

Stalking booklet:

What You Should Know if You
Think You Are Being Stalked

Mon	Tue	Wed	Thu	Fri	Sat
		1 Called 3x	2	3 Got my class schedule	4
6 Keyed car	7	8 Called my friends asking about me	9	10 Emailed 4x	11 Waited for me outside of work
13	14 5 hang- ups	15	16	17 Sent card and flowers	



University of Wisconsin-Madison Police Department
1429 Monroe St. Madison, WI 53711
(608) 264-COPS (2677)
Fax: (608) 262-9768

Stalking Victim Information Booklet
University of Wisconsin Police Department (UWPD)
Madison, WI
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This booklet was written in conjunction with UWPD and Dane County District Attorney's Office. Some of the information contained was adapted from materials provided by the WI Department of Justice, Wisconsin Coalition against Domestic Violence, Domestic Abuse Intervention Services, Current Psychiatry Online, Stalking Resource Center, and the Center for Problem-Oriented Policing. This booklet provides information and resources for adult victims of stalking in Dane County, Wisconsin.

The information in this booklet is current and accurate as of September 2007. Laws and policies can change with time. In order to make sure that you are receiving the most accurate information available, please contact UWPD at 608-264-COPS or the Dane County District Attorney's Office at 608-266-4211.

The contents of this booklet do not constitute legal advice.

WHAT IS STALKING?

Stalking typically involves a pattern of conduct that is not wanted by the person to whom it is directed, and which can include, but is not limited to any of the following behaviors:

- sending the victim unwanted cards or gifts,
- leaving telephone or email messages for the victim,
- disclosing personal information the offender has discovered about the victim,
- visiting the victim at work,
- waiting outside the victim's home, classes, or workplace
- sending the victim photographs taken of him/her without consent,
- monitoring the victim's Internet history and computer usage, and
- using technology to gather images or information about the victim.

Cyberstalking, which is simply an extension of the more traditional form of stalking, is where electronic mediums such as the Internet are used to pursue, harass, or contact another in an unsolicited fashion.



Unlike other crimes, which normally consist of a single illegal act, stalking is series of actions that, in isolation, may be perfectly legal. For example, sending flowers or a card to someone is not a crime. However, when these actions are part of a course of conduct that is intended to instill fear in or harass a victim, they may be considered illegal behavior.

For more information on Wisconsin's legal definition of stalking, please refer to the section entitled, "Stalking Laws of Wisconsin."

THE DECISION TO REPORT



Stalking is a crime in Wisconsin. UWPD takes stalking very seriously and can assist you in getting the stalking behavior to stop. Every case of stalking is potentially dangerous. Early intervention is critical.

Why should I contact the police?

Police officers can help keep you safe and assist you in getting the stalking to stop. The sooner police can document separate stalking incidents, the greater the chance of bringing the offender to justice before the situation escalates. If convicted, the stalker may be incarcerated and/or ordered to stay away from you.

POLICE PROCEDURES

The Reporting Process – A uniformed officer will gather general information pertaining to the incidents and create an initial report. The uniformed officer will continue working with you and gathering evidence regarding the stalking. A Detective may be assigned to your case and the uniformed officer will be your point of contact until you are contacted by a Detective. The detective will review the initial reports and may conduct more detailed interviews as part of the investigation.

If you are concerned about disclosing the name of the person stalking you, you can discuss these concerns with the police officer or detective assigned to your case. UWPD's primary concern is your safety.

The Investigation – The officer or detective assigned to investigate the stalking may conduct an in-depth interview where you will be asked how you would like the investigation to proceed. The in-depth interview is one of the most important phases of the investigation. Depending on the circumstances, the questions the police ask you may be personal in nature. These questions are important because they assist the police in threat assessment and safety planning. Feel free to request an explanation if you don't understand why a question is asked.

Please be aware that stalking investigations can take substantial time to complete and your cooperation throughout the process is critical.

Once an investigation is complete, the police will decide whether the case should be referred to the District Attorney's Office for prosecution. In most circumstances, if you do not want the case to be referred to the District Attorney for prosecution, UWPD will respect your wishes. However, there are some circumstances, such as where domestic violence is involved, where the police are required to make an arrest and refer the case to the District Attorney's Office. If you have questions or concerns about what happens after a case is referred to the District Attorney's Office, please refer to the section entitled, "Court Procedures."

