

Practice Tips:

Representing Survivors of Interpartner Surveillance and Identity Theft

1. Know what constitutes stalking in your jurisdiction, and be prepared to educate the court in the various technologies and techniques, and to lay the evidence for the harm experienced by the victim.
2. Be aware of the widespread availability of surveillance products and become familiar with their basic functions. Similarly, become familiar enough with online networking sites and personal ad space to be able to identify evidence of online impersonation.
3. With your client's permission, seek a copy of their credit report, in order to discover identity theft by the perpetrator and to correct any errors. With your client, maintain a log of the effort required to correct the report, and hold perpetrators accountable for financial harms.
4. Understand the broad range of possible state and federal claims for your client and be creative in crafting arguments and relief. In addition to domestic violence and stalking protections, consider the following:
 - *Telephone Records and Privacy Protection Act of 2006*, Pub. L. No. 109-476, 120 Stat. 3568
 - *Computer Fraud and Abuse Act*, 18 § U.S.C. 1030
 - *Wiretap Act*, 18 § U.S.C. 2511
5. Prevent further identity theft by utilizing “fraud alerts” and “credit” or “security freezes” judiciously. Lawyers and survivors should be aware of the consequences of freezes; for example, a new employer or new landlord may require the freeze to be lifted temporarily, which is allowed under federal and most state laws.
6. When seeking a Civil Protection Order, include remedies for identity theft or surveillance. Seek compensation for past harms, but also, seek prevention of future stalking behavior by listing general behaviors that are prohibited, such as trying to access or utilize the victim's personal information or likeness, or monitoring the victim in any way.