

## **INTRODUCTION**

Domestic violence, sexual assault, and stalking are intersecting crimes. Perpetrators tend to be obsessive and are not deterred by court orders forbidding contact with the victim.

Exhibited through both criminal and non-criminal behaviors, the crime of stalking is difficult to identify, investigate, and prove. A stalker may commit criminal acts in multiple jurisdictions creating further challenges for law enforcement.

Traditionally, officers respond to a crime after it has occurred; an unproductive means of dealing with the crime of stalking. Victim safety and the ever-present risk of physical violence demand early intervention and a proactive approach when addressing this crime.

The Anacortes, Burlington, Mount Vernon and Sedro Woolley Police Departments; Washington State Patrol; Skagit County's Sheriff, Prosecutors, and District Court Probation Offices and 911 Communications Center; as well as Skagit Domestic Violence and Sexual Assault Services are committed to the development and implementation of a multi-jurisdictional, multi-agency community response plan for addressing and preventing the crime of stalking.

## **PURPOSE**

To establish and implement a multi-jurisdictional, multi-agency response plan to address and prevent the crime of stalking.

## **POLICY**

The investigating agency shall act quickly to thoroughly investigate all incidents of stalking, take action to prevent recurrence, and notify victims of the various resources available to them.

## **STALKING DEFINED - RCW 9A.46.110**

A person commits the crime of stalking when he or she, without lawful authority intentionally and repeatedly harasses or repeatedly follows another person and the person being harassed or followed is placed in reasonable fear that the stalker intends to injure the person, another person or to the property of the person or another person, and the stalker knows or reasonably should know that the person is afraid, intimidated or harassed.

## **GROSS MISDEMEANOR UNLESS**

- Previous conviction for crime of harassment of victim or victim's family or household member or
- The stalking violates a protective order of the person being stalked, or

- The stalker has previously been convicted of a crime of stalking
- The stalker was armed with a deadly weapon
- The stalker's victim was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, community correction officer or employee or child welfare, child or adult protective services and the stalking was in retaliation for work done in the course of official duties or to influence the victim's official duties, or
- The stalker's victim is a current, former or prospective witness in an adjudicated proceeding and the stalking is to retaliate against the victim as a result of testimony or potential testimony

*When the above are present, the stalking is a Class C Felony.*

### **CYBER STALKING - RCW 9.61.260**

A person commits the crime of cyber stalking when he or she, with intent to harass, intimidate, torment or embarrass any other person, makes an electronic communication using lewd, lascivious, indecent or obscene words, images or language or suggesting the commission of any lewd or lascivious act; or anonymously or repeatedly whether or not conversation occurs or threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

### **GROSS MISDEMEANOR UNLESS**

- Previous conviction for crime of harassment of victim or victim's family or household member or
- Any person named in a no contact order
- Conduct amounts to a threat to kill

*When any of the above is present, the conduct is a C Felony.*

### **STALKER TYPES**

As a general rule, stalking behavior falls into three broad (sometimes overlapping) categories.

### **SIMPLE OBSESSIONAL - 70 TO 80%**

Simple obsessional stalkers have had a relationship (neighbor, friend, co-worker, customer, significant other, sexual partner, etc.) with the victim. This form of stalking usually begins after the stalker perceives he/she has been wronged by the victim or their relationship has dwindled, and is characterized by the stalker either trying to mend the relationship or seek some form of retribution.

### **EROTOMANIA/LOVE OBSESSIONAL – 20 TO 25%**

Stalkers suffering from erotomania have a false but persistent belief they are loved by another. This category is characterized by stalkers who develop a love obsession or

fixation on another person with whom they have no personal relationship. The target may be a casual acquaintance or even a complete stranger.

### VENGEFUL

Vengeful stalkers, who may also fall under the category of simple obsessional stalkers, seek revenge for some real or perceived harm done by the victim. Often, vengeful stalkers are angry because the victim has developed a relationship with another person or has taken action to limit the stalker's threatening behavior.

