survey," *Bureau of Justice Statistics Special Report* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, August 1995).

[16] The National Violence Against Women Survey was supported by NIJ under Grant No. 93-IJ-CX-0012.

[17] Diane Craven, "Female Victims of Violent Crime," *Bureau of Justice Statistics Selected Findings* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, December 1996). The primary sources for this report are the NCVS and the FBI's Uniform Crime Reporting (UCR) Program.

[18] Ibid., 2.

[19] "Crime in the United States," *1995 Uniform Crime Reports* (Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, October 13, 1996), 17. The report also revealed that 3 percent of the male victims were killed by their wives or girlfriends.

[20] Craven, "Female Victims of Violent Crime," 2.

[21] Bachman and Saltzman, "Violence Against Women," 1.

[22] By its nature, a telephone survey is limited to the population living in households with telephones. Approximately 94 percent of the American population lives in households with telephones.

[23] The participation rate for the surveys was calculated using the formula developed by the Council of Applied Survey Research Organizations, which divides the number of completed interviews, including those that are screened out as ineligible, by the total number of completed interviews, screened-out interviews, refusals, and terminated interviews. The respective figures are [(8,000 + 4,829)/(8,000 + 4,829 + 4,608 + 353)] for the female survey and [(8,000 + 8,828)/(8,000 + 48,828 + 7,552 + 62)] for the male survey.

[24] Donna Hunzeker, "Stalking Laws," *State Legislative Report*, vol. 17, no. 19 (Denver: National Conference of State Legislatures, October 1992), 1–6.

[25] Ibid.

[26] Ibid.

[27] National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States*.

[28] See, *e.g.*, Park Dietz and Daniell Martell, "Threatening and Otherwise Inappropriate Letters to Members of the United States Congress," *Journal of Forensic Sciences* 36(5) (1991); Ronald Holmes, "Stalking in America: Types and Methods of Criminal Stalkers," *Journal of Contemporary Criminal Justice* 9(4) (December 1993); M.A. Zona, *et al.*, "Comparative Study of Erotomanic and Obsessional Subjects in a Forensic Sample," *Journal of Forensic Sciences* 38(4) (July 1993); M. Rudden, *et al.*, "Diagnosis and Clinical Course of Erotomania and Other Delusional Patients," *American Journal of Psychiatry* 147(5) (1990): 625–628.

[29] Although testimony provided at a September 29, 1992, Senate Judiciary Committee hearing on S.B. 2922 (Violence Against Women) is generally cited as the source for these estimates, the figures first appeared in a *USA Today* article on stalking. (See Maria Puente, "Legislators Tackling the Terror of Stalking: But Some Experts Say Measures Are Vague," *USA Today*, July 21, 1992.) The statistics contained in the article were attributed to guesses provided by Dr. Park Dietz, a Los Angeles-based forensic psychiatrist, presumably on the basis of his research on a non-representative sample of known celebrity stalkers.

[30] Nancy K.D. Lemon, "Domestic Violence and Stalking: A Comment on the Model Anti-Stalking Code proposed by the National Institute of Justice," Battered Women's Justice Project Information Packet, p. 3, disputes this assertion, citing Susan E. Bernstein, "Living Under Siege: Do Stalking Laws Protect Domestic Violence Victims?," *Cardozo Law Review* 15 (October 1993) 525: 543–546. Lemon suggests that ". . .the statute actually has its roots in domestic violence." Lemon and Bernstein credit Orange County Municipal Court Judge John Watson for initiating the development and passage of California's stalking law when he became frustrated with the legal system's inability to protect four Orange County women who were killed despite having restraining orders issued against their assailants.

[31] Robert A. Guy, Jr., "The Nature and Constitutionality of Stalking Laws," *Vanderbilt Law Review* 46 (4) (May 1993): 992. Ellen Sohn, "Antistalking Statutes: Do They Actually Protect Victims?" *Criminal Law Bulletin* 30 (May–June 1994): 206, argues that the real catalyst for legal action by the States was the criminal justice system's inability to offer legal recourse to victims of stalking to protect themselves.

[32] Sentences for violations of this section include fines and imprisonment for any term of years or life if death to the victim results, for up to 20 years if permanent disfigurement or life-threatening bodily injury to the victim results, and for up to 10 years if serious bodily injury to the victim results or the offender uses a dangerous weapon in the commission of the offense; as provided for violation of Chapter 109A — Sexual Abuse, if the conduct would constitute sexual abuse (without regard to jurisdictional issues) under Chapter 109A, *e.g.*, up to life for aggravated sexual abuse, up to 20 years for sexual abuse, from fines to not more than 10 years for various forms of abusive sexual contact, and not more than 5 years in any other case.

[33] See Appendix A for State statutes and constitutional challenges.

[34] *Long* v. *State*, 931 S.W. 2d 285 (Tex. 1996).

[35] *State* v. *Orsello*, 554 N.W. 2d 70 (Minn. 1996) (interpreting the statute to require specific intent).

[36] General intent is defined by *Black's Law Dictionary* as "the intent to do that which the law prohibits. It is not necessary for the prosecution to prove that the defendant intended the precise harm or the precise result which eventuated." *Black's Law Dictionary* defines specific intent as accomplishing "the precise act which the law prohibits."

[37] Comments of Lt. John C. Lane, Section One, Los Angeles Police Department, during an expert panel meeting on stalking hosted by the Office of Justice Programs Violence Against Women Grants Office — funded S•T•O•P Violence Against Women Grants Technical Assistance Project, January 29–31, 1997, Washington, DC.

[38] Telephone interview with Det. Gregory S. Boles, Officer in Charge, Threat Management Unit, Los Angeles Police Department (March 21, 1997). Unless indicated otherwise, all subsequent comments attributed to Boles in this report were made during this telephone interview and all descriptions in this report of the LAPD's Threat Management Unit are based on this interview.

[39] Telephone interview with Det. Sgt. Mark A. Wynn, Domestic Violence Division, Nashville Metropolitan Police Department (April 2, 1997). Unless indicated otherwise, all comments attributed to Wynn in this report were made during this telephone interview and all descriptions in this report of the Nashville Metropolitan Police Department's response to stalking are based on this interview.

[40] Telephone interview with Det. Rande A. Christiansen, Domestic Violence Unit, Seattle Police Department (March 24, 1997). Unless indicated otherwise, all subsequent comments attributed to Christiansen in this report were made during this telephone interview and all descriptions in this report of the Seattle Police Department's response to stalking are based on this interview.

[41] Telephone interview with Sgt. Debra K. Kirby, domestic violence operations coordinator, Chicago Police Department (March 31, 1997). Unless indicated otherwise, all subsequent comments attributed to Sgt. Kirby in this report were made during this telephone interview and all descriptions in this report of the Chicago Police Department's response to stalking are based on this interview.

[42] Telephone interview with George E. Wattendorf, city prosecutor, Dover (NH) Police Department (March 17, 1997). Unless indicated otherwise, all comments attributed to Wattendorf in this report were made during this telephone interview and all descriptions in this report of the Dover Police Department's response to stalking are based on this interview.

