Increasing Offender Accountability & Victim Safety in Stalking Cases

Det. Mark Kurkowski, St. Louis Police Dept.
Jennifer Landhuis, Idaho Coalition Against Sexual & Domestic Violence
Thanks to the Stalking Resource Center of the National Center for Victims of Crime for its contribution in developing this presentation. For more information on stalking visit the Stalking Resource Center at www.victimsofcrime.org
Stalking

A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.
Prevalence of Stalking

6.6 million people stalked annually

• Under 25 years, highest rate
• 1 in 6 women, 1 in 19 men

-National Intimate Partner & Sexual Victimization Study, 2010
Gender of Offenders

Female Victims

Male Offender

67%

Female Offender

24%

Male Victims

Male Offender

41%

Female Offender

43%

Stalking Victimization in the United States, 2009
Relationship Between Victim and Offender

- Current or former intimate partner (spouse, boy/girlfriend): 30%
- Friend/roommate/neighbor: 16%
- Acquaintance: 10%
- Known from work or school: 10%
- Stranger: 10%
- Relative: 9%

Stalking Victimization in the United States, 2009

National Center for Victims of Crime
2012 NATIONAL CONFERENCE
September 19-21, 2012 • New Orleans
Why do they stalk?

- Seeking affection
- Rejection
- Obsession
- Power & Control
- Planning to commit a crime
  - Check out David Lisak’s work
- Because they can
What Does Stalking Sound Like?

- I love you
- I miss you
- Please be with me
- You b****
- I hate you
- I’ll kill you
INCREASING OFFENDER ACCOUNTABILITY
The Victim

• Build Rapport with your victim
• Victim Safety
  – At every stage of investigation
• Can’t guarantee safety
• Importance of safety planning
• Refer to advocacy agency!
Victim Interviews

- Confusing recounting of incidents
- Victims recount in order based on stress
- How will you corroborate?
- “Why are you afraid?”-context!
- Keep informed: if no arrest made, explain why!
The Investigation

Go Beyond Incident Based Response

- Stalking crime occurred, or
- Precursor to a stalking case, or
- Continuation of prior occurrences that amount to a stalking situation

*Keep in mind that it is VERY common for victims to tolerate stalking behavior for a long time*
Know the Technology

• Emails
  – Expanding the headers
  – Anonymizers

• Phones
  – Texts, missed calls, voice mails
  – Spoofing
  – For victims: TrapCall
<table>
<thead>
<tr>
<th>Plan</th>
<th>Price</th>
<th>Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear Trap</td>
<td>$24.95</td>
<td><strong>Our Most Powerful Plan</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Caller ID Unmasking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blacklist Unwanted Callers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unlimited Transcriptions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Missed Call Alerts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Name &amp; Address Caller ID</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Record Incoming Calls</td>
</tr>
<tr>
<td>Mouse Trap</td>
<td>$9.95</td>
<td><strong>Our Most Popular Plan</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Caller ID Unmasking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blacklist Unwanted Callers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 Voicemail Transcriptions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Missed Call Alerts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Name &amp; Address Caller ID</td>
</tr>
<tr>
<td>Bug Trap</td>
<td>$4.95</td>
<td><strong>Our Most Affordable Plan</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Caller ID Unmasking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blacklist Unwanted Callers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 Voicemail Transcriptions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Missed Call Alerts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Name &amp; Address Caller ID</td>
</tr>
</tbody>
</table>

Select Bear Trap
Select Mouse Trap
Select Bug Trap
More technology

• GPS
  – On phones or via device
  – Geotagging photos

• Computers
  – Spyware
  – Keystroke Loggers
  – Social Networks
LAW ENFORCEMENT TELEPHONE INVESTIGATIONS RESOURCE GUIDE
– Cellular, Satellite & VoIP Phone Providers

STEP 1 – Determine the target phone service provider:

• NeuStar (NPAC)
  Number Portability Administration Center
  http://www.npac.com/lawenforcement/registration.shtml
  CODE#... - obtain your own PIN from NeuStar by registering at the link listed above
  Automated Number (571) 434-5781
  NeuStar HELP Line
  (571) 434-5395

NOTE: If you query a number through NeuStar and it has "NOT BEEN PORTED”, check it through Fone Finder to determine the likely service provider.

