



STALKING: TAKING THE CONTROL BACK

For more information contact
The Center for Women and Families
Southern Utah University, ST 175
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Cedar City, UT 84270
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www.suu.edu/cwf





This booklet was made possible by:

The Center for Women and Families
The Safety and Equality Education Committee
Southern Utah University Public Safety
SUU University Housing

ONLINE RESOURCES

Stalking Awareness Month Website
www.stalkingawarenessmonth.org

Stalking Resource Center
www.ncvc.org

Utah State Courts
www.utcourts.gov

Privacy Rights Clearinghouse
www.privacyrights.org/fs/index.htm

An Abuse, Rape and Domestic Violence Aid and Resource
Collection
www.aardvarc.org

Stalking Behavior
www.stalkingbehavior.com

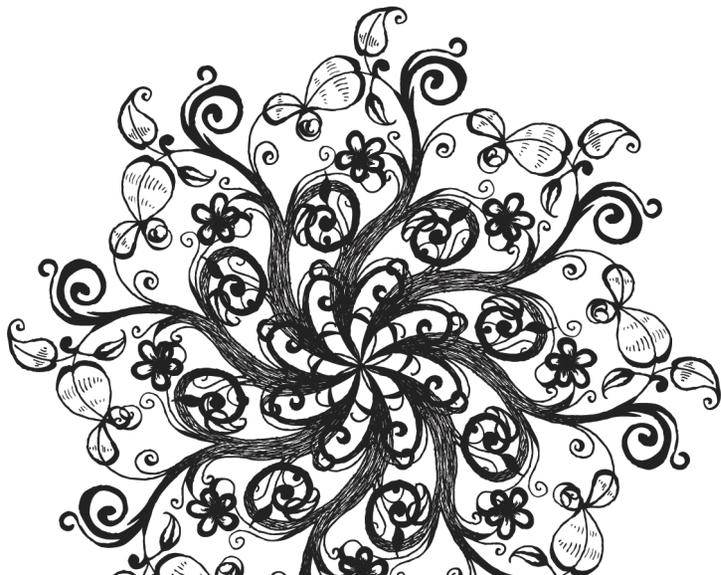
Thats Not Cool
www.thatsnotcool.com

ON-CAMPUS RESOURCES

SUU Public Safety Office	586-7793
Non-emergency.....	586-1911
Emergency.....	911
The Center for Women and Families.....	586-8572
Housing and Residents Life.....	586-7966
Counseling and Psychological Services.....	865-8621

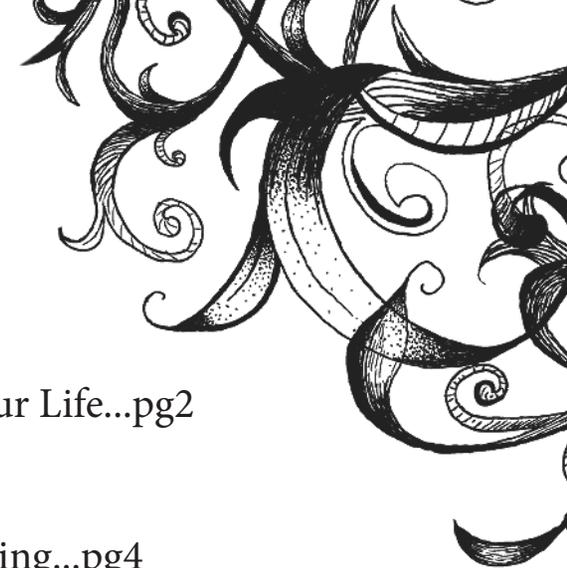
OFF-CAMPUS RESOURCES

Canyon Creek Womens' Crisis Center (hotline).....	865-7443
Southern Utah Mobile Crisis Team (dispatch).....	559-1682
Cedar City Police Department (dispatch).....	586-5139
Iron County Sherriff's Office (dispatch).....	867-7550
5th Distirct Court.....	865-5335



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NOTES:



This booklet will provide you with some practical guidance, including information to help you deal with a stalking situation. It will help you realize that you are not alone: there are resources available to you. However, the contents are by no means all-inclusive.

