

## Defense against stalkers

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AT A STATE House hearing on Tuesday, Helen Gerostathos, a lawyer at Mintz Levin, told the story of a young Boston-area client who had been sexually assaulted by two fellow students. They pleaded guilty as youthful offenders, but did not serve jail time. A year later, they began taunting the girl. She couldn't get a restraining order because state law says these orders can only be issued in cases involving household, family, or dating relationships. She eventually won civil protection through a private settlement -- but with no criminal consequences if the agreement were violated.

The short reach of restraining orders affects many people, including cases when rape victims don't press charges and when they do but the cases are not prosecuted. Victims of sexual harassment at work or in neighborhoods face the same legal limitation. So do children being harassed by Internet acquaintances or predators. Professors and mental healthcare providers can be stalked by students and patients.

About 1 million women and 371,000 men are stalked annually in the United States, according to a 1998 survey of 8,000 men and 8,000 women sponsored by the US Department of Justice and the Centers for Disease Control and Prevention.

In Massachusetts, the existing stalking and criminal harassment laws make no provisions for restraining orders, so immediate relief is not available.

A bill in the Senate would expand the reach of restraining orders, protecting more people. It would make violating such orders a criminal offense that could be punished by a fine or jail time. Police would be required to inform people of their right to get a restraining order. And the bill would let victims seek financial compensation for related losses of earnings, medical costs, moving costs, attorney fees, and other expenses.

To get a restraining order, people would have to prove that they are victims and that they are in immediate danger. Judges would assess the credibility of the request.

Legislators should pass the bill. Even if they do, it would be an imperfect solution. It is a measure that should come with a label warning: Getting a restraining order could make a stalker or attacker even more dangerous. If the bill were enacted, people would have to make the same careful decisions about risks that victims of domestic violence do.

Still, an expanded restraining order would give victims and law enforcement a new tool that sets needed limits. Safety cannot be guaranteed, but it should be aggressively defended, even with imperfect means. ■

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