



Training Key® #625

Stalking

Stalking can have a devastating emotional impact on its victims and, in some instances, may escalate to physical violence. This Training Key® provides insight into the scope of the problem, its primary characteristics, and steps that officers can take when dealing with suspects and victims.

The federal government, all 50 states and the District of Columbia have enacted laws that make stalking a crime. The statutes that define this crime vary between states, but overall, stalking can be defined as a course of action or conduct directed at a specific person that would cause a reasonable individual to be afraid.

Unlike most crimes, stalking can not be defined by a single act, but rather is defined by a range of potential behaviors that collectively and repetitively cause the victim to be fearful for themselves or another family member. These acts, taken individually, may not be criminal, but in combination or as a pattern of behavior, may fit the definition of stalking. A number of typical behaviors that define stalking were included in the January 2009 Justice Department's stalking victimization survey (SVS).¹ The survey measured the following common stalking behaviors:

- Making unwanted phone calls
- Sending unsolicited or unwanted letters or e-mails
- Following or spying on the victim
- Showing up at places frequented by the victim without a legitimate reason
- Waiting at locations for the victim
- Leaving unwanted items, presents, or flowers
- Posting information or spreading rumors about the victim on the Internet, in a public place, or by word of mouth

In the 12-month period covered by the SVS, some 3.4 million Americans over 18 years of age were the victims of stalking. According to the survey, the most common form of stalking behavior is the receipt of unwanted phone calls and messages, which was experienced by two-thirds of the victims. Roughly a third also received unwanted letters and e-mails, were the targets of rumors spread by the stalker, were

spied upon, or were aware of the stalker showing up at places without any legitimate reason. Twenty-nine percent of the victims reported that the offender waited for them, and approximately 12 percent reported receiving unwanted presents. Of particular note is the fact that about one in ten stalking victims feared being killed by the stalker and about 40 percent of stalkers threatened the victim or the victim's family, friends, co-workers, or family pet.²

The correlation between stalking and violence is a serious concern. Research indicates that just over 80 percent of women stalked by an intimate partner—which constitutes about 30 percent of all stalking victims—have been physically assaulted by that person and that roughly a third of women stalked by an intimate partner have been sexually assaulted by that person.³ While stalking is commonly regarded as a crime committed by a stranger, the SVS reveals that about 75 percent of all stalking victims knew their offender in some way—such as a current or ex-spouse; boyfriend or girlfriend; or a friend, acquaintance, or relative. The SVS highlights several other commonalities of value to law enforcement.

- About half of stalking victims experienced at least one unwanted contact per week, and 11 percent said that they had been stalked for five years or more.
- The risk of stalking victimization was highest for individuals who were divorced or separated.
- The most common response of police to complaints of stalking was to take a report, but about 20 percent of victims stated that police took no action when contacted. However, victims were equally likely to report being satisfied (46 percent) or dissatisfied (49 percent) with the response of the criminal justice system to their stalking incident.

- About 80 percent of male and 70 percent of female victims did not report their victimization to the police.⁴

State and Federal Enforcement Tools

In 2002, the U.S. Justice Department's Office of Community Oriented Policing funded a project that developed a model for action against stalking (the Model). The Model was subsequently tested in a pilot program with the Philadelphia Police Department. Success of that pilot indicates that the protocol may be employed, with some modification, by police departments around the country.⁵ The remainder of this *Training Key*® outlines the overall approach and primary elements of the Model.

First, the Model recognizes the serious emotional and financial impact that stalking has on the victim and the potential for violence. As such, the primary focus of police response to stalking is to protect the victim through early intervention, take harassing behavior seriously, investigate the incident thoroughly, and invoke to the greatest degree possible all relevant elements of the criminal justice system and the community.