As a victim of stalking, you certainly realize that it is not only your life that is being impacted, but your family, friends, roommates and/or your peers as well. Therefore, relevant information contained in this booklet should be shared with all concerned parties.

Whatever frustrations that you may or may not have experienced in the past with finding help for your situation we hope to alleviate. The staff and faculty are here to help you. However, for the proper management of your situation, it is extremely important that you cooperate fully with SUU Public Safety or local Police Department to better serve you.

This booklet is meant to educate you in understanding the basics of stalking, as well as providing you with techniques for your own safety.

WHAT IS STALKING?

- Webster dictionary defines “to stalk” as “to pursue prey stealthily.”
- Utah criminal law defines stalking as “a course of conduct of one person toward another that would put a reasonable person in a state of emotional distress or to fear bodily harm.”
- Clinically, stalking is labeled “obsessional following.”
- **Stalking is a crime in all 50 states**

TYPES OF STALKING

- **Simple Obsessional:**
A prior relationship exists between the victim and the stalker which includes the following:
Acquaintance, neighbor, customer, professional relationship, dating, and lover
The stalking behavior begins after either:
The relationship has gone “sour”, or
The offending individual perceives some mistreatment
The stalker begins a campaign either to rectify the schism, or to seek some type of retribution
- **Erotomania:**
The central theme of the delusion is that another person is in love with the individual
The delusion often concerns idealized romantic love and spiritual union rather than sexual attraction — “a perfect match”
The object of affection is usually of a higher status and can be a complete stranger
Efforts to contact the victim are common, but the stalker may keep the delusion a secret
Males, seen most often in forensic samples, come into contact with the law during misguided pursuits to “rescue” the individual from some imagined danger. Females are seen most often in clinical samples
- **Love Obsessional:**

HOW TO GET A STALKING INJUNCTION

You will need to take the following items with you:

- Photo ID or Driver’s License
- Any applicable police reports
- Copies of any communication (letters, emails, texts, cards, etc)
- Log of stalking incidents
- Copy of a ceased and desist letter (if you have one)
- Photos or any other applicable evidence of stalking

Where to go:

5th District Courthouse
82 North 100 East
Cedar City, UT 84720-2807
(435) 865-5335

Please plan on spending a few hours at the court house to walk through this process. If you have any questions, please do not hesitate to contact any of the recourse on the back few pages of this booklet.

You can review some of the paper work for civil stalking injunctions at www.utahcourts.gov



(ii) requiring the defendant to stay away from the victim and members of the victim's immediate family or household and to stay away from any specified place that is named in the order and is frequented regularly by the victim; and

(b) an order restraining the defendant from making contact with or regarding the victim, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm to the victim, including personal, written, or telephone contact with or regarding the victim, with the victim's employers, employees, coworkers, friends, associates, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(11) A permanent criminal stalking injunction may be dissolved or dismissed only upon application of the victim to the court which granted the injunction.

(12) Notice of permanent criminal stalking injunctions issued pursuant to this section shall be sent by the court to the statewide warrants network or similar system.

(13) A permanent criminal stalking injunction issued pursuant to this section has effect statewide.

(14) (a) Violation of an injunction issued pursuant to this section constitutes a third degree felony offense of stalking under Subsection (7).

(b) Violations may be enforced in a civil action initiated by the stalking victim, a criminal action initiated by a prosecuting attorney, or both.

(15) This section does not preclude the filing of a criminal information for stalking based on the same act which is the basis for the violation of the stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions, or a permanent criminal stalking injunction.

Amended by Chapter 356, 2008 General Session

Similar to the erotomaniac individuals:

The victim is almost always known through the media.

