

Are You Being Stalked? Tips for Protection



Legal Information & Referral: 206-621-7691
Toll-Free: 1-866-259-7720
TTY: 206-521-4317
Web: www.legalvoice.org

This memo will help you learn more about stalking. If you need more information about protecting yourself from stalking, please call the Information & Referral Line at Legal Voice.

What Is Stalking?

Stalking is repeated, unwanted behavior that threatens or harasses a person and causes that person to be afraid. This type of behavior can be physical or cyber - by using the internet or other electronic tools.

Stalking is **serious**.

Any type of stalking – whether physical or cyber – can lead to a physical attack if the situation is not properly dealt with as soon as possible. Of all women murdered by their partners, three out of four had previously been stalked by that partner. Even if the stalking does not lead to serious physical harm, it can cause psychological damage.

Stalking is **common**.

Researchers estimate that about one million women and 400,000 men are stalked each year in the United States. One in twelve American women will be stalked at some point in their lives. The majority of stalking victims are ordinary people, who are being pursued and threatened by someone they already know, such as ex-boyfriends, ex-husbands, or ex-employees.

*Adapted with permission from the Privacy Rights
Clearinghouse
www.privacyrights.org.*

Am I Being Stalked?

Types of behavior that may be stalking:

- Following you
- Showing up or driving by wherever you are
- Waiting at your home, school, or workplace
- Monitoring your communications, such as your phone calls or computer use
- Calling frequently, including hang-ups
- Frequently sending written, e-mail, or text messages that you do not want
- Frequently sending gifts, letters, or cards that you do not want
- Threatening you or someone you care about
- Demeaning you in private or to other people
- Using technology, like hidden cameras or GPS systems, to track where you go
- Trying to find information about you, using: public records, online search services, hiring investigators, going through your garbage, or contacting people you know
- Other actions that control, track, or frighten you

How being stalked may make you feel or behave:

- Fearful of what the stalker will do
- Vulnerable or unsafe
- Afraid to trust people
- Nervous, irritable, impatient, or on edge
- Confused, frustrated, or isolated
- Depressed, hopeless, overwhelmed, tearful, or angry
- Stressed, including having trouble concentrating, sleeping, or remembering things
- Problems with eating such as appetite loss, forgetting to eat, or overeating
- Flashbacks, disturbing thoughts, feelings, or memories

How Can the Law Protect Me from being Stalked?

In Washington, there are both civil and criminal legal remedies available to victims of stalking.

Protection Orders

At anytime, a victim of stalking can ask the courts for an order of protection in cases of unlawful harassment. A protection order is a civil order issued by the court that tells the alleged perpetrator to stay away from the victim, the victim's children, and the place(s) the victim lives or works. Generally if the perpetrator does not obey the order, he or she can be arrested.

Protection orders are not a substitute for safety planning and by themselves, do little to stop stalking or protect the victim from harm. Only some stalkers will take the protection orders seriously and stop the harassing behavior. It's important to remember that protection orders are

really just pieces of paper and in order to be effective and enforced, it is critical that victims follow through and report any violations to law enforcement.

- **Domestic Violence Protection Orders (RCW 26.50)**

If the victim was in a domestic relationship with the stalker, she or he may file for a Domestic Violence Protection Order. To obtain an order, a victim must file paperwork with the court and have a hearing where the alleged stalker will have an opportunity to respond to the legal request for a protective order. If a victim is sixteen or older, she or he can seek a protection order without involving their parent or guardian.

To get a Domestic Violence Protection Order, the victim must demonstrate that she or he was harmed or placed in fear of harm and has a domestic relationship with the stalker. This means the victim and the stalker must be in a family or household relationship with each other to get this order. Qualifying relationships include the following: a person to whom you are married or formerly married, or live with or formerly lived with, have children with, or are related by blood or marriage or that you dated or formerly dated. If you do not meet these relationship requirements, you are not eligible for a Domestic Violence Protection Order and should consider seeking an Anti-Harassment Order against your stalker.

