



*Creating an Effective Stalking Protocol*





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# Creating an Effective Stalking Protocol

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## Executive Summary

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This Monograph is about ways to enhance police responses to stalking. Its focus is collaborative community partnerships and protocols to help police departments address stalking more effectively and appropriately.

Stalking is not a new phenomenon, but has only recently been recognized as a significant and widespread problem. It differs from many other crimes in at least two respects. By definition, it is a form of repeat victimization—behavior constituting a series of incidents rather than a single criminal act. It is also a crime that is defined, in part, by its impact on the victim—by the fear it induces.

Individual stalking incidents looked at in isolation often appear innocuous. But once identified as part of a pattern of behavior of unwanted contact imposed on the victim by the perpetrator, it's another story. Whether they are linked to domestic violence or involve perpetrators who are acquaintances or strangers, stalking incidents become threatening and sinister, even in the absence of any overt threats to harm the victim. In a significant number of cases, stalking is in fact, a precursor to lethal violence.

The fear induced by stalking, the drastic way it disrupts victims' lives, and the real dangers faced by many victims all demand effective intervention by law enforcement. Yet, stalking is exceptionally difficult to police—difficult to investigate, prosecute, and prevent—and the majority of police departments in the United States lack clearly defined policies to deal with it.

Traditional "reactive" policing is ill-suited to the challenges because it means waiting for something to happen and then responding. Where there is an ever-present risk that stalking will cross over into physical violence and victim safety and prevention are the priorities, such an approach inevitably falls short. Stalking by its nature calls for early intervention, preventive action, and proactive problem-solving. These are the hallmarks of community policing.

An important component of a community oriented approach is implementation of a protocol or written policy directive that sets out appropriate responses by police officers in stalking cases. Following a review of current promising practices, the National Center for Victims of Crime ("the National Center") developed a Model Stalking Protocol to promote more effective anti-stalking policies by police departments across the nation. The Model Protocol was subsequently adapted and field-tested by the Philadelphia Police Department with assistance from the National Center.

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The Introductory chapter of the Monograph provides a synopsis of the project and describes its origins. Chapter 2 looks in detail at the meaning of stalking. It offers a broad overview of the nature and prevalence of stalking, summarizes different stalking behaviors and different types of stalkers, and looks at the crime of stalking from the perspective of its victims. Chapter 3 explores why stalking is so difficult to identify and investigate and why conventional policing techniques are inadequate in responding to the needs of stalking victims. It lays out the rationale for adopting a community-oriented policing approach and summarizes its essential elements. Chapter 4 reproduces the Model Protocol developed by the National Center. Chapter 5 describes the process of adapting and implementing the protocol in Philadelphia. Appendix I contains the summary of the independent evaluation of the implementation process in Philadelphia. Appendix II sets out conclusions and recommendations, emphasizing the critical role of leadership, the potential for community stakeholders to participate in almost every aspect of the planning and implementation process, and the key importance of training and technical support. Summaries of current promising practices in the field are included in the Appendices at the end of the Monograph.

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## Chapter 1: Introduction

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It is estimated that nearly one in twelve women and one in forty-five men are stalked at least once in their lifetime.<sup>1</sup> Increasing awareness about the impact of stalking has caused legislatures around the country to pass a multitude of anti-stalking laws since the first state law was passed in California in 1990. However, while enacting legislation is a critical step, laws alone accomplish little without clear anti-stalking policies and effective enforcement on the ground. Yet, most law enforcement agencies across the country have not adopted distinct protocols and procedures for intervention in stalking cases. It is therefore not surprising that nearly twenty percent of the stalking victims say that police departments did absolutely nothing in response to their complaints.<sup>2</sup>

Against this background, the National Center for Victims of Crime received funding from the U.S. Department of Justice Office of Community Oriented Policing Services for a project to develop and test a model protocol to guide law enforcement responses to stalking based on the principles of community policing. The objectives were:

- To promote a strategic approach that encourages early intervention.
- To broadly define the roles of functional areas within police departments, including 911 operators, patrol, and investigative units.
- To present guidelines for developing and participating in a coordinated community response.
- To encourage the use of collaborative problem solving techniques.

The National Center worked with the Philadelphia Police Department (Pennsylvania) to adapt the model protocol for a pilot test in the Department's Northeast Division. At the same time, the National Center asked the Police Foundation to conduct an independent evaluation of the implementation process.

### Major Activities

The major activities of the project included:

*Research*—collecting information about promising practices and stalking policies from police agencies throughout the United States and elsewhere.

<sup>1</sup> Tjaden, Patricia, and Nancy Thoennes. (1998). "Stalking in America: Findings From the National Violence Against Women Survey." Washington, D.C.: National Institute of Justice, U.S. Department of Justice and Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

<sup>2</sup> Ibid.





*Development*—creating a model protocol that could be tailored to the requirements of police agencies in different jurisdictions.

*Implementation*—adapting and field-testing the model protocol by the Philadelphia Police Department.

*Evaluation*—assessing the implementation of the protocol in Philadelphia.

## **Project Description**

The crime of stalking takes many forms. Stalkers use a variety of tactics and techniques to instill fear in victims. To respond effectively to stalking requires a multidisciplinary, community oriented approach that places a premium on information sharing, collaborative problem solving, and coordination among a range of stakeholders—all key components of community policing.

During the project, the National Center, with the assistance of a diverse advisory board, developed a model protocol to help police agencies throughout the United States address stalking more effectively. Advisory board members included experts from law enforcement, victim services, and prosecution services.

The resulting protocol:

- Promotes a strategic approach that encourages early intervention.
- Broadly defines the roles of officers in functional areas including patrol, 911 operators, detectives, and community relations.
- Presents guidelines for developing and participating in a coordinated community response stalking.
- Encourages the use of collaborative problem-solving techniques.
- Defines the need for centralized, preferably computerized, case management.
- Describes appropriate threat assessment techniques.

Evaluating the efforts that took place in Philadelphia was critical to understanding the issues that police departments face when addressing stalking. The National Center asked the Police Foundation to document the existing approach to stalking in Philadelphia; and, then, to evaluate the effectiveness of the implementation process through surveys and focus groups.

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## **Time Line**

The project was conducted from January 2000 through September 2001. Initial activities, focusing on the collection and review of existing information, were followed by site visits to Dover, New Hampshire and Los Angeles, California to explore current anti-stalking programs and initiatives. The information gathered was then analyzed for incorporation into the model protocol.

Upon completion of the model protocol, the National Center Project Team worked with the Philadelphia Police Department's Stalking Protocol Implementation Team to adapt the model to the needs of the Department before testing it in the field. Prior to the six-month pilot test, the Department provided training on the new protocol for officers who would be responsible for implementing the policy on the ground. During the development and training phases, and throughout the implementation process, the National Center served as a resource to the Philadelphia Police Department. The Police Foundation conducted its process evaluation as the protocol was launched in Philadelphia.

This monograph presents an overview of the issues, reproduces the model protocol developed by the National Center, describes the experience in Philadelphia, summarizes the results of the Police Foundation's evaluation, and offers conclusions and recommendations.





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## Chapter 2: The Meaning of Stalking

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### Defining Stalking

Stalking is distinguishable from many other types of crime in two important ways. First, it is a crime involving repeat victimization of a targeted individual by the perpetrator—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. The *National Violence Against Women Survey* suggests the following definition:

<sup>3</sup> Ibid.

*A course of conduct directed at a specific person that involves repeated visual or physical proximity; non-consensual communication; or verbal, written or implied threats; or a combination thereof that would cause a reasonable person fear.*<sup>3</sup>

Stalking instills fear, creates uncertainty, and wrecks lives. It may be a prelude to severe, even lethal violence. It is almost always a feature in relationships characterized by domestic violence, past or current, but also occurs in situations where there has never been any intimate relationship between the stalker and the victim, or where the stalker and victim are strangers. As a problem, it is complex and challenging. As a crime, it is hard to identify, investigate, and prosecute.

### State and Federal Anti-Stalking Laws

Stalking is not a new phenomenon, but efforts to address it as a specific crime, both inside and outside the context of domestic violence, are relatively recent. The first state law against stalking was passed by California in 1990. Subsequently, in 1993, Congress directed the U.S. Department of Justice, National Institution of Justice to develop a model anti-stalking code that would help states formulate laws to address the problem of stalking effectively. (See Appendix I for a copy of the model code.)

Today, all fifty states, and the federal government, have stalking-related provisions in their criminal codes. State anti-stalking laws vary from jurisdiction to jurisdiction, but they share certain basic elements. For example, the 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 conduct or pattern of behavior.



In addition to specific anti-stalking statutes, there are numerous state laws relating to a wide variety of criminal acts and behavior and to the investigation or prevention of crime that may be relevant in stalking cases. These include laws governing:

- The nature and scope of protective/restraining orders
- Assaults, threats, attempted murder, kidnapping
- Property crimes, vandalism, theft
- Domestic violence and sexual assault, hate crimes, and terrorism or terrorist threats
- Identity theft, utility theft, and wiretapping
- Any relevant local ordinances applicable to stalking behavior

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

Federal statutes that specifically relate to or are applicable to stalking may provide further options for the prosecution of stalkers. When federal laws are used, the United States Attorney's Offices coordinates with state and local prosecutors to hold perpetrators accountable.

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)). (See Appendix II for further details of these Federal laws.)

## **Prevalence and Nature of Stalking**

Stalking is widespread. It is a problem that primarily affects women and intersects significantly with relationship abuse. There is always a risk that stalking will escalate to serious physical violence, including murder.

According to the *National Violence Against Women Survey*, an estimated 1,006,070 women and 370,990 men are stalked annually in the United States. Therefore, in the sense that both men and women may be victims or perpetrators, it is a gender-neutral crime. In terms of overall numbers, however, the overwhelming majority of victims (seventy-eight percent) are women and the primary perpetrators (eighty-seven percent) are men.<sup>4</sup>

Contrary to the impression given by some highly publicized cases, the majority of victims know their stalkers. Survey evidence indicates that only a minority of victims are stalked by strangers—twenty-three percent in the case of female victims, thirty-six percent in the case of male victims.<sup>5</sup> Furthermore, research shows that fifty-nine percent of



female victims and thirty percent of male victims are stalked by current or former intimate partners.<sup>6</sup> In these intimate partner cases, twenty-one percent of the female victims reported that the stalking occurred before the relationship ended, forty-three percent said it occurred after the relationship ended, and thirty-six percent said it occurred both before and after the relationship ended.

These statistics are striking because they demonstrate the extent to which stalking is a key weapon in the armory of domestic abusers. Indeed, stalking and domestic violence intersect in a variety of ways. For example, stalking is a manifestation of the perpetrator's desire to exert power and control over the victim, achieving these ends by instilling fear and anxiety. Furthermore, just as stalking can cross over into physical violence, so domestic violence may take the form of threats and other nonphysical types of abuse. However, while stalking does not always involve domestic violence, domestic violence almost invariably includes elements of stalking. Thus, most domestic violence can be seen as a sub-category of stalking, stalkers being the broader group within which the domestic abusers are subsumed.

Overall, it is estimated that stalkers commit acts of violence against their victims in twenty-five to thirty-five percent of all stalking cases.<sup>7</sup> However, perpetrators who stalk former intimate partners are more likely to have physically or sexually assaulted them prior to termination of the relationship.<sup>8</sup> Furthermore, although stalking does not always crossover into physical violence, there is evidence that it is often a precursor to the most lethal acts of violence. In a high proportion of cases involving the murder or attempted murder of women, the perpetrator was shown to have stalked the victim beforehand.<sup>9</sup> A recent study of the relationship between stalking and intimate partner femicide also found that in seventy-six percent of femicide cases and eighty-five percent of attempted femicide cases there was at least one incident of stalking in the year prior to the commission of these crimes.<sup>10</sup>

Stalking not only closely correlates with relationship violence, relationship violence significantly correlates with homicides of women. One third of the women killed each year in America die at the hands of a current or former intimate. In light of these facts, there is good reason to treat every domestic violence case as a potential stalking case, and in many instances, to treat domestic violence cases as high risk, potentially lethal stalking cases.<sup>11</sup>

<sup>6</sup> Ibid.

<sup>7</sup> Meloy, J. Reid, ed. (1998), *The Psychology of Stalking: Clinical and Forensic Perspectives*, San Diego, CA: Academic Press.

<sup>8</sup> Ibid.

<sup>9</sup> Felder, Raoul, and Barbara Victor. (1997) *Getting Away with Murder: Weapons for the War Against Domestic Violence*. New York: Touchstone.

<sup>10</sup> McFarlane, Judith M., et al (November 1999). "Stalking and Intimate Partner Femicide," *Homicide Studies*, 3(4)

<sup>11</sup> Rennison, Callie Marie, and Sarah Welchans. (2000). "Intimate Partner Violence," Bureau of Justice Statistics, Special Report. Washington D.C. : U.S. Department of Justice.



Stalking creates a psychological prison that deprives its victims of basic liberty of movement and security in their homes. We must address these crimes effectively by working together to protect stalking victims and to hold perpetrators responsible for their criminal behavior. To eradicate stalking, we must act with the full force of the law.

Fourth Annual Report to  
Congress, Stalking and  
Domestic Violence,  
May 2001

## Stalking Behaviors

Stalking is not, by definition, a one-time criminal act but a series of repeat acts of victimization, a pattern of behavior, and/or a course of conduct. It may involve a mix of patently criminal acts and behavior that, in another context, would be considered benign and non-criminal. A stalker can commit any type of crime—from vandalism, to kidnapping, to homicide. Such crimes might include physically or sexually assaulting the victim, killing pets owned by the victim, violating a protection order, or making overt threats to harm the victim, for example. But, stalking laws also criminalize ostensibly innocent acts that would normally be considered benign and noncriminal—such as sending letters, delivering unwanted gifts, or making phone calls to the victim—if they form part of a course of conduct or that, implicitly or explicitly, threatens the victim and instills fear of bodily harm or death. (For a more comprehensive list of common stalking behaviors, see the Model Protocol in Chapter 4.)

## Stalkers and Stalker Classifications

Stalkers come from different backgrounds and have different personalities. They may abuse drugs and alcohol, or avoid these substances altogether. They may or may not have prior criminal records. Their victims may be current or past intimate partners, acquaintances, or strangers. They may be driven by fantasy or delusion or by anger, revenge, jealousy, and a desire for power and control over a current or former intimate partner. They may have dependant and controlling personalities (as is true of many domestic violence stalkers) or have a mental illness or condition that needs treatment.

Researchers have developed a widely accepted "typology" that divides stalkers into four main categories and indicates which types are more and less common. These categories are *Simple Obsessional*, *Love Obsessional*, *Erotomania*, and *False Victimization Syndrome*. (See the Model Protocol in Chapter 4 for further details.) While helpful in some respects, the typology has to be applied with caution to real-life stalking cases, even by those who have received proper training. Individual perpetrators may not precisely fit any single stalker category or can exhibit characteristics associated with more than one category.

## Impact of Stalking on Victims

Unlike many crimes, the concept and legal definition of stalking goes beyond the perpetrator's behavior and includes the effects of stalking on the victim. The impact of stalking is often wide-ranging and severe.

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Many victims talk about the strain of constantly being on the alert—for the stalker or the next incident. They speak of the way the situation can consume all their energies. They report how vulnerable and out of control they feel as a result of being forced to live in a continual state of stress and anxiety. One victim described the impact to a staff member at the National Center for Victims of Crime, in the following words:

*I wake up every morning, wondering if this is the day I will die at the hands of my stalker. I spend the day looking over my shoulder for him. I jump every time the phone rings. I can't sleep at night from worrying, and when I do sleep, I have nightmares of him. I can't escape him, not even for a minute. I never have a moment's peace, awake or asleep.*

<sup>12</sup>Stalking and Domestic Violence Series: Report to Congress, Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice, May 2001

Stalking affects every part of a victim's life. It brings fear of random attacks, loss of trust in society and the criminal justice system, long-term emotional distress, and disruption of everyday living. It can also trigger a wide variety of psychological responses and physical/behavioral reactions.

Psychological responses include not just anxiety, fear, and paranoia, but feelings of guilt, self-blame, shame, isolation, low self-esteem, anger, rage, and depression. Almost always, there's a pervasive sense of loss of personal safety, a constant feeling of stress, and hyper-vigilance. Sometimes, the victim's reaction manifests itself in a form of denial—of the problem or its seriousness. Nightmares and disrupted sleep patterns, changes in eating habits, and other symptoms tell a different story. Victims often complain about feeling exhausted, unable to concentrate. Some suffer short-term memory problems. Work productivity or academic performance may decline. They may show symptoms of chronic Post-Traumatic Stress Disorder (PTSD)—re-experiencing again and again frightening stalking incidents, avoiding reminders of the problem (for example, through social withdrawal or avoidance of any situations that might trigger memories of stalking incidents) and exaggerated "startle responses."

The fear or terror induced by stalkers frequently causes victims to make significant changes in their lives. Common coping strategies include screening all telephone calls (at home and work) and changing all personal contact information—phone and fax numbers, email and postal addresses, drivers' licenses, Social Security Numbers.<sup>12</sup> Many victims take steps to avoid being followed and spied on. They alter their normal routines, they avoid going out on their own, and they give up leisure or sports activities. More drastic action may involve temporary or permanent relocation. They may move to another state or try to change their identity—notwithstanding the consequences that may include uprooting children, leaving behind close relatives and friends, and abandoning careers.





Victims' reactions tend to worsen with each new incident and get compounded by concerns regarding the effects on their children and other "secondary victims." The *National Violence Against Women Survey* found that stalking victims are significantly more likely than non-victims to live in fear for their safety and take personal safety measures. It also found that substantial numbers of victims sought psychological counseling as a result of the stalking—thirty percent of female victims and twenty percent of male victims.<sup>13</sup> Lack of confidence in the ability of the criminal justice system to protect victims from future harassment is an important reason why it is so hard for victims to recover from the effects of stalking.<sup>14</sup>

<sup>13</sup> Tjaden and Thoennes, *supra*.

<sup>14</sup> Stalking and Domestic Violence Series: Report to Congress, Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice, May 2001.

Victims' responses to stalking are usually normal reactions to abnormal circumstances. It is the stalkers, not the victims, who must be held accountable. It is the task of law enforcement and the communities they serve to protect victims, stop the harassment, and bring the perpetrators to justice.

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## Chapter 3: Stalking and Community Policing

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*Core components of community policing include partnering with the community; problem-solving; transforming policing agencies to support and empower frontline officers; decentralizing command, and encouraging innovative problem-solving.<sup>15</sup>*

### The Challenges of Policing Stalking

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

- **Stalking is not a single, obvious, easily identifiable criminal act like assault, robbery, burglary and other crimes.** Stalking is often a mix of criminal and (in a different context) non-criminal behavior. There may be no overt threats and few clues to interpret one stalking incident as part of a criminal "course of conduct."
- **The impact of stalking on the victim—the fear it induces—is a key component of its legal definition.** This affects the way the crime must be investigated and proved.
- **Stalking behaviors are complex, varied, and unpredictable.** It takes many forms and individual incidents may be similar or dissimilar. It is hard to be certain if and when stalking behavior will escalate to physical violence.
- **There is no single or standard stalker profile to assist investigators.** Stalkers may be former intimate partners of their victims or acquaintances or strangers. They may be motivated by anger, revenge, jealousy, irrational love, fantasy, or delusion. They may or may not have prior criminal records or be mentally ill.
- **In the context of domestic violence, investigation of stalking incidents may easily be eclipsed by the cruder manifestations of abuse.** Stalking may seem insignificant when blatant acts of physical violence are occurring. The additional danger represented by stalking may be overlooked.
- **Effective investigation in stalking cases depends on gathering information from many sources and seeing "the big picture."** Like a complex puzzle, all the pieces must be fitted together simply to identify the crime, let alone solve it and end the harassment.

<sup>15</sup> The Office of Community Oriented Policing Services, U.S. Department of Justice. (April 24, 2001). "News and Information, Background Scope: A Definition of Community Policing."



- **The stalker may commit criminal acts in different locations and may be under investigation in multiple jurisdictions.** The victim may live in one place, work or attend school in another, and seek refuge elsewhere. If the stalker threatens third parties or vandalizes their property, different victims' names will appear on complaint reports, making it even harder to link separate incidents.
- **Stalkers are not easily deterred.** Stalkers tend to be obsessive, therefore conventional sanctions, including court orders forbidding contact with victims, do not necessarily make an impact. Many stalkers continue to harass their victims even after conviction.
- **Victim safety is always a priority.** There is always the risk that stalking will become psychologically unbearable or cross over into physical, even lethal, violence. Criminal justice interventions may be ineffective or even cause an escalation in the stalker's behavior. All intervention must therefore be carefully monitored and go hand in hand with action to protect victims.

## Stalking and Community Policing

### Why Traditional Approaches Fall Short

Compared to crimes involving obvious acts of violence or intimidation, stalking is shadowy, subtle, and hard to grasp. The burdens on police investigators are considerable. Victim safety must always be the priority yet assessing the risks to victims is especially problematic. Officers must investigate all matters involving the alleged perpetrator—especially if incidents occur in different jurisdictions.

The risks to victims may not be fully appreciated because connections between separate incidents haven't been made or attention focuses primarily on incidents involving physical violence. In domestic violence cases, while a perpetrator may be rightly arrested on charges of assault and battery, other potential dangers to the victim may be neglected (e.g., if a perpetrator is stalking the victim and has access to a gun). Failure to assess the added danger represented by stalking may mean other types of intervention to protect victims get overlooked.

Stalking as a crime is complex and hard to address. Making generalizations about stalkers can be dangerous. Predicting with any accuracy what stalkers are likely to do next is exceptionally difficult. Applying the different stalker "types" identified through research to real life cases isn't easy or necessarily productive.

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The complexity and unpredictability of stalking, the challenges involved in identifying stalking and collecting evidence to prove it, the continuing risk to victims, the need to prevent further acts of harassment all create special problems for police officers—problems they don't normally face. This is why the police cannot tackle stalking effectively on their own, however expert they are. This is why the police need to work collaboratively with others in the community if they are to reduce stalking incidents and address the needs of victims. Strategies to address stalking must reach beyond the boundaries of traditional "reactive" policing and embrace the principles and practices of community-oriented policing.<sup>16</sup>

Police officers must, of course, be familiar with state and federal laws that govern stalking and harassment and the range of charges that can be brought against a stalker. They must also be aware of other legal remedies (such as orders of protection) that can help protect victims. But, in addition, they must build a detailed picture of the stalker and his/her behavior, understand the context in which the incidents are occurring, assess the risks faced by the victim, be able to propose meaningful safety precautions, and engage in proactive problem-solving and early intervention.

