



COPS★

COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE

**Problem-Oriented Guides for Police
Problem-Specific Guides Series**

No. 22

Stalking

by the National Center for Victims of Crime





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Stalking

National Center for Victims of Crime

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About the Problem-Specific Guides Series

The *Problem-Specific Guides* summarize knowledge about how police can reduce the harm caused by specific crime and disorder problems. They are guides to prevention and to improving the overall response to incidents, not to investigating offenses or handling specific incidents. The guides are written for police—of whatever rank or assignment—who must address the specific problem the guides cover. The guides will be most useful to officers who

- **Understand basic problem-oriented policing principles and methods.** The guides are not primers in problem-oriented policing. They deal only briefly with the initial decision to focus on a particular problem, methods to analyze the problem, and means to assess the results of a problem-oriented policing project. They are designed to help police decide how best to analyze and address a problem they have already identified. (A companion series of *Problem-Solving Tools* guides has been produced to aid in various aspects of problem analysis and assessment.)
 - **Can look at a problem in depth.** Depending on the complexity of the problem, you should be prepared to spend perhaps weeks, or even months, analyzing and responding to it. Carefully studying a problem before responding helps you design the right strategy, one that is most likely to work in your community. You should not blindly adopt the responses others have used; you must decide whether they are appropriate to your local situation. What is true in one place may not be true elsewhere; what works in one place may not work everywhere.
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- **Are willing to consider new ways of doing police business.** The guides describe responses that other police departments have used or that researchers have tested. While not all of these responses will be appropriate to your particular problem, they should help give a broader view of the kinds of things you could do. You may think you cannot implement some of these responses in your jurisdiction, but perhaps you can. In many places, when police have discovered a more effective response, they have succeeded in having laws and policies changed, improving the response to the problem.
 - **Understand the value and the limits of research knowledge.** For some types of problems, a lot of useful research is available to the police; for other problems, little is available. Accordingly, some guides in this series summarize existing research whereas other guides illustrate the need for more research on that particular problem. Regardless, research has not provided definitive answers to all the questions you might have about the problem. The research may help get you started in designing your own responses, but it cannot tell you exactly what to do. This will depend greatly on the particular nature of your local problem. In the interest of keeping the guides readable, not every piece of relevant research has been cited, nor has every point been attributed to its sources. To have done so would have overwhelmed and distracted the reader. The references listed at the end of each guide are those drawn on most heavily; they are not a complete bibliography of research on the subject.
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- **Are willing to work with other community agencies to find effective solutions to the problem.** The police alone cannot implement many of the responses discussed in the guides. They must frequently implement them in partnership with other responsible private and public entities. An effective problem-solver must know how to forge genuine partnerships with others and be prepared to invest considerable effort in making these partnerships work.

These guides have drawn on research findings and police practices in the United States, the United Kingdom, Canada, Australia, New Zealand, the Netherlands, and Scandinavia. Even though laws, customs and police practices vary from country to country, it is apparent that the police everywhere experience common problems. In a world that is becoming increasingly interconnected, it is important that police be aware of research and successful practices beyond the borders of their own countries.

The COPS Office and the authors encourage you to provide feedback on this guide and to report on your own agency's experiences dealing with a similar problem. Your agency may have effectively addressed a problem using responses not considered in these guides and your experiences and knowledge could benefit others. This information will be used to update the guides. If you wish to provide feedback and share your experiences it should be sent via e-mail to cops_pubs@usdoj.gov.



For more information about problem-oriented policing, visit the Center for Problem-Oriented Policing online at www.popcenter.org or via the COPS website at www.cops.usdoj.gov. This website offers free online access to:

- the *Problem-Specific Guides* series
- the companion *Response Guides* and *Problem-Solving Tools* series
- instructional information about problem-oriented policing and related topics
- an interactive training exercise
- online access to important police research and practices.



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Karin Schmerler, Rita Varano and Nancy Leach oversaw the project for the COPS Office. Suzanne Fregly edited the guides. Research for the guides was conducted at the Criminal Justice Library at Rutgers University under the direction of Phyllis Schultze.

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The Problem of Stalking

This guide reviews the problem of stalking and the factors that contribute to it. It then identifies a series of questions to help you analyze your local problem. Finally, it reviews responses to the problem, and what is known about them from evaluative research and police practice.

Defining Stalking

Stalking creates uncertainty, instills fear, and can completely disrupt lives. It can involve severe—even lethal—violence. Stalking involves a pattern of overtly criminal and/or apparently innocent behavior that makes victims fear for themselves or others.

Stalking is distinguishable from many other types of crime in two important ways. First, it entails repeat victimization of a person the offender targets—it is, by its very nature, a series of acts, rather than a single incident. Second, it is partly defined by its impact on the victim. While legal definitions of stalking vary from state to state, the following is a useful general definition:

*A course of conduct directed at a specific person that would cause a reasonable person fear.*¹

Prevalence and Nature of Stalking

Stalking is widespread. Nearly one in 12 women and one in 45 men are stalked at least once in their lifetime.² It is estimated that more than a million women and nearly half a million men are stalked in the United States each year.³ The overwhelming majority (78 percent) of victims are women, and the majority of offenders (87 percent) are men.⁴



§ In cases involving intimate partners, 21 percent of victims surveyed reported that stalking occurred during the relationship, 36 percent reported that it occurred both during and after the relationship, and 43 percent reported that it started after the relationship.

