

Are You Being Stalked?

Tips for Protection



www.legalvoice.org

This memo will help you learn about stalking and how to protect yourself. If you need more information about stalking and the ways to protect yourself, see the Resources section at the end of this memo.

What Is Stalking?

Stalking is repeated, unwanted behavior that threatens or harasses a person and makes that person afraid. Stalking includes unwanted physical behavior or unwanted “cyber” behavior. Unwanted cyber behavior is known as cyber stalking and includes behavior that threatens or harasses a person over the Internet, using social media, other electronic tools, using text messages, or a GPS tracking system for example.

Stalking is serious and common.

Any type of stalking – whether physical or cyber – can lead to a physical attack if the situation is not handled properly as soon as possible. Most stalking victims are ordinary people being pursued and threatened by someone they already know, such as ex-boyfriends, ex-husbands, or ex-employees. In fact, three out of four women killed by their partners were being stalked by those partners before the murder. Even if stalking does not lead to physical harm, it can cause psychological damage. According to the National Center for the Victims of Crime, about 6.6 million people are stalked each year in the United States. One in six American women and one in 19 American men will be stalked at some point in their lives.

Am I Being Stalked?

Types of behavior that may be stalking:

- Following you;
- Showing up or driving by wherever you are;
- Waiting at your home, school, or workplace;
- Monitoring your communications, such as your phone calls or computer use;
- Calling often, including hang-ups;
- Often sending writings, e-mails, or text messages that you don't want;
- Often sending gifts, letters, or cards that you don't want;

Women's rights. Nothing less.

- Threatening you or someone you care about;
- Using technology, like hidden cameras or GPS systems, to track where you go;
- Trying to find information about you by using public records, online search services, hiring investigators, going through your garbage, or contacting people you know; and
- Other actions that control, track, or scare you.

Stalking also includes circumstances where the stalker gets other people to harass you. For example, a stalker could ask a friend to call or email you or drive by your work.

How Can the Law Protect Me from Being Stalked?

In Washington State, victims of stalking can protect themselves by knowing their rights in civil and criminal law. Here's what you should know.

Protection Orders

At any time, a stalking victim can ask the courts for a protection order. A protection order is a civil order issued by the court that tells the stalker to stay away from the victim, the victim's children, and the places the victim lives and works. Depending on the circumstances, the court can also order the stalker to surrender all guns while the protection order is in place. If the stalker does not obey the order, he or she can usually be arrested.

Protection orders are not a substitute for safety planning. By themselves, protection orders may do little to stop stalking or protect the victim from harm. Only some stalkers will take protection orders seriously and stop the harassing behavior. Protection orders are useful only if you follow through and report any violations to law enforcement. Three kinds of protection orders are discussed next.

- **Stalking Protection Orders**

Stalking protection orders were created specifically for victims of stalking who experience more than just "unlawful harassment" but do not qualify for a Domestic Violence Protection Order. To get a Stalking Protection Order, you must show that the stalker's conduct has caused you reasonable feelings of intimidation or fear, and that the stalker should have known his/her actions would make you feel that way.

- **Domestic Violence Protection Orders**

If you are or were in a domestic relationship with the stalker, you may file for a Domestic Violence Protection Order. To get an order, you must file paperwork with the court and have a hearing where the stalker will have an opportunity to respond to the legal request for a protection order. If you are sixteen or older, you can ask for a protection order without involving your parent or guardian.

To get a Domestic Violence Protection Order, you must show that you were harmed or placed in fear of harm, and that you have or had a domestic relationship with the

stalker. This means you and the stalker must be in a family or household relationship with each other to get this order. Qualifying relationships include the following: someone you are married to or used to be married to, someone you live with or used to live with, someone you have children with, someone you are dating or used to date, and someone you are related to by blood or marriage. If you do not meet these relationship requirements, you cannot get a Domestic Violence Protection Order and should consider trying to get a Stalking Protection Order or an Anti-Harassment Order instead.

- **Anti-Harassment Orders**

An anti-harassment order is another type of civil protection order. To get an anti-harassment order, you must show that the stalker has engaged in unlawful harassment. “Unlawful harassment” means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or tends to cause harm to such person, and which serves no legitimate or lawful purpose. “Course of conduct” means a pattern or series of acts over a period of time, however short, which shows a continued purpose of stalking.

