

# JUDICIAL OFFICER GUIDE: RESPONDING TO STALKING

**SPARC** STALKING  
PREVENTION,  
AWARENESS,  
AND RESOURCE  
CENTER

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**NIWAP** AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

**NCJFCJ** NATIONAL CENTER FOR JUDICIAL CONFERENCE

## I. INTRODUCTION

This Judicial Guide is designed to work in conjunction with federal, state, Tribal, and territorial stalking laws. Judicial officers should consider stalking in all types of legal proceedings, including in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Since the first stalking statute was passed in 1990, stalking had been codified as a crime in the 50 states, District of Columbia, Federal Government, U.S. territories, Military Code, and many Tribal Codes.<sup>i</sup>



**Judicial officers can use this tool to:**

- Help identify the patterns and behaviors of stalking;
- Provide courts the background needed to readily identify stalking patterns and behaviors; and
- Include findings regarding stalking, using model judicial order language, in court orders.

### A. WHY FOCUS ON STALKING?

**Stalking is a crime that warrants special attention by courts because victims report experiencing stalking at much higher rates than the justice system identifies it.** In the U.S., 1 in 3 women and 1 in 6 men report experiencing stalking in their lifetimes, with the vast majority stalked by someone they know.<sup>ii</sup> **Stalking frequently co-occurs with other crimes and is a risk factor for homicide.**<sup>iii</sup> All [stalkers can be dangerous](#), but former or current intimate partners are generally more threatening, violent, and interfering<sup>iv</sup> and may stalk their victims [before, during, and/or after the relationship](#).<sup>v</sup> Because they are so dangerous, it is important to identify and make findings about the criminal act of stalking separate from and in addition to concurring abusive conduct in intimate partner relationships.

**Stalking is often part of the coercive control tactics used by [intimate partner violence offenders](#) to maintain control over victims and it is essential to identify and name stalking in these cases. It is also important to note that stalkers target acquaintances, friends, family, employees, students, and people they have never met.**



Stalking is one of the top ten risk factors for intimate partner homicide, with a three-fold increase in homicide risk when present.<sup>vi</sup>

In one study, female victims in more than 75% of attempted and completed intimate partner homicides had been stalked by the same offender during the previous year.<sup>vii</sup>

- Among those who had been stalked, roughly 90% had also been physically abused.<sup>viii</sup>
- More than half had reported their stalking to the police before they were killed.<sup>ix</sup>

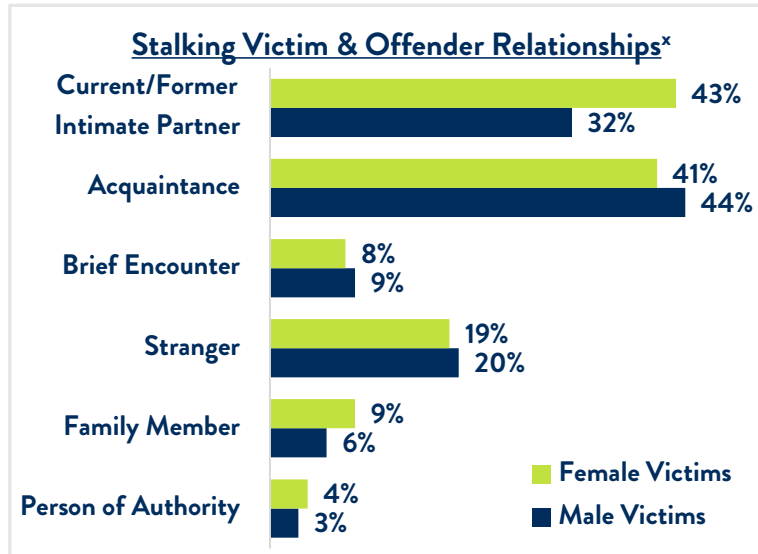


## B. STALKING RELATIONSHIPS & DYNAMICS

The largest national survey on stalking victimization (from the Centers for Disease Control and Prevention) reports that the vast majority of stalking victims know the offender.<sup>x</sup>

**This means that in the vast majority of cases, stalkers know their victims and likely have unique and intimate knowledge about victims' vulnerabilities and fears.** It is vital to understand [the context of the](#)

[situation](#) to be able to determine if a reasonable person in the victim's contextual situation would feel fear after experiencing the repeated targeted behaviors. **When there is a history of violence and the victim has gone to significant lengths to avoid any encounters with the offender, even a seemingly**



**Stalking behaviors often include specific meanings only understood by the victim and may be intended to seem benign to anyone other than the victim.**

**friendly note or gift is an alarming signal that those efforts have been unsuccessful and the offender poses a threat.** It is also important to note that some victims do not avoid all encounters with the offender; instead they continue to have contact and engage with the stalker as a safety strategy, to know what the offender is doing, thinking, and/or planning, in order to plan or negotiate accordingly for their safety.

## C. STALKING IN OTHER CRIMES & CASES

**Stalking behaviors can arise in a wide range of court cases,** including domestic violence, sexual assault, protection orders, custody, divorce, child welfare, employment, human trafficking, and immigration cases, as well as other family, civil, or criminal court matters. Many crimes frequently co-occur with stalking, including trespassing, burglary, computer crimes, nonconsensual distribution of intimate images, vandalism, threats of bodily harm, voyeurism, and witness intimidation.

- Stalking can appear in any type of case and it is particularly important to look for indicators of stalking in cases where the parties know one another and/or there is evidence of ongoing harmful contact.
- **The more access to and information about the victim that the offender has, the more dangerous and threatening they can — and are likely to — be;** research shows that intimate partner stalkers use violence and threats the most, followed by acquaintance stalkers, and then strangers.<sup>xi</sup>
  - Intimate partner stalkers are more likely (than stalkers with other relationships to victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend, making it vital to consider stalking whenever intimate partners are involved.

**CRIMES SUCH AS**

 **IDENTITY THEFT, COMPUTER CRIMES**

**VANDALISM, PROPERTY CRIMES** 

 **VOYEURISM, PRIVACY VIOLATION, IMAGE CREATION/DISTRIBUTION**

**EAVESDROPPING, TRESPASSING, NONCONSENSUAL RECORDING** 

  **FALSE REPORTS, WITNESS INTIMIDATION**

**MAY BE PART OF A STALKER'S COURSE OF CONDUCT**

- In protection order and domestic violence related custody and divorce cases when the stalker is a current or former partner, **identifying and distinguishing stalking from other forms of intimate partner violence also occurring in a case enhances the effectiveness of court orders.** In criminal domestic violence cases, evidence of stalking will be admissible at trial if relevant and allowable at the sentencing phase of the criminal proceeding.
- Nearly 55% of women and 70% of men who are victims of stalking report it is unrelated to intimate partner violence, showing that it is vital for judicial officers to recognize and respond to stalking in a range of other contexts.<sup>xii</sup>



This Judicial Guide will help judicial officers use concrete knowledge of stalking behaviors and how these behaviors relate to other crimes to be better able to identify stalking in any type of case. Whichever type of case stalking occurs in, judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

## II. UNDERSTANDING STALKING

**Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for their own safety or the safety of others, and/or to feel emotional distress.** Some statutes define the number of incidents required to qualify as a stalking course of conduct, some narrowly define fear, and some require that the stalker intentionally or knowingly causes fear.

All stalking statutes criminalize behaviors that are legal as single incidents, as well as abusive, coercive, and controlling behaviors that may be illegal as single incidents. Therefore, it is crucial to pay attention to the case’s context to accurately determine if the offender's behavior constitutes a pattern that would cause a reasonable person to feel fear.

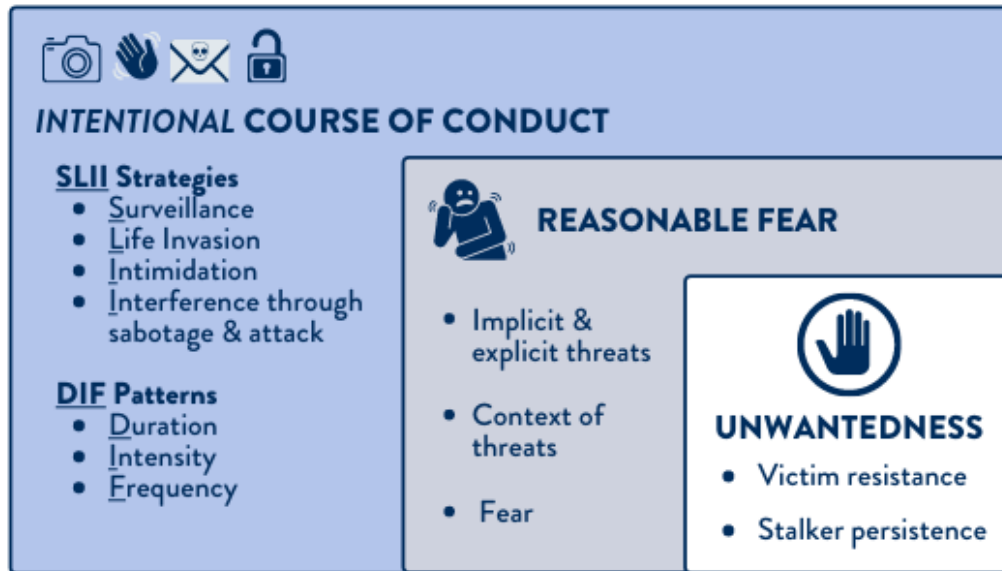
Stalking includes a wide range of threatening and disturbing behaviors and affects millions of people in the U.S. each year. It can be done in-person, by using technology, or a combination thereof. As with many crimes of interpersonal violence, offenders often target stalking victims because of characteristics that make them less likely to report the crime and less likely to be believed or taken seriously if they do report.

