



A Guide For Stalking Victims

From the Office of Minnesota Attorney General Lori Swanson

What Is Stalking?

Stalking is intentionally following or harassing another person. The victims may live in constant fear of their stalkers—who can include former spouses, expartners, or strangers. Stalking is a serious crime in Minnesota.

Stalking victims are often forced to live in fear and terror, screening telephone calls and altering living arrangements. Stalking is harassment and more. Stalking is a form of terrorism.

Stalking is a crime that can touch anyone, regardless of gender, race, sexual orientation, socio-economic status, geographic location, or with whom a person associates.

Stalking is not the victim's fault!

Minnesota's Anti-Stalking Law

Minnesota Statutes Section 609.749 prohibits harassing another person by engaging in intentional conduct in a manner which would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and which causes this reaction on the part of the victim.

It is a Gross Misdemeanor punishable by up to one year in jail to harass another by committing any of the following acts:

- directly or indirectly manifesting a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act
- stalking, following, or pursuing another
- returning to the property of another without authority
- making repeated telephone calls to the victim or inducing a victim to make telephone calls to the actor
- continuously ringing the telephone of another
- repeatedly causing the delivery of letters, messages, telegrams, packages, or other objects, including electronically, to the victim's home or work

It is a Felony punishable by up to ten years in prison under some circumstances including:

- if the perpetrator possesses a dangerous weapon at the time of the offense
- if the perpetrator commits a harassment offense within ten years of discharge from a domestic violence related offense, including harassment
- if the perpetrator targets a victim because of the victim's or another's race, color, religion, sex, sexual orientation, disability, age, or national origin
- if the perpetrator commits any offense described above by falsely impersonating another
- if the perpetrator targets a victim under the age of 18 and the perpetrator is more than 36 months older than the victim
- if the perpetrator engages in a pattern of harassing conduct against one victim or a household

For Help Or Information

Call 911, the police, the sheriff, or your local domestic abuse program. You can also call the following:

Minnesota Domestic Violence Crisis Line

1-866-223-1111

National Domestic Violence Hotline

1-800-799-SAFE (7233)

TTY: 1-800-787-3224

www.ndvh.org

Minnesota Coalition for Battered Women

(651) 646-6177 or 1-800-289-6177

www.mcbw.org/

Sexual Assault Crisis Line

1-800-643-6250

24-Hour Crisis Referral Line

2-1-1 or (651) 291-0211

Phones at above numbers are answered 24 hours a day.

Crime Victim Justice Unit Referral Hotline

1-800-247-0390 (M-F 8:00-4:30)

I. Call 911 Or The Police Or Sheriff.

The first thing to do when any stalking incident occurs is to call your local law enforcement agency. Explain exactly what happened and request that a report be taken to document the incident. Get the report number and responding officer's name.

II. Stalking Doesn't Stop With 911.

Empower Yourself! Take these extra precautions:

- **Obtain a Restraining Order or an Order for Protection.** A restraining order or order for protection requires the offender to stay away from you, and it is a crime to violate a restraining order or order for protection. However, restraining orders and orders for protection are not foolproof. You must do more to protect your safety.
- **Notify family and friends** who may be helpful in formulating a contingency plan. Ask them to keep an eye out for strange occurrences. Inform a trusted neighbor and/or co-worker about the situation. You may also want to meet with your local police to develop a plan of action.
- **Maintain an unlisted phone number.** Consider adding voice-mail and/or Caller I.D. telephone services. Tape record all calls.
- **Make use of *57 on your touch-tone landline phone.** Press *57 immediately after any unwanted phone calls and listen for directions from the telephone company, which will trace the call. There is a \$1 charge per call for this service. (Dial 1157 on a rotary phone). Cell phone users should check with their service provider for cost and availability of this service.
- **Contact your county attorney's office.** Many county attorneys offices have victim/witness advocates who can help you and keep you informed about your case.

Safety Alert!

Computer use can be monitored and it is impossible to completely clear information viewed on the Internet from your computer. If you are afraid your internet and/or computer usage might be monitored, please use a safer computer, and/or call your local hotline (Minnesota Domestic Violence Crisis Line 1-866-223-1111), or call the National Domestic Violence Hotline 1-800-799-SAFE (7233).

III. Documentation.

Your help in proving incidents occur is essential!

- Write down the details of each stalking incident. Keep track of the dates and times of each incident, what the stalker said or did, clothing descriptions, when police were called, report numbers, and responding officers' names. Also, try to record what you were feeling at the time of the incident. All of this information will be valuable during prosecution.
- Obtain copies of court orders, protective orders, and warrants, if possible.
- Keep your protective order and a photo of your abuser on you at all times.
- When you see the stalker, try to take a photograph if it can be done without endangering yourself.
- Save and date all written material that you receive from the stalker including cards, letters, notes, and envelopes (if possible, save in a plastic bag to preserve fingerprints).
- Save answering machine tapes and voicemail messages. Make a note of the date and time the stalker called.
- Preserve caller I.D. information and emails.
- Make a list of potential witnesses to the stalking incidents.

There are two kinds of court orders: Restraining Orders and Orders for Protection. BOTH are designed to stop the stalker and protect YOU.

What Is A Restraining Order?

It is an order from the court which requires the stalker to stop harassing you. It may also require the stalker to cease all contact with you, including coming to your home, your school, or the place where you work.

What Is An Order For Protection?