The Mesh Between Stalking and Community Policing<sup>17</sup>

Community policing has been described as policing that "aims to increase interaction and cooperation between local police and the people and neighborhoods they serve ... to reduce and prevent crime and to increase feelings of safety among residents."<sup>18</sup> Identifying, investigating, and prosecuting stalking cases, assessing the risks to victims and protecting them, and preventing further acts of harassment are all tasks that cry out for the kind of pro-active, collaborative, problem-solving that are the hallmarks of community policing. The mesh between community policing and stalking is striking.

A community oriented policing approach means early identification of problems and early intervention to enhance victim safety and prevent repeat victimization. The challenge is to find ways for police departments and community partners to translate these principles into practical realities—into the policies and protocols that achieve these goals.

<sup>16</sup> STOP Violence Against Women Technical Assistance Office. (1998). *Promising Practices: Improving the Criminal Justice System's Response to Violence Against Women*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Violence Against Women's Office, p. 102.

<sup>17</sup> Mesh (*verb*) - To come or bring together and interlock (Roget's II: The New Thesaurus)

<sup>18</sup> Stephen Mastrofski, Roger B. Parks, and Robert E. Worden. *Community Policing in Action: Lessons From an Observational Study*. National Institute of Justice Research Preview June 1998, Office of Justice Programs. U.S. Department of Justice.



## Translating Theory into Practice

To apply the principles of community policing to stalking, police departments must embrace a vision and philosophy that promotes the safety of victims and holds offenders accountable.<sup>19</sup> This implies a willingness to act on two separate but related fronts. First, there must be a willingness to work meaningfully in partnership with others in the community to improve officer understanding of stalking, pioneer new initiatives, and create practical guidelines to assist officers on a daily basis. Second, there must be a commitment to make the necessary internal changes that will establish and promote the new policies and procedures.

<sup>19</sup> STOP Violence Against Women Technical Assistance Office (1998) *Promising Practices...* p. 95.

<sup>20</sup> Domestic Violence and Stalking: The Second Annual Report to Congress under the Violence Against Women Act (Chapter 3) Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice, July 1997.

## Community Involvement

### Possible Barriers

Community oriented stalking policies are sometimes impeded by barriers that divide community stakeholders. Differences in missions and goals, a lack of collaborative and communication skills, rivalries stemming from unequal influence in the community, and other factors may hamper efforts to foster positive, productive relationships between police and community stakeholders. Police departments need to be alert to such barriers and willing to address them, proactively, as early as possible.

### Structures

There is no set formula for building relationships or uniting police and community in the discussion, development, and implementation of new anti-stalking strategies. Some departments may favor jurisdiction-wide steering committees. Others may prefer working through a task force of key players from prominent local agencies and organizations or decide to invite a group of selected community representatives to join a planning committee. What matters is not the preferred approach (which may be influenced by history, tradition and a range of other factors) but the thinking that lies behind it. For example, if broad community representation is desired, for the search for potential partners must be thorough and go beyond the "usual players."

"Added value" from the Community

Stalking is an ongoing pattern of behavior, not a single act or incident. There may be no tangible evidence of criminal intent, as in other crimes. It may be hard to establish a convincing link between the stalker's acts and the impact on the victim.<sup>20</sup> These characteristics



present unique challenges for law enforcement and make it essential to recognize why collaborative problem-solving is so critical to tackle stalking more effectively. Police agencies first have to appreciate the potential of others to help them do a better job. Then, they can consider which community stakeholders will be the best partners.

There are obvious candidates—victims, victims' neighbors, victim advocates—but many others can make important contributions and should not be overlooked. These include prosecutors, corrections, probation, and parole authorities, public defenders, members of the judiciary, mental health treatment providers, community-based housing and social service providers (including domestic violence shelters), batterers' education and intervention programs, local telecommunications and other business organizations, schools, colleges, faith-based social service providers, and federal criminal justice agencies. All these community stakeholders have a potential part to play in strengthening police responses in stalking cases.

<sup>21</sup> George E. Wattendorf: Stalking Investigation Strategies, FBI, Law Enforcement Bulletin, March 2000.

There is relatively little research that focuses specifically on community oriented police responses to stalking. It appears, however, that different kinds of partnerships and collaborations can all help enhance police action and promote victim safety. The following section illustrates a few ways in which proactive, problem-oriented police work can be improved by increased victim and community involvement.

#### More Effective Input from Victims

Stalking victims have a unique role to play in assisting the police. Indeed, the police are probably more dependent on victim input in stalking cases than in most other criminal investigations. Individual victims know more than anyone else about the stalker's behavior and/or the stalker. Actively engaging victims in the investigation and working out case strategies in partnership with them results in more appropriate and effective police responses.

Closer working relationships with victims, their neighbors, and others can make victims safer while building the case against the stalker. Officers can offer advice to victims about safety planning, but only victims themselves can work out what changes they need to make in their routines, enlist the help of their friends and neighbors, and decide whether a protective order is a good option in their circumstances. Similarly, although officers conduct the investigation, obtaining sound evidence—the foundation of all successful prosecutions—depends critically on active victim involvement and cooperation. "Evidence collection starts with the victims."<sup>21</sup>



Only victims can provide the information to demonstrate a pattern of harassment and its effects. Only victims can detail the contacts made by the stalker in person, through voicemail, letters, faxes, email, or unwanted gifts. Only victims can describe the fear they feel as a consequence of the stalker's behavior. If victims are viewed and treated as partners, it is much more likely that prosecutors will end up with the evidence needed to convict perpetrators.

<sup>22</sup>Neal Miller: Report on a 1998 National Survey of Law Enforcement and Prosecution Initiatives Against Stalking, Institute of Law and Justice October 1999.

#### Roles for Victim Advocates

Victim advocates can be a major resource for the police. They understand stalking, the impact on victims, and the critical need to maintain safety. They often have more frequent contact with victims than police officers. They can reinforce the importance of victims recording all stalking incidents. They can help victims create and maintain stalking logs, devise safety plans, and develop supportive networks. They can assess victim needs and help victims to access housing, health, and mental health services. They can help victims think through the pros and cons of protection orders. (e.g. Victims are sometimes encouraged to apply for protection orders not simply to enhance their safety, but because violations of these orders often allow prosecutors to secure convictions more easily than under stalking statutes.)

In addition to assisting in individual cases, advocates may also be able to help departments develop more effective anti-stalking policies. A 1998 national survey showed "agency policies and procedures for stalking cases complement and supplement staff training. But many agencies do not have such policies and procedures."<sup>22</sup> As a result of their in-depth knowledge of stalking and its effects on victims, many advocates are well-placed to advise on written guidelines that lay out appropriate police responses in stalking cases. They can also contribute to the design and conduct of training on new anti-stalking policies.

#### District Attorneys as Key Players

The particular challenges involved in proving stalking cases demand a special operational relationship between police and prosecutors. Prosecuting attorneys can broaden and deepen police understanding of stalking so they are better equipped to help build cases against stalkers. In many jurisdictions prosecutors have taken the lead, pioneering new ways to conduct investigations and monitor stalking cases as well as promoting partnerships that assist the police and help protect victims.

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## Examples of Community Involvement in Anti-Stalking Initiatives

The National Center developed a model protocol to provide police departments with a flexible tool for the establishment of effective anti-stalking polices. The aim was to enhance, not replace, the wide-ranging creativity of local initiatives involving law enforcement agencies and the communities they serve. The following examples give a glimpse of the possibilities—of the many ways in which greater involvement of community stakeholders can enhance police responses in stalking cases.

*Dover, New Hampshire.* The Dover Police Department has established a system of "vertical prosecution" in which a single prosecutor handles all stalking cases. The prosecutor's presence in the Department "facilitates open communication and a strong cooperative effort in the investigation of stalking cases. He serves as the resource person on stalking cases and provides officer training on stalking."<sup>23</sup> Detectives and prosecutor work together as a team but they also rely on "a good rapport and comfortable working relationship with stalking victims."<sup>24</sup>

Dover has further expanded community involvement through JurisMonitor, a technological tool for tracking the movements of stalkers after they are released from custody on bail or probation.<sup>25</sup> The JurisMonitor works by transmitting electronic signals to a monitoring center from an ankle bracelet worn by the offender. If the offender approaches the victim's home in violation of a court order, the police get notified immediately. Law enforcement, probation, victim advocates, and the monitoring center all receive the case information and a copy of the court order; a local shelter may also be informed. Victim advocates explain the system to victims, encouraging them to use it as part of a broad safety plan rather than relying on it alone. Community involvement and victim safety are further enhanced through agreements with private companies to provide cell phones programmed to dial 911 for all victims whose homes are fitted with the JurisMonitor.

*Los Angeles Police Department, California.* The LAPD's pioneering *Threat Management Unit* (TMU) was set up in 1990, following the murder of stalking victim Rebecca Shaeffer. The TMU investigates all serious or terroristic threats (most of which involve stalking) except those related to domestic violence. Threat assessment, surveillance, and education to promote victim safety are among the techniques used by the TMU. Once the TMU accepts a case, detectives call victims once a week. The suspect may be contacted in person or sent a warning letter. In the *Los Angeles District Attorneys Office*, a parallel "Stalk the Stalker" program has been implemented.

<sup>23</sup> Violence Against Women Online Resources. Assessing Justice System Responses to Violence Against Women. [www.vaw.umn.edu](http://www.vaw.umn.edu)

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.





*San Diego, California.* In San Diego, the vertical prosecution system ensures that victims have a single person to contact for the entire duration of the case. Patrol officers refer all stalking reports from the same victim to the same investigating officer who assigns the same case number that was assigned to the original complaint. The District Attorney's Office has also developed a questionnaire for police first responders to help identify potential stalking cases.

<sup>26</sup> Raymond S. Armstrong. Stalking The Stalker: A Pro-active Approach to the Prosecution of Stalking Cases. Home Front, Quarterly Family Violence Newsletter, California District Attorneys Association, Vol. 3 No. 2. Winter 1998, [www.safenetwork.net/Pubs/pubvawa.htm](http://www.safenetwork.net/Pubs/pubvawa.htm).

In the mid 1990s, to further strengthen anti-stalking strategies, San Diego created the *San Diego Stalking Strike Force*. This is a multidisciplinary group of police officials, prosecutors, judges, victim advocates, and mental health professionals working to change the attitudes of criminal justice personnel and make recommendations about training. Its "*Stalking Case Assessment Team*" is a forum involving police, prosecutors, victim/witness advocates, probation officials, and mental health professionals. It meets regularly to address problems reported by the police or by stalking victims, the central focus being victim safety and threat assessment. The *Strike Force* is also developing model protocols for stalker treatment programs.

*Orange County, California.* The District Attorney's Office in Orange County has created an "oversight team" for all *felony* stalking cases unrelated to domestic violence. The team consists of a deputy district attorney, a district attorney investigator, and a victim-witness advocate.<sup>26</sup> Tasks undertaken by the team include documenting non-criminal incidents that may become part of a pattern of stalking incidents, collecting "pre-stalking" incident reports that have been forwarded by outside agencies; coordinating parallel investigations when multiple jurisdictions are involved; and, maintaining contact with victims after a stalker has been convicted, to provide release notifications and ensure quicker police responses if the stalking resumes. When a stalker is released from incarceration, the team acts as liaison between the probation or parole officers and the victim. Based on the impact of similar programs in San Diego and Los Angeles, the increased coordination achieved by the oversight team is expected to reduce the number of lengthy stalking prosecutions, increase the conviction rates in lengthier stalking trials, and contribute to increased victim safety post-conviction.

*Alameda County, California.* The Anti-Stalking Unit of Alameda County consists of a prosecutor, investigator, paralegal and victim witness advocate. They work together and attend civil "protection order" hearings. Judges, after issuing orders in stalking cases, refer victims to the Anti-Stalking Unit so they can access support services and resources.



*Rocky River Cuyahoga County, Ohio.* In the Rocky River Cuyahoga Municipal Court, a probation officer runs two stalking support groups that provide information on safety planning, evidence collection, and Domestic Violence and non-Domestic Violence-related stalking.

*Winchester, Virginia.* Victim advocates at the Winchester Shelter have developed stalking kits with cell phones, tape recorders, stalking log, and other materials to help victims with evidence collection and self-defense.

*Los Angeles, California.* Victim advocates are involved in educating the public about stalking through an initiative sponsored by the *Los Angeles Commission on Assaults Against Women* and the *Los Angeles District Attorneys Office*. They provide individual and group counseling and run a 24-hour hotline for stalking victims.

<sup>27</sup>Scott, Michael S. (October 2000) *Problem-Oriented Policing: Reflections on the First 20 Years*. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services available at [www.cops.usdoj.gov/Default.asp?Item=311](http://www.cops.usdoj.gov/Default.asp?Item=311)

## **Police Leadership and Action**

Implementing new policies always requires leadership and determination. Launching a new anti-stalking policy is no exception. Procedures, training, directives, and police conduct must all reflect the changed outlook. If the new guidelines are to be understood at all levels and properly executed on the ground, the implications must be considered across the board. Directive and training sessions must be designed for every member of the department—from dispatchers and frontline officers to detectives and supervisors.

Supervisors, local commanders, and top commanders must all take on leadership roles. And because research suggests that community oriented police strategies can be designed to involve members of virtually every rank, even line officers, whose ability to influence community-wide problems is inevitably more limited, can help to promote change if given appropriate training and leadership.<sup>27</sup>

### Some Basic Principles

Community oriented, coordinated responses to stalking will be characterized by many elements. These include early identification of the problems and early intervention to enhance victim safety and stop the stalking; a sound system of data collection to identify stalking behaviors and situations; information sharing and collaborative problem-solving; coordination of victim services and police responses; cooperative partnerships with key community stakeholders; and, a system for monitoring and evaluating police responses, to ensure that victims receive the best possible support and protection.

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### Training and Technical Support

Appropriate training and technical support will be a critical element in the successful implementation of a community-oriented approach to stalking. Like other types of repeat victimization, stalking requires careful analysis, strategic thinking, collaborative action planning, and adoption of problem-solving approaches. It means, in each case, conducting a broad inquiry into the nature of the problem and adopting techniques like analysis of patterns of offender behavior, such as repeat calls involving specific victims or the same or similar locations.

<sup>28</sup> Sampson, Rana and Michael S. Scott. (2000). *Tackling Crime and Other Public-Safety Problems: Case Studies in Problem-Solving*. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services. pp. 3–4 available at [www.cops.usdoj.gov/Default.asp?Item=583](http://www.cops.usdoj.gov/Default.asp?Item=583)

<sup>29</sup> Tjaden, Patricia, and Nancy Thoennes. (1998). *Supra*.

Education and training is vital, but not alone, sufficient. Officers must also have the necessary technical support and resources that allow them to track cases and correctly analyze the data they collect. Without proper technological support such as computers and relevant software, the police will inevitably do less than they are capable of doing—less than their best—both in terms of protecting victims and bringing perpetrators to justice.<sup>28</sup>

### Community Policing and Stalking: Potential Rewards

Most law enforcement agencies have not yet adopted comprehensive, anti-stalking strategies or introduced procedural guidelines to govern police intervention in stalking cases. It is therefore not surprising that many stalking victims have the impression that the police do nothing to help them.<sup>29</sup> Applying the principles of community policing to stalking is the best route to policies and protocols that command the support of police and community alike. It is the surest pathway towards the identification and utilization of the array of formal and informal community resources that can help the police respond better to the needs of victims and tackle stalking more effectively.

Examples of promising community policing anti-stalking initiatives are summarized in Appendix III. The following two chapters describe the "model stalking protocol" developed by the National Center for Victims of Crime and the implementation, in Philadelphia, of a protocol based closely on that model.

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## **Chapter 4: Model Protocol for Community Oriented Police Response to Stalking**

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### **Introduction**

The model protocol set out in this chapter is based on the premise that a comprehensive, coordinated, community response is the only way to effectively address the needs of stalking victims and hold stalkers accountable. It is designed to clarify the nature of stalking and map out ways in which law enforcement can work collaboratively with community stakeholders to improve their responses to stalking. As illustrated by the protocol that was piloted in Philadelphia (see Chapter 5) the model protocol seeks to enhance (not replace) local creativity, providing guidelines that can be easily adapted to the needs of law enforcement agencies in different jurisdictions.

### **I. Purpose**

This policy acknowledges that stalking incidents present significant challenges within local communities. The *National Violence Against Women Survey* found that an estimated 1,006,070 women and an estimated 370,990 men are stalked annually in the United States. The purpose of this policy is to establish uniform police department procedures for responding to, recording, investigating and handling stalking incidents to ensure that harassing and/or threatening behavior is properly identified and prosecuted to the fullest extent of the law. This protocol defines the role a police officer shall take when confronted with such a situation and reaffirms the officer's authority and responsibility to make arrest decisions in accordance with established probable cause standards. The overall goal of this policy is the prevention of stalking violence through early identification of stalking behaviors and early intervention, in collaboration with the community, in order to hold the offender accountable and enhance the safety of stalking victims and all citizens.

### **II. Policy**

Stalking cases present a unique and ongoing threat to the victim, the seriousness of which is difficult to predict and may involve ongoing behavior by a suspect that can literally last for years. Due to the difficult and dangerous nature of this conduct, it shall be the policy of this police department to act quickly to investigate all harassment,



threatening behavior, and stalking reports in a manner that will protect the victim and facilitate the arrest of the stalker. Emphasis shall be on providing as many measures of safety for the victim as possible through all available strategies and interventions. Police officers shall convey sensitivity to victims, and an attitude that stalking is criminal behavior and will not be tolerated. The officer shall treat all acts of stalking as criminal conduct, determining if probable cause exists for an arrest, and then taking the appropriate action. The officer shall make efforts to ensure that victims are informed of all available services within the department and the community.

The policy takes a continuum approach to stalking response, realizing that many parts of the criminal justice system and agencies within the community must coordinate to provide a truly comprehensive response to victims of stalking. The department will act as the lead in implementation of a collaborative plan to involve all disciplines in promoting a coordinated team approach towards stalking cases. The ultimate goal of the collaborative plan, and the policy itself, is to significantly reduce stalking in the community.

### **III. Definitions**

#### A. Legal Definitions

Legal definitions of stalking vary widely between jurisdictions. The definition of stalking used for the purposes of this policy is that used in the model anti-stalking code for states developed by the National Institute of Justice (National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, October 1993), which has been used by many jurisdictions as the basis for enacted legislation.

1. The model code defines stalking as a "course of conduct" directed at a specific person that involves repeated visual or physical proximity, verbal or written threats, threats implied by conduct, or a combination thereof, that would cause a reasonable person to fear for herself or himself or a member of her or his immediate family. It usually is not necessary to prove that the suspect had the intent to actually carry out the threat.
  2. "Repeated" means on two or more occasions.
  3. "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.
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4. The model code does not require stalkers to make a credible threat of violence against victims, but it does require victims to feel a high level of fear ("fear of bodily harm").
5. The criminal intent to commit stalking is measured by the model code by examining:
  - a. Intent to engage is a course of conduct involving repeated following or threatening an individual.
  - b. Knowledge that this behavior reasonably causes fear of bodily injury or death.
  - c. Knowledge (or expectation) that the specific victim would have a reasonable fear of bodily injury or death.
  - d. Actual fear of death or bodily injury experienced by a victim.
  - e. Fear of death or bodily injury felt by members of the victim's immediate family.

#### B. Other Applicable Legal Considerations

Law enforcement in each state and at the federal level must apply its applicable stalking statutes to respond to the crime of stalking within its jurisdiction. Stalking laws do not necessarily replace harassment, terroristic threats, and similar laws. These statutes can play an important role in enforcement of the laws against stalking behavior. Stalking laws are often supplemented by other laws that provide penalties for stalking-like behavior that lacks some element of stalking, and such laws can often be applied to stalking behaviors and situations in order to effectively respond to incidents and provide safety for the victim.

1. Other applicable state statutes
  - a. Statutes pertaining to protective/restraining orders
  - b. Assault statutes
  - c. Threatening statutes
  - d. Vandalism statutes
  - e. Theft statutes
  - f. Property crimes statutes
  - g. Attempted murder statutes
  - h. Kidnapping statutes
  - i. Terrorism or terroristic/criminal threats statutes
  - j. Domestic violence statutes



- k. Sexual assault statutes
- l. Hate crimes statutes
- m. Identity theft statutes
- n. Wiretapping and utility theft statutes

2. There also may be local ordinances which could be applicable.

3. Federal statutes

Some stalking cases can be federally prosecuted. To be successful; at that level, investigators need to be familiar with the applicable federal statutes, 18 U.S.C. § 2265; 2261; 2261 A; 2262; 922 (g) (8); 875 (c); and 47 U.S.C. § 223 (a) (1) (c).

- a. The *Full Faith and Credit Act*, 18 U.S.C. § 2265 (1994, 2000), mandates all law enforcement authorities to recognize and enforce all valid orders of protection issued by all courts throughout the United States and its territories, including injunctions against harassment and stalking, in state, tribal, and territorial courts.
  - b. The *Interstate Travel to Commit Domestic Violence Act*, 18 U.S.C. § 2261 (1994; 2000) states it is a federal crime to travel across state, tribal, or international lines with the intent to kill, injure, harass, or intimidate a spouse or intimate partner and to commit, or attempt to commit, a crime of violence against that spouse or intimate partner, and §2261 (a) (2) makes it a federal crime to cause a spouse or intimate partner to cross state, tribal, international lines, by force, coercion, duress, or fraud, and to commit, or attempt to commit, a crime of violence against that spouse or intimate partner.
  - c. The *Interstate Stalking Punishment and Prevention Act*, 18 U.S.C. § 2261 A (1996; 2000) makes it a federal crime to travel across state, tribal, or international lines to stalk another person. The defendant must have the intent to kill, injure, harass, or intimidate the victim, or to place the victim, a family member, or a spouse or intimate partner of the victim, in fear of death or serious bodily injury, and §2261 A (2) makes it a federal crime to stalk another person across state, tribal or international lines, using regular mail, email, or the Internet (i.e., datums).
  - d. The *Interstate Violation of a Protective Order Act*, 18 U.S.C. § 2262 (1994; 2000), makes it a federal crime to travel across state, tribal, or international lines with the intent to violate a protection order and to subsequently engage in conduct that
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violates that order or to cause another person to cross state, tribal, or international lines by force, coercion, duress, or fraud and to subsequently engage in conduct that violates a protection order.

