

RESPONDING TO STALKING

A GUIDE FOR COMMUNITY CORRECTIONS OFFICERS



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Responding to Stalking: A Guide for Community Corrections Officers

Many stalkers are persistent criminals who re-offend, often using creative tactics that can be challenging to identify. Community corrections officers who understand the nature and dynamics of stalking can enhance public safety and help save lives.

This guide provides an overview of stalking and suggestions on how to supervise probationers and parolees who engage in stalking behavior.

What Is Stalking?

Stalking is a pattern of behavior (called a “course of conduct” in most stalking statutes) directed at a specific person that would cause a reasonable person to feel fear. All 50 states, as well as United States territories, have stalking laws. Statutes and definitions of stalking and related crimes vary from state to state.

Understanding Fear

Fear is integral to the definition of stalking, which can be challenging because fear is contextual; what’s scary to one person may not be scary to another. In stalking cases, many of the behaviors are only scary to a victim because of their relationship with the stalker.

For example: A bouquet of roses is not scary on its own. However, for a victim who recently moved to get away from an abusive ex-boyfriend, a bouquet delivery from that ex can become terrifying and threatening.

It is essential for responders to ask about and understand why certain behaviors are scary to the victim.

Stalking Behaviors

Most stalkers use multiple tactics to scare their victims.¹ Some of the behaviors that make up the crime of stalking are criminal on their own (like property damage). Other stalking behaviors are legal outside the context of a stalking case (for example, texting excessively or sending gifts). These otherwise legal actions can become criminal as part of a stalking case.

Stalking behaviors include (but are not limited to):

- **Unwanted contact** through repeated calls (including hang-ups), texts, e-mails or messages.
- **Following, showing up, and/or waiting** for the victim.
- **Tracking** the victim using technology (like GPS, apps, or hidden cameras).

“Stalkers can be savvy, so we need to be savvy with supervision. Developing effective tools to screen, monitor and deter offenders increases offender accountability and, in turn, can provide potential peace of mind to victims.”

— April Higgs,
Deputy Director,
Loudoun County
Community Corrections

- **Gathering information** about the victim through social media, by asking others, or by going through the victim's trash.
- **Damaging property** or stealing property from the victim.
- **Spreading rumors** about the victim in person or online.
- **Hacking into accounts**, changing passwords, or impersonating the victim online.
- **Posting or sharing intimate photos** of the victim (or threatening to do so).
- **Harassing people close to the victim** like family, friends, coworkers, or new dating partners.
- **Using the court system** to facilitate continued contact with the victim (for example, extending custody hearings, filing civil orders of protection or civil suits).
- **Facilitating stalking through third parties** by having friends, family, or even paid professionals follow, gather information on, threaten, and/or harm the victim.
- **Threatening to harm** the victim and people or pets that the victim cares about.

Repeatedly receiving unwanted telephone calls, voice, or text messages is the most commonly experienced stalking tactic for both female and male victims of stalking.²

Stalking Prevalence and Dynamics

Stalking is an extremely prevalent crime. At least 1 in 6 women and 1 in 17 men in the United States have experienced stalking.³

At risk populations. Stalking impacts every community, and anyone can be a victim or perpetrator of stalking. Women who identify as multiracial or American Indian/Alaska native experience the highest rates of stalking.⁴ While people of all gender orientations may experience stalking, most victims identify as female, and the majority of offenders identify as male. Young people ages 18-24 experience higher rates of stalking than any other age group.²

Relationships. The majority of the time, the perpetrator knows the victim. About half the time, it's a current or former intimate partner. Stalkers may also be acquaintances, family members, neighbors, or strangers.¹

Recidivism. Almost 1 in 3 stalkers have stalked previously.¹ Over 50% of stalkers re-offend,^{1,6} and one study found that 80% of those re-offended the first year after a court order for mental health evaluation.⁶

A note on intimate partner stalkers:

Intimate partner stalkers, both current and former, pose the greatest threats to their victims. Intimate partner stalkers are more likely to use weapons, escalate their behaviors quickly, and re-offend.¹ **Stalking is a significant indicator of lethality.** For intimate partner femicide, 85% of completed femicides and 76% of attempted femicides were preceded by at least one incident of stalking in the year prior to the murder/attempted murder.⁵

Duration and persistence. Stalking can last a long time. The average duration of an intimate partner stalking case is two years, and over 11% of victims are stalked for five years or more.⁷ Nearly half of stalking victims experience at least one unwanted contact per week, with many stalkers pursuing their targets daily.¹

Screening Offenders

When supervising offenders who may be engaging in stalking behavior, community corrections officers should focus attention on victim safety, changing offender behavior, and offender accountability. Communication with the offender should focus primarily on: A) whether offenders are changing their behaviors and thinking patterns, and B) on compliance with the conditions of supervision.

