LAW ENFORCEMENT AGENCY CHECKLIST:
ADDRESSING STALKING

SPARC STALKING PREVENTION, AWARENESS, AND RESOURCE CENTER

Stalking is a prevalent, dangerous crime requiring a thorough law enforcement response. Too often, stalking goes unrecognized and uncharged, and offenders are not held accountable for the extent of their crime(s).

Stalkers are persistent and often dangerous offenders who must be stopped.

- Stalkers are often violent: 1 in 5 use weapons to threaten or harm their victims, and stalking often intersects with physical and sexual violence.[i]
- Stalking preceded the attack in 76% of completed and 85% of attempted intimate partner femicides.[ii]
- Stalking increases the risk of intimate partner homicide by 3 times.[iii]
- The most common use of the criminal justice system prior to attempted or completed intimate partner homicide was reporting partner stalking.[iv]
- ➢ *Do Agency staff recognize stalking as an indicator of risk?*

Victims report experiencing stalking at much higher rates than legal systems identify it.

- In the U.S., 1 in 3 women and 1 in 6 men experience stalking in their lifetimes.[v]
- Fewer than 40% of stalking victims report to law enforcement.[vi]
- ➢ *Does the number of stalking reports/cases in your jurisdiction align with the national rate at which victims report experiencing stalking?*

When victims do report, law enforcement may not identify and/or charge stalking.

- In one city department, 1,800 domestic violence cases were reported and 300 involved stalking — but police only charged stalking in one case.[vii]
- In a different city department, out of nearly 3,800 stalking calls for service, not one generated a stalking incident report or arrest for stalking.[viii]
- ➢ *Do Agency staff appropriately identify, arrest, and charge stalking?*

The criminal justice system is incident-based, and victims, law enforcement, advocates, and prosecutors often fail to recognize patterns of behavior as a stalking course of conduct.

- Legal systems may focus on one specific incident that resulted in a law enforcement response (e.g., an assault, an isolated threat, an act of vandalism) without realizing that the incident is not isolated, but is merely one piece of a larger course of conduct the offender has been engaging in.
- ➢ *Are stalkers charged with the variety of crimes that are part of their stalking course of conduct (such as harassment, battery, trespass, violation of orders of protection, forcible entry, or assault laws)?*
- ➢ *Are your Agency's investigations and evidence collection thorough enough that the prosecution does not have to rely solely on victim testimony?*
- ➢ *Does your Agency have interagency agreements across jurisdictions, since a stalking course of conduct is rarely confined to one jurisdiction? With other justice system personnel and community-based services?*

Stalking charges can be very strategic.

- Proving the charge requires evidence of the acts constituting the stalking course of conduct, which is a series of incidents over a period of time that would cause a reasonable person fear or emotional distress. This means that the charge of stalking permits admission of a wide range of evidence without the need to file a motion to admit evidence of "other bad acts" under Evid. R. 404(b) (or its equivalent).
  - Such evidence provides context, shedding light on the defendant's purpose, motive, and intent and helping to explain the victim's behavior. It provides the judge and jury with the fullest possible picture of the relationship between the parties and of the offender-victim dynamics that permeate that relationship, allowing better understanding of how and why the crimes were committed.
- Charging stalking may support important safety conditions for bail or probation, a lengthier prison sentence, and future prosecution if the offender later resumes stalking the same victim — or, as often happens, another one.
- ➤ *Does your Agency have a shared understanding of and approach to stalking charges, with your Prosecutor's Office?*
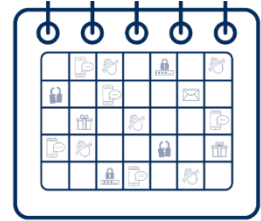
Stalking victims need help from law enforcement and others.

- In addition to the physical and/or sexual violence they experience, many stalking victims lose time from work, experience significant mental health impacts, and/or relocate. They may be eligible for a variety of services.
- ➤ *Has your Agency developed good relationships and established trust with victims and victim advocates? Does your Agency involve them in the reporting, investigation, documentation, and prosecution phases of a multidisciplinary stalking response?*

It is important to assess how your agency identifies and responds to stalking cases.