- e. The *Federal Domestic Violence Firearm Prohibitions Act*, 18 U.S.C. § 922 (g) (8) (1994; 1996) makes it a federal crime to possess any firearm(s) or ammunition if subject to a "qualifying" protection order issued on behalf of a spouse or intimate partner. Seizure of these weapons helps ensure the safety of not only the victim, but the community as well.
- f. The *Interstate Communications Act*, 18 U.S.C. § 875 (c), makes it a federal crime to transmit in interstate or foreign communications, any threat to kidnap or injure another person. A related federal statute, the *Harassing Telephone Calls in Interstate Communications Act*, 47 U.S.C. § 223 (a) (1) (c), makes it a federal crime to use a telephone or other telecommunications device to annoy, abuse, harass, or threaten another person at the called number.

#### 4. Types of stalkers

It is important for law enforcement officers to remember that there is no one profile or type of a stalker. They can be male or female. The relationship between the stalker and victim can include past intimates, acquaintances, coworkers, or complete strangers. Stalkers can be motivated by anger, revenge, jealousy, or absolute fantasy or delusion. The generally accepted typology of stalkers includes the following categories:

##### a. *Simple Obsessional*

This type of stalker is the most common. It is usually a male who knows the victim as ex-spouse, ex-lover, or former boss and who begins a campaign of harassment against the victim. The stalking behavior begins either after the relationship has gone bad, or has ended, or there is a perception of mistreatment.

##### b. *Love Obsessional*

This stalker is a stranger to the victim, but is obsessed and thus begins a campaign of harassment to make the victim aware of the stalker's existence. This type of person often stalks a celebrity or public figure, but can also become obsessed with the bank teller or grocery store clerk.





c. *Erotomania*

This stalker is often female and falsely believes that the victim is in love with her and, but for some external influence, they would be together. The victim may be someone rich or famous or in a position of power such as an employer, movie star, or political figure. In this situation, those who are close to the victim (i.e., a spouse or lover who is perceived as "being in the way") may be the most at risk.

d. *False Victimization Syndrome*

This is an extremely rare occurrence that involves someone who consciously or subconsciously desires to be placed in the role of a victim. They therefore establish a complex tale of being stalked, which is in fact false. Sometimes this individual is the actual perpetrator, and the stalker they identify may well be their own target.

Note: Law enforcement officers need to remember that some stalkers can exhibit factors from more than one category.

## **IV. Procedures**

### A. Basics of a Law Enforcement Stalking Response Protocol

Early recognition of potential stalking cases is critical to aid in victims' safety. Many stalking cases do come to the attention of the police early in the stalking behaviors, and appropriate stalker interventions by law enforcement can often stop the stalking behaviors before serious crimes or injuries occur. However, not all cases are referred or readily identified through standard means or channels. Law enforcement officers need to develop ways to identify these cases. By the time some stalking cases reach the attention of the police or the courts, criminal offenses have already been committed that reflect significant risks to the safety of the victims, and therefore require an affirmative response to reduce the risks for the victim.

As with all first response, victim safety is very important. The first responder should take whatever steps are reasonably necessary to protect the victim. Generalizing about what a

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stalking victim should do in any particular case can be dangerous. Not all stalkers are the same, nor are they predictable. Most stalking victims are afraid of their stalker whether they have been expressly threatened with harm or not. But the degree to which the stalker really poses a threat is often difficult to assess. However, it is generally agreed that the domestic violence stalker may pose the highest risk of all.

## B. Identifiable Elements of a Stalking Case

Any time a victim reports any type of harassing, threatening, or menacing behavior the responding officer should be thinking about the possibility of stalking. Inquiry must be made to determine whether this is an isolated incident or repeated conduct. (Note: It is not uncommon for a victim to put up with harassing behavior for some time before finally calling law enforcement. Therefore, whenever a report is made you should suspect the likelihood of prior behavior.)

If the victim expresses a fear of the suspect, these fears should be taken seriously and a detailed inquiry made to determine the origin of the fear. (*Remember:* Victims of stalking can be either male or female. Male victims, in particular, feel that their fears are often minimized by law enforcement, which leads to a reticence to report continuing conduct.)

1. When inquiring about prior behavior, the responding officer should always determine whether any prior police reports have been made and in what jurisdiction. Ask whether any friends or family members have filed reports of crimes believed to have been committed by the perpetrator. Any time the suspect has engaged in more than one incident of some type of harassment, the case should be evaluated as a potential stalking case.
2. In responding to certain types of calls for service, officers should consider the possibility that stalking is also an ingredient. Stalking behavior can be difficult to recognize at first. Ascertain the victim's perception of the problem and be alert for a pattern of behavior. Incidents that could be part of a stalking problem include such crimes as:
  - a. Domestic violence of all kinds. (*Note:* Because stalking so often occurs within the context of domestic and relationship violence, numerous criminal justice experts advise that every domestic violence case should be treated as a potential stalking case.)



- b. Vandalism or destruction of property
- c. Wiretapping or utility theft
- d. Burglary
- e. Theft
- f. Identity theft
- g. Assault
- h. Child abuse
- i. Hate crimes
- j. Harassment
- k. Threats

### C. Stalking Behaviors

Because stalking is a "course of conduct" or a "pattern of behavior," stalking can consist of a wide variety of criminal behavior and noncriminal behavior. Any type of crime, from vandalism to homicide, could be part of a stalking case. Stalking laws also criminalize noncriminal behavior, such as letter sending, phone calls, and other contacts if that behavior is part of a pattern that creates an implicit or explicit threat to the victim. State laws define how many incidents make a "pattern" or "course" of conduct in a jurisdiction. In most states, the definition is two or more incidents. Generally, stalking is an escalating series of actions and incidents. Common stalking behaviors include, but are not limited to:

1. Violations of any protective order by visits to the victim's home or any other location frequented by the victim.
  2. Telephone calls to the victim (harassing, threatening, obscene, or otherwise).
  3. Mail, cards, letters, or gifts to the victim.
  4. Trespassing.
  5. Burglary of the victim's home (often there is no forced entry because the stalker may have a key).
  6. Following the victim on foot or in a vehicle.
  7. Showing up at the victim's place of employment or other frequented establishments.
  8. Spying or monitoring of the victim's activities.
  9. Making slanderous statements or false reports concerning the victim.
  10. Delivery of objects to the victim intended to cause fear to that victim (these objects, taken out of context, may seem innocuous to outsiders).
  11. Threats made to the victim (either direct, veiled, or conditional).
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12. Vandalism or theft of the victim's property, home, vehicle, workplace, or vandalism to the property, etc., of any friend or family member who helps her, especially by allowing her to stay at their home.
13. Vandalism affecting the security of the victim's home, such as unscrewing outside lights or disabling the alarm system.
14. Disabling the victim's vehicles.
15. Transferring the victim's phone line to another line in order to monitor messages, or disabling the phone or planting listening devices in the victim's home.
16. Filing "change of address" forms at the post office under the victim's name in order to "intercept" the victim's mail.
17. Harassing or threatening the victim by use of computers and the Internet.

#### D. Unique Aspects of Stalking Cases

Stalking cases are unique and sometimes difficult cases for law enforcement for several reasons, including, but not limited to, the following:

1. Stalking cases often appear insignificant to the patrol officer in the beginning. This is because they manifest as violations of protective orders or harassing phone calls which can be viewed as low priority. Quite often nothing physically has happened to the victim *yet*. Unless the patrol officer questions the victim thoroughly, a potential or present stalking case can be completely missed. Often, the victim will not be aware that they are being stalked. They are aware only that there is a problem in their life.
  2. For the majority of stalking victims, the fear that something will happen is overwhelming, and they *never* feel safe. To further complicate stalking cases, many people believe stalking victims are merely paranoid and not in any real danger. Some even think stalking is a form of flattery. Others blame the victim, wondering what she/he has done to encourage the stalker. Because of these perceptions, the stalking victim may feel very isolated and because nothing may have *happened to* her yet, no one may help her/him. The victim is further isolated from support systems if she/he has moved or changed jobs as a protective measure. The victim may also feel guilty about putting family or friends in possible danger if the stalker has made threats against them. Acknowledging the legitimacy of the victim's fear and recognizing that stalking behavior can indeed be the precursor of significant violence is a critical first step in any stalking investigation.
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3. Stalkers may commit criminal acts in multiple jurisdictions. The victim may live in one city or town, work in another, attend school in a third location and may also flee to a relative's or friend's home because of the harassment. Consequently, there will be different locations—and sometimes different victims' names on crime reports (especially when the friend's or relative's property is vandalized)—which all relate to acts committed by the same stalker, but not being investigated by the same police officer or even the same police department. Different agencies must communicate on these incidents or the complete pattern of the stalking case gets lost, or is never recognized, and the victim is not helped.
4. Stalking cases can last for several years with varying periods of inactivity or increased activity.
5. Arrest and prosecution of stalkers, and/or the victim's obtaining a protective order, is not any guarantee that the stalker will cease and desist; in fact, these actions may aggravate the situation. This does not mean that these remedies should not be used, but only in conjunction with safety planning for and with the victim. It is also critical that appropriate bail, conditions of release, and ultimate penalties are leveled against the stalker.

#### E. Police Communications Division

Dispatchers and 911 operators should be aware of the wide variety of crime reports that could be part of stalking behavior. Dispatchers and operators should use question prompts with callers to identify a stalking incident. They should be trained to code and prioritize reported stalking incidents. Notice of an active stalking case should be included in the data provided to dispatchers and then to responding officers over patrol data systems. Dispatchers and operators must give a potential stalking call the same priority as any other life-threatening call.

1. During the initial call for assistance, the dispatcher will obtain at least the following information:
    - a. The specific location of the emergency: address, apartment, etc.
    - b. A callback telephone number should the call be disconnected.
    - c. The caller's name.
    - d. Whether the caller is the victim or a witness.
    - e. The nature of the incident.
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- f. Whether there are injuries and the extent or description of the injuries (e.g., if an ambulance is needed, then it should be dispatched immediately).
- g. Is the suspect present (if not, a description of the suspect, his/her expected whereabouts, and a description of any vehicle involved)?
- h. Are weapons involved or present (if yes, what kind)?
- i. Are any of the parties under the influence of alcohol or drugs?
- j. Are children present (if yes, are they alright)?
- k. Does anyone have a current protection order?

2. Dispatch priority:

- a. Whenever possible, two officers will be dispatched immediately. (Additional information may be gathered while the unit is en route, and then passed on to the officers.)
- b. A supervisor must be alerted to the incident and will respond, if necessary.
- c. Dispatchers should inform the caller of the intended response and provide an estimated time of arrival for law enforcement assistance. If distance or officer availability becomes a factor in providing adequate response time, the caller shall be notified of this and safety planning should commence.
- d. In volatile situations, the dispatcher will keep the caller on the line, if it is safe to do so, until an officer arrives at the location, or if the caller is the victim, will ask the victim for a safe location for the officer(s) to meet her/him.

3. Check for previously reported incidents and active protection orders:

- a. When a call is received that could be stalking, the dispatcher shall review the department's records containing prior reports, civil protection orders, temporary protection orders, and bond orders to determine whether there is any record of the parties having been involved previously in a stalking incident or some other related offenses, or having a protection order in effect. Any relevant information is radioed to the responding officers and supervisor.
- b. Dispatch must complete all required documentation/reporting of the call received.



#### F. Graduated Response Strategy

Some police problem-solving initiatives have developed systems of graduated response which are used to govern the first response and subsequent interventions by police and other partner organizations in particular types of crime. The graduated response is a formula that helps determine the appropriate level of intervention for the effective response to crime incidents and the prevention of repeat victimization.

A stalking graduated response protocol (as presented in Table 1, *infra*) would govern how a police organization responds to stalking incidents and how resources are allocated to protect stalking victims and curtail the behavior of stalkers. This approach could be developed by a police department in a stalking response protocol.

*CAVEAT:* This threat assessment has to be a constant element of stalking response by law enforcement, in that all stalking incidents are potentially life-threatening, as stalking behaviors are often escalating in severity and violence.

Although the graduated response 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 three response despite the fact that the assault is the first incident.

#### G. Investigation of a Stalking Case

Evidence collection is an essential part of the investigation in order to establish corroboration of the stalking conduct. It is vital that the investigator learns as much as possible about the stalker and his/her method of operation. Assessment of the potential threat posed by the suspect is also essential. Due to the potential danger inherent in stalking situation, threat assessment must be an ongoing part of any stalking case.

The three basic questions an investigator must answer while conducting any stalking investigation or threat assessment are:

- (1) Who is the suspect?
  - (2) What risks of violence does the suspect pose to the victim?
  - (3) How does the investigator manage the suspect and dangers posed to the victim?
-



<b>Intervention Level</b>	<b>Victim</b>	<b>Perpetrator</b>
<i>Level 1</i>  First police awareness	Gather information. Assist victim with initial safety plan development and implementation. Assist with obtaining a protective order. Refer to support services.	Deliver first official warning, explaining law and policy. Check for prior arrests and convictions. Arrest, if possible. Refer to counseling or other services that may control the offender's behavior. Conduct threat assessment (referring to next level if appropriate).
<i>Level 2</i>  Second incident that qualifies stalking charges or indicates an escalation in behavior	Increase home and personal security by providing protective devices such as cell phones, personal alarms, or video surveillance. Assist victim with ongoing safety planning for home, work, school, etc. Revise, if necessary.	Arrest under stalking statute or other appropriate statutes. Review threat assessment and use to oppose or influence bail, if possible. Increase monitoring of offender.
<i>Level 3</i>  Subsequent incidents	Increase security and safety systems to highest level. Assist victim with ongoing safety planning for home, work, school, etc. Revise, if necessary.	Increase prosecution and surveillance efforts. Arrest or deter in any way possible.
Emergency Intervention	Implement and record reasons for selection.	Implement and record reasons for selection.





*1. Evidence Collection*

a. Initially, responding officers should look for evidence that identifies and describes the suspect, such as:

- 1) Name
- 2) Description
- 3) Personal information
- 4) Residence
- 5) Place of work
- 6) Mode of transportation
- 7) Vehicle make and model
- 8) License plate number

b. Evidence collection from the victim

Be sure to impound any tangible items of evidence from the victim that corroborates the stalking behavior. Things to be seized may include:

- 1) Any letters or notes written by the suspect to the victim. Keep latent print and DNA possibilities in mind when handling these items.
- 2) Any objects sent to the victim or left for the victim, including "gifts" or flowers.
- 3) Any answering machine tapes, voice mail, or other forms of taped phone messages. Document time and date. Make a tape recording of these messages to submit as evidence. This documents not only content but also tone of communication.
- 4) Any telephone call trace or phone trap information from the telephone company (e.g., Call Trace/Caller ID/\*57 records for the victim's phone).
- 5) Any evidence of phone tapping by the suspect.
- 6) Any log/journal/diary of suspect contacts that the victim may have been keeping which shows any dates, times, and locations of suspect encounters.

c. Police-generated evidence collection

- 1) Law enforcement officers should consider using search warrants in these cases. Serving a search warrant on the suspect's residence, vehicle, and workplace can be an invaluable tool in obtaining evidence to support the charge of stalking and in providing pertinent information about the stalker. Items to be alert for when serving a warrant:
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- a) Any photographs of the victim. Many times these will have comments or drawings on them.
  - b) Photographs, diagrams, or drawings of the victim's home or workplace.
  - c) Writings, journals, logs, or diaries kept by the suspect that describe his stalking activities or thoughts/fantasies about the victim or other victims.
  - d) Personal items belonging to the victim.
  - e) Video or cassette tapes that might have information concerning the stalking, such as surveillance footage.
  - f) Books describing stalking techniques or having a subject matter dealing with stalking, harassment, or violence.
  - g) Any keys that fit the house or vehicle of the victim.
  - h) Any equipment that appears to have been used to stalk the victim, such as cameras, binoculars, video recorders, computers, fax machines, etc.
- 2) Any videotape surveillance or still photography of the stalker generated by law enforcement officers should be collected as evidence.
- 3) Any security video (from grocery stores, banks, parking lot/workplace security cameras) that are evidence of the suspect stalking the victim should be collected.
- 4) Telephone records of the suspect. Consider seizing the suspect's/defendant's cellular phone.
- 5) Documentation of email sent by the stalker to the victim. (Note: Internet service providers only keep email records for one to five days. Police have to obtain a search warrant; however, a phone call or fax to the provider may be enough to freeze the suspect's account until a search warrant is completed.
- 6) Certified copies of police reports from other jurisdictions, convictions sheets, prior restraining orders, etc. should be collected as evidence.
- d. Further corroboration evidence collection by law enforcement:
- 1) Photograph any items vandalized, damaged, written on, etc.
  - 2) Check for fingerprints or DNA on vandalized items or other objects sent to or left for the victim.
  - 3) Advise the victim to contact the phone company to have a trap installed on her/his phone.
  - 4) If the victim's phone is not set up to record messages or conversations, have the victim obtain such a machine.
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- 5) For any incident of harassment, determine whether other witnesses were present and interview them. Often friends, family members, coworkers, employees, employers, etc. have information regarding the suspect's behavior. This corroboration is crucial.
- 6) Research the suspect's whereabouts during the times of alleged acts to deter "alibi" defenses.
- 7) On serious cases, consider surveillance of the suspect. This may be particularly useful in a case where there appears to be a specific pattern to the suspect's conduct. (Threat assessment in each case should help assist in determining whether or not surveillance is needed.)

e. Most stalking statutes in the country require proof not only of the suspect's conduct, but the victim's state of mind. In most jurisdictions, the crime of stalking requires that the victim actually suffer a requisite level of fear due to the stalker's conduct. It is therefore important to document any evidence of the victim's response to the harassment which shows "state of mind." For example, has the victim:

- 1) Moved to a new location?
- 2) Obtained a new phone number ? (Sometimes it is advantageous for the victim to keep the old phone number with an answering machine to record all messages from the suspect and only actively use the new unpublished phone line.)
- 3) Put a tap on the phone?
- 4) Told friends, coworkers, or family about the harassment?
- 5) Told building security at home, work, or school?
- 6) Given photos of the suspect to security?
- 7) Asked to be escorted to the parking lot and work site?
- 8) Changed work schedule or route to work?
- 9) Stopped visiting places previously frequented?
- 10) Taken self-defense courses?
- 11) Bought pepper spray?
- 12) Purchased a gun?
- 13) Installed an alarm system?
- 14) Bought a guard dog?

## *2. Stalker Assessment*

Responding officers, detectives, and victim service providers should work together as investigators, gathering information about the victim and the stalker. Duties for officers, detectives, and service providers should be clearly defined.

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a. The responding officer should document the following by thoroughly interviewing the victim about the suspect:

- 1) Any prior threats made to the victim (direct or indirect).  
Develop a timeline of the stalking behaviors towards the victim.
- 2) Any actual pursuit or following of the victim.
- 3) Any history of violence against the victim or others.
- 4) Any information regarding the suspect's tendency towards emotional outburst or rage.
- 5) Prior mental illness history of the suspect.
- 6) Substance abuse problems of the suspect.
- 7) Suspect's possession of, knowledge of, or fascination with weapons.
- 8) Any history of filed protective orders against the suspect or protective order violations by the suspect.
- 9) Any annoying phone calls made by the suspect to the victim or anyone connected to the victim.
- 10) Any unsolicited correspondence, threatening or non-threatening, from the suspect to the victim.
- 11) Threats of murder and/or suicide by the suspect.
- 12) Any acts of vandalism or arson committed by the suspect against the victim or anyone connected to the victim.
- 13) Is the victim in fear?

b. If children are present, interview the children about the stalking in a careful, gentle manner appropriate to the child's age and emotional state. Be alert for excited utterances from children while interviewing adults and witnesses.

c. Every stalking investigation should include a thorough research of the suspect's prior criminal history and/or prior contacts with law enforcement.

### *3. Threat Assessment*

In stalking cases, law enforcement officers have a unique opportunity to act in a proactive way and prevent future harm to a victim. Assessing the potential threat posed by a stalking suspect is an important step towards that goal.

The primary objective of a threat assessment investigation is to gather as much information as possible on both the victim and the suspect.



#### a. Suspect Information

Multiple sources of information should be consulted to learn about the suspect's behavior, interests, and state of mind. These can include:

- 1) Personal interviews with the suspect.
- 2) Material created by or possessed by the suspect such as journals, letters, books, magazines, or other items collected.
- 3) Interviews with people who know or have known the suspect, such as friends, family, coworkers, supervisors, neighbors, landlord, previous victims, etc.
- 4) Any public records, such as police, court, probation or corrections records, mental health records, or social services records.

#### b. Victim Information

The patrol officer and/or investigator needs specific information about the victim, such as:

- 1) Is the victim well known to the suspect? Does the suspect know about the victim's work, home, personal lifestyle, patterns of living, daily comings and goings?
- 2) Is the victim vulnerable to attack? Does the victim have resources to arrange for physical security? What can change about the victim's lifestyle that could make attack by the suspect more difficult or less likely? Are there Crime Prevention Through Environmental Design principles that could be applied that would lessen the victim's vulnerability to the offender?
- 3) Is the victim afraid of the suspect? Is that degree of fear shared by the victim's friends, family, and colleagues?
- 4) How sophisticated or naive is the victim about the need for caution? How able is the victim to communicate a clear and consistent "I want no contact with you" message to the suspect?

#### c. Will the suspect attack?

Using the information obtained throughout the investigation, the police officer must then seek to determine whether the suspect appears to be moving toward or away from an attack. Factors which suggest a high risk to the victim include:

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- 1) Present threats to kill the victim.
- 2) Past threats to kill this victim or other victims.
- 3) Use of weapons such as guns, knives, or other potentially lethal weapons.
- 4) Possession of lethal weapons.
- 5) Degree of obsession, possessiveness, and/or jealousy regarding the victim.
- 6) Violations of a restraining order with demonstration of little concern for the consequences of arrest and jail time.
- 7) Past incidents of violence against this victim and/or others.
- 8) Present or past threats of suicide.
- 9) Access to the victim and/or the victim's family.
- 10) Hostage taking.
- 11) Depression.
- 12) Other mental illness evidence or indicators regarding the stalker.
- 13) Drug or alcohol abuse of the stalker.
- 14) History of prior stalking of this victim or other victims.

d. Questions to consider in assessing threats:

1) Basic Questions:

- a) Does the victim believe the threat?

*This is important information, even if the victim is minimizing the danger she/he faces. Consider also that words or acts that are not particularly threatening in one cultural frame of reference could well be terrorizing in another.*

- b) Was the threat made in the presence of other people? In writing? In a recorded telephone conversation?

*Willingness to "leave evidence" or "not caring who knows" may indicate a more serious intention to follow through.*

- c) Is the threat detailed and specific?

*Evaluate threats in stalking the same as potential suicides—the more thought that has gone into the plan (evidenced by the amount and specificity of the detail), the more likely it is to be acted on: "I'm going to kill you" is cause for concern; "Tonight, I'm going to rape and strangle you and hide your body where no one will ever find it" is cause for greater alarm.*

- d) Is the threatened act consistent with his past behavior?
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e) Does the stalker have the means to carry it out?

