



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 7, 2015

The Honorable Al Franken
Ranking Member
Subcommittee on Privacy, Technology and the Law
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Franken:

This responds to your letter to the Attorney General dated October 13, 2014, regarding the Department of Justice's (the Department) efforts to combat stalking apps. The Department appreciates your ongoing efforts to bring attention to the use of these dangerous mobile spyware applications by stalkers and domestic abusers, whereby they secretly monitor their intended victims' communications. We apologize for our delay in responding to your letter.

The Department seeks to investigate and, where possible, prosecute the developers and distributors of spyware. In your letter, you recognized the recent prosecution of developer of the StealthGenie application. That prosecution was resolved in November 2014, with the developer sentenced to pay a \$500,000 fine and forfeit the source code for the StealthGenie product. As a practical result, the StealthGenie spyware is no longer available for sale to the public. Although we cannot comment on any ongoing or potential investigations of developers and marketers beyond StealthGenie, we assure you that we will continue our effort in this area.

As Principal Deputy Director of the Department's Office on Violence Against Women (OVW) Bea Hanson testified before your subcommittee last summer, OVW funds a number of projects that target the intersection of technology and the crimes of stalking, sexual assault, domestic violence, and dating violence. In particular, OVW has an ongoing and long-standing partnership with the National Center for Victims of Crime's Stalking Resource Center (SRC), which has resulted in training and technical assistance that has improved the capacity of state and local law enforcement, victim service providers, and others to respond to stalking. In just one recent six-month period, from July to December 2014, SRC staff trained over 4,500 professionals, including 1442 law enforcement officers and 110 prosecutors. Topics covered during training included cyberstalking and technology safety issues. In addition, with OVW funding, the SRC recently developed a training video on the dynamics of stalking for law enforcement first responders. The Department's Office for Victims of Crime also has entered into a cooperative agreement with the SRC, which resulted in the publishing of a training DVD

for criminal justice professionals and victim service providers called "Use of Technology to Stalk," which includes a self-paced interactive online training that accompanies it. The Department does not currently have any programs in place to train and support state and local law enforcement officers solely on the issue of mobile spyware applications. This said, we recognize that legislation you have introduced could provide funding for such programs, and we would gladly work with you on any legislation proposals that would strengthen the Department's ability to carry out our mission.

Finally, the Department's Bureau of Justice Statistics will revise and expand the NCVS Supplemental Victimization Survey (SVS) for the 2016 data collection. The survey will continue to measure both stalking and harassment. While the survey will continue to measure both stalking and harassment, we will review areas in which the survey can be improved. In particular, we will consider the effect of technological advancement since 2006 on perpetrators ability to stalk or monitor victims. Specifically, the 2016 SVS will measure and provide national estimates on the following:

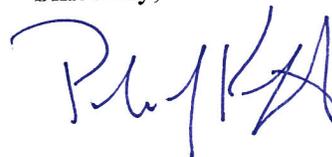
- Prevalence of stalking and harassment victimization
- Prevalence of cyberstalking
- Consequences of stalking and harassment to victims
- Characteristics of victims of stalking and harassment
- Help-seeking behaviors of stalking victims, including reporting to police

BJS will hold an expert panel to inform changes to the SVS this spring. The Census Bureau will conduct cognitive testing of the revised instrument this summer and fall. From July through December 2016, the SVS will be administered to NCVS respondents.

The Department looks forward to continuing to work with you in addressing these very important issues concerning our efforts to combat the dangerous misuse of mobile spyware applications.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

cc: The Honorable Jeff Flake
Chairman