

COULD THIS BE A STALKING CASE?: IDENTIFYING STALKING ON CALLS FOR SERVICE

IDENTIFYING STALKING BEHAVIORS

Stalking includes a wide range of threatening and disturbing behaviors that can be classified into four categories: [Surveillance](#), [Life invasion](#), [Intimidation](#), and [Interference through sabotage or attack \(SLII\)](#).ⁱ

These categories overlap and build on each other. **When victims report to law enforcement, it is the officer's responsibility to identify and name the crimes that occurred—but victims of stalking often do not identify their victimization as stalking and are unlikely to use the word 'stalking' to describe what they're experiencing.**

Instead of asking victims if they are being stalked, officers should ask specific questions about [SLII stalking behaviors](#) to determine if they are experiencing stalking.

The questions in this guide are meant to help identify stalking in the early stages of police response, during calls for service and investigations of other identified crimes.

Stalking reports might sound like:

"My ex has gotten weird."

"Someone's harassing me."

"My neighbor is being creepy."

CHARGING STALKING AS A CRIME

Despite its prevalence, stalking is often overlooked as a standalone crime as well as when it co-occurs with other crimes. In a study of a city police department, researchers reviewed nearly 1,800 domestic violence case reports and identified almost 300 that involved stalking—but police had only charged stalking in one.ⁱⁱ

Many stalkers combine behaviors that are crimes on their own (like property damage, trespassing, harassment, domestic violence) with other behaviors that are not criminal on their own (like sending gifts or text messages), but can become criminal when part of a stalking course of conduct.

CRIMES INCLUDING (BUT NOT LIMITED TO)

IDENTITY THEFT,
COMPUTER CRIMES



VANDALISM,
PROPERTY CRIMES

VOYEURISM, PRIVACY
VIOLATION, IMAGE
CREATION/DISTRIBUTION



EAVESDROPPING,
TRESPASSING,
NONCONSENSUAL
RECORDING

FALSE REPORTS,
WITNESS INTIMIDATION



MAY BE PART OF A STALKER'S COURSE OF CONDUCT

THE CONTEXTUAL NATURE OF STALKING BEHAVIORS

When working on a potential stalking case, [it is vital to determine what the suspect’s behaviors mean to the victim](#) as well as how the behaviors makes them feel—particularly because stalking can criminalize otherwise

WHAT IS STALKING?

While legal definitions of stalking vary by jurisdiction, a general definition is:

a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

legal behaviors. Fear and emotional distress are central to stalking and elements of most stalking statutes, but what is frightening to one person may not be frightening to another.

It is essential for responders to determine why certain behaviors are frightening to the victim. In stalking cases, many of the behaviors are only frightening to a victim because of their relationship with the stalker.

For example: A cup of coffee delivered at work is neither frightening nor illegal on its own. But when a victim receives a cup of coffee at work with the nickname that their abusive ex-partner used to call them written on the cup, at a new job they thought the offender did not know about, this delivery becomes terrifying and threatening. And it may be part of a course of conduct that constitutes stalking.

People react to stalkers in a variety of ways and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some individuals may minimize and dismiss the stalking as “no big deal.” Friends, family, peers, and responders also often downplay the seriousness. It is helpful to consider how victims change their behaviors to cope with the stalking.

Often a victim has taken multiple steps to address the behavior prior to contacting law enforcement. They have identified ways the suspect has been impacting their life and adjusted their own lives because of the behavior of the suspect. If the victim has made changes in their life, these may be indicators that the victim is afraid and may assist officers in establishing the elements needed to build a stalking case. For example, has the victim:

- Changed their phone number?
- Screened calls?
- Changed their social media handles?
- Attempted to block the suspect on social media?
- Changed travel routes?
- Avoided certain locations?
- Installed security equipment?
- Changed jobs?
- Moved?