*Again, consider the parallel to assessing potential suicides—there's having the thought, then there's having a plan, then there's being able to follow through. Where the "means" are at hand, there is more risk.*

f) Have there been "rehearsals" of the act that is being threatened?

*These can be verbal run-throughs ("let me tell you what I'm going to do") or partial re-enactments (showing someone the intended weapon or the intended site for the murder or burial).*

g) Does the threat extend to others (such as, children, family members, police, or new lover)?

*Fear of harm to others may restrict a victim's willingness to resist and/or to follow through with police and the courts.*

h) Does the threat involve murder, suicide, or both?

*If the stalker is a current or former intimate partner, remember that a substantial percentage of domestic homicides are multiple-victim killings, murder-suicides, or murder-suicide attempts.*

2) Questions regarding any history of violence/use of force by the stalker:

- a) Was the suspect abusive to former partners or family members?
  - b) Has the physical violence increased in frequency or intensity over the past year?
  - c) Did the physical violence involve choking or attempted strangulation or a head injury?
  - d) Does the suspect have a history of violence toward people who aren't intimates or family members?
  - e) Does the suspect have a history of sexual assault behavior?
  - f) Has the suspect ever abused pets or other animals?
  - g) Has the suspect ever destroyed property, especially a former partner's or current target's personal property? (Intentional and terrorist destruction of property is often an "it could just as well be you, and next time might be" message.)
  - h) Does the suspect have a special interest in/fascination with movies, television shows, video games, or books that focus on themes of violence, power, and revenge?
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3) Questions regarding weapons (consider not only firearms, but also other dangerous weapons such as compound bows, swords, large hunting knives, or martial arts weapons):

- a) Does the stalker have access to weapons? Does the stalker keep weapons in more than one place? Does the stalker have access to weapons owned by others? Is the stalker trained in their use?
- b) Does the stalker have illegal or exotic weapons?
- c) Is having and being willing to use weapons part of the stalker's self-image? (This is particularly crucial in relationships that involve people in law enforcement, corrections, the military, and the criminal justice system.)
- d) Has the suspect's past violence involved the display, use or threatened use of firearms or other weapons?
- e) Does the victim possess weapons? What kind? Is the victim trained in their use?

4) Questions regarding escalation of stalking behaviors:

- a) Does the offender enlist others in monitoring the victim's behavior? (Not only the offender's friends, family, coworkers and cell mates, but also the victim's friends, family, and coworkers.)
- b) Has the offender contacted or threatened the victim's friends, relatives, or coworkers?
- c) Has the offender followed, spied on, staked out, or otherwise stalked the victim?
- d) Has the offender made unwanted attempts to communicate by mail or telephone, or through third parties? (These communications don't have to be threats. They can be "I was so wrong, I don't know what came over me; can you ever forgive me; let's work it out together" messages, flowers, gifts, etc.)

5. Other threat assessment considerations:

- 1) Number of times a restraining order has been issued against the stalker and number of times the stalker has violated restraining orders (checking all available jurisdictions).
  - 2) Search warrants and seizure of tangible items of evidence.
  - 3) Seizure of any firearms accessible to the stalker.
  - 4) Special considerations when the stalker is a law enforcement officer.
  - 5) Special considerations when the stalker is in the military.
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#### H. Advising the Stalking Victim

1. A response to a victim of stalking should include whatever steps are reasonably necessary to protect the victim, including:
    - a. Advising the victim about criminal and civil orders of protection and other legal tools for prohibiting contact between the stalker and the victim.
    - b. Providing the victim with written referral contact information for victim service programs within the community that provide assistance with obtaining such orders.
    - c. Providing written referral information regarding the availability of shelter, medical care, counseling, and other services within the community.
    - d. Providing the victim in writing with the responding officer's name, badge number, the incident report number, and a telephone number that the victim can call for information about the case.
    - e. Advising the victim about procedure for initiating criminal proceedings and the collection and preservation of evidence for police investigators and prosecutors.
    - f. Providing the victim with a brochure or pamphlet that explains their rights as crime victims, available services and compensation and how to access such services, etc.
    - g. Offering to arrange for the department's crime prevention unit to come to the victim's residence and conduct a walk-through security check of the residence and recommend measures to improve security.
    - h. Providing written information about safety planning and victim advocates who can assist with safety strategies.
    - i. Helping the victim leave her/his residence, for safety reasons, by accessing resources in the community such as family, friends, and community shelters and/or actually transporting the victim to a secure location.
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- j. If there are children in the household, establish what steps need to be taken to ensure they remain safe, including crisis planning, relocation, and communication with school authorities. If the stalker is a parent of children living in the household, arrange through the court for custody or visitation through a third party.
2. Be honest with the victim about any information that suggests that the suspect is a real threat to her/him.
  3. Advise the victim to take extra safety precautions. Although officers should be cautious in making generalizations, the following advice can usually be given in all cases:
    - a. **Stop all contact with the stalker.** It is important that the victim be very direct and firm. Repeatedly telling the stalker that she/he doesn't want to talk to him/her is *still talking to the stalker* and may be perceived by the stalker as carrying a mixed message. If after leaving forty messages on her/his answering machine, the victim returns the call to demand that he/she stop, the lesson learned is that the cost of getting a call from her/him is to call and leave forty messages. **It's essential to cut off all contact.**
    - b. **Don't let third parties other than law enforcement and/or persons serving a restraining/protective order (if applicable) intervene with the stalker.**
    - c. **Take the following actions if the stalker poses a genuine threat:**
      - 1) Obtain a restraining order or a criminal/civil protective order, but appreciate that it is not a guarantee of safety and, sometimes, may provoke rather than deter the stalker.
      - 2) Take additional safety precautions when a restraining/protective order is served. For example, change the phone number or get an additional unlisted number and keep the original number connected to an answering machine that receives messages from the stalker.
      - 3) Alter work hours and routes to work and other places. Always maintain a full gas tank.



- 4) Inform employers, coworkers, and workplace security about the stalking problem and provide them with a photo/description of the stalker. If the stalker shows up at work, have someone call the police immediately. Avoid contact with the stalker, even if he/she is causing a scene.
- 5) If your residence or neighborhood has security staff, provide a photo/description of the stalker, the stalker's vehicle, and a copy of any restraining order.
- 6) Keep a diary with all contact attempts, dates, times, and details of any witnesses to incidents. If there is a restraining order, call police immediately if the stalker attempts contact.
- 7) Save all evidence of stalking-related incidents, even if it seems insignificant.
- 8) If there are hang-up calls to home or work, arrange with the telephone company for a phone trap to be installed.
- 9) If there are harassing emails, contact the Internet service provider to find out options for preserving existing messages from the stalker and blocking new ones.
- 10) Avoid places frequented by the stalker.
- 11) Instruct children in the household to keep all address and telephone information confidential.
- 12) If possible, move to a new address with a roommate and put all the bills (utilities etc.) in the roommate's name.

4. Encourage the victim to work with law enforcement, victim advocates, and/or prosecutors to develop specific, personalized, and detailed safety plans and provide written information about who can assist with safety planning. Explain that:

- a. Safety plans must be continually assessed and adjusted in light of developments in the investigation and prosecution of the case.
  - b. It's essential to plan for safety in the home and at locations away from home
  - c. All available strategies and technologies to promote safety.
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5. Tell the victim about early warning strategies involving neighbors, known as "cocoon watches" that can provide them with additional protection. (These strategies were first developed by law enforcement in Great Britain.) Subject to the victim's *informed consent*, based on current risks posed by the stalker, law enforcement can work with Neighborhood Watch (and/or other neighbors) to turn neighbors into "eyes and ears" that watch out for the stalker and contact the victim and 911 if he/she is sighted. Even a five minute warning may help save a stalking victim's life. Consent from the victim is critical because some victims do not want neighbors to know about their problems.

#### I. Suspect Interviews

1. The goal of the interview should be to gather as much information as possible about the suspect's thinking, behavior patterns, and activities regarding the victim and to encourage change in the stalker's behavior.

*CAVEAT:* Officers should be aware that in some cases interviewing the suspect may serve to intensify his interest in the victim and provoke him into more extreme action. Precautions, such as safety planning with the victim, must always be taken whenever a suspect interview is conducted.

2. Research the suspect's background before the interview, if possible, as it can be very helpful to catch the suspect off guard with known information. However, be on guard. Stalking suspects can be very cunning and manipulative. They will often attempt to deny or rationalize their behavior or try to outsmart law enforcement.

- a. Conduct database checks, i.e., Department of Motor Vehicles, local records, criminal records, etc.
- b. Search state and national databases, Internet services, and police contact records maintained by jurisdictions where the suspect has lived.
- c. Interview people that may provide relevant information about the suspect such as:
  - 1) Family
  - 2) Friends
  - 3) Employer(s), both prior and current
  - 4) School officials
  - 5) Child welfare investigators



3. Have a strategy prior to actually contacting the suspect. It is recommended that investigators:

- a. Interview any stalking suspect in pairs.
- b. Be aware of officer safety.
- c. Remember to obtain as many details as possible and document the interview extensively.
- d. Provide the suspect a chance to view his/her actions as misunderstood by the victim and how others could have misunderstood his/her intentions.
- e. Remember to question the suspect about other potential victims or crimes.

4. Objectives of the suspect's interview:

- a. Determine criminal activity.
- b. Determine the suspect's current state of mind.
- c. Attempt to assess the threat posed by the suspect.
- d. Learn if the suspect has other victims in mind.
- e. Encourage the suspect to change his/her behavior.
- f. Advise the suspect that the behavior is unwanted, unacceptable, and must stop immediately.

5. If the investigator's involvement is post-arrest, the investigator shall conduct the investigation as stated above. It is also imperative that all bail and/or restraining or protective orders are reinforced with the defendant. It must be clear that all violations of orders or laws will result in arrest and possible incarceration.

6. Videotape the interview, whenever possible. Body language, gestures, voice tone, eye contact, etc. are all important aspects in evaluating the suspect.

7. It is very helpful, though sometimes impossible, to obtain the assistance of a mental health expert who can view the video later for input during the investigation. Consultation with a mental health or behavioral sciences expert can be invaluable to the investigator when it appears the suspect may suffer from some sort of mental illness or whose behavior is extreme.

#### J. Stalker-Focused Interventions

How law enforcement handles a particular stalking situation depends on the type of stalking that is occurring and the level of threat to the victim. It can range from advising the victim to issue the stalker an unequivocal "no" to assisting the victim in obtaining a restraining order to law enforcement contact (verbal

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and/or written) with the suspect. Some stalkers may cease their activity when confronted by police intervention. However, intervention in other cases can trigger more problems. While vigorous prosecution may be the best way to prevent violence and minimize harm to the victim, it is also true that legal sanctions alone may not deter a person who desperately desires revenge or is prepared to die to achieve his objective.

1. The goals of stalker-focused interventions are:

- a. To establish that stalkers are strictly and solely accountable for their own actions, and to hold them to the standards established by law.
- b. To send the message that stalking is considered a serious matter, and to establish a "social hold" over the abuser. (This includes seriously establishing bail, conditions of pre-trial release, terms of protective orders, conditions of probation, and the terms of custody/visitation and support with the intent of constraining the stalker's behavior.)
- c. To the greatest extent possible, require restitution to the victim and the community. (In addition to covering the cost of medical care, temporary shelter, lost work, trauma counseling, and other costs directly associated with the stalking, this can include requiring abusers to cover the victim's attorney fees and other court costs.)
- d. To provide, through access to stalkers'/batterers' intervention programs, the opportunity for offenders to learn about the dynamics of stalking and domestic violence, come to terms with their own culpability, and effect a change in their attitudes and behaviors.

2. Stalker interventions may involve:

- a. Contact by a law enforcement officer.
- b. Counter-stalking and other anti-stalking surveillance and apprehension measures, including technological monitoring both pretrial and post-conviction.
- c. Temporary/permanent orders of protection (including orders issued on behalf of nonvictim witnesses).
- d. Arrest and detention for victim-directed criminal conduct.
- e. Arrest and detention for other criminal conduct (such as independent criminal activity, possession or sale of illegal drugs, weapons charges, or probation or parole violations).



- f. Revocation of weapon permits/weapons confiscation (by search warrant or court order, whether as a condition of bail or through a restraining/protective order).
- g. Bail and other conditions of pretrial release.
- h. Criminal convictions.
- i. Jail, fines, and restitution (including weekend and "part time" jail sentences).
- j. Suspended sentences with supervised conditions imposed.
- k. Supervised probation (including intensive supervision and day reporting).
- l. Electronic monitoring and "house arrest."
- m. Psychiatric evaluation and hospitalization, mental health referral, or drug and/or alcoholism treatment (as conditions of release/conditions of probation).
- n. Batterers' intervention programs (as conditions of release or a probation/suspended sentence and not as an alternative to a criminal resolution of a case, such as pretrial intervention).
- o. Deportation, if applicable.

### 3. Suspect Contact by Law Enforcement

Law enforcement contact, especially by an investigator or detective, can be an effective means of deterring stalkers, particularly in cases where the victim and the suspect had some prior relationship and where the stalker is not suffering from mental illness. This type of stalker is more likely to understand an officer's explanation of the potential consequences of his continued harassment or escalation of stalking behaviors. This type of warning contact is most appropriate when the behavior does not yet constitute a full violation of law or involves very low-grade activities. It can include contact by mail through a police warning letter, a phone call, or an in-person visit. Often, a face-to-face visit at the suspect's workplace or residence may be all it takes to have a deterrent effect on the inappropriate behavior. This type of contact can also occur by way of a scheduled interview at the police station.

### 4. Restraining/Protective Orders

- a. While it is recognized that restraining/protective orders may not always be effective in actually protecting a victim, the primary advantage to having such an order against the suspect is that it allows him to be immediately arrested when a violation occurs. Therefore, it is vitally important when a law enforcement agency is attempting to utilize such orders as part of an overall stalking intervention plan that the involved personnel be prepared to respond quickly to each
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violation. Only then is there a sanction for the actions of the suspect and a motivation to change behavior. If a person is a documented victim of stalking, and calls police because of a violation of a restraining order, priority response should be given to this call.

- b. A second advantage to obtaining a restraining order is that in many jurisdictions it allows for enhanced charging of the stalking crime so as to have a more significant hold over the suspect.
- c. One strategy that has appeared to be successful is when the same officer, investigator, or detective working with the victim also is the individual who serves the suspect with the restraining/protective order.

## 5. Technology Options for Managing Stalking Cases

Implement available technology as a tool to enhance victim safety and collect evidence. Types of technology that can be used to contain stalkers while they are under investigation or supervision:

- a. Global positioning tracking systems—i.e., systems that use transponders and the geographic positioning system to constantly monitor and document the location of an offender. In jurisdictions using GPS, its implementation is by a court-ordered condition of the defendant's bail or sentence and is paid for by the defendant.
- b. Surveillance systems—i.e., cameras and/or human systems that maintain a lookout for the stalker.
- c. Monitoring of telecommunications—i.e., systems that monitor the stalker's attempts to communicate with the victim, such as Caller ID/Call Trace and other technologies.
- d. Cellular telephones programmed to 911 or the police department can be used by stalking victims to make immediate reports of stalking behaviors to the police.

## 6. Mental Health Options

Since some stalkers are mentally ill, involuntary commitment by law enforcement is a viable option which can be extended when probable cause is documented and presented to the court. Utilizing this option, when appropriate, has two advantages: it takes the victim out of harm's way for some period of time so





that she/he can provide for her/his safety, and it provides for some treatment and evaluation of the suspect which may diffuse the immediate situation. It benefits the law enforcement agency to locate and work with mental health experts in stalking cases that involve these types of stalkers.

#### 7. Prosecution

Successful prosecution for stalking depends on the concerted team effort of dispatch, responding officers, investigators, detectives, victim services, consultants, prosecutors, and the court system from the time stalking behaviors are first reported. For those suspects who continue the stalking behaviors and course/pattern of conduct and present a continuing risk to the victim, vigorous prosecution for their criminal conduct is the only option. The goal of any such prosecution is to ensure conviction so that maximum controls can be placed on the defendant, thus increasing the safety of the victim while holding the stalker accountable for his/her actions.

8. Case management involves developing a plan that moves the suspect away from regarding violence against the victim as a viable option. At times, effective case management may require the investigator to draw on resources connected to the suspect, but not traditionally used by law enforcement, such as friends family associates, employers, mental health, social services, and other community members. All of these contacts may be used in seeking to lead the suspect to formulate more appropriate goals.

#### K. Arrest, Charging, and Jail/Detention

The purpose of the investigation is to determine if there is "probable cause" to believe that the crime or violation of a protective/restraining order has occurred, and that a specific individual committed the offense.

1. Officer should arrest and detain a person, until a warrant can be obtained, when:
    - a. There is probable cause to believe that the offender committed a stalking offense or a stalking-related offense.
    - b. There is probable cause to believe that the offender violated an anti-stalking protection/restraining order.
  2. Probable cause may be obtained by a written statement from a person alleging that an alleged offender has committed a stalking-related offense.
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3. Inquire as to whether a civil or criminal protective order is in effect presently, and, if so, ask for a copy of the order. If the victim cannot produce a copy of the order, obtain information about the court that granted the order and call dispatch to attempt to verify the existence and effective period of the order.
4. Upon receipt of a protection order, note carefully the restrictions imposed by the order to determine whether there is probable cause to believe that the order has been violated. Officers shall enforce an anti-stalking, temporary, or a civil protection order issued by any court in the state or any other jurisdiction, in accordance with the provisions of the order, including arrest or removing the defendant from the premises, regardless of the reason given for being at the premises.
5. When an officer determines there is probable cause to arrest and the suspect has left the scene, the officer should promptly seek a warrant for the arrest of that person.
6. When an immediate arrest is not possible and a warrant has been issued, the officer shall make the victim aware of the warrant and of steps to take should the victim know of the suspect's whereabouts.
7. Consult with the prosecutor's office on appropriate charging decisions. For instance, if a charging opportunity on a related crime presents itself and the risk for the stalking victim is substantial or high, it may be best to arrest the offender on the related offense and manage the case in the system, rather than wait for a pattern of conduct.
8. If the offender is a juvenile and probable cause exists, take the juvenile into custody and:
  - a. Immediately contact the juvenile detention center by telephone to obtain a verbal authorization of admission.
  - b. Follow all juvenile report and booking procedures and transport the juvenile to the center.
  - c. Juvenile detention center staff should conduct a risk assessment and determine the level of detention.
  - d. The officer must sign the stalking complaint with the juvenile intake unit within the mandated number of hours of the juvenile's admission to the detention center.



## 9. Bail considerations

- a. In addition to the criminal acts charged, past acts of violence, repeated violations of court orders, access to weapons, threats of possessiveness, and suicide history, are all behaviors that can be introduced at a bail hearing to establish the dangerousness to the victim and the community (and in the case of suicide history, to himself/herself) posed by the release of the offender. Based on such evidence, a request can be made for preventative detention (no bail), or high cash bail, or in the event of release, conditions to ensure safety of the victim and the community such as a no contact order.
  - b. Based on the threat assessment conducted by the investigator, consider calling an expert to establish the defendant is a homicide risk based on the behavior pattern being similar to prior domestic violence homicides. A detective, who has a background investigating such cases, can be the qualified witness.
  - c. If dangerousness is an immediate concern, request a mental health evaluation under the state temporary commitment statutes; however, be aware that these commitments are only good for a limited time. If it is known that the defendant is currently on some type of mental health medication, ask the court for a release condition that specifies that the defendant must take his/her medication as prescribed.
  - d. Because of the potential for danger, and based on threat assessment conducted by the investigator, if the offender is to be released, a request should be made for supervised release and frequent monitoring of the stalker's activity and behavior while out on bail, if available.
  - e. A procedure should be implemented to ensure the victim is notified as soon as possible upon release of the defendant and/or any change in bail status. Officers should ensure that phone numbers for home, work, relatives, pager, and/or cell phone number are obtained from the victim to facilitate contact. A form should be designed to fax to the jail/detention center to alert them that the police should be contacted prior to release of the defendant.
10. Another consideration for law enforcement if the defendant is not released, is containment of post-arrest or pre-trial stalking behaviors by the suspect while in jail/detention.
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Officers should know that stalkers often attempt to continue their harassment from behind bars, intimidating the victim through phone contacts, letters, third person threats, etc. Officers should advise victims of this, and be prepared to document any such activity. A request can also be made for a court order stating no contact with the victim from jail/detention or through a third party. (*Note:* The present detention or incarceration of a person making threats or engaging in other stalking behaviors from inside a jail, prison, or other confinement facility is not a bar to charging or prosecution for stalking.)

#### L. Reporting and Filing Procedures

1. Officers shall make a written report for any incident of harassment, threat, stalking, violation of a protection order, or for any other offense arising out of a call to a scene involving an event or incident that may be a pattern of conduct, whether or not an arrest has been made. In the case of an arrest or when seeking a warrant, the officer shall document the facts and circumstances which are the basis for establishing probable cause. All forms required by departmental policies must be completed and attached to the report.
2. Department coding systems should enable the collection of data regarding the incidence of stalking in the jurisdiction.
3. Department records systems should enable the tracking of stalking incidents and cases so that locations are flagged and prior or active case information can be made available to dispatchers and responding officers to enable appropriate response.
4. Department records systems should share information with regional and national data repositories to support enforcement of protective orders and gun controls.
5. To manage a case involving acts committed in multiple jurisdictions, the department records systems should consider adopting a strategy used by San Diego Police Department. It is the "Key Case Concept." In this strategy, the moment that an officer begins working with a victim of a potential or valid stalking case, that officer assigns a "key case number" to the victim. It is generally the case number assigned to the particular crime the officer is working. That number is given to the victim, and she/he is told that in the future whenever the stalker commits a subsequent crime, the victim (or the victim's friend



or relative who may have their property vandalized) is to inform the responding law enforcement officer of the existence of the key case. They are to tell law enforcement also that a specific officer from a specific agency is working on a stalking case with this particular key case. This strategy has kept information from "falling through the cracks," and allows a lead agency to gather all the facts pertaining to the criminal actions of the stalker regardless of where the criminal actions occur.

#### M. Training

1. Training about the impact of stalking and the response to stalking should be provided to all police employees who may deal with stalking cases or communicate with victims of stalking. Personnel in need of training should include:
  - a. 911 operators and dispatchers
  - b. Patrol officers
  - c. Detectives
  - d. Supervisory personnel
  - e. Victim advocates
  - g. Non-emergency call takers
2. Educational material should be developed for law enforcement officers to use to enhance first response and investigation in stalking cases.
3. Educational material should be developed for law enforcement and the community to promote effective intervention, appropriate victim assistance, and ongoing victim safety in all stalking cases.

