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Stalker laws: 2 new bills make stalking easier to charge in Illinois

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2 new bills in Springfield would make it easier for victims to make a case

By Megan Twohey | Tribune reporter
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Ken Kopecky's fatal obsession with Karen Erjavec, a young marketing assistant and aerobics instructor, reportedly started after they were in a wedding together. He began stalking her and sending threatening messages to her boyfriend, Glenn Beach.

Dressed in camouflage, Kopecky finally stepped from behind a house one night in Elmhurst and shot the couple to death as they walked to her car. Two days later, Kopecky took his life in a [Michigan](#) motel. He sent a letter to the Beach family saying the shootings were "the will of God."

The double slaying in February 1992 helped galvanize the Illinois General Assembly, which five months later approved the state's first anti-stalking law, heralded then as one of the toughest in the nation.

But since the highly publicized law took effect, annual stalking prosecutions in the state have plunged from hundreds of cases a year to a mere trickle, a Tribune review shows.

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"Obviously the law is not really working the way it's supposed to," said Linda Sandford, who assists stalking victims as director of court advocacy at Family Rescue in Chicago. "Just look at the number of charges."

In 2008, stalking prosecutions statewide dropped to 54 from a peak of 302 in 1994, according to data compiled by the Illinois Criminal [Justice](#) Authority. Only 16 charges were filed in Cook County last year and 13 in the collar counties, the data show.

Among the reasons for the low number, experts say, is that the law too narrowly defines stalking, making it difficult to arrest or charge someone unless the victim was followed or placed under surveillance on at least two occasions and has proof of a threat. Others say the problem isn't the law, but rather police and prosecutors who don't take stalking seriously.

At the same time, many victims are unable to get a protective order unless they had a domestic

relationship with the stalker or were sexually assaulted. The exclusions are glaring, according to critics who point out that under current law someone stalked by a neighbor or co-worker, for example, wouldn't be eligible for a protective order unless there was an attack.

In a move to address some shortcomings, the Illinois attorney general and [Cook County](#) state's attorney's offices have crafted legislation broadening the definition of stalking. The measure passed the House this week and now goes to the Senate. A second bill would

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make it easier for stalking victims to get protective orders, supporters say.

"We want to more effectively charge these cases," said Sally Daly, spokeswoman for state's attorney's office, which she said successfully prosecuted nine stalking cases last year.

Calls for reform come at a time when stalking has proven to be a widespread crime. An estimated 3.4 million Americans—most of them women—have been victims of stalking, according to a federal survey released this year.

The survey defined stalking as occurring if someone had experienced one or more of seven harassing behaviors in the past year and had fear for her or his safety or that of a family member. Harassing behaviors include unwanted calls, letters or e-mails and being spied upon or followed.

A growing body of research shows that stalking can lead to sexual assault and homicide. Stalking victims often suffer major anxiety. Some lose jobs, while others, including a 38-year-old software developer from [Harwood Heights](#), are forced to move.

The woman, who asked that her name not be used, said she received no legal protection when she was stalked several years ago.

At first pornography started to appear on her car windshield, she said. Next a vibrator was mailed to her apartment. Then someone would ring her doorbell at all hours of the night—a terrifying routine that prevented her from sleeping. One time, she said, she caught a glimpse of the man, a stranger, masturbating outside the front door.

Police told her they would not investigate, she said, because his behavior didn't meet the legal definition of stalking. They also told her, she said, that she wasn't eligible for a protective order because she never had a romantic relationship with the man and he hadn't attacked her.

"I wanted to file a report with police, but they said they didn't have anything to file it under, and would never send out a police car," said the woman, who moved to escape the stalker.

The woman's plight is all too common under the state's stalking law, which requires proof of two separate incidents of following or surveillance as well as proof of a threat involving bodily harm, experts say. Harassing phone calls and unwanted gifts, such as dead roses, do not meet the definition.

"Two separate incidents and an explicit threat takes a lot of cases out of the equation," said Sgt. Brett Wisnauski of the Algonquin Police Department.

Under Chicago police guidelines, officers are supposed to document threatening incidents. The department said it got 187 criminal stalking complaints in 2008.

Still, some victims get turned away, said Family Rescue's Sandford.

"They'll say, 'Please, please, please, just document it,' but with no success," said Sandford, who recommends that victims keep a journal of all the incidents. "It feels like they'll have to turn up dead to get a reaction."

Sgt. Antoinette Ursitti, a Chicago police spokeswoman, said in an e-mail that new officers are trained on stalking offenses during 14 hours of domestic violence instruction. Officers promoted to detective receive three more hours of training on stalking.

Under the legislation, the requirement for proof of two separate incidents and the threat of bodily harm would be eliminated. Instead, the crime would occur when a person knowingly engages in conduct that would cause a reasonable person to fear for his or her safety or suffer emotional distress.

The proposed law that addresses orders of protection would drop the requirements that the victim be in a domestic relationship with the stalker or have been attacked.

Instead, it would permit victims to obtain a civil order of protection against someone who intentionally, knowingly, or recklessly engages in repeated and unwanted contact with them or with a member of her immediate family or household. The victims would have to feel alarmed or coerced, or experience reasonable apprehension regarding their safety or the safety of family members.

The twin initiatives follow earlier legislative action in Illinois aimed at stalking. A new law went into effect this year allowing Illinois judges to require satellite tracking of stalkers who repeatedly violate orders of protection. The "Cindy Bischof law" is named after an [Arlington Heights](#) woman who was slain last March by a former boyfriend, though he was under an order of protection.

"The only silver lining to some of these tragedies we've had in Illinois in the past year is if we fill the gaps that have been known to exist," said Cara Smith, deputy chief of staff to Atty. Gen. [Lisa Madigan](#).

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