

**THE OFFICE ON VIOLENCE AGAINST
WOMEN'S GRANT FUNDS USED TO ADDRESS
STALKING: 2012 REPORT TO CONGRESS**

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Stalking Victimization in the United States

Stalking is a complex crime that is often missed, misunderstood, and underestimated. Results of the 2010 National Intimate Partner and Sexual Violence Survey (NISVS), released by the Centers for Disease Control and Prevention (CDC) in late 2011, found that, conservatively¹, 6.6 million people were stalked in a 12-month period and that 1 in 6 women and 1 in 19 men were stalked at some point in their lifetime. These numbers indicate that stalking is an issue for every community across the U.S.

The report noted that while anyone can be a victim of stalking, females were nearly three times more likely to be stalked than males, and that young adults had the highest rates of stalking victimization. More than one-half of female victims and one-third of male victims were stalked before the age of 25. Additionally, about 1 in 5 female victims and 1 in 14 male victims experienced stalking between the ages of 11 and 17.

For the overwhelming majority of victims, the stalker is someone known to them—an acquaintance, a family member, or most often, a current or former intimate partner. Sixty-six percent of female victims and 41 percent of male victims were stalked by a current or former intimate partner.

¹ In the NISVS report, the CDC based its estimate of stalking prevalence on a conservative definition of stalking, which required the victim to report having felt **very** fearful or concern that harm would come to the victim or someone close to him/her as a result of the perpetrator's behavior. But the study also reported stalking prevalence using a less conservative definition of stalking, which considers any amount of fear (i.e., a little fearful, somewhat fearful, or very fearful). Using that definition, the study found that 1 in 4 women and 1 in 13 men reported being a victim of stalking in their lifetime, with 6.5% and 2.0% of women and men, respectively, reporting stalking in the 12 months prior to taking the survey.

The report also confirmed what law enforcement, prosecutors, victim service providers, and other professionals have been hearing from victims for years—that most stalking cases involve some form of technology. More than three-quarters of victims reported having received unwanted phone calls, voice and text messages; and roughly one-third of victims were watched, followed, or tracked with a listening or other device. The findings underscore how critical it is that professionals who respond to and work with stalking victims understand the dynamics of stalking, particularly how stalkers use technology.

State Stalking Laws

Stalking is a crime in all states, the District of Columbia, U.S. territories, and under Federal law. States did not begin to pass stalking laws until the early 1990s, making stalking statutes young compared to other criminal statutes. California was the first state to criminalize stalking in 1990 after a string of high profile cases, including the attempted murder of actress Theresa Saldana. While stalking laws and definitions vary from state to state, stalking is generally defined as a course of conduct directed at a specific person that would cause a reasonable person to feel fear. However, jurisdictions define course of conduct differently. Many states define course of conduct as one or more intentional acts that evidence a continuity of purpose. Depending on the state, stalking is either a crime of general or specific intent. Stalking statutes often do not cover all behaviors that a stalker might employ, such as using surveillance technology. See Appendix A and B for criminal and civil stalking information by state.

Some states laws require that the defendant's course of conduct cause the victim actual fear. However, other states use a reasonable person standard to establish fear. Some jurisdictions utilize both actual fear and a reasonable person standard. In establishing fear, some states require the victim to feel terrorized, frightened, threatened or fear that the defendant intends to injure the victim, another person, or the property of the victim or of another person. Some states more broadly require the victim to fear for their safety or suffer emotional distress, whereas other jurisdictions require a higher standard of fear of serious bodily injury or death.

The classification of stalking varies widely by state. Thirteen states and the U.S. territory of Guam designate stalking as a felony upon first offense minus any aggravating factors. Thirty-six states and the District of Columbia designate stalking as a felony upon a second or subsequent offense and/or when aggravating factors are present (Stalking Resource Center, 2012).

Aggravating factors may include: possession of a deadly weapon, violation of a court order or condition of probation/parole, a victim who is under 16 years of age, or a history of reports involving the same victim. Maryland is the only state with a misdemeanor and no felony-level stalking offense.

Stalking laws have struggled to keep pace with rapid developments in technology. As the use of email, the Internet, global positioning systems (GPS), social media, and cell phones has expanded, so has their use by stalkers. The 2005 reauthorization of the Violence Against Women Act (VAWA) extended the Federal interstate stalking statute to include cyberstalking.² One third of states have incorporated the use of electronic communications into their stalking statutes; however, these statutes often do not include the full range of electronic stalking used by stalkers

² 18 U.S.C. §2261 A.

since the growth and popularity of new technologies outpace the laws (Stalking Resource Center, 2003).

