

The Intersection of Stalking and Sexual Assault

**USAREUR Ready and Resilient Directorate:
(SHARP) Senior Leader Forum – Prevention
September 23 – 24, 2014**

Presented by:

Michelle Garcia

Director, Stalking Resource Center

National Center for Victims of Crime

mgarcia@ncvc.org

202-467-8700

Stalking

resource center

Training

Technical Assistance

Resources

- Statutes
- Legislative Updates
- Manuals/Guides
- Videos
- Clearinghouse

The Stalking Resource Center is a program of the National Center for Victims of Crime. The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center envisions a future in which the criminal justice system and its many allied community partners will effectively collaborate and respond to stalking, improve victim safety and well-being, and hold offenders accountable.

The Stalking Resource Center provides training, technical assistance, and resource materials for professionals working with and responding to stalking victims and offenders.

Overview

- Define stalking
- Dynamics of stalking
- Intersection of stalking and sexual assault
- Social normalization of stalking

Intersections



Defining Stalking



Behavioral



UCMJ



Stalking

A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.

Context is critical!

UCMJ – Article 120a

- (a) Any person subject to this section--
 - (1) who wrongfully **engages in a course of conduct directed at a specific person that would cause a reasonable person to fear** death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;
 - (2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and
 - (3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family; is guilty of stalking and shall be punished as a court-martial may direct.

(b) In this section:

(1) The term `course of conduct' means--

(A) a repeated maintenance of visual or physical proximity to a specific person; or

(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

(2) The term `repeated', with respect to conduct, means two or more occasions of such conduct.

(3) The term `immediate family', in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.

Prevalence of Stalking

How many people are stalked in one year:

United States?

In your community?



Stalking Dynamics

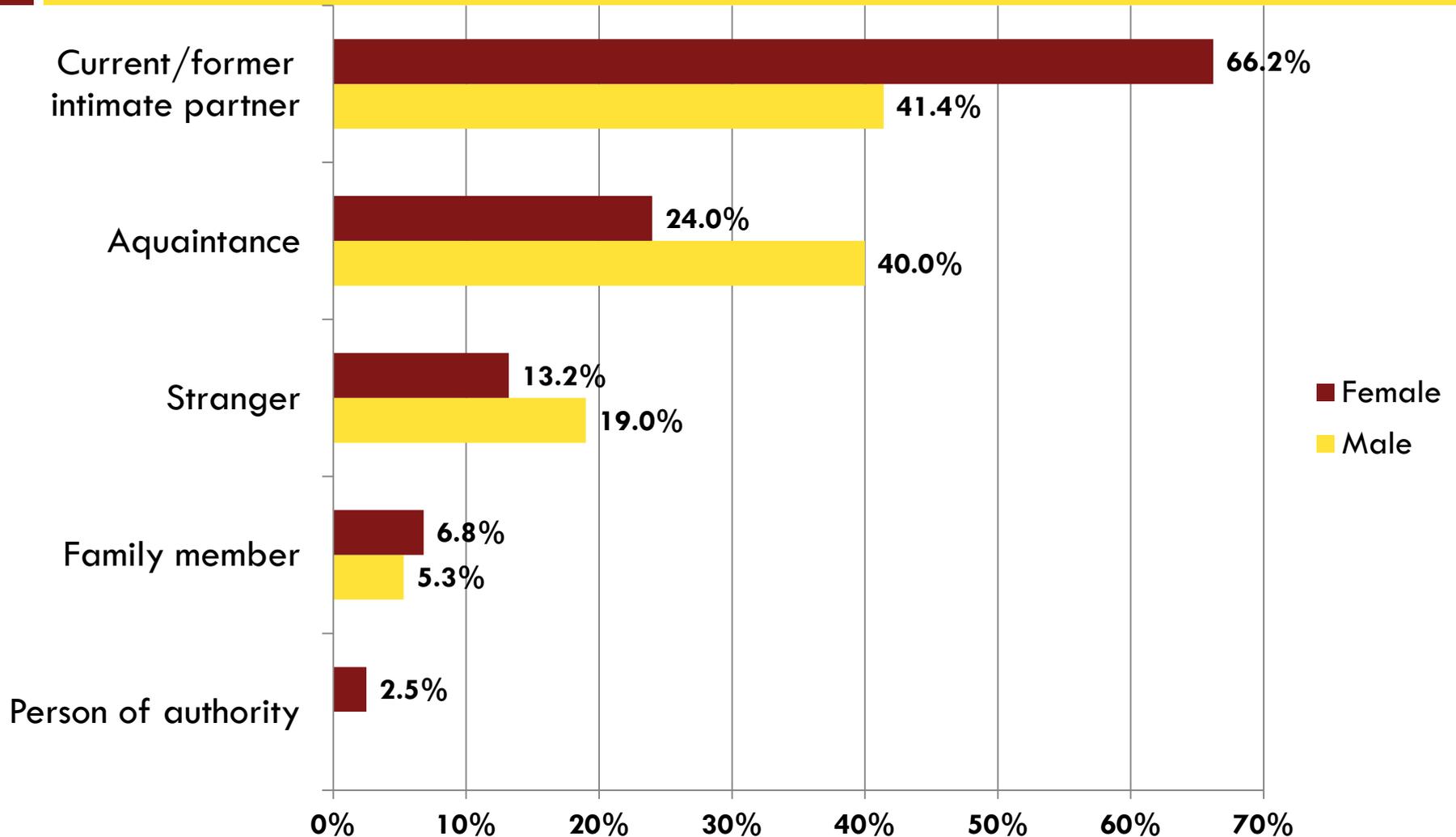
18 – 24 year olds
experience the
highest rates of
stalking