[43] Telephone conversation with Anna Demacopoulos, deputy supervisor, Cook County District Attorney's Office (February 1997). Unless indicated otherwise, all subsequent comments attributed to Anna Demacopoulos in this report were made during this

telephone interview and all descriptions in this report of the Cook County District Attorney's Office's response to stalking are based on this conversation.

[44] Telephone interview with Jane L. Shade, supervising deputy district attorney, Family Violence Unit, Orange County District Attorney's Office (March 31, 1997). Unless indicated otherwise, all subsequent comments attributed to Shade in this report were made during this telephone interview and all descriptions in this report of the Orange County District Attorney's Office's response to stalking are based on this interview.

[45] Telephone interview with Rhonda B. Saunders, deputy district attorney, Los Angeles County District Attorney's Office (March 21, 1997). Unless indicated otherwise, all subsequent comments attributed to Rhonda Saunders in this report were made during this telephone interview and all descriptions in this report of the Los Angeles County District Attorney's Office's response to stalking are based on this interview.

[46] Comments made by Wynn during an expert panel meeting on stalking hosted by the Office of Justice Programs Violence Against Women Grants Office — funded S•T•O•P Violence Against Women Grants Technical Assistance Project, January 29–31, 1997, in Washington, DC.

[47] Ibid.

[48] Ibid.

[49] Ibid.

[50] Ibid.

[51] Unless indicated otherwise, the terms "protection orders," "protective orders," and "restraining orders" were used synonymously by those interviewed for this chapter and the next chapter of the report.

[52] Based on information provided by the Full Faith and Credit Training and Technical Project of the Pennsylvania Coalition Against Domestic Violence. The information is current as of December 1996. Since then, Iowa has established a protection order registry.

[53] George Lardner, Jr., *The Stalking of Kristin* (New York: Atlantic Monthly Press, 1996).

[54] Massachusetts Trial Court, Office of the Commissioner of Probation, *Project History of the Massachusetts Statewide Automated Restraining Order Registry* (July 1994), 4.

[55] Ibid., 14.

[56] Ibid.

[57] Telephone interview with Sue Landenwich, project coordinator, Full Faith and Credit Project, Kentucky Domestic Violence Association (April 23, 1997). Unless indicated otherwise, all subsequent comments attributed to Sue Landenwich in this report were made during this telephone interview.

[58] Telephone interview with Rhonda J. Martinson, staff attorney, Battered Women's Justice Project (March 31,1997). Unless indicated otherwise, all subsequent comments attributed to Martinson in this report were made during this telephone interview.

[59] Telephone interview with Nichell T. Bryant, public relations associate, Communications Division, Victim Services (March 21, 1997). Unless indicated otherwise, all subsequent descriptions of this program mentioned in this report were obtained during this telephone interview.

[60] Telephone interview with Donna C. Hogan, services coordinator for domestic violence and project director on stalking, Shelter for Abused Women (March 24, 1997). Unless indicated otherwise, all subsequent comments attributed to Hogan in this report were made during this telephone interview and all statements made in this report about the Shelter for Abused Women are based on this report.

[61] Sexual Assault Services, George Mason University, *Guidelines for the Stalking Victim*, 1997.

[62] Ibid.

[63] Telephone interview with Marcy Howe, AmeriCorps member and legal advocate, The Self Help Center (April 1, 1997).

[64] Delaware Statistical Analysis Center, *Domestic Violence in Delaware 1994: An Analysis of Victim to Offender Relationships with Special Focus on Stalking* (September 1996), 25.

[65] Ibid., 30.

[66] Telephone interview with John P. O'Connell, director, Delaware Statistical Analysis Center (April 2, 1997). Unless indicated otherwise, all subsequent comments attributed to O'Connell in this report were made during this telephone interview.

[67] Telephone interview with Steven R. Conlon, special agent in charge, Criminal Assessment Unit, Division of Criminal Investigation, Iowa Department of Public Safety (April 4, 1997).

[68] Massachusetts Trial Court, *Project History*, 14.

[69] Ibid.

[70] Ibid.

[71] "Developments in the Law: Legal Responses to Domestic Violence," *Harvard Law Review* 106 (May 1993).

[72] The Urban Institute, *The Violence Against Women Act of 1994* (Washington, DC: Urban Institute, 1996); M. Chaudhuri and K. Daly, "Do Restraining Orders Help? Battered Women's Experience with Male Violence and Legal Process," in E. Buzawa and C. Buzawa, eds. *Domestic Violence: The Changing Criminal Justice Response* (Westport, CT: Greenwood Press, 1991); P. Finn and S. Colson, "Civil Protection Orders: Legislation, Practice and Enforcement," *National Institute of Justice Issues and Practice* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, March 1990).

[73] On some factors that also might affect victims' perceptions of effectiveness of civil protection orders, the three jurisdictions are more alike than different. In each, petitioners can obtain an *ex parte* order of protection during business hours Monday through Friday, but there is no weekend or after-hours access to an emergency civil protection order. (In all three sites, criminal no-contact orders can be issued in cases where the perpetrator has been released from custody after an arrest.) In each site, police may arrest respondents without a warrant based on probable cause that the respondent violated the protection order. Violations can be prosecuted as a misdemeanor offense. Orders are also enforceable through contempt proceedings in the court.

[74] The District of Columbia has undergone significant change in the manner in which the court, law enforcement, and prosecution address domestic violence. The descriptions in this report reflect how the court and system operated at the time the study commenced, however. The system is in the beginning stages of an ambitious reform plan that includes two major components: the Domestic Violence Intake Center (DVIC) and a Domestic Violence Court. The DVIC provides victims of domestic violence a central location for obtaining information and assistance with issues relating to protection orders, child support and custody, divorce, and criminal prosecution. The Domestic Violence Court enables all domestic abuse issues to be heard on the same court calendar by judges who are trained in domestic violence issues. The judges have civil and criminal jurisdiction.

[75] See full report, Appendix III.1: Initial Interview Questionnaire (Delaware).

[76] See full report, Appendix III.2: Follow-up Interview Questionnaire (Delaware).

[77] The method of selecting participants for the study places some limitations on the strength of the conclusions that can be drawn from the study findings.

First, the participants were not randomly selected, which limits the extent to which we can say they are representative of other women who seek protection orders in the study sites. We also do not know what proportion of the women who were asked to participate declined. However, this proportion is likely not of any appreciable size because the recruiters reported that few women did not agree to participate. The participants' self-selection poses a second threat to the validity of the findings, because those women who were willing to participate may have some characteristics that distinguish them from other victims who might seek a protection order. Third, all of the participants had a telephone or access to one. This sets them apart from women with fewer resources and those who do not have a place where it is safe to have a telephone conversation, including most women who were staying in a shelter or other temporary residence. (Interviewers were able to speak with some women who were in transient situations.)

[78] In each of the three sites, women who filed petitions for protection orders were recruited in person for the study. Recruitment for the study began in July 1994 at staggered times across the sites as project staff visited each site and trained individuals to recruit women. In each of the sites, the recruiters explained the purpose of the study and what participation in it would entail. If the woman agreed to participate, the recruiters asked her to sign a consent form.