While many states have laws that cover stalking through electronic communication, very few have expanded their laws to include other technologies such as surveillance, the use of GPS devices to follow victims, and videotaping. Six state legislatures,³ such as Washington,⁴ have enacted separate cyberstalking and cyberharassment laws in order to ensure other forms of electronic stalking are criminalized. These laws often include lengthy lists of tools, devices, and methods that stalkers may use. However, these states are in the minority. Most states⁵ incorporate other means of electronic stalking by amending their general anti-stalking statutes to include cyberstalking (Stalking Resource Center, 2003).

Capturing technologies beyond electronic communication can be difficult, particularly in states like Kansas, Louisiana, Massachusetts, and California. In California, the crime of stalking requires a “credible” threat in which the stalking conduct was “a combination of verbal, written, or electronically communicated statements and conduct.”⁶ While many state harassment and stalking laws cover this new field of “cyberstalking,” courts still struggle with determining what laws are applicable to stalkers who use various types of technology.

³ Illinois, Louisiana, Mississippi, North Carolina, Rhode Island and Washington.

⁴ Wash. Rev. Code Ann. §9.61.260 (West 2010).

⁵ Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. See the Stalking Resource Center’s website for updated information. Also see the National Conference of State Legislators’ website for updates.

⁶ Cal. Penal Code § 646.9 (Deering 2003).

Stalking laws have made tremendous strides over the past two decades. In order to protect victims of stalking and bring stalking perpetrators to justice, legislatures must continue to strengthen stalking laws and address the technological realities of our time.

Office on Violence Against Women Background

The Office on Violence Against Women (OVW), a component of the U.S. Department of Justice, provides national leadership in developing the nation's capacity to reduce violence against women through the implementation of VAWA. Created in 1995, OVW administers financial and technical assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking. Since its inception, OVW has awarded over \$5 billion in grants and cooperative agreements and launched a multifaceted approach to implementing VAWA. By forging state, local, and tribal partnerships among police, prosecutors, victim advocates, health care providers, and others, OVW grant programs help provide victims⁷ with the protection and services they need to pursue safe and healthy lives, while simultaneously enabling communities to hold offenders accountable for their crimes.

Currently, OVW administers 3 formula grant programs and 18 discretionary grant programs, which were established under VAWA and subsequent legislation. OVW grant funds are awarded

⁷ In most instances, this report's use of the term "victim" is also intended to include "survivor," as in "victim/survivor." Certain statutory wording, names of grant programs, and other terms of art refer only to "victim," and in those instances the original wording has not been changed. The word "victim" may also sometimes appear without "survivor" to avoid awkward wording or facilitate displays of data.

to a variety of recipients. Each discretionary program explicitly defines eligible recipients, which vary based on the program (e.g., states, tribal governments, city and county governments, universities, and private nonprofit organizations, including those serving victims/survivors). Grants are typically awarded for a period of 2 or 3 years, though grantees may apply for continuation funding. Formula grants are awarded annually to each state, the District of Columbia, and the U.S. territories through the Services, Training, Officers, and Prosecutors (STOP) Violence Against Women Formula Grant Program (STOP Program) and the Sexual Assault Services Program (SASP), with award amounts determined by population. The monies awarded to STOP Program and SASP Program grantees are then allocated to subgrantees in their respective jurisdictions.

The Violence Against Women Act of 2000 requires grantees and subgrantees to report on the effectiveness of activities carried out with grant funds, including the number of people served and the number of people seeking services who could not be served. To meet these congressional reporting requirements and those of the Government Performance and Results Act, OVW requires all discretionary program grantees to complete semi-annual progress reports (January 1 to June 30 and July 1 to December 31) and all formula grantees and subgrantees to complete annual progress reports (January 1 to December 31). Note that data presented in this report come from grantee progress reports for 2010.

Since 1995, OVW has provided funding to address the crime of stalking. The snapshot of stalking data that follows is generated from the STOP Program (January to December 2010 reporting period), the National Center for Victims of Crime Stalking Resource Center (January to

June 2010 reporting period), and the following discretionary grant programs (January to June 2010 and July to December 2010 reporting periods):

- Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program (Disabilities Program)
- Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program (Abuse in Later Life Program)
- Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Arrest Program)
- Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Culturally and Linguistically Specific Services Program)
- Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program (Campus Program)
- Legal Assistance for Victims Grant Program (LAV Program)
- Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Assistance Program (Rural Program)
- Services to Advocate for and Respond to Youth Grant Program (Youth Services Program)
- State Sexual Assault and Domestic Violence Coalitions Program (State Coalitions Program)
- Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program)
- Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault Program (Transitional Housing Program)
- Grants to Indian Tribal Governments Program (Tribal Governments Program)
- Tribal Domestic Violence and Sexual Assault Coalitions Grant Program (Tribal Coalitions Program)

- Technical Assistance Program (TA Program)

For more information on these and other OVW grant programs, please visit

<http://www.ovw.usdoj.gov/ovwgrantprograms.htm>.

