Know More, Do More: Identifying and Responding to Stalking
Thank You OVW

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For Additional Resources

- www.stalkingawareness.org (coming soon!)
  - Training modules
  - Victim resources
  - Practitioner guides
  - Webinars

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Objectives

- Identify and describe the dynamics associated with stalking
- Recognize and discuss the intersection of stalking with and other crimes
- Develop strategies to increase victim safety and offender accountability in stalking cases
Defining Stalking

Behavioral

Statutory
Stalking

A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.
Context

Something may be frightening to the victim but not to you as the responder.

Stalking behaviors often have specific meaning that may only be understood between offender and victim.

Stalking criminalizes otherwise non-criminal behavior.
Statutes

Federal

All 50 States; District of Columbia; U.S. Territories

Tribal Codes

UCMJ

Contact SPARC for more information on your jurisdiction’s laws!
PREVALENCE OF STALKING

Z R P HQ

Annually: more than 5 million

P HQ

Annually: more than 2 million

7.5 million people in one year in the United States
Prevalence in a Lifetime

More than 1 in 7 WOMEN

More than 1 in 18 MEN
Stalking Dynamics

- 18 – 24 year olds experience the highest rates of stalking
- Women are more likely to experience stalking
- Most offenders are male
- The majority of victims know the offender

Victim & Offender Relationship

Stalking Behavior
Big Picture

Assessment of:
- Course of conduct
- Context
- Impact on victim
Identifying Course of Conduct

Course of Conduct (SLII)

**Surveillance**
- Follow
- Watch
- Wait
- Show up
- Tracking software
- Obtain information about victim
- Proxy stalking

**Life Invasion**
- Unwanted contact at home, work or other places
- Phone calls
- Property invasion
- Public humiliation
- Harass friends/family
Course of Conduct (SLII) Cont’d

Intimidation
- Threats
- Property damage
- Forced confrontations
- Threaten or actually harm self
- Threats to victim about harming others

Interference
- Financial and work sabotage
- Ruining reputation
- Custody interference
- Keep from leaving
- Road rage
- Attack family / friends
- Physical / sexual attack
Stalking is Dynamic

- Changes over time
- Concentrate on
  - Duration
  - Intensity
  - Frequency

“Going to work, attending your kid’s activities, going out for the evening... these things seem routine. For me, they’re terrifying because I never know what he will do or when he will show up.”
Understanding Fear = Understanding Context

- Is cumulative over time
- Is often masked by other emotions: frustration, anger, hopelessness, etc.

The more invasive the stalking, the greater the victim’s psychological distress and fear
Why Do They Stalk?

- Seeking affection
- Power & control
- Rejection
- Obsession
- Planning to commit a crime
- Because they can
Stalking & Domestic Violence
Adapted from the Domestic Abuse Intervention Project’s Power and Control Wheel
## Intimate Partner Stalkers

*Increased Risk for Victims*

- More likely to physically approach victim
- More insulting, interfering and threatening
- More likely to use weapons
- Behaviors more likely to escalate quickly
- More likely to re-offend

Intimate Partner Stalking Risk

More separation attempts than victims of intimate partner violence alone


Intimate partner stalkers are more likely to assault third parties than non-intimate stalkers

• Lorraine Sheridan and Graham Davies, 11(2) *Criminal Behavior and Mental Health* 102-116 (2001)
Lethality Risks

- Femicide by intimate partner
- At LEAST 1 episode of stalking within year prior to murder
  
  **76%**

- Attempted femicide by intimate partner
- At LEAST 1 episode of stalking within year prior to attempted murder
  
  **85%**

McFarlane et al., *Stalking and Intimate Partner Femicide*, 3(4) HOMICIDE STUDIES 300-16 (1999)
THREAT ASSESSMENT

Stalking and Femicide
Stalking is one of the few crimes where early intervention can prevent violence and death.
DV Threat Assessment Tools

Among others...

- Lethality Assessment Plan (LAP)
- Danger Assessment - dangerassessment.org
- Mosaic - mosaicmethod.com
- Idaho Risk Assessment of Dangerousness
# Lethality Assessment Program (LAP)

A “Yes” response to any of Questions # 1 – 3 automatically triggers the protocol referral.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not Ans.</th>
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<tr>
<td>1. Has he/she ever used a weapon against you or threatened you with a weapon?</td>
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<td>2. Has he/she threatened to kill you or your children?</td>
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<td>3. Do you think he/she might try to kill you?</td>
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Negative responses to Questions # 1 – 3, but positive responses to at least four (4) of Questions # 4 -11 trigger the protocol referral.

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<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not Ans.</th>
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<td>4. Does he/she have a gun or can he/she get one easily?</td>
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<td>5. Has he/she ever tried to choke you?</td>
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<td>6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?</td>
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<td>7. Have you left him/her or separated after living together or being married?</td>
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<td>8. Is he/she unemployed?</td>
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<td>9. Has he/she ever tried to kill himself/herself?</td>
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<td>10. Do you have a child that he/she knows is not his/hers?</td>
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<td>11. Does he/she follow or spy on you or leave threatening messages?</td>
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Maryland’s Lethality Assessment Program
Latest Reports

For a quick reference on stalking check this out!