There are other types of protection orders that may be available depending on the circumstances. These include: No Contact Orders; Restraining Orders; Sexual Assault Protection Orders; and Vulnerable Adult Protection Orders. See Northwest Justice Project’s memo “Domestic Violence: Can the Legal System Help Protect Me?” and the resources at the end of this memo for more information.

Address Confidentiality Program

If you fear for your safety, ask the Secretary of State’s office to give you a substitute mailing address. The Secretary of State’s office will then send your mail directly to you. If you are a minor, your parent or guardian can apply for a substitute address for you. See the Resources section at the end of this memo for more information.

Civil Lawsuit

Washington allows you to sue your stalker for money in a civil lawsuit. To find out more about how to file a civil law suit against your stalker, see the publication *A Survivor’s Guide to Filing a Civil Lawsuit* in the Resources section at the end of this memo.

Criminal Law

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

Washington State has two criminal laws that cover stalking: RCW § 9A.46.110 and § 9A.61.260. You can find the text of these laws online or you can read a summary of the laws right here.

- **Criminal Definition of Stalking**

Under Washington law, a stalker is someone who intentionally and repeatedly bothers or follows you and makes you afraid that you or someone else, or your property will

be hurt. If the stalker continues the unwanted behavior, even after you ask him or her to stop, a court will see that as evidence that the stalker wants to harm, frighten, or bother you.

- **Criminal Definition of Cyber stalking**

A cyber-stalker is someone who uses electronic communication for the purpose of bothering, frightening, intimidating, or embarrassing you. Electronic communication includes communication by email, pagers, text messages, or other Internet-based communication. The cyber-stalker must behave in at least *one* of the following ways:

- Use lewd, lascivious, indecent, or obscene words, images, or language;
- Suggest committing lewd or lascivious acts;
- Anonymously or repeatedly contact you; or
- Threaten to hurt you, or your family, or your property.

For more information about cyber stalking, see the Resources section at the end of this memo and “Fact Sheet 18: Online Privacy: Using the Internet Safely,” a publication by the Privacy Rights Clearinghouse.

Possible Criminal Charges for Stalking

Stalking and Cyberstalking are both gross misdemeanors. The criminal penalty for committing either crime is imprisonment of up to a year and/or a fine of up to \$5,000. There are more severe penalties when:

- The stalker pursues the same person or family members in violation of a court protection order;
- The stalker has been previously convicted in any state of the crime of stalking;
- The stalker threatens to kill you or someone else;
- The stalker was armed with a deadly weapon;
- The person being stalked is a current, former, or potential witness in a lawsuit, and the stalking was in retaliation for the person’s testimony;
- The person being stalked is (or was at the time of the stalking)
 - a law enforcement officer or community corrections officer,
 - a judge, juror, court clerk, court employee, courthouse facilitator, attorney, or legislator,
 - a victim advocate, or
 - an employee of the child protective, child welfare, or adult protective services division within the Department of Social and Health Services, and the purpose of the stalking was either to retaliate against an act the person performed during the course of official duties, or to influence the person’s performance of official duties.

If the stalking fits into one of these categories, the stalker will be guilty of a class B felony. The punishment for this class B felony is up to ten years in prison and/or a fine up to \$20,000.

Notification of Stalker's Release

Either you, a family member, or a witness to a felony stalking may write to the Washington Department of Corrections, the county sheriff, or the director of the local department of corrections and ask to be sent a notice, in writing, at the earliest possible date, and at least thirty days, before a convicted stalker is released from jail or prison. Make sure that these departments always have current mailing addresses and telephone numbers of the people who want to be notified. To prevent the convicted stalker from learning who is being notified, the departments will not release the names to the stalker. See the Resources section of this memo for more information.

Federal (National) Law

There is only one national law that deals directly with stalking, and it only applies when the stalker crosses state lines. The Interstate Stalking Punishment and Prevention Act of 1996 punishes people with a fine and/or imprisonment for crossing state lines “with the intent to injure or harass another person and . . . [the stalker] places that person in reasonable fear of death or serious bodily injury.” The Act also makes it a punishable offense to cross state lines with the intent to do something that violates a protection order. There are other federal laws that may apply to stalking in certain situations. The National Center for Victims of Crime has more information on federal and state laws. See the Resources section at the end of this memo too.