#### Special Note

Since each jurisdiction is unique and stalking laws may vary, this policy and protocol is a "model" and contains examples of strategies and approaches to help police departments, dispatchers, responding officers, investigators, detectives, victim service officers, victim service providers, and victims in stalking investigations. Depending on the size of the jurisdiction and law enforcement agency, in some cases the initial officer will do the entire case from beginning to end. In other agencies, where case responsibility is split, the patrol officer may document a single crime of harassment and/or violation of a restraining order, and an investigator/detective will do the follow-up work. Whichever system is used, it is critical that all law enforcement officers and those involved in stalking response understand the risks to the safety of the stalking victim.

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Every effort has been made to ensure that this model policy and protocol incorporates the most current information and contemporary professional judgment on stalking response. The information in this model can be used by departments to create or update their own policies and protocols. However, law enforcement administrators should be cautioned that no "model" policy and protocol can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial, and administrative decisions. Because of evolving statutes and case law, it may be necessary to review the policies and protocols periodically to ensure they are in compliance with legal changes.

*(Many of the strategies and interventions included in this protocol were developed by the Police Departments of San Diego, California; Los Angeles, California; Nashville, Tennessee; and Dover, New Hampshire.)*



## Law Enforcement and Community Collaboration Chart

### Police Department

Response to stalking reports  
Intervention with victim and stalker  
Evidence collection  
Threat assessment  
Victim safety  
Stalker accountability  
Stalking prevention  
Public education

### Prosecution

Charging decisions  
Bail hearings  
Enforcing court orders  
Legal issues  
Trials or guilty pleas  
Public education

### Victim Services

Information  
Safety planning  
Assistance  
Support  
Counseling  
Follow-up  
Public education

### Mental Health

Counseling  
Crisis intervention  
Involuntary commitment  
Stalker intervention

### Community Groups

Victim safety & services  
Stalker accountability  
Public education

### Probation and Parole

Stalker monitoring  
Victim safety  
Violation enforcement  
Public education

### Jail/Detention Facilities

Notification of stalker release  
Victim safety  
Enforce no contact order  
Observe stalker's behavior

Each of these entities must collaborate to enhance the investigation, hold the stalker accountable, and decrease the risk to the victim.



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## **Chapter 5: Reflections on the Development and Implementation of a Model Protocol**

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### **The Philadelphia Story**

Field-testing guidelines for appropriate police responses in stalking cases were a critical component of the overall project to create an effective stalking protocol. The Philadelphia Police Department (PPD) agreed to undertake a pilot test with the assistance of the National Center for Victims of Crime. This chapter outlines the process of implementation in Philadelphia, issues that came to light before and after the protocol was adopted, and the factors that contributed to the outcomes observed.

During this phase, the PPD was the star of the show. Members of the National Center Team played key supporting roles—regularly visiting the pilot sites, assisting in outreach efforts with community partners, providing valuable materials on stalking, participating in the officer training, and being available throughout for consultation.

### **Why Philadelphia?**

Choosing a police department for pilot testing the model protocol was a critical decision. For several reasons, the PPD quickly became the prime candidate. The city of Philadelphia has a population of approximately 1.4 million. It is the fifth largest city in the nation and the second largest on the east coast.

The Philadelphia Police Department is the fourth largest police department in the country, with about 7,000 sworn officers and a civilian staff of 900. As a substantial police department, serving a large and diverse metropolitan population, it was reasonable to assume there would be a sufficient volume of cases (especially domestic violence cases) to make a pilot test of the stalking protocol worthwhile. In addition, the PPD had previously embraced the philosophy and ideas of community oriented policing and been involved in some community policing experiments. Under the leadership of Police Commissioner John F. Timoney, the Department was looking for new ways to enhance police-community partnerships and open to piloting the model protocol.

John Timoney was formerly second in command at the New York City Police Department, and had been deeply involved in efforts to improve the NY Police Department's response to domestic violence.

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When he first began to serve as Police Commissioner in Philadelphia, he announced publicly that domestic violence was among his policing priorities. Domestic violence (DV) had been a concern in Philadelphia for some years. Early in 1992, as a result of a disturbing number of domestic aggravated assaults and homicides, the Department decided to pilot-test a new DV program. Under this initiative, teams of detectives and victim assistance officers (VAO's) were established to intervene proactively in cases where there had been no arrest.

The teams would review the patrol officers' reports, re-interview the victim, and offer a variety of assistance and support. They would make clear that the victim could call on them for help, as needed, in the future. They would offer referrals to support services and suggest that the victim should apply for a protection from abuse order. If the re-interview yielded information that had been missed or not been documented in the original report, the officers might also apply for an arrest warrant. Shortly after the pilot was completed, dual DV units of detectives and VAO's were established throughout the Department.

Since stalking so often occurs in DV cases, it was a natural next step for the PPD to review the policing of stalking. Commissioner Timoney embraced the idea of a new set of policies and procedures to tackle the issue of stalking and Philadelphia became the pilot site.

### **Getting Started**

The first important decision was how broadly to pilot-test the protocol. Should it be adopted very widely throughout the city from the outset, or be limited, to one or two areas? Those in the PPD most closely involved in the early stages of the planning process believed that implementation on a department-wide basis would give rise to a host of difficulties. For example, training so many officers on the new protocol within the specified time frame would be difficult. It seemed to make more sense to test the waters in a single division first. This approach would make it much easier to address coordination within the Department, normal resistance to change, training, and all the other problems that might arise. It would enable the process and the protocol to be evaluated and, if necessary, modified before the policy was implemented on a citywide basis.

The area selected for the pilot-test was the Northeast Division of the PPD. This Division comprises four separate police Districts—the 7<sup>th</sup>, 8<sup>th</sup>, 2<sup>nd</sup> and 15<sup>th</sup> Districts—and has a mixed character. The 7<sup>th</sup> and 8<sup>th</sup> Districts have relatively stable, middle-income communities. The 2<sup>nd</sup> and 15<sup>th</sup> Districts are less settled, lower-income neighborhoods, whose residents are more likely to encounter illegal drug activity and violent

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crime. The 7<sup>th</sup>, 8<sup>th</sup>, and 2<sup>nd</sup> Districts report approximately 350 domestic violence cases per month. The 15<sup>th</sup> District, in contrast, reports about 700 cases per month.

Each District has its own Victim Assistance Officer (VAO) whose job is to review all crime reports and ensure victims receive information about appropriate support services and resources, including crime victim compensation. The entire Northeast Division is served by a single detective squad, the Northeast Detective Division.

### **Building the Team**

Successful community policing strategies, almost by definition, must be grounded in a solid team approach. Implementing the community oriented policing protocol on stalking in Philadelphia was no exception. Based on its prior involvement in community policing projects, the PPD knew that every potential partner would have its own history with the Department and its own perspective. It was aware that it had to reach out to a range of community stakeholders, build bridges, and handle relationships with tact and care to get the community "buy-in" essential to success.

The PPD planning team gave careful consideration to the way each phase of the project would be implemented, including the strategic decision about when to involve prospective community partners. The case for bringing in community stakeholders as early as possible was well understood—including the risk that a delay might cause some potential community partners to see their involvement as a mere afterthought. However, balanced against this was the need to strengthen coordination within the Department before others joined the process. Both the model protocol and the organizational structure of the PPD meant that several units would have to work together in new ways, ways normally required of the VAO's, Detectives, the Training Academy, Headquarters, and the District Command. There were, in effect, two competing priorities: the need for the PPD to "put its own house in order" and early involvement of community stakeholders.

Inspector Patricia Fox, head of the PPD Research and Planning Unit, was given overall responsibility for implementing the new anti-stalking policy in the Northeast Division. From the outset, she recognized the critical importance of improving internal coordination. She was convinced that it was essential to have a solid framework in place (in terms of the PPD's own administration and operations) before community stakeholders came on board. The time constraints for completion of the pilot-test (over which the PPD had no control)



served to strengthen her conviction. Thus, Inspector Fox proceeded by first bringing together the key players within the PPD to foster a unified approach to the project internally.

The initial meeting between the PPD Stalking Protocol Implementation Team and the National Center Project Team (chaired by Inspector Fox) took place in February 2001. The PPD Team included senior staff from the Research and Planning Unit and commanders from the 15<sup>th</sup> District, together with their key operations staff. The lengthy agenda included an outline of goals and objectives, an overview of the existing model protocol, the final approval process for the Philadelphia version of the protocol, procedures for implementation, training issues, the roll-out of the new policies, the involvement of community partners, an action plan for next steps, and the overall, tight timeline. The early exchange of views on these topics between members of the two teams helped launch the project and shape its future course.

As it turned out, the PPD was able to address most of its internal operational issues at the two initial planning meetings. This made it possible to invite the potential community partners to join the process at the third meeting. On that occasion, in response to criticism from the District Attorney's representative regarding the failure to involve her office earlier, Inspector Fox set out the reasons underlying the decision. She explained why it had been so important to give priority to internal issues and highlighted the compressed time frame and the speed with which the implementation had to proceed. Reflecting on what happened, at a later stage, Inspector Fox commented: *"Looking back, I believe it was regrettable that we did not communicate sooner with the DA's office. It's still my view that dealing with the internal issues was a priority, but it was never my intention to cause upset among our law enforcement partners. In hindsight, I would have involved the District Attorney's office at an earlier stage."*

Notwithstanding the slightly bumpy start, by the end of the meeting there seemed to be a general willingness to move forward in partnership with the Police Department. The victim advocates, in particular, were impressed by the fact that the PPD was planning to adopt guidelines based on the model protocol created by the National Center for Victims of Crime—an independent organization whose sole focus is the interests of crime victims. They expressed their wholehearted support and praised the potential benefits that would flow to the community.

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## Training

### Deciding the Basics

The kinds of changes required by the new anti-stalking policy demanded training at several levels within the PPD. It called for hard choices and much time was devoted to discussing training requirements and arrangements. A whole series of questions had to be answered: What should be included in the training curriculum? Who should be trained? Should everyone receive the same training? Who should conduct the training? When and where should the training take place? How would the training fit into police routines?

With respect to the content of the new training, some areas were fairly straightforward and easy to articulate. (For example, how stalking is defined, what behaviors constitute stalking, and the relationship between stalking and domestic violence). Other areas, such as the crime reporting process and the role of different police officers in that process, demanded more careful consideration and analysis.

From one point of view, the VAO's and the DV detectives were clearly the officers best suited to identify stalking cases—either through their reviews of single crime reports or after examining a series of reports concerning incidents involving the same perpetrator. For these officers, training on the new protocol was clearly vital. They had to fully understand stalking in order to identify it. They had to be able to recognize the impact of the stalker's behavior on the victim (the fear it induced) and the kinds of acts that, taken together or in context, comprised a "course of conduct" amounting to stalking. However, it was equally important for patrol officers to receive training. They were the "first responders" who prepared the initial crime reports. They, too, had to be able to identify conduct that could be classified as stalking and respond appropriately to the victims.

Reporting procedures within the PPD required patrol officers to submit written reports to officers in the District Operations Room who, in turn, forwarded them to "Reports and Control"—the central repository for crime reports. In cases of domestic violence, patrol officers were also required, at the scene or when the complaint was made, to give cards to victims with details of support services. Information about crime victim compensation and services (for all types of victims) was given to victims by the detectives or the VAO's—the next day (if an incident happened in the evening after the end of the working day) or on a Monday morning (if it occurred at a weekend.) In stalking cases, the VAO's reviewed all the complaints and decided which required follow-up. Action would depend on the



seriousness of the incident and the officer's prior knowledge of the situation. The VAO's also decided whether the victim should be referred to a DV detective—if the patrol officer had not already made such referral.

After lengthy discussions, the PPD Implementation team decided that the answer was two separate training courses. The first, comprising a three-hour training session for a group of approximately seventy-five individual officers, would be designed specifically for the DV detectives and the VAO's. The second would be a one-hour training block for the non-VAO patrol officers. It would be more narrowly focused but aim to improve recognition of stalking and responses by officers on the street. (For example, it would teach officers when and where to refer victims for help.)

<sup>30</sup> Inspector Patricia Fox.

<sup>31</sup> Known at that time as the "Police College."

#### Practicalities and Preparations for the Training Days

Allocating time for training tends to create problems for all police departments. However, in the PPD, once every thirteen days, all patrol officers are on duty at the same time. These are known as "fat" days. The PPD estimated that approximately 550 patrol officers and detective personnel in the Northeast Division could be rotated through a series of training sessions on a single "fat" day. This, then, seemed to be the answer. By selecting a "fat" day for the training of the patrol officers, concerns about balancing training requirements against appropriate levels of patrol strength on the streets could be overcome.

Allotting sufficient time for the new training was vital, but success ultimately depended on quality. Here, the joint efforts and collaboration really paid off. Staff in the Research and Planning Unit began work on a draft procedural directive for the Northeast Division soon after the initial planning meeting. These guidelines were based on an earlier DV policy directive but followed "the spirit of the National Center model protocol."<sup>30</sup> The task of developing the two sets of training curricula was given to the faculty of the Police Academy, assisted and supported by the National Center Project Team.<sup>31</sup> The National Center's generic model protocol was also used as a training tool, copies being handed out to everyone who attended the session. This meant that all officers who underwent the training were equipped with written material that offered greater in-depth knowledge about stalking and appropriate police responses.

The National Center's Stalking Resource Center provided additional materials for the training. Its involvement gave access to research, expert presentations on stalking, and videos documenting stalking behaviors and incidents. The National Center Project Team originally



recommended inclusion of a "live" panel of stalking victims as part of the training for the detectives and the VAO's. This proved impractical due to time constraints, but an excellent video on stalking, identified by the National Center, was used instead.

*Training in Action: (1) Detectives and VAO's*

The training for the specialist officers was an important landmark in the process. In addition to the VAO's and the Northeast Division DV detectives, citywide training officers were invited to attend, signaling Commissioner Timoney's intention to eventually adopt the protocol in all police Districts across the city. Opening the training to officers from outside the Division meant that they would be able to conduct training in other Districts when the protocol went citywide.

The day was divided into identical morning and afternoon sessions. Introductory remarks from Inspector Fox were followed by initial comments from the National Center Team focusing on the model protocol's place within the philosophy of community policing. Commissioner Timoney attended the morning training session—demonstrating his commitment to the project. His comments were taped for those attending the afternoon session. Members of the Police Academy faculty conducted the bulk of the training in both sessions, focusing on how to recognize different elements of stalking and address victim needs. Staff from the Research and Planning Unit of the PPD also participated, focusing on the guidelines that the patrol officers, the VAO's, and the DV detectives would follow once the protocol became operational.

### **Role of the Community Partners in the Training**

In addition to the input from the Police College, the National Center, and the PPD Research and Planning Division, there were contributions at the training from the community partners. A representative from the District Attorney's Office provided significant support and encouragement, praised the project, and shared some of her professional experience as a prosecutor with the training groups. She stressed ways in which officers could help build credible cases against alleged perpetrators through careful documentation and attention to detail. She emphasized, in particular, the need to

- Document the demeanor of both victim and offender
- Provide relevant background information about the parties—for example, what was their relationship? Were they married or dating? Were they coworkers? Were they strangers? What led to the incident?



- Document all statements made by the investigating officer as well as the victim and the alleged perpetrator.
- Provide full details about the incident—What allegedly happened and appeared to have happened? What kind of incident was it? Where did the incident take place? What had each party been doing at the time?
- Document actual words spoken by the victim—to give the report a "ring of truth." (She gave an example of what a rape victim said she was thinking about during the rape.)
- Provide any other information that would "put it together"—Were there allegations of prior incidents? Was there evidence to suggest an order of protection had been issued against the perpetrator at some time in the past?

The District Attorney's representative also drew attention to the importance of having recommendations from officers about the appropriate level of bail and bail conditions in high-risk cases. In addition, officers were reminded that in cases where there was a current order of protection and the offender possessed a firearm, federal charges could also be brought by U.S. Attorneys.

Underscoring the community oriented approach of the training was the participation by numerous Philadelphia-based victim advocacy agencies, including Women in Transition, Women Against Rape, Women's Law Project, Congreso de Latinos Unidos, and the NE Victim Services Agency. Advocates chose the Executive Director of Women Against Abuse to speak on behalf of them all. She described the full range of services in the community for victims of domestic violence and stalking. She emphasized that victims could get assistance from any of the groups present. She stressed that if a particular organization couldn't help directly, its staff would direct victims to appropriate services and resources elsewhere.

For those involved in the planning, preparation, and conduct of the training, the hard work yielded considerable rewards. The community partners expressed genuine excitement about their own participation and praised the high quality of the sessions. The PPD personnel expressed their appreciation for the positive feedback and were gratified by the comments of the community partners.

*Training in Action: (2) Patrol officers on the street*

The one-hour training for the patrol officers of the Northeast Division took place a week after the longer training. It was notable in several ways. For example, the fact that the training was brought to the officers, instead of the officers traveling to the more formal environment of the Police Academy, was itself unusual. In addition,

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the emphasis was primarily practical rather than theoretical, focusing on what the officers needed to know and do in stalking cases. Finally, an unprecedented number of officers were trained on the same day—approximately 600.

The training sessions took place at two separate locations. They started early in the morning, at 4:30 AM, and continued until late in the evening, ending at 10:30 PM. Because it was a day when all squads were working, the officers were taken off patrol for one hour to attend the training without depleting patrol strength on the streets of the Northeast Division. Some non-DV detectives and field training officers also attended the training.

Due to the urgency of completing the training and the number of separate training sessions that had to be conducted in a single day, Police Academy faculty members did not participate in the second level training. Instead, staff from the Research and Planning Unit (including Inspector Fox) conducted the training. The sessions focused on providing frameworks for recognizing stalking as a "course of conduct" that involved at least two incidents. The officers were informed about the adoption of the new procedural guidelines in the Northeast Division, but warned they were "a work in progress" and changes might subsequently be introduced.

At the end of the one-hour session, all the officers were given laminated cards. On one side of the card was a list of suggested questions for officers to ask if they found themselves dealing with a case of stalking; on the other side, was a list of safety measures for victims.

The shorter training sessions were not limited to officers from the Northeast Division. VAO's and field training officers from the other PPD districts were invited to attend (again anticipating later extension of the protocol throughout the city.) Prosecutors and victim advocacy groups across Philadelphia were also invited, so they would be aware of what was going on in the Northeast Division and have the opportunity to share in the developments.

#### Post Implementation Developments

The steps described above all represented the beginning rather than the end of the process. Consequently, as the protocol was being rolled out in the field, the National Center organized a series of meetings with the PPD and the community partners.





On a weekly basis, the National Center Project Team met with Inspector Fox and her staff to review progress and address concerns and barriers to success. At these meetings, ongoing problems in the field were identified and efforts made to find solutions. The meetings also fulfilled a more general function of providing feedback to the project's leadership and community partners.

One issue that quickly emerged was the fact that some commanders in the Northeast Division were unfamiliar with the new guidelines, having not been directly involved in the project at an earlier stage. The problem was quickly solved, however, after Inspector Fox arranged a meeting between the National Center Project Team, the Northeast Division commander, and the relevant commanding officers. This helped promote the cooperation of commanders, who had not made the connection between a memo received from Headquarters and the protocol being implemented in their Division.

Discussions with the VAO's and the DV detectives highlighted, once again, the complex nature of stalking. The officers said that the new guidelines had made them more sensitive to the special fears, concerns, and risks of victims in the domestic violence cases. But they wanted better technical support, to enable them do a more effective job of identifying and responding to stalking.

Almost all the reported cases were linked to domestic violence—typically, scenarios involving ex-spouses or intimate partners. In one incident, the victim reported to the patrol officer that her estranged husband had come to her apartment and threatened to kill her, her boyfriend, and himself. The perpetrator later phoned the victim and told her she now had a "shadow." This complaint was immediately forwarded to the detective squad for follow-up.

In another case, the victim reported that her ex-boyfriend had been harassing her and her stepsister in threatening telephone calls about the custody of their son. In a similar case, the victim reported harassment by her ex-boyfriend at her residence as well as telephone threats. There was also a complaint involving a male victim who had an order of protection. He complained to the police that his ex-girlfriend had come to the house and threatened to kill him. In all these incidents, the VAO's personally contacted the victims to ascertain whether they were receiving appropriate services and to make sure they were in communication with the detectives assigned to the case.

Only one case in the follow-up period was unrelated to domestic violence. It concerned a medical center that was receiving annoying calls from a man who was also leaving business cards all around its

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offices. The case, although less typical, nonetheless illustrates how the protocol operated in practice. Investigation revealed that the perpetrator was a former patient who wanted medication and a doctor's note needed to apply for a disability benefit. The VAO visited the medical center and the perpetrator's residence and found everyone believed he had a mental problem. But the physician could not prescribe the requested medication, because the clinic had not treated him for this mental condition. The calls ceased after the VAO warned the perpetrator about his behavior on the telephone.

There was one other non-DV complaint about repeat phone call hang-ups. Here, the VAO checked with the telephone company who traced the calls to a business fax machine with an automatic redial system. Although the incident had an innocent explanation, it demonstrates why stalking can be hard to identify and how police intervention can help victims. Stalkers often use phone hang-ups as a technique to annoy and frighten their victims. Police officers do not often investigate such complaints or take them seriously. By following the protocol, however, the PPD officers were quickly able to reassure the complainant. In a genuine stalking case, similar action might have protected the victim, put an end to the incidents, and/or resulted in the perpetrator's arrest and prosecution.

The most significant issue raised by the VAO's in the post-implementation phase was the difficulty of tracking cases where records were not computerized and the risk that stalking cases might be missed if they were not referred in a timely way to the DV detectives. To detect multiple incidents easily and get cases referred quickly for further investigation, a computerized system was vital.

To operate effectively and efficiently, officers needed a system that would allow them to undertake a range of different tasks: identify repeat calls with minimum delay; compile a list locations where it was known there was a problem of domestic violence; develop a better understanding of the nature of the violence; discover what measures victims had taken to protect themselves—how they had changed their daily routines or what steps they've taken to enlist the help of neighbors, friends, landlords, and others; and know what further steps could be taken to improve victim safety. Given the volume of complaints, it was unrealistic to expect officers to be able to remember the details of a case from one month to the next. They couldn't do their job properly if they didn't have computers and the appropriate computer software for tracking cases.

The VAO's also pointed out the need for additional resources of a different kind. They said they generally informed alleged perpetrators that domestic violence was a crime, and where there was a stalking



element, that stalking was a crime. But, they believed they could and should do more. In response to these concerns, the National Center provided some posters and tip cards that officers could hand to victims, to reinforce verbal messages about the criminal nature of stalking and domestic violence.

