

RESPONDING TO STALKING

A GUIDE FOR COMMUNITY CORRECTIONS OFFICERS

I am watching you.



Stalking
resource center

THE NATIONAL CENTER FOR
Victims of Crime

Brought to you in partnership by...

The **Stalking Resource Center**, a program of the National Center for Victims of Crime, was established in 2000 in partnership with the Office on Violence Against Women (OVW) at the U.S. Department of Justice. The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center envisions a future in which the criminal justice system and its many allied community partners will effectively collaborate and respond to stalking, improve victim safety and well-being, and hold offenders accountable.

The **National Center for Victims of Crime** is the nation's leading resource and advocacy organization dedicated to serving individuals, families, and communities harmed by crime. The mission of the National Center is to forge a national commitment to help victims of crime rebuild their lives. For more information, visit www.victimsofcrime.org.

The **American Probation and Parole Association** (APPA) is 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. All levels of government including local, state/provincial, legislative, executive, judicial, and federal agencies are counted among its constituents. APPA has grown to become the voice for thousands of probation and parole practitioners including line staff, supervisors, and administrators. For more information, visit www.appa-net.org.

Since its inception in 1995, the **Office on Violence Against Women** (OVW) of the U.S. Department of Justice has handled the Department's legal and policy issues regarding violence against women, coordinated Departmental efforts, provided national and international leadership, received international visitors interested in learning about the federal government's role in addressing violence against women, and responded to requests for information regarding violence against women. For more information, visit www.ovw.usdoj.gov.

overview

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 directed at a specific person that would cause a reasonable person to feel fear. All 50 states have stalking laws, but statutes and definitions of stalking and related crimes vary from state to state. More information on the laws of states and other jurisdictions is available at the Stalking Resource Center Web site, www.victimsofcrime.org/src.

STALKING BEHAVIORS

The crime of stalking may comprise behaviors that, by themselves, may not be criminal, such as making phone calls, sending letters or gifts, and showing up at public places. Threats may be explicit or implicit or conveyed without words. Acts that appear meaningless or non-threatening to many people may be terrifying to victims. For instance, a rose left on the doorstep—a seemingly non-threatening gesture—may indicate to a victim that her offender has discovered where she lives. Context is critical to understanding stalking.

HOW COMMON IS STALKING?

In one year, 6.6 million people were stalked in the United States. While both men and women can be victims of stalking, women are stalked at a rate three times higher than men. Nearly 3 in 4 victims know their offender in some capacity, and most often they are stalked by a current or former intimate partner (i.e., spouse, boy/girlfriend).¹

¹ Michele C. Black et al., “The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report,” (Atlanta, GA: National Center for Injury Prevention and Control Centers for Disease Control and Prevention, 2011).

WHAT WE KNOW ABOUT STALKERS

- 1 in 6 women and 1 in 19 men have experienced stalking victimization at some point during their lifetime in which they felt very fearful or believed that they or someone close to them would be harmed or killed.
- Using a less conservative definition of stalking, which considers any amount of fear (i.e., a little fearful, somewhat fearful, or very fearful), 1 in 4 women and 1 in 13 men reported being a victim of stalking in their lifetime.²
- 66% of female victims and 41% of male victims of stalking are stalked by a current or former intimate partner.³
- More than half of female victims and more than 1/3 of male victims of stalking indicated that they were stalked before the age of 25.⁴
- About 1 in 5 female victims and 1 in 14 male victims experienced stalking between the ages of 11 and 17.⁵
- Repeatedly receiving unwanted telephone calls, voice, or text messages was the most commonly experienced stalking tactic for both female and male victims of stalking.⁶
- 46% of stalking victims experience at least one unwanted contact per week.⁷
- 11% of victims have been stalked for 5 years or more.⁸
- 76% of intimate partner femicide cases and 85% of attempted femicide cases involved at least one incident of stalking within one year of the murder/attempted murder.⁹
- Almost 1/3 of stalkers have stalked previously.¹⁰



² Black et al., 2011: The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Katrina Baum et al., *Stalking Victimization in the United States*. (Washington, DC: Bureau of Justice Statistics, 2009).

⁸ Ibid.

⁹ Judith McFarlane et al., "Stalking and Intimate Partner Femicide," *Homicide Studies* 3, no. 4 (1999).

¹⁰ Kris Mohandie, et al., 2006: "The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers," *Journal of Forensic Sciences* (2006).

screening offenders

Supervising Offenders Who Engage in Stalking Behavior

When supervising offenders who may be engaging in stalking behavior, community corrections officers should focus particular attention on victim safety, changing offender behavior, and offender accountability. Communication with the offender, therefore, should focus primarily on whether the offender is changing his behavior and thinking patterns, and 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.

Seek evidence of stalking:

- Review the case file for documented evidence of stalking.
- 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.
- Determine if the offender has access to e-mail at home or work, the offender's skill with technology, and the victim's e-mail or cell-phone use (see *Contact with Victims* on page 5).

