



## INFORMATION FOR CLIENTS OF TEXAS ATTORNEYS

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# Defending Yourself Against Stalking

You have the right to defend yourself against a stalker. This article lists strategies that can help shield you from stalking. You do not deserve to be intimidated or terrified.

### WHAT IS STALKING?

A stalker tries to control his or her victim through behavior or threats intended to intimidate and terrify. A stalker can be an unknown person, an acquaintance, or a former intimate partner. A stalker's state of mind can range from obsessive love to obsessive hatred. A stalker may follow a victim off and on for a period of days, weeks, or even years. A stalking vic-

tim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property. Stalking can be perpetrated by the stalker or by someone acting on her or his behalf. Stalking can take the form of verbal threats or threats conveyed by the stalker's conduct, threatening mail, property damage, surveillance of the victim, or by following the victim.

### HOW DO I KNOW IF I'M BEING STALKED?

The stalker may, on more than one occasion:

- Follow the victim and/or victim's family or household members,
- vandalize the victim's property,
- inflict damage to property (vandalizing the victim's car, harming a victim's pet, or breaking windows



- at the victim's home, etc.),
- make threatening calls or send threatening mail, or
- drive by or park near the victim's home, office, and other places familiar to the victim.

## I HAVE HEARD OF TERRORISTIC THREATS. WHAT IS A TERRORISTIC THREAT?

Terroristic threat is a penal code offense (Section 22.07). A person commits the offense of terroristic threat if he or she threatens to commit any offense involving violence to any person or property with the intent to place a person in fear of imminent serious bodily injury.

## HOW IS STALKING PROVEN?

There are two things taken into consideration to prove stalking. The first is the intent of the stalker. A stalker has the intent or the knowledge that his or her actions will instill fear of death or bodily injury to the victim or a member of the victim's family or household. Threats can be explicit (e.g., stating that he or she is going to kill the victim) or implied (e.g., veiled threats or hurting the family pet). Threats have to be aimed at a specific person; they cannot be general threats. Threats may be conveyed by the stalker or by someone acting on behalf of the stalker.

The second thing considered is the conduct of the stalker. Conduct has to occur on more than one occasion and be directed toward the victim and/or the victim's family or household members. More than one police report is not required. The acts may include threaten-

ing contact by mail or by phone or damaging the victim's property.

## WHAT SHOULD I DO IF I AM BEING STALKED?

### Notify your local law enforcement and prosecutor's offices.

All stalking incidents should be reported to the police. Request that each incident be documented. Request a copy of the report from your local law enforcement agency. Give police any written correspondence and report any phone threats. Put dates received on all correspondence from the stalker. Know the name of the law enforcement officer in each incident.

### Keep a diary.

Obtain the names and addresses of witnesses. Complete records are essential to the successful prosecution of stalking cases. Write a description of each incident.

### Get a protective order.

Get a protective order if you are related to the stalker by blood or marriage, if you ever lived together, or if you have a child in common. To obtain a Pro Se Protective Order Packet, call (800) 777-3247. The packet will help you obtain a protective order barring the stalker from certain areas near your home, your work, or your child's school.

### Record telephone conversations.

Tell the stalker to stop calling and hang up. Screen your calls. Write down the time and date the stalker calls. Keep recorded messages and give them to law enforcement.

### Take pictures of the stalker.

Take pictures of the stalker if it can be done safely and write down the time, date, and place on the back of each picture.

### Keep all correspondence.

Make a copy of anything you receive from the stalker. Touching the letter as little as possible will help preserve fingerprints.

### Tell everyone.

Give friends, co-workers, and neighbors a description of the stalker. Ask them to document each time they see the stalker. ❖

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