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Know More, Do More: Identifying & Responding to Stalking

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Objectives

- Recognize and discuss the intersection of stalking and domestic & sexual violence
- Identify common technologies used in stalking incidents
- Identify strategies for holding offenders accountable and increasing victim safety

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Defining Stalking

- Behavioral
- Statutory

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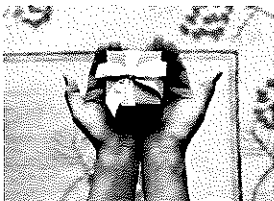
Stalking

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

STALKER

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Context



- Something may be frightening to the victim but not to you
- Stalking behaviors often have specific meanings
- Stalking criminalizes otherwise non-criminal behavior

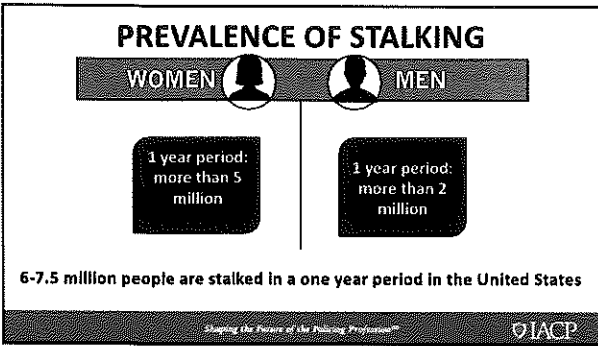
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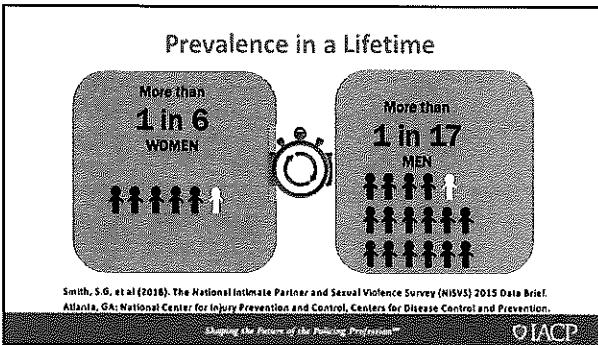
Statutes

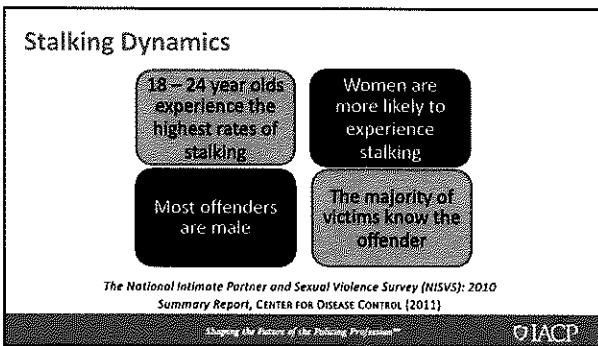
- Federal
- All 50 States; District of Columbia, U.S. Territories
- Tribal Codes
- UCMJ

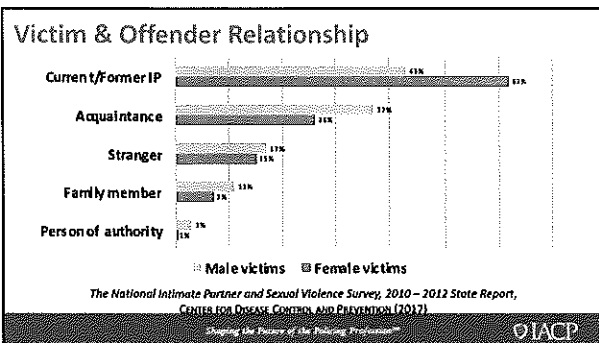
Contact SPARC for more information on your jurisdiction's laws!

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Stalking Behavior

Why Do They Stalk?

- Seeking affection
- Power & control
- Rejection
- Obsession
- Planning to commit a crime
- Because they can

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Pattern of Behavior

2/3 of stalkers pursue their victim at least once per week

78% of stalkers use more than one means of approach

Weapons used to harm or threaten victims in about 20% of cases

Kris Mohandie, et al., *The RECON Typology of Stalking: Reliability and Validity Based Upon a Large Sample of North American Stalkers*, 51(1) J FORENSIC SCI 147-55 (2006)

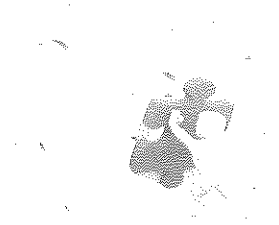
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Big Picture

Assessment of:

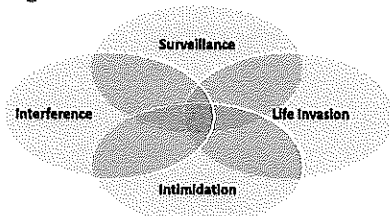
- Course of conduct
- Context of the threat
- Full scope and nature of impact on victim



