Harassment, Stalking, and Death Threats

Introduction

Mindstar Security & Profiling has helped clients with issues concerning harassment, stalking, and death threats dozens of times over the course of the last few years. One thing we have learned during these cases is that the victims often do not even know when what they are experiencing has legally crossed into a crime. More often than not the client comes to us with “a problem” in hopes of us finding a way for them to navigate their way away from the situation – or to determine that the situation is benign and “not to worry.” It often is not until the client explains the situation in full detail to us that they realize they are being victimized and are in danger. Sometimes we even have to work hard to convince the client that they are, in fact, the victim of harassment, stalking or a legitimate threat. It is with this confusion in mind that we have decided to do this month’s report on these crimes. While we often focus on some of the more severe crimes like terror attacks, carjackings, active shooters, robberies and other things of that nature, it is important not to overlook some of the more “off the radar” crimes like harassment, stalking, and threats.

Once highlighted by celebrity cases, harassment and stalking began to be taken seriously and laws changed in the US in the early 1990’s. Although harassment from an intimidating friend, co-worker, or ex-partner is the most common typology for the offense, criminals who target high profile, newsworthy, or high net worth individuals are just as likely to be strangers. According to a recent study conducted at the University of Sheffield titled, Constructing Crime: Culture, Stalking, Celebrity and Cyber, “those who are in the public eye face perhaps the most extreme form of attack because they are usually among the 5 percent of victims whose stalkers are strangers to them.”

The impact of harassment, stalking, or death threats on someone is wide ranging. How these types of cases are handled within the justice system is one of the factors that can affect how someone may be able to handle the trauma they have endured. For example, stalking is a crime in all fifty states and those that pursue criminal action often find it difficult to prove what is happening to them, or be believed and/or taken seriously. This can be discouraging and once again make the victim feel powerless in getting the harassment to end. In addition to assistance from law enforcement and the judicial system, there are a few things victims can do to regain confidence, take control of the situation, and secure/fortify their homes and surroundings.

We hope that by the end of this report you will have a better understanding of what exactly constitutes harassment and stalking, how each take place both online and in the physical world, and what you can do about them. In addition, it is important to take any threat seriously – at least until it is assessed. Many threats do turn out to be mistakes, hoaxes, misdirected anger, or someone “just joking around.” However, in the rare instance that a death threat is valid and made by someone who has the opportunity and means to carry it out, special precautions and immediate actions must be taken.
Psychological Impact

Those who have never experienced harassment or stalking may not understand how frightening it can be. Victims, however, know the fear and trauma that surrounds this crime, and the aftermath it can leave. The emotional and psychological impact can be debilitating, with 46% of individuals fearing what will happen to them next. They experience extreme anxiety because they do not know what could happen to them at any given point in their day. Twenty-nine percent of victims fear that the attention and targeting will never stop, and live with this fear every day.

The trauma may take on an additional dimension if the victim does not know who their “harasser” or stalker is— or if the perpetrator is anonymous and online. The “not knowing” can induce feelings of paranoia and that no one can be trusted.

If you have been harassed, you may:
- Feel depressed, hopeless, angry, anxious, irritable, on-edge, and hypervigilant.
- Feel a desire to hurt yourself or have suicidal thoughts and actions.
- Feel guilt, isolation, or self-blame.
- Experience feelings of betrayal, insecurity, or embarrassment.
- Miss work or school for fear of seeing the person harassing you.
- Be fearful of what harassment may happen next.
- Feel vulnerable and unsafe in public places and/or at work.
- Change your normal or preferred social and online habits.

What is Harassment?

Harassment is generally defined as a repeated pattern of unnecessary and unwanted behaviors or contact from another person or persons. Although the law does not prohibit simple teasing, offhand comments, or minor, isolated events, harassment can become illegal when it is so frequent or severe that it creates a hostile environment in which the victim feels distressed, humiliated, or threatened. The specific legal definition of harassment differs depending on where you live. Because of this, you should check with your local court or law enforcement agency for legal definitions specific to your location.

