

STALKING CASES: LAW ENFORCEMENT INVESTIGATIONS AND REPORT WRITING

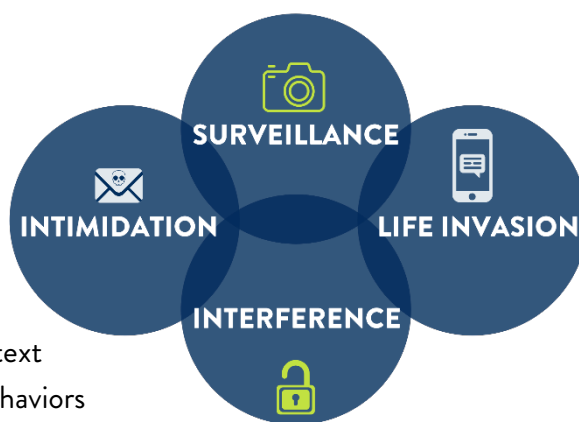
INVESTIGATING STALKING SLII BEHAVIORS

Stalking is a prevalent and dangerous crime that requires thorough investigation and documentation. Too often, stalking goes unrecognized, uncharged, and/or unprosecuted—and stalkers are not held accountable for all of their crimes. 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. Research and practice show that **officers should ask specific questions about stalking behaviors rather than simply asking if someone has been stalked/harassed.**

Questions about stalking behaviors can be grouped into the four SLII categories: [Surveillance](#), [Life invasion](#), [Intimidation](#), and [Interference through sabotage or attack \(SLII\)](#).ⁱ These categories overlap and build on each other.

The questions below are meant to guide law enforcement investigations and documentation to help capture the full context of the situation, including the suspect's behaviors, what the behaviors mean to the victim, and the duration, intensity, and frequency of the behaviors.

These questions are useful when conducting investigations, reviewing reports, and training law enforcement. To learn more about stalking and law enforcement response, visit www.StalkingAwareness.org/law-enforcement-resources.



On the surface, a stalking suspect's behavior can be easy to minimize, so it is vital to look deeper. Determine

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.

[what the suspect's behaviors mean to the victim](#) and how the suspect is making the victim feel. Many stalkers combine behaviors that are crimes on their own (like property damage, trespassing, [sexual harassment and/or assault](#)) with other tactics that are not criminal on their own (like sending gifts or driving down the street), but can become criminal when part of a stalking course of conduct.

Any time a victim reports any harassing behavior, consider the possibility of stalking and verify if it is an isolated incident or repeated conduct. [Stalkers can be very dangerous](#), so conduct a danger, risk, or lethality assessment if your agency uses one. If you aren't using a risk assessment, consider using the [Stalking and Harassment Assessment and Risk Profile \(SHARP\)](#).

ASSESSING FEAR AND DISTRESS

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. In stalking cases, many of the behaviors are only frightening to a victim because of their relationship with the stalker. For example: A bouquet of roses is not frightening on its own, but when a victim receives a bouquet from an abusive ex-partner whom they thought did not know where they had moved to, this flower delivery becomes terrifying and threatening. And while it is legal to send someone flowers, it may become illegal when part of a stalking course of conduct.



It is essential for responders to ask and understand why certain behaviors are frightening to the victim. People react to stalkers in a variety of ways and fear is often masked by other emotions: anger, frustration, hopelessness, despair, or apathy. Some may minimize and dismiss their 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.



- Have they changed their phone number? Attempted to block the suspect on social media? Changed travel routes? Avoided certain locations? Screened calls? Installed security equipment? Changed jobs? Moved?
- These may be indicators that victims are afraid and may assist officers in establishing the elements needed to build a stalking case.