| <b>Table 1:<br/>Lifetime Stalking Victimization</b>  | <br><b>WOMEN</b> | <br><b>MEN</b> |
|--|---|--|
| <b>Adults 18+</b> <sup>xiii</sup>  | <b>31%</b>  | <b>16%</b>   |
| <b>Young adults (18-24 years old)</b> <sup>xiv</sup>   | <b>33%</b>  | <b>28%</b>   |
| <b>Adult victims (18+) with first stalking experience before age 25</b> <sup>xv</sup>  | <b>58%</b>  | <b>49%</b>   |
| <b>Adult victims (18+) with first stalking experience before age 18</b> <sup>xvi</sup>   | <b>24%</b>  | <b>20%</b>   |
| <b>Adult victims (18+) Multiracial (non-Hispanic)</b> <sup>xvii</sup>  | <b>54%</b>  | <b>30%</b>   |
| <b>American Indian or Alaska Native (non-Hispanic)</b>   | <b>42%</b>  | <b>30%</b>   |
| <b>White (non-Hispanic)</b>  | <b>33%</b>  | <b>15%</b>   |
| <b>Black (non-Hispanic)</b>  | <b>30%</b>  | <b>20%</b>   |
| <b>Hispanic</b>  | <b>26%</b>  | <b>17%</b>   |
| <b>Asian or Pacific Islander (non-Hispanic)</b>  | <b>24%</b>  | <b>9%</b>  |
| <ul style="list-style-type: none"> <li>• Bisexual women experience stalking twice as much as heterosexual women and lesbian women experience stalking 25% more than heterosexual women, in their lifetimes.<sup>xviii</sup></li> <li>• Gay men experience stalking twice as much as heterosexual men and bisexual men experience stalking 40% more than heterosexual men, in their lifetimes.<sup>xix</sup></li> </ul> |   |  |
| Transgender and nonbinary/genderqueer undergraduate students experience stalking 2.5 times more than all students. <sup>xx</sup>   |   |  |
| Persons with disabilities are twice as likely to experience stalking. <sup>xxi</sup>   |   |  |

Women, young adults, multiracial individuals, people of color, individuals with disabilities, transgender and gender nonbinary individuals, and lesbian, gay, bisexual, and queer individuals report experiencing stalking at higher rates. Additional populations may also be particularly vulnerable to stalking. For example, there is little research on stalking and immigrant communities, but specific aspects of immigrant women could be exploited by abusers — cultural differences, lack of culturally-specific support services, undocumented or temporary immigration status, limited English proficiency, and living in communities with limited information about U.S. laws and legal protections.

## A. FRAMEWORK FOR UNDERSTANDING STALKING

It is extremely important to note that victims of stalking often do not identify their victimization as stalking or harassment and are unlikely to use those words to describe what they are experiencing; instead, they often describe the stalking behaviors and impacts.<sup>xxii</sup> As such, it is important to use a framework for assessing the presence of stalking rather than rely on victims to identify and name it. Dr. TK Logan's multi-dimensional framework is an effective tool to assess stalking.<sup>xxiii</sup> The figure below shows this framework and how the components of stalking are related to one another.



Note that the stalking offender's **intentional course of conduct** directly results in the victim's **reasonable fear**, inspiring **unwantedness** as a byproduct of or reaction to the victim's fear.

## B. COMPONENTS OF STALKING:

### *INTENTIONAL COURSE OF CONDUCT*

To assess whether there is an intentional course of conduct that qualifies as stalking, Dr. Logan explains it must meet two criteria, that:

- The behaviors can be classified as stalking tactics; and
- The duration, intensity, and/or frequency of those behaviors demonstrate an intentional pattern of behavior.

Stalking tactics are classified into four groups ([Surveillance](#), [Life invasion](#), [Intimidation](#), and [Interference through sabotage and attack](#)) that are measured by their Duration, Intensity, and/or Frequency. Together, stalking tactics and patterns of behavior corroborate intent,<sup>xxiv</sup> whether or not the offender admits intent.







*i. SLII Stalking Tactics: Surveillance, Life Invasion, Intimidation, and Interference through sabotage and attack*

Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior. However, if their behavior is a pattern that shows the intent to survey, invade, intimidate, or interfere with/sabotage the victim, then their actions legally meet the evidence-based definition of stalking.

**When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this can be evidence of the offender’s intent to frighten them.** SLII tactics can be done in-person or through technology, and nearly half of all stalking victims experience both.<sup>xxv</sup>

The examples of SLII tactics in Table 2 below pertain to all types of victim-stalker relationships. SLII tactics can be part of the component of domestic violence called coercive control; when such tactics are combined in a pattern of behavior that would cause a reasonable person to feel fear, these tactics are both stalking and coercive control.

*Table 2: Examples of SLII Stalking Tactics*

| <br><b>SURVEILLANCE</b>   | <br><b>LIFE INVASION</b>   | <br><b>INTIMIDATION</b>  | <br><b>INTERFERENCE THROUGH SABOTAGE OR ATTACK</b>  |
|---|--|---|--|
| <ul style="list-style-type: none"> <li>• Follow</li> <li>• Watch</li> <li>• Wait</li> <li>• Show up</li> <li>• Tracking software or devices</li> <li>• Obtain information about the victim from others</li> <li>• Have others stalk the victim</li> <li>• Monitor online activity</li> <li>• Access accounts</li> </ul> | <ul style="list-style-type: none"> <li>• Unwanted, non-consensual contact</li> <li>• Show up without warning</li> <li>• Property invasion</li> <li>• Public humiliation</li> <li>• Harass victim’s friends/family</li> <li>• Impersonate the victim online</li> <li>• Hack into the victim’s accounts</li> </ul> | <ul style="list-style-type: none"> <li>• Explicit and implicit threats</li> <li>• Property damage</li> <li>• Symbolic violence</li> <li>• Forced confrontations</li> <li>• Threats to or actually harm self</li> <li>• Threats to harm others</li> <li>• Deportation threats</li> <li>• Blackmail</li> <li>• Threats to share private information</li> <li>• Threats to interfere with employment, finances, custody</li> </ul> | <ul style="list-style-type: none"> <li>• Financial, work sabotage</li> <li>• Ruining reputation</li> <li>• Custody interference</li> <li>• Keep victim from leaving</li> <li>• Road rage</li> <li>• Attack victim’s family, friends, pets</li> <li>• Physical or sexual attack</li> <li>• Property damage and/or vandalism</li> <li>• Posting private photos, videos, information</li> <li>• Controlling accounts</li> <li>• Posing as victim and creating harm</li> </ul> |



## ii. *Stalking Perpetration: Duration, Intensity, Frequency*

The framework also explains that stalkers utilize SLII tactics in a dynamic way that can be measured by the *Duration*, *Intensity*, and *Frequency* of perpetration.



**Duration** is how long the tactics have gone on — when the stalking started and how long it has lasted.

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**Intensity** is the number of different tactics and locations that the stalker employs.

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**Frequency** is how often the stalker makes their presence known — how often the stalker approaches, confronts, and/or interferes in the victim's life.

Whether the offender exhibits one continuous tactic or a variety of tactics, **the longer the duration and greater the intensity and frequency of any stalking tactics, the greater the risk of harm, persistence, escalation, and life sabotage.**<sup>xxvi</sup> Data show greater victim psychological distress in response to greater frequency of stalking and to any changes in stalker behavior, and escalation is known to lead to greater violence.<sup>xxvii</sup>

## iii. *Applying an Understanding of Stalking Tactics and Perpetration in Court Cases*

Judicial officers will encounter stalking behaviors/tactics and will be able to identify and document the duration, intensity, and frequency of stalking in a wide range of court cases. Stalking tactics are not limited to criminal court cases and often appear in family court or other civil court cases, including divorce, custody, guardianship, protection order, child welfare, employment, housing, immigration, and other court actions, as well as administrative law proceedings. When stalking behaviors are present and overlooked or not taken seriously by the court, the orders that the court issues will not be effective in curbing stalking and other abusive behaviors, compromising victim safety. On the other hand, identifying the presence of stalking in a family court or juvenile court proceeding can help courts design better court orders that more effectively protect children and domestic violence and stalking victims from ongoing harm. **By routinely identifying stalking behaviors, analyzing and documenting SLII tactics in court findings, and issuing court orders designed to interrupt stalking behavior and hold offenders accountable, judicial officers can help increase the safety of victims and their children.**

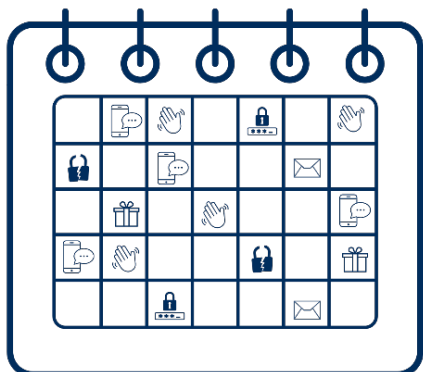
The duration, intensity, and frequency analysis can assist with the determination of the offender's intent to instill fear or emotional distress and can inform the design of orders in family and civil court. With this evidence and these findings, courts can specifically design court orders containing no-contact provisions, mitigating direct contact between the victim and offender, and utilizing other

available safety measures. Courts can also use such evidence and findings to better inform child custody orders, rather than granting access by default. Courts can also refer victims to victim advocates who can help them develop safety plans. **Detailed findings regarding the stalking behaviors and their frequency, duration, and intensity help appraise future judicial officers who hear actions involving the same parties of the severity of the abuse occurring in the case.**



In criminal stalking cases, since the crime of stalking involves both a course of conduct and a result of that conduct (fear or emotional distress on the part of the victim), it is important to determine what mental state (or mens rea) is applicable both with respect to the conduct and to the result of that conduct, since those, too, are elements of the crime that must be proved.

