

# HANDBOOK FOR STALKING VICTIMS



*This handbook was developed by the  
Garfield County Coordinated Community Response Team*

## **ARE YOU BEING STALKED?**

If you think you are being stalked, then you probably are.



### ***Some common methods used by stalkers are:***

- Continuous phone calls and/or text messages.
- Checking you cell phone to see who you've called or sent text messages to.
- An ex-lover sending unwanted cards, flowers and gifts to try to win you back when you have made it clear that the relationship is over.
- Damaging your property.
- Threats.
- Assault and Battery.
- Watching your house.
- Following you.
- Showing up unexpectedly at your job or when you've gone out.
- Sending the police or Child Protective Services to your house on false pretenses.
- Slowing down your divorce process by not signing papers or by making up excuses to prolong the process.
- Unwanted emails.
- Changing your profile on a computer chat room.
- Identity theft.
- Turning off your utilities.

*The above list does not even begin to scratch the surface of the different techniques used by stalkers. They can be very creative in finding ways to harass, intimidate and scare their victims.*

If you have to be continuously on guard against these types of incidents, and their actions cause you to be in fear, you are most likely being stalked. You may think that you're not being stalked, that this is just your ex-boyfriend or ex-girlfriend or ex-spouse's anger acting out over your splitting up. It can be common for ex-lovers to act out a little at the end of a relationship, after all, there is a lot of emotional pain involved. But if your ex just won't accept that the relationship is over, then you should realize you may be in serious danger.

Of all the persons that are murdered every year, a large percentage are killed by somebody they had a domestic relationship with. Stalking can be a warning sign and should be considered high-risk behavior.

Studies have shown that of all the persons murdered by their ex-spouse or ex-lover, a large percentage were stalked by their killer.

## **WHO STALKS?**

Stalkers usually fall into three categories:

1. **Domestic Stalkers:** This is the largest category. Your ex-spouse or ex-lover falls into this category, whether they want to win you back or pay you back. Your ex's parents may stalk you if you had a child together and they don't feel they get to see their grandchild enough. Even your current spouse or partner may be stalking you, if they have to know what you are doing every second, and they check your caller ID, text messages, and emails.
2. **Vengeful Stalkers:** This would be someone who thinks you did them wrong and they want to make you pay for it. This could be anyone you have had a disagreement with, or it may be someone you have never talked to who is angry because your dog barks at night, or your child got the lead in the school play instead of their child.
3. **Delusional Stalkers:** These are the stalkers we hear about in the media. These stalkers are fixated on someone and usually believe they are in a relationship with that person. David Letterman, Jerry Lewis and Madonna are just a few of the famous personalities who have had stalkers that made headlines in the news and tabloids. You don't have to be famous to have a stalker from this category. There

have been investigated cases of people being stalked by coworkers or parents from their kids school who fixated on them and came to believe they were in a romantic relationship with them.

## **WHAT SHOULD YOU DO?**

If you believe that you are being stalked, and are in fear for your safety, then you should contact your local police department and make a police report. Even if you don't have evidence and you don't think the police can charge your stalker, you should still file a report.

**First**, a report signals to police that you feel you are in danger. Police officers can give you general tactics to use in dealing with the stalking behavior and can get you thinking along the lines that will help you end the stalking. Your police department may be able to give you specific precautions depending on the tactics your stalker is using. This also tells the officers in your area who your stalker is so they can be on the lookout for him, or for suspicious activity around your home.

**Second**, the police can tell you exactly what the laws are in your state, and what they are looking for in the way of evidence.

**Third**, it gives a specific date on which you decided you have had enough. This is important in building a stalking case. People often break-up and get back together several times. During the break-up time, your boyfriend/girlfriend might call you several times, and drop by your house or job to try to talk to you. If you end up getting back together, then you may later tell the story about how they pursued you and wasn't that romantic? If you don't end up getting back together, then those exact same behaviors may be viewed as stalking. It may be hard to convince a judge at what point those behaviors went from romantic to frightening. If you make a police report then it states clearly that from that date, at least, you wanted no further contact.

**Last**, your police department can get you in touch with a victim advocate, or tell you what services are available to help you in the community. Victim advocates are wonderful people. The biggest benefit of contacting a victim advocate is that you no longer have to feel alone in your struggle to regain control of your life. Advocates are trained to help you with police reports, protective order applications, and understanding other paperwork that may seem overwhelming. They know what services are available

and how to get them started to benefit you. Advocates can accompany you to court so you feel someone is on your side, and their presence may discourage your adverse party from talking to you at the courthouse. Advocates are great listeners too, and they give good advice because they have helped other people in the same situation.