Harassment can take on a variety of forms and these various actions are identified on the Victim Connect online resource center. While this list is not even close to being exhaustive, it does provide a pretty wide spectrum of examples that constitute harassment. With that being said, you may be a victim of harassment if someone:

- Chronically criticizes you or engages in humiliation, slander, gossip, or makes statements intending to turn friends, coworkers, or classmates against you.
- Makes unwelcome sexual advances, touches, gestures, or makes sexual comments about you, often called sexual harassment.
- Breaks or destroys objects, engages in self-harm, cruelty to animals, or other people in your sight with the intent to intimidate you.
- Involves you in a “playful ritual” that causes distress, such as tormenting you under the guise of a joke or a rite of passage, often called hazing.
- Attempts to influence others to act in an unwelcome way towards you or files numerous frivolous legal complaints or police reports against you, often called harassment by proxy.
- Turns coworkers against you or mentions that promotions or bonuses will only be for those willing to perform certain inappropriate actions, or uses offensive or demeaning language in reference to a specific group of people, often called workplace harassment.
- Makes comments that make you feel uncomfortable or threatened while you are in public places, like using suggestive language or catcalls, often called street harassment.

Note—Corporate policies relevant to sexual harassment or misuse of position/power may be defined differently. Check your own corporate handbook for descriptions. If your organization does not have policies around harassment, consider attaining experts in this area to craft relevant policies and procedures.
Four Types of Stalkers

Psychologist Kris Mohandie has been consulting on stalking and threat cases for over 25 years. In a recent interview on CBS’s 48 Hours, he suggests there are basically four types of stalkers:

- There is the public figure stalker, who has not had any prior relationship with their victim.
- There is the private stranger stalker who crosses paths with a victim in some way and then that person becomes a target.
- There is the acquaintance stalker, who may pursue a co-worker or classmate or someone else in their life—that group of stalkers, the acquaintance group—has about a 50 percent risk of violence.
- The fourth category of stalker Mohandie describes as intimate stalkers. These are the most common and the most dangerous. Mohandie suggests the risk of violence from an intimate stalker is about 74 percent.

Stalking behaviors can include:
- Knowing your schedule.
- Showing up at places you go.
- Sending mail, e-mail, and pictures.
- Calling or texting repeatedly.
- Contacting you or posting about you on social networking sites (Facebook, Twitter, etc).
- Writing letters.
- Damaging your property.
- Creating a Web site about you.
- Sending gifts.
- Stealing things that belong to you.
- Any other actions to contact, harass, track, or frighten you.

What is Stalking?

Stalking is conservatively defined as “a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear. This is widely considered a more serious form of harassment and unfortunately is often a precursor to crimes like assault, sexual assault, or murder.

You can be stalked by just about anyone including someone you know casually, a stranger, or a past or current friend, boyfriend, girlfriend or spouse/ex-spouse.

What to do if You are Being Harassed

Harassment that goes unchecked or ignored has the potential to turn into something more serious, like stalking or assault. Unfortunately, there is no universal set of steps that everyone can use to address harassment. Solutions totally depend on the situation, which can vary greatly from one case to another. The victimconnect.org website contains a wealth of information regarding harassment and is worth visiting if you have questions regarding this issue. They recommend the following actions for anyone that believes they are being harassed:

- Call 911 for Immediate Assistance – You know yourself and your situation better than anyone. Trust your instincts and call for help if you feel you are in danger.
- Document Every Incident – Make a log of encounters you may have and save all messages, emails, and call history if you are being harassed by phone, email, or social media.
- Create a Safety Plan – Develop a safety plan for all situations where you may encounter the harasser and/or harassing behavior. Enlist the help of a trusted friend or coworker that will stay close in the presence of the person harassing you. This may prevent the harassment or provide you with a witness to the behavior.
- Plan Ahead – Try to minimize contact with the person harassing you, but be prepared for interaction. Think of what you will say and do ahead of time. Always remember you have the right to be safe and the harassment is not your fault.
- Report the Harassment – Harassment that includes physical or sexual harm, or damage to property may be against the law, so consider reporting the harassment to the police, your school administration, your employer’s human resources department and/or Equal Employment Opportunity Commission [EEOC]. For reports of harassment in the workplace, you have 180 days to report to the EEOC, however this timeframe may be extended by state law. Federal employees have 45 days to contact the EEOC.
- Obtain a Protective Order – Consider filing for a protective order if the harassing behavior is disrupting your life or is dangerous. Protective orders are issued differently by each state, so be sure to contact your local courts to determine what you’ll need to file the order and what type of order you can file for based on the evidence and your particular situation.