The criminal codes in many jurisdictions follow the Model Penal Code’s (MPC) culpability scheme, which specifies the levels of culpability that must be proved with respect to acts or conduct that are elements of a crime, as well as those pertaining to the effect or result of those acts. That scheme classifies the mental elements of crimes as “purposeful,” “knowing,” “reckless,” or “negligent.”<sup>xxviii</sup> In MPC jurisdictions, the applicable statutory provisions, together with the principles of statutory construction, will determine which mental state must be proved with respect to acts or results of the



acts. The stalking statute may require, for example, that the prosecution prove the defendant acted purposely with regard to the acts constituting the course of conduct, but that the defendant merely knew (or recklessly disregarded the risk) that the victim would be placed in fear or would experience emotional distress. On the other hand, it may require that the defendant specifically intended for the victim to experience fear or emotional distress.

Determining what must be proved with regard to the offender’s state of mind requires careful reading of the stalking statute as well as any generally applicable provisions in the criminal code related to culpability states or intent/mens rea and any relevant case law.

In jurisdictions that have not adopted the MPC culpability standards, the stalking statute may use elements with a specific meaning (e.g., “willfully” or “maliciously”) that are defined by the jurisdiction’s criminal code or in its case law. It may be important to determine whether the statute is one of “general intent,” in which the defendant must intend only to commit the acts constituting the

course of conduct, or whether it is one of “specific intent,” in which case the defendant must also intend the result of the conduct — the victim’s fear or emotional distress. The offender’s requisite intent may be satisfied by proving that:

- The offender’s behavior can be classified as stalking tactics; and
- The duration, intensity, and frequency show a pattern of behavior.

**If the offender’s actions were particularly frightening or upsetting because of past history or information that they possessed about the victim — for example, making threats that play on a particular fear — this shows the offender’s knowledge and intent.**

Some jurisdictions consider past convictions admissible in criminal stalking cases as part of the documentation of repeated behaviors; others do not. In a civil, family, or administrative law case, such rules disallowing past convictions would not apply.

## **C. COMPONENTS OF STALKING: *REASONABLE FEAR***

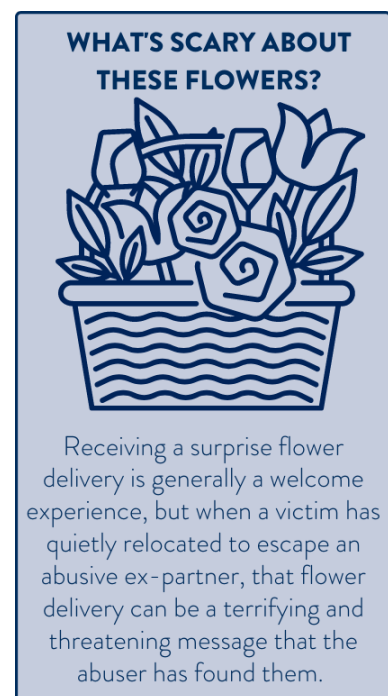
The second part of the framework is victim fear. Many statutes use the reasonable person standard of feeling fear for their own safety or the safety of others, or feeling emotional distress.

**Determining the reasonableness of fear includes assessing:**

- **The specific implicit or explicit threats;**
- **The context of those threats; and**
- **Victim fear or concern for safety.**

**Fear is central to stalking and it is highly contextual: what one person finds frightening may not be frightening to another.** To determine reasonable fear, it is vital to determine the context of the situation and understand the meaning of a situation or action to the victim. In stalking cases, many of the behaviors are only frightening to a victim because of their relationship with the stalker.

Victims react to stalkers in a variety of ways and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some may minimize and dismiss their stalking as “no big deal.” **It is helpful to consider how victims change their behaviors to cope with the stalking.** At a minimum, these are signs that the stalker’s behaviors are unwanted and the victim is resisting the contact. Evidence and corroboration of the victim’s fear and resistance can be found by considering accommodations and changes the victim has made to their life.



Accommodations and changes the victim has made to their life might include:

- Time spent obtaining a protection order
- Screening phone calls
- Relocation
- Efforts to keep their address or location a secret
- Changing their own phone numbers, email addresses, and/or social media accounts
- Blocking phone numbers, email addresses, and/or social media accounts
- Changes to device settings
- Time accessing support services
- Confidentially filing the victim's own immigration case to sever reliance on the stalker's sponsorship
- Finances spent on safety devices or accommodations
- Increased security and/or privacy measures
- Asking friends, family, or professionals for help
- Changes to schedule, routine, and/or route/method of transport
- Avoiding locations or activities
- Financial impacts like employment consequences
- Costs for repair or replacement of damaged property, or immigration or identity documents
- Informing work, daycare, school, apartment building, religious space, and/or others of the situation and/or asking for accommodations
- Taking steps to remedy identity theft



## D. COMPONENTS OF STALKING: *UNWANTEDNESS*

The third part of the framework is that the stalker's behavior is unwelcome and the victim does not want it to be happening. Indicators of this unwantedness can include the victim stating that they want the stalker to stop, as well as steps they take to resist contact with the stalker. When a victim makes changes in their life because of the stalker's behavior, it is a clear sign that those behaviors are unwanted.

Note that victims may show signs of unwantedness while also engaging with their stalker. Victims use a variety of strategies to cope with stalking, including confronting the stalker, appeasing the stalker, denying the stalking is happening, distracting themselves, or taking steps to try to increase their safety. **It is important to note that some victims continue to have contact with and engage with the stalker as a safety strategy.** They are gathering information, assessing the offender's state of mind, and negotiating for their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker's behaviors are wanted. In fact, it may indicate that the victim is very

afraid of the offender and is contacting the offender to be able to assess and plan the steps they will take to increase safety for themselves and their children.

*"If you've never been in a predator-type situation, it's better to know where they're at than not know. The reason I didn't block him was to help not being caught off-guard."*

**-Stalking Victim**



Stalkers may be notified that their behavior is unwanted by direct, formal means (like a protection order or communication from the victim) or more indirectly (like their victim not responding to their efforts at communication or avoiding them). **Whether the stalker is formally notified or should be picking up on social norms that their behavior is unwanted, if they continue to persist it is an important red flag for the victim's safety as well as a clear sign that the stalker's course of conduct is deliberate and intentional.**

## E. TECHNOLOGY-FACILITATED STALKING

**Technology-facilitated stalking (cyber-stalking) should be given the same consideration and concern as in-person stalking.** Nearly half of all stalking cases involve both in-person and technology-







facilitated stalking.<sup>xxx</sup> Offenders both use and misuse technology to facilitate their stalking. Technologies and tactics used by offenders are constantly evolving and may seem impossible or unrealistic, but stalking offenders are creative in the pervasive ways they monitor, surveil, contact, control, and isolate victims, as well as the ways they damage victims' credibility or reputation. Staying abreast of evolving technology allows for the full scope of the offender's actions to be considered.

The impact of technology-facilitated stalking is vast and just as invasive, threatening, and fear-inducing as in-person stalking. Victims of technology-facilitated stalking often report higher levels of fear than individuals who experience in-person stalking, and are just as concerned for their safety.<sup>xxxi</sup>

Technology used to stalk can include but is not limited to: telephones, computers, tablets, mobile devices, software, the internet, email, social media, messaging applications, smart home devices, recording devices, tracking devices, or other digital electronic devices and software.

In Table 3 below, common technology-facilitated stalking tactics are categorized using the SLII framework.

Table 3: Examples of Technology-Facilitated Stalking SLII Tactics

| <br><b>SURVEILLANCE</b>  | <br><b>LIFE INVASION</b>  | <br><b>INTIMIDATION</b>   | <br><b>INTERFERENCE<br/>THROUGH SABOTAGE<br/>OR ATTACK</b>   |
|---|--|---|---|
| <ul style="list-style-type: none"> <li>• Smart home devices</li> <li>• Tracking software</li> <li>• GPS or Bluetooth tracking devices</li> <li>• Cameras or audio/video recording devices</li> <li>• Monitoring online activity</li> <li>• Accessing online accounts</li> </ul> | <ul style="list-style-type: none"> <li>• Unwanted contact online, through text messages or phone calls, other platforms</li> <li>• Impersonating victim</li> <li>• Hacking victim’s accounts</li> <li>• Impersonating others to access the victim</li> </ul> | <ul style="list-style-type: none"> <li>• Online threats</li> <li>• Blackmail</li> <li>• Sextortion</li> <li>• Threats to release private information, photos, or videos, real or fake</li> <li>• Threats to interfere with online accounts</li> </ul> | <ul style="list-style-type: none"> <li>• Posting private photos, videos, information online, real or fake</li> <li>• Spreading rumors online</li> <li>• Doxing (publicly posting personally identifiable information)</li> <li>• Swatting (prank call to emergency services)</li> <li>• Controlling online accounts</li> <li>• Posing as victim and creating harm</li> <li>• Using technology to encourage others to harm the victim</li> </ul> |

### III. ASSESSING RISK IN STALKING CASES

When reviewing a stalking case, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors in Table 4 below contributes to increased risk of current and future harm to the stalking victim.<sup>xxxii</sup> Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories but that should still be considered.