How Can I Protect Myself from My Stalker?

These tips will help you protect yourself from your stalker, but they may not fix serious stalking problems already happening. Stalking can take many forms and only certain tips will be appropriate in each situation. Some of these tips are extreme and should only be used if you are actually being stalked. See the Resources section at the end of this memo for more information.

- **Use a private post office box.** Residential addresses of people who have post office boxes are usually confidential, but the U.S. Postal Service will release a residential address to any government agency or to someone serving court papers. The post office only requires verification from an attorney that a case is pending, and this information is easily counterfeited. Private companies, such as Mail Boxes Etc., usually require at least an original copy of a subpoena. Be sure to get a private mailbox that is at least two ZIP codes away from your residence. Use your private post office box address for all of your correspondence. Print it on your checks instead of your residential address. Instead of recording the address as “Box 123,” use “Suite 123” or “Apartment 123.” If you must use a traditional home mailbox, make sure it has a lock.
- **Do not file a change of address with the U.S. Postal Service.** Call or write to friends, relatives and businesses to give them the new private mailbox address. Give your true residential address only to the most trusted friends. Ask them not to store this address in address books or files that could be stolen.

- **Obtain an unpublished and unlisted phone number.** The phone company lists names and numbers in directory assistance (411) and publishes them in the phone book. Make sure you delete your information from both places. Do not print your phone number on your checks. Give out a work number or use an alternate number such as a voicemail number when asked – that is, a message-only number that just receives recorded messages from callers.
- **Order Caller ID Blocking** (sometimes called “complete blocking” or “per line” blocking). This ensures that your phone number is not displayed when you make calls from your home.
- **Avoid calling toll-free 800, 866, 888, 877 and 900 number services.** Your phone number could be “captured” by a service called Automatic Number Identification. It will also appear on the called party’s bill at the end of the month. If you do call toll-free 800 numbers, use a pay phone.
- **Have your name removed from “reverse directories.”** The entries in these directories are in numerical order by phone number or address. They allow anyone who has information, such as a phone number, to find out where you live. Reverse directories are published by phone companies and direct marketers. Contact the major directories and request that you be removed from their listings.
- **Let people know that information about you is confidential.** Tell your employer, co-workers, friends, family and neighbors about your situation. Tell them to be suspicious of people asking where you are or what your schedule is. Show them a photograph of the stalker and his or her car, or describe what they look like.
- **Try to avoid being alone.** Stalkers are less likely to harass you if you always have friends or family around.
- **Do not use your home address when you subscribe to magazines.** In general, don’t use your residential address for anything that is mailed or shipped to you.
- **Do not accept packages** at work or at home unless you personally ordered them.
- **Do not use your middle initial.** Middle initials are often used to differentiate people with common names. For example, someone searching public records or credit report files might find several people with the name Sarah Smith. To avoid being identified in the crowd, do not use a middle initial. If it’s allowed, use only your first initial and last name as much as possible.
- **When conducting business with a government agency,** only fill in the required information. Certain government agency records are public. Anyone can access the information you disclose to the agency within that record. Public records such as those held by a county assessor, county recorder, registrar of voters, or state motor vehicles department (DMV) are especially valuable to a stalker, as are business licenses.
- **Ask the agency if it allows address information to be confidential in certain situations.** If possible, use a post office box and do not provide your middle initial, phone number, or Social Security number. If you own a house, car, or other property, consider alternative forms of ownership, such as a trust. This would shield your personal address from public records.
- **Put your post office box on your driver’s license.** Don’t show your license to just anyone. Your license has a lot of valuable information.

