Law Enforcement Interventions

Note to trainers: There is not enough time in this training module to cover stalking investigations in depth. However, the information presented herein is gathered from a variety of sources and may provide a possible framework for conducting a stalking investigation. Information is provided on some investigative and intervention strategies which are unique to stalking cases and have been used successfully in other jurisdictions. Trainers may want to use the exercise on the next page to incorporate and process the investigation information, rather than providing it in lecture format. This exercise will also encourage the participation and utilize the expertise of officers.

- The principal objective of anti-stalking legislation is to intervene in a suspected stalking case before the behavior results in physical harm.¹

- In stalking interventions, criminal justice officials and victim service providers must strike a balance between the twin objectives of preventing stalking from escalating and protecting the victim from serious injury or death.³

- In all types of stalking cases, whether between former co-workers, acquaintances, or separated partners, officers need to gather and evaluate information and evidence and assess threats before violence occurs.⁴
Case Studies

Use the following case studies with police officers to address investigation of stalking crimes.

- Break the participants into small groups.
- Assign each group a case study.
- Ask each group to answer the following questions about their case study:
  - What are some of the challenges involved with this case?
  - How would you proceed with an investigation? (strategies)
  - What excuses might you hear from the stalker about his behavior?
  - What can you tell the victim to do in the meantime (pending investigation)? (safety/evidence collection)
- Have each group report back their answers to the large group.
- Probe for answers using the text in the investigations section as a guide.
- Ask the officers if they have anything to add to the small group’s analysis.

Case 1

A 25-year-old woman used to jog daily in the early morning or in the evening at the local reservoir. She often noticed an older man either sitting alone or a bench or walking alone. Over time, his presence began to make her nervous. One day, she stopped her to ask for directions. Later, she somehow found out who she was and began calling her at home and asking her questions about her running. The phone calls made her uncomfortable and afraid. She changed her phone number. She also changed her jogging route and scheduled runs several times. Each time she changed her jogging route, he would turn up again within a week or so. She was so scared by his behavior and the fact that he was able to keep finding her that she had to quit running. She didn’t feel she could go to the police because she didn’t think they would do anything. After encouragement from the sexual assault crisis service, she called the police and made a report.

Case 2

Terry, a 21-year-old day care teacher, dated Michael for about six months before breaking up with him because of his possessiveness and uncontrollable temper. The last time Terry saw Michael, they met to talk about their relationship. Angered by her decision to end their relationship, Michael followed Terry to her car and beat her. Terry notified the police, and Michael was arrested and released on bail. Terry obtained an order of protection from the court. Soon after Michael’s arraignment, Terry came home and found her windows broken and the front door kicked in. Nothing was taken. Terry complained to friends that she was being shadowed. She felt unsafe in her own home. She began getting hang-up phone calls at home and at work—sometimes 20-30 per day. Although Terry repeatedly filed reports and complained to the police, she couldn’t prove that Michael was the stalker (calls were made from a pay phone).

Case 3

Anna, a fifteen-year-old high school student was repeatedly followed by a man in his late 40’s. The man would wait in his vehicle after school and watch the students. Often, he would try to coax kids into the car by offering them $50. One day he followed Anna home from school and learned where she lived. He then began waiting outside her home in the morning. When she would walk to school he would follow in his car at a slow pace about 1/2 block behind her. He followed her before and after school on a daily basis for quite some time. Everywhere she went, he would be there. He would sometimes tell her how pretty she was or say that he would see her later. The entire family was terrified and didn’t know what he might do.

Case 4

Debbie is a woman in her thirties who lived with her boyfriend Jim. Jim began using cocaine and was being violent with Debbie. She ended the relationship and he moved out. After moving out, Jim’s behavior continued to escalate and he became more violent. Jim was arrested for assault on Debbie and was released on bond. He was furious that she had pressed charges. He began making phone calls to Debbie and every member of her family several times per day. He threatened to kill Debbie and he threatened her family with bodily harm. He called so frequently that he would fill up the answering machine tapes. Debbie thought that Jim would kill her. On one occasion, he denied her car and put sugar in the gas tank. Jim would call and visit the bank where she worked and demand to know where Debbie was. She was put on probation by her job, transferred, and eventually fired due to the repeated disruptions. As a result of the stalking, Debbie also was evicted from her apartment, was afraid to leave the house for job interviews, and stopped jogging. Her family stopped talking to her because they blamed her for all of the trouble. Every aspect of her life was destroyed. Debbie reported these many incidents to the police in her town.
Threat Assessment

- A principal objective of suspect investigation is to gain insight into the dangerousness of the stalker.³

- Assess offender lethality on each victim interaction. Recognize that risk is always situational, based upon an evolving set of facts. All cases should be considered potentially dangerous.

