Know More, Do More: Identifying and Responding to Stalking

Thank You OVW

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In-Person Training
Webinars
Online Resources
Individual & Organizational Assistance
Policy/Protocol Development & Consultation
National Stalking Awareness Month Materials
For Additional Resources

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

- Follow us on Twitter
  SPARC @followuslegally

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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.
PREVALENCE OF STALKING

Z R P HQ

An annually: more than 5 million

7.5 million people in one year in the United States

P HQ

An 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

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Male Victims</th>
<th>Female Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current/Former IP</td>
<td>62%</td>
<td>43%</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>37%</td>
<td>17%</td>
</tr>
<tr>
<td>Stranger</td>
<td>11%</td>
<td>3%</td>
</tr>
<tr>
<td>Family member</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Person of authority</td>
<td>7%</td>
<td>3%</td>
</tr>
</tbody>
</table>


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

<table>
<thead>
<tr>
<th>Intimidation</th>
<th>Interference</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Threats</td>
<td>• Financial and work sabotage</td>
</tr>
<tr>
<td>• Property damage</td>
<td>• Ruining reputation</td>
</tr>
<tr>
<td>• Forced confrontations</td>
<td>• Custody interference</td>
</tr>
<tr>
<td>• Threaten or actually harm self</td>
<td>• Keep from leaving</td>
</tr>
<tr>
<td>• Threats to victim about harming others</td>
<td>• Road rage</td>
</tr>
<tr>
<td></td>
<td>• Attack family / friends</td>
</tr>
<tr>
<td></td>
<td>• Physical / sexual attack</td>
</tr>
</tbody>
</table>

### 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

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

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

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 A 1 – 3 automatically triggers the protocol intake.
- A "No" response to any of Questions A 1 – 3 means further assessment questions should be used.
- A "Not App" response to any of Questions A 1 – 3 means the protocol intake should be continued.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not App</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Have you ever used a weapon against you or threatened you with a weapon?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Have you ever threatened to kill you or your children?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Do you think he/she might try to kill you?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Positive responses to Questions A 1 – 3, but another response to at least one of Questions A 1 – 3 triggers the protocol intake.

Maryland’s Lethality Assessment Program

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Stalking Harassment Assessment and Risk Profile (SHARP)

- Narrative Report: Articulate the story with a short summary
- Safety Management Tool: Safety suggestions tailored to responses

http://www.cdar.uky.edu/CoerciveControl/sharp.html
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(VIOLANCE 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
- Took money from accounts
- Opened/closed accounts

System Response
Prosecutor
- Communicate elements/evidence needs to LE
- Keep victim informed about status of case

Courts & Corrections

Victim/Survivor

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

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

Family & Friends

Schools & Workplaces

Other

Reporting

"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%)
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%

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

TK Logan, Research on Partner Stalking: Putting the Pieces Together. UNIVERSITY OF KENTUCKY (2010)

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
**Documentation**

**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)</th>
<th>Police Called</th>
<th>Officer Name</th>
<th>Officer ID</th>
</tr>
</thead>
</table>

**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

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THE GLOBAL RESOURCE CENTER AGAINST WORST

AEQUITAS | 1501 16th Street NW, Suite 200 | Washington, DC 20005

www.aequitasresource.org

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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