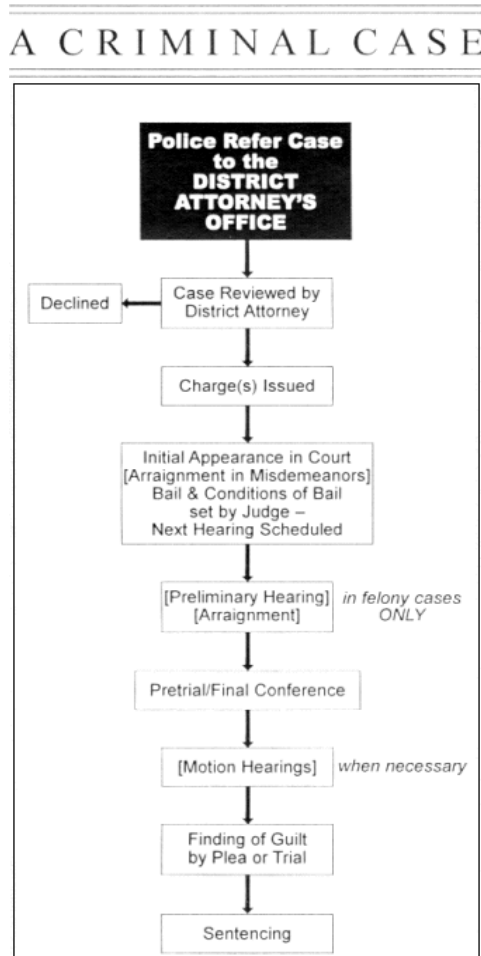
What will happen to the person who is stalking me?

The police may choose to make contact with the person stalking you, either in person, over the telephone, or via mail to tell the person to stop contacting you. In most cases, the person will discontinue contact. If the person continues to contact you or follow you, contact the police immediately.

If you have questions or concerns about the penalties for stalking, please refer to the sections entitled, "Sentencing" or "Penalties."

COURT PROCEDURES

Criminal procedures can vary in a case depending on whether the charge is a misdemeanor or a felony. A misdemeanor is an offense punishable by imprisonment up to a year in county jail. Felonies are offenses punishable by a year or more in the state prison system. Stalking is a felony in Wisconsin. Related offenses such as Improper Use of a Telephone and Disorderly Conduct are misdemeanors. The information below explains the criminal court process for both misdemeanors and felonies.



The District Attorney's Office



The District Attorney's Office is responsible for deciding which, if any, criminal charges to issue. The District Attorney must decide if there is enough evidence to prove the charge(s) in court.

A decision not to prosecute a stalking case does not mean that you were not stalked, but only that there may be insufficient evidence to prove it in court or that another charge may be more appropriate under the circumstances.

For example, the District Attorney may charge a defendant engaging in stalking behavior with misdemeanor offenses such as Improper Use of a Telephone or Criminal Damage to Property. The District Attorney must make a reasonable attempt to inform you of a decision not to file criminal charges.

If the District Attorney decides to issue a criminal charge or charges, a complaint is drafted, and the suspect can either be arrested or given a summons to appear in court on a specific date.

After the initial court appearance, a lawyer from the District Attorney's Office, most likely an Assistant District Attorney, will be responsible for prosecuting your case.

The Dane District Attorney's Office is located in Room 3000 of the Dane County Courthouse, 215 S. Hamilton St., Madison, WI.

Relevant Parties

Assistant District Attorney – While in many ways the Assistant District Attorney assigned to your case acts as your attorney, he or she actually represents the State of Wisconsin. As a victim, you have a right, upon request, to consult with the Assistant District Attorney concerning the case and possible outcomes of the prosecution, including potential plea agreements and sentencing recommendations. However, this right does not limit the obligation of the Assistant District Attorney to exercise his or her discretion concerning the handling of any criminal charges against the defendant.

Victim/Witness and Domestic Violence Units– In addition to being assigned an Assistant District Attorney, you may also work with a specialist from either the Victim/Witness or the Domestic Violence Unit. The Victim/Witness and Domestic Violence Units are located within the Dane County District Attorney's Office. These specialists respond to the needs of victims and witnesses by providing court support throughout each step of the criminal justice process. In addition, specialists can assist victims and witnesses with resources and referrals. As a victim service organization, specialists from the Victim/Witness and Domestic Violence Units may be able to serve as advocates in restraining order proceedings. For more information about restraining orders, please see the section entitled, "Restraining Orders."