Women are more
likely to experience
stalking

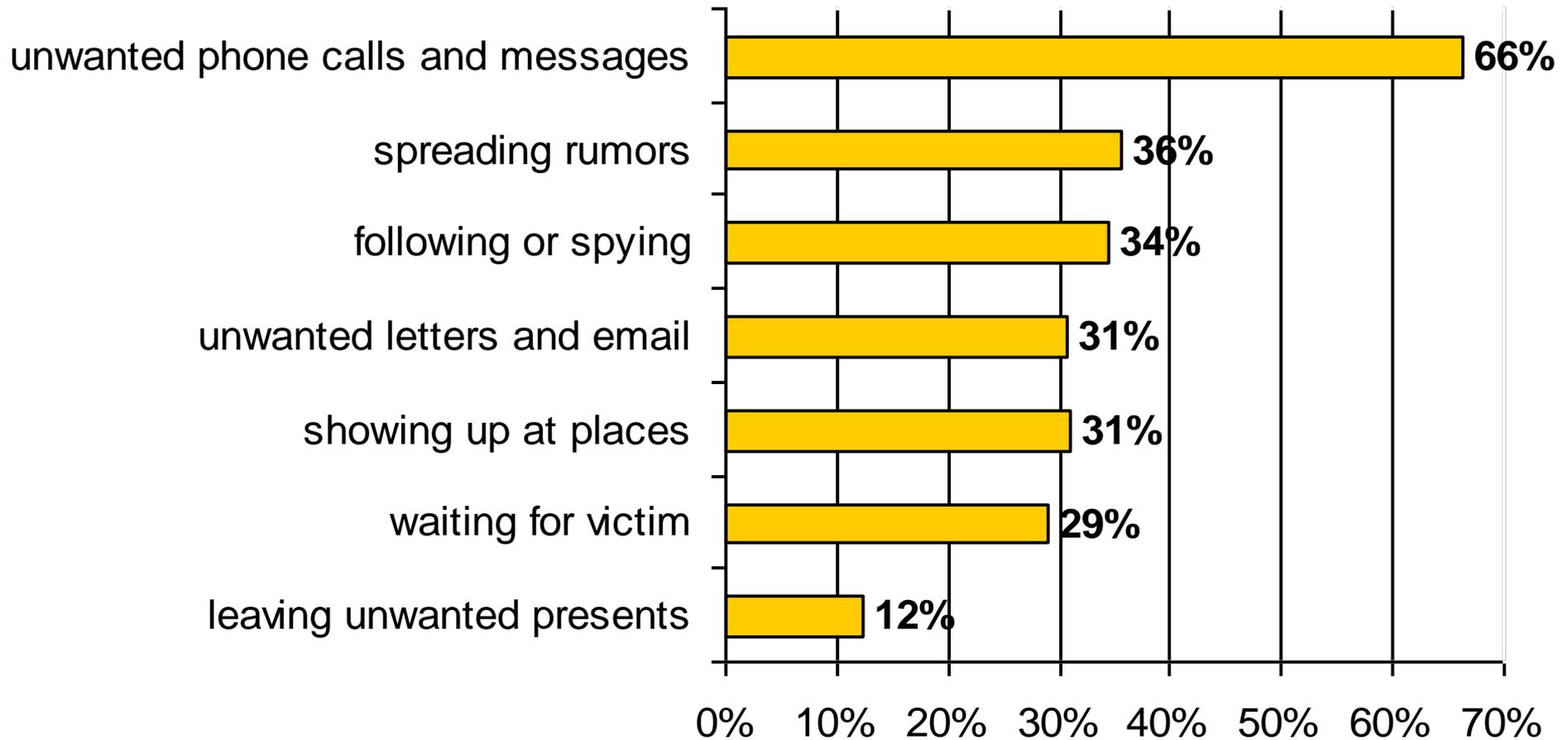
Most offenders are
male

The majority of
victims know the
offender

Victim Offender Relationship



Stalking Behaviors

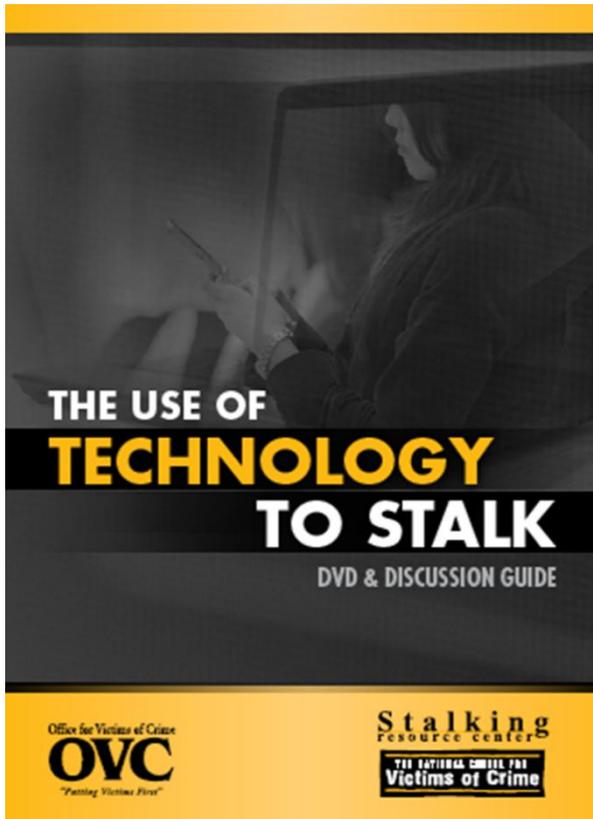


Use of Technology to Stalk

- ❑ Phones – calls, SMS, MMS
- ❑ Fax machines
- ❑ Cameras
- ❑ Global Positioning Systems (GPS)
- ❑ Location based services
- ❑ Computers
- ❑ Spyware
- ❑ Email & IM
- ❑ Social networking sites
- ❑ Assistive technologies



Use of Technology to Stalk



www.victimsofcrime.org/src

THE USE OF TECHNOLOGY TO STALK

AN ONLINE COURSE

Cell phones. GPS. Computers. Did you know that these technologies can be dangerous weapons in a stalker's arsenal? This self-paced, interactive course will give you a better understanding of how stalkers use these and other technologies to locate, harass, and surveil their victims. You will also identify steps to assist in investigating stalking crimes and supporting victims of stalking.

SIGN IN

Username: *

Password: *

[Log in](#) [Forgot your password?](#)

REGISTER »

This online training was produced by the Stalking Resource Center of the National Center for Victims of Crime under 2009-SZ-B9-K005, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this online training are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Copyright © 2012 National Center for Victims of Crime. E-learning by pixotech.com.

