

Somebody's watching you

<http://www.salon.com/mwt/feature/2003/10/06/stalking/print.html>

Eight million American women -- or one in 12 -- will be a victim of stalking at some point in their lives. So why are law enforcement agencies so inept at handling their cases?

By Kristin Ohlson

Oct. 6, 2003 | Taxie Sierra didn't consider herself a victim of stalking. She assumed stalking was something that happened to movie stars and politicians, people whose celebrity drew crazed pursuers they didn't even know. She knew her own pursuer well: high school sweetheart, then husband, then estranged husband, Andy. Even when, six years after they'd separated, he called her relentlessly at home and at work to alternately beg her to get back together and threaten to kill her. Even when he seemed to know wherever she was going in their hometown of Pensacola, Fla., and would often turn up to make a scene with his gun. Even when he broke into her house to check the recent numbers on her Caller ID. Even after all that, she didn't consider Andy a stalker. She knew there was danger, but she thought she could handle it.

Then three years ago, the night after her first date with another man, she heard the sputtering motor of Andy's car in her driveway. He came into the house waving his gun and she suddenly knew he would kill her. But what happened to Taxie was even worse: He pushed her out of the way, ran down the hall, and shot their 12-year old daughter, Desirea, five times as she lay sleeping. Until the smoke cleared, Taxie thought he had been shooting holes in the ceiling. She still thought he was just trying to scare her.

Taxie ran outside for help and police soon surrounded the house. For a while, the police, then Taxie, then Andy's mother tried to reason with him, asking him to move Desirea to the front door so that the paramedics could take her to the hospital. Finally, the police stormed the house. Andy was hiding in Taxie's closet, where he shot and killed himself as the police opened the door. Desirea died in the hospital later that night.

"He always told me he would make me sorry," says Taxie, now 30 years old. "I never dreamed he would do it by killing our child."

Taxie is one of the more than 8 million American women -- or one in 12, according to the Justice Department -- who have been pursued by a stalker at some point in their lives. Like her, many people think stalkers are the bane only of celebrities, but those cases account for a tiny fraction of the 1,376,000 people who are stalked in the United States every year. Most people who are stalked know their stalkers all too well. And despite the enduring image of Glenn Close lunging from a bathtub at Michael Douglas in "Fatal Attraction," men are the stalkers in 87 percent of these cases. In fact, most stalkings are the result of relationships in which the man just won't let go.

And like Andy, some stalkers turn into killers. According to the Justice Department, more than 80 percent of the women stalked by a current or former lover are assaulted by him, and 31 percent are sexually assaulted. Worse yet, a study (<http://www.ncvc.org/src/statistics/intimatepartner.html>) of women killed by current or former partners -- according to the FBI 1,600 such women are killed each year -- showed that 76 percent of these murders were preceded by stalking. In many cases, the stalking began even before the relationship ended, with obsessed husbands and boyfriends finding ways -- sometimes employing friends, sometimes putting technology to new and ominous uses -- to monitor their partners while they were out of sight.

"Stalking has been around for a while, but people hadn't been paying attention to it," says Tracy Bahm, director of the Stalking Resource Center (<http://www.ncvc.org/src/>) at the National Center for Victims of Crime. "There's new emphasis on stalking because a number of recent studies are showing how serious it is. We know it's a huge warning sign that violence can occur. We're aware that if we intervene early on, there won't be so many homicides."

The increasing dangers of stalking were recognized by Congress in July. Heather Wilson, R-N.M., introduced a bill in the House to make January National Stalking Awareness Month, prompted by a brutal stalking case (http://www.abqtrib.com/archives/news03/012303_news_stalk.shtml) in New Mexico in which a woman named Peggy Klinke was murdered last January by her ex-boyfriend after repeatedly seeking help from law enforcement. Joe Biden (D-Del.) and Mike DeWine (R-Ohio) followed with a similar bill in the Senate. If passed, activists like Bahm hope Stalking Awareness Month will galvanize communities around the country to organize educational campaigns and other events. "These awareness months are a great way to coordinate activities and make people more proactive than reactive," Bahm says.

Victims of domestic violence and stalking are often encouraged to get orders of protection (also called restraining orders), which limit contact by the offender, but many victims continue to face danger even after they turn to law enforcement for help. Both Peggy Klinke and Taxie Sierra obtained protective orders -- Peggy six months before she was murdered, Taxie about a month before her estranged husband killed Desirea. A recent study (http://www.womenslaw.org/natl_news.htm#5) by Victoria Holt of the University of Washington shows that women who get protective orders are 60 percent less likely to have further contact with their stalker or abuser. For some women, though, the effect of these protective orders can be like throwing gas on a fire: The stalker becomes enraged and more determined than ever to pursue the victim. To get a permanent protective order, the victim has to face her stalker in court. Often, this humiliating face-to-face contact causes the situation to escalate. "I think the restraining order was the icing on the cake," Taxie says now.