Most victims know their stalkers. Even though we often hear reports of fans stalking celebrities, survey evidence indicates that fewer than a quarter of female victims and a third of male victims are stalked by strangers.⁵ Nearly 60 percent of female victims and 30 percent of male victims are stalked by current or former intimate partners.⁶ In intimate-partner cases, fewer than half of stalking incidents occur after the relationship ends.⁷ Most of the time, the stalking occurs during the relationship.^{8, §}

Stalking and domestic violence intersect in a variety of ways. Research indicates that 81 percent of women stalked by an intimate have been physically assaulted by that person.⁹ Thirty-one percent of women stalked by an intimate have been sexually assaulted by that person.¹⁰ Offenders who stalk former intimate partners are more likely to have physically or sexually assaulted them before the relationship ended.¹¹

Stalking is often a feature of relationships involving domestic violence.¹² Like domestic violence, it is a crime of power and control. In one study about stalking and pre-stalking relationships, over 50 percent of the women were psychologically abused, 65 percent reported physical abuse, and 8.6 percent experienced sexual abuse during their relationship.¹³ If stalking is defined as a course of conduct that intimidates or frightens the victim, then relationships involving domestic violence also involve stalking.

Both domestic violence and stalking are linked to lethal violence. Research has revealed that one-third of women killed each year in the United States die at the hands of a current or former intimate.¹⁴ It is estimated that 25 to 35 percent of stalking cases involve violence.¹⁵ And when stalking leads to violence, it is often a precursor



to lethal violence. Studies show that stalking precedes an exceedingly high proportion of homicides by intimates.¹⁶ In over 75 percent of completed and attempted female homicides by intimates, the offenders stalked the victims in the year before the offense.¹⁷

§ You can find state stalking statutes on the National Center for Victims of Crime's Stalking Resource Center website, www.ncvc.org/src.

Victims report only about half of stalking incidents to the police.¹⁸ Generally, those who do not report do not think the matter is criminal, do not think the police can help them, or fear that reporting will make the stalker even more dangerous.¹⁹ Twenty percent of victims who reported stalking stated that the police did not act regarding their complaints.²⁰ Other victims may not report incidents because they may minimize the risk a stalker poses or blame themselves for the stalker's behavior.

State and Federal Anti-Stalking Laws

The first stalking law was passed in California in 1990. Since then, increasing awareness about stalking's impact has led legislatures in all 50 states to pass stalking laws.[§] While legislation is critical, laws alone accomplish little without clear anti-stalking policies and effective enforcement. Yet most police agencies across the country have not adopted distinct stalking-intervention protocols and procedures.

Stalking laws vary from state to state, but they share certain basic elements. Statutes generally define stalking in terms of a course of conduct or pattern of behavior that would cause a reasonable person to fear bodily injury or death for himself/herself or a member of his/her immediate family. Similarly, under most state laws, two or more incidents are required to establish a course of



§ Relevant federal laws include Full Faith and Credit (U.S.C. § 2265), Interstate Stalking (U.S.C. § 2261), Interstate Domestic Violence (U.S.C. § 2261), Interstate Violation of a Protection Order (U.S.C. § 2262), Federal Domestic Violence Firearm Prohibitions (U.S.C. § 922), Interstate Communications (U.S.C. § 875), and Harassing Telephone Calls in Interstate Communications [U.S.C. § 233(a)(1)(C)].

conduct. Because state laws vary, you should consult with your local prosecutor regarding your state's stalking law to be clear about what evidence is necessary to build a stalking case. In addition to specific stalking statutes, numerous other state and local laws relating to a wide variety of crimes and the investigation or prevention of crime may be relevant in stalking cases. These include laws governing:

- protective/restraining orders
- threats, assaults, and attempted murder
- kidnapping
- vandalism and other property crimes
- theft
- domestic violence
- sexual assault
- hate crimes
- terrorism or terrorist threats
- annoying phone calls and other forms of harassment
- identity theft
- utility theft
- wiretapping.

Federal statutes specifically relating to or applicable to stalking may provide further options for prosecuting stalkers. §

Related Problems

Other related problems and issues not directly addressed by this guide include:

- homicide
- domestic violence
- sexual assault



- violations of protective orders
- vandalism
- telephone misuse
- trespassing
- cyberstalking
- harassment
- cruelty to pets or other animals
- voyeurism
- identity theft
- workplace violence
- dignitary and celebrity protection.

§ Sixty-nine percent of female and 81 percent of male victims with protective orders reported that their stalkers had violated the order (Tjaden and Thoennes 1998).

Factors Contributing to Stalking

Understanding the factors that contribute to stalking will help you frame your own local analysis questions, determine good effectiveness measures, recognize key intervention points, and select appropriate responses.

Stalking Behaviors

Stalking, by definition, is not a one-time act but a course of conduct. It may involve a mix of patently criminal acts and acts that, in isolation, would seem nonthreatening. It is the pattern and context of these criminal and noncriminal acts that constitute stalking.