Pattern of Behavior

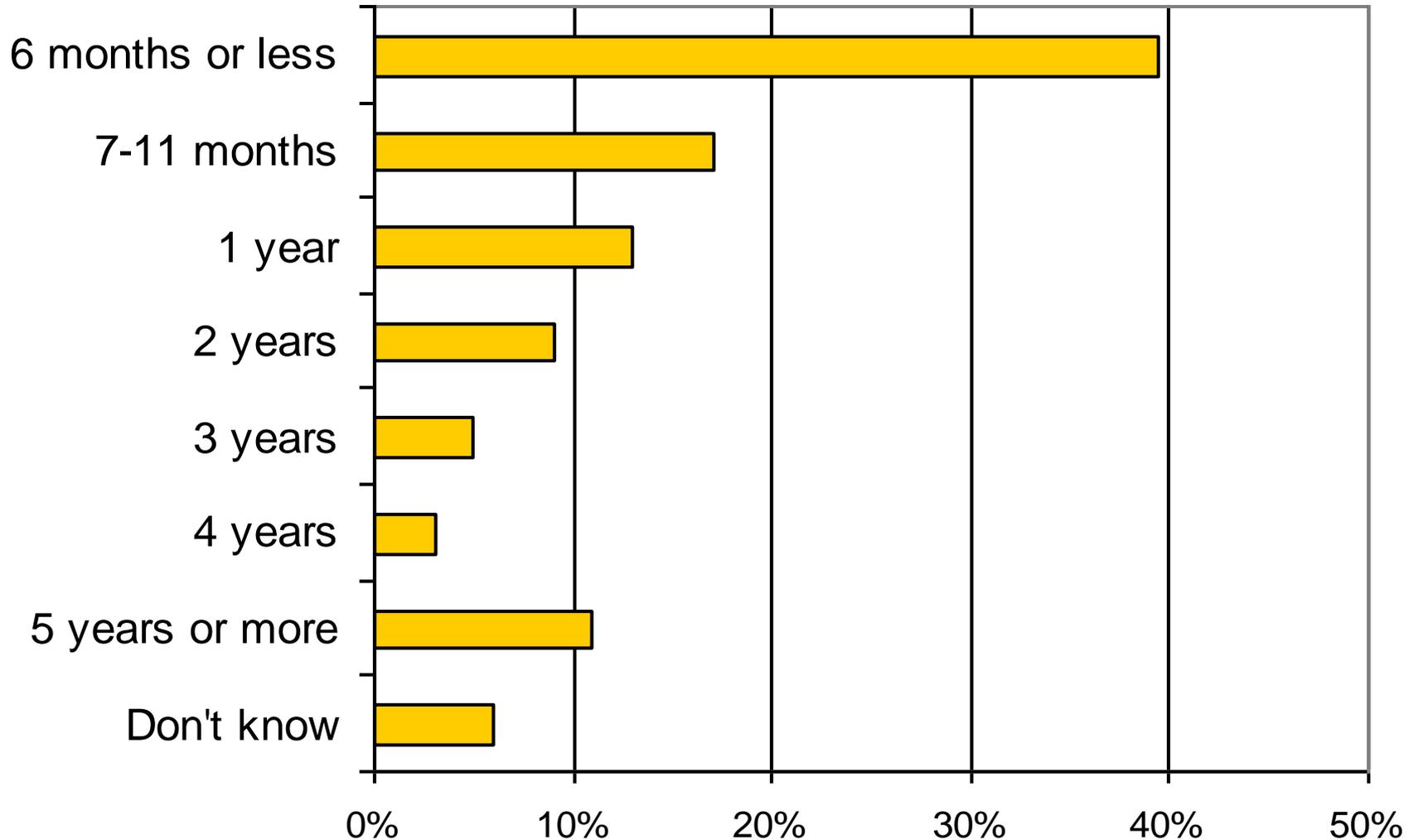
2/3 of stalkers pursue their victim at least once per week

78% of stalkers use more than one means of approach

Weapons used to harm or threaten victims in about 20% of cases

60% of stalkers reoffend after intervention

Duration of Stalking



Stalking and Other Violence

81% of stalking victims who were stalked by an intimate partner reported that they had also been physically assaulted by that partner.

- *National Violence Against Women Survey (1998)*

3/4 of women who experienced stalking-related behaviors experienced other forms of victimization (sexual, physical, or both)

- *Stalking acknowledgement and reporting among college women experiencing intrusive behaviors (2007)*

IP Stalking Violence & Lethality

- Intimate partner stalkers are the most dangerous
- Intimate partner stalking victims face higher rates of stalking violence
- 76% of women killed by current or former partner (femicide) experienced at least one episode of stalking within 12 months prior to the murder
 - 85% of attempted homicide cases

Intersection of Stalking & Sexual Assault

Stalker threatens to sexually assault the victim

Stalker attempts to get someone else to assault the victim

Stalker sexually assaults the victim

Stalking and Sexual Assault

2% of stalking victims were raped/sexually assaulted by their stalker

- *Stalking Victimization in the United States*, BJS (2009)

31% of women stalked by her intimate partner were also sexually assaulted by that partner

- *National Violence Against Women Survey*, Tjaden & Thoennes (1998)

Stranger vs. Non-Stranger Rape

Stranger Rapist

- Watch potential victims
 - ▣ Learn routines
 - ▣ Identify vulnerabilities
- Gather information
 - ▣ Use to disarm victim

Might be consider this behavior as stalking?

