

Stalking

Information and Resource Packet

CEASE

Campus Education Awareness Support, and Effect
SUNY Fredonia Violence Prevention Project
www.fredonia.edu/cease • (716)673.3424

Dear Reader,

This information packet was created by CEASE, the Violence Prevention – Victim Services program, of the SUNY Fredonia Counseling Center. The CEASE program provides free and confidential intervention and advocacy assistance to students who are experiencing interpersonal violence (sexual assault, dating/domestic violence, and stalking). The CEASE program is located in LoGrasso Hall and be reached at 716.673.3424 or on the web at www.fredonia.edu/cease.

This resource packet was created for several reasons: First, we hope and believe that information and education will help survivors to reach a healthy recovery. Second, we hope that people concerned about a survivor can learn to be an excellent support person by understanding more about the issue affecting their loved one. And finally, we believe the information can be helpful to those reading it for educational purposes because it deals with an issue that is important to them.

If you are a survivor of violence, you may find some comfort in the following pages. You may also read some things that are upsetting. Please remember that the Counseling Center and the CEASE Program are available to you; please call **673-3424** to make an appointment. If you need assistance after hours The Anew Center (Salvation Army) of Jamestown has a 24 hour rape crisis/domestic violence hotline: **1-800-252-8748**.

All of the statistics and facts in this packet are followed by their source. The information in this packet is updated on an annual basis, but please confirm any information contained herein if you are concerned about its source or its accuracy. This packet was created for informational purposes only and should not be taken as legal advice.

Readers will notice that the female pronoun “she” is used to refer to the survivor of violence in the following pages. This usage is reflective of statistics and our practice which have shown that on a college campus, the victims of sexual assault, relationship violence and stalking are overwhelmingly female. We have therefore chosen to avoid the cumbersome use of he/she, him/her, and his/hers. This does not mean that males are not victimized by these crimes, they are, but not in nearly the numbers that females are. Please note that we have devoted some sections of various information packets entirely to male survivors and we welcome male survivors to access our services.

We hope that all readers of this information packet find it helpful and we welcome comments on its content sent to: julie.bezek@fredonia.edu

Sincerely,

Julie Bezek
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Counseling Center

What is Stalking?

Stalking is unwanted pursuit or harassment that causes fear. There are many different behaviors that can be called stalking, but they all share a common feature: they involve unwanted actions which threaten and/or cause fear in the victim. Although we most often read about strangers stalking celebrities, the majority of stalkers know their victim. New ways of stalking emerge frequently, and different behaviors can be threatening or cause fear to different individuals. No list can encompass all stalking behaviors, but stalking often includes the following:

- Following you or surveillance
- Inappropriate approaches and confrontations
- Appearing at a place of residence or work
- Unwanted telephone calls, including hang-ups
- Threats
- Threats to family and friends
- Unwanted emails and/or letters
- Unwanted or threatening gifts, letters, or cards
- Unwanted text messages, pages, and/or instant messages
- Damage to property
- Physical assault/Sexual Assault
- Unwanted messages on group network sites such as myspace or facebook

Warning Signs

There is no single list of warning signs that will tell you if you are a survivor. You are the best judge of your situation. If you are in a relationship that is concerning you or are feeling threatened by someone you know, the following are some warning signs to watch out for in this person.

- Frequent loss of temper
- Abuse of alcohol/other drugs
- Jealousy
- Expects you to spend all of your time with him/her or inform him/her of your whereabouts
- Following you
- Threats
- Physical or verbal abuse
- Damage or destruction to your property

Harassment and Stalking in New York

Below we have provided an abridged version of New York State laws regarding stalking and harassment. This document should not be used as legal advice, since many factors can determine specific stalking charges. We strongly encourage stalking victims to contact the CEASE Office or law enforcement for specific information on NYS stalking codes.

Stalking: Penal Codes § 120.45, 120.50, 120.55, 120.60.

Stalking charges can range from the fourth degree (misdemeanor) to first degree (felony).