The post-implementation meetings with the District Attorney's Office and victim advocates generally confirmed progress and suggested the protocol had affected the way many officers prepared their reports. Representatives from the DA's Office said the reports now seemed to record stalking whenever it occurred in a case. They also said stalking was being identified more often—but believed that this reflected better documentation in domestic violence cases rather than an increase in the number of stalking cases or incidents as such.

The same theme emerged at all the meetings: the need for continued interagency cooperation. Consequently, it was agreed that regular team meetings between the police, prosecutors, and victim advocates would continue.

### **Keys to Success**

Many factors contributed to the successes in Philadelphia. They included strong leadership; involvement of key officers early in the process; the willingness of the PPD to adopt the essential components of the National Center's model protocol; the support and enthusiasm of the community partners; the high-quality training; access to good educational resources and materials; and, follow-up after the protocol had been implemented.

#### Leadership

The importance of the leadership of Commissioner Timoney and Inspector Fox cannot be overstated. Without the initial enthusiasm of the Police Commissioner, the project could not have gotten off the ground. His commitment and personal endorsement were absolutely critical, as was his appointment of Inspector Patricia Fox to head the PPD Stalking Protocol Implementation Team. Inspector Fox played an invaluable role.<sup>32</sup> As an Inspector who had risen through the ranks (serving as a patrol officer, a detective supervisor, and a Divisional commander) her personal leadership qualities, competence, ability to move agendas and keep people on track were combined with a willingness to seek and accept guidance from the National Center's Project Team. This launched the project and kept it moving.<sup>33</sup>

<sup>32</sup> Her achievements were especially notable in light of the fact that the project was delayed almost a year, due to personnel changes at the PPD and the National Center.

<sup>33</sup> The Project Team consisted of the National Center Project staff coordinator, Trudy Gregorie, and Dr. Joseph R. Ryan and Professor Benjamin B. Tucker of Pace University, New York City, who served as consultants on behalf of the National Center and provided technical assistance to PPD staff throughout the project.



The strategy employed by Inspector Fox was straightforward. She used the Commissioner's commitment to address stalking and his support of the National Center to underscore the importance of the project. She conveyed the message that the Commissioner wanted things to happen, and, therefore, things would happen. She resolved to tackle in-house matters first and convened a series of internal meetings, starting with the leadership of the respective police units—the district commanders and the detective commander for the Northeast Division. These meetings were used as focus groups and fostered a team approach in the overall planning of the implementation strategy.

<sup>34</sup> Opinions on the use of warnings vary. Several police departments do send warning letters to perpetrators in certain circumstances.

#### Involvement of Key PPD Personnel Early in the Implementation Process

The detectives and line officers—the VAO's and the Domestic Violence detectives—were recruited as key members of the Planning Team at the outset. Their knowledge and skill was rooted in their experience of domestic violence cases. Their insights helped ground the implementation process in everyday realities. Because the risk of escalation to serious or lethal violence is often greatest in domestic violence cases, the participation of these officers had special significance. They were enthusiastic participants because the protocol had particular relevance to a large part of their caseload—namely, domestic violence offenders who engaged in stalking. They welcomed any initiatives that would help protect victims in these cases.

#### Adopting the Key Components of the National Center's Model Protocol

Another significant factor in the implementation process was the PPD's decision to adopt the essential components of the model protocol developed by the National Center. Rather than reinventing the wheel, the PPD opted to make the most of the product that already existed. Thus, while the PPD prepared its own draft procedural guidelines for officers in the Northeast Division, these only departed from the National Center model, in a substantive sense, regarding the use of written warnings to deter stalkers from further acts of harassment.

The National Center had included the "warnings" option in the model protocol because of research showing warnings deter stalkers in about fifteen percent of cases. The PPD decided not to follow suit, after being advised by legal counsel that if there was sufficient evidence for a written warning, there was sufficient evidence to make an arrest. If an officer failed to arrest a stalker and the victim sustained harm or loss, it was feared it might expose the Department to a lawsuit.<sup>34</sup>



The decision of the PPD to incorporate the substance of the model protocol into its own procedural guidelines saved time and effort. It also offered an unforeseen bonus. Although not anticipated at the time, it helped reduce skepticism and bolster the credibility of the PPD in the eyes of the community partners, thus encouraging their involvement.

#### Involvement of Community Stakeholders

Despite concerns voiced by the District Attorney's Office in the planning phase, the PPD succeeded in winning backing for the initiative from both prosecutors and local victim advocacy groups. The partnership that developed between police and community agencies helped lay the groundwork for the new policies and procedures introduced in the Northeast Division, aided the implementation process, contributed to the success of the training, and, in general, helped promote a positive response to the new protocol. The victim advocates and the District Attorney's Office also participated in the training and the implementation process in the Northeast Division. Notwithstanding the initial difficulties, the support and participation of the community stakeholders ultimately proved an important feature of the Philadelphia story.

#### High Quality Training

Training played a critical role in the broad success of the overall process. Careful analysis of the issues, detailed planning of the curricula, high quality content and presentation, good materials and resources, and the involvement of the community partners all played key roles.

Together, the joint efforts of police and community contributed in important ways to the smoothness of the implementation and the relative lack of resistance to the new protocol.

#### **Follow-up**

After the protocol became operational, follow-up meetings proved vital in several respects. When new policies are developed and pilot-tested, there is always a learning process. However careful the planning and preparation, there are always bumps in the road that with hindsight and analysis can be better navigated in the future. The post-implementation discussions provided an important opportunity for the airing and exploration of issues that had not emerged (or not emerged sufficiently clearly) during the planning phase.

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In some cases, problems were quickly solved—through better communication and/or access to additional resources. In other cases, the discussions pointed to ways in which procedures could be improved and priorities clarified. The issue that came into sharpest focus was the need for computerized records to track cases quickly and easily. From the perspectives of the VAO and the detectives, this was an urgent priority, since computerization is the vital foundation of all good tracking systems. The key to effective policing in stalking cases is collection and analysis of data, to build a history of the case, and get a full picture of the perpetrator's behavior and its impact on the victim. Computers are, thus, a vital element in successful implementation of the protocol and the effective policing of stalking.

The post-implementation meetings also fulfilled the more general function of a communication loop for the project's leadership and the community partners. They demonstrated that the protocol had delivered some tangible benefits and confirmed the importance of community involvement in the development and implementation of policies to improve the policing of stalking.

## Recommendations

Implementing change is never easy. It involves leadership, commitment, effort, and a fundamental willingness to do things differently. The collaboration that took place in Philadelphia illustrates how police departments can work creatively with the communities to strive for more effective ways to police stalking. Four months after the Model Protocol had been rolled out in the Northeast Division, the National Center Project Team made seven recommendations to the PPD. These reflect lessons learned during and after the implementation of the new anti-stalking protocol.

- 1. The pilot test should continue for another six to twelve months in the NE Division, before the protocol is implemented on a citywide basis.** This will allow each step in the implementation process to be assessed more fully (see Chapter 6 for a summary of the independent process evaluation) and provide time for follow through on other recommendations. Regular meetings between the National Center Project Team and key players—including front line officers, Headquarters, and community partners—should continue during the extended period to identify any additional problems and work out solutions.
- 2. Computers and tracking software for the four VAO's in the North East Division should be purchased.** This is vital to improve the efficiency and ease of tracking and



referring "multiple incident" cases, as well as establishing whether victims were implementing safety plans.

3. **Safety planning roles should be clarified.** A critical reason to introduce the anti-stalking protocol is to ensure stalking victims adopt safety. Decisions must be made about who is primarily responsible for helping victims devise and implement safety plans: the VAO's or victim advocates. (If a case reaches a significant danger level, the prosecutor's office might want to assume the lead role.) Whatever the situation, such a decision must emerge through discussions between the police, victim advocates, and prosecutors.
  4. **Convene ongoing meetings between the police, prosecution, and victim advocates.** For successful implementation of the Protocol, continuous input from police, prosecutors, and victim advocates is essential.
  5. **Develop an informal warning notice for offenders.** When the victim first notifies police about a stalking incident, national experience suggests that educational material to inform the victim and the offender of the elements of the crime are instrumental in serving as a warning notice.
  6. **Establish or develop a relationship with a centralized victim services helpline for stalking and domestic violence victims.** Given the nature of the crime, victims often want to access services for counseling, support, and advocacy.
  7. **Revise the current crime report forms to allow more victim/offender information to be recorded.** A review disclosed that important information was not collected or available for analysis. For example, there was no box for recording the victim/offender relationship and insufficient space to record facts such as the level of fear exhibited by the victim, signs of violence observed at the scene, threats made by the perpetrator, and the number of times the police had been called to the location.
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## **Appendix I: Process Evaluation of the Implementation of an Anti-Stalking Protocol by the Philadelphia Police Department**

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A Report to the National Center for Victims of Crime and the Office of Community Oriented Policing Services by Graham Farrell,<sup>35</sup> Laura Wyckoff,<sup>36</sup> and David Weisburd.<sup>37</sup>

December 2001, revised January 2002.

### **Summary of Recommendations**

The thirteen recommendations listed below are based on and need to be read in conjunction with the findings and conclusions in the body of this report. They are grouped into four areas:

#### Recommendations for Police Management and Training

1. Efforts to implement anti-stalking protocols in police departments should only be conducted with the full support of the chief of police.
2. Supporting video statements by chiefs, and repeated public verbal support for anti-stalking efforts, should be considered for formal inclusion as part of the model anti-stalking protocol.
3. Training should give an even greater emphasis to definitional issues than occurred in Philadelphia, particularly the facts that the crime of stalking need not necessarily involve physical violence or strangers. Tests of officer knowledge of these fundamental issues may be an appropriate component of training.
4. Consideration should be given to follow-ups and checks to ensure that all the officers targeted for training are reached.
5. Consideration should be given to the development of FAQ sheets for trainers and key players involved in implementation efforts, to address skepticism and highlight critical points about stalking.

#### Recommendations for Improving Crime Prevention Impact

6. Future efforts to implement anti-stalking protocols need to significantly emphasize non-traditional crime prevention measures to tackle stalking.

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<sup>36</sup> Research Associate, Police Foundation.

<sup>37</sup> Professor, Hebrew University Law School; Senior Research Fellow, University of Maryland; Senior Fellow, Police Foundation.

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7. A phased implementation plan may best facilitate future efforts. Initially, 'traditional' practices, such as charging and arrests, should be the focus, using data to provide feedback on these spearhead issues. Later, additional preventive measures and tactics should be highlighted.
8. Police information technologies should be designed to allow the tracking and cross-referencing of repeat callers, locations, victims, and offenders.

<sup>38</sup>We thank the many police officers we surveyed and interviewed, as well as representatives from local agencies, for their cooperation. Our particular thanks go to Sean McGlenn of Philadelphia Police Department for acting as our day-to-day liaison.

#### Recommendations for Inter-Agency Work

9. Judges, other court officials, and representatives from other local agencies that encounter stalking, such as housing and social services, should be considered for inclusion in multi-agency groups seeking to prevent stalking.
10. Consider including court officials and officials from other agencies in training sessions relating to stalking, perhaps as attendees at training for police officers.
11. Non-police agencies should be consulted as early as possible during the process of tailoring a model protocol to suit local needs.

#### Recommendations for Future Research

12. An impact evaluation, or series of impact evaluations, should identify the components of the protocol that most effectively reduce stalking and address the needs of victims.
13. A nationally representative survey of police officer knowledge and views relating to stalking should be commissioned by the Department of Justice. Should the findings concur with those of the Philadelphia study, the next logical step would be the development of a national program of research on stalking.

## I. Introduction

This is an executive summary of a report constituting a process evaluation of the implementation of an anti-stalking protocol by the Philadelphia Police Department (Farrell, Wyckoff and Weisburd 2001). That report contains additional material, including a review of the literature relating to stalking and police responses, full details of the qualitative and quantitative methodologies, supplementary background information, extensive analysis and quotations from the in-depth interviews with agency officials and other qualitative fieldwork, and more comprehensive coverage of the study's quantitative surveys that are touched on only briefly herein. We are grateful to the many people who cooperated with and facilitated this research in a range of capacities.<sup>38</sup>



By far the most important finding of the process evaluation is that an anti-stalking protocol was put into operation by the Philadelphia Police Department under the advice and guidance of the National Center for Victims of Crime. This was no mean feat and provides a firm basis on which to build for the benefit of stalking victims and society as a whole. However, since the report does not whitewash the difficulties encountered in Philadelphia, readers should be careful not to overlook the positive contribution made by this important demonstration project while pondering the problems and imperfections in the process. The key recommendations are that the efforts begun in Philadelphia should be extended to include impact evaluations, and that tactics to prevent stalking should be refined and developed.

## **II. Research Design and Method**

A range of research techniques tapped into a variety of sources of information, providing multiple and overlapping process indicators from a variety of angles and perspectives. The research had three main research strategies: qualitative in-depth interviews with agency officials, observational fieldwork, and quantitative surveys. The research was conducted between May 2000 and October 2001.

In-depth interviews with police officers were conducted in three of Philadelphia's six police Divisions: the Northeast Division, where implementation of the protocol took place, plus two other Divisions for comparative purposes. Interviewees included captains, detectives, victim assistance officers, patrol officers, and operations room officers—that is, the key players involved in handling stalking calls and cases. In-depth interviews were conducted with officials from the District Attorney's Office, local victim service organizations, and the advisors to the implementation work who were employed as consultants by the National Center for Victims of Crime. A semi-structured interview instrument was tailored to specific interviewees. Over 100 persons were interviewed in depth. Most interviews were taped, and typically transcribed by a third party. Additional observations, comments, feedback, analysis, and interpretation by the field researchers were normally written-up on the same day or days immediately following fieldwork. Observation at various meetings and ride-alongs in police patrol cars provided additional insight into the implementation as well as into police working practices, and fieldwork notes were developed into short written reports that informed the main report. Individuals and agencies are anonymous in the report where appropriate.



The complementary quantitative aspects of this evaluation consisted of two surveys of police officers. Over 2000 surveys were completed for the project. The first survey was a training evaluation survey given to officers who attended the stalking awareness training relating to the implementation of the anti-stalking protocol. The second was a survey of officers' knowledge and views on stalking, conducted at police roll-calls in the Implementation Division and a comparison Division. A key aim of the demonstration project was to raise police officer awareness of stalking, since recognizing the problem was held to be a prerequisite to the development of an appropriate response. Utilizing a quasi-experimental design (before and after training, with a comparison Division), the survey allowed a comparison of aspects of officers' knowledge and views before and after training, facilitating the development of indicators relating to this part of the implementation process. The focus of the evaluation was thus the implementation process, including officer knowledge, views, and practices, rather than of the impact upon levels of stalking in Philadelphia.

### **III. Key Findings**

This section first describes key findings relating to police officers' knowledge, views, and practices prior to the protocol. This is followed by insights, from various parties, into the development and introduction of the protocol, and views on the protocol. It then describes findings relating to training and other aspects of implementation, and subsequent knowledge, views, and practices of police officers. Frequent quotations are included as empirical evidence where they illustrate, describe, or capture the essence of a particular argument or issue. Key survey findings are integrated into the body of the text.

#### **1. Police Knowledge, Views, and Practices Prior to the Protocol**

Prior to the protocol, police officer knowledge of stalking, its legal definition, and the appropriate police response, was limited (see also Farrell, Weisburd and Wyckoff 2000 for survey findings). The crime of stalking was, for the most part, not recognized by police officers. It was therefore not viewed as a problem. The following statements, from two patrol officers and a captain respectively, encapsulated the situation:

*"I don't recall anything being given to us about stalking. I don't know what the definition of stalking is. It's sad...there is no definition out there. We may have briefly gone over it in the academy. . . . I don't even know if the detectives will be able to tell you what stalking is. As far as I know I've never seen anyone arrested for that. I don't know if it's taken seriously."*

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*"We really don't have cases where we say 'Oh, this is stalking.' "*

*"Stalking is pretty much fairly new. I only say that from my own experience . . . as far as stalking goes we are probably where we were with domestic violence five years ago. . . I know of only a couple of stalking cases in the last three years or in my whole career."*

As these interviewees indicated, police officers reported that there had been little or no previous training relating to stalking. A captain reported some training but implied it was brief and not particularly memorable:

*"I do remember training on stalking . . . I think when it was introduced to the crime codes, and I don't remember when that was. But I don't remember any follow up, or any specific departmental memorandum regarding stalking."*

A representative from the District Attorney's Office noted the need to train police patrol officers on the collection of information at the first response to stalking:

*"The patrol officer is important to me when I get to trial. When I ask 'What was the demeanor of the victim or the defendant?', 'Where were the kids?' . . . those [the patrol officers] are the people who are going to make the assessment, who are going to make the decisions. . . So why not arm them with a little bit of understanding? So when they have to integrate themselves into the scene they can move it closer to conviction, or understanding and prevention, or any of these goals."*

It was evident from the pre-training interviews and surveys that there was broad scope for improving police officers' knowledge and practices relating to stalking.

## **2. The Development of the Anti-Stalking Protocol**

A model anti-stalking protocol was developed by the National Center for Victims of Crime. It drew upon a wide range of sources, involved consultation between the National Center for Victims of Crime and nationally-recognized experts, and went through many stages of draft and revision. It was a pioneering effort—arguably the first comprehensive protocol of its kind—notwithstanding that revision may be made to the model in the future, as part of the ongoing learning process.

The implementation in Philadelphia overlapped with the closing stages of the development of the model protocol, and so the model protocol was revised as lessons were learned, and with input from those



involved. Consequently, the protocol adopted by the Philadelphia Police Department was very similar in form to the model protocol. In practice, this evolved as a practical means of testing and refining the model protocol, as well as allowing the police department to 'buy-in' and acquire ownership of the protocol. The National Center for Victims of Crime employed two consultant professors, each with extensive experience of policing, to act as advisors to the implementation process.

The importance of top-level police support for the project cannot be over-stated. It was clear that not just the formal support, but the public appearance of support from the Commissioner, played a key role. One of the consultant advisors to the implementation noted the significance of this factor:

*"Every time we've had a meeting [the Commissioner] made a point just to walk through the room to say 'Hi' to [us]. That alone [means] everybody in the police department [knows] we got the official blessing, and [that] this means he knows what's going on... [T]here was never a time he didn't come in. Like he's walking through, just passing through . . . Because he [the Commissioner] did that there were no other stumbling blocks in this process."*

A police inspector, head of the Research and Planning Unit, was assigned responsibility for the management of the project from police headquarters. This assignment of responsibility was important, since the Inspector served as a direct link between the Implementation Division and Headquarters, ensuring accountability as well as sending a strong message that the project was taken seriously at Headquarters. At one particularly critical juncture, the importance of this role was evident, when the Inspector served as a champion for the project. This occurred during the first training session when all departmental detectives working on domestic violence, and all departmental Victim Assistance Officers, were present. When an aspect of the protocol was criticized by detectives, and a murmur crept around the room suggesting that this part of the protocol was unacceptable, the Inspector interrupted the training session and clarified, in no uncertain terms, that officers would do what they were told and that the protocol was the official line.

### **3. Views on the Protocol**

Reactions to the protocol document were, for the most part, extremely favorable—indicated not least by the fact that it was adopted by one of the nation's largest police departments. As always however, some views were mixed, and reservations were particularly expressed in relation to the potential difference between theory and practice. The

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full spectrum of views on the protocol is captured by the statements below.

A representative from the District Attorney's Office was extremely positive:

*"My initial impression when I sat down and read it is that it is incredibly inclusive, so that it's clear that folks talked about and included every aspect of stalking that I've seen."*

A representative from a local victim services organization expressed mixed views:

*"On paper it looks good. But I think [in practice] it's ridiculous for people to do all the things they have to do. If it's realistic it's good –I just don't think it is."*

A representative from the police command staff was cynical about the practicality of the protocol:

*"To do all of the things I saw on there [the protocol document], you would hope you only got one or two cases a week. In reality, we would have to triple our manpower to do all the things. Very unrealistic."*

A police captain from elsewhere in Philadelphia who had consulted with the domestic violence detectives who had attended the stalking awareness training was blunt on the issue:

*"A lot of these things are unreasonable in a big organization like this."*

It was evident that, depending on the perspective and role of the observer, the ambitious nature of the protocol could be viewed as either a strength or a weakness.

#### **4. Stalking Awareness Training for Police Officers**

Training of police officers took place on two days, April 25, 2001 and May 2, 2001.

The first training session was a day-long session dedicated to victim assistance officers and domestic violence detectives from across the department, and was attended by officials from local victim service organizations, the district attorney's office, and other observers. The second was a series of one-hour sessions aiming to train all police officers in the Northeast Division where the protocol was to be implemented. The protocol officially went 'live' on the day after the second training session.



There was almost universal agreement from attendees from various agencies, as well as from trainees, that the training given to officers was of good quality. It was held to be well prepared, of substantive and useful content, and well presented. Both the style and the substance of the training were captured by a representative from the District Attorney's Office:

*"The style of presentation was wonderful. The subject matter was extremely inclusive. The tapes and examples were great—the more visual aids the better—brought it to life. Made [it] a sensory experience.*

*I thought the training itself was well researched, well presented and well dressed. The right accessories. What can I add? I don't know, I don't think there was much. There was nothing I felt was missing."*

A police Victim Assistance Officer noted the awareness-raising aspects of the training:

*"It was like a wake up call to look for it more. Try to get hold of it. Get a better grasp."*

Although impressions of the training were largely positive, some commentators thought there could be a change in emphasis, while still others remained cynical about the subject. One agency official thought the link between stalking and domestic violence required greater emphasis to break the stereotype:

*"I thought the training was good ... [But]... I wanted to see more focus on the domestic violence aspect of it ... that's where I think most issues are. I think in the family violence cases they [the police] are not attuned to think this way. ... I think police think it is the Hollywood version of stalking."*

A patrol officer and a detective from different training sessions appeared each suggested that the definition of stalking was too broad, which could indicate skepticism or that the subject matter had not necessarily been understood:

*"According to [the] new training, almost everyone is now stalking. Everything that used to be harassment or threat or anything is now stalking."*

*"The way they phrase stalking—it just about covers every one of the jobs we've ever had. We would have stalking constantly, because they really left it really wide open."*

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A representative survey of trainees was conducted with 372 police officers as they completed the one-hour training sessions. Of those surveyed, 86% thought the training was needed, and 70 percent thought it provided them with new information. Trainees were asked sets of questions relating to the course, the material, the trainers, and on various aspects of definition. On a five-point scale, most trainees typically gave the course a score of good or very good in every instance, feeling that the objectives were clearly stated (87 percent), the material well organized (84 percent), visuals were used effectively (75 percent), and that there was ample time for participation (83 percent). Eighty two percent of trainees gave the training course an overall rating of good or very good. With regards to the quality of the trainers, over 80 percent of trainees ranked the trainers as good or very good on each of five measures, and 91 percent of those responding scored trainers as good or very good on an 'overall' measure.