Why do protective orders fail to protect so many of the victims who obtain them? According to Doreen Orion, a Colorado psychiatrist who was stalked by one of her female patients, part of the problem is that if local police and prosecutors don't enforce these orders, they can actually encourage the stalker. "Getting a restraining order is like

telling a stalker, No!" says Orion, the author of "I Know You Really Love Me: A Psychiatrist's Journal of Erotomania, Stalking and Obsessive Love." "If he violates the order and the police do nothing, as very often happens, then the stalker thinks, Wow, I just violated this court order. Let's see what else I can do."

Although every state now has anti-stalking laws and there is a federal anti-stalking law, many criminal justice professionals still don't understand these laws and haven't figured out how to apply them to the complaints piling up on their desks. Rhonda Saunders is a Los Angeles prosecutor who helped write California's pathbreaking 1990 anti-stalking law, the first in the nation. Saunders trains officers how to use the stalking laws and says that even in California many cops still don't understand how serious stalking is. "The majority of stalking cases are domestic-violence related," she says. "The detectives will write down something like 'violation of restraining order,' but they don't bother to ask why the woman got a restraining order in the first place or if there were other incidents. They need to ask more questions and do more work to put a stalking case together."

Mark Wynn (<http://www.markwynn.com/>) is a former Nashville police officer who helped start his department's domestic violence unit and is now a consultant who trains medical, social service and criminal justice professionals about stalking and other domestic violence issues. The problem, he says, is that policing and prosecuting a stalking case is unlike policing and prosecuting other cases. Instead of a clear-cut offense like a burglary or an assault, cops and prosecutors have to respond to a pattern of behavior, a course of conduct over months that may include repeated phone calls or e-mails, pet abuse, petty vandalism, surveillance, threats and more. All these seemingly lesser incidents can paint a picture of deadly intent if law enforcement personnel have the eyes to see it -- which they often don't.

"The stalking bills are still foreign for most police departments because they're different from other statutes," Wynn explains. "They don't say, 'Bring me Bill, who broke into your house and took your TV.' They say, 'Bring me Bill, who over a period of time has done these things.'" Wynn and the NCVV have joined with Lifetime television to try to close the learning gap.

Lifetime, which will air the Peggy Klinkle story on Erin Brockovich's "Final Justice" show this winter, is also producing a 15-minute training video called "Stalking: Real Fear, Real Crime." The videotape will be offered free to police departments around the country later this year.

As law enforcement struggles to get up to date on stalking laws and stalking patterns of behavior, they are falling way behind on the newest form of domestic terror: cyberstalking. "Batterers will use any tools available to intimidate their victims, track their movements, and maintain control over their activities," says Cindy Southworth, director of technology with the National Network to End Domestic Violence (<http://www.nnedv.org/>). "It's not hard to see how the Internet and emerging technologies lend themselves to this." Although she declines to give specific details for fear of inadvertently teaching new techniques to stalkers, she points out a recent well-publicized

case (<http://www.wired.com/news/wireless/0,1382,57576,00.html>) in Wisconsin where a man stalked his ex-girlfriend with the help of a GPS hidden under the hood of her car. In fact, Southworth recommends that domestic violence and stalking victims use computers at a library or cybercafe as even moderately tech-savvy stalkers can use keystroke-capture devices (http://www.internet-monitoring-software.org/keyboard_monitor.asp) to monitor home computers for such activities.

But sophisticated stalking technologies such as these often baffle local law enforcement. Many police chiefs and sheriffs are in their 40s and 50s and missed the computer education that is now standard in elementary school; they never caught the wave of information technology, yet they are the ones who determine police department policy, training and emphasis. To compound the problem, state and federal agencies were eager to take charge of cybercrime in its early days, and local police, already overburdened, were happy to pass on the responsibility. Now that there is an epidemic of cybercrime, state and federal agencies can't keep up and the burden has fallen back on the local police to handle problems such as cyberstalking.

"A lot of cops who don't know how to handle this say, 'Your computer has an on-off button, don't it?'" says Hale Guyer (<http://www.ogleco.org/Bio.htm>), president of Professionals Against Confidence Crimes (<http://www.pac-c.org/>) and a senior instructor for the High Tech Crime Institute (<http://www.hightechcrimeinstitute.com/xaboutus.htm>). "Of the entire population of law enforcement -- some 800,000 people -- maybe 10 percent are trained to deal with these crimes. Only 5 percent have the funds to have a computer forensically examined. And because all the cyberstalking laws are so new and there is so little case law history, only a few of those cops are going to have a prosecutor who knows what to do. That leaves about 2 percent of the cops. A lot of victims don't even report cyberstalking because they're not sure law enforcement will accept the complaint."