[79] See Appendix III.6, 6a, 6b, 6c of the full report for recruitment rates and reasons interviews were not completed for each site.

[80] The majority of participants with children reported that they did not experience any problems related to the children. However, in contrast to the whole group of participants, the proportion of participants with children who reported having any problems rose from 31 percent in the initial interviews to 42 percent in the follow-up interviews. This difference makes sense intuitively, because participants with children are more likely to be in situations where problems could occur, such as seeing the respondent upon the exchange of children for visitation. The two most frequently reported types of problems related to children were problems at exchange of children for visitation (3.9 percent, 2.1 percent) and threatening to keep the children (2.1 percent, 3.5 percent). No one reported that the respondent actually kept the children. Four participants in the first interview and one in the follow-up interview reported that the respondent did not return the children at the appointed time.

[81] To assess the nature of the abusive behavior experienced by the study participants, the project applied the categories of abusive behaviors used by the Urban Institute and the Association of Family and Conciliation Courts in an evaluation of the use of mediation in family mediation when domestic violence might be occurring between the parties. See, L. Newmark, A. Harrell, and P. Salem, *Domestic Violence and Empowerment in Custody and Visitation Cases: An Empirical Study on the Impact of Domestic Abuse* (Association of Family and Conciliation Courts, April 1994). These categories were distilled from the specific acts included in the Conflict Tactics Scale developed by Straus (M. Straus, "Measuring Family Conflict and Violence: The Conflict Tactics Scales," *Journal of Marriage and the Family* XLI(1979): 75–88.

[82] To examine relationships between the intensity of the abuse the participants experienced and other variables, an index of abuse intensity was created through factor analysis. The duration of abuse was highly correlated with more severe abuse and more frequent abuse. The score for the rotated factor matrix for the duration of abuse variable was 0.598, resulting in a factor score coefficient of .231.

[83] The sources of the criminal history records and their inclusiveness in regard to the sample of participants varied across the project sites. In Delaware, the Family Court provided statewide data on the respondents to all the orders issued to participants in the study. The Family Court could achieve this level of inclusiveness because its records include the names of the respondents. In Denver and the District of Columbia, project staff had to obtain the names of the respondents from the participants' case files. At each of these sites, project and court staff could not locate the files of all the participants and consequently could not obtain the names of all the respondents. In Denver, the Colorado Division of Criminal Justice provides statewide criminal histories. In the District of Columbia, project staff obtained criminal records from the automated system of the Superior Court. The criminal history records are not likely to be comprehensive. Because of the close proximity that the District of Columbia and Delaware have to neighboring jurisdictions (Northern Virginia and Maryland for the District of Columbia, and Maryland, Pennsylvania, and New Jersey for Delaware), the criminal records in these sites may significantly underrepresent the total amount of prior criminal activity for the respondents. In Denver, the arrest histories for respondents may be more representative of their actual prior arrest record because Denver is centrally located within a comparatively large statewide reporting jurisdiction.

[84] M. Schachere, "S•T•O•P Grants Training Conferences Highlight Successful Strategies," *National Bulletin on Domestic Violence Prevention* 1(6), (December 1995). The Quincy study focused in part on the effectiveness of a highly coordinated and accurate reporting system between the civil and criminal court systems. The comparatively high criminal arrest rates reported in the Quincy study may reflect the accuracy of that jurisdiction's reporting system rather than an abnormally higher violent crime rate relative to the other sites.

[85] These findings related to the respondents' criminal history suggest that the women not interviewed a second time may have had less positive feelings about themselves than did the women who were interviewed a second time. On the other hand, participants who obtained orders against respondents with an arrest record for violent crime tended to have higher scores on an index of subjective measures of effectiveness of protection orders. They also may have suffered repeated physical abuse, psychological abuse, or other violations of the protection order to a greater degree than the women participating in the follow-up interviews.

[86] See full report, Chapter IV, Table IV.8.

[87] Analysis of variance, F = 1.6271, $p = .0439$.

[88] Analysis of variance, F = 4.8820, $p = .0285$.

[89] The return rate for participants in Delaware differs considerably from Denver and the District of Columbia, primarily because the majority of participants in Delaware were recruited for the study when they appeared for the hearing on the permanent order.

[90] Participants in Denver also reported little use of the contempt process to enforce orders, but this is most likely because the policy of the city attorney is to vigorously prosecute violations of protection orders. The city attorney's domestic violence unit works closely with the police department to coordinate arrests, arraignments, and prosecution. They reportedly obtain a high proportion of guilty pleas because the prosecution efforts have been successful.

[91] The Violence Against Women Act of 1994, Public Law 103–322, Title IV, 108 Stat. 1902-55 §40221 (2265–2266).

[92] Section 2265 of the VAWA provides in pertinent part that a civil protection order issued by the courts of one State or tribe shall be accorded full faith and credit by the courts of another State or tribe and be enforced as if it were the

order of the court of the second State or tribe if the due process requirements of the issuing State or tribe were met.

[93] Martha R. Burt, *et al.*, *1997 Annual Report: Evaluation of the S•T•O•P Formula Grants to Combat Violence Against Women under the Violence Against Women Act of 1994* (Washington, DC: Urban Institute, March 1997). This report was supported by the National Institute of Justice under Grant No. 95-WT-NX-0005.

[94] Ibid., 35.

[95] Ibid., 43.

[96] National Criminal Justice Association, *Regional Seminar Series on Developing and Implementing Antistalking Codes*, (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, June 1996), 4.

[97] "Domestic Violence," Attorney General's Report to Congress, 4.

[98] National Criminal Justice Association, "Regional Seminar Series," 5.

[99] Katy Benson, "Stalking: Stopped in its Tracks," *Police* 18 (September 1994), 37; Vernon Geberth, "Stalkers," *Law and Order* 40 (October 1992): 138–143; and Harvey Wallace, "Stalkers, the Constitution, and Victims' Remedies," *Criminal Justice* 10 (Spring 1995): 53.

[100] Many of these recommendations are from the final report of the project to develop the model antistalking code for States, sponsored by the Department of Justice's National Institute of Justice in OJP and carried out by the NCJA, and from the regional seminars that were funded by OJP's BJA and conducted by the NCJA to assist States with the development and implementation of their antistalking statutes.

Appendix A

ANTISTALKING LEGISLATION UPDATE FOR STATES AND SELECTED TERRITORIES*

MARCH 1997

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Alabama	Ala. Code § 13 A-6-90 (1995) (enacted 1992)	Stalking	No new challenges		
	Ala. Code § 13 A-6-91 (1995) (enacted 1992)	Aggravated stalking			
	Ala. Code § 13 A-6-92 (1995) (enacted 1992)	Definitions			
	Ala. Code § 13 A-6-93	Relationship to other laws			
	Ala. Code § 13 A-6-94	Article construed to sustain confidentiality			
	Ala. Code § 13 A-11-8(a) (1995) (enacted 1977)	Harassment			
	Ala. Code § 13 A-11-8(b) (1995) (enacted 1978)	Harassing communications			
	Ala. Code § 13 A-6-23 (1995) (enacted 1977)	Menacing			
Alaska	Alaska Stat. § 11.41.260 (1995) (enacted 1993)	Stalking in the first degree	Petersen *v.* State, 1996 WL 727903 (Alaska Ct. App., Dec. 20, 1996)	Vagueness	Statute upheld
	Alaska Stat. § 11.41.270 (1995) (enacted 1993) Amended 1996	Stalking in the second degree			

*This appendix updates Appendix A of the Attorney General's First Annual Report to Congress, "Domestic Violence, Stalking, and Antistalking Legislation," *National Institute of Justice Research Report*, April 1996.