Officers and investigators must first become familiar with the elements of their state's anti-stalking law(s). In nearly all cases, these laws identify core actions that define criminal intent of the stalking behavior. Commonly, statutes require evidence of a conscious intent by the perpetrator to engage in a course of conduct that would cause a reasonable person to fear death or bodily harm to themselves or to an immediate family member. Ways in which officers can establish such intent will be discussed later in this document.

Other laws closely related to stalking can also be used to respond to incidents more effectively and help provide safety. These include laws against assault, threats, vandalism, theft, property crimes, and domestic violence. Federal statutes also address crimes that are often involved in stalking. These include the following with abbreviated descriptions of each:

- Full Faith and Credit Act, (18 U.S.C. 2265). Mandates all law enforcement agencies to recognize and enforce protection orders from courts anywhere in the United States.
- Interstate Travel to Commit Domestic Violence Act, (18 U.S.C. 2261). Criminalizes travel across state lines to commit violence against a spouse or intimate partner.
- Interstate Stalking Punishment and Prevention Act, (18 U.S.C. 2261 A). Makes it a federal crime to cross state lines to stalk another person.
- Federal Domestic Violence Firearms Protections Act, 18 U.S.C. 922 (g)(8). Makes it a federal crime to possess any firearms or ammunition if subject to a qualifying protection order.

Given these laws, local and state law enforcement agencies have the option in some cases of prosecuting the suspect in either state or federal court, or both.

Stalker Profiles

Stalkers don't conform to any single "type" based on personal motivation or their relationship with the victim. However, the following are some general patterns identified in the Model that individually, or in combination, may help officers to determine the motivation of a suspect, the threat posed by an individual stalker, and how best to deal with him or her.

- Simple obsessional: The most common type, usually a male who knows the victim in some way and begins stalking after a perceived slight or breakup.
- Love obsessional: A stranger who is obsessed with the victim and begins stalking to make him or herself known to the victim. The person that he or she focuses on can range from a celebrity to someone who is simply encountered in public.
- Erotomania: Often a female who has delusions that the victim is in love with her and is thwarted by some external force such as a spouse or lover. In this case, the person deemed to be in the way is at greatest risk.
- False victimization syndrome: A rare occurrence in which a person perceives him or herself as a victim of stalking, when in fact they may be the perpetrator and the accused offender the actual victim being stalked.

Initial Police Response

The preceding typologies are only general characterizations. A stalker may reflect aspects of several of these profiles or none at all. All individuals are different and carry their own set of motivations and predispositions that can make many of them unpredictable. However, according to the Model, the most dangerous form of stalker is generally regarded as the individual engaged in domestic violence. The survey data reveals that many victims do not readily report stalking to the police, and when they do it is generally because suspect behavior has escalated or become unbearable. As such, it is important that officers who receive stalking reports, particularly in domestic situations, attempt to quickly gain as much information as possible about the suspect and the circumstances surrounding the incidents in order to develop a sense of the potential threat involved.

Any type of reported harassing behavior should be explored with the complainant for signs of possible stalking. Officers should determine whether the suspect has ever had contact with police or had complaints filed against him or her. When responding to domestic violence calls in particular, attempt to determine whether the suspect has exhibited any of the signature traits of stalking previously cited. Additional information of value includes:

- Prior threats or history of violence against the victim
- Actual pursuit of the victim
- Suspect's tendency toward emotional outbursts
- Substance abuse problems of the suspect
- Mental health issues of the suspect
- Suspect's possession of or fascination with firearms or other weapons
- A history of filed protection orders
- Unsolicited phone calls or e-mails
- Any acts of vandalism

One should remember that stalking is a pattern of behavior(s) rather than a single isolated act and even minor violations, if taken collectively, can point to a real or potential stalking case. Harassing phone calls or e-mails, for example, may be discounted as low-priority offenses. However, when considered in the context of the victim's fear and his or her perceived danger, as well as other harassing or threatening behaviors, these acts may point to a pattern, or a developing pattern, of behavior that could be far more serious. Most statutes require proof of the victim's fear created by the stalker in

order to make a case. Therefore, actions taken by the victim, such as changing residences or phone numbers; telling friends and family; reporting to the police; and purchasing security systems or weapons for self-protection can provide evidence necessary to prove a sufficient level of fear.

