

# SERIES ON



July 2014

Crime Victims' Institute  
College of Criminal Justice • Sam Houston State University



## Stalking in Texas - 2014

Nicole Wilkes, MPH  
Leana A. Bouffard, Ph.D.

Stalking is generally defined as a course of conduct directed at a specific person that would cause a reasonable person to feel fear.<sup>1</sup> Stalking began to receive attention as a crime in the 1990s, but quickly became known as a serious offense. Since then all states, including Texas, have passed laws regulating stalking. Subsequently, law enforcement, advocates, and other professionals have worked to prevent this crime and to improve the criminal justice response to and victim services for stalking.

The purpose of this report is to provide an overview of stalking prevalence in Texas, Texas state laws pertaining to stalking, existing research on stalking victimization and perpetration, and recommendations on response.

### Prevalence of Stalking in Texas

A survey conducted in 2010 by the Center for Disease Control and Prevention estimates over 1.4 million Texas women (15.6% of the female population) experience stalking victimization in their lifetime; state prevalence of lifetime stalking victimization for women is slightly below the national average of 16.2%.<sup>2</sup> Nationally, 5.2% of men experience stalking in their lifetime; rates of stalking victimization for men in Texas are unknown at this time.<sup>3</sup>

### Texas Stalking Laws

#### *Texas Stalking Definition and Penalty*

Texas stalking law, found in Section 42.072 of the Texas penal code, defines stalking as occurring when a person, on more than one occasion, knowingly engages in conduct the other person regards as threatening or causing fear of bodily injury, death, or property damage. The stalking behaviors can be directed toward the victim, victim's family or household, or a person with whom the victim has a dating relationship. Texas

law states that stalking is a third degree felony or a second degree felony when the perpetrator has been previously convicted of a similar offense.

#### *Texas Harassment Definition and Penalty*

Actions that constitute stalking can also fall under the Texas harassment law found in Section 42.07 of the penal code. Harassment is defined in this statute as intent to harass, annoy, alarm, abuse, torment, or embarrass another through the use of obscene communication, threats to inflict bodily injury, false reports of another person suffering death or bodily injury, repeated ringing of a telephone, intentionally failing to disconnect a telephone, or sending repeated electronic communication. Violating this statute is a Class B misdemeanor.

#### *Stalking Protective Order*

As of September 2011, stalking protective orders became available to victims under the Texas Code of Criminal Procedure Article 7A. To be eligible for this protective order, the actions of the perpetrator must violate the aforementioned Texas stalking law (penal code 42.072). Victims of stalking can submit a request for a protective order at their local County/District Attorney's office or have an attorney act on their behalf. The Texas Family Violence Legal Line assists individuals applying for protective orders, as well as some domestic violence and sexual assault programs. Violation of the stalking protective order is a Class A misdemeanor under Texas Penal Code 38.112.

#### *Texas Stalking Laws in Civil Court*

As of October of 2012, Texas was one of 12 states that allows stalking charges to be processed through the civil court, under Chapter 85 of the Civil Practice and Remedies Code. A civil case

may be pursued in conjunction with or independent of criminal charges. Through the civil court, victims are able to obtain financial compensation for damages incurred as a result of stalking.

## Risk of Stalking Victimization

There is currently limited information on stalking victimization that is specific to Texas; as a result, information presented in the rest of this report is taken from research on stalking in the United States.

**Gender.** Although stalking is most commonly associated with female victims, men may also be victims of such behaviors. Recent data from the 2010 National Intimate Partner and Sexual Violence Survey (NISVS) shows that 4.3% of American women have been the victims of stalking within the past 12 months, compared to 1.3% of men.<sup>4</sup> These numbers translate to roughly 5,179,000 female victims and 1,419,000 male victims of stalking in the United States every year.<sup>5</sup>

**Age.** National surveys have determined that the likelihood of stalking victimization varies with age. Results of the 2010 NISVS (Figure 1) show that the majority of female victims experience their first stalking victimization between the ages of 18 and 24 years old (34.3%).<sup>6</sup> This is followed by women aged 25-34 (28.5%).<sup>7</sup> Male victimization was most common between the ages of 25-34 (29.6%), followed by 18-24 (27.9%).<sup>8</sup>