Source: U.S. Department of Justice, Office of Policy Development.

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Arizona	Arizona Rev. Stat. Ann. § 13-2921 (1995) (enacted 1992)	Harassment; clarification; definition	No challenges		
Arkansas	Ark. Code Ann. § 5-71-299 (Michie 1994) (enacted 1993)	Stalking	No challenges		
	Ark. Code Ann. § 5-13-301 (Michie 1994) (enacted 1975)	Terroristic threatening			
	Ark. Code Ann. § 5-71-208 (Michie 1994) (enacted 1975)	Harassment			
	Ark. Code Ann. § 5-71-209 (Michie 1994) (enacted 1975)	Harassment communications			
California	Cal. Penal Code § 646.9 (Deering 1995) (enacted 1990)	Stalking	People *v.* Tran, 54 Cal. Rptr. 2d 650 (Dist. Ct. App., 1996)	Vagueness	Statute upheld
			People *v.* McClelland, 49 Cal. Rptr. 2d 587 (Dist. Ct. App., 1996)	Vagueness	Statute upheld
			People *v.* Falck, 1997 WL 28655 (Dist. Ct. App., Jan. 27, 1997)	Vagueness and overbreadth	Statute upheld
	Cal. Penal Code § 422 (West 1996) (enacted 1988)	Elements of offense; punishment; "immediate family" defined			
	Cal. Civil Code § 1708.7 (West 1996) (enacted 1993)	Stalking; tort action; damages and equitable remedies			

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Colorado	Colo. Rev. Stat. §18-9-111 (1995)	Harassment — stalking	No new challenges		
Connecticut	Conn. Gen. Stat. § 53a-181-c (1994) (enacted 1992)	Stalking in the first degree			
	Conn. Gen. Stat. § 53a-181-d (1994) (enacted 1992)	Stalking in the second degree	Champagne v. Gintick, 871 F. Supp. 1527 (D. Conn. 194)	Overbreadth	Statute upheld
			State v. Marsala, 1997 WL 5806 (Conn. App. Ct., Jan. 14, 1997)	Vagueness	Statute upheld
Delaware	Del. Code Ann. tit. 11 § 1312 (1995)	Aggravated harassment			
	Del Code Ann. tit. 11 § 1312A (1995) (enacted 1992)	Stalking: Class F felony	Snowden *v.* State, 677 A.2d 33 (1996)	Vagueness and violation of right to travel	Statute upheld
	Amended, 1996: Del. Code Ann. title 11 §§ 1312, 1312A.				
District of Columbia	District of Columbia Code § 22-504 (b) (1994) (enacted 1992)	Stalking	United States *v.* Smith, 685 A.2d 380 (Del. Super. Ct. 1996)	Vagueness and overbreadth	Statute upheld
Florida	Fla. Stat. Ann. § 784.048 (West 1995) (enacted 1992)	Stalking; definitions; penalties	Williams *v.* State, 658 So. 2d 665 (Fla. Dist. Ct. App. 1995)	Vagueness and overbreadth	Statute upheld (citing Bouters v. State, 659 So. 2d 235 [Fla. 1995])
Georgia	Ga. Code Ann. § 16-5-90 (1995) (enacted 1993)	Stalking	No new challenges		
	Ga. Code Ann. § 16-5-91 (1995) (enacted 1993)	Aggravated stalking			

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Guam	9 Guam Code Ann. § 19.69 (1995, 1996)	Assault, reckless endangering, terrorizing	No challenges		
	9 Guam Code Ann. § 19.70 (1995, 1996)	Stalking			
Hawaii	Haw. Rev. Stat. § 711-1106 (1995) (enacted 1992)	Harassment	No challenges		
	Haw. Rev. Stat. § 711-1106.4 (1995) (enacted 1992)	Aggravated harassment by stalking			
	Haw. Rev. Stat. § 711-1106.5 (enacted 1992)	Harassment by stalking			
Idaho	Idaho Code § 18-7905 (1995) (enacted 1992)	Stalking; definitions; penalties	No challenges		
Illinois	Ill. Ann. Stat. Ch. 720, Para. 5/12-7.3 (Smith–Hurd 1995) (enacted 1992)	Stalking	People *v.* Cortez, 1996 WL 517692 (Ill. App. Ct., Sept. 12, 1996)	Vagueness and overbreadth	Statute upheld
	Ill. Ann. Stat. Ch. 720, Para. 5/12-7.4 (Smith–Hurd 1995) (enacted 1992)	Aggravated stalking	People v. Soto, 277 Ill. App. 3d 433, 660 N.E. 2d 990 (Ill. App. Ct., 1996)	Vagueness and overbreadth	Statute upheld

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Indiana	Ind. Code § 35-45-10-5 (1996) (enacted 1993)	Criminal stalking	No new challenges		
	Ind. Code § 35-45-10-1 (1996) (enacted 1993)	Stalking; defined			
	Ind. Code § 35-45-10-2 (1996) (enacted 1993)	Harassment; defined			
	Ind. Code § 35-45-10-3 (1996) (enacted 1993)	Impermissible contact; defined			
	Ind. Code § 35-45-10-4 (1996) (enacted 1993)	Victim; defined			
	Amended, 1996: Ind. Code § 35-45-10-5				
Iowa	Iowa Code § 708.11	Stalking	No challenges		
Kansas	Kan. Stat. Ann. § 21-3438 (Supp. 1995) (enacted 1992)	Stalking	No new challenges		
Kentucky	Ky. Rev. Stat. Ann. §§ 508.130-150 (Michie/Bobbs–Merill Supp. 1994) (enacted 1992)	Definitions; stalking in the first degree; stalking in the second degree	Poindexter *v.* Commonwealth, 1996 WL 547605 (Ky. Ct. App. Sept. 27 1996)	Vagueness and overbreadth	Statute upheld
Louisiana	La. Rev. Stat. Ann. § 14:402 (West Supp. 1995) (enacted 1992)	Stalking	No challenges		
Maine	Me. Rev. Stat. Ann. Tit. 17-A § 210, 210-A (1994) (effective 1976)	Terrorizing; stalking	No new challenges		