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a web-based tool that examines these risk factors and provides a situational risk profile (available at [www.CoerciveControl.org](http://www.CoerciveControl.org)). This risk assessment is useful for several considerations: pretrial

detention and bail conditions, which cases may demand greater attention, and sentencing and post-sentencing (e.g., probation or parole).

**Table 4: Stalking Risk Assessment Factors**

| <b>BIG PICTURE</b>    | <b>STALKER MINDSET</b>    | <b>STALKER HISTORY</b>    | <b>VICTIM VULNERABILITY</b>   |
|--|--|--|--|
| <ol style="list-style-type: none"> <li>1 Course of conduct (duration, intensity, frequency)</li> <li>2 Escalation of behaviors over time, events or dates that may trigger an escalation</li> <li>3 Nature, specificity, and context of threats</li> <li>4 Previous threat follow-through, ability to carry out threats</li> </ol> | <ol style="list-style-type: none"> <li>5 History of abuse to victim (control, jealousy, violence)</li> <li>6 History of violence and abuse to others</li> <li>7 Access to and previous use of guns and weapons, any prior training in using weapons</li> <li>8 Criminal history, mental health, substance abuse</li> </ol> | <ol style="list-style-type: none"> <li>9 Victim’s resistance and stalker’s persistence</li> <li>10 Stalker’s motive and demonstrated lack of concern for consequences</li> <li>11 Proxy stalking (enlisting others to stalk the victim)</li> </ol> | <ol style="list-style-type: none"> <li>12 Victim’s fear, whether the victim’s life and environment provide opportunity for stalking or not, the impact of the stalking on the victim’s life</li> <li>13 Stalker’s use of and expertise with technology</li> <li>14 Victim vulnerability</li> </ol> |

## IV. CO-OCCURRING AND INTERCONNECTED CRIMES

It is critical to consider how stalking relates to and intersects with other criminal offenses to help to ensure that the defendant is held appropriately accountable for the full scope of their behaviors and criminal conduct, and the ensuing harm to the victim. **Assessments to identify stalking behavior should be done in any case that has the potential for stalking behaviors**, but specifically in emergency protection order petitions, domestic violence protection order hearings, domestic violence related custody and divorce cases, and employment-based cases. In employment-based sexual assault cases, assessments for stalking and other crimes can be crucial to identifying the full range of criminal or discriminatory behavior and retaliation perpetrated. Since stalking is a continuing crime, it may include incidents that in a criminal prosecution would otherwise be barred by the statute of limitations. Those incidences can be included in stalking prosecutions because the limitations period for a continuing crime does not begin to run until the crime has concluded.

### A. STALKING & INTIMATE PARTNER VIOLENCE

Stalking often co-occurs with domestic/intimate partner violence and can be an indicator of other forms of violence. **When a domestic abuser repeatedly engages in physical, sexual, emotional, or psychological abuse against a victim, that may also be stalking. A common aspect of intimate partner violence is coercive control, and stalking tactics are often part of that coercive control.**



When abusers use stalking tactics to intimidate and control their victims, engaging in a pattern of behavior that would cause a reasonable person to feel fear, abusers are engaging in both stalking and coercive control.



**Compared to non-intimate partner stalkers, intimate partner stalkers are more likely to:**

- Approach and confront victims more frequently;<sup>xxxiv</sup>
- Be more intrusive in the victim's life;<sup>xxxv</sup>
- Use a wider range of stalking tactics;<sup>xxxvi</sup>
- Follow through on threats of violence;<sup>xxxvii</sup>
- Continue stalking for a longer period of time;<sup>xxxviii</sup>
- Reoffend after court intervention;<sup>xxxix</sup> and
- Reoffend more quickly.<sup>xl</sup>

**Among victims stalked by an intimate partner, 74% report violence and/or coercive control during the relationship.**<sup>xli</sup> Prior to attempted or completed intimate partner femicide, the most common use of the criminal justice system was reporting partner stalking.<sup>xlii</sup>

Stalking is not simply the offender having a difficult time letting go of the relationship. It is vital to recognize the offender's history of controlling and dangerous behaviors as well as the fear that the stalking generates in the victim. Even when there is no physical violence, stalking is still dangerous, traumatic, and criminal.

## **B. STALKING & HUMAN TRAFFICKING**

**Human trafficking often involves co-occurring stalking behavior, where the stalking may be a tactic to coerce or isolate the victim, or to intimidate the victim or witnesses.** History is important in cases of human trafficking (as well as any other crime in which the offender and victim had a relationship of any duration), providing the offender with the opportunity and motive to engage in repetitive acts in the course of targeting or maintaining control over the victim. Given the various methods of coercive control used by traffickers of sex and labor, it is difficult to imagine a human trafficking case that does not also involve stalking.

When considering cases of human trafficking, it is important for judicial officers to carefully consider whether the offender's behavior also constitutes stalking and if so, to make detailed findings in court orders about stalking tactics, duration, and impacts on the victim.

## C. STALKING & WITNESS INTIMIDATION

Stalking as a means of witness intimidation may be employed by human traffickers, perpetrators of domestic violence, and offenders of other crimes, as well — ranging from drug offenses and gang violence to white-collar crime. Offenders may use stalking to keep victims from reporting to authorities. Offenders or their allies may repeatedly drive by the witness’s home, park on the witness’s street, or make threats against the witness or the witness’s family, including immigration-related threats. Offenders may use social media to threaten witnesses or expose their cooperation with the justice system on social media or other websites. Repetitive acts of this type may be sufficient to support a stalking finding.

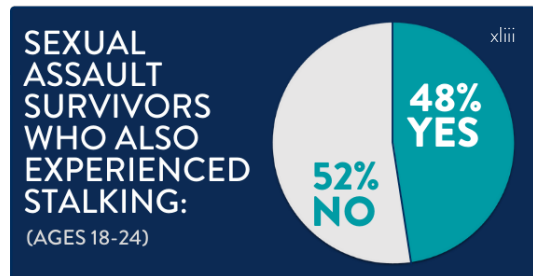
**Considering witness intimidation — especially after the victim has reported to law enforcement or applied for a protection order — is a vital piece of a stalking case;** stalkers often threaten victims about reporting to and/or participating in the justice system. Considering post-intervention stalker behavior is a key part of a case, and stalking may actually increase during this time.

Judicial officers should carefully consider both stalking and witness intimidation whenever considering one or the other.

## D. STALKING & SEXUAL VIOLENCE





Sexual violence and stalking intersect in a variety of ways. Offenders may [use sexual violence as part of a stalking course of conduct](#), with SLII tactics such as those explained in Table 5 below.

**Fear of sexual assault is covered under most stalking statutes.** Some stalkers sexually assault their victims as part of the ongoing stalking, some begin stalking their victims after they sexually assault them, some threaten or plan to sexual assault their victim, and some solicit a third party to sexually assault their victim.



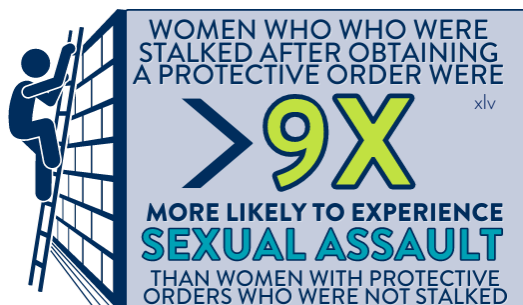
When sex offenders select, groom, shame, intimidate, and threaten their victims into silence over a period of weeks, months, or years, that is likely stalking.

Table 5: Examples of Sexually Violent SLII Stalking Tactics

| <br><b>SURVEILLANCE</b>  | <br><b>LIFE INVASION</b>  | <br><b>INTIMIDATION</b>  | <br><b>INTERFERENCE THROUGH SABOTAGE OR ATTACK</b>   |
|---|--|--|---|
| <ul style="list-style-type: none"> <li>• As part of planning a sexual assault</li> <li>• Monitoring a victim after a sexual assault</li> <li>• Voyeurism</li> </ul> | <ul style="list-style-type: none"> <li>• Unwanted contact or communication of a sexual nature or about a sexual assault</li> <li>• Sexual harassment</li> <li>• Nonconsensual distribution of intimate images</li> <li>• Indecent exposure</li> <li>• Spreading sexual rumors</li> <li>• Publicly humiliating or shaming or embarrassing the victim with sexual language or information</li> </ul> | <ul style="list-style-type: none"> <li>• Threats of sexual violence or sharing sexual information</li> <li>• Threats of violence or sabotage if the victim refuses to perform sexual acts</li> <li>• Blackmailing in exchange for sexual activity or photos</li> </ul> | <ul style="list-style-type: none"> <li>• Sexual assault</li> <li>• Sexual harassment</li> <li>• Stealing sexual photos or videos</li> <li>• Sharing sexual photos or videos without consent</li> <li>• Sexually trafficking or exploiting the victim</li> </ul> |

## E. STALKING & PROTECTION ORDER VIOLATIONS

Stalking is associated with increased protection order violations, across types of orders including protection orders issued to stop family violence, sexual assault, and stalking. In one study, stalking was also associated with higher levels of fear; researchers compared victim fear across different situations, finding that victims were more fearful when their protection order was violated and they had been stalked, compared with when their protection order was violated and they had not been



stalked, and compared with when their protection order was not violated at all.<sup>xlv</sup>