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Identifying Course of Conduct



TK Logan & Robert Walker, *Stalking: A Multidimensional Framework for Assessment and Safety Planning*, 18(1) Trauma, Violence & Abuse 209-27 (2017)

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SLII Examples

Surveillance

- Follow
- Watch
- Wait
- Show up
- Tracking software

• Obtain information about victim

• Proxy stalking

Life Invasion

- Unwanted contact at home, work, etc.
- Phone calls
- Property invasion
- Public humiliation
- Harass friends/family

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SLII Examples

Interference

- Financial and work sabotage
- Ruining reputation
- Custody interference
- Keep from leaving
- Road rage

• Attack family/friends

• Physical/sexual attack

Intimidation

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

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Impact on Victims

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Impact on Stalking Victims

Many stalking victims:

- **Experience mental health issues** including depression, anxiety, insomnia and social dysfunction.
- **Lose time from work.** 1 in 8 employed stalking victims lose time from work and more than half lose 5 days of work or more.
- **Relocate.** 1 in 7 stalking victims move.

Katrina Baum et al., "Stalking Victimization in the United States," (Washington, DC: Bureau of Justice Statistics, 2009).
Eric Blaauw et al., *The Toll of Stalking*, 17(1)
JOURNAL OF INTERPERSONAL VIOLENCE 50-63 (2002).

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Victims are afraid of:

- 46% not knowing what would happen next
- 30% bodily harm
- 29% behavior would never stop
- 13% harm or kidnap a child
- 10% loss of freedom
- 9% death
- 4% losing one's mind

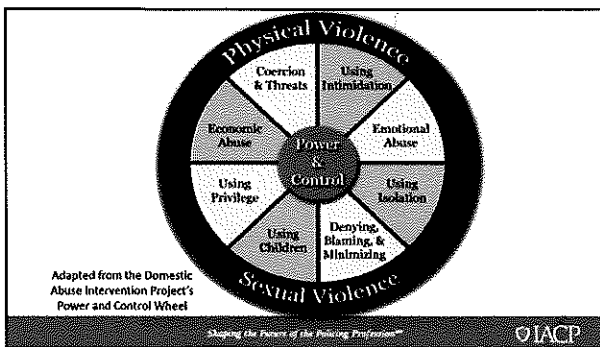
SHANNON CAVALHO, STALKING VICTIMIZATION IN THE UNITED STATES (Bureau of Justice Statistics, 2009)

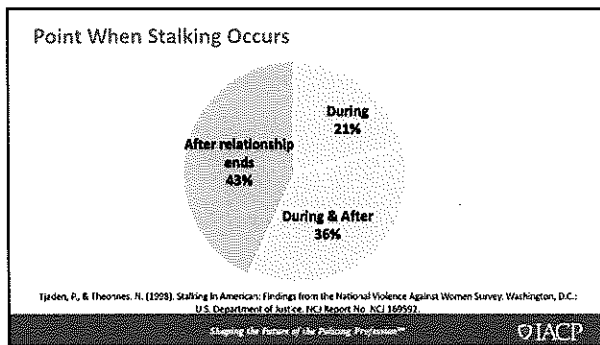
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Stalking & Other Crimes

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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

Kris Mohandie, et al., The RECON Typology of Stalking: Reliability and Validity Based Upon a Large Sample of North American Stalkers, 51(1) J Forensic Sci 147-55 (2006)

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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)

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Threat Assessment

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Lethality Assessment Project

*** A "Yes" response to any of Questions # 1 - 3 automatically triggers the protocol referral**

1	Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans
2	Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans
3	Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans

**** Negative responses to Questions # 1 - 3, but positive responses to at least four (4) of Questions # 4 - 11 trigger the protocol referral**

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

The slide features several icons and text elements:

- A question mark icon with text: "Security, Home, Children, Adult, the Training and the Incident Response & the Incident Response"
- A document icon with text: "Learn, Share, and the Incident Response & the Incident Response"
- A checkmark icon with text: "The Incident Response & the Incident Response"
- A person icon with text: "The Incident Response & the Incident Response"
- A speech bubble icon with text: "The Incident Response & the Incident Response"
- A hand icon with text: "The Incident Response & the Incident Response"
- The logo "OutrageUs" with the tagline "Empowering Women"
- Text at the bottom: "Welcome to our new website with a new look and new look on other aspects of working from professional. The website will include a new look on other aspects."