### **STALKING BEHAVIORS**

Recent studies suggest the existence of current or past Protection Orders can be a strong indicator of an increased risk of lethality. According to the 2006 Domestic Violence Fatality Review, *"In all but one of the ten recently reviewed fatality cases involving adults, the victim or abuser had some contact with the civil legal system, regarding either Protection Orders, marriage dissolutions, or child custody issues."*

The following acts, together or as a series of isolated events, may constitute harassment and stalking.

- Assault on victim
- Protection Order violations
- Threats against victim (direct, veiled or conditional)
- Following or spying on victim
- Showing up at victim's residence, place of employment, school, etc.
- Entering or attempting to enter victim's residence
- Leaving items for or sending them to victim (flowers, letters, candy, etc.)
- Delivering objects meant to cause fear (dead animals, etc.)
- Injuring or killing victim's pets
- Threatening and/or hang-up telephone calls
- Disabling or tapping victim's telephone
- Stalking, threatening, or harassing victim technologically
- Tape recording victim without his/her knowledge
- Photographing victim or acquaintances of victim
- Intercepting victim's mail by theft or change of address at post office
- Ordering products in victim's name
- Attempting to obtain information about victim from others
- Reporting false allegations against victim (drug use, child abuse, etc.)
- Spreading false rumors about victim
- Vandalizing property belonging to victim
- Disabling victim's vehicle
- Trespassing
- Tampering with security of victims residence

## **ADDITIONAL INFORMATION**

Stalking-related crimes may include but are not limited to the following.

Attempted Murder	RCW 9A.32
Assault	RCW 9A.36
Domestic Violence	RCW 26.50
Harassment	RCW 9A.46.020
Telephone Harassment	RCW 9.61.230
Protection Order Violations	RCW 26.50
Burglary	RCW 9A.52.020-030
Trespass	RCW 9A.52.070, 9A.52.080
Malicious Mischief	RCW 9A.48.070-090
Theft	RCW 9A.56
Identity Theft	RCW 9.35
Sexual Assault	RCW 9A.44
Kidnapping	RCW 9A.40.020, 9A.40.030
Voyeurism	RCW 9A.44.115
Arson	RCW 9A.48.020, 9A.48.030
Unlawful Recording	RCW 9.73.080
Hate Crimes	RCW 9A.36
Child Abuse	RCW 26.44

## ROLE OF DISPATCH

Telecommunications personnel must be made aware of the wide variety of reported crimes that may constitute stalking behavior. When stalking is stated or suspected, the dispatcher will ask specific questions (see below) intended to help determine the level of risk to the caller. When stalking is “in-progress,” suspect information, along with information pertinent to the safety of all involved (police, victim, etc.) will be immediately communicated to law enforcement officers. To ensure the safety of both victim(s) and officers, consideration should be given to the risk or necessity of broadcasting details of the incident over the air. (Examples include, but are not limited to, instances when there is information the suspect may have a scanner, or when the reporting parties or officers request the dispatcher refrain from providing information over the air.)

## INFORMATION

It is the dispatcher’s responsibility to obtain the following information.

- Location of emergency (complete address, apartment number, etc.)
- Call back number in case dispatch and caller are disconnected
- Caller’s name and relationship to incident (victim, witness, reporting for, etc.)
- Name and location of victim
- Nature and time frame of incident
- Suspect name, location and relationship to victim
- Nature of possible injuries (dispatch medical personnel if needed)

## RISK ASSESSMENT QUESTIONS FOR IN-PROGRESS EVENTS AND AS TIME ALLOWS

1. Is anyone in immediate danger?
2. Are you in a safe place and is it safe for you to speak with me?
3. Is the suspect present?
  - Obtain description of suspect, date of birth if available, involved vehicle(s) and direction of travel.
4. Are weapons involved by suspect, victim, or caller?
5. Are drugs or alcohol involved by suspect, victim, or caller?
6. Has there been an assault or threat of assault?
  - Nature of assault or threat?
  - Likelihood of carrying out threat?
7. Are children present?
  - Where are they?
  - Are they okay?
8. Have there been prior incidents?
  - Were they reported?
  - When and where did they occur?
9. Is there a current protection order?
10. Is the suspect suicidal?
  - If yes, get specifics

### DISPATCH PRIORITIES

In the event of an in-progress stalking incident, two officers will be immediately dispatched to the scene. While units are en route, additional information may be gathered and passed on to the officers.