Non-Stranger Rapists

- Do they engage in the same types of behaviors?

The Undetected Rapist

1,882 men interviewed as part of the study...all were volunteer participants

Sample question:

Have you ever had sexual intercourse with an adult when they didn't want to because you used physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?

Of the 1,882 men:

- 120 (6.4%) met criteria for rape or attempted rape
 - 76 reported committing multiple rapes
 - 120 committed a total of 483 rapes, but the **76 repeat rapists** committed **439** of them (average of 5.8 each).
- 70 of the 120 admitted to other acts of interpersonal violence, including battery, physical/sexual abuse of kids, and sexual assault short of rape/attempted rape.

Post-Assault Contact

Threaten the victim/survivor

Discover what the victim/survivor is thinking

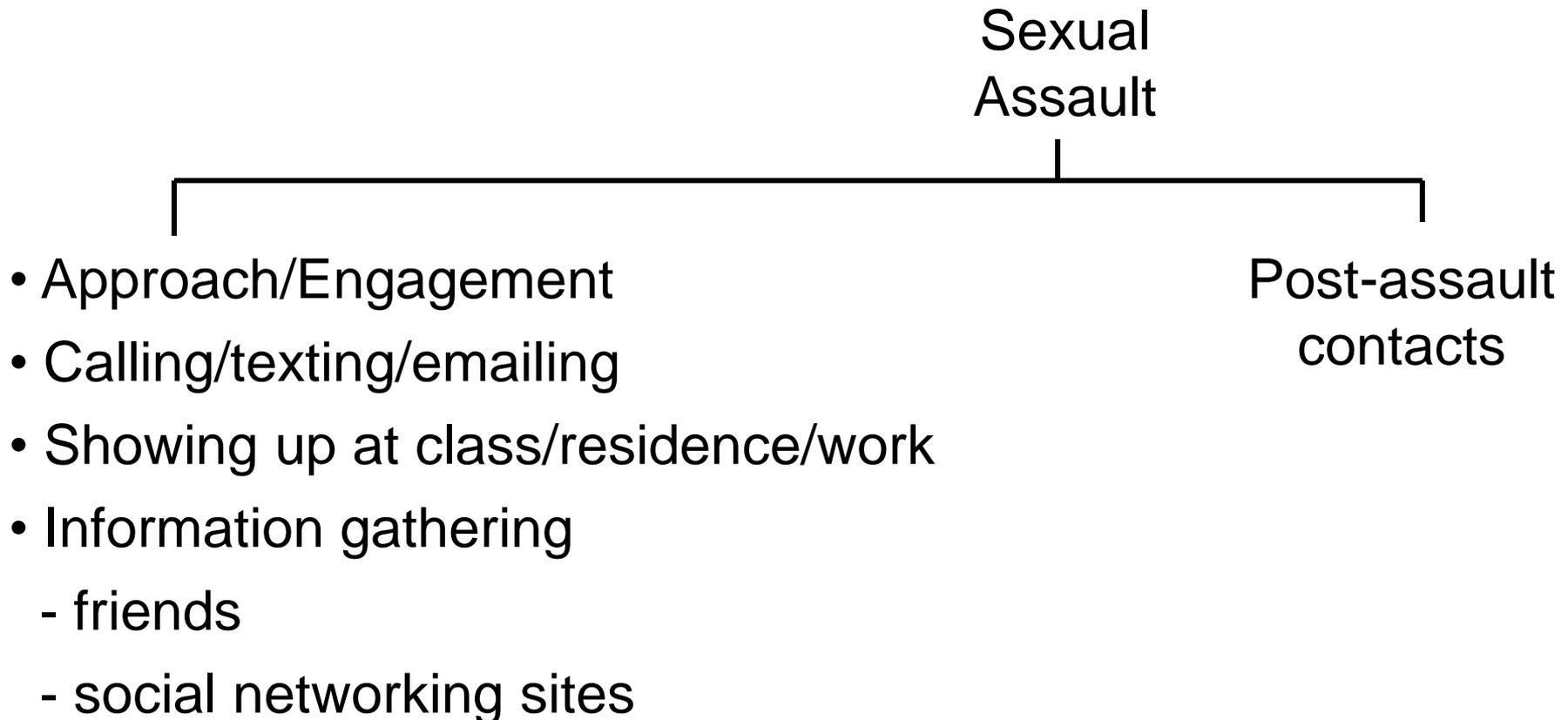
Try and frame the incident for the victim/survivor

