

Tri-County BIP Providers Network Meeting
Tuesday, September 16, 2008

Attendees: Jacquie Pancoast (Changepoint), Amy Smith (CVS Washington County), Regina Roseann (ARMS), Jennifer Warren (MRC/WCC), Shaun Konradson (ARMS), Cassandra Suess, Joan Scott (Allies in Change), Jennifer Harrington (Allies in Change)

Meeting facilitated by Jacquie Pancoast.

Minutes by Margaret Braun.

Today's Topic: RECOGNIZING & RESPONDING TO STALKING
Guest speaker: Deputy James Eriksen, DV Unit, Mult. County Sheriff's Office

A lot of advocacy groups are familiar with restraining orders, but many are not familiar with stalking orders. Issues include safety planning for victims re: stalking and cyber stalking.

Stalkers have very obsessive behavior.

Restraining vs. Stalking orders:

- Dep. Eriksen encourages victims to get stalking orders as well as restraining orders.
- Stalking orders (SOs) require 2 different procedures, whereas restraining orders (ROs) require just one procedure
- ROs involve family court judges
- SOs potentially involve non-family court judges. Judges take turns on stalking order cases, so it might be a civil judge or other judge.
- SOs do not require that a relationship is present between the person ordering the SO and the stalker (ROs require a romantic or familial relationship).
- Minors can request a SO through a guardian (courts, parents, advocates)
- Minors can also be respondents on SOs, not with ROs (i.e., a minor can have a stalking order filed against him/her)
- SOs require at least 2 contacts, ROs need one contact
- The behavior for SOs has to have occurred in the past 2 years, ROs behavior has to have occurred in the past 6 months
- SOs are lifetime orders. ROs expire after 1 year.
- Bail for arrest on an RO is \$5,000; bail for an SO is \$50,000
- SOs are great to get along with ROs, because if you violate one of them you also violate the other.

Criminal law:

Stalking has to happen "knowingly" according to Oregon criminal law. The person has to be engaging in the stalking behavior knowingly.

Behavior has to cause alarm to the person or be coercive.

Stalking also applies to the immediate family and household members of the victim. For example, if Susan is assaulted by Bob and then Bob starts harassing Susan's son and making threats to him, that is stalking.

Stalking is a class A misdemeanor. It becomes a C felony if they have prior convictions for stalking or violating a SO or protective order.

Statistics about stalking:

Stalkers tend to be male, intelligent, controlling, underemployed.

Over 1 million women and nearly 400,000 men are stalked every year in the US. 77% of females know their stalker (e.g., former partner) and 64% of men know their stalker. 59% of females are stalked by an intimate partner.

American Indian and Alaska Native women are stalked nearly 3 times as often as other cultures. Possible reasons for the increase in stalking behavior include living on a small reservation where everyone knows everyone, very little police, laws may be different because they are their own sovereign nation. DV cases on reservations must be handled by police outside of the res. By the time the call is transmitted the victim may be in real danger. This may cause some women not to call because of the hassle and delay in response. Some numbers suggest that it is white men coming into the reservation to stalk Native American women, not so much Native American men stalking Native American women.

81% of women and 31% of men who are stalked by a current or former partner are also sexually assaulted by that partner.

Average duration of stalking is between 1.8 and 2.2 years.

Stalking includes unwanted phone calls, texts, unwanted letters or items (e.g., Playboy subscriptions in the victim's name), threatening to kill or kill a family pet, threatening a family member, sending things to the family member or contacting the family member, etc. Example where a guy in jail was sending things to his victim through his brother. To prove this is stalking the police would have to prove that the offender asked his brother to contact the victim (i.e., would have to prove that the offender violated the stalking order through a third party). This would be harder to prove.

Need to tell victims: just because you get a SO or an RO, it is just a piece of paper. 28% of females get a protective order, but these are violated 69% of the time. 10% of males get a protective order and they are violated 81% of the time.

In safety planning, listen to the victim. The victim knows the offender best. When the victim says “if I get an RO or an SO, he is going to kill me,” in these cases it is likely not best to get a protective order. She knows him best.

When non-family court judges hear these cases it is often hard to convey the seriousness of the issue and need for a stalking order.

3 out of 4 women who have been murdered by their intimate partner were also stalked by them at some time in the year before their death.

Safety Planning:

Stalking is never the victims’ fault. A victim can never violate their own SO or RO. Validate and understand victims’ feelings.

Partners and strangers can engage in stalking. Sometimes victims may not even know who their stalker is. It is not just a crime that happens to celebrities!

Be a support to the victim. Stalking is frightening and unnerving. A lot of people don’t understand stalking. Stalking is really hard to prove and hard to track. For example, your boss could be stalking you by accessing your email because he/she has administrative privileges and can access your files.