Enforcement is a crucial component of protection order effectiveness. Effective enforcement of orders in stalking cases can increase victim safety and offender accountability, and reduce general costs to society. The

relief of distress provided by court orders is significant to victims. In one study, 58% of women experienced a protective order violation but the majority still said the protective order was extremely (51%) or fairly (27%) effective, and that they felt extremely (43%) or fairly (34%) safe.<sup>xlvi</sup>

**Victims cannot violate their own protection orders because the orders circumscribe only the offender’s behavior, not the victim’s.**

## V. STALKING, COERCIVE CONTROL, AND BATTERY OR EXTREME CRUELTY

Table 6 below outlines the differences and overlap between stalking, coercive control, and battery or extreme cruelty.<sup>xlvii</sup>

Coercive control has been found by researchers to be dangerous and is becoming a part of the definition of domestic violence in protection order and other family court cases in some jurisdictions.<sup>xlviii</sup> California’s domestic violence protection order and family laws define coercive control as, “a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.”<sup>xlix</sup> Under this law, coercive control is a basis for issuance of a protection order and coercive control creates a rebuttable presumption that “an award of child custody to a party who has engaged in coercive control is detrimental to the best interests of the child.”<sup>l</sup> Stalking behaviors are also forms of coercive control.

Battering or extreme cruelty (the immigration law definition of domestic violence) has historically been recognized by courts, especially in the contest of “for cause” divorce cases, as characteristic of the forms and patterns of emotional abuse causing harm to the victim.<sup>li</sup> A strong foundational understanding of each of these types of behaviors offers all courts — state, federal, Tribal, immigration — more opportunities to identify facts that constitute stalking, coercive control, and/or extreme cruelty. This then allows the courts to issue orders designed to halt this dangerous, harmful, and potentially criminal behavior, and to support victim safety.

Table 6: Comparing Stalking, Coercive Control, and Battery or Extreme Cruelty

| Stalking  | Coercive Control  | Battery or Extreme Cruelty   |
|---|---|--|
| <p>Definition: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.</p> <p>Forms of stalking include:</p> <ul style="list-style-type: none"> <li>• Surveillance</li> <li>• Life invasion</li> <li>• Intimidation</li> <li>• Interference through sabotage or attack</li> </ul> <p>Behaviors that demonstrate stalking:</p> <ul style="list-style-type: none"> <li>• Monitoring movement, communications, daily behavior, finances, and services accessed</li> <li>• Harassing friends and family</li> <li>• Sabotaging employment, schooling, or immigration status</li> <li>• Showing up unexpectedly or refusing to leave a location</li> <li>• Invading or vandalizing property</li> <li>• Ruining reputation</li> <li>• Humiliating a victim or forcing a confrontation</li> <li>• Accessing online accounts or impersonating a victim</li> </ul> | <p>Definition: Strategies designed to retain privileges and establish domination in a partner’s personal life based on: fear, dependence, and deprivation of basic rights and liberties.</p> <p>Forms of coercive control include:</p> <ul style="list-style-type: none"> <li>• Intimidation</li> <li>• Degradation/emotional abuse</li> <li>• Isolation</li> <li>• Control</li> <li>• Physical and/or sexual assault</li> </ul> <p>Behaviors that demonstrate coercive control:</p> <ul style="list-style-type: none"> <li>• Social isolation</li> <li>• Deprivation of food, medicine</li> <li>• Neglect</li> <li>• Controlling or regulating movement, communications, daily behavior, finances, and access to services</li> </ul> | <p>Definition under U.S. Immigration Law: Being the victim of any act or a threatened act of violence, including any forceful detention which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered as acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence.<sup>lii</sup></p> <p>Any act that constitutes a crime, including threats and attempts, or is conduct that could result in issuance of a protection order under state law, amounts to “battering” under U.S. immigration law.</p> <p>Battery/extreme cruelty can manifest in other crimes, so findings for battery can be made in addition to stalking and coercive control.</p> <p>Behaviors that constitute battery/extreme cruelty under immigration law include:</p> <ul style="list-style-type: none"> <li>• Stalking</li> <li>• Physical or sexual assault</li> <li>• Attempted assaults</li> <li>• Striking someone with an object</li> <li>• Hitting, slapping, punching, pinching, biting, or grabbing</li> <li>• Threats of violence</li> </ul> |

| Stalking   | Coercive Control   | Battery or Extreme Cruelty |
|--|--|----------------------------|
| Behaviors that may demonstrate stalking and coercive control: <ul style="list-style-type: none"> <li>• Monitoring communications (calls, messages, emails)</li> <li>• Monitoring social media or online presence</li> <li>• Compelling by force, threat of force, or intimidation</li> <li>• Interfering in or sabotaging the immigration process, employment, or schooling</li> <li>• Showing up unannounced (to school, work, the gym, etc.)</li> <li>• Tracking phone, computer, or tablet use</li> <li>• Public humiliation, in-person or online</li> <li>• Threats to or actually harming self</li> <li>• Threats to harm others</li> </ul> |  |                            |
|  | Behaviors that may demonstrate coercive control and battery/extreme cruelty: <ul style="list-style-type: none"> <li>• Degradation<sup>liii</sup></li> <li>• Neglect</li> <li>• Immigration related abuse</li> <li>• Threats of deportation</li> <li>• Deprivation of food or medicine</li> </ul> |                            |
| Behaviors that may demonstrate stalking, coercive control, and battery/extreme cruelty: <ul style="list-style-type: none"> <li>• Physical, sexual, or verbal abuse</li> <li>• Using or threatening to use, or displaying a weapon<sup>liv</sup></li> <li>• Property invasion or destruction</li> <li>• Using children as a tool toward the other parent</li> <li>• Financial or work sabotage</li> <li>• Ruining reputation</li> </ul>   |  |                            |

## VI. CAPTURING STALKING TACTICS IN RULINGS

Making findings of stalking and documenting stalking behaviors in court orders identifies and confirms that the conduct that contributed to the finding of stalking is criminal and was not a one-time event, but rather part of an intentional campaign against the victim that can be expected to continue if it is not prevented. Since stalking cases take time to develop, it is important that judicial officers also make findings regarding criminal, abusive, and other conduct that is harmful to others in criminal, family, and civil court cases as well as administrative law cases. These findings provide a record and documentation that can help show the trajectory of escalation, which is important for future judicial proceedings including but not limited to stalking prosecutions.

There are important details for judicial officers to include in court findings and when issuing protection orders. Some courts use computer systems with prepared form orders that can be easily distributed to law enforcement electronically, which often have limited space available that is not sufficient for the important details necessary when stalking is present. In stalking cases, judicial officers should consider adding addendums or attachments to these orders or issuing more detailed court orders.

When stalking is perpetrated against an intimate partner, child, family member, or other person covered by state protection order statutes, the stalking victim is eligible for a protection order.<sup>lv</sup> Consider orally informing the offender of conditions and prohibitions for protection orders and bail in court, particularly the prohibition from possessing firearms, ammunition, and related permits and their associated verifiable surrender. Also consider orally informing the offender that violations can result in revocations of bail, probation, etc. and may be the basis for (additional) criminal charges. Use qualified interpreters in any criminal, family, or civil case involving offenders or victims who have limited English proficiency. Having court orders translated into the languages spoken by the offender and/or by the victim promotes greater compliance with court orders and victim safety.

**Both protection orders and bail conditions should:**



Include no-contact provisions that carefully specify prohibitions on indirect as well as direct contact, including contact through the use of technology and social media, and any other conditions (e.g., GPS monitoring or restrictions on use of digital devices) that will help to ensure the victim’s safety.

Specify that “no contact” includes indirect contact and contact through third parties, as well as social media posts about, or directed toward, the victim.



Prohibit contact with members of the victim’s family or household and, in appropriate cases, the victim’s employer and named friends of the victim.

Prohibit the offender from monitoring, tracking, or surveilling the victim, by use of technology or otherwise.



List any locations frequented by the victim and specify the distance that the stalking offender must stay away from these locations.

Address when the offender and victim regularly frequent the same places (e.g., a church or a gym) — the order should bar the offender from those locations completely except during times specified in the court order (designing the order so that the victim is safe to be at the location except during the hours that the offender is authorized to be there).







Specify that if the offender arrives at a public location and the victim is present, the offender must promptly depart.

Prohibit the offender from possessing firearms, ammunition, and any firearms permits, and should require verifiable surrender of any of these that the offender currently possesses.



- Research suggests that when abusers have easy access to guns, the risk of firearms threats and homicide increases;<sup>lv</sup>
- Some jurisdictions have protocols in place for firearms surrender; if a jurisdiction lacks such a protocol, resources and technical assistance for establishing such procedures can be found at the National Domestic Violence and Firearms Resource Center, at [www.preventdvgunviolence.org](http://www.preventdvgunviolence.org).



Require the Prosecuting Attorney in a criminal case be informed of any attempt made by the Defendant to purchase a weapon that is rejected by a Federal database.

Require electronic monitoring of the offender (e.g., ankle bracelet) and regular in-person reporting to probation.



Prohibit the use of alcohol or recreational drugs.