The Defense Attorney -- The defendant may be represented by an attorney, either privately retained or appointed by the court. There may be occasions where you or your family will be contacted by a representative of the defendant. You are not required to talk with any person representing the defendant, and anything you say may be used against you in court. If anyone wants to talk to you about the case, ask who they are and who they are working for.

Feel free to contact the District Attorney's Office and/or the Victim/Witness and Domestic Violence Units with any additional questions.

The Initial Appearance – The person stalking you (hereinafter referred to as the defendant) will have an initial appearance within a few days after his or her arrest. If the defendant is issued a summons to appear in court on a specific date, the defendant will have his or her initial appearance on that date. You are not required to attend the initial appearance. During the initial appearance, the defendant is formally charged with a crime or crimes. Defendants in misdemeanor cases are asked to enter a plea of guilty, not guilty, or no contest. A no contest plea means that the defendant does not admit guilt, but concedes that the state can prove him or her guilty.

Bail – At the initial appearance, the judge or court commissioner will set bail for the defendant. Bail is the condition or conditions under which the defendant will be released from custody. The main purpose of bail is to ensure the defendant's appearance at future court proceedings.

Bail conditions can include the posting of cash bail or a written promise to appear, often referred to as a signature bond. In stalking cases, a common condition of bail is that the defendant not contact the person he or she is alleged to have stalked. If the defendant contacts you in violation of a bail condition, you should contact the police immediately. Violation of bail conditions may constitute the additional crime of bail jumping.

Bail Monitoring Program – In Dane County, the judge may give the defendant the option to participate in the Bail Monitoring Program (BMP) instead of cash bail or for a reduced cash bail. BMP can impose additional rules as a condition of release such as geographical restrictions and electronic monitoring of the defendant.

The defendant's failure to comply with BMP rules and bail conditions can result in termination from the BMP, reinstatement of cash bail, and return to the Dane County Jail.

The Preliminary Hearing/Arraignment – If the defendant is charged with a felony, he or she is entitled to a preliminary hearing. Stalking is a felony in Wisconsin. Very early on in a felony case, the state must produce evidence in order to show a judge that the defendant probably committed a felony crime. The defendant's bail conditions may also be reviewed at the hearing.

The defendant may waive, or give up, his or her right to have this hearing. If the defendant does not wish to waive his or her right to a preliminary hearing, you may be asked to testify. For helpful guidelines about testifying in court, please refer to the section entitled, "Testifying in Court."

At the completion of a preliminary hearing, if the judge finds that it is reasonable to believe that the defendant committed a felony, the defendant is "bound over," or sent to court to stand trial. In the alternative, if the judge finds that it is not reasonable to believe that the defendant committed a felony, the felony charge(s) will be dismissed. Accompanying misdemeanor charges may remain unaffected. The defendant could be recharged with the felony after the dismissal if the State puts forth new evidence not presented during the first preliminary hearing.

Following the preliminary hearing, the defendant will also have an arraignment.

Arraignment – An arraignment is a court appearance at which the defendant is formally charged and is asked to enter a plea of guilty, not guilty, or no contest. A no contest plea means that the defendant does not admit guilt, but concedes that the state can prove him or her guilty.

CASE RESOLUTION

The defendant pleading guilty or no contest resolves most criminal cases. If the case is not resolved by the defendant pleading guilty or no contest, there may be a trial. Cases in which the defendant pleads guilty are usually resolved more quickly than cases that go to trial.

Pre-Trial Conference – Pre-trial conferences are formally scheduled meetings between the defendant, the defense attorney, and the Assistant District Attorney to discuss the resolution of a case. Prior to or during a pre-trial conference, the Assistant District Attorney may offer the defendant a plea agreement. In a plea agreement, the parties generally agree to what charge(s) the defendant will plead guilty or no contest to and what sentence(s) will be recommended to the judge. The decision of whether to offer a plea agreement and its terms is made by the Assistant District Attorney. In arriving at the plea offer, the Assistant District Attorney will take into account many factors including the nature of the crime, its impact on the victim, the criminal record and background of the defendant, the protection of the community, etc. As a victim, you may request to speak with the Assistant District Attorney concerning plea agreements and possible case outcomes. If a plea agreement is reached, the defendant will enter a plea of guilty or no contest to the agreed upon charges. The court will consider the agreement, but is not bound by it. If the judge does not follow the plea agreement, the defendant is not allowed to withdraw, or take back, his or her plea. If the case is not resolved with the defendant pleading guilty or no contest, there may be a trial.