OVW Discretionary Grantees Address the Crime of Stalking

During the January to June 2010 and July to December 2010 reporting periods,⁸ eleven OVW discretionary grant programs reported directing some percentage of grant funds to address the crime of stalking (see table 1).

Table 1. Number of Discretionary Grantees Directing Some Percentage of Grant Funds to Address Stalking

| Grant Program | January to June 2010 | July to December 2010 |
|---|-----------------------------|------------------------------|
| Arrest Program | 94 (50%) (n=187) | 112 (50%) (n=224) |
| Campus Program | 67 (96%) (n=70) | 81 (99%) (n=82) |
| Culturally and Linguistically Specific Services Program | 13 (33%) (n=40) | 30 (42%) (n=71) |
| Disabilities Program | 15 (43%) (n=35) | 18 (45%) (n=40) |
| Abuse in Later Life Program | 14 (45%) (n=31) | 23 (61%) (n=38) |
| LAV Program | 71 (59%) (n=120) | 91 (52%) (n=176) |
| Rural Program | 74 (58%) (n=127) | 109 (62%) (n=175) |

⁸ To avoid duplication, data is presented as two reporting periods as opposed to 1 full year.

| | | |
|-------------------------------|----------------------------|-----------------------------|
| Supervised Visitation Program | 41 (59%) (n=69) | 47 (57%) (n=83) |
| Transitional Housing Program | 28 (18%) (n=152) | 44 (22%) (n=196) |
| Tribal Governments Program | 92 (55%) (n=167) | 108 (56%) (n=192) |
| Youth Services Program | n/a* | 17 (77%) (n=22) |

Note: “n” is the number of discretionary grantees that submitted their semi-annual progress reports during the particular reporting period. The percentages shown are the percentages of grantees that directed at least 1 percent of their grant funds to address the crime of stalking. * The first awards in the Youth Services Program were granted and reported on during the July to December 2010 reporting period.

Victims/Survivors of Stalking

Many victims/survivors of stalking were provided services by discretionary grant programs during the 2010 reporting periods. Grantees reported serving 2,263 victims/survivors during the January to June 2010 reporting period, and 2,183 victims/survivors during the July to December 2010 reporting period. See table 2 for a breakdown by grant program.⁹

Table 2. Number of Stalking Victims/Survivors Served¹⁰

| Grant Program | January to June 2010 | July to December 2010 |
|---|-----------------------------|------------------------------|
| Arrest Program | 890 (n=140) | 721 (n=163) |
| Campus Program | 139 (n=46) | 119 (n=48) |
| Culturally and Linguistically Specific Services Program | 10 (n=33) | 17 (n=47) |
| Abuse in Later Life Program | 1 (n=2) | 6 (n=3) |
| LAV Program | 478 (n=119) | 588 (n=168) |

⁹ A victim/survivor may be served by more than one grant program. There is a small possibility this isn't an unduplicated count.

¹⁰ The number of victims/survivors served reported here includes those victims/survivors counted on the progress reports as “served” and “partially served.” The OVW progress reports define “victims/survivors served” as those who received the service(s) they requested, if those services were provided under the grant or subgrant; and “victims/survivors partially served” as those who received some, but not all, of the services they requested, if those services were provided under the grant or subgrant.

| | | |
|----------------------------|-----------------------|-----------------------|
| Rural Program | 607 (n=104) | 603 (n=127) |
| Tribal Governments Program | 138 (n=123) | 129 (n=152) |

Note: “n” is the number of grantees that reported using funds to provide victim services during that particular reporting period. These numbers do not reflect all victims/survivors of stalking served or partially served, because programs must report victims/survivors by their *primary victimization* only. For example, a victim who requests assistance with a protection order after being stalked by an estranged intimate partner with a history of controlling behavior toward the victim may be reported as a victim of domestic violence rather than a victim of stalking; the victim cannot be reported in both categories.

For the discretionary grant programs that reported serving victims/survivors of stalking, the victims served were most often a current or former spouse or intimate partner of the offender (55 percent and 58 percent, respectively). Thirty percent or more of the victims/survivors served were either an acquaintance or a current or former dating partner of the offender (see tables 3 and 4).

