

STALKING

Celebrity · Cyber · Law · Charge · Arrest

STALKING - A DANGEROUS GAME

Stalking is a **criminal offense** and should not be taken lightly. In California, the **definition of stalking** includes a series of actions that puts another person in fear for their safety. **Stalkers** begin with repeated, bothersome behavior toward another individual or **celebrity** by means of the *Internet, personal contact, telephone, cell phone, email, facsimile*, or other methods of communication. When this unwanted behavior persists, it is considered **stalking** and punishable by **California Law**.

THE FACES OF STALKING

California stalking crimes manifest themselves in a variety of ways. From *cyberstalking* to personal **assault** and **harassment**, California criminal stalking laws cover a wide range of behavior and related charges.

Stalking Behavior

- Watch, follow, threaten, harass, loiter, vandalize
- Assault, including sexual, emotional, and physical
- Repeatedly make unwanted cell phone and/or telephone calls
- Send repeated mail, gifts, and/or packages
- Cyber stalk with Internet usage, including:
 - Chat room impersonations
 - Fraudulent online actions
 - Misrepresent identity in emails or websites
 - Send repeated, unwanted email messages

CALIFORNIA LAWS AGAINST STALKING

Celebrity stalking of Rebecca Schaffer in 1990 prompted *strict California anti-stalking laws*. Under section 646.9 of the California Penal Code, a person is **guilty of stalking** when they, "*willfully and maliciously and repeatedly follow or harass another person and make credible threats with the intent to place that person in reasonable fear for his or her safety or that of an immediate family member*". California stalking can be charged as either a **felony** or **misdemeanor** resulting in strict penalties.

WHO IS STALKED?

Stalkers do not favor one racial group over another. In fact, the majority of *stalking charges* involve stalking against ordinary *California* citizens. While **stalking statistics** show that women are stalked almost 75% of the time, this stalking behavior is in many cases a result of **domestic violence**. Celebrities are not stalked more frequently than the average person; they just make the headlines much faster due to the nature of their fame.

California Stalking Statistics

- The average person is *stalked* between one and two years before the stalking stops
- Over three-quarters of **California stalking cases** involve women being stalked by men
- In many cases stalking is the result of domestic violence
- Although *celebrity stalking* makes up a smaller portion of the *California stalking statistics*, the cases tend to be more aggressive
- **Cyber stalking** is on the rise as Internet usage increases
- Los Angeles **STAT** (*Stalking and Threat Assessment Team*) is a separate department of the Los Angeles Police Department devoted exclusively to stalking cases

CALIFORNIA STALKING PENALTIES

For *first-time stalking offenders*, with no prior criminal history or aggravating factors, the stalking charge will most likely result in a misdemeanor, with up to one year in **county jail** as penalty. For *repeated stalking offenders*, with or without a prior criminal history, the penalty would most likely result in a felony charge with up to five years in **California state prison**. **Aggravating factors** and **prior criminal history** are important considerations when classifying a stalking charge as either a *misdemeanor* or *felony*.

STALKING VICTIMS

If you are the victim of a stalker, please contact your local law enforcement agency and file a police report. It is likely that criminal charges would be filed if there is enough evidence. Alternatively, you may wish to file a restraining order against your stalker to prevent further stalking.