In cases of intimate partner violence, if an abuser is engaging in behaviors like surveillance, showing up, hacking accounts, and/or excessive contact, these behaviors are domestic abuse *and* may constitute the crime of stalking. [Stalking can happen before, during, and/or after an intimate relationship.](#) **The component of intimate partner violence called coercive control—a course of conduct meant to control a specific person—may also meet the elements of the crime of stalking.** In cases of coercive control, i.e. [intimate partner stalking](#), victims often change their behavior, routines, friendships, and lives because of the abuser’s pattern of behavior.



DOCUMENTING STALKING BEHAVIORS

Documenting these changes and how the suspect has impacted the victim's life is a crucial part of a thorough stalking investigation. It is necessary to thoroughly investigate and document all stalking elements to help others in the legal system understand the context of the suspect's behavior. A good police report on stalking will include information from the victim and the suspect interviews as well as all other related information uncovered during the investigation, including 9-1-1 calls, physical evidence, digital evidence, witness statements, prior history, victim documentation logs, etc.

Remember that stalking is a crime for which law enforcement ask victims for help in documenting the criminal behavior. **It is important to give victims resources and information on [stalking documentation logs](#), ways to handle and store evidence, and suggestions for preserving digital evidence until it is turned over to law enforcement.** It is also critical to recommend they connect with a victim advocate for support and [safety planning](#).

STALKING INCIDENT AND BEHAVIOR LOG						
Date	Time	Description of Incident	Location of Incident (physical location, technology used, online platform)	Witness Name(s) (attach address and phone number)	Evidence Attached? (photos, video, screenshots, items, etc.)	Report Made To (name, office/org, badge or identification #)

CHARGING CO-OCCURRING CRIMES

When documenting a stalking situation and its context, remember to also document co-occurring crimes. Stalkers can frequently be charged with a variety of criminal statutes stemming from behaviors that were part of their stalking course of conduct. **Common co-occurring crimes include: harassment, battery, domestic violence, sexual assault, protection order violations, threats of bodily harm, voyeurism, vandalism, trespassing, forcible entry, burglary, computer crimes, nonconsensual distribution of intimate images, and witness intimidation.** Witness intimidation is a frequent occurrence in stalking cases—especially after the victim has reported to law enforcement or applied for a protection order, or if there is a pending criminal case. Stalkers often threaten victims about reporting to law enforcement and/or participating in a criminal or civil case. Monitoring post-intervention stalker behavior is a key part of an investigation, and stalking may actually increase during this time.



KEY POINTS IN STALKING INVESTIGATIONS & REPORT WRITING

- 1) Listen closely to victims—even if what they say sounds unbelievable—and document everything they report.
 - Stalkers are inventive criminals who often engage in bizarre and hard-to-prove behaviors to frighten victims.
 - It is important to ask open-ended questions and give the victim plenty of time to respond.
- 2) [Screen for SLII stalking behaviors \(Surveillance, Life invasion, Intimidation, and Interference through sabotage or attack\).](#)
 - [Look at the duration, intensity, and frequency of the behaviors.](#)
 - 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.
- 3) To assess fear/distress, [consider what the victim has changed in their life in response to the stalker's behavior.](#)
- 4) Connect the victim with support services and a victim advocate.
- 5) While technologies can hide the identity of the stalker initially, thorough investigations can often identify stalkers who use technology to stalk.
 - When asking questions about electronic evidence, explain why the evidence would be helpful and how to document it.
- 6) Because of the nature of co-occurring crimes in stalking investigations, be familiar with department protocols related to responding to Domestic Violence, Sexual Assault, Strangulation, Protection Order Violations, and other related crimes.



VICTIM INTERVIEWS

When first meeting with a victim, make sure to:

- Ask if they want a victim advocate present at the interview.
- Talk with them about the need for [safety planning](#) with an advocate.
- Have stalking resources on hand, like [brochures about stalking](#) and available local support services.
- Discuss the possibility of recording audio or video of the victim statement to preserve what the victim says along with their demeanor. Explain why that would be helpful.
- Preserve evidence immediately, for example taking pictures of text messages.