Motion Hearings – Motion hearings are appearances where the judge will decide legal issues in the case before the trial. Some types of motions will require you to testify. For helpful guidelines about testifying in court, please refer to the section entitled, "Testifying in Court."

The Trial – During the trial, the victim and all other witnesses are expected to give a complete, detailed account of the stalking. The Assistant District Attorney has the burden of proving the charge(s) “beyond a reasonable doubt.” All criminal defendants have a right to a trial by a jury of twelve persons. The jurors are generally citizens of the county in which the charges were filed. A defendant can waive, or give up, his or her right to a jury trial. If this occurs, a judge will hear the case. This is called a court or bench trial.



After the jury is selected or waived, both the prosecution and the defense may present opening statements where they summarize what they intend to prove during the course of the trial. After the opening statements, the State will call witnesses and present evidence to prove that the defendant has committed the crime charged. After the prosecutor has presented his or her proof, the defense can but is not required to present its side of the case. The defendant is not required to testify. If the defense presents evidence, the prosecution can present additional evidence in response to the defense evidence.

Once all the evidence has been presented, both sides may present their closing arguments to the jury or judge. If there is a jury, the judge will instruct the jury on what the law is and the jury will determine whether or not the defendant is guilty of all or some of the charges. If there is no jury, the judge will determine if the defendant is guilty of all or some of the charges. If either the jury or the judge finds that the prosecution has not proven the case beyond a reasonable doubt, the defendant must be found not guilty. If this occurs, the defendant will be released of all conditions of bail and the case will be dismissed. The State does not have the right to appeal a finding of not guilty.

If the defendant is found guilty, the court will then schedule the case for sentencing.

Sentencing – You may attend this hearing if you wish. As a victim of stalking, you have a right to provide a statement to the court on the impact the crime has had on you. At the sentencing, both sides can call witnesses and make arguments on what they believe to be the appropriate sentence. The judge is responsible for sentencing the defendant and has a wide range of sentencing options. The judge will take into account a wide variety of factors such as the gravity of the offense, the impact the crime had on the victim, and the facts surrounding the defendant.



The judge may order any and all of the following:

- county jail or state prison
- probation
- alcohol/drug treatment
- aggression counseling
- community service
- restitution
- fine

Deferred Prosecution Program – In the alternative, a case may be referred to this program. Not all types of cases are appropriate for referral to the Deferred Prosecution Program. Successful completion of the Deferred Prosecution Program results in the dismissal of criminal charges.

For more information about maximum penalties for stalking, please see the section entitled, "Penalties."

Appeal – Once a case is completed, a convicted person has a right to appeal the conviction or sentence. The prosecution does not have the right to appeal a finding of not guilty. In addition, the State cannot appeal the sentence.

COURT APPEARANCES/TESTIFYING

The following explains when your appearance will be needed in court as well as helpful hints for testifying.

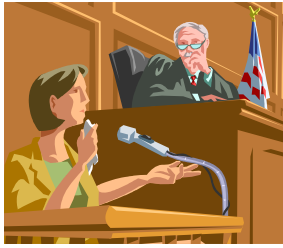
Court Appearances – The only time that you are required to appear in court is when you have received a subpoena to appear. A subpoena is a written order requiring a person to appear in court to testify. The subpoena states the date, time, place, and proceeding at which the witness must appear.

Wisconsin law forbids employers from firing employees because they have been called to testify in a criminal proceeding, even if the employee's testimony is against the employer or involves a work-related incident. However, employees are required to give their employers prompt notice of the subpoena.

If you are a student and are concerned about missing classes or exams as the result of court appearances, contact the Dean of Students Office at 608-263-5700 for assistance.

Testifying in Court – You may be asked to testify at several points throughout the criminal justice process. The judge or jury needs to know the facts of the crime. They will consider all of the evidence presented in court. Your testimony is one way to get this information.

Prior to testifying, the judge's clerk will ask your name and ask you to take an oath. The oath is your promise to tell the truth when testifying.