Table 3. January to June 2010: Number and Percent of Stalking Victims/Survivors’ Relationships to Offenders, by Grant Program

| Type of Relationship | Arrest Program (n=140) | Campus Program (n=46) | Culturally and Linguistically Specific Services Program (n=33) | Abuse in Later Life (n=2) | LAV Program (n=119) | Rural Program (n=104) | Tribal Governments Program (n=123) | Total Percent |
|--|---------------------------|--------------------------|---|------------------------------|------------------------|--------------------------|---------------------------------------|---------------|
| Current or former spouse or intimate partner | 414 (42%) | 46 (28%) | 12 (71%) | 0 (0%) | 828 (78%) | 332 (49%) | 112 (49%) | 55% |
| Other family or household member | 42 (4%) | 6 (4%) | 0 (0%) | 0 (0%) | 41 (4%) | 56 (8%) | 6 (3%) | 5% |
| Acquaintance | 230 (23%) | 42 (26%) | 2 (12%) | 1 (100%) | 89 (8%) | 150 (22%) | 29 (13%) | 17% |
| Current or former dating partner | 166 (17%) | 44 (27%) | 1 (6%) | 0 (0%) | 84 (8%) | 78 (11%) | 27 (12%) | 13% |

| | | | | | | | | |
|----------------------|------------|-------------|------------|-----------|--------------|------------|-------------|----|
| Stranger | 63 (6%) | 16 (10%) | 2 (12%) | 0 (0%) | 11 (1%) | 33 (5%) | 1 (0%) | 4% |
| Relationship unknown | 79 (8%) | 9 (6%) | 0 (0%) | 0 (0%) | 14 (1%) | 35 (5%) | 52 (23%) | 6% |
| Totals | 994 | 163 | 17 | 1 | 1,067 | 684 | 227 | |

Note: “n” is the number of grantees that reported using funds to provide victim services. Percentages were rounded to the closest whole number and may not equal 100 percent. A victim/survivor may have multiple stalking victimizations and/or offenders, so the number of relationships can be higher than the number of victims/survivors served.

Table 4. July to December 2010: Number and Percent of Stalking Victims/Survivors’ Relationships to Offenders, by Grant Program

| Type of Relationship | Arrest Program (n=163) | Campus Program (n=48) | Culturally and Linguistically Specific Services Program (n=47) | Abuse in Later Life (n=3) | LAV Program (n=168) | Rural Program (n=127) | Tribal Governments Program (n=152) | Total Percent |
|--|------------------------|-----------------------|--|---------------------------|---------------------|-----------------------|------------------------------------|---------------|
| Current or former spouse or intimate partner | 412 (46%) | 26 (20%) | 40 (82%) | 3 (50%) | 921 (74%) | 315 (48%) | 123 (64%) | 58% |
| Other family or household member | 36 (4%) | 3 (2%) | 3 (6%) | 0 (0%) | 56 (4%) | 45 (7%) | 11 (6%) | 5% |
| Acquaintance | 180 (20%) | 40 (31%) | 2 (4%) | 3 (50%) | 112 (9%) | 142 (22%) | 21 (11%) | 16% |
| Current or former dating partner | 192 (21%) | 39 (30%) | 1 (2%) | 0 (0%) | 111 (9%) | 97 (15%) | 22 (11%) | 15% |
| Stranger | 63 (7%) | 11 (9%) | 0 (0%) | 0 (0%) | 12 (1%) | 16 (2%) | 5 (3%) | 3% |
| Relationship unknown | 21 (2%) | 10 (8%) | 3 (6%) | 0 (0%) | 33 (3%) | 41 (6%) | 10 (5%) | 4% |
| Totals | 904 | 129 | 49 | 6 | 1,245 | 656 | 192 | |

Note: “n” is the number of grantees that reported using funds to provide victim services. Percentages were rounded to the closest whole number and may not equal 100 percent. A victim/survivor may have multiple stalking victimizations and/or offenders, so the number of relationships can be higher than the number of victims/survivors served.

Because the Supervised Visitation Program serves families involved in child custody and visitation, the program's semi-annual progress report identifies the number of families seeking and receiving services (as opposed to the number of victims/survivors seeking and receiving services which is the focus of other programs). Of the 2,430 families reported to have been served during the January to June 2010 reporting period, 461 families reported stalking issues (almost 20 percent). For 40 of those families, stalking was the primary reason for the referral to supervised visitation services. Similarly, during the July to December 2010 reporting period, of the 2,523 families reported to have been served by grantees, 415 reported stalking issues and stalking was the primary reason for the referral to supervised visitation services for 53 of those families.

Training on Stalking

Many OVW grantees provide training to professionals on sexual assault, dating violence, domestic violence, and stalking that enables them to improve their response to victims/survivors. In 2010, many discretionary grantees reported training professionals (e.g., attorneys, court personnel, advocacy organization personnel, law enforcement, mental health professionals, prosecutors) on stalking issues, focusing on stalking statutes and codes, dynamics, and services (see table 5).

