

State of New York ✧ Office of the Attorney General

# STALKING

## REALITIES AND RESPONSES

**IF YOU BELIEVE YOU ARE IN  
IMMEDIATE DANGER, CALL 911  
FOR EMERGENCY ASSISTANCE.**

**IF YOU ARE IN AN ABUSIVE  
SITUATION, DO NOT TAKE THIS  
BOOKLET HOME.**



**ELIOT SPITZER**  
Attorney General

This guide provides information concerning the serious crime

of **stalking** and an overview of the rights, resources, and remedies available to victims.

---

---

## WHAT IS STALKING?

---

---

**Stalking** is a persistent and unwanted pursuit of an individual by another that would cause a reasonable person to fear. It is an intentional and unpredictable course of conduct that can be annoying, intrusive, intimidating, threatening and harmful. Victims may be followed or watched, or harassed with relentless unwanted tokens of affection or messages. Even behaviors that seem harmless, such as sending flowers or gifts, may be deemed important incidents, depending on the context.

---

---

## *REALITIES OF STALKING*

---

---

**Stalking** frequently involves an escalating series of incidents. The vast majority of stalkers are obsessed with their victims, intent on exerting power and control over their target, using a variety of tools including high-tech devices. Common behaviors of stalkers include, but are not limited to:

- Following or watching the victim
- Trespassing or being present near the victim's home or workplace
- Stealing or vandalizing mail or property of the victim
- Initiating unwanted contact or communications through deliveries, telephone calls, mail, pagers, e-mail, or any other medium to the victim and her/his family, neighbors or co-workers
- Using digital or video cameras, GPS (global positioning systems) and other tracking devices
- Monitoring the victim's Internet history and computer usage

In this information age, **Cyberstalking**, which is the use of electronic means to stalk another person, is a harsh reality.

---

---

## STATISTICS

---

---

**Stalking** affects men and women without regard for race, socioeconomic status, or individual associations and preferences. According to the National Violence Against Women Survey (NVAWS):

- One out of every 12 women will be stalked during her lifetime

- One out of 45 men will be stalked during his lifetime
- 1,006,970 women are stalked annually
- 370,990 men are stalked annually
- The average duration of stalking behavior is 1.8 years

According to the National Institute of Justice, stalking, intimacy and domestic violence repeatedly intersect:

- Strangers are the perpetrators in only 23 percent of female stalking incidents
- 30% of male victims are stalked by current or former intimate partners
- 38% of female victims are stalked by current or former husbands
- 13% of college women were stalked during one six to nine month period and 80% of those victims knew their stalkers

---

---

## ***IMPACT***

---

---

**Stalking** often has devastating and far-reaching consequences. It can escalate to violence and result in murder. According to the NVAWS, 81% of women stalked by a present or a former intimate partner have been physically assaulted by that person and 31% of women stalked by an intimate have been sexually assaulted by that person. According to the National Center for

Victims of Crime, 76% of female murder victims and 85% of attempted murder victims were stalked by their intimate partners during the year prior to their homicide or attempted murder.

The impact of stalking includes emotional, physical and financial consequences. Because of the danger and feelings of insecurity and vulnerability, victims of stalking are frequently forced to relocate, change jobs, obtain orders of protection and other security devices, and seek counseling. There are also increased costs for society which are attributed to absenteeism, lost productivity, health care and law enforcement.

---

---

## ***RESPONSES***

---

---

Potential victims who suspect that they are being stalked should report all incidents to local law enforcement. Early intervention is key. Evidence collection is an important part of investigating a stalking situation. To assist law enforcement, stalking victims should thoroughly document every incident by keeping a journal noting the time, date, and other relevant information for each. Further, **victims should avoid contact with the stalker as any response, even a negative one, may be viewed by the stalker as encouraging.**

An individual who is being stalked (or thinks they might be), may take the following precautions:

- Make no response to cards, letters, gifts, or phone calls by the stalker
- Be very aware of surroundings
- Change locks, passwords and pin numbers
- Create a personalized safety plan
- Seek an Order of Protection
- Take photographs of damaged property
- Use a corded phone, or a pay phone, for sensitive conversations --not a cordless or cellular phone that can be intercepted
- Use a safe computer, such as one at a local library if there is concern that the stalker may have access to a personal computer
- Consider getting a new cell phone and arranging for a pre-paid cell phone --inquire about a phone donation program for victims
- Check cell phone settings for services that will reveal locations at any time- turn off this feature
- Search for personal information on the Internet and contact the various agencies to request that this information be kept private

Various domestic violence and victim service agencies in your community may assist stalking victims in developing a safety plan and an incident log.

# **NEW YORK STATE LAWS RELATING TO STALKING**

New York State has enacted several statutes addressing domestic violence and stalking. Specifically, these laws, which can mostly be found in the Penal Law, Family Court Act and the Executive Law focus on the security and safety of the victim and holding the perpetrator accountable.