Stalking: Connecting the Dots For Advocates

Stalking: Connecting the Dots For Judges

Stalking: Connecting the Dots For Law Enforcement

Stalking: Connecting the Dots For Victims

Stalking: Connecting the Dots For Friends

Stalking: Connecting the Dots For Mental Health Professionals

Partner Abuse: Looking Beyond Physical Assault to Coercive Control

Stalking and Harassment Assessment & Risk Profile (SHARP)

Frequently Asked Questions About the Stalking and Harassment Assessment & Risk Profile (SHARP)

Enter a Stalking and Harassment Assessment & Risk Profile (SHARP)

Leave Feedback about SHARP

SHARP Narratives Convey the Big Picture of Victims' Experience of Stalking (BATTERED WOMEN'S JUSTICE PROJECT)
Stalking Harassment Assessment and Risk Profile (SHARP)

Narrative Report
- Articulate the story with a short summary
- Third party perspective

Safety Management Tool
- Safety suggestions tailored to responses

http://www.cdar.uky.edu/CoerciveControl/sharp.html
Threat Assessment

Safety Planning
Stalking & Sexual Violence
Intersection of Stalking & Sexual Assault

- Stalker threatens to sexually assault the victim
- Stalker attempts to get someone else to assault the victim
- Stalker sexually assaults the victim
Stalker Pleads Guilty To Fake Craigslist Sex Ads

- Kenneth Kuban placed 165 ads in Craigslist "casual encounters"
- Gave out ex-girlfriend’s address
- Pled guilty to three felony counts in U.S. District Court.
“Nondomestic Organized Stalker”

Victim is unlikely to know she is being stalked by this person until stalker chooses to let her know.

“Nondomestic Organized Stalker”
Cont’d

- Victim’s house broken into
- 6 months later finds:
  - Bathing suit taped to windshield of car
  - Undergarments draped on car’s mirror
  - Cartridge casings taped to car’s window
- Man apprehended < 100 yards from home, has a key to her home
- And.....
In his car they also found:

- .22 caliber pistol & ammunition
- Stun gun
- Mace
- Camera & film
- 2 sets of binoculars
- 2 tape recorders
- 2 flashlights
- Pictures of victim’s apartment & car
- Rubber gloves
- Cotton gloves
- Stocking mask
- Large nylon bag
- Bag w/ change of clothing
- Condoms
- Book of nude pictures
- Gun cleaning kit
- Cooler filled with ice & beer
The Undetected Rapist

1,882 men interviewed as part of the study...all were volunteer participants

Sample Question

Have you ever had sexual intercourse with an adult when they didn't want to because you used physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?

David Lisak, *Repeat Rape and Multiple Offending Among Undetected Rapists*, 17(1) *Violence and Victims* 73-84 (2002)
Of the 1,882 men

- 120 men’s actions (6.4%) met criteria for rape or attempted rape
- Total of 483 rapes
- 76 repeat rapists committed 439 rapes (average = 5.8 each)
- 70 of the 120 admitted to other acts of interpersonal violence, including courses of conduct that meet the definition of stalking!
Stalking and Human Trafficking
Course of Conduct

- Does the recruitment/grooming by the trafficker also constitute stalking?
- Did stalking behavior occur during the trafficking- (note SLII behaviors)
- What behavior occurs if the victim attempts to leave?
- Witness intimidation = stalking?
Stalking & Other Crimes
Among Stalking Cases

- 24% property damage
- 21% involve a direct attack on the victim
- 15% involve an attack on another person or pet
Identity Theft

- Charged items to credit card: 30%
- Took money from accounts: 52%
- Opened/closed accounts: 54%
System Response
Prosecutor
• Communicate elements /evidence needs to LE
• Keep victim informed about status of case

Victim advocate
• Work with victim to document
• Safety planning
• Support and information

Law enforcement
• Investigation
• Threat assessment
• Connect victim with advocates

Courts & Corrections

Schools & Workplaces

Family & Friends

Others

Victim/Survivor
“By the time victims report to police, the stalking behavior has been well established and... victim-initiated countermeasures have failed.”

Andrew Klein et al., *A Statewide Study of Stalking and Its Criminal Justice Response*, ADVOCATES FOR HUMAN POTENTIAL, INC. (2009)
Changed Usual Activity (22%)

Caller ID/Call blocking (19%)

Stayed with friends (18%)

Changed phone number (17%)

Missed work or school (17%)

Avoided friends or family (15%)

Changed locks, installed security system (14%)
Reasons For Not Reporting

- Minimization: 27%
- Private or personal manner: 27%
- Reported to another official: 14%
- Not clear a crime occurred: 11%
- Police wouldn't think important: 11%
- Lacked evidence: 10%
- Fear of reprisal: 6%

*Stalking Victimization in the United States, Bureau of Justice Statistics (2009)*
Identification by Law Enforcement

- 1,785 domestic violence reports
  - 1 in 6 cases evidence of stalking
  - 1 official stalking charge
- Police often do not charge stalking, even when cases include the criminal elements
- In reports, neither victims nor officers use the word stalking

Law Enforcement Response

- First contact is critical!
- Have resources on hand
- Preserve evidence right now
- File other charges
- Monitor the case-coordinated community responses
- Prepare for the long haul
Why Charge Any Applicable Charge?