The delusion that the victim loves them may also be held

The erotomaniac delusion is but one of several delusions and psychiatric symptoms — this individual has a primary psychiatric diagnosis

These individuals may be obsessed in their love, without having the belief that the target is in love with them

A campaign is begun to make his/her existence known to the victim

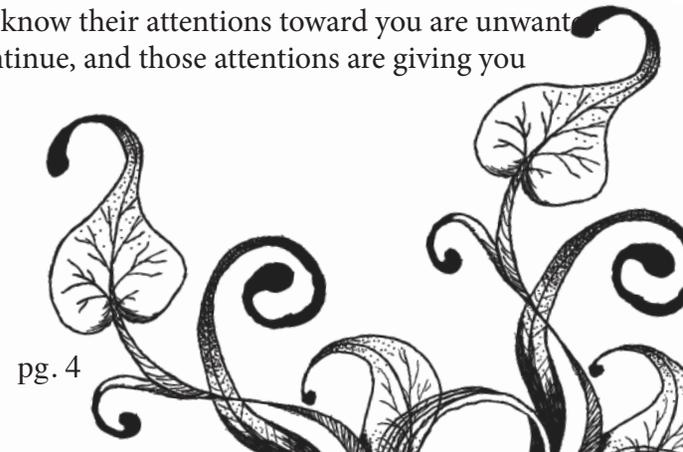
DIFFERENT FORMS OF STALKING

Stalking refers to harassing or threatening behavior that is engaged in repeatedly. Such harassment can be either physical stalking or cyberstalking.

- Physical stalking is following someone, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing one's property.
- Cyberstalking involves using the Internet or other electronic means to harass. A January 2009 U.S. Department of Justice report found that 23% of stalking victims suffered some form of cyberstalking, and 6% suffered electronic monitoring such as spyware, bugging or video surveillance. "Stalking Victimization in the United States" www.ojp.usdoj.gov/bjs/pub/pdf/svus.pdf

HOW DO I KNOW IF I AM BEING STALKED?

If you have let someone know their attentions toward you are unwanted and those attentions continue, and those attentions are giving you



emotional distress and/or fear of bodily harm, you are being stalked.

WHY ME?

The most important thing for a victim to realize is that it is not their fault. There was nothing that could have forewarned them that they were involved with a potential stalker. There is nothing the victim could have done differently that would have altered the stalkers behavior in anyway.

The victim has either ended some kind of relationship with the stalker, or has rejected the stalker in some way. The stalker views the victims as an object. Rejection by the object may stimulate a deep humiliation which translates into rage against the object. The stalker's rage may then translate into an obsession to humiliate or injure the object.

WHAT SHOULD I DO NOW?

When it is apparent that a person is being stalked, it is very important to seek the help of others. If you are living in University Housing talk to your RA or Community Coordinator. If you are a student, contact the SUU Public Safety Office at 586-1911 or the Director of The Center for Women and Families (865-8752) to help you find campus and community resources. And never forget you can always call 911.

Know that police officers will need probable cause before they can arrest anyone that is why it is so important to keep a log of incidents. Once a stalker's conduct is being investigated as a crime of stalking, a case can be assembled that can be prosecuted successfully. Aggressive intervention, as early as possible, is the only effective deterrent.

An incident diary is essential. Keep a chronological diary that records every contact by date, time and what happened. (An example of an incident log is enclosed.) Keep in mind that the more corroboration the better. Keep track of witnesses, message machine tapes, security videos, and police case numbers. See the list of possible tools to consider help with documentation. To prove intent, mail a certified cease and desist letter (example enclosed). This will prove to a court that the stalker knows their actions are causing the victim emotional distress and/or fear of bodily harm,. Also if possible have an officer or witness observe notification that the contact is unwanted. SUU Public
pg. 5

(e) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7- 102, of the victim.

