

Information for Stalking Victims in Washington State



This publication will help you learn about stalking and how the legal system can help you. Links to more information about stalking and the ways to protect yourself are listed in the Resources section

What Is Stalking?

Stalking is when someone repeatedly behaves in ways that threaten or harass you and make you afraid. Stalking can be unwanted physical behavior and/or unwanted “cyber” behavior. “Cyberstalking” is stalking behavior that happens via the Internet, social media, text messages, or other electronic tools, like a GPS tracking system. Stalking often qualifies as a crime.

Any type of stalking – whether physical or cyber, from a known or unknown stalker – can lead to physical danger if the situation is not handled properly as soon as possible. Even if stalking does not lead to physical harm, it can have a profound negative impact on the victim.

Is Stalking Common?

Yes. According to the National Center for Victims of Crime, about 6.6 million people are stalked each year in the United States. Stalkers sometimes go after people they don’t know, such as celebrities, but most stalking victims are ordinary people being pursued and threatened by someone they already know, such as ex-spouses or partners, acquaintances, coworkers, classmates, etc.

When Is Stalking a Crime?

Washington State law defines stalking as a crime when:

1. Someone repeatedly harasses or follows you in a way that is intended to frighten you; **and**
2. You have reasonable fear that the stalker wants to harm you, another person, your property, and/or someone else’s property.

What Is “Stalking Behavior”?

Stalkers do all sorts of things to control, track, intimidate, or scare their victims. You may experience one or all of these kinds of behaviors:

- Following you;
- Showing up or driving by wherever you are;
- Waiting or loitering at your home, school, or workplace;
- Monitoring your communications, such as your phone calls or emails;
- Calling often, including hang-ups;
- Sending frequent e-mails, text messages, gifts, letters, or cards;

- Threatening you or someone you care about;
- Using technology, like hidden cameras or GPS systems, to track where you go;
- Gathering information about you by using public records, online search services, hiring investigators, going through your garbage, or contacting people you know;
- Making small but noticeable changes to your property, like moving a flower pot;
- Other actions that control, track, intimidate, or scare you; and
- Having someone else to do any of these things (like having a friend follow you or hiring an investigator).

I Am Being Stalked. What Should I Do?

Stalking can take many forms and what actions you can and should take will depend on your situation. The law can help in certain ways, like granting you a protection order, but other actions to maintain your safety will likely be necessary. Some options are extreme, have serious consequences, and should be used with great caution and with guidance from a lawyer and/or domestic violence advocate. Though stalking alone is not domestic violence, they often go hand in hand, along with nonconsensual pornography (“revenge porn”) and online bullying. See the Resources section for more information about what you can do, as well as how to find a lawyer and advocates in your area.

What If I Am an Undocumented Immigrant?

Undocumented immigrants are supposed to get the same help from law enforcement and the legal system as citizens and documented immigrants. However, it is advisable to first work with an advocate on a safety plan, including whether or not it is a good idea to contact law enforcement in your area. See the Resources section at the end of this publication to learn more about your rights when interacting with law enforcement and the legal system (under “Legal Resources”) and to find an advocate in your area (under “Get Help Now”).

What If a Child or Vulnerable Adult Is Being Stalked?

If your child is being stalked, you are allowed to get help from the legal system on their behalf.

You might be able to seek help for a vulnerable adult. See the publication *Protecting Elders and Vulnerable Adults from Abuse and Neglect*, listed in Resources.

What If I Am Under 18?

If you are 16 or older, you can ask the court for a protection order on your own. You can also get help from your local victim services or agencies. If you are under 16, you will likely need to involve a parent or guardian. See Resources.

What If the Stalker Is Under 18?

You can still get help from the legal system, such as a stalking protection order. See the next Q&A, “How can the law help me?”.

How Can the Law Help Me?

Washington State offers help to victims of stalking through both civil and criminal law.

1. Protection Orders

At any time, a stalking victim can ask the courts for a protection order. A protection order is a civil order issued by the court that tells the stalker to stay away from the victim, the victim's children, and the places the victim lives and works. You do not need to be romantically involved with or a relative of the stalker to get a protection order (unlike a domestic violence protection order). Depending on the circumstances, the court can also order the stalker to surrender all guns while the protection order is in place. If the stalker does not obey the order, he or she is subject to arrested.