Here are some helpful guidelines about testifying in any court proceeding:

- **Try to remain calm.** Take a deep breath before speaking and take your time to answer.
- **Always tell the truth.**
- **If you don't understand the question that you are being asked, ask to have the question repeated or explained.**
- **If you don't know the answer, or can't remember, it's okay to say so.**
- **Try to give simple, factual answers.** If a question can be answered with a "yes," or "no," answer "yes" or "no". Trust that the Assistant District Attorney will follow-up after the defense attorney has questioned you with any questions he or she feels are necessary to provide the most accurate and truthful information.
- **Speak loudly and clearly.** The court reporter needs to hear your answers and record them. Do not nod your head.
- **Stop testifying if the attorney 'objects.'** Either attorney can object to a question. If there is an objection, do not answer the question until the judge tells you what to do. If you are told to answer, you may ask the attorney to repeat the question.

RESTRAINING ORDERS

There are several factors you may want to consider before choosing to file for a restraining order. A restraining order is not a guarantee of safety. In addition, you must decide whether a restraining order will help or hurt the situation. There is no one method for determining whether the stalker will respond to the restraining order by staying away from you or becoming further aggravated. There are a number of indicators which can be helpful in predicting future violence; however, there are no guaranteed predictors. For more information about these indicators, please see the section entitled, "Risk Assessment and Safety Planning."

If, after reading the ten points below, you decide you would like to file for a restraining order, there are several organizations that can assist you in the process. Please contact the Restraining Order Clinic at 608-262-2301, the Victim/Witness Unit at 608-266-9003, or Domestic Abuse Intervention Services (DAIS) at 608-251-1237.

Before filing for a restraining order, you may want to consider the following 10 points:

1.) **Purpose of a restraining order** – A restraining order is a court order. In the court order, the court can order the stalker not to hurt you physically or sexually, to stay away from you, move out of the house, have no contact with you, or stop harassing you.

2.) **Two step process** – You start the process of obtaining the order by requesting papers for a temporary restraining order (TRO). These papers are called the petition. The person completing the petition is called the petitioner (you). The person against whom the petition is filed is called the respondent (the stalker). When you file the petition, the court decides whether or not to issue a TRO based on the information provided in the petition. If the court grants the TRO, you will be given a hearing date within 14 days to come back and ask the court to order a "final" order, known as the injunction.

3.) **Service** – If the court decides to issue you a TRO, the stalker must be notified of the TRO and the court date for the injunction hearing. The process is called serving the order and it is done by the Sheriff's Department (or may be served by another law enforcement agency). The stalker must be served with the petition before the court can hold an injunction hearing. It is your responsibility to make sure that the petition is served.

4.) **Stalker will get copy of the petition** – When the Sheriff's Department serves the papers, the stalker is given a copy of the petition. The stalker will be able to read all the statements in the petition.

5.) **Stalker might come to court** – The stalker may be at the final Injunction hearing and might argue that the statements in the petition are not true or might argue that the court should not issue the final order (injunction).

The stalker is not required to come to the injunction hearing, so he or she might not show up. (The stalker is only required to receive NOTICE of the hearing.) However, you must attend the injunction hearing in order to receive an injunction against the stalker.

6.) **Service Representative (Advocacy Services)** – You can have an advocate at the Injunction Hearing. You must inform the court orally or in writing of your choice of advocate, called a service representative. This is done by either telling the court at the beginning of the hearing or by completing a form entitled "Service Representative Selection". The advocate must be from a victim service organization.

7.) **Firearms** – If a domestic abuse injunction is granted, the stalker will be ordered to surrender any firearms. If a harassment injunction is filed, you can request the court to order the stalker to surrender her/his firearms if you can show the court the stalker may use them to cause physical harm to another or to endanger public safety.

- 8.) **Enforcement** – If the police believe the stalker violated the provisions of the restraining order—whether the TRO or injunction—they must make an arrest for violation. The law mandates an arrest for a violation of a domestic abuse or harassment order. Violation of the order is a crime. However, the stalker must have served with the TRO or injunction in order to be found in violation. It is a good idea for you to keep your copy of the petition with you at all times to prove the existence of the order. The stalker can be served with your copy, if needed.
- 9.) **Your order must be enforced anywhere** – If the court grants a temporary order or an injunction, the law says the order from Wisconsin is to be enforced by a law officer in every state, territory, or tribe. You should carry an order with you at all times to show it to a law officer if the stalker violates the order. Enforcement of the order in other places is a law called full faith and credit clause of a foreign protection order. This law is noted on the bottom of each Wisconsin restraining order.
- 10.) **Safety Planning** – **A restraining order is not a guarantee of safety.** A stalker may still attempt to contact or harm you. Whether or not you file for a petition or get an injunction, it is a good idea to discuss safety planning with the police and an advocate.