A person is guilty of stalking when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. Cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted.
2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
3. Cause a person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.
4. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family.
5. Displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic stun gun, dangerous knife, , razor, imitation pistol, dangerous instrument, deadly instrument or other deadly weapon.
6. Intentionally or recklessly causes physical injury to the victim.

Harassment and Aggravated Harassment: Penal Codes § 240.25, 240.26, 240.30, 240.31

Harassment and Aggravated Harassment charges can range from a misdemeanor to a felony.

A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury.

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:

1. Either
 - (a) communicates with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or
 - (b) causes a communication to be initiated by mechanical or electronic means or otherwise with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or
2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or
3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or
4. Commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years.

Stalking and the Internet

The internet can be one additional tool that stalkers use to access, and then target the person he is stalking. This type of harassment is often referred to as CyberStalking. Stalkers who use the internet can be just as dangerous as those who stalk someone in other ways. Many stalkers will use the internet to harass someone when they are unwilling or unable to confront their victims face to face.

Examples of CyberStalking behaviors:

- Using E-mail to send harassing messages
- Using live chat rooms or instant messaging to send harassing or threatening messages
- Using the victim's code name and/or e-mail to post messages on message boards or guest books
- Sending viruses
- Electronic identity theft
- Creating websites targeted at the victim; asking others to solicit material
- Sending harassing messages through online blogs such as Facebook or Myspace

If You Are Being Stalked Online:

- **STATE CLEARLY ONCE** – and only once (since even negative attention can encourage stalkers) – that you do not wish to receive any further communication. Don't respond at all if the email is from a stranger; when you reply, you are verifying your email address to the sender.

- **SAVE ALL COMMUNICATION** as evidence if the harassment persists. Print out the messages and also save them on your hard drive or Zip disk. Make sure that copies of email contain full headers – the information at the top of the communication that may look like gibberish, but contains vital data that help track the source of an email. (For more about this, visit www.haltabuse.org.)

- **FILE A COMPLAINT** with the administrator of the harasser's Internet service provider (ISP). You can do this at most sites by typing in `postmaster@` (name of Internet service provider).

- **CONTACT THE AUTHORITIES.** The CEASE Office can assist you in filing a police report and explain the process in more detail. You may also pursue a Harassment Order against the cyberstalker for sending repeated electronic messages; however, you must have the perpetrator's full name to file an order.

Risk Reduction Tips:

**Note: Many stalkers were friends or in a relationship with their victims, so these tips are not a guarantee, but they can reduce the risk of SOME types of stalking.*

- When setting up an email account at home, select an address or screen name that is gender-neutral, if applicable. Then, send yourself an email to check your “signature,” the information that appears at the bottom of each message you send. Remove any personal information, such as your address or phone number.

- Use caution when setting up online website accounts on sites such as Facebook or Myspace. You can limit who has access to your personal information on these websites. Be aware of who you are allowing access to your personal information. A good general rule is not to post any information online that you wouldn't give to a stranger on the street.

- Consider setting up two separate email accounts. Establish a primary address that you give only to family and friends. For all other online activity, such as shopping and communicating in newsgroups or chat rooms, use a free account with a user name that is nothing more than a series of numbers or letters. These accounts are available through such services as Hotmail or Yahoo.

- Once a month, type your name into Internet search engines to see what information, if any, pops up. One suggestion is to start your spot checks at www.metacrawler.com because it accesses multiple search engines. Regular spot-checking is one of the most important acts you can take to protect yourself, says Trudy Gregorie of the National Center for Victims of Crime. If you are listed in the phone book, it's likely your name, address and phone number will appear in the directories of such search engines as Yahoo. To have your name removed from directories; contact each search engine on which you are listed.

Adapted from “Protecting yourself on the Internet” from the Stalking Resource Center

What You Can Do If You Are Being Stalked

Documentation

By documenting stalking activity, you can help your advocate understand the specifics of your situation and/ or help law enforcement build a stronger case and better assist you.

