



**Connecticut Sexual Assault Crisis Services, Inc.**

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Testimony of Connecticut Sexual Assault Crisis Services  
**Concerning SB 456, An Act Concerning Harassment, Electronic Harassment and  
Cyberstalking and HB 5555, An Act Concerning Diversionary Programs**  
Anna Doroghazi, Director of Public Policy and Communication  
Judiciary Committee Public Hearing, March 29, 2012

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is a statewide coalition of nine community-based sexual assault crisis services programs that provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, certified sexual assault victim advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, information, and referrals to over 5,700 victims and survivors of sexual violence. Based on our experiences working with survivors of sexual violence, we would like to express our thoughts on SB 456, An Act Concerning Harassment, Electronic Harassment, and Cyberstalking and also recommend possible changes to improve the existing legislation. We would also like to express concerns about HB 5555, An Act Concerning Diversionary Programs.

There are strong connections between stalking, harassment, and sexual violence. Some sex offenders monitor or follow their victims prior to an assault, and others repeatedly harass their victims after an assault has taken place. Similarly, harassment that is lewd or sexual in nature can cause victims to fear that they will be sexually assaulted. Sections 2 and 3 of SB 456 address some of the technological means by which offenders harass and stalk their victims.

**While CONNSACS supports the intent of SB 456, we believe that cyberstalking is part of a larger issue that requires the legislature's attention – stalking. Connecticut's existing stalking statutes are outdated and ineffective. Rather than create the new crime of cyberstalking, we respectfully ask the Committee to consider expanding the existing stalking statutes to include a broader range of tactics –electronic and otherwise – that offenders use to cause their victims to fear.**

Connecticut's current stalking statutes [C.G.S. § 53a-181(c)(d)(e)] are only applicable in cases where the offender "willfully and repeatedly follows or lies in wait" for the victim. SB 456 would create a new cyberstalking statute to protect victims whose offenders use electronic communications to cause fear, but it would not protect stalking victims whose offenders repeatedly send handwritten notes, deliver unwanted gifts, or engage in a varied course of conduct that includes numerous methods of communication.

Attached to this testimony is possible language that CONNSACS respectfully submits for your consideration. This language would address three specific shortcomings in the

current stalking statutes: 1) the lack of protection for stalking victims who fear for the safety of their children and other third parties, 2) the lack of protection for victims who fear that their offender's behavior will be detrimental to their employment, and 3) the limited scope of behaviors that currently constitute a stalking violation.

Connecticut's existing stalking statutes were written in 1992 and 1994, and they have never been updated or revised. While many states put their first stalking statutes on the books around the same time as Connecticut, nearly all of them have made changes in the intervening years. Currently, Connecticut is tied with Alabama for having the nation's oldest unrevised stalking statutes.

Stalking is much better understood now than it was in 1992. Since that time, research has revealed the intense psychological, emotional, and financial impact that stalking can have on victims and survivors. Current Connecticut law only applies to victims who feel fear for their personal physical safety, yet we now know that more than half of victims live in fear of their stalker causing harm to themselves, their child, or another family member.<sup>1</sup> We know that nearly one in three victims accrue expenses as a result of being stalked, and one in eight lose time from work.<sup>2</sup> Some offenders prey on their victims in the workplace, making victims fearful that their employment is in jeopardy. The Committee could address these very real concerns by expanding the definition of stalking to include victims who fear for the safety of a third party (such as a child, co-worker, partner, or friend) and/or who fear that their job is at risk due to their stalker's behavior.

Perhaps more importantly, Connecticut's stalking statutes must be expanded to address the wide range of methods and behaviors that stalkers use to frighten and alarm their victims. Currently, the only offender behaviors that constitute stalking under Connecticut statute are "willfully and repeatedly following or lying in wait" for a victim. The stalking statutes, therefore, do not apply to offenders who:

- Use GPS or other electronic devices to track a victim's movements
- Repeatedly call, text, email, or send letters to a victim, even if the victim has previously indicated that such communication is unwanted
- Repeatedly leave unwanted objects and presents for a victim
- Cause repeated disturbances that may jeopardize a victim's employment
- Engage in a varied course of conduct that may involve leaving notes one day, sending flowers the next day, and sending hundreds of text messages the following day

In November of 2011, the Centers for Disease Control and Prevention released the results of the National Intimate Partner and Sexual Violence Survey, a nationwide survey completed by over 16,000 adults from all fifty states. The survey included questions about stalking victimization and found that 1 in 6 U.S. women and 1 in 19 U.S. men had, at some point in their lives, experienced stalking victimization that made them fearful or

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<sup>1</sup> Katrina Baum et al., (2009). "Stalking Victimization in the United States," Washington, DC: Bureau of Justice Statistics.