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Maryland	Md. Ann. Code Art. 27, § 121B (1995) (effective 1993)	Stalking	No challenges		
	Md. Ann. Code Art. 27, § 121A (1995) (effective 1995)	Harassment			
	Md. Ann. Code § 4-506 (1995) (effective 1984)	Protection orders			
	Md. Ann. Code Art. 27, § 594B (1995) (effective 1969)	Arrest without warrants generally			
	Md. Ann. Code Art. 27, § 616 1/2 (1995) (effective 1969)	Bail generally; special provisions in second and seventh circuits			
	Corrections: Md. Ann. Code 1957 Art. 27, § 121B (1995); Md. Code Ann., Fam. Law § 4-506 (1995)				
Massachusetts	Mass. Gen. L. Ch. 265 § 43 (1995) (effective 1992)	Stalking	No new challenges		
	Amended, 1996: Mass. Gen. L. Ch. 265 §43.				
Michigan	Mich. Stat. Ann. 28.643(8) (Callaghan 1993) Mich. Comp Laws Ann. § 750.411h (West 1993)	Stalking; definitions; violation; penalties; probation; term, conditions; evidence, rebuttable presumption; penalty additional			
	Mich. Stat. Ann. 28.643 (9) Mich. Comp. Laws Ann. § 750.411i (1993) (effective 1993)	Aggravated stalking; course of conduct; violation; penalties; probation; rebuttable presumption	People *v.* Coones, 550 N.W.2d 600 (1996)	Vagueness	Statute upheld

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
	Mich. Stat. Ann. 27A.2950 (1) Mich. Comp. Laws Ann. § 600.2950a (1993) (effective 1993)	Petition to restrain or enjoin stalking			
	Mich. Stat. Ann. 27A.2954, Mich. Comp. Laws Ann. § 600.2954 (1993) (effective 1993)	Civil action against stalker; damages; costs and attorney fees			
Minnesota	Minn. Stat. Ann. § 609.749 (1994) (effective 1992)	Harassment; stalking; penalties	State *v.* Orsello, 554 N.W.2d 70 (Minn. 1996)	Vagueness	Statute upheld
Mississippi	Miss. Code Ann. § 97-3-107 (1995) (effective 1992) Amended 1996.	Stalking			
Missouri	Mo. Ann. Stat. § 565.225 (Vernon Supp. 1996) (enacted 1993)	Crime of stalking	No challenges		
Montana	Mont. Code Ann. § 45-5-220 (Supp. 1993) (enacted 1992)	Stalking	No challenges		
Nebraska	Neb. Rev. Stat. § 28-311.02 to .05 (Supp. 1993)	Stalking	No challenges		

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Nevada	Nev. Rev. Stat. Ann. § 200.575 (Supp. 1995) (enacted 1993)	Stalking	No challenges		
New Hampshire	N.H. Rev. Stat. Ann § 633:3-a (Supp. 1995) (enacted 1993)	Stalking	No challenges*		
New Jersey	N.J. Stat. Ann. § C:12–10 (West 1995) (enacted 1993) Amended 1996, added § C-12–10.1 stalking conviction to operate as application for permanent restraining order	Stalking	No challenges		
New Mexico	N.M. Stat. Ann. § 30-3A3 (Michie Supp. 1993) (enacted 1993) Change statute cite to §§ 30-3A-1 to 30-3A-4. Correction: §§ 30-3A-1 to 30-3A-4	Stalking	No challenges		
New York	N.Y. Penal Law § 120.13 (McKinney Supp. 1994) (enacted 1993)	Menacing in the first degree	No challenges		
	N.Y. Penal Law § 120.14 (McKinney Supp. 1994) (enacted 1993)	Menacing in the second degree			
North Carolina	N.C. Gen. Stat. § 14-277.3 (Supp. 1994) (enacted 1993)	Stalking	No challenges		

*In State *v* Weeks, 681 A.2d 86 (N.H. 1996) the defendant challenged the statute on the grounds that it was vague and overbroad. The court, however, declined to address the constitutional issues.

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
North Dakota	N.D. Cent. Code § 12.1-17-07.1 (Supp. 1993) (enacted 1993)	Stalking	No challenges		
Ohio	Ohio Rev. Code Ann. § 2903.211–.215 (Anderson Supp. 1994) (enacted 1992)	Menacing by stalking	No new challenges		
Oklahoma	Okla. Stat Ann. Tit. 21, § 1173 (West Supp. 1996) (enacted 1992)	Stalking penalties	No new challenges		
Oregon	Or. Rev. Stat. § 163.730–.750 (1995) (enacted 1993)	Stalking	No new challenges		
Pennsylvania	18 Pa. Cons. Stat. Ann. § 2709 (Supp. 1995) (enacted 1993)	Harassment and stalking	No new challenges		
Rhode Island	R.I. Gen. Laws § 11-59-1 to -3 (Supp. 1994) (enacted 1992)	Stalking	State *v.* Fonseca, 670 A.2d 1237 (R.I. 1996)	Vagueness	Statute upheld
South Carolina	S.C. Code Ann. § 16-3-1070 (Law. Co-op 1993) (enacted 1992) Repealed: § 16-3-1070. New statute: §§ 16-3-1700 to 16-3-1840	Stalking	No challenges		

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
South Dakota	S.D. Codified Laws Ann. §§ 22-19A-1 to -7 (Supp. 1995) (§ 22-19A to -6 enacted 1992, §22-19A-7 enacted 1992)	Stalking as misdemeanor; violation of restraining order and subsequent convictions as felony; "harasses," "course of conduct," and "credible threat" defined; stalking a child as misdemeanor	No new challenges		
Tennessee	Tenn. Code Ann. § 39-17-315 (Supp. 1995) (enacted 1992)	Stalking	No new challenges		
	Tenn. Code Ann. § 36-3-606 (Supp. 1995)	Scope of protection order			
Texas	Tex. Penal Code Ann. § 42.071 (West Supp. 1996) (enacted 1995)	Stalking	Long *v.* State, 931 S.W.2d 285 (Tex. 1996)	Vagueness	Statute struck down
	Tex. Code Crim. Proc. Ann. Art. 17.46 (West Supp. 1996)	Conditions for release on bond for stalking defendant			
	Tex. Code Crim. Proc. Ann. Art. 42.18 (West Supp. 1996)	Conditions for release on probation for stalking defendant			
	Tex. Code Crim. Proc. Art. 56.11 (West Supp. 1996)	Conditions for release on parole for stalking defendant			
	Tex. Code Crim. Proc. Art. 56.11 (West Supp. 1996)	Notification to stalking victim			
	Amended, 1997: all stalking statutes were amended by S.B. 97.				