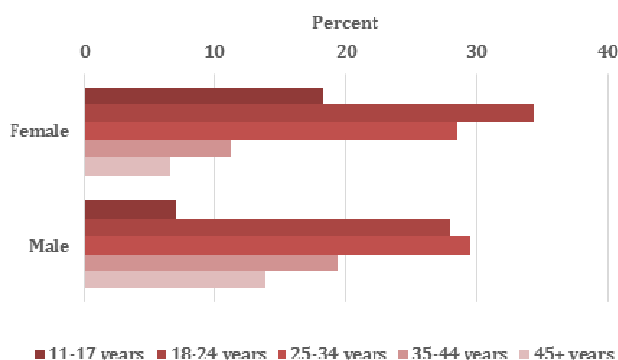


Figure 1: Age of First Stalking Victimization by Gender

**Race.** Research that has examined the racial characteristics of stalking victims have shown multiracial women and African American men are at the greatest risk. The most recent data available, which was collected as a part of the 2010 NISVS, shows that multiracial women (30.6%) are at greatest risk of stalking in their lifetimes, followed by American Indian or Alaskan Native (22.7%), African American (19.6%), Caucasian (16.0%), and Hispanic women (15.2%).<sup>9</sup> Less is known about men’s risk of victimization by race. NISVS found African American men (6.0%) were at the highest lifetime risk, followed by Caucasian (5.1%) and Hispanic (5.1%).<sup>10</sup>

**Marital Status.** Research has also indicated that marital status is related to stalking victimization. Divorced or separated individuals experience this crime more often than other relationship statuses. Stalking incidence within a 12 month period was 3.3% for divorced or separated individuals compared to 2.4% for never married, 0.8% for married, and 0.7% for widowed individuals.<sup>11</sup>

**Socioeconomic Status.** Stalking victimization has additionally been found to have a negative relationship with annual household income. Individuals who are more economically disadvantaged are more likely than those with higher incomes to experience such victimization in their lifetime. Households with annual incomes of \$7,499 or less had the highest incidence within a 12 month period (3.3%), and households with incomes of \$75,000 or more had the lowest incidence (1.0%).<sup>12</sup>

## What Stalking Victims Experience

National surveys have assessed stalking victims’ experiences and also their response to this crime. This research has shown that approximately half (46.0%) of stalking victims experienced at least one unwanted contact per week and nearly a quarter (22.9%) of victims were stalked almost every day.<sup>13</sup> The majority (61.0%) of stalking behaviors occurred over a period longer than six months, with 11.0% of victims being stalked for five years or more.<sup>14</sup>

As a result of the stalking, seven in ten victims sought help to protect themselves or stop the stalking; victims were most likely to seek help from friends or family (42.6%), followed by asking people not to release information about them (32.9%).<sup>15</sup> About 7.0% of victims contacted victim services, shelter, or helpline, while 37.0% of male and 41.0% of female victims reported to police.<sup>16</sup> More than half of stalking victims surveyed feared bodily harm to themselves, their children, or another family member.<sup>17</sup> Victims frequently missed work as a result of the stalking with more than half of victims losing five or more days from work.<sup>18</sup>

## Stalking Perpetrators

Research on stalking has examined characteristics of perpetrators. The majority of female victims (66.2%) were stalked by an intimate partner, while men were more frequently (40%) stalked by an acquaintance (see figure 2).<sup>19</sup> Females and males also reported differences in the gender of their stalkers. The majority of female victims (82.5%) reported being stalked by male perpetrators, and almost half of males (46.7%) reported being stalked by a female perpetrator.<sup>20</sup>

Recidivism of stalking perpetrators has also been considered by researchers. Almost half (49.0%) of stalkers were found to reoffend, 80.0% of whom reoffended during the first year.<sup>21</sup> Stalkers with a combination of personality disorder and history of substance abuse were the most likely to reoffend.<sup>22</sup>