The dispatcher should reassure the caller that officers will be notified. If the incident is in progress, unless the situation is volatile and unsafe for the caller, the caller will be asked to remain on line until officers arrive.

If the caller is the victim, he/she should be advised to find a safe location where the officers can meet him/her. The dispatcher shall never determine what that location will be.

### CHECK FOR PREVIOUSLY REPORTED INCIDENTS AND ACTIVE PROTECTION ORDERS

When a call is received that may be stalking, as activity levels allow, the dispatcher should review CAD data base records for prior events, prior calls to the same residence, and whether suspect has a locally issued concealed weapons permit. Any relevant information should be provided to the responding officers.

## ROLE OF LAW ENFORCEMENT

- Identify and build detailed picture of stalker and his/her behavior
- Understand context in which incidents are occurring
- Assess risks faced by victim
- Provide victim with resources - including safety planning
- Engage in proactive problem solving and early intervention

## PRELIMINARY INVESTIGATION

Since a stalker may be known to the victim, it is not uncommon for the victim to tolerate harassing behavior for quite some time before reporting it to police. When a harassment complaint is received, the responding officer should consider the crime of stalking.

Following are questions to be answered during the initial investigation.

1. Is this an isolated incident or repeated behavior?
2. Has the victim expressed fear of the suspect?
  - This should be taken seriously and a detailed inquiry made to determine origin of fear.
3. Are there prior reports on file?
4. Have friends or family members called in to report their concerns?
5. Has the suspect actually committed the crime of stalking?
6. Is this incident a precursor to stalking?
7. Is this incident a continuation of prior occurrences which amounts to stalking?

## UNIDENTIFIED STALKER

When the stalker is unknown to the victim, determining his/her identity becomes a primary objective. The investigation should focus on how the suspect makes contact with the victim. Consideration should be given to

- Police surveillance of victim, his/her vehicle and home
  - Observe suspect approach or follow victim
- Obtaining victim's cell phone and telephone records
- One-party consent for pretext phone calls
  - Superior Court Search Warrant required

## INVESTIGATION ASSESSMENT

Research and document everything available about the suspect and his/her pattern of behavior. If other agencies, including dispatch, have documentation of incidents involving the suspect, request copies of their reports or tapes.

## PERSONAL

- Name
- Date of birth
- Address
- Telephone numbers (home/work)
- Description of vehicle(s)
- History of mental illness or instability
- History of alcohol or drug use
- Possession of or access to firearms
- Homicidal or suicidal tendencies
- Criminal record
  - History of violence
  - Prior threats
  - Prior stalking behavior
  - Outstanding warrants
  - Violation of court orders
- Significant dates
  - Court hearings
  - Anniversaries (wedding, divorce, relationship break-up, etc.)
  - Birthdays

## BEHAVIOR

- Other suspicious or related incidents or activities
- Actual pursuit of victim
- How long has suspect been directing his/her activities toward victim
- Action against others (victim's family, friends, co-workers, etc.)
- Tendency toward emotional outbursts or rage
- Possession, knowledge, fascination of weapons
- Persistent and/or unsolicited telephone calls
  - Obtain copies of taped messages from victim
- Unsolicited correspondence
  - Obtain copies of letters or other objects sent to victim
- Threats of murder or suicide
- Acts of vandalism or arson
- Other victims or witnesses of suspect's behavior
- Has victim told suspect to stop unwanted contact or conduct