**It can be very useful for stalking victims and other victims of domestic and sexual violence to receive court orders that protect them from offenders' ongoing stalking, abusive actions, and criminal conduct.** Stalking victims may qualify for civil protection orders and bail conditions can be set in criminal cases that offer victims protection. Due to the differences between protection orders and bail conditions, it can be helpful for stalking victims to receive protections offered by both types of court orders. Protection orders may be more readily enforceable than bail conditions because violation of a civil protection order is a crime that can lead to the offender's arrest. Similarly, contempt citations in civil cases can be used to hold offenders accountable when they violate a court order. Enforcement of bail conditions, in contrast, may require a motion to revoke bail. The associated delay in enforcement can potentially endanger the victim, since the offender may remain at liberty while the motion is pending. There is also a difference in the duration of the protection offered: protection orders remain in place until they expire and can often be extended, while bail conditions remain in place only during the pendency of the criminal proceedings.

Any violations should result in prompt action to report the protection order violation to law enforcement and to initiate an enforcement action to revoke bail set in criminal cases, particularly when the violation is one that poses a risk to the victim or to anyone else.

## A. EXAMPLE OF STALKING FINDINGS

Petitioner, *name*, is a victim of stalking. Respondent, *name*, has utilized [insert stalking tactics categories, i.e., Surveillance, Life Invasion, Intimidation, Interference through sabotage or attack] through the following behaviors [list the behaviors that fall under the respective category]. These behaviors are found to be stalking tactics. Respondent, *name*, has executed these behaviors that display a pattern of stalking [name the pattern; include frequency, duration, and intensity]. Respondent's pattern of behavior escalated and resulted in greater threat and/or violence against Petitioner, *name*. Respondent's actions constitute stalking [insert citation to statutory definition]. HAVING MADE THESE FINDINGS... [Insert detailed specific orders to stop that specific behavior].

## B. EXAMPLE OF COERCIVE CONTROL FINDINGS

Petitioner, *name*, is a victim of coercive control. [Add citation to state law, if any]. Respondent, *name*, utilized [name the coercive control examples<sup>lvii</sup>]. Respondent's behavior is abusive and/or coercive and amounts to coercive control strategies. Petitioner experienced [describe the details of petitioner's fear; dependence; and deprivation of basic rights and liberties] because of Respondent's behavior. Respondent intended their abusive and/or coercive controlling behavior would retain privileges and establish domination in Petitioner's life. HAVING MADE THESE FINDINGS... [Insert detailed specific orders to stop that specific behavior].

## VII. FOR MORE INFORMATION

For additional resources and support on responding to stalking, visit [www.StalkingAwareness.org](http://www.StalkingAwareness.org) and contact SPARC at [tta@stalkingawareness.org](mailto:tta@stalkingawareness.org). SPARC's website has [Recorded Trainings](#) for a variety of audiences and resources not only for judicial officers on responding to stalking, but also [resources to share with partners](#) — including Prosecutors, Law Enforcement, Corrections/Probation, and Victim Services — to better work together to build stalking cases, support victims, and hold offenders accountable.

## ENDNOTES

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- <sup>i</sup> SPARC provides information on stalking statutes in each U.S. jurisdiction: <https://www.stalkingawareness.org/map>
- <sup>ii</sup> Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- <sup>iii</sup> Spencer, C.M. & Stith, S.M. (2018). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma, Violence, & Abuse*, 21(3), 527-540.
- <sup>iv</sup> Mohandie, K., Meloy, J., McGowan, M., & Williams, J. (2006). The RECON typology of stalking: Reliability and validity based upon a large sample of north American stalkers. *Journal of Forensic Science*, 51(1), 147-155.
- <sup>v</sup> Tjaden, P. & Thoennes, N. (1998). Stalking in America: Findings from the national violence against women survey (NCJ#169592). Washington, DC: National Institute of Justice Centers for Disease Control and Prevention.
- <sup>vi</sup> Spencer, C.M. & Stith, S.M. (2018). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma, Violence, & Abuse*, 21(3), 527-540.
- <sup>vii</sup> McFarlane, J., Campbell, J.C., Wilt, S., Ulrich, Y., & Xu, X. (1999). Stalking and Intimate Partner Femicide. *Homicide Studies*, 3(4), 300-316.
- <sup>viii</sup> Id.
- <sup>ix</sup> Id.
- <sup>x</sup> Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- <sup>xi</sup> Mohandie, K., Meloy, J., McGowan, M., & Williams, J. (2006). The RECON typology of stalking: Reliability and validity based upon a large sample of north American stalkers. *Journal of Forensic Science*, 51(1), 147-155.
- <sup>xii</sup> Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- <sup>xiii</sup> Id.
- <sup>xiv</sup> Id.
- <sup>xv</sup> Id.
- <sup>xvi</sup> Id.
- <sup>xvii</sup> Id.
- <sup>xviii</sup> Chen, J. Walters, M.L, Gilbert, L.K., & Patel, N. (2020). Sexual violence, stalking, and intimate partner violence by sexual orientation, United States. *Psychological of Violence*, 10(1), 110-119.
- <sup>xix</sup> Id.
- <sup>xx</sup> Cantor, D., et al. (2020). Report on the AAU Climate Survey on Sexual Assault and Sexual Misconduct. Westat.
- <sup>xxi</sup> Reynolds, B. W., & Scherer, H. (2018). Stalking victimization among college students: The role of disability within a lifestyle-routine activity framework. *Crime & Delinquency*, 64(5), 650-673.
- <sup>xxii</sup> Jordan, C. E., Wilcox, P., & Pritchard, A. J. (2007). Stalking acknowledgement and reporting among college women experiencing intrusive behaviors: Implications for the emergence of a “classic stalking case”. *Journal of Criminal Justice*, 35(5), 556-569.
- <sup>xxiii</sup> Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- <sup>xxiv</sup> Id.
- <sup>xxv</sup> Truman, J.L., & Morgan, R.E. (2021). Stalking Victimization, 2016. Washington, DC: US DOJ, Bureau of Justice Statistics, Special Report.

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- <sup>xxvi</sup> Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- <sup>xxvii</sup> Id.
- <sup>xxviii</sup> See, Model Penal Code § 2.02
- <sup>xxix</sup> Keith, A. (2 January 2022). Probable cause found for first degree stalking. Bonner County Daily Bee. <https://bonnercountydailybee.com/news/2022/jan/02/probable-cause-found-first-degree-stalking>.
- <sup>xxx</sup> 47% of stalking cases involve both in-person and technology enabled tactics (Truman, J.L., & Morgan, R.E. (2021). Stalking Victimization, 2016. Washington, DC: US DOJ, Bureau of Justice Statistics, Special Report).
- <sup>xxxi</sup> Fissel, E. R., & Reyns, B. W. (2020). The Aftermath of Cyberstalking: School, Work, Social, and Health Costs of Victimization. *American Journal of Criminal Justice*, 45(1), 70-87.
- <sup>xxxii</sup> Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- <sup>xxxiii</sup> Tjaden, P. & Thoennes, N. (1998). Stalking in America: Findings from the national violence against women survey (NCJ#169592). Washington, DC: National Institute of Justice CDC.
- <sup>xxxiv</sup> Davis, K., Ace, A., & Andra, M. (2000). Stalking perpetrators and psychological maltreatment of partners: Anger, jealousy, attachment insecurity, need for control, and break-up context. *Violence and Victims*, 15(4), 407-425.
- <sup>xxxv</sup> Mohandie, K., Meloy, J., McGowan, M., & Williams, J. (2006). The RECON typology of stalking: Reliability and validity based upon a large sample of north American stalkers. *Journal of Forensic Science*, 51(1), 147-155.
- <sup>xxxvi</sup> Johnson, M. & Kercher, G. (2009). Identifying predictors of negative psychological reactions to stalking victimization. *Journal of Interpersonal Violence*, 24(5), 886-882.
- <sup>xxxvii</sup> Palarea, R., Zona, M., Lane, J. & Langhinrichsen-Rohling, J. (1999). The dangerous nature of intimate relationship stalking: Threats, violence and associated risk factors. *Behavioral Sciences and the Law*, 17, 269-283.
- <sup>xxxviii</sup> Brewster, M. (2003). Power and control dynamics in pre-stalking and stalking situations. *Journal of Family Violence*, 18, 4, 207-217.
- <sup>xxxix</sup> Rosenfeld, B. (2003). Recidivism in stalking and obsessional harassment. *Law and Human Behavior*, 27(3), 251-265.
- <sup>xl</sup> Id.
- <sup>xli</sup> Brewster, M. (2003). Power and control dynamics in pre-stalking and stalking situations. *Journal of Family Violence*, 18(4), 207-217.
- <sup>xlii</sup> McFarlane, J., Campbell, J.C., & Watson, K. (2001). The Use of the Justice System Prior to Intimate Partner Femicide. *Criminal Justice Review*, 26(2), 193-208.
- <sup>xliiii</sup> Brady, P. Q., & Woodward Griffin, V. (2019). The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results. mTurk Findings, 2018.
- <sup>xliv</sup> Logan, TK, Walker, R., Hoyt, W., & Faragher, T. (2009). The Kentucky civil protective order study: A rural and urban multiple perspective study of protective order violation consequences, responses, & costs. (NCJ Publication # 228350). Washington, D.C.: National Institute of Justice, U.S. DOJ.
- <sup>xlv</sup> Logan, TK, & Walker, R. (2009). Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness. *Journal of Interpersonal Violence*, 24(4), 675-692.
- <sup>xlvi</sup> Id.
- <sup>xlvii</sup> For more information, see: Orloff, L.E., Roberts, B., & Gitler, S. (2015). "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases. National Immigrant Women's Advocacy Project, American University, Washington College of Law. <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>; Dutton, M.A., & Goodman, L.A. (2005). Coercion in Intimate Partner Violence: Toward a New Conceptualization, *Sex Roles*, 52(11/12), 743-756.