(8) Stalking is a second degree felony if the offender:

(a) used a dangerous weapon as defined in Section 76-1-601 or used other means or force likely to produce death or serious bodily injury, in the commission of the crime of stalking;

(b) has been previously convicted two or more times of the offense of stalking;

(c) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are substantially similar to the offense of stalking;

(d) has been convicted two or more times, in any combination, of offenses under Subsection (7)(a), (b), or (c);

(e) has been previously convicted two or more times of felony offenses in Utah or of crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of the stalking was also a victim of the previous felony offenses; or

(f) has been previously convicted of an offense under Subsection (7)(d), (e), or (f).

(9) (a) A conviction for stalking or a plea accepted by the court and held in abeyance for a period of time serves as an application for a permanent criminal stalking injunction limiting the contact between the defendant and the victim.

(b) A permanent criminal stalking injunction shall be issued by the court without a hearing unless the defendant requests a hearing at the time of the conviction. The court shall give the defendant notice of the right to request a hearing.

(c) If the defendant requests a hearing under Subsection (9)(b), it shall be held at the time of the conviction unless the victim requests otherwise, or for good cause.

(d) If the conviction was entered in a justice court, a certified copy of the judgment and conviction or a certified copy of the court's order holding the plea in abeyance must be filed by the victim in the district court as an application and request for a hearing for a permanent criminal stalking injunction.

(10) A permanent criminal stalking injunction may grant the following relief:

(a) an order:

(i) restraining the defendant from entering the residence, property, school, or place of employment of the victim;
and

(2) A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person:

- (a) to fear for the person's own safety or the safety of a third person; or
- (b) to suffer other emotional distress.

(3) A person is guilty of stalking who intentionally or knowingly violates:

- (a) a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions;
- or
- (b) a permanent criminal stalking injunction issued pursuant to this section.

(4) In any prosecution under this section, it is not a defense that the actor:

- (a) was not given actual notice that the course of conduct was unwanted; or
- (b) did not intend to cause the victim fear or other emotional distress.

(5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more of the acts that is part of the course of conduct was initiated or caused an effect on the victim.

(6) Stalking is a class A misdemeanor:

- (a) upon the offender's first violation of Subsection (2); or
- (b) if the offender violated a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions.

(7) Stalking is a third degree felony if the offender:

- (a) has been previously convicted of an offense of stalking;
- (b) has been previously convicted in another jurisdiction of an offense that is substantially similar to the offense of stalking;
- (c) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction which if committed in Utah would be a felony, in which the victim of the stalking offense or a member of the victim's immediate family was also a victim of the previous felony offense;
- (d) violated a permanent criminal stalking injunction issued pursuant to Subsection (9); or

Safety officers are willing to sign as a witness on a Cease and Desist Letter.

TOOLS

- Carry a cheap disposable camera with you at all times (if your cell phone doesn't already have photo capabilities)
- Have your stalking log and pen ready at all times to take notes
- If possible carry a cell phone with you always (even when you are at home)
- Consider investing in an answering machine, caller ID, or a second phone line to document all contact
- Keep someone with you as often as possible to help with safety as well as witnessing the events

SAFETY PLAN

It is very important that victims understand that, even though it may not seem fair, **their safety is primarily their own responsibility!**

- Make certain your residence is secure – window and door locks all functioning and are adequate
- If the stalker ever had access to your home key(s) change your locks or ask landlord to do so for you
- Keep vehicle doors locked – when in use AND parked
- Purchase a cell phone if possible
- Vary any route and daily habits that the stalker is aware of
- If possible, keep your vehicle locked in a garage – cars make easy targets for vandalism
- Ask family/friends/roommates to check on your at various times.
- Make roommates and/or neighbors aware of the problem and ask them to watch for suspicious activity and alert the police if needed

- Avoid being alone as much as possible
- Let someone know when you are leaving and when you arrive at your destination so that any absence is quickly noticed
- Make your employer and/or professors aware of the situation
- Ask roommates to screen visitors at your home
- Make sure you are not being followed
- Keep your vehicle's gas tank full
- Keep money and/or credit card with you at all times
- Keep a detailed log of all behaviors
- If possible do not change your phone number – record any messages
- File police reports of any illegal behavior
- Possibly use a private post office box for mail
- Consider getting a dog
- Acquaint yourself with all night stores, public places, and police stations in your area
- Change all your social networks to a private setting

The ultimate goal is to regain control of your life. The more a victim participates in their own safety plan, the more control they will reclaim. If the stalker is convicted of the crime, the system has more control over the stalker. The victim then regains control and can go on with their life.