Screening Offenders

The first step is to determine if the offender has previously engaged or is now engaging in stalking behavior. **Stalking may be occurring even when the crime of conviction is not stalking or harassment.** In some jurisdictions, stalking prosecutions are challenging, and prosecutors may choose to indict on other charges such as vandalism, assault, battery, burglary, domestic violence, sexual assault, or violation of a protection order. **A community corrections officer should keep an open mind when reviewing an offender's case file for any indications that the offender has engaged in the behaviors discussed in this guide.**

Seeking Evidence of Stalking

If you suspect or are made aware that the offender has engaged in stalking behavior, there are multiple ways to seek evidence. Strategies include:

A note on stalking through technology: *Stalkers can use – or rather, misuse – technology to stalk in a variety of creative ways. These behaviors include (but are not limited to): monitoring their victims through social media; impersonating victims on dating websites or other platforms; distributing intimate images of the victim; and/or using GPS, hidden cameras, or spyware to track the victim.*

- Review the case file for documented evidence of stalking.
- Consider evidence of intimate partner violence or concerning behaviors in intimate relationships.
- Look for evidence of varied stalking methods: making unwanted phone calls, messages, letters, e-mails, or sending unwanted gifts; following or spying; showing up in places frequented by the victim; or waiting for the victim. Note the use of technology and the involvement of third parties in the stalking. Remember, some of these behaviors may be legal outside the context of stalking.
- Determine the offender's skill with technology and the victim's email or cell phone use (see *Contact with Victims* on page 7). As technologies, such as Facebook, snapchat, Instagram, etc., become increasingly accessible and intuitive, more offenders may turn to these platforms to stalk.
- Review the offender's risk assessment or conduct a field assessment of the offender using a validated risk assessment tool. Consider the presence of any stalking factors that may

indicate a higher level of risk. Consider using the [Stalking Harassment and Risk Profile \(SHARP\)](#), the only assessment tool specifically designed for stalking.

- Interview the victim(s), with permission, showing respect and concern for their safety.

Determine the nature of the victim/offender relationship:

- Are they related/married/dating?
- Is it a past or current dating relationship?
- Do they have a child together?
- Do they have access to each other's homes?
- Are there other connections between the parties?
- Is the victim also on supervision or otherwise court-involved?

Document the history of protection orders, if applicable:

- How many current or past orders have been issued?
- Who are the protected parties?
- What is the time between orders?
- Have there been any violations?

Review police reports and other documents for patterns of abuse:

- Is there evidence of stalking in prior arrest records or supervision case files?
- Is there more than one instance of abuse?
- Have abusive tactics escalated?
- Do the dates of abuse coincide with civil court actions?
- Are there instances of leaving/separation violence?
- What is the history of injuries?
- Are there any threats of future harm to the victim, third parties, or family members?

If possible, review *all* of the offender's prior cases and contacts with law enforcement, including prior police service calls at the offender's or victim's residence. Such incidents can indicate a pattern even if no police report was taken. Incidents in which the defendant was "gone on arrival" should also be reviewed.

The Stalking Harassment, Assessment & Risk Profile (SHARP)

SHARP is the only risk assessment tool designed specifically to measure danger in stalking cases, providing an assessment of the "big picture" of the *stalking situation*. SHARP is a 43-question web-based assessment developed from empirical research, clinical literature, stories from stalking victims, and case studies, as well as feedback from victims, advocates, and other professionals in the field.

SHARP can be filled out by a third party, such as a corrections officer.

SHARP generates two reports: the first provides a narrative of the stalking situation and the risk profile, and the second provides information about stalking risks and safety suggestions. Safety suggestions do not replace individualized planning with a victim advocate. The SHARP reports are available for a few days after being completed.

SHARP is free and available online [here](#).

Contact with Victims

It can be extremely helpful for community supervision officers to seek victim input for a more comprehensive understanding of offenders under supervision. Depending on office protocols and structure, some community supervision officers have considerable interaction with victims, while others may not. Collaboration with system- and community-based advocates can help facilitate victim contact.

The victim's location and contact information *must* be kept confidential. Officers should avoid sharing statements or information from the victim with the offender, as they may increase the risk of harm to the victim.

If possible, ask the victim to provide a list of offender behaviors that have caused them fear in the past, including those that are legal outside the context of a stalking crime. With this information, you can better supervise the offender and recognize harmful behaviors that may not otherwise catch your attention.

