



## Understanding Stalking Complaints: Considerations for Adjudicators

VAWA ADJUDICATOR TRAINING PROGRAM

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### Learning Objectives



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- Completing this module, learners will be able to:
- define the offense of stalking;
  - identify the elements contained in the definition of stalking; and
  - identify the exceptions and clarifiers that rest within the definition.



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## VAWA Offense: Stalking

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*Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to -*

- *Fear for the person's safety or the safety of others; or*
- *Suffer substantial emotional distress*



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## Defining Stalking



**STALKING:** “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

“Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.”

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## Defining Stalking



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“Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.”

- **Who:** stalker or third party
- **How:** any action, method, device or means
- **What:** follows, monitors, observers, surveils, threatens, or communicates

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## Defining Stalking



**STALKING:** “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- **Specific Person:** “to or about a person or interferes with a person’s property”

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## Defining Stalking



- STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”
- Is the Complainant:
  - afraid for their safety
  - afraid for the safety of others or
  - suffering substantial emotional distress
- If not, would a reasonable person in the Complainant’s position experience any of these effects?

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## Substantial Emotional Distress

- Difficulty eating or sleeping
- Anxiety or nervousness
- Nightmares
- Drug or alcohol use
- Headaches/illness
- School/work impacted
- Irritability, anger, shock, or confusion
- Fear response/hypervigilance
- Changing routines
- Depression

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## Defining Stalking



STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant
- ▶ Reasonable college student      ▶ The Complainant’s perspective

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## Defining Stalking



■ STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

■ Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim

▶ Totality of the circumstances      ▶ Eggshell/bowling ball Complainants

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### Stalking - Special Considerations

Stalking	and Interpersonal Violence
Stalking	and disability considerations
Stalking	under Title IX

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## Sanctioning and Remediating Stalking



- Motivation
  - Revenge
  - Fear
  - Joke
  - Power

- Impact
  - Severity
  - Work/school
  - Reputation
  - Emotional distress

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Final Thoughts



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