- When the victim knows the stalker, elicit information about that suspect that may not appear in records (e.g. unreported domestic violence or sexual assault, mental illness, tendency toward rage, substance abuse, etc.).⁷

- In general, past behavior is the best predictor of future behavior. Those with histories of violence are more likely to commit violent acts than those with no such history.⁵

- In cases where the stalker was an intimate partner, the victim is the best judge of her level of risk/danger. They know how violent this person can be.

- There appears to be a strong correlation between stalkers whose behavior escalates over time and those who eventually physically assault the victim. A critical point in escalation appears to be when the stalker begins to make visits to the victim’s residence and/or cause property damage.⁴

- Risk level to the victim increases with an increase in amount of stalking incidents, detailed knowledge of the victim, sexual comments, show of weapon, threats to injure, and delusional content. However all stalking victims are at risk for personal safety.⁸

- Periodic reviews of complaints can help indicate when stalking moves from less personal to more personal acts, or is carried out for more than a year. These are red flags that the stalker may become a greater threat to the victim.³

Intervention Strategies

- Interventions for stalking may include arrests, protective orders, confiscation of weapons, referral to the mental health system for a 72-hour evaluation, and face-to-face intervention with stalking suspects.³

- Immediate response to stalking should include the following actions⁷:
  - Address victim safety and take immediate measures to protect the victim and her significant others.
  - Make a warrantless arrest whenever authorized. In situations where arrest is not possible, make every attempt to obtain a warrant, make an arrest, and charge the stalker with the fullest range of crimes possible.
Depending on the type of stalker and the facts of the case, use protective or restraining orders and quickly respond to any violations of these orders.

Take measures to support the victim, whether or not an arrest is made. Refer her to sexual assault or domestic violence programs which can help women with stalking even if there has been no sexual assault or domestic violence. Respect her decisions regarding safety, even when it conflicts with police recommendations. Help her identify numerous viable protection options in every threatening situation.

Any time a victim reports “harassing” behavior, the responding officer should consider the possibility of stalking. Harassing behavior can include vandalism, annoying or threatening phone calls, following, violations of restraining orders, sending unwanted letters, showing up at the victim’s home or work place, attempting to obtain private information about the victim from others, leaving “gifts” for the victim, disabling the victim’s car, taking mail from the victim’s mailbox, or entering the victim’s home when she is not there.

The relationship between stalker and victim is irrelevant in determining whether to arrest and charge a suspect with stalking; the law prohibits certain actions regardless of the relationship between the parties. However, relationship factors may become relevant in cases involving former intimates, which may require particular sensitivity to the needs of the victim, including safety planning.

Early intervention/warning. Even if there is not enough evidence for an arrest, warn the suspect that you are watching him and that the behavior is no longer secret.

One option for early intervention is preventative home visits to confront the suspect. Let him know there have been complaints, and put him on notice that the police are watching him. In some cases, police may also wish to talk to neighbors about the suspect’s activities.

Another option for early intervention is for department detectives to hand-deliver warning letters to the stalking suspect. This strategy has been used effectively in the Dover Police Department to halt stalking behavior. From a strategic standpoint, the use of the warning letter makes it easier to prosecute any subsequent violation because it shows that the offender was on notice to stop the activity. Further, delivery of the letter provides the detective the opportunity to interview the offender in a noncustodial setting.

Sometimes protective or restraining orders can be effective because they put the stalker on notice that his behavior has been reported to criminal justice officials. Protective orders are an option for victims of stalking following an arrest.
• Prosecution of protection order violations is an important strategy for intervening in stalking cases. Stalking cases that are prosecuted as violations of protection orders require close cooperation among the police, prosecution, and the stalking victim, and a commitment to the immediate enforcement of those orders.

• In all stalking interventions, the safety of the victim must be paramount. In some cases, (e.g. family violence cases) knowing that law enforcement has been notified might increase the dangerousness of the stalker.

Investigation Strategies

• Keep in mind that stalking is a "paper crime." Gathering evidence and creating a "paper trail" are crucial in making an arrest. Officers are encouraged to make reports of stalking even if you find no evidence that a crime has been committed (e.g., when the victim is being shadowed). The basic goal of investigation will be gathering evidence to establish a pattern of behavior that is willful, repeated and intentional or reckless.

  • Putting together multiple reports will help to establish a pattern of behavior and can show intent and willfulness.
  • Hearsay in previous incident reports can be used to establish probable cause for an arrest warrant.
  • Document the stalker's prior conduct as proof of his intent to distress the victim. Each incident of stalking should be documented in detail.
  • When inquiring about prior behavior, always determine whether any prior police reports were made and the jurisdiction where the incident(s) occurred.

• Ask the victim about behaviors that might constitute stalking, such as:
  • Has the suspect been following you?
  • Has the suspect been showing up at your place of work?
  • Has the suspect been coming to or watching your home?
  • Has the suspect been trying to contact you by telephone or mail?
  • Has the suspect threatened you or your family or friends?
  • Has the suspect damaged any of your property?