To build rapport and trust with victims when starting the interview, it is effective for law enforcement to acknowledge that some of the questions might seem unusual and to explain that all of the questions serve to help the interviewer understand the victim's experience of the event. It is also helpful to explain to the victim why you are asking a question and its context as part of the legal definition of stalking. When discussing any technology-facilitated stalking, it is important to explain why electronic evidence would be helpful and how you would document it. Victims should also be encouraged to ask questions at the beginning and throughout if they need clarification regarding the process or the purpose of interview questions.

Beginning with questions such as "Where would you like to start?" or "Would you tell me what you are able to about your experience?" sets a supportive tone for the interview. Asking questions in this way also invites the victim to describe what happened and their thoughts and feelings in their own words, which is valuable evidence to document in the case report. Allow plenty of time for the victim to respond to questions. For victims, this helps their brains retrieve information from traumatic events and offers them more control as they recount times when they were violated and had no control.

The phrasing of questions during victim interviews is important. Victims may perceive "why" and "explain to me" as accusatory or blaming. Because of the traumatic impact the events may have had on a victim, they might not recall details in a chronological order. Using open-ended questions and requests, when possible, gives the person being interviewed the opportunity to share more information about what they are able to recall. In general, law enforcement should consider reframing questions that start with "why," directives such as "explain to me..."; and requests for a chronological account with prompts such as "and then what happened?".

REFRAME QUESTIONS

~~Why did you do that?~~

Can you tell me more about that?

~~Explain why that alarmed you.~~

What message did that send to you?

~~What happened next?~~

What else do you remember?

The following is information to gather during a stalking investigation and include in the case report.ⁱⁱ Listen closely and document everything a victim reports, even if what they say sounds unbelievable.



VICTIM INTERVIEWS: BACKGROUND INFORMATION

- 1) Victim's name(s), age, gender, residence.
- 2) Suspect's name(s), age, gender, residence. In cases where the victim is unsure who the suspect is, it is important to determine if the victim believes there are potential suspects.
- 3) How would you describe your connection/relationship with the suspect?
 - How long have you known them?

- 4) Has your relationship changed over time? How? When did it start to change?
- 5) What type of contact and communication was typical in your relationship? (in-person, phone calls, messages, emails, social media platforms, other apps, text messages, etc.; both medium and frequency)
- 6) Who are some people familiar with the relationship between you and the suspect?
- 7) Was there something in particular that made you decide to come in today?
- 8) Have you ever reported this situation to anyone before?
- 9) Is there someone you trusted that you have talked to about your experience?
 - What are you able to tell me about why you decided to share with them?
- 10) What did or do you think might happen to you as a result of the contact?
- 11) What did or do you think might happen to you if you stopped the contact?
- 12) Did you keep any records of what was happening? (A list or documentation log, screenshots, etc.)
- 13) People react to situations like this in a variety of ways, some continue communication and some do not. What type of communications have you had with the suspect? Has that communication continued?
- 14) Do you believe the suspect knows that you do not want to be contacted? What makes you believe that?
- 15) Has the contact or communication ever frightened you? Did every occurrence scare you, or at what point did you become frightened?
- 16) People react to situations like this in a variety of ways, and there's no "right" or "wrong" way; it's important for us to document how the contact made you feel, so are you able to describe in your own words how the contact/communication made you feel?
- 17) Has anyone witnessed any of the contact, communication, and/or events that have happened?



VICTIM INTERVIEWS: STALKING BEHAVIORS

- 18) **SURVEILLANCE:** Did the suspect ever track, follow, or monitor you in any way? In-person or using technology?
 - For example, watching you from a distance, waiting for you outside your office or gym or another location, showing up unexpectedly, using tracking software, obtaining information about you online or from others, or monitoring what you do and who you talk to in-person and online?
 - This can be done with smart home devices, tracking software or GPS devices, cameras and recording devices, or by monitoring your online activity, accessing your accounts, researching you online, asking others for information about you, creating fake accounts online to use to monitor/contact you, and in other ways
- 19) **LIFE INVASION:** Has the suspect repeatedly invaded your life and/or privacy by initiating unwanted contact?
 - For example, repeated phone calls, texts, messages, emails, or gifts, breaking into your car or home when you were not around, showing up uninvited, publicly humiliating you (in-person or online), harassing your friends or family, or other unwanted intrusions?