- **Don't put your name on the list of tenants** on the front of your apartment building, condo, or house. If you must, use a version of your name that only your friends and family would recognize.
- **Protect your Social Security number.** It is the key to your personal information. Don't put your Social Security number on anything. If anyone asks for your Social Security number, ask why they need it. Only give it out if it's required.
- **Alert the three credit bureaus** – Experian, Equifax and TransUnion. Put a fraud alert on your credit reports to avoid fraudulent access.
- **If you are having a problem with harassing phone calls,** put a beep tone on your line so callers think you are taping your calls. Use voicemail or an answering machine to screen your calls, and put a “bluff message” on your greeting or machine to warn callers of possible taping or monitoring. If you have harassing or threatening messages left on your voicemail, save them in case you need them as evidence for a restraining order or to file a police report.
- **If you are a victim of cyber stalking, act promptly and firmly to end the situation.** Take potential threats seriously. Very clearly tell the person to stop, by saying something like, “Do not contact me in any way in the future.” Sometimes it is helpful to copy your “stop” message to the abuse department of the harasser’s Internet Service Provider. Contact your Internet Service Provider and let them know that you do not want to receive communications from the stalker. If you receive abusive emails, identify the domain (after the “@” sign) and contact that ISP. Most ISPs have an email address such as abuse@[domain name].com or postmaster@[domain name].com that can be used for complaints. If the ISP has a website, visit it for information on how to file a complaint. Do not respond to any further messages from the harasser, and do not have anyone else contact the harasser on your behalf. Change your e-mail address if necessary. Do not enter any personal information into online directories.
- **Make a police report.**
- **Keep a log of every stalking incident and keep all evidence.** Building a paper trail can make a successful prosecution more likely. Examples of evidence that may help build a case include caller ID records, logs of phone calls, copies of threatening letters, items sent to you in the mail, pictures of injuries, or even photos of the stalker outside your home. Do not throw anything away that you receive from the stalker – no matter how disgusting or offensive it is. Keep a list of names, dates and times of your contacts with law enforcement. Here is an example:

| Date | Time | Description of Incident | Witness Names & Contact Information | Did You Call the Police? If yes: • What was the report #? • What was the officer's name and badge #? |
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- **Consider getting professional counseling** and/or seeking help from a victim support group. They can help with the fear, anxiety and depression associated with being stalked.
- **Consider getting a protection order** if you have been physically threatened or feel that you are in danger. See the section about protection orders above. Know that some security experts warn that protection orders may increase the risk of violence. Before getting a protection order, think about your options carefully and talk to a domestic violence or victim advocate.
- **Be careful about applying for a domain name.** If you use your name as a website domain name (for example, www.sarahsmith.com), it will be easy for potential stalkers to locate your physical address because that information is available in the domain-name databases.
- **Develop a safety plan.**
 - Make sure friends, neighbors, and co-workers know about your situation. Show them photos of the stalker. Keep the phone numbers of agencies that can help.
 - Set up easy access to a reserve set of money, credit cards, medication, important papers, keys, and other valuables in case you need to leave quickly. Have a safe place in mind that you can go to in an emergency. Try not to travel alone. Always change your travel patterns.
 - Get and carry a cell phone with you at all times. Dial *67 plus the (area code) plus the phone number to make calls with your cell number blocked. Carry pepper spray or Mace. Carry a digital or video camera. Never verify anything like your home address over the phone.

Resources

Get Help Now - Washington State Resources

- Washington State Domestic Violence Hotline: Open 8 a.m. – 7 p.m. every day.
By Phone: 1-800-562-6025
- CLEAR and CLEAR*Online: For people living outside of King County.
Online: <http://nwjustice.org/get-legal-help>
By Phone: M-F, 9:10 a.m. – 12:25 p.m.
1-888-201-1014; TTY: 1-888-201-1014
- CLEAR*Sr: Persons 60 or over may call CLEAR*Sr at 1-888-387-7111
- 211: For people living in King County.
By Phone: 211, or (206) 461-3200
- Address Confidentiality Program.
Online: www.secstate.wa.gov/acp/aboutus.aspx
By Phone: 1-800-822-1065, 360-753-2972, or TTY 1-800-664-9677

- Notification of stalker’s release, Washington Department of Corrections.
Online: www.doc.wa.gov
By Phone: 360-725-8213
- A Survivor’s Guide to Filing a Civil Lawsuit, Washington Coalition of Sexual Assault Programs.
Online:
http://svlawcenter.org/section_resources/resource_files/AGuidetoCivil_Law_Suits.pdf
- Domestic Abuse Women’s Network (DAWN): Crisis hotlines, confidential shelters, legal resources and links to other organizations that can help victims experiencing or recovering from domestic abuse.
Online: <http://dawnonline.org/get-help/resources/>

