

Stalking ban sought

When danger is near

By PEGGY O'CROWLEY
Record Staff Writer

When the threatening calls came in the middle of the night, as they always did, Susan lay awake in terror, wondering, "Where is he? At a pay phone nearby?" Susan fled her Pompton Lakes home 16 months ago to the safety of Strengthen Our Sisters, a shelter for battered and homeless women in Passaic County. Susan, not her real name, has been stalked relentlessly by her estranged husband since then.

"He kept hiding in the woods near the shelter, calling my name, for three months. He found out where I lived when I moved to West Milford, and he destroyed my car and my friend's car. He keeps calling me and sending me threatening letters.

"Now I'm moving again, and I'm afraid he'll find me, and carry out his threats to kill me or hurt my parents," said Susan, a 27-year-old mother of four who now works at the shelter as an advocate.

Susan hopes that a proposed state law that would make stalking a crime may help ensure her safety and that of people like her.

"Right now, the pattern is, he gets out of jail, harasses me, and I have to go to court to file contempt charges that he violated the restraining order. I've had to do that about eight times. Then he goes to jail for 30 days, 60 days, and he gets out again," said Susan. "When he's away, I have peace of mind. The rest of the time, I'm on pins and needles."

"It's such a common form of harassment," said Melanie

DANGER: Ban on stalking proposed

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three to five years incarceration and fines up to \$7,500.

Sponsors expect the bill will be passed this fall.

New Jersey is one of dozens of states to consider or enact such a law since the beginning of the year, said Joan Zorza, senior attorney for the National Battered Women Law Project in New York. That state enacted anti-stalking legislation July 21.

The states are following the lead of California, which adopted the first anti-stalking bill in 1990, following the murder of actress Rebecca Schaeffer. She was shot and killed by a man who had followed her for two years.

Originally, the legislation was seen as a protection for public figures being followed — people like David Letterman, whose Connecticut home has been repeatedly staked out and invaded by a persistent and mentally unstable fan who claimed to be his wife.

But the stalking legislation was picked up by advocates for women, especially victims of domestic violence, who are most often the target of stalkers, Griffin said.

"The experience we've had with stalking is that it generally arises out of domestic violence cases, with one spouse following another around," said Paul Brickfield, Bergen County first assistant prosecutor.

"Many women who leave their spouses talk about how he continues to follow them around. It's very disturbing for them to turn

around and see him there," said Susan Fleisch, director of the Passaic County Women's Center, which provides counseling, shelter, and advocacy for victims of domestic violence and sexual assault in Passaic County.

Cheryl Kramer, acting director of Alternatives to Domestic Violence, a Bergen County agency, said stalking occurs in a small number of cases she hears about, but "in those cases, it's very frightening to the individual. At any point they can be attacked. People have gone into hiding because they're so fearful — think of 'Sleeping With The Enemy.' I think it's extremely important to have a stalking bill in place."

In the film "Sleeping With the Enemy," Julia Roberts plays an abused spouse who runs away and creates a new identity, only to be tracked down and stalked by a violent husband.

Other movies have featured women as stalkers, including "Fatal Attraction," in which Glenn Close threatens Michael Douglas and his family, and "Play Misty For Me," in which disc jockey Clint Eastwood is stalked by a deranged fan.

Unlike the plots of most movies, however, the outcome can be fatal for victims in real life.

On May 16, Stephen Semel, 52, of Warren, was waiting for his wife, Bertha, 53, in the parking lot as she left her job at Overlook Hospital in Summit. As she sat in her car, a shot came through the window, killing her. Semel, who

had a history of domestic violence and owned weapons, then killed himself.

Despite a restraining order commanding Semel to stay away from his wife, "he had been stalking her for some time," Union County Prosecutor Andrew K. Ruotolo Jr. said after the murder.

Victims now have recourse under a provision of the beefed-up Domestic Violence Act that names harassment as one of the criteria constituting domestic violence. Under that criteria, judges can issue restraining orders against the harasser, ordering that the victim be left alone. There also is a criminal law against harassment.

But Griffin said stalking is not explicitly spelled out in the definition of harassment in the domestic violence law.

"Often, a judge will rule that a guy has to stay 25 feet away from the house. So he just sits 26 feet away and stays there," she said. "I think it will pull a lot more domestic violence defendants into the net. Right now, it's one of the behaviors abusers can get away with and they know it."

Harassment itself isn't always considered serious by judges, said Sandy Clark, assistant director of the New Jersey Coalition of Battered Women, an advocacy program that coordinates services around the state.

Both Griffin and Clark said eventually they would like to see stalking listed as a criteria for domestic violence within the Domestic Violence Act.

That would dispel any questions about the law's constitutionality, or the right to freely move and do

what one pleases, Griffin said.

The stalking bill also will extend protection to those not now covered under the act — people who share a household or have in the past, or a person who has a child by the stalker, said Elaine Meyerson, executive director of Shelter Our Sisters, a shelter in Bergen County.

"Take a dating situation. You've got a 19-year-old couple, and they break up. He's angry and hangs out in the bushes watching her," Meyerson said.

A stalking law might have helped Angela Lance, 23, a Montclair school secretary shot and killed by her ex-boyfriend, Randy Key, within days of the Semel murder. Key had followed Lance to her job at the school, where he shot her and then killed himself. Lance, who told police days before her death she was frightened of Key, had obtained a restraining order against him, but the order had elapsed.

Can any law really prevent people like Semel and Key from carrying out their deadly intentions?

Chuck Ryan, a Midland Park attorney who counsels woman at Alternatives to Domestic Violence, said it won't be too helpful unless judges, prosecutors, attorneys, probation officers, and social workers better understand the psychology of abusers and take the fears of the harassed more seriously. "These guys are manipulators. They're very good at it, and if you're not trained, you'll fall victim to it," he said.

But Ryan and others believe the proposed stalking bill strengthens the existing law, bringing increased protection to the harassed.