Table 5. Number and Percentage of Discretionary Grantees Training on Stalking Topics, by Grant Program

| Grant Program | January to June 2010 | | July to December 2010 | |
|---|---|---------------------------------|---|---------------------------------|
| | Stalking overview, dynamics, and services | Stalking statutes/codes or laws | Stalking overview, dynamics, and services | Stalking statutes/codes or laws |
| Arrest Program | 66 (53%) (n=125) | 49 (39%) (n=125) | 73 (50%) (n=145) | 54 (37%) (n=145) |
| Campus Program | 49 (84%) (n=58) | 21 (36%) (n=58) | 51 (94%) (n=54) | 25 (46%) (n=54) |
| Culturally and Linguistically Specific Services Program | 4 (14%) (n=29) | n/a* | 7 (17%) (n=41) | n/a |
| Disabilities Program | 1 (9%) (n=11) | n/a | 6 (40%) (n=15) | n/a |
| LAV Program | 36 (44%) (n=82) | 40 (49%) (n=82) | 39 (36%) (n=107) | 41 (38%) (n=107) |
| Rural Program | 49 (49%) (n=99) | 30 (30%) (n=99) | 64 (55%) (n=116) | 24 (21%) (n=116) |
| State Coalitions Program | 29 (39%) (n=74) | 22 (30%) (n=74) | 35 (46%) (n=76) | 30 (39%) (n=76) |
| Supervised Visitation Program | 10 (20%) (n=49) | 5 (10%) (n=49) | 7 (12%) (n=60) | 6 (10%) (n=60) |
| Tribal Coalitions Program | 3 (38%) (n=8) | 1 (13%) (n=8) | 2 (25%) (n=8) | 1 (13%) (n=8) |
| Tribal Governments Program | 20 (42%) (n=48) | 9 (19%) (n=48) | 24 (36%) (n=66) | 9 (14%) (n=66) |
| TA Program | 21 (24%) (n=89) | 15 (17%) (n=89) | 25 (30%) (n=83) | 22 (27%) (n=83) |

Note: “n” is the number of discretionary grantees that reported using their funds to provide training during that particular reporting period.

n/a is used where the question does not appear on the progress reporting forms.

Stalking Education

Many OVW grantees¹¹ engage in educational activities that provide general information to increase public awareness of sexual assault, dating violence, domestic violence, or stalking. Of the 65 Campus Program grantees that provided education during the January to June 2010 reporting period, more than two-thirds addressed stalking prevention (69 percent), and more than three-fourths provided an overview of stalking dynamics and services (78 percent). During the same reporting period, more than half of the 99 Rural Program grantees that provided education addressed stalking, which included an overview of stalking dynamics and services (52 percent).

¹¹ The Campus, Culturally and Linguistically Specific Services, Disabilities, Rural, Tribal Coalitions, State Coalitions, and Tribal Governments Programs reported using funds for educational activities during this reporting period.

Criminal Justice Activities: Snapshot of the Arrest Program (January to June 2010)

Law Enforcement

Of the 187 Arrest Program grantees, 63 reported using grant funding for law enforcement activities (34 percent).¹² Of those, 33 grantees reported using funds for law enforcement activities related to stalking (52 percent). Arrest Program grantees reported responding to 1,152 stalking calls for assistance,¹³ of which 871 resulted in completed incident reports (73 percent) and 747 were investigated (92 percent of the incident reports). Arrests were made in 296 of the stalking cases/incidents investigated (42 percent).¹⁴

Prosecution

Twenty-seven percent of Arrest Program grantees reported using grant funding for prosecution activities (50 out of 187 grantees). Of those grantees, 60 percent reported stalking-related cases (30 grantees). For all stalking ordinance cases, misdemeanor stalking cases, and felony stalking cases reported by Arrest Program grantees during this reporting period, 50 percent, 54 percent, and 81 percent, respectively, resulted in convictions.¹⁵

¹² The Arrest Program collects and reports agency-wide data for all criminal justice activities.

¹³ These calls include all 911 and other calls made to law enforcement reporting on or requesting assistance in stalking incidents.

¹⁴ The percentages in this paragraph include only grantees that provided data for all of the listed activities. The assumption is that, in most instances, reported activities occurred in the same reporting period. This report does not include activities that occurred outside of the reporting period. For example, if a phone call for assistance was made at the end of a reporting period and the subsequent arrest was made in the beginning of the next reporting period, only one of those activities was included in this report.

¹⁵ Figures comprise all cases disposed of during this reporting period, including deferred adjudications. Percentages are rounded to the nearest whole number.

