



## DOMESTIC VIOLENCE & STALKING IN A DIGITAL AGE: INFORMATION FOR COMMUNITY CORRECTIONS AGENCIES & PROFESSIONALS

BY ERICA OLSEN AND THE SAFETY NET TEAM AT THE NATIONAL NETWORK TO END DOMESTIC VIOLENCE

Perpetrators regularly misuse a variety of technologies to stalk, harass, and monitor current and former intimate partners, circumventing orders of protection and conditions of parole or probation. Some perpetrators install global positioning systems (GPS) on victims' vehicles to stalk their real-time locations with extraordinary accuracy. Others use telephones to leave hundreds of messages in a single day. Still others employ technologies such as caller ID to monitor their partners' calls during relationships or to locate them after they have fled. In addition, caller ID spoofers allow perpetrators to falsify the phone numbers from which they are calling or texting their victims; email anonymizers mask offenders' actual email addresses; and various products offer to "erase evidence" on computers.

Regardless of the method or the technology that offenders use, it is often possible to find evidence of the abuse. Community corrections agencies and officers play a crucial role in discovering this abuse, holding perpetrators accountable, and enhancing victim safety. Since supervision duties of community corrections officers often allow them access to offenders' homes, computers, cell phones, bills, and so on, it is important that officers keep technology abuse on their radar. Understanding high-tech stalking and abuse tactics can help community corrections officers look "beneath the surface" of a case to identify when technology is being misused and how to investigate potential violations of conditions.

This article is meant as a reference on how offenders are misusing some common technologies; it is not a comprehensive guide. Even if a technology is not listed here, it can still be misused. Note that most perpetrators employ multiple tactics to harass their victims, often combining technological and traditional methods of harassing and stalking.



## TELEPHONE TECHNOLOGIES

### CELL PHONES

Abusers use cell phone monitoring software, such as Mobile Spy, to track victims' cell phone activity and to identify their locations through the cell phone's GPS. Some software even offers the ability to control monitored phones, allowing abusers to block certain numbers on their victims' phones or turn off the phones completely. Although physical access to victims' phones is needed, the installation usually involves a quick Internet download. There is no follow-up notification, leaving victims unaware that their phones are being monitored.

### TEXT MESSAGING

Various websites allow perpetrators to falsify their phone numbers when they send multiple harassing and/or threatening text messages. Many cell phone providers also allow text messages to be sent over the Internet via a website where senders' numbers can be faked. In addition, some abusers send text messages using free web-based email services that allow them to create multiple email addresses. This enables them to send texts from accounts that victims don't recognize.

### VOICE MESSAGES

Abusers and stalkers may use several methods to make repeated and harassing telephone calls to victims while on probation or parole. Purchasing prepaid phone cards or "pay-as-you-go" cell phones with cash makes it easier for them to call their victims without identifying themselves through caller ID or another

method. There are, however, techniques that law enforcement can use to identify callers, such as using store security cameras to document and prove that abusers purchased the prepaid phones that were used to harass victims.

### CALLER ID

Various services exist that allow abusers to "spoof" the phone numbers that are displayed on caller ID. One example, SpoofCard, gives callers the ability to fake the numbers from which they are calling, allowing them to enter any number they want to be displayed on the caller ID. SpoofCard even gives callers the option to record their calls and fake their voices, for example, changing a man's voice to sound like a woman's and vice versa.

VoIP (Voice over Internet Protocol) phone systems, which include Vonage and other digital phone services, can be manipulated to allow offenders to call their victims without displaying their caller ID. Using three-way calling, an offender can call a friend, put the friend on hold, and then call the victim, who will see the friend's number on the caller ID and not the offender's.

There are also services that unmask blocked numbers. Many victims have their phone numbers blocked in an effort to keep their locations private and maintain their safety. A subscription service called TrapCall makes it easy for perpetrators to unmask blocked calls and expose the callers' blocked numbers, and sometimes their names and addresses. Subscribers push a button on their phones when



they receive a call from a blocked number, and TrapCall unblocks the number within seconds, without any notice to the caller. This service and others like it pose a serious threat to domestic violence victims who may need to contact their abusers to discuss court-mandated child visitation or other matters, but who have blocked numbers to protect their safety.