It's not just cyberstalking that women don't report -- they often don't report other incidents of stalking, even after they obtain protective orders. Taxie Sierra's estranged husband continued to make threatening phone calls after she obtained her protective order, but she never called the police. "I was afraid of making him even madder," she says.

Like her, many women with protective orders walk this perilous line, wanting their stalker to keep his distance but terrified to do anything more to set him off. "People are afraid of police intervention," says Mark Wynn. "They know that making a police report can be dangerous. They figure if bad things happen to the offender, bad things might happen to them."

Not only fear keeps women from reporting violations of their protective order -- or, like the majority of stalking or domestic violence victims, from getting one in the first place. Victims typically have a web of ties to their stalkers, including children, relatives, friends, finances and homes owned in common. It's hard to limit contact with a former or estranged husband when you still want him to have a relationship with his children; and many of the victims still have feelings for their stalkers, despite everything. When the

stalker isn't threatening, he's usually calling to plead and cajole and insist that things will be different this time if she'll only let him come home. So often, instead of calling the police, the victim decides to take her stalker's call -- even if experts say that's the worst thing they can do, because it implies that they didn't really mean it when they obtained their protective order.

"There's history in these cases, there are lingering emotions, there are kids, so the victims give them that chance," says Tim Johnson, a Boulder, Colo., County district attorney who is preparing to prosecute a man for 17 years of stalking. "To someone who's obsessed and is stalking, even an angry response gives them the satisfaction of still being able to control this person."

Even though victim's rights advocates argue that the whole point of protective orders is to limit the abuser's behavior, not the victim's, the police often react harshly to women who waffle about their protective orders and sometimes arrest both parties if there's a violation. This happened to Ohioan Betty Lucas, who invited her ex-husband to their child's birthday party. After there was a fight, the cops arrested both Lucas and her ex, and both were convicted of domestic violence and complicity to violate a protective order. In what victim's rights advocates hail as a victory, the Ohio Supreme Court ruled (<http://www.centredaily.com/mld/centredaily/news/6849671.htm>) on Sept. 24 that only the target of a protective order can be charged with violating it, not the person who took out the order.

While the vast majority of stalkers don't end up murdering their victims, as Taxie Sierra's husband did, their behavior still takes a terrible toll. Stalkers know all the details of their victim's lives -- where they work and what route they take to get there, where their friends live, where they take yoga classes or go for their favorite dish of beef lo mein. They use these details to flash themselves, like vengeful wraiths, in and out of their victims' lives. They make threats in person, over the phone, by mail, e-mail, and fax, and through third parties. And the women are reminded of these threats every time there's another sighting. Thus, the stalkers try to control their victims -- and force them into a careful, tightly circumscribed lifestyle.

"You see substantial emotional stress with these women," says Wynn, "They're constantly looking over their shoulders, and that's just what the stalker wants. They feel like, 'When is the next shoe going to drop?'"

Although Wynn says the life span of most domestic violence stalking cases is 18 months, some women have to endure this kind of terrorism for years. Take the case of Sherry Meinberg, a California educator and the author of "The Bogeyman: Stalking and Its Aftermath," who was stalked and harassed by her ex-husband for more than 40 years. She advises women not only to get a protective order and report any violations, but also to take it upon themselves to make sure police enforce the order. "I tell people to carry a copy of their protective order in their purse, plus a copy of the stalking law and all related laws," she says. "And tell everybody -- they need to know your problem. You need to

have flyers out with a picture of the person. I have teenagers around my neighborhood who passed a flyer out to 400 houses."

Meinberg's stalker was finally nailed after a day of driving past her house dozens of times, shortly after he wrote her a spate of letters promising that she was "in for an experience you've never had before and would never have again." Meinberg called the police, who came but were reluctant to interfere with a "family matter" even though she had been married to another man for 34 years. When the police finally pulled her ex-husband over and looked in his car, they found a gun and lots of ammunition in the back seat. He was sentenced to four years for stalking with a gun. He has now been out of prison for a year. Meinberg hasn't seen him yet, but she's received a lot of phone calls in which someone breathes but does not speak on the other end.

"I've spent years looking over my shoulder," Meinberg says during a telephone interview, then pauses to regain her composure. "I'm still so emotional talking about it."

About the writer

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