The legal definition of stalking appeared to be complex for trainees to understand. It seems likely that this is because the definition of stalking is more complex than what people expect from their stereotypical or even 'common sense' perception of the crime. The training emphasized definitional issues. However, when surveyed on the substance of what they had learned, police officers demonstrated difficulties with the definition of stalking. Only 11 percent of those surveyed were able to correctly answer a multiple-response question on the definition. Many incorrectly checked the options stating the stalking must involve strangers or that physical violence must take place. While many respondents knew that emotional harm to the victim and repetition of the act must occur, few knew that these two items alone were the minimum criteria for stalking to have occurred. An optimistic interpretation of the findings would be that the multiple-response options confused officers. To be conservative, we would therefore recommend that future such surveys utilize several different measures to study definitional issues.

We conclude from the survey and the subsequent in-depth interviews and fieldwork, that it is insufficient for officers to rely on common sense to understand and define stalking, and that this leads them to an incorrect stereotypical definition. We therefore recommend that future training sessions incorporate an even greater emphasis on definition, perhaps including some simple testing of officers or other means to try to ensure that the requisite facts are retained.

One agency official asserted that, although the Philadelphia training had been high quality, that this did not necessarily mean the same quality could be replicated elsewhere:





*".. [The instructor] developed the training piece. It's one thing to take this model, but to synthesize it into your own training, into your own policy, you need that extra [ability]. That alone is a major accomplishment. I don't know how, when you've got 19157 police departments in the United States, how that would be done in each police department, or if that's doable at all."*

The training in the Philadelphia Police Department did not achieve full coverage of the target group of police officers. Two independent quantitative indicators (the exit survey of officers, plus the subsequent follow-up survey) suggested that around 70 percent of police officers in the implementation division received training. The subsequent qualitative research also offered supporting evidence when several of the patrol officers selected for in-depth interviews were found not to have attended the training, and the research team was obliged to increase the number of qualitative interviews to account for this factor.

The fact that a significant proportion of police officers, perhaps as many as a third, did not receive training on the anti-stalking protocol, could reasonably be expected to dilute the impact and quality of the anti-stalking effort. Future training efforts should consider means to increase the coverage among the target group, through routine follow-ups and checks.

### **5. Local Victim Service Organizations and the District Attorney's Office**

The demonstration project was clearly police-led, since it was the police who held primary responsibility for implementing the protocol. The involvement of other agencies, particularly local victim service organizations and the District Attorney's Office, was encouraged since it was recognized that the protocol would flourish with inter-agency cooperation. These agencies were informed of the process and invited to participate in the implementation of the anti-stalking protocol. As noted above, these agencies were very supportive of the protocol and its substance. Together with this positive view however, more than one agency official expressed the view that they would have expected to have been consulted earlier in the process. One agency official captured both these viewpoints:

*"I think they should have included the DA's Office and advocacy groups much sooner than they did. I think the result is good though, I don't know if I would have done it drastically different. I think that at the point we were involved, everything was already scheduled—you know, with the training dates. It was a little late in the game."*

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Another observer was direct:

*"[It took a] good effort to get this thing [the implementation] moving as quickly as possible. . . . They put the model in and they got it going, but now when they realize the model should include outsiders . . . after everything was done and the model has been developed, they called in the outsiders. The outsiders get offended. So its not hindsight from that alone to see how [other agencies] reacted to be invited after the facts."*

The possible tardiness of the involvement of other agencies notwithstanding, the quality of the subsequent collaborative effort was also of note. It is not uncommon in multi-agency crime-related partnerships for the police to dominate. This occurs for various reasons, often reflecting greater resources, a clear mandate to act against crime, and an independent and direct approach to tasks. In Philadelphia, an official who had been impressed by the protocol document and the police training sessions subsequently expressed reservations about the aspect of inter-agency collaboration:

*"I underestimated the difficulties in finding a partnership with an institution like the police. There is a huge cultural gap with dealing with the police. How do we approach them? When do we call them? Who do we talk to?"*

Differing working practices, as well as widely varying resources—notably the police having more than other agencies—were acknowledged to make collaboration difficult:

*"We tend to be less hierarchical [than the police]. . . . We need to figure out the pieces of the police department and where we need to make connections. . . . We recognize that we need to make connections in their training bureau. . . . in the commissioner's office, crisis centre, the head of detectives, the head of patrol, the internal affairs, the special victims unit. . . .the Victim Assistance Officer, the officers that work with the DAs, the family violence and sexual assault unit . . . I don't think it's out fault or the police's fault. The [police] force has over 7,000 people. We are trying to do what we can. It's time consuming and difficult."*

While the issues raised here are far from new, and there is a growing literature on such issues as they relate to inter-agency collaboration, this does not detract from their significance. It would be unlikely for any collaborative effort to overcome all such discrepancies, and achieving a partnership with the least-worst inter-agency conflict may be the best that can realistically be hoped for. However, the evidence would suggest that involvement of non-police agencies at an earlier stage of the demonstration project may have been beneficial.



## 6. Courts, the Judiciary, and Other Community Agencies

Several interviewees noted that judges could contribute to the anti-stalking effort, provided that they (and other court officials) receive appropriate training. The popular image of the "all-knowing judge" was belied by comments from representatives of local victim service agencies and the District Attorney's Office indicating that some judges do not always understand the issues:

*"We know what the abusers say when they get into court. They make themselves very pitiful. They make the judges buy into it. . . . [B]ecause judges are go-getter . . . they don't understand somebody learning survival strategies that involve rolling over [a reference to the possibility that some victims are passive]. . . . It is very hard to get people to understand that picture."*

*"I've seen judges listen to the stalking cases. How do you convey that she moved out, and [that, when] he leaves a box of candy in the back of her car, that is really scary to her? And that she wants the law to do something about it? It's not the punching. It's not the physical stuff. So it's harder to see."*

In a similar fashion, a police Victim Assistance Officer astutely captured the fact that prosecutions deriving from police work ultimately depend upon the decisions of judges. This simple observation suggests that key players at each stage of the criminal justice system must be equally practiced at dealing with stalking cases:

*"We are not the judicial system. We put them in, but we don't let them out."*

The possibility of including court officials to a greater extent, at various stages of a multi-agency process relating to an anti-stalking protocol, is something that future efforts might consider.

It is also possible that anti-stalking efforts could benefit from the inclusion of a broader range of community agencies. Although this was not directly tackled as part of this process evaluation, future efforts might consider the possibility of involving other community agencies. Housing departments, for example, often have civil remedies to various types of crime (including threats of and actual evictions) that might be readily adapted to stalking cases, and integrated as part of a protocol. Other agencies such as social services would be potentially fruitful as a source of information regarding stalking cases. In some instances, existing inter-agency partnerships focusing on domestic violence might be a useful focal point for the introduction of an inter-agency approach to anti-stalking efforts.

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## 7. Police Views, Knowledge and Practices after the Protocol Went 'Live'

After the anti-stalking protocol "went live" in the Northeast Division of the Philadelphia Police Department, both the qualitative and quantitative aspects of the research conducted prior to the protocol, were replicated. There was a year between the two sets of surveys and interviews. This allowed some comparison of the knowledge, views, and practices of police officers from before and after the training and the introduction of the protocol. The views of officials from other agencies were also sought.

A representative from the District Attorney's Office gave an extremely positive indication that the work being undertaken would prove beneficial, stating

*"Since training, there were some wonderfully worded probable cause affidavits and arrest warrant affidavits. And they included a lot of the training and protocol steps. [The Assistant DA] has seen an amazing improvement... [The Assistant DA] thought one affidavit was beautiful—it included all things from the training, and was worded well."*

Perhaps reflecting their different roles in the implementations efforts, the local victim services organization did not appear to have the same experience, with a representative noting

*"It is hard to look at the protocol and figure out what the resources are [that will do the tasks], how they can handle it. I haven't seen any ripples [positive effects] from it. . . . I don't think I have had any cases from Northeast."*

Two months after the introduction of the protocol, there was preliminary evidence from the Implementation Division that the number of stalking-related charges had increased. For this component of the research, a quasi-experimental retrospective analysis was used to investigate the departmental charge data. Charges in the two-months after the protocol was introduced were compared to charges for the same two-month period the year before, and change in the Northeast Implementation Division was compared to change in the remainder of the police department. This analysis showed that, while the volume of charges in the remainder of Philadelphia had remained stable, the number in Northeast had increased by seventy percent. However, the short time periods involved meant that the numbers involved were relatively small and were insufficient to state that the difference was statistically significant after a chi-squared test although the difference was close to significant at the 10 percent level.



A measure of increased stalking charges may not necessarily be an unambiguously positive indicator. One police captain implied that it need not necessarily reflect new cases that would previously go unrecognized, if stalking was an add-on charge to existing cases. The implication could be that administrative rather than more substantive change could inflate the number of stalking charges:

*"I talked to my domestic team—He says we've been adding it [a stalking charge] on. In [terms of the number of] cases, it has been only a few weeks now, but they have been adding it on [to the list of charges]. I don't know about beforehand. They have been adding it on as an additional charge."*

Although beyond the scope of the present study, future research efforts might examine the extent to which increases in charges for stalking are due to charges that are added to existing cases, or due to the identification of 'new' stalking cases that would not previously have resulted in charges for any type of crime. While both are positive indicators, it would be hoped that an initial spearhead would see an increase in the add-ons, followed by an increase in 'new case' charges.

Police Victim Assistance Officers

Victim Assistance Officers (VAOs) handled the reports on stalking in the implementation division, but held mixed views on whether the quality of reports from patrol officers had increased. Note again the importance of the quality of the patrol officer reports since, as the District Attorney's Office had noted, these reports can play a prominent role in prosecutions. At a group interview, contradictory views were presented in the following exchange between two VAOs:

*VAO1: "They [patrol officers] have to ask who, what, when, where, and how? Have to ask these things. We have some officers that will continually write the same report from the day they get on [the job] to the end. [The report] [d]oesn't say what was said or what was done, etcetera. Even after the training [on stalking] we get reports like that."*

*VAO2: "But I have noticed the reports have changed and are getting better."*

At least one VAO recited an instance where it was clear that the stalking awareness training had improved the VAO response to a stalking case:

*"[I told the victim] to be aware, to get a security system, put her car in the garage. She has a huge fence. Sensor lights. [I told her to] Make the neighbors aware. Her coworkers are aware. [I told her to] Take security measures. She came to me before the training. The training was very helpful."*

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Another VAO seemed to justify previous practices relating to stalking by shifting the 'blame' (for not recognizing stalking) to the victim. The following quote could be seen as ironic in the context of the fact that, even after the training, a firm grasp of the definition of stalking still seemed to elude many police officers:

*"it's that the victims aren't relaying it properly. Maybe they don't know the actual meaning of the word stalking."*

However, other VAOs suggested that their working practices were not significantly changed by the protocol. They suggested that, after patrol officers, the primary changes in the manner that the police would handle cases came via the work of the domestic violence detectives, who would liaise with the District Attorney's Office:

*"I am not doing that much different than I have for five years. The difference is, what are they [the detectives] doing up there?"*

#### Police Detectives

Changes were clearly beginning to occur in both the awareness and working practices of the detectives in the Implementation Division, and in detectives in other divisions who had attended the training. Again however, the nature of the change was not wholly unambiguous. To retain individual anonymity, the following quotations reflect views from detectives from different divisions, since all had attended the stalking awareness training.

Some detectives clearly felt that the training had been beneficial and had directly influenced working practices, as suggested by the following:

*". . . now I look into it [stalking] a lot more. It makes you more aware. The training helped me. I keep the folder, I have the folder. Now I can get the complainant in here. We charged before with stalking, but now I think it is a little more awareness."*

Another detective noted that they now had no problem or 'price' with making arrests for stalking:

*"I just had a phone call. I arrested her husband [previously], and he was charged with stalking, and put on probation. And now he is out stalking her again. And then I have to talk to the complainant and we have to go through the whole arrest process. Stalking—we have no price about [problem with] arresting someone for stalking, and we do it."*



Evidence from this detective suggested stalking charges were being introduced:

*" . . . He never assaulted her [previously]. And then that night, he did assault her. And that went to the [other police] division. The charge is terroristic threats and stalking. They are all misdemeanors. That way if he does it again, it can become a felony when he is convicted of it. And now she has a protection order."*

One detective, like the VAO who blamed victims for not recognizing stalking, also deflected criticism from police officers by finding fault with the victims:

*"But she's had an off-and-on relationship with him. In her sense she didn't feel she was being stalked. When you think of stalking you think of textbook-type things—things you see in Hollywood. Maybe our complainants aren't smart enough to realize this—'Oh, I'm being stalked.'"*

What to do with skepticism?

It was clear from interviews with those involved with the implementation, that ensuring uniformity of practice among detectives could be extremely difficult. Since the detectives dealing with stalking typically worked two to a division, it was observed that a single detective, who rejected stalking as a priority for policing, could significantly affect the workings of that division. The relevant division and detectives are anonymous here, to avoid identification of those involved, but the significance of the problem for effective implementation of an anti-stalking protocol should not be underestimated. Skepticism can be contagious. The views of one cynical and hardened officer can spread and influence the views and perceptions of colleagues. This possibility was suggested in the following statement from an agency official, where the influence of a seasoned detective's skepticism was evident:

*"I think [the detective] is really smart. [The detective] may be cynical, might be burnt out, but from our first meetings [the detective's] assessment has been proven right. I looked at those [case reports] . . . and stalking is nonexistent."*

Note that this viewpoint of the 'nonexistence' of stalking in Philadelphia is empirically contradicted by the evidence provided by police officers who were dealing with stalking cases as well as the fact that the research team examined a sample of a dozen stalking cases files from each of the police department and the District Attorney's Office. However, it highlights the possibility that some police officers or agency officials do not take stalking seriously, that continual

monitoring of detectives may be necessary, and that those responsible for implementing anti-stalking efforts should be forewarned of the possibility of skepticism. In one interview, it was suggested that offenders committing stalking offenses deserved sympathy since they often did not realize the severity or impact of their stalking behavior.

Those responsible for implementing an anti-stalking protocol need to be prepared to tackle seasoned police officers, and even officials from other agencies, who remain cynical. As a means of overcoming this problem, one of the consultant advisors to the implementation suggested that local data collection, which would allow the provision of evidence to cynical officers, would arm implementers with locally-relevant empirical evidence on the extent and nature of the stalking problem. We would recommend such preliminary data collection exercises be considered for adoption in jurisdictions where anti-stalking measures are to be adopted. We would also recommend (detailed further below) that trainers and implementers be armed with a list of FAQs (Frequently Asked Questions) that directly address the types of stereotypical views raised by cynics.

#### Police Officer Survey Findings

The survey of police officers was conducted before and after the introduction of the anti-stalking protocol, in the Implementation Division and a Comparison Division. It was arguably not a completely controlled quasi-experimental design since VAOs and domestic violence detectives in the Comparison Division also received training. Any possible 'tainting' of the results caused by this factor would tend to make the findings more conservative, that is, to make the extent of change appear less. In reality, this threat to validity of the pre-post comparison would be expected to have little impact upon the views of patrol officers, whose views are analyzed here.

The surveys presented here were conducted at roll-calls, where 891 surveys were completed of which 779 were from patrol officers. The surveys had a 99.8 response rate since, while there were no refusals, there were two spoilt surveys. Administration was conducted by police roll-call supervisors, with monitoring by the researchers. The survey was short, taking officers approximately five minutes to complete. Consequently, there was minimal disruption of police department staff, and cooperation with the survey was excellent. The end result was a large sample size obtained at relatively small research cost. The brevity of the survey meant that data preparation, data entry, and cleaning remained feasible within the small-scale of the evaluation exercise.





After the training, at least one survey indicator suggested that police officers in the Implementation Division were significantly more aware of issues relating to stalking. Prior to the training, 24 percent of officers in the Northeast Implementation Division reported having been involved with a stalking case in the last five working shifts. This increased to 35 percent in the post-training survey, whereas there was no change in the Comparison Division. The difference was statistically significant (Chi-square=4.652;  $p=.031$ ; d.f.=1). Although the increase of 13 percent in absolute terms could appear relatively small, it needs to be viewed as a relative figure. The implicit goal of 100 percent of officers reporting involvement in stalking cases is an unrealistically hypothetical maximum. The change might be preferably viewed as a 43 percent increase in the proportion of officers reporting involvement in a stalking case in the last five working shifts, and thus arguably denoting a far greater awareness of the crime of stalking. There was no comparable or significant change in the proportion of officers reporting involvement in domestic disputes.

Prior to training, 17 percent or almost one in five patrol officers in Northeast Division did not know that stalking was a crime in Pennsylvania, a figure which dropped to 4 percent among trained officers. However, officers in Northeast who had not been trained reported similar increases in knowledge of this issue, although there was no change in the level of knowledge in the comparison division. An interpretation consistent with the data would be that it reflects an awareness of the anti-stalking effort in the Implementation Division, even among officers who did not attend the training sessions.

With respect to knowledge of the definition of stalking, the results were inconclusive. Although there was an increase in the correctly identified definition from 13 percent to 19 percent among trained officers, the increase was to 22 percent among officers in the Implementation Division who had not attended training. Further, although there was no change in the level of correct responses in the Comparison Division, the level of knowledge in the Comparison Division was the same as that in the Implementation Division after the training. No explanation for this phenomenon is presented here. However, the finding that only one in five patrol officers had a firm grasp of the definition of stalking (as found in the exit-survey evaluating officer training) reinforces the need for additional emphasis upon definitional issues in future training efforts.

The definitional issues raised by the survey of officers were not necessarily restricted to the police. One official did not appear to note the differences in definition between stalking and domestic violence, overlooking the fact that physical violence need not be present for the crime of stalking to occur as well as the issue of stalking between non-intimates:

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*"And I think what's missing in this whole discussion about stalking and domestic violence is 'Why do we want a stalking response team?' Why don't we have a domestic violence response team? Not a stalking response team. If there are any problems that are uncovered now with stalking they are really problems that are uncovered in response to domestic violence. That's the real issue here."*

Police officers were asked about their perception of the departmental response to stalking. Trained officers were more likely to report that they thought the response was good or excellent (49.5 percent) compared to officers before the training (40.3 percent), officers who did not attend the training (38.1 percent), and officers in the comparison division both before and after the training (44.7 percent and 39.6 percent respectively). However, the extent of change would suggest that, of officers who did not rate the departmental response as at least good prior to the training (60 percent), only one in six developed a more positive perception as a result of the training.

Officers were asked about the frequency with which they filed reports relating to stalking in the last month. There was little indication of change among trained officers. The increase from 18.8 percent to 20.9 percent of officers who filed a stalking report could easily reflect natural variation in the data, as confirmed by variations in the levels of filing of domestic dispute and harassment reports. When officers were presented with scenarios that were possible stalking cases, one involving a stranger and one involving an acquaintance, the most significant changes were notable in relation to stalking by an acquaintance. Prior to the training, 46.1 percent of officers in Northeast Division reported that they would have recorded the 'acquaintance' scenario as a stalking case. This rose to 71.3 percent among officers who attended training. However, it also rose to 63.8 percent among officers from Northeast Division who did not attend training, and there was an increase from 54.7 percent to 64 percent in the Comparison Division. This suggests an overall increase in filing of stalking cases across Philadelphia, with the effect most concentrated among those officers who received training. The departmental wide effect may have been due to the fact that this was a relatively high profile demonstration project involving the public support of the Commissioner.

Both the qualitative and quantitative indicators provide evidence of some increase in awareness of stalking and knowledge of stalking, among police officers who were trained. It was also evident however, that the extent and nature of change was less than might ideally have been hoped for: Where change could be detected it was often relatively small in size and scope. Perhaps the most encouraging indicator related to the increase in stalking charges discussed earlier,



even though that may reflect administrative add-on charges (this is not to say that these are a bad thing) to existing criminal cases rather than the detection of 'new' stalking cases that would have otherwise gone unnoticed by the police.

## **8. Subsequent Views from Other Officials**

Earlier in this report, views of officials were reported which suggested that they felt the protocol looked good on paper, but could prove difficult in practice. Two months after the protocol had gone live, a different official reinforced this view, noting that there seemed to have been few if any cases where tactics other than arrest or charging could be introduced:

*"Philadelphia [police department] has really been fantastic. Everything moved along. But in terms of the model [protocol], they did not need to use the model for a safety plan or anything else yet."*

Views on the degree of specialization required within the police department to tackle stalking were mixed. The possibility of developing specialized stalking response teams, in fitting with the police department's frequent practice of developing specialized units, had been mooted. One official was clearly skeptical about the requirement:

*"I spoke with [a representative from the National Center for Victims of Crime] who said [that their report would be] saying 'Set up a stalking response team'. That's ridiculous. Are you going to have a robbery response team? Are you going to have a larceny response team?"*

Difficulties in gaining momentum in the implementation of anti-stalking tactics may have been related to issues relating to the identification of stalking. After two months of implementation, an official observed that measures other than arrest and charging had not yet been used:

*"... . [The police department] have safety plan, a cocooning process. . . they know what that's about. But they don't have an example to put it in place yet."*

It is difficult to reconcile this official's statement with the earlier statements from VAOs and detectives who reported that they had been working on stalking cases, as well as the District Attorney's Office who reported receiving some improved case reports. The statement is perhaps cast in a more revealing light when the official

noted that, since there had not yet been the opportunity to test the range of preventive interventions, the possibility existed that the range of measures might not be effective in preventing stalking:

*"So someday down the line, if it's there [the protocol], and we use it the first time, and we find out it's the stupidest thing we can think of."*

This statement highlights the need for, a future evaluation should assess the impact of the preventive components of the protocol.

The consultants to the National Center for Victims of Crime reported difficulties instituting the protocol's preventive aspects other than improved efforts to increase arrests and charges for stalking. Thus, although progress was clearly made, it cannot be said with certainty that the degree of change achieved was sufficient to alter police practices in the longer term. Perhaps, however, the two month implementation period was simply too short and further time was needed to establish the less-traditional preventive tactics.