## **LOCATION AND SURVEILLANCE TECHNOLOGIES**

### **GLOBAL POSITIONING SYSTEMS (GPS)**

Perpetrators are increasingly misusing GPS to monitor and track the precise, real-time physical locations of victims, thus putting victims' safety at great risk. This misuse of technology is not new. For example, in December 2002, a Wisconsin man secretly installed a GPS device under the hood of his ex-girlfriend's car and stalked her for months.

GPS devices are now cheaper, smaller, and more accessible than ever. Many GPS packages that can be installed on vehicles come with companion software that abusers can use on their own computers to track every movement of their victims' cars. Some packages even give abusers the power to control their victims' vehicles—locking the doors, flashing the lights, or even completely disabling a vehicle's engine with just the click of a mouse. Geofencing, part of many of these packages, allows users to assign a physical parameter around a town or city, designating where a person's vehicle can and cannot go. If a vehicle goes beyond this parameter or to a location designated "off limits," the service will notify the user via email or text message.

### **HIDDEN CAMERAS**

Small, wireless, high-resolution cameras can be hidden or purchased already installed in a wide array of items, including smoke detectors, lamps, clocks, and teddy bears. Many cameras can be activated remotely, providing offenders with real-time surveillance of their victims.

## **COMPUTER AND INTERNET TECHNOLOGIES**

### **COMPUTER MONITORING SOFTWARE**

Although often marketed for monitoring children's computer use, abusers are increasingly using computer monitoring software, or "spyware," to track their victims' computer activity, including all emails or instant messages, websites visited, programs launched, and keystrokes typed (which gives abusers access to passwords). Some programs even allow abusers to remotely activate computers' web cams and take pictures of their victims' rooms. Spyware can be installed on a computer either directly or remotely, through an attachment in an email or instant message. All of this occurs without notification to victims or victims' awareness.

### **KEYSTROKE LOGGING HARDWARE**

In addition to software programs, stalkers can use hardware devices called "keystroke loggers" which are inserted between keyboard cables and the backs of computers. These tiny devices contain small hard drives that record every key typed, including all passwords, personal identification numbers, and website and email addresses. Abusers with physical access to their victims' computers can install and check these hidden devices.

These technologies provide perpetrators with detailed information regarding their victims' everyday activities and lives. Many offenders have used information they have gathered, such as email account passwords, to commit identity theft or to impersonate victims by sending inappropriate emails to family, friends, or coworkers, causing victims harm and trauma.

### **EMAIL**

Anonymous email services are marketed for users to “confess your love to someone,” “contact someone who has blocked your email address,” and “email people without leaving a trace.” These services appear on websites, often advertised as “revenge” sites, and allow perpetrators to harass victims and to anonymously publicize personal information (accurate or not) about them, ultimately making it more difficult, although not impossible, to identify the perpetrators and hold them accountable for their actions.

Disappearing email services allow abusers and stalkers to send harassing or threatening emails to victims that essentially “self-destruct” after they’re read, leaving no trace of the emails. Some of these services go even further, offering additional “tracking” features that inform senders of when attachments are opened, if they are forwarded to anyone else, and where the email recipients are located. These services and features obviously pose a great risk for victims wishing to stay safe by keeping their locations hidden.

### **CONCLUSION**

Community corrections officers play a crucial role in ensuring offender accountability and enhancing victim safety. Understanding the various technologies that perpetrators may misuse is critical to ensuring the effective and comprehensive supervision of offenders.

The access that community corrections officers may have to offenders’ property as part of

## **THE SAFETY NET PROJECT AT THE NATIONAL NETWORK TO END DOMESTIC VIOLENCE**

educates victims, their advocates, and the general public on ways to use technology strategically to help find safety and escape domestic violence, sexual violence, stalking, and abuse. Safety Net also trains law enforcement, social services, and coordinated community response teams on how to identify and hold perpetrators accountable for misusing technology. Local, state, and national policies are reflecting the success of the Safety Net Project’s efforts, which include helping courts keep survivors’ addresses and photos off the Internet and increasing the security of databases that house vital and confidential information about victims. For more information, visit [www.nnedv.org/safetynet](http://www.nnedv.org/safetynet) or call (202) 543-5566.