Note that at least some of your experience of being stalked must occur while you are in Washington in order to get a protection order from a Washington court.

Protection orders are not a substitute for safety planning. By themselves, protection orders may do little to stop stalking or protect you from harm. Only some stalkers will take protection orders seriously and stop the harassing behavior. Work with a victim advocate to create a safety plan. See listings under "Get Help Now" in Resources.

- **Anti-harassment Orders:** To get an anti-harassment order, you must show that you have experienced "unlawful harassment," meaning the stalker knowingly and repeatedly harassed you for no legitimate or lawful purpose. To get an Anti-Harassment Order, you can file a petition in District Court. The form and instructions are listed under "Legal Resources" in Resources.
- **Domestic Violence Protection Orders (DVPO):** If you are or were in a domestic relationship with the stalker, you may file for a DVPO. To get one, you must file paperwork with the court and have a hearing where the stalker will have an opportunity to respond. If you are sixteen or older, you can ask for a protection order without involving your parent or guardian. For more information, see *Domestic Violence: Can the Legal System Help Protect Me?*, listed in Resources.
- **Stalking Protection Orders:** Stalking protection orders were created specifically for victims of stalking who experience more than just "unlawful harassment" but do not qualify for a Domestic Violence Protection Order. To get a Stalking Protection Order, you must show that the stalker's conduct has caused you reasonable feelings of intimidation or fear, and that the stalker should have known his/her actions would make you feel that way.

To get a Stalking Protection Order, you can file a petition in District Court. The form and instructions are listed under "Legal Resources" in Resources. The petition is free to file, and it can be effective immediately once the judge signs and approves it. Stalking Protection Orders usually last a year or more if they're

approved. If the victim or stalker is a minor, the court may appoint a guardian for that minor.

There are other types of protection orders that may be available depending on the circumstances. These include: No Contact Orders; Restraining Orders; Sexual Assault Protection Orders; and Vulnerable Adult Protection Orders. See the Northwest Justice Project's memo *Domestic Violence: Can the Legal System Help Protect Me?*, listed in Resources.

2. Address Confidentiality Program

If you fear for your safety, ask the Secretary of State's office to give you a substitute mailing address. The Secretary of State's office will then send your mail directly to you. If you are a minor, your parent or guardian can apply for a substitute address for you. See the Resources section at the end of this memo for more information.

3. Civil Lawsuit

You are allowed to sue your stalker – as well as people and/or institutions that were directly or indirectly involved - for emotional and financial damage caused by the stalking, as well as other claims. To find out more about how to file a civil law suit against your stalker, see the publication *A Survivor's Guide to Filing a Civil Lawsuit* in the Resources section.

4. Criminal Charges

Every state, including Washington, has criminal laws to protect people from being stalked. Victims can report stalking to law enforcement and, depending on the facts of the case, the stalker may be prosecuted for committing a crime.

Washington State has two criminal laws that cover stalking:

- **Stalking:** Under Washington law, a stalker is someone who intentionally and repeatedly bothers or follows you and makes you afraid that you or someone else, or your property will be hurt. If the stalker continues the unwanted behavior, even after you ask him or her to stop, a court will see that as evidence that the stalker wants to harm, frighten, or bother you.
- **Cyberstalking:** A cyber-stalker is someone who uses electronic communication for the purpose of bothering, frightening, intimidating, or embarrassing you. Electronic communication includes communication by email, pagers, text messages, or other Internet-based communication. The cyber-stalker must behave in at least *one* of the following ways:
 - Use lewd, lascivious, indecent, or obscene words, images, or language;
 - Suggest committing lewd or lascivious acts;
 - Anonymously or repeatedly contact you; or
 - Threaten to hurt you, or your family, or your property.

For more information about cyberstalking, see the Resources section, including *Online Privacy: Using the Internet Safely*, by Privacy Rights Clearinghouse.

Stalking and Cyberstalking are both gross misdemeanors. The criminal penalty for committing either crime is imprisonment of up to a year and/or a fine of up to \$5,000. However, the stalker will be guilty of a class B felony, punishable by up to ten years in prison and/or a fine up to \$20,000, if:

- The stalker pursues the same person or family members in violation of a protection order;
- The stalker has been, in any state, previously convicted of stalking;
- The stalker threatens to kill you or someone else;
- The stalker was armed with a deadly weapon;
- You are a current, former, or potential witness in a lawsuit, and the stalking was in retaliation for your testimony; or
- You are in the following situation:
 - You are (or were at the time of the stalking) a law enforcement officer or community corrections officer; a judge, juror, court clerk, court employee, courthouse facilitator, attorney, or legislator; a victim advocate; or an employee of the child protective, child welfare, or adult protective services division within the Department of Social and Health Services, **and**
 - The purpose of the stalking was either to retaliate against an act the person performed during the course of official duties, or to influence the person's performance of official duties.