## **WHY DON'T THE POLICE DO SOMETHING?**

*“He has followed me and sent me dozens of messages a day. I finally decided to call the police this time, and they didn’t do anything.”*

How tragic that when this person finally decided to report the stalking and called the police, they were unable to do anything about it.

Knowing what the police officer is looking for and what rules they work under will provide you with a better understanding of the decisions they make.

**First of all, stalking is different than other calls.** Most stalking behavior is not a crime, at least not by itself. Calling someone over and over, texting numerous messages and leaving gifts are common behaviors that, on their own, do not constitute a crime. Knowing the history of the unwanted attention and having documentation helps officers determine if the behavior is stalking behavior. Often times the alleged stalker is not at the scene or is not around when the report is made. This makes it hard for the police to arrest someone for the crime.

The officer must determine if a crime has been committed. If the alleged behavior is numerous phone calls, that might not be enough to file stalking charges against someone. It is difficult to prove who actually made the call. The call might have come from that phone, but that is not enough to prove that the alleged stalker made the call. It is possible that someone could have taken the phone and made the calls without that person’s knowledge. However, if the alleged stalker leaves voice messages, and the caller ID shows that it was from that person’s phone, then it is much easier for the police to take action for this behavior. Another example is messages. If the victim has text messages on the phone and the police are able to look at the alleged stalker’s phone and see that the text messages were sent from that phone, then it is much easier to link the two together.

Another great way to gather evidence for stalking is surveillance tape and pictures. If a stalker is leaving you unwanted gifts at a public place (on your car at work, or in the parking lot of a store, etc.) then you could ask the police to request the surveillance tape

to see if they caught the person that placed the gifts on your car. If your stalker is leaving gifts at your home, you might be able to set up a video camera to catch the person in the act. If the stalker is driving by your house and following you, you can also take pictures and/or videotape to show police the behavior.

If the officer does not make an arrest, it doesn't mean that the officer doesn't believe you. Many times the officers believe the victim's accounts, but without any evidence they can only write a report.

## **PROTECTIVE ORDERS**

A protective order is an order from a Judge that prohibits certain behaviors. It is a civil order with criminal penalties. A protective order is a useful tool when dealing with stalking behavior, because it allows the police to take action when the protective order is violated.

To get a protective order you do not need an attorney. You can go to the county courthouse and apply for one on your own. There is no charge in the State of Oklahoma to file a protective order. The application is available at the courthouse. Enid's YWCA Crisis Center has a Court Advocate available Monday through Friday to assist with the paperwork and filing the protective order.

Be detailed when completing the application for a protective order. The more information you put in the petition, the easier it is for the Judge to rule in your favor. Attach any supporting documentation to the petition and offer to show the Judge any evidence you may have concerning the stalking (messages or phone calls you have received). On the application, you are the Petitioner (person requesting the order) and the stalker is the Respondent (person alleged to have done certain things).

After you complete the application, the Judge will review the order to determine if there is an emergency. If the Judge determines there is an emergency, then an Emergency Protective Order (EPO) will be issued. The EPO is valid for up to 20 days, or until a final hearing. The Judge will set the final hearing date. If the Judge does not feel there is an emergency, then it will be set for hearing within 20 days. In order to file a protective order for stalking, you must meet certain requirements, and sometimes you are required to have a police report to show the Judge at the emergency hearing.

The EPO is not in effect until it is served (Deputies hand-deliver a copy of the Order) on the Respondent (the alleged stalker). Once it is served, the Respondent is subject to the order and the police can intervene when there are violations. If the Respondent cannot be served, then the hearing will most likely be continued until the Respondent is served. The Respondent has the right to appear at the final hearing to tell their version of events described in the Petition.

At the final hearing, the Judge will ask you to describe the reason you are requesting the protective order and will look at any evidence you may have. The Judge will then ask for the Respondent to reply to the allegations listed in the petition. The Judge will make a determination as to whether there should be a permanent Protective Order (PO), which is valid for up to three years. If the Judge decides that he does not believe the allegations in the Petition, then he can dismiss the order. If the Respondent does not appear at the hearing, and the Respondent was properly served, then the Judge usually rules in favor of the Petitioner.

The PO can order the Respondent to have no contact with you at all. The Judge can also order the Respondent to refrain from calling, texting, sending letters and/or gifts, having somebody else contact you on their behalf, and whatever other relief the Judge deems is necessary to provide you with protection.

## **ENFORCEMENT OF VIOLATIONS**

Once your PO has been served, you should be prepared for violations. If your stalker understood how to behave properly, you never would have had to get the PO in the first place. If you expect violations, then you can be prepared for what actions you need to take.