- **Anti-Harassment Orders (RCW 10.14)**

An anti-harassment order is a civil protection order that prohibits unlawful harassment. To get an anti-harassment order a victim must be able to show that the person who is stalking them has engaged in unlawful harassment. "Unlawful harassment" means a knowing and willful course of conduct directed at the victim which seriously alarms, annoys, harasses, or is detrimental to the victim, and which also serves no legitimate or lawful purpose. "Course of conduct" means a series of acts over a period of time, however short, all with a similar purpose.

There are other types of protection orders that may be available depending on the circumstances of the case and the relationship between the victim and the stalker. See the memo "Domestic Violence: How the Legal System can Help Protect You" at www.washingtonlawhelp.org for more information. There are many resources to help victims apply for protective orders. Call Legal Voice for referrals.

Address Confidentiality Program

A victim of stalking, or parent or guardian acting on behalf of a minor victim, may apply to the Secretary of State to have an address designated by the secretary of state serve as the victim's mailing and service of process address if the victim reasonably fears for his or her safety.

To apply for the Address Confidentiality Program call 1-800-822-1065 (inside WA) or 360-753-2972. or TTY 1-800-664-9677. Visit www.secstate.wa.gov/acp/aboutus.aspx for more information.

Civil Lawsuit

In Washington, a victim of stalking can sue their stalker for damages (money) in the civil legal system. There are many issues to consider when deciding whether or not to file a civil lawsuit.

For more information, please see *A Survivor's Guide to Filing a Civil Lawsuit* at: http://svlawcenter.org/section_resources/resource_files/AGuidetoCivil_Law_Suits.pdf (Please note: this publication is directed to sexual assault survivors but has information on the civil lawsuit process that is also valuable to stalking victims). Call Legal Voice for attorney referrals.

Criminal Law

Every state, including Washington, has criminal laws to protect people from being stalked. Victims can report the stalking behavior to law enforcement and depending on the facts of the case, the stalker may be prosecuted for committing a crime.

Washington State has two criminal laws that govern stalking: the Revised Code of Washington, sections 9A.46.110 and 9.61.260. You can find the text of these statutes yourself by going to <http://apps.leg.wa.gov/rcw/default.aspx?cite=9A.46.110> and <http://apps.leg.wa.gov/rcw/default.aspx?cite=9.61.260>, or read below for a summary.

- **Criminal Definition of Stalking (RCW 9A.46.110)**

According to the Washington criminal statute, a stalker is someone who intentionally and repeatedly harasses or follows another person (“the person”). The person must be fearful that the stalker intends to hurt them, someone else or their property and the person’s fear must be reasonable. The stalker must also either intend to frighten, intimidate or harass the person or know that the person is afraid. Finally, if the person tells the stalker that he or she does not want to be contacted or followed and the stalker continues, a court will see this as evidence of the stalker’s intent to harass or intimidate the person.

- **Criminal Definition of Cyberstalking (RCW 9.61.260)**

A cyberstalker is someone with intent to harass, intimidate, torment, or embarrass another person by using electronic communication (including email, pagers, text messages, and other internet based communication). The cyberstalker must behave in one of the following ways in order to meet the definition:

- Use lewd, lascivious, indecent, or obscene words, images, or language
- Suggest committing lewd or lascivious acts.
- Anonymously or repeatedly contact the person
- Threaten to inflict injury on the person, the person’s family, or the person’s property.

For more information, see “Privacy in Cyberspace,” a publication by the Privacy Rights Clearinghouse. www.privacyrights.org/fs/fs18-cyb.htm

Possible Criminal Charges for Stalking

A stalker or cyberstalker is guilty of a gross misdemeanor. The criminal penalty for stalking is imprisonment up to a year and/or a fine of up to \$5,000. There are more severe penalties when:

- The stalker pursues the same person or family members in violation of a court protective order.
- The stalker has been previously convicted in any state of the crime of stalking.