their supervision provides a great advantage when investigating possible violations. Proof of technology misuse may be found in Internet histories, USB drives, cell phone call logs, phone records, and credit card bills, among other sources. A radio scanner found under the seat of a car may mean that an offender has been intercepting a victim's phone calls, while a toll-free number that repeatedly shows up on an offender's phone log or bill may turn out to be the number associated with a spoofing service. Probation or parole conditions that allow for regular, unannounced scans of offenders' computers can be very helpful, both in deterring offenders from continuing abuse by misusing technology and in investigating possible violations.

Some states have started training community corrections officers to conduct forensic evaluations of offenders' computers. Other agencies have protocols that utilize their partnerships with law enforcement to conduct forensic evaluations of computers, when needed. Many agencies already have agreements with Internet service providers to track and monitor sex offenders. These agreements can easily be applied to domestic violence or stalking cases to ensure that officers have a direct avenue for obtaining information on offenders' Internet activity. Additionally, many probation and parole officers are in the homes of offenders on a regular basis and are able to communicate with family members, coworkers, and acquaintances. This access into an offender's life and to those close with offenders, combined with the right background information, can prove crucial in determining any technology misuse.

Even before supervision begins, officers can use information from an offender's criminal history, police reports, and conversations with the victim to learn about technologies that the offender has misused. This will help determine what conditions the offender must abide by and supervision level may be necessary. It's important for officers to recognize that many victims might not name specific technologies or particular devices that abusers misused. More often, victims are unsure of how their abusers or stalkers know so much or seem to know where they are at all times.

The Technology Tip Sheet on page 69 can serve as a quick reference when considering how to work with stalking victims and how to determine conditions of supervision and implement supervision strategies that address the potential misuse of technology by stalking offenders.

As we examine the many new tools that perpetrators are using against victims of family violence, sexual assault, and stalking, we must keep in mind that their motivations and overall strategies are "old-fashioned." What is new is that, with technology, perpetrators have easier access to tools, a much longer reach, and more immediate access to victims' lives, drastically escalating the danger posed to victims. For this reason, it is critical that we ensure that all parts of the criminal justice system remain informed and that they continue to adapt to the digital age in which we live. Updating conditions of probation, parole, and supervision to include misuse of technology is, and will remain, an important task. >>>▲

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**ERICA L. OLSEN** is the Housing & Technology Safety Specialist with the National Network to End Domestic Violence. Through training, technical assistance, and policy advocacy, she addresses all forms of technology impacting survivors of stalking, sexual violence, and domestic violence.

# COMMUNITY CORRECTIONS RESPONSE TO STALKING

## TECHNOLOGY TIP SHEET

### WORKING WITH VICTIMS

- Advise victims to keep any harassing voicemails and/or email, since they can be used as evidence in violation of probation/parole proceedings or new criminal charges.
- Encourage victims to maintain logs of calls, emails, hang-ups, or other incidents that make them feel threatened. Logs can include the date, time, and location of any incidents, as well as brief descriptions and the names of any witnesses. They can be helpful in identifying the types of technology that offenders may be misusing and in establishing courses of conduct.
- Inform victims of the conditions that their offenders must abide by and the roles of the supervising agencies so they can decide if and when to inform you and law enforcement of possible violations.
- Encourage victims to inform you and law enforcement immediately when their offenders commit a violation, since the window for gathering evidence of many technology misuses is very limited.
- Inform victims of safety and privacy strategies, such as blocking their phone numbers, not opening emails from offenders or unknown parties, and setting the GPS on their cell phones to "E-911" or "911."

### DETERMINING CONDITIONS AND SUPERVISION LEVELS

- Contact victims during pre-trial or pre-sentence investigations to ask about their offenders' tactics, level of violence, and any misuse of technology. Remember that victims know their offenders best and can provide information that can be extremely helpful in determining conditions and supervision levels.
- In cases that include violence and stalking, always choose a level of supervision that provides you with physical contact with offenders.
- If conditions don't already include a prohibition against technology misuse, think of conditions that can be applied to technology misuse or request specialized conditions in the event that technology misuse becomes an issue.
- Update conditions to include technology misuse.
- If available in your jurisdiction, utilize tools such as GPS, cameras, or computer monitoring software to monitor offenders' activities. Partnerships with law enforcement may enhance access to these specialized resources.