If your stalker approaches you after being served with a PO, **call 911 immediately**. Don't wait to see what kind of mood they are in. If the stalker is still there when the police arrive, they can arrest him/her for violating the PO. Most states have a zero-tolerance policy where POs are concerned. Police are required to enforce protective orders.

If the adverse party is gone by the time the police arrive, then think about what the police need so they can make an arrest. **EVIDENCE.**

If the suspect is gone, ask the officer to write a report. If he refers you to the police to make a report, then make sure you go and fill out a report. If there are people who witnessed the violation, be sure the officer gets a written statement from them. If you didn't call the police when the violation occurred but are now going to go to the station to make a report, be sure and have the names, addresses and phone numbers of all witnesses and include them in the report. If the witness is willing to accompany you to the station then they can also fill out a statement.

**The evidence for a protective order violation includes:**

1. **Witness Statements.** Does the witness know the suspect and can name him? If the witness doesn't know the suspect, could they pick him out of a photo line-up? If the witness only heard the violation, do they know him from past contact and can recognize his voice? If all they can say is that they answered the phone and a male voice asked to talk to you, then that doesn't prove it was him unless they know his voice.
2. **Video surveillance.** Think about where you were when the violation occurred. A large percentage of businesses have video surveillance that may show the incident. They probably won't give you a copy of their surveillance video, but if you ask if they had a camera pointed in that direction you can tell your officer or detective and most businesses gladly give their video to the police. If necessary, we could get a subpoena from the court ordering them to deliver the video.
3. **Photographs.** This is not as tough as you may think. Most people today carry a cell phone and most cell phones have cameras built in. If yours doesn't have a camera, its time to upgrade your phone. When you take a photo with a cell phone you just hold it in front of you and take the photo. Practice with your cell phone camera so that you can easily take it out and take a photo without trying to figure it out under pressure. Keep it in the mode where it doesn't flash. You can send the picture to your email address and print it off your computer and have evidence.
4. **Voicemail.** If the suspect calls you, don't answer the phone, let it go to voicemail. If he leaves a message in his voice then you can have evidence of a violation. Voicemails are among the most common form of evidence because your stalker wants you to hear what he has to say. If the call is from a private or

blocked number don't answer it. If it was the suspect he may leave a message. If it was a friend you can call them back.

Most people today carry a cell phone. It is an amazing evidence collecting tool that you have with you at all times. Take a few minutes and read the owners manual and you will probably find that you can make an audio recording with it, take a picture, or even shoot a short video. Next time you have contact with your stalker, start recording immediately, and don't stop until you are safely away. You will find it is pretty easy with a little practice. Keep it in the "no flash" mode so you don't reveal it to the suspect. If your cell phone doesn't have these functions, it is time to upgrade.

## **NOT EVIDENCE**

In today's age, we are able to contact each other electronically through text messaging and email. We can also see who has called us by checking the caller ID on our phone. These things, BY THEMSELVES, may not be sufficient evidence to charge someone with a protective order violation.

The reason is that we can prove what phone the call came from and what computer sent the email, but that doesn't prove that your stalker is the one who sent it. If the only evidence we have is an electronic signature such as text messages, caller ID or email, we need something more. A witness who saw him send the message would be best. If you have some other evidence which helps to authenticate the message, such as voicemail in his voice where he says something very similar to what is in the text, then that helps show he was the one who sent it. For example, a lady brought me voicemails where he said he could cut her head off and bury it in the desert. She had text messages from his phone number which said the same thing. When I combine his voice saying that, with the text message saying the same thing, and both coming from the same phone number, then I can present the text message as evidence.

So, if all you have is texts and emails, your detective may say it's not enough, but don't delete them, more evidence may later come up that would turn them into stronger evidence.

## **PLEASE REMEMBER**

- Talk to your police department if you feel you are in danger
- Keep a log of all the stalking incidents
- Keep evidence of the stalking incidents
- Do not have contact with your stalker.
- Contact a victim advocate

## **OKLAHOMA STALKING LAWS**

### **21 Okl. St. § 1173. Stalking--Penalties**

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and
2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or
2. Said person is on probation or parole, a condition of which prohibits the behavior

described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

C. Any person who commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction under subsection A of this section, upon conviction thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section, shall, upon conviction thereof, be guilty of a felony punishable by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a term not exceeding ten (10) years, or by both such fine and imprisonment.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another

individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

a. following or appearing within the sight of that individual,

b. approaching or confronting that individual in a public place or on private property,

c. appearing at the workplace or residence of that individual,

d. entering onto or remaining on property owned, leased, or occupied by that individual,

e. contacting that individual by telephone,

f. sending mail or electronic communications to that individual, and

g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

**21 Okl. St. § 1172. Obscene, threatening or harassing telecommunication or other electronic communications--Penalty**

A. It shall be unlawful for a person who, by means of a telecommunication or other electronic communication device, willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
2. Makes a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;
3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;
4. Makes a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;
5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; and
6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called number(s).

