

SB 743

Judicial Proceedings Committee

Family Law - Protective Orders - Crimes of Violence and Stalking

Informational Testimony

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Chair Smith and members of the Senate Judiciary Proceedings Committee, thank you for the opportunity to provide information relevant to SB 743. My name is Margo Lee Williams and I am providing this informational testimony in my capacity as President of the Board of Directors for Just Stalking: Maryland Resources, as well as a parent of a person who has been a victim of stalking for over 15 years.

We were sitting with the State Attorney yet again. However, this was the *first* sentencing hearing for my daughter's alleged stalker. Someone asked about the specifics of the plea agreement. With what had they been **convicted**? There were the felony weapons charges.... "And stalking?" one of us asked. "No," came the answer as we shot questioning looks at each other, then at the prosecutor. In fact, about 12% of all cases are prosecuted. Of that 12%, only 54% (in other words, about 6.5%) result in a conviction. Of that 54% convicted (6.5% of those prosecuted), only 63% (4.1% of those prosecuted) result in jail time (Brady & Nobles, 2017). *What's the point of a law that cannot or will not be enforced and thereby protect victims?*

Senate Bill 743 is predicated on the premise that the alleged perpetrator will receive not only be convicted of stalking, but receive the maximum five (5) year penalty and have served at least one of those years. However, if only 6.5% of stalking cases end in a conviction and only 4.1% serve any jailtime nationwide (I currently have no specific statistics for Maryland), how will this Bill help the other 96% of stalking victims, such as my daughter, whose alleged stalkers may have been convicted for *different* crimes that may still have been associated with the stalking (e.g., telephone misuse, visual surveillance, slander, libel, electronic stalking), but **weren't convicted of the stalking?**

One problem may be the limitation of the Maryland Stalking Law to very narrow definitions of 'intent,' 'reasonable,' and 'fear' that includes serious bodily injury, assault in any degree, an *attempted* sexual offense or rape, or *completed* sexual offense or rape, false imprisonment, or death. Apparently, other 'concerned,' 'worried,' or 'anxious' victims aren't being heard or heeded. For instance, with intimacy-seeking, **acquaintance** stalkers, where there is no history of intimacy or domestic relationship, the danger of physical violation to the **primary victim** is small, only 5.4%, but the **persistence** is significant, with 32% found to stalk past one year, lasting even **decades**, bringing about new anxieties, (McEwan, et al., 2017). This persistence and its consequences can be tremendous, leading to significant levels of **concern and worry, as well as employment and domicile disruptions with economic and psychological impacts, not just fear of physical violence**. According to the 2019 National Stalking Victimization Survey,

victims of both traditional stalking and electronic/cyberstalking were, ***“more fearful of someone close to them being harmed; losing their job, social network, peers, friends, or freedom; the behaviors never stopping; not knowing what would happen next; or losing their mind”*** (Bureau of Justice Statistics, 2022).

SB 743 mentions the judge’s discretion to remove **firearms** from the alleged stalker. This is not a discretionary power afforded in a Peace Order. One question that is not completely answered is whether the presence of a firearm *does* or *does not* impact a stalking conviction. In our case, the firearm had been used at a shopping center where, we were told, the stalker’s car had broken down and they were trying to take another car from a shopper. On the way to the station, after finding a 45-caliber handgun and “hundreds of rounds of ammunition,” they had told the police they were “just trying to get to Turquoise’s house.” This person was not allowed to have a firearm due to a previous conviction, to our understanding, *not* due to the Peace order. However, the gun had not been used *against* my daughter. The stalker was not apprehended on her property, *although* they had spent nearly a month camped at the curb, or ringing the doorbell. During one interaction, when his proximity was within less than three feet of her, she noted she saw what looked like a gun, but could not state this with 100% accuracy. The stalker hadn’t said they *were* or *were not* threatening her, only that they were *just* trying to get to her, because they were “meant to be together.” That, apparently, didn’t meet the criteria for a **stalking** charge.

Sitting in front of her house day after day for a month, picking up where they left off from the previous ten years after a brief incarceration, wasn’t a crime either she’d been told by the police responding to her calls to report Peace order violations. They “aren’t on your property,” they said. When the stalker was caught on her property, in violation of the **peace order**, the police simply asked them to leave, returning evidence, items including letters, gifts, and money the stalker attempted to deliver. The stalker would seemingly circle around the block, visible from back windows, until the police left, then return, ringing the doorbell, pleading for her to open the door. Law enforcement never physically removed this person, detained them, nor to our recollection made suggestions that my daughter make formal report or attempt to find out if charges of harassment, stalking, or trespassing could be brought against this person. Even though she was too frightened to turn lights on in her home, too frightened to leave the house for any reason, too frightened to stand upright to walk to the bathroom, the plea didn’t include a charge **stalking**. ‘Firearm possession with felony conviction’ yes, ‘misuse of telephone facilities and equipment,’ **but no stalking**. ***How would she get a Protective Order if the stalker is not convicted of stalking? Indeed, how do most victims who are not intimately involved with their stalker get a Protective Order, if only 6.5% of stalkers are being convicted?***

These numbers are doubly impacted by the numbers of victims who don’t report their victimization because they ***don’t believe they can get any help!*** In 2019, of those responding to the Office of Justice Programs’ survey on Stalking Victimization who said they had been victimized, 33% of all stalking victims (traditional and electronic) cited that they ***“did not think the police could do anything to help.”*** (Bureau of Justice Statistics, 2022)

In an employment environment, one’s co-workers, clients, or patrons can become secondary victims. In my daughter’s case, her alleged stalker was calling the company owners, her

supervisors, co-workers, and clients. Her clients, who suffered serious mental health conditions expressed serious concerns, after being directly targeted and harassed. While to our knowledge, none sought their own Peace Order, with its attendant difficulties requiring applicants to file, then go to court, to pay for the order and parking, and as secondary victims potentially being denied, none were *eligible* for a Protective Order. Her worksite was named as a location the stalker could not be near nor contact, however this continued, to no avail, putting not only the direct company on alert, but the whole building. I, too, was a secondary victim. The same alleged stalker had monitored my social media, letting me know he knew who my family members were. Although I was named in the **first Peace Order**, I was not eligible for a **Protective Order**.

Again, as President of Just Stalking: Maryland Resources, I thank you for the opportunity to provide information relevant to SB 743.

References

Brady, P. Q., & Nobles, M. R. (2017). The Dark Figure of Stalking: Examining Law Enforcement Response. *Journal of Interpersonal Violence*, 32(20), 3149-3173. <https://doi.org/10.1177/0886260515596979>

Bureau of Justice Statistics. (February 2022). *National Crime Victimization Survey, Supplemental Victimization Survey, 2019*. U. S. Department of Justice: Office of Justice Programs. <https://bjs.ojp.gov/content/pub/pdf/sv19.pdf>

McEwan, T. E., Daffern, M., MacKenzie, R. D., & Ogloff, J. R. P. (2017). Risk factors for stalking violence, persistence, and recurrence, *The Journal of Forensic Psychiatry & Psychology*, 28(1), 38-56, <https://doi.org/10.1080/14789949.2016.1247188>