• Fone Finder http://www.fonefinder.net/

TIP: To identify providers for "600" numbers, call (800) 767-5506 option 1

STEP 2 – Determine if the case involves - "Exigent Circumstances" (e.g. Abduction, Missing Persons at risk or Dangerous Fugitives)

If so, using the provider resource list, contact the provider and tell them, "We are investigating a case that we believe is an emergency involving immediate danger of death or serious bodily injury." Do not explain the situation in detail - as they only need to have a reasonable belief that the situation involves immediate danger of death or serious injury. The provider will typically verify your information and then send you their Exigent Circumstance Request form via fax. A few providers require you to send your request via fax on official letterhead. Complete the form or the letter and fax it back. Some providers will require a valid Court Order to be submitted within 48 hours of the Exigent Circumstance Request.

STEP 3 – Determine needed records & legal process required:

NOTE: Before submitting Subpoenas, Court Orders or Search Warrants, it is a good idea to contact the provider identified through the steps listed above and confirm that they are indeed the provider for the account. It is also recommended that you verify the provider's legal compliance process and contact information to avoid any delays or confusion.

• PRESERVATION LETTER: A preservation letter (USC 2703(b)(2)) should be sent to the provider via fax as soon as possible to preserve records before they are discarded and cannot be recovered. This is particularly an issue with text messages and voice mail content which are generally only retained for 72 hours. A sample preservation letter is included on the last page of this guide.

• SUBPOENA: For basic transactional records (e.g. Subscriber account details, Billing Records or Account Notes) only a Subpoena is required. Submit the Subpoena via fax to the provider's Subpoena Compliance fax number. Call the provider to verify receipt!

• COURT ORDER: For detailed records (e.g. In-coming & Out-going Call Detail, Call Timer records, including location "pings", Text Message content, Voice Mail content and PIN Registers) a Court Order (or Search Warrant) is required. Submit the Court Order (or Search Warrant) via fax to the provider's Legal Compliance fax number. It is also a good idea to include a cover letter that includes your contact information, the target number and the specific records you are requesting and specify that you would like the records returned in an electronic format (e.g. Excel). Call the provider to verify receipt!

CONFIDENTIAL MATERIAL – LAW ENFORCEMENT SENSITIVE – DO NOT DISCLOSE

Page 1

Revised 03-10-10 CF
access to intelligence databases
information sharing
analytical support
investigative support and research

equipment loans
confidential funds
training and publications
field staff support
technical assistance
RISS
Regional Information Sharing Systems®

RISS
Regional Information Sharing Systems®
A Proven Resource for Law Enforcement

The Regional Information Sharing Systems (RISS) Program provides services and resources that directly impact law enforcement’s ability to successfully resolve criminal investigations and prosecute offenders while providing the critical officer safety event deconfliction necessary to keep the men and women of our law enforcement community safe.

RISS serves thousands of local, state, federal, and tribal criminal justice agencies in their effort to identify, detect, deter, prevent, and solve criminal and terrorist-related investigations. Through its RISS Secure Law Enforcement Cloud (RISSNET™), information and intelligence sharing resources, investigative support and analytical services, and deconfliction, RISS has enabled agencies and officers to increase their success exponentially.

RISS supports efforts against organized and violent crime, gang activity, drug activity, terrorism, human trafficking, identity theft, and other regional priorities, while promoting officer safety. RISS offers full-service delivery from the beginning of an investigation to the ultimate prosecution and conviction of criminals.

For additional information on RISS’s services and resources, click the links below.

RISS Overview
Welcome to the National RCFL Program's Web page. This site is a gateway to the premier digital forensics laboratory network in the country.