Protection Orders

Protection orders are court orders designed to protect victims/survivors from contact with their offender(s) during the term of the order.¹⁶ OVW grantees demonstrate a commitment to the enforcement of protection orders from other states and jurisdictions (including tribal jurisdictions). In the period January through June 2010, Arrest Program grantees reported assisting victims/survivors of stalking with obtaining 712 temporary and 227 final protection orders with the assistance of Arrest Program-funded law enforcement officers, victim service providers, and prosecutors (see table 6a). In the period January through June 2010, courts in Arrest Program-funded jurisdictions reported 54 temporary and 31 final protection orders granted specifically related to stalking (see table 6b).

Table 6a. Arrest Program: Assistance with Stalking Protection Orders (January to June 2010)

| Arrest Program-Funded Assistance Provider | Temporary Protection Orders Granted | Final Protection Orders Granted |
|---|-------------------------------------|---------------------------------|
| Law enforcement | 326 | 88 |
| Victim services | 370 | 126 |
| Prosecution | 16 | 13 |

Table 6b. Arrest Program: Stalking Protection Orders Granted by Courts in Arrest Program-funded Jurisdiction (January to June 2010)

| Granted by Court | Temporary Protection Orders Granted | Final Protection Orders Granted |
|------------------|-------------------------------------|---------------------------------|
| Courts | 54 | 31 |

¹⁶ Protection orders may also be referred to as protection from abuse orders, protection from harassment orders, anti-harassment orders, restraining orders, no-contact orders, or stay-away orders in a given jurisdiction; and may be criminal or civil. Temporary orders are generally issued *ex parte*, meaning without a court hearing, for a short period of time (e.g., 30 days), and final orders are issued for a longer period of time (e.g., 2 years) after a court hearing.

STOP Program Subgrantees Activities (January to December 2010)

In 2010, a total of 2,265 STOP Program subgrantees submitted annual progress reports. Of those, 984 subgrantees used some percentage of STOP Program funds to address stalking (43 percent),¹⁷ and 286 subgrantees addressed stalking as a STOP Program statutory purpose area (13 percent).¹⁸

Victims/Survivors of Stalking

STOP Program subgrantees served 10,105 victims/survivors of stalking during the reporting period.¹⁹ Forty-three percent were a current or former spouse or intimate partner of the offender, and 31 percent were either an acquaintance or a current or former dating partner of the offender (see table 7).

¹⁷ At least 1 percent was directed to address the crime of stalking.

¹⁸ These subgrantees may have also addressed domestic violence, dating violence, and sexual assault.

¹⁹ The total number of victims/survivors served reported here includes those victims/survivors counted on the progress reports as “served” and “partially served.” The OVW progress reports define “victims/survivors served” as those who received the service(s) they requested, if those services were provided under the grant or subgrant; and “victims/survivors partially served” as those who received some, but not all, of the services they requested, if those services were provided under the grant or subgrant. These numbers do not reflect all victims/survivors of stalking served or partially served, because programs must report victims/survivors by their *primary victimization* only. For example, a victim who requests assistance with a protection order after being stalked by an estranged intimate partner with a history of controlling behavior toward the victim may be reported as a victim of domestic violence rather than a victim of stalking; the victim cannot be reported in both categories.

Table 7. STOP Program: Number and Percent of Stalking Victims/Survivors' Relationship to Offenders²⁰ (January to December 2010)

| Type of Relationship | Number of Relationships Reported |
|--|---|
| Current or former spouse or intimate partner | 5,215 (43%) |
| Current or former dating relationship | 1,797 (15%) |
| Acquaintance | 1,953 (16%) |
| Relationship unknown | 1,907 (16%) |
| Other family or household member | 704 (6%) |
| Stranger | 674 (6%) |
| Total | 12,250 |

Training

More than one half of the STOP Program subgrantees that reported using funds for training professionals in 2010 offered training on stalking (492 subgrantees).²¹ Of those subgrantees, 343 trained professionals on stalking statutes and codes and 446 trained professionals on stalking overview, dynamics, and services.

²⁰ A victim/survivor may have multiple stalking victimizations and/or offenders, so the number of relationships can be higher than the number of victims served. Percentages were rounded to the nearest whole number and may not equal 100 percent.

²¹ A total of 954 STOP Program subgrantees used funds for training professionals in 2010.

