

Stalking Protective Orders In Multnomah County

Are you the victim of stalking?

- Has someone:
 - ✓ sent you threatening letters or cards?
 - ✓ followed you?
 - ✓ watched you or waited for you?
 - ✓ made threats by phone or in person?
 - ✓ done other things that scare you?
- Has the person done these things two or more times?
- Did the person know that you wanted to be left alone?
- Has this behavior made you afraid?
- Has this behavior made you feel unsafe or made you worry about the safety of a family or household member?
- Would someone else in your situation feel alarmed or coerced by this behavior?

If you answered yes to these questions, you may be the victim of stalking.

What can you do?

You can report this behavior to the police. The police may write a report and refer it to the District Attorney's Office for possible criminal charges.

You can apply for a Stalking Protective Order (see below).

You may also qualify for a Family Abuse Prevention Act restraining order if you have a certain relationship with the other person. To find out more about restraining orders, contact the resources listed on the third page.

You can make a safety plan. A safety plan helps you think through ways to make yourself safer now and plan for emergencies. See the last page for more information.

You can document the stalking behavior in case you need evidence in the future. For example, you can keep a journal or calendar where you write down the day, time, description of the contact, and names of any witnesses.

What is a Stalking Protective Order?

A Stalking Protective Order is a court order that tells the person stalking you to stop doing certain things. Only a judge can issue a Stalking Protective Order. Usually, the Stalking Protective Order will tell the stalker (called the "respondent" in court papers) to not call or write to you, to stay away from your home and work, and to not contact other people to find out information about you.

Not all situations where a person is harassing someone or acting inappropriately come under the legal definition of stalking. Even if your situation seems like stalking to you, it is possible that a judge may not grant your request for a Stalking Protective Order.

*This brochure was developed and written by the Multnomah County Family Violence Coordinating Council.
1/2002*

Applying for A Stalking Protective Order

It is best to apply for the Stalking Protective Order soon after the unwanted contact by the person who is stalking you. However, you can file for a Stalking Protective Order up to two years after the last contact. It does not cost money to apply for a Stalking Protective Order. In Multnomah County, you should be able to go to either Court or a Police or Sheriff's Office to apply for a Stalking Protective Order.

Police or Sheriff

You should be able to go to any Police or Sheriff's Office to ask for a stalking citation. A stalking citation only orders the stalker (called "respondent" in court papers) to appear in court for a hearing. It does not prohibit the respondent from having contact with you. At the court hearing, a judge will decide whether or not to issue a temporary or permanent Stalking Protective Order prohibiting the respondent from having contact with you. **You must appear at this hearing** (see "What do you need to know about the contested hearing?" below).

Court

In Multnomah County, another option is to go to Room 211 of the Multnomah County Courthouse (1021 SW Fourth Avenue, in downtown Portland) and ask the clerk for a Stalking Complaint form. There is no filing fee unless you are asking for "damages" or money sums. (You should speak with an attorney if you want to ask for damages—see the resources on the third page.) On the complaint, give as much detail as you can:

- List the types of contact the stalker ("respondent") has made
- List the dates of the contact, if you can remember them
- Explain why the respondent should know that you did not want him or her to do these things
- Explain why you are fearful

When you finish filling out the form, give it to the clerk. If you file the complaint by 3:45 p.m., you can usually see a judge the next day. This will be your first court hearing (called an "ex parte" hearing). The respondent will not be at the ex parte hearing. The clerk will tell you where to go and when you should be there.

If the judge finds "probable cause" that the respondent has stalked you, the judge must enter a temporary Stalking Protective Order. If the judge enters a temporary order, you will have to come back to court for another hearing with the respondent (the "contested" hearing). You should go back to Room 211 to be given the date and time for the contested hearing. Before the hearing, the respondent must be served with a copy of the order. A sheriff will serve the respondent if you have a specific address for him or her. If you do not have a specific address, you can have someone else serve the respondent and you will need to file a Proof of Service. Once the respondent is served, the temporary order is enforceable until the hearing or further court order. You should carry your copy of the Stalking Protective Order with you at all times.

What do you need to know about the contested hearing?

It is best if you can have an attorney represent you at the contested hearing. See the resources on the third page for more information about how to contact an attorney.