### SUPERVISING OFFENDERS

- Continue to supervise in a way that allows you to gather information from victims without putting them at risk for retaliation by offenders.
- Establish protocols for working collaboratively with law enforcement so that if offenders misuse technology and compromise victims' safety, responses can be immediate.
- Investigate all possible violations of probation or parole immediately, since the window for obtaining proof of some types of technology misuse can be small.



# COMMUNITY CORRECTIONS OFFICERS: A KEY RESOURCE IN THE BATTLE AGAINST STALKING

BY JODI RAFKIN AND ELIZABETH JOYCE

Stalking presents unique and vexing challenges to the criminal justice system. Although in a one-year period, 3.4 million people are stalked in the United States (Baum, Catalano, Rand, & Rose, 2009), both public and law enforcement officials may underestimate the seriousness of the crime and the relentlessness of stalkers. Stalkers often continue their crimes after they have been charged, prosecuted, convicted, and released. For that very reason, community corrections professionals play a crucial role in preventing future crimes and promoting victim safety.

## CHALLENGES TO LAW ENFORCEMENT

While precise legal definitions vary from state to state, stalking is a course of conduct directed at an individual that causes a reasonable person fear or emotional distress. Stalking may involve many different types of behavior (e.g., following, frequently calling, text messaging, or e-mailing, and monitoring the computer activity of a victim), and stalkers may commit a number of different crimes against their victims (e.g., harassment, property crimes, assault, or even murder). Many stalking behaviors, such as leaving a note on a victim's windshield, are not crimes in and of themselves, but when viewed as part of a pattern of behavior that may terrorize the victim, they constitute the crime of stalking. Stalkers are difficult to deter, even by such conventional sanctions as protection orders, and they often cross jurisdictional lines to monitor, harass, or commit violence against their victims. These factors make stalking cases difficult to investigate and prosecute, and they make protecting victims of stalking particularly challenging.

## USING PROBATION AND PAROLE TO PREVENT STALKING

Despite the difficulty of deterring stalkers, community corrections officers are uniquely situated to reduce the amount of stalking by offenders on probation or parole—whether those offenders were convicted of stalking or some other crime. By carefully reviewing these offenders' cases for evidence of stalking, subjecting convicted or suspected stalkers to the highest levels of supervision, requesting information from victims about stalking incidents, and seeking to revoke probation and parole at the first sign of stalking, community corrections officers can significantly control stalkers under their



supervision and enhance the safety of stalking victims in their communities.

Probation and parole agencies in places such as California, Washington, and Westchester County, New York have introduced efforts to reduce stalking by using the highest level of supervision with offenders and by implementing systematic contact with victims (Stalking Resource Center, 2003). In Minnesota, the Domestic Abuse Supervision Unit of the Hennepin County Department of Community Corrections and Rehabilitation devised a growing set of practices for probation and parole officers to use in supervising stalkers.

These practices emerged, in part, through collaboration with the Stalking Response Program, a victim support effort begun at the Cornerstone Advocacy Service in Minneapolis and reestablished as a statewide program at the Battered Women's Legal Advocacy Project. The program, led by director Deirdre Keys, responds to at least 150 stalking victim contacts a year and trains criminal justice system and other community partners. Keys advocates for a coordinated community response to stalking by victim service and criminal justice agencies and, in November 2008, the program published its Stalking Response Protocol for law enforcement, prosecution, victim services, and judicial stakeholders. Hennepin County Corrections unit supervisor Nancy Halverson, who was in the process of establishing her agency's practices for supervising stalkers, teamed up with Keys and wrote the corrections section of the protocol.

"People in the system tend to focus on investigation, prosecution, sentencing, and then move on to the next case," says Halverson. "But stalkers are alarmingly recidivistic, and as soon as the sentencing 'light' is off, they go back to committing the crime. So we need to change how we look at stalking and how we supervise stalkers."

