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Practitioner Perspectives

Rachel Solov: Deputy District Attorney

San Diego County District Attorney's Office, Sex Crimes & Stalking Unit

An interview with Rachel Solov, Deputy District Attorney for the San Diego County District Attorney's Office's Sex Crimes and Stalking Unit.

Q: What motivated you to focus your work on addressing the crime of stalking?

A: Early on as a prosecutor, I had two cases that shaped my career. One was a brutal kidnapping and rape, and the other was a gut-wrenching homicide. In both cases, there were stalking behaviors prior to the crimes occurring. I felt these crimes might have been prevented. I felt law enforcement, and I include prosecutors in law enforcement, let both of these victims down. It made me angry, and it made me believe we must do a better job at predicting and preventing these crimes.

Q: What is the function of the San Diego Sex Crimes and Stalking Unit?

A: The San Diego District Attorney's Office established the Sex Crimes and Stalking Unit to vertically prosecute sex crimes and stalking cases. Vertical prosecution means prosecutors in this unit are responsible for each case from the time it is submitted for prosecution to its conclusion, including probation violations. From 2003 through 2009, I was responsible for prosecuting all of the domestic violence stalking cases in the County of San Diego under a VAWA vertical prosecution grant.

Q: Approximately how many stalking cases do you see each year?

A: In 2009, I reviewed 45 stalking cases. Additionally, there are a small number of cases we monitor because, though we can't prove the case beyond a reasonable doubt, we believe there is a credible threat to the

victim's safety. Or the case falls into the category of stalking behavior that does not necessarily meet the elements required under the law. In monitored cases we work with the victim to provide him or her with appropriate victim services and safety planning, and are ready to jump in immediately if the case becomes provable.

Q: Do you think threat assessment and threat management is important for prosecutors?

A: It is well documented that stalking and threats are precursors to homicide. While the numbers vary between studies and jurisdictions, some studies have rates as high as 76 percent. If you think about it for a moment, if in 76 percent of intimate partner femicide* cases, the victim was stalked prior to her murder, these murders were not spontaneous events. They were predictable. And if they were predictable, they may have been preventable. That is why it is vital for prosecutors to be able to identify the red flags that are precursors to violence, and invest the time, attention, and resources in those cases that have the highest potential for lethality. In San Diego we have been able to lower the percentage of domestic violence homicides preceded by stalking behavior to 38 percent, and preceded by threats to kill to 40 percent. This work is truly about homicide

**The murder of a female*

Rachel Solov is currently the designated **Stalking and Threat Assessment Expert** in the North County Branch of the San Diego District Attorney's Office and Association President of the **Association of Threat Assessment Professionals (ATAP)**. ATAP is a multi-disciplinary group that is dedicated to training and research in the field of threat/violence assessment and management.

prevention. I affectionately refer to our team as the “Homicide Prevention Unit.”

Q: What do you think a prosecutor’s role in threat assessment and threat management should be?

A: It is important to recognize the necessity of a multi-disciplinary approach to effectively assess and manage these cases. There is no way you can be an expert in all of the different areas it takes to assess and manage a case and keep a victim safe. I am constantly working with and relying on mental health professionals, probation and parole, family law attorneys, investigators, computer and technology specialists, and victim advocates. All of these professionals bring something to the table in assessing, managing and proving a case, all of which move toward our goal of keeping our victims safe and holding the offenders accountable.

Q: What do you find most challenging about stalking cases?

A: I think the biggest challenge in prosecuting stalking cases comes from the way the laws are written. Many jurisdictions require specific intent and a credible threat. Sometimes, an offender is engaging in what all the experts agree is “stalking behavior” but the offender has not engaged in stalking as defined by law. This can be frustrating for us in trying to stop the behavior, and for the victims because they often feel something horrible has to happen before the law will provide any relief.

Q: How do you balance the sometimes competing goals between you and other disciplines or agencies?

A: In my opinion, the number one priority in these cases is to keep the victim safe and do nothing that increases the risk of harm to the victim. When all involved stick to that principle, and that is our goal, there are no competing interests. It is important to recognize that the criminal justice

system, including prosecutors, do not have a magic wand that can make stalkers go away. In most states the penalty for stalking is not that severe, and victims are likely to be continually victimized. In fact, sometimes prosecution can escalate or complicate the situation.

Q: How do you respond to claims that prosecutors do not taking stalking seriously?

A: Unfortunately, responses to stalking vary from jurisdiction to jurisdiction. Stalking cases are difficult. There are often proof problems. If a stalker is any good at stalking, he or she is difficult to catch. Also, stalking often results in injuries that are not tangible. We are not talking about broken bones, cuts or bruises. We are talking about psychological injuries – terror, anxiety,

looking over your shoulder, changing your entire life because of the stalker’s conduct. Because the crime is often more psychological than physical, it gets less

attention. It is often an issue of resources. Many jurisdictions’ prosecutorial agencies function under a triage mentality. If someone shows up at a hospital with a broken bone or a bleeding cut, that person is going to get seen before the person suffering from anxiety. Unfortunately, this is often true in the criminal justice system as well. Solon, the Law Maker of Athens said, “There can be no justice until those uninjured by crime become as indignant as those who are.” I think this can be applied to most jurisdictional responses to stalking and threat cases.

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