Criminal Justice Activities

In 2010, 548 STOP Program subgrantees reported using funds for specialized units²² in law enforcement, prosecution, courts, and probation or parole. Of those subgrantees, 39 percent reported specialized prosecution units that addressed stalking (213 subgrantees), and 36 percent reported law enforcement units that addressed stalking (197 subgrantees).^{23, 24}

Law Enforcement

During the reporting period, 13 percent of the STOP Program subgrantees used grant funding for law enforcement activities (301 subgrantees). Law enforcement reported responding to 1,441 stalking calls for assistance, responding to 2,172 incidents of stalking, and investigating 1,508 cases/incidents. STOP Program subgrantees reported making 410 arrests related to stalking.²⁵

Prosecution

During the reporting period, 283 STOP Program subgrantees reported using grant funding for prosecution. Of the 2,726 stalking case referrals received, 70 percent were accepted for prosecution (1,918 cases).²⁶ For all stalking ordinance cases, misdemeanor stalking cases, and felony stalking cases reported by STOP Program subgrantees in 2010, 76 percent, 67 percent, and 86 percent, respectively, resulted in convictions.²⁷

²² A *specialized unit* is defined as a centralized or coordinated group, unit, or dedicated staff of police officers, prosecutors, probation officers, judges, or other court staff responsible for handling sexual assault, domestic violence, dating violence, and/or stalking cases.

²³ Often, stalking is combined with domestic violence or dating violence in cases handled by specialized units.

²⁴ Six percent of STOP Program subgrantees using funds for specialized units reported specialized courts that addressed stalking, and five percent reported probation or parole units that addressed stalking.

²⁵ STOP Program subgrantees only report activities funded by STOP Program funds. For example, if STOP Program funding was used to support a 911 dispatcher, detective, or patrol officer, only the activities engaged in by those personnel would be reported.

²⁶ Cases accepted, declined, or transferred in the current reporting period may have been received by prosecution in a previous reporting period.

²⁷ Numbers reflect all cases disposed of during the reporting period, including deferred adjudications. Percentages are rounded to the nearest whole number.

Protection Orders

In 2010, STOP Program subgrantees reported assisting victims/survivors of stalking with obtaining 4,358 temporary and 2,804 final protection orders with the assistance of STOP Program-funded law enforcement, victim services, and prosecution staff. STOP Program-funded courts reported granting 1,473 temporary and 301 final protection orders granted related specifically to stalking (see tables 8a and 8b).

Table 8a. STOP Program: Assistance with Stalking Protection Orders (January to December 2010)

| Assistance by Type of STOP Program-funded Staff | Temporary Protection Orders Granted | Final Protection Orders Granted |
|--|--|--|
| Law enforcement | 1,448 | 769 |
| Victim services | 2,620 | 1,843 |
| Prosecution | 290 | 192 |

Table 8b. STOP Program: Stalking Protection Orders Granted by STOP Program-funded Courts (January to December 2010)

| Granted by STOP Program-funded Courts | Temporary Protection Orders Granted | Final Protection Orders Granted |
|--|--|--|
| Court | 1,473 | 301 |

Technical Assistance to OVW Grantees

The National Center for Victims of Crime (NCVC) is the only OVW technical assistance provider that focuses exclusively on stalking issues. Since 1998, NCVC has used OVW grant funds to maintain the Stalking Resource Center (SRC), which works to raise national awareness of stalking and encourage the development and implementation of multidisciplinary responses to stalking in local communities across the country. As the only national training and technical assistance center focused solely on stalking, SRC has provided training to tens of thousands of victim service providers and criminal justice professionals throughout the United States and has fostered innovations in programs for stalking. SRC provides training on stalking dynamics, legal remedies, multidisciplinary efforts, practitioner-specific practices (e.g., safety planning, investigation, prosecution), and the use of technology to stalk. SRC also collects and distributes materials for practitioners such as case law digests and model protocols from jurisdictions throughout the country.

Between January and June 2010, SRC responded to 171 technical assistance and information requests on a variety of topics, including developing a model policy to address stalking on college and university campuses; developing a profession-specific guide on stalking for parole, probation, and corrections personnel; and National Stalking Awareness Month. SRC also provided 50 consultations and 9 referrals and responded to 112 requests for information.

During this same period, SRC provided 241 hours of training to 4,569 professionals. Training was provided through national conferences hosted by SRC and at events sponsored or hosted by grantees and other technical assistance providers, including the National Network to End

Domestic Violence. By conducting workshops at conferences throughout the country,²⁸ SRC increased opportunities to raise grantee and public awareness about stalking issues.

