



Stalking

Stalking is generally defined as **a pattern of behavior that would cause a reasonable person to feel fear.**^A 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 statutory definition, scope, crime classification, and associated penalties. This disparity is in part because stalking is a “course of conduct” crime—it is composed of individual acts that could, in isolation, seem benign or be noncriminal, making it under-identified by the criminal justice system and under-reported by victims. Less than half of stalking victimizations are reported to the police.^B Stalking is often **linked to both intimate partner violence and sexual assault**, and can have 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.

While stalking is a crime in all 50 states, the majority of states do not consider stalking to be a felony upon the first offense.^A

Stalking Statutes by Element^A
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 potentially finding recourse through protections granted in 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 perpetrator from coming within a certain distance and restricts communication; however, more than 61% of states require that the victim be related to the person in order 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 the perpetrator for monetary compensation to help the victim recover costs resulting from the victimization, including lost wages, medical bills, and relocation fees:^A 1/4 of stalking victims report that they missed more than 10 days of work as a result of their victimization.^{B1}

Civil Stalking Protections^A
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 National Intimate Partner and Sexual Violence Survey (NISVS), **16% of women and 5% of men experienced stalking in their lifetime.** More than 50% of victims who were stalked in their lifetime reported that the perpetrator had: approached them or showed up at places they frequented; threatened physical harm; damaged personal property; left unwanted text or voice messages; or made unwanted telephone calls.^C

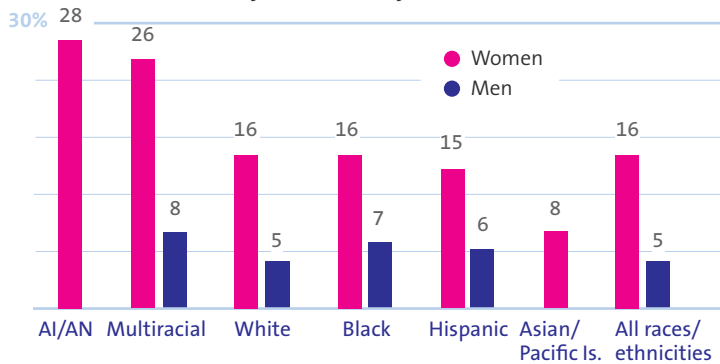
Lifetime Estimates of Tactics Used by Stalkers^{C2}
as a percentage of stalking victims

	Men	Women
Left unwanted text/voice messages or made unwanted phone calls	72%	76%
Threatened physical harm	70%	68%
Approached victim or showed up places when not wanted	48%	59%
Damaged personal property	51%	52%
Watched, followed, or spied on victim	32%	44%
Left unwanted gifts or strange items	27%	38%
Snuck into victim's car/home	18%	27%
Made unwanted online contact (via email, instant message, or social media)	13%	14%

CURRENT DATA ON STALKING

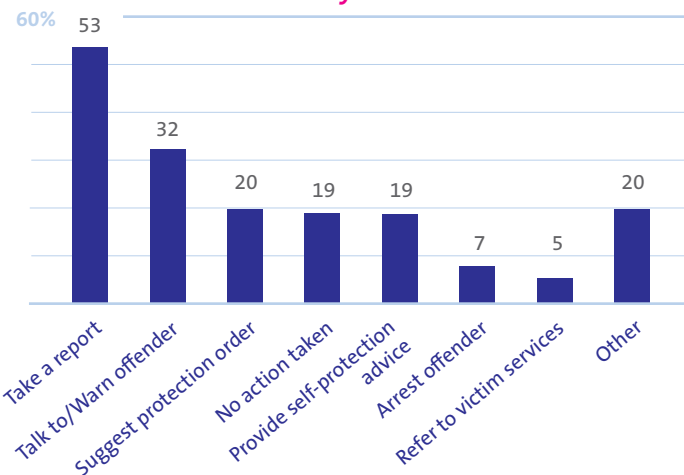
The prevalence of stalking among men of different races or ethnicities ranges from 5% to 8%.³ Certain populations of women, including American Indian/Alaska Native (AI/AN) and multiracial women, have a greater chance of experiencing stalking victimization in their lifetime than others: nearly **1/3 of AI/AN and 1/4 of multiracial women report that they have experienced stalking at some point in their lives.**^{C2}