Types of Restraining Orders

The two types of restraining orders most applicable to adult stalking victims in Wisconsin include the Domestic Abuse Restraining Order and the Harassment Restraining Order. The chart on the following pages describes some of the differences between the two types of restraining orders. If you are eligible for both a Domestic Restraining Order and a Harassment Restraining Order, there may be benefits to choosing to file for the Domestic Abuse Restraining Order. If you have additional questions, please contact the Restraining Order Clinic at 608-262-2301, the Victim/Witness Unit at 608-266-9003, or Domestic Abuse Intervention Services (DAIS) at 608-251-1237.

	DOMESTIC ABUSE (WI Stats. 813.12)	HARASSMENT (WI Stats. 813.125)
What You Must Prove:	<p>You are in imminent (immediate) danger of physical harm, and the abusive behavior includes one or more of the following:</p> <p>Intentional infliction of physical pain, injury, or illness (hitting, pushing, slapping, kicking, biting, etc.)</p> <p>Intentional impairment of physical condition (not letting you sleep, eat, etc.)</p> <p>Sexual contact or sexual intercourse without consent.</p> <p>Intentionally damaging your physical property</p> <p>A threat of any of the above.</p>	<p>The harassing behavior includes one or more of the following:</p> <p>Striking, shoving, kicking, or otherwise subjecting another person to physical contact; engaging in an act that would constitute abuse under s. 48.02(1), sexual assault under s. 940.225, or stalking under s.940.32*; [or attempting or threatening to do the same.</p> <p>Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person and which serve no legitimate purpose.</p> <p><i>*For more information on Wis. Stat. 940.32, please refer to the section entitled, "Stalking Laws of Wisconsin."</i></p>
Who Can Get One:	<p>Any adult whose abuser is an adult and is:</p> <p>A spouse, former spouse, parent, child, or a person related by blood or adoption to the petitioner.</p> <p>A person currently or formerly residing in a place of abode with the petitioner.</p> <p>A person with whom there is a child in common.</p> <p>A person who provides in home or community care for the petitioner.</p> <p>A person with whom there is or has been a dating relationship.</p> <p>The guardian of an incompetent person who is one of the above.</p>	<p>Any person, who is being physically or sexually abused, stalked, threatened, and/or harassed or intimidated repeatedly with no legitimate purpose by another person. In addition, a parent, guardian, or attorney may file on behalf of a child who was abused.</p>

	DOMESTIC ABUSE (WI Stats. 813.12)	HARASSMENT (WI Stats. 813.125)
The Help It Can Provide:	<ol style="list-style-type: none"> 1. Order respondent not to commit acts of domestic abuse. 2. Order to avoid petitioner's residence or any location temporarily occupied by petitioner. (Can remove respondent from the home.) 3. Order to avoid contacting petitioner by phone, in writing, or through third party (unless petitioner consents in writing) 4. Order any combination of these remedies. <p>The injunction can be ordered for up to four years, length determined by petitioner.</p>	<ol style="list-style-type: none"> 1. Order the respondent to stop or avoid harassing petitioner (only covers harassing behaviors listed in petition). 2. Order respondent to avoid petitioner's residence. <p>The injunction can be ordered for up to four years, length determined by judge.</p>
Firearms:	Surrender of firearms (guns) must be ordered when a final Domestic Abuse Injunction is granted, and possession is not allowed as long as the Injunction is in effect.	The judge has discretion whether to order the surrender of firearms.
Cost:	No cost	FREE if describing conduct in WI Stats. 940.32 (stalking) or any of the behaviors listed in WI Stats. 813.12 (domestic abuse restraining order). May be free if low income and unable to pay- ask for waiver. OR \$155 filing fee + \$40 Service fee.
Penalty for Violation:	Shall be fined not more than \$1,000 or imprisoned for not more than <u>9 months</u> or both.	Shall be fined not more than \$1,000 or imprisoned not more than <u>90 days</u> or both.

Restraining order forms are available in the PROBATE OFFICE of the Dane County Courthouse located at 215 S. Hamilton St., Rm 1005, Madison, WI 53703-3285.