Stalking often includes:

- assaulting the victim
 - violating protective orders[§]
 - sexually assaulting the victim
 - vandalizing the victim's property
 - burglarizing the victim's home or otherwise stealing from the victim
 - threatening the victim
 - killing the victim's pet(s).
-



Other common stalking behaviors include:

- sending the victim cards or gifts
- leaving telephone or e-mail messages for the victim
- disclosing to the victim personal information the offender has uncovered about him or her
- disseminating personal information about the victim to others
- following the victim
- visiting the victim at work
- waiting outside the victim's home
- sending the victim photographs taken of him or her without consent
- monitoring the victim's Internet history and computer usage
- using technology to gather images of or information about the victim.

Types of Stalkers

While stalkers come from different backgrounds and have different personalities, researchers have developed several widely accepted typologies of them. It is important to emphasize that, while stalker typologies can be helpful, they are only general classifications. Whenever possible, a properly trained professional should conduct a threat assessment. Individual stalkers may not precisely fit any single category, and often exhibit characteristics associated with more than one category. However, the typology can alert investigators and victim advocates to certain general characteristics exhibited by similar stalkers, and help them with threat assessment and safety planning.



One widely accepted typology of stalkers²¹ is based on the stalker's underlying motives, and includes the following categories:

Simple obsessional. This is the most common type. The stalker is usually a male, and the victim an ex-spouse, ex-lover, or former boss. The stalking sometimes results from the stalker's feeling the victim has mistreated him or her. In intimate relationships, the stalking frequently begins before a breakup.

Love obsessional. The stalker is a stranger or casual acquaintance to the victim, but is obsessed and begins a campaign of harassment to make the victim aware of his or her existence. This type often stalks a celebrity or public figure, but can also stalk a noncelebrity.

Erotomania. The stalker falsely believes that the victim is in love with him or her, and that, but for some external obstacle or interference, they would be together. The victim may be rich or famous, or in a position of power (e.g., a movie star, employer, or political figure). In this situation, the stalker could also pose a great risk to those close to the victim (e.g., a spouse or lover perceived to be "in the way").

False victimization syndrome. This is extremely rare and involves someone who consciously or subconsciously wants to play the role of victim. He or she may make up a complex tale, claiming to be a stalking victim. In such cases, the would-be victim is sometimes the actual stalker, and the alleged offender is the real victim.



§ The typology terms actually used are "domestic" and "nondomestic." "Intimate" and "nonintimate" are used here for clarity.

Another typology used to classify stalkers identifies them by their relationship to the victim.²² This typology divides stalkers into two basic categories: intimate and nonintimate.[§] The following is a brief description of these categories:

Intimate. A former relationship exists between the stalker and the victim. There is likely a history of abuse, such as domestic violence, by the stalker. The stalker often seeks to reestablish a relationship the victim has tried to end.

Nonintimate. The stalker has no interpersonal relationship with the victim. He or she may choose the victim after a brief encounter, or simply after observing the victim. The victim is often unable to identify the stalker when he or she first becomes aware of being stalked. This type is subdivided into two categories:

- **Organized.** The relationship between the stalker and the victim is characterized by one-way, anonymous communication from stalker to victim. The stalker is methodical and calculating, and the victim usually does not know the stalker's identity.
- **Delusional.** The relationship between the stalker and the victim is based solely on the stalker's psychological fixation on the victim. The stalker is delusional and falsely believes he or she has a relationship or other connection with the victim.

Again, stalkers often exhibit behaviors from more than one typology. The typologies are an overview, and you should never use them as a substitute for a thorough threat assessment.



Stalkers are, by their very nature, obsessive and dangerous.²³ Regardless of typology, you should always consider stalkers capable of killing their victims. Anyone the stalker perceives as impeding his or her contact with the victim, including police, prosecutors, and advocates, is also at risk. Some stalkers seek union with their victims through murder-suicide.²⁴ Any suicidal statements or gestures the stalker makes should serve as an indication that the stalker is a high-risk threat. You should also examine the stalker's background for depression, psychiatric hospitalizations, and other indications that he or she may be suicidal.

Stalking's Impact on Victims

Unlike the case with many crimes, the legal definition of stalking covers not only the offender's behavior but also the effects on the victim. The victim's psychological responses and the changes the victim makes in his or her life as a result of stalking can all be used as evidence of the fear the offender has caused.

Stalking's impact is often wide-ranging, severe, and psychologically traumatic. Many victims feel constantly on alert, vulnerable, out of control, stressed, and anxious. Dealing with stalking can consume all their energy. They may experience a loss of trust, long-term emotional distress, and significant disruption of everyday living.²⁵ Many seek psychological counseling.²⁶ Victims' symptoms tend to worsen with each new incident, and may be compounded by concerns about the effects on their children and other secondary victims.²⁷



§ While victims can change their social security number, some victims have had problems as a result (for example, establishing credit or prior employment history, or getting a passport). Therefore, this option should be weighed carefully.