Reported Areas of Remaining Need

In 2010, STOP Program subgrantees reported a need for improved training of law enforcement, judges, and prosecutors, as well as a need for community education and awareness about the laws related to stalking crimes. Subgrantees mentioned the need for services that specifically address stalking, especially stalking not related to domestic violence. Other subgrantees cited the connection between stalking and other crimes, for example, stalking as an indicator of increased violence in cases of domestic violence. Subgrantees referred to the need for law enforcement and prosecutors to pursue and charge the crime of stalking. They also reported needing clear statutes under which offenders could be prosecuted for stalking. Many mentioned needing better law enforcement policies and procedures for investigating stalking offenses, and technology for keeping track of stalking offenders. Subgrantees expressed concern about the growing problem of cyberstalking and a need for training of service providers on how to help victims/survivors of this type of abuse. STOP Program subgrantees provided the following feedback about the remaining areas of need regarding stalking:

²⁸ During the reporting period of January-June, 2010, the Stalking Resource Center accepted requests to speak at 31 events sponsored by grantees, state coalitions, and other TA providers, presenting 42 workshops. The Stalking Resource Center presented at events including those hosted by EMERGE (MA), Praxis International (MN), the National Center on Protection Orders and Full Faith and Credit (VA), Tennessee Coalition Against Domestic and Sexual Violence, End Violence Against Women International (VA), Wyoming Coalition Against Domestic Violence and Sexual Assault, Illinois Coalition Against Sexual Assault, Connecticut Sexual Assault Crisis Services, Mississippi Coalition Against Domestic Violence, Mississippi Coalition Against Sexual Assault, and Oklahoma Coalition Against Domestic Violence and Sexual Assault.

While we do have a lot of support for domestic violence victims, the team does struggle with referrals for people who have been victims of stalking. If a stalking case is not domestic violence related, many victims don't want the stigma of seeking our services at the community domestic violence program. We are fortunate enough in Albany County to have the Albany County Crime Victim and Sexual Violence Center where all victims of crime can seek services. However, there is not one program that specializes in stalking... Most law enforcement agencies would rather charge aggravated harassment or criminal contempt instead of the complicated stalking laws.

--Albany County, Albany, NY

One area of remaining need for improving services is educating law enforcement on the elements of stalking and what this crime has the potential of being (ie., rape, homicide, physical assault). I don't think that it's an issue of avoidance on the LE's part, simply of not enough knowledge on the subject. We recently brought in a staff member from the National Stalking Resource Center to speak to our officers about this very issue. With the advances in technology growing at such a rapid pace, it's essential that LE be aware of what stalking now means and what they would have to do to assist a victim of this crime.

--Fairfax County Police Department, Fairfax, VA

Documentation of stalking behavior is rare. Without the "paper trail" victims aren't able to prove the need for a protective order. Victims don't acknowledge the stalking behavior as stalking, but rather as an extension of the domestic abuse. Law enforcement officers state to victims that the offender hasn't really broken a law yet and consequently often times, don't even write a report. Therefore, no documentation is available for prosecution to enable them to file charges.

--Office of the Attorney General, Oklahoma City, OK

While the Cumberland County Stalking Protocol has been distributed, the charge of stalking continues to be an over-looked charge for all Cumberland County Law Enforcement. It is believed that many of our domestic violence and harassment cases contain the stalking component but officers are not including it.

--Cumberland County, Carlisle, PA

The most significant need seen in Jefferson County is regarding stalking orders. Judges present as hesitant to issue permanent stalking orders because they are permanent. They may issue a temporary one and then set hearings 6 months out in order to reevaluate, but there has yet to be a permanent order put in place. Training for judges on stalking dynamics and the use of stalking orders would be very helpful. It's extremely difficult to get judges to attend trainings, so this continues to be a huge barrier.

--Saving Grace, Bend, OR

As a result of education and advocacy, victims have started to report "Stalking" crimes. There is an increase in reported marital cases and "Orders of Protection" among victims of sexual assault, HOWEVER, it still remains extremely difficult for the victim of stalking to obtain a "Restraining Order" from the local Magistrate. These victims are often re-victimized in their attempts to obtain these Orders. Magistrates and Court Personnel need to be well-trained in what constitutes the crimes of stalking and this training needs to be mandated legislatively. As always in the crimes of violence against women, the offender needs to be held accountable for

his crimes. These cases oftentimes are not given priority over other types of crimes by law enforcement and never get the attention they should have in order for justice to be served.

--Rape Crisis Center, Myrtle Beach, SC

Additional staff and resources are needed to focus on stalking cases that occur within the context of domestic violence. Stalking cases are unique in their complexity, duration, and level of threat. It is important to develop policies and procedures to coordinate parallel stalking investigations in multiple jurisdictions. It is also important to ensure that stalkers are prosecuted appropriately and that the dignity and safety of victims is always maintained.

--Orange County District Attorney's Office, Santa Ana, CA

With the increased popularity of social networks such as Facebook, and the trend to communicate via email and text messages, we are seeing more and more stalking and harassment AFTER the initial violent incident through these medium. Perpetrators are more able to broadcast the victims perceived wrongs, mistakes, and character flaws to hundreds of people at a time via the internet networks. Victims are being further victimized by their abusers through these avenues, yet there is often very little that can be done to stop the harassment.

--City of Orem Victim Assistance, Orem, UT

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