- ➤ *Does your Agency have a stalking policy?*
- ➤ *Is stalking considered in domestic violence cases?*
- ➤ *How are non-intimate partner stalking cases identified?*
- ➤ *Is stalking considered in both crimes against persons and property crimes?*
- Use the Checklist below to assess your Agency's efforts.
- This Checklist is not intended to provide law enforcement with all the details necessary for a comprehensive response to stalking. For additional resources and support, visit www.StalkingAwareness.org/law-enforcement-resources and contact SPARC at tta@stalkingawareness.org. For additional Agency self-assessments, see the International Association of Chiefs of Police's law enforcement assessments to support leaders in evaluating their responses to reports of stalking, domestic violence, sexual violence, and strangulation.
- SPARC's website also has resources for law enforcement to share with partners to help better work together to build stalking cases, support victims, and hold offenders accountable, including the Prosecutor's Guide to Stalking, Judicial Guide to Stalking, Victim Advocate Guide to Stalking, and Recorded Trainings.

1. Policies and Protocols

☐ Stalking response policy and protocols are reviewed and updated annually – both for new and promising practices, *and* for being victim-centered and trauma-informed. (Review SPARC's Law Enforcement Agency Model Policy here.)

☐ Protocols and practices are grounded in an understanding of stalking and embody the values of victim safety and welfare; respect for victim dignity, privacy, and autonomy; and offender accountability. (Review SPARC's Law Enforcement Guide here.)

☐ Policy and protocol give stalking-related calls priority rating and treatment by dispatchers.

☐ Dispatchers use crisis intervention policy and protocols when responding to stalking calls from reporting victims.

☐ Program, policy, and protocols are provided to encourage victim crisis intervention services to respond to the crime scene. Such programs take into consideration service provider safety.

☐ Policy and protocol instruct officers to identify potential stalking cases on calls for service.

☐ Policy and protocol instruct officers to thoroughly investigate and document stalking behaviors.

☐ Policy and protocol instruct officers to identify and investigate crimes that co-occur and are interconnected with stalking.

☐ Policy and protocol instruct officers to ask victims to share any and all ways that the offender may be targeting them, including behaviors that are not necessarily criminal but may indicate stalking (such as excessive contact, spreading rumors, or sending unwanted gifts).

☐ Policy and protocol include using jail calls to identify a stalking course of conduct, witness intimidation, and other crimes.

☐ Policy prohibits the use of polygraphs with victims in stalking investigations.

☐ Policy clearly and comprehensively protects the identity and privacy of stalking victims from the media, the public, and others. The policy is coordinated with the law enforcement public information department, victim advocacy organizations, and members of the media. All agency information systems containing victim-related information are secure.

☐ There are clear strategies for addressing complex cases (for example, convening problem-solving meetings with officers; designating officers to assume assignment or assist with such cases; consulting and coordinating with the prosecution office, with victim services, and with other relevant agencies or professionals).

☐ There are clear protocols for secondary response to stalking cases (for example, calling out forensic/crime scene technicians in cases where attempted murder or strangulation is suspected).

☐ Policy and protocol clearly require serving protection orders against respondents as soon as they are located.

☐ Policy and protocol clearly require enforcing all criminal and civil protection orders, restraining orders, no-contact orders, or conditions of bail, bond, release, parole, or probation against offenders, including those issued in other jurisdictions or states.

☐ Policy and protocol clearly state requirements for identifying and removing firearms from prohibited persons under the terms of protective orders, under state and/or federal law.
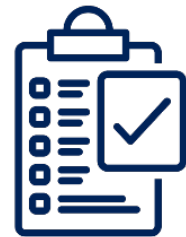
- ☐ The necessary policies for interagency coordination in cases involving multiple jurisdictions are in place.
- ☐ Policies, protocols, and agreements identify and coordinate response with federal authorities in stalking cases involving violations of federal law.
- ☐ Checking for a history of stalking behaviors is part of the background check and interview process for potential hires of the law enforcement agency. These behaviors may include past crimes such as trespassing, voyeurism, and/or property damage.
- ☐ There are established and appropriate procedures for handling stalking, domestic and dating violence, and sexual violence committed by law enforcement and other criminal and civil justice system personnel.