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
Utah	Utah Code Ann. § 76-5-1-6.5 (1995) (enacted 1992) Amended 1996.	Stalking	No challenges		
Vermont	Vt. Stat. Ann. tit. 13, §§ 1061-1063 (Supp. 1995) (enacted 1993)	Definitions; stalking; aggravated stalking	No challenges		
Virgin Islands	V.I. Code Ann. § 2071-2072 (1995)	Stalking	No challenges		
	V.I. Code Ann. § 91 (1995)	Remedies for domestic violence			
Virginia	Va. Code Ann. § 18.2-60.3 (Michie Supp. 1995) (effective 1992)	Stalking; penalty	No new challenges		
	Va. Code Ann. § 18.2-308.1:4 (enacted 1994)	Purchase or transportation of firearms by person subject to protective			
	New statutes in effect, July 1997 (same statute numbers, revised text)				
Washington	Wash. Rev. Code Ann. § 9A.46.110 (West Supp. 1995) (enacted 1992)	Stalking	State *v.* Lee, 917 P.2d 159 (Wash. Ct. App. 1996)	Vagueness	Statute upheld
	Wash. Rev. Code Ann. § 9.94A.155 (West Supp. 1995) (Stalking provision enacted 1993)	Prisoner escape, parole, release, placement, or furlough — notification procedures			

State	Legislation		Legal Challenges	Basis of Challenge	Outcome
West Virginia	W.Va. Code § 61-2-9a (Supp. 1995) (enacted 1992)	Stalking; penalties; definitions	No challenges		
Wisconsin	Wis. Stat. Ann. § 940.32 (Supp. 1995) (enacted 1993)	Stalking	No challenges		
Wyoming	Wyo. Stat. § 6-2-506 (Supp. 1995) (enacted 1993)	Stalking; penalty	No new challenges		
	Wyo. Stat. § 1-1-126 (Supp. 1995) (enacted 1993)	Civil liability			
	Wyo. Stat. §§ 7-3-506 to -511 (Supp. 1995) (enacted 1993)	Protection orders for stalking victims			

Appendix B
BIBLIOGRAPHY*

Bachman, R., and L. Saltzman. "Violence Against Women: Estimates from the Redesigned Survey." In *Bureau of Justice Statistics Special Report*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, August 1995 (NCJ 156348).

Baty, J. Alan. "Alabama's Stalking Statutes: Coming Out of the Shadows," *Alabama Law Review* 48 (Fall 1996): 229.

Bradburn, Wayne E. "Stalking Statutes: An Ineffective Legislative Remedy for Rectifying Perceived Problems with Today's Injunction System" *Ohio Northern University Law Review* 19 (1992): 271.

Beck, A. "Murderous Obsession." *Newsweek*, July 13, 1992, 60.

Benson, K. "Stalking Stopped in its Tracks." *Police* 18(9) (September 1994): 36–39,75.

Bernstein, S.E. "Living Under the Siege: Do Stalking Laws Protect Domestic Violence Victims?" *Cardoza Law Review* 15 (1993): 525–567.

Bjerregaard, B. "Stalking and the First Amendment: A Constitutional Analysis of State Stalking Laws." *Criminal Law Bulletin* 32(4) (July–August 1996): 307-341.

Brewster, M. "An Exploration of the Experiences and Needs of Former Intimate Stalking Victims." West Chester University, forthcoming 1998.

Bumiller, E. "The Sister Who Made Amends: Her Brother Killed a Woman. Now She's Fighting for Crime Victims." *Washington Post*, May 9, 1995, C-1.

Burt, M. "Violence Against Women Act of 1994: Evaluation of the STOP Block Grants to Combat Violence Against Women." Urban Institute, Grant No. 95-WT-NX-0005 (1996).

Buzawa, E.S., and C.G. Buzawa. *Domestic Violence: The Criminal Justice Response*. 2d ed. Thousand Oaks, CA: Sage Publications, 1996.

Carmody, C. "Deadly Mistakes." *ABA Journal* 80 (September 1994): 68–71.

Corrado, Michael Louis. "Criminal Law: Punishment and the Wild Beast of Prey: The Problem of Preventive Detention." *Northwestern School of Law Journal of Criminal Law & Criminology* 86 (Spring 1996): 778.

Craven, D. "Female Victims of Violent Crime," In *Bureau of Justice Statistics Special Findings*. (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 1996). NCJ 162602.

Crowley, Rebecca R. "Crimes Against the Person: Provide Two Additional Means by which Aggravated Stalking Statute May Be Violated." *Georgia State University Law Review* 12 (October 1995): 105

David, J. William. "Is Pennsylvania's Stalking Law Constitutional?" *University of Pittsburgh Law Review* 56 (1994): 205.

*This bibliography is not intended to be a definitive list of all available writings on stalking.

Davis, Martha F. and Susan J. Kraham. "Protecting Women's Welfare in the Face of Violence." *Fordham Urban Journal* 22 (Summer 1995): 1141.

DeWitt, Nicholas, Charles B. Ortner and Mark Yocca. "Representing Celebrity Stalking Victims." *Entertainment Law and Finance* 12 (July 1996): 1.

Diacovo, Nannette. "California's Anti-Stalking Statute: Deterrent or False Sense of Security." *Southwestern University Law Review* 24 (1995): 389.

Dietz, P.E., D.B. Matthews, D.A. Martell, T.M. Stewart, D.R. Hrouda, and J. Warren. "Threatening and Otherwise Inappropriate Letters to Hollywood Celebrities." *Journal of Forensic Sciences* 36(1) (January 1991): 185–209.

Dietz, P.E., D.B. Matthews, D.A. Martell, T.M. Stewart, D.R. Hrouda, and J. Warren. "Threatening and Otherwise Inappropriate Letters to Members of the United States Congress." *Journal of Forensic Sciences* (September 1991): 1445–1468.

English, K., S. Pullen, and L. Jones. "Managing Adult Sex Offenders in the Community—A Containment Approach." *Research in Brief*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, January 1997 (NCJ 163387).

Fein, R.A., B. Vossekuil, and G. Holden. "Threat Assessment: An Approach to Prevent Targeted Violence." *Research in Brief*. Washington, DC: U.S. Department of Justice, National Institute of Justice, September 1995 (NCJ 155000).

Flynn, Colleen P. "New Jersey Antistalking Law: Putting an End to a 'Fatal Attraction.'" *Seton Hall Legislative Journal* 18 (1993): 297.

Hankins, James L. "Criminal Anti-stalking Laws: Oklahoma Hops on the Legislative Bandwagon." *Oklahoma Law Review* 46 (Spring 1993): 109.

Harmon, Brenda K. "Illinois' Newly Amended Stalking Law: Are All the Problems Solved?" *Southern Illinois University Law Journal* 10 (1994): 165.

Harmon, R.B., R. Rosner, and H. Owens. "Obsessional Harassment and Erotomania in a Criminal Court Population." *Journal of Forensic Sciences* 40(2) (March 1995): 188–196.

Holmes, R.M. "Stalking in America: Types and Methods of Criminal Stalkers." *Journal of Contemporary Criminal Justice* 9(4) (December 1993): 317–327 (NCJ 147806).

Hunzeker, D. "Stalking Laws." *State Legislative Report* 17(19) (October 1992) (NCJ 148297).

Infante, C. "The New Stalking Law." *Arkansas Lawyer* 28 (Fall 1994): 30.

Karbarz, Suzanne L. "The First Amendment Implications of Antistalking Statutes." *Journal of Legislation* 21 (1995): 333.

Keilitz, S., P.L. Hannaford, and H.S. Efkeman. "Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence." Grant No. 93-IJ-CX-0035.

Killenbeck, Mark R. "And Then They Did . . .? Abusing Equity in the Name of Justice." *Arkansas Law Review* 44 (Spring 1991): 235.

Kolb, Tracy Vigness. "North Dakota's Stalking Law: Criminalizing the Crime Before the Crime." *North Dakota Law Review* 70 (1994): 159.