National Stalking Estimates^{C2}
by race/ethnicity and sex



Less than 40% of stalking victims reported that the police took action against the perpetrator: 32% of victims reported that law enforcement spoke to or warned the offender, while just 8% reported that the person had been arrested. Common actions taken by law enforcement in response to stalking were to take a report (55% of the time), talk to or warn an offender (32% of the time), and to suggest a protection order (20% of the time). **Almost 20% of stalking victims reported that law enforcement took no action in response.**^B

Actions Taken by Law Enforcement^B

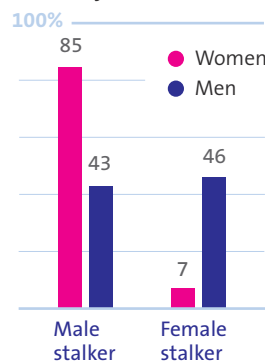


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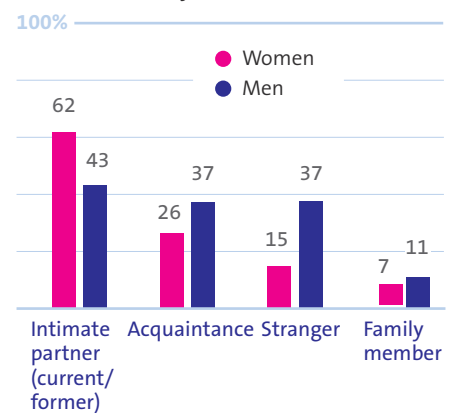
- In 2009, the Bureau of Justice Statistics published "Stalking Victimization in the United States," providing groundbreaking information on the nature of stalking victimization. While the 2009 report has been replaced by the 2012 revision, the earlier version contains valuable insights into this crime; however, data must be interpreted with caution.
- Estimates are for lifetime prevalence.
- NISVS estimates for American Indian/Alaska Native and Asian/Pacific Islander men are not reported due to unreliability of the sample size.

Of women who reported being stalked, 85% were stalked by a man. Of men who reported being stalked, 46% were stalked by a woman and 43% were stalked by another man. About 5% of women and 8% of men were stalked by both men and women at some point in their life. **Stalking is most often perpetrated by a current or former partner or acquaintance of the victim.**^{C2}

Sex of Perpetrator^{C2}
by victim sex



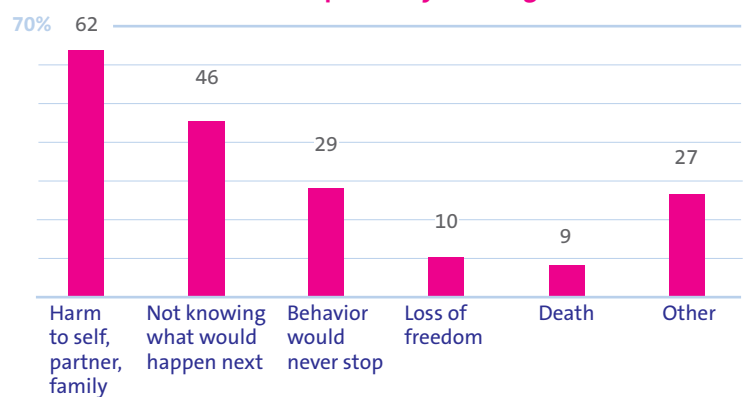
Victim Relationship to Perpetrator^{C2}
by victim sex



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%).^B

Fears Reported by Stalking Victims^B



SOURCES

- National Center for Victims of Crime, Stalking Resource Center, "State Penal Codes Related to Stalking and Harassment (as of June 2016)," (unpublished)
- 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
- Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report*, (Atlanta, GA), <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>