Officers and investigators should demonstrate concern for all victims of stalking, particularly in view of the intimidation and fear typically experienced. Victims should be reassured that the police department takes stalking and related behaviors very seriously. Officers should also determine whether the victim has a reasonable support system in terms of close friends, family, or neighbors. It is not uncommon for stalking victims to change jobs or residences, which may reduce their circle of friends and acquaintances and further remove them from persons who could otherwise serve as confidants and to whom they could ventilate some of their frustrations. Victims that lack such counsel understandably tend to be more fearful and may, because of that fact, be regarded by a stalker as easier to manipulate and victimize. At the same time, the victim may feel guilty that he or she may have put others in jeopardy. Officers should make a concerted effort to explore these facts in order to gain a better view of the potential for victimization generally and the threat in particular, as well as to provide the victim with the sense that the police can be relied on to provide assistance.

In documenting the scope of stalking incidents and harassing behaviors, officers should also establish the victim's work schedule and other routines. Many people work in one locale, live in another, attend church or school in yet another jurisdiction, and visit family and friends across county or even state lines. Therefore, a stalker may be known to authorities in one jurisdiction but not in another. Coordination with and sharing of information between these jurisdictions is important to case development and, as noted in federal statutes, may allow prosecution of the offender on federal as well as state charges.

Evidence Collection

If stalking is suspected by officers responding to a call for service, they should make a number of inquiries of the victim to clarify the situation. The most basic and obvious is any information that would describe the suspect, such as vehicle description, residence, place of work, and related information. Additionally, officers should document any evidence that corroborates stalking behavior such as letters, gifts, e-mails, voicemail, answering machine tapes, victim logs or diary entries of suspect contact, and related evidence that can materially demonstrate harassing or stalking behavior. When appropriate, items should be held as evidence or the victim should be requested to keep them in a safe, undisturbed location.

The Model protocol also suggests a number of additional sources of information that can be relevant to the investigation if the initial investigation produces evidence sufficient to secure a search warrant for the suspect's residence, vehicle, workplace, or all three. These evidentiary items could include the following.

- Video surveillance or photographs of the victim
- Drawings or other documentation of the victim's home or workplace
- Writings, logs, journal entries, and computer entries regarding the victim
- Personal items of the victim

- Literature related to stalking and harassment
- Keys that fit the victim's house or vehicle
- Equipment that could be used for stalking, such as cameras and binoculars
- Burglary tools or "kits"

Additionally, the Model suggests collection of any of the following that can be generated or provided.

- Video surveillance or photographs of the suspected stalker
- Security video from offices or stores frequented by the victim that may reveal evidence of the suspect's presence
- Telephone records of the suspect
- Copies of police reports from other jurisdictions and evidence of other involvement with the police
- Evidence of vandalism to the victim's property
- Fingerprints or DNA on vandalized property
- Statements from witnesses concerning the suspect's behavior
- Actions documented through police surveillance of the suspect

Assessing the Threat

Establishing the level of threat and protecting the victim are key elements of any stalking investigation. Answers to some basic questions, added to the information already mentioned, will allow officers to establish a better idea of the level and reality of the threat posed by the stalker. For example, one should determine whether the victim believes there is an actual threat and whether others who have knowledge of the situation share that assessment. Officers should attempt to obtain answers to the following types of questions that, if answered positively, should increase ones concern about violence.

- Is the stalker blatant and bold in his or her behavior and seemingly unconcerned about leaving evidence or letting others know?
- Is the threatened act consistent with past behavior?
- Does the stalker have the means and opportunity to carry out the threat?
- Has the stalker "rehearsed" the act before the victim or others, such as showing a weapon or stating what he or she proposes to do?
- Does the threat extend to others in the victim's family or circle of friends?