When working with an attorney, you will need to think about witnesses to the stalking (for example someone who has seen the respondent follow you) and evidence, such as a tape recording of a threatening telephone call, or letters.

At the hearing, the judge can give you a permanent Stalking Protective Order with no time limit or an order with a time limit. The judge can also decide not to give you a permanent order. (Again,

not all situations where a person is harassing someone or acting inappropriately come under the stalking laws.) You may be able to appeal that decision.

Sometimes, you will have to come back to court for another hearing.

Under some circumstances, the respondent's failure to appear at the hearing may result in the issuance of an arrest warrant.

Once you get an order, how is it enforced?

If you get a temporary or permanent Stalking Protective Order and the respondent makes contact with you or does something else against the order, you should call the police right away. The police must arrest the respondent if they have probable cause to believe the violation happened and there is a valid order. You should keep all evidence such as phone messages, notes, or other objects left for you. The police may collect these as evidence. Even if the police don't collect these as evidence, you should keep them in case the police or courts want them in the future.

The District Attorney's Office reviews police reports and may be able to charge the stalker with the crime of violating a Stalking Protective Order. You will have to call the District Attorney's Office to make sure they received the police report and to find out what they will do next. The District Attorney's Victim Assistance phone number is 503-988-3222.

You should also keep a small journal or calendar where you write down the day, time, and type of contact, any specific threats or messages, and the names of any witnesses.

Resources

Police and Court

POLICE (Emergencies)	911
Non-emergency Police	503-823-3333
Multnomah County Courthouse Family Law Clerks	503-988-3471
(for information about restraining orders and Stalking Protective Orders)	

Legal Assistance

Lewis & Clark Legal Clinic	503-768-6500
Legal Aid Services of Oregon, Multnomah County Office	503-224-4086
Oregon State Bar Lawyer Referral Service	503-684-3763

Crisis Lines

National Domestic Violence Hotline	1-800-799-SAFE (7233)
Portland Women's Crisis Line	503-235-5333

Websites:

www.antistalking.com
www.stalkingassistance.com
www.ncvc.org

Book:

Stalking: A Handbook for Victims, by Emily Spence-Diehl

Safety Tips

- Consider installing home security equipment such as motion-detecting lights, an alarm system, deadbolts or new locks, and window locks. Do not leave a spare key hidden around your home.
- Let your neighbors know about the stalking and ask them to let you know if they notice anyone or anything suspicious. Ask them to call the police if the stalker is around your home.
- Practice or visualize how you could get out of your home safely in an emergency. Identify doors and windows that could be used for an escape.
- Plan where you could go in an emergency.
- Leave an overnight bag with a friend or family member. Include clothes, phone numbers, medication, money, and other items you would need in an emergency.
- Report EVERY incident of stalking to the police.
- Vary your daily routine. Drive a different route or use a different bus to get to and from work. Use different stores, banks, and shops.
- Make sure your car doors are locked whenever you are driving. Park in a safe, well-lit place and consider asking for an escort to your car.
- Talk to your family and friends about the stalking. Ask them to not talk to or give any information to the stalker.
- Keep your important documents in a safe deposit box at a bank.
- Teach your children to not give information to anyone over the telephone.
- Teach your children to not answer the door, or how to answer the door safely.
- Make sure your children's school or day care knows who has permission to pick up your children.
- Screen all incoming phone calls; save all unwanted or threatening messages (an answering machine with replaceable tapes works well).
- Consider installing a second phone line or getting a cell phone.
- Consider getting caller ID. Talk to your phone company about getting your phone line "blocked" from appearing on caller ID services. Find out more from your phone company about how to use special features such as Call Trace.
- Talk to your coworkers or supervisor about the stalking. Ask them to keep information about you such as your work schedule, home address and phone number, social security number, and benefits information confidential. Discuss whether it is possible to vary your schedule or worksite or to screen your calls.
- Consider using a post office box.
- Consider all possible ways to protect your privacy. Places that may have personal information about you include utilities, creditors, banks, schools or daycare centers, fitness centers, church, tax records, insurance, video store, magazine subscriptions. Ask about setting up passwords, mailing addresses, or other security measures. Make sure your password is NOT easy to find or guess (for example, do not use your birthdate, social security number, mother's maiden name, child's birthdate or initials, pet's name).