Get Help Now - National Resources

- National Domestic Violence Hotline: Helps victims find shelters and domestic violence programs. 24-hour crisis intervention, information and referrals.
Online: www.thehotline.org/resources/resources/
By Phone: 1-800-799-SAFE (7233) (toll free) or 1-800-787-3224 (TTY toll free)
- Reverse Directories.
 - Whitepages
Online: www.whitepagescustomers.com/draft-how-do-i-remove-my-people-search-listing/
 - Haines Criss+Cross Directory
By Phone: 1-800-254-3449
 - Consumer Credit Reporting Industry Opt-Out
By phone: 1-888-5-OPTOUT (1-888-567-8688)
Online: www.optoutprescreen.com

General Information - Washington State Resources

- Legal Voice: Offers free written information on a variety of legal issues, including “[Leave From Work for Survivors of Domestic Violence, Sexual Assault, or Stalking](#)” (Also available in the Traditional and Simplified Chinese)
Online: www.legalvoice.org/tools, click Violence Against Women at left.

Washington Law Help: A website with legal information about many areas of the law, including domestic violence.

Online: www.washingtonlawhelp.org; click on “Domestic Violence,” which can be found under the heading “Protection from Abuse.”

- Washington State Coalition Against Domestic Violence: Hotlines and resources for victims. Training for advocates.
Online: <http://wscadv2.org/gethelpnow.cfm>

General Information – National Resources

- National Center for Victims of Crime
Online: www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information; link to stalking fact sheet at left.
By Phone: 202-467-8700
By Mail: 2000 M St. N.W., Suite 480, Washington, DC 20036
- Stalking Victims’ Sanctuary: Comprehensive website with many resources for stalking victims, including a community message board and self-help tips.
Online: www.stalkingvictims.com
- National Network to End Domestic Violence: Resources to help victims and agencies respond to cyber stalking and domestic violence.
Online: <http://nnedv.org/resources/safetynetdocs.html>
- Stalking Behavior: An easy to navigate website with tips and information to help you determine if you are being stalked.
Online: www.stalkingbehavior.com
- End Stalking in America: An easy-to-navigate site with great practical and general information about stalking.
Online: www.esia.net
- Privacy Rights Clearinghouse, “Fact Sheet 18: Online Privacy: Using the Internet Safely;” explains how your online activities may compromise your privacy and the steps you can take to protect yourself.
Online: www.privacyrights.org/fs/fs18-cyb.htm
- Working to Halt Online Abuse (WHOA): Run by volunteers, this website provides tips, news articles, court cases, and other resources aimed at fighting cyber stalking.
Online: www.haltabuse.org/resources/index.shtml
- Victim Information and Notification Everyday (VINE): Victims of currently incarcerated stalkers can register for this national service to get information about criminal cases and the custody status of offenders 24 hours a day.
Online: www.vinelink.com/vinelink/initMap.do
- The Reporters Committee for Freedom of the Press, 50-state guide to laws regarding taping phone calls.
Online: www.rcfp.org/can-we-tape

Washington State and Federal Laws

- Revised Code of Washington (Washington State Law)
Online: Cyber Stalking:
<http://app.leg.wa.gov/rcw/default.aspx?cite=9A.260>

Stalking:
<http://app.leg.wa.gov/RCW/default.aspx?cite=9A.46.110>

Stalking Protection Orders:
<http://apps.leg.wa.gov/RCW/default.aspx?cite=7.92>

Domestic Violence Protection Orders:
<http://app.leg.wa.gov/rcw/default.aspx?cite=26.50>

Antiharassment Protection Orders:
<http://app.leg.wa.gov/rcw/default.aspx?cite=10.14.080>

Notification of stalker's release:
<http://app.leg.wa.gov/rcw/default.aspx?cite=72.09.712>
- The Interstate Stalking Punishment and Prevention Act of 1996
Online: www.law.cornell.edu/uscode/text/18/part-I/chapter-110A

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of February 2015.

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