

## Can New State Laws Stop the Stalker?

BY JOANNE FURIO

**A**fter Jessica Brown separated from her husband of two years, Michael Shindle, he left graffiti messages on her garage door in Citrus Heights, California. He stole objects from her porch, vandalized her car so it wouldn't start, cut down all the trees on her lawn, stripped all the locks on her doors, and once followed Brown in her car, terrorizing her as he weaved in and out of traffic.

Nothing, it seemed, could keep him from stalking her. Not even a restraining order. After one was issued, he called her. "He said he was going to blow me away," Brown recalls.

Finally, Brown says "one good cop" insisted that she charge Shindle with violating California's new antistalking law. Warrant in hand, police found Shindle in Washington state, after he had stolen a gun and a car. He is now serving a four-year sentence in state prison for burglary and violating his restraining order and probation.

In 1990, California became the first state to enact an antistalking law. Since then 28 states have followed suit and another five are expected to join them soon.

The rapid passage of antistalking laws has been hailed as an improvement by lawmakers, law enforcement, and the media as an effective deterrent to domestic abuse. Nationally, almost a third of all women murdered were killed by their boyfriends or

husbands, and 90 percent of them had been stalked.

There's no doubt that antistalking laws have locked up some of the worst offenders. But women's advocates say their popularity may be unjustified. "I know of few other laws that have moved so quickly," says Joan Zorza, an attorney with the National Battered Women's Law Project, part of the National Center on Women and Family Law. "Everyone wants to jump on the bandwagon, and I'm not sure why."

In the past, a restraining order, a so-called order of protection from a civil or family court judge, was the only legal recourse for a stalking victim. But violation of an order is only a civil offense. The worst that can happen: a stalker can be fined or go to jail for a few days. More often than not, however, violators are simply let go.

The new laws make stalking a criminal offense. In most states, the first conviction is a misdemeanor, punishable by up to a year in jail and a \$1,000 fine. A second offense is a felony—and a violator could be sentenced to several years in prison. Many states, including Florida and Ohio, also give police the power to arrest suspects without a warrant—offering quick protection to victims.

But "one of the problems with the laws is that they're not going to cover many victims that need protection," says Zorza.

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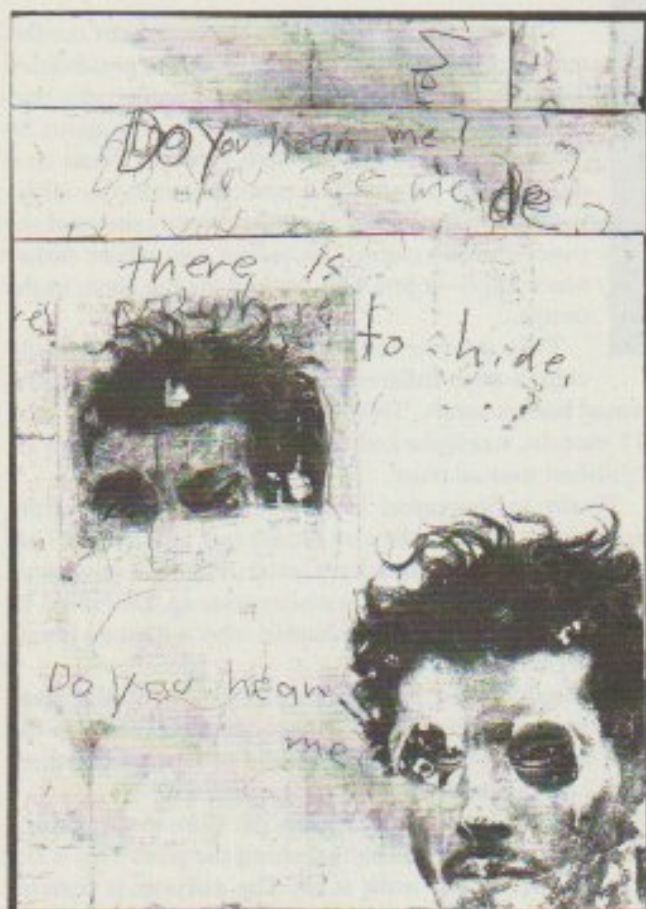


ILLUSTRATION BY LARRY GARROLL; PHOTOGRAPH BY RICHARD BAFOK

Some state laws require that stalkers terrorize the person repeatedly, be convicted three or more times, or commit violence, before they can be convicted and sent to prison. By the time any of these things happen, "it may be too late," Zorza says.

Another dilemma: vague or unclear language in some state laws. In Connecticut, for example, the law defines a stalker as an individual who continually follows someone, causing that person to "reasonably fear for his [sic] physical safety."

The problem is the word "reasonably"—and who gets to define it. "Courts often look at the 'reasonable' man standard," Zorza explains.

"But what might not be terrifying to a reasonable man is terrifying to a reasonable woman."

Also, Connecticut's law could make behavior that is perfectly legitimate—such as a reporter following a politician—illegal. A vague law like this, women's advocates say, could be challenged and perhaps overturned, putting women in a "back-to-where-we-started-from" situation, with nothing on the books to outlaw stalking.

But what really bothers advocates is that the new laws could let the entire legal system off the hook. "Antistalking laws are a popular thing to do," says Phil Gutis, spokesman for the American

Civil Liberties Union. "Legislators don't have to spend any money and a politician can say, 'I'm so concerned about women, I'm passing this law.' They look like heroes, but in the meantime they have done nothing."

After all, experts say, stalking is an old problem. "[For years] women have been complaining to the police; they just haven't gotten any attention," says Gutis. "To deal with the problem effectively, we've got to change attitudes in the criminal justice system and add some enforcement dollars."

In other words, judges, police officers, and district attorneys need to take the problem seriously—something that battered women's advocates have been saying for decades. Otherwise, Gutis says, an antistalking law is "just another piece of paper."

For Jessica Brown, antistalking laws are an inarguable improvement. But her last few years of worry-free living will soon be coming to an end.

Michael Shindle is up for parole this spring. Brown wants her ex-husband to have a psychological evaluation, but that's not a condition of his release.

"They can't tell me what kind of progress he's made," Brown says. "And that's not going to help me when he gets out."

Brown can't afford to move, but she has bought a gun and installed a state-of-the-art security system in her home. That had better work. Otherwise, she says, "I'm really not sure what I'm going to do." ❧

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