Encourage the victim to stop interacting with the stalker in any way shape or form. Every interaction (including court dates) is a victory for the stalker. In Multnomah county, victims must go to court about 2 to 3 times for stalking orders. Sometimes stalkers try to manipulate the system and drag out the process so they can see the victim in court more often. Encourage victims to bring an outside advocate with them that knows legal jargon, etc., maybe an attorney.

People being stalked by someone in another state must get a stalking order in the state where the stalking occurred (e.g., if the victim just moved to Oregon from Idaho and the stalking occurred in Idaho, the order must be filled in Idaho). BUT if the stalking is occurring online or through letters from the stalker who is living in another state and the victim lives in Oregon, the order can be filled in Oregon.

Encourage the victim to tell family and friends about the stalking. Tell the victim to tell family and friends to not give out personal information under any circumstances. Stalkers are resourceful!

Have the victim vary their routine. This is tricky because victims should not have to change their lives to avoid the stalker. But if it is a safety issue it is likely necessary. Victims are typically receptive to this. For example, change your work schedule, take a different route to work, the gym, change gyms, etc.

Have victims carry an “emergency kit” that includes a prepaid cell phone, money for a taxi, ID, list of phone numbers to call for help (e.g., a friend who you’ve planned with), whistle or other noise maker, a disposable camera or cell phone camera, and a copy of the protection order, etc. Tell victims to take photos of the stalking behavior (e.g., if he is sitting in his car outside the store, flowers that are left on your car, slashed tires, etc.) to document it as evidence.

Cyberstalking:

Using the internet or computer to harass, annoy, track people online. Examples: emails, chat rooms, mySpace, Facebook, Google Earth, websites to gather personal information (e.g., www.zabasearch.com), text messaging through the internet. Dep. Eriksen had one guy who took naked photos of his partner when they were together and then set up a fake mySpace account with her pictures, pretending he was her and chatting with men.

Newer cell phones have GPS on them. If you activate GPS on your cell phone the only people who should be able to find you are 911 operators (so if you make a pocket call when you are in trouble they can track you). But you can enable your phone so that anyone can track you through GPS. Stalkers can do this, especially if at one time you were living together, etc. If victims are concerned this may have happened, tell them to go back to their cell phone company store and ask them to disable this feature.

You can download Spy software (e.g., eBlaster 5.0, Computer GOD) onto your computer that tracks others’ use of the computer, then that log is sent to an email address. So, if Mary is on the computer that Paul has installed spy software on, her computer use is sent to Paul via email. So if she is looking for shelters, advocates, divorce lawyers online, etc., all of this information is sent to Paul and he knows what she is up to. If police think this is happening, the police tech looks at it but in the meantime officers tell victims to use a safe computer (e.g., a friend’s computer, etc.). Stalkers can also access victims’ computer use via wireless connections. Tell victims to shut off the wireless.

Google Earth can be used to scope out hiding places at victims’ homes, trees to hide behind, places to park, etc.

Text messages usually contain the sender’s phone number, but over the Internet stalkers can send anonymous text messages. Stalkers can violate SOs via these websites because you can’t tell who is sending you text messages.

Mailinator.com is a site from where stalkers can send anonymous emails. Again, victims cannot prove that they came from the stalker in these cases, therefore cannot prove he/she violated the SO.

Zabasearch is a free website where stalkers can search for anyone. Victims can go to www.zabasearch.com and register to be notified when they are searched. Victims can also register to have their name blocked from being searched.

Spoof card (www.spoofcard.com) is a site through which stalkers can make completely private calls. Stalkers can program it to make any phone number they want appear on caller id (e.g., if the stalker knows his victims' mother's number, he can make it look like the phone call from him is coming from her mother).

Recording and listening devices that have been found in some Mult. County cases include a camera that is the same size as a silver dollar.

Stalkers might gift their victims a "new watch" that really has GPS in it so he/she can track the victim at all times. First marketed for Alzheimer's patients who might get lost. Transformed by bad guys into a tool for stalking!

Wendy's Stalking Techniques is a website that teaches you how to stalk people. There is a fine print that says it is a joke, but it is not funny!

Very fine line between what is annoying (e.g., constant love letters) and what is stalking. The line is crossed when the behavior becomes alarming and it persists even after the target has asked that it stop.

One case where the victim never directly told the stalker to stop writing her letters. Only her co-workers, parents, etc. told him to stop. So he assumed that other people were trying to keep them apart and that she really wanted to be with him.

In Multnomah county the victim can petition the court directly for a stalking protective order. In other countries the victim might have to go through the family court which is an extra hassle. The victim must have the full name and at least an address of his/her home or work in order for officers to find the person and serve the order.