Stalking Harassment Assessment and Risk Profile (SHARP)

Narrative Report

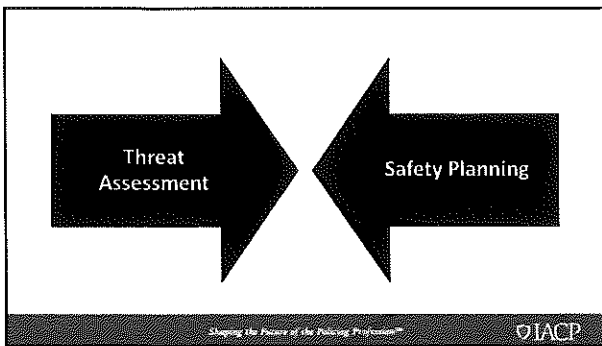
- Articulate the story with a short summary
- Third party perspective


Safety Management Tool

- Safety suggestions tailored to responses

<http://www.cd.ar.uky.edu/CoerciveControl/sharp.html>

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Case Scenario

Case Scenario

- Which risk factors are present?
 - Do you think that Patrick poses a threat?
 - If so, to whom?
- What additional information do you want?
- How would you, in your professional capacity, work with Peggy at this point?
 - What options and resources would you provide to Peggy?
- Are there agencies/organizations that would be useful to collaborate with in this case?
 - How could they be helpful to you or Peggy?

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Knowing the outcome, would you do anything differently?

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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**

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Grooming for SA as Stalking

- Repeat sexual assault perpetrators may premeditate the rape:**
- **Chose targets intentionally.** Identified vulnerable young women, often focusing on Freshmen
 - **Contacted multiple times:** invited them to parties, messaged through social media, texting and call.
 - **Pled with alcohol:** served drinks, controlled alcohol, made strong drinks
 - **Isolated victims:** many had rooms set up at their parties for the purpose of committing rape
 - **Contacted after:** texted, messaged and/or called to either threaten and/or invite to another party

David Usak, *Repeat Rape and Multiple Offending Among Undetected Rapists*, 17(1) Violence and Victims 73-84 (2002)

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Victim Reporting and Law Enforcement Response

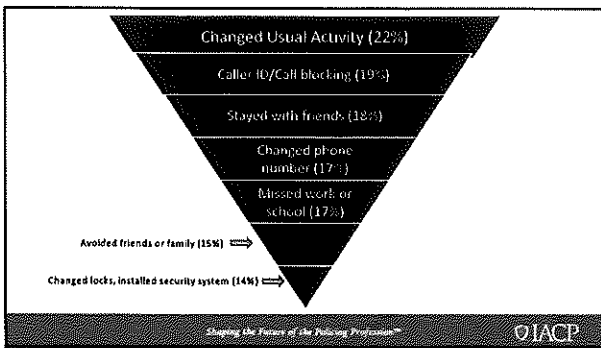
Reporting

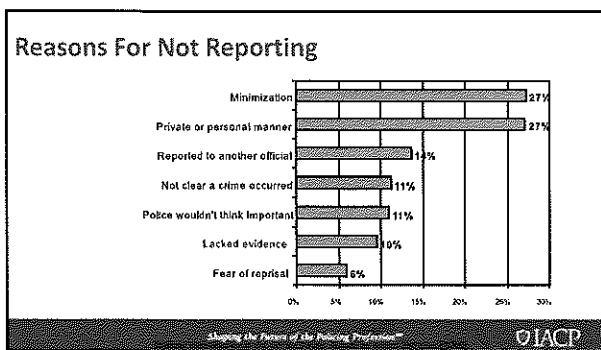
By the time victims report to police, the stalking behavior has been well established and... victim-initiated countermeasures have failed.

Andrew Klein et al., *A Statewide Study of Stalking and its Criminal Justice Response*, 2009(4) Journal of Police Practice and Research, Inc. (2009)

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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)

First Response

Any time a victim reports any type of harassing behavior:

- Consider the possibility of a stalking case
- Determine whether this is an isolated incident or repeated conduct

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Common Victim Responses

- Inconsistent accounts of incidents
- Over-focus on one particular incident; lack of focus on others
- Minimization of the issue
- Not wanting other parties to “get in trouble”
- Thinking others will not believe
- Taking measures to deal with it on their own

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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

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Context Questions

Have parties give the context of the relationship or the contact:

- How long have you known him / her?
- How would you describe your relationship?
- Has your relationship changed?
- How has your relationship changed?
- What type of contact was typical in your relationship?

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Fear and Emotional Distress Questions

- How did the contact make you feel?
- Explain in your own words why the contact scared you?
- Did every contact scare you or at what point did you become frightened?
- What did you think may happen to you as a result of the contact?

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Fear and Emotional Distress Questions

- Has this had an impact on your daily life? If so, how?
- Did you change your routines or patterns?
- What has been the impact on your job, academics, etc.?
- What have you done differently as a result of this situation?
- Have you gotten new phone numbers, email accounts, online screen name and not told the person contacting you?