- The stalker threatens to kill the victim or someone else.
- The stalker was armed with a deadly weapon.
- The person being stalked is a current, former, or potential witness in a lawsuit, and the stalking was in retaliation for the person's testimony.
- The person being stalked is (or was at the time of the stalking) a:
 - law enforcement officer or community corrections officer
 - judge, juror, attorney, or legislator
 - victim advocate
 - employee of the child protective, child welfare, or adult protective services division within the Department of Social and Health Services
 and the stalking was in retaliation against an act the person performed during the course of official duties, or intended to influence the person's performance of official duties.

If the stalking fits into one of these more severe categories, the penalty will be a class C felony sentencing. The punishment for this sentence can be up to five years imprisonment and/or a fine up to \$10,000.

Notification of Stalker's Release (RCW 9.94A.612)

A victim, family member or witness to a felony stalking may request, in writing, that the Washington Department of Corrections, county sheriff or the director of the local department of corrections notify them in writing at the earliest possible date, and no later than thirty days, before a convicted stalker is released from jail or prison. The victim, family member or witness shall keep these departments notified of their most current mailing address and telephone number. The information relating to persons who receive notice must be kept confidential and not released to the convicted stalker.

Write to:

Washington Department of Corrections
 P.O. Box 41100, Mail Stop 41100
 Olympia, WA 98504-1100

Federal (National) Law

Currently, there is only one federal law that deals directly with stalking and it only applies when the stalker crosses state lines. The *Interstate Stalking Punishment and Prevention Act* of 1996 punishes persons with a fine and/or imprisonment for crossing state lines "with the intent to injure or harass another person...or place that person in reasonable fear of death or serious bodily injury..." The act also makes it a punishable offense to cross state lines with the intent to engage in conduct that violates a protection order.

There are other federal laws that apply to stalking situations in certain circumstances. The National Center for Victims of Crime has additional information on federal and state laws at its web site: www.ncvc.org/law/issues/Stalking/stalking_frames.htm

How Can I Protect Myself from My Stalker?

These tips will help you guard your personal information and lessen the chance that it will get into the hands of a stalker or harasser. However, some of these tips are extreme and should only be used if you are indeed being stalked. Harassment can take many forms, so this information may not be appropriate in every situation and may not resolve serious stalking problems.

- **Use a private post office box.** Residential addresses of post office box holders are generally confidential. However, the U.S. Postal Service will release a residential address to any government agency, or to persons serving court papers. The Post Office only requires verification from an attorney that a case is pending. This information is easily counterfeited. Private companies, such as Mail Boxes Etc., are generally stricter and will require that the person making the request have an original copy of a subpoena. Be sure to get a private mailbox that is at least two ZIP codes away from your residence. Use your private post office box address for all of your correspondence. Print it on your checks instead of your residential address. Instead of recording the address as "Box 123," use "Apartment 123." If you must use a traditional home mailbox, make sure it has a lock.
- **Do not file a change of address with the U.S. Postal Service.** Send personal letters to friends, relatives and businesses giving them the new private mailbox address. Give your true residential address only to the most trusted friends. Ask that they do not store this address in rolodexes or address books that could be stolen.
- **Obtain an unpublished *and* unlisted phone number.** The phone company lists names and numbers in directory assistance (411) and publishes them in the phone book. Make sure you delete your information from both places. Do not print your phone number on your checks. Give out a work number or use an alternate number such as a voice mail number when asked – that is, a message-only number that is used only to receive recorded messages from callers.
- **If your state has Caller ID, order Complete Blocking** (called "Per Line" Blocking in other states). This ensures that your phone number is not disclosed when you make calls from your home.
- **Avoid calling toll-free 800, 866, 888, 877 and 900 number services.** Your phone number could be "captured" by a service called Automatic Number Identification. It will also appear on the called party's bill at the end of the month. If you do call toll-free 800 numbers, use a pay phone.
- **Have your name removed from any "reverse directories."** The entries in these directories are in numerical order by phone number or by address. These books allow anyone who has just one piece of information, such as a phone number, to find where you live. Reverse directories are published by phone companies and direct marketers. Contact the major directories and request that you be removed from their listings:

Haines Criss+Cross Directory

Attn: Director of Data Processing, 8050 Freedom Ave. N.W. North Canton, OH 44720

By phone: 1-800-843-8452

Equifax Direct Marketing Solutions

Attn: List Suppression File, 26955 Northwestern Hwy., South Field, MI 48034.