The RCFL Program provides overtime pay, cell phones and vehicles to our state/local Examiners - click here to learn about our benefits of participation.

RCFLS IN THE NEWS

Cell Phone Investigative Kiosks

The Operational Technology Division's Computer Analysis Response Team's (CART) cell phone kiosks are available at select FBI Field Offices and RCFLs. This kiosk allows users to extract data from a cell phone, put it into a report, and burn the report to a CD or DVD in as little as 30 minutes.

Click [here](http://example.com) to download the Cell Phone Kiosk program's brochure.

FAQs

Q: Which RCFLs have received the kiosks?

A: [Chicago](http://example.com), Greater Houston, Intermountain West, New Jersey, Orange County, Philadelphia, Rocky Mountain, North Texas, San Diego, Silicon Valley, Northwest, and the [Heart of America](http://example.com) RCFLs have already received and installed cell phone kiosks.
ECTCoE Resources

ECTCoE Resources

Part of the ECTCoE mission is to develop, evaluate, and disseminate resources for state and local law enforcement personnel that perform investigations involving digital evidence. The ECTCoE works with the NIJ to develop new tools, training, and standard procedures. It performs independent evaluations of tools, trainings, and publications. It identifies and collects tools, publications, and contact information that it disseminates to law enforcement.

These resources include:

- **Online Interactive Tools** - Online interactive tools allow law enforcement personnel to interactively search for information on topics such as available trainings, effective search words, and regional computer forensics labs to assist in investigations.

- **NIJ Funded Tools** - NIJ funded tools includes a listing of software that is available free, or at a limited cost, to state and local law enforcement personnel.

- **Publications** - Publications includes best practice manuals, quick reference guides, and other reports on digital forensics practices for law enforcement.

www.ectcoe.net
Field Search is a suite of software products developed by the National Law Enforcement and Corrections Technology Center (NLECTC). Field Search was designed specifically for use in the field by non-technical criminal justice personnel to allow them to quickly and efficiently search a target computer and create a detailed report of findings. Field Search for Windows® (FS-Win) runs live in a native Windows environment. Similarly, Field Search for Macintosh (FS-Mac) runs live in the native Mac OS X® environment. This approach provides a fast, powerful, yet easy method of examining and monitoring computer use. In essence, Field Search blends preview functions with evidence gathering and reporting functions.

Originally designed to assist probation and parole officers in sex offender management, the Field Search suite is equally effective in first responder situations or in examining computers for evidence of other crimes.

Features
Field Search quickly finds evidence such as Internet histories, images, multimedia files and results from text searches and easily populates a report of the findings. Click here to learn more about Field Search’s features and to view sample screenshots.

Click here for list of features.

How to Get Your Copy of Field Search
Stalker Interview

• Let suspect talk: “Tell me how you are misunderstood”
• Record statements video/or audio
Charging

• State Stalking Statutes
• Federal Stalking Statute
• Tribal Stalking Codes
• UCMJ Article 120a Stalking
• [website] for a list of options

Any other crimes you can charge?
Incident Report Documentation

• Good police reports = Guilty Pleas
• Articulate victims fear in the report especially when stalkers behavior would appear non-threatening to most people
ASSESSING THREATS IN STALKING CASES
Most Dangerous Times

- Separation
- Protective Order
- Life Events
- Police Involvement/Arrest
- Bail
Threat Assessment Tools

- Dangerassessment.org
- mosaicmethod.com
- Ontario Domestic Assault Risk Assessment
Weapons

- Does stalker have access to weapons?
  - Own or others
  - Trained in use?
  - Has them all over?
  - Part of self-image?
  - Used in prior incidents?
More Dangerous Offenders

- History
  - substance abuse
  - mental illness
  - Violence: victim, others, animals
- Threats of murder/murder-suicide
- Emotional outbursts, rage?
- Vandalism, arson, destruction of property?
Lethality

- 76% of femicide cases and 85% of attempted femicide cases involved at least one episode of stalking within 12 months prior to the murder or attempted murder