- This could be unrecognized numbers calling and harassing you, hang-up calls from random numbers, calls that show up as a friend or the court but instead it is the suspect calling, sending unwanted sexual photos to you, or publicly embarrassing you by treating you like a sexual object in front of other people, calling you sexist slurs, or talking about your body parts.
- This can be done in person or online, by impersonating you, by hacking into your accounts, and in other ways.

20) INTIMIDATION: Has the suspect intimidated or frightened you through threats?

- For example, threats to harm or kill you, themselves, or others; threats made with a weapon; property damage; harm to pets; forced confrontations; blackmailed you; threats to release private photos, videos, or information (whether real/true or not); threats to interfere with your housing, employment, immigration status, or something else; or sabotaged you in other ways?
- This can be done in-person or online.
- Has the suspect ever made threats about if you reported their behavior or participated in an investigation?
- Has the suspect left objects, made gestures, or said things that felt threatening but were not direct threats?
- Has the suspect described in detail how they plan to physically harm you?
- Has the suspect used one of your identities to threaten you, for example by threatening to call immigration authorities on you or outing you as a member of the LGBTQ+ community?
- Has the suspect ever made a threat and then did exactly what was threatened or taken steps toward carrying out a threat made to you?
- Has the suspect had other people like their friends or family members threaten, harass, intimidate, stalk, or attack you or your friends or family?
- What has the suspect done that has frightened or alarmed you?

21) INTERFERENCE: Has the suspect significantly and directly interfered with your life through sabotage or attack?

- For example, spreading rumors about you, ruining you reputation, publicly humiliating you, posting private photos or information publicly, jeopardizing your job or school, interfering with your finances, interfering with your housing, interfering with the custody of your children, interfering with immigration issues, interfering with medical care, outing you as a member the LGBTQ+ community, pretending to be you online, preventing you from leaving, attacking you, or attacking pets or people close to you?
- This can be done in person or online, including hacking into or taking over your financial, social media, or other accounts without your permission.
- Has the suspect physically or sexually assaulted you while stalking / harassing / threatening you?
- Has the suspect forcibly kept you from leaving, held you against your will, caused you to have a serious accident, or seriously attacked you in other ways?
- Has the suspect physically, sexually, or otherwise assaulted your friends or family members?
- Has the suspect forced you to engage in sexual activities with others?

- Has the suspect ever taken photos or videos of you without your consent?
- Has the suspect ever shared/posted photos or videos online of you without your consent (even if they were taken consensually)? Has the suspect ever placed a picture of your face on photos or videos using deepfake technology? (Meaning the face was yours, but the body was not.)

22) Do you believe the suspect is using technology to threaten, harass, stalk, or sabotage you?

23) Do you think the suspect is monitoring your location or activities using GPS, apps, AirTag/Tile, stalkerware? Are they accessing your personal accounts, posting personal information, and/or posing as someone else?



VICTIM INTERVIEWS: DURATION, INTENSITY, FREQUENCY

24) Approximately when did the stalking/harassment/threatening behavior from the suspect first start?

- Has it been continuous? Stopped and started again? Increased, decreased, ceased over time? Coincided with specific dates or events?

25) Does the suspect regularly contact or harass you in more than one way?

26) Does the suspect bother you in-person at more than one physical location?

27) Has the suspect's behavior increased in frequency or severity in recent months or weeks?

28) In a typical day / week / month, how often does the suspect make unwanted contact?