Include your name, address, ZIP code and phone number.

By phone: 1-888-567-8688

- **Let people know that information about you should be held in confidence.** Tell your employer, co-workers, friends, family and neighbors of your situation. Alert them to be suspicious of people inquiring about your whereabouts or schedule. If you have a photograph or description of the stalker and vehicle, show a photo or describe the person to your neighbors, co-workers, friends, family and neighbors.
- **Do not use your home address when you subscribe to magazines.** In general, don't use your residential address for anything that is mailed or shipped to you.
- **Do not accept packages** at work or home unless they were personally ordered by you.
- **Avoid using your middle initial.** Middle initials are often used to differentiate people with common names. For example, someone searching public records or credit report files might find several people with the name Jane Doe. If you have a common name and want to blend in with the crowd, do not add a middle initial. In fact, consider using your first initial and last name only in as many situations as you can.
- **When conducting business with a government agency,** only fill in the required pieces of information. Certain government agency records are public. Anyone can access the information you disclose to the agency within that record. Public records such as those held by a county assessor, county recorder, registrar of voters, or state motor vehicles department (DMV) are especially valuable to a stalker, as are business licenses.
- **Ask the agency if it allows address information to be confidential in certain situations.** If possible, use a post office box and do not provide your middle initial, phone number or your Social Security number. If you own property or a car, you may want to consider alternative forms of ownership, such as a trust. This would shield your personal address from the public record.
- **Put your post office box on your driver's license.** Don't show your license to just anyone. Your license has a lot of valuable information to a stalker.
- **Don't put your name on the list of tenants** on the front of your apartment building, condo, or private house. If you must, use a variation of your name that only your friends and family would recognize.

- **Be very protective of your Social Security number.** It is the key to much of your personal information. Don't pre-print the SSN on anything such as your checks. Only give it out if required to do so, and ask why the requester needs it.
- **Alert the three credit bureaus--Experian, Equifax and Trans Union.** Put a fraud alert on your credit reports to avoid fraudulent access.
- **If you are having a problem with harassing phone calls,** put a beep tone on your line so callers think you are taping your calls. Use an answering machine to screen your calls, and put a "bluff message" on your machine to warn callers of possible taping or monitoring. Be aware of the legal restrictions on taping of conversations. If you have harassing or threatening messages left on your answering machine, tape record them in case you need them as evidence for a restraining order or in filing a police report. The Reporters Committee for Freedom of the Press offers a 50-state guide to laws regarding taping phone calls, www.rcfp.org/taping.
- **If you are a victim of cyberstalking, act promptly and firmly to end the situation.** Take potential threats seriously. Very clearly tell that person to stop, saying something like, "Do not contact me in any way in the future." Sometimes it is helpful to copy your "stop" message to the abuse department of the harasser's Internet Service Provider. If you have trouble finding that ISP, contact www.Cyberangels.org or www.Haltabuse.org. Do not respond to any further messages from the harasser, do not have anyone else contact the harasser on your behalf. Change your e-mail address if necessary. Do not enter any personal information into online directories.
- **Keep a log of every stalking incident and keep all evidence.** Building such a paper trail can make a successful prosecution more likely. Examples of evidence that may help build a case include: Caller ID records, logs of phone calls, copies of threatening letters, items sent to you in the mail, pictures of injuries, or even photos of the stalker outside your home. Do not throw anything away that you receive from the stalker – no matter how disgusting or offensive it is. Plus, keep a list of names, dates and times of your contacts with law enforcement. Here is an example:

Date	Time	Description of Incident	Witness Names & Contact Information	Did You Call the Police? If yes: <ul style="list-style-type: none"> • What was the report #? • What was the officer's name and badge #?

