



Stalking is a dangerous crime that affects 3.4 million adults in the United States each year. January is National Stalking Awareness Month. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is a crime that is pervasive, dangerous, and potentially lethal. Stalking is a crime. Below is the South Dakota law regarding stalking.

S.D. Codified Laws § 22-19A-1. Elements – Penalty. (2006)

No person may:

(1) Willfully, maliciously, and repeatedly follow or harass another person;

(2) Make a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or

(3) Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

A violation of this section constitutes the crime of stalking. Stalking is a Class 1 misdemeanor. However, any second or subsequent conviction occurring within ten years of a prior conviction under this section is a Class 6 felony.

Phones, computers, GPS, and cameras are some of the common forms of technology used by stalkers. It is important to consider how to victims may be harmed by stalkers' use of technology. Victims of stalking are encouraged to keep a log of all stalking behaviors including emails, text & phone messages.

WHAT TO DO IF YOU ARE BEING STALKED?

In South Dakota, you can obtain a Stalking Order for Protection. To file for one, go to your local county courthouse or domestic violence shelter. Once you have obtained an order, anytime you see that the stalker is violating the order, CALL 911. Tell the dispatcher that you have a stalking protection order and the stalker is violating the order and that you are in fear of your safety. Do not open the door to the stalker if he/she is at your house.

You can also put together a stalking kit. Here are some suggested items for the kit:

1. Pepper Spray - to place on your key ring. Have it in your hand at all times and don't be afraid of using it.
2. Disposable Camera - if you see your stalker showing up at work, class, the park, church, etc. use the camera to take pictures of the stalker in these places. This can be used as evidence.

3. Notebook - document, document, document. You cannot document enough. Anything he/she does, write it down with the date and time. Again, this can be used as evidence.
4. Latex Gloves- If the stalker send you a letter, leaves something at work or at home, put the gloves on before you pick it up to keep your fingerprints from the evidence.
5. Paper Sack - this is to put any evidence in that you have collect (while wearing the gloves of course).
6. Cell Phone - even if the cell phone has no minutes, you can still use it to dial 911 in the event of an emergency.

Always keep these items with you, in your car, gym back, book bag, anywhere you go.

You will also want to save any emails or text messages the stalker sends you. If the stalker leaves messages on your answering machine or voicemail, save those too. Have your friends and family document if they see the stalker in areas where he/she is not supposed to be. Make sure they date and time their documentation.

For more information, go to the Stalking Resource Center at www.ncvc.org/src