In the same context, and to the extent that can be determined, it is also useful to gather the following information about the stalker.

- Does the suspect have a history of abusive behavior toward significant others?
- Has physical violence escalated?
- Does the suspect have a history of sexual assault or physical violence that involves choking or attempted strangulation?
- Does the suspect have a history of property destruction?
- Does the suspect have a particular interest or fascination with violent movies, games, or similar activities?
- Does the suspect keep weapons or have access to firearms?
- Has the suspect used weapons in prior assaults?
- Does the suspect use others to assist in monitoring or harassing the victim?

- Has the stalker been in the military in general, combat in particular, or is he or she a law enforcement officer?

Affirmative answers to the preceding questions in conjunction with prior information from the victim or witness observations should provide officers with a relatively clear picture of the suspect's threat level.

Advising the Victim

The Model protocol provides a number of steps that law enforcement can take to help protect the victim. Above all, officers should be candid with victims, as well as family, friends, or others who are the victims of stalking, when presenting information concerning the perceived threat posed by the stalker. Victims should understand that stalkers can be unpredictable and that they should never assume that the suspect is feigning violence or simply engaging in "sport" by using threats for some type of self-amusement. In addition here, as in other cases, officers should reassure victims that the police will do all that they reasonably can to help the victim, but they should not provide assurances or suggestions that the police department can provide victims with complete protection or guarantee victims' safety. A great deal of responsibility for the victim's safety depends on the manner in which the victim handles the situation. The Model provides a number of suggestions that may be suitable for various stalking situations.

Advise the victim about criminal and civil orders of protection and other legal tools for prohibiting contact between the suspect and the victim. Provide the victim with written referral contact information from victim service programs within the community that provide assistance with obtaining such orders.

- Provide written referral information regarding shelters, medical care, and counseling or other referral resources in the community that may be of value under individual circumstances.
- Provide the victim with your name, badge number, the incident report number, and a telephone number that the victim can call for information about the case.
- Advise the victim about procedures for initiating criminal proceedings and collection and preservation of evidence that may be useful for prosecution as cited herein (e.g., maintaining logbooks, diaries, telephone recordings, dates and times of sightings, specific actions of the suspect, photo records, and the like).
- Provide the victim with information about his or her rights as a crime victim, available services and compensation, and how to access such services.
- Offer the services of the department's crime prevention officer to perform a residence security check.
- Advise the victim to stop all contact with the suspect if he or she has not already done so. The victim should not engage the suspect through response to phone calls or e-mails, but simply demand that they stop. Engaging with the suspect often serves to reinforce his or her stalking or harassing behavior.
- Advise the victim to take such safety precautions as may appear warranted. For example, victims should not allow third parties, other than the police, to intervene with the suspect on their behalf.
- Where appropriate, obtain a restraining order or a criminal or civil protective order. Change the telephone

number to unlisted, but keep the original number to record messages from the suspect. Modify work hours and routines where possible and avoid places where the suspect frequents or has been encountered.

- Let employers, coworkers, and workplace security know about the problem; provide a photo or other identifying information on the suspect to them and ask that they call police if the suspect shows up. Provide the same information and instruction to any security staff that may be available at the victim's residence.
- Maintain a record of all stalking and harassing behavior and save any items that can be used as evidence.
- Provide children with age appropriate safety information.
- Work with neighborhood watch groups so that they can be alert to any stalking or harassing behavior in the victim's neighborhood.

Police Intervention

In addition to measures that can be taken by a stalking victim and the support that they can offer police for investigative purposes, there are also direct intervention measures that police can take to stop the stalker. The Model protocol notes a number of actions, to include the following.