Both family court and criminal court have jurisdiction over these designated family offenses (Family Ct. Act § 812): disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, menacing in the second degree, menacing in the third degree, reckless endangerment, assault in the second degree, assault in the third degree or an attempted assault. However, only a victim who is related to the abuser by blood or marriage (including former spouses) or has a child in common with the abuser can choose to go to either or both family court and criminal court for help and an order of protection. Other victims may seek protection from criminal court.

Key laws that address the impact of stalking are described below:

**N.Y. Penal Law §§ 120.45, 120.50, 120.55, 120.60**

These statutes create the separate crime of stalking. Four degrees of the crime are established; violators could face up to seven years in prison for a class D Felony conviction for the first degree offense. The law escalates the level of the offense based on whether the offender has committed a stalking offense in the past, committed the act of stalking against several individuals, or stalked a person under the age of fourteen, among other factors. The stalking offenses cover the primary victim, members of the victim's immediate family and acquaintances of the victim.

**N.Y. Penal Law §§ 250.00, 250.40, 250.45, 250.50, 250.55, 250.60, 250.65**

These statutes establish criminal penalties for acts of video voyeurism. It is unlawful for someone to intentionally and for the purpose of degrading or abusing a person, or for his/her own sexual arousal, amusement, entertainment or profit, to use or install a digital, mechanical, or other electronic imaging device to secretly view, broadcast or record images of sexual or intimate body parts of an unknowing person at a time and in a location where that person has a reasonable expectation of privacy, such as in a bedroom, restroom, shower or fitting room. The first-degree offense is a class D Felony punishable by a term of up to seven years in state prison and the second-degree offense is a class E Felony punishable by incarceration up to four years. The Penal law also provides for misdemeanor and felony penalties for the crime of disseminating an unlawful surveillance image in the first and second degree.

### **N.Y. Penal Law §250.05**

This law provides for a criminal penalty for eavesdropping. A person is guilty of eavesdropping when he unlawfully engages in wiretapping, mechanical overhearing of a conversation, or intercepting or accessing of an electronic communication. The offense is a class E Felony.

### **Criminal Procedure Law § 530.14 and Family Court Act §842-a**

These statutes authorize firearm license suspension and revocation by the court in certain stalking cases.

### **Executive Law § 631**

This law establishes eligibility for compensation from the crime victims board. Victims of harassment, menacing and stalking who are not physically injured as a direct result of the crime may file for an award that includes loss of earning or support, the unreimbursed cost of repair or replacement of essential personal property that has been lost, damaged or destroyed, the unreimbursed cost for security devices to enhance the personal protection of the victim, transportation expenses incurred for necessary court appearances in connection with the prosecution of the crime, the unreimbursed costs of counseling and the costs associated with occupational or job training.

---

---

*RESOURCES*

---

---

If you are a victim of stalking, several resources are available for assistance and information:

## **NEW YORK STATE**

### **New York State Crime Victims Board**

(800) 247-8035

New York City (800) 579-0689

Buffalo (716) 847-7992

Albany (800) 579-9541

### **New York State Office for the Prevention of Domestic Violence**

(518) 457-5800

*www.opdv.state.ny.us*

### **New York State Coalition Against Domestic Violence**

English: (800) 942 - 6906;

Spanish: (800) 942 - 6908

*www.nyscadv.org*

### **New York State Capital District Anti-Stalking Task Force**

*www.stalkmenot.org*

Binghamton

**Crime Victim Assistance Center, Inc.**

(607) 723-3200

*www.cvac.us*

Broome County

**SOS Shelter, Inc.**

(607) 748-7453

*www.sosshelter.org*

Jefferson County

**Victims Assistance Center of Jefferson County**

(315) 782-1855

New York City

**Safe Horizon**

(212) 577-7777

*or* (800) 821-HOPE

*www.safehorizon.org/page.php?page=stalking*

Oneida County

**YWCA of Mohawk Valley**

(315) 797-7740

Plattsburgh

**Crisis Center of Clinton, Essex, and Franklin Counties**

315 422 7273

*or* (518) 561-2330

Rochester

**Alternatives for Battered Women**

(585) 232-7353

*www.abwrochester.org*

St. Lawrence County

**CAVA Crisis & Counseling Center**

(315) 386-3777

Suffolk County

**Suffolk County Coalition Against Domestic Violence**

(631) 666-8833

Syracuse

**Vera House**

(315) 425-0818

*www.verahouse.org*

**NATIONAL**

**CyberAngels**

*www.cyberangels.org/stalking/*

**Family Violence Prevention Fund**

(415) 252-8900

*www.endabuse.org*

**National Center for Victims of Crime**

(800) FYI-CALL

TTY: (800) 211-7996 [www.ncvc.org](http://www.ncvc.org)

**NOW Legal Defense and Education Fund**

(212) 925-6635

*[www.nowldef.org](http://www.nowldef.org)*

**Stalking Resource Center**

(202) 467-8700

*[www.ncvc.org/src](http://www.ncvc.org/src)*