IT IS IMPORTANT TO HAVE YOUR SAFETY PLAN IN PLACE BEFORE SENDING A CEASE AND DESIST LETTER OR INVOLVING THE POLICE.



about a person, or interferes with a person's property:

(A) directly, indirectly, or through any third party; and

(B) by any action, method, device, or means; or

(ii) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:

(A) approaches or confronts a person;

(B) appears at the person's workplace or contacts the person's employer or coworkers;

(C) appears at a person's residence or contacts a person's neighbors, or enters property owned, leased, or occupied by a person;

(D) sends material by any means to the person or for the purpose of obtaining or disseminating information about or communicating with the person to a member of the person's family or household, employer, coworker, friend, or associate of the person;

(E) places an object on or delivers an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person; or

(F) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that is a part of the course of conduct.

(c) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who regularly resided in the household within the prior six months.

(d) "Emotional distress" means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required.

(e) "Reasonable person" means a reasonable person in the victim's circumstances.

(f) "Stalking" means an offense as described in Subsection (2) or (3).

(g) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

CEASE AND DESIST LETTER (EXAMPLE)

You can print out copies of this at <http://www.slcpcd.com/asetts/images/links/CeaseDesist.pdf>

Insert your name where the letter says “victim” and the stalker’s where it says “perpetrator”.

Victim has contacted law enforcement agency and been instructed to put perpetrator on notice as to the following: Perpetrator, is hereby put on notice that perpetrator’s course of conduct toward victim is causing victim to suffer severe emotional distress and fear of bodily harm. Perpetrator is hereby put on notice that if perpetrator continues to watch, follow or communicate with victim, directly or indirectly, it may be considered stalking. Charges may be filed under Utah Criminal Code §76-5-106.5; “Crime of Stalking”.

SIGNED: _____

This _____ the day of _____, 20____ .

Witnessed by (optional): _____

A definition of Utah Criminal Code §76-5-106.5 is enclosed.

Make sure you get a return receipt certificate from the USPS and that a copy of the code is mailed with your letter. (Code is on next page.) 76-5-106.5. Stalking -- Definitions -- Injunction -- Penalties.

(1) As used in this section:

(a) “Conviction” means:

- (i) a verdict or conviction;
- (ii) a plea of guilty or guilty and mentally ill;
- (iii) a plea of no contest; or
- (iv) the acceptance by the court of a plea in abeyance.

(b) “Course of conduct” means two or more acts directed at or toward a specific person, including:

- (i) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or

STALKING INCIDENT LOG (EXAMPLE)

Suspect’s Name: _____

Date of Birth: _____ Gender: _____ Race: _____

Age: _____ Height: _____ Hair Color: _____

Eye Color: _____ Other: _____

Last known address: _____

Place of employment: _____

Vehicle description: _____

License Plate: _____

Misc: _____

Codes for type of contact

- A – Watching or following
- B- Threatening or harassing phone calls
- C- Hang up phone calls
- D- Received mail (post office)
- E – Received other messages (email, texts, notes left on car/door, etc.)
- F- Received online social network messages
- G- Unwanted Gifts
- H- Indirect contact (stalker called a friend, roommates, relative, co-worker)
- I- Abuse of process (stalker filed false police report, CPS, etc.)
- J- Vandalized vehicle or residence

Incident # _____
Date: _____ Time: _____ Type Code(s): _____
Address of occurrence: _____
Police agency reported to: _____
Case #: _____
Witnesses and Numbers: _____

What Happened: _____

Incident # _____
Date: _____ Time: _____ Type Code(s): _____
Address of occurrence: _____
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Case #: _____
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