## CORROBORATING THE COMPLAINT

- *Collect evidence from victim*
  - All written communication from suspect
    - Letters, e-mails, text messages, notes
  - Any voice or phone messages
  - Items/gifts sent to or left for victim

- Documentation (journal, diary, etc.) of suspect contacts
- Security video of suspect in vicinity of victim
  - Residence, place of employment, etc.
- Evidence of phone tapping by suspect
- Place trap on victim's telephone (\*57 records)
- Photograph and collect items that have been vandalized/damaged and process for fingerprints
- Ask victim to identify individuals (family, friends, co-workers, etc.) who may have information to corroborate any aspect of the incident in question and/or on-going stalking situation
- Locate possible witnesses
- *Collect evidence from suspect*
  - Photographs of victim
  - Videos of victim
  - Photographs, diagrams, or drawings of victim's home or workplace
  - Suspect's written documentation (journal, diary, etc.) describing his/her activities, thoughts, fantasies involving victim
  - Books relating to stalking , violence, and/or harassment
  - Keys that fit victim's house or vehicle
  - Equipment that may have been used for stalking
    - Cameras, binoculars, video recorders, computers, GPS tracking devices, fax machines, cell phones, etc.
  - Telephone/computer records
  - When applicable, apply for and serve search warrants on all probable locations (suspect's residence, vehicle, place of employment, etc.)
- Contact internet or account service provider and request account be frozen and relevant records preserved
- Photograph and collect items of evidentiary value that have been vandalized/damaged and process for fingerprints

## INTERVIEWING SUSPECT – STRATEGY AND TECHNIQUES

1. Prior to interviewing
  - Perform background check on suspect
  - Talk with others who know suspect
  - Has suspect solicited others to help monitor behavior or whereabouts of victim
2. Videotape interview and document
  - Everyone present
  - Where interview took place
  - Suspect's initial reaction to police
  - Suspects demeanor during interview
    - Body language
    - Gestures

- Degree of eye contact
    - Sweating
    - Nervous
  - Suspect's knowledge of victim's residence
  - Suspect's knowledge of victim's daily routine
3. Corroborate details of victim's statement (dates, times, places, etc.)
    - Does suspect acknowledge having contact with victim
  4. Give suspect opportunity to explain his/her actions
    - Document suspect's "side of the story"
  5. What is suspect's demeanor toward victim?
    - Establish suspect's view of his/her relationship with victim
    - How did suspect expect victim to respond to his/her conduct
  6. Determine suspect's current state of mind
    - Assess threat of future stalking or violence

In incidents where a crime has not occurred and where appropriate, the suspect should be advised that his/her actions may be considered illegal if he/she continues; that the actions are unwanted and unacceptable; and that the conduct must stop immediately. Officers should additionally advise the suspect that his/her current action will be documented. Document this police directive.

#### RISK ASSESSMENT – CONSIDER SUSPECT'S

- Threats of bodily harm or murder (past/present)
- Degree of obsession, jealousy, possessiveness towards victim
- Violation of protection orders
- History of violence (family members, ex-partners, animals, etc.)
  - Did violence involve strangulation or head injury
- Threats of suicide (past/present)
- Access to victim and victim's family
- History of unlawful imprisonment
- Drug or alcohol abuse
- Stalking history (current or past victims)
- Depression or other mental illness
- History of sexual assault
- Destruction of property (personal or otherwise)
- Change or elevation of stalking behavior
- Solicitation of others to help monitor victim
- Expansion of threats to others

## THREAT ASSESSMENT DEFINED

With a goal of preventing future harm to a victim, assessing the probability of a suspect committing an act of physical violence.