<sup>2</sup> *ibid*

caused them to believe that they or someone they loved would be hurt or killed.<sup>3</sup> The survey also gathered data about the stalking behaviors and found that, “repeatedly receiving unwanted telephone calls, voice, or text messages was the most commonly experienced stalking tactic for both female and male victims of stalking (78.8% for women and 75.9% for men).” Further:

- 43.5% of offenders approached their victim or showed up in the same location
- 31.0% of offenders watched or followed their victim
- 16.6% of offenders snuck into the car or home of their victim
- 12.3% of offenders sent their victims unwanted emails or messages
- 11.6% of offenders sent unwanted gifts
- 9.0% of offenders left strange items for their victims to find

Additional research has shown that 78% of stalkers use more than one means of approach in the process of stalking their victims.<sup>4</sup>

Offenders have numerous means of intimidation and harassment at their disposal; victims deserve to be protected from all of them. Stalking is, in essence, a pattern of behavior or behaviors – the individual actions themselves are not as important as their cumulative effect and the message that they send to victims. When a stalker leaves a “gift” on a victim’s doorstep, places a note on her windshield in the grocery store parking lot, calls her place of employment, and then shows up at a restaurant where she is eating dinner, he is indicating his ability to access the victim at any moment, wherever she may be. The message is more important than the means.

For this reason, an updated stalking statute would not need to specify which behaviors must be repeated to constitute stalking: instead, we would like for Connecticut to develop “course of conduct” guidelines that, instead of focusing on a specific action, focus on the intent of the offender. Such “course of conduct” or “pattern of conduct” guidelines are already in place in 44 other states and are recommended in the National Center for Victims of Crime’s Model Stalking Code (on which we partially based our proposed language).

We appreciate the intent of SB 456, and we hope the Committee will consider updating Connecticut’s stalking statutes to further protect victims of *all* forms of stlaking.

**CONNSACS also has concerns about Section 3 of HB 5555, An Act Concerning Diversionary Programs.** While individuals who are charged with most sex offenses are currently ineligible for accelerated pretrial rehabilitation, HB 5555 would extend eligibility to individuals charged with C.G.S. § 53a-71(a)(1), sexual assault of a person ages 13 to 16 when the offender is more than three years older. While this charge encompasses so-called “Romeo and Juliet” cases in which a young teen is in a

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<sup>3</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). “The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report.” Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>4</sup> Kris Mohandie et al., “The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers,” *Journal of Forensic Sciences*, 51, no. 1 (2006).

relationship with someone just a few years older, not all violations of this section involve consenting minors. C.G.S. § 53a-71(a)(1) can also apply to predatory scenarios such as a 40 year-old having intercourse with a 13 year-old. While such predators are currently ineligible for accelerated pretrial rehabilitation, HB 5555 would make them eligible. If an offender were placed into accelerated rehabilitation, he/she would not automatically be placed in sex offender treatment or supervision by one of the state's special sex offender supervision units. Some individuals who are charged with C.G.S. § 53a-71(a)(1) could pose a serious risk and should not be eligible for diversionary programs.

Thank you for your time and consideration.

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**(NEW) (Effective October 1, 2012) Definitions.** As used in this part the following terms have the following meanings:

- (1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person, or interferes with a person's property.

**Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):**

(a) A person is guilty of stalking in the first degree when he commits stalking in the second degree as provided in section 53a-181d and (1) he has previously been convicted of [this section or] a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

**Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):**

(a) A person is guilty of stalking in the second degree when [he, with intent to cause another person to fear for his physical safety, wilfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.] such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person; or

(2) fear that such person's employment, business or career is threatened, where such conduct consists of appearing at, telephoning to or initiating communication or contact at such other person's place of employment or business, and the actor was previously clearly informed to cease such conduct

(b) Stalking in the second degree is a class A misdemeanor.

**Section 53a-181e of the general statutes is repealed. (Effective October 1, 2012)**