#### **IV. Conclusions and Recommendations**

Much was achieved in the process of launching the new anti-stalking protocol in Philadelphia. A significant amount of officer training, some evidence of greater awareness and identification of stalking, preliminary indication of increased stalking charges against offenders, and potential for the introduction of a range of new preventive measures, including safety planning for victims, were all apparent. However, notwithstanding the clearly documented evidence of stalking, there was still no routine use by the police of less traditional preventive tactics two months after the protocol was rolled out. (Progress may have been made subsequently, but a longer-term assessment would be needed to ascertain this.) It is therefore arguable that, at the end of the evaluation period, full implementation of the policy had still not taken place. If methodologically feasible, an impact evaluation should be undertaken in Philadelphia to establish the effectiveness of the protocol in preventing stalking and, perhaps, identify other helpful tactics. However, it would not be appropriate to assess the impact of the protocol until all its preventive aspects are implemented. If an impact evaluation is not methodologically feasible in Philadelphia since much has already changed there, then one should be conducted in another department.



Thirteen key recommendations emerged as a result of the findings and conclusions presented in this report. They are grouped into four broad categories.

#### Recommendations for Police Management and Training

Police departments have a strict hierarchical structure. As a result, the actual and perceived support of the highest-ranking officers is essential to effect change in departmental policy and practice. In the case of stalking, which is often dismissed as a trivial offense, such high level support must be patently visible to all officers within the department. *Recommendation 1:* Future efforts to implement anti-stalking protocols in police departments should be conducted only with the support of the chief of police. *Recommendation 2:* Supporting video statements by chiefs, and repeated public verbal support for anti-stalking efforts, might be considered for formal inclusion as part of the model anti-stalking protocol.

The crime of stalking can be both complex to comprehend and readily dismissed by police officers and others. Although the Philadelphia training did emphasize definitional issues, these often appear disarmingly simple. The survey suggested that many officers did not fully attain a clear understanding of the nature of the crime - most notably the fact that physical violence need not occur, and strangers need not be involved. *Recommendation 3:* Future training should give an even greater emphasis to definitional issues, particularly the facts that the crime of stalking need not necessarily involve physical violence or strangers. Tests of officer knowledge of these fundamental issues may be an appropriate component of training.

Approximately seven of every ten police officers attended training from the division in which it was intended to train all officers. *Recommendation 4:* Consideration should be given to follow-ups and checks to ensure that all the officers targeted for training on the protocol are reached.

Initial and continuing skepticism about stalking, its extent and significance as a crime is not uncommon. It may persist even in the face of training, both among police officers and officials from other agencies. Statements and questions including as 'This is not a problem here'; 'This is not really a crime'; 'Where is the evidence?'; 'We should be addressing more serious crimes'; 'We have a response to domestics, so why do we need this?' 'Stalking is just the same as domestic violence' 'We have been doing this for years!'; 'Isn't this a waste of my time?' are likely to arise. Such skepticism may spread within the

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department if it is not specifically addressed. *Recommendation 5:* Consideration should be given to the development of FAQ sheets for trainers and key players involved in implementation efforts, to address skepticism and the range of frequently asked questions and statements that it can produce.

#### Recommendations for Enhancing Crime Prevention Impact

Introducing nontraditional tactics into police work, as demonstrated in Philadelphia, can be difficult. Whereas the police may readily adapt charging and, perhaps, even arrest practices, other crime prevention measures such as safety planning, are often significantly outside the range of their normal working practices. *Recommendation 6:* Future efforts to implement anti-stalking protocols should significantly emphasize non-traditional crime prevention measures to tackle stalking. *Recommendation 7:* A phased implementation plan should be adopted to facilitate the institution of an anti-stalking protocol. First, traditional practices, such as charging and arrests, should be the focus, using data to provide feedback on these spearhead issues. Later, additional preventive measures and tactics should be highlighted.

There was some evidence that the recognition of stalking might be improved through improved information technology designed to link repeated calls from the same victim, the same location, and involving the same offenders. Efforts to integrate the tracing of repeat instances of victims, locations and offenders into police IT is a key issue in the prevention of repeat victimization generally, and specifically in relation to stalking. *Recommendation 8:* Police information technologies should be designed to allow the tracking and cross-referencing of repeat callers, locations, victims, and offenders.

#### Recommendations for Inter-Agency Work

Judges are key decision-makers when stalking cases go to court. There were suggestions that anti-stalking efforts might benefit from the inclusion of judges and other court officials in the process of developing and implementing a protocol. However it cannot be assumed that all judges and officials from other agencies have a full understanding of the nature of stalking. *Recommendation 9:* Judges, other court officials, and representatives from other local agencies (such as housing and social services) that encounter stalking cases, should be considered for inclusion in multi-agency groups seeking to prevent stalking. *Recommendation 10:* Consideration should be given to the inclusion of court officials and officials from other agencies in training sessions relating to stalking, perhaps as attendees at trainings



for police officers. *Recommendation 11:* Non-police agencies should be consulted as early as possible during the process of tailoring a model protocol to suit local needs.

#### Recommendations for Future Research and Practice

An evaluation of the impact of the tactics recommended in the anti-stalking protocol is a critical next step in progressing the work begun in Philadelphia. The present report did not, and never set out to, determine whether or not the anti-stalking protocol assisted victims and reduced crime. *Recommendation 12:* An impact evaluation, or series of impact evaluations, should identify the measures in the protocol that result in the greatest reductions in the frequency of stalking and its effect upon victims.

The findings of the survey of police officer knowledge and views relating to stalking, the first of its type, may well be representative of a national problem. Although validation work would be needed, it suggested a significant need for stalking awareness training and anti-stalking protocols in police departments. *Recommendation 13:* A nationally representative survey of police officer knowledge and views relating to stalking should be commissioned by the Department of Justice. Should the findings concur with those of the Philadelphia survey (Farrell, Weisburd and Wyckoff 2000), the development of a national program of work relating to stalking could be the next logical step.

## References

Farrell, G., L. Wyckoff and D. Weisburd. 2001. Process Evaluation of The Implementation of an Anti-Stalking Protocol By Philadelphia Police Department. Final Report to the National Center for Victims of Crime and the Office of Community Oriented Policing Services. December 2001.

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## **Appendix II: Principal Findings and Recommendations: Adapting and Implementing the Model Stalking Protocol**

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1. There must be leadership at all levels in the police department to implement a new anti-stalking protocol. A conscious effort has to be made to ensure the necessary internal coordination and unified outlook needed launch and implement the new policy.
  2. Before the process gets underway, the police department must assess which community agencies, organizations, or programs are currently responding to the needs of stalking victims and which additional community stakeholders have a part to play in a more community oriented approach. The police must develop a special operational relationship with prosecuting attorneys. As key players in the criminal justice process charged with the task of securing convictions against stalkers, prosecutors need to be viewed as primary partners in efforts to create comprehensive community responses to stalking.
  3. Key community stakeholders should be invited to join the process at the earliest possible stage. Even if they cannot participate in discussions about internal police department issues, they should be informed about the initiative and made part of the process. Representatives of the community stakeholders should become members of the task force, planning committee, or other body charged with developing and implementing the new policy, as soon as practicable.
  4. Participation by community stakeholders should be as broad as possible. They can be involved in creating the protocol and training curricula, conducting training sessions, assisting the implementation process within the department, and promoting understanding of the new policy among the wider community through public education initiatives.
  5. The Model Protocol created by the National Center for Victims of Crime can be used as the basis for a departmental directive (omitting sections that conflict with other departmental policies or which are unsuited to the local environment) or as a tool to ensure that all the essential requirements for an effective anti-stalking protocol get included.
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6. Given the high percentage of stalking cases linked to former intimate partner relationships, an operational directive governing police responses in domestic violence cases should complement the stalking protocol.
  7. Sufficient time and resources must be devoted to training, initially and throughout the first year the new protocol is operational. Adequate training for officers and detectives is critical to success. It should be repetitive and progressive and should not be viewed as a one-time event. It should emphasize the definition and meaning of stalking and convey the fact that it does not necessarily involve physical violence or strangers.
  8. Implementation of the stalking protocol can only be effective if it reaches beyond the confines of the police department to all criminal justice agencies, victim service programs, and beyond. Everyone who has a role to play in translating the new guidelines into day-to-day actions on the ground must have access to proper training and information. Public awareness and education about stalking and the new policy directive must also be treated as an important aspect of the implementation process.
  9. Appropriate technical support is essential to the proper implementation of the new protocol. Ability to track cases through computerized records is vital for any police department dealing with large numbers of stalking cases. Only with proper technical support can officers follow protocol guidelines and respond effectively to victim needs.
  10. Monitoring the protocol once it becomes operational is a critical component of the implementation process, not a luxury. Implementing a new policy, especially one that seeks to address a problem as complex as stalking, is always a learning process. There will inevitably be issues that do not surface during the planning phase and can only be addressed later, with the benefit of experience and hindsight.
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## Appendix III: Copy of Model Stalking Code

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The model antistalking code development project has sought to formulate a constitutional and enforceable legal framework for addressing the problem of stalking.

The model code encourages legislators to make stalking a felony offense; to establish penalties for stalking that reflect and are commensurate with the seriousness of the crime; and to provide criminal justice officials with the authority and legal tools to arrest, prosecute, and sentence stalkers.

*Section 1. For purposes of this code:*

- (a) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person.
- (b) "Repeatedly" means on two or more occasions.
- (c) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who, within the prior six months, regularly resided in the household.

*Section 2. Any person who*

- (a) Purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or herself or a member of his or her immediate family, or to fear the death of himself or herself or a member of his or her immediate family
  - (b) Has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to himself or herself or a member of his or her immediate family or will be placed in reasonable fear of the death of himself or herself or a member of his or her immediate family
  - (c) Whose acts induce fear in the specific person of bodily injury to himself or herself or a member of his or her immediate family or induce fear in the specific person of the death of himself or herself or a member of his or her immediate family; is guilty of stalking
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## **Analysis and Commentary on Code Language**

### *Prohibited Acts*

Unlike many state stalking statutes, the model code does not list specific types of actions that could be construed as stalking. Examples of specific acts frequently proscribed in existing stalking statutes include following, non-consensual communication, harassing, and trespassing.

Some courts have ruled that if a statute includes a specific list, the list is exclusive. The model code, therefore, does not list specifically proscribed acts, because ingenuity on the part of an alleged stalker should not permit him to skirt the law. Instead, the model code prohibits defendants from engaging in a course of conduct that would cause a reasonable person fear.

### *Credible Threat*

Unlike many state stalking statutes, the model code does not use the language "credible threat." Stalking defendants often will not threaten their victims verbally or in writing but will instead engage in conduct which, taken in context, would cause a reasonable person fear. The model code is intended to apply to such threats implied by conduct. Therefore, the "credible threat" language, which might be construed as requiring an actual verbal or written threat, was not used in the model code.

### *Immediate Family*

A stalking defendant may, in addition to threatening the primary victim, threaten to harm members of the primary victim's family. Under the provisions of the model code, such a threat to harm an immediate family member could be used as evidence of stalking in the prosecution for stalking of the primary victim.

The model code uses a definition of immediate family similar to one currently pending in the California legislature. This definition is broader than the traditional nuclear family, encompassing "any other person who regularly resides in the household or who within the prior six months regularly resided in the household."

If states want to consider further expanding the definition of immediate family, they should be aware that broadening it too much may lead to challenges that the statute is overly broad.

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### *Classification as a Felony*

States should consider creating a stalking felony to address serious, persistent, and obsessive behavior that causes a victim to fear bodily injury or death. The felony statute could be used to handle the most egregious cases of stalking-type behavior. Less egregious cases could be handled under existing harassment or intimidation statutes. As an alternative, states may wish to consider adopting both misdemeanor and felony stalking statutes.

Since stalking defendants' behavior often is characterized by a series of increasingly serious acts, states should consider establishing a continuum of charges that could be used by law enforcement officials to intervene at various stages. Initially, defendants may engage in behavior that causes a victim emotional distress but does not cause the victim to fear bodily injury or death. For example, a defendant may make frequent but non-threatening telephone calls. Existing harassment or intimidation statutes could be used to address this type of behavior. States also may want to consider enacting aggravated harassment or intimidation statutes that could be used in situations in which a defendant persistently engages in annoying behavior. The enactment of a felony stalking statute would allow law enforcement officials to intervene in situations that may pose an imminent and serious danger to a potential victim.

Classification as a felony would assist in the development of the public's understanding of stalking as a unique crime, as well as permit the imposition of penalties that would punish appropriately the defendant and provide protection for the victim.

Of utmost importance is a state's decision to require the criminal justice system and related disciplines to take stalking incidents seriously. A state's decision on how to classify stalking and how to establish its continuum of charges is of less importance.

### *Conduct Directed at a Specific Person*

Under the model code's language, the stalking conduct must be directed at a specific person. Threatening behavior not aimed at a specific individual would not be punishable under a statute similar to the model code. For example, a teenager who regularly drives at high speed through a neighborhood scaring the residents could not be charged under a stalking statute based upon the model code.



### *Fear of Sexual Assault*

It is likely that victims who fear that a defendant may sexually assault them most likely also fear that the defendant would physically injure them if they resisted. Furthermore, because the human immunodeficiency virus (HIV), which causes acquired immunodeficiency syndrome (AIDS), could be contracted through a sexual assault, a victim is more likely to fear bodily injury or death, as well as psychological injury. Nevertheless, due to the nature of stalking offenses, states may want to consider expanding the language of their felony stalking statutes to explicitly include behavior that would cause a reasonable person to fear sexual assault in addition to behavior that would cause a reasonable person to fear bodily injury or death.

### *Intent Element*

Under the provisions of the model antistalking code, a defendant must purposefully engage in activity that would cause a reasonable person fear, and the defendant must have knowledge, or should have knowledge, that the person toward whom the conduct is directed will be placed in reasonable fear. In other words, if a defendant consciously engages in conduct that he knows or should know would cause fear in the person at whom the conduct is directed, the intent element of the model code is satisfied.

A suspected stalker often suffers under a delusion that the victim actually is in love with him or that, if properly pursued, the victim will begin to love him. Therefore, a stalking defendant actually may not intend to cause fear, he instead may intend to establish a relationship with his victim. Nevertheless, the suspected stalker's actions cause fear in his victim. As long as a stalking defendant knows or should know that his actions cause fear, the alleged stalker can be prosecuted for stalking. Protection orders can serve as notice to a defendant that his behavior is unwanted and that it is causing the victim to fear.

### *Fear Element*

Since stalking statutes criminalize what otherwise would be legitimate behavior based upon the fact that the behavior induces fear, the level of fear induced in a stalking victim is a crucial element of the stalking offense. The model code, which treats stalking as a felony, requires a high level of fear - fear of bodily injury or death. Acts that induce annoyance or emotional distress would be punishable under statutes such as harassment or trespassing, which do not rise to the felony level and carry less severe penalties.

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In some instances, a defendant may be aware, through a past relationship with the victim, of an unusual phobia of the victim's and use this knowledge to cause fear in the victim. In order for such a defendant to be charged under provisions similar to those in the model code, the victim actually must fear bodily injury or death as a result of the defendant's behavior and a jury must determine that the victim's fear was reasonable under the circumstances.





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## Appendix IV–Federal Statutes

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18 U.S.C. § 2265; 2261; 2261 A; 2262; 922 (g) (8); 875 (c); and 47 U.S.C. § 223 (a) (1) (c).

The *Full Faith and Credit Act*, 18 U.S.C. § 2265 (1994, 2000), mandates all law enforcement authorities to recognize and enforce all valid orders of protection issued by all courts throughout the United States and its territories, including injunctions against harassment and stalking, in state, tribal, and territorial courts.

The *Interstate Travel to Commit Domestic Violence Act*, 18 U.S.C. § 2261 (1994; 2000) states it is a federal crime to travel across state, tribal, or international lines with the intent to kill, injure, harass, or intimidate a spouse or intimate partner and to commit, or attempt to commit, a crime of violence against that spouse or intimate partner, and §2261 (a) (2) makes it a federal crime to cause a spouse or intimate partner to cross state, tribal, international lines, by force, coercion, duress, or fraud, and to commit, or attempt to commit, a crime of violence against that spouse or intimate partner.

The *Interstate Stalking Punishment and Prevention Act*, 18 U.S.C. § 2261 A (1996; 2000) makes it a federal crime to travel across state, tribal, or international lines to stalk another person. The defendant must have the intent to kill, injure, harass, or intimidate the victim, or to place the victim, a family member, or a spouse or intimate partner of the victim, in fear of death or serious bodily injury, and §2261 A (2) makes it a federal crime to stalk another person across state, tribal or international lines, using regular mail, e-mail, or the Internet (i.e., datums).

The *Interstate Violation of a Protective Order Act*, 18 U.S.C. § 2262 (1994; 2000), makes it a federal crime to travel across state, tribal, or international lines with the intent to violate a protection order and to subsequently engage in conduct that violates that order or to cause another person to cross state, tribal, or international lines by force, coercion, duress, or fraud and to subsequently engage in conduct that violates a protection order.

The *Federal Domestic Violence Firearm Prohibitions Act*, 18 U.S.C. § 922 (g) (8) (1994; 1996) makes it a federal crime to possess any firearm(s) or ammunition if subject to a "qualifying" protection order issued on behalf of a spouse or intimate partner. Seizure of these weapons helps ensure the safety of not only the victim, but the community as well.

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The *Interstate Communications Act*, 18 U.S.C. § 875 (c), makes it a federal crime to transmit in interstate or foreign communications, any threat to kidnap or injure another person. A related federal statute, the *Harassing Telephone Calls in Interstate Communications Act*, 47 U.S.C. § 223 (a) (1) (c), makes it a federal crime to use a telephone or other telecommunications device to annoy, abuse, harass, or threaten another person at the called number.

## Appendix V–Promising Anti-Stalking Practices

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### Graduated Response Strategies

Some police departments have developed systems of graduated response for initial and subsequent interventions by police and community partners as a problem solving technique. A graduated response strategy is a formula to determine the appropriate level of intervention for an effective response to a crime incident and prevent repeat victimization.

A graduated response stalking protocol would determine the appropriate police response to different stalking incidents and the allocation of resources to protect victims and curtail the behavior of stalkers. Since all stalking incidents are potentially life-threatening and stalking often escalates in terms of severity and violence, a graduated response approach could be developed within a stalking response protocol, provided threat assessment remains a constant element.

The following summary chart illustrates how a graduated response stalking protocol would work.

Intervention Level	Victim	Perpetrator
<i>Level 1</i>  (First police awareness)	Gather information. Assist victim with development and implementation of safety plan. Assist with obtaining protective order. Refer to support services.	Deliver first official warning, explaining law and policy. Check for prior arrests and convictions. Arrest, if possible. Refer to counseling or other services that may control the offender's behavior. Conduct threat assessment (referring to next level if appropriate).



<b>Intervention Level</b>	<b>Victim</b>	<b>Perpetrator</b>
<i>Level 2</i>  (Second incident that qualifies stalking charges or indicates an escalation in behavior)	Increase home and personal security by providing protective devices such as cell phones, personal alarms, or video surveillance.	Arrest under stalking statute, or other appropriate statutes.
<i>Level 3</i> (Subsequent incidents)  Emergency Intervention	Increase security and safety systems to highest level  Implement and record reasons for selection.	Revise threat assessment and use to oppose or influence bail (if possible). Increase monitoring of offender.  Increase prosecution and surveillance efforts. Arrest or deter in any way possible.  Implement and record reasons for selection.

Although the graduated response 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 three response even if the assault is the first incident.

### **Other Promising Practices**

- Police action that includes:
  - o Scrutiny of all reported or suspected stalking cases and arrest of stalkers in accordance with police department policy.
  - o Regular assessment of threats and risks to victim.
  - o Checks on the stalker's access to firearms.
  - o Advice for victims about collecting and preserving evidence.
  - o Information for victims about their rights and referrals to support services.



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- o Assistance with safety planning (or referrals to other victim advocates).
  - o Documentation of prior incidents/stalking behavior by the perpetrator.
  - o Documentation of all prior and current restraining/protection orders against the suspect.
  - o Surveillance of the suspect where appropriate.
  - o Follow-up contact with the suspect where appropriate.
  - o Provided the victim has given prior consent, communication with support services and others to build partnerships to enhance victim safety.
  - o Speedy responses to repeat calls from victims including arrest of perpetrators for repeat or related offenses; continuous re-assessment of the risks that victims face and their safety plans; surveillance of the stalker, where appropriate; participation in coordinated case review meetings; and participation in problem-solving sessions with community partners on how to better identify and respond to identified stalking victims and repeat offenders.
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- Interagency agreements and protocols involving community-based agencies designed to foster coordinated responses to the needs of stalking victims.
  - Declared support by police chiefs for expanded community-based services to assist stalking victims.
  - Collaborative partnerships for sharing information in the interests of victim safety
  - Police involvement in community crime prevention initiatives such as Neighborhood Watch programs, to enhance public awareness through provision of information on stalking and victim safety.
  - Training for community policing officers to ensure that their responses are language and culturally appropriate.
  - Police involvement in formal and informal community assessments of victim needs and appropriate responses.
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- Creation of stalking response teams to ensure improved responses to all stalking victims, including underserved populations such as:
  - Victims with a history of mental illness or substance abuse
  - Victims with disabilities
  - Victims of same-gender stalking or violence
  - Elderly stalking victims
  - Victims from cultural, ethnic, and religious minorities
  - Victims who do not speak or read English
  - Victims with immigration issues
  - Illiterate victims
- Consideration of "cocoon watches" strategies with "Neighborhood Watch" leaders and workers, subject to the informed consent of the victim.<sup>40</sup>
- Pro-active efforts to counteract constraints on effective responses caused by legal inconsistencies. For example, arresting stalkers in accordance with the law; assisting with victim safety, rights, and services; collaborating with community partners to affect needed changes to the law; training officers to effectively implement the changes; and monitoring compliance and impact issues regarding victim safety and offender accountability.<sup>41</sup>
- Establishing coordination agreements with law enforcement agencies in the county, state, and region to more effectively address problems in multi-jurisdictional stalking cases.

<sup>40</sup> Informed consent of the victim (taking into account current risks) is essential. Some victims do not want their neighbors to know about their problems. For further details about the concept of the Cocoon Neighborhood Watch, see separate appendix: "A Potential Promising Practice for Addressing Victim Safety and Violence Prevention in a COP Response to Stalking - "The Cocoon Neighborhood Watch"

<sup>41</sup> For example, under jurisdictional law, breaking and entering with theft is a felony, while breaking and entering related to a current or former intimate partner with no theft may only be a misdemeanor.



FOR MORE INFORMATION:

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Office of Community Oriented Policing Services  
1100 Vermont Avenue, NW  
Washington, D.C. 20530

To obtain details on the COPS Office program, call the  
U.S. Department of Justice Response Center at 1.800.421.6770

Visit the COPS internet web site by the address listed below.

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