Stalking can also trigger a wide variety of behavioral reactions. Many victims take steps to avoid being followed and spied on. They alter their normal routines, avoid going out alone, and give up leisure activities. To protect themselves, they may screen all telephone calls (at home and work) and change their telephone number, email and postal addresses, driver's license, and social security number.²⁸ § More drastic action may include temporary or permanent relocation. They may move to another state or try to change their identity, often uprooting children in the process, leaving behind close friends and relatives, and abandoning careers.

When the criminal justice system fails to protect victims from stalking, it makes it that much harder for them to recover from its effects.²⁹

The Challenges of Policing Stalking

Stalking can be difficult to recognize, investigate, assess, and prevent for many reasons, including the following:

- Stalking is not a single, obvious, easily identifiable crime like assault, robbery, burglary, and most other offenses.
 - Stalking, like domestic violence, often is not taken sufficiently seriously because it can involve acts the police may perceive as part of everyday courtship and intimate relationships. The police may mistake repeated telephone calls, letters, cards, and gifts from "would be" lovers for innocent romantic attention. However, when such gestures are part of a course of conduct that instills fear in the victim, they are being used to terrorize.
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- Stalking behaviors are complex, varied, and unpredictable. Stalking takes many forms, and individual incidents may be very different. It is hard to be certain if and when stalking will escalate to violence.
- There is no single stalker profile to assist investigators.
- When blatant acts of violence occur, a pattern of stalking behavior may not seem significant.
- Effective investigations depend on gathering information from many sources.
- The stalker may commit crimes in different locations and be under investigation in multiple jurisdictions. The victim may live in one jurisdiction, work or attend school in another, and seek refuge in yet another. If the stalker threatens people connected with the victim, such as coworkers, family members, or friends, or vandalizes their property, different victims' names will appear on complaint reports.
- Stalkers are not easily deterred and tend to be obsessive. Therefore, conventional sanctions, including court orders forbidding contact with victims, may not necessarily make an impact. Many stalkers continue to harass their victims even after conviction; the stalking may escalate if they perceive court sanctions as minor. Others may see their trials as a way to stay in their victims' lives. Because the first prosecution and conviction may not end the stalking, more enforcement is often necessary.[§] Thus, it is important to keep in touch with victims and ensure that offenders are supervised. (Mental health agencies may have a duty to warn victims of imminent threats, and batterer's intervention programs often do not require confidentiality between offenders and staff; both can help monitor offenders.)

§ Investigators throughout the country have indicated that stalking cases can last years beyond the first conviction. It is not unusual for an offender to start stalking again before an anniversary, following a stressful event, or after any number of other triggers that renew the stalker's interest in the victim.



Because stalking is an ongoing crime involving multiple incidents, police may have numerous opportunities to observe the stalker's behavior and make an arrest. Even in cases where the stalker does not contact the victim in person, police can generally piece together enough evidence to identify and locate the offender and make an arrest. The sooner police can document separate stalking incidents, the greater the chance of bringing the offender to justice before a case escalates to lethal levels.



Understanding Your Local Problem

The information provided above is only a generalized description of stalking. You must combine the basic facts with a more specific understanding of your local problem. Analyzing the local problem carefully will help you design a more effective response strategy.

Asking the Right Questions

The following are some critical questions you should ask when analyzing your stalking problem. Your answers to these questions will help you choose the most appropriate set of responses later on.

Incidents

- How many stalking incidents does your agency investigate within a year?
 - When your agency identifies stalking, does it record it? If so, does it record it specifically as stalking, or as the particular offense committed during each incident?
 - What percentage of stalking cases involve other offenses (e.g., homicide, domestic violence, threats, harassing phone calls, child abuse, pet abuse, theft, vandalism)? Conversely, what percentage of those offenses involve stalking? For example, what percentage of domestic violence incidents are part of a stalking pattern?
 - Does your agency have data systems for tracking repeat offenses (by offender, victim, and location)?
 - To what extent are stalkers using advanced technology such as global positioning systems, wireless remote cameras, and invasive computer programs to stalk victims?
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Victims

- How many stalking victims are there in your jurisdiction? (Consider conducting a local victimization survey, rather than relying on police reports.)
- What percentage of stalking victims report it to the police?
- What physical injuries do victims suffer? What psychological harm? What other harms (e.g., missed work or school, job loss, moving expenses)?
- Do particular populations in your community appear to be targeted for stalking?

Offenders

- What percentage of stalkers have stalked more than one victim?
 - What is the relationship between stalkers and victims? What percentage of stalkers are strangers to their victims? Acquaintances? Former lovers or spouses?
 - Have stalkers had multiple contacts with the criminal justice system? Have they been convicted of stalking before?
 - Do stalkers routinely violate protective orders? Bail conditions?
 - Are stalkers monitored while cases are pending?
 - Do stalkers contact victims while cases are pending?
 - Do stalkers access information about victims once a case has been initiated, such as where they live or work?
 - Are stalkers held accountable when they violate bond or probation conditions?
-



Locations/Times

- Do stalking incidents occur at particular locations, such as victims' workplaces or homes?
- Do stalking incidents occur at certain times of the day, days of the week, or times of the year (e.g., when children are not home, in the middle of the night, on weekends, around holidays or other special days)?

