

# Stalking

Stalking is generally defined as a pattern of behavior that would cause a reasonable person to feel fear.<sup>A</sup> Although a crime throughout the United States (including Territories and many Tribal Codes) and an offense under the Uniform Code of Military Justice, stalking varies widely in statute definition, scope, crime classification, and associated penalties. In part because stalking is composed of individual acts that could, in isolation, seem benign or be noncriminal, it is underidentified by the criminal justice system and underreported by victims—less than half of stalking victimizations are reported to the police.<sup>B</sup> Stalking is linked to both intimate partner violence and sexual assault, and often has a significant traumatic effect on its victims. *For more information, see the Intimate Partner Violence fact sheet in this series.*

## Differences among State Statutes

**Pattern of Behavior:** Currently, 51% of states require that there be **two or more different instances** where the perpetrator followed, watched, or otherwise harassed the victim, and 47% require an **“established pattern”** of harassment.

**Level of Fear:** Almost half of U.S. states require proof that the victim felt **terrorized** by the stalking behavior; 24% require proof that the victim feared for their **safety**; and 8% require proof that the victim feared for their **life**.

**Standard of Fear:** Further, 53% of states require that the behavior be enough to make a **reasonable person** feel fear; 20% require that the prosecution proves the **victim actually felt fear**; and 27% require that the prosecution proves both that a reasonable person would feel fear **and** that the victim actually did feel fear.

**The majority of states do not consider stalking to be a felony upon the first offense.**<sup>A</sup>

### Stalking Statutes by Element<sup>A</sup>

as a percentage of states

	Yes	No
Only specific intent required	31%	57%
Only actual fear required	20%	53%
Specific number of incidents required	53%	47%
Felony upon first offense	20%	80%

In addition to criminal court, victims of stalking may also seek protections in civil court. In all states, a victim may seek a protection order that prevents the stalker from coming within a certain distance and restricts communication; however, more than 61% of states require that the victim be related to the stalker to obtain a protection order. While only 37% of states have a stalking-specific protection order, **100% of those states have no relationship requirement**, making it easier for stalking victims to receive protection. Another course of action is a civil suit. In 25% of states, a

stalking victim may choose to sue their stalker for monetary compensation. These civil suits are intended to help the victim recover costs resulting from the victimization, including lost wages, medical bills, and relocation fees:<sup>A</sup> 1/4 of stalking victims report that they missed more than 10 days of work as a result of their victimization.<sup>B</sup>

### Civil Stalking Protections<sup>A</sup>

as a percentage of states

	Yes	No
Stalking-specific protection order	37%	63%
Relationship requirement	61%	39%
Stalking-specific civil suit	25%	75%

According to the 2011 National Intimate Partner and Sexual Violence Survey (NISVS), **women are 2.5x more likely** than men to be stalked in their lifetime. More than 50% of women who were stalked reported that their stalkers had: watched, followed, or spied on them; made unwanted telephone calls; or left unwanted messages. Almost 60% of men who were stalked reported that their stalker made unwanted calls or left unwanted messages.<sup>C</sup>

### Tactics Used by Stalkers<sup>C</sup>

as a percentage of stalking victims

	Men	Women
Make unwanted phone calls to victim, including hangups	58.2%	54.5%
Leave victim unwanted voice/text messages	56.7%	55.3%
Approach victim or show up places when not wanted	47.7%	61.7%
Watch, follow, or spy on victim with a listening device, camera, or GPS	32.2%	49.7%
Leave strange/threatening items for victim	14.7%	15.0%
Sneak into victim's car/home in such a way that victim realizes stalker was there	*	26.8%
Leave victim items (flowers, cards) knowing the victim didn't want them	*	24.7%
Send victim unwanted messages online	9.4	14.3

<sup>C</sup>Case counts too low to estimate.

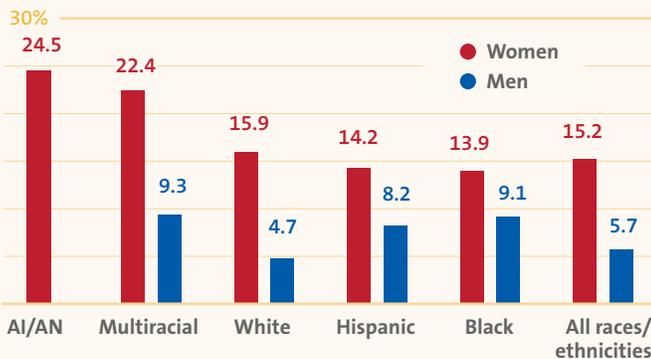
# Current Data on Stalking

According to the NISVS, **15% of women** and **6% of men** are stalked over the course of their lifetime.<sup>C</sup>

National estimates for **American Indian/Alaska Native (AI/AN)** and **multiracial women** are almost **60% greater** than for white, black, and Hispanic women. National stalking estimates for black, Hispanic, and multiracial men are about 60% greater than for white men.<sup>C</sup>