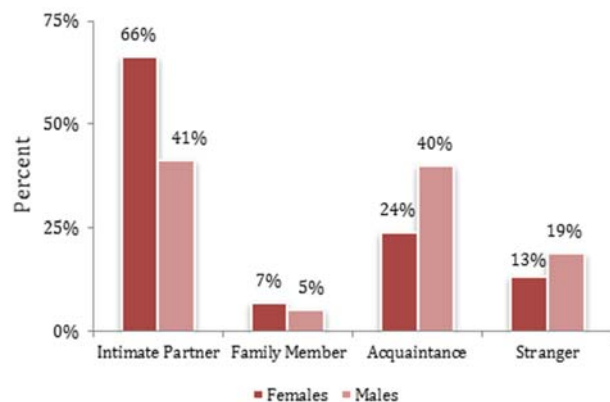


Figure 2: Type of Relationship with Perpetrator

## Stalking with Technology

Repeated pursuit of an individual with the use of electronic or internet capable devices is known as cyberstalking.<sup>23</sup> A broad range of technologies are used for cyberstalking purposes, including cordless and cellular phones, email, global positioning systems, online databases, cameras, and internet-based harassment. Increasingly inexpensive technologies have made it easier for stalkers to use these devices to monitor and harass victims. Also, cyberstalking is unique in that it allows stalkers to pursue victims despite physical distance or temporal differences. Research on cyberstalking has indicated more than one in four stalking victims reported some form of stalking with the use of technology.<sup>24</sup> Among victims stalked with technology, email (82.5%), video/digital cameras (46.3%), listening devices/bugs (41.8%), and instant messenger (35.1%) were the most common forms.<sup>25</sup>

## Impact of Stalking on Victims

Research has indicated stalking victims experience various economic, social, and physical and mental health difficulties as a result of this criminal offense. Major depressive disorders were almost five times more likely and panic disorders more than four times more likely among stalking victims.<sup>26</sup> Increased anxiety (83%), flashbacks with nightmares (55%), suicidal ruminations (24%), and meeting criteria for diagnosis of post-traumatic stress disorder (37%) were also found among these victims.<sup>27</sup> Another survey also found stalking victims were more likely to develop a chronic disease and to report poor current health and depression.<sup>28</sup>

## Criminal Justice and Victim Service Response

Little is known about interventions and responses of health, mental health, law enforcement, social services, and criminal justice professionals to stalking.<sup>29</sup> Researchers believe stalking presents unique challenges to the criminal justice system for a variety of reasons: (1) there is generally not much of a crime scene to investigate, (2) law enforcement must heavily rely on the victim to investigate and collect evidence, and (3) when stalking occurs after a romantic relationship, it frequently be-

comes a case of the victim's verbal account versus the offender's account.<sup>30</sup> When stalking cases are prosecuted, research finds that many cases are dropped. In a study of misdemeanor and felony stalking case dispositions, Jordan et al. (2003) determined that the majority of such cases are dismissed by authorities.<sup>31</sup>

## Recommendations and Conclusion

In order to further understand the problem of stalking and the criminal justice system's response to this crime, additional data is needed. With the current level of data collected, it is impossible to know if Texas stalking laws are implemented sufficiently or successfully. It is recommended that the state increase data collection and reporting on stalking and also begin collecting data on stalking protective orders.

As a result of stalking being a relatively newly defined crime, Tjaden (2009) argues that it is important for the legal landscape to continue to evolve and change as more is learned about stalking.<sup>32</sup> In consideration of state stalking rates and the effects of stalking on victims and society, it is important for Texas to continue to improve its response to this crime. For the state criminal justice system to serve its role and for victims to receive effective services, it is crucial for Texas to invest in understanding more about this crime and apply the information learned to develop efficacious policies and practices.

## Endnotes

- Catalano, S. (2012). Stalking Victimization in the United States - Revised. US Department of Justice Bureau of Justice Statistics. *NCJ 224527*.
- Black, M. L., Basile, K. C., Breiding, M. J., Walters, S. G. S. L., Chen, M. T. M., & Stevens, M. R. (2011). National Intimate Partner and Sexual Violence Survey.
- Ibid*
- Supra note 2
- Ibid*
- Ibid*.
- Ibid*
- Ibid*
- Ibid*
- Ibid*
- Supra note 1
- Ibid*
- Baum, K., Catalano, S., Rand, M., & Rose, K. (2009). Stalking Victimization in the United States. US Department of Justice Bureau of Justice Statistics. *NCJ, 224527*.
- Supra note 1.
- Supra note 14
- Ibid*
- Ibid*
- Ibid*
- Supra note 2
- Ibid*
- Rosenfeld, B. (2003). Recidivism in Stalking and Obsessional Harassment. *Law and Human Behavior, 21*(3), 251-265.
- Ibid*
- Reyns, B. W., Henson, B., & Fisher, B. S. (2012). Stalking in the Twilight Zone: Extent of Cyberstalking Victimization and Offending Among College Students. *Deviant Behavior, 33*(1), 1-25.
- Ibid*
- Ibid*