29) In a typical day / week / month, how often does the suspect directly approach or confront you?

30) In a typical day / week / month, how often does the suspect interfere with your life?



VICTIM INTERVIEWS: VICTIM RESPONSE

31) Have you ever gotten new phone numbers, email accounts, social media, etc. and not told the suspect?

32) Have you ever made any changes to any of your accounts or device settings because of the suspect?

33) Have you ever increased any security or privacy measures because of the suspect?

34) Have you ever spent any money on safety devices or accommodations because of the suspect?

35) Did you ever move, change phones or phone numbers, or change jobs, schools, daycare, gyms, religious institution, etc. because of the suspect's actions?

36) Has the suspect's behavior had an impact on your daily life? If so, how?

- Did you change routines or activities as a result?
- Has this had an impact on your job, academics, hobbies, etc.?
- What, if anything, have you done differently in your life as a result of this situation?

37) Were you ever frightened? When did you start to feel this way?

- What did you think might happen to you?

- How often did or do you feel frightened, threatened, scared, or concerned for your safety?
- 38) Were you ever concerned for the safety of your children, family, friends, coworkers, and/or pets?
- When did you start to feel this way?
 - What did you think might happen to them?
- 39) Are you afraid or concerned about a significant financial or social impact the suspect has had or might have on your life (e.g., loss of job, loss of housing, deliberate financial harm)?
- 40) Are there any potential upcoming events/situations that particularly concern you about triggering an escalation of the suspect's behavior or violence (e.g., separation/divorce, court date, property dispute, custody dispute, anniversary, birthday, a new partner)?
- 41) Do you ever respond to or interact with the suspect? What are your reasons?
- 42) Do you believe the suspect is aware that the things they are doing upset or bother you?
- 43) Do you sometimes feel bad for the suspect because they are depressed, had a hard life, had something difficult happen in life recently, they use substances, or for some other reason?
- 44) Do you feel you are more vulnerable to the suspect's stalking, harassing, or threatening behavior because there are things about your life that limit your ability to be safe?
- Does the suspect go to school or work at the same place as you? Is the suspect a neighbor or family member? Do you have children in common?
 - Do you live in unsafe housing, have limited access to resources, live an isolated life, or have limited access to safety measures?
- 45) Do your community, friends, or family not believe you? Support the suspect?
- 46) How would you describe, in your own words, your emotional response to the situation?



VICTIM INTERVIEWS: SUSPECT'S CAPABILITY

- 47) Do you believe the suspect is capable of harming you or others close to you?
- 48) Has the suspect been directly and clearly notified that the harassment / stalking is unwanted informally (e.g., verbal or written notification from you, a friend, family member) and/or formally (e.g., arrest, police notification, court order, protective order, probation/parole conditions, condition of release)?
- 49) Has the suspect persisted in contacting, threatening, and/or engaging in other unwanted behavior after they were notified to stop?
- 50) Is there a court order (e.g., protective order, restraining order, or other court order) banning the suspect from contacting, harassing, or being violent toward you?
- If "yes," has the suspect violated the order?
- 51) Prior to the current harassing / threatening / stalking behavior, has the suspect been controlling, extremely jealous, and/or physically violent toward you or others in the past?
- 52) Prior to the current harassing / threatening / stalking behavior, has the suspect ever threatened or used a weapon on you, strangled you, and/or ever forced you to have sex or perform sex acts in the past?

- 53) Does the suspect have a criminal history, are they on probation/parole, do they have drug or alcohol problems, and/or have serious mental health issues?
- 54) Has the suspect thought about, attempted, or threatened suicide in the past?
- 55) Does the suspect have a gun(s), are they obsessed with weapons, or do they have special military training/law enforcement background?
- 56) Do messages from the suspect suggest they feel rejected, humiliated, or degraded in some way by you (e.g., due to separation, loss of reputation/status, refusal to go on a date, or some other reason)?
 - Has the suspect indicated they want revenge or blame you for ruining their life?
- 57) Does the suspect seem unconcerned about consequences for their behavior?
 - Are they concerned about severe consequences such as going to jail or dying?
- 58) Has the suspect's harassing/threatening/stalking behavior previously been reported to police, court, school staff, workplace security, or other authorities? By you or others? In which jurisdictions?