STALKING LAWS OF WISCONSIN

Stalking Statute (940.32)

- Stalking is committed by one who intentionally engages in a course of conduct* directed at a specific person AND
- the actor's conduct did actually cause the specific person to suffer serious emotional distress** OR to fear bodily injury or death to himself, herself, or a member of his or her family/household AND
- the actor's conduct would cause a reasonable person to suffer serious emotional distress** OR to fear bodily injury or death to himself, herself, or a member of his or her family/household AND
- the actor knows or should know that at least one of the acts will cause the person to suffer serious emotional distress** OR place the person in reasonable fear of bodily injury or death to himself, herself, or a member of his or her family/household.



**"Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

- 1.) Maintaining a visual or physical proximity to the victim.
- 2.) Approaching or confronting the victim.
- 3.) Appearing at the victim's workplace or contacting the victim's employers or co-workers.
- 4.) Appearing at the victim's home or contacting the victim's neighbors.
- 5.) Entering property owned, leased, or occupied by the victim.
- 6.) Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m.) Photographing, videotaping, audio taping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

- 7.) Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
- 8.) Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
- 9.) Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
- 10.) Causing another person to engage in any of the acts described in sub-s. 1. to 9.



**Serious emotional distress includes feeling terrified, intimidated, threatened, harassed, or tormented. A prosecutor need not show that a victim received or will receive treatment from a mental health professional in order to prove that the victim suffered serious emotional distress.

If you would like assistance dealing with the emotional effects of stalking, consider seeking supportive counseling and/or treatment. UW students may be eligible for free counseling services offered through University Health Services—call 608-265-5600 for more information.

PENALTIES

- Stalking is a Class I felony punishable by up to 1 ½ years in prison.
- The penalty for stalking increases to a Class H felony punishable by up to 3 years in prison if the stalker:
 - has a previous conviction for a violent crime
 - has a previous conviction for a crime involving the same victim within the past 7 years
 - gains electronic access to the victim's personal records
 - intercepts wire, electronic, or oral communication OR
 - stalks someone under the age of 18.
- The penalty for stalking increases to a Class F felony punishable by up to 7 ½ years in prison if the stalker:
 - caused bodily harm to the victim or a member of his or her family/household
 - has a previous conviction for a violent crime involving the same victim within the past 7 years OR
 - used a dangerous weapon in any of the acts.

The above penalties describe the maximum length of incarceration allowed by statute. A judge is responsible for sentencing the defendant and has a wide range of sentencing options. The judge may order jail, prison, probation, alcohol/drug treatment, aggression counseling, community service, restitution, a fine, or any combination of the above.

Deferred Prosecution Program – In the alternative, a case may be referred to this program. Not all types of cases are appropriate for referral to the Deferred Prosecution Program. Successful completion of the Deferred Prosecution Program results in the dismissal of criminal charges.

REMEMBER: As a victim, you have a right (upon request) to speak to the prosecutor assigned to your case about sentencing options.

RISK ASSESSMENT AND SAFETY PLANNING

Below are factors to consider in determining serious injury/lethality potential. These factors, which are not listed in any particular order of importance, can be helpful in many cases, but are not guaranteed predictors of future violence.

- Threats of homicide/suicide
- History of domestic violence and violent criminal conduct
- Separation of parties
- Stalking including cross-jurisdictional travel to threaten or harass
- Depression or other mental illness
- Obsessive attachment to victim
- Possession or access to weapons
- Abuse of pets
- Destruction of victim's property
- Access to victim and victim's family and other supporters

In addition, you may want to be extra vigilant during "dramatic moments" when the threat of violence is especially heightened. These include:

- Arrests
- Issuance of protective orders
- Court hearings
- Custody hearings
- Anniversary dates
- Family-oriented holidays

If you are concerned about an impending dramatic moment, consider preparing by:

- Arranging to be out of town on that date
- Notifying law enforcement and victim advocates

VICTIM SAFETY STRATEGIES

- **Give stalker one clear “stay away” message**—Do this as soon as unwanted pursuit is apparent. The message must be firm, reasonable, and as clear as possible. You should not attempt to deliver the message gently or let the stalker “down easy.” Otherwise, the stalker may believe you are ambivalent about the decision and will continue or redouble his or her efforts.
- **Avoid all subsequent contact**—After delivering a clear message, you should not engage in any further discussion or initiate contact with the stalker. You must avoid all contact to avoid any positive reinforcement.
- **Document and record incidents**—For more information on documenting and recording incidents, please see the section entitled, “How to Use Your Stalking Log.”
- **Protect personal information**—Protect your address, phone number, email address, and other personal information by disclosing it only to trusted persons. Consider establishing a post office box to prevent someone from stealing mail containing personal information and shredding personal mail instead of placing it in the trash. Consider maintaining an unlisted telephone number.
- **Stay in contact with law enforcement**—Keep law enforcement informed about the stalking behavior, including any threats.
- **Build a safety network**—Form a network of trusted social contacts who will provide a “safety net.” Informing family, friends, co-workers, landlords and neighbors about stalking and its potentially serious consequences may reduce the risk that they might inadvertently disclose your personal information to the stalker. You can distribute a photo of the stalker and/or description of his or her vehicle to members of the safety network with instructions to call you if the stalker is spotted.
- **Vary daily routine**—Vary travel routes to places you frequent.
- **Make contingency plans for emergencies**—Make contingency plans in case your social supports are unavailable in an emergency. For more information, see the section entitled, “Resources.”