Kowalski, Sean K. "Michigan Stalking Law: Is it Constitutional?" *Michigan Bar Journal* 73 (1994): 926.

Krueger, Kathleen. "Panel Presentation on Stalking" *University of Toledo Law Review* 25 (Winter, 1995): 903.

Kurt, J.L. "Stalking as a Variant of Domestic Violence." *Bulletin of the American Academy of Psychiatry and the Law* 23(2) (1995): 219–230.

Langan, P.A., and J.M. Dawson. "Spouse Murder Defendants in Large Urban Counties." Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, September 1995 (NCJ 153256).

Lane, J. "Threat Management Fills Void in Police Services." *The Police Chief* 59 (8) (August 1992): 27.

Leong, G.B. "De Clerambault Syndrome (Erotomania) in the Criminal Justice System: Another Look at This Recurring Problem." *Journal of Forensic Sciences*, 39(2) (March 1994): 378–385.

Lewin, T. "New Laws Address Old Problem: The Terror of Stalker's Threats." *The New York Times*, February 8, 1993, A1.

Lindsey, M. *Terror of Batterer Stalking: A Guideline for Intervention*. Littleton, CO: Gylantic Publishing Company, 1993.

Loving, Bill. "DMV Secrecy: Stalking and Suppression of Speech Rights." *The Catholic University of America Commlaw Conspectus*, 4 (Summer 1996): 203.

McCann, Joseph T. "Obsessive Attachment and the Victimization of Children: Can Antistalking Legislation Provide Protection?" *Law and Psychology Review* 19 (Spring 1995): 93.

Meloy, J.R. "Stalking (Obsessional Following): A Review of Some Preliminary Studies." *Aggression and Violent Behavior* 1(2) (Summer 1996): 147–162.

Morin, K.S. "The Phenomenon of Stalking: Do Existing State Statutes Provide Adequate Protection?" *San Diego Justice Journal* 1(1) (Winter 1993): 123.

National Criminal Justice Association. *Regional Seminar Series on Implementing Antistalking Codes*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, June 1996 (NCJ 156836).

National Criminal Justice Association. *Project to Develop a Model Antistalking Code for States*, Washington, DC: U.S. Department of Justice, National Institute of Justice, October 1993 (NCJ 144477).

National Criminal Justice Association. "Three Courts Uphold Stalking Laws: Two States Clarify Statutory Language." *NCJA Justice Bulletin* 14(9) 1–2 (September 1994): 12–14 (NCJ 153487).

Nehilla, Thomas J. "Applying Stalking Statutes to Groups — A First Amendment Freedom of Speech Analysis." *Dickinson Law Review* 99, (Summer, 1995): 1071.

Patton, E.A. "Stalking Laws: In Pursuit of a Remedy." *Rutgers Law Journal* 25(2) (Winter 1994): 465–515.

Poling, Brant E. "Stalking: Is the Law Hiding in the Shadows of Constitutionality?" *Capitol University Law Review* 23 (1994): 279.

Puente, M. "Legislators Tackling the Terror of Stalking, But Some Experts Say Measures Are Vague." *USA Today*, July 21, 1992, A9.

Rosman, Jay B. "Survey of Florida Law: Domestic Violence: Recent Amendments to the Florida Statutes." *Nova Law Review* 20 (1995): 117.

Sneirson, Amy M. "No Place to Hide: Why State and Federal Enforcement of Stalking Laws May be the Best Way to Protect Abortion Providers." *Washington University Law Quarterly* 73 (1995): 635.

Sohn, E.F. "Antistalking Statutes: Do They Actually Protect Victims?" *Criminal Law Bulletin* 30(3) (May–June 1994): 203–241 (NCJ 148872).

Stearns, Heather M. "Stalking Stuffers: A Revolutionary Law to Keep Predators Behind Bars." *Santa Clara Law Review* 35 (1995): 1027.

Thomas, K.R. "How to Stop the Stalker: State Antistalking Laws." *Criminal Law Bulletin* 29(2) (March–April 1993): 124–136.

Thompson, T. "When Eager Lover Becomes the Relentless Stalker." *The Washington Post*, April 17, 1994, A1

Tjaden, P. "Violence and Threats of Violence Against Women in America." Center for Policy Research, Grant No. 93-IJ-CX-0012, forthcoming.

Tucker, J.T. "Stalking the Problems with Stalking Laws: The Effectiveness of Florida Statutes Section 784.048." *Florida Law Review* 45(4) (September 1993): 609–707 (NCJ 153837).

U.S. Congress. "Introduction and Consultation of S. 15." *Report on the Violence Against Women Act of 1991*. 102nd Cong. 1st Sess., October 29, 1991.

U.S. Congress. House Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary. *Crimes of Violence Motivated by Gender* Hearing. November 16, 1993.

U.S. Congress. Senate Committee on the Judiciary. *Antistalking Proposals: Hearings before the Committee on the Judiciary on Combating Stalking and Family Violence*. 103rd Cong. 1st Sess. March 17, 1993 (NCJ 148572).

U.S. Congress. Senate Committee on the Judiciary. *Antistalking Legislation, Hearing September 29, 1992, on S.2922, A Bill To Assist the States in the Enactment of Legislation to Address the Criminal Act of Stalking Other Persons*. 102nd Cong. 2nd Sess. September 29, 1992 (NCJ 148544).

Walker, J.M. "Antistalking Legislation: Does It Protect the Victim Without Violating the Rights of the Accused?" *Denver University Law Review* 71(1) (1993): 273.

Wallace, H., and K. Kelty. "Stalking and Restraining Orders: A Legal and Psychological Perspective." *Journal of Crime and Justice* 18(2) (1995): 99–111.

Walsh, Keirsten L. "Comment: Safe and Sound at Last? Federalized Anti-Stalking Legislation in the United States and Canada." *Dickinson Journal of International Law* 14 (Winter, 1996): 373.

Zona, M.A., K.K. Sharma, and J. Lane. "Comparative Study of Erotomanic and Obsessional Subjects in a Forensic Sample." *Journal of Forensic Sciences* 38(4) (April 1993): 894–903 (NCJ 145759).

