

# ***Stalking and the Crime of Criminal Harassment***

## **THE FIVE W's**

Perhaps the only absolute you can say about stalking is that it is very inclusive and also very confusing. The wide range of harassers, victims, motives, methods, relationships and settings ensures that no one analysis or strategy will ever cover all, or even most, cases of stalking. Unfortunately, it also means that some, perhaps most, victims will have difficulty convincing others that their situation is harassing and frightening, let alone criminal.

### **Who, Where, When, Why...**

Who: Stalking can occur between total strangers as well as long-term spouses, friends, friends of friends, classmates, co-workers – practically every type of relationship, and non-relationship, are potential stalking situations. Children, the elderly, men and women, the famous and the unknown, homosexuals, heterosexuals, and bisexuals, the perfectly sane and the mentally ill, pretty much anyone, can harass or be harassed. Stalkers and those they stalk also transcend all ethnic, racial, religious and economic boundaries.

Where: Stalking frequently occurs at the target's residence, but can leak out into workplaces, businesses, schools, the residences of family and friends, grocery stores, places of worship, movie theatres, bars, restaurants... You get the picture – stalking can and does happen pretty much anywhere. Victims never know where or when their stalker will show up and embarrass them, startle them, terrorize them, totally turn their world upside down or, at the very least, disrupt their day or night.

When: And, stalking does happen at any time of the day or night – twenty-four hours a day, seven days a week, including holidays. But, it also may be temporarily suspended, for no apparent reason, and then resume again unexpectedly. It can be sporadic or persistent for weeks, months, years or decades.

Why: Finally, why does someone become obsessed to the point of stalking another person? Well, the reasons can be as varied as the stalkers are. Stalking can be a precursor to the crimes of sexual predators, the attempts of former abusive partners to regain control of their "possession", the acts of those seeking revenge for any number of real or imagined wrongs, part of the delusional or hallucinatory episodes of the mentally ill... Again, you get the picture. The harasser's motives and intentions may be obvious, questionable, camouflaged as legitimate activities, or misconceived as courting by a persistent suitor.

## WHAT STALKERS DO

There is no way that I will be able to cover every single harassing act that every single stalker has ever done to torment a target. However, what follows are some of the most common behaviours of stalkers.

### **Follow/Spy**

Stalkers follow their targets around from place to place and may unexpectedly show up at places where their victims are – the grocery store, a class reunion, a nightclub. It is not unusual for stalkers, without an invitation, to appear at family reunions, weddings, funerals or any number of other private functions that the victim might be at. They might attend the sporting events, concerts or other activities that their target's children are involved in. They may show up at conferences or workshops that the victim is attending for work and they may just happen to be staying in the same hotel as the victim booked for these or other events. Stalkers spy on their targets. The technologically adept might use all sorts of recording and tracking devices to monitor their target's movements, activities and interests. They drive around the places frequented by their victims and check for their vehicles and the vehicles of their target's friends and family. They drive by, park near, lurk around, peak in, take pictures of and sit outside their victims' homes, workplaces, schools and other locations, watching them or waiting for them to come out, all the while learning about their victims lifestyle and habits, and feeding their obsession.

### **Dig/Befriend for info**

They learn as much as they can about the victim, accessing whatever means – public records, on-line search services, even private investigators – necessary to get details about their targets' lives. Stalkers will go through their victims' mail and love digging through their garbage because of the wealth of information to be found there. They want to know what their victims drive, who their friends are and what they drive, where they hang out, their favourite restaurants, where their kids' daycare is, where they work out and go for coffee and do their grocery shopping and take beginner Spanish classes. They want to find out the identity and whereabouts of their victim's doctor, dentist, massage therapist, counsellor, fitness trainer and children's teachers. There is no detail too small. And, they are not above befriending their targets' family members, friends, co-workers or neighbours to learn what they can about their victims and their victims' lives.

### **Arrange for contact**

Once a stalker is familiar with the victim's routines and planned special activities, it is easy to end up at the same places at the same times as the victim. They can easily go out for lunch at the same restaurant as their victim is meeting someone for lunch. They can join the same gym, see the same movies, take the same classes and worship at the same church. By befriending their target's brother or neighbour, they not only get a heads up on what upcoming events the victim is likely to attend, they increase the

likelihood of getting an invitation to private functions where their victim is likely to be.

### **Repeatedly communicate**

Targets may be harassed through unwanted and repeated in-person contacts, telephone calls, e-mail messages, indirect communication through third parties, who may or may not know they are being used as messengers, and other forms of communication. The telephone is probably the stalker's most frequently used communication device. When calling, stalkers may try to initiate a conversation with their target, wait for an answer and then hang up, leave nice or nasty messages, breath heavily or make some other noise intended to frighten, intimidate, shock or in some way get the victim's attention, or they may use any combination or all of the above. Text messaging is also very popular among younger people, even though it lacks the variety that the old fashioned telephone offers.

### **Cyberstalk**

Gaining popularity is communication by stalkers through the use of computers. This is commonly referred to as online harassment or cyberstalking. Simply put, cyberstalking is the use of electronic devices, usually computers, to stalk. The communication may be made directly or indirectly. Examples include sending the victim harassing e-mails, electronic greeting cards, or using chat rooms, message boards, newsgroups or forums to communicate with the victim. They may also create websites that contain threatening or harassing messages. By impersonating the victim and posting inflammatory messages on bulletin boards and in chat rooms, or posting advertisements in their victim's name, stalkers encourage third parties to harass or threaten their victims. Sending viruses to their victims' computer, spamming and electronic identity theft are all tactics used by technologically adept stalkers. With the stroke of a key, cyberstalkers are able to ruin their targets' reputations, credit ratings, employment opportunities, relationships, and so on.

### **Disclose info/Spread rumours**

Stalkers often make up and spread disturbing rumours about their victims and/or disclose information they've dug up that they know will, in some way, disrupt their victims' lives. Cyberstalking techniques provide a quick and easy way for stalkers to disseminate a large amount of information, true or false, to a huge number of people. It might be provocative or pornographic photographs, digitally altered or not, or embarrassing information that may or may not be true. Even without computers, stalkers often disclose very private information - perhaps something their victims trusted them with when they were dating - as well as totally unfounded rumours, to victims' friends, employers, co-workers, family, and whoever else they believe the telling might serve to humiliate or degrade their victim. With potentially devastating consequences for victims, stalkers may make false accusations to the police about victims' involvement in criminal activities, or

to Child Protection alleging abuse or neglect. It is left up to the recipients of the information to determine whether to entertain it and, if so, what is true and what is false. Meanwhile, the victim's life is completely turned upside down.

### **Send unwanted items**

Sending unwanted items is simply an alternative means that stalkers use to communicate with their victims. Have you ever been told, "Say it with flowers"? Well, stalkers say it with flowers, letters, cards, gifts of every description as well as some very disturbing items. The items show up at the target's home, workplace, the residences of family and friends or anywhere else frequented by the victim. The stalker says, through what is sent, "I love you," "I hate you," "I'm watching you," "You better do as I say," "You'll be sorry," and all manner of other messages, without saying anything at all. Unfortunately, sometimes the victim is the only one who gets the stalkers message and it may take a long time and a lot of persuasion to convince others that the message that comes along with that bouquet of roses is disturbing, scary and criminal.

### **Legally bully**

Also known as "stalking by court," legal bullying is, as the name implies, the misuse of the legal system as a stalking tactic. Although legal bullying can happen in all types of stalking situations, it is most often utilized by former partners. The overall goal of these stalkers is to use the court system to maintain control over their victims and prevent them from moving on with their lives. In achieving the intended goal, stalking by court is very effective because victims have no choice but to respond to the legal initiatives and/or allegations put forth by their stalker. And, it is especially effective where children are involved. Cases involving children are usually very open-ended, making it easy for stalkers to find ways to manipulate the system and the process. Stalkers fail to obey court orders, bring repeated motions on already decided issues, appeal decisions even when there is no hope of success, seek repeated delays with no real grounds, frequently change lawyers to slow the process, withhold their information while insisting on unreasonable disclosure from their target, make malicious reports to the court about the target and so on, to keep their victims engaged, in contact, in turmoil and under their control. This is difficult because of the nature of family law, where judges are reluctant to move quickly or cut off anyone's right to bring matters before the court and, because it takes a long time before the harassing behaviour forms a pattern that is identified as such to an outsider, stalking by court can go on for years. Even after the court battles are over, stalkers may use their court-ordered right of access to the children to continue harassing and controlling victims. Where children are involved, victims may never be totally free of their stalkers.

### **Vandalize/Break in/Steal**

Vandalism is very scary and can be very expensive if it is someone's vehicle and/or house that are being vandalized. Imagine having "slut" or "whore" spray

painted on your house and/or car in large brightly coloured letters. How many times would you repaint before saying, "To heck with it?" Sometimes there is no choice. The target may not have the funds needed to make repairs and no matter how many times it happens, you cannot drive your car with four flat tires. The other thing about vandalism is that, even if everyone including the police know who did it, it is often very hard to prove. There are usually no witnesses or evidence left behind, there's no stolen property to track down, there's no paper trail – it is next to impossible to pin on someone. Sometimes the vandalism will include theft as well. The stalker may break into and vandalize or steal from the victim's home, car or workplace. Quite often, the items destroyed or stolen are those that are very important to the victim, perhaps having sentimental value, or items of a personal nature – panties are very popular among stalkers.

### **Leave signs**

Vandalism is of course a very obvious sign left by stalkers to make sure their victims know they're lives are not their own – their lives are controlled by, and belong to, the stalker. Sometimes the signs are not so obvious – an ornament out of place, a television or radio left on, or a bed turned down. These are all subtle signs left to say, "I was here and I could easily come back." Other signs are not so subtle – the faces of a current partner cut out of photographs, a threatening note written in what appears to be blood. These are intended to leave a much more sinister message or warning. Ironically, the shock factor achieved for each is almost equal. The eeriness of knowing that someone gained access to your personal space and is able to do so at any time is, whether the signs left behind are subtle or apparent, is disturbing, period. The difference is in the response that victims receive from outsiders. The victim who calls the police and leads them to their cat hanging dead in their bedroom will be taken more seriously than the victim who "just knows" that the stalker was there because this or that item is not exactly where it is supposed to be. Another difference is how victims begin to see themselves - the subtle is much more likely to lead to second-guessing and self-doubt. These are two responses that will not serve victims well in the long run.

### **Violate protection orders**

It goes without saying that stalkers violate protection orders. In 2004, twelve percent of female and nine percent of male victims of stalking sought protection orders. This percentage is higher when only ex-partner stalkers are considered; in these cases thirty percent of women obtained a protection order. One half of all protective orders against male ex-partners were breached. Similar to vandalism and leaving signs, breaching protection orders is sometimes done so blatantly as to leave no question as to what message the stalker wanted to get across - no one, not even the police and the criminal justice system is going to keep me away from you. At other times, also similar to vandalism and leaving signs, it is done so that only the victim knows it has happened and it is extremely hard to prove. The impact on victims is profound.

## **Threaten/Intimidate**

Many of the behaviours we've already talked about – vandalism, theft, legal bullying, leaving signs - are on their own threatening and/or to intimidate targets. Stalkers also make threats and use intimidation tactics that, although they may be non-criminal when taken out of context, are very threatening and intimidating and extremely powerful in their effect. "I'll make sure you never see the kids again," "I'll drag you through the mud," "When your boss hears what I have to say, you'll be fired," "You know those pictures we took on our honeymoon..." Others are clearly criminal in nature because the stalker indicates an intention to damage property or do physical harm to the victim or someone the victim's cares about. The most difficult threats and intimidation tactics to deal with are those that are vague. For example, "I'll be there to put flowers on your grave," "We'll spend eternity together," or "I'll always be behind you, one hundred percent of the time, just turn around and you'll see me there."

## **Assault/Sexually assault**

Some stalkers will escalate to the point of attacking their targets. This often represents a continuation of physical violence that occurred within a former abusive relationship. In 2004, half of the women who reported experiencing spousal assault by a past partner indicated that the violence occurred after the couple separated and in one-third of post separation assaults the violence became more severe or actually began after separation. So, it may also represent an escalation in, or the onset of violence following an intimate relationship. It is no wonder that, although substantial percentages of stalking victims in all relationship categories feared their lives were in danger, it climbed to sixty percent for women who were stalked by former spouses. But it is not only former partners who physically and sexually assault their targets – all stalkers are capable of escalating to this point.

## **Unlawfully confine**

Once they decide to physically or sexually attack their targets, stalkers may also decide to unlawfully confine their victims. Even in the absence of a planned physical or sexual assault, stalkers may opt to exercise ultimate control over their victims through capturing and keeping them. It is the ultimate in control.

## **Kill**

Stalkers do kill. They kill their targets, their targets' new partners, their targets' children and other family members, their targets' best friends, their targets' pets, their targets' lawyers, and anyone else they perceive as getting in the way of their pursuit (including police officers and victim advocates).

## **Use others to stalk**

All of these stalking behaviours may be carried out by the stalker directly. However, some stalkers enlist others to do their dirty work for them. For example,

sending, in the victim's name, a change of address to banks, credit card companies, etc., or cancelling utilities, subscriptions, memberships and so on. The stalker may hire someone, perhaps a private detective, to track down their victim or access information about the victim. It is not uncommon for stalkers to convince new partners to participate in helping them harass their ex-partners. Even children are used to assist stalkers in ways that amount to tracking an ex-partner's activities or harassing an ex-partner. Often others are used to assist the stalker without even knowing what they are doing. The stalker asks a friend to deliver a gift to another friend. A stalker, pretending to have noble intentions, gets the target's unsuspecting friends or family to disclose private information about the target.

### **Control, Track, Frighten**

Put as simply as possible, stalking involves any behaviour or action that is intended to control, track or frighten the target.

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