2. Setting the Tone

- ☐ Leadership expects thorough investigation and documentation of all stalking behaviors and co-occurring crimes.
- ☐ Funds, resources, and personnel are allocated specifically for stalking cases and stalking training (for example, for special units, evidence analysis and collection, and victim assistance).
- ☐ Leadership supports ongoing stalking-related training for all new and veteran staff (for example, during orientation, roll call, and continuing education/training). Reimbursement is supported for any overtime associated with such training.
- ☐ Information on all new statutes, protocols, and procedures related to stalking is included in all updated training or continuing education programs.
- ☐ Information on available support services for stalking victims is included in officer and staff training programs. Information is verified and updated annually.
- ☐ There is a system to monitor officer compliance with all stalking-related policies, programs, and protocols.
- ☐ Existing policies and practices are revised every two years to accommodate the rights, resource needs, and interests of stalking victims.
- ☐ Promotional exams include questions and scenarios about stalking.
- ☐ Policy includes "appropriate response to stalking cases" as a job performance measure for all relevant personnel.
- ☐ Command-level monitoring is used to ensure policy compliance.
- ☐ Strategies exist to remove barriers that stalking victims face in accessing support services and using the criminal justice system, particularly for victims from historically underserved communities (for example, translation of materials into relevant languages, 24-hour access to translation and interpreter services, education, outreach).
- ☐ Promotional and awareness materials (fliers, posters, brochures, postcards, etc.) specify that the Agency provides services to victims of stalking.
- ☐ The Agency calls out stalking behaviors as unacceptable. Any stalking behavior committed by personnel immediately triggers an internal investigation.

- ☐ Agency programs distribute brochures about stalking as appropriate (review SPARC resources here).
- ☐ Stalking information and awareness materials are promoted to diverse groups in the community, with particular outreach to groups at higher risk for experiencing stalking, including women, people of color, LGBTQ+ communities, and people with disabilities.

3. Case Data

- ☐ Stalking-related case information is designated, collected, retrieved, and analyzed.
- ☐ Stalking cases are tracked from the first call forward, including case substantiation and follow-through.
- ☐ There is a method to track cases that are initially charged or filed as stalking cases, regardless of how they may later be reclassified as the result of a plea or recharging decisions.
- ☐ The necessary policies, protocols, and inter-agency agreements are in place to integrate criminal and civil histories of offenders into available databases.
- ☐ Policy and protocol establish a vertical case-numbering system that allows all agencies responding to stalking cases to use the same number to identify specific stalking cases (developed in conjunction with other criminal justice and governmental agencies).
- ☐ Case classification practices and procedures are reviewed annually to analyze the process and ensure stalking cases are being properly classified as such.
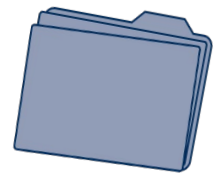
4. Training and Response

- ☐ Training includes identifying a stalking course of conduct, the role of technology in stalking, investigative strategies, relevant legislation, evidentiary issues, and multidisciplinary responses. (Consider using SPARC's recorded webinars, having officers watch upcoming webinar trainings as a group, and using ICCR's training videos on Stalking Investigations.)
- ☐ Staff are trained on how to appropriately respond to stalking victims and offenders in their role (communications, first line response, investigations, supervisor, advocate, etc.). (Review SPARC's Law Enforcement Training Guidance here.)
- ☐ Staff receive regular training on the Agency stalking policy.
- ☐ Staff are able to identify stalking even when it is not identified as such by the victim.
- ☐ Staff notify other shifts about stalking victims and cases to better coordinate and document the stalking course of conduct as well as protect victims at high risk.
- ☐ Staff recognize that protection order violations may be part of a stalking course of conduct and investigate appropriately to determine if they rise to the level of a criminal stalking charge.
- ☐ Staff working on units for crimes commonly interconnected with stalking – such as sex crimes, domestic violence, human trafficking, and/or property crimes – are trained to identify stalking as a co-victimization and ask victims of related crimes about stalking behavior(s).
- ☐ Staff are knowledgeable about what local services are available to victims of stalking (for example, which domestic violence and sexual assault service programs serve stalking victims who are not also experiencing domestic or sexual violence).

