

## Is It Stalking?

In West Virginia, the only behavior that meets the definition of the crime of stalking is:

- someone who repeatedly follows you to knowingly cause you fear or emotional distress.

Behaviors that meet the definition of harassment under West Virginia law are not specified. Repeated harassing behaviors could include (but are not limited to):

- “blowing up” your cell phone
- making threatening, harassing, obscene or “hang-up” calls
- showing up at your workplace, home, school, gym or other places that you go
- attempting to get information about you from others
- sending unwanted letters, cards, gifts, e-mails, or attempting to access your social media page(s)
- spying on you, your family or friends
- leaving unwanted items at your home, work, in or on your car

In isolation, many of these behaviors are not necessarily frightening and certainly are not criminal. But repeatedly and collectively they can quickly escalate from a single annoying act to a pattern of increasingly threatening, violent and potentially fatal actions.

**If you are in immediate danger,**

- **call 911.**
- **drive to the nearest police station.**

## VICTIMS SERVICES

**If you are a victim of  
STALKING and  
DOMESTIC VIOLENCE  
call 1-800-799-SAFE**

**or**

**Branches  
Domestic Violence Shelter**  
*Huntington—1-888-538-9838*

**Family Crisis Center**  
*Keyser—1-800-698-1240*

**Family Crisis  
Intervention Center**  
*Parkersburg—1-800-794-2335*

**Family Refuge Center**  
*Lewisburg—1-866-645-6334*

**HOPE, Inc.**  
*Fairmont—304-367-1100*

**Lighthouse**  
*Weirton—304-797-7233*

**Rape and  
Domestic Violence  
Information Center**  
*Morgantown—304-292-5100*

**S.A.F.E.**  
*Welch—304-436-8117*

**Shenandoah  
Women's Center**  
*Martinsburg—304-263-8292*

**Tug Valley Recovery Center**  
*Williamson—304-235-6121*

**Women's Aid in Crisis**  
*Elkins—1-800-339-1185*

**Women's Resource Center**  
*Beckley—304-255-2559*

**YWCA  
Family Violence  
Prevention Program**  
*Wheeling—304-232-2748*

**YWCA Resolve**  
*Charleston—1-800-681-8663*

**If you are a victim of  
STALKING and/or  
SEXUAL ASSAULT  
call 1-800-656-HOPE**

**or**

**CONTACT Huntington**  
*Huntington—304-399-1111*

**Family Refuge Center**  
*Lewisburg—1-866-645-6334*

**HOPE, Inc.**  
*Fairmont—304-367-1100*

**Rape and  
Domestic Violence  
Information Center**  
*Morgantown—304-292-5100*

**REACH  
The Counseling  
Connection**  
*Charleston—304-340-3676*

**Sexual Assault  
Help Center**  
*Wheeling—1-800-884-7242*

**Shenandoah  
Women's Center**  
*Martinsburg—304-263-8292*

**Women's Aid in Crisis**  
*Elkins—1-800-339-1185*

**Women's  
Resource Center**  
*Beckley—304-255-2559*

## STALKING and HARASSMENT



**West Virginia Foundation for  
Rape Information and Services, Inc.**  
[www.fris.org](http://www.fris.org)

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## THE FACTS

Stalking can occur during a relationship, after a relationship has ended, or in the absence of a relationship.

Stalking behaviors can quickly escalate from annoying to dangerous. If you are being stalked, consider that your life may be in danger. Most victims assaulted or murdered by former partners were first victims of stalking.

Although anyone can be stalked, certain factors may indicate increased risk.

- Persons ages 18 to 24 experience the highest rate of stalking.
- Nearly three in four victims are stalked by someone they know.
- Women are at greater risk for stalking victimization; women and men are equally likely to experience harassment.
- Thirty percent of stalking victims are stalked by a current or former intimate partner.

*(Stalking Victimization in the United States, U.S. Department of Justice, 2009)*

TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 3 hang ups	2 4 hang ups	3 sent flowers	4 made it past security at work	5 6 e-mails
8	9 Left threatening note on car	10	11 2 e-mails	12
15	16 broke car window	17 followed me home	18	19 called repeatedly, left threatening messages
22 sent card	23 followed from work to school	24	25 3 hang ups	26

## THE LAWS

### West Virginias Stalking Law

WV Code §61-2-9a has two sections:

**Stalking:** when a person repeatedly (two or more times) follows another knowing that the conduct causes the person followed to reasonably fear for his or her safety or suffer significant emotional distress.

**Harassment:** when a person repeatedly harasses or repeatedly makes credible threats against another person. Harassment, which must happen two or more times, is defined as willful conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress.

**Credible threat** means a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out.

### The Federal Stalking Law 18 U.S.C.

**§2261A** makes it a federal crime, punishable from five years to life in prison, to travel across state, tribal or international lines to stalk another person.

This federal law prohibits the use of regular mail, interactive computers or electronic communication services/systems to harass or intimidate another person. It also makes it a federal crime to stalk someone within designated areas, including national parks and military bases.

**For more information on the laws and stalking, visit [www.fris.org](http://www.fris.org).**

## WHAT VICTIMS CAN DO

**If you are being stalked, consider your options.**

- **Focus on your safety.**  
Vary your regular routes (e.g., work, school, gym), avoiding isolated areas.
- **Document, document, document!** Keep voice and text messages. Take a photo of the stalker's car in front of your home. Maintain a log to show a pattern of repeated behaviors.
- **Contact law enforcement.**  
Local law enforcement or the state police can investigate your complaint and tell you about your legal options.
- **Contact an advocate.**  
Advocates at the local rape crisis center or domestic violence shelter are trained to help you plan ways to stay safe. They can assist you in accessing resources, documenting the stalking and developing a safety plan.
- **Seek protection through magistrate court.**  
You may be eligible for a Domestic Violence Protective Order (DVPO) if your stalker is a current or former intimate partner, family member, or someone who lives with you. If those relationships do not apply, you may be eligible for a Personal Safety Order (PSO). DVPOs and PSOs offer different protections. An advocate can help you assess your eligibility and identify your needs.