Current Responses

- How does your agency currently respond to stalking?
How is the problem addressed by patrol officers?
Investigators? Victim advocates?
 - Does your agency have a written policy or protocol for responding to stalking or potential stalking incidents?
 - What training do officers receive on stalking?
 - How do other agencies (prosecutor's offices, courts, victims' assistance organizations) handle stalking cases?
 - What services are provided to stalking victims? How are victims made aware of those services?
 - Do you currently have formal cooperative agreements with other law enforcement agencies at the local, state, and federal levels in stalking cases?
 - Does your agency routinely work with community social service agencies on stalking cases?
 - Has your community developed a multidisciplinary response to stalking?
 - What systems are in place to monitor convicted stalkers? Are they effective?
 - Does your agency routinely check for ways that offenders can contact or access information about victims while they are incarcerated or when their cases are pending?
-



- Do you believe the laws in your jurisdiction provide adequate legal authority to address stalking?
- What percentage of stalking charges result in conviction?
- What types of sentences do stalkers receive when convicted? To what extent do they comply with sentence terms?

Measuring Your Effectiveness

Measurement allows you to determine to what degree your efforts have succeeded, and suggests how you might modify your responses if they are not producing the intended results. You should take measures of your problem *before* you implement responses, to determine how serious the problem is, and *after* you implement them, to determine whether they have been effective. (For more detailed guidance on measuring effectiveness, see the companion guide to this series, *Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*.)

The following are potentially useful measures of the effectiveness of responses to stalking:

- increased number of stalking complaints (this may indicate that victims are more willing to report it)
 - shorter time between the first and last stalking incidents
 - reduced harm suffered by victims
 - increased number of stalking cases in which charges are filed
 - increased conviction rate
 - increased number of arrests for violations of protective orders
 - increased victim satisfaction with police handling of their cases
 - increased victim perception of safety.
-



Responses to the Problem of Stalking

Your analysis of your local problem should give you a better understanding of the factors contributing to it. Once you have analyzed your local problem and established a baseline for measuring effectiveness, you should consider possible strategies to address the problem.

The following response strategies provide a foundation of ideas for addressing your particular problem. These strategies are drawn from a variety of sources, including research studies, police surveys, and police reports. Several of these strategies may apply to your community's problem. It is critical that you tailor responses to local circumstances, and that you can justify each response based on reliable analysis. You should handle each case individually, based on the particular circumstances. A thorough threat assessment can be invaluable in formulating an appropriate response. In most cases, an effective strategy will involve implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering what police can do: give careful consideration to who else in your community shares responsibility for the problem and can help police better respond to it.

1. Identifying stalking cases early. Because every stalking case is potentially lethal, the sooner police identify stalking, the greater the chance of protecting the victim from physical harm. Stalking behavior commonly escalates over time, with stalkers becoming increasingly obsessive and more willing to become violent. You can more easily identify stalking cases by asking victims if there are



§ The Domestic Violence Intervention Project in Alexandria, Virginia created a support group for stalking victims to address their particular safety concerns and emotional needs. The project developed "stalking sacks" to help victims build their cases, as well as provide for their safety. Sacks include stalking logs, notebooks, disposable cameras, latex gloves, plastic bags, books about stalking, microcassette recorders, cell phones, personal alarms, pepper spray, and copies of the stalking statute, among other items.

other related incidents, reviewing incident reports each day, examining protective orders for language suggesting repeated behavior, and reviewing the calls for service history.

2. Getting effective victim input. You should actively engage victims in investigations. They can provide ongoing information about the contacts the stalker makes in person, through voice mail, in letters, in faxes, in email, or through unwanted gifts, and describe the fear they feel as a result. Victims' family members, neighbors, employers, coworkers, and others are also potentially important witnesses. They are often very aware of the stalking behavior and can corroborate victims' statements.

3. Ensuring that victims receive consistent, professional support services throughout the criminal justice process. Counselors and victim advocates can help victims be effective witnesses and take proper steps to protect themselves. § They can maintain frequent contact with victims and stress the importance of carefully documenting all stalking incidents; help victims create and maintain stalking logs, devise safety plans, and develop supportive networks; assess victim needs and help victims to access housing, health, and mental health services; and help victims weigh the advantages and disadvantages of civil protection orders. In addition, victim advocates can help police develop more effective anti-stalking policies and train officers to apply them.

Some stalking victims may have special needs. Such victims include those with mental illness, substance abuse problems, or disabilities; the elderly; ethnic and religious minorities; those with immigration issues; those who are illiterate or cannot speak or read English; and those being stalked by someone of the same gender.



4. Using a collaborative, multidisciplinary approach.

Stalking victims often require a broad range of services. A collaborative approach encourages quicker responses from the most appropriate providers.[§] Among the community resources that may be necessary to address stalking are the following:

- domestic violence shelters
- mental health treatment providers
- housing associations
- schools and colleges
- faith-based programs
- neighborhood watch organizations
- victim advocacy organizations.

The various law enforcement agencies in your area should also develop systems for sharing information and coordinating responses when stalking occurs in multiple jurisdictions. Police should work with major employers to make sure they have workplace violence policies and protocols in place and offer support to employees who are being victimized. Coworkers and supervisors of stalking victims should know what to do if stalking behavior occurs at work. In addition, telephone and Internet service providers should have policies and protocols that protect victims' personal information and block stalkers' ability to contact victims.