Keep two log journals:

- A log of all factual information. Include dates, times, locations, any exact words that you can remember. Include any witnesses, where it was witnessed, and witness contact information if you can obtain it.
- A journal of how the behaviors made you feel. For example, uncomfortable, scared, fearful, etc.

Keep voicemail recordings or answering machine tapes that include unwanted, threatening or inappropriate messages. Keep any emails, letters, notes, other writings and any objects or gifts sent to you. It is important to save all evidence, no matter how inconsequential it seems. Attached at the end of the packet you will find stalking incident logs to help you document contacts by the stalker.

Restraining Orders

In some cases restraining orders can discourage the stalking behavior. Restraining orders also assist law enforcement in building the strongest possible case. Restraining orders should be obtained as part of an overall safety plan. For some stalkers, court intervention in the form of a restraining order can escalate the situation and the violence. You need to make the decision that is best for you. A restraining order directs the offender not to approach or contact you. The CEASE Office can provide you with information and assistance in obtaining a restraining order.

Safety Planning

There are no easy answers to ensure safety. It is important to come up with a plan to utilize if you are in crisis. It is helpful to review these plans often and with loved ones. The CEASE Office can help you develop a safety plan that fits your needs. The following are several suggestions to think about.

- Inform trusted neighbors (RDs/RAs in the dorms) or roommates of the situation and provide them with photos or descriptions of the offender and his or her car
- Plan escape routes from your home
- Keep a cell phone with you at all times
- Install solid core doors with dead bolt locks
- Change the keys to all your locks and always account for each key
- Make sure all windows can be secured and locked
- Install adequate outside lighting
- Use an unlisted phone number
- Be selective in giving out your phone number
- Vary your normal travel routes
- Have roommates screen calls and visitors
- If you work on campus, inform your campus employer and campus security
- If you have a restraining order, keep it with you at all times

You may also want to consider the following:

- Can you vary your schedule?

- Can you relocate to another office at your workplace?
- Are there any times that you are left alone in your workplace?
- Are there individuals at your workplace who know personal information (social security number, addresses, etc.)? Have these individuals been warned about your circumstances?
- Do you have secure parking?

Here are some helpful rules to share with co-workers, friends, and relatives:

- NEVER give out any information about the survivor to ANYONE. No matter how urgent the story sounds.
- Do not discuss the survivor with the stalker. Adopt a phrase such as “I am not going to discuss this with you” to redirect conversation.
- Stay firm, calm, and cool. Any emotional response may be interpreted as a weak point and the stalker may persist.
- If you make a threat, follow through with it. Do not say that you are going to call the police and then not do it. Let the stalker know that you are serious.

Identifying Potential Sources of Information:

Stalkers will often use many sources of information to gain access to their victim. This list is not comprehensive.

- Co-workers
- Classmates
- Friends
- Relatives
- DMV
- City utilities
- The post office
- Phone companies
- Internet searches
- Human resource departments at workplaces
- Banks
- Credit card companies

Despite the confidentiality that many of the above listed sources claim to provide, through clever lying and manipulation, stalkers are able to access private information.

Police Reports

Filing a police report does not automatically mean that the perpetrator will be arrested. It often takes several police reports in conjunction with other legal action, such as a restraining order, to result in a criminal investigation. Filing a police report can help create a record of the stalking. The CEASE Office can provide you with more information about this option and assist you in filing a report.

No-Contact Statements

Any contact with the stalker could be potentially dangerous. No contact statements are best if used early on in the stalking. For legal support in the future, it is important that the survivor clearly

instruct the stalker to stay away and stop all contact. It is important that this is only stated one time. The stalker may consider any additional contact a reason to hope and persist in pursuit. This can be difficult for survivors because the stalker often has intimate knowledge of the survivor and will use it to push buttons and manipulate the victim into responding. A no contact statement is best if it is in writing, but verbal is useful as well. There are several examples of no contact statements written below.

• I am not interested in having a relationship with you. Do not continue to call, stop by, or have any contact with me whatsoever.