Stalker Stats

6.6 MILLION
PEOPLE STALKED A YEAR IN THE U.S.

3/4
ARE STALKED BY SOMEONE THEY KNOW

76%
VICTIMS ARE WOMEN SPECIFICALLY...
31% MULTICULTURAL
23% AMERICAN INDIAN
20% AFRICAN AMERICAN
18% WHITE
13% HISPANIC

25%
STALK THEIR VICTIMS USING TECHNOLOGY

78%
STALKERS USE MORE THAN ONE MEANS TO OBTAIN INFO ABOUT YOU

LEARN MORE: www.asecurelife.com/signs-of-a-stalker/
Workplace Dangers

Prevention of workplace incidents of harassment or stalking begins with planning. As with other risks, it is easier to persuade managers to focus on the problem after a violent act has taken place than it is to get them to act before anything has happened. The decision to plan in advance is critical but not always done.

Any organization, large or small, will be far better able to spot potential dangers and defuse them before violence develops and will be able to manage a crisis better if one does occur, if its executives have considered the issue beforehand and have prepared policies, practices, and structures to deal with it.

There must be support from the top. If a company’s senior executives are not truly committed to a preventive program, it is unlikely to be effectively implemented.

Planning for and responding to incidents of harassment, stalking or workplace violence calls for expertise from a number of perspectives. There are key differences between sexual harassment and other forms of workplace bullying or intimidation. A full workplace harassment and violence prevention plan will be most effective if it is based on a multidisciplinary team approach. Experts in physical security, communications, and psychology must be included to handle the myriad of issues and complexities.

Reevaluate, rethink, and revise. Policies and practices should not be set in concrete. Personnel, work environments, business conditions, and society all change and evolve. A prevention program must change and evolve with them.

What to do if You are Being Stalked

Stalking is unpredictable and dangerous. A common reaction to stalking behaviors can be for the victim to ignore the stalker’s menacing behavior and hope they just eventually go away. Unfortunately, this doesn’t work with stalkers who are already violating the boundaries of normal behavior and making their targets feel unsafe. With stalking, early intervention is incredibly important. The Victims of Crime website suggests the following actions if you believe you are being stalked:

- If you feel you are in immediate danger, call 911.
- Trust your instincts. Don’t downplay the danger. If you feel you are unsafe, you probably are.
- Take threats seriously. Danger generally is higher when the stalker talks about suicide or murder, or when a victim tries to leave or end the relationship.
- Contact your attorney, risk manager and/or security specialist. These experts can assist you with evidence collection, manage communication with law enforcement, and help provide other safety and security measures.
- If you do not have trusted security providers, contact a crisis hotline, victim services agency, or a domestic violence or rape crisis program. They can help you devise a preliminary safety plan, give you information about local laws, refer you to other services, and weigh options such as seeking a protection order.
- Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- Do NOT communicate with the stalker or respond to attempts to contact you.
- Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep e-mails, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
- Contact the police. Every state has stalking laws. The stalker may also have broken other laws by doing things like assaulting you or stealing or destroying your property.

Death Threats

In general, a death threat is a threat made by one person or a group of people to kill another person or group of people. These threats are often designed to intimidate victims in order to manipulate their behavior, and therefore a death threat can be a form of coercion, blackmail, or extortion. Death threats can be made verbally (e.g., in person, over voicemail, via audio recording/posting) or through a variety of written mediums (e.g., letters, notes, email, social media postings).

Under state criminal codes, which vary by state, it is an offense to knowingly utter or convey a threat to cause death or bodily harm to any person. It is also an offense to threaten to burn, destroy or damage property or threaten to kill, poison or injure a pet that belongs to a person. While there are plenty of definitions, there are surprisingly little to no statistics to show how many people are threatened each year. Since the rash of school shootings and other active shooter incidents in 2017-2018, the FBI has issued numerous warnings indicating that making false or hoax death threats may be prosecuted. When an investigation concludes there is a false threat, a federal charge can be considered, which carries a maximum sentence of five years in prison. If a federal charge is not warranted, state charges can be considered.
What to do if You Get a Death Threat

In many of the cases Mindstar has worked, the targets of the death threats have typically waited until more than one incident manifested before reporting the threat. Some people believed or assessed that the initial threatening email or text was “just an anomaly” and did not take it seriously. Every threat should be taken seriously.

In the event that you or a family member receives a death threat, there are several things to consider. First, if the threat is contained within another suspicious action (such as the receipt of a package), you should call 911 immediately. Secondly, do not take any chances by handling unusual packages, do not open any packages, and do not move them around—let law enforcement determine whether the contents are dangerous. Additional recommendations include:

Each case and each threat is different and the threat may also be intertwined with additional crimes such as extortion, blackmail, or fraud. Therefore, collecting and saving all communications and pieces of evidence is extremely important. Just as suggested earlier in the sections dealing with harassment and stalking, targets of death threats should:

- Contact your attorney, risk manager and/or security specialist. These experts can assist you with evidence collection, manage communication with law enforcement, and help provide other safety and security measures.
- If the threat was received electronically, you may need to contact a cyber crime or computer forensics expert to assist you and/or law enforcement collect, preserve, and track digital evidence.
- If there is imminent danger, relocating to another place or to a “safe house” may be necessary. All evasive actions you take should be documented and logged.

