

STALKING: KNOW IT. NAME IT. STOP IT.

Stalking Response Tips

for Prosecutors

Did You Know?

Stalking—generally defined as a course of conduct directed at a specific person that would cause a reasonable person to feel fear—affects an estimated 6.6 million women and men each year. Stalking is a crime under the laws of all 50 states, the District of Columbia, the U.S. territories, and the federal government; however, statutes and definitions of stalking and related crimes vary from state to state. Although less than a third of states classify stalking as a felony on first offense, more than half classify stalking as a felony on the second or subsequent offense or when the crime involves an aggravating factor. In addition to serious and long-lasting emotional and psychological harm, stalking can involve severe—even lethal—violence. Prosecutors who understand the nature and dynamics of stalking, the impact of stalking on victims, and the statutes related to stalking can help victims assert their rights, hold offenders accountable, and save lives.

How Prosecutors Can Help

1. Have advocates and/or other support services available to inform victims of their rights and provide them with the information and resources they need. This support also can help victims stay informed and engaged in the process.
2. Consider any and all applicable charges to best hold the offender accountable. Even if there is not enough evidence to uphold a stalking case, charge what is appropriate. Many stalkers are serial offenders, and charges will build an offense history and pattern of conduct.
3. Consider whether violations of protection orders could be charged as stalking.
4. Conduct regular assessments of the risk and threats posed to the victim by the offender—even if the offender is ultimately charged with a lesser or different offense than stalking.
5. Maintain regular contact with victims and offer advice on how they can best document the offending behaviors to help build a stronger case. By establishing trust with victims and advocates—and by working with law enforcement and others to involve them in the investigation, reporting, and prosecution phases of the case—prosecutors can increase the likelihood of effective arrests and prosecutions and victim safety.

For More Information

National Stalking Awareness Month
<http://stalkingawarenessmonth.org/>

THE NATIONAL CENTER FOR
Victims of Crime

Stalking Resource Center
www.victimsofcrime.org/src

Stalking
resource center

This project was supported by Grant No. 2008-TA-AX-K017 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.