Halverson recommends the following supervision strategies:

- **Use a containment model of supervision:** Stalkers need an intense risk- and accountability-oriented (rather than needs-based) supervision style. Officers should forcefully challenge the rationalizations stalkers use to justify their crimes.
- **Pay strict attention to violations:** Return stalkers to court for even small, technical violations to make them accountable and to increase authorities' awareness of their actions.
- **Look for patterns of stalking:** Examine all law enforcement reports on stalkers, reports of traffic accidents near victims' homes, or "suspect gone on arrival" reports after complaints by victims that may suggest active stalking.
- **Collect and document all evidence of violations:** Vigilance pays. One offender was reincarcerated because police, alerted by a probation officer, got fingerprints from letters and phone records of a stalker operating from a county detention facility.



- **Require stalkers to write and sign summaries of no-contact order conditions or geographic restrictions:** Prosecutors can use such statements (in offenders' own handwriting and words) to prove deliberate violations of probation or parole.
- **Use technology to track stalkers:** Monitor their computers and cell phones for social networking activity, emails, and text messages. These records may yield evidence of acts of intimidation that are part of a pattern of stalking.
- **Keep law enforcement posted:** Regularly alert duty sergeants and other officers who can focus attention on stalkers. Also encourage officers to give victims information about how to access victim services.
- **Develop strategic revocation practices:** Develop post-conviction relationships with prosecutors, to ensure evidence collection (e.g., through subpoenas of witnesses) about violations, and with victim service providers, to help ensure that victims document stalking. Assemble and frame this information (e.g., by using a timeline to show why seemingly innocuous behavior is part of a pattern) to lead the court to see the seriousness of violations and, when appropriate, revoke probation or parole.
- Systematically involve victims in the process:
  - ◆ **Contact victims:** Contact victims, urge them to report incidents, and encourage them to view probation and parole officers as resources and allies.
  - ◆ **Connect victims to services:** Make sure victims have advocates' support for safety planning, keeping stalking logs, and accessing other critical community support.
  - ◆ **Limit offenders' access to their victims:** Request that the court impose restrictions<sup>1</sup> (e.g., geographic limits on offenders' mobility) to keep offenders away from victims.
  - ◆ **Respect victims' need for confidentiality:** Community corrections officers may have to choose between protecting victims' confidentiality and seeking prosecution of violations when victims report stalking violations but fear retaliation. Because victims' fears of retaliation are usually justified, corrections officers—when possible—should try to prove violations without involving victims (e.g., by proving that offenders are missing counseling sessions or violating jurisdictional conditions or by finding other evidentiary sources for the information provided by victims).

## A PROMISING PATH

"Managing stalkers is complicated, time-consuming, and hard," says Halverson. Yet when determined stalkers are sent back to prison and victims can feel somewhat less fearful, or even when stalkers feel that they are at greater risk for being apprehended, her department's hard work pays

off. Through the practices emerging from the Hennepin County's Department of Community Corrections and Rehabilitation Domestic Abuse Unit—intensively supervising offenders and maintaining contact with victims—probation and parole officers can make strong contributions to public safety and victims' lives. >>>▲

## ENDNOTES

<sup>1</sup> Courts can order geographic limits in protection orders and as part of the conditions of probation or parole.

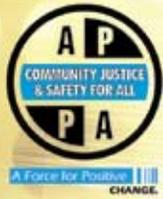
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**JODI RAFKIN** is a former program attorney of the Stalking Resource Center, National Center for Victims of Crime, and **ELIZABETH JOYCE** is senior writer, National Center for Victims of Crime. Many thanks to Nancy Halverson, Supervisor, Hennepin County DOCCR Domestic Abuse Unit, for providing extensive information about the unit's strategies for supervising stalkers.



# APPA SPECIALIZED TRAINING

## IMPROVING RESTITUTION MANAGEMENT IN COMMUNITY CORRECTIONS TRAINING PROGRAM

The American Probation and Parole Association (APPA) offers a 1-day training program on "Improving Restitution Management in Community Corrections." This training program provides community corrections professionals with information

and practical strategies they can implement to improve their supervision practices to increase the likelihood that individuals on supervision will pay their restitution and other court-ordered financial obligations.

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