KEY POINTS FOR LAW ENFORCEMENT: TIPS TO IDENTIFY STALKING

1. Listen closely to victims—even if what they say sounds unbelievable—and document everything they report.
 - It is important to ask open-ended questions and give the victim plenty of time to respond.
 - Stalkers are inventive criminals who often engage in bizarre and hard-to-prove behaviors to frighten victims.
2. Stalking needs to be viewed in context. Individual behaviors themselves may not be criminal, but in context or viewed together as a course of conduct, they may meet the elements of stalking.
 - Ask about repeated and unwanted contact that has happened.
 - Ask how these behaviors interfered with their life or made them fearful.
3. Because stalking frequently co-occurs with other crimes, investigate reported incidents such as vandalism, burglary, and violations of protection orders to see if these behaviors establish a pattern of conduct that is stalking.
4. While technologies can hide the identity of the stalker initially, thorough investigations can identify many stalkers who use technology to stalk.
 - When asking questions about electronic evidence, explain why it would be helpful and how to document it.
5. [Screen for SLII \(Surveillance, Life invasion, Intimidation, and Interference through sabotage or attack\)](#) stalking behaviors by asking if the suspect has:
 - Been tracking, following, or monitoring the victim in any way?
 - Repeatedly invaded the victim's life or privacy by initiating unwanted contact with the victim?
 - Significantly and directly interfered with the victim's life?
 - More than one time, intimidated or frightened the victim through threats, property damage, threatening or actual harming of pets, or other means?

The questions below are useful when training police, supervising and mentoring officers, and responding to victims. For additional resources and support on law enforcement's response to stalking, visit www.StalkingAwareness.org/law-enforcement-resources and contact SPARC at tta@stalkingawareness.org.



IDENTIFYING STALKING IN OTHER INVESTIGATIONS & CALLS FOR SERVICE

Stalking statutes could potentially apply to any criminal episode and as such, stalking charges should be carefully considered in a variety of cases, particularly when the parties know one another and/or there is evidence of ongoing harmful contact. Stalking often co-occurs with: theft, burglary, trespassing, loitering, vandalism, domestic violence, sexual offenses, assault, battery, computer crimes, nonconsensual distribution of intimate images, threats of bodily harm, voyeurism, protection order violations, and witness intimidation. Witness intimidation—especially after the victim has reported to law enforcement or applied for a protection order—is a frequent occurrence in a stalking case; stalkers often threaten victims about reporting to law enforcement and/or participating in a criminal or civil case.

It is important to recognize the impact trauma has on victim responses. It is best to avoid using the word “why” when asking questions because victims may perceive it as accusatory or blaming. It is often helpful to explain to the victim why a question is being asked and its context as part of the legal definition of stalking.

When speaking with a stalking victim, ask if they are working with a victim advocate and if they have a safety plan in place. Offer to connect them with a victim advocate and be ready to do so, have readily available referrals and resources for support, and explain that [safety planning](#) is one of the many things with which advocates can help victims.

IDENTIFYING STALKING VIOLATION OF PROTECTION ORDER



Violation of a protective order often qualifies as a stalking charge.

1. What type of protective order do you have?
2. Are there any other court orders in place?
3. How did the Respondent contact you?
4. How many times has the Respondent contacted you?
5. What was communicated during the contact?
6. Are there previous incidents that have occurred that have not been reported?
7. Is there a history of similar behavior?
8. Did the communication attempts increase after the Protective Order was in place?
9. Are there any other protected people who have received contact?
10. Have you changed your routines because of this person?

IDENTIFYING STALKING HARASSMENT



Any form of harassment should be evaluated for stalking, whether the suspect is known or unknown to the victim.

1. What is your relationship with the suspect?
2. What contact and communication have you had with the suspect? Physical contact? In-person? Phone? Text? Social media? What did that contact mean to you?
3. Do you believe the suspect knows or should have known that their contact/communication was unwanted?
4. Was there something that prompted their behavior? Was there an incident like a fight, lost job, break up?
5. Has this ever happened before?
6. Describe the frequency and different types of harassing behaviors.
7. Did anyone else witness or become aware of these events?
8. Have you experienced any unknown or anonymous contacts? For example, blocked numbers, hangs ups, unrecognized numbers, unfamiliar social media accounts contacting you, etc.?
9. Are there any other odd, out of place, or unexplained occurrences or events?
10. Do you have a feeling of being watched or not alone?
11. Have you collected any evidence? For instance, documentation, photos, digital recordings, saved texts or emails?
12. Has anyone else—friends, family, coworkers—experienced threats or violence?
13. Have you changed your routines because of this person?
14. How do you think the suspect will react to police contacting them? Have you ever reported these behaviors anywhere before (police, work, campus, etc.)?