26. Kuehner, C., Gass, P., & Dressing, H. (2007). Increased risk of mental disorders among lifetime victims of stalking – Findings from a community study. *European Psychiatry*, 22(3), 142-145.

27. Path, M., & Mullen, P. E. (1997). The impact of stalkers on their victims. *The British Journal of Psychiatry*, 170(1), 56-17.

28. Davis, K. E., Coker, A. L., & Sanderson, M. (2002). Physical and mental health effects of being stalked for men and women. *Violence and Victims*, 17(4), 429-443.

29. Logan, T. K., Walker, R., Stewart, C., & Allen, J. (2006). Victim service and justice system representative responses about partner stalking: What do professionals recommend? *Violence and Victims*, 21(1), 49-66.

30. *Ibid*

31. Jordan, C. E., Logan, T., Walker, R., & Nigoff, A. (2003). Stalking: An examination of the criminal justice response. *Journal of Interpersonal Violence*, 18(2), 148-165.

32. Tjaden, P. G. (2009). Stalking policies and research in the United States: A twenty year retrospective. *European Journal on Criminal Policy and Research*, 15(3), 261-278.

**Resources**

National Center for Victims of Crime - Stalking Resource Center  
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

January is National Stalking Awareness Month  
<http://stalkingawarenessmonth.org/resources>

Texas Attorney General—Information on Stalking  
<https://www.texasattorneygeneral.gov/victims/stalking.shtml>

Texas Family Violence Legal Line (1-800-374-4673)  
<http://www.texasadvocacyproject.org/>

**Crime Victims’ Institute Advisory Board**

<p><b>Victoria Camp, Austin</b> Consultant</p> <p><b>Dorothy Carmichael, College Station</b> Texas A&amp;M University</p> <p><b>Blanca Burciaga, Ft. Worth</b> Director, Victim Assistance Unit</p> <p><b>Representative Stefani Carter, Austin</b> State House of Representatives</p> <p><b>Senator Robert Duncan</b> Texas State Senate</p> <p><b>Ana Estevez, Amarillo</b> District Judge</p>	<p><b>Rodman Goode, Dallas</b> Deputy Marshall, Dallas Marshall’s Office</p> <p><b>Ann Matthews, Jourdanton</b> Domestic Violence</p> <p><b>Henry Porretto, Galveston</b> Chief, Galveston Police Department</p> <p><b>Geoffrey Puryear, Georgetown</b> District Attorney</p> <p><b>Richard L. Reynolds, Austin</b> Psychotherapist</p>	<p><b>Stephanie Anne Schulte, El Paso</b> ICU Nurse</p> <p><b>Jane Shafer, San Antonio</b> San Antonio PD Victim Liaison</p> <p><b>Debbie Unruh, Amarillo</b> Captain, Randall County Sheriff’s Office</p> <p><b>Ms. Mary Anne Wiley, Austin</b> Office of the Governor</p> <p><b>Mark Wilson, Fort Worth</b> Police Officer, Fort Worth Police Department</p>
--	---	--

**Texas State University System Board of Regents**

<p><b>Donna Williams, Chairman</b> Arlington</p> <p><b>Ron Mitchell, Vice Chairman</b> Horseshoe Bay</p> <p><b>Charlie Amato</b> San Antonio</p> <p><b>Dr. Jaime R. Garza</b> San Antonio</p>	<p><b>Kevin J. Lilly</b> Houston</p> <p><b>David Montagne</b> Beaumont</p> <p><b>Vernon Reaser III</b> Bellaire</p> <p><b>Rossanna Salazar</b> Austin</p>	<p><b>William F. Scott</b> Nederland</p> <p><b>Anna Sandoval</b> Student Regent, Alpine</p> <p><b>Brian McCall</b> Chancellor</p>
---	---	---