How Can I Prove That I Am Being Stalked?

Gather evidence showing how the stalker is impacting your life. For example, keep a record of how the stalker impacted your day, including dates and times (see Resources for a link to a ready-made "Stalking Incident and Behavior Log"); keep screen shots of harassing and intimidating social media posts (leave the posts up as evidence; if you want, you can block the stalker through your privacy settings without removing posts); have witnesses immediately write down what they saw and when; consider installing surveillance cameras or other recording device (see the *Reporter's Recording Guide*, listed in Resources, for information on recording conversations).

Do not put yourself in harm's way to collect evidence. Don't try to talk to them or gather evidence directly from them. The police can send evidence preservation letters, subpoenas, and get search warrants later.

What If the Stalker Is Released from Jail or Prison?

If your stalker was convicted of felony stalking and is in jail or prison in Washington State, you can ask to be notified of the stalker's pending release. Either you, a family member, or a witness may write to the Washington Department of Corrections, the county sheriff, or the director of the local department of corrections and ask to be sent a notice, in writing, at the earliest possible date, and at least thirty days before a convicted stalker is released from jail or prison. Make sure that these departments always have current mailing addresses and telephone numbers of the people who want to be notified. The stalker will not be notified of any such request. See Resources. If the stalker is in jail

or prison in another state, contact the Victim Information and Notification Everyday (VINE) to register for notification of release. See Resources.

What If the Stalker Is in Another State?

Any protection order you get in Washington will apply no matter where the stalker lives or from where the stalker takes action against you.

There is also a national law that deals directly with stalkers that crosses state lines. The Interstate Stalking Punishment and Prevention Act of 1996 punishes people with a fine and/or imprisonment for crossing state lines “with the intent to injure or harass another person and . . . [the stalker] places that person in reasonable fear of death or serious bodily injury.” The Act also makes it a punishable offense to cross state lines with the intent to do something that violates a protection order.

There are other federal laws that may apply in certain situations. The National Center for Victims of Crime has more information on federal and state laws. See Resources.

Can I Be Fired for Being Stalked?

Your employer is NOT allowed to fire you, demote you, or otherwise change your job for the worst just because you are a victim of stalking. You have the legal right to take time off from work to deal with stalking issues and cooperate with law enforcement. See the publication *Leave from Work for Survivors of Domestic Violence, Sexual Assault, and Stalking*, listed in Resources. If you have been fired or otherwise negatively treated by your employer because you are a victim of stalking, contact Legal Voice.

Can I Be Evicted?

Your landlord is NOT allowed to use your status as a victim of stalking (or other crime) to get a court ordered eviction. That said, if you think that you have been evicted or otherwise negatively treated by your landlord because you are a victim of stalking (or other crime), contact Legal Voice. For more information, see *Landlord/Tenant Issues for Survivors of Domestic Violence, Sexual Assault, and/or Stalking*, listed in Resources.

Resources

Get Help Now: Crisis Hotlines, Shelters, and Victim Advocates

- Call 911 if you ever feel you are in immediate danger.
- Domestic Abuse Women’s Network (DAWN): Crisis hotlines, confidential shelters, legal resources and links to other organizations that can help victims experiencing or recovering from domestic abuse.
Online: www.dawnonline.org/get-help/resources/