5. Enforcing all relevant laws. Stalking statutes should be enforced in conjunction with all other relevant laws. Police can rely on laws against domestic violence, phone harassment, vandalism, voyeurism, trespass, court-order violations, and many other crimes to hold stalkers accountable and protect victims. Sometimes it is just

[§] The San Diego Stalking Strike Force was established in the mid-1990s. It comprises police officials, prosecutors, judges, victim advocates, and mental health professionals. It promotes stalking awareness, makes training recommendations, and develops model protocols for stalker treatment programs. Its Stalking Case Assessment Team, which includes police, prosecutors, victim/witness advocates, probation officials, and mental health professionals, meets regularly to address problems reported by the police or stalking victims.



§ Former intimates can also harm their victims in nonphysical ways. For example, knowing victims' bank account and social security numbers can help them destroy their victims' credit through methods such as identity theft.

as effective to charge under a non-stalking statute. For instance, violations of protection orders often allow prosecutors to have supervision conditions imposed on offenders until stalking cases are ready for prosecution, and to secure convictions. In all cases, all relevant laws should be considered.

6. Assessing the threat the stalker poses. Threat assessment is crucial to controlling stalking.³⁰ You should assess each case individually. Be alert to offender characteristics and behaviors that suggest the stalker may become violent.³¹ Prior sexual intimacy, prior criminal convictions, and substance abuse are among the strongest predictors of stalker violence.³² Former intimates often know their victims' daily routines and schedules, and have special access to their victims (e.g., through child custody arrangements). Thus they often pose the most significant physical risks to victims.[§] Other factors to consider include explicit threats, symbolic violence, personality disorders and the presence or absence of a major mental disorder.³³ Former intimates who stalk often suffer from personality disorders but do not necessarily suffer from major mental disorders. The absence of a major mental disorder can also be an indication that the offender is capable of formulating an organized plan. For this reason, the mental health of an offender should be considered. In addition to helping police prioritize cases and devise case strategy, a thorough threat assessment can provide valuable information regarding bail issues, conditions of release, sentencing, and probation, and provide the basis for mental health interventions such as involuntary hospitalization.



7. Warning and arresting stalkers. Some stalkers may not know their behavior is criminal; others may believe their behavior is acceptable due to their relationship with the victim. You should firmly inform offenders about what behavior constitutes stalking in your state. When probable cause exists, you should promptly arrest stalkers. (Following arrest, prosecutors should seek bail and sentencing conditions requiring supervision of stalkers and restricting their contact with victims.)

§ A complete discussion about developing an effective stalking protocol can be found in a companion document prepared by the National Center for Victims of Crime (2002).

8. Adopting a graduated-response stalking protocol. A graduated-response stalking protocol determines the appropriate police intervention level based on the particular incident and its context in the pattern of stalking behavior. It also allocates resources to protect victims and control offenders. The following illustrates how such a protocol works. §



Intervention Level	Actions to Protect Victims	Actions to Control Offenders
Level 1 First police awareness	<ul style="list-style-type: none">• Gather information.• Help the victim develop and implement a safety plan.• Help the victim obtain a protective order.• Refer the victim to support services.	<ul style="list-style-type: none">• Deliver the first official warning to the offender, explaining the law and policy.• Check whether the offender has prior arrests and convictions.• Arrest the offender if probable cause exists.• If applicable, contact the offender's probation or parole officer and enlist his or her help.• Refer the offender to counseling or other services that may control his or her behavior.• Conduct a threat assessment (referring to the next level, if appropriate).
Level 2 Second incident, warranting stalking charges or indicating an escalation in behavior	<ul style="list-style-type: none">• Increase the victim's personal and home security by providing him or her with a cell phone, a personal alarm, or video surveillance.• If the victim consents, consider enlisting the aid of family members, neighbors, coworkers, and community watch associations.• Continue using victim advocates to update the safety plan when appropriate, as well as explore safe locations for the victim should he or she need temporary housing.	<ul style="list-style-type: none">• Arrest the offender under the stalking statute or other appropriate statutes.• Revise the threat assessment, and use it to oppose or influence bail.• Increase offender monitoring.• Begin surveillance of the offender.• Use technology to identify the offender's locations and actions.• Consider other interventions such as psychiatric evaluation and/or civil commitment of the offender.



Intervention Level	Actions to Protect Victims	Actions to Control Offenders
Level 3 Subsequent incidents	<ul style="list-style-type: none">• Increase security and safety systems to the highest level. Continue helping the victim update the safety plan. Refer the victim to a "safe house" or other shelter unknown to the offender.• Formulate a plan with the victim for responding to an emergency situation.	<ul style="list-style-type: none">• Increase prosecution and surveillance efforts. Monitor the offender's activity whenever possible.• Arrest the offender or deter him or her in any way possible, including civil commitment.• Continue reevaluating and revising the threat assessment.• Plan for a possible emergency, such as violence at the victim's workplace, home, or school; violence toward anyone perceived as blocking the offender's access to the victim; and other scenarios, such as a possible homicide/ suicide or hostage-taking/ barricade.
Level 4 Emergency intervention	<ul style="list-style-type: none">• Implement the emergency response plan.• Use all available means to secure the victim's safety, including emergency response teams, if necessary.• Document the reasons for implementing this response.	<ul style="list-style-type: none">• Implement the emergency response plan.• Use all available means to eliminate the threat to the victim, the public, and those responding to the situation.• Document the reasons for implementing this response.