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<sup>xlviii</sup> Hawaii HB 2425 (September 15, 2020) Hawaii Revised Statutes Sections 431:10-217.5(e); 432:1-101.6(e); 432:2-103.5(e); 432C-27; 586-1; California SB 1141 (September 29, 2020) California Family Code Section 6320; Connecticut SB 1091 (June 28, 2021); Connecticut Statutes 46b-1, 46b-15; 46b-38a; 46b-54; 46b-56; 54–64(a).

<sup>xlix</sup> Domestic violence: coercive control, No. 1141, S.B. 1141, Session 2019-2020 (C.A. 2020).

<sup>l</sup> Id.

<sup>li</sup> For more information, see: Battering or Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>; *Laura Luis Hernandez v John Ashcroft* 9th Circuit Court of Appeals (October 7, 2003) <https://niwaplibrary.wcl.american.edu/pubs/9th-cir-hernandez-extreme-cruelty-10-7-03>.

<sup>lii</sup> See VAWA self-petition regulations: 8 CFR 204.2(c)(2)(vi); 8 CFR 216.5(e)(3)(i). See also U visa regulations 72 Fed. Reg. No. 179, 53014, 53015, 53016, 53018 (September 17, 2007). 22 CFR 214.14(a)(8) and (b)(1).

<sup>liii</sup> The word “degradation” here categorizes an instance of battery where the perpetrator held down a spouse while sexually assaulting her to urinate on her. See *Morris v. Stonewall*, 1999 Ohio App. LEXIS 5356 (1999). See also *Ireland v. United Kingdom*, 25 Eur. Ct. H.R. (ser. A) (1975) (stating, European Convention on Human Rights protects against “moral suffering and degrading treatment that creates a sense of fear, anxiety, and inferiority in order to humiliate, degrade, and break the victim’s resistance.”

<sup>liv</sup> According to Goodman and Dutton’s Coercive Control Model, a credible threat is a form of coercive control. At the center of coercive relationships, the target believes that negative consequences can and will occur if the target does not comply with the perpetrator’s demands. Thus, a credible threat in that context, means the perpetrator is communicating to the target that they are able, willing, and ready to carry out a threat for noncompliance. Mary Ann Dutton and Lisa A. Goodman, *Coercion in Intimate Partner Violence: Toward a New Conceptualization*, 52, *Sex Roles*, 743, 745, 750 (2005), available at <https://niwaplibrary.wcl.american.edu/pubs/dutton-goodman-coercive-control-model>.

<sup>lv</sup> U.S. jurisdictions that specifically list “stalking” as a basis for a domestic violence protection order: (AL, AK, AZ, CA, CO, CT, FL, GA, IN (Ind. Code Ann. § 34-26-5-2 specifically lists stalking), KY, LA, ME, MD, MI, MS, MO, MT, NV, NJ, NM, NY, NC, OH, RI, SD, TN, USVI, UT, VT, VA, WA, WV, WI. Jurisdictions with specific stalking protection order statutes or with anti-harassment statutes that explicitly list stalking as grounds for issuance of a protection order: AK, AZ (harassment under A.R.S. § 12-1809), CA (civil harassment orders for those who suffer harassment or stalking; workplace violence protection orders includes protections against certain “course of conduct” under Cal.C.C.P. § 527.6), CO, CT, DC, FL, GA, HI (protection from harassment under HRS § 604-10.5), ID, IL, KS, KY, LA, ME, MA, MI, MN, NE, NV, NH, NJ (stalking restraining order under N.J. State. Ann. §§ 2C:12-10.1, 2C:12-10.2), NM (county specific court rules allow for harassment restraining orders according to <https://www.womenslaw.org/laws/nm/restraining-orders/civil-restraining-orders-harassment-or-other-harm/county-specific-1>), ND (disorderly conduct restraining where disorderly conduct means “intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. For the purposes of this section, disorderly conduct includes human trafficking or attempted human trafficking as defined in this title” under N.D. Cent. Code Ann. § 12.1-31.2-01), OR, PA, PR, SC, SD, TX, USVI, UT, VT, WA, WV, WI, WY). Jurisdictions that list behaviors that include stalking tactics as grounds for domestic violence or harassment protection orders: DE, IL, NE, ND, PA (“Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury” under 23 Pa. Stat. and Cons. Stat. Ann. § 6102). Jurisdictions with workplace violence protection orders that include harassment/stalking as basis: AZ (workplace harassment under A.R.S. § 12-1810), AR (protection against workplace violence and specifically lists harassment and/or stalking as a basis for granting this order under A.C.A. § 11-5-115), CA (workplace violence protection orders includes protections against certain “course of conduct” under Cal.C.C.P. § 527.8), RI (workplace violence protection order based on stalking/harassment under RI Gen. Laws § 28-52-2), TN (workplace violence protection order based on stalking, threats, harassment under TN ST § 20-14-102). See <https://www.womenslaw.org/laws/general/restraining-orders> for additional information about these protection order statutes including many statutory citations.

<sup>lvi</sup> Kivisto, A. J., & Porter, M. (2020). Firearm Use Increases Risk of Multiple Victims in Domestic Homicides. *Journal of the American Academy of Psychiatry and the Law*, 48(1), 26-34; Smith, S. G., Fowler, K. A., & Niolon, P. H. (2014). Intimate partner homicide and corollary victims in 16 states: National Violent Death Reporting System, 2003-2009. *American Journal of Public Health (1971)*, 104(3), 461-466; Spencer, C. M., & Stith, S. M. (2020). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma Violence Abuse*, 21(3), 527-540.

<sup>lvii</sup> Some examples are sleep deprivation, restricting what spouse eats, social isolation. For more information, see: Dutton, M.A., Molina, R., & Young, L. (2015, July 30). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases [PowerPoint slides]. National Immigrant Women’s Advocacy Project, American University, Washington College of Law. <https://niwaplibrary.wcl.american.edu/pubs/powerpoint-evidence-of-coercive-control-extreme-cruelty>.

# JUDICIAL OFFICER BENCH CARD: STALKING



This bench card is designed for use in conjunction with the more comprehensive [Judicial Officer Guide for Responding to Stalking](#) and as a reference when considering the role of stalking in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Judicial officers are strongly encouraged to read [the full Guide](#) prior to using this bench card during proceedings.

This bench card serves as a reference for judicial officers on stalking behaviors and how these behaviors relate to other crimes, to be better able to identify stalking in any type of case. Judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

## CONSIDERING/IDENTIFYING STALKING



**Stalking can appear in any type of case** and it is particularly important to look for indicators when the parties know one another and/or there is evidence of ongoing harmful contact. Stalking can occur in the context of other crimes and other crimes can occur in the context of stalking.



**Stalking should be considered in protection order and domestic violence hearings** because intimate partner stalkers are more likely (than stalkers with other relationships to their victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend.







**Technology-facilitated stalking (cyber-stalking) needs particular consideration** and concern in stalking cases. Perpetrators of stalking use and misuse technology to facilitate their stalking. They use computers, social media, mobile phones, and other devices in their stalking behaviors to monitor, contact, control, and isolate their victims, as well as to damage their victims' credibility or reputation. The impact of technology-facilitated stalking is vast and may be just as threatening and fear-inducing as in-person stalking. Victims of technology-facilitated stalking often report higher levels of fear than individuals who experience in-person stalking<sup>i</sup>

## ASSESSING STALKING

It is extremely important to note that victims of stalking often do not identify their victimization as stalking or harassment and are unlikely to use those words to describe what they're experiencing; instead, they often describe the stalking behaviors and impacts.<sup>ii</sup> As such, it is important to use a framework for assessing the presence of stalking rather than rely on victims to identify and name it. Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior; however, if their behavior is a pattern that shows the intent to survey, invade, intimidate, or interfere with/sabotage the victim using the behavior, then their actions legally meet the evidence-based definition of stalking. Stalking can be done in-person, using technology, or both.

## SLII STALKING TACTICS

Dr. TK Logan's multi-dimensional framework, focused on **S**urveillance, **L**ife Invasion, **I**ntimidation, and **I**nterference through sabotage or attack (SLII) tactics, provides a research-informed approach to assessing stalking behaviors in judicial proceedings.<sup>iii</sup> The examples of SLII tactics below pertain to all types of victim-stalker relationships.

|   |  |
|---|--|
|  <h3>SURVEILLANCE</h3> <p>Follow, watch, monitor, wait for, show up uninvited, track using software or devices, gather information, proxy stalking (using a third party to stalk and report on the victim)</p> |  <h3>LIFE INVASION</h3> <p>Unwanted/nonconsensual contact and communication, show up without warning, property invasion, public humiliation, harass friends/family</p>  |
|  <h3>INTIMIDATION</h3> <p>Explicit and implicit threats, property damage, symbolic violence, forced confrontations, threat to or actually harm self, threat to harm others, deportation threats</p>            |  <h3>INTERFERENCE THROUGH SABOTAGE OR ATTACK</h3> <p>Financial and/or work sabotage, ruin reputation, custody interference, keep victim from leaving, road rage, attack friends/family/children/pets, physical or sexual attack</p> |

## DURATION, INTENSITY, FREQUENCY

The framework also explains that stalkers use SLII tactics in a dynamic way that can be measured by the *Duration*, *Intensity*, and *Frequency* of implementation.