SUSPECT INTERVIEWS



It is important to ask open-ended questions and give the suspect plenty of time to respond. In general, you want to learn whether the suspect knew or should have known that the contact and/or communication was unwanted. Many stalkers express that the situation is a misunderstanding, so it is often helpful to ask, “how is what you’re doing being misunderstood?” to learn what they think about their behavior. Discuss the possibility of recording an audio or video statement to preserve what they say along with their demeanor.

- 1) Do you know the victim?
 - How long have you known them?
 - How would you describe your relationship?
 - Has your relationship changed? If so, how?
 - When did your relationship change?
 - What type of contact and communication was typical in your relationship? (in-person, phone calls, text messages, emails, social media platforms, other apps, etc.; both medium and frequency)
- 2) Who are some people familiar with the relationship between you and the victim?
- 3) Describe your contact and communication with the victim.
- 4) Describe the timeline or history of this contact and communication.
- 5) How did you contact them?
- 6) Did you receive a response?
 - What was it?
- 7) What was the purpose of the contact?
- 8) What made you decide to continue the contact (either after you were asked to cease, when responses ceased, or when no response was received)?

- 9) What electronic communication devices do you use? Would you be willing to let us view them?
- 10) What is your cell phone provider?
- 11) What social media accounts do you use and what are your usernames? Would you be willing to let us view those accounts?
- 12) What devices do you use to access social media?
- 13) What is your internet service provider?
- 14) Where and how do you access the internet?
- 15) Have you ever been accused of something like this before? By whom? When?
 - What was your response? How did it make you feel?

RISK FACTORS

Evidence-based research has found that the presence of or increase in any of the 14 factors below contributes to increased risk of current and future harm to the stalking victim.ⁱⁱⁱ

BIG PICTURE 	STALKER MINDSET 	STALKER HISTORY 	VICTIM VULNERABILITY 
<ol style="list-style-type: none"> 1 Course of conduct (duration, intensity, frequency) 2 Escalation of behaviors over time, events or dates that may trigger an escalation 3 Nature, specificity, and context of threats 4 Previous threat follow-through, ability to carry out threats 	<ol style="list-style-type: none"> 5 History of abuse to victim (control, jealousy, violence) 6 History of violence and abuse to others 7 Access to and previous use of guns and weapons, any prior training in using weapons 8 Criminal history, mental health, substance abuse 	<ol style="list-style-type: none"> 9 Victim's resistance and stalker's persistence 10 Stalker's motive and demonstrated lack of concern for consequences 11 Proxy stalking (enlisting others to stalk the victim) 	<ol style="list-style-type: none"> 12 Victim's fear, whether the victim's life and environment provide opportunity for stalking or not, the impact of the stalking on the victim's life 13 Stalker's use of and expertise with technology 14 Victim vulnerability

FOR MORE INFORMATION

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. [SPARC's website](#) also has resources for law enforcement to share with partners, to better work together to build stalking cases, support victims, and hold offenders accountable, including [The Prosecutor's Guide to Stalking](#), [The Victim Advocate's Guide to Stalking](#), and [Recorded Trainings](#).

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

ⁱⁱ Questions are based on Logan & Walker's Multidimensional Framework and modeled after the information collected in the Stalking, Harassment, and Risk Profile (SHARP) risk assessment; for more information, visit: <http://www.coercivecontrol.org/>

ⁱⁱⁱ Risk factors are based on Logan & Walker's Multidimensional Framework and the Stalking, Harassment, and Risk Profile (SHARP) risk assessment.