• I want you to stop trying to contact me. If I discover that you have followed me, been on my property, or called my work or home, I will call the police and file stalking charges.

• I am ending our relationship. Do not make any attempt to try and renew it. I will not change my mind. I do not wish to have any contact with you now or in the future. If you try to contact me, I will take legal action against you.

• I will no longer tolerate this harassment. If you try to contact me in any shape or form, I will call the police.

Some of the above was taken from the Los Angeles County District Attorney's Office anti-stalking campaign, "love me not." And from *Stalking: A Handbook for Victims* by Emily Spence-Diehl, Learning Publications, INC. 1999

Common Feelings of Survivors:

- Uncomfortable
- Confused
- Not wanting to be contacted by the perpetrator
- Frightened
- Angry
- Frustrated
- Exhausted
- Powerless
- Intimidated
- Lack of Control

Some things that Survivors of Stalking May Need

- End the Stalking behavior
- Talk to an advocate or counselor
- Obtain Safe Shelter
- Feel Safe Again
- Regain control of their life
- Support from family and friends
- Help making a police report
- Help obtaining a restraining order

Myths and Facts about Stalking

Information taken from the Stalking Resource Center, part of the National Center for Victims of Crime

Myth: Only Celebrities are stalked.

Fact: 1.4 million people are stalked every year in the United States. We may hear more about celebrity stalking cases in the media, but the vast majority of stalking survivors are ordinary citizens.

Myth: If you ignore stalking, it will go away.

Fact: Stalkers seldom “just stop.” In fact, behaviors can turn more and more violent as time goes on. Survivors should seek help from advocates, law enforcement, and the courts to intervene to stop the stalking.

Myth: Stalking is creepy but not dangerous.

Fact: Stalking is creepy *and* dangerous. Three out of four women who were murdered by an intimate partner had been previously stalked by the killer.

Myth: Stalking is annoying but not illegal.

Fact: Stalking is a crime under the laws of all 50 states, the District of Columbia, and the federal government.

Myth: You can't be stalked by someone you are still dating.

Fact: If your current partner tracks your every move or follows you around in a way that causes you fear, that is stalking.

Myth: Modern surveillance technology is too expensive and confusing for most stalkers to use.

Fact: Stalkers can buy surveillance software and hardware for as little as \$30 and can easily track their victim's every move on a computer.

Myth: If you confront the stalker, he'll go away.

Fact: Stalkers can be unreasonable and unpredictable. Confronting or trying to reason with a stalker can be dangerous.

Stalking Statistics

- 80.3% of campus stalking survivor's knew their stalkers.¹
- 13.1% of college women were stalked during a single six to nine month period.¹
- 3 in 10 college women reported emotional or psychological injury as a result of staking episodes.¹
- 1 in 12 women and 1 in 45 men will be stalked in their lifetime.²
- The Average duration of stalking is 1.8 years. If the staking involves intimate partners, the average duration of stalking increases to 2.2 years.²
- 28% of female survivors and 10% of male survivors obtained a protective order. 69% of female survivors and 81% of male survivors had the protection order violated.²

¹ Fisher, Cullen, and Turner. (2000). “The Sexual Victimization of College Women,” NIJ/BJS

² Tajaden & Thoennes. (1998). “Stalking in America,” NIJ

Stalking Incident Log

Full and accurate documentation of what has been happening to you is the most important part of any investigation. Please fill out this log completely. Save any items, messages or writings you have received from the suspect. Feel free to copy additional pages as necessary.

STALKER INFORMATION

First Name

Last Name

MI

Sex

Race

Date of Birth

Height

Weight

Eyes

Hair

Home and/or school address

Phone number (s) (land lines and cell phone)

Work address and phone number

Email Address, Screen Names or other online alias

Vehicle Description (make model, color, license plate #)

INCIDENT

Date

Time

Location

Witness(es) Name, Address, Telephone

Law Enforcement Agency (If involved in the incident)

Report No.

Description of Incident: