

**REPORT TO CONGRESS ON STALKING AND
DOMESTIC VIOLENCE, 2005 THROUGH 2006**

**U.S. Department of Justice
Office on Violence Against Women**

Introduction

The Violence Against Women Act of 1994 (VAWA), Pub. L. No.106-386, requires that “The Attorney General shall submit to Congress an annual report, beginning one year after the date of enactment of the Act that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of antistalking efforts and legislation.”

This report, covering the time period 2005-2006, is the latest report in a series of stalking reports submitted to Congress since the enactment of VAWA. This report provides an overview of a collaborative effort between the Office on Violence Against Women (OVW) and the Bureau of Justice Statistics (BJS) to expand our understanding of the crime of stalking through the development of a statistical supplement to the National Crime Victimization Survey on the crime of stalking. This report also provides a summary of the training and outreach efforts undertaken by the OVW-funded Stalking Resource Center, a program of the National Center for Victims of Crime.

Incidence of Stalking and Current Research

According to the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, more than seven million women and two million men in this country have been stalked. Stalking affects seven percent of women (1 in 14 women) and two percent of men (1 in 50 men) in the United States at some time in their lives. This recent study was published in the August 2006 issue of the *American Journal of Preventive Medicine*.¹ Prior to this study, the only national statistics on stalking were those derived from two national surveys: the National Violence Against Women Survey² and the Sexual Victimization of College Women Survey³. Both were funded by the Department of Justice’s National Institute of Justice (NIJ). Findings from those surveys revealed the following:

- 1 out of every 12 United States women (8.2 million) and 1 out of every 45 United States men (2 million) has been stalked at some point in their lives.
- An estimated 1.4 million individuals are stalked annually in the United States
- 13.1% of college women were stalked during the school year.
- 78% or four out of five stalking victims were women.
- Overall, 87% of stalkers were men.
- Female victims most often were stalked by an intimate partner.
- 80.3% of women attending college or universities who were being stalked knew their stalkers.

¹ Basile, KC et. al., *Stalking in the United States*, 31 American Journal of Preventive Medicine 172-175, (August 2006).

² Patricia Tjaden & Nancy Thoennes, *Stalking in America: Findings from the National Violence Against Women Survey*, U.S. Department of Justice, National Institute of Justice and the Centers for Disease Control and Prevention (April 1998).

³ Bonnie Fisher, Francis T. Cullen, Michael G. Turner, *Sexual Victimization of College Women*, U.S. Department of Justice, National Institute of Justice (December 2000).

Data from these two surveys have been quoted extensively since their publications in 1998 and 2000, as these were the first two United States studies to focus on stalking and provide detailed information on the extent of the crime and the consequences for victims.

The research on stalking is still in its infancy. A recent search of the “Abstracts Database” maintained by the National Criminal Justice Reference Service, revealed 19 new additions on stalking published between 2004 and 2006. Five of the abstracts describe studies published in a special issue on stalking in the journal, *Criminal Justice and Behavior*. The research topics covered in the database search highlight some of the areas that are of current interest on stalking including how stalking affects the well-being of victims; the correlation between stalking and sexual assault and domestic violence; stalker typologies; and training for law enforcement. These abstracts can be found in Appendix A of this report.

NIJ is currently funding a study that will examine how interactions among victim service providers, the criminal justice system, victims, and stalkers influence the short and long term persistence, escalation, and desistance of stalking among crime victims in New York City. Further, this study will examine differential patterns of help-seeking, criminal justice responses, and social services responses across cultural groups. The interview instrument will capture data in seven areas: 1) demographic information/individual history on the victim and stalker; 2) prior relationship; 3) stalking behaviors; 4) physical violence; 5) victim's knowledge of stalker and stalker's knowledge of victim; 6) victim's assessment of stalker's motivation and risk; and 7) help-seeking and interventions. A further goal of this study is to test and refine existing stalker typologies.

NIJ has recently closed a grant solicitation entitled, *Intimate Partner Violence and Stalking: Research for Policy and Practice*. NIJ is seeking to gain research knowledge to increase victim safety and improve the justice system and related responses to intimate partner violence and stalking. Proposals were due in January 2007 and are currently under review.

Stalking Laws

Despite the alarming statistics, stalking is still a crime that is relatively unknown and frequently misunderstood among the general public. Though definitions of stalking vary from state to state, the Stalking Resource Center developed a broad, working definition of stalking that includes all the basic elements of the crime: “Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear.”

Stalking is currently a crime under the laws of all 50 states, the District of Columbia, and the Federal government. Fifteen states may classify stalking as a felony upon the first offense. Thirty-four states classify stalking as a felony upon the second offense and/or when the crime involves aggravating factors. Aggravating factors may include: possession of a deadly weapon, violation of a court order or condition of

probation/parole, a victim who is under 16 years of age, or the same victim as prior occasions. In one state, Maryland, stalking is always a misdemeanor.⁴

In 1996, Congress enacted a federal criminal stalking statute that prohibited travel across jurisdictional borders with intent to kill, injure, harass or intimidate if such travel placed a person in reasonable fear of death or serious bodily injury. Pub. L. No. 104-201, Div. A, Title X, § 1069(a). In the Violence Against Women Act of 2005 (“VAWA 2005”), Congress expanded and strengthened federal criminal remedies regarding interstate stalking. First, Congress amended the interstate stalking provision to prohibit interstate travel with intent to kill, injure, harass or **place under surveillance with intent to kill, injure, harass** if the travel places such person in reasonable fear of death, serious bodily injury or **causes substantial emotional distress**. Pub. L. No. 109-162, Title I, § 114(a) (codified at 18 U.S.C. § 2261A). These two changes allow for federal intervention when a defendant utilizes surveillance techniques (e.g., global positioning systems) and when a defendant’s conduct causes substantial emotional distress. Second, VAWA 2005 toughened federal sentencing provisions (1) by providing for a mandatory minimum term of imprisonment of one year for stalking in violation of a court order, and (2) by increasing the maximum term of imprisonment for a defendant who has previously been convicted of a prior stalking offense to twice the term otherwise provided. *Id.*, Title I, §§ 114(b) and 115 (codified at 18 U.S.C. §§ 2261(b)(6) and 2265A).

In January 2007, the National Center for Victims of Crime released a policy report, *The Model Stalking Code Revisited: Responding to the New Realities of Stalking*, that calls on states to evaluate the adequacy of their stalking laws and provides model legislation designed to increase stalker accountability and victim safety. In developing the report, the National Center for Victims of Crime thoroughly analyzed existing state stalking laws. In addition, they convened a panel of experts composed of police officers, prosecutors, civil attorneys, judges, victim advocates, law professors, social workers, and researchers to review existing state stalking statutes and define the scope of problems that stalking legislation should address. The full-text version of *The Model Stalking Code Revisited: Responding to the New Realities of Stalking* can be found at www.ncvc.org.

Stalking Supplement to the National Crime Victimization Survey

In early 2004, staff from OVW approached BJS about the possibility of developing a special survey on stalking. At the time, the most recent data were nearly 10 years old and there was a critical need for more detailed information about victims of stalking, offenders who commit stalking, victim interaction with the criminal justice system, and the monetary cost of stalking to victims and society in general. OVW and BJS agreed to work in partnership to develop a “stalking supplement” to the National Crime Victimization Survey (NCVS). A “supplement” is administered at the end of the NCVS and averages 10 minutes to complete. Supplements are developed on an as-needed basis and usually focus on a special issue that is not normally covered by the NCVS.

⁴ Stalking Fact Sheet, National Center for Victims of Crime/Stalking Resource Center (October 2005), available at www.ncvc.org/src.

The NCVS is the Nation's primary source of information on criminal victimization and the second largest ongoing household survey in the United States. Every 6 months, data are obtained from a nationally representative sample of 42,000 households comprising approximately 76,000 persons, on the frequency, characteristics, and consequences of criminal victimization in the United States. The survey enables BJS to estimate the likelihood of victimization by rape, sexual assault, robbery, assault, theft, household burglary, and motor vehicle theft for the population as a whole and for segments of the population such as women, the elderly, members of various racial groups, city dwellers, or other groups. The NCVS measures crimes both reported and unreported to the police.

In July 2004, OVW and BJS convened a group of researchers and practitioners whose areas of expertise included stalking and other violent crimes against women. Also included in this group were representatives from the Census Bureau⁵. The purpose of this meeting was to discuss definitional and methodological issues around stalking statistics, determine where gaps in the data currently exist, and identify the types of information and analyses that could be incorporated into published reports on stalking resulting from the survey. The valuable feedback provided by these experts formed the starting point for the survey development.

After the experts meeting, a small Federal working group was formed with representatives from OVW, BJS, and the Census Bureau. The working group met weekly for approximately 12 months until a satisfactory survey instrument had been completed and approved. The working group frequently reviewed the experts' feedback from the July 2006 meeting. During the last phase of the survey development, the Census Bureau conducted cognitive interviews of stalking victims around the United States to test the reliability and validity of the instrument. Changes to the instrument were made based on these interviews.

To avoid bias, the working group did not use the word "stalking" in the title of the survey. The survey was named the Supplemental Victimization Survey or the "SVS." The working group also limited the persons to be interviewed to persons over 18 years old, male or female. The Census Bureau administered the survey from January to June 2006.

The survey seeks to uncover information about stalking that pertains to:

- The types of incidents perpetrated by stalkers;
- How stalking impacted the life of the victim;
- The measures the victim took to protect him/herself;
- How the criminal justice system responded to the stalking victim;
- The financial cost of stalking to the victim;
- The kinds of technology used by offenders to stalk their victims; and
- Other crimes committed during stalking incidents.

⁵ The Census Bureau carries out survey development and data collection for BJS.

The survey findings will provide much-needed insight into the crime of stalking. It is hoped that these findings will help inform training for law enforcement, prosecutors, and judges who are often faced with complex stalking cases involving multiple jurisdictions and the use of surveillance technologies. The findings will also assist in training victim advocates on the types of safety measures and counseling services that will be most effective for stalking victims. The first reports resulting from the survey will be released in mid-2007.

A copy of the SVS instrument can be found in Appendix B of this report.

The Stalking Resource Center

The Stalking Resource Center (SRC), a component of the National Center for Victims of Crime, was established with OVW funding in July 2000. The dual mission of the SRC is to raise national awareness of stalking and to encourage the development and implementation of multidisciplinary responses to stalking in local communities across the country. Anyone can contact the SRC for assistance. The most frequent users are Violence Against Women Act grantees, practitioners from the civil and criminal justice systems, community-based organizations, the media, victims, and the general public.

The SRC participates in and sponsors training events geared toward law enforcement, prosecutors, victim advocates, judges, and others. In FY 2006, the SRC trained nearly 3,800 individuals at over 80 workshops, conferences, and trainings. The following topics were some of those covered:

- Threat assessment and safety planning for stalking victims;
- Charging a stalking case;
- Enhancing the law enforcement response to victims;
- Inter-jurisdictional issues in stalking cases;
- The connection between stalking and sexual assault;
- The connection between stalking and sexual assault in Indian country; and
- The use of technology in intimate partner stalking.

Of special note is the “Train the Trainers” workshop the SRC conducted for the Philadelphia Police Department. The workshop trained participants about stalking and its connections to domestic violence and sexual assault. The individuals trained will deliver the curriculum to over 600 sergeants and lieutenants between September, 2006 and September, 2007. In turn, these sergeants and lieutenants will pass along the information to all patrol officers and first responders in the Philadelphia Police Department. It is anticipated that this curriculum will serve as a model for other police departments around the country.

The SRC Website (www.ncvc.org/src) is a popular resource for practitioners seeking information about stalking laws, articles, statistics, resources for victims, and news

stories. In FY 2006, the SRC Website averaged 52,043 page views per month by nearly 31,448 unique users. During this time, 860 unique visitors downloaded 1,716 documents.

Conclusion

Stalking is a crime that is frequently overlooked and often misunderstood. Education and training for law enforcement, prosecutors, judges, advocates, and the general public is vitally important for identifying and apprehending stalking offenders, as well as for providing essential services for victims. The baseline results of the SVS will yield important data for future research and study on stalking and help expand our knowledge on the frequency of stalking and how it affects victims. The next annual report to Congress on stalking will focus on the results of this survey and how the data can be used as a springboard for improved policies and new research questions.