B. As used in this section, “telecommunication” and “electronic communication” mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The term includes:

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and
2. A communication made to a pager.

C. Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

D. Except as provided in subsection E of this section, any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor.

E. Any person who is convicted of a second offense under this section shall be guilty of a felony.

#### **21 Okl. St. § 60.6. Violation of Protective Order - Penalty**

A. Except as otherwise provided by this section, any person who:

1. Has been served with an ex parte or final protective order or foreign protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the county jail of not more than one (1) year, or by both such fine and imprisonment; and
2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be guilty of a felony and shall be punished by a term of imprisonment in

the custody of the Department of Corrections for not less than one (1) year nor more than three (3) years, or by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

B. 1. Any person who has been served with an ex parte or final protective order or foreign protective order who violates the protective order and causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

2. Any person who is convicted of a second or subsequent violation of a protective order which causes physical injury or physical impairment to a plaintiff or to any other person named in the protective order shall be guilty of a felony and shall be punished by a term of imprisonment in the custody of the Department of Corrections of not less than one (1) year nor more than five (5) years, or by a fine of not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

3. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.

4. The provisions of this subsection shall not affect the applicability of Sections 644, 645, 647 and 652 of Title 21 of the Oklahoma Statutes.

C. The minimum sentence of imprisonment issued pursuant to the provisions of paragraph 2 of subsection A and paragraph 1 of subsection B of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.

D. In addition to any other penalty specified by this section, the court shall require a defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim or to

bring about the cessation of stalking or harassment of the victim. For every conviction of violation of a protective order:

1. The court shall specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.

b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements.

b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment

requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of this title and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

E. Ex parte and final protective orders shall include notice of these penalties.

F. When a minor child violates the provisions of any protective order, the violation shall be heard in a juvenile proceeding and the court may order the child and the parent or parents of the child to participate in family counseling services necessary to bring about the cessation of domestic abuse against the victim and may order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.

G. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;
2. Attend counseling or treatment services ordered as part of any final protective order or for any violation of a protective order; and
3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers certified by the Attorney General.

H. At no time, under any proceeding, may a person protected by a protective order be held to be in violation of that protective order. Only a defendant against whom a protective order has been issued may be held to have violated the order.

I. In addition to any other penalty specified by this section, the court may order a defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device as a condition of a sentence. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

“Stalking” is new terminology, but persistent pursuit and intrusion by discarded partners and by would-be lovers with disorders have long been discussed in fictional accounts, such as Louisa May Alcott’s aptly titled *A Long Fatal Love Chase*, in reported legal cases such as the 1840 prosecution of Richard Dunn, in nineteenth century psychiatric literature in relation to erotomania (excessive strong sexual desire), and more recently in the domestic violence literature. The media first used “stalking” to describe intrusions on celebrities by fans with mental disorders, but it was later generalized to cover a range of recurrent harassment behaviors,

particularly in domestic disputes. In 1990, California's anti-stalking law gave stalking an initial legal definition: "willful, malicious and repeated following and harassing of another person". Finally, stalkers and their victims began to be regarded as constituting groups worthy of study by behavioral scientists. In less than a decade, stalking has been established as a new category of fear, crime, disordered behavior, and victimization.

Stalking, like any complex form of human behavior, can be the product of a number of different states of mind. Stalking, which is obviously hurtful, is part of a spectrum of activities that merge into normal behaviors, often around such aspirations as initiating or reestablishing a relationship. To further complicate definitional issues, central to the construction of stalking—both as a concept and as an offense—are the victim's perceptions of being harassed and rendered fearful. Thus, it is not just the intentions and behavior of the perpetrator that create a stalking event but how the actions are experienced and articulated by the victim. These complexities have made problematic the generation of a useful classification.

Stalking has been defined as repeated and persistent unwelcome attempts to approach or communicate with the victim. The behavior was considered unwelcome on the basis of the feelings of the victim, not the claims of the perpetrator. Communications were subdivided into those employing telephone calls, mail and facsimile, e-mail, and other, which included graffiti and notes attached to property. Contact was separated into following and maintaining surveillance or approaching the victim. The associated behaviors were divided into either giving, or ordering on the victim's behalf, unsolicited goods or initiating spurious legal actions. The associated violence was grouped under threats, property damage, and actual assault—both physical and sexual.