5. Staff Conduct

- ☐ The Agency provides clear language that all stalking behaviors will be investigated thoroughly and all victims will be supported, no matter the relationship between the victim and suspect, and no matter if the suspect is a law enforcement officer or justice system partner.
- ☐ The Agency provides clear language that stalking behavior by staff will not be tolerated and offenders will be investigated both criminally and administratively, and will face appropriate consequences.
- ☐ There is oversight and accountability around policies and procedures that prohibit officers from misusing their access to information
- ☐ Stalking is named as an unacceptable behavior and a violation of the officer conduct code, using a definition similar to: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress.

## 6. Leadership to Reduce Stalking and Interconnected Crimes

- ☐ The Agency encourages and engages in coordinated response and collaboration with other justice agencies and other relevant service providers on stalking and related crimes.
- ☐ The Agency encourages and participates in community task forces or other collaborative efforts (for example, systems review committees, coordinated community response team, domestic violence fatality review board) to improve the response to stalking.
- ☐ The Agency supports jurisdiction-wide policy changes and legislation that appropriately address stalking-related issues.
- ☐ The Agency recognizes and supports community-based advocacy programs and the critical role they play in supporting individual victims through all stages of the criminal legal process and in working with the criminal legal system to improve its response to stalking.
- ☐ There is clear agency support for community education concerning stalking and its unacceptability in society.
- ☐ There is a clear, publicly available process for complaints and feedback on the handling of stalking cases. There is a clear internal process for obtaining and responding to victim/citizen complaints regarding the handling of stalking cases. Victims are informed of their opportunity to avail themselves of such a process.

7. Website Information

- ☐ Stalking is listed as a form of violence the Agency responds to.
- ☐ The website links to local community support services, such as a local domestic or sexual violence hotline that serves stalking victims, or the national Victim Connect hotline.
- ☐ The website provides a definition of and information about stalking (review SPARC resources here).

- ☐ The website links to a stalking log that victims can use to document evidence of stalking (review SPARC examples here).
- ☐ The website features stories that focus on or include stalking (review examples here).
- ☐ The website acknowledges January as National Stalking Awareness Month (review SPARC resources here).
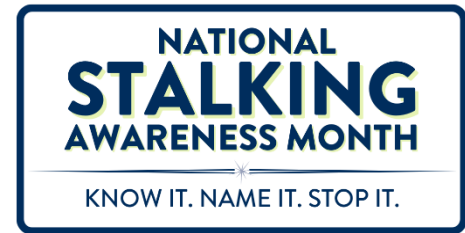
8. Social Media

- ☐ The Agency participates in National Stalking Awareness Month in January by sharing relevant posts on social media platforms (review SPARC resources here).
- ☐ The Agency's accounts feature stories that focus on or include stalking.
- ☐ The Agency's accounts post facts, statistics, and new studies about stalking on a regular basis.
- ☐ The Agency's accounts follow SPARC (@FollowUsLegally) through social media and share relevant posts/information.

Citations

[i] Mohandie, K., Reid, M., Green Mcgowan, M., & Williams, J. (2006). The RECON Typology of Stalking: Reliability and Validity Based Upon a Large Sample of North American Stalkers. *Journal of Forensic Sciences, 51*(1), 147-155. https://doi.org/10.1111/j.1556-4029.2005.00030.x

[ii] McFarlane, J., Campbell, J.C., Wilt, S., Ulrich, Y., & Xu, X. (1999). Stalking and Intimate Partner Femicide. *Homicide Studies, 3*(4), 300-316. https://doi.org/10.1177/1088767999003004003

[iii] Spencer, C.M. & Stith, S.M. (2018). Risk *Factors* for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. Trauma, Violence, & Abuse, 21(3), 527-540. https://doi.org/10.1177/1524838018781101

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[v] Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsStalkingReport.pdf

[vi] Augustyn, M.B., Rennison, C.M., Pinchevksy, G.M., & Magnuson, A.B. (2019). Intimate Partner Stalking among College Students: Examining Situational Contexts Related to Police Notification. *Journal of Family Violence, 35*(1), 679-691. https://doi.org/10.1007/s10896-019-00115-6

[vii] 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.

[viii] Brady, P.Q. & Nobles, M.R. (2015). The Dark Figure of Stalking: Examining Law Enforcement Response. *Journal of Interpersonal Violence, 32*(20), 1-25. https://doi.org/10.1177/0886260515596979