- Make contact with the suspect. This can be an effective strategy for deterrence, particularly where the victim and the suspect had some prior relationship. It should not be used when there is reason to believe that the suspect has some form of mental illness. A warning contact is most appropriate before the harassing or stalking behavior has reached a violation of law. The warning can be made in person, by mail, or by phone.
- Respond immediately to violations of protective orders. Protective orders have been mentioned throughout this document. While they may not be completely effective in thwarting future stalking, they allow responding officers to make an immediate arrest if provisions of the order are broken. In some jurisdictions, breach of a protective order also allows for enhanced charging. Where protective orders are in place, high priority should be given to police acting in response to a call for service.
- Use technology for evidence gathering and victim protection. Tracking devices, global positioning systems used for tracking certain offenders, surveillance cameras, and call tracing can all be helpful in monitoring the activities of suspects and providing advance warning to the police and stalking victim.
- Consider the value of involuntary commitment. If there is sufficient evidence to establish probable cause that the suspect is mentally ill, an involuntary commitment order may be sought in order to remove the victim from harm's way and also allow for evaluation of the suspect.
- Arrest. When other options have failed to stop the stalking behavior, officers should seek a warrant for the suspect's arrest, or take the suspect into custody pending issuance of a warrant. The prosecutor's office should be consulted, when necessary, for appropriate charging decisions. That is, when probable cause exists to arrest the suspect on unrelated charges and the threat to the victim is deemed sufficiently high, immediate arrest on avail-

able grounds may be more prudent than waiting to establish sufficient grounds to arrest for stalking.

Acknowledgement

This *Training Key*® was based on materials contained in *Creating an Effective Stalking Protocol* published by the U.S. Department of Justice, Office of Community Oriented Policing Services (April 2002). For additional information on stalking, readers should contact the National Center for Victims of Crime, Stalking Resource Center, www.ncvc.org/src, Tel. (202) 467-8700.

Endnotes

¹ Karen Baum, Shannan Catalano, Michael Rand, and Kristina Rose; "Stalking Victimization in the United States." *Bureau of Justice Statistics Special Report*, NCJ224527 (January 2009).

² *Ibid*, 2.

³ Patricia Tjaden and Nancy Thoennes, *Stalking in America: Findings From the National Violence Against Women Survey*. Washington D.C.: U.S. Department of Justice, National Institute of Justice, and Centers for Disease Control and Prevention (1998).

⁴ Baum, et. al., *op cite*.

⁵ National Center for Victims of Crime, *Creating an Effective Stalking Protocol*, April 2002.

questions

The following questions are based on material in this *Training Key*®. Select the best answers.

1. Which of the following statements is false?

- (a) All 50 states and the District of Columbia have enacted laws that make stalking a crime.
- (b) Men and woman can be victims of stalking.
- (c) Stalking is one of the most frequently reported crimes.
- (d) Many stalkers also threaten the victim's family, friends, co-workers, or family pets.

2. Which of the following statements is false?

- (a) Stalking may also be prosecuted under a number of federal statutes.
- (b) The Full Faith and Credit Act requires all law enforcement agencies to recognize and enforce protection orders from courts anywhere in the United States.
- (c) The typical stalker is a stranger to the victim who develops an obsessive love interest in him or her.
- (d) The most dangerous type of stalker is the person who is engaged in domestic violence.

3. Which of the following statements is false?

- (a) Stalking is defined as a pattern of unwanted behavior rather than a single act.
- (b) Most state statutes require a definitive showing of the victim's fear caused by the stalker in order to prosecute.
- (c) As deterrence to potential violence, suspects reasonably believed to be mentally ill should be contacted directly by police.
- (d) All of the above are false.

answers

- 1. (c) Only about 20 to 30 percent of stalking victims report these crimes to the police.
- 2. (c) Some 70 percent of stalking victims know the offender in some capacity.
- 3. (c) In all cases except persons believed to be mentally ill, some form of warning to the suspect may be considered to help avert potential violence.

have you read.....?

Creating an Effective Stalking Protocol, National Center for Victims of Crime, April 2002. www.ncvc.org/src

This document provides detailed methods and procedures for investigating suspects and assisting victims of stalking.