- Stalking and Intimate Partner Femicide, McFarlane et al. (1999)
ENHANCING SAFETY
Prosecutor’s Tools

• Good police reports
• Threat assessments
• www.aequitasresource.org
AÉQUITAS' mission is to improve the quality of justice in sexual violence, intimate partner violence, stalking, and human trafficking cases by developing, evaluating and refining prosecution practices that increase victim safety and offender accountability.
Probation & Parole Tools

- Response to Stalking: A Guide for Community Corrections
- Risk Assessment
- Intensive Supervised Probation, GPS Offender monitoring,
- Victim contact- use your advocacy center!
RESPONDING TO STALKING
A GUIDE FOR COMMUNITY CORRECTIONS OFFICERS

I am watching you.
VICTIM SAFETY
Assessment: Impact on Victim

• How is stalker’s conduct impacting victim’s life and daily activities?
• How has victim reacted to suspect’s activities?
• Has victim taken any steps to modify his/her lifestyle as a result of suspect’s conduct?
Impact of Stalking

- Minimization; Self-blame
- Guilt, shame or embarrassment
- Frustration, Irritability, Anger
- Shock and confusion
- Fear and anxiety
- Depression
- Emotional numbness
- Flashbacks
- Isolation/disconnection from other people
- Difficulties with concentration or attention
- Feeling suicidal
- Decreased ability to perform at work or school, or accomplish daily tasks
- Post-traumatic stress disorder (PTSD)
- Sleep disturbances, nightmares
- Sexual dysfunction
- Fatigue
- Fluctuations in weight
- Self-medication with alcohol/drugs
- Feeling on guard most of the time - hyper vigilance
Impact on Victims

• Afraid of:
  – 46% not knowing what would happen next
  – 29% behavior would never stop
  – 9% death

• 1 in 8 of employed victims lost time from work
  – More than half lost 5 days or more
Keeping Victim Safe(r)

• Advocate referrals (Often will stay in contact with victim)
• Have a safety plan to act on immediately
• Safe house/ Shelter?
• Safe at home program or similar program
What Is Safety Planning?

An individualized plan that identifies specific strategies and interventions that may increase a survivor’s safety.

• Strategies should:
  – Respond to the stalking
  – Meet victim’s basic human needs
  – Adapt to the victim’s broader life plan
Important Issues to Consider

- Victim’s life situation
- Stalker-generated risks
- Systemic barriers
- Confidentiality
- Use of Technology
Questions to Consider

• What strategies can we use outside criminal system?
• What if system isn’t responsive?
• What if stalker works in the system?
• Safety risks during system involvement?
Advocacy & Support

Prediction & Preparation

• Victims need information
  • Practical information
  • Emotional responses
• Helps regain control & take an active role in deciding what to do with a stalking case.
Documentation

• Victims can assist in providing evidence of the stalking
• Trauma affects a person’s memory and we may not remember events in the order in which they happened
• Stalking Incidence & Behavior Log
  – www.victimsofcrime.org
Stalking Documentation Kits

- Stalking victim handbook with documentation log and resources
- Cell phone (with camera)
- Personal alarm
- Flashlight
- Digital voice recorder
- Pen with date/time
## STALKING INCIDENT LOG

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description of Incident</th>
<th>Location of Incident</th>
<th>Witness Name(s)</th>
<th>Police Called</th>
<th>Officer Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BUILD A COORDINATED COMMUNITY RESPONSE
Essential Components of a Coordinated Community Response

- Law Enforcement
- Prosecutors
- Advocacy
- Corrections
- Medical
- Other stakeholders in your community
For additional information and training:

- Contact the Stalking Resource Center at [www.victimsofcrime.org/our-programs/stalking-resource-center](http://www.victimsofcrime.org/our-programs/stalking-resource-center)
Presenter Contact Information:

Det. Mark Kurkowski
mark.kurkowski@yahoo.com

Jennifer Landhuis
Idaho Coalition Against Sexual & Domestic Violence
dveducator@yahoo.com