- National Domestic Violence Hotline: Helps victims find shelters and domestic violence programs. 24-hour crisis intervention, information and referrals.
By phone: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)
Online: www.thehotline.org/resources/resources/
- Washington State Coalition Against Domestic Violence: Hotlines and resources for victims. Training for advocates.
Online: www.wscadv.org/get-help-now/
- Washington State Domestic Violence Hotline: Provides information and referrals to victims. Open 24-hours a day, 7 days a week. All calls are confidential. The hotline is not associated with law enforcement.
By Phone: 1-800-562-6025
- Washington State Information Network - 211: Referrals to Washington state agencies and services in your area.
By phone: 211, or (206) 461-3200
Online: www.win211.org/search/
- For people who are deaf/hard-of-hearing:
 - King/Snohomish/Pierce County Deaf Hotline
By videophone: 206-812-1001, 24-hours everyday
Online: www.adwas.org/hotline/local/
 - The National Domestic Violence Hotline Deaf Services
By phone: 855-812-1001(videophone) or 800-787-3224 (TTY) anytime; live chat every day 7am – 2am.
Online: www.thehotline.org/help/deaf-services/
- For teens:
 - Teen Dating Violence Hotline
By phone: 866-331-9474 call, chat, or text, 24 hours everyday
Online: www.LoveIsRespect.org

Practical Steps

- Address Confidentiality Program
By Phone: 1-800-822-1065, 360-753-2972, or TTY 1-800-664-9677
Online: www.dshs.wa.gov/esa/confidentiality/confidentiality-address-confidentiality-program-acp-domestic-violence-victims
- Consumer Credit Reporting Industry Opt-Out
By phone: 1-888-5-OPTOUT (1-888-567-8688)
Online: www.optoutprescreen.com

- Notification of stalker's release, Washington Department of Corrections
Online: www.doc.wa.gov/victims/
By Phone: 360-725-8213
- *Online Privacy: Using the Internet Safely*, by Privacy Rights Clearinghouse: Explains how your online activities may compromise your privacy and the steps you can take to protect yourself.
Online: www.privacyrights.org/fs/fs18-cyb.htm
- *Reporter's Recording Guide*, by the Reporters Committee for Freedom of the Press: A state-by-state guide to laws regarding taping phone calls and in-person conversations.
Online: www.rcfp.org/can-we-tape
- Tech Safety: Resources and toolkits to facilitate safe and private use of computers, smartphones, and online accounts, from the National Network to End Domestic Violence.
Online: www.techsafety.org/resources/
- Victim Information and Notification Everyday (VINE): Victims of currently incarcerated stalkers can register for this national service to get information about criminal cases and the custody status of offenders 24 hours a day.
Online: www.vinelink.com/vinelink/initMap.do
- *Who's stalking: what to know about mobile spyware*, by the Federal Trade Commission
Online: www.consumer.ftc.gov/blog/2016/09/whos-stalking-what-know-about-mobile-spyware

Legal Resources

- For immigrants and refugees:
 - *Domestic Violence: Questions and Answers for Immigrant and Refugee Women*, by the Northwest Immigrant Rights Project (in English, Spanish, Vietnamese, Chinese)
Online: www.washingtonlawhelp.org/issues/family-law/domestic-violence-1
- Protection Orders:
 - Protection Order Advocacy Program, King County
Online: www.protectionorder.org
 - *Anti-harassment: Petition for Order of Protection: Forms and Instructions*
Online: www.washingtonlawhelp.org/resource/antiharassment-forms-instructions
 - *Stalking Protection Order: Instructions and Forms*, by Northwest Justice Project
Online: www.washingtonlawhelp.org/resource/stalking-protection-order

- Legal Voice publications:
Online: www.legalvoice.org/tools-violence
 - *How to Find a Lawyer and Other Legal Resources in Washington State*
 - *Know Your Rights: Nonconsensual Pornography (“Revenge Porn”)*
 - *Leave From Work for Survivors of Domestic Violence, Sexual Assault, or Stalking* (also in Chinese)

- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/family-law/domestic-violence-1
 - *Domestic Violence: Can the Legal System Help Protect Me?* (also in Spanish)
 - *Landlord/Tenant Issues for Survivors of Domestic Violence, Sexual Assault, and/or Stalking*
 - *Protecting Elders and Vulnerable Adults from Abuse and Neglect*

- Sexual Violence Law Center: Resources and services for victims and survivors.
Online: www.svlawcenter.org/resources/

- *Survivor’s Guide to Filing a Civil Lawsuit*, by the Washington Coalition of Sexual Assault Programs
Online: www.wcsap.org/survivors-guide-filing-civil-lawsuit

National Resources

- Stalking Resource Center, a program of the National Center for Victims of Crime
By Phone: 202-467-8700
By Mail: 2000 M St. N.W., Suite 480, Washington, DC 20036
Online: www.victimsofcrime.org/our-programs/stalking-resource-center

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of May 2018.

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