An Order for Protection (“OFP”) is a special kind of restraining order for victims of domestic abuse. It may direct the stalker to:

- stop stalking you (through harassment, threats, or abuse)
- stay away from where you live, go to school, or work
- leave your household
- enter a counseling program

An OFP may also award temporary custody, child support, or use and possession of property.

Who Is Eligible For An Order For Protection?

You may obtain an OFP if you have recently been a victim of domestic violence. Domestic violence is defined as any act of abuse, including pushing, shoving, grabbing, slapping, punching, pulling hair, kicking, forcing sexual acts, or threatening with a weapon. You are eligible if you and the person who has abused you:

- are married or used to be married
- are parent and child
- live together or used to live together
- have a child in common (or the woman is pregnant and the man is the alleged father)
- are related by blood
- are involved in a significant romantic or sexual relationship

How To Get A Restraining Order Or Order For Protection.

Contact the Court Administration office of your county court. They will help you file a petition for a restraining order or OFP. You will not have to pay to file this petition and have it served on the stalker. The court will schedule a hearing within 14 days to decide whether to issue the restraining order or OFP. A temporary restraining order or ex parte OFP may be issued, which will protect you until the court holds the hearing. Under certain conditions,

you may also file for a restraining order or OFP on behalf of your child. Forms, additional instructions and contact information for your county court administrator are available online at: www.mncourts.gov/selfhelp/

What Happens If A Restraining Order Or Order For Protection Is Violated?

If the stalker assaults you, threatens you, or refuses to stay away from you, call the police (911) immediately. They will come, and you can tell them what happened. It will be helpful for you to show the police a copy of your restraining order or OFP. In some cases, the police are required to make an arrest.

If the abuser doesn’t follow another part of the order—for example, doesn’t pay child support, doesn’t attend counseling, harasses you by phone, or doesn’t abide by a child visitation order—the Minnesota Coalition for Battered Women (contact information below) can help you bring the case back to court.

Minnesota Coalition for Battered Women

590 Park Street, Suite 410, St. Paul, MN 55103

(651) 646-6177 or 1-800-289-6177

www.mcbw.org

Rights Of Victims Of Domestic Abuse To Terminate Lease.

A victim of domestic violence who fears imminent domestic abuse if the tenant or the tenant’s minor children remain in the leased premises may terminate a residential lease agreement under certain conditions. The tenant must provide advance written notice to the landlord stating that:

- 1) The tenant fears imminent domestic abuse from a person named in an order for protection or no contact order; and
- 2) The tenant needs to terminate the tenancy; and
- 3) The specific date the tenancy will terminate.

The law requires that the advance written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and must include the order for protection or no contact order. The landlord is prohibited from disclosing information provided in this written notification and may not enter the information into any

shared database and cannot provide it to any person or entity. However, the landlord may use the information as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims related to security deposits, with the tenant's permission, or as otherwise required by law.

The tenant is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one month's rent. This amount must be paid on or before the tenancy terminates. In the event that the tenant owes the landlord rent or other amounts for a period before the termination of the lease, the tenant will continue to owe that amount to the landlord. If there are multiple tenants on the lease, the lease will continue for the remaining tenants.

Freeze Your Credit Report.

Victims of Domestic Violence/Abuse are at an increased risk for credit abuse and misuse of information in their credit files. The abuser may already have access to the victim's personal information (Social Security number and/or birth date) and account information and be familiar with details of the victim's life (mother's maiden name, pets name, and answers to other "security questions"). Consumers in Minnesota are now able to "freeze" their credit reports. A credit report freeze will deny identity thieves access to the consumer's credit history and prevent them from obtaining new credit cards or loans under the consumer's name. Currently only victims of identity theft can have their credit reports frozen without charge. However any Minnesotan can proactively freeze their credit report for a \$5 fee per credit reporting agency. For information on how to "Freeze" your credit reports contact the Attorney General's Office and ask for the bulletin *Protect Yourself From Identity Theft*.

New Social Security Numbers For Domestic Violence Victims.

Although Social Security does not routinely assign new numbers, they will do so when evidence shows you are being harassed or abused or your life is endangered. Applying for a new number is a big decision. It may impact your ability to interact with federal and state agencies, employers and others. This is because your

financial, medical, employment and other records will be under your former Social Security number and name (if you change your name). If you expect to change your name, we recommend you do so before applying for a new number.

How to apply for a new number

You must apply in person at any Social Security office. They will help you complete a statement explaining why you need a new number and an application for a new number.

You will need to present:

- Evidence documenting the harassment or abuse;
- Your current Social Security number;
- Original documents establishing your:
 - U.S. citizenship or immigration status;
 - Age;
 - Identity; and
 - Evidence of your legal name change if you have changed your name.

Also, they will need to see original documents showing you have custody of any children for whom you are requesting new numbers and documentation proving their U.S. citizenship, ages and identities.

1 in 12 women and 1 in 45 men will be stalked in their lifetime.

Stalking is a form of terrorism. Minnesota's anti-stalking law is aimed at a pattern of terrorizing behavior that is not covered under other laws. The purpose of the law is to stop acts of repeated following, harassing, and terrorizing.

Being stalked is always frightening and sometimes dangerous. But remember you are not powerless. Do not ignore the situation. Take action. There are many sources of help.

**You have the right to feel safe!
STALKING is a crime in Minnesota!**