Appendix C

LIST OF CONTACTS FOR STALKING–RELATED PROGRAMS, STRATEGIES, AND PROTOCOLS

Chicago Police Department
Contact: Sgt. Debra K. Kirby
Domestic Violence Operations Coordinator
Chicago Police Department
1121 South State Street, Room 105
Chicago, IL 60605
Tel.: (312) 747–5191
Fax: (312) 747–1642
Line officer–centered law enforcement case management, data collection

Cook County State's Attorney's Office
Contact: Ms. Anna Demacopoulos
Deputy Supervisor
Cook County State's Attorney's Office
First Municipal District
1340 Michigan Avenue, Room 400
Chicago, IL 60605
Tel.: (312) 341–2743
Fax: (312) 341–2806
Targeting of repeat abusers, vertical prosecution, data collection

Delaware Statistical Analysis Center
Contact: Mr. John P. O'Connell
Director
Delaware Statistical Analysis Center
60 The Plaza
Dover, DE 19901
Tel.: (302) 739–4846
Fax: (302) 739–4630
Data collection and analysis

Dover Police Department
Contact: Mr. George E. Wattendorf
City Prosecutor
Prosecution
City of Dover Police Department
46 Locust Street
Dover, NH 03820
Tel.: (603) 743–6140
Fax: (603) 743–6063
Electronic monitoring, counter stalker surveillance, vertical prosecution

George Mason University
Contact: Ms. Connie Kirkland
Sexual Assault Services Coordinator
George Mason University
MSN 2B2
4400 University Drive
Fairfax, VA 22030
Tel.: (703) 993–4364
Fax: (703) 993–3685
Campus stalking

Iowa Attorney General's Office
Contact: Ms. Roxann M. Ryan
Assistant Attorney General
Iowa Attorney General's Office
Hoover Building
Des Moines, IA 50318
Tel.: (515) 281–5473
Fax: (515) 281–4209
Prosecution strategies

and

Ms. Julie Fleming
Legislative Liaison
Iowa Attorney General's Office
Hoover Building
Des Moines, IA 50319
Tel.: (515) 242–6302
Fax: (515) 281–4209
Data collection

Iowa Department of Public Safety
Contact: Ms. Jan Visher
Training Officer
Criminal Justice Information System
Administrative Services Division
Iowa Department of Public Safety
502 East Ninth
Des Moines, IA 50319
Tel.: (515) 281–8409
Fax: (515) 281–4569
Statewide Automated Protective Order Registry

and

Contact: Mr. Steven R. Conlon
Special Agent in Charge
Criminal Assessment Unit
Division of Criminal Investigation
Iowa Department of Public Safety
502 East Ninth
Des Moines, IA 50319
Tel: (515) 281–5138
Fax: (515) 242–6297
Data collection

Kentucky Domestic Violence Association
Contact: Ms. Sue Landenwich
Project Coordinator
Full Faith and Credit Project
Kentucky Domestic Violence Association
P.O. Box 356
Frankfort, KY 40602
Tel: (502) 875–4132
Fax: (502) 875–4268
Statewide Automated Protection Order Registry

King County Prosecuting Attorney's Office
Contact: Victim Assistance Unit
King County Prosecuting Attorney's Office
King County Courthouse
516 Third Avenue
Seattle, WA 98104
Tel.: (206) 296–9547
Victim Safety Cellular Telephone Program

Los Angeles District Attorney's Office
Contact: Ms. Rhonda B. Saunders
Deputy District Attorney
Workers Compensation Fraud Unit
Los Angeles County District Attorney's Office
201 North Figueroa, First Floor
Los Angeles, CA 90012
Tel.: (213) 580–8798
Fax: (213) 580–3226
Prosecution strategies, training

Los Angeles Police Department
Contact: Lt. John C. Lane
Section One
Los Angeles Police Department
Detective Headquarters Division
150 North Los Angeles Street
Los Angeles, CA 90012
Tel.: (213) 893–8339
Fax: (213) 893–8564

or

Det. Gregory S. Boles
Officer in Charge
Threat Management Unit
Los Angeles Police Department
Detective Headquarters Division
150 North Los Angeles Street
Los Angeles, CA 90012
Tel.: (213) 893–8339
Fax: (213) 893–8564
Centralized law enforcement case management, threat assessment, training

Massachusetts Office of the Commissioner of Probation
Contact: Mr. William Hanrahan
First Deputy Commissioner
Office of the Commissioner of Probation
One Ashburton Place
Boston, MA 02108
Tel.: (617) 727–4991
Fax: (617) 727–5006
Statewide Automated Protective Order Registry

Nashville Metropolitan Police Department Domestic Violence Division
Contact: Det. Sgt. Mark A. Wynn
Domestic Violence Division
Nashville Metropolitan Police Department
60 Peabody Street
Nashville, TN 37210
Tel.: (615) 880–3000
Fax: (615) 880–3033
Law enforcement case development, counter stalker surveillance

New Hampshire Department of Safety, Division of State Police
Contact: Ms. Margaret Paveglio
Division of State Police
New Hampshire Department of Safety
10 Hazen Drive
Concord, NH 03305
Tel: (603) 271–2535
Statewide Automated Protective Order Registry

and

Contact: Major Frederick H. Booth
Commander
Support Services Bureau
Division of State Police
New Hampshire Department of Safety
10 Hazen Drive
Concord, NH 03305
Tel.: (603) 271–2151
Fax: (603) 271–1153

Orange County District Attorney's Office
Contact: Ms. Jane Shade
Supervising Deputy District Attorney
Orange County District Attorney's Office
700 Civic Center Drive, Room A–200
Santa Ana, CA 92701
Tel.: (714) 834–5179
Fax: (714) 834–5706
Prosecution case management, vertical prosecution, training

Seattle City Attorney's Office, Family Violence Project
Contact: Ms. Debbie Pope
Assistant to the Director
Seattle City Attorney's Domestic Violence Unit
710 Second Avenue
Suite 1414
Seattle, WA 98104
Tel.: (206) 684–7747
Fax: (206) 684–4648
Victim personal protection devices (panic button alarm)

Seattle Police Department
Contact: Det. Rande A. Christiansen
Domestic Violence Unit
Seattle Police Department
610 Third Avenue
Seattle, WA 98104
Tel.: (206) 615–0066
Fax: (206) 684–0727
Centralized law enforcement case management

Shelter for Abused Women
Contact: Ms. Donna C. Hogan
Services Coordinator for Domestic Violence and Project Director on Stalking
Shelter for Abused Women
P. O. Box 14
Winchester, VA 22604
Tel.: (540) 667–6466
Fax: (540) 667–0138
Victim safety services, stalking awareness education

The Self Help Center
Contact: Ms. Elizabeth Barron
Director
The Self Help Center
341 East E Street, Suite 135 A
Casper, WY 82601
Tel.: (307) 235–2814
Fax: (307) 472–4307
Campus stalking victim safety services, training, stalking awareness education

Victim Services, Stalking Unit
Contact: Ms. Mary Manning
Counselor
Stalking Unit
Victim Services
Queens Criminal Court
120–55 Queens Boulevard
Kew Gardens, NY 11415
Tel.: (718) 286–6730
Fax: (718) 286–6738
Centralized victim services, data collection

U.S. Department of Justice
Office of Justice Programs

For copies of this report, please contact:

National Criminal Justice Reference Service
Box 6000
Rockville, MD 20849-6000
(800) 851-3420
e-mail: askncjrs@ncjrs.org

Violence Against Women Grants Office
Office of Justice Programs
U.S. Department of Justice
Washington, DC 20531
Telephone: (202) 307–6026
Fax: (202) 305–2589
Homepage: http://www.ojp.usdoj.gov/VAWGO

You can view or obtain an electronic version of this document from the VAWGO homepage at the above address.

U.S. Department of Justice
Office of Justice Programs
Violence Against Women Grants Office

Washington, D.C. 20531

Official Business
Penalty for Private Use, $300

BULK CLASS MAIL
POSTAGE & FEE PAID
DOJ/OJP
Permit No. G-91