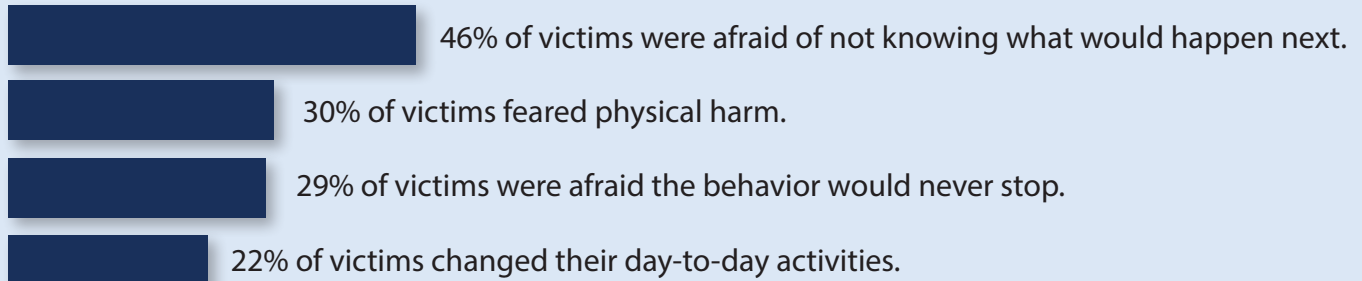
Give victims needed information:

- Before interviewing the victim, explain the extent and limits of the agency's confidentiality policy and applicable laws.
- Provide the victim with information about stalking, including stalking through technology. Information on stalking is available on the Stalking Prevention, Awareness & Resource Center (SPARC) website ([What is Stalking?](#)).
- Keep the victim informed about the offender's status and be sure that the victim is notified if the offender walks away from a workhouse or work release program.
- Encourage the victim to document the stalker's behavior (this log can help), but do not rely on the victim to prove violations.
- If the sentencing or release order includes a criminal protection order, explain the provisions of the order, its limits, and what to do in the case of a violation.
- Discuss the pros and cons of seeking a civil protective order.
- Refer the victim to an advocate and recommend that they develop a safety plan. Victim advocates may be based out of community domestic violence/sexual assault organizations or police departments. To locate local victim advocates, contact your state Sexual Assault or Domestic Violence Coalition or call the National Domestic Violence Hotline ([1-800-799-7233](tel:1-800-799-7233)) or National Sexual Assault Hotline at RAINN ([1-800-656-4673](tel:1-800-656-4673)). See the SPARC website for [safety planning guidance](#).
- Inform the victim about how violations are handled and what outcomes or sanctions may result.
- If the victim is not fluent in English or is deaf, arrange for a translator/interpreter who is neither a friend nor relative and (ideally) who is knowledgeable about stalking.

Understand the impact of stalking on victims

By definition, stalking is a crime that causes fear. Therefore, it is unsurprising that many stalking victims experience significant fear and anxiety.

In a national survey of stalking victims:⁸



Victims often express concerns that they will not be taken seriously or believed, that telling someone will only increase the stalkers' anger and place them in greater danger, and that letting other people know what is happening to them will make them feel embarrassed or ashamed. Victims may also be unaware that community corrections officers want to know about all stalking behaviors, including those that may be legal outside of a stalking context (like texting, sending gifts, or driving by their homes).

These feelings may result in victims initially being reluctant to trust community corrections officers and not being forthcoming with information. By developing good relationships and keeping them informed, either directly or through an advocate, community corrections officers can increase victim safety and more effectively supervise offenders.

Supervising Offenders

Supervising offenders at the highest level allowed can prevent further physical or emotional harm to victims and save lives. Supervision conditions and case plans should be based on an offender's risk level and treatment needs, as determined through ongoing assessments and investigations. However, traditional risk assessments may not take into account stalking behaviors that are legal outside of the context of stalking (for example, texting or sending gifts). Officers should seek to develop supervision strategies that foster victim safety as well as offender accountability and behavior change.