- **Consider getting professional counseling** and/or seeking help from a victim support group. They can help you deal with fear, anxiety and depression associated with being stalked.
- **Make a police report.**
- **Consider getting a protective order** if you have been physically threatened or feel that you are in danger. See the section above on pages 2-3 regarding protective orders. **Note:** Some security experts warn that restraining orders sometimes lead to violence. Before obtaining a protective order, consider your options carefully. Talk to a domestic violence or victim advocate.
- **Be careful about applying for a domain name.** If you use your name as a Web site domain name (for example, www.janedoe.com), it will be quite simple for potential stalkers to locate your physical address because that information is available in the domain-name databases.
- **Develop a safety plan.** Remember, even protection orders do not always prevent stalking from escalating into violence. Make sure friends, neighbors, and co-workers know about your situation. Show them photos of the stalker. Keep handy the phone numbers of assisting agencies. Set up easy access to a reserve set of money, credit cards, medication, important papers, keys, and other valuables in case you need to leave quickly. Have a safe place in mind that you can go in an emergency. Try not to travel alone. Always vary your routes. Carry a cell phone with you.
- **And these final tips** from someone who was stalked for over three years: For your own protection, carry pepper spray. Get a mobile phone and/or beeper. Carry a digital or video camera. Never verify anything like your home address over the phone.
- **If you are a domestic violence survivor,** consider a Confidential Identity Change (change name and Social Security Number). Call Legal Voice for a referral to an advocate who can explain the consequences and procedures. This is an extreme step to take.

Where Can I Find More Resources on Stalking?

General Information & Telephone Hotlines

- National Center for Victims of Crime
 Provides guides for stalking victims.
 2000 M St. N.W., Suite 480
 Washington, DC 20036
 Phone: 1-800-FYI-CALL or (202) 467-8700 or TTY 1-800-211-7996
 Web: www.nvc.org
- National Domestic Violence Hotline
 Helps victims find safe houses.
 Phone: 1-800-799-SAFE or TTY 1-800-787-3224
 Web: www.ndvh.org
 E-mail: ndvh@ndvh.org

Washington State Resources

- Victim Advocates
 Advocates can help you with safety planning, preparing petitions for protection orders, and finding additional resources. Call Legal Voice or see the online resources below for referrals to advocates in your area.
- Victim Notification and Information Everyday
 Victims of currently incarcerated stalkers may register for this national service that allows crime victims to obtain information about criminal cases and the custody status of offenders 24 hours a day.
 Phone: For King County, call 1-877-425-8463. Visit website for other counties.
 Web: www.vinelink.com/vinelink/initMap.do

Online Resources

Organization/Author	Website	Information Provided
Privacy Rights Clearinghouse	www.privacyrights.org	Many privacy-related resources and information packets. Offers step-by-step guidelines for protecting your privacy.
Washington Violence Against Women Network	www.wavawnet.org/stalking	Offers general information about stalking, including the link between stalking and domestic violence. This site provides links to a resource directory for victims, and also a page on what to do if you are being stalked.

Washington State Coalition Against Domestic Violence	www.wscadv.org/getHelpNow.cfm	Has resources and links for victims, and offers trainings for professionals working with victims.
End Stalking in America	www.esia.net	Easy-to-navigate site with great practical and general information about stalking.
National Network to End Domestic Violence Technology Safety Project	www.nnedv.org/resources/safetynetdocs.html	Resources to help victims and agencies respond effectively to the many ways that technology impacts victims of domestic and dating violence, sexual violence and stalking.
Stalking Behavior (D.T. Coon)	www.stalkingbehavior.com	Information about stalking behavior, written by a clinical psychologist.
Stalking Victims' Sanctuary (Linden Gross)	www.stalkingvictims.com	Comprehensive website with many Resources for stalking victims, including a community message board and self-help tips.
Working to Halt Online Abuse	www.haltabuse.org	Information about online harassment and cyberstalking.

Research Amanda Dowd. Drafted by Emily Brice. Revised by Kelly O'Connell 3/11/09. Reviewed Pam Smith Mentz and Lois Loontjens 5/22/09. Final June Krumpotick 8/18/09.