Maintain social contact

Think Broadly About “Contact”

- In-person contact
- Third person contact
- Phone
- Texting
- Email
- IM/Chat
- Social Networking Sites
 - ▣ Contact with victim
 - ▣ Postings to own or other people’s sites

Course of Conduct



Continuum of Behaviors



Developmentally
normal pursuit
behavior

Stalking

Developmentally Appropriate Behaviors

- Crushes on teachers
 - Write notes
 - Present small gifts

- Idolizing celebrity figures
 - Letter writing/email/social network sites postings
 - Attending concerts

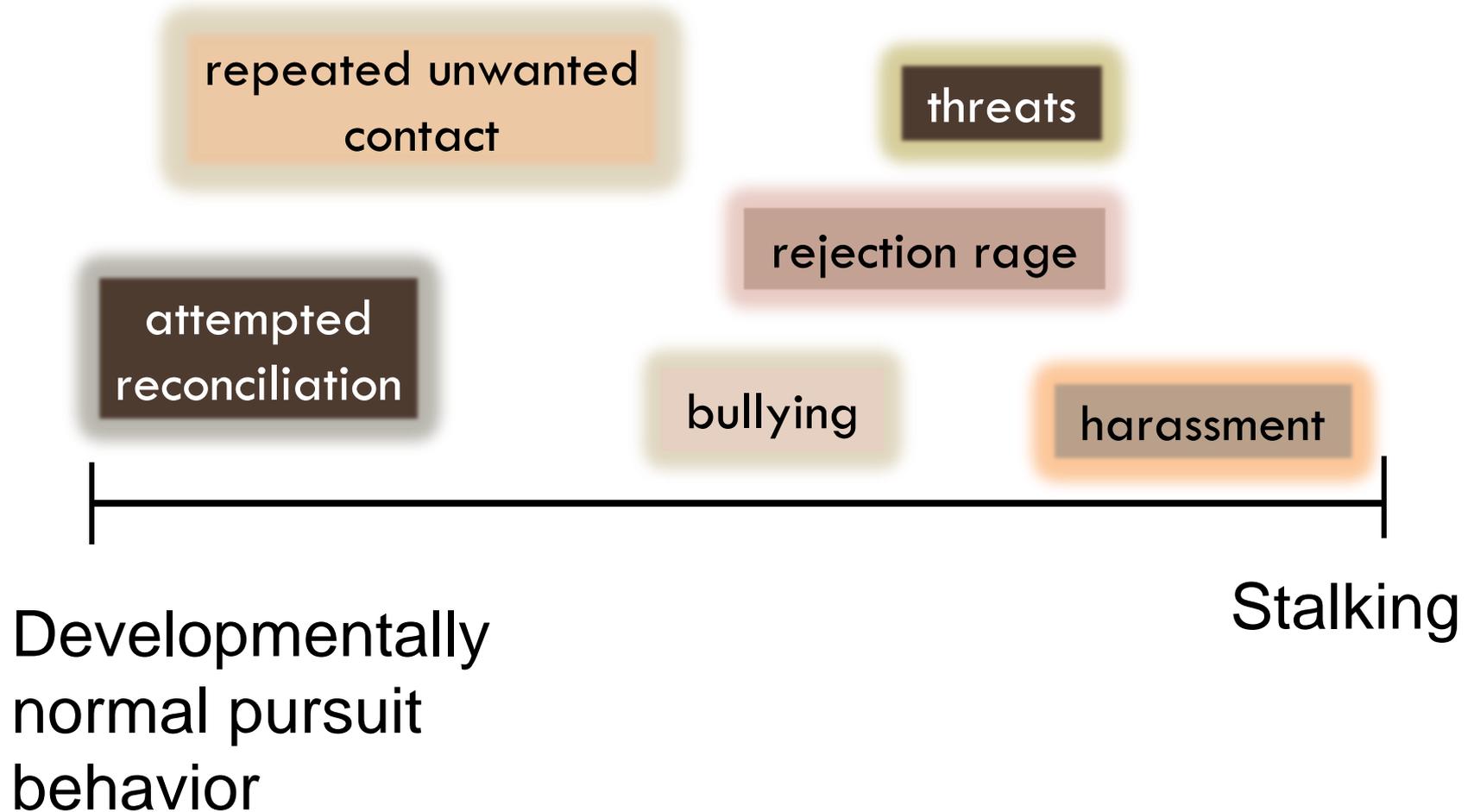
Developmentally Appropriate Behaviors

Intense romantic feelings toward peers

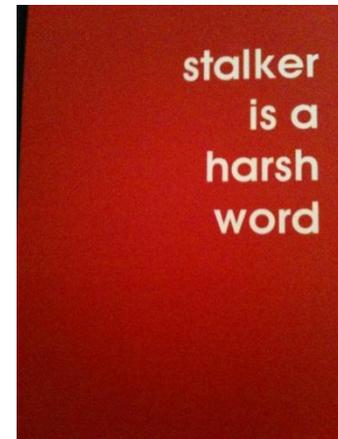
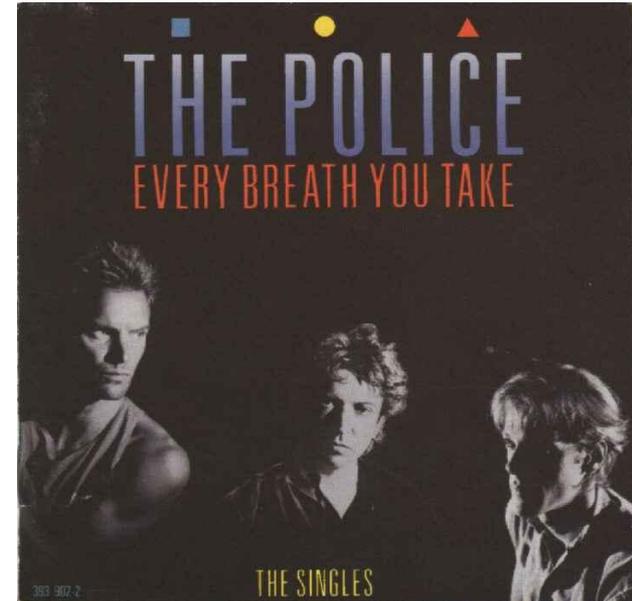
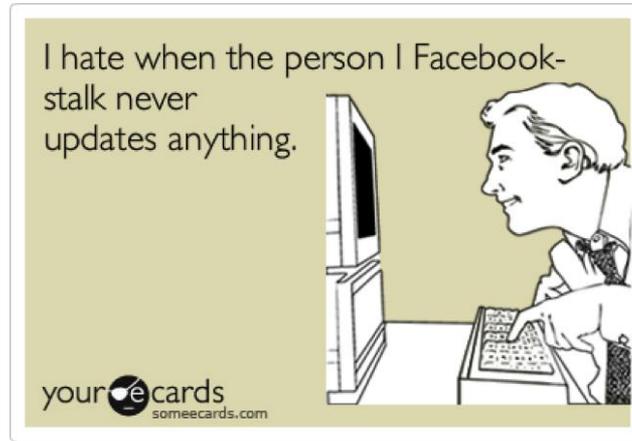
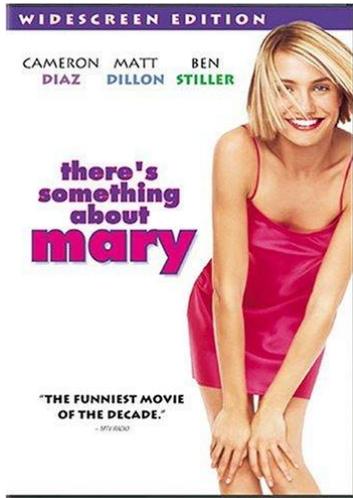
- Following around school
- Repetitive calling
- Writing multiple texts/emails/notes
- Waiting in locations where the person is likely to come