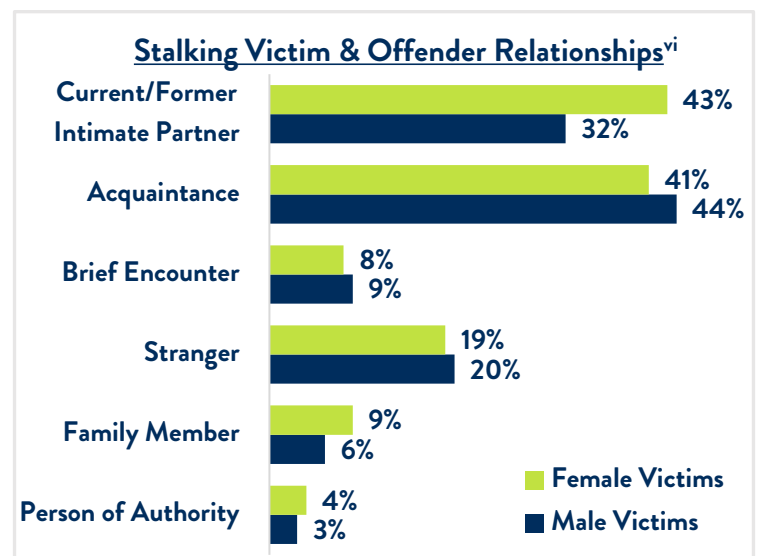
- **Duration** is how long the tactics have gone on — when the stalking started and how long it has lasted.
- **Intensity** is the number of different tactics and locations that the stalker employs.
- **Frequency** is how often the stalker makes their presence known — how often the stalker approaches, confronts, and/or interferes in the victim's life.

Whether the offender exhibits one continuous tactic or a variety of tactics, the longer the duration and greater the intensity and frequency of any stalking tactics, the greater the risk of harm, persistence, escalation, and life sabotage.<sup>iv</sup> Data show greater victim psychological distress in response to greater frequency of stalking and to any changes in stalker behavior, and escalation is known to lead to greater violence.<sup>v</sup>

## ESTABLISHING FEAR

In the vast majority of stalking situations, the stalker knows their victim<sup>vi</sup> and so may have unique and intimate knowledge about their victim's vulnerabilities and what would scare them. **Stalking behaviors often include a specific meaning only understood by the victim, and may be intended to seem benign to anyone other than the victim.** When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this may show the offender's intent to frighten them.

**Victims react to stalkers in a variety of ways, and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy.** Some may minimize and dismiss their stalking as "no big deal."





It is helpful to consider how victims change their behaviors to cope with the stalking. At a minimum, these are signs that the stalker’s behaviors are unwanted and the victim is resisting the contact. Evidence and corroboration of the victim’s fear and resistance can be found by considering changes and accommodations the victim has made to their life.

**Some victims continue to have contact and engage with the stalker as a safety strategy**, to gather information, assess the offender’s state of mind, and negotiate their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker’s behaviors are wanted. In fact, it may indicate that the victim is very afraid of the offender and is contacting the offender to be able to assess and plan the steps they will take to increase safety for themselves and others.

## RISK FACTORS

When reviewing a stalking case, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors contributes to increased risk of current and future harm to the stalking victim.<sup>vii</sup> (Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories but that should still be considered.)

| BIG PICTURE   | STALKER MINDSET   | STALKER HISTORY   | VICTIM VULNERABILITY    |
|--|--|--|--|
| <ol style="list-style-type: none"> <li>1 Course of conduct (duration, intensity, frequency)</li> <li>2 Escalation of behaviors over time, events or dates that may trigger an escalation</li> <li>3 Nature, specificity, and context of threats</li> <li>4 Previous threat follow-through, ability to carry out threats</li> </ol> | <ol style="list-style-type: none"> <li>5 History of abuse to victim (control, jealousy, violence)</li> <li>6 History of violence and abuse to others</li> <li>7 Access to and previous use of guns and weapons, any prior training in using weapons</li> <li>8 Criminal history, mental health, substance abuse</li> </ol> | <ol style="list-style-type: none"> <li>9 Victim’s resistance and stalker’s persistence</li> <li>10 Stalker’s motive and demonstrated lack of concern for consequences</li> <li>11 Proxy stalking (enlisting others to stalk the victim)</li> </ol> | <ol style="list-style-type: none"> <li>12 Victim’s fear, whether the victim’s life and environment provide opportunity for stalking or not, the impact of the stalking on the victim’s life</li> <li>13 Stalker’s use of and expertise with technology</li> <li>14 Victim vulnerability</li> </ol> |

The Stalking and Harassment Assessment and Risk Profile (SHARP) is a web-based tool that provides a situational risk profile (available at [www.CoerciveControl.org](http://www.CoerciveControl.org)). This risk assessment is useful for several considerations: pretrial detention and bail conditions, which cases may demand greater attention, and sentencing and post-sentencing (e.g., probation or parole).

## COURT ORDERS AND FINDINGS

- **Courts can specifically design court orders containing no-contact provisions, mitigating direct contact between the victim and offender, and utilizing other available safety measures.** Providing qualified interpreters in proceedings involving stalking and translating court orders when the offender and/or the victim are limited English proficient promotes offender compliance and victim safety.
- Identifying and distinguishing stalking from other forms of intimate partner violence occurring in a case enhances the effectiveness of court orders in protection order and domestic violence related custody and divorce cases. Victims cannot violate their own protection orders because the orders circumscribe only the offender’s behavior, not the victim’s.
- **Detailed findings regarding the stalking behaviors and their frequency, duration, and intensity also help appraise future judicial officers** who hear actions involving the same parties of the severity of the abuse occurring in the case.

## PROTECTION ORDERS & BAIL CONDITIONS

Consider orally informing the offender of conditions and prohibitions for protection orders and bail in court (particularly the prohibition from possessing firearms, ammunition, and related permits and their associated verifiable surrender), as well as that violations can result in revocations of bail, probation, etc. and may be the basis for (additional) criminal charges. Use qualified interpreters in any criminal, family, or civil case involving people with limited English proficiency. Having court orders translated into the languages spoken by the offender and/or victim promotes greater compliance and victim safety.

### When stalking behaviors are present, both protection orders and bail conditions should:



Include no-contact provisions that carefully specify prohibitions on indirect as well as direct contact, including contact through the use of technology and social media, and any other conditions (e.g., GPS monitoring or restrictions on use of digital devices) that will help to ensure the victim's safety.

Specify that "no contact" includes indirect contact and contact through third parties, as well as social media posts about, or directed toward, the victim.



Prohibit contact with members of the victim's family or household and, in appropriate cases, the victim's employer and named friends of the victim.

Prohibit the offender from monitoring, tracking, or surveilling the victim, by use of technology or otherwise.



List any locations frequented by the victim and specify the distance that the stalking perpetrator must stay away from these locations.

Address when the offender and victim regularly frequent the same places (e.g., a church or a gym) — the order should bar the offender from those locations completely except during times specified in the court order (designing the order so that the victim is safe to be at the location except during the hours that the offender is authorized to be there).



Specify that if the offender arrives at a public location and the victim is present, the offender must promptly depart.

Prohibit the offender from possessing firearms, ammunition, and firearms permits; require verifiable surrender of any of these that the offender currently possesses, and orally inform the offender of this prohibition in court.



Require the Prosecuting Attorney in a criminal case be informed of any attempt made by the Defendant to purchase a weapon that is rejected by a Federal database.

Require electronic monitoring of the offender (e.g., ankle bracelet) and regular in-person reporting to probation.



Prohibit the use of alcohol or recreational drugs.

## EXAMPLE OF STALKING FINDINGS

Petitioner, *name*, is a victim of stalking. Respondent, *name*, has utilized [insert stalking tactics categories, i.e., Surveillance, Life Invasion, Intimidation, Interference through sabotage or attack] through the following behaviors [list the behaviors that fall under the respective category]. These behaviors are found to be stalking tactics. Respondent, *name*, has executed these behaviors that display a pattern of stalking [name the pattern; include frequency, duration, and intensity]. Respondent's pattern of behavior escalated and resulted in greater threat and/or violence against Petitioner, *name*. Respondent's actions constitute stalking [insert citation to state law definition]. **HAVING MADE THESE FINDINGS...** [Insert detailed specific orders to stop that specific behavior].

## ENDNOTES

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- <sup>i</sup> Fissel, E. R., & Reyns, B. W. (2020). The Aftermath of Cyberstalking: School, Work, Social, and Health Costs of Victimization. *American Journal of Criminal Justice*, 45(1), 70-87.
- <sup>ii</sup> Jordan, C. E., Wilcox, P., & Pritchard, A. J. (2007). Stalking acknowledgement and reporting among college women experiencing intrusive behaviors: Implications for the emergence of a “classic stalking case”. *Journal of Criminal Justice*, 35(5), 556-569.
- <sup>iii</sup> Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.
- <sup>iv</sup> Id.
- <sup>v</sup> Id.
- <sup>vi</sup> Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- <sup>vii</sup> Logan, TK & Walker, R. (2017). Stalking: A Multi-dimensional Framework for Assessment and Safety Planning. *Trauma, Violence and Abuse*, 18(2), 200-222.

Learn more at [StalkingAwareness.org](https://StalkingAwareness.org)



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