1. Important for building the stalking case
   - For now and the future

2. Charging stalking results in either
   - Stopping the stalking OR
   - Being able to build a better case if stalking continues

3. Increased plea bargaining options, sentencing options, including enhanced penalties in some situations and jurisdictions
Responding to Victims

- Advise disengagement
- Documentation
- Safety needs and support services
Advise Disengagement

- Recommend complete disengagement (no contact with offender)
  - Explain concept of intermittent reinforcement

_BUT_

- Realize victims engage in behaviors to keep themselves safe:
  - Maintain contact, negotiation, minimizing threat
  - Contact may be a safety strategy
Questions to Consider

- Is there a prior relationship?
- What was typical contact?
- How did contact typically happen?
- Have victim and respondent give context of relationship
- For offender: why did you continue contact when you received no response or were told not to contact
Fear and Emotional Distress

- Has this had an impact on your daily life?
- Did you change your routines or patterns as a result of what has occurred?
- What have you done differently as a result of this situation?
Resources for Victims
## STALKING INCIDENT LOG

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description of Incident</th>
<th>Location of Incident</th>
<th>Witness Name(s) (Attach Address and Phone #)</th>
<th>Police Called (Report #)</th>
<th>Officer Name (Badge #)</th>
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Documentation is Key

- Victim Logs
- Police Reports
- Evidence Preservation
Safety Planning

Risk Reduction
- Practical tips for safety

Empowerment
- Coping Skills
- Autonomy

Resources
- Services
- Agencies / organization
Resources for Professionals
Response to Stalking Report Review Checklist

Does the report include all needed information?

☐ How was the case received?
☐ Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
☐ Is the relationship of the parties identified?
☐ What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
☐ Are stalking behaviors articulated? (e.g. following, repeated calling, sending unwanted gifts)
☐ Is there a valid protection order in place? Was it verified?
☐ Were all witnesses interviewed and documented?
☐ Was information about previous incidents documented?
☐ What evidence was collected?
☐ Was electronic/technological evidence collected?
☐ Were all incidents of stalking behavior on cell phones, computers, and recording devices captured?
☐ Is the scene(s) concisely described/diagramed?
☐ Were weapons/objects used?
☐ What was the emotional state of the victim (what did they report they were thinking and feeling)?
☐ Is evidence of fear articulated in the report?
☐ Have all threats been clearly documented?
☐ Is the use of coercion and/or force articulated?
☐ Have all injuries (visible and non-visible) been properly documented? Were injuries existing or new?
☐ Was there any property damage? Theft? Burglary?
☐ Were photos taken and details recorded?
☐ Did the victim report being strangled (“choked”)? If so, was it described in detail?
☐ Did the victim request/need medical attention?
☐ Were all spontaneous statements captured?

☐ Did the victim express fear about the suspect’s access to firearms? If so, how was this captured in the report?
☐ Were firearms/weapons confiscated? If so, on what grounds?
☐ Is this individual prohibited from possessing firearms due to:
  - a conviction for a misdemeanor crime of domestic violence
  - a qualifying order of protection
  - dishonorable discharge from the military

Did the officer assist the victim with safety planning?

☐ Was information provided about obtaining an order of protection? (If laws permit)
☐ Was information about local service providers supplied to the victim?
☐ Was a threat/risk assessment tool used with the victim?
☐ Was the use of a “stalking kit” and/or stalking log discussed with the victim?

Did your officer gather comprehensive information about the suspect?

☐ Was an arrest made?
☐ What was the emotional state of the suspect (what did they report they were thinking and feeling)?
☐ Was a threat/risk assessment tool used with the suspect?
☐ Was the proper protocol followed if the suspect was not on the scene?
☐ Are there any active warrants out for the suspect? If so, is this information documented?
☐ Has the suspect been the respondent to a protection order in the past?
AEquitas’ mission is to improve the quality of justice in sexual violence, intimate partner violence, stalking, and human trafficking cases by developing, evaluating and refining prosecution practices that increase victim safety and offender accountability.
Tech Safety

Welcome to the Tech Safety App. This app contains information that can help someone identify technology-facilitated harassment, stalking, or abuse and includes tips on what can be done.

Download on the App Store
Get it on Google Play

SPARC
Going Forward

- Identify and respond to stalking within the context of domestic violence
- Identify and respond to stalking within the context of sexual assault cases
- Utilize stalking specific threat assessments to increase victim safety