## THREAT ASSESSMENT - CONSIDERATIONS

1. Does victim believe threat?
  - This is important information, even if the victim is minimizing the danger he/she faces. Consider, also, that words or acts that are not particularly threatening in one cultural frame of reference could be terrorizing in another.
2. Was a threat made in the presence of others?
  - A suspect willing to “leave evidence” or “not caring who knows” may indicate a more serious intent to follow through.
3. Is the threat detailed and specific?
  - Evaluate threats in stalking the same as potential suicides; the more thought that has gone into the plan (evidenced by the amount and specificity of the detail) the more likely it is to be acted on.
  - The words, “I’m going to kill you,” are cause for concern. The words, “Tonight, I’m going to rape and strangle you and hide your body where no one will ever find it,” are cause for greater alarm.
4. Is the threat consistent with past behavior? Does the stalker have the means to carry out the threat?
  - Again, consider the parallel to assessing potential suicides
    - There’s having the thought
    - Then there’s having the plan
    - Then there’s being able to follow through
    - Where the “means” are at hand, there is more risk.
5. Have there been rehearsals of the act that is being threatened?
  - There may be verbal run-throughs
    - “Let me tell you what I’m going to do.”
  - There may be partial re-enactments
    - Showing someone the intended weapon, murder or burial site
6. Does threat extend to others?
  - Fear of harm to loved ones, friends, or acquaintances may restrict a victim’s willingness to resist and/or follow through with police and courts.
7. Does threat involve murder, suicide, or both?
  - A substantial percentage of domestic homicides involve multiple-victims (murder/suicide).

## WEAPONS

- Does suspect possess and/or have access to weapons?
- Does suspect keep weapons in various locations?
- Is suspect trained in the use of weapons?
- Does suspect have illegal or exotic weapons?
- Are access to and use of weapons part of stalker's self-image?
- Has suspect's past violence included show or use of weapons?
- Does victim possess weapons?
- Is victim trained in use of weapons?

## ESCALATION OF STALKING BEHAVIOR

- Does offender enlist others to help monitor victim?
- Is offender expanding threats to those around victim?
- Have behaviors of following and watching victim increased in momentum?
- Have attempts to communicate with victim increased in frequency? Persistency?

## ARREST ISSUES

1. Should an Arrest be Made?
  - Generally, the suspect should be arrested immediately whenever there is probable cause that the suspect committed a stalking offense or a stalking related offense, or there is probable cause to believe that the offender violated a protection order. If the officer/investigator is unsure of which charges should be filed, the Prosecuting Attorney should be consulted.
2. Considerations of Immediate Arrest
  - Legal requirement
  - Protection of victim
  - Flight of suspect
  - Protection of public
  - Destruction of evidence
  - Agency policy
    - Protection of witness
    - Witness tampering
3. Considerations for Delaying Arrest
  - Lack of physical evidence
  - No emergencies exist, low risk
  - Allows time for follow-up investigation
  - Search warrant considerations

4. What if Suspect Cannot be Located and Probable Cause Exists
  - Issue an Attempt to Locate
  - Arrest warrant considerations
  - Charging referral to the Prosecutors Office

#### IMPACT ON VICTIM

Recognizing that stalking behavior can lead to violence is a critical first step in a victim's pursuit of safety. His/her genuine fear of a suspect may be an important element in sustaining probable cause for an arrest and conviction. It is important to determine the emotional impact the stalker's conduct is having on the victim.

1. Has victim modified his/her lifestyle as a result of suspect's conduct?
  - Is he/she having trouble sleeping
  - Is he/she having trouble eating
  - Is he/she missing work
2. What is the victim's degree of concern for his/her safety?