HOW TO USE YOUR STALKING LOG

It is critical that you document and preserve evidence by recording the dates and times of each unwanted contact in a stalking log. The stalking log should be used to record and document all stalking-related behavior, including harassing phone calls, letters, email messages, acts of vandalism, and threats communicated through third parties. This documentation will help establish a clear course of illegal conduct and can prove invaluable to police and prosecution efforts. It can also help you preserve your memory of individual incidents about which you might later testify. Do not tear out any pages of the log.

For each contact related to the stalking behavior, make sure to include the following information for each entry:

- 1.) Date
- 2.) Time
- 3.) Description of incident
- 4.) Location of incident
- 5.) Witness Name(s)
 - a. Make sure to include the witness' address and phone number
- 6.) Police Called
 - a. Make sure to include the police agency, report number, and the officer's name and badge number.
- 7.) Effect on you
 - a. Write down how the stalking incident impacted you or made you feel.

In addition to writing down each contact in your stalking log, make sure to save emails, voicemails, and text messages. Place any gifts, mementos, letters, or notes in a plastic bag labeled with the date, time and place it was received. Avoid handling any possible evidence and store all evidence, including your stalking log, in a secure location. Photograph anything of yours the stalker damages and any injuries the stalker causes.

RESOURCES

Emergency Dial 9-1-1

Campus Women's Center 608-262-8093

A collectively run student organization that offers a variety of workshops/discussion groups addressing subjects that are of specific interest to women, including sexual assault and dating/domestic violence. They also operate a drop-in resource room and library for students.

Dane County District Attorney's Office 608-266-4211

Dane County Victim Witness Unit (608) 266-9003

Dane County Domestic Violence Unit (608) 284-6880

Dean of Students Office 608-263-5700

Provides advocacy, prevention, intervention and referral services to students.

**Domestic Abuse Intervention Services (DAIS) 608-251-4445 or
800-747-4045**

24 hour hotline— provides assistance to people who have experienced domestic abuse from their intimate partner; are victims of stalking; or are vulnerable adults. Services include safety planning, support, information and referrals, help filling out paperwork, court accompaniment, and advocacy in the areas of family law, civil restraining orders, criminal law, immigration law, and others.

Emergency Adult Protective Services 608-280-2600

24 hour hotline—Mental health emergency services and suicide prevention.

Madison Police Department 608-255-2345

Probate Office 608-266-4331

Provides forms necessary to file for a restraining order.

Rape Crisis Center 608-251-7273

24 hour hotline—provides services to the survivors (and their family and friends) of all forms of sexual violence.

Restraining Order Clinic/Family Court Assistance Project 608-262-2301

Assistance with Restraining Order Petitions is available every day. Please call for schedule. Schedule varies based on time of year.

Tenant Resource Center Helpline 608-257-0006

Information about tenant rights and responsibilities.

University Health Services 608-265-5600

Provides health care, counseling, and prevention services for UW Madison students.

UW-Madison Legal Information Center 608-265-2396

UW-Madison law students provide legal information. Not available in summer or over breaks.

UW Madison Police Department 608-264-COPS (2677)

The University Police Department provides complete law enforcement services to the UW campus.

VINE System 877-418-8463

Victim Information and Notification Everyday: Information about inmate charges, bail, and scheduled release date, or register for automatic notification when an inmate is released or transferred.

Related Resources

CCAP (Court case information)

<http://wcca.wicourts.gov>

Stalking Resource Center, National Center for Victims of Crime

www.ncvc.org/src

The Anti-stalking Web Site resources

www.antistalking.com/resource.htm

U.S. Department of Justice anti-stalking resources

www.usdoj.gov/stalking.htm