Although the protocol specifies interventions based on the number of incidents, it also allows for more intensive interventions, depending on the severity of the case. For example, a case involving a violent attack by a stalker may be assigned a Level 3 response, even if the assault is the first incident.

9. Monitoring stalkers and gathering evidence.

Surveilling stalkers enables police to gather direct evidence of stalking behavior, and provides corroboration for victim accounts of similar incidents. Electronic monitoring helps ensure that the offender physically stays away from the victim while on bail or other conditional release.

10. Providing victims with a single point of contact.

To the extent possible, stalking victims should be assigned a single point of contact in the police department (and a single point of contact in the prosecutor's office, if criminal charges are filed), to ensure that the case file contains all relevant information and the victim receives consistent advice. In addition, all police officers should be trained in stalking investigation and response so they can properly assist victims should the single point of contact be unavailable.



Appendix: Summary of Responses to Stalking

The table below summarizes the responses to stalking, the mechanism by which they are intended to work, the conditions under which they ought to work best, and some factors you should consider before implementing a particular response. It is critical that you tailor responses to local circumstances, and that you can justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem.

Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
1.	17	Identifying stalking cases early	Allows the system to address stalking before cases escalate	...the police department implements a clear stalking protocol and trains all officers in the screening of stalking cases	Requires the department to identify and track repeat crimes
2.	18	Getting effective victim input	Provides police with the information necessary to apprehend, build prosecutable cases against, and deter stalkers	...victims trust police	Police should also solicit input from the victim's family members, neighbors, employer, coworkers, and others



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
3.	18	Ensuring that victims receive consistent, professional support services throughout the criminal justice process	Victims create safety plans and receive support from advocates, thereby ensuring victim safety and support while saving the police department's manpower resources	...the department encourages the use of advocates and officers are trained to use them in stalking cases	Requires the availability of advocates trained and experienced in safety planning
4.	19	Using a collaborative, multidisciplinary approach	Gathers service providers and community resources to coordinate a wide-ranging response; ensures that the victim's personal information and privacy are protected	...all applicable service providers and stakeholders are included in the problem-solving effort	Requires that all involved develop working relationships and coordinate together
5.	19	Enforcing all relevant laws	Deters and/or incapacitates the stalker	...police recognize the stalking pattern early on	Requires cooperation from prosecutors
6.	20	Assessing the threat the stalker poses	Identifies the stalking motives and threat levels, and enables the development of an effective response for the particular victim	...police gather sufficient reliable information on which to assess the threat	Requires the commitment of investigative resources to properly assess threats in individual cases
7.	21	Warning and arresting stalkers	Deters and/or incapacitates stalkers	...stalkers are genuinely unaware that their conduct is illegal and/or threatening, and police recognize the threat stalkers pose	Requires cooperation from prosecutors



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
8.	21	Adopting a graduated-response stalking protocol	Tailors the official response to the threat each stalking incident poses, thereby increasing the likelihood of effectiveness while conserving scarce resources	...there are adequate resources available to respond to stalking, and sufficient information in each case to tailor the appropriate response	Protocol should be sufficiently flexible to adapt to the circumstances of each case
9.	24	Monitoring stalkers and gathering evidence	Improves the development of criminal cases against stalkers	...the police department prioritizes stalking cases to make officers and other resources available	Surveillance of suspects can be labor-intensive
10.	24	Providing victims with a single point of contact	Enhances the quantity and quality of the information victims provide to police; enhances victims' confidence in police and willingness to assist with prosecutions	...the contact is provided with all relevant information to assist victims	All police officers should receive basic training in stalking



Endnotes

- 1 Adapted from National Criminal Justice Association (1993).
 - 2 Tjaden and Thoennes (1998).
 - 3 Tjaden and Thoennes (1998).
 - 4 Tjaden and Thoennes (1998).
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 - 13 Brewster (2003).
 - 14 Bureau of Justice Statistics (2001).
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 - 16 McFarlane et al. (1999).
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 - 25 Mullen, Pathe, and Purcell (2000b).
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 - 28 U.S. Department of Justice (2001).
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 - 30 Fein, Vossekuil, and Holden (1995).
 - 31 Meloy (2002).
 - 32 Meloy (2002).
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About the Author

This guide was developed by the Stalking Resource Center of the National Center for Victims of Crime. The Stalking Resource Center's mission is to raise public awareness about stalking, and to encourage local multidisciplinary responses. The Stalking Resource Center is funded by the Office on Violence Against Women, U.S. Department of Justice. The primary authors of this guide are Susan Herman, executive director of the National Center for Victims of Crime, and Matthew Markon, program attorney for the Stalking Resource Center and former Montgomery County, Maryland, police officer. Tracy Bahm, director of the Stalking Resource Center, and Michael Kaiser, director of programs, also contributed to this effort. As indicated in the acknowledgments, this project grew out of a previous project funded by the U.S. Department of Justice, Office of Community Oriented Policing Services, to create a model stalking protocol. Joseph Ryan, Trudy Gregorie, David Anderson and all others involved in the previous project are owed a huge debt of gratitude for their outstanding contributions.



