

## Stalking Recommendations

### DEFINITION

“course of conduct” – two or more behaviors (see Model Stalking Statute description)

“would cause” – victim does not actually need to experience distress or fear

- reasonable person standard should be applied by officials to define the reported pattern of behavior as stalking

“reasonable person” – adopt Model Stalking Statute language and include that the standard would be framed the perspective of a reasonable person with “similar identity” to that of the victim

“substantial” (to-be-defined in larger committee)

“emotional distress” – adopt Model Stalking Statute language

### COUNTING

Recommendation is that one incident of stalking can contain a whole pattern of behaviors over time as experienced by one victim

- new stalking incident may be counted after an official intervention has occurred (term to-be-defined)
  - o *potentially* count significant separation of time between behaviors as a new incident (ex: passage of summer break without incident would lead to new count with the new school year)

### GEOGRAPHY

Recommendation is that only one behavior, within the course of stalking conduct, needs to occur on Clery geography to trigger reporting requirements

- Stalking should not be forced into the campus geography reporting given: (1) its unique status as a Clery crime requiring a course of conduct to even be counted as a single incident; and (2) it must address electronic forms of stalking that do not always have a set geographical home (ex: mobile devices)

### Open Issue

Determine whether hierarchical rule applies within VAWA crimes and if so determine where stalking falls given its high correlation with other serious felonies.