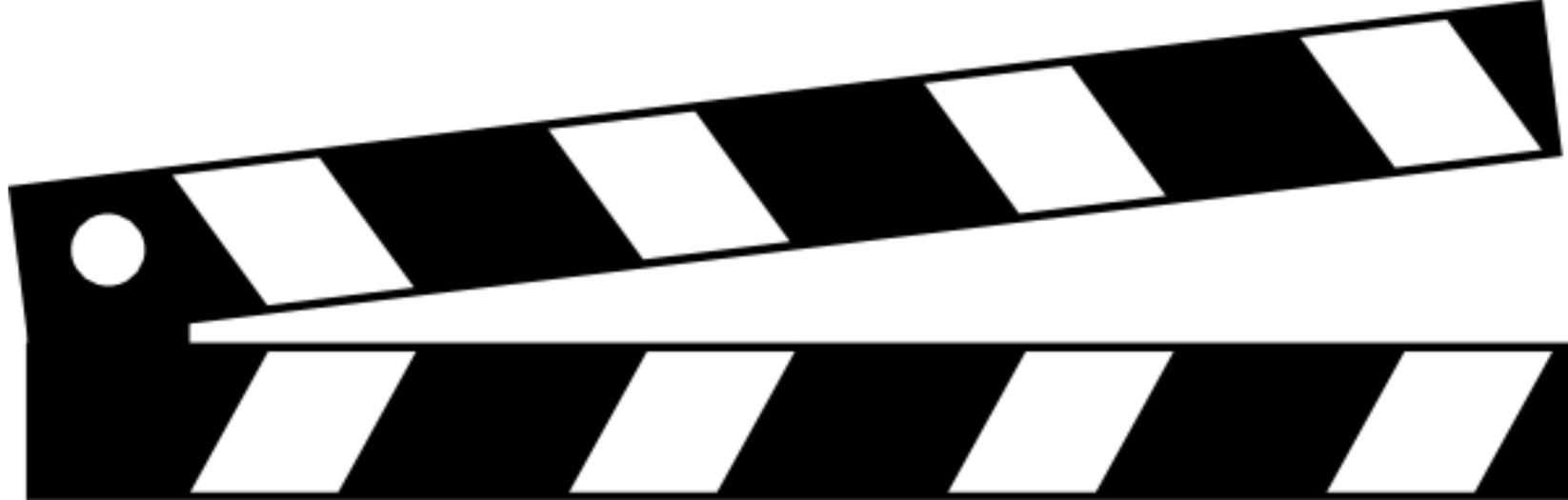
These behaviors are rarely experienced as threatening

Continuum of Behaviors



Social Normalization of Stalking





Stalking = love and affection

Persistence pays off

Perpetrator is a kind and decent person
who is simply misunderstood

--	--	--

```
graph TD; A((Making the Connection)) --> B[Validating Victims' Experiences]; A --> C[Increased Opportunities for Intervention]; A --> D[Increased Offender Accountability];
```

Making the Connection

Validating
Victims'
Experiences

Increased
Opportunities
for
Intervention

Increased
Offender
Accountability

Validation of Victims' Experiences



- Provides context
- Places blame solidly on the perpetrator
- Provides additional proof

Enhanced Opportunities for Intervention



- With victims/potential victims
- With offenders/potential offenders
- With all members of our community/military



Bystander intervention

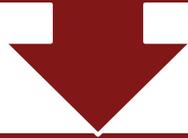
Increased Offender Accountability

- Can provide contextual evidence in a court martial or civilian criminal case
 - ▣ To prove a course of conduct, may introduce evidence that would otherwise be inadmissible
- If viewed within the correct context of the law, stalking statutes can criminalize seemingly benign behaviors
- Multi-count complaints also provide a fallback if the judge or panel/jury do not find that all the elements of rape/sexual assault have been proven

Recognize the intersections



Identify intervention opportunities



Respond effectively

Enhance victim safety

Increase offender accountability



Create a safer, healthier
military/community



Resources for Victims

- ❑ Are You Being Stalked? (Brochure for Victims)
- ❑ Stalking Questions and Answers
- ❑ Stalking Incident Behavior Log
- ❑ Safety Plan Guidelines
- ❑ Cyberstalking: Dangers on the Information Superhighway
- ❑ Ten Things You Should Know About Stalking

www.victimsofcrime.org/src

Stalking

resource center

Training

Technical Assistance

Resources

- ❑ In person training
- ❑ Webinars
- ❑ Individual & organizational assistance
- ❑ Fact sheets, brochures, manuals, guides
- ❑ Policy/protocol development & consultation
- ❑ Videos
- ❑ Online resources
- ❑ Stalking Awareness Month materials

© National Center for Victims of Crime 2014

Content of this presentation may
be reproduced for educational
purposes with the permission of the
Stalking Resource Center.

Please contact the Stalking Resource
Center at src@ncvc.org or 202-467-
8700 for permission.

This project was supported by Grant No. 2008-TA-AX-K017 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.