Recommended Readings

- **A Police Guide to Surveying Citizens and Their Environments**, Bureau of Justice Assistance, 1993. This guide offers a practical introduction for police practitioners to two types of surveys that police find useful: surveying public opinion and surveying the physical environment. It provides guidance on whether and how to conduct cost-effective surveys.
- **Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers**, by John E. Eck (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). This guide is a companion to the *Problem-Oriented Guides for Police* series. It provides basic guidance to measuring and assessing problem-oriented policing efforts.
- **Conducting Community Surveys**, by Deborah Weisel (Bureau of Justice Statistics and Office of Community Oriented Policing Services, 1999). This guide, along with accompanying computer software, provides practical, basic pointers for police in conducting community surveys. The document is also available at www.ojp.usdoj.gov/bjs.
- **Crime Prevention Studies**, edited by Ronald V. Clarke (Criminal Justice Press, 1993, et seq.). This is a series of volumes of applied and theoretical research on reducing opportunities for crime. Many chapters are evaluations of initiatives to reduce specific crime and disorder problems.



- **Excellence in Problem-Oriented Policing: The 1999 Herman Goldstein Award Winners.** This document produced by the National Institute of Justice in collaboration with the Office of Community Oriented Policing Services and the Police Executive Research Forum provides detailed reports of the best submissions to the annual award program that recognizes exemplary problem-oriented responses to various community problems. A similar publication is available for the award winners from subsequent years. The documents are also available at www.ojp.usdoj.gov/nij.
 - **Not Rocket Science? Problem-Solving and Crime Reduction**, by Tim Read and Nick Tilley (Home Office Crime Reduction Research Series, 2000). Identifies and describes the factors that make problem-solving effective or ineffective as it is being practiced in police forces in England and Wales.
 - **Opportunity Makes the Thief: Practical Theory for Crime Prevention**, by Marcus Felson and Ronald V. Clarke (Home Office Police Research Series, Paper No. 98, 1998). Explains how crime theories such as routine activity theory, rational choice theory and crime pattern theory have practical implications for the police in their efforts to prevent crime.
 - **Problem Analysis in Policing**, by Rachel Boba (Police Foundation, 2003). Introduces and defines problem analysis and provides guidance on how problem analysis can be integrated and institutionalized into modern policing practices.
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- **Problem-Oriented Policing**, by Herman Goldstein (McGraw-Hill, 1990, and Temple University Press, 1990). Explains the principles and methods of problem-oriented policing, provides examples of it in practice, and discusses how a police agency can implement the concept.
 - **Problem-Oriented Policing and Crime Prevention**, by Anthony A. Braga (Criminal Justice Press, 2003). Provides a thorough review of significant policing research about problem places, high-activity offenders, and repeat victims, with a focus on the applicability of those findings to problem-oriented policing. Explains how police departments can facilitate problem-oriented policing by improving crime analysis, measuring performance, and securing productive partnerships.
 - **Problem-Oriented Policing: Reflections on the First 20 Years**, by Michael S. Scott (U.S. Department of Justice, Office of Community Oriented Policing Services, 2000). Describes how the most critical elements of Herman Goldstein's problem-oriented policing model have developed in practice over its 20-year history, and proposes future directions for problem-oriented policing. The report is also available at www.cops.usdoj.gov.
 - **Problem-Solving: Problem-Oriented Policing in Newport News**, by John E. Eck and William Spelman (Police Executive Research Forum, 1987). Explains the rationale behind problem-oriented policing and the problem-solving process, and provides examples of effective problem-solving in one agency.
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- **Problem-Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships** by Karin Schmerler, Matt Perkins, Scott Phillips, Tammy Rinehart and Meg Townsend. (U.S. Department of Justice, Office of Community Oriented Policing Services, 1998) (also available at www.cops.usdoj.gov). Provides a brief introduction to problem-solving, basic information on the SARA model and detailed suggestions about the problem-solving process.
 - **Situational Crime Prevention: Successful Case Studies**, Second Edition, edited by Ronald V. Clarke (Harrow and Heston, 1997). Explains the principles and methods of situational crime prevention, and presents over 20 case studies of effective crime prevention initiatives.
 - **Tackling Crime and Other Public-Safety Problems: Case Studies in Problem-Solving**, by Rana Sampson and Michael S. Scott (U.S. Department of Justice, Office of Community Oriented Policing Services, 2000) (also available at www.cops.usdoj.gov). Presents case studies of effective police problem-solving on 18 types of crime and disorder problems.
 - **Using Analysis for Problem-Solving: A Guidebook for Law Enforcement**, by Timothy S. Bynum (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). Provides an introduction for police to analyzing problems within the context of problem-oriented policing.
 - **Using Research: A Primer for Law Enforcement Managers**, Second Edition, by John E. Eck and Nancy G. LaVigne (Police Executive Research Forum, 1994). Explains many of the basics of research as it applies to police management and problem-solving.
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