One potential indicator of stalking behavior is evidence of a previous or current relationship between the offender and the crime victim.

- Conduct a risk assessment of the offender, using a validated risk assessment tool. If a standard risk assessment tool is used, consider the presence of any stalking factors that may indicate a higher level of risk.
- Interview the victim(s), with her/his permission, showing respect and concern for the victim's 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 in common?
- Do they have access to each other's homes?
- Is there any other connection between the parties?

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?
- 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?

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.

contact with victims

It can be extremely helpful for community corrections officers to seek victim input for a more comprehensive understanding of offenders under supervision. Depending on office protocols and structure, some community corrections 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, and officers should avoid sharing statements or information from the victim with the offender, as they may increase the risk of harm to the victim.

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 technology-aided 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, 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 with the victim the pros and cons of seeking a civil protective order.
- Refer the victim to an advocate and recommend that they develop a safety plan.
- 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. In a national survey of stalking victims:

- 46 percent of victims were afraid of not knowing what would happen next.
- 29 percent of victims were afraid the behavior would never stop.
- 30 percent of victims feared physical harm.
- 1 in 8 employed victims lost time from work; more than half lost 5 days or more.
- 22 percent of victims changed their day-to-day activities.
- 17 percent of victims changed their telephone numbers.
- 15 percent of victims avoided family or friends.
- 11 percent of victims had been stalked for 5 years or more.¹⁰

Victims often express concerns that they will not be taken seriously or believed, that telling someone will only increase their stalker's 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. These feelings may result in victims initially being reluctant to trust community corrections officers and not being forthcoming with information until trust is established. Yet by developing a good relationship, either directly or through an advocate, community corrections officers can increase victim safety and more effectively supervise offenders.

¹⁰ Baum, *Stalking Victimization in the United States*.

supervising offenders

Supervising Stalking Offenders

Supervising offenders at the highest level allowed may 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. 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.
- 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 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 that any order of protection is in effect throughout the state, country, and territories, regardless of the jurisdiction in which it was issued.

- 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.

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 or electronic or telephonic means, or through third parties.
- 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 all aliases, screen names, 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.

The majority of stalking victims report the offender used some form of technology (voice or text messages, email, listening on a tracking device).¹¹

¹¹ Black et al., 2011: The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report.

- 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 contacts.
- Pay fines, fees, restitution, and court assessment as directed.
- Comply with curfews.
- Disclose to any intimate/dating partner why you are under supervision.

Intimate partner stalkers are more likely to use weapons than non-intimate partner offenders.¹²

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 behavior.



¹² Mohandie, "The RECON Typology of Stalking."

A PERSPECTIVE FROM THE FIELD

“Supervising stalkers requires a different mind set. You have to be willing to evaluate seemingly benign or even legal behavior to determine whether it is part of a pattern of stalking. This takes incredible patience, persistence, and attention to detail. It also requires a commanding court presence, the ability to interpret and contextualize seemingly minor behaviors as a pattern of stalking, and to reach the legal threshold for revocation of probation or parole. All of it is labor intensive and often frustrating, but necessary for victim safety.”

— Nancy Halverson
Corrections Unit Supervisor
Minneapolis, MN

Officers should document and collect evidence of violations and try to prove 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 prove the violation.

collaboration

Collaborating with Other Agencies

Coordinated community responses (CCR) to stalking have been highly successful in many jurisdictions. Under a CCR framework, multiple organizations—such as community corrections, law enforcement, victim advocates, prosecutors, and judges—collaborate to more effectively enhance victim safety and offender accountability. 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, and
- Building community trust.

If you would like more information on setting up a CCR in your area, please contact the Stalking Resource Center of the National Center for Victims of Crime at (202) 467-8700 or src@ncvc.org.

COLLABORATION CONTACTS

Record local contact information for organizations you may regularly work with or are interested in working with to develop a coordinated community response. (Use a dry-erase or permanent marker.)

AGENCY NAME CONTACT INFO

*Law
enforcement*

Prosecutor

Victim services

Other

January is

NATIONAL STALKING AWARENESS MONTH

StalkingAwarenessMonth.org

January is **National Stalking Awareness Month**, a time that challenges our nation to fight this dangerous crime by learning more about it. Communities that better understand stalking, can better support victims and combat the crime more effectively.

The Stalking Resource Center of the National Center for Victims of Crime, in partnership with the Office on Violence Against Women of the U.S. Department of Justice, presents a versatile set of resources to help you plan your observance of **National Stalking Awareness Month** and your outreach throughout the year.

If more people learn to recognize stalking, we have a better chance to protect victims and prevent tragedies.

For more information, visit www.stalkingawarenessmonth.org.

For more information on stalking or to request training, please contact:

Stalking Resource Center

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