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Respondent Interviews

Often stalking offenders want to talk about their victims and explain away what they are doing to convince others they are "right" in their behaviors

"Tell me how what you're doing is being misunderstood."

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Warning/Notice to Respondent

- Use language "you are making the victim afraid"
- Get response from respondent
- Record the warning when possible
- Document the warning / no-contact letters

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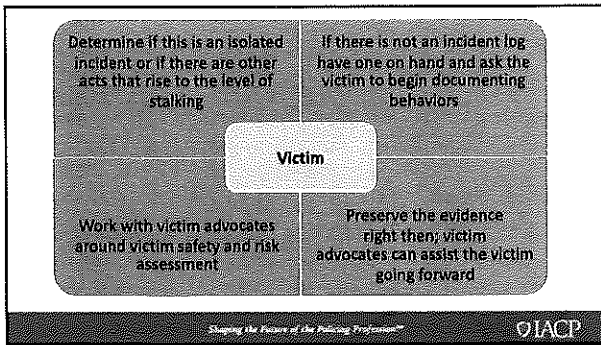


Why Charge Any Applicable Charge?

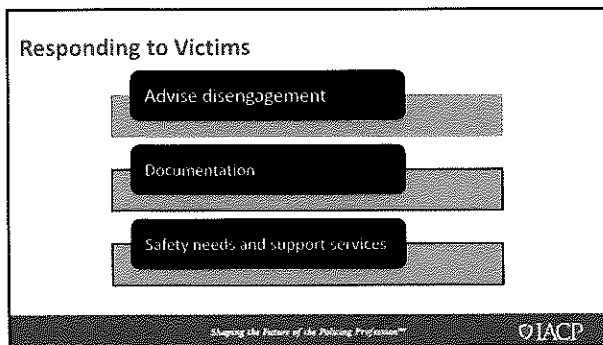
1. Important for building the stalking case
 - For now and the future
2. Charging stalking results in either
 - Stopping the stalking OR
 - Being able to build a better case if stalking continues
3. Increased plea bargaining options, sentencing options, including enhanced penalties in some situations and jurisdictions

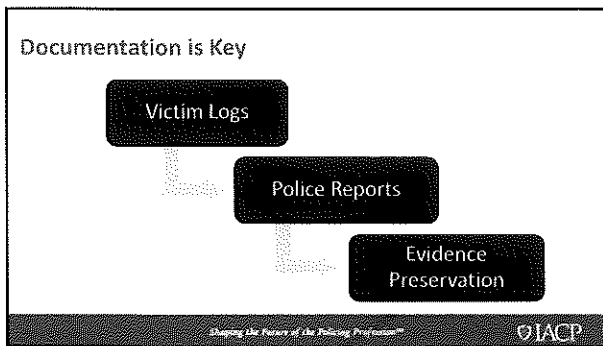
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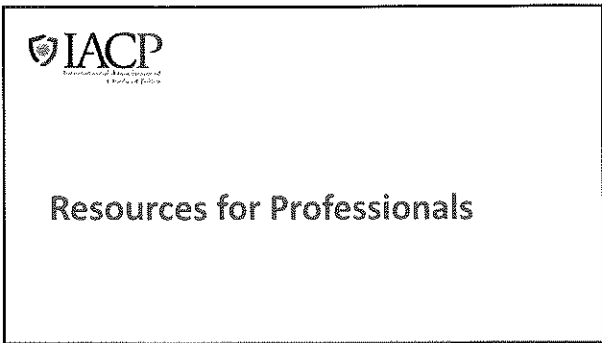
Responding to Victims



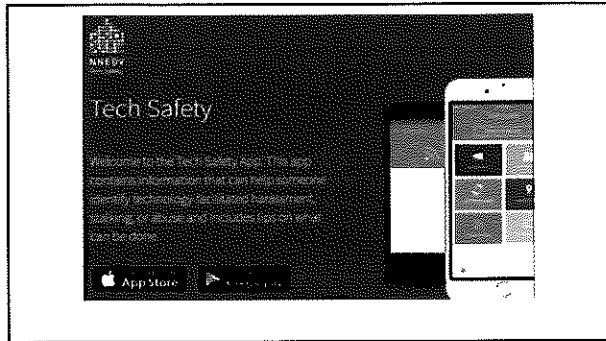


- ### Stalking Documentation Kits
- Cell phone
 - Personal alarms
 - Game cameras
 - Log
 - Pen with the date
 - Digital recorder
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- ### Orders of Protection
- Can enhance victim safety
 - Only as good as enforcement
 - Violations
 - 81% of male victims
 - 69% of female victims
-
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For Victims




Confidential referrals for crime victims  855-4-VICTIM

www.StalkingAwareness.org

- Training modules
- Victim resources
- Practitioner guides
- Webinars

   @followuslegally

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