

## HB745

### Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking Testimony in SUPPORT Margo Lee Williams, M. A. President, Just Stalking: Maryland Resources

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which we hope will expand protections available to victims of stalking. I am providing this 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, stalking convictions are received in only 6% of cases nationwide (Brady & Nobles, 2017). 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. *What's the point of a law that cannot or will not be enforced and thereby protect victims?*

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* Turquoise. 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. Even though day after day, she was calling for help and explaining that there is a Peace order. I called, "It's not an emergency"... "we don't have anyone available right now...." "***What has to happen to get help?***" I was screaming. "Does she have to die before it's an emergency? Before someone will be available?" While some of the data our organization has compiled, suggesting the those with intimacy seeker motivation rarely assaulted (5.4%) has given us some peace; conversely, they are among the most **persistent** of stalking motivational groups, with 32% found to stalk past one year bringing about new anxieties, (McEwan, et al., 2017). However, I remain suspicious and concerned for her safety, as this person was last found with a gun, reportedly headed to her home. ***What was the point of the Peace Order if no one would enforce it?***

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.

Recently, my daughter as our Executive Director has acquired another alleged stalker. An alleged "resentful" stalker utilizing electronic communication who has involved third party actors affecting not only our director and organization, but also local, national, and international **secondary** victims. This has interfered with our ability to conduct business and raise funds. Law enforcement authorities have suggested we obtain a **Peace Order**. However, our alleged stalker lives in California. We had difficulty getting a Peace Order served in neighboring Prince George's County, ***how would we be able to get a Peace Order served 3000 miles away in California?***

As President of Just Stalking: Maryland Resources, on behalf of the thousands of victims of stalking across our state, as the mother and family member of more than one victim, and a secondary victim myself, I respectfully request the Committee to return a favorable report on HB745.

#### 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>

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>