• Document the fear or distress of the victim and demonstrate how the stalking has changed her life. (e.g. she moved, changed her phone number, job, etc.)
Other Investigative Tools

- Put information out on NCIC for surrounding Police Departments—the suspect may be (or have a history of) stalking people in other areas, as well.

- If you arrest a person for a misdemeanor, but can't get them on stalking, do a full processing (photo, fingerprints, etc.) for use in future lineups or other suspect identifications.

- Conduct a background check on suspects. Fully investigate the circumstances of other past misdemeanors, such as harassment, disorderly conduct, breach of peace, etc. If there is an old probation, find out more details.

- If a stalking suspect is currently on probation, check to see if any of the conditions of probation have been violated (e.g. no contact with victim). In all cases, contact the probation officer to notify her/him of the complaint and/or arrest. Whether or not an arrest has been made, probation officers can assist in community supervision of the suspect.

- Determine the suspect’s schedule, place of work, etc. Many stalkers do the stalking on their way to and from work. This may provide corroborative evidence and establishes opportunity—and it may chisel away at alibis.

- Decide whether surveillance of offender should be used in cases where the risk to the victim makes it appropriate and other alternatives are not feasible.

- Use of still photos

- Drive-by patrols (suspect's and/or victim's home)

- Traps on phones

- Alert neighborhood watches and community police officers/beat officers.

- In cases with school-based stalkers, notify crossing guards to call the police if the suspect or his vehicle is seen in the area.

- Use of search warrants. Child molester/stalkers often have trophy items such as videotapes, photos, stolen items, etc.

- Community policing is a promising tool for responding to stalking crimes because police officers proactively seek to resolve problems, not just respond to calls for help. Creative police departments are experimenting with a number of community based strategies that reflect the unique nature of violence against women—including compiling location histories that record all responses to a residence.
Collection of Evidence

Meticulously collect evidence to document the stalker's course of conduct, including but not limited to:

- Telephone records
- Answering machine tapes
- Letters
- Faxes
- E-mail
- Other communications from the stalker to the victim
- Police reports
- Court orders
- Objects sent to or left for the victim
- 911 tapes
- Medical reports
- Photographs of any items written on, vandalized, or damaged
- Check for fingerprints on vandalized items or other objects sent to or left for the victim.
- If a number of separate incidents are identified, make a time line of the events in chronological order to organize the evidence.

Victim Intervention

- Keep in mind that it is not uncommon for a victim to put up with harassing behavior for some time before calling the police.
- Reassure victims that they did the right thing coming in. Remind them it's the police officer's job to investigate.
- Whether or not an arrest can be made, encourage filing of incident reports for any and all future occurrences.
- Whether or not an arrest can be made, help the victim identify numerous viable protection options in every threatening situation.
- Keep the victim informed of the progress of the investigation. Sexual assault or domestic violence counselors can help officers to do this.
- When an arrest cannot be made, explain to victims the reasons why not.
• Make referrals to victim service organizations to provide counseling and advocacy services to help victims cope with the anxiety or trauma of being a victim of stalking, battering, and/or sexual assault.

• Work with victims to assist them in documentation of the crimes. Documentation of the actions of the perpetrator may be useful in future complaints and proceedings. Documentation of stalking should be saved and given to law enforcement.

• Instruct the victim to assist in establishing a paper trail of evidence by keeping a log of all future contacts or sightings and any witnesses present, and preserving any evidence not already collected by the police. This is particularly important in cases where a report was made, but there was inadequate evidence to make an arrest. (See sample Stalking Incident Diary on page 23.)

• Consider providing the victim with equipment to help collect evidence (e.g. provide answering machine, audiocassette, camera or video camera).

• Advise family and friends of the victim to document any stalking activity they witness to corroborate the victim's account of the crime.

• In cases where the stalker is a stranger, encourage victims to get detailed descriptions of the person and/or car.

• Following arrest, the prosecutor can ask the court to impose strict pretrial release conditions requiring the defendant to stay away from the victim.

• Sometimes victims reach a point in the case where they become so tired of updating the police department that they give up. This may seem to police officers as if the victim has changed their mind, when in reality they are simply tired of it all.

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**Exercise: What else would you do?**

In addition to the strategies presented in this chapter, brainstorm with officers other strategies they have used in stalking cases. For example:

• evidence which has proved valuable in stalking cases

• interventions which have been effective

• support and safety suggestions for the victim

• investigation tactics

• collaboration with other agencies
References


4 Stalking Often Linked to Sexual Assaults. Sexual Assault Report, September/October 1997.

5 Stalking. Hickey, Eric and Burnley, Jane N. Chapter 21, Section 2, 1998 National Victim Assistance Academy, Office for Victims of Crime.