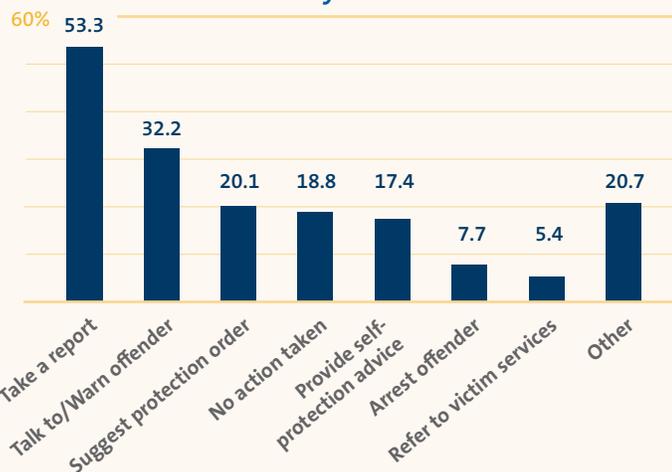
Of **women** who were stalked, **88% were stalked by a man**. For **men** who were stalked, **48% were stalked by another man** and **45% were stalked by a woman**. Some victims are stalked by multiple people over their lifetime.<sup>C</sup>

**National Stalking Estimates<sup>C</sup>**  
by race/ethnicity and sex

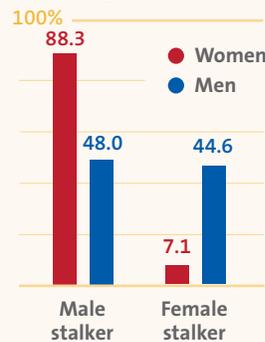


**Less than 40% of stalking victims** reported that the police took any action against their stalker: 32% of victims reported that law enforcement spoke to or warned the offender, while just 7% reported that their stalker had been arrested. The most common action taken by law enforcement in response to stalking was to take a report (50% of the time) or to suggest a protection order (20% of the time). Almost **20%** of stalking victims reported that **law enforcement took no action** in response.<sup>B</sup>

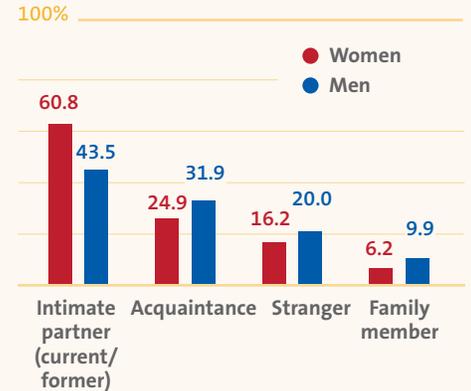
**Action Taken by Law Enforcement<sup>B</sup>**



**Sex of Perpetrator<sup>C</sup>**  
by victim sex



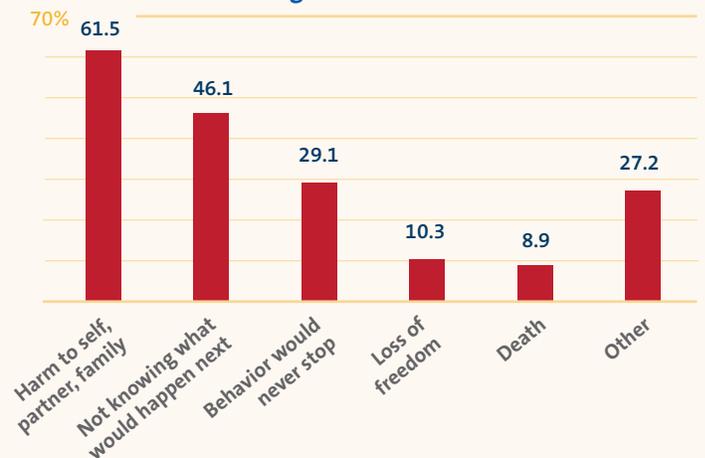
**Victim Relationship to Perpetrator<sup>C</sup>**  
by victim sex



**More than 60% of stalking victims reported that they feared harm to themselves, their partner, or a family member.**

Victims also reported that they were afraid of: not knowing what would happen next (46%), that the stalking might never end (29%), or that they might die as a result of their victimization (9%).<sup>B</sup>

**Stalking Victims' Worst Fears<sup>B</sup>**



## SOURCES

- A National Center for Victims of Crime, Stalking Resource Center, "State Penal Codes Related to Stalking and Harassment (as of June 2016)," (unpublished)
- B Katrina Baum et al., "Stalking Victimization in the United States," (Bureau of Justice Statistics, 2009), [www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf](http://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf)
- C Matthew J. Breiding et al., *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, 2011*, [www.cdc.gov/mmwr/pdf/ss/ss6308.pdf](http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf)

*Note:* In 2009, the Bureau of Justice Statistics published "Stalking Victimization in the United States," providing groundbreaking information on the nature of stalking victimization. While the 2009 report has been replaced by the 2012 revision, the earlier version contains valuable insights into this crime; however, data must be interpreted with caution.