Almost every threat and criminal case today has a cyber or online component.

The Online Component of Harassment, Stalking, and Death Threats

Almost every threat or criminal case of stalking or harassment has a cyber or online component. If the threat itself did not originate via email, text or social media, it is highly probable that the victim as well as the perpetrator have some type of online presence. But before diving into the options and problems concerning online threats, it is important to first understand the (often minor) differences between cyber-harassment and cyber-bullying, cyber-stalking, and Internet trolling.

**Cyber-Harassment** - Cyber-harassment is the use of electronics (phone and/or internet) to harass, control, manipulate or habitually disparage a person, business or group without a direct or implied threat of physical harm. Unlike physical harassment, which typically involves face-to-face contact, cyber-harassment requires the use of technology and is verbal, sexual, emotional, or social abuse of the person or group. The cyber-harasser’s goal is to exert power and control over their victim.

**Cyber-bullying** - Cyber-bullying is very much like cyber-harassment but with the involvement of minors. Cyber-bullying can be defined as the use of technology (phone and/or internet) between minors to humiliate, taunt and disparage one another. Cyberbullying is often intended to tease and embarrass the targeted minor. Unlike physical bullying, cyber-bullying does not involve face-to-face contact and often plays on the victims need for peer acceptance and recognition.

**Cyber-Stalking** - Cyber-stalking is generally understood to be the use of technology (phone, internet) to stalk, control, manipulate or otherwise habitually threaten a person, group, or business. Cyber-stalking includes direct or implied threats of physical harm, habitual surveillance and gathering of information to manipulate or otherwise control a target. Cyber stalking requires a direct or implied threat of physical harm by the assailant. Even more concerning than the online threats and harassment is the fact that cyber-stalking is often accompanied by real-time or offline (physical) stalking.
Fabricated Threats

While all threats should be taken seriously, sometimes threats are fabricated and the accuser has created the situation. This occurrence is very rare but does happen as some people seek attention or have other psychological issues. Jealousy, rage, retribution, or delusional thinking can also drive a person to fabricate a crime.

Investigators need to focus on all aspects of a threat, including the victimology (study of the victim and the victim’s role in the incident). For example, last month charges were filed against an Oklahoma State Department of Health attorney for allegedly sending threatening emails to herself then lying about it.

The attorney was charged with felonious use of a computer, falsely reporting a crime and preparing false evidence. Officials said “the victim” reported that she received nearly a dozen menacing messages, including one that read, “We would hate to hurt a pretty lady,” and a follow-on message stating, “You will hear us. We are just beginning.”

Another email sent July 11th suggested that she was being watched, saying: “You appear distinguished in glasses. Wear them for the camera.”

Investigators assessing the threats reportedly discovered that one of the email accounts was created on the victim’s own phone the day that the messages started. She was subsequently presented with the evidence and she confessed to sending the hoax threats.

A digital trail of evidence assisted in uncovering this fabricated series of threatening emails.

The Online Components, continued

Internet Trolling - An Internet troll is a colloquial term used to define an online user who purposely and actively provokes, angers, teases, or otherwise incites other online users. Typically the Internet troll does not even know their target and are simply trying to “get a rise” out of other online users. Internet trolls regularly appear in almost all forms of online mediums including social media, video game gatherings, message boards, chat rooms and even in the comments sections of mass media articles. If the troll’s activity includes direct or implied physical threats to their target(s), their actions can then be defined as cyber-stalking.

Internet trolls are not likely to know the identity of their targeted victim(s) and are also unlikely to be persistent in their targeting of the same victim. Trolls generally enter an online medium (message board, comments section, etc.) and participate in the discussion just long enough to anger other users before moving on to another medium. Trolls are not typically considered dangerous and are perceived more as a nuisance than anything else.

Legal Options and Limitations

Currently, there are a few different ways victims of online harassment or stalking can fight their attackers through the legal system. Victims have options both criminally and civilly. Unfortunately, the vast majority of these options require significant time and money, can be invasive, and due to a lack of education and precedent, these legal options often fail to deliver the victim the justice that they are seeking. The main issue facing victims is the fact that the law is, and always has been, very slow to adapt to the ever-changing technology of the information age.

