

Internet searches and/or neglect to change their email or social networking passwords subject themselves to increased risk of violence from their stalkers. Not only may data be stored on a computer's hard drive, but stalkers can easily obtain a "key logger" from any number of retail electronic stores. A key logger is a hardware device that is either plugged into a USB port or attached between the keyboard and the computer. These also take the form of software, which is installed to the computer itself. Both methods enable a stalker to track every key typed and every website visited. Some of these programs automatically send the data to the perpetrator periodically. This method of stalking may be useful to a perpetrator because it could allow access to a victim's personal information, or inform them of attempts to escape.

In addition to the Internet and key loggers, cellular phones allow stalkers to keep tabs on victims in a world that is becoming increasingly dependent on smart phones. AT&T provides a service which allows users to track family members, or anyone else who shares the same service plan. The service is meant to provide peace of mind for parents in knowing where their children are, but could just as easily be used by a husband to track every move of his estranged wife. The program does provide notice to the person being tracked, but the only way that person can decline to be tracked is to

turn their cell phone off. Apple has recently released an iPhone application called "Find My Friends." The description of the application provides: "Adding a friend is easy — just send a request to see their location. Once your friend accepts using the Find My Friends app, you will then be able to see that friend's location on a list or on a map." The application boasts many features, including the ability to "easily locate friends and family."

Finally, there is some case law involving hidden cameras used to spy on victims who assume they are in the privacy of their own home. For example, a New Jersey case, *H.E.S. v. J.C.S.* (2003), describes a camera and microphone hidden by a man inside his estranged wife's bedroom. This type of stalking behavior is not uncommon, and improving technology allows the cameras used to be smaller and more inconspicuous. With most states choosing to enact more specific stalking laws, this behavior is bound to be the subject of more prosecution. The problem with these cases, however, is that this type of passive observance may not fit neatly within the definition of stalking. For example, under Kentucky's statute, there is no evidence that such passive monitoring is annoying, alarming, intimidating or harassing anyone. Therefore courts may be faced with the task of interpreting such video monitoring under the cyberstalking law in addition to Kentucky's existing voyeurism statute found in KRS § 531. This is significant because stalking in the first degree is a Class D felony, where voyeurism is a less serious Class A misdemeanor.

Although cyberstalking as an independent topic of legislation and litigation may be relatively new, the practices involved in these cases are as old as the Internet itself. In their 2001 report to Congress, the Department of Justice sums up the issue:

"Many stalkers — online or off-line — are motivated by a desire to exert control over their victims and will engage in similar types of behavior to accomplish this end... [W]here a potential stalker may be unwilling or unable to confront a victim in person or on the telephone, he or she may have little hesitation sending harassing or threatening electronic communications. Furthermore, as with physical stalking, online harassment and threats may foreshadow more serious behavior, including physical violence." ■



Terror spawned from spurned romance

In the first successful prosecution under California's new cyberstalking law, prosecutors in the Los Angeles District Attorney's Office obtained a guilty plea from a 50-year-old former security guard who used the Internet to solicit the rape of a woman who spurned his romantic advances. The man terrorized his 28-year-old victim by impersonating her in various chat rooms and message boards where he posted messages that she fantasized about being raped — along with her contact information. On at least six occasions, sometimes in the middle of the night, various men knocked on the woman's door saying they wanted to rape her. The man pleaded guilty to one count of stalking and three counts of solicitation of sexual assault, and faced up to six years in prison.

(Source: United States Department of Justice. (2001) *Stalking and Domestic Violence, Report to Congress* (NCJ 186157)). ■