Stalking is a powerful and dangerous tactic used by abusers to control their partners. Although resources are available, many people don't know where to turn for help when someone they know is being stalked. Officers should provide the victim with basic safety information until he/she can meet with an advocate

- Discuss safe and secure housing
- Discuss strategies for keeping victim safe at work
  - Does employer have a "Safety Plan"
- Ensure victim has emergency communication equipment
  - Skagit DVSAS provides 911 cell phones at no cost
- Ensure victim realizes the danger of his/her situation
  - Acknowledge legitimacy of victim's fears and apprehensions
- Make victim aware stalker's behavior may change
  - Overt behavior may decrease while covert behavior may increase
- Give victim resource information provided by Skagit DVSAS
- Refer victim to Skagit DVSAS

## **ROLE OF SKAGIT 911**

Skagit 911 is the Primary Service Answering Point (PSAP) in Skagit County and answers all 911 emergency and non-emergency phone calls generated within Skagit County or routed here from other areas. We provide emergency and non-emergency dispatch services for all local law enforcement, fire, and EMS agencies in Skagit County with the exception of Washington State Patrol.

Skagit 911 is staffed 24/7 and is committed to providing efficient and effective communications services to our user agencies and the citizens and guests of Skagit County. We support and follow the Standard Operating Guidelines and policies and procedures established in cooperation with the agencies we serve. It is our goal to proactively address the needs of our citizens in crisis and willingly participate in the process of identifying and addressing stalking concerns in Skagit County as we are made aware of them.

## **ROLE OF SKAGIT COUNTY PROSECUTING ATTORNEY'S OFFICE**

The Skagit County Prosecutor's Office has two attorneys assigned to domestic violence cases. One prosecutes misdemeanor offenses (District Court); the other prosecutes felony offenses (Superior Court). These attorneys will prosecute felony level stalking incidents, be available for legal questions, and may request additional investigation on referred cases.

Advocates from the Prosecutor's Office provide victims with available resource information, connect them with social services, and keep them informed on the status of their case.

The Prosecutors Office will assist in the coordination, training, and implementation of Skagit County's stalking procedure.

## **ROLE OF SKAGIT COUNTY DISTRICT COURT PROBATION**

District Court Probation has a full time grant-funded domestic violence Probation Officer supervising defendants who have committed domestic violence offenses. These offenses include, but are not limited to, assault, malicious mischief, stalking, interfering with reporting domestic violence, sexual assault, and violation of protection/no contact orders. Currently, 120 domestic violence cases are being supervised by the DV Probation Officer. The purpose of this position is to hold defendants accountable to court orders and to bring justice to the victims. The funding for this position ends on August 31, 2008.

The DV Probation Officer meets regularly with defendants to verify they are following through with their court-ordered requirements. If not, they are taken back to court for a violation hearing and further recommendations may be made. Defendants are typically referred to state-certified DV treatment agencies for evaluations and treatment and close follow-up is done to insure treatment compliance. The officer may also refer defendants for mental health and/or drug/alcohol treatment.

This agency is committed to holding defendants accountable for their behavior and providing a safer environment for victims of domestic violence.

Due to the frequent contact a Probation Officer has with defendants and the regular reporting from law enforcement to probation of contacts with supervised defendants, the Probation Officer may notice trends and conduct consistent with stalking behaviors. Should these activities be suspected, law enforcement notification should be made.

## **ROLE OF SKAGIT DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES (SDVSAS)**

SDVSAS is committed to providing comprehensive confidential services, free of charge, to all victims of domestic violence, sexual assault, and/or stalking. Advocates are available around the clock to assist victims and their families.

Available services include crisis intervention, legal and medical support, emergency housing, court accompaniment, assistance with protection orders, and information and referrals to other agencies and support groups.

SDVSAS is dedicated to working in partnership and collaboration to help put an end to stalking in Skagit County.

## **RESOURCES**

- Centre County Protocol for a Coordinated Law Enforcement Response to Stalking
- Creating an Effective Stalking Protocol, U.S. Department of Justice, Community Oriented Policing Services, Police Foundation, National Center for Victims of Crime, April 2006.
- Skagit County Prosecutors Office
- Skagit County District Court Probation
- Skagit Domestic Violence and Sexual Assault Services
- Skagit County 911 Communications Center
- National Stalking Resource Center
- Washington State Office of Crime Victims Advocacy
- Domestic Fatality Review, 2006
- Skagit County Interagency Work Group on Domestic Violence

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