Filing a Civil Suit

One option victims have is to take their complaint(s) to civil court. In civil court, victims of cyber-attacks like cyber-harassment, cyber-stalking, revenge porn, online bullying, or other forms of aggression sue their attacker through something called tort law, which is also known as civil wrongs. In this court, victims can claim the torts of defamation, emotional distress, harassment, public disclosure of private images or information, and other wrongs. Unfortunately, filing a case like this can be quite expensive and time consuming, not to mention it is likely to take a toll on you mentally.

A public court case can bring unwanted attention to what may already be an embarrassing situation for the victim. Considering that there have only been a small handful of cases where victims have been awarded a monetary judgment from their online harassers, filing a suit civilly is often more work than it is worth.

Filing a Criminal Complaint

In states with specific cyber-stalking and cyber-harassment laws, victims can press criminal charges against their online harassers. While the existence of these laws make filing the complaint possible, they do not necessarily make successful prosecution probable. In many instances, the gaps in police force education regarding cyber-stalking and cyber-harassment create an atmosphere where victims face great difficulty having their cases taken seriously or investigated by police. In many cases charges are never even filed. Much like legislation concerning technology, police departments are often slow to allocate the proper resources to fighting these fairly new and ever-evolving types of crimes.

All too often victims bring their complaints to police and are told that the issue is a civil matter, when in fact there are criminal laws on the books in that state that have been created for the sole purpose of fighting online harassment and stalking. In most of these cases, it is not that the police are unwilling to help or are simply trying to pass the buck to the civil courts, it is that they are actually unaware that the laws exist and even if they are aware of the laws they are often not capable of conducting a successful investigation that involves online issues. What this issue boils down to is that many police departments simply haven’t allocated enough funds and time to properly informing and training their force on issues pertaining to online harassment and stalking. It is likely that this will change in the future as the problem gains more attention in the media and by legislators but this offers little solace to victims currently dealing with this issue.
While the current state of affairs regarding online aggression is not where it should be and victims do appear to face an uphill battle in seeking justice, this does not mean that they should simply learn to live with the problem. There are some initial steps that victims can take to protect themselves. The following recommendations can be considered by anyone dealing with online aggression.

- Even if the victim does not believe the police are going to be helpful, it is important to report the issue to the relevant authorities and clearly tell their harasser to stop contacting them. A complaint to the police department should be made immediately in order to begin a record of the agitator’s behavior with the authorities.

- After asking the harasser to cease contact, the victim should not respond to any of their communications in any way.

- Victims should create a bank of evidence showing continued harassment. While it is often tempting to delete these messages, it is important to file them away in case they are needed as evidence later down the road. If an app is used by the aggressor (i.e., Facebook messenger, Snapchat), the victim should not delete any of the messages within the app and they should be sure to take screenshots of each message in case the aggressor deletes the messages on his or her end.

- If communications are being received from a free email or social media account, such as Gmail and Facebook/Twitter, the victim should file a complaint with those companies. While reporting these messages to the companies is unlikely to have the person banned from their website, it is worth doing simply in order to prove that the victim has taken as many steps that are at their disposal to end the harassment. This will look good in any future court case.

- In cases of a private “selfie” being posted by an ex-boyfriend or girlfriend, cease and desist letters can be sent to those websites with threats to sue over copyright infringement.

- In cases where the victim feels threatened or in danger due to an online aggressor, the victim can (in most states) petition the court to issue a restraining order. A court can use a restraining order to prohibit electronic contact.

- In almost all cases of online harassment, stalking, or defamation, victims should contact a qualified attorney. Finding an attorney with experience in these matters (and content removal) is optimal, as they will be able to answer questions and use their experience steer victims toward a legal game plan without having to first waste time familiarizing themselves with legal and procedural information on cyber issues.

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**DIY Evidence Collection**

Depending on your phone, you may be able to take a "screenshot" of the threatening message. If your phone is not capable of doing so, you can use a camera to take photos.

You will also want to "Lock" or "Protect" each harassing message. But you still must be sure to have backup copies via provider cloud storage or local storage.

You should be able to login to your account and download your cell phone records. If you do not know how to access them, call your phone provider and ask. Be sure to save and also print the records that coincide with the harassment you are experiencing.

Organize your data in a fashion that will make it easy for police to navigate through it. Lay out all of your data by "type." For example, one folder will be your photo evidence, a second folder will be your print-outs of your cell phone records, a third folder can consist of the proof of all the efforts you have made to stop the harassment.

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**Additional Recommendations**

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