Recommended supervision strategies:

- Have frequent field contacts with the offender and collateral contacts.
- Conduct frequent and random checks for alcohol and drug use, if applicable. *Note: Stalking offenders who abuse substances are more likely to be dangerous and/or re-offend.* Conduct regular, unannounced searches of the offender's person, premises, residence, vehicle, and any other area under the offender's immediate control, as appropriate. Search computers and phones to see if there are indicators that the offender is using electronic means to obtain information on or harass the victim.
- Look for property or photographs of the victim or any indications of a fixation with the victim.
- Consider using electronic monitoring tools (when appropriate and available) to supervise stalking offenders. If electronic monitoring is not possible, consider curfew directives.
- Conduct regular checks for existing or new protective orders or indicators of new criminal conduct. Respond by investigating and intervening appropriately.
- Inform the offender if any order of protection is in effect throughout the state, country, and territories, regardless of the jurisdiction in which it was issued. Learn more about [Full Faith and Credit for Protection Orders](#) at the Battered Women's Justice Project website.
- Develop, monitor, and review payment schedules for court-ordered fines, restitution, and child support.
- Notify law enforcement officials in appropriate jurisdictions of stalking offenders under community supervision.
- Direct the offender to report daily, when appropriate, as a consequence of offensive behavior.
- Assign the offender to a specialized domestic violence or stalking caseload, where the option exists.
- Include conditions that prohibit contact with the victim from jail or other holding facilities. Speak with jail officials about obtaining call records and restricting offender calls.
- Check with any new intimate/dating partner of the offender to determine if the offender has disclosed supervision status.
- Coordinate with local law enforcement on victim notification when an offender is released or has walked away from a work release program.
- Follow up on firearms prohibitions and removal protocols.

Suggested special conditions of supervision for stalkers:

- Do not contact or attempt to contact the victim or the victim's family in person; through mail, electronic, or telephonic means; or through third parties.
- Comply with any and all orders of protection.
- Submit to unannounced home visits.
- Submit to warrantless searches and seizures of all personal property including but not limited to computers, cell phones, and other technologies.
- Provide information on all online social media and forum accounts (aliases, screennames, handles), internet service provider (ISP) account information, cell phone numbers, and other identifying data; report any new information in any of these areas.
- Abstain from the use of alcohol or drugs (unless prescribed by a physician).
- Undergo a mental health assessment and any prescribed treatment, as directed by the community corrections officer.
- Comply with restrictions to stay away from indicated physical locations to avoid contact with the victim.
- Do not use or possess firearms or other items deemed to be deadly weapons. Disclose and surrender all firearms, ammunition, and firearm permits or licenses to law enforcement, and provide proof of forfeiture.
- Sign a waiver of extradition.
- Sign a release of information to third-party intervention/treatment providers allowing disclosure of information to the community corrections officer.
- Notify the community corrections officer within one business day of all police contact.
- Pay fines, fees, restitution, and court assessments as directed.
- Comply with curfews.
- Disclose the reasons for being under supervision to any intimate/dating partner.

Community corrections officers should immediately notify the court of non-compliance with the conditions of supervision and consider immediate revocation or modifications to add more restrictive conditions, when appropriate. Officers can significantly improve victim safety and offender accountability by explaining the context of the stalking behavior to the court so that the judge can more accurately assess the harm(s) of the behavior.

Officers should document and collect evidence of violations and try to substantiate the violations without the victim's testimony. Although a stalking victim may witness violations of an offender's supervision requirements, the victim may be put at great risk if the offender knows that she or he reported such violations or if the victim is called on to testify. If a victim reports that an offender has violated a condition of supervision, the officer should attempt to find other evidence to show the violation. The officer may also consider new criminal charges such as witness tampering or intimidation.

Collaborating with Other Agencies

As stalking is a complex crime that can cross jurisdictions and involve multiple service providers, a Coordinated Community Response (CCR) for stalking can greatly enhance victim safety and offender accountability. Under CCR framework, multiple organizations—such as community corrections, community supervision, law enforcement, victim advocates, prosecutors, and judges—collaborate and share information. A CCR should reflect the specific needs and resources in your community. Many communities already have partnerships or working groups in place that could serve as an excellent foundation for a CCR. Some of the benefits are:

- Early identification of stalking crimes
- Early intervention
- Shared responsibility for data collection
- Collaborative problem solving
- Coordination of law enforcement and victim services
- Building community trust

If you would like more information on setting up a CCR on stalking in your area, please contact SPARC at www.stalkingawareness.org.

This guide is brought to you by:

SPARC

The **Stalking Prevention, Awareness and Resource Center** (SPARC), an initiative of AEquitas. SPARC assists multi-disciplinary professionals with information, resources, and policy and protocol development through training and technical assistance. For more information, visit www.stalkingawareness.org.



The **American Probation and Parole Association** (APPA), an international association composed of members from the United States, Canada, and other countries actively involved with probation, parole, and community-based corrections, in both adult and juvenile sectors. For more information, visit www.appa-net.org.

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