IDENTIFYING STALKING SEXUAL ASSAULT



Offenders may stalk while planning a sexual assault, monitoring a victim after a sexual assault, or use sexual assault as part of a stalking course of conduct in another way.

1. Have you seen this person or have they contacted you before? Where?
2. Do you believe there is a reason this person targeted you?
3. Were you frightened of this person before the assault?
4. Did this person contact you after the assault? If so, what was the nature of the contact?
5. Have you changed your routines because of this person?
6. Did the person take any of your property?

IDENTIFYING STALKING SEXUAL HARASSMENT



Offenders may use sexual harassment, nonconsensual distribution of intimate images, indecent exposure, or other sexual offenses as part of a stalking course of conduct.

1. What is your relationship with the suspect?
2. Have they embarrassed or humiliated you in front of others by treating you like a sexual object?
 - Have they called you names, insulted you or your body, or talked about you or your body inappropriately or offensively?
 - Have they stared, leered, or ogled you in a way that made you feel uncomfortable?
 - Have they made you feel your only worth was your body or sex acts, like you were a sexual object?
3. Have they repeatedly sent you unwanted texts, calls, or online messages of a sexual nature?
 - Have they sent or showed you sexual content without your permission? By email, Facebook SnapChat, phone, in-person, or other means?
 - Have they repeatedly asked you for sexual pictures or videos of yourself?
 - Have they taken sexual pictures or videos of you without your permission/agreement?
 - Have they shared or threatened to share sexual pictures, videos, or personal/private information about you with others, without your permission/agreement?
4. Have they made you feel threatened with some sort of retaliation if you were not sexually cooperative?
5. Have they threatened or actually spread a sexual-based rumor about you?
6. Have they forced or insisted you engage in sexual activities with other people?
7. Do you believe the suspect knows or should have known that their contact/communication/behavior was unwanted?
8. Can you describe in your own words how the suspect's behavior has made you feel?
9. Have you changed your routines, job, or anything else because of this person?

IDENTIFYING STALKING THEFT/BURGLARY



Verify if the theft, burglary, or property crime is an isolated incident or part of a course of conduct.

1. Is there a reason the suspect would take or destroy this item?
2. Is this item significant to you? How is it significant?
3. Is the item taken significant to the suspect? How is it significant?

IDENTIFYING STALKING DOMESTIC/FAMILY VIOLENCE



It is important to identify and name the criminal act of stalking in addition to concurring abusive conduct in intimate relationships. All stalkers can be dangerous, but [former/current intimate partners](#) are more threatening, violent, and interfering, and may stalk [before, during, and after an intimate relationship](#).

1. What is your current relationship with this person?
 - Has your relationship changed over time? If so, how?
2. Has this happened before?
 - How often?
3. How did it start?
4. Has their behavior escalated? If so, how has it escalated?
5. Does the person control your daily activities or follow you?
6. Does this person monitor your activities, your relationships with family or friends or coworkers, your social media?
7. What does this person think of your relationships with family and friends?
8. Does this person have control of your finances, vehicle, electronic devices, or social media?
9. What other things have they done that have made you feel afraid?
10. What would make you feel safer?
11. Have you changed your routines because of this person?

FOR MORE SUPPORT

For additional resources and support on law enforcement's response to stalking, contact SPARC at tta@stalkingawareness.org and visit www.StalkingAwareness.org/law-enforcement-resources.

ⁱ Logan, TK & Walker, R. (2017). Stalking: A Multidimensional Framework for Assessment and Safety Planning. *Trauma, Violence & Abuse*, 18(2), 200-222.

ⁱⁱ Tjaden, P. & Thoennes, N. (2001). Stalking: Its Role in Serious Domestic